File No. 1 Continued.

CORRESPONDENCE.

subway beneath the surface of Wilson Street. More recent experience has proved that this ventilating shaft is not sufficient for the purpose of properly ventilating the tunnel, and in consequence of the fact of the escape of considerable quantities of smoke from the tunnel at the opening near Mount Royal Avenue, an Act of Assembly was introduced into the last session of the legislature requiring the Company to close this opening. The passage of this Act was resisted by the Company and it was not passed; but the Company promised at the time to do everything in its power to remove the evil complained of. The Company has formulated plans for the more thorough ventilation of the tunnel so as to relieve it of smoke and gases; a part of said plans involves the construction of a ventilating shaft on property which the Company has purchased for the purpose upon the North side of North Avenue adjacent to its tunnel. It is absolutely necessary for the operation of this shaft that it should be connected with the tunnel by means of a subway constructed under the bed of North Avenue between the tunnel and the ventilating shaft. Accordingly the Company, several weeks ago, under the provisions of the City Ordinance which prohibits the interference with any street of the City without a permit for the purpose first granted by the City Engineer, applied to the City Engineer for such permit. The question of the right of the City Engineer to issue the permit was referred by him to City Solicitor Bryan who reached the conclusion that under the City Charter the right to construct the subway mentioned was a franchise not already existing in the Railroad Company, and that, therefore, it must be granted by an Ordinance of the Mayor and City Council of Baltimore passed under the provisions of the City Charter relating to the grant of franchises. This opinion was given without conference with me. But Mr. Bryan was afterwards kind enough to allow me to give my reasons why I thought the Railroad Company had been clearly given the requisite franchise for the purpose above named. When I gave him my reasons for this opinion he told me that he considered the question a doubtful one, but he aftermards informed me that he was not able to change the opinion which he had given the Gity Englishes

I think the right of the Company to construct the subway under North Avenue above mentioned, is so clearly granted by the Ordinance of 1869 that I ask leave to give my reasons therefor to you and to ask

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