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to make such reasonable use of the sub-surface of the streets as will make possible the connection between the tunnel and the ventilating This last mentioned use of the streets is therefore absorlutely as fully granted by the Ordinance, as is their use for the construction of the walls of the tunnel, and of the railways tracks and the necessary appliances connected therewith inside of the walls. Because if the use of the sub-surface of the street is absolutely necessary to the connection of the tunnel with the ventilating shaft, and the ventilating shaft is needed for the ventilation of the tunnel, and the Ordinance requires the ventilation to be made by means of the shaft, the ordinance of necessity grants such use of the street as is reasonably required for the making of the sub-surface connection, Otherwise, while the Ordinance requires the construction and operation of the railroad in a tunnel in the streets, and grants all requisite rights for its construction and operation therein, and requires its ventilation by apparatus situated off of the street, it would be impossible (if the ventilating shaft becomes necessary for the proper operation of the tunnel) to so ventilate the tunnel, under the terms of the grant made by the Ordinance to the Company, because it would be impossible to do the ventilation authorized and required by the Ordinance. Therefore, as among the streets which the Company is author rized to use for the purpose of constructing therein its tunnel, is North Avenue, and inasmuch as, under the present condition of things, a ventilating shaft on property binding on North Avenue, acquired by the Company for the purpose, is necessary for the proper wentilation of the tunnel, the Company has a clear right, under the above mentioned Ordinance, to construct, under the bed of North Avenue, the requisite subway as a necessary means of connecting the tunnel with the shaft, and does not need any further grant of this right from the City of Baltimore.

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You will observe, of course, that no claim is made on the part of the Company of the right to use any street of the City other than the one whose use for the purposes of the tunnel is expressly granted by the Ordinance in question.

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(2) There is, of course, nothing whatever in the Ninth Section of the Ordinance which has to do with the question I have above discussed. All that this Section provides for is that the exercise of

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