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the powers, granted by the Ordinance, of locating, constructing, maintaining and using the railroad through the city, or that may thereafter be conferred, shall remain at all times and in all respects, subject to, and under the control of, the Mayor and City Council of Baltimore, so far as the safe, free and unobstructed enjoyment and use of the streets is concerned. This simply reserves control to the Mayor and City Council of Baltimore over the exercise of all the rights granted by the Ordinance to the Railroad Company, so far as such control may be necessary to be exercised for the preservation of the safe, free and unobstructed enjoyment and use of the streets is concerned, and is applicable to all the rights granted by the Ordinance, and in no way distinguishes between the rights granted for the construction of the walls of the tunnel and the tracks and appliances therein constructed, and the necessary rights by said Ordinance granted for such use of the streets as are necessary for the connecting of the tunnel with the requisite ventilating shafts.

15

(3). If my construction of the Ordinance is not correct, and the Company is obliged to obtain from the City, at this time, a further grant before it is authorized to construct the subway, it necessarily follows that the City may, if it sees fit, refuse to make the grant. If it did so refuse, then it would follow, assuming that the shaft is necessary for the ventilation of the tunnel, that the City could prevent its ventilation, and so prevent the safe and proper operation of the tunnel, for the construction and proper operation of which all requisite rights were granted by the Ordinance of 1869, which Ordinance as above stated was subsequently ratified by an Act of Assembly of the General Assembly of Maryland.

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I told Mr. Bryan this morning that I desired to address this communication to you, and asked him whether he had any objection to my so doing and asking you to take up with me its subject matter; and he said he had no objection to my so doing, but was perfectly willing that you should take up the subject.

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Of course I could not expect you to advise the City Engineer until your term of office begins, but if you agree with me in my construction of the Ordinance, the Railroad Company can at once proceed to let its contracts for the building of the shaft; and the fact that time