CORRESPONDENCE.

File No. 450 Continued.

occupy in like manner, or whether we can compel them to move the cars to enable us to do the cleaning?

Very respectfully,

(Signed) J. L. Wickes.

Commissioner.

OPINION.

File No. 450

LAW DEPARTMENT.

Baltimore, December 10, 1903.

Hon. W. Cabell Bruce,

City Solicitor.

Dear Sir:-

As requested by your favor of November 27th, I enclose you my report upon the matters contained in Mr. Wickes' letter to you of November 24th. I would have written you before about this, except that I have been awaiting a letter from Mr. Bernard Carter with reference to the matter. Inasmuch as I have been waiting over a week for this letter, I will not postpone my report any further.

By Section 13, Article 41, of the City Code, the Philadelphia Wilmington and Baltimore Railroad is authorized to use locomotive engines on their railway tracks between the eastern boundary line of the City and the depot at the intersection of Canton Avenue and President Street. I have not been able, however, to find any ordinance granting the company any privileges with reference to standing their cars on Canton Avenue, and, as already stated, Mr. Bernard Carter has not referred me to any.

There being, therefore, no special ordinance, the case must be governed by the general ordinances. These are found in the Code, Article 41. As I do not know the actual manner in which the cars are placed on Canton Avenue, I append a short abstract of the provisions of the Code, which will enable Mr. Wickes to answer the question he submits, and will also probably be useful to him in similar cases.

Section 1 of Article 41 provides that no railroad car shall remain in any paved street longer than one hour unless the wheels are