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the grant, of the plant and its appurtenances, and gives power to the City to operate and control the same, if it should prove desirable. All franchises or rights in the highways of the City are to be sold under the supervision of the Board of Estimates. Under no circumstances can the City divest itself of the right or power to regulate the exercise of the franchise or right granted."

698 The sections of the Charter in which the Commission sought to attain the above objects are Sections 7 to 12 and Section 37. Sections 10 and 37 were repealed and re-enacted by the Act of 1900, Chapter 109; but on a comparison between the Act of 1900 and Sections 10 and 37 as originally enacted in the Charter, I have not found any amendment or change, and I do not understand the reason for the passage of the Act of 1900.

699 By the above sections, it is expressly provided that no franchise or right in relation to any street, either on, above or below the surface, shall be granted except upon the terms and in the manner indicated. The proposed grant is to be embodied in the form of an ordinance, which is referred to the Board of Estimates for the determination of the money value of the franchise &c. You are, of course, familiar with these provisions, so that it is unnecessary to repeat them here.

700 The above sections are broad enough, I think, to cover every use of a public street by a private corporation or individual: and if no exception were contained in these sections as to specific privileges, then I think that no right could be conferred upon anyone to use the streets except in the above manner.

701 It was realized, however, that there are many uses to which the streets may be properly put by individuals which are either not of sufficient importance or else of too simple a character to necessitate the more or less complicated proceedings designed for franchises generally. Accordingly a short and direct way was adopted for the granting of certain minor privileges, such as bay windows, hitching posts, storm doors, trees, stands, &c. These privileges may be granted by the Board of Estimates in the manner indicated in the proviso of Section 37.

These so called minor privileges are all grants of the right to use the streets; and if Section 37 did not make an exception with reference to them, and did not authorize the Board of Estimates to grant them, then they could not, I think, be granted except by the passage of an ordinance, which would be referred to the Board of Estimates as in other cases.