File No. 458 Continued.

The manner indicated for the granting of these minor privileges, namely, by the Board of Estimates, excludes, I think, any other method of granting them. This construction of the Charter is confirmed by the language in Section 37 that "no ordinance or advertisement shall be necessary or made in such cases as are named in this proviso".

703 I am, therefore, of opinion, that the granting of all minor privileges referred to in Section 37 of the Charter rests exclusively in the jurisdiction of the Board of Estimates, and that the City Council has no jurisdiction with respect to them. The authority of the City Council is, I think, confined to cases not covered by the proviso, and can only be exercised by the passage of an ordinance, which is referred to the Board of Estimates in the usual way.

Very truly yours,
(Signed) Albert C. Ritchie,
Third Assistant City Solicitor.

File No. 458.

LAW DEPARTMENT.

Baltimore, November 30, 1903.

To the President and Members
of the First Branch City Council.

Gentlemen;-

Replying to your favor of the 25th inst., I am of the opinion that the jurisdiction in the matter of minor privileges is, by the City Charter, conferred exclusively upon the Board of Estimates.

704 The mode in which franchises in the public highways of the City are to be granted by the City to individuals or corporations, is prescribed by Sections 7, 8, 9, 10, 11 and 37 of the City Charter. Section 10 provides for an advertisement, except as provided in the proviso to Section 37 of the City Charter. Section 37, other than the proviso just mentioned, provides that the proposed specific grant shall be embodied in the form of an ordinance, which is to be passed upon by the Board of Estimates in the manner pointed out in the same section. Then follows the proviso referred to, in Section 10: