File No. 1129 Continued.

CORRESPONDENCE.

NORTHERN CENTRAL RAILWAY COMPANY,

PHILADELPHIA, BALTIMORE & WASHINGTON

RAILROAD COMPANY.

Baltimore, May 27, 1904.

Ordinance authorizing the Northern Central Railway Co. to use covered steam motors on Monument and other streets.

Edgar A. Poe, Esq.,

Asst. City Solicitor,

Baltimore.

Dear Sir:-

1518 Mr. Charles H. Carter told me that you spoke to him yesterday upon the subject of my letter addressed to Asst. City Solicitor Ritchie (to whom Mr. Bruce told me the above mentioned Ordinance had been referred by him, but which, as Mr. Ritchie has informed me, was referred to you by Mr. Bruce), and said that it would appear, from a Provision in the City Charter, that the assent of the owners of property on the line of the streets involved in the Ordinance was necessary to the grant of the privilege made by the Ordinance.

1519 I take for granted you refer to Section 6, sub-title "Railroads", of the Charter. I am quite sure that upon further consideration of this Provision, you will see that it has no application to the Ordinance in question. This Provision is taken from a very old Act of Assembly of Maryland, that of 1831, Chapter 252; and its only object and effect is to make provision for the construction of steam railroad tracks on any street at the cost of the holders of property binding on the street, and to enable such property holders, at their own expense, to have sidings and turn-outs from the tracks in the street to their respective properties; and where the railroad tracks are to be so constructed at the cost of the property holders, this Statute declares that such construction may take place on the application of the owners of the major part of the extent of front foot of lots fronting on each side of the street in question; thus giving to such majority the right to so compel the minority to contribute to the construction of the tracks, and involving any alteration in the grade which may be necessary for the proper construction of the railway.

1520 This provision of the Statute is intended to deal only with the condition of things above described, that is to say, this Statute