1521 thus makes provision for the case of the construction of steam railroad tracks in a street where the desire for such tracks comes from the owners of property fronting on the street, and where that is the desire of the owners of the major part of front feet on each side of the street, authority is given to compel all property holders to contribute their proportion of the cost of the road; no right to make them so contribute is given by the City Charter unless the construction is asked for by the majority. But this statutory provision, thus providing for a special case, is in no way intended to limit the general power existing in the Mayor and City Council of Baltimore (under the Act of 1890, Chapter 370 as incorporated in Section 6 of the City Charter, to regulate the use of the streets by railway and other tracks), of its own accord, and without the application of property owners on the street, to authorize the construction and operation on streets in the city at their own expense, by Railway Companies having the requisite Charter power, of railway tracks, the motive power of which is to be steam, electricity or other motive power.

1522 But indeed, as you will have, of course, observed, the Ordinance in question makes no provision for the construction of any railroad tracks: but simply authorizes the use of covered steam motors to propel cars which, under existing Ordinances, the Railway Company is authorized to propel by horse power.

Yours very truly,

(Signed) Bernard Carter.

File No. 1129.

OPINION.

LAW DEPARTMENT.

Baltimore, June 2, 1904.

Hon. W. Cabell Bruce,

City Solicitor.

Dear Sir:-

1523 I herewith return the ordinance in reference to the change of motive power for the cars of the Northern Central Railway Company on Monument Street and Central Avenue.

In my opinion, this ordinance is not in proper form, and also, under the terms of the Charter, should have been referred to the Board