File No. 1129 Continued.

of Estimates. OPINION.

1524 The privilege that is asked for is undoubtedly a right or franchise in reference to the public streets, and the ordinance should accordingly have incorporated in it the usual provisions required by the City Charter in reference to the duration of the grant, the terms of the grant, &c.

1525 I call your attention to Section 6 of the Charter, sub-section "Railroads", in reference to securing the assent in writing of the owners of the major part in extent of front feet of the lots fronting on each side of any street, or part of street, where the track is to be constructed, before the City is authorized to pass an ordinance permitting such construction; but, inasmuch as the tracks are already down, and the application is merely in reference to the motive power, upon reflection, I am satisfied that this section does not apply.

1526 Undoubtedly, the change of the motive power to steam imposes an additional servitude upon the street, and it may be that the company will have difficulty with the owner or owners of the bed of the street, or the abutting property-owners; but this, of course, under the authorities, does not prevent the City from authorizing such use of the street.

1527 If you desire it, I will prepare the necessary amendments to the proposed ordinance, on the theory that the privilege asked for is in the nature of a right or franchise; or this amendment can be deferred until the ordinance properly comes before the Board of Estimates.

Very truly yours,

(Signed) Edgar Allan Poe,

File No. 1129. OPINION.

LAW DEPARTMENT.

Baltimore, June 4, 1904.

Bernard Carter, Esq.,

Dear Sir:-

1528 Agreeably to your request, communicated to me through Mr. Ward of this office, I transmit to you herewith a copy of the report made to me on the 2nd. inst. by Mr. Poe, Deputy City Solicitor, with reference to the ordinance to authorize the Northern Central Railway Company to use covered steam motors on Monument and other streets.

Truly yours,
(Signed) W. Cabell Bruce,
City Solicitor.

K S'A F E T Y A F I L