File No. 1235 Continued.

CORRESPONDENCE.

for a very considerable distance from Auchentoroly Terrace to Woodberry ...

The Board of Park Commissioners requested me to ask you whether it is in their power legally to grant such a right.

Very truly,

(Signed) Richard M. Venable,

President of the Board of Park

Commissioners.

File No. 1235.

OPINION.

LAW DEPARTMENT.

Baltimore, June 18,1904.

W. Cabell Bruce, Esq.,
City Solicitor.

Dear Sir:-

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As requested by your favor of June 13th, I send you herewith my report on the matter submitted to you by Major Venable in his letter to you of June 13th, with reference to the right of the Park Board to grant permission to the Consolidated Gas Company to lay a 16° main through a portion of Druid Hill Park.

The Consolidated Gas Company is a consolidation, under the general laws, of numerous gas companies. Code 1888, Article 23, Section 110, authorizes Gas Light Companies to lay pipes "under the streets, squares, lanes, alleys and roads" of the City. I have found no broader power than this with reference to the company's right to lay mains, and, under this legislative authority, I understand that the company lays its mains in the streets of the City, without any permission from the City other than the permit required for digging up the streets.

I do not think that the above provision of the Code authorizes the Gas Company to lay its mains through the public parks of the City, and, unless there is some special statute, which I have not been able to find, and to which I have not been referred, I am of epinion that, before, the right to lay mains through the public parks can be acquired by the company, there must be a grant of authority so to do from the proper

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