

File No. 8830 Continued.

CORRESPONDENCE.

that this service supplied a large number of people who might be temporarily embarrassed if the Company was forced to vacate at once, and upon the assurance of the Company that they only desired a temporary permit and intended to rebuild their line as soon as the streets in this vicinity were constructed, decided to give the company the privilege of maintaining this line through Wyman Park, said permission to be revocable within 90 days from receipt of notice from our Department.

I am sending you an agreement, which is satisfactory to our Department, for your approval.

Yours truly,

(Signed) William S. Manning,

General Superintendent of Parks.

File No. 8830.

OPINION.

LAW DEPARTMENT.

Baltimore, October 9th, 1908.

William S. Manning, Esq.,
General Superintendent Parks.

Dear Sir:-

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I herewith return the agreement which accompanied your letter of October 2nd, in reference to a temporary permit to be granted by the Park Board to the Consolidated Gas, Electric Light and Power Company. I have very serious doubts as to whether or not it is within the power of the Park Board to enter into any such agreement. The rights granted under the agreement in question, are in the nature of a franchise, ordinarily requiring an ordinance of the Mayor and City Council of Baltimore. In view, however, of the fact that the Company's poles and wires are already located in the Park and that the agreement is really, in effect, nothing more than a revocable permit allowing the poles and wires to remain where they are, and that the agreement is beneficial to the City in that it establishes,

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