

File No. 2678 Continued.

OPINION.

LAW DEPARTMENT.

Baltimore, April 12, 1909.

Hon. Edgar Allan Poe,
City Solicitor.

Dear Sir:-

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I return herewith your favor of the 5th ultimo, and certain other correspondence, all of which relates to the sidewalks at the ends of certain public squares.

For reply to same, I beg to report as follows:

Ordinance No. 113, approved October 24, 1874, contains the following:

"That the Commissioners of any of the public squares within the limits of the city be, and they are hereby, authorized to extend their jurisdiction over the pavements surrounding the respective squares under their care, and to improve them in any proper manner that will not interfere with their proper use as footways."

The above mentioned ordinance has, apparently, been omitted from the City Code. I do not find it either in the Code of 1893 or the Code of 1906.

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Resolution No. 306 of the Mayor and City Council of Baltimore, approved September 25, 1878, provides as follows:

"That the Commissioners of Broadway squares be, and they are hereby authorized and instructed to have removed the iron railing and kerbing from around all the squares on Broadway, and to extend the said squares to the kerb of the street; also to sell said railing and kerbing to the best advantage, the proceeds of said sale to be covered into the Treasury and placed to the credit of said Commissioners to be applied by them for the improvement of all the squares on Broadway for the year 1879."

I find no other ordinances or resolutions which assist, in any manner, the solution of the question before us. The Ordinance and Resolution quoted above appear to me to indicate the desire of the city that the sidewalks referred to in the above correspondence should be subject to the same jurisdiction as the parking.

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If there were nothing in any Ordinance or Resolution to indicate the intention in reference to said matter, I should conclude that the sidewalks adjoining the squares, which lie in the beds of public streets, are properly under the jurisdiction of the Board of Park Commissioners. If there were no parking in the streets there would be no such sidewalks. The latter are constructed merely as adjuncts to, and