

File No. Continued.

the track) shall be executed and enjoyed in six months after the grant.

Section 6 provides that non-compliance, at any time, by the grantee with any of the terms of the grant hereby made, shall operate as a forfeiture of the grant, - which shall thereupon be and become void, and that nothing short of an Ordinance shall operate as a waiver of any forfeiture of such grant.

Now, if the right to erect poles and overhead wires was granted by the Ordinance that right should have been executed and the poles and overhead wires erected within six months from May 6th 1910. If this was not done, the grant is void, and nothing short of an Ordinance can operate as a waiver of the forfeiture of the grant. This being true, the Railroad Company cannot, at this time, claim the right to construct such poles and overhead wires and a permit therefor should not be granted by the City Engineer.

Very truly yours,

(Signed) German H. H. Emory
Assistant City Solicitor.

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File No. 12424

Baltimore, February 16, 1911.

B. T. Fendall, Esq.,
City Engineer.

Dear Sir:

I write in reply to your letter of the 10th inst., to the City Solicitor, relating to the street extending Southwardly from Madison Street; then Eastwardly to what is apparently an extension of Reese Street; and then Southwardly along said last mentioned street.

The parts which may be regarded as parts of Liberty Street and Reese Street are, in my judgment, public.

The connecting section has never been dedicated to public use by any conveyance. It is, however, indicated on the topographical plat as a well defined street, and is also shown in the same