

File No. 13606 Continued.

purpose; but nothing in this Act shall be taken as in anywise relieving such company or any other corporation or person from any obligations in its or his relations to the public highways of the city of Baltimore now cast upon it or him by law".

You will observe that this Section applies to every street, no matter when the franchise was granted or what are the terms of the franchise, but you will observe that it is not self-acting, - in other words, this Act itself does not impose the liability of the Railways Company, that must be imposed by the Mayor and City Council of Baltimore by Ordinance. I enclose an Ordinance which I think will accomplish that purpose. Inasmuch as it will mean thousands of dollars to the City and will be a great factor in helping us to pave the entire City without another loan or without too large a paving tax, it seems to me of the highest importance to pass this Ordinance, and I understand, from your talks to me on this subject heretofore, that you feel the same way about it.

Very truly yours,

(Signed) S.S. Field,
City Solicitor.

.....

File No. 13010

Baltimore, December 21, 1911.

Hon. James H. Preston,
Mayor of Baltimore.

Dear Sir:

I return herewith to you Ordinance S. B. No. 47, granting to the United Railways and Electric Company the right to construct and maintain double tracks on Seventh street, between Edmondson avenue and the Calverton road.

The proper steps appear to have been taken in the passage of this Ordinance and there is no legal reason why it should not be approved, except, - as you will recall - that, in my judgment, given to the Board of Estimates, the Board has no power to grant a perpetual franchise, as this Ordinance does; and, further, it was, and is, in my judgment that this Ordinance is vicious, in exempting this franchise from the operations of Ordinance No. 9 of 1897, which requires the

10126