

File No. 25671 Continued.

being a franchise or right requiring a formal grant by ordinance under the terms of this section, may be granted by the Board of Estimates for such an amount of money and upon such terms as the said Board may consider right and proper. Before said Board shall grant any such right the person or body corporate seeking the same shall file before said Board in writing an application for such use and in said application the use desired shall be stated and what the applicant is willing to pay for the same must be given and such person or body corporate shall only enjoy such use on the payment of the amount of money named by said Board and on the terms and conditions said Board shall prescribe in writing, and no ordinance or advertisement shall be necessary or made in such cases as are named in the proviso of this section. Provided, however, that copies of said application be served upon the adjoining property owners by said applicant before filing application before said Board."

The Charter having thus conferred upon the Board of Estimates the right to deal with the subject matter of the ordinance, I do not believe that the City Council can by ordinance take this right away.

The ordinance is therefore void and should be disapproved.

Respectfully yours,  
(Signed) Roland R. Marchant,  
City Solicitor.

File No. 24077

Baltimore, December 23, 1919.

Roland R. Marchant, Esq.,  
City Solicitor.

Dear Sir:

In accordance with your verbal instructions, I have made an investigation of the questions arising out of the 50% increase