

Continued

Diamond Coal Company, if they desire to have these trucks approved, must have installed the appliances recommended by the Fire Commissioners.

Yours very truly,

(signed) J. FRANCIS IRETON

JFI-S

Assistant City Solicitor

December 15th, 1932

Philander B. Briscoe, Esq.,  
Council Chamber,  
City Hall,  
Baltimore, Maryland.

Dear Mr. Briscoe:

Several days ago you asked me for an opinion as to whether it would be possible to secure more revenue from the conduits in the city streets.

I have had Mr. Ireton, of this office, study the matter. I find that these conduits fall into two classifications, namely, those owned by the C. & P. Telephone Company and those owned by the City.

As to the conduits owned by the C. & P. Telephone Company, the latter pays a franchise charge which was fixed by Ordinance No. 41, approved May 9th, 1889, which franchise our Court of Appeals has said is an irrevocable contract, and the charge, therefore, cannot be increased.

In reference to the conduits owned by the City, they are authorized by Article IV, Section 6, Sub-section 26-M, of the Baltimore City Charter. Under that Section the City can "prescribe and establish reasonable rentals to be paid by any company or person using any of said conduits". By virtue of this grant of power the City enacted Ordinance No. 107, approved August 25, 1898, authorizing the Electrical Commission, now the Bureau of Mechanical-Electrical Service, to construct