

F. Murray Benson, Esq., City Solicitor (cont'd)

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."

On November 7, 1913, City Solicitor Field held that permission to place news boxes upon the public sidewalks might be granted by the Board of Estimates upon payment of a Minor Privilege charge and upon such terms and conditions as the Board might consider right and proper.

I am advised that in those cases where a Minor Privilege has been removed during the calendar year, the Minor Privilege Bureau, with the approval of the Board of Estimates, has made a refund of a pro rata part of the Minor Privilege charges, computed on a quarterly basis. This seems to have been done for the first time by the action of the Board of Estimates on July 31, 1917, in making a refund of \$1.00, in which case an electric sign had been removed from the premises at 1408 Harford Avenue, the refund being computed on a quarterly basis. At the same time the Board of Estimates ordered the Comptroller to make refunds of similar cases in the future. In this connection, Mr. Dell, the present Clerk of the Board, advises that it has been the practice of the Board to consider each application for a refund separately. There can be little doubt that the power of the Board to grant Minor Privileges upon such terms and conditions as the Board might consider right and proper would include the power to make refunds of the same charges in the absence of a specific prohibition. I am unable to find any such prohibition either in the Charter or Public Local Laws of Maryland.

I am advised that the News-Post discontinued these stands primarily because of their desire, in the interest of national defense, to conserve rubber and gasoline on the trucks used to service the stands.

It is my opinion that a refund of one-half of the Minor Privilege charges for the year 1942 can be made to this company, namely, \$600.00. I trust that this answers your inquiry.

Very truly yours,

(signed) DAN CHAMBERS, JR.

Assistant City Solicitor

DBC/E