

Frank X. Gallagher, Esquire - 2 - September 9, 1966

Townsend, Grace and Company (citation omitted), it was said: 'The corporation, the Mayor and City Council of Baltimore, is invested with the title to and control over the public streets. This control, however, is not an arbitrary control. The streets and highways are held in trust for the benefit, use, and convenience of the general public. There are many ways in which the power to control and regulate the use of the streets can be and must be exerted by the municipality to meet the necessities and the convenience of an urban population, but the exertion of this power must have for its object a public purpose. It is not in accord with the trust upon which the municipality holds the streets, nor with the nature of the control which it has over them, to make use of the power and authority with which it is invested in that regard to promote a mere private interest, or to subordinate the right of one citizen in the streets or in a street of the city to the private interest and convenience of any other.'

While no local authorities have ruled upon the subject, other jurisdictions have held that the right of public access over streets includes the right to stop.

In Allen and Read, Inc. v. Presbrey, et al, 144 A 888, (R.I. 1929), the plaintiff sought to enjoin the police from enforcing an ordinance which established a 60 minute parking zone in front of its place of business, as a part of an effort to relieve traffic in a "congested area". The plaintiff claimed that, contrary to the intent, the parking limit actually constituted an invitation to park, and prohibited the plaintiff from loading or unloading its vehicles. The court, in upholding the ordinance, said:

"It seems to us that a limitation of the public easement in highways to travel and the transportation of persons and property in movable vehicles is too narrow \* \* \*. The public has a right to stop a vehicle on the street at the curb, unless such action is