

FRANCHISES.

1898, ch. 123.

7. The title of the Mayor and City Council of Baltimore, in and to its water front, wharf property, land under water, public landings, wharves and docks, highways, avenues, streets, lanes, alleys and parks, is hereby declared to be inalienable.

Townsend, Grace & Co. v. Epstein, 93 Md. 537. Purnell v. McLane, 98 Md. 591. Brauer v. Refrigerating Co., 99 Md. 380. *Cf.*, Westminster Water Co. v. Westminster, 98 Md. 551. Minor Privilege Cases, 131 Md. 600.

1904, ch. 616. 1906, ch. 152.

8. The Mayor and City Council of Baltimore may grant for a limited time and subject to the limitations and conditions contained in this Charter, specific franchises or rights in or relating to any of the public property or places mentioned in the preceding section; provided that such grant is in compliance with the requirements of this Charter, and that the terms and conditions of the grant shall have first been authorized and set forth in an ordinance duly passed by the city. Every such grant shall specifically set forth, define the nature, extent and duration of the franchise or right thereby granted, and no franchise or right shall pass by implication under any such grant; and, notwithstanding any such grant the Mayor and City Council of Baltimore shall at all times have and retain the power and right to reasonably regulate in the public interest the exercise of the franchise or right so granted; and the said Mayor and City Council of Baltimore shall not have the power by grant or ordinance to divest itself of the right or power to so regulate the exercise of such franchise or right. But no franchise shall be granted for the erection on any of the streets, lanes or alleys, of the said city of any awning poles, posts, hitching posts, barber poles, railings, stepping stones, sign posts, horse troughs, clocks, stands of any character, or cellar doors or coal holes, unless the same be flush with the pavement; nor shall any franchise be granted for an open area, unless the same is used as a means of entrance to buildings used primarily for purposes of residence, and only in such case when the same does not extend more than three and one-half feet from the building line.

Townsend, Grace & Co. v. Epstein, 93 Md. 537. Purnell v. McLane, 98 Md. 589. Simon's Sons v. Md. Telephone Co., 99 Md. 141. Brauer v. Refrigerating Co., 99 Md. 380. Storek v. Baltimore City, 101 Md. 476.

In relation generally to franchises granted by the municipality, *see*,

Baltimore v. Clunet, 24 Md. 469. N. Balto. Pass. R. R. Co. v. N. Ave. Ry. Co., 74 Md. 243. N. Balto. Pass. R. R. Co. v. Baltimore, 74 Md. 250. Bonaparte v. Lake Rol. Elv. R. R. Co., 75 Md. 340. Lake Rol. Elv. R. R. Co. v. Balto., 77 Md. 372-379. State *ex rel.* v. Latrobe, 81 Md. 222. Park Tax Case, 84 Md. 1. Hooper v. Balto. City Pass. Ry. Co., 85 Md. 509. Bear Creek Co. v. Baltimore City, 87 Md. 84. Baltimore City v. N. C. Ry. Co., 88 Md. 691. Ches. & Pot. Telephone Co. v. Baltimore City, 89 Md. 689. Mealy v. Mayor of Hagerstown, 92 Md. 752. Balto. County Water Co. v. Baltimore, 95 Md. 242. Consolidated Gas Co. v. Schreiber, 99 Md. 403. Referred to in The Patapsco Electric Co. v. M. & C. C., 110 Md. 310. Minor Privilege Cases, 131 Md. 600.