

considered the request of the Board of Police Commissioners of Baltimore City to be advised whether or not the Public Service Commission Law would be violated by the issue by the United Railways & Electric Company of free transportation to the plain clothes members of the Department. This request is accompanied by the statement that up to within a short time after the passage of the Public Service Commission Law this privilege was extended to the plain clothes men, tickets being issued to them, and that the Police Board is informed that the United Railways and Electric Company is willing to resume the issue of free transportation to the plain clothes men if advised by the Commission that the Company will not thereby violate the law.

Shortly after the receipt of your letter of November 21, the United Railways and Electric Company expressed a desire to communicate with me upon the subject, and I am to-day in receipt of a letter from the Company's General Counsel, a copy of which I enclose, stating that it is not the desire of the Company to furnish pass books to members of the detective force of the Police Department, and that while such books were formerly given, they were withdrawn prior to the enactment of the Public Service Commission Law, and stating further that the Company does, however, furnish to the Marshal, upon the requisition of the Police Board, tickets for free transportation of detectives while engaged in public business, which tickets amount to four or five hundred a month.

It is exceedingly doubtful whether the furnishing of free transportation to the plain clothes men, except in the manner which the Company's General Counsel states is now done, would be lawful under Sec. 16 of the law.

However this may be, the Commission cannot compel the United Railways and Electric Company to issue free transportation at all, but can do no more than say that the company may, if it chooses, furnish free transportation to those who come within the excepted classes of Sec. 16. Since, therefore, any action of the Commission would be at most merely permissive, and since we are informed by the Company's General Counsel that the Company does not desire to avail itself of the permission in the present case, even if granted, it seems to me