

File No. 25126 Continued.

plete list, and under Sec. 42 for not having taken out the license, and paid the fee required by Sec. 39.

Sec. 1 of Art. 10 (Pielert's Revision) p. 729 provides,

"Any municipal official, or officer of the City shall have full power and authority to commence and institute before a Justice of the Peace any writ, or action in the name of this corporation to recover any penalty, or penalties, incurred by the violation of any City Ordinance."

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File No. 25126

Baltimore, February 6, 1920.

Roland R. Marchant, Esq.,
City Solicitor.

Dear Sir:

13490

Attached hereto is an abstract of the law which in my opinion gives the City the right to tax the poles of the C. & P. Telephone Company situated in the new annex. This tax can be collected from the time the new addition became part of the City.

The question of title to the streets is a matter that is foreign to the issue in this case. Whether the City is the owner of the fee in the bed of the street or acquired it by dedication, is a question that cannot be raised except as a matter of proving it a public highway. In all cases in Maryland and those decided by the U. S. Supreme Court, where the streets of a municipality were involved, it has been decided they have exclusive control of the street. There is not distinction made in any of the cases between dedicated and the streets.