

File No. 25126 Continued.

The question of additional servitude cannot be raised except by the owner of the fee. This has been decided in *Towsend, Grace & Co. vs. Epstein*, 93rd Md.

The question of collecting the penalty I have treated at the end of the abstract.

Very truly yours,

(Signed) George Eckhardt, Jr.,

Assistant City Solicitor.

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File No. 25996

Baltimore, February 6, 1920.

Mr. Peter E. Tome,
Comptroller,
City Hall, City.

Dear sir:

13491

I have a letter of the 30th ultimo from the Board of Estimates, enclosing for my approval Ordinance F. B. #225. This letter has been in my hands for sometime because I wanted to thoroughly investigate the questions involved in the ordinance.

In my opinion this ordinance in the present form cannot be passed, because Section 8 of the Charter provides that no franchise shall be granted for an open area unless the same is used as a means of entrance to buildings used primarily for purposes of residence.

The Seaboard Bank certainly does not come within the meaning of this language.

Respectfully yours,

(Signed) Roland R. Marchant,

City Solicitor.