

File No. 46845 Continued

in the city conduits, are totally distinct matters; one must be ascertained by advertisement in order to obtain the largest amount, while the other may be fixed in the discretion of the City Council, and in fact is so fixed by Ordinance 81, passed December 10th, 1900, for all applicants at so much per duct feet.

"None of the preliminaries prescribed by the sections to which we have referred, have been complied with, and without such compliance, the appellant has no more right to demand, and the appellees have no more right or power to grant the use of the city's conduits, than if the power and right had been expressly reserved to the Legislature alone."

Under the authority of this Section, I am of the opinion that before the American District Telegraph Company of Baltimore can legally place its wires in the municipal conduit, it must obtain a franchise to do so from the City, in accordance with the provisions of the Charter hereinbefore referred to, or from the State.

Very truly yours,

(Signed) ALLEN A. DAVIS

Assistant City Solicitor

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File No. 46845

Baltimore, December 1, 1926

Mr. Charles H. Osborne, Chief  
Bureau of Buildings  
City Hall  
Baltimore, Maryland

Dear Sir:

Attached to your letter of the 29th is a communication from Mr. Wm. A. Foreman, President of the Foreman Construction Company, wherein it is stated that the company has a contract to change a dwelling into a store at 2639 Greenmount Avenue. As now constructed, it is

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