R. E. Lee Marshall, Esq., City Solicitor (cont'd)

> 21 Opinions City Solicitor 6031 -
> The same was held as to "newspaper, peanut and other stands."
>
> 20 Opinions City Solicitor 5753 -
> Likewise as to newspaper stands, whether boxes, push carts, or on wheels or wagons.
>
> 8 Opinions City Solicitor 3104 -
> The right to install chewing gum slots was held to be a minor privilege.

However, Wilbur J. Preston, Esq., Assistant City Solicitor, wrote an elaborate opinion re a proposal to place park benches at car stops throughout the City. This opinion is dated July 27, 1934. He "dissented" from the rulings referred to above and decided that, where the right which is sought is to cover several locations in the City, the authority should be given in the form of an ordinance. Of course, there is a factual difference between the right sought by Barron G. Collier, Inc., and the right to place park benches on City streets. Moreover, Section 37, in excluding certain minor privileges, specifically mentions "signs."

Apparently, Mr. Preston's conclusion was influenced by the fact that a copy of the application for a minor privilege must be served upon adjoining property owners. It is true that the Court of Appeals, in the case of Pralinger v. Cooke - 108 Md. 682, said that this provision was mandatory. However, it was further said, in the same opinion, ~~at page 687,~~ that "adjoining property owners" were those on the same side of the street. The Court added -

> "This interpretation is borne out by the signification of the word 'adjoining', which carries with it the idea of actual contact and touch, as well as by the reason of the law itself concerning these privileges which ordinarily only affect the convenience of property owners on the same side."

As Mr. Preston points out, it might be very difficult to decide who might be "adjoining property owners" in the case of a park bench on the street. It would seem to me that the practical difficulty would be less in the case of a sign attached to a street lamp.

Of course, it would be very difficult, if not impossible, to secure a lien on any property of Barron G. Collier, Inc., as in the case of an ordinary minor privilege. However, I don't think this is an argument that the right should be granted by an ordinance rather than by a minor privilege. In 30 Opinions City Solicitor 9008 there is a discussion of the kinds of minor privileges which do and do not