

Charles C. G. Evans, Esq., City Solicitor (cont'd)

west corner of Liberty and Lexington Streets, for which the annual charge of \$72.00 is a lien upon the property at that corner, owned by the New York Life Insurance Company.

Subsequent to your memorandum, by letter dated November 6th, 1940, enclosed in the file, I was advised by Charles B. Bosley, Esq., that the New York Life Insurance Company had owned this property since 1934 and had not at any time consented to the occupancy of the sidewalk by the person operating this fruit stand, and that neither the New York Life Insurance Co. nor the tenant in the building derive any return or advantage whatever from this fruit stand.

On receipt of this letter, I requested Mr. John Smith of the Minor Privilege Bureau to investigate the accuracy of these statements. Mr. Smith advises me that this privilege was granted in 1925, without any signature, by the then owner of the property, but included with the application was a letter from the then tenant of the property stating that the tenant had no objection to the issuance of the permit for the fruit stand. Mr. Smith further advises that the fruit vendor has stated that he does not pay rent either to the present tenant of the building or to the owner of the building, but that successive tenants have not objected to the maintenance of the stand.

Chapter 412 of the Acts of 1935, codified as Section 15-AA, Municipal Liens, Charter and Public Local Laws of Baltimore City, 1938 Edition, page 27, provides

"Beginning with the year 1935, the lien of the Mayor and City Council of Baltimore for minor privileges of a temporary character, as hereinafter defined, shall be limited so as to cover only the year for which the charge is made. If the said charge for any year beginning with the year 1935 for a temporary minor privilege is not paid by March 1st of the following year the said temporary minor privilege shall be considered revoked as of the end of the year for which said charge is in default. On or before April 1st of such following year the Manager of the Bureau of Receipts may, in his discretion, either proceed to sell the property for which the said temporary privilege was granted for the previous year's charge under the provisions of Section 56, et seq. of this Charter, or he may record the lien for such previous year's charge in his 'Tax Lien Record' where it shall continue to be a lien until paid. On or before April 1st of such following year the applicant for said temporary minor privilege and the owner of the property affected shall be notified by the Manager of the Bureau of Receipts