

File No. 92567

May 13, 1954

Mr. Charles M. Upham, Jr.  
Deputy Director  
Department of Traffic Engineering  
Police Building  
Fallsway and Fayette Streets  
Baltimore - 2, Maryland

Dear Mr. Upham:

Referring to your inquiry of May 7, 1954, in which you refer to a traffic jam created in the 2700 block of North Calvert Street when an order of repossession was executed by the Constable of Baltimore wherein certain chattels were placed into the street, please be advised that Article 53, Section 31, of the Maryland Code provides briefly that all such chattels shall be removed from the repossessed premises.

"Premises", as referred to, has been interpreted by the authorities to extend as far as the curb line, the City and the public generally enjoying an easement in the sidewalk.

Mr. Harry Hooper, Chief Constable of Baltimore City, advises us that in strict conformity with the law, his officers have consistently placed all such chattels outside of the curb line or in the City street. However, anticipating hazards of various natures, they always notify the Police Department who in turn are expected to notify our Highways Department for the removal of the chattels to the City Yards.

It is, however, the opinion of this office that this approach is rather antiquated and that present conditions (traffic, etc.) call for a more modern and drastic approach to the problem.

Mr. Hooper has some excellent ideas on the matter and suggests a conference with you. We may further suggest that if it will help you to solve the situation, it is our opinion that the placing of the repossessed chattels on the sidewalk may be done for a reasonable length of time where it will not obstruct the free passage of pedestrians and that such action on the part of the Constable would not be a violation of Article 53, Section 31.

Very truly yours,

/s/ THOMAS W. BIDDISON  
City Solicitor

/s/ CHARLES COHEN  
Assistant City Solicitor

CC/lm