File No. 447 Continued. CORRESPONDENCE.

COPY.

Baltimore and Ohio Railroad.
Baltimore.

Baltimore, Dec. 5th. 96.

Mr. Janon Fisher
C. C.

Dear Sir:-

654 Replying to your favor of Dec. 1st., and our conversation of yesterday, I have to say, that I have taken up the questions discussed by us with regard to paving on Howard street with the Chief Engr., and upon my recommendation, he agrees to do the work which you asked for, and I will arrange to have the repairs made at as early a date as practicable.

Yrs. truly,
(Signed) B. T. Fendall,
D. E.

OPINION.

File No. 447

LAW DEPARTMENT.

Baltimore, December 4, 1903.

Hon. W. Cabell Bruce,
City Solicitor.

Dear Sir:-

655 As requested by your favor of November 25th, I send you herewith my report upon the question submitted by Mr. Fendall to you in his letter of November 24th, with reference to the right of the City to compel the Baltimore and Ohio Railroad Company to pave the part of Howard Street which has settled by reason of the construction of the Belt Line Tunnel.

656 I am informed by Mr. Fendall that some time prior to 1896, when Mr. Smyrk was City Commissioner, the Baltimore and Ohio took up with the City the liability of the company to repair the settlement in