Pile No. 2642 Continued.

CORRESPONDENCE.

proper base, and it has appeared to me that the intention of the Council was to leave the character of the base to my discretion.

In case I lay a concrete base between the rails of the Street
Railway and the curb, it was my intention to put the blocks between
the rails on a sand base, unless the United Railways and Electric Company would bear the expense of a concrete base, just as I did on Baltimore Street. In your opinion, would I have the right to omit the
concrete base between the rails of the United Railways and Electric
Company's tracks?

Very truly yours,

(Signed) B. T. Fendall.

City Engineer.

Pile No. 2642

OPINION.

LAW DEPARTMENT.

Baltimore, March 7, 1905.

B. T. Fendall, Esq.,
City Engineer.
Dear Sir:-

2351

I reply to your favor of the 6th inst. In my opinion you would be authorized to pave St. Paul and Payette Streets between the points in question with creo-resinate blocks on a concrete base, not-withstanding the fact that the ordinance is silent as to the pavement being laid on a concrete base.

I am further of the opinion that it would not be right for you to omit the concrete base between the rails of the United Railways and Electric Company's tracks. Where the Company is under the obligation to pave or re-pave between its tracks, it is justly held to be to be bound to pave or re-pave in the same manner the rest of the street is paved by the City. Where such an obligation does not exist upon the part of the Railway Company, it seems to me only fair and equitable that the City should pave between its tracks in the same manner as the rest of the street is paved.

Truly yours,

(Signal) W. Caball Bruce.
City Solicitor.

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