File No. 2648

OPINION.

LAW DEPARTMENT

Baltimore, March 7, 1905.

Sherlock Swann, Esq.,
Chairman of the Burnt
District Commission.
Dear Sir:

You have requested me to advise you as to whether or not in the condemnation of property for public wharves and docks, a separate award shall be made for easements which have been acquired by Railroad Companies or Railway companies over beds of public streets, included within the limits of the condemnation.

ceed in the matter of the condemnation of ground which forms the bed of a public highway, in the same manner in respect to the matter above referred to, as you have proceeded, and are now proceeding, in the condemnation of private property, that is to say: you should award such sum as, in your judgment, is proper for the fee simple title to the property to be acquired, regardless of the various interests which make up the fee simple title, excepting only the cases where you find the property subject to leases, in which cases, you are required by the Burnt District Act to discriminate between the title of the landlord, and that of the temant.

You have requested me also to advise you as to the measure of compensation to be given to the owners of property which is subject to public use as a highway, and which property is now to be used as parts of the public wharves which are to be erected. In my judgment, the owner of such property should be awarded only such a sum as will compensate him for the additional servitude upon the land, and it appears to me that under such circumstances, the amount of compensation should be merely nominal.

Wery truly yours,

(Signed) W. Cabell Bruce.

City Solicitor.

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