File No. 3506 Continued. OPINION.

2834 The case in my opinion, is covered by the decision of the Court of Appeals in the case of Kirby vs. Citizens' Railway Co., 48 Md., 168. There it was held that a street railway company was under the obligation to remove its tracks out of the way of certain sewer construction work being carried on at the time of the City, and that the City was under no obligation to incur the expense of either shoring up the railway track or removing it to one side of the street.

Truly yours,

(Signed) W. Cabell Bruce,

City Solicitor.

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