File No. 4992 Continued.

OPINION.

inquiry contained in the letter of John M. Hood, President of the United Railways and Electric Company, to the City Engineer, under date of June 28th:

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In my opinion the City Engineer has no authority to grant the request. The right of the United Railways and Electric Company to lay its tracks is to be determined by the language of the ordinance. That ordinance confers no authority on the United Railways and Electric Company to extend its tracks along Preston Street as desired, until that part of the street shall be opened, graded and paved to the eastern city limits.

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The street at that point has not been opened, graded and paved to the eastern city limits, and the fact that the request of the Railways Company may be beneficial to the City cannot alter the legal aspect of the case and confer upon the City Engineer the power to authorize an act in violation of the express language of the ordinance. If the Railways Company desires to extend its tracks before the opening, grading and paving of the street, it must apply to the Mayor and City Council for authority to do so.

Very truly yours,

(Signed) Edgar Allan Poe,

Deputy City Solicitor.

File No. 4992 Continued.

LAW DEPARTMENT.

Baltimore, July 3, 1906.

B. T. Fendall, Esq., City Engineer.

Dear Sir:-

Replying to your letter of the 28th ultimo, asking me to advise you whether you can permit the United Railways and Electric Co. to extend its tracks on Preston Street, now terminating a little

east of the carbarn at Potomic street, 1-1/2 blocks eastward to Loney's Lane, I enclose herewith a report dated the 3rd. inst. from Mr. Edgar

Allan Poe, Deputy City Solicitor, to myself. I entirely concur with