

File No. 5722 Continued.

CORRESPONDENCE.

The information we desire is, can we compel them to put proper construction under their tracks on the streets we are paving, where they had privileges prior to annexation; and also where they are exempt from the Park Tax?

We will be glad to get this information as soon as possible as we are holding up the contractors and we are anxious to get to work as soon as possible.

By order of the Board:

Very respectfully,

(Signed) Eugene P. Rodgers,  
Clerk.

File No. 5722.

OPINION.

LAW DEPARTMENT.

Baltimore, April 26, 1907.

Hon. W. Cabell Bruce,  
City Solicitor.

Dear Sir:-

4221 As requested by your favor of April 23rd, I have considered the inquiry from the Commissioners for Opening Streets embodied in their letter of April 22nd. The Commissioners desire to know whether, in the streets they are paving, they can compel the United Railways Company to put a concrete foundation between their ties, although such a foundation was not laid or required when the tracks were originally put down.

4222 This is the precise question submitted by Mr. Fondall a short time ago, and answered in my report to you of January 25, 1907. See Office File 5722. I there reached the conclusion that so far as tracks already laid are concerned, the City Engineer had no power in repaving streets to compel the Railway Company to now put in a concrete foundation, and that if, as a result of the tracks being in the streets, the