

File No. 5722 Continued.

OPINION.

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street got out of repair, the City's remedy was to compel the Company to make the proper repairs under the terms of the franchise ordinances.

I think that the same answer applies to the Commissioners for Opening Streets. I send herewith copy of my report of January 25th 1907, and may add that Mr. Lauchheimer has recently examined this report in connection with a similar inquiry and agrees with it.

Yours very truly,

(Signed) Albert C. Ritchie,
Assistant City Solicitor.

File No. 5722.

LAW DEPARTMENT.

Baltimore. April 26, 1907.

Eugene F. Rodgers, Esq.,
Clerk to Commissioners
for Opening Streets.

Dear Sir:-

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I reply to your letter of the 22nd instant. The Commissioners for Opening Streets have no power, in my opinion, to compel the Street Railway Company to place concrete beneath its ties except when the obligation to do so has been cast upon the Company by the terms of the ordinance, resolution of the County Commissioners, or private grant, in the case may be, by virtue of which the Company acquired, in the first instance, the right to lay down its tracks on the particular street in question.

Truly yours,

(Signed) W. Cabell Bruce,
City Solicitor.