

File No. 5722 Continued.

CORRESPONDENCE.

took part in all the struggles between the North Avenue Railway Company and the other Companies which were endeavoring to keep it from running its cars on North Avenue. It was not until after the North Avenue Railway Company obtained the right by agreement to run its cars on the tracks laid in the centre of North Avenue, that it abandoned its tracks on the North and South side of that street and removed them from the street.

(Signed) Lawrence N. Frederick.

Subscribed and sworn to before me the day and year first above written.

NOTARIAL:
SRAL

(Signed) Geo. W. Haulenback,
Notary Public.

My commission expires May 1, 1908.

File No. 5722.

OPINION.

LAW DEPARTMENT.

Baltimore, September 27, 1907.

Hon. W. Cabell Bruce,
City Solicitor.

Dear Sir:

4220

I have carefully read the affidavits sent you by Mr. George Dobbin Penniman in connection with the locating of the present tracks on North Avenue, between Mt. Royal Avenue and Druid Hill Avenue, and from the facts as stated therein, I think the City is justified in acquiescing in the contention of the Company, that the present tracks on North Avenue were constructed under franchise of the Baltimore City Passenger Railway Company, between McCulloh Street and Druid Hill Avenue; under franchises of the North Avenue Railway Company, from McCulloh Street to Madison Avenue, and under franchises of the Baltimore Union Passenger Railway Company, from Madison Avenue to John Street.

Accepting this situation and applying thereto the legal conclusions reached in my letter to you of July 18, 1907, the liability of the Railway Company is as follows: