

File No. 5722 Continued.

OPINION.

If the spaces between the tracks and two feet on each side thereof are to be paved with an improved pavement, the cost of such improved pavement should be borne by the Railroad Company for the distance only from Madison Avenue to McCulloh Street. If, however, the spaces between the tracks and two feet on each side thereof are to be repaved with cobble stones, then the expense must be borne by the Railway Company for the entire distance from Mt. Royal Avenue to Druid Hill Avenue.

Very truly yours,

(Signed) Edgar Allan Poe,  
Deputy City Solicitor.

File No. 5722.

LAW DEPARTMENT.

Baltimore, September 28, 1907.

B. T. Wendall, Esq.,  
City Engineer.

Dear Sir:-

4230

After very thorough investigation into the whole subject, I think that the City is obliged to acquiesce in the contention of the Street Railway Company, that the present tracks on North Avenue were constructed under franchises of the Baltimore City Passenger Railway Company as to the space between McCulloh Street and Druid Hill Avenue; under franchises of the North Avenue Railway Company as to the space between McCulloh Street and Madison Avenue, and under franchises of the Baltimore Union Passenger Railway Company as to the space between Madison Avenue and John Street. My conclusion, therefore, is as follows: If the spaces between the tracks and for two feet on each side thereof, are to be paved with an improved pavement, the cost of such improved pavement should be borne by the Street Railway Company, as to the space only between Madison Avenue and McCulloh Street. If, however, the spaces between the tracks and for two feet on each side thereof are to be paved with cobble stones, then the cost should be chargeable to the Street Railway Company for the entire distance from Mt. Royal Avenue to Druid Hill Avenue.

Truly yours,

(Signed) W. Cabell Bruce,  
City Solicitor.