

File No. 6535 Continued.

- OPINION.

only two sets. Inasmuch as the present tracks constitute a continuous straight line, I fail to see how it can be successfully claimed that they are now composed of fragments, which at one time, were not thus continuous, and which did not form one straight line.

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The present tracks on North avenue should, in my opinion, be ascribed to Ordinance No. 23, approved April 8th, 1891, and if I am correct in this, then the expense in question should be borne by the Railway Company even though North avenue is to be paved with an improved pavement; as under the terms of said ordinance, the obligation was imposed upon the Railway Company, whenever the City should pave the street, to pay the entire expense of repaving the space between its tracks and for two feet each side thereof.

Very truly yours,

(Signed) Edgar Allan Poe,

Deputy City Solicitor.

File No. 6535.

LAW DEPARTMENT.

Baltimore, July 18th, 1907.

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

City,

Dear Sir:-

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I reply to your inquiry of the 11th inst., in reference to the rights and obligations of the Street Railway Company in the matter of repaving on North Avenue from Mount Royal Avenue to Druid Hill Avenue by enclosing herewith, a report dated the 18th inst. from Mr. Edgar Allan Poe, Deputy City Solicitor, to myself.

Please act upon the conclusions reached by this report.

Truly yours,

(Signed) W. Cabell Bruce,

City Solicitor.