

File No. 7259 Continued.

CORRESPONDENCE.

turnpike road.

Please investigate and approve the bill, and have it forwarded to Mr. Bruce for payment. Kindly give this matter your prompt attention, and oblige.

Yours truly,

(Signed) Thos. Mackenzie.

File No. 7259.

OPINION.

LAW DEPARTMENT.

Baltimore, January 10, 1908.

Hon. W. Cabell Bruce,  
City Solicitor.

Dear Sir:-

5462

As requested by your favor of January 2nd I herewith send you my report upon the claim made against the city by the Baltimore and Fredericktown Turnpike Company, which was referred to you by Mr. Fendall in his letter of December 26th.

5463

It seems that prior to the paving, by the Commissioners for Opening Streets of Catharine street, and perhaps other neighboring streets, the property adjacent to the Baltimore and Fredericktown Turnpike road was open, ungraded and unpaved. The drainage which naturally flowed down Catharine street towards the turnpike ~~was made for itself~~ a kind of small gully across the street through which it passed over upon adjoining property, where it emptied into a terra cotta pipe, which was situated on private property and built by private persons, and through which it was then carried into the falls; other drainage which did not take this course was absorbed into the ground; still other drainage which did not dispose of itself in one or the other of the above two ways flowed over on the turnpike.

5464

When the Commissioners for Opening Streets paved Catharine street, the little gully across that street was, of course, paved over, and as the drainage could no longer be absorbed into the soil, (since the street was paved), of course, more of it flowed down Catharine street to the turnpike, than was the case before the paving was done.