

File No. 7260 Continued.

CORRESPONDENCE.

Kindly return the attached correspondence with your reply.

Very truly yours,

(Signed) B. T. Fendall,

City Engineer.

File No. 7260.

OPINION.

LAW DEPARTMENT.

Baltimore, January 10, 1907.

Hon. W. Cabell Bruce,
City Solicitor.

Dear Sir:-

As requested by your favor of January 2nd, I beg to send you my report upon the matter referred to in Mr. Fendall's letter of December 30th, relative to the toll bills charged to the city by the Baltimore and Reisterston Turnpike Co.

5470

The turnpike formerly began at Franklin and Green streets, and the first five miles ended at the fifth mile stone, which is situated on the turnpike at a point North of Park Heights avenue. The first toll gate is some little distance South of Park Heights avenue, and the Company has always charged its authorized rate for every one who passes through this toll gate, whether they travelled the entire distance from ~~Franklin and Green streets to the fifth mile~~ stone, or whether only a small part of that distance.

5471

It seems that the carts of the City Engineer's department enter the turnpike at Fulton and Pennsylvania avenues, and then travel on the turnpike northerly through the toll gate to Park Heights avenue, where they leave the road. The Turnpike Company has rendered bills for toll to the City, in which the City is charged the same rate of toll as would be charged if the carts had travelled the entire distance of five miles from Green street to the fifth mile stone, instead of the distance they actually did travel, which was a little over one mile. The City Engineer asks whether this charge is correct.

I have talked with Mr. Fendall and Mr. Compton in regard to the matter, and also with Mr. Murray, the attorney for the Turnpike Com-