

File No. 8793Continued.

CORRESPONDENCE.

To Benjamin T. Fendall, Esq.,

Chief Engineer of Baltimore City.

6603

Thomas M. Montgomery, William H. Castle and Isabel Manderson, Trustees of the Estate of James Manderson, by Charles Herzog, their Agent and Attorney, except to the assessment made by you against their property, for the proposed grading, curbing and paving of Rose street from the south side of Monument street to the north side of McElderry street, -

1. Because the ordinance of the Mayor and City Council, approved July 7th 1908, by which the grading, curbing and paving said street is supposed to be authorized is illegal and without authority in law.
2. Because the assessment of the sum of \$1146.37 made by you against the property of said Trustees, for the grading, curbing and paving of said street, is far in excess of the benefits, which the owners of said property will derive from such work and improvement, and because your plan and method of assessment of benefits is not equitable nor just, being greatly in excess of the assessed value of the property of said Trustees, binding on said street, amounting to a confiscation of their property and is therefore contrary to law.

(Signed) Charles Herzog,

Agent and Attorney for the Exceptants.

September 22, 1908.

OPINION.

File No. 8793

LAW DEPARTMENT

Baltimore, October 5, 1908.

Hon. Edgar Allan Poe,  
City Solicitor.

Dear Sir:-

6604

As requested by your favor of September 30th, I have considered the matters referred to by Mr. Fendall in his letter to you of September 28th, together with the protest of Charles Herzog, attorney for the trustees of the James Manderson estate, against the assessment made