

File No. 8851.

CORRESPONDENCE.

DEPARTMENT OF PUBLIC IMPROVEMENTS
SUB-DEPARTMENT OF CITY ENGINEER.

Baltimore, October 14th, 1908.

Edgar Allan Poe, Esq.,
City Solicitor.

Dear Sir:-

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In the matter of the United Railways and Electric Company changing their tracks to conform to grades, they have raised a new question. It was settled between Mr. Bruce and Mr. Carter, that it was the duty of the City to take up the paving between the rails and two feet outside thereof, in order that the Railways Company might raise its tracks. Mr. Hood now comes forward and says that we must take the earth out of the tracks down to the bottom of the cross-ties, and quotes in support of this an opinion from Mr. Ritchie, dated April 26th, 1907, which I understand was rendered in connection with certain questions raised as between the Sewerage Commission and the Baltimore and Ohio Railroad Company and the Sewerage Commission and the Railways Company. I shall be very glad if you will let me know if Mr. Hood is correct in his contention, and if Mr. Ritchie ever rendered such an opinion, will you kindly send me a copy thereof.

Mr. Hood may have taken a part of Mr. Ritchie's opinion, without taking the whole, and thereby reached a distinctly different conclusion from the real conclusion reached by Mr. Ritchie.

In the particular case in controversy, Mr. Hood must raise his tracks, and in raising his tracks, the material which he requires us to excavate must be filled back again. I cannot believe that the ordinances require anything of the sort.

The special track in controversy is a piece of dead track, long unused, on Presstman Street, between Monroe Street and Fulton Avenue.

Very truly yours,

(Signed) B. T. Fendall,

City Engineer.