

will have the necessary result of putting one of the public streets of Baltimore to an unusual use and in obstructing it to a greater or less extent. Of course the public streets are necessarily often obstructed while improvements are going on, but these obstructions usually consist of derricks, trenches and other things which are all necessary to the doing of the work and without which the work could not be done at all. For this reason, obstructions of this kind are allowed, but the construction of a track which is not necessary to the doing of the work, but which is simply desirable for economical reasons is not, I think, included within this class. I therefore think that, if the proposed track is to be constructed in the bed of Canton avenue or East Falls avenue, permission should be obtained through an ordinance of the City Council.

In this connection I have thought also of the possibility of damage to the abutting property holders in view of the fact that such a track as is proposed will constitute a new and additional servitude. I do not know whether Canton Avenue and East Falls Avenue were condemned or purchased; if the latter were the case, then no question of additional servitude will arise. If the streets were condemned, this question might be raised, but after careful consideration I have concluded that inasmuch as the use of the streets, for the purposes of the track, would only be a temporary use and would cease upon the completion of the building, that any claim by the abutting property holders for damages on account of an alleged additional servitude would not be well founded.

Having given my opinion upon the different questions involved in Mr. Hendrick's inquiry I will now take up his inquiry in detail. Mr. Hendrick tells me that a connection is desired with both the B. & O. and the P. B. & W. Both roads will, doubtlessly, permit these connections to be made, but if the City connects with the B. & O. at Falls avenue and then uses the B. & O. track down Canton Avenue to President street and if a connection is there made between the B. & O. track and the track of the P. B. & W., the consequence will be that the P. B. & W. Freight will necessarily be switched first to the B. & O. and will then be carried and delivered by the B. & O. to the City track in East Falls avenue, with the result that switching charges will be exacted by the B. & O. In order to avoid this Mr. Hendrick deems it important for the City itself to connect with both