

File No. 9021 Continued.

OPINION.

roads and not use the B. & O.'s track.

1. I understand that the B. & O. will make no objection to a City connection with its Canton Avenue track at East Falls Avenue; therefore this track can be constructed and it will provide for the B. & O. Freight.

2. The B. & O. cannot, as already stated, be compelled to remove its Canton avenue track or to permit a joint use of that track by the City; therefore the City connection with the P. B. & W. (which I understand will be permitted by that road) must be made (a) either with the B. & O.'s Canton avenue track, in which case, the City would have to use the B. & O.'s track or (b) with the City's own track constructed along Canton avenue.

It is for the Sewerage Commission to determine whether the delivery of P.B. & W. Freight via B. & O. track can be obtained upon such terms with the B. & O. as to make that course desirable, or whether it will be more desirable for the City to parallel the B. & O.'s track in Canton avenue with its own track running to the P. B. & W. It may be that the B. & O. would permit the City to use its Canton avenue track upon such terms and conditions as would make it more advantageous to receive the P. B. & W. Freight over that track than over a separate track constructed by the City.

3. In case the track is constructed as is proposed in the bed of East Falls avenue or in the bed of Canton avenue, then the consent so to construct the track should be conferred by an ordinance of the Mayor and City Council of Baltimore.

Very truly yours,

(Signed) Albert C. Ritchie,

Assistant City Solicitor.

File No. 9021.

LAW DEPARTMENT.

Baltimore, November 17, 1908.

Calvin W. Hendrick, Esq.,

Chief Engineer, Sewerage Commission.

Dear Sir:-

Replying to your favor of November 5th relative to the laying