

File No. 9039 Continued.

CORRESPONDENCE.

10¢ a square yard on bitulithic, and that he should be paid the difference. We are not responsible for the removal of the tracks, and the conditions having been changed there was no necessity for the granite block paving. We would not have considered the paving with Belgian blocks if there had not been car tracks on the street, nor did we have any knowledge at the time the contract was let that the tracks would be removed.

We would be glad to have your view as to the legal aspect of the case, as we have no means of arriving at what Mr. Elder's profit would have been on the Belgian blocks, or what it really was upon the bitulithic paving. We would like to dispose of this matter, and await your reply.

By order of the Board:

Very truly yours,

(Signed) Eugene F. Rodgers,

(Signed) James H. Smith,

Secretary.

President.

File No. 9039.

OPINION.

LAW DEPARTMENT.

Baltimore, November 17, 1908.

Commissioners for Opening Streets,  
City.

Gentlemen:-

Replying to your favor of November 9th, relative to the claim of William M. Elder, growing out of the elimination from the Charles street avenue paving contract of the item of belgian blocks, I beg to say that, in my opinion, the City is legally liable for such damage as Elder has actually sustained by reason of the change, and that the payment to him should be based upon the difference between the profit that he would have actually made if he had laid the belgian blocks, and the profit that he actually made by the substitution of bithulithic.

I return you the papers which you enclosed with your letter.

Very truly yours,

(Signed) Edgar Allan Poe,

City Solicitor.

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