

File No. 9041 Continued.

OPINION.

9th 1908, from the Chief Engineer of the Electrical Commission, regarding the expense of the United Railways and Electric Company, in re-aligning their tracks on account of the work of the Electrical Commission, I beg to say that the question involved is the same as that by the C. & P. Telephone Company situation.

Assuming that the tracks whose re-aligning has been rendered necessary are on public highways of the City, the proposition seems to be clear that the City could not have granted those franchises in such terms as to limit, or restrict, its subsequent control over the highways. The City could not divest itself of its right to interfere subsequently with the use of such franchises where the public necessity required it. All expense necessary to readjust the railway tracks, under these circumstances, must be borne by the Railway Company.

Kirby vs. Citizens' Railway, 48 Md., 168.
Railway Co. vs. Baltimore, 75 Md., 247.

Truly yours,

(Signed) W. H. DeC. Wright,

Assistant City Solicitor.

File No. 9041.

CORRESPONDENCE.

SEWERAGE COMMISSION
OF THE CITY OF BALTIMORE
CHIEF ENGINEER'S OFFICE
AMERICAN BUILDING.

Baltimore, February 10, 1909.

Mr. Edgar Allan Poe,
City Solicitor.

Dear Sir:-

Referring to your letter of December 3rd, regarding the cost of adjusting the street railway company's tracks, in which you state that we should be guided in the future by the principles laid down in your letter to the Electrical Commission of November 12th 1908, I enclose herewith copy of a letter received from the Chief En-

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