

File No. 11192 Continued.

CORRESPONDENCE.

Fremont street.

8833

I do not read the opinion of Mr. Bernard Carter, of July 13, 1904, as Mr. Hood does. Mr. Carter concludes "Therefore, the expense of the taking up the tracks and re-laying them, made necessary by the change of grade of the street or of a pavement of the street, must be borne by the Railways Company". The obligation of the Street Railway Company to take up its tracks on Ridgely street involves, in my opinion, the obligation to do everything, at its cost that is reasonably requisite for this purpose, and one of these things is the removal of the pavement over its road bed.

Yours truly,

(Signed) W. Cabell Bruce,
City Solicitor.

File No. 11192.

LAW DEPARTMENT.

Baltimore, July 25, 1908.

Mr. B. T. Fendall,
City Engineer.

Dear Sir:

8834

I reply to your letter of the 24th inst., by returning for the present your bill for \$54.90 against the Street Railway Company, for removing cobble stones and earth from between the railway tracks, etc. on Ridgely street between Fremont and Barre streets. The amount is too small to carry a case in one of the Courts, and if sued before a Justice of the Peace, there could be no appeal to the Court of Appeals, which would be very unfortunate, as the question involved is one of the greatest importance to the City. The Sewerage Commission expects to raise the same question on a large scale, and I think it advisable for you to await the result of the test action that will be brought on its behalf.

Truly yours,
(Signed) W. Cabell Bruce,
City Solicitor.