

File No. 11192 Continued.

OPINION.

LAW DEPARTMENT.

Baltimore, April 18, 1910.

Hon. Edgar Allan Poe,  
City Solicitor.

Dear Sir:

8835 I have considered the inquiry of the City Engineer, contained in his letter to you of April 13, 1910, concerning the duty of the Railways Company in connection with the removal of material between its rails and two feet outside thereof, when the City repaved the street upon which such tracks are located.

If the Railways Company is under obligation to repave between its tracks and two feet on the outside thereof, whenever the City repaves the street, then this obligation includes the duty to remove the existing pavement and to put in the new pavement, and the entire cost thereof must be borne by the Railways Company.

Very truly yours,

(Signed) Sylvan Hayes Lauchheimer,  
Deputy City Solicitor.

File No. 11192.

LAW DEPARTMENT.

Baltimore, April 19, 1910.

B. T. Fendall, Esq.,  
City Engineer.

Dear Sir:

8836 Replying to your favor of the 13th inst., in which you asked me to advise you with reference to the duty of the United Railways and Electric Company, in connection with the removal of material between their rails and two feet outside thereof, when the City is repaving streets upon which their tracks are located, I enclose you herewith copy of a report from Mr. Lauchheimer to myself, by which report you will kindly be guided.

Truly yours,

(Signed) Edgar Allan Poe,  
City Solicitor.