

File No. 11251 Continued.

OPINION.

"except between the rails of the railway tracks".

8929

This provision of the Ordinance indicates that it was intended that the paving between the railway tracks should not be disturbed but should continue as it now is.

I am, therefore, of the opinion that cobble-stones being now between the rails of the railway tracks, you are not authorized to pave this space with any other material, and that cobble-stones should remain.

Very truly yours,

(Signed) Sylvan Hayes Lauchheimer,  
Deputy City Solicitor.

File No. 11251.

CORRESPONDENCE.

DEPARTMENT OF PUBLIC IMPROVEMENTS,  
SUB-DEPARTMENT OF CITY ENGINEER.

Baltimore, May 9th, 1910.

Mr. Edgar Allan Poe,  
City Solicitor.

Dear Sir:-

8930

Please note attached letter from Mr. Hood about ballasting his tracks. Ordinance No. 98 provides that wherever the City shall pave or repave any street, and the City Engineer shall consider it desirable, the United Railways and Electric Company must use ballast under their tracks. The United Railways and Electric Company take the ground that this means that we can only require them to ballast their tracks when we are laying an improved pavement. I take the ground that I have a full and entire right to require them to use ballast under their tracks if I am paving or repaving a street with cobble stone, or any other material. It never had occurred to me that any such question as the one raised by Hood could be raised, and I, therefore, notified Hood to ballast his tracks on Wilkens avenue. Wilkens avenue is to be repaved with sheet asphalt, except between the rails of the Railways Company's tracks. Mr. Hood claims that because we are not