

File No. 11251 Continued.

CORRESPONDENCE.

8931

going to put sheet asphalt between the rails of his tracks, that we cannot require him to put ballast under his ties. In doing our work on Wilkens avenue, the tracks must be adjusted and it will be necessary for me to take up and relay all of the cobble to meet this adjustment. I cannot understand upon what theory the Counsel of the Railways Company is proceeding when he makes the ruling that Mr. Hood says that he has made. Not one word in the Ordinance says anything about improved paving. The Ordinance simply says that when a street is paved or repaved, that certain things shall be done, if, in the judgment of the City Engineer, those things are necessary.

I shall be very glad if you will let me hear from you on this subject, as I do not want to pave Wilkens avenue without the United Railways properly ballasting their tracks.

Please return Mr. Hood's letter.

Yours very truly,

(Signed) B. T. Fendall,  
City Engineer.

File No. 11251.

OPINION.

LAW DEPARTMENT.

Baltimore, May 10th, 1910.

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

Dear Sir:-

8932

I reply to your favor of May 9th, 1910, relative to the proper interpretation of Ordinance No. 98, approved May 4th, 1908, by stating that in my opinion the position assumed by you is correct. The Ordinance is not limited in its operation to the paving or repaving of streets with improved pavement, but is general in its terms. The character of the material with which the street is to be paved or repaved does not properly enter into a consideration of the question.

I return Mr. Hood's letter as requested.

Truly yours,

(Signed) Edgar Allan Poe,  
City Solicitor.