

File No. 36404 Continued

in my opinion it cannot make a substitution so as to impose an obligation on the City, which would not have been imposed had the terms of the Ordinance been followed literally. I think, therefore, that the paving must be done by the Baltimore & Ohio Railroad Company.

Very truly yours,

(Signed) Philip B. Perlman,
City Solicitor.

File No. 36404

Baltimore, December 3, 1924.

Mr. Bernard L. Crozier,
Highways Engineer,
City Hall,
Baltimore, Maryland.

Dear Mr. Crozier:

On the 29th of November, I received a communication from Mr. Frank Forney, an Inspector of your Department, asking my opinion as to how you should proceed to require a footway admittedly in bad repair to be repaved. I am writing my reply directly to you.

It appears that the owner of the property at 43 S. Arlington Avenue has attempted to have the footway repaved with cement and one of your Inspectors found that the work was not only being improperly done, but also that no permit had been issued for the same. Thereupon, the work was ordered stopped by your office. An application was thereafter made for a permit, but your office being informed that it was the intention of the owner to employ the same incompetent contractor, the permit was refused.