

Vol 11

File No. 8846.

CORRESPONDENCE.

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

Baltimore, October 13th, 1908.

Edgar Allan Poe, Esq.,
City Solicitor.

Dear Sir:-

6662

P. Flanigan & Sons, who had the contract for paving Marion street, between Howard and Rutaw streets, broke into one of the City's subways in the prosecution of the work and injured it to the extent of \$54. I claim that they are responsible to the City, under the terms of their contract, for this amount, and have held this amount back from their contract price.

Please advise if I am acting within my jurisdiction in this case, or should I pay the money due, and recover by suit against P. Flanigan and Sons and their bondsman.

Mr. Flanigan claims that this was an accident and one which he could not have foreseen, and for which he should not be held responsible. I, on the other hand, do not agree with this contention.

I shall be very glad if you will let me have a ruling on this case, and, if you so desire, Mr. Flanigan will be very glad to state his side of the controversy to you for your consideration.

Very truly yours,

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

File No. 8846.

OPINION.

LAW DEPARTMENT.

Baltimore, October 14th, 1908.

Edgar Allan Poe, Esq.,
City Solicitor.

Dear Sir:-

6663

Replying to your inquiry of the 14th instant relative to the letter of B. T. Fendall, City Engineer, as to his right to withhold