

in the excavation made for the sewers, it is clearly the duty of the Sewerage Commission to require the contractors to restore the requisite stability of foundation for the tracks, and to do all that is reasonably sufficient for this purpose.

As the consequence of refilling the excavations with earth taken therefrom is that settlements will take place from time to time for some considerable period after they have been refilled and repaved, and this settlement causes the tracks to be so out of grade and alignment as to interfere with the proper operation of the tracks, it is the duty of the Sewerage Commission to require its contractors, as often as this condition exists, to do those things necessary and proper to restore the grade and alignment promptly upon notification from you that any named portion of the tracks is out of grade or alignment.

I venture to suggest that as the track hands in the employ of the Railways Co. are, because of their experience, better fitted to do the work, and can do it with greater dispatch and so with greater economy, than those not having their experience, it would be to the interest of the Sewerage Commission and its contractors, that the work should be done by the employees of the Railways Company, after notice given to the contractors that the work is required; and you could probably, in advance of doing the particular pieces of work, furnish an estimate of the cost thereof.

Yours very truly,

(Signed) Bernard Carter.

P.S. As the passage of the cars over the tracks when out of grade and alignment, if continued for any considerable period, is serious in its effects on the rails, I am of the opinion that if the work above mentioned is not done by the contractors with reasonable promptness on receiving the notification from you mentioned in my letter, the Railways Company may itself do the work, for which it will be entitled to be reimbursed by the Sewerage Commission.