

File No. 9211 Continued.

CORRESPONDENCE.

and the removal or adjustment of the railway tracks, necessary for the making of the sewers, but all the work of the restoration of the street, including the replacement or re-adjustment of the railway tracks, and the repavement of the street after such replacement.

5. If it were necessary to add anything else to confirm the correctness of the foregoing position, I refer to the 8th Section of the Act of Assembly of Maryland of 1904, Chapter 349, providing for the construction of the sewers by the Sewerage Commission, which declares that the Commission shall be authorized, as its work progresses, to turn over, from time to time, in its discretion, such completed portions of said work as it may see fit, to the charge, superintendence and control of the proper city officials.

While Section 10 of Article 35 of the Baltimore City Code of 1906, P. 1093, requires the payment by the Railways Co. (among others) for the services of an inspector appointed by the City Engineer, it is only for the inspection of work done under the supervision of the City Engineer, or his sub-department, as provided in Ordinances and Resolutions of the Mayor and City Council of Baltimore.

Very truly yours,

(Signed) Bernard Carter,

Advisory Counsel.

File No. 9211.

OPINION.

LAW DEPARTMENT.

Baltimore, December 8, 1908.

B. T. Fendall, Esq.,

City Engineer.

Dear Sir:-

I beg to acknowledge receipt of your favor of December 3rd, enclosing the copy of the opinion of Mr. Bernard Carter to Mr. J.M. Hood, Jr., in re "charges made by the City Engineer against the United Railways & Electric Company, for services of Inspector on the work of replacing of tracks of said Company, removed from streets by order of