

File No. 9659 Continued.

OPINION.

## LAW DEPARTMENT.

Baltimore. February 26, 1909.

Calvin W. Hendrick, Esq.,  
Chief Engineer,  
Sewerage Commission.

Dear Sir:-

7182

I reply, as follows, to your inquiry under date of February 25th, relative to the question that has arisen in connection with the fifteen inch storm water drain in Calvert street, North of Thirty-first street, extending about one hundred and eighty-seven feet. I have not a copy of the specifications under which the work was done, but in the absence of any specific clause in the specifications providing for the contingency which has arisen, the loss must fall upon the contractor, who, under the terms of his contract, is bound to deliver the drain in a satisfactory condition at the time it is tendered for acceptance.

7183

In no contract the Sewerage Commission has made, am I aware of any guarantee by the Commission of the condition of the soil through which the drain is to be constructed.

Very truly yours,

(Signed) Edgar Allan Poe,

City Solicitor.

File No. 9659.

CORRESPONDENCE.

SEWERAGE COMMISSION  
OF THE CITY OF BALTIMORE.  
CHIEF ENGINEER'S OFFICE.  
AMERICAN BUILDING.

Baltimore. March 4, 1909.

Mr. Edgar Allan Poe,

City Solicitor.

Dear Sir:-

7184

I beg to acknowledge receipt of your letter of February 26th, regarding the storm-water drain in Calvert street, north of Thirty-first