

File No. 9703Continued.

CORRESPONDENCE.

7057

you when we restore track abandoned and removed under orders from the Sewerage Commission, and in reply I would state that the reason we have not notified you is because we are following out the line of procedure of which I advised you in my letter of November 28th, accompanying which, you will recall, I forwarded you a copy of an opinion rendered by our advisory counsel, Mr. Bernard Carter, relative to this situation, to which you replied under date of December 9th, enclosing a copy of City Solicitor Poe's opinion on this same subject.

In my judgment, it does not seem that Mr. Poe takes issue with Mr. Carter, in so far as the railway company is concerned, regarding the right of the City Engineer to place an inspector on such work, as manifestly we have no objection to your having an inspector, or a number of them, on the ground if necessary, while we are replacing track removed on account of work of the Sewerage Commission, but we do seriously object to paying the bills for such inspection.

Mr. Poe, in the last paragraph of his letter to you, dated December 8th, 1908, states: "You are authorized to put such Inspectors on the work as are reasonably necessary and to charge the cost to the parties who necessitate such inspection". As the inspection is necessitated by the work of the Sewerage Commission, I cannot see why we should notify you when we proceed with our work, which is only one step incident to the construction of the sewers, and as the Sewerage Commission is in charge of the work and issues orders to us to abandon and remove the tracks, it seems only reasonable and proper that we should still look to that city department for instructions as to the replacement of the track.

I would, therefore, suggest that you have any bills for inspection on such work rendered to the Sewerage Commission, who, I have no doubt, will be pleased to pass same for payment in view of Mr. Poe's advices.

Yours very truly,

(Signed) J. M. Hood, Jr.,
Chief Engineer.