

File No. 10012 Continued.

CORRESPONDENCE.

If this is not done, we shall proceed to do it ourselves and require you to pay the cost.

Yours truly,

(Signed) W. B. Brooks,
President.

File No. 10012.

OPINION.

LAW DEPARTMENT.

Baltimore. December 6, 1909.

Hon. Edgar Allan Poe,
City Solicitor.

Dear Sir:-

7715

As requested by your favor of December 2nd, I have considered General Leary's letter of December 1st, together with the enclosures.

It appears that there has been a settlement in the west wall of the building No. 2225 Boston Street, owned by the Canton Company. The question is whether that settlement is due to the construction of the sewer in Boston Street or not, and if so whether the City should pay for the damage.

7716

In a report to you of May 24th 1909, which was approved by you and sent to Mr. Hendrick on May 27th 1909, I considered a phase of this matter, which had then arisen. The situation then was that one of the walls of No. 2225 Boston Street had settled, but this settlement, as stated by Mr. Hendrick, was not due to any negligence on the part of the City or its contractor, but was solely due to the fact that the wall rested upon a very shallow foundation. The contractor was ready to restore the wall to its former condition, but the Building Inspector refused to permit this to be done, and insisted that the wall, when rebuilt, must be placed upon a pile foundation. Both the contractor and the Canton Company refused to bear the additional expense of this pile foundation.