

File No. 10152 Continued.

OPINION.

## LAW DEPARTMENT.

Baltimore, June 21st, 1909.

Hon. Edgar Allan Poe,  
City Solicitor.

Dear Sir:-

7832 I am in receipt of certain correspondence between J. M. Hood, Jr., Chief Engineer of the United Railways and Electric Company, and the Commissioners for Opening Streets, relative to the alleged flowing of water over the Railways' tracks on the York Road from Chestnut Hill avenue to Abell's Gate.

I communicated with Mr. Hood, requesting specific information as to the source of the water, etc., and have received a letter dated June 19th, giving me the information that much of the water was due to certain conditions, which no longer exist, and, therefore, need not be considered now. He states, however, that the present trouble is caused by a number of springs at the location in question, which are improperly drained, and from which water percolates into the street. I am not aware of any principle of law which would compel the City to remedy this situation; moreover, the facts are emphatically denied by the Commissioners for Opening Streets, so that in my opinion no action need be taken in the premises until, at least, it be shown that the difficulty results from some negligence or improper act on the part of the City.

Very truly yours,

(Signed) W. H. DeC. Wright,

Assistant City Solicitor.