

File No. 10542 Continued.

CORRESPONDENCE.

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objects to your position that the defective paving is not confined to the trench of the Sewerage Commission.

I would respectfully advise that the conditions which existed on September 15th, the date when our first inspection was made, are shown on the attached blueprint, which is a sketch of the street showing the track and the location of the defective portion along the trench, from which you will see that there were more defective places outside of the trench of the Sewerage Commission than in. I sent Mr. Hartman to make the inspection and I am confident that his report set forth the true conditions. Subsequently, on September 17th, Mr. Hartman visited this location with Mr. Ireton of the City Engineer's Department, who said, of his own volition, that some of the settlement along the rails might have been due to the work of the Sewerage Commission, but that there were equally bad defects outside of the Sewerage Commission's trenches. At the time Mr. Hartman and the representative of the City Engineer were present, pavers of the United Railways were paving outside of the trenches of the Sewerage Commission. Of course, if a photograph is now taken of these defective places, it would show that all the defects are in the trenches of the Sewerage Commission, but such an action as this is not honorable, to say the least. I wish to bring up a further point and that is that upon an order from the Sewerage Commission the United Railways removed and changed the position of its track on Gay street in order that this storm-water drain might be constructed. The tracks were restored also by the United Railways at their own expense. There has been no settlement of the trench and no defective paving manifested over the trench exterior to the lines of the United Railways. It is, therefore, evident that the defective paving herein noted is either due to the natural wear and tear of the paving under heavy traffic or is due to the imperfect ramming or paving performed by representatives of the United Railways.

Again, it is an established fact which we can refer to in the Enabling Act, and that is that the cost of removing and restoring structures which interfere with, or impede, the structures of the Sewerage Commission are to be borne exclusively by the Public Service Corporations whose structures interfere, and as this is a result growing out of the Enabling Act, there is no redress that Chief Engineer of the