

File No. 11125. Continued.

OPINION.

LAW DEPARTMENT.

Baltimore, April 11, 1910.

Hon. Edgar Allan Poe,
City Solicitor.

Dear Sir:

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As requested by your favor of March 28th, I have considered the matters referred to in Mr. Wendall's letter of March 22nd, with reference to the claim of the Railways Company that it should not be required to pay the cost of a City Inspector in repairing paving upon improved streets.

Pielert's Code, Art. 35, Sec. 105, prohibits any corporation from tearing up any of the City streets, and from removing therefrom any of the paving material, without a permit from the City Engineer, approved by the Mayor.

Section 106 provides that it shall be a condition of such permits that all re-paving shall be done by the City Engineer at the expense of the applicant.

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By Section 113 of Article 35, corporations taking up the streets are required to replace and ram the dirt removed.

And, by Section 114, it is provided that corporations upon which is imposed the obligation to keep in repair any part of the streets, or to replace and restore the bed or surface of any street which such corporations may be licensed to take up, shall be subject to a fine unless it makes such repairs within three days after notice from the City Engineer.

By Section 115 the City Engineer is authorized, in such cases, to do the work himself at the expense of the corporation.

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By Article 35, Section 10, it is provided that in all work done under the supervision of the City Engineer, as provided in City Ordinances and permits issued by the City Engineer "which, in his judgment, require the services of an Inspector, it shall be the duty of the City Engineer to require such party or parties to make a deposit to cover the cost of such inspection."

In the case of streets paved with cobble-stone, the City has