

File No. 11301 Continued.

CORRESPONDENCE.

and ran one wheel of the cart against the curb knocking the iron out of place and breaking about two feet of the top.

The accident occurred on the afternoon of January 25th, and I reported it on the 26th.

Officer, James J. Bryan.

Respectfully,

(Signed) John J. Santry,
Captain.

File No. 11301.

OPINION.

LAW DEPARTMENT.

Baltimore, May 10th, 1910.

B. T. Fendall, Esq.,
City Engineer.

Dear Sir:-

I reply to your favor of May 9th, in reference to the injury to the curb at Edmondson avenue and Second street, by stating that from the facts presented, the City would be unable to recover the cost of repairing the curb from the Piel Construction Company.

My conclusion is based, not on the theory that the City is bound to erect a curb that will not break, but because of the fact that this particular case was the result of an accident, for which the Piel Construction Company cannot legally be held liable.

Truly yours,

(Signed) Edgar Allan Poe,
City Solicitor.

8972

.....