

File No. 11,693 Continued.

OPINION.

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B. In this case, said alley is closed with a gate at the Camden street end, and I think that the Commission should obtain a right of way from the owner of the bed of the alley before undertaking any work therein. Where there is a gate across a street or alley, plainly indicating it is private property, the matter is quite different from the ordinary City street or alley, and I think it would be unwise to go ahead and build a sewer therein, until stopped by legal proceedings, in accordance with the instructions previously given the Commission when streets or alleys are open and apparently public.

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C. The Commission is informed that the alley "X" is owned by the owner of No. 8 W. Camden street, and would like to know, if it proves unreasonably expensive to secure a right of way in said alley, from the owner thereof, whether the owners of the premises Nos. 218-226 S. Charles street have the right, by virtue of their connections with the existing drain in said alley, to step in and build a private sewer in accordance with the plans, and under the supervision, of the Commission, to connect with a sanitary sewer to be built in Camden street.

This inquiry cannot be answered until we have fuller information as to the rights of the owners of Nos. 218-226 S. Charles street to use said alley and the drain therein.

Mr. Pitts, of the Sewerage Department, advises me that it is not necessary for us to attempt to secure such information at this time.

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2. You will notice that, in the rear of No. 13 W. Pratt street, there is a building marked "Y", which belongs to the same owner but is located on a separate lot.

The Commission asks whether a connection with the south building line of Pratt street would be a sufficient compliance with the law, or whether it is necessary, if demanded by the owner of the building "Y", to build a sewer in the alley "Spring Court", in order to give a connection at the lot line of the lot on which the building "Y" is located. I do not think we can do better than adopt the instructions of Mr. Bruce to the Commission, in his letter dated May 18th, 1906, wherein he says that "The new Sewerage system shall be brought to the front or rear of every separate and distinct lot of ground in the City which is occupied by a separate and distinct building discharging, or in a condi-