

File No. 11802 Continued.

CORRESPONDENCE.

From the information from Mr. Williams and the Inspector, I think due care was taken in sheeting the trench and propping up the building. The ground was very bad, the building old, and the combination of all these conditions caused the damage to the building. I do not think that the change of the line, 1 ft. nearer the building, materially increased the liability of damage to the building, but technically, I suppose, even this slight change could be said to increase, in some degree, the danger to the building.

Yours truly,

(Signed) O. W. Connet,

Division Engineer.

File No. 11802.

OPINION.

LAW DEPARTMENT.

Baltimore, September 8, 1910.

Calvin W. Hendrick, Esq.,
Chief Engineer,
Sewerage Commission.

Dear Sir:-

I am in receipt of your letter of September 7, 1910, in reference to the alleged damage to 1935 East Fayette street, owned by H.C.W. Kumlehn.

I have not before me the specifications and am, therefore, unable to answer the questions which you propounded with any degree of certainty.

If the specifications authorize a change of location of the sewer, and this location was made in good faith and in a proper engineering manner, then the contractor would be responsible. If, however, there is no authority, in the specifications, for the change of location, the contractor cannot be held for any damage occasioned by such change of location. The letter of the Division Engineer indicates that even the slight change made most likely produced the damage. If this be correct, then, in the