

File No. 11817 Continued.

CORRESPONDENCE.

I also enclose herewith a letter from the contractors dated September 6th, disclaiming responsibility for the alleged damages.

As there seems to be some doubt about the damages to this property having been caused by the work of our contractor, and as the contract places the responsibility for all damages upon the contractor, I would suggest that the matter be referred to the City Solicitor for an opinion as to the responsibility of the contractor in this case, who, it seems, used a great deal of care in the work of constructing the sewer in this alley.

Yours truly,

(Signed) Calvin W. Hendrick,
Chief Engineer.

File No. 11817.

OPINION.

LAW DEPARTMENT.

Baltimore, September 20, 1910.

Hon. Edgar Allan Poe,
City Solicitor.

Dear Sir:-

I am replying to your letter to me of September 15th, with which you handed me a letter addressed to you, under date of the 14th inst., by the Chairman of the Sewerage Commission, with accompanying correspondence, asking to be advised as to the relative liability of the Contractor and the Sewerage Commission for alleged damage to the property No. 104 South Duncan alley, owned by Mrs. Mary Metzler.

From the correspondence, it appears that the building, at 104 South Duncan alley, showed old cracks prior to the beginning of the work, and that braces were put up between the building and the one across the alley; that the excavation was started July 19th, and the Contractor worked overtime, in order to secure the bracing in the trench; the pipe was laid on July 20th and the trench two-thirds back-filled; small cracks were first noticed by the owner on July 20th, and the attention of the Foreman and Inspector called to the same.

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