

File No. 11817 Continued.

CORRESPONDENCE.

I would add, in conclusion, that, as I have stated on numerous occasions, having to construct sewers in narrow alleys, in which old private drains and rotten water pipes exist, not only adds to the cost, but the danger to adjacent property. In this case there was an old water pipe which broke and added to the contractor's difficulties.

Yours truly,

(Signed) Calvin W. Hendrick,
Chief Engineer.

File No. 11817.

OPINION.

LAW DEPARTMENT.

Baltimore, September 30, 1910.

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

Dear Sir:-

In reply to your letter of September 30, 1910, concerning the damage to No. 104 South Duncan alley, let me state that the conclusions reached by Mr. Emory, in his letter of September 20th, were approved by Mr. Lauchheimer, then Acting City Solicitor, and state correct propositions of law.

Whilst the City, in a case of the present kind, is liable only if it has been guilty of negligence in the prosecution of the work, and in the absence of negligence there would be no liability but any damage caused by the prosecution of the work in a skillful manner would have to be borne by the householder, still, under the contract, the contractor has assumed obligation in addition to those imposed by law, and by his voluntary act has agreed that, in case any direct or indirect injury or damage is done to private property by or because of the work, or in consequence of any act or omission on the part of the contractor, he shall, at his own cost and expense, restore such property to condition similar or equal to those existing before such damage or injury was done, by re-