

File No. 16078. continued.

"that the said work shall be subject to the inspection of the City Commissioner (the Highways Engineer is now equivalent to the City Commissioner), who shall have the power of compelling the said company to do its work so as to protect the interest of the City".

So, in addition to the ordinary obligation upon the City to maintain its streets in a safe condition, the Act makes it an express duty of the City to see that said work is done in such a manner as not to injure any interests of the City, and, therefore, the City has the full power of inspection.

The City, having notice of the proposed repairs, would probably be held jointly responsible to persons injured for such injuries as might occur as a result of said construction or repair work.

Walters vs. B. & O., 120 Md. 644.

The ratification of said ordinance, thereby making it an Act of the General Assembly, does not imply exemption from injuries inflicted on private property resulting therefrom.

Md. Steel Co. vs. Marney, 88 Md. 482.

The said tunnel, as I understand it, has already been the source of some anxiety and has resulted in at least one damage suit (B. & P. R. R. vs. Reaney, supra); and as the work proposed is of a character somewhat dangerous in its execution, the City should certainly have the work practically constantly under inspection, and it is, therefore, my opinion that the railroad company should bear reasonable inspection charges in connection with the above matter.

Respectfully submitted,

(Signed) George Weems Williams,

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