OPINION.

File No. 450 Continued.

Solicitor, with regard to the matters covered by your favor.

683 I concur in the conclusion of Mr. Ritchie that the City has no power to compel the Railroad to clean any street occupied by it in the manner you have mentioned. The second branch of your inquiry I hope you will find covered by the references to sections of the City Code given in Mr. Ritchie's communication.

Truly yours,

(Signed) W. Cabell Bruce.

City Solicitor.

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CORRESPONDENCE.

File No. 452

DEPARTMENT OF PUBLIC SAFETY,

SUB-DEPARTMENT OF HEALTH.

Baltimore, November 25, 1903.

Hon. W. Cabell Bruce,

City Solicitor, Baltimore.

Dear Sir:-

684 On the Reisterstown turnpike, between Wiley and Kate avenues, there is a nuisance consisting of a filthy open drain, which carries the waste from dwelling within the city limits and from some that are beyond the city limits, the waste material being brought by means of pipes which empty into the drain above referred to.

This drain is on the turnpike company's property, and they were duly notified to abate the nuisance. Their president, Dr. James Billingslea, declines to be held responsible for the condition of the said drain; first, because the nuisance is the result of drainage from the properties within and without the city limits, and secondly, because the company owns merely an easement--as he terms it, for turnpike purposes, and that the property is really owned by the owners of the abutting property. Supposing this statement to be correct, whom