File No. 2725 Centinued.

OPINION.

to the Commissioner of Health dated the 22nd inst., from the City Engineer with reference to Ordinance No. 69, approved June 10, 1902,

Under the terms of the Ordinance in question, the penalty prescribed by it may be inflicted either upon the person who throws or

places foreign matter in any privy well or water closet, or upon the

person who causes or permits such foreign matter to be so thrown or

placed. I do not see how the latter person could be proceeded against,

unless the City was in a position to show by evidence that he induced

the wrongful act, or, knowing that it was being done, permitted or same
tioned it.

Mr. Fendall is quite right, it seems to me, in suggesting that there is little likelihood, practically speaking, of the City being able to make out such a case.

The re-codification of the ordinances, to which you refer, is not yet sufficiently advanced for me to revise the article relating to the Health Department.

Truly yours,

(Signed) W. Cabell Bruce, City Solieiter.

2399

2400