

File No. 5705.

CORRESPONDENCE.

DEPARTMENT OF PUBLIC SAFETY
SUB-DEPARTMENT OF HEALTH.

Baltimore, January 2, 1907.

Hon. W. Cabell Bruce,
City Solicitor.

Dear Sir:-

4179 Your favor of October 29th, in answer to our letter of October 20th asking for your opinion as to whom we should hold responsible for the clearing out of a choked drain, was duly received and our actions guided accordingly. Since which time we have from time to time had arguments with the owners of drains, and in each instance we went so far as to cause the arrest of the owner of the drain which had been choked, and which he neglected or refused to clear, but whose case did not go to court because the Grand Jury saw fit to dismiss the case against the owner.

4180 We are now in receipt of a letter from Messrs. P. Flanigan & Son, which presents certain additional features, and which I respectfully submit to you for your opinion. Our procedure now is to hold responsible the owner of a sewer when he has or is receiving money for the right to use his sewer. Now Messrs. Flanigan claim, according to the enclosed letter, that there is an apparent violation as to the agreement between the user of the sewer and the owner of the same by the misuse of the sewer, and this misuse is due either directly to the putting into the sewer those things for which it was not originally intended, or indirectly by permitting the destruction of the tee which is placed originally in all of the wells.

4181 In regards to the special sewer that Mr. Flanigan refers, I believe his statement is correct, and that when it choked on a previous occasion they cleared the sewer, but protested at the same time that the wells were not properly teed. We acted upon their protest and notices were sent to the owners of the properties served by Mr. Flanigan's sewer, but only one of those notified paid any attention to it.

It is true that if this statement is correct our officer was at fault in not compelling each and every one to put in proper tee, and undoubtedly the present choke is due to the fact that tees were not put