

File No. 5719 Continued.

CORRESPONDENCE.

This sewer is now choked. This department notified Messrs. Flanigan and Graham to remove the obstruction in the said drain. Mr. Graham called at this office and stated that he was no longer interested in the sewer. On being asked why, or when he disposed of his interest, he said that he had disposed of it yesterday to one of his colored workmen by the name of Thomas Wheatley for the consideration of \$1.00. I have been informed that this has been recorded.

Can Mr. Graham thus transfer his responsibility in keeping the sewer clear of obstructions when he disposes of his interest in the sewer after he has received notice from this department that the sewer is choked, and must be opened by him?

An early answer will oblige,

Yours respectfully,

(Signed) James Bosley, M.D.,
Commissioner of Health.

File No. 5719.

OPINION.

LAW DEPARTMENT.

Baltimore, January 12, 1907.

Hon. W. Cabell Bruce,
City Solicitor.

Dear Sir:

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As requested by your favor of January 7th, I have considered the inquiry of Dr. Bosley, as set forth in his letter of January 5th.

It seems that the sewer referred to by Dr. Bosley is owned jointly by Mr. Graham and Mr. Flanigan; these two gentlemen were notified to remove an obstruction in the drain; after receiving this notice, Mr. Graham disposed of his interest in the sewer to one of his colored workmen for one dollar.

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I am of opinion that Mr. Graham cannot escape the responsibility for the nuisance in question by assigning his interest in the sewer, after notice to abate has been served upon him. The nuisance existed