

File No. 10001

CORRESPONDENCE.

DEPARTMENT OF PUBLIC SAFETY
SUB-DEPARTMENT OF HEALTH.

Baltimore, May 14, 1909.

Edgar Allan Poe, Esq.,
City Solicitor.

Dear Sir:-

7687 Please find enclosed a communication signed by Joseph H. Jacobs, dated May 11th, in reply to our notice to the property owners in the 2400 and 2500 block West North Avenue, etc., to abate a nuisance on a lot, etc.

Sometime ago we received a complaint of the condition of the lot on which opens a sewer pipe, which drains some where between 150 and 200 houses located on West North Avenue, Thomas Avenue and Warwick Avenue. Just before receiving this complaint we had passed upon the application to add a sewer and granted permission. This, however, was recalled until provision can be made for the abatement of the nuisance. The new applicant, a Mr. Silverstein, a builder, declined to accept our suggestion to extend the pipe beyond where it now empties to a point where it would pass its contents into a running stream. We, accordingly, denied him the privilege of erecting the drain, and in order to abate the nuisance that now exists, we have notified all the users of the sewer to reconstruct, re-lay and extend the drain to the water course, a natural stream. You will see by Mr. Jacob's letter, on page 2, the last sentence of the first paragraph that he contends that we should proceed against the owner of the lot on which the nuisance is maintained, rather than against the owners or users of the sewers, the drainage from which produces the nuisance. We consider that inasmuch as we know where the nuisance originates, or more properly speaking, since we know where the drainage originates, that the producers of the nuisance are liable, and not the owner of the lot where the nuisance exists. An early reply will greatly oblige.

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