

File No. 10001 Continued.

OPINION.

7691

condition continued no nuisance existed, or was possible to exist upon the lot now in question. The owner of the property, however, upon which existed this natural gully, which thus formerly carried off the sewage from the Western Maryland culvert, is the same party, I understand, who owns the lot upon which the nuisance now exists, and this party desiring to improve the former property, and for this purpose to close up the gully which was upon it, diverted the course of the sewer from the Western Maryland culvert to the lot upon which it now empties; in doing this, the said owner did not carry the sewer all the way to Peck's Branch, but left it open and exposed upon his own lot, and the reason why the nuisance now exists upon this lot is directly due to the fact that the owner of it thus diverted the sewer from its former location, where it caused no nuisance, to its present location upon his own property.

7692

If I am correctly informed as to these facts, then I think that the real creator of the nuisance is the owner of the lot who has thus diverted the sewer upon his own property, and that he is, therefore, the proper party to be called upon to abate the nuisance.

Very truly yours,

(Signed) Albert C. Ritchie,
Assistant City Solicitor.

File No. 10001.

LAW DEPARTMENT.

Baltimore. May 27, 1909.

James Bosley, M. D.,
Commissioner of Health.

Dear Sir:-

7693

Replying to your favor of May 14th, relative to the abatement of a nuisance on the 2400 and 2500 blocks West North Avenue, I herewith enclose copy of a report to me on the subject from Mr. Ritchie, upon