

File No. 10091 Continued.

CORRESPONDENCE.

7750

The plumbing fixtures in this house drain to a well which, in turn, empties into a private sewer owned by Mr. W. R. Fardwell. During the lifetime of Dr. Lee he entered into an agreement with Mr. Fardwell whereby he acquired the right to empty the well of this house into the sewer owned by Mr. Fardwell. I have been unable to get hold of Dr. Lee's copy of this agreement, but I am informed by Mr. Fardwell that the original is in his possession, which he declines to permit me to see. Being thus advised that there is in existence an agreement whereby this property is entitled to empty its well into the private sewer owned by Mr. Fardwell, I naturally am anxious to see the agreement, in order that I may fully understand my rights in the premises.

If this agreement provides, without any limitations, for the drain of this property into the private sewer it, of course, follows that Mr. Fardwell has no right to exact from me any further charge for any additional fixtures I may install upon the premises. If, however, the agreement, in any way, limits the right to drain only such fixtures as may have been upon the premises at the time the agreement was executed, I freely admit that Mr. Fardwell has the right to extra compensation from me for any additional fixtures which may increase the burden upon the drain.

My contention is this - That a matter of this kind is purely a dispute between the owner of the sewer and the owner of the property and the Health Department has nothing whatever to do with it, unless there is something in the application for the permit which indicates an intention on my part to violate the plumbing regulations of Baltimore City. I submit that my application in this case could not disclose anything of this kind, for the reason that the house already drains to a well and the well empties into the sewer.

If I attempt to use Mr. Fardwell's sewer without his permission he has several remedies, any one of which is sufficient to protect his rights; he can disconnect the well; he can restrain me by injunction; or he can enter suit against me.