

File No. 10091 Continued.

CORRESPONDENCE.

7751

Dr. C. Hampson Jones, of the City Health Department, has promised me that he will ask your Department for an opinion in this matter at once.

I am losing considerable money by reason of this delay and will lose very much more if I am prevented from completing the improvements to this property before September 1st. Will you please oblige me by a prompt opinion in this matter, so that I may either get a permit or otherwise proceed in the matter.

Yours very truly,

(Signed) A. M. Hurlock.

File No. 10091.

OPINION.

LAW DEPARTMENT.

Baltimore. July 3, 1909.

Dr. James Bosley,
Health Commissioner.

Dear Sir:-

7752

Replying to your favor of July 2nd, in which you enclose a letter from Mr. Hurlock, I beg to advise you as follows -

In my opinion, it is the duty of the Health Department, before it grants a permit for the installation of closets or bath-tubs, to see to it that proper provision is made for the necessary drainage. If such provision contemplates the use by the applicant of somebody else's drain, either the assent of the owner of the drain should be expressly secured, or your Department should be satisfied that the applicant has the legal right to use the drain in question. If this right depends upon the proper interpretation of legal instruments, it is proper for your Department to call on my Department for advice.

In the case in question, however, there is already a connection between the well and the private drain, and your Department is under no