

File No. 10536 Continued.

CORRESPONDENCE.

seek the source of the nuisance in his neighbor's cellar, because its power can be exercised only for the protection of the public in general and not the protection of an individual. In other words, the gentleman who owns the property, in the cellar of which the nuisance now is, must, by suit against Mr. Strobel, obtain redress, and that the Health Department cannot interfere. I asked Mr. Hinteresch to submit his statement in writing, which he said he would do, provided we asked him in writing for the privilege of entering Mr. Strobel's property, defining our object in seeking such an entrance.

Thinking that might cause unnecessary delay, I have submitted the above for your consideration and advice.

Yours respectfully,

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

File No. 10536.

OPINION.

LAW DEPARTMENT.

Baltimore, October 1, 1909.

Hon. Edgar Allan Poe,
City Solicitor.

Dear Sir:-

As requested by your favor of October 1st, I have considered Dr. Bosley's inquiry of September 30th, and Dr. Jones has seen me personally in regard thereto.

It appears that Mr. Stroebel has an imperfect wall upon his property, which permitted water to flow on the adjoining premises, and caused a nuisance thereon. The Health Department knows, from personal investigation, that the nuisance was caused in this way a short time ago, but they have not inspected Mr. Stroebel's property for some little time. The nuisance on the adjoining property, however, still continues. Under these circumstances the Health Department desires to enter upon Mr. Stroebel's property, - see if the imperfect wall still exists and is still the cause of the nuisance, and