

File No. 10536 Continued.

OPINION.

if so, have the same abated. Mr. Stroebel, however, declines to permit the inspectors to have access to his property.

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(Pielert's Code) Art. 14, Sect. 86, provides that whenever the Commissioner of Health discovers that a nuisance complained of originates on an adjoining lot it shall be his duty to enter thereon, and the owner of such lot, on neglect or refusal to abate the nuisance, shall forfeit and pay the sum of Twenty dollars. In my judgment, the circumstances are such as to make it the duty of the Commissioner of Health, under this Ordinance, to enter upon Mr. Stroebel's property.

8264

Art. 14, Sect. 2 provides, that if any person shall knowingly obstruct or resist the Commissioner of Health, or any of his subordinates, in the execution of their powers or duties, that such person shall forfeit and pay a sum not exceeding Two hundred dollars. If, therefore, Mr. Stroebel continues to obstruct the Commissioner of Health, in the performance of the duty imposed upon him by Sect. 86, of entering upon Mr. Stroebel's property, I think that Mr. Stroebel will become subject to the penalty prescribed by Sect. 2, and that he may be arrested and fined under Sect. 2.

Truly yours,

(Signed) Albert C. Ritchie,

Assistant City Solicitor.

File No. 10536.

LAW DEPARTMENT.

Baltimore, October 1, 1909.

Dr. James Bosley,
Commissioner of Health.

Dear Sir:

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In response to the inquiry contained in your favor of the 30th ultimo, as to your right to enter the premises of a Mr. Stroebel, in order to ascertain the source of a nuisance, I herewith enclose you a copy of a report from Mr. Ritchie to myself, dated the 1st inst., with relation thereto. You will kindly be guided by Mr. Ritchie's