

File No. 12129 Continued.

OPINION.

lot, are, at present, at their natural grades, and that the lot of the City is to be graded down to such extent that, at the division line between the property of the City and the adjoining lot, the elevation of the latter will be 4'-6" above that of the former.

9803

If my inferences are correct, then it appears to me that the City must erect the retaining wall, which is the subject of controversy. The abutting owner is entitled to lateral support for his lot at its natural grade.

In the case of Shafer against Wilson, 44 Md., 268, at page 279, the Court of Appeals said, -

"There seems no doubt that an adjacent owner of land has no right to deprive his neighbor of the natural support afforded by his soil."

The contemplated course of the City would, it seems, deprive the abutting lot of the support, to which it is entitled, from the lot of ground owned by the City, and the necessary retaining wall must, therefore, in my judgment, be constructed at the expense of the City.

Very truly yours,

(Signed) Joseph S. Goldsmith,
Assistant City Solicitor.

File No. 12129.

LAW DEPARTMENT.

Baltimore, December 13, 1910.

Bernard C. Steiner, Esq.,
Librarian,
Enoch Pratt Free Library,
Baltimore.

Dear Sir:-

9804

I have your favor of the 8th, in reference to the erection of a retaining wall upon the lot at the corner of Gorsuch and Taylor avenues. I referred the matter to Mr. Goldsmith, and I herewith enclose copy of a report from him to me on the subject.

I also call your attention to paragraph 5 of Section 20 of the Building Code, relating to foundations, which provides as follows:
"Paragraph 5 - The adjoining ground shall be held in place and prevented from caving in or settling during the work of excavation by shoring, sheet piling or other means, and when the excavation is completed the sides of the opening shall be built up with a permanent construction sufficient to fully prevent any further displacement of surrounding property."

I return the letters of Messrs. Archer and Allen.

Truly yours,
(Signed) Edgar Allan Poe,
City Solicitor.