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File No. 19948.

Baltimore, February 4, 1916.

Hon. S. S. Field,
City Solicitor.

Dear Sir:-

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Replying to your favor of January 27th, referring to me the letter of the Mayor of January 25th, making inquiry as to the power of the Commissioner of Health or Inspector of Buildings over the construction of stalls in the markets, I desire to say that there are very specific provisions concerning the construction of stalls, stands and benches in the markets, contained in Section 43 to 55 of Article 23 of the City Code of 1906. The particular nuisance under consideration in the letter of the Mayor seems to be provided against by the second clause of paragraph 48, which reads as follows: "and every butcher, to prevent nuisance, shall collect, secure and carry away, or cause to be removed from the limits of the market, all heads, feet, pluck, or other offal, that are or may be within the limits of his shamble or bench, under a penalty of five dollars for each offense". Under section 60 of Article 14 of the City Code, found on page 814, it is made "the duty of the Commissioner of Health to carry out the provisions of this subdivision of this article, and make or cause to be made inspection of milk, meats, vegetables, fruits and fish, wherever such articles are sold, kept, or offered for sale in the City of Baltimore, and obtain samples of milk and food products whose qualities are to be determined by chemical and microscopical examination. It will also be the duty of the Commissioner of Health to make such rules and regulations as may be required by the subdivision of this article, for the better protection of the health of the City." Section 36 of Article 25 of the City Code, page 970, makes it "the duty of police officers to execute all orders of the Commissioner of Health so far as they may relate to the preservation of the health of the City."

The same nuisance seems to be reached by Section 52 of Article 25, of said code, page 975, which reads as follows:-
"If any person shall cast or throw, discharge or cause to flow into any of the streets, lanes or alleys of this city, any blood or foul