

File No. 19948. continued.

or nauseous liquor, or other liquid or offensive matter which is likely to become a nuisance, or shall keep, collect, use or suffer to remain on his or her premises any nauseous liquor, stagnant water or other offensive matter, he, she or they so offending shall forfeit and pay for each and every such offence a sum not exceeding twenty dollars."

Section 78 of the City Charter provides that each of the vaccine physicians shall act as health warden of his respective ward and that he shall have a general supervision over the health of his respective ward and report to the Commissioner of Health any nuisance which in his opinion is or may become a source of disease. I found nothing more specific in the City Code or such of the ordinances of the City as I have access to at Annapolis. I regret to say that the collection of ordinances is incomplete, and it may be that there is some other ordinance which does not appear in the volumes of the State Library.

There can be no question of the power of the Mayor and City Council to enact an ordinance specifically covering this particular nuisance. Paragraph 7 of Section 6, found on page 13, of the last edition of the City Charter, makes it one of the powers of the Mayor and City Council "to license and regulate the sale of fresh fruits, meats, vegetables, and other perishable articles in the City of Baltimore". The 9th paragraph of the same section conveys the power "to preserve the health of the City. To prevent and remove nuisances. To prevent the introduction of contagious disease within the City and within three miles of the same upon land, and within fifteen miles thereof upon the navigable waters leading thereto. To regulate the places of manufacturing soap candles, the erecting of slaughter houses and distilleries, and where every other offensive trade may be carried on". Section 15 conveys the power "To erect, regulate, control and maintain markets and stalls within the City of Baltimore, and to regulate and control the sale of all goods, wares merchandise and other articles therein."

Respectfully submitted,
(Signed) George Arnold Frick,
Assistant City Solicitor