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missioner of Health must decide whether or not it is practicable to empty it in this way.

2868 If Dr. Bosley considers that a well will be sufficient to take care of the drainage, then I see no reason why the permit for the interior plumbing should not be granted; in such case Mr. Phelps will then have to get another permit from Mr. Fendall under Section 820 of the Charter, before he will be authorized to connect with the well.

2869 If on the other hand (and from Dr. Bosley's letter and my conversation with Mr. Fendall, I judge this far more likely to be the case) Dr. Bosley is of opinion that a well will not be sufficient to take care of the drainage, but that the drainage will ultimately have to go into the stream, then I think the permit should be refused. It would not be proper to grant a permit, even though the application be in proper form and provides for draining into a well, if as a matter of fact the well will be insufficient, and the necessary result will be the pollution of a water course.

2870 From the above circumstances it seems to me that the question is not a legal one and simply involves a determination of the question whether Mr. Phelps' method of disposal is going to result in the pollution of the stream or not; if it is, the permit should be refused; if it is not, the permit should be granted. The whole question can be determined by Dr. Bosley much better than by this Department; if the permit should be refused, it will doubtless be a hardship upon Mr. Phelps, but this would then be one of those cases where private interests must yield to the public necessity of maintaining streams of water in an unpolluted condition.

Yours very truly,

(Signed) Albert C. Ritchie,

Assistant City Solicitor.