

File No. 25993

Baltimore, February 17, 1920.

Dr. C. Hampson Jones,
Commissioner of Health.

Dear Sir:

13498

I have your letter of the 16th inst. addressed to Mr. Marchant, in which you submit the following question for decision:

"The department has received a complaint of water in the cellar of 4201 Old Frederick Road. Upon examination we find that the water is getting on to the cellar floor through the wall, the water seeping from adjoining ground. This water is derived from rain soaking into the ground or from melting snow. It is not due to drainage of rain water or of household waste from adjoining properties.

From the above statement, who is legally liable for the abatement of the nuisance, the owner of the property in whose cellar the water is flowing, or the owner of the ground through which the water seeps into the wall and through the wall into the cellar?"

In reply, I have the honor to state that in my opinion the owner of the cellar is the person to remedy the condition complained of.

Very truly yours,
(Signed) Allen A. Davis,
Assistant City Solicitor.

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