

File No. 5308 Continued.

OPINION.

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that notice to the tenant would be ample, in the event that he fails to observe it, to justify the Health Department in itself abating the nuisance and in prosecuting the tenant under the ordinance. The fact, that the notice is served upon the owner also, would then give the city an additional opportunity of collecting the expenses, in case the tenants did not abate. If there be no tenant or occupier, then the notice to the owner would, I think, be ample to warrant proceedings against him, if he does not observe it.

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Whenever there is a tenant, however, I think that the notice should always be served on him, and that he is the man who should be primarily looked to in the matter.

In the present case, if the tenant, the Monumental Brewing Company was not notified, then, I think, that a notice should be served upon it, and that it should be compelled to abate the nuisance; then the cost of doing so would be a question for the Brewing Company to settle with its landlord.

Yours very truly,

(Signed) Albert C. Ritchie,
Assistant City Solicitor.

File No. 5308.

LAW DEPARTMENT.

Baltimore, September 20, 1906.

James Bosley, M. D.,
Commissioner of Health.

Dear Sir:-

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Replying to your letter of the 15th inst., in reference to a nuisance notice sent to the owner of the property No. 935 Pennsylvania Avenue, I enclose herewith a report dated the 20th inst., from Mr. Albert C. Ritchie, Assistant City Solicitor, to myself. I concur in the conclusions reached by Mr. Ritchie.

Truly yours,

(Signed) W. Cabell Bruce,
City Solicitor.