File No. 1275.

CORRESPONDENCE.

"to be collected as other City fines are collected," or provide any means for the collection of fines, the Mayor would like you to consider this matter.

Yours very truly,

(Signed) Harry W Rodgers,

Jordan.

Mayor's Secretary.

File No. 1275.

OPINION.

LAW DEPARTMENT.

Baltimore, June 20, 1904.

Hon. B. Clay Timanus,

Mayor of the City of Baltimore.

Dear Sir:-

I return herewith the ordinance entitled "An ordinance to add an additional section to Article 33 of the Code of 1893 of Baltimore City, entitled 'Licenses,' sub-title 'Dogs,' to be known as Section 26."

A dog is not a nuisance per se, and this ordinance is nothing less than an attempt by legislation to declare that any dog which is complained of by anybody as barking, howling, biting or in some other way or manner disturbing the quiet of any person or persons is a nuisance, and a fit subject for a peremptory mandate from yourself directing a police officer to give notice to the person in whose keeping the dog is, to destroy or remove it within twenty-four hours after the notice.

It would seem that even a dog, before being convicted of answering the description mentioned in the ordinance, should be entitled to justice less summary than this ordinance provides; but whether this be so or not, his master certainly is. The humane principles of our law do not regard a dog as being no better than a wolf's head, not to speak of rights of property.

If a dog by barking, howling or biting makes himself a nuisance or a source of danger, the courts afford ample redress to any individual aggrieved. I would advise you to veto the ordinance. A similar ordinance was in force some years ago, but was repealed by ordinance.

1621

1622

1623