

File No. 20086.

An owner of land binding on a navigable river, has the exclusive right to build out in front of his property, subject, however, to such rules and regulations which may be prescribed by the State or a municipality to which such right has been delegated by the State. This right was vested in the City by the State. There are two lines or boundaries in which the City is prohibited by the National Government from granting extensions of piers or bulkheads out into the harbor or the Patapsco river. These are bulkhead lines and pier-head lines. Maps showing these boundaries are now in possession of the Harbor Board.

The bulkhead line is the limit to which the riparian owner can fill in solid.

Pier-head line is the limit to which a pier can be extended and pier must be built that the water can flow and reflow under the same.

No extensions of either bulkhead or pier-head can be made without the permission of the Harbor Board.

The City by express grant of the State owns the land under the water in the harbor from a line drawn from Lazaretto Light house to Fort Mchenry to Light street wharf and it also owns the land under the Middle Branch of the Patapsco river or (Spring Gardens) from a line drawn from Ferry Point to Baltimore County to the foot of Eutaw street. In these two bodies of water I have no hesitancy in saying that the City can make a charge for extension of piers and bulkheads which may be granted in the future.

In other parts of the Patapsco river there is some doubt, for while the City, through the agency of the Harbor Board, is given charge of the Harbor, wharves and navigable waters, it is not given the land under the water and it is only on the basis that the City is the owner of the land under the water that it can charge for a franchise under Sections 7 and 37 of the Charter. The Patapsco river is not a public highway in the sense of the Maryland decision. This was held by the United States District Court in the Miller case and the United States Circuit Court on appeal said that technically this may be true. In the Miller case, however, they decided the liability upon the express authority of the State to the City, giving the City control over the Patapsco river and the ordinances passed by the City pursuant thereto.