

File No. 20086. continued.

the water.

Western Maryland Tidewater R. R. vs. City.  
106 Md., 561, at 568.

This privilege, however, was, as early as the Act of 1783, Chapter 24, subjected to the authority of the Board of Wardens of Baltimore Town created by that act, whose permission it was necessary to obtain before any wharf or other improvement could be extended into the Harbor or Basin.

Wilson vs. Inloes, 11 G. & J. 360.

The authority and control vested in the Board of Wardens has been broadened and extended by the Legislature until now the control and supervision of the Harbor, by the Mayor and City Council of Baltimore, their successor, is full and complete.

Section 6, sub-section 8, page 13, of the Baltimore City Charter.

But this control and authority is but the imposition of the duty upon the city to exercise the police power over one of the State highways. The Legislature has gone further and created a department or agency of the city known as the Harbor Board, whose special duty it is to exercise the power and perform the duties conferred and imposed upon the city with relation to the Harbor.

Section 38, page 105 of the Baltimore City Charter.

As the right of the riparian owners to build into the Harbor is an inchoate franchise granted by the State, and by it placed under police power of the city, it would be entirely a proper exercise of that power to require riparian owners, desiring to extend into and encroach upon the Harbor, to secure a permit from the proper officer of the city, for this is but a means whereby the city insures to itself notice of an intention to exercise a right with relation to a highway, which can only be done under its supervision, inspection and control.

5th Edition, 3rd Volume, Dillon Mun. Corp. Section 1273,  
Easton vs. Covey, 74 Md. 262-267.

Nor is the city bound to issue the same without charge, for the City should be able to discharge this duty of supervision, inspection and control, which is entrusted to it, without cost to itself.