

File No. 20086. continued.

3rd. Dillon Mun. Corp. Section 1275, page 2074.

The Court of Appeals of Maryland has recognized the right to require a permit and to make a charge for its issuance as being under the exercise of the police power.

Easton vs. Covey, 74 Md. 262, 308.

I, therefore, conclude that the city has a right to issue permits for the construction of piers, docks and wharves into the Harbor of Baltimore and to make a charge therefor, provided that the charge is based on the cost of supervision and inspection of the Harbor, and is not a charge levied for the purpose of raising revenue.

Yours very truly,

File No. 20083.

Baltimore, February 15, 1916

Hon. S. S. Field,
City Solicitor.

Dear Sir:-

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In reply to your letter of February 14th, 1916, by which you referred to me a letter and enclosure from H. Kent McCay, Harbor Engineer, in which he desires to know whether or not inspection charges can be laid upon the Pennsylvania Railroad in connection with the pier that they propose to build at Canton, I beg to say that I have been unable to find any ordinance or statute which expressly authorizes the charging of inspection fees for such inspections. Heretofore, inspection fees have been exacted because such expense was incurred solely because of the private works of the person or corporation charged, and, therefore, the public should not be charged with such expense. I have, therefore, prepared an ordinance