

File No. 25580 Continued.

"Due Notice" in this section means such notice as the Harbor Board may think reasonable.

I notice that Section 28, according to the print of the ordinance, says the Harbor Master shall cause such obstruction as you refer to to be removed. I believe that this section really means "Harbor Board", but to avoid any confusion I would have the Harbor Master join in any notice which you may give.

Practically I would proceed as follows, - if you know the owners or have any idea who they are, I would draw up a notice advising them of the location of the barge when it sank, etc., and requesting its removal within such reasonable time as in your judgment it can be removed, and advising them that if it was not so removed you would remove the same for their account and risk. Should they fail to comply with this request there is nothing left for you to do but to advise the City Register that you are going to remove the obstruction.

Inasmuch as the Ordinance says that the owner shall pay a fine of \$10 per day for every day the said vessel shall remain after the notice, I would be sure that Mr. Harrison had given no notice, because if he has you can remove the obstruction and recover the fine from the date of his notice rather than from the date of any subsequent notice.

I suppose you have, and if you have not, I suggest that you mark this barge with a danger light of some sort.

The law with reference to the liability of the City is as follows, --

In the case of Pryor vs. Miller, decided in 1911 or 1912, the City was held liable for obstructions in the harbor and was required to pay damages. In January of 1912 the Legislature passed an Act codified as Section 469 of the Charter which provided that --

"Nothing contained in any section or provision of this article shall be construed to impose any duty upon the Mayor and City Council of Baltimore or any person or corporation using the Patapsco River or any branch or tributary thereof or to render the said Mayor and City Council of Baltimore liable for any loss or life or injury or damage to person or property by reason of any obstruction in, or any unsafe con-