

If Kahl's pier were as it was originally constructed, that is to say, a continuous and permanent pier running from his property on the shore and within the limits of Baltimore City into the waters of Baltimore County, I would have no hesitation in saying that, under the authority of the Court of Appeals of Maryland in *Western Maryland Tide Water Railroad Company vs Mayor and City Council of Baltimore City*, 106 Md., the projection of his pier was for the purposes of jurisdiction within the limits of Baltimore City. As was said of the appellant in *Western Maryland R. R. Company vs Baltimore City* in the case above cited, he was dependant upon the City for police and fire protection.

Mr. Kahl has very ingeniously, and manifestly for the purpose of getting around the decision of the Court of Appeals, disconnected the center of his pier by cutting it off a few feet from each end, that is to say, from the Baltimore City end and the outer pavilion, but leaving it in such a position as that anyone may walk from his Baltimore City saloon to his outer pavilion over the same pier without the use of a boat or a bridge.

In other words, the pier remains as it was originally constructed without the change of a plank except that at high water both ends are afloat and at low water the inner end rests on the bottom.

I understand that now Mr. Kahl holds a license from the Liquor License Commissioners of Baltimore City for his saloon at the inner end of the pier and that one Ernest H. Trenth holds a license from the Judges of the Circuit Court of Baltimore County to sell liquor on the pavilion at the outer end of the pier.

Trenth has upon the testimony of certain witnesses summoned before the Grand Jury by Marshal Farnan been indicted upon two charges, one for the sale of liquor in Baltimore City without a license and the other for the sale of liquor on Sunday.

In my judgment, the action of Kahl in attempting to disconnect his pier with the mainland of Baltimore City, at the same time leaving it quite as convenient for his patrons to walk over it without difficulty is a mere devise to evade