

Mr. C. Meredith Boyce, Treasurer (continued)

the limits of the city, and upon neglect or refusal so to do the City may cause the same to be done, in which event the City is authorized and empowered to recover the cost thereof by suit at law, which costs shall be a lien on the property so walled or repaired."

Acting pursuant to the foregoing power, the City ordained what is now Article 17 of the Baltimore City Code (1950 Edition) which authorizes the Sewerage Engineer to enforce the building and repair provisions set out in Paragraph (14) of Section 6 of the Charter.

Paragraph (27) of Section 6 of the Baltimore City Charter, as amended by Chapter 550 of the Laws of Maryland of 1959, authorizes the City to establish, maintain, operate and control sewers, drains and sewage disposal facilities * * * .

A municipality may discharge its sewers into a stream flowing within its limits in order to relieve its streets from floods, and it may empty its sewers and drains into a natural water course if the flow is not unreasonably increased thereby.

McQuillin on Municipal Corporations, Vol. 11,
page 226, Sec. 31.27;
Opinions of City Solicitor - Vol. 30, page 8822;
Opinions of City Solicitor - Vol. 41, page 127.

In the case of Industrial Enterprises, Inc. vs. Mayor and City Council of Baltimore, which was tried in the Circuit Court of Baltimore City by Judge Nice (Doc. A - 1954 - 163), Herring Run was involved and the testimony showed that the City had constructed and maintained a number of sewers and other structures to collect and conduct water into the stream. The Court, in its Decree dated July 22, 1955, found that by reason of the activities of the City it had adopted the natural water course known as Herring Run as a part of its storm water sewer system.

In the present case which involves Jones' Falls, the City in 1911 - 1914 constructed the Jones' Falls Conduit, through which the stream flows, which extends from a point south of Baltimore Street to a location immediately north of Mt. Royal Avenue and west of Guilford Avenue; in 1930 the City deepened and widened Jones'