

while a mere declaration of an intention to abandon will not alone be sufficient, the question, whether the act of the party entitled to the easement amounts to an abandonment or not, depends upon the intention with which it was done, and that is a subject for the consideration of the jury. A cesser of the use, coupled with any act clearly indicative of an intention to abandon the right, would have the same effect as an express release of the easement, without any reference whatever to time." *Stewart v. May*, 119 Md. 10, 19, 85 A. 957; *Canton Co. v. Baltimore & O. R. Co.*, 99 Md. 202, 218, 57 A. 637; *Russell v. Zimmerman*, 121 Md. 328, 334, 88 A. 337; *Greif v. Teas*, 156 Md. 284, 300, 144 A. 231.

[3] So far as this record shows, the Western Marine & Salvage Company was a temporary corporation, formed for the purpose of wrecking and salvaging all that it regarded as valuable, marketable, and profitable of the 232 vessels purchased from and discarded by the government of the United States. These wrecked hulls were not located on the property of the Western Marine & Salvage Company; they were in navigable waters, occupied by permission of the War Department, which expressly stated that the permit was subject to any other rights of the state or its citizens, public or personal. The vessels were located on land belonging to the state, to which the federal government disclaimed any intention of asserting title. The interest of that government extends only to control of the water over the land, not to the soil. 45 C.J. 538, 540; *Sollers v. Sollers*, 77 Md. 148, 151, 26 A. 188, 20 L.R.A. 94, 39 Am.St. Rep. 404. So long as it was engaged in the wrecking and junk business, it secured such permit. When the Western Company was through, in December, 1932, it was dissolved, after it had conveyed its land to the Potomac Realty Company, Limited, and sold its equipment, not to the Potomac Realty Company, the personnel of which was the same as the Western Marine & Salvage Company, but to the Boston Iron & Metal Company, which had no connection with the other companies. When the equipment was so sold, the Western Company was out of business so far as the salvage of these vessels was concerned. It was then when, to all appearances, the wrecking business of the Western Company was at an end that the people living in the neighborhood took this view of what they there saw and began to gather the junk remaining in the burned, submerged hulks, and sold it to junk dealers in and around Washington.

One of those so engaged was J. W. Cox, who lived in the neighborhood and who said, as stated in the record, he "was engaged in this work on his own initiative and was not employed by anyone to do it. He considered this was abandoned property because it had been lying in the water, some of it, for four or five years. He is no lawyer, but he had always heard that when a ship or anything of that kind was down and the tide rising and falling over it for a number of years it was abandoned property." He said there had not been a watchman there for two years. No one attempted to interfere with his work. Altogether, he said, there were about seventy-five people working there. Another witness who had been removing scrap metal from the vessels was James L. David, who went to the War Department to inquire whether any one had a permit to remove metal from the vessels. "I went to several different members, but they told me there didn't anybody want the thing. * * * Then I went back and went to work," removing and selling scrap from the sunken hulks. He said he had nothing else to do at that time and realized wages from his operations. He was "positive there were as many as fifty" working around there. On cross-examination he said his "reason for going there was because he understood it did not belong to anybody; everybody all over the community, from Washington and other places were going there and helping themselves and they explained that it did not belong to anybody and that it was free for anybody to partake of."

Preston Dent testified that he "went there and began to salvage without any authority from anyone, just because he heard that it was open and nobody had anything to do with it; that the salvage company had given it up and it had no more value to it. He had seen Mr. Steinbraker down there while witness was there but had no dealings with him. * * * Most of the wreckage is beneath the water but some parts are sticking above the surface. The wreckage is surrounded by water." He testified, that he had gone there in June, 1932, worked a short time and came back in August, 1934. In the interim the price of scrap was so low "it was barely worth getting." He owned a barge with which he made two trips to Washington with loads of seventy and eighty-five tons, which he sold for \$6 a ton.