

Hyman A. Pressman

vs  
Henry A. Barnes  
Mayor and City Council of Balto

Hyman A. Pressman

Sol. for Complainant  
Thomas N. Biddison, et al  
C. Ferdinand Sybert  
Stedman Prescott, Jr. }

Sol. for Respondent

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GREEN SPRING  
BOND  
75% PAG-CONTENT

A-35141

# Court of Appeals of Maryland

No. 140, OCTOBER TERM, 1955

Hyman A. Pressman et al

vs.

Henry A. Barnes, etc et al

## DISPOSITION OF APPEAL IN COURT OF APPEALS:

Decree affirmed in part and reversed in part, and case remanded for modification of the decree in accordance with this opinion, each side to pay its own costs -

TRANSCRIPT - along with transcript in No. 148 -

RETURNED TO Clerk Circuit Court of Baltimore City

Court House - Baltimore, 2, Maryland Date May 10, 1956

BY Express -

*Messier*

REMARKS:

No. 140 - OCTOBER TERM - 1955

TRANSCRIPT OF RECORD  
FROM THE  
CIRCUIT COURT OF BALTIMORE CITY  
IN THE CASE OF

Hyman A. Pressman, et al.

Appellant **S**

VS.

Henry A. Barnes, Director of Traffic and

Mayor and City Council of Baltimore, a municipal corporation

Appellee **S**

TO THE  
COURT OF APPEALS OF MARYLAND

Hyman A. Pressman

SOL. FOR APPELLANT **S**

Thomas N. Biddison

Edwin Harlan

Hugo A. Ricciuti

Francis X. Gallagher

C. Ferdinand Sybert

Stedman Prescott, Jr.

SOL. FOR APPELLEE **S**

FILED - December 5 - 1955

Which said appeal being by the Court here also granted, it is thereupon ordered by the Court here, that a Transcript of the Record of Proceedings in the cause aforesaid be transmitted to the Court thereof of Appeals of Maryland, under the rules / , and the same is transmitted accordingly.

Test:

*Henry J. Ripperger*  
Clerk.

In Testimony, that the foregoing is truly taken from the Record and Proceedings of the Circuit Court of Baltimore City, in the therein entitled cause.

I hereunto set my hand and affix the Seal of the Circuit Court of Baltimore City aforesaid, this 2<sup>nd</sup> day of December A. D., 19 55.

*Henry J. Ripperger*  
Clerk of the Circuit Court of Baltimore City.

*Ad. 11" May 1956*

# MANDATE

## Court of Appeals of Maryland

*A-649*  

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*1955*

No. 140, OCTOBER TERM, 1955

Hyman A. Pressman et al  
vs.  
Henry A. Barnes etc et al

Appeal from the Circuit Court of  
Baltimore City  
Filed: Dec. 5, 1955  
Apr. 10, 1956, Decree affirmed in part  
and reversed in part and case re-  
manded for modification of the  
decree in accordance with this  
opinion, each side to pay its own  
costs.  
Opinion filed. Op. Delaplaine, J.  
Apr. 24, 1956, Petition for Reargument  
filed.  
May 2, 1956, Petition denied -

Appellant's Cost in the Court of Appeals of Maryland,

Clerk's Cost . . . . .	\$	20.00	
Brief . . . . .	\$	349.30	
Appearance Fee . . . . .	\$	10.00	
Petition Reargument\$		5.00	\$384.30

Appellee's Cost in the Court of Appeals of Maryland,

Brief . . . . .	\$	212.75	
Appearance Fee . . . . .	\$	10.00	
. . . . .	\$		222.75
			\$607.05

STATE OF MARYLAND, Sct:

I, Maurice Ogle, Clerk of the Court of Appeals of Maryland, do hereby certify that the foregoing is truly taken from the record and proceedings of the said Court of Appeals.

In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal of the Court of Appeals, this **tenth** day of **May** A. D. 19 **56**

*Maurice Ogle*  
Clerk  
of the Court of Appeals of Maryland.

Costs shown on this Mandate are to be settled between counsel and NOT THROUGH THIS OFFICE

*A-35141 (17)*

IN THE COURT OF APPEALS OF MARYLAND

No. 140

October Term, 1955

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Hyman A. Pressman et al.,

v.

Henry A. Barnes, Director  
of Traffic, and City  
of Baltimore

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Brune, C. J.,

Delaplaine,

Collins,

Henderson,

Hammond,

JJ.

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Opinion by Delaplaine, J.

---

Filed: April 10, 1956

48

This suit was instituted in the Circuit Court  
of Baltimore <sup>City</sup> by Hyman A. Pressman, a citizen and taxpayer  
of Baltimore, against Henry A. Barnes, Director of Traf-  
fic, and the Mayor and City Council of Baltimore to in-  
validate (1) portions of Ordinance 786, approved July 14,  
1953, creating the office of Director of Traffic, and (2)  
an administrative regulation promulgated by the Director  
of Traffic prescribing speed limits.

Under the Uniform Declaratory Judgments Act,  
Code 1951, art. 31A, sec.2, any person whose rights, status  
or other relations are affected by a statute or municipal  
ordinance may have determined any question of construc-  
tion or validity arising under the statute or ordinance  
and obtain a declaration of rights, status or other legal  
relations thereunder. Pressman v. State Tax Commission,  
204 Md. 78, 102 A. 2d 821; Kirkwood v. Provident Savings  
Bank, 205 Md. 48, 106 A. 2d 103. The law is also estab-  
lished that a taxpayer may invoke the aid of a court of  
equity to restrain the action of a public official or an  
administrative agency when such action is illegal or  
ultra vires and may injuriously affect the taxpayer's

rights and property. *Masson v. Reindollar*, 193 Md. 683, 69 A. 2d 482; *Reed v. McKeldin*, 207 Md. 553, 558, 115 A. 2d 281.

The ordinance in question provides that the Director of Traffic shall be appointed by the Mayor of Baltimore, <sup>that</sup> and he may adopt such rules and regulations as he may deem necessary for the proper transaction of his business.

Section 2 of the ordinance enumerates the Director's powers, including the power to designate through highways, to install traffic signs, pylons, and channels, and to approve or disapprove the location of bus stops.

Section 2(1) empowers the Director to "have and exercise all control over traffic that the Police Commissioner for the City of Baltimore had prior to the time this ordinance becomes effective, including the power to establish "No Parking" spaces; \* \* \*."

Complainant contended that this provision conflicts with the provision of the Baltimore City Charter that no ordinance or act of any municipal officer shall con-



flict or interfere with the powers of the Police Commissioner.

Section 2(K) empowers the Director to "adopt and promulgate rules, regulations, orders and directives relating to, or in connection with, the movement of vehicular and pedestrian traffic in the City of Baltimore.

\* \* \*

Complainant attacked this provision on two grounds: (1) that it unlawfully delegates legislative functions to an administrative official, and (2) that it does not provide proper standards for the guidance of the Director in adopting his rules, regulations, orders and directives.

The administrative regulation in question was promulgated by Henry A. Barnes, Director of Traffic, to become effective on August 9, 1955. Complainant's chief objections to the regulation were: (1) that the legislative function of setting speed limits cannot be lawfully delegated by the Mayor and City Council, and (2) that the regulation sets the speed limits on all of <sup>the</sup> streets of the City, including those which have been designated as a part

of the State or Federal highway system or an extension thereof.

Complainant also objected to one of the penalty provisions on the ground that it conflicted with the Maryland Motor Vehicle Law. Code 1951, art. 66 $\frac{1}{2}$ , sec. 176(g). He further complained that the regulation was self-contradictory in that in some parts it refers to the speed limits as being prima facie, while in another part it refers to them as conclusive.

Complainant alleged that the Director of Traffic, unless restrained by the Court, would illegally expend many thousands of dollars of the City's revenues for the erection of signs and other devices; that the erection of these signs would inform motorists of speed limits which are not legally correct and would tend to cause accidents and subject the Mayor and City Council to damage suits, thereby causing complainant and other taxpayers to suffer irreparable loss and damage.

Complainant prayed for a decree (1) declaring the assailed portions of the ordinance and the Traffic Director's regulation invalid, and (2) enjoining defendants

from expending public funds for the erection of signs or other devices in pursuance of the ordinance and regulation.

On August 25, 1955, the Circuit Court passed an order permitting 44 other citizens and taxpayers to be made parties plaintiff to the proceeding.

At the trial of the case Ernest W. Bunting, Associate Engineer of the Traffic Division of the State Roads Commission, testified that he did not know of any Federal highway that reached the boundary line of Baltimore, and that he did not know whether there were any extensions of the State highway system within the City, although he admitted that "State and Federal numbered highways came up to the boundaries of the City and took up at the other side of the City."

Mr. Barnes testified that the City, in an agreement with the State Roads Commission on June 2, 1955, agreed to mark the streets in the City with the State and Federal numerals. He surmised that there was no extension of the State highway system into the City for the reason that he had obtained permission to change the location of any of these signs.

On September 30, 1955, the Court entered a decree declaring that the ordinance and the Traffic Director's regulation are valid, with the exception of the provisions in the regulation as to minimum fines and presumptions as to guilt, which are invalid. Appeal was entered by complainants from that decree.

I.

The first contention of appellants is that the power to set speed limits is a legislative power, and the Mayor and City Council cannot lawfully delegate it to an administrative official.

It is a fundamental principle that, except when authorized by the Constitution, the Legislature cannot delegate the power to make laws to any other authority. As the law-making function, under the doctrine of separation of powers, is assigned exclusively to the Legislature, any attempt to abdicate it in any particular field is unconstitutional. This principle is not violated, however, where a municipal corporation is vested with powers of legislation as to matters of local concern.

This Court has recognized that the same restrictions which rest upon the Legislature as to the delegation of legislative powers conferred upon it by the Constitution rest upon a municipal corporation as to powers granted to it by the Legislature. *City of Baltimore v. Wollman*, 123 Md. 310, 315, 91 A. 339. But it is now accepted that a municipal corporation may delegate to subordinate officials the power to carry ordinances into effect, even though such delegation requires the exercise of a certain amount of discretion which may be regarded as part of the police power, if such discretion is guided and restrained by standards sufficient to protect the citizen against arbitrary or unreasonable exercise thereof. *Tighe v. Osborne*, 149 Md. 349, 360, 131 A. 801, 43 A. L. R. 819.

In recent years the increasing multiplicity and complexity of administrative affairs has made it increasingly necessary for municipal councils to entrust important functions to administrative boards and officials. Zoning cases are an illustration of the trend toward broader delegation of powers to administrative officials. In *Tighe v. Osborne*, 150 Md. 452, 457, 133 A. 465, 467,

46 A. L. R. 80, the Court of Appeals sustained the right of the Mayor and City Council of Baltimore to delegate to the Zoning Commissioner the power to determine whether "buildings or the proposed use of them would menace the public security, health, or morals." Less than a year ago this Court, in an opinion by Judge Henderson in *Givner v. Com'r of Health of Baltimore City*, 207 Md. 184, 113 A.<sup>2d</sup>/899, observed that even more flexible standards must be permitted in the domain of public health than in zoning, redevelopment, and public education.

On account of the tremendous growth of traffic and the need for constant supervision of traffic control, it has also become increasingly imperative for city councils in metropolitan centers to delegate to traffic experts a reasonable amount of discretion in their administrative duties. New traffic problems are constantly arising, and therefore to require the enactment of an ordinance to cover each specific problem would be likely to result in widespread delays and even serious hazards. It is obvious that there is a practical necessity for expert and prompt judgment in the application of the concept of public safety to concrete situations, and that the standards for administra -

tive officials in the domain of public safety should be at least as flexible as in the domain of public health. Of course, the question whether a particular regulation of an administrative official is arbitrary or unreasonable, or not fairly within the scope of the delegated power, is subject to judicial review; but if the matter is fairly debatable, the court should not substitute its judgment for the judgment of the administrative official who is charged with the duty of promulgating the regulation.

In *Taylor v. Roberts*, 84 Fla. 654, 94 So. 874, the Supreme Court of Florida held that the grant of authority to the Chief of Police of Jacksonville to regulate traffic at any congested part of the city was not an unlawful delegation of legislative power.

In *City of Cleveland v. Gustafson*, 124 Ohio St. 607, 180 N. E. 59, the Supreme Court of Ohio held that an ordinance authorizing the Director of Public Safety to establish safety zones was within the power of the City Council.

In *Borum v. Graham*, 4 Cal. App. 2d 331, 40 P. 2d 866, an ordinance of the City of Pasadena authorizing the

Chief of Police to mark crosswalks for pedestrians was held valid.

In *Staley v. Vaughn*, <sup>92 Colo. 6,</sup> / 17 P. 2d 299, the Supreme Court of Colorado held that, while the power to provide for the designation of "through traffic" streets is legislative, the designation of such streets is administrative action based upon an exercise of discretion.

In *Gould v. Western Dairy Products, Inc.*, <sup>2d 188,</sup> 12 Cal. App. / 55 P. 2d 274, 276, it was held that the City Council of Burbank could delegate to the Board of Police Commissioners the power to determine which intersections should be designated as boulevard stop intersections.

In view of present-day public necessity and in accordance with the modern trend of judicial decisions, we hold that the Mayor and City Council may lawfully delegate to the Director of Traffic the power to promulgate rules setting speed limits on the streets of Baltimore, and that the Director may make any such rules that are reasonable and do not conflict with Acts of the Legislature.



## II.

There is likewise no merit in the contention that the ordinance fails to prescribe sufficient standards for the guidance of the Director of Traffic in adopting rules and regulations.

The general rule is universally accepted that a statute or ordinance which vests in administrative officials an arbitrary discretion with respect to lawful businesses or professions without prescribing a uniform rule of action is unconstitutional. The reason for the rule is that the failure to prescribe standards for the exercise of authority might result in arbitrary discriminations beyond the proper scope of the police power. *Commissioners of Prince George's County v. Northwest Cemetery Co.*, 160 Md. 653, 656, 154 A. 452.

Generally a statute or ordinance vesting discretion in administrative officials without fixing any standards for its guidance is an unconstitutional delegation of legislative power. But we also hold, as a qualification of the general rule, that where the discretion to be exercised relates to police regulations for the protection of public morals, health, safety, or general welfare, and it

is impracticable to fix standards without destroying the flexibility necessary to enable the administrative officials to carry out the legislative will, legislation delegating such discretion without such restrictions may be valid. *Thompson v. Smith*, 155 Va. 367, 154 S. E. 579, 71 A. L. R. 604; *American Baseball Club of Philadelphia v. City of Philadelphia*, 312 Pa. 311, 167 A. 891, 92 A. L. R. 386, 410; *Matz v. J. L. Curtis Cartage Co.*, 132 Ohio St. 271, 7 N. E. 2d 220. It is recognized that it would not always be possible for Legislature or City Council to deal directly with the multitude of details in the complex situations upon which it operates. *Comptroller of Treasury v. M. E. Rockhill, Inc.*, 205 Md. 226, 232, 107 A. 2d 93. The modern tendency of the courts is toward greater liberality in permitting grants of discretion to administrative officials in order to facilitate the administration of the laws as the complexity of governmental and economic conditions increases.

In *Petrushansky v. State*, 182 Md. 164, 32 A. 2d 696, this Court had under consideration an ordinance requiring that dwellings be kept "free and clean from dirt,

filth, rubbish, garbage and similar matter, and free from vermin and rodent infestation, and in good repair fit for human habitation." The Commissioner of Health was empowered to adopt all such rules and regulations that he might deem necessary for the enforcement of the ordinance and to issue orders compelling compliance with its provisions. The ordinance was held valid.

In *Ashland Transfer Co. v. State Tax Commission*, 247 Ky. 144, 56 S. W. 2d 691, 87 A. L. R. 534, the Court of Appeals of Kentucky held that legislative power was not delegated unconstitutionally to the State Highway Commission and to the various County Judges of the State by a statute empowering the Commission with reference to State roads, and County Judges with reference to County roads, to reduce the maximum limit of loads and speed established by it for motor trucks, whenever in the judgment of those agencies any road, bridge, or culvert shall be liable to be damaged or destroyed by trucks of a greater weight or speed than that fixed by them.

## III.

Appellant further contends that the Traffic Director's regulation setting speed limits violates Section 6(24) of the Baltimore City Charter, 1949 Ed., which provides that "no ordinance of the City or act of any municipal officer shall conflict, impede, obstruct or interfere with the powers of the Police Commissioner."

The Charter of Baltimore, which was adopted in 1918 under the Home Rule Amendment of the Constitution of Maryland, conferred upon the Mayor and City Council the power to regulate the use of streets. It was accordingly held by this Court in *State v. Stewart*, 152 Md. 419, 137 A. 39, that the Act of the Legislature authorizing the Police Commissioner of Baltimore to make rules and regulations for the control of traffic, Laws 1924, ch. 436, was invalid, as the Home Rule Amendment provides that no local law shall be enacted by the Legislature on any subject covered by the express powers granted.

We must reject appellants' contention in view of the fact that the Home Rule Amendment provides that after the adoption of a Charter, the Mayor and City Council of

Baltimore shall have full power to enact local laws of said City, including the power to repeal or amend local laws enacted by the General Assembly, upon all matters covered by the express powers granted. Md. Constitution, art. 11A, sec. 3.

Moreover, it has been held by this Court that the provision in the Charter of Baltimore that no ordinance shall interfere with the powers of the Police Commissioner relates to the Commissioner's executive powers, and does not restrict the City's power to legislate on matters within the scope of the police power, even though such legislation may reduce his duties as to local law enforcement. *G. I. Veterans' Taxicab Ass'n v. Yellow Cab Co.*, 192 Md. 551, 65 A. 2d 173, 8 A. L. R. 2d 568.

#### IV.

Appellant finally contends that the City has no power to regulate the speed of vehicles on any street which is a part of the State or Federal highway system or an extension thereof.

By Chapter 43 of the Laws of 1955, the Legislature added a new section to the Motor Vehicle Law of Mary-

land, which took effect as an emergency measure upon its approval by Governor McKeldin on February 24, 1955, granting additional powers to cities, towns and villages as follows:

"Notwithstanding any other provision of this Article, the appropriate authorities of any incorporated city, town or village are authorized and empowered to regulate the speed of vehicles on any road, street, lane or alley which is within their respective corporate limits and which has not been designated or maintained as a part of the State or Federal highway system or an extension thereof."

Code Supp. 1955, art. 66 $\frac{1}{2}$ , sec. 151A.

The City says, however, that it has no streets which are "designated or maintained as a part of the State or Federal highway system or an extension thereof." Appellants maintain, on the contrary, that, while it may be true that the State does not maintain any of the streets in Baltimore, a number of the streets in that City are a part of the State highway system or at least extensions of

that system.

There was a difference of opinion as to whether the road map prepared by the State Roads Commission indicates that some of the streets in Baltimore are extensions of the State highway system. The map designates State highways by certain types of lines and numerals and U. S. Highways by other types of lines and numerals. The City maintains that the map does not designate these streets as an extension of the State or Federal highway system, there being no lines or numerals indicating State Highways and U. S. Highways within the City lines. On the other hand, appellants point out that these highways do not stop at the City line, but proceed as continuations of the State and Federal highway systems. In any event, there is significance in the fact that signs have been erected by the State Roads Commission on these thoroughfares within the City displaying the same numbers of the State and Federal highway systems that are displayed on the signs outside the City.

The cardinal rule of statutory construction is that statutes should always be construed to effectuate the

intention of the Legislature. In determining the legislative intention of an enactment, the court considers its language in its natural and ordinary signification, and if there is no obscurity or ambiguity on the face of it there is no occasion for construction. In such a case, the court is not at liberty to distort the words of the statute from their apparent meaning. As a general rule, the words in a statute are presumed to be used in their popular sense, unless there is reason to believe from the face of the statute that the words were intended to have some other meaning. If the words used are of doubtful or ambiguous meaning, their signification may be enlarged or restricted as may be necessary to make them conform to the intention of the Legislature, if the intention is clearly and certainly ascertained by the process of construction. The meaning must then depend upon the history of the adoption of the statute and the objects in view. Hence, the proper course of construction in every case is to adopt that meaning of the words which best harmonizes with the context and promotes the policy and objects of the Legislature. *United States v. Hartwell*, 6 Wall. 385, 18 L. Ed. 830, 833; *Norfolk & Portsmouth Traction Co. v. Ellington's Adm'r*, 108 Va. 245, 61 S. E.



779, 782; *Wadsworth v. Boyesen*, 8 Cir., 148 F. 771; *Massachusetts Loan & Trust Co. v. Hamilton*, 9 Cir., 88 F. 588, 591.

The word "extension," both by etymology and by common usage, is a flexible term, lending itself to a variety of meanings which must be gathered from the context, since it is a relative term referring to something already begun. Extension is not confined to mere linear prolongation, but may be a broadening in any direction.

In New Jersey it has been held that an extension of a railway is a prolongation of it from one of its termini to some other designated point. *Trenton Street Ry. Co. v. Pennsylvania R. Co.*, 63 N. J. Eq. 279, 49 A. 481, 483. In California it has been held that a system of street railway lines in a large city is of necessity a radiating system responding in its enlargements to the trend of population and taking off from original laterals at such points of contact as the economics of construction require, and that the construction of an addition to the system connecting with existing lines constitutes an "extension" even though it does not proceed from existing

termini of the system. *Hunt v. Boyle*, 204 Cal. 151, 267 P. 97.

In Louisiana it has been held that an extension of a highway means its prolongation in the direction to which it points, and if insurmountable physical objects compel a deflection it must resume its course towards its objective point. *City of Monroe v. Police Jury of Ouachita Parish*, 47 La. Ann., 17 So. 498, 499.

We hold that a street within the corporate limits of a city which is a continuation of a State highway and is marked by State signs similar to the signs outside the city is at least an extension of the State highway system, even if not an actual part of it.

In 1954 the Legislature passed House Bill 45, designed to add a new section to the Motor Vehicle Law providing as follows:

"Notwithstanding any other provision of this Article, the appropriate authorities of any incorporated city, town or village are authorized and empowered to regulate the speed of vehicles on any road, street,

lane or alley which is within their respective corporate limits and which has not been designated by the State Roads Commission as a part of the State highway system."

That bill differed from the Act of 1955 in that it did not contain the words "or an extension thereof." The Automobile Club of Maryland voiced opposition to the bill. It was pointed out that it is often difficult for a motorist to determine when he has entered one of the small towns and it would be almost impossible for him to familiarize himself with the various speed limits in the State. The bill was accordingly vetoed by Governor McKeldin. Laws 1954, Vetoes, 299-301.

In the Court below the Associate Engineer of the State Roads Commission admitted that the Commission had erected a number of signs on highways within the limits of the City similar to the signs on these highways outside the City. Among these highways entering the City are the National Highway, Charles Street Avenue, Falls Road, Park Heights Avenue, Reisterstown Road, Liberty Heights Avenue and the Baltimore-Washington Expressway.

In the light of this testimony, the conclusion is irresistible that the City has no power to regulate the speed of vehicles on any street which is a part of the State or Federal highway system or an extension thereof. We further hold that the Court below should issue an injunction to restrain the Director of Traffic from setting the speed limits on such highways.

Decree affirmed in part and reversed in part, and case remanded for modification of the decree in accordance with this opinion, each side to pay its own costs.

7d. 12" August 1955

Q 395  
1955

HYMAN A. PRESSMAN,  
337 St. Paul Place,  
Plaintiff,

\*  
\*

IN THE

vs.

\*

CIRCUIT COURT

HENRY A. BARNES, Director of Traffic,\*  
413 St. Paul Place, and  
MAYOR AND CITY COUNCIL OF BALTIMORE,\*  
a municipal corporation,  
Defendants. \*

OF BALTIMORE CITY

\* \* \* \* \*

BILL OF COMPLAINT

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Orator, Hyman A. Pressman, complaining, represents unto your Honor as follows:

1. That your Orator is a citizen, taxpayer, motorist and resident of Baltimore City, in the State of Maryland, and as such is interested in and entitled to insist upon the proper and legal expenditure of the revenues of the Mayor and City Council of Baltimore derived from taxation and from the sale of certificates of indebtedness of the Mayor and City Council of Baltimore.

2. That this Bill of Complaint is filed by your Orator in his own behalf and in behalf of all others similarly interested who might desire to make themselves parties to this proceeding.

3. That the Defendant Henry A. Barnes has been appointed by the Mayor of the Mayor and City Council of Baltimore, a municipal corporation, to the office of Director of Traffic of said municipal corporation in pursuance of Baltimore City Ordinance No. 786, approved July 14, 1953, a copy of which ordinance is filed herewith, marked Plaintiff's Exhibit No. 1 and prayed to be taken as a part hereof.

4. That on the 7th day of August, 1955, the Defendant Henry A. Barnes issued "Administrative Regulation No. 7", a copy of which regulation is filed herewith, marked Plaintiff's Exhibit No. 2 and prayed to be taken as a part hereof.

5. That the said "Administrative Regulation No. 7" is illegal and ultra vires for the following reasons:

a. That the Defendant Henry A. Barnes, in issuing said regulation, has undertaken to perform the legislative function of

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setting speed limits, which power has not been delegated to him, nor can it lawfully be delegated to him.

b. That the Defendant Henry A. Barnes has undertaken to exercise the legislative power of providing the penalties for violations, which power has not been delegated to him, nor can it lawfully be delegated to him.

c. That the penalties set forth in the said regulation are in conflict with the penalties prescribed in the said Ordinance No. 786.

d. That the fine of "not less than \$100.00" provided in the said regulation for operating a motor vehicle at a rate of speed greater than 70 miles per hour is in conflict with Section 176(g) of Article 66 $\frac{1}{2}$  of the Annotated Code of Maryland, 1951 Edition, which establishes the penalty for such violation to be "a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or to be imprisoned for not less than thirty (30) days nor more than one (1) year, or to both fine and imprisonment, for the first offense".

e. That the said regulation sets the speed limits on all roads, streets, lanes and alleys of Baltimore City including those which have been designated as a part of the State or Federal highway system or an extension thereof, which is in violation of the provisions of Chapter 43 of the Laws of Maryland of 1955, Section 151 A of Article 66 $\frac{1}{2}$  of the Annotated Code of Maryland, 1951 Edition as amended, which authorizes local authorities to regulate the speed of vehicles within their corporate limits on any road, street, lane or alley "which has not been designated or maintained as a part of the State or Federal highway system or an extension thereof".

f. That the said regulation is self-contradictory in that it refers to the speed limits as being "prima facie" in some parts and "conclusive" in another part of the regulation.

g. That the said regulation invades the judicial as well as the legislative powers by providing what shall constitute

conclusive evidence at the trial of any person charged with the violation of the regulation.

h. That paragraph 2K of said Ordinance No. 786, pursuant to the authority of which the said regulation was promulgated, is invalid, as is hereinafter set forth.

6. That paragraphs 2I and 2K of the said Ordinance No. 786 are invalid for the following reasons:

a. That said paragraph 2K delegates legislative functions to an administrative official.

b. That said ordinance does not supply proper standards for the guidance of the Director of Traffic in adopting and promulgating "rules, regulations, orders and directives relating to, or in connection with, the movement of vehicular and pedestrian traffic in the City of Baltimore "as provided in paragraph 2K of said ordinance.

c. That said ordinance violates Section 6(24) of the Charter and Public Local Laws of Baltimore City, 1949 Edition, which provides "that no ordinance of the City or act of any municipal officer shall conflict, impede, obstruct, hinder or interfere with the powers of the Police Commissioner" by ordaining in paragraph 2I of the said ordinance that the Director of Traffic shall "have and exercise all control over traffic that the Police Commissioner for the City of Baltimore had prior to the time this ordinance becomes effective, including the power to establish special 'NO PARKING' spaces" and by giving the said Director of Traffic powers in the said ordinance which conflict, impede, obstruct, hinder and interfere with the powers of the said Police Commissioner.

7. That the Defendant Henry A. Barnes has expended and unless restrained by this Honorable Court intends to expend and will expend many thousands of dollars of the revenues of the Mayor and City Council of Baltimore derived from taxation and from the sale of certificates of indebtedness of the Mayor and City Council of Baltimore in pursuance of said illegal Administrative Regulation No. 7 and said invalid provisions of Ordinance No. 786 for the erection of invalid signs and other devices. 3

8. That the erection of said invalid signs will inform motorists of speed limits which are not legally correct and thereby cause confusion and unending litigation. That such invalid signs would tend to cause accidents, thereby subjecting the Mayor and City Council of Baltimore to damage suits and causing your Orators and other taxpayers unnecessary loss and special damage.

9. That the expenditure by the Defendants of public funds for illegal purposes as aforesaid would be illegal and ultra vires and would cause your Orator and all others similarly interested to be directly damaged in person or in property and to suffer irreparable loss and special damage.

WHEREFORE YOUR ORATOR PRAYS:

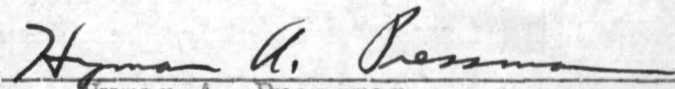
(a) That this Honorable Court may enter a declaratory decree declaring and decreeing that the Administrative Regulation No. 7 issued by the Defendant Henry A. Barnes on the 7th day of August, 1955 is invalid, illegal and unenforceable.

(b) That this Honorable Court may enter a declaratory decree declaring and decreeing that paragraphs 2 I and 2 K of Baltimore City Ordinance No. 786, approved July 14, 1953, are invalid, illegal and unenforceable.

(c) That the Defendants and each of them may, by a permanent injunction issuing out of this Honorable Court, be restrained from expending any public funds for the erection of signs or other devices in pursuance of Administrative Regulation No. 7 or paragraphs 2 I and 2 K of Baltimore City Ordinance No. 786.

(d) And that your Orator may have such other and further relief as the nature of his cause may require.

AND as in duty bound, etc.

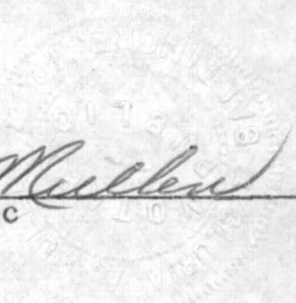
  
Hyman A. Pressman  
Plaintiff in Proper Person  
337 St. Paul Place  
Baltimore 2, Maryland



STATE OF MARYLAND, CITY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, that on this 11th day of August, 1955, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City aforesaid, personally appeared Hyman A. Pressman, and made oath in due form of law that the matters and facts contained in the foregoing Bill of Complaint are true as therein set forth, to the best of his knowledge, information and belief.

AS WITNESS my hand and Notarial Seal.

  
Gloria A. Muller  
Notary Public

# Baltimore City Ordinance No. 786

An ordinance repealing and re-ordinating, with amendments, Sections 1 to 9, inclusive, of Article 38 of the Baltimore City Code (1950 Edition), title "Traffic Regulations", sub-title "Traffic Commission", abolishing the Traffic Commission of the City of Baltimore, and creating in lieu thereof the office of Director of Traffic of the City of Baltimore, and delegating to, and imposing upon, said Director of Traffic certain powers and duties; providing that certain designs, drawings and plans be submitted to said Director of Traffic for review and recommendation; transferring certain employees of the Traffic Commission of the City of Baltimore to the office of Director of Traffic of the City of Baltimore as employees thereof upon certain conditions and authorizing and directing the City Service Commission to do certain things in connection therewith, providing that certain appropriations for the year 1953 be credited and made applicable to the office of Traffic Director of Baltimore City; making it unlawful for any person to do certain things and providing penalties for violations thereof, and repealing certain ordinances and regulations in force in the City of Baltimore; and changing said sub-title to be "Director of Traffic".

WHEREAS, prior to the adoption of this ordinance, the Board of Estimates of Baltimore City has recommended the creation of a special office to be known as the "Director of Traffic of the City of Baltimore;" now, therefore

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That Sections 1 to 9, inclusive, of Article 38, of the Baltimore City Code (1950 Edition), title "Traffic Regulations", sub-title "Traffic Commission", be and the same are hereby repealed and re-ordained, with amendments, to be under the new sub-title "Director of Traffic", and to read as follows:*

## DIRECTOR OF TRAFFIC

1. (a) In order to provide for the safe and expeditious movement of traffic in the City of Baltimore, and to protect the safety of the citizens using its streets, there is hereby created an office of the Mayor and City Council of Baltimore, to be known as the "Director of Traffic of the City of Baltimore". The head of such office shall be the Director of Traffic of the City of Baltimore, who shall be appointed by the Mayor of Baltimore City in the manner prescribed by, and subject to the provisions of, Section 12 of the Charter of Baltimore City.

(b) The Director of Traffic of the City of Baltimore may adopt such rules and regulations as he may deem necessary for the proper transaction of his business. The Director of Traffic of the City of Baltimore shall keep records of his proceedings. The Director of Traffic of the City of Baltimore shall keep a record of all resolutions, transactions, findings, determinations and decisions, and all the records of the Director of Traffic of the City of Baltimore shall be kept in the office of the Director of Traffic of the City of Baltimore and shall be public records.

(c) The Director of Traffic of the City of Baltimore shall perform such duties as may be imposed upon him by ordinance or as may be assigned to him by the Mayor of the City of Baltimore. The Director of Traffic of the City of Baltimore may appoint, employ, hire or engage such other assistants, aides and employees as may be deemed necessary for the proper performance of the duties and functions of the Director of Traffic of the City of Baltimore. The compensation of said Director of Traffic of the City of Baltimore and other assistants,

aides and employees shall be subject to the approval of the Board of Estimates and shall be paid as provided in the annual Ordinance of Estimates.

(d) The Director of Traffic of the City of Baltimore, subject to the prior approval of the Board of Estimates, also may employ or hire, from time to time, by contract, consulting, planning or designing engineers or other persons possessing technical or specialized skills in connection with the duties, powers and functions of the Director of Traffic of the City of Baltimore.

2. The Director of Traffic of the City of Baltimore be and he is hereby granted full power and authority and directed to do any and all of the following:

A. Collect and analyze all physical and economic data needed to measure existing, and to estimate future, street and highway traffic characteristics and needs, including parking needs.

B. Conduct engineering analyses of traffic accidents and engineering investigations of traffic conditions.

C. Prepare and submit to the Mayor of Baltimore City an annual report of the progress and operations of the Director of Traffic of the City of Baltimore.

D. Make recommendations to the Mayor and the City Council of Baltimore for the improvement of traffic conditions in the City of Baltimore, which cannot be accomplished by the directives, orders, rules or regulations promulgated by the Director of Traffic of the City of Baltimore, as authorized by Sub-paragraph K of Section 2 of this ordinance.

E. Hold such public hearings as, in his discretion, may be necessary in connection with the exercise of his powers, as set forth in Section 2 of this ordinance; such hearings to be held and conducted in the manner determined by the Director of Traffic of the City of Baltimore.

F. Establish and determine the design, timing, type, size and location of any and all signs, signals, markings, pylons, channels and other devices for guiding, directing or otherwise regulating and controlling vehicular and pedestrian traffic.

G. Designate any intersections as "STOP" intersections or through highways.

H. Approve or disapprove the location of bus stops designated by The Baltimore Transit Company, or its successor, or rescind or modify any prior approval heretofore given.

I. Have and exercise all control over traffic that the Police Commissioner for the City of Baltimore had prior to the time this ordinance becomes effective, including the power to establish special "NO PARKING" spaces; provided, however, that the Director of Traffic of the City of Baltimore shall not have the power to make and enforce special regulations with regard to traffic as set forth in Section 87 of this Article.

J. Install and maintain such traffic signs, signals, markings, pylons, channels and other devices as heretofore or hereafter directed by ordinance or heretofore directed by the Police Commissioner for Baltimore City.

K. Adopt and promulgate rules, regulations, orders and directives relating to, or in connection with, the movement of vehicular and pedestrian traffic in the City of Baltimore.

However, the Director of Traffic of the City of Baltimore shall not have the power to adopt and promulgate rules, regulations, orders or directives in the nature of general parking restrictions or to establish one-way streets; the power to make general parking restrictions or to establish one-way streets is specifically reserved to the Mayor

and City Council, to be exercised by them by ordinance.

3. All designs, drawings and plans prepared by any department or agency of the Mayor and City Council of Baltimore for the construction or location of any public building, park or recreational area, or other structure which may affect the movement of traffic in the City of Baltimore, shall be submitted to the Director of Traffic of the City of Baltimore for review and recommendation before any actual construction operations are commenced, and in all cases where designs, drawings or plans are submitted to any department or agency of the Mayor and City Council of Baltimore in connection with an application for a permit or authorization to construct or locate any proposed privately owned building or structure, including, but not limited to, any off-street parking facility or garage to be used by the public, which may affect the movement of traffic in the City of Baltimore, the department or agency of the municipality receiving such designs, drawings or plans shall immediately notify the Director of Traffic of the City of Baltimore upon the receipt of such designs, drawings or plans so that the Director of Traffic of the City of Baltimore may have an opportunity to review such designs, drawings or plans and make recommendations relative thereto.

4. (a) All of the present employees of the Traffic Commission of the City of Baltimore be and they are hereby transferred to the office of Director of Traffic of the City of Baltimore as employees thereof.

(b) The City Service Commission is hereby authorized and directed to classify all positions transferred as aforesaid from the Traffic Commission of the City of Baltimore to the office of the Director of Traffic of the City of Baltimore and all employees so transferred shall be included in the new classifications of their respective positions without examination and without any reduction in pay.

(c) The aforesaid transfer of employees from the Traffic Commission of the City of Baltimore to the office of the Director of Traffic of the City of Baltimore shall not operate to deprive such employees so transferred of any rights that they may have in the Special Fund or Special Fund for Widows of the Police Department of Baltimore City.

(d) Any former employees of the Traffic Bureau of the Police Department heretofore transferred to the Commission and who are hereby transferred to the office of the Director of Traffic, as aforesaid may, however, prior to January 1, 1954, elect to become a member of the Employees' Retirement System of Baltimore City, under such rules and regulations as the Trustees of said Employees' Retirement System shall provide, including the right of withdrawal of his contributions to either or both of said Special Funds and depositing the same with the said Employees' Retirement System; and any employee so electing to become a member of said Employees' Retirement System shall thereafter have no further rights in the said Special Police Funds. Any employee so transferred who elects not to become a member of the said Employees' Retirement System shall be entitled to pensions, benefits or allowances for himself, his widow or dependents under the laws or ordinances in force immediately before the adoption of this ordinance.

5. All unexpended balances of the appropriations for the year 1953 for the support, operation and maintenance of the Traffic Commission of the City of Baltimore shall be credited to and be applicable to the support, operation and maintenance of the office of the Director of Traffic of the City of Baltimore created under the provisions of this ordinance.

6. All assistants, aides and employees appointed or employed by the Director of Traffic of the City of Baltimore (except the

of Baltimore as provided in Section present employees of the Traffic Commission of the City of Baltimore, who are to be transferred to the office of the Director of Traffic of the City of Baltimore as employees thereof as provided in, and subject to the terms of, Section 4 of this ordinance) and except such consulting, planning, or designing engineers or other persons possessing technical or specialized skills in connection with the duties, powers and functions of the office of the Director of Traffic of the City of Baltimore who may be employed pursuant to the provisions of Section 1 of this ordinance after May 23, 1951, shall be appointed or employed in accordance with the provisions of Sections 142 to 156, inclusive, of the Baltimore City Charter (1949 Edition).

7. (a) It shall be unlawful for any person, without lawful authority, to wilfully deface, injure, move or interfere with any sign, standard, post, safety zone, semaphore, tower, automatic signal, or any other traffic device, or any part thereof, erected by the authority of said Director of Traffic of the City of Baltimore, or any directions, lines or marks painted by the authority of said Director of Traffic of the City of Baltimore on any pavement, curb or roadway for the purpose of directing traffic or parking vehicles;

(b) It shall be unlawful for any person to fail, neglect or refuse to comply with any instruction or direction on any post, standard, sign or other device erected by the authority of said Director of Traffic of the City of Baltimore for the regulation of traffic or parking on public highways;

(c) It shall be unlawful for any person to violate any rule, regulation, order or direction promulgated by said Director of Traffic of the City of Baltimore, as hereinbefore provided; and

(d) Any person violating any of the provisions of this Section 7 shall be guilty of a misdemeanor and, upon conviction thereof in any court of competent jurisdiction, shall be fined for each and every offense not more than One Hundred Dollars (\$100.00).

8. Any and all laws, ordinances and regulations and any and all parts of any and all laws, ordinances and regulations in force in the City of Baltimore inconsistent with the provisions of this ordinance or with any rule, regulation, order or directive hereafter promulgated by the Director of Traffic of the City of Baltimore, as hereinbefore provided, are hereby repealed to the extent of any such inconsistency, and any and all laws, ordinances and regulations and any and all parts of any and all laws, ordinances and regulations in force in the City of Baltimore not inconsistent, amended or superseded by the provisions of this ordinance or any rule, regulation, order or directive hereafter promulgated by the Director of Traffic of the City of Baltimore shall remain in full force and effect.

9. In case it be judicially determined that any word, phrase, clause, item, sentence, paragraph, section or part in or of this ordinance, or the application thereof to any person or circumstances, is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and the City Council hereby declaring that they would have ordained the remaining provisions of this ordinance without the word, phrase, clause, item, sentence, paragraph, section, or part, or the application thereof, so held invalid.

SEC. 2. *And be it further ordained, That this ordinance shall take effect from the date of its passage.*

Approved July 14, 1953.

(Reprint from THE DAILY RECORD, Baltimore, Md., September 8, 1953.)

PLAINTIFF'S EXHIBIT NO. 2

ADMINISTRATIVE REGULATION NO. 7

Effective Date, Tuesday, August 9, 1955

Pursuant to the authority contained in Article 66½, Section 151A of the Annotated Code of Maryland, 1951 edition as amended, and pursuant to the authority contained in Section (2) K of Article 38 of the Baltimore City Code, 1950 edition as such section was amended by Ordinance No. 786, approved July 14, 1953, the Director of Traffic of the City of Baltimore hereby establishes a regulation providing the following legal speeds for all roads, streets, lanes and alleys within the corporate limits of Baltimore City.

(A) The State traffic laws regulating the speed of vehicles shall be inapplicable upon all roads, streets, lanes or alleys within the City, except as this Administrative Regulation, as authorized by State law and City ordinance, hereby declares and determines upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas.

(B) No person shall operate or drive a vehicle on any road, street, lane or alley at a greater speed than is reasonable and prudent under the then existing conditions.

(C) Where no special hazard exists that requires lower speed for compliance with Paragraph (B) of this section, the following speed shall be lawful, but any speed in excess of said limits shall be prima facie evidence that the speed is

not reasonable or prudent and that it is unlawful.

(D) No person shall operate or drive a vehicle upon any road, street, lane or alley less than 16 feet in width from curb to curb at a speed in excess of fifteen miles per hour.

Penalties - Violation of Paragraphs (B), (D) or (E) of this section shall be deemed to be a misdemeanor and any person, upon conviction, shall be fined not more than \$100.00

(E) No vehicle shall be operated upon any road, street, lane or alley, greater than 16 feet in width from curb to curb, of this City (including public parks) at a rate of speed exceeding 25 miles per hour on ordinary highways or 30 miles per hour on dual lane through highways in the thickly settled or business parts of the City, or 30 miles per hour on ordinary highways, or 35 miles per hour on dual lane highways in the outlying or not thickly settled part of the City, except, however, where the roads, streets, lanes or alleys have been otherwise posted.

(F) No motor vehicle shall be operated upon any road, street, lane or alley of this City at a rate of speed greater than 50 miles per hour, or 55 miles per hour on dual lane through highways, under any circumstances or conditions. Violation of Paragraph (F) shall be deemed to be a misdemeanor and any person, upon conviction, shall be fined not less than \$10.00 nor more than \$100.00.

(G) Upon the trial of any person charged with the violation of this Regulation, proof of said determination of the maximum speed by the Department of Traffic Engineering and the existence of said sign shall constitute conclusive evidence of the maximum speed which can be maintained with safety on such roads, streets, lanes and alleys.

(H) Any person operating any motor vehicle upon any street, road, alley or lane of this City at a rate of speed greater than 70 miles per hour shall be subject, upon conviction, to a fine not less than \$100.00.

(I) No person shall drive or operate a vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary.

Peace Officers are hereby authorized to enforce this provision by direction to drivers, and in the event of apparent wilful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith, the continued slow operation by a driver shall be a misdemeanor and, upon conviction thereof, shall be punishable by a fine of \$1.00 to \$100.00.

(J) The fact that the speed of a vehicle is lower than the foregoing prima facie limits shall not relieve the driver from the duty to decrease speed when approaching and crossing an intersection except through highways, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway or when special

hazard exists with respect to pedestrians or other traffic or by reason of weather or highway condition, and speed shall be decreased as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(K) The prima facie limitations and provisions relative to speed set forth herein shall not apply to authorized emergency vehicles when responding to emergency calls and the drivers thereof sound audible signal by bell, siren, or exhaust whistle.

This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

(L) In accordance with the exception provided in Paragraph (E) herein, when signs are erected giving notice thereof, the prima facie speed limit shall be as set forth in this schedule upon those streets or portions thereof.

To Be Published



Henry A. Barnes  
Director of Traffic  
Department of Traffic Engineering

Approved For Legal Sufficiency

/s/ Edwin Harlan

Edwin Harlan  
Deputy City Solicitor

/s/ Francis X. Gallagher

Francis X. Gallagher  
Assistant City Solicitor

**EQUITY SUBPOENA**

**The State of Maryland**

To Henry A. Barnes, Director of Traffic,  
413 St. Paul Place  
and  
Mayor and City Council of Baltimore,  
a municipal corporation

**of Baltimore City, Greeting:**

WE COMMAND AND ENJOIN YOU, That all excuses set aside, you do within the time limited by law, beginning on the first Monday of September next, cause an appearance to be entered for you and your answer to be filed to the complaint of Hyman A. Pressman, 337 St. Paul Place

against you exhibited in the Circuit Court of Baltimore City.

HEREOF fail not, as you will answer the contrary at your peril.

WITNESS, the Honorable EMORY H. NILES, Chief Judge of the Supreme Bench of Baltimore City, the 4th day of July, 19 55  
Issued the 12th day of August, in the year 19 55

*Henry J. Riggenger* Clerk

MEMORANDUM: You are required to file your answer or other defense in the Clerk's Office, room 410, in the Court House, Baltimore City, within fifteen days after return day, named in the above subpoena. Personal attendance in Court on the day named is not necessary, but unless you answer or make other defense within the time named, complainant (s) may obtain a decree pro confesso against you, which upon proper proof may be converted into a final decree for the relief demanded.  
(General Equity Rule 11)



*P270*

**CIRCUIT COURT**

A-392  
19 <sup>55</sup>

Docket No. ....

HYMAN A. PRESSMAN

vs.

HENRY A. BARNES, ETC, ETAL

**Subpoena To Answer Bill Of Complaint**

No. A-35141

(2)

Filed 22<sup>nd</sup> day of Aug., 19 55

Hyman A. Pressman

Solicitor.

*2-3*

337 St. Paul Place

Address.

RECEIVED  
SHERIFF'S OFFICE

AUG 12 2 19 PM '55

BALTIMORE CITY, MD.

SERVICE OF COPY ADMITTED

THIS 16 DAY OF August 1955  
*Harriet Gallagher*

*Received per vice their  
15<sup>th</sup> day August 1955,*

*William Kerns  
Asst City Genl*

Summoned Henry A. Barnes, Director of Traffic, and Mayor and City Council of Baltimore, a municipal corporation, and copies of the Process with copies of the Bill of Complaint left with Thomas N. Biddison, City Solicitor on the 16th day of August 1955 in the presence of William Fowler. Also a copy of the Process with a copy of the Bill of Complaint left with C. Ferdinand Sybert, Attorney General, on the 15th day of August 1955 in the presence of Albert Kerns.

*J. S. 40*

*Joseph C. Deegan  
Sheriff*

Ad. 17<sup>th</sup> August 1955

929  
1955

HYMAN A. PRESSMAN,  
337 St. Paul Place,  
Plaintiff,

vs.

HENRY A. BARNES, Director of Traffic,\*  
413 St. Paul Place, and \*  
MAYOR AND CITY COUNCIL OF BALTIMORE, \*  
a municipal corporation, \*  
Defendants. \*

IN THE  
CIRCUIT COURT

OF BALTIMORE CITY

\* \* \* \* \*

PETITION FOR PRELIMINARY INJUNCTION

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Petitioner, Hyman A. Pressman, respectfully represents unto your Honor as follows:

1. That the Bill of Complaint filed in this case on the 12th day of August, 1955 prayed for a declaratory decree to establish the invalidity of Administrative Regulation No. 7 issued by the Defendant Henry A. Barnes pertaining to speed limits in Baltimore City, penalties for violations and the conclusiveness of evidence in court and paragraphs 2I and 2K of Baltimore City Ordinance No. 786 which delegate powers pertaining to traffic to the Director of Traffic of Baltimore City. That said Bill of Complaint also prayed for a permanent injunction to restrain the Defendants from expending any public funds for the erection of signs or other devices in pursuance of said Regulation No. 7 or paragraphs 2I and 2K of said Ordinance.

2. That since the filing of said Bill of Complaint, to wit, on the 16th day of August, 1955, the Defendant, Henry A Barnes has informed your Petitioner that he has been advised by the City Solicitor's office that he "should proceed with the installation of regulations as specified in the directive", as evidenced by a copy of a letter from said Henry A. Barnes to your Petitioner, which letter is dated August 12, 1955, postmarked August 15, 1955 and received by your Petitioner on August 16, 1955, a copy of which letter is filed herewith marked Plaintiff's Exhibit No. 3 and prayed to be taken as a part hereof.

3. That if the final decree of this Honorable Court should establish that the aforesaid Regulation and Ordinance are invalid,


35141

any signs showing the wrong speed limits or any other invalid signs or devices would have to be removed so that it would be a needless waste of public funds to erect such signs or devices before the determination of the legality thereof.

WHEREFORE YOUR PETITIONER PRAYS

(a) That the Defendants and each of them may, by a preliminary injunction issuing out of this Honorable Court, be restrained from expending any funds for the erection of signs or other devices in pursuance of Administrative Regulation No. 7.

AND as in duty bound, etc.

  
Plaintiff, in Proper Person

STATE OF MARYLAND, CITY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, That on this 16th day of August, 1955, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City aforesaid, personally appeared Hyman A. Pressman and made oath in due form of law that the matters and facts contained in the foregoing Petition are true as therein set forth, to the best of his knowledge, information and belief.

AS WITNESS my hand and Notarial Seal.

  
Notary Public

PLAINTIFF'S EXHIBIT NO. 3

Henry A. Barnes  
Director of Traffic

Thomas D'Alesandro, Jr.  
Mayor

DEPARTMENT OF TRAFFIC ENGINEERING  
413 St. Paul Place  
Baltimore 2, Md.

File # 2-2000

August 12, 1955

Mr. Hyman A. Pressman  
337 St. Paul Place  
Baltimore 2, Md.

Dear Mr. Pressman:

In reply to your letter of August 9, 1955, concerning our Administrative Regulation No. 7, may I advise you that I have discussed this matter with the City Solicitor's office and have been advised by them that I should proceed with the installation of regulations as specified in the directive. Mr. Biddison had a very exhaustive study of this entire matter made prior to the time the order was issued. Therefore, he feels that the regulation is in accordance with both the legal aspects of the State law, as well as the intent of the legislation.

Since you have indicated that you plan to press a taxpayer's suit to restrain the Director of Traffic from enforcing his regulation, I am taking the liberty of forwarding your communication to Mr. Biddison's office so that they can be prepared to defend the City in this matter.

Very truly yours,

Henry A. Barnes  
Director

hab/ecm

cc: Mr. Edwin Harlan  
Deputy City Solicitor

ORDERED by the Circuit Court of Baltimore City this 17th  
day of August, 1955 that the Petition for Preliminary Injunction  
in this cause be set for hearing on the 18th day of August,  
1955; provided a copy of the Petition and of this Order be served  
on the Defendants or their solicitor on or before the 17th  
day of August, 1955.

H. McAllister

*Service of Copy admitted,  
this 17th day of August, 1955.*

*Erwin Haslam  
Acting City Solicitor  
Per M.C.F.*

Ad. 18" August 1955

A-392  
1955

HYMAN A. PRESSMAN 337 St. Paul Place Plaintiff	:	IN THE
	:	
VS.	:	CIRCUIT COURT
	:	
HENRY A. BARNES, Director of Traffic 413 St. Paul Place and MAYOR AND CITY COUNCIL OF BALTIMORE, a municipal corporation Defendants	:	OF  BALTIMORE CITY

.....

ANSWER TO BILL FOR DECLARATORY DECREE

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Respondents, Henry A. Barnes, Director of the Department of Traffic Engineering of Baltimore City, and the Mayor and City Council of Baltimore, a municipal corporation, by Thomas N. Biddison, City Solicitor, Edwin Harlan, Deputy City Solicitor, Hugo A. Riccuit and Francis X. Gallagher, Assistant City Solicitors, in response to the Bill for Declaratory Decree, say as follows:

1. The Respondents are without knowledge of all of the facts and contents of the first paragraph of said Bill and, therefore, neither admit nor deny the allegations contained therein.
2. The Respondents are without knowledge of all of the facts and contents of the second paragraph of said Bill and, therefore, neither admit nor deny the allegations contained therein.
3. The Respondents admit the allegations contained in Paragraph 3 of said Bill.

A-35141 (4)

4. The Respondents admit the allegations contained in Paragraph 4 of said Bill.

5. The Respondents in answer to Paragraph 5, sub-sections (a), (b), (c), (d), (e), (f), (g) and (h) of said Bill deny that the said "Administrative Regulation No. 7" is illegal and ultra vires but on the contrary that said "Administrative Regulation No. 7" is a proper, valid and constitutional enactment adopted pursuant to Article 66 $\frac{1}{2}$ , Section 151 (A) of the Annotated Code of Maryland, 1951 edition, as amended, and Section 2(K) of Article 38 of the Baltimore City Code, 1950 edition, as amended by Ordinance No. 786 of July 14, 1953; and, in further answer to the specific allegations of the aforementioned sub-sections of Paragraph 5 of said Bill, say:

(a) That the Respondent, Henry A. Barnes, in promulgating "Administrative Regulation No. 7" is effectuating the purposes and intent of Ordinance No. 786 approved July 14, 1953, and Section 151 (A) of Article 66 $\frac{1}{2}$  of the Annotated Code of Maryland, said purpose and intent being the protection and preservation of the public health, safety and general welfare of the citizens of Baltimore.

(b) That the Respondent, Henry A. Barnes, by the promulgation of "Administrative Regulation No. 7" has not exercised any legislative power or function, but, on the contrary, is performing those duties, obligations and functions necessary to effectuate the design and purpose of Ordinance No. 786 and Section 151 (A) of Article 66 $\frac{1}{2}$  of the Maryland Code.

(c) That the penal provisions provided for in "Administrative Regulation No. 7" are not in any wise or manner in conflict with Ordinance No. 786.

(d) That no conflict exists between Section 8 of "Administrative Regulation No 7" and Section 176 (g) of Article 66 $\frac{1}{2}$  of the Maryland Code.

(e) That the "Administrative Regulation No. 7" does not in any manner attempt to regulate the speed of vehicles on any road, street, lane or alley within the corporate limits of Baltimore City which has been designated or maintained as a part of the State or Federal highway system or an extension thereof.

(f) That "Administrative Regulation No. 7" is not self-contradictory but, on the contrary, is a concise, succinct and constitutional regulation designed to carry out the purpose and intent of Ordinance No. 786 and Section 151 (A) of Article 66 $\frac{1}{2}$  of the Code.

(g) That "Administrative Regulation No. 7" is not in any way an exercise of any legislative or judicial function and any and all penal provisions of said "Administrative Regulation No. 7" can only be enforced through judicial process in accordance with due process of law.

(h) That Ordinance No. 786 is a proper, valid and constitutional enactment of the Mayor and City Council of Baltimore designed to provide for the safe and expeditious movement of traffic in the City of Baltimore and to protect the safety of the citizens using its streets.

6. The Respondents in answer to Paragraph 6(a) of said Bill say that Ordinance No. 786 does not attempt to delegate legislative power to the Director of Traffic, but authorizes him to exact compliance with the provisions thereof and with such regulations



as he has adopted or will adopt for their enforcement and gives him only such limited discretion as is necessary in the proper execution of a law or regulation designed to expedite movement of traffic and protection of the citizens in the use of streets in Baltimore City.

The Respondents in answer to Paragraph 6(b) of said Bill say that the Director of Traffic in the promulgation of rules and regulations is guided in the exercise of his limited discretion by what is necessary to provide for the safe and expeditious movement of traffic in Baltimore City and to protect the safety of the citizens using the streets of Baltimore City and that the exercise of said limited discretion for the protection of the public health and safety cannot be prescribed within precise limits.

The Respondents in answer to Paragraph 6(c) say that Ordinance No. 786 does not contravene Section 6(24) of the Charter and Public Local Laws of Baltimore City, and in further answer to said Paragraph 6(c) say that the proviso in Section 6(24) of the Charter of Baltimore City "that no ordinance of the City or act of any municipal officer shall conflict, impede, obstruct, hinder or interfere with the powers of the Police Commissioner" has reference to the executive powers of the Police Commissioner and does not restrict the power of the City to legislate on a matter within the scope of police power.

7. The Respondents in answer to Paragraph 7 of said Bill say that the Director of Traffic, Henry A. Barnes, pursuant to the authority vested in him by Ordinance No. 786 shall expend such sums as are necessary for the proper performance of the duties, obligations and functions imposed by the provisions of said Ordinance No. 786, in order to effectuate the design and purpose of said

307 Tower Bldg.

**Circuit Court of Baltimore City**

FLOOR 2, ROOM <sup>237</sup>~~214~~, COURT HOUSE

*Hyman A. Pressman*

VS.

*Henry A. Barnes, et al.*

Mr. *George N. Lewis Jr.* ..... *May* Term, 1955

You are hereby summoned to attend this Court, on *Tuesday* the *23rd* day of *August* 1955, at 10 o'clock A. M., to testify for *(see attached)*

By order of the Court,

**JOSEPH C. DEEGAN**, Sheriff of Baltimore City

(Bring this summons with you.)

Deputy No. *2*

Issued *8-19-55*

 Be punctual in attendance or you will be attached.



Now Est.

Hours Out of town

Ordinance, namely, the protection of the public health, safety and general welfare.

8. The Respondents in answer to Paragraph 8 of said Bill deny all allegations contained in said Paragraph 8 and further say that the Director of Traffic, Henry A. Barnes, shall perform all of the duties and obligations imposed upon him by the validly, properly and constitutionally adopted Ordinance No. 786.

9. The Respondents in answer to Paragraph 9 of said Bill deny all allegations in said Paragraph and further say that the Director of Traffic, Henry A. Barnes, in the performance of the duties and obligations imposed upon him by said Ordinance No. 786 has validly and legally spent and will spend public funds to effectuate the design and purpose of said Ordinance, namely, the protection of the public health, safety and general welfare.

WHEREFORE, having fully answered said Bill, your Respondents pray that the same be dismissed with proper costs.

*Thomas N. Biddison*  
\_\_\_\_\_  
THOMAS N. BIDDISON  
City Solicitor

*Edwin Harlan*  
\_\_\_\_\_  
EDWIN HARLAN  
Deputy City Solicitor

*Hugo A. Ricciuti*  
\_\_\_\_\_  
HUGO A. RICCIUTI  
Assistant City Solicitor

*Francis X. Gallagher*  
\_\_\_\_\_  
FRANCIS X. GALLAGHER  
Assistant City Solicitor

Ad. 19<sup>th</sup> August 1955

HYMAN A. PRESSMAN	:	IN THE
337 St. Paul Place,	:	
Plaintiff	:	CIRCUIT COURT
v.	:	OF
HENRY A. BARNES, Director	:	BALTIMORE CITY
of Traffic,	:	
413 St. Paul Place, and	:	A-392, 1955
MAYOR and CITY COUNCIL OF	:	
BALTIMORE, a municipal	:	No. A-35141
corporation,	:	(2)
Defendants	:	
	:	

ANSWER

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The State of Maryland, by C. Ferdinand Sybert, Attorney General, and Stedman Prescott, Jr., Assistant Attorney General, in answer to the Bill of Complaint filed in this cause, respectfully says:

That a copy of the Bill of Complaint in the cause has been served on the Attorney General, in accordance with Section 11 of Article 31A of the Annotated Code of Maryland (1951 Ed.), and we have examined the Bill of Complaint, and the State does not desire to be heard or to be served with any further notice in the proceeding.

AND as in duty bound, etc.

C. Ferdinand Sybert  
Attorney General *per S.P.*

Stedman Prescott Jr.  
Assistant Attorney General  
Attorneys for State of Maryland

I HEREBY CERTIFY that on this 18th day of August, 1955, a copy of the within Answer was mailed to Hyman A. Pressman, Esq., 337 St. Paul Place, Baltimore 2, Maryland.

Stedman Prescott Jr.  
Assistant Attorney General

A-35141 (5)

SUMMONS FOR WITNESS

In the Circuit Court of Baltimore City

The Sheriff will please summon the following witnesses,

returnable Tuesday, August 23, 1955 at 10:30 A.M. at ~~10~~ 10:30 A.M.

DUCES TECUM:

George N. Lewis Jr., Director, Traffic Division, State Roads Commission, 307 Tower Building, to appear in person and to bring with him a 1955 Official Highway Map of Maryland and a list of all roads and streets in Baltimore City which have been designated by the State Roads Commission as extensions of the State highway system.

Multiple horizontal lines for additional witness information.

to testify for the Plaintiff before Hon. Judge Moser, Room 231 Court House  
in the case of Hyman A. Pressman

vs. Henry A. Barnes et al.

Ad. 19<sup>th</sup> August 1955

SUMMONS FOR WITNESS

Q 392  
1955

In the Circuit Court of Baltimore City

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returnable Tuesday, August 23, 1955 at 10:30 A.M. at ~~10 AM~~ 10 AM.

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L N.C.

to testify for the Plaintiff before Hon. Judge Moser, Room ~~7~~ <sup>231</sup> Court House in the case of Hyman A. Pressman

vs. Henry A. Barnes et al.

*Henry J. Ruppel*  
Clerk of Circuit Court of Baltimore City

Q-35141(26) 24

RECEIVED  
SHERIFF'S OFFICE  
AUG 19 2 14 PM '55  
BALTIMORE CITY, MD.



Ed-22 August 1955

HYMAN A. PRESSMAN,

\*

IN THE

Plaintiff,

\*

CIRCUIT COURT

vs.

\*

HENRY A. BARNES,

\*

OF BALTIMORE CITY

Director of Traffic, and

MAYOR AND CITY COUNCIL OF BALTIMORE,\*

Docket 1955 A-392

a municipal corporation,

\*

No. A-35141

Defendants.

\*

\* \* \* \* \*

PETITION TO INTERVENE AS PLAINTIFFS

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of Bennett Cook, Wakina I.S. Johns, Leroy L. Johns, Lillian Gordon, Clarence Gordon, Eunice Fisher, Marie N. Pettigren, Francis Richardson, Phillip Dixon, Monroe Montague, Jr., Eva Barnum, G.C. Lambson, Gladys Keys, Herbert Keys, Stella Keys, Elaine B. Tarter, Margaret Baylor, Gray Lloyd, Bettie Sharp Johnson, Charles Johnson, Rufus Johnson, Charles W. Scott, Melbert Moose, Jessie Cole, Florine F. Brooks, David M. Coleman, Lula Rock, Annabelle Showman, Theodore Clay, Edward B. Clay, Albert J. Ruppel, Ada Allen, Lillie Coleman, Annie Pearl Ray, Viola Ames, Levi Miller, Edward Tarter, Donald Wainwright, Essie Coleman, Arthur L. James, Lilly Deceredey, Mary Alice Robinson, Mary E. Norris, Esther H. Herthfeld, by Hyman A. Pressman, their solicitor, respectfully represents unto your Honor:

1. That Paragraph 2 of the Bill of Complaint heretofore filed in this case states that said Bill of Complaint is filed by the Plaintiff "in his own behalf and in behalf of all others similarly interested who might desire to make themselves parties to this proceeding".

2. That your Petitioners are "similarly interested" for the reason that they are citizens, taxpayers and residents of Baltimore City and that they desire to make themselves parties plaintiff to this proceeding.

3. That your Petitioners adopt the allegations contained in the original Bill of Complaint.

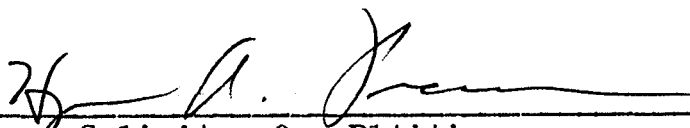
A-35141 (7)

WHEREFORE YOUR PETITIONERS PRAY:

a. That this Honorable Court may permit them to intervene in this proceeding as parties plaintiff.

  
Solicitor for Petitioners

Copy mailed to Thomas N. Biddison, Esq., City Solicitor,  
Solicitor for Defendants, this 22nd day of August, 1955.

  
Solicitor for Petitioners

*Ad. 23<sup>rd</sup> August 1955*

*A-392*  
*1955*

O R D E R

Upon the foregoing Petition, it is this 23<sup>rd</sup> day of August, 1955, ORDERED by the Circuit Court of Baltimore City that the Petitioners named therein be and they are hereby made parties plaintiff to this proceeding.

*James Parshament*  
*W. C. Moore*  
\_\_\_\_\_  
JUDGE

*A-35141 (8)*

*Filed 20 August 1955*

*A-392*  
*1955*

HYMAN A. PRESSMAN  
337 St. Paul Place,

Plaintiff,

vs.

HENRY A. BARNES, Director of Traffic,  
413 St. Paul Place,

and

MAYOR AND CITY COUNCIL OF BALTIMORE,  
a municipal corporation,

Defendants.

In the

CIRCUIT COURT

OF BALTIMORE CITY

\* \* \* \* \*

- S T I P U L A T I O N -

\* \* \* \* \*

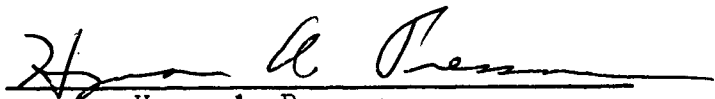
IT IS HEREBY STIPULATED BETWEEN THE RESPECTIVE PARTIES:

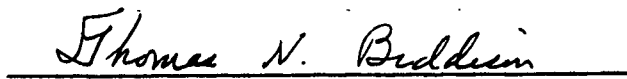
1. That the Complainant, Hyman A. Pressman, is a citizen, motorist and taxpayer of Baltimore City, and is a proper party to this proceeding.
2. That this Honorable Court has jurisdiction.
3. That the Respondent, Henry A. Barnes, has been appointed as Director of Traffic of Baltimore City, pursuant to the provisions of Ordinance No. 786, approved July 14, 1953, and has performed, and will continue to perform, those obligations, duties and controls over traffic imposed upon him in pursuance of said ordinance.
4. That Ordinance No. 786, approved July 14, 1953, filed herein as "Plaintiff's Exhibit No. 1," has been duly enacted, and is hereby admitted in evidence.
5. That, on August 7, 1955, the Respondent, Henry A. Barnes, caused to be issued and published Administrative Regulation No. 7, copy of which Regulation has been filed as "Plaintiff's Exhibit No. 2," and is hereby admitted in evidence.

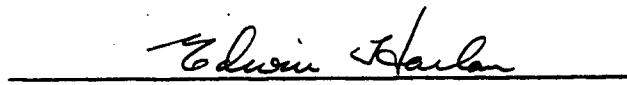
*A-35141(9)*


6. That the Respondent, Henry A. Barnes, has expended, intends to expend, and will expend, public funds in pursuance of said Ordinance No. 786, approved July 14, 1953, for the erection of signs and other devices.

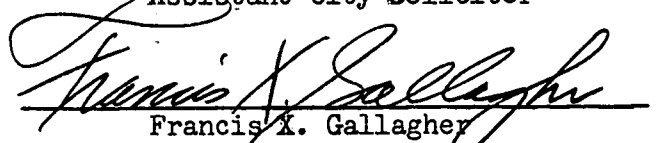
7. That the Respondent, Henry A. Barnes, intends to expend, and will expend, public funds in pursuance of Administrative Regulation No. 7.

  
Hyman A. Pressman  
Plaintiff in Proper Person

  
Thomas N. Biddison  
City Solicitor

  
Edwin Harlan  
Deputy City Solicitor

  
Hugo A. Ricciuti  
Assistant City Solicitor

  
Francis X. Gallagher  
Assistant City Solicitor  
Solicitors for Henry A. Barnes, Director  
of Traffic of Baltimore City

*Ed. 23" September 1955*

(W)

HYMAN A. PRESSMAN, et al	)	IN THE
Plaintiffs	)	CIRCUIT COURT
vs	)	OF
HENRY A. BARNES,	)	BALTIMORE CITY
Director of Traffic, and	)	Docket 1955 A-392
MAYOR AND CITY COUNCIL OF BALTIMORE,	)	No. A-35141
A Municipal Corporation,	)	
Defendants	)	

MOSER, J.

MEMORANDUM

Baltimore City Ordinance No. 786 was passed by the Baltimore City Council and approved July 14, 1953. By its pertinent provisions it abolished the Traffic Commission of the City of Baltimore and created in lieu thereof the office of Director of Traffic of the City of Baltimore and delegated to and imposed upon the Director of Traffic certain powers and duties. Section 1 (a) of the Ordinance recited that in order to provide for the safe and expeditious movement of traffic in the City of Baltimore and to protect the safety of its citizens using its streets, there was created an office of the Mayor and City Council of Baltimore to be known as the "Director of Traffic of the City of Baltimore".

Section 1 (b) of the Ordinance provided that the Director of Traffic of the City of Baltimore may adopt such rules and regulations as he may deem necessary for the proper transaction of his business.

By Section 2 of the Ordinance it was provided that the Director of Traffic of the City of Baltimore "be and he is hereby granted full power and authority and directed to do any and all of the following".

. . .

D. Make recommendations to the Mayor and the City Council of Baltimore for the improvement of traffic conditions in the City of Baltimore, which cannot be accomplished by the directives, orders, rules or regulations promulgated by the Director of Traffic of the City of Baltimore, as authorized by Sub-paragraph K of Section 2 of this ordinance.

*A-35141 (10)*

. . .

F. Establish and determine the design, timing, type, size and location of any and all signs, signals, markings, pylons, channels and other devices for guiding, directing or otherwise regulating and controlling vehicular and pedestrian traffic.

G. Designate any intersections as "STOP" intersections or through highways.

H. Approve or disapprove the location of bus stops designated by The Baltimore Transit Company, or its successor, or rescind or modify any prior approval heretofore given.

I. Have and exercise all control over traffic that the Police Commissioner for the City of Baltimore had prior to the time this ordinance becomes effective, including the power to establish special "NO PARKING" spaces; provided, however, that the Director of Traffic of the City of Baltimore shall not have the power to make and enforce special regulations with regard to traffic as set forth in Section 87 of this Article.

J. Install and maintain such traffic signs, signals, markings, pylons, channels and other devices as heretofore or hereafter directed by ordinance or heretofore directed by the Police Commissioner for Baltimore City.

K. Adopt and promulgate rules, regulations, orders and directives relating to, or in connection with, the movement of vehicular and pedestrian traffic in the City of Baltimore.

However, the Director of Traffic of the City of Baltimore shall not have the power to adopt and promulgate rules, regulations, orders or directives in the nature of general parking restrictions or to establish one-way streets; the power to make general parking restrictions or to establish one-way streets is specifically reserved to the Mayor and City Council, to be exercised by them by ordinance.

Said Ordinance No. 786 by Section 7 thereof contained this language:

(a) It shall be unlawful for any person, without lawful authority, to wilfully deface, injure, move or interfere with any sign, standard, post, safety zone, semaphore, tower, automatic signal, or any other traffic device, or any part thereof, erected by the authority of said Director of Traffic of the City of Baltimore, or any directions, lines or marks painted by the authority of said Director of Traffic of the City of Baltimore on any pavement, curb or roadway for the purpose of directing traffic or parking vehicles;

(b) It shall be unlawful for any person to fail, neglect or refuse to comply with any instruction or direction, on any post, standard, sign or other device erected by the authority of said Director of Traffic of the City of Baltimore for the regulation of traffic or parking on public highways;

(c) It shall be unlawful for any person to violate any rule, regulation, order or direction promulgated by said Director of Traffic of the City of Baltimore, as hereinbefore provided; and

(d) Any person violating any of the provisions of this Section 7 shall be guilty of a misdemeanor and, upon conviction thereof in any court of competent jurisdiction, shall be fined for each and every offense not more than One Hundred Dollars (\$100.00).

It is contended on behalf of the Defendants that there are three charter powers involved in traffic regulations. These are sub-section (29) (d), sub-section (39), and sub-section (24) of Section 6 of the Baltimore City Charter. They read as follows:

Section 6:

The Mayor and City Council of Baltimore shall have full power and authority to exercise all of the powers heretofore or hereafter granted to it by the Constitution of Maryland or by any Public General or Public Local Laws of the State of Maryland; and in particular, without limitation upon the foregoing; shall have power by ordinance, or such other method as may be provided for in its Charter, subject to the provisions of said Constitution and Public General Laws:

(29) (d) To regulate the use of streets and public ways by persons, animals and vehicles; to prohibit the use of such streets and public ways by any or all motor vehicles under such circumstances or upon such conditions as it may, from time to time, by ordinance, deem necessary or expedient in the interest of the public.

(39) To pass any ordinance, not inconsistent with the provisions of this Charter or the laws of the State, which it may deem proper in the exercise of any of the powers, either express or implied, enumerated in this Charter, as well as any ordinance as it may deem proper in maintaining the peace, good government, health and welfare of Baltimore City.

(24) To have and exercise within the limits of Baltimore City all the power commonly known as the Police Power to the same extent as the State has or could exercise said power within said limits; provided, however, that no ordinance of the City or act of any municipal officer shall conflict, impede, obstruct, hinder or interfere with the powers of the Police Commissioner.

Pursuant to the foregoing powers, the City of Baltimore has from time to time passed a number of ordinances relating to traffic (see Article 38 of the Baltimore City Code, 1950 "Traffic Regulations".)

During the 1955 Session of the General Assembly of Maryland, there were passed Sections 151 and 151 A of Article 66 $\frac{1}{2}$ , Annotated Code of Maryland (1951 Edition, as amended.)



Said Section 151 provides as follows:

(a) The provisions of this Article shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from -

- (1) Regulating the standing or parking of vehicles;
- (2) Regulating traffic by means of peace officers or traffic control devices;
- (3) Regulating or prohibiting processions or assemblages on the highways;
- (4) Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;
- (5) Regulating the speed and weight of vehicles in public parks;
- (6) Designating any intersection as a stop intersection requiring all vehicles to stop at one or more entrances to such intersections.

(b) No ordinance or regulation enacted under subdivisions (4), (5), or (6) of this section shall be effective until signs giving notice of such local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as may be appropriate.

Section 151 A reads as follows:

Section 151 A - Notwithstanding any other provision of this article, the appropriate authorities of any incorporated city, town or village are authorized and empowered to regulate the speed of vehicles on any road, street, lane or alley which is within their respective corporate limits and which has not been designated or maintained as a part of the State or federal highway system or an extension thereof.

Section 151 A of Article 66 $\frac{1}{2}$  enumerates the regulation of speed of vehicles as an area of regulation granted to the appropriate authorities of any incorporated city, town or village.

Pursuant to Section 2 (k) of Ordinance No. 786, the Traffic Director issued a number of directives known as Administrative Regulations. After the passage of Section 151 A of Article 66 $\frac{1}{2}$ , the Traffic Director issued Administrative Regulation No. 7 dealing with speeds within the corporate limits of Baltimore City. The Plaintiffs contest the validity of Ordinance No. 786 and Administrative Regulation No. 7 issued pursuant thereto.

The effective date of Administrative Regulation No. 7 is August 9, 1955. It recites that pursuant to the authority contained in Article 66 $\frac{1}{2}$ , Section 151 A of the Annotated Code of Maryland, 1951 Edition, as amended, and pursuant to the authority contained in Section (2) K of Article 38 of the Baltimore City Code, 1950 Edition, as such section was amended by Ordinance No. 786 approved July 14, 1953, the Director of Traffic thereby establishes a regulation providing for certain legal speeds for all roads, streets, lanes and alleys within the corporate limits of Baltimore City. These speeds are declared to be determined upon the basis of engineering and traffic investigation.

Paragraph (D) of Administrative Regulation No. 7 provides that no person shall operate a vehicle upon any road, street, lane or alley less than sixteen feet wide from curb to curb in excess of fifteen miles an hour, and sets forth that a violation shall be deemed a misdemeanor subject to a fine of not more than \$100.00.

Paragraph (E) of Administrative Regulation No. 7 sets forth in substance that on highways greater than sixteen feet in width, no vehicle shall be operated at a rate of speed exceeding twenty-five miles per hour on ordinary highways, or thirty miles an hour on dual lane through highways in the thickly settled or business parts of the city, or thirty miles per hour on ordinary highways, or thirty-five miles per hour on dual highways in the outlying or not thickly settled part of the city except where such highways have been otherwise posted.

Paragraph (F) of said Administrative Regulation No. 7 prohibits speeds greater than fifty miles per hour and on dual lane through highways prohibits speeds greater than fifty-five miles per hour, with violations stated to be a misdemeanor subject to a fine of not less than \$10.00 nor more than \$100.00.

Other parts of Administrative Regulation No. 7 are similar in character depending upon the subject matter therein provided for.

It is alleged by the plaintiffs that Ordinance No. 786 delegated legislative functions to an Administrative official and fails to provide sufficient standards to guide him.

The Plaintiffs argued also that if such power could be delegated, it has not been legally delegated, and that the transfer of the control of traffic from the Police Commissioner to the Director of Traffic is in violation of the City Charter, and that local authorities may not regulate the speed of vehicles on the roads or streets in question here because it has been alleged they have been designated as a part of the state or federal highways system or an extension thereof.

In Tighe v. Osborne, 150 Md. 452, the Court of Appeals commented upon the field of administrative power and made this statement:

The field has become so vast, and the things to be considered so enlarged in number and so interrelated with one another, that it has been found practically impossible to provide in laws and ordinances specific rules and standards by which every conceivable situation can be measured and determined. The result has been that we have turned more and more to the plan of providing in our laws and ordinances general rules and standards, and leaving to administrative boards and agencies the task of acquiring information, working out details, and applying these rules and standards to specific cases. This is not considered a delegation of legislative authority, though it probably does represent an expansion of administrative power.

Such ordinances represent no change in principle; they merely indicate that the Courts, faced at least by an apparent necessity, have relaxed to some extent the particularity with which they formerly required the laws and ordinances to set out the rules and standards by which the delegated power was to be limited, and whatever may be said of the wisdom of this relaxation, no doubt can now be entertained as to its sanction by the great weight of authority in this country.

The case of Houck v. Minton, 212 SW 2nd 891, presented for interpretation the Charter of Nashville, Tennessee. That Charter gave to the Traffic Commission of Nashville "full and exclusive legislative authority to adopt and publish traffic regulations. . ." It then set up specific instances of what it meant by traffic regulations. One of these instances was regulating speed where the Commission felt that speed less than thirty miles per hour

was proper. This provision of the Charter was attacked as a delegation of legislative power. The Court stated: "The power to regulate and control traffic is a power that may be delegated to a municipality by the Legislature, or to some designated agency of such municipality . . . ."

"When we come to consider the question of regulating traffic, especially within a congested area, it would be impossible to do so in many instances by a direct ordinance of a city council. In emergencies the public safety cannot wait for legislative action by a slowly-moving legislative council, nor can the latter be expected to declare by ordinance what is a hazard to public travel in changing situations and conditions. It must be left to the sound discretion of some agency of the local government."

It was argued in Houck, supra, that the words "legislative authority" were used in the Charter. The Court held, however, that such authority was nevertheless administrative. The City Council of Nashville provided the penalties by ordinance for violation of the Traffic Commission's rules and regulations.

In Sherman v. Johnson, 80 S.E. 2d 717; 89 Ga.App. 620, an ordinance of Atlanta authorized the City Traffic Engineer of that city to determine and designate intersections where particular hazards existed and to cause "stop" signs and traffic control signs to be erected when needed. The ordinance was attacked as being too vague and indefinite to be enforceable and as a delegation of legislative power to an administrative officer. The ordinance was sustained.

In Gould, et al, v. Western Dairy Products, Inc., et al, 55 P. 2d 274, a Burbank ordinance gave the Board of Police Commissioners authority to erect stop signs. The legislation was sustained against the contention that it constituted an unlawful delegation of power. In the Gould case, the Court wrote in part:

Even a casual observer of governmental growth and development must have observed the ever-increasing multiplicity and complexity of administrative affairs - national, state, municipal - and even the occasional reader of the law must have perceived that from necessity, if for no better grounded reason - it has become increasingly imperative that many quasi-legislative and quasi-judicial functions, which in smaller communities and under more primitive conditions were performed by:

the legislative or judicial branches of the government, are entrusted to departments, boards, commissions and agents. No sound objection can longer be successfully advanced to the growing method of transacting public business. These things must be done in this way or they cannot be done at all, and their doing, in a very real sense, makes for the safety of the republic and is thus sanctioned by the higher law.

In City of Cleveland v. Gustafson, 180 N.E.59, 124 Ohio St.607, an ordinance authorizing a safety director to establish safety zones was held not to represent an unlawful delegation of legislative power. The Court wrote:

.....Increasing population, and an increase in the means and methods of travel, present to our legislative bodies their most complex problems. They occur and recur. . . . . It must be borne in mind that all of us must surrender something for the sake of government. When the motorist starts, he wants to go. So does the pedestrian. So does the passenger in the streetcar. The city council must look after the safety and general welfare of all at the same time and under all circumstances. Council cannot legislate with exact nicety, nor is it required so to do in the exercise of its police power. The Almighty himself would find it a stupendous task to take care of our moving thousands without making some slight discrimination somewhere . . . . .

Stevens v. City of Kalamazoo and James R. Wichman, City Traffic Engineer was decided October 12, 1954, in the Circuit Court for the County of Kalamazoo, Michigan. In that case, the City Traffic Engineer was given power to establish one-way streets, to increase or decrease certain speed regulations and to prohibit or restrict parking of vehicles. The regulation issued under the ordinance was sustained, the Court stating:

It is impossible for the City Commission or the Legislature of our State to anticipate all of the very many details and contingencies that may arise in the handling of such a complex problem as regulating traffic upon the public highways.

As an aid to the instant case, resort may be had to Sutherland on Statutory Construction, where in Volume 2, Sec. 5101, the following appears:

Legislative standards are generally couched in terms which have considerable breadth. Therefore, a statute may be interpreted to include circumstances or situations which were unknown or did not exist at the time of the enactment of the statute.

Although Administrative Regulation No. 7 of the Director of Traffic sets forth provisions in regard to fines, it is observable that in most instances it paraphrases the "not more than \$100.00" language of Ordinance No. 786. However the setting of any minimum fine by the Director of Traffic, such as \$10. or \$1.00, as he attempted to do in Administrative Legislation No. 7, and the fixing of presumptions of guilt, as he attempted to do in this same regulation, may not be done by him and is invalid. This would not cause the Administrative Regulation to fail in its other parts.

With respect to the Plaintiffs' allegations that the Ordinance results in interference with the powers of the Police Commissioner over traffic, it is of interest to examine the case of GI Veterans Taxicab v. Yellow Cab Co., 192 Md. 551, in which case the Court of Appeals found that the powers of the Police Commissioner referred to in the Charter "would seem to have reference to his executive powers." Vide also State v. Stewart, 152 Md. 419.

It will be noted that Section 2 (I) of Ordinance No. 786 specifically provides that the Director of Traffic "shall not have the power to make and enforce special regulations with regard to traffic as set forth in Section 87 of this Article". The Commissioner retains this power, and there is not found to be any violation of law in the Ordinance in regard to this matter as contended for by the plaintiffs.

The Court has examined a number of other decisions cited by respective counsel and in the opinion of this Court the authorities sustain the validity of the Ordinance and the speed provisions of the Administrative Regulation.

The point which gave greatest pause was the language of Section 151 A, hereinbefore referred to, which would in effect permit the appropriate authorities of the City to regulate the speed of vehicles on any road, street, lane or alley within the corporate limits of Baltimore if they have not been designated or maintained as a part

of the State or federal highway system or an extension thereof.

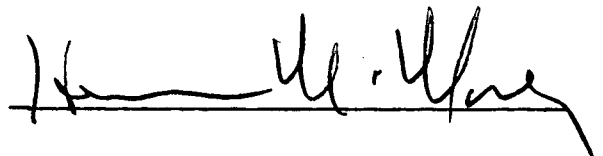
The testimony at the hearing showed that there are within the corporate limits of Baltimore neither State nor federal highways or systems. Mr. Bunting of the State Roads Commission and the Defendant, Barnes, both testified there were no such roads or highways within Baltimore City. Mr. Bunting indicated he was without knowledge as to whether there were any such extensions within Baltimore City, and in effect said that State and federal numbered highways came up to the boundaries of the City and "took up" at the other side of the city. The testimony indicated that the State Roads Commission and the Federal Government neither maintained nor designated any of the routes within the City. Under an agreement with the State Roads Commission and the Department of Traffic Engineering of Baltimore City, the City of Baltimore agreed to mark all highways within the City with State and federal numerals to assist the traveling public when going through the City. The Defendants contend that under these circumstances there is no evidence of a Federal or State road system within the City and the Defendant, Barnes, testified that he could and did change the placing of these markers without State or Federal sanction. Article 89B of the Annotated Code of Maryland in Section 2 defines a state highway system as "a system of roads which are from time to time owned by the State and which the State Roads Commission by resolution from time to time designated as State roads to be maintained and operated by the Commission". If the argument of the Plaintiffs were accepted, then no road within Baltimore City which has a physical connection with a State or Federal marked highway could be controlled by the municipality as to regulating speed thereon and the municipality would be without power to increase or decrease the speed on its vital arteries. Section 176 (h) of Article 66 $\frac{1}{2}$  provides that when the State Roads Commission determines that a speed limit set by State law is greater than is reasonable or safe under the conditions found to exist at any

place upon the public highway within the State, then "outside the corporate limits of any municipality or upon any State maintained street within the corporate limits of any municipality", the State Roads Commission shall have the power to set a safe, reasonable speed. It would appear that the State Roads Commission has no power to change speed limits within the City of Baltimore. The Court does not find that the City of Baltimore or its appropriate authorities under the legislation hereinbefore considered are without power to change the speeds on streets within the City. To accept the Plaintiffs' interpretation would be to render nugatory Section 151 A of Article 66 $\frac{1}{2}$  in so far as Baltimore City is thereby concerned.

The Court finds that Ordinance No. 786 is a constitutional and valid enactment of the Mayor and City Council of Baltimore and that Administrative Regulation No. 7 of the Director of Traffic of the City of Baltimore is likewise a valid regulation with respect to speed limits set thereby.

An order consistent with the foregoing opinion will be signed.

9/23/55





Sept. 27<sup>th</sup> September 1955

HYMAN A. PRESSMAN, et al.  
Plaintiffs,

vs.

HENRY A. BARNES  
Director of Traffic, and  
MAYOR AND CITY COUNCIL OF BALTIMORE,  
a municipal corporation,  
Defendants.

\* IN THE  
\* CIRCUIT COURT  
\* OF BALTIMORE CITY  
\* Docket 1955 A-392  
\* No. A-35141

\* \* \* \* \*

P E T I T I O N

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of Hyman A. Pressman et al., Plaintiffs, by Hyman A. Pressman, their solicitor, respectfully represents unto your Honor:

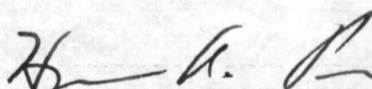
1. That the Plaintiffs, on page 9 of their memorandum heretofore filed, complained that Paragraph 8 of Baltimore City Ordinance No. 786 constituted an unlimited, unwarranted and incredible delegation of power in that it gives the Director of Traffic the power to repeal a law or ordinance by issuing a regulation.

2. That your Petitioners desire to make a formal request that said Paragraph 8 of Ordinance No. 786 be declared invalid, illegal and unconstitutional under the "other and further" prayer for relief.

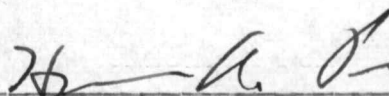
WHEREFORE YOUR PETITIONER PRAYS:

(a) That this Honorable Court may enter a declaratory decree declaring and decreeing that Paragraph 8 of Baltimore City Ordinance No. 786 is invalid, illegal and unconstitutional.

AND as in duty bound, etc.

  
Solicitor for Plaintiffs

Copy mailed to Thomas E. Biddison, Esq., City Solicitor, Solicitor for Defendants, this 27<sup>th</sup> day of September, 1955.

  
Solicitor for Plaintiffs

A-35141 ("")

*Sid. 30<sup>th</sup> September 1955*

HYMAN A. PRESSMAN, et al, :  
Plaintiffs, :

vs. :

HENRY A. BARNES, Director of :  
Traffic, :

and :

MAYOR AND CITY COUNCIL OF :  
BALTIMORE, :  
a municipal corporation, :  
Defendants. :

IN THE  
CIRCUIT COURT  
OF  
BALTIMORE CITY

Docket 1955 - A-392

No. A-35141

.. .. .

ORDER

This matter having come up for hearing upon BILL and ANSWER and counsel for all parties having been heard, testimony having been taken in open Court and memoranda of law having been submitted, and the Court having duly considered the matter and rendered its written opinion therein, it is this 30<sup>th</sup> day of SEPTEMBER, 1955, by the Circuit Court of Baltimore City,

ADJUDGED, ORDERED and DECREED that Baltimore City Ordinance No. 786, enacted in 1953, and Administrative Regulation No. 7 of the Director of Traffic of the City of Baltimore are constitutional and valid enactments, with the exception that the setting of minimum fines and presumptions as to guilt in said Administrative Regulation No. 7 are invalid;

AND BE IT FURTHER ADJUDGED, ORDERED and DECREED, that the Bill for Declaratory Decree be dismissed and costs to be paid by the Plaintiffs, *tax. this as of cost*  
*with 1/3 of costs to be paid by the defendants*

*[Signature]*  
JUDGE

Tax

A-35141 (12)

*Ad. 7<sup>th</sup> October 1955*

ORDER FOR APPEAL

HYMAN A. PRESSMAN, et al.,

Plaintiffs,

vs.

HENRY A. BARNES,  
Director of Traffic, and

MAYOR AND CITY COUNCIL OF  
BALTIMORE,  
a municipal corporation,  
Defendants.

IN THE  
CIRCUIT COURT  
OF  
BALTIMORE CITY

Docket 1955 A-392

No. A-35141

Mr. Clerk:

Please enter an appeal on behalf of the Plaintiffs  
from the Order passed on the 30th day of September 19 55  
to the Court of Appeals of Maryland.

*Henry A. Barnes*  
Solicitor for Appellants.

Copy mailed to Thomas E. Biddison, Esq., City Solicitor,  
Solicitor for Appellees, this 2<sup>nd</sup> day of October, 1955.

*Thomas E. Biddison*  
Solicitor for Appellants.

*Ad. 27<sup>th</sup> October 1955*

*A-392-1955*

# STENOGRAPHIC TRANSCRIPT

In the Case of

HYMAN A. PRESSMAN

vs

HENRY A. BARNES, ET AL.

IN THE

CIRCUIT COURT

OF

BALTIMORE CITY

----

HERMAN M. MOSER, J.

PROCEEDINGS OF AUGUST 23, 1955

*A-35141(14)*

YALE J. AARONS  
OFFICIAL COURT STENOGRAPHER  
BALTIMORE 2, MD.

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WITNESSES IN BEHALF  
OF THE PLAINTIFFS

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EXHIBITS

PLAINTIFFS' EXHIBITS

<u>EXHIBIT NO.</u>	<u>PAGE</u>	
1	2	ORD. 786
" "	2	ADM. REG. NO. 7
" "	3	SEC. 87-ARL. 38
" "	4	SEC. 89-ARL. 38
" "	5	MAP

REFERENCE TO ARL. 89 of the MARYLAND CODE SEC.2-B	<u>PAGE</u> 12
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HYMAN A. PRESSMAN : IN THE  
 vs. : CIRCUIT COURT  
 HENRY A. BARNES : OF BALTIMORE CITY  
 :  
 -----

Baltimore, Maryland  
 Tuesday, August 23, 1955  
 10:00 a.m.

Before Honorable Herman M. Moser, J.

Appearances:

Hyman A. Pressman, Esq. on behalf of the Plaintiffs.

Hugo Ricciuti, Esq. on behalf of Henry A. Barnes  
 and City.

BY THE COURT: All right, gentlemen, do you have a  
 stipulation ?

BY MR. RICCIUTI: Yes your Honor.

BY THE COURT: Do you have an extra copy you can  
 give the Court please ?

BY MR. RICCIUTI: Your Honor, it hasn't been filed  
 as yet.

BY THE COURT: Suppose we start off by filing the  
 stipulation. Now, is it going to be necessary to take  
 testimony ?

BY MR. PRESSMAN: Yes your Honor.

BY THE COURT: Put the testimony on.

BY MR. PRESSMAN: Your Honor, before proceeding with the testimony, may I ask your Honor to sign an order making the 44 parties plaintiff who petitioned your Honor yesterday ?

BY THE COURT: I didn't know they had.

BY MR. PRESSMAN: We filed it yesterday. I waited until the other side had notice of it before asking your Honor to sign it. I understand they have no objection.

BY MR. RICCIUTI: I have no objection.

BY THE COURT: All right. Am I supposed to know who the 44 are, or does it make any difference ?

BY MR. PRESSMAN: May it please your Honor, I would like to offer into evidence and have introduced as an agreed exhibit some of the items stipulated. We'd like to offer Plaintiff's Exhibit No. 1, being Ordinance No. 786, as agreed Exhibit No. 1.

BY THE COURT: All right.

BY MR. PRESSMAN: We would like to offer Administrative Regulation No. 7, heretofore filed as Plaintiff's Exhibit No. 2, to be agreed Exhibit No. 2, and we also would like to file two sections of the Baltimore City Code, the first one being Section 87 of Article 38, which reads --

BY THE COURT: All these matters you are referring to in your brief?

BY MR. PRESSMAN: Yes. "The Police Commissioner is hereby authorized and empowered to make and enforce regulations with regard to the traffic at certain hours, when the safety and convenience of the public will best be served thereby", and Section 89 of Article 38, which we offer into evidence. The Section 87 I just read is agreed exhibit No. 3 your Honor, and agreed Exhibit No. 4, Section 89, Article 38 - "The Police Commissioner of Baltimore City is hereby authorized and empowered to designate as a "Stop Intersection" any street intersection which he may deem necessary for the safe movement and control of street traffic and to place "Stop Intersection" traffic signs at all street intersections so designated by him; whenever any such signs have been so erected it shall be unlawful for the operator of any vehicle to fail to stop in obedience thereto, except when traffic at such marked intersection is controlled by traffic signals of officers. All such signs shall be illuminated at night or so placed as to be illuminated by the headlights of an approaching vehicle or by street lights."

BY MR. RICCIUTI: Your Honor, at that point, I'd like the record to show that the City agrees that that por-



tion of Article 38 is entered as part of the stipulation in the record, that the City does not concede the effect of that ordinance at this time for the purposes of argument.

ERNEST W. BUNTING

a witness of lawful age, produced on behalf of the plaintiff, and having first been duly sworn according to law, was examined and testified as follows:

BY THE CLERK:

Give your name and home address and position please?

A. Ernest W. Bunting, 2736 Didoly Avenue.

Associate Engineer of Traffic Division, Maryland State Roads Commission.

DIRECT EXAMINATION BY MR. PRESSMAN:

Q Mr. Bunting, how long have you been in the Traffic Division of the State Roads Commission ?

A Thirteen and a half years.

Q In answer to a subpoena, have you brought an official highway map published by the State Roads Commission?

A Yes I have

Q Will you produce it please ?

BY THE COURT: That's the same one you showed me in the chambers the other day.

By Mr. Pressman: That's right. We offer this in evidence your Honor.

BY MR. RICCIUTI: I object at this point your Honor. He has raised no foundation for the relevancy of the map at this particular juncture. What he intends to prove by it I don't know.

BY THE COURT: You may suspect, because the Court suspects, he is going to try to prove this map indicates that there are certain State maintained highways that flow into the City to the point where the City has a continuation. The test, of course, means what the word "continuation" means, is that right ?

By Mr. Pressman: That's right your Honor.

BY MR. RICCIUTI: Further, to assist the Court, perhaps I would be willing to have the map admitted for the limited purpose of showing what Federal or State controlled highways meet the City limits.

By Mr. Pressman: We want to show more than that. We want to show the extensions into Baltimore City.

BY MR. RICCIUTI: I object to that.

BY THE COURT: I'll overrule the objection, with the understanding the Court is not accepting any phraseology that is on the map that uses the words "extension" as meaning the same thing necessarily as the use of the word "extension" in Ordinance in question. That's the thing the Court has to decide, and the Court, of course, will utilize everything that is properly available. This may or may not tend to show that's so.

BY MR. RICCIUTI: I have my exception ?

BY THE COURT: Yes you do.

By Mr. Pressman: Sir, referring -

BY THE COURT: At this point most assuredly it does not.

By Mr. Pressman: Would you show on that map whether any highways of the State highway system lead up to Baltimore City ?

A Yes sir, quite a few of them do. Starting on the east with Route 40, Route 1, Route 111, Route 139, Charles Street Avenue, Falls Road, 25, Park Heights Avenue, and Reisterstown Road, Liberty Heights Avenue. Do you prefer the number or the name ?

Q The numbers please.

A I'll go back then. U.S. 111, Charles Street Md. 139, Falls Road Md. 125, Park Heights Avenue, Maryland

129, U.S. 140, Maryland 26, U.S. 40, Md. 144, Md. 372, Southwestern Boulevard-which is U.S. 1 and Alternate U.S. 1, the old Boulevard, and Baltimore-Washington Expressway, and Md. 2 and U.S. 301, which runs concurrently up to Hanover Street Bridge.

Q Are all those on the east ?

A No sir. I said starting at the east. I went all around the City.

Q Do any of those highways come to one side of the City and go through to the other side of the City ?

A Yes they do. U.S. 40 is one.

BY MR. RICCIUTI: I object to that form of the question your Honor. I don't know what he means - Do these highways. What do you mean - the physical extension of the highways, or do you mean the system as such ?

By Mr. Pressman: I mean highways.

BY THE COURT: Let the witness answer what he means. He said yes. What do you mean by yes ?

A The way I gather, the question means - I've answered thusly. If U.S. 1 interwoven end and also takes up at another end, that would - is that what counsel meant ?

BY MR. RICCIUTI: I object as to what counsel meant.

BY THE COURT: No, he was only explaining his

"yes". In other words, he means "yes, those that do start at one end of the City and take up at another end of the City". That is the phrase.

By Mr. Pressman: And do any Federal routes do that?

A The U.S. routes are generally designated as federal routes; state routes are indicated by "Maryland".

Q What do you mean by U.S. routes? Do you by any chance mean highways of the federal highway system?

A Now you're getting into a difficult thing. U. S. routes generally referred to as Federal highways because they have the U.S. number and carries them through one state generally.

Q Now you have testified that those routes lead up to one side and begin at another side of the City. Now, do any of those routes go through the City?

BY MR. RICCIUTI: Again I object as to the form of the question your Honor.

BY THE COURT: Maybe the witness doesn't understand it. Maybe you want to ask "What do you mean by through a city?" Do you understand the question?

A Well, that they are marked through the City, all designated through the City, yes sir.

BY THE COURT: If you understand it now and the

question "Are any of them marked, designated as going through the City?"

A Yes sir.

Q By whom ?

A By Mr. Pressman.

Q By whom have they been marked and designated ?

A By the Maryland State Roads Commission.

Q And will you name some of those roads that have been marked and designated ?

A Well, beginning at the eastern end of the City, U.S. Route 40, U.S. Route 1, U.S. Route 111, U.S. Route 140, Md. Route 26, U.S. Route 40 again on the West, and U.S. Route 1, Baltimore-Washington Expressway, and U.S. Route 301 and Md. 2.

Q Are those marked and designated within Baltimore City as well as without Baltimore City ?

A Yes

Q Have they been thus marked and designated by the State Roads Commission in Baltimore City ?

A Yes.

Q. And are any of those routes part of the State highway system ?

BY MR. RICCIUTI: I object to that question your Honor.

BY THE COURT: Maybe he can't answer that .

A They are not maintained by the State.

By Mr. Pressman: I understand that they are not maintained by the State, but are any of those routes that you have mentioned that are not U.S. routes part of the state highway system ?

BY MR. RICCIUTI: YOUR Honor, I object. He's asking for legal conclusions from this witness .

BY THE COURT: I think somewhat.

BY MR. RICCIUTI: It's a very pointed issue.

BY THE COURT: There may be other things in his judgment in answer to that question. Now, you can ask him why he said that, but you probably show its meaningless or not meaningless. Can you answer that question? Would you repeat it please - rephrase your question ?

By Mr. Pressman: Are any of those routes a part of the system of roads which are from time to time owned by the State and with the State Roads Commission's resolution from time to time designated as state roads, to be maintained and operated by the Commission ?

BY MR. RICCIUTI: I repeat my objection.

BY THE COURT: I will overrule your objection.

A You've got the word "maintained" in there. I'd say no.

Q Part of Baltimore City is not maintained ?

A No sir.

Q Are any routes maintained outside of Baltimore City by the State Roads Commission ?

A All of them are.

BY MR. RICCIUTI: Outside of Baltimore City ?

A Yes sir.

By Mr. Pressman: Your witness.

CROSS EXAMINATION BY MR. RICCIUTI:

Q Your name is Mr. Bunting ?

A Yes sir.

Q Who is your immediate supervisor ?

A George N. Lewis, Jr.

Q Is he available today ?

A He was called down to Eastern Shore.

Q I see. You work of course with the State Roads Commission ?

A Yes Sir.

Q You work in the Maintenance Department ?

A No sir.

Q What particular department ?

A Traffic Division.



Q Are you familiar with the definition of the state roads system as defined by Article 66 $\frac{1}{2}$  ?

A Read it. I haven't read it.

Q Referring your Honor to Article 89 of the Maryland Code entitled "State Roads", Section 2 "Definitions" under B-State Highway Systems. The term "state highway system" means that system of roads which are from time to time operated by the State and which the State Roads Commission by resolution from time to time designates as state roads to be maintained and operated by the Commission. Now that, of course, is in accordance with your testimony, isn't it Mr. Bunting ?

A Yes, that's right.

Q None of these roads are maintained by the State Roads Commission in Baltimore City ?

A Yes.

Q Now, I thought I heard your testimony to the effect that the State Roads Commission presently maintains or designates certain roads in Baltimore City .

BY MR. PRESSMAN: Objection. He said, "They are the ones that put the markers up."

By Mr. Ricciuti: When is the last time you put them up Mr. Bunting ? Do you know ?

A No I do not. There has been an agreement with

the Barnes office, who were going to put them up.

BY MR. PRESSMAN: We move that be stricken your Honor.

By Mr. Ricciuti: That explains his prior answer your Honor.

BY THE COURT: Yes. I think it's proper cross-examination.

By Mr. Ricciuti: As far as you know ?

A The ones that were put up there were put up by the State Roads Commission.

Q Are they maintained presently by the State Roads Commission ?

A No sir.

Q As a result of what agreement ?

BY THE COURT: Let me understand what you're saying. What you're saying is that originally they were put there by the State Roads Commission ?

A Yes sir.

Q Since that time they have been maintained by the City ?

A Yes sir.

Q If one gets broken or destroyed, the City replaces it ?

A Yes sir.

By Mr. Ricciuti: As a result of the correspondence between Mr. Barnes and your office, it's been made perfectly clear Mr. Barnes is to designate the roads in Baltimore City.

BY MR. PRESSMAN: Objection . leading for one thing.

BY THE COURT: No, its cross examination. Overruled.

By Mr. Ricciuti: Isn't that correct ?

A I'm not familiar with the correspondence.

Q You're not familiar with any correspondence that may affect your testimony concerning whether or not the State continues to designate roads in Baltimore ?

A I would say I would take Mr. Lewis' place on a half hour's notice.

Q You don't know what future action Mr. Lewis may have taken without your knowledge ?

A I had heard about the agreement.

Q What did you hear about it ?

BY MR. PRESSMAN: Just a minute.

By Mr. Ricciuti: His Honor would like to know what the agreement is .

BY THE COURT: I'm not going to get it from him.

BY MR. PRESSMAN: On this point I move that the previous testimony about such an agreement be stricken from the records, because its hearsay.

BY THE COURT: Yes. Strike it; it's just a rumor. It's just gossip.

By Mr. Ricciuti: Mr. Bunting, do you know --

BY THE COURT: You can go into it other ways.

By Mr. Ricciuti: Do you know as a matter of fact there has been correspondence between Mr. Barnes and Mr. Lewis, who is your immediate supervisor ?

A Let me put it this way. Now I'll answer the question "No".

Q You do not personally know ?

A I do not know.

Q Would you deny there being any correspondence ?

BY MR. PRESSMAN: I object.

BY THE COURT: He doesn't know.

By Mr. Ricciuti: Your Honor, I want to reserve at this point the right to call Mr. Lewis.

BY THE COURT: You can reserve the right. You can try this case before another judge too.

By Mr. Ricciuti: I asked him whether Mr. Lewis

was available..

BY THE COURT: I am not going to be around after this week on equity cases.

By Mr. Ricciuti: We tried to reach him. We understand from Mr. Pressman he was subpoenaed as a witness.

BY MR. PRESSMAN: I sent a subpoena out Friday morning.

BY THE COURT: What is your decision gentlemen ? I indicated to counsel I would give him a warning to dispose of this case, but I didn't give him the option on any other time.

By Mr. Ricciuti: I'll continue with this witness.

BY THE COURT: If you tell me that the testimony of Mr. Lewis is essential, you can stipulate as to what he'd say. I'll do whatever counsel desires to do at this point. You're not being bound at this time. We can take it up later after we get through it. It may be a good thought. I rather suspect that he will be.

By Mr. Ricciuti: I have my witness here. Can you distinguish Mr. Bunting between a Federal highway and a Federal numbered highway - or Federal numbered highway ?

A Well now, you define both of these terms "Federal highway" as a federal highway in your estimation.

Q I'm asking you .

BY MR.PRESSMAN: We object. I don't know of any difference between the two, if he doesn't know it.

BY THE COURT: Maybe he does or doesn't.

A Not that I know of.

By Mr. Ricciuti: Now, do you know of any federal highway maintained by the Federal Government that reaches the City lines ?

A City lines of Baltimore City ?

Q Baltimore City ?

A Not to my knowledge.

Q None to your knowledge ?

A Federally maintained highways, no.

Q Are there any Federally designated highways that reach the limits of Baltimore City, if you know ?

A Well, it all hinges on what you mean by the word "Federal". U.S. Route and Federal route are synonymous in my estimation. There are several that reach the City and leave the City.

Q You're familiar with, are you not, Article 151A of the Code ?

BY THE COURT: Ask him to read it to you.

By Mr. Ricciuti: It's in evidence. Notwithstand-

ing any other provisions, this Article appropriates authority in any individual city, town or village authorized and empowered to regulate the speed of the vehicle on any road, street, alley, lane, in the specific corporate limits not being designated or maintained as a part of a state or federal highway system, or an extension thereof." What is meant by Federal highway system as used in that section I just read.

BY MR. PRESSMAN; Objected to.

BY THE COURT: He doesn't know he said.

By Mr. Ricciuti: No further questions. Your Honor, I would like again to repeat at this time my motion to strike out his testimony on the basis of irrelevancy and renew my objection to the admission of the map at this time.

BY THE COURT: Overruled.

HENRY A. BARNES

a witness of lawful age, produced on behalf of the plaintiff, and having first been duly sworn according to law, was examined and testified as follows:

BY THE COURT STENOGRAPHER: Would you please give your name and position please?

A Henry A. Barnes, Traffic Director for the City of Baltimore.

DIRECT EXAMINATION BY MR. PRESSMAN:

Q Mr. Barnes, did you hear all the testimony of the previous witness ?

A I did.

Q And you're familiar with route U.S. 40 that he mentioned, are you not ?

A I am familiar with U.S. Route 40.

Q Now, are you familiar with the part of U.S. Route 40 which is not maintained by the State, which goes through Baltimore City ?

A There is no part of U.S. Route 40 that is maintained by the State within the City.

Q. I said that, are you familiar with the part of U.S. 40 which is not maintained by the State, which goes through Baltimore City?

A. I am familiar with U.S. Route 40 as it lies within the City of Baltimore.

Q On that route is it your intention to make any speed limits which are different than the State speed limits ?

A. I don't know. We haven't completed studies



as yet.

Q Is it your intention to mark your speed limits on that route ?

A I don't follow you sir.

Q Is it your intention to make any speed limits on that route ?

A Oh certainly.

Q And is it your intention to make those speed limits higher than 35 miles an hour ?

A It's our intention at this moment sir to adopt the same general speed limits on that thoroughfare which were in effect prior to the time that Legislature gave us this authority to regulate speeds.

Q How much is that ?

A It would vary in the various localities. Between 25 miles an hour in some sections, 35 miles an hour in some sections, and the west end from Milton Street to the city limits would be 35.

Q You don't intend any part of U.S. Route 40 shall be more than 35 miles an hour ?

BY MR. RICCIUTI: He answered that question your Honor.

BY THE COURT: Now he's being asked it directly.

A Not unless competent studies show there is a need for it. If it shows there is a need for the change, it might be lower or higher.

BY THE COURT: At this time you have no such idea?

A No sir.

By Mr. Pressman: Mr. Barnes, in paragraph 7 of the Stipulation, you stipulated that you intend to expend and will expend public funds in pursuance of an administrative regulation No. 7. Will that expenditure include the erection of signs showing speed limits of over 35 miles an hour?

A Very possible.

Q Isn't that your intention - to put up signs showing more than 35 miles an hour in some parts of Baltimore ?

A It's very possible some will be more than 35, and very possible some will be less than the present speed limits.

Q Don't you plan now for speed limits less than the present speed limits and more than 35 miles ?

A At the present time we are making studies to ascertain where we can increase the speeds.

Q Didn't you appear at the Legislature in regard to this legislation ?

A Yes, before the Senate.

Q Did you tell them you wanted to make some of the speeds higher on some of these roads leading from out of the City ?

A Yes I did.

BY MR. RICCIUTI: I object to this line of questioning your Honor, what his testimony was before the Senate Committee.

BY THE COURT: Well, it's in line with this examination to what he intends to do. I'm assuming if he has changed his mind since he told the Senate what he intends to do since then.

A I haven't changed my mind. I'm still studying it. I haven't determined --

By Mr. Pressman: Have you changed your mind since you appeared before the Senate ?

A No

Q Then you still intend to make some of the limits higher than 35 miles an hour ?

A After studies have been completed showing where its reasonable.

Q It's your intention when you complete the

study to put up such signs ?

A Yes.

Q Do you intend any of those signs be on any of the routes which were mentioned by the previous witness ?

A What routes are they ?

Q Routes 40, 1,111,129, 25, 140, 144, 129, 40 and 372.

A At the moment I don't believe we're making any studies to increase the speed. Well, there might be one or two included in there, such as Erdman Avenue. I believe there is one or two routes in there. The main route you didn't mention of course, is the Baltimore-Washington Expressway.

Q You intend to increase the speed limits on that speedway ?

A Certainly, it would be highly desirable because there is a nice speed trap out there now ?

Q You intend to make signs making the speed limit higher ?

A Yes.

Q Is part of that highway maintained by the State outside of Baltimore City?

A I wouldn't know what happened outside of

Baltimore City. I only have jurisdiction in the City.

Q You mean you don't know that the State Roads Commission maintains the Baltimore-Washington Expressway outside of the city limits ?

A I wouldn't have any idea whether it is maintained by the state, colony or federal government outside of my jurisdiction.

Q You do know that that is a part of a state and Federal highway do you not ?

A Which is that ?

Q The Baltimore-Washington Expressway?

A I believe it was constructed by the state and federal funds.

Q So isn't it true that the part near Washington is maintained by the federal government, and the part near Baltimore is maintained by the state ?

BY MR. RICCIUTI: Your Honor, I have to object.

BY THE COURT: If he knows.

BY MR. RICCIUTI: It's purely irrelevant whether these roads outside of the City of Baltimore are maintained by the state or federal government.

By Mr. Pressman: They lead into Baltimore, Mr. Barnes - the Baltimore-Washington Expressway that leads into Baltimore?

A Yes.

Q The part in Baltimore is maintained by Baltimore ?

A Yes sir.

Q Now will you show on this map, Plaintiff's Exhibit No. 5, where that highway is ?

A Which highway is that ?

Q Baltimore-Washington Expressway ?

A Well, are you telling me or asking me ?

Q I'm trying to make it easier for you.

A I have had little training in reading maps.

Q You have had little training in reading maps ?

BY MR. RICCIUTI: Your Honor, this map is in evidence. It will speak for itself.

BY THE COURT: I think it can.

A This road right here (indicating on map) is the Baltimore-Washington Expressway.

Q What color is that on the map sir ?

A It appears to be red.

Q Is that a double line ?

A Yes, it's a double line sir.

Q Could we have that marked as to indicate which one you pointed to. Mark an X where you marked it.

BY THE COURT: You asked him in such a way it's designated. It can't be changed.

CROSS EXAMINATION BY MR. RICCIUTI:

Q. Mr. Barnes, you were here when Mr. Bunting testified?

A I was here.

Q Did you hear him state that there are certain roads in Baltimore City that are marked by the State Roads Commission?

A I heard him say that, yes.

Q With regard to that specific question, did you have a meeting with Mr. George N. Lewis, Director of the State Roads Commission, who is the immediate supervisor of Mr. Bunting?

A I'm not sure whether he is the immediate superior. I had a meeting with Mr. Lewis, the Traffic Engineer for the State Roads Commission.

Q And as a result of that meeting with Mr. Lewis, did you write him a letter on June 30th, 1955 ?

A I believe I did.

Q This is a copy of your letter here.

BY MR. PRESSMAN: I object.

A Yes

By Mr. Ricciuti: May the Court have it ?

BY THE COURT: I can read it.

By Mr. Ricciuti: Mr. Barnes, as a result of that letter, apparently it was agreed between you and Mr. Lewis that you were to designate all the roads in Baltimore City ?

A That's correct.

Q And mark them ?

A That's correct.

Q Did you get any response to that letter ?

A I never received any answer to it.

BY THE COURT: What is the date ?

By Mr. Ricciuti: June 30th, 1955. And is it presently your understanding that the responsibility for marking --

BY THE COURT: Somebody neglected their correspondence.

By Mr. Ricciuti: Is it your understanding then Mr. Barnes that you had control over the marking of all the roads in Baltimore City ?

A That was requested by Mr. Lewis of the State Roads Commission - that we take over the practice which they formerly had done, of maintaining signs, and we not only erected signs but we fabricated them and maintained



them in every respect entirely to our expense.

Q Now is it your opinion that there are no designated or maintained parts of the state or federal highway systems or extensions thereof in Baltimore City ?

BY MR. PRESSMAN: I object. I would like to call your Honor's attention to the fact that I called the witness as an opposing party.

By Mr. Ricciuti: You didn't say that.

BY MR. PRESSMAN: Well he obviously is an opposing party.

BY THE COURT: Not necessarily. That doesn't put him in the position of an opposing party. Anyhow, he's here to give the facts as he sees it.

BY MR. PRESSMAN: We object to it.

BY THE COURT: Are you making him your witness now for the purpose of that question?

By Mr. Ricciuti: Yes.

BY THE COURT: Then rephrase your question.

By Mr. Ricciuti: Is it your opinion Mr. Barnes that there are presently no federal or state highways or systems - let me read the exact language to you --

BY MR. PRESSMAN: We object to the leading nature

of the question. I'd rather you rephrase it.

By Mr. Ricciuti: Let the Courtrule on that.

BY THE COURT: Ask him this. Ask him, "Are there any" and then rephrase your question.

By Mr. Ricciuti: Mr. Barnes, are there any state or federal highway systems or any extensions thereof designated or maintained in Baltimore City ?

BY MR. PRESSMAN: Objection.

A No

BY THE COURT: Why

BY MR. PRESSMAN: Because he's being asked to give an interpretation of the law, which is your Honor's province.

BY THE COURT: That's the very point counsel made about your statement, so if I'm wrong, I'm wrong on both sides. I still say, however, that the question is not the question I have to decide. I have to decide the question from the legal point of view. Now, if this is of any help to me at all, all right. If it isn't --

By Mr. Ricciuti: Your answer is No to that question?

A My answer is "No".

Q No further questions.

BY THE COURT: You may cross examine if you care

to.

CROSS EXAMINATION BY MR. PRESSMAN:

Q Mr. Barnes, you have replaced some of these route numbers, have you, since your conversation with the State Roads Commission ?

A Yes. We maintained all the markers if they are knocked down. My crews go up and put them up, and actually on the Baltimore-Washington Expressway we install all of those signs for the State.

Q Well have you put up any route numbers?

A Yes, we have added some. Some new ones in places where formerly it didn't exist, and we have replaced a number of them when damaged, and we have also created an additional route or changes in route.

Q In cases where you replaced signs or route numbers that were damaged, did you put the same number back? If it were U.S. Route 40 you'd still designate it as U.S. Route 40 ?

A Obviously.

Q When you put up the new numbers in the new locations, you also used the same route numbers formerly used along that road, such as U. S. Route 40 ?

A That's right.

Q That would also be true of the state route numbers ? When you replaced the state route numbers you

used the same numbers the State used before ?

A We have done it. It's not mandatory. We can do some, we can change that.

Q We move the last part be stricken. You have done it?

A So far, yes.

Q You have never changed the numbers, have you ?

A Wait a while. What do you mean by never ?

Q Have you ever had a number that you took down and had to be replaced and put a different number up in its place? In other words, if it were U.S. Route 40, would you use a number other than 40 ?

A Let me put it this way. We have never put up another route number. Sometimes there are three or four routes covering the same streets. We might put up two signs.

Q You never redesignated it by any numbers used before ?

A No sir, I don't recall any cases.

BY MR. RICCIUTI: You have taken down state route numbers?

A Oh yes.

BY THE COURT: I would say I would assume he

hasn't.

BY MR. RICCIUTI: No further questions.

By Mr. Pressman: Your Honor, at this time I would like to offer the Governor's message explaining veto of House Bill No. 45, 1954 and I'd also like to offer House Bill No. 45 of 1954, and I'd like to state my reasons for it your Honor.

BY THE COURT: All right.

By Mr. Pressman: The reason for it is that we want to try to get at the intention of the 1955 statute, as to what is meant by extensions of these routes or what was intended in the passage of this law; what routes were to be considered? In 1945 a law was passed which was very similar to the law passed in 1955, except it didn't mention federal highway systems and extensions.

BY MR. RICCIUTI: He's attempting to get into evidence the very thing we are going to object to by way of explanation. It's just going to be futile for me to object after he's told you what the veto message is.

By Mr. Pressman: I haven't told you.

BY MR. RICCIUTI: You're coming to it.

BY THE COURT: Let's put it this way. There is certainly no objection to counsel in their brief calling

my attention to any pertinent matter, and I certainly think this will not be in by way of offering evidence, but it might be very well argument. I don't say it is, but it might very well be argument in your brief.

By Mr. Pressman: All right. I offer it your Honor.

BY THE COURT: I'll sustain the objection.

By Mr. Pressman: That's our case your Honor. You want to hear argument?

BY THE COURT: How long you want to argue, bearing in mind I'm giving both sides the same time. I'm not going to take a cut at this ball without the briefs. How long do you want ?

BY MR. PRESSMAN: There are some important points that I feel that I would like to have a great deal more time, but feel that I couldn't do it justice in less than an hour.

BY THE COURT: May I suggest it would be a great deal of help if you relied upon the Court's statement. It's going to decide this matter primarily on the briefs. You have indicated to me generally what your objections to these Ordinances are, to give me authority; after authority your handing me a bail full of apples. I haven't had a

chance to examine the quality of the apples.

(CLOSING STATEMENT MADE BY MR. PRESSMAN)

(CLOSING STATEMENT MADE BY MR. RICCIUTI)

BY THE COURT: Gentlemen, let's get down to how much time you want to prepare the briefs.

BY MR. PRESSMAN: Your Honor, we have reached a tentative arrangement between ourselves to submit a brief and to exchange the brief one week from today.

BY THE COURT: That's fine. As long as you have done that, it's entirely satisfactory to the Court.

(STATEMENT IN REBUTTAL MADE BY MR. PRESSMAN)

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END OF TESTIMONY

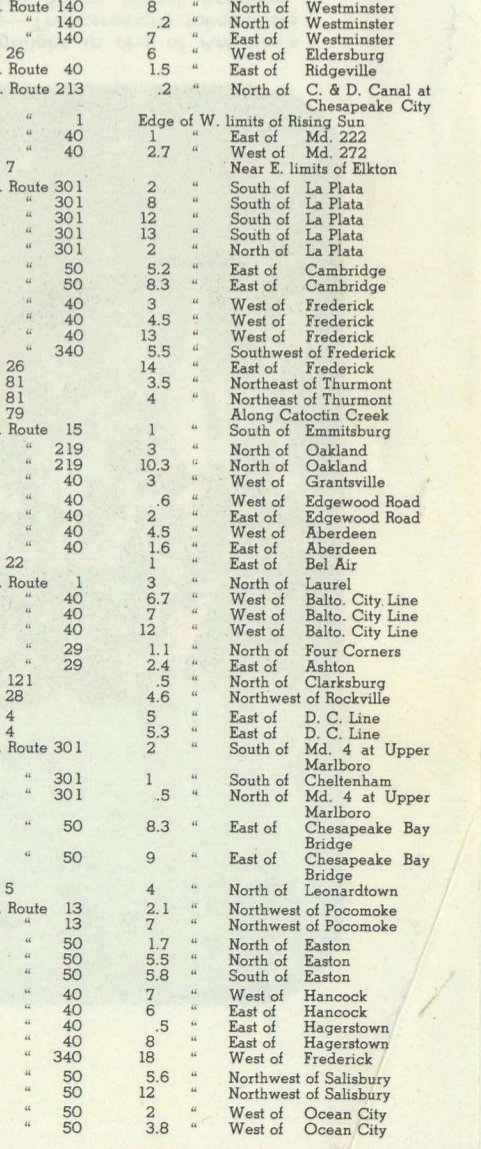
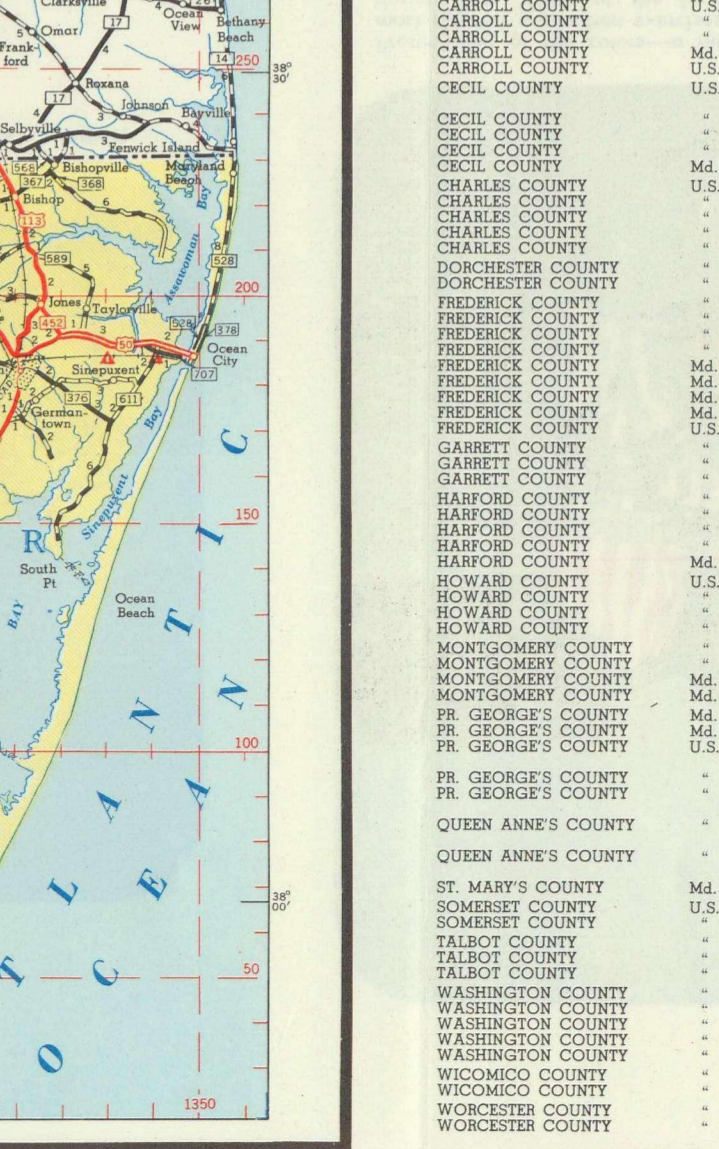
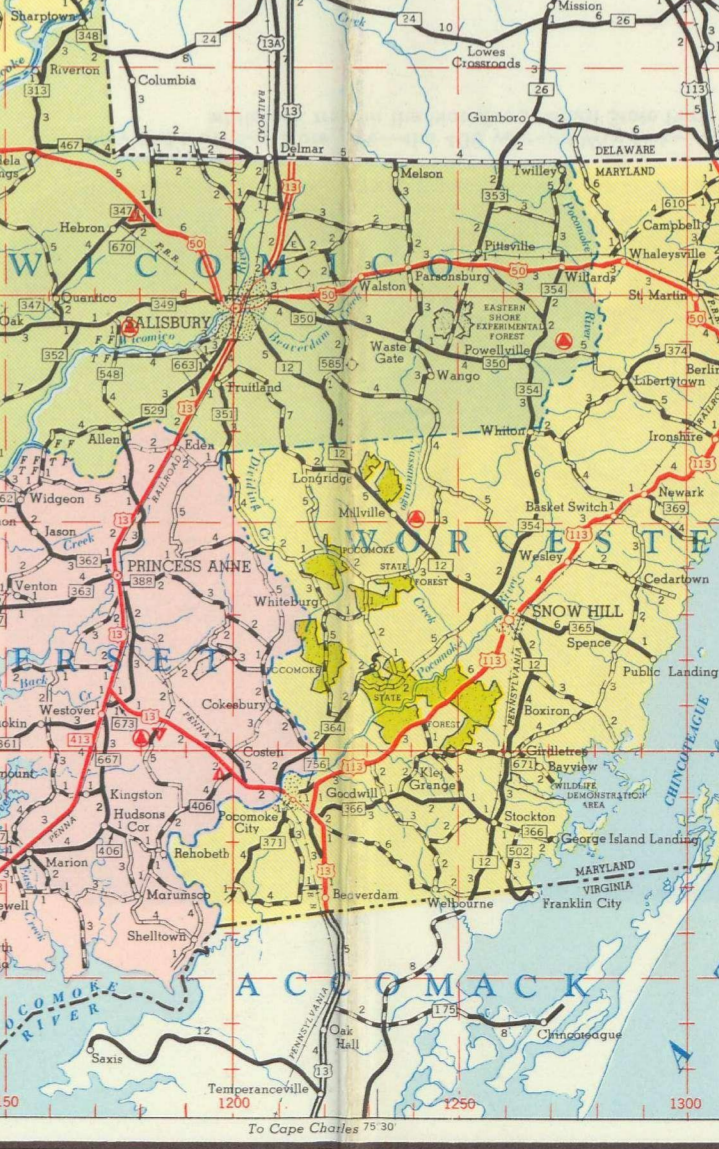
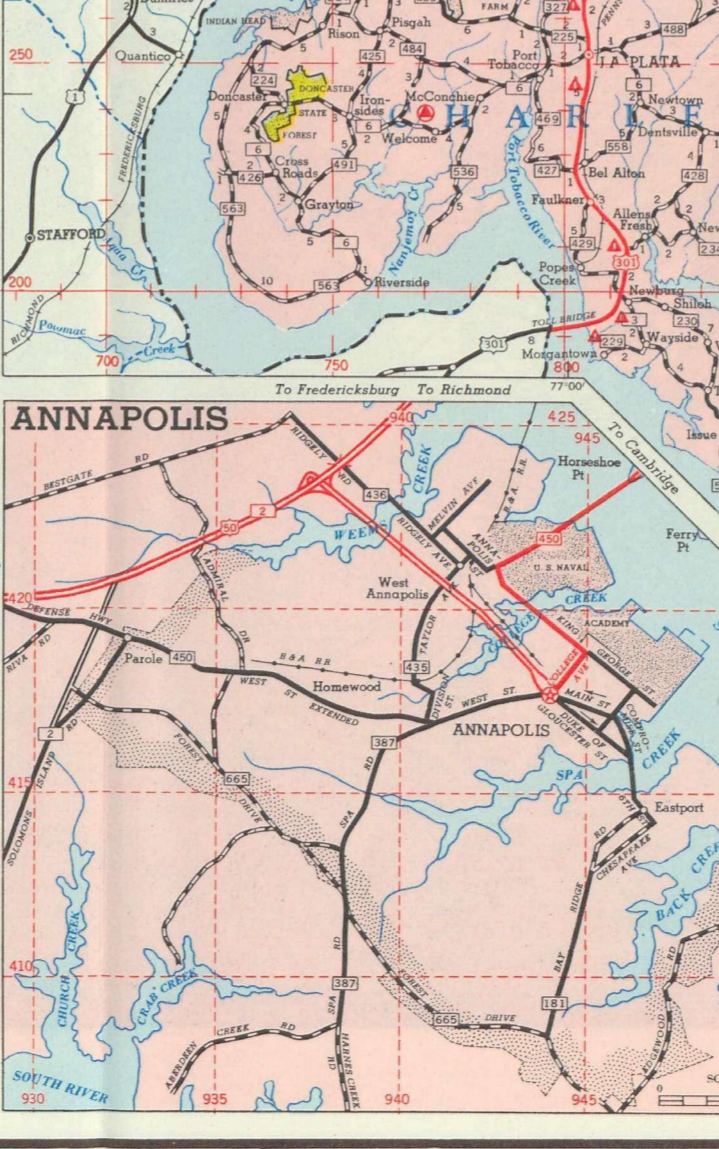
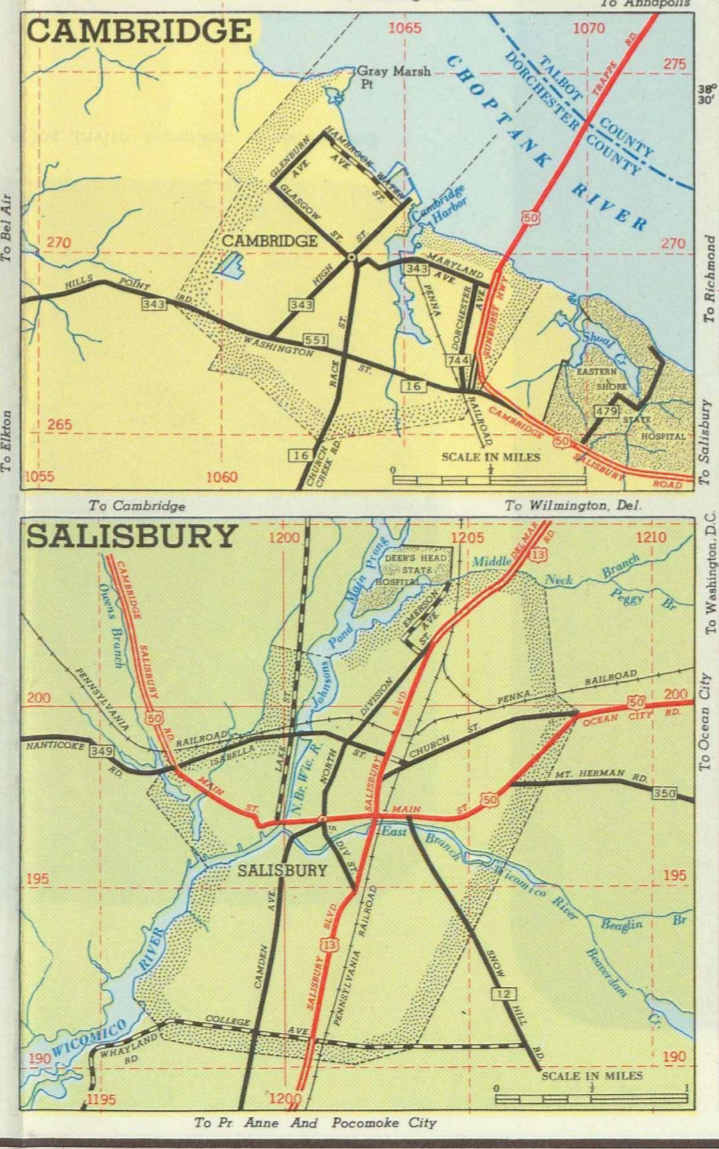
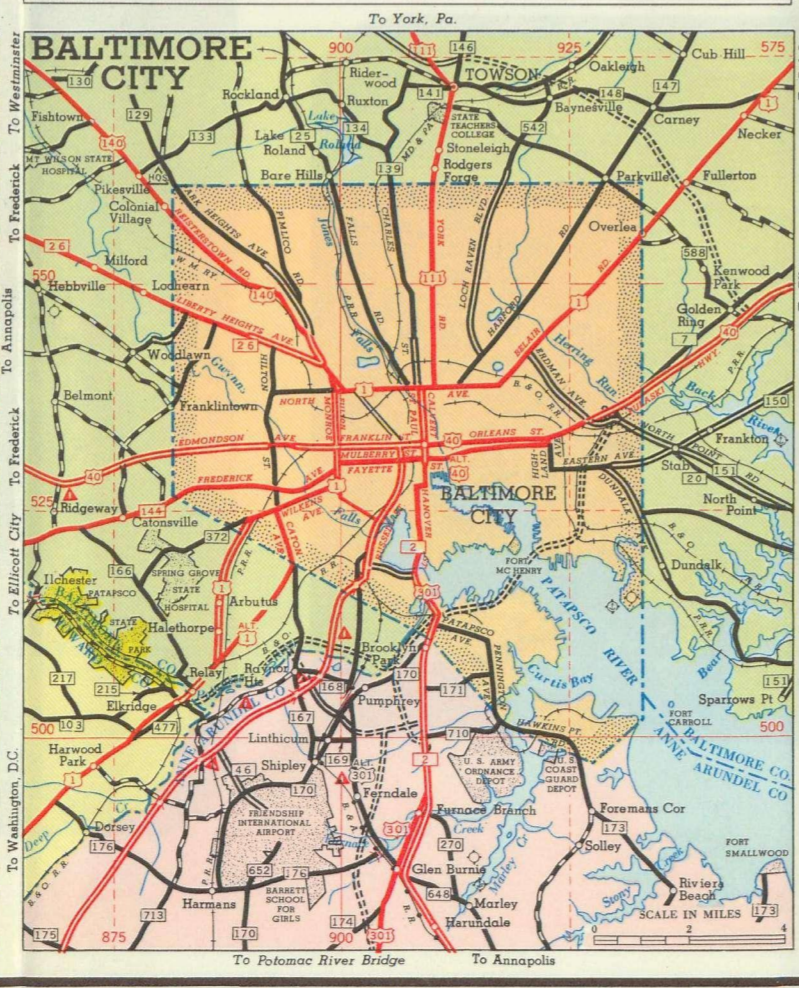
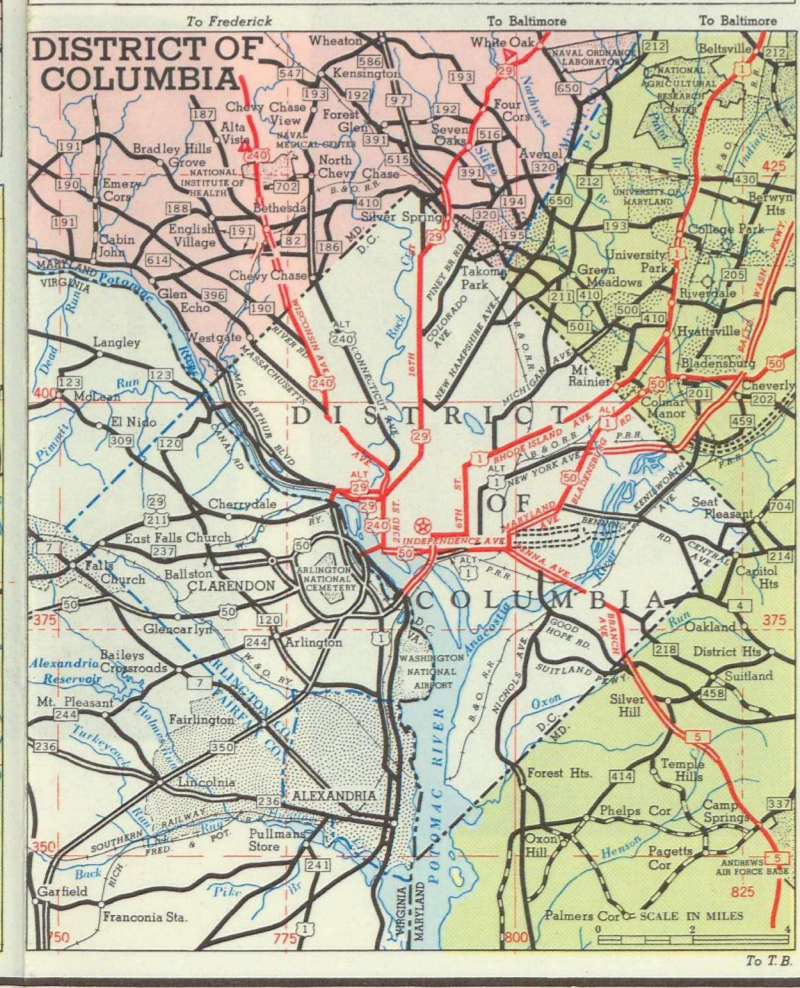
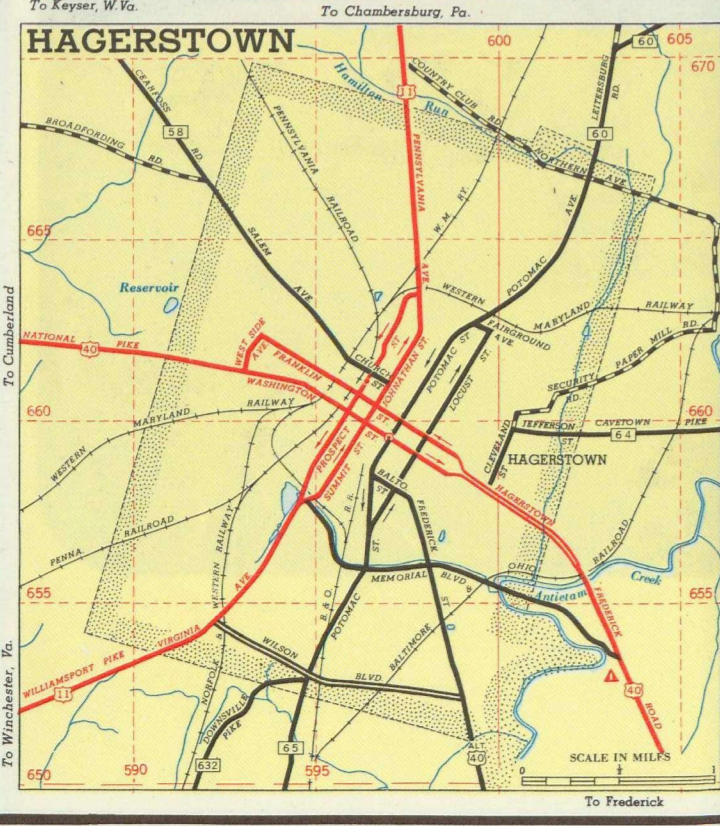
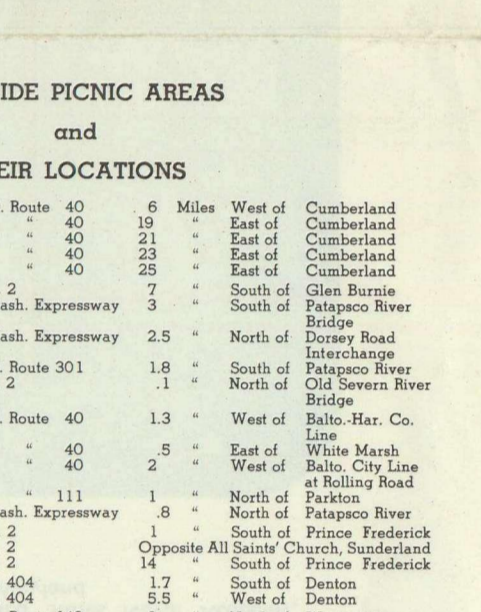
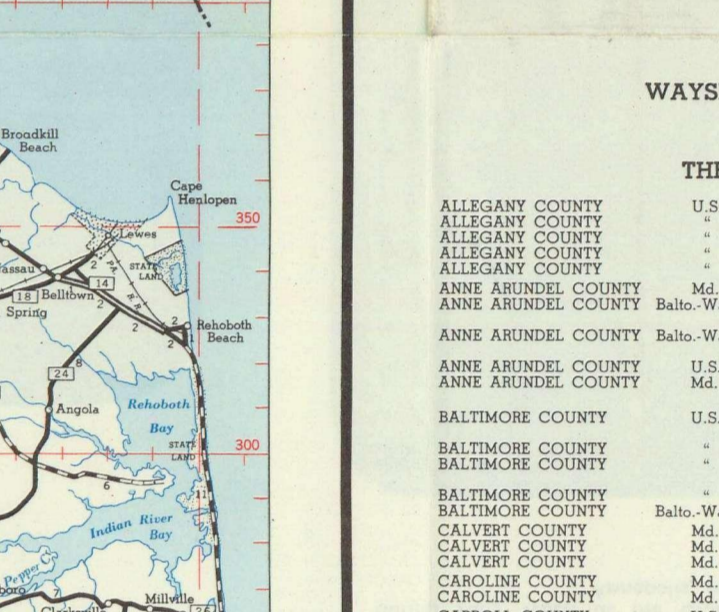
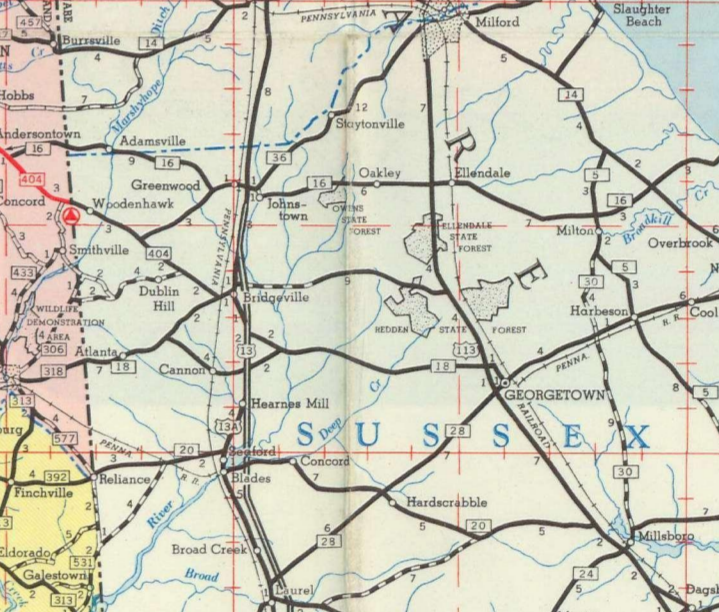
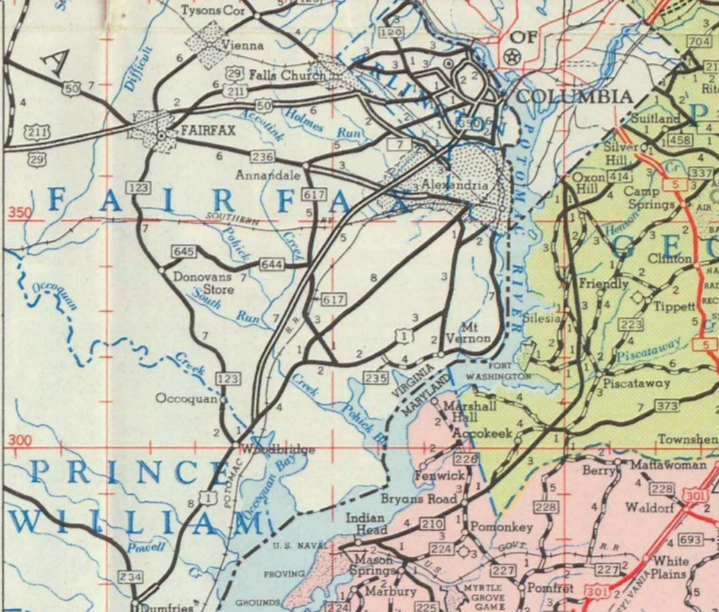
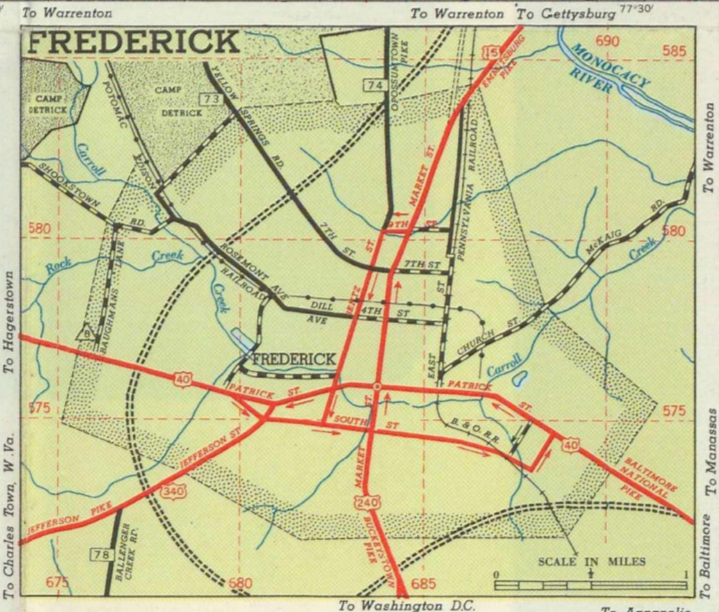
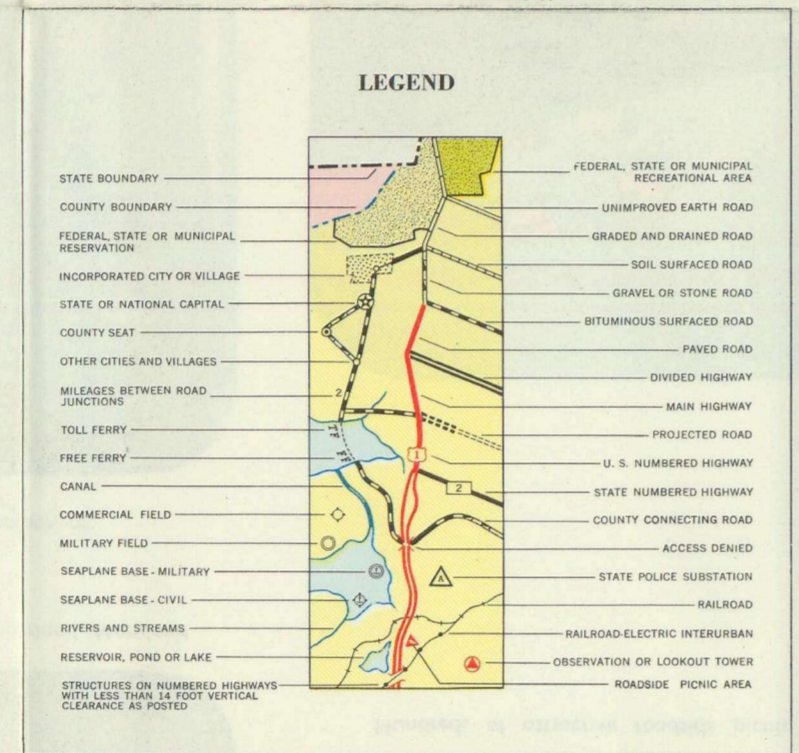
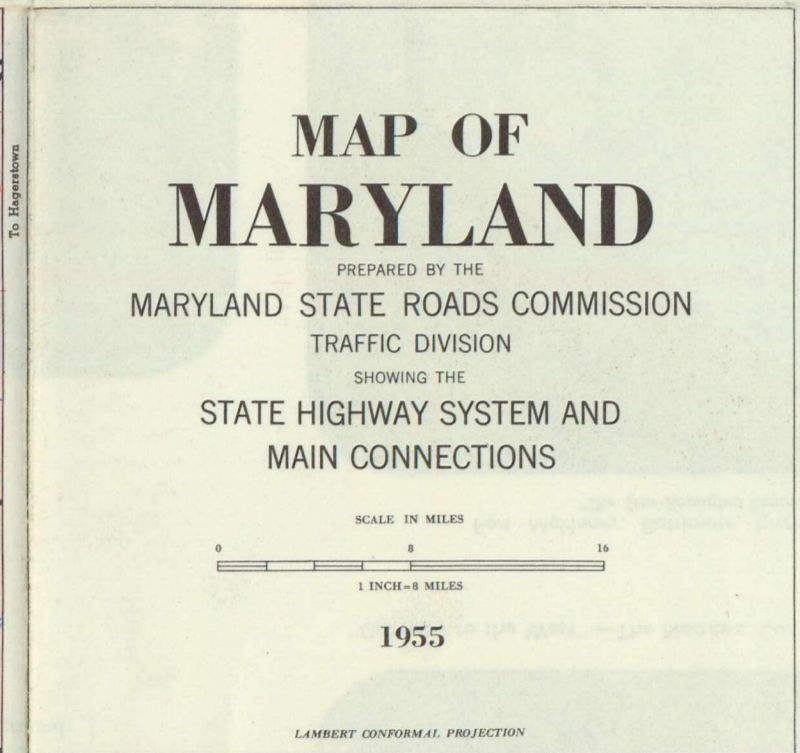
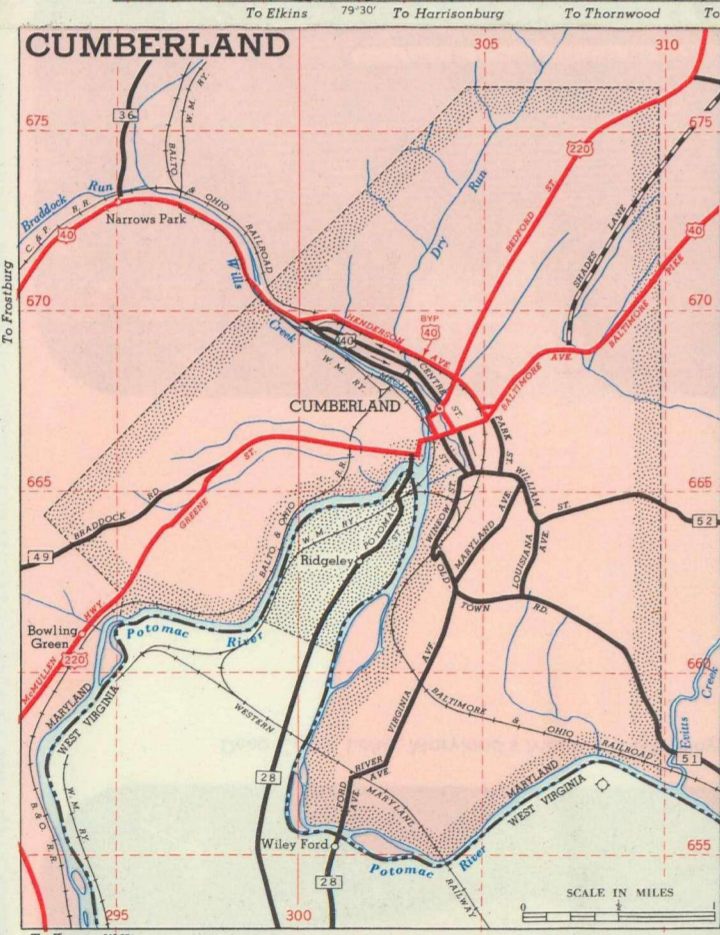
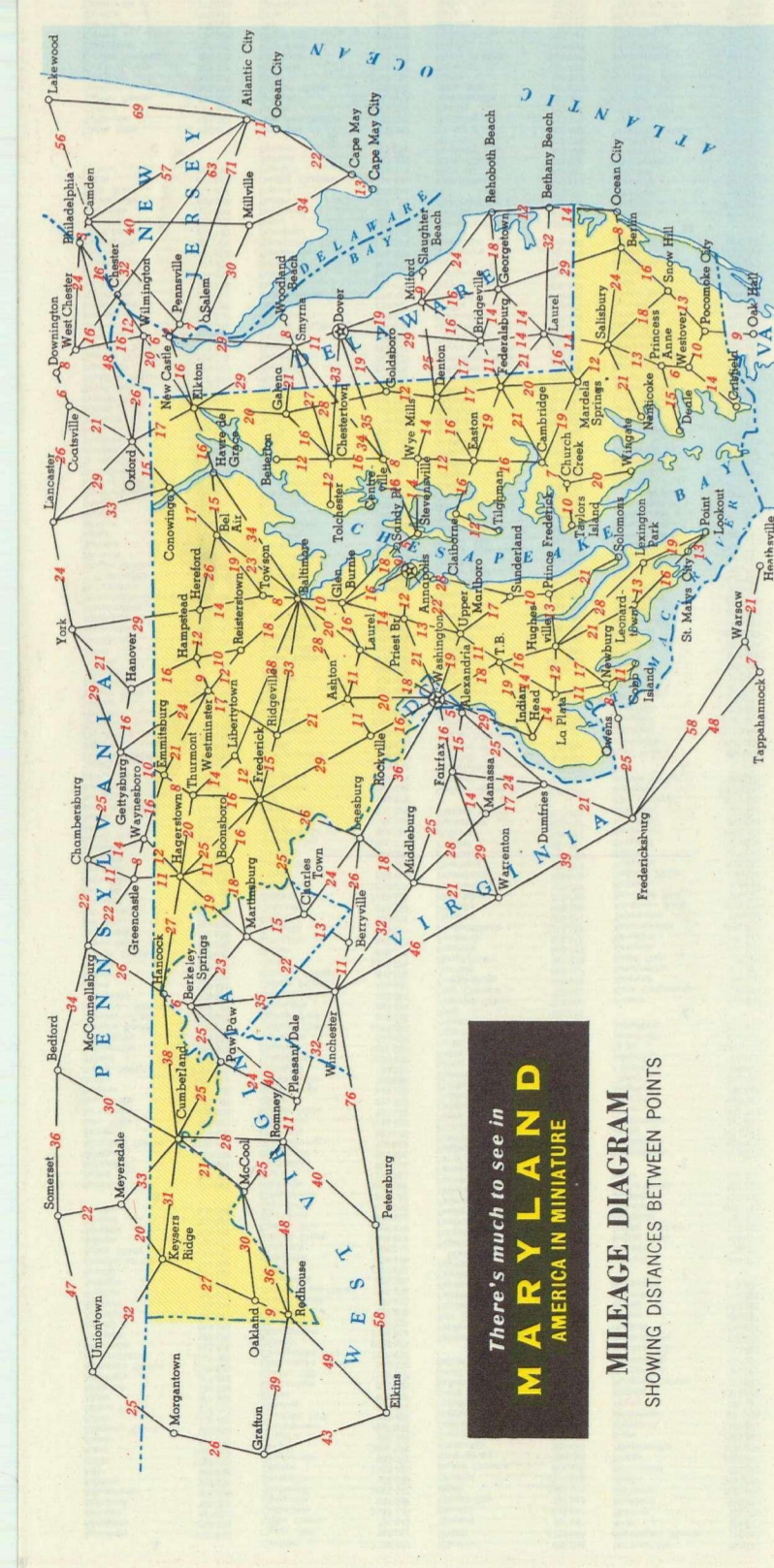
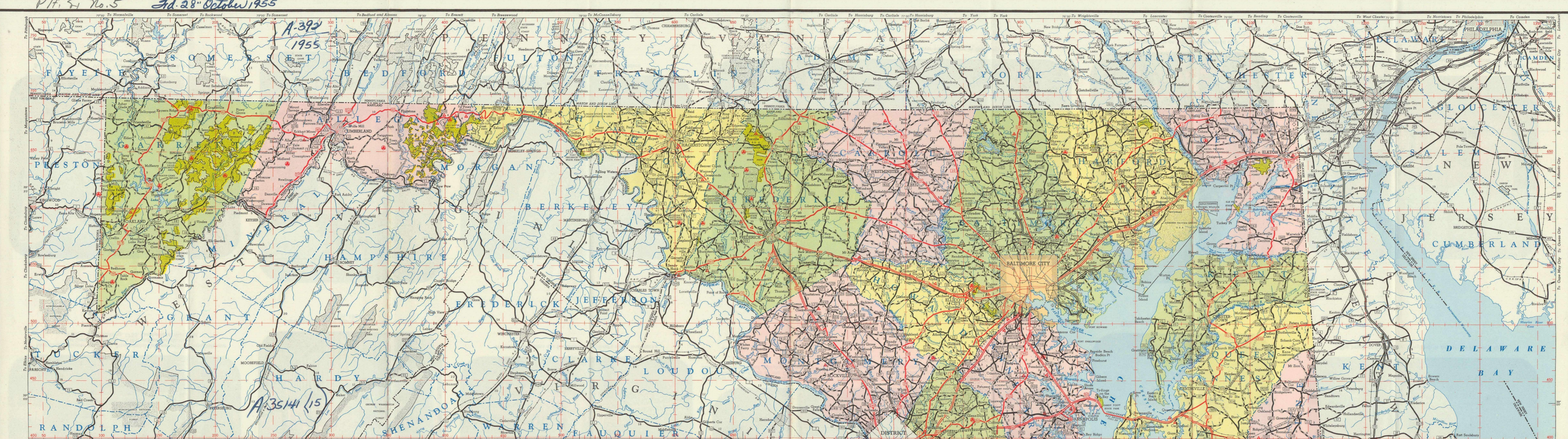
# Maryland

OFFICIAL  
HIGHWAY MAP  
FOR FREE DISTRIBUTION



1955

THEODORE R. MCKELDIN, Governor  
STATE ROADS COMMISSION  
Russell H. McCain, Chairman  
Edgar T. Bennett      Bramwell Kelly  
Norman M. Pritchett, Chief Engineer



## A MESSAGE FROM GOVERNMENT HOUSE



The people of Maryland are happy to send you this 1955 edition of their Official State Highway Map. Each year Maryland is adding many miles of modern new highways to its already fine system of roads. We are also improving many existing roads and are adding modern traffic interchanges, picnic areas, and other features for your safety and convenience. Our new Chesapeake Bay Bridge is a marvel of the times. It provides a quick passage across the Chesapeake Bay and an unsurpassed view of that beautiful body of water. Within a few years our projected tunnel under Baltimore Harbor—an outstanding engineering achievement—will be a reality. The people and the Government of Maryland cordially invite you to make use of these facilities which they have provided for your safety, your comfort and your convenience. We have done everything possible to make our roads safe and attractive. Please show your appreciation of our concern for your safety by driving carefully and observing our highway safety rules. Please also respect our laws against littering our public highways with trash. Help us to keep Maryland's roads and picnic areas clean and beautiful. There is much to see in Maryland. It is "America in Miniature—The Heart of History Land." We welcome you and hope you will enjoy seeing and loving Maryland as we do. Cordially,

*Theodore R. McKeldin*  
THEODORE R. MCKELDIN  
Governor of Maryland

For details about historic and scenic places of interest, write  
MARYLAND DEPARTMENT OF INFORMATION  
BOX 706, ANNAPOLIS, MARYLAND

WAYSIDE PICNIC AREAS  
and  
THEIR LOCATIONS

COUNTY	U.S. Route	Miles	Location
ALLEGANY COUNTY	40	6	West of Cumberland
ALLEGANY COUNTY	40	19	East of Cumberland
ALLEGANY COUNTY	40	21	East of Cumberland
ALLEGANY COUNTY	40	22	East of Cumberland
ALLEGANY COUNTY	40	25	East of Cumberland
ANNE ARUNDEL COUNTY	Md. 2	40	West of Annapolis
ANNE ARUNDEL COUNTY	Balto. Wash. Expressway	3	South of Patuxent River
ANNE ARUNDEL COUNTY	Balto. Wash. Expressway	2.5	North of Dorsey Road
ANNE ARUNDEL COUNTY	U.S. Route 301	1.8	South of Patuxent River
ANNE ARUNDEL COUNTY	Md. 2	1.8	North of Old Swans River
BALTIMORE COUNTY	U.S. Route 40	1.3	West of Balto. Har. Co.
BALTIMORE COUNTY	40	5	East of White Marsh
BALTIMORE COUNTY	40	2	West of Balto. City Line
BALTIMORE COUNTY	111	1	North of Patuxent River
BALTIMORE COUNTY	Balto. Wash. Expressway	8	North of Patuxent River
CALVERT COUNTY	Md. 2	2	South of Prince Frederick
CALVERT COUNTY	Md. 2	2	Opposite All Saints Church, Sandpatank
CAROLINE COUNTY	Md. 404	8.5	South of Denton
CAROLINE COUNTY	U.S. Route 140	1.7	West of Denton
CARROLL COUNTY	U.S. Route 140	8	North of Westminster
CARROLL COUNTY	140	2	North of Westminster
CARROLL COUNTY	Md. 26	6	East of Westminster
CARROLL COUNTY	U.S. Route 40	2	West of Eldersburg
CARROLL COUNTY	U.S. Route 213	1.5	East of Ridgeville
CARROLL COUNTY	U.S. Route 213	2	North of C. & D. Canal at
CECIL COUNTY	40	1	Edge of W. limits of Ridge State
CECIL COUNTY	40	2.7	West of Md. 272
CECIL COUNTY	Md. 40	2.7	West of Md. 272
CHARLES COUNTY	U.S. Route 301	2	South of La Plata
CHARLES COUNTY	301	12	South of La Plata
CHARLES COUNTY	301	13	South of La Plata
CHARLES COUNTY	301	2	North of La Plata
PORCHMOUTH COUNTY	82	2	East of Cambridge
PORCHMOUTH COUNTY	82	8.3	East of Cambridge
FREDERICK COUNTY	40	4.5	West of Frederick
FREDERICK COUNTY	40	12	West of Frederick
FREDERICK COUNTY	Md. 26	34.0	Southwest of Frederick
FREDERICK COUNTY	U.S. Route 81	3.5	Northwest of Thurmont
FREDERICK COUNTY	Md. 81	4	Northwest of Thurmont
FREDERICK COUNTY	U.S. Route 15	1	Along Catonsville Creek
GARRETT COUNTY	219	10.3	North of Oakland
GARRETT COUNTY	219	10.3	North of Oakland
HARFORD COUNTY	40	6	West of Edgewood Road
HARFORD COUNTY	40	4.5	West of Edgewood Road
HARFORD COUNTY	40	4.5	West of Aberdeen
HARFORD COUNTY	Md. 22	1.2	East of Bal Air
HOWARD COUNTY	U.S. Route 1	1	West of Balto. City Line
HOWARD COUNTY	40	6.7	West of Balto. City Line
HOWARD COUNTY	40	12	West of Balto. City Line
HOWARD COUNTY	11	1.1	South of New Corner
MONTGOMERY COUNTY	29	2.4	East of Annapolis
MONTGOMERY COUNTY	Md. 28	4.6	Northwest of Rockville
PR. GEORGE'S COUNTY	Md. 4	4	East of D. C. Line
PR. GEORGE'S COUNTY	Md. 4	5.3	East of D. C. Line
PR. GEORGE'S COUNTY	U.S. Route 301	2	South of Upper Marlboro
PR. GEORGE'S COUNTY	301	1	South of Upper Marlboro
PR. GEORGE'S COUNTY	301	4	at Upper Marlboro
QUEEN ANNES COUNTY	30	8.3	East of Chesapeake Bay
QUEEN ANNES COUNTY	30	9	East of Chesapeake Bay
QUEEN ANNES COUNTY	30	9	East of Chesapeake Bay
ST. MARY'S COUNTY	Md. 5	4	North of Annapolis
SOMERSET COUNTY	U.S. Route 13	2.1	Northwest of Poolesville
SOMERSET COUNTY	13	7	Northwest of Poolesville
TALBOT COUNTY	50	1.7	North of Easton
TALBOT COUNTY	50	8.5	North of Easton
TALBOT COUNTY	50	5.8	South of Easton
WASHINGTON COUNTY	Md. 7	40	East of Hancock
WASHINGTON COUNTY	40	6	East of Hancock
WASHINGTON COUNTY	340	340	West of Frederick
WASHINGTON COUNTY	50	5.6	Northwest of Salisbury
WASHINGTON COUNTY	12	12	Northwest of Salisbury
WICOMICO COUNTY	50	2	West of Ocean City
WICOMICO COUNTY	50	2	West of Ocean City

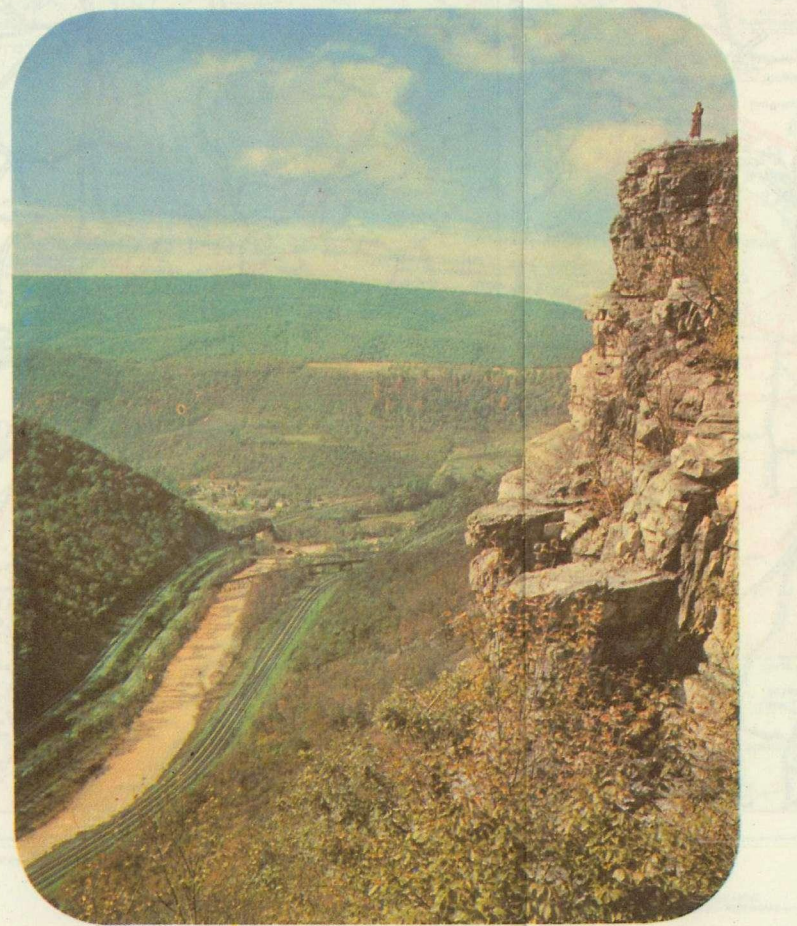


**CITIES, TOWNS AND VILLAGES**

A	Abingdon	101-001	Abingdon	101-001
	Adams	101-002	Adams	101-002
	Adams	101-003	Adams	101-003
	Alexandria	101-004	Alexandria	101-004
	Alton	101-005	Alton	101-005
	Alton	101-006	Alton	101-006
	Aquia	101-007	Aquia	101-007
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	Aquia	101-023	Aquia	101-023
	Aquia	101-024	Aquia	101-024
	Aquia	101-025	Aquia	101-025
	Aquia	101-026	Aquia	101-026
	Aquia	101-027	Aquia	101-027
	Aquia	101-028	Aquia	101-028
	Aquia	101-029	Aquia	101-029
	Aquia	101-030	Aquia	101-030



Deep Creek Lake, Maryland's Mountain Top Playground



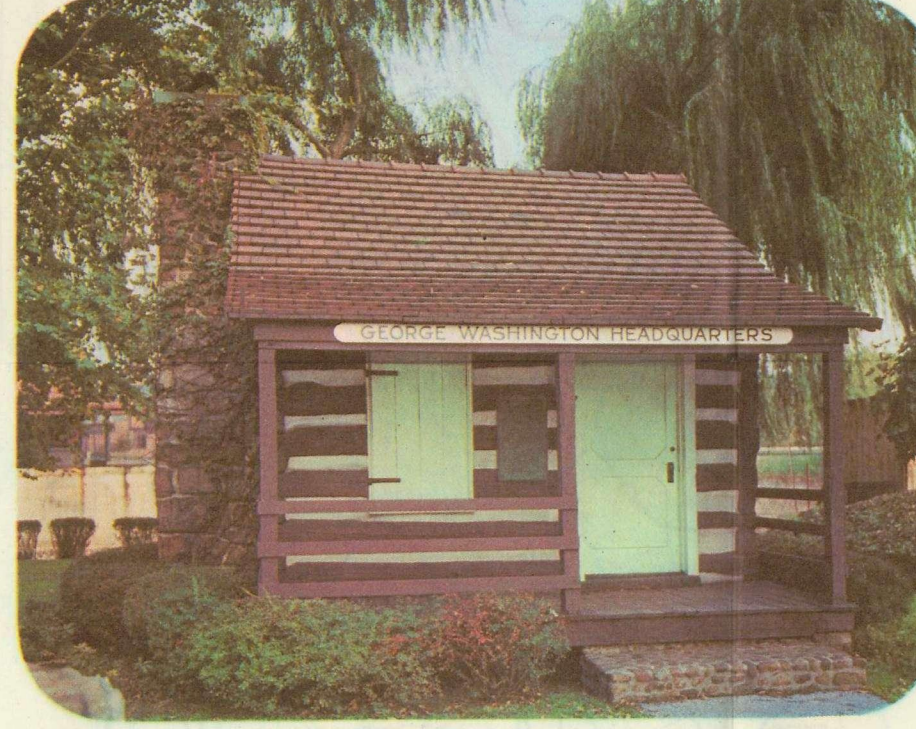
"Gateway to the West"—The Narrows, Cumberland, Maryland



Hundreds of attractive roadside picnic areas invite travelers in Maryland



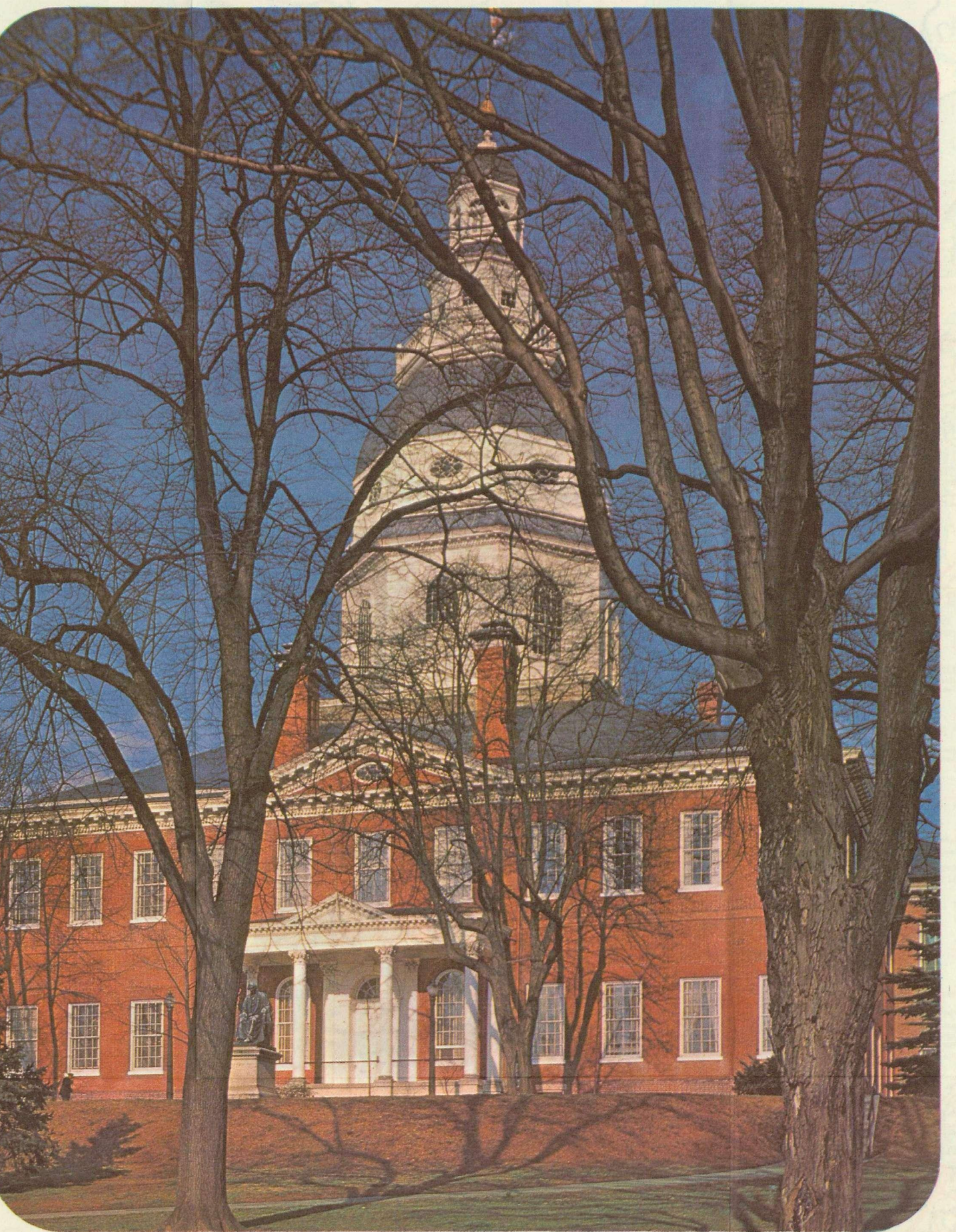
Fort MChenry, Baltimore, birthplace of "The Star-Spangled Banner"



May through September, 1955, Bicentennial Celebration of the establishment of George Washington's first military headquarters in this historic building, 1755, Cumberland, Maryland.



World famous races are features of Maryland's many fine tracks



Maryland's Historic State House, built in 1772, is older than the nation. Within its hallowed walls George Washington resigned his commission as Commander-in-Chief of the Continental Forces, and the treaty which ended the Revolutionary War was ratified by Congress. Visitors are welcomed with traditional Maryland hospitality. Open daily, including Saturdays, Sundays and most holidays.



In this magnificent old Senate Chamber of Maryland's Historic State House, George Washington resigned his Commission as Commander in Chief of the Continental Forces, and the treaty which ended the American Revolution was ratified by Congress. Some of the furniture used on both these historic occasions may still be seen by visitors.



Maryland's Official State Tree—the 400 year old Wye Oak—world's largest white oak tree, in the Nation's smallest State Park



Presentation of the colors—a highlight in one of America's most colorful graduation exercises—the ceremony takes place during June Week at the United States Naval Academy, Annapolis, Maryland



Sailing, sailing on the beautiful Chesapeake Bay



The beach at Ocean City, Maryland, is one of the Nation's finest



Quaint and colorful harbor at Annapolis, Maryland



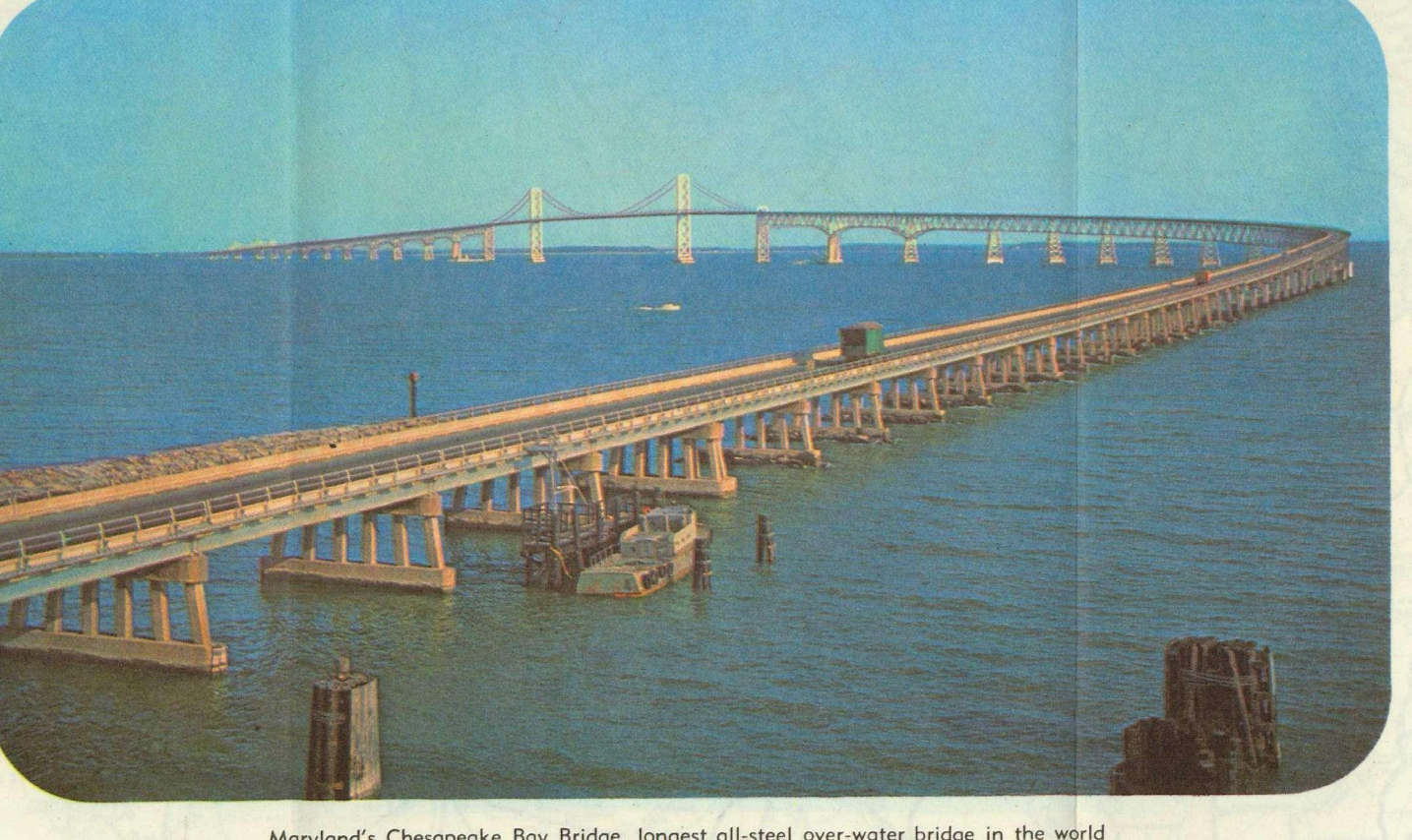
Beautiful Middletown Valley, from Gambrill State Park overlook, near Frederick, Maryland



Beautiful and popular Swallow Falls State Park, heart of Western Maryland's scenic beauty



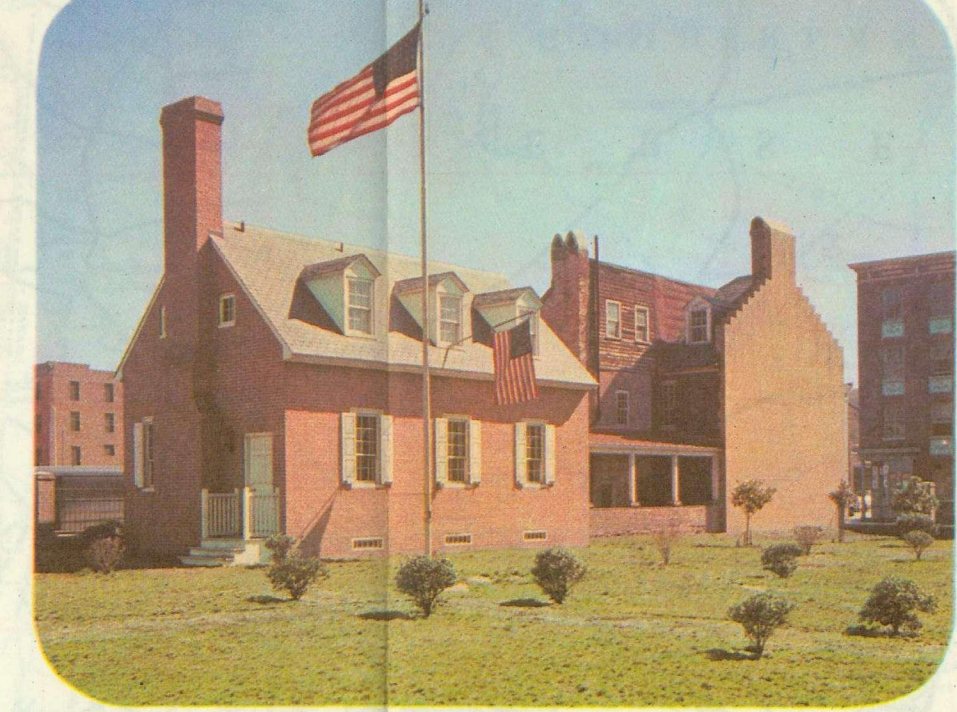
Maryland's highways are beautiful, safe and modern



Maryland's Chesapeake Bay Bridge, longest all-steel over-water bridge in the world



Fine apples are an important Maryland crop



Star-Spangled Banner Flag House, Baltimore, where Mary Pickersgill stitched the flag which flew over Fort MChenry and inspired Francis Scott Key to write "The Star-Spangled Banner"



Used as money in Colonial times, tobacco is still an important Maryland crop

**FEDERAL STATE AND MUNICIPAL RESERVATIONS**

Algonquin	102-001	Antietam	102-001
Antietam	102-002	Antietam	102-002
Antietam	102-003	Antietam	102-003
Antietam	102-004	Antietam	102-004
Antietam	102-005	Antietam	102-005
Antietam	102-006	Antietam	102-006
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Antietam	102-029	Antietam	102-029
Antietam	102-030	Antietam	102-030

Id. 28" October 1955

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*Ad. 2 December 1955*

143



HENRY A. BARNES  
DIRECTOR OF TRAFFIC

THOMAS D'ALESSANDRO, JR.  
MAYOR

**DEPARTMENT OF TRAFFIC ENGINEERING**

413 ST. PAUL PLACE  
BALTIMORE 2, MD.

PLAZA 2-2000

June 30, 1955

*A-392*  
*1955*

Mr. George N. Lewis, Jr., Director  
State Roads Commission  
307 Tower Building  
Baltimore 2, Md.

Dear Mr. Lewis:

In accordance with the understanding reached in my office on June 2, 1955, I wish to advise you that I am not presently making any changes in the route designations in Baltimore City, formerly posted by the State Roads Commission. For the record, I am redesignating them using the same numbers and routes formerly used. When this Department makes any changes in the existing system, I will advise you so that you may mark your maps accordingly.

As soon as Mr. Booth has completed his study showing the need for route markers, the plan of his recommendations will be submitted to you so that you will have it available as a matter of record in case inquiries should be routed to you.

Very truly yours,

*Henry A. Barnes*  
Henry A. Barnes  
Director

hab/ecm

cc: Mr. Russell H. McCain, Chairman  
State Roads Commission  
108 E. Lexington St.  
Baltimore 3, Md.

Mr. F. X. Gallagher  
Asst. City Solicitor  
Room 509 Court House  
Baltimore 2, Md.

*A-35141 (16)*

*Agreed 2, 106 Dept 2, 101*  
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