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Ritchie, Assistant City Solicitor, your favor of May 27th last to Mr.

Magar Allan Poe, Deputy City Solicitor, and your favor of the 6th inst.

to myself, relative to the ordinance now pending in the First Branch of
the City Council, and entitled "An ordinance granting permission to the
Northern Central Railway Company to use covered steam motors or dummies
upon its tracks on Monument Street, from Buren Street to Central Avenue"

dc., I beg leave to say that after careful consideration of your reasoning and of the authorities which you cite, I am constrained to advise
the Committee on Railways that the ordinance Thould be referred to the
Board of Estimates, pursuant to the provisions of Sections 7 to 11 inclusive and Section 37 of the New City Charter.

After according full respect to what the Court of Appeals said in the case of Koch vs. North Avenue Railroad Co., 75 Md., pages 222 to 229, and after taking due note of the various ordinances, to which you allude, authorizing the use of steam on railroad tracks in the City, I deem the question, to say the least, to be attended with too much doubt

to justify me in arriving at any other conclusion.

The use of electricity for propelling care is but a new and improved motive power, in no way inconsistent with the uses and purposes for which streets have been opened and dedicated as ways for public travel, and this use does not impose a new servitude upon the streets so as to entitle abutting let owners to additional compensation. This, as you state in your letter of May 25th last to Mr. Ritchie, was substantially what the Court said in Koch's case, and I quite admit that it can be argued with much force that the use of steam for propelling cars is, like the use of electricity for the same purpose, but a new and improved motive power, and the argument would manifestly be much strengthened by the appliances of more recent invention, which have in many respects diminished the weight of the objections which formerly exteted to the use of steam as a motive power on public highways. Indeed, it has always seemed to me, I am bound to confess, that the distinction which has been so frequently taken between street cars propelled by horse power or electricity, and railroad cars propelled by steam, in relation to the question as to whether they imposed an additional servitude upon the public streets or not, was more or less an artificial

But cuteide of the State of Maryland, at any rate, this distinction would appear to be a firmly established one, it being held that

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