

File No. 5748 Continued.

CORRESPONDENCE.

railroad be classed as a manufacturer.

Yours respectfully,

(Signed) James Bosley, D. D.

Commissioner of Health.

File No. 5748.

LAW DEPARTMENT.

Baltimore, January 16, 1907.

Hon. W. Cabell Bruce,
City Solicitor,
City.

Dear Sir:-

I herewith report as follows upon the inquiry of the Commissioner of Health dated January 14th, as to whether or not the Power House of the United Railways and Electric Company, situated on Pratt street, is to be treated as a building devoted to manufacturing business, and therefore within the proviso of Section 3 of Ordinance Number 17 of the Mayor and City Council of Baltimore, approved November 20, 1906.

I frankly admit that my mind on this subject is practically in a state of equilibrium. Arguments of almost equal force can be advanced in defence of either position. There is no doubt that in one sense the Power House is devoted to the manufacturing of electricity for the purpose of supplying motive power to the cars of the United Railways; and it is therefore devoted to manufacturing business; on the other hand, in speaking of a manufacturing business, one would not ordinarily have in mind a business carried on at the Power House.

The ordinance on its face is an ordinance to prohibit the discharge of black or dark gray smoke within the corporate limits of the City of Baltimore, but at the same time, the proviso in Section 3 clearly shows that the Council in passing the ordinance did not intend to in any way cripple existing industries in the City of Baltimore.

The operation of the street car system within the City of Baltimore manifestly affects most vitally the life and business activity of the city. The ordinance should, of course, be given a reasonable interpretation, and the words employed should be given their ordinary and natural meaning; but, it is nevertheless to be borne in mind that