

File No. 9764 Continued.

CORRESPONDENCE.

Union Railroad Company of Baltimore.

7333

Inasmuch as coal and coke are used by steam locomotives, it is plain that the Ordinance is intended, and would operate, to prohibit, in the tunnel, the use, by any Railroad Company, of steam locomotives.

We represent the Philadelphia, Baltimore & Washington Railroad Company and the Northern Central Railway Company, which are the only Companies now operating trains through this tunnel; the Northern Central Railway Company moving cars to and from its own railroad as well as cars passing to and from the Western Maryland Railroad for the Western Maryland Railroad Company.

By the 10th Section of the Charter of the Union Railroad Company of Baltimore, as amended by the Act of 1870, Chapter 412, all Railroad Companies, and therefore the Philadelphia, Baltimore & Washington Railroad Company and the Northern Central Railway Company, are expressly granted the right to run their locomotives on the said Union Railroad; and as, by their then existing Charters, the said Companies were authorized to use steam locomotives, the said Act of Assembly operated as an express grant to them to use steam locomotives on the Union Railroad.

Inasmuch, therefore, as it is well settled by the decisions of the Court of Appeals of Maryland that where rights or privileges are granted by the Legislature of Maryland to a Railroad Company, either in the streets of the City of Baltimore or elsewhere, these rights cannot be either annulled, qualified or abridged by the Mayor and City Council of Baltimore, either under the general provisions of its Charter or those which authorize it to regulate the use of streets by Railway, and other, Companies, (77 Md. 382, -bottom of page- Lake Roland Elevated Company against Mayor and City Council of Baltimore; 85 Md. 513, -bottom of page- Hooper vs. City Passenger Railway Company; 89 Md. 710, Chesapeake & Potomac Tel. Co. vs. Baltimore City), it necessarily follows that the Mayor and City Council of Baltimore have not the right to prohibit the use, by the Philadelphia, Baltimore & Washington Railroad Company or the Northern Central Railway Company, of steam engines in the tunnel of the Union Railroad Company of Baltimore.

But, independently of the foregoing, not only were the Philadelphia, Baltimore & Washington Railroad Company and the Northern Central Railway Company, by the above mentioned Act of Assembly, authorized to use steam engines on the Union Railroad of Baltimore, but, so far as