

File No. 9764 Continued.

CORRESPONDENCE.

ply as Railroad Companies "worked by steam".

Very truly yours,

(Signed) Bernard Carter & Sons,

Advisory Counsel.

File No. 9764.

NORTHERN CENTRAL RAILWAY COMPANY,  
PHILADELPHIA, BALTIMORE & WASHINGTON  
RAILROAD COMPANY.

Baltimore, March 29, 1909.

In the matter of the proposed Ordinance  
prohibiting the use of coal, coke or  
wood in the Union tunnel.

Edgar Allan Poe, Esq.,

City Solicitor, Baltimore.

Dear Sir:-

I have carefully examined the opinion of Judges Harlan, Stockbridge and Niles in the Cocaine Ordinance case, and all the decisions of the Courts cited by them; and, so far from there being anything in these which militates against the position taken in the letter addressed to Mr. Hoffman and to you by us, the decisions above referred to expressly ratify that position.

These cases fully establish the proposition that a municipal corporation, in the exercise of the police power, may pass an Ordinance prohibiting and punishing acts, although the State has also dealt with the same subject matter by statute; provided the provisions of the Ordinance are not inconsistent with the provisions of the State statute; the mere fact that the penalties or punishments prescribed by the Ordinance are different from those prescribed by the State statute, does not make the Ordinance inconsistent with the State statute, because the law treats the violation of the Ordinance as a separate offence from the violation of the statute.

98 California, 684, 685. In this case it is said that there is no doubt that a municipal By-Law may stand if not inconsistent with