

File No. 13715 Continued.

edition, page 609, as follows:

"The most frequent application of this rule is found where specific and generic terms of the same nature are employed in the same Act, the latter following the former. While, in the abstract, general terms are to be given their natural and full signification, yet where they follow specific words of a like nature they take their meaning from the latter, and are presumed to embrace only things or persons of the kind designated by them".

A condition very similar to the one now under consideration arose in the District of Columbia in 1902. The language of the Act there under consideration was as follows:

"The proprietors of hacks, cabs, omnibuses and other vehicles for the transportation of passengers for hire shall pay annually as follows", etc. etc.

It appears that this act was passed in 1871 and the government maintained that automobiles were within its terms and that the owners thereof should pay the license. The controversy was carried to the courts in the case of the Transportation Company vs. Tobin, 19 app. 462, and was disposed of by Chief Justice Alvey in the following language:

"The language of the section of the Act in question is very broad and unqualified, and, if the electric vehicles had been known and in use at the time of the passage of the act, there would have been good ground for assuming the applicability of the terms of the Act to them, and that their use would have been subject to license, although not specifically mentioned in the Act; but it is a known fact that these electric vehicles are of novel and recent invention as to practical use, and that they were unknown to and certainly not within the contemplation of the authors of the Act of the Legislative Assembly. The terms "other vehicles" were intended manifestly to embrace only such other vehicles as were ejus dem generis. It was not intended certainly to embrace every conceivable vehicle that might thereafter be invented and brought into use. It is not pretended that every vehicle that is in use upon the streets is subject to a license tax. Bicycles and tricycles are vehicles that are daily used for the transportation of persons, but no one pretends that they are subject to a license tax though they may be hired to the persons who use them".

I have been unable to find that this opinion of Justice Alvey has ever been overruled or in fact that its correctness has ever been questioned, and in view of the further fact that Justice Alvey was a Maryland jurist, and his opinions have always been accorded great respect, it is very doubtful to my mind whether our Court of Appeals would adopt a contrary view in a case arising under such similar conditions.

The opinion, to say the least, casts grave doubt upon the