

Mr. Alecek, Mr. Greiner and Dr. Whitehead (cont'd)

Ordinance 748 discloses that whenever the City Council intended to limit any operation or obligation to the tracks of the Railroad, it used language which would unmistakably and clearly limit such language to the tracks.

It is respectfully submitted that the phrase "line of the Railroad" embraces more than the tracks of the Railroad and refers to all property of the Railroad, including its tracks, rights-of-way, stations, water towers, work-shops, and other buildings and equipment. Such is the commonly understood meaning given to the phrase "line of the Railroad". When one speaks of the branch line of a Railroad one refers to the entire property of the Railroad constituting the connection between a main point and a subordinate point. There is nothing to indicate that this phrase in Section 15 was intended to express a restricted or technical meaning. If effect is not given to this ordinary and familiar use as herein indicated, the clear intention of the City Council would be defeated. In such cases the rule of construction is that words in an ordinance ought to be taken in their commonly understood meaning (State Tax Commission vs. Allied Mortgage Co., Inc. 175 Md. 357-360).

Although the word "intersect" is frequently used as synonymous with the word "cross" (see Webster's New International Dictionary), it makes no difference in this case as to the meaning to be given to the word "intersect" as the 29th Street Bridge, under any circumstances, passes through and crosses the property or line of the Railroad.

To adopt an interpretation other than that contended for by the City would be to insert the words "at grade" and to make the phrase relating to public highways read as follows:

"any public highway which will intersect and cross the line of the Railroad at grade."

Such an interpretation would be in conflict with the Maryland rule of statutory construction as expounded by the Court of Appeals in the case of Seagull Specialty Co. vs. Snyder, 151 Md. 75, where it is stated: