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WASHINGTON, D. C.

CABLE ADDRESS
"NOCAM"

LONG DISTANCE TELEPHONE
MAIN 1893

Aug. 20, 1909.

John W. Stone, Esq.,
Mayor of Garrett Park, Md.

My dear Dr. Stone:-

I have noticed the notice displayed at the station relative to the speed permitted for automobiles in the Park. I was quite surprised to observe that the limit suggested by the Counsel was that of six miles per hour, or one mile in ten minutes. This is a very low speed which I think you would appreciate were you driving an automobile and is less than that required in the District of Columbia by one-half, the speed limit here being twelve miles per hour or one mile in five minutes.

While I am always desirous of conducting myself in a manner which will be beyond criticism and have repeatedly instructed my driver to go with the utmost care and caution through the village, there are certain places, as for instance, in going up a hill, where accelerated speed is necessary. I am sorry that you did not give me an opportunity to explain the situation before passing the so-called ordinance especially in view of the fact that I feel I am justified in thinking that the ordinance was passed in view of my having brought a machine into the Park and therefore more usually seen on the streets than outsiders.

I have never had any complaint, either directly or indirectly and cannot quite understand why the ordinance was so suddenly passed unless there was some personal reasons on the part of members of the counsel unknown to me.

I am quite satisfied from a legal standpoint that the Counsel of Garrett Park under their charter has no right to make an ordinance limiting the speed as has been attempted by the present ordinance. In this particular I would direct your attention especially to Section 13 of Chapter 453 of the act incorporating the town of Garrett Park, and especially that part wherein it is stated that any ordinance passed shall "not be inconsistent with the laws". Now the laws of the State of

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Maryland passed by the Legislature are very clear on the question of speed limit for automobiles, see particularly Section 134 of Chapter 449 Acts of 1906 which holds that a speed of one mile in five minutes may be attained. From this section you will observe that the Legislature has referred to the speed limit as follows:

"The following rate of speed maybe maintained upon any public street, public road, turnpike, public parks, pathways, public driveway or public highway in this State".

The second clause states that a speed of one mile in ten minutes only may be maintained where such streets or highways pass through the "built up portion of a city, town or villiage." This term "built up portion" is one which I think you will agree with me is readily understood and can hardly be applicable to Garrett Park. I operate my machine under license from the State.

Of course I do not wish to assume the attitude of being defiant as such is far from my mind, but think you will agree with me that it would be hardly profitable to have a legal controversy over this matter. I think I can assume without question that the Counsel would not care to do anything that would tend to keep those owning automobiles out of the Park and therefore I have thought it well to address you in this matter not only stating my personal views, but also with the view of placing the automobilists in a position where they may not receive harsh or illegal treatment should they enter the Park. As for myself I shall always feel it my duty to be as careful as possible, not only through the streets of Garrett Park but everywhere.

I trust you will find it agreeable to present this matter to the Counsel at the next meeting and modify the ordinance so as to have it agree with the State Laws in which particularly it would be largely a republication of the State Laws and the reference to the Marshall would be more nearly that of carrying out the provisions of the State Laws rather than the ordinance which is in my opinion an illegal ordinance.

Very respectfully,

LSB-K.

