does not mean "manufactured lumber" any more than "wool" means "cloth." There is a special section enacted to cover crime committed upon the manufactured article; why then should sec. 21 be held to apply to the raw material and to the manufactured article likewise? Another point raised by the defence is equally decisive. If sec. 21 could avail, the indictment should have used the words of the statute. A pile of boards may or may not be a pile of boards of wood. An innuendo cannot extend the meaning of the terms which precede it;—2 Saunders on Pleading, 922; Archbold, 830. The forms given at the end of the Procedure Act of 1869 are most misleading, and their defects are well shown by Judge Taschereau in his second volume. The indictment is therefore quashed.

The prisoner was discharged upon motion to that effect.

UNITED STATES REPORTS.

MARYLAND COURT OF APPEALS.

Short v. Baltimore City Passenger Railway Company.

Removal of snow by Street Railway Company.

A street railway company having a franchise to operate its road on a city street has a right to remove the snow from its track, and place it upon another part of the street, and if it exercises ordinary care and prudence in doing these acts it will not be held liable for injury done to adjoining property by reason of such snow obstructing the flow of water in the street.

[*Albany Law Journal.*

Appeal by plaintiff from a judgment in favour of the plaintiff. Sufficient facts appear in the opinion.

J. T. Mason, for appellant.

Arthur W. Machen, for respondent.

Robinson, J. The appellant is the owner of a house in the city of Baltimore, on Hoffman Street, near its intersection with Gay; and the appellee is the owner of a horse railway, running along the bed of Gay Street, and across Hoffman.

On the 6th January, 1877, there was a heavy fall of snow, and in clearing its track, it is alleged the appellee threw the snow off toward the curb, making a ridge or bank on Gay Street, and across the mouth of Hoffman, thereby obstructing the natural flow of water at the intersection of the two streets.

On the other hand, the appellee proved that the snow which had been pushed off the track by the snow-plough lay between the track and the gutter, and did not obstruct nor in any manner interfere with the natural flow of water from Hoffman Street.

On the night of the day in question it rained very hard, and the appellant's house was flooded with water, and this suit is brought to recover damages for injuries thereby sustained.

At the trial below, the appellant asked the court to instruct the jury: that if they should find the appellee obstructed the natural flow of water from Hoffman Street, and that by reason of said obstruction the house of the appellant was flooded with water, he was entitled to recover damages for the injuries thereby sustained.

This instruction the court granted, subject, however, to the following modification:—

"That if the jury should find the appellee exercised ordinary care in the management of its track on Gay Street, and removal of the snow therefrom, and clearing out the gutter extending along Gay Street at the side of its track, and that the damage suffered by the plaintiff was attributable either to the conformation of the ground and situation of his premises, or to a storm of such extraordinary severity that the usual drainage provided by the city would not carry the water off, then their verdict should be for the defendant."

The appellant contends that he was entitled to the instruction as offered by him, and that the court erred in granting it with the qualification.

Assuming, then, that the snow, thrown on the street by the appellee in clearing off its track, obstructed the natural flow of water from the street; and that in consequence thereof the appellant's house was injured, the broad question is presented, whether he is entitled to recover damages irrespective of the question of negligence on the part of the railway company!

As a general rule, it is conceded that every