File No. 5258 Continued.

OPINION.

LAW DEPARTMENT.

Baltimore. August 24, 1906.

Robert J. McCuen, Esq.,
Sup't. Lamps and Lighting.
Dear Sir:-

3801

In the absence of Mr. Bruce, I received your favor of August 23rd, in which you ask whether under Section 21 of the specifications governing the Gas Lighting contract between the American Lighting Company and the City, you have the right to designate on your official schedule or time-table, not only the hour at which the Company shall begin to light and extinguish all street lamps, but that all street lighting and extinguishing shall be finished within our hour after the time set for beginning.

Section 21 of the specifications reads as follows:

"The lamps must be lighted and extinguished strictly in accordance with the official schedule or time-table issued and furnished by the Superintendent of Lamps and Lighting, which schedule or time-table shall aggregate four thousand (4,000) burning hours per annum. The lamplighters or other employees of the contractor will not be permitted to climb the lamp posts for the purpose of lighting the lamps or for any other purpose except by the use of a ladder".

This section clearly provides that the lamps must be both lighted and extinguished strictly in accordance with the official schedule or time-table issued and furnished by you, and I am of opinion, that this is sufficient to authorize you to designate, not only the time for beginning to light and extinguish lamps, but also the time for completing such lighting and extinguishing. You could not, of course, designate a time for the completing of the lighting and extinguishing of the lamps which would be unreasonably short, and with which therefore the Company could not comply. If, however, the period of one hour is a reasonably sufficient time to enable the Company to complete the lighting and extinguishing of lamps, then I think that you can prescribe such time, and that the Company must comply with it. Whether an hour is a reasonable time or not, I am not in a position to know; you, of course, are the best judge of that.

Yours very truly,
(Signed) Albert C. Ritchie,
Assistant City Solicitor.

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