

File No. 5390 Continued.

OPINION.

Clearly, the work done by Prof. Hall is not done under the direction and supervision of a licensed master electrician; therefore only minor electric repairs remain, and these can, of course, be made by Prof. Hall just as they can be made by any unlicensed person, because the Act specifically says so. But, with the exception of minor electric repairs, I am of opinion that no installing, erecting or repairing of electric wires or conductors to be used for the transmission of electrical currents, or for ducts, conduits, &c., for the reception of such wires, or for electrical machinery, apparatus, devices or fixtures, can be done by Prof. Hall unless he takes out a license and gives bond in accordance with the Act, or unless he does this work under the direction and supervision of some duly licensed master electrician. Of course, if Prof. Hall took out a license himself, there would be no difficulty in the students doing such work as might be intrusted to them, as such work would then be done under the direction and supervision of Prof. Hall.

I regret feeling compelled to this conclusion, because there seem to be many reasons why a well-qualified professor of electricity, such as Prof. Hall, should not be required to be licensed before doing the purely educational work which he does at the Polytechnic Institute plant, but the Act seems to me clearly to apply to this kind of work, and makes no exception whatever on the ground that the work happens to be of an educational nature, and, this being so, I think that the intention of the Legislature can only be gathered from the language used. Indeed, I understand that there would be no question as to the necessity of Prof. Hall's taking out a license under the Act were the plant used for any but an educational purpose. The Legislature, however, in providing exceptions to which the Act should not apply, did not make such an exception for educational plants, and to construe the Act as not applying to such plants would be to add to the exceptions specifically made an additional exception in favor of educational plants, which the Legislature had the power to make, but which it did not see fit to make.

Very truly yours,

(Signed) Albert C. Ritchie,

Assistant City Solicitor.