

File No. 10579 Continued.

OPINION.

LAW DEPARTMENT.

Baltimore, November 3rd, 1909.

Hon. J. Barry Mahool,
Mayor of Baltimore.

Dear Sir:-

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In reference to the controversy that has recently arisen relating to what is the current rate of wage in the City of Baltimore for carpenters and other workmen and mechanics, I beg to say that I have conferred with Mr. Robert E. Lee, counsel for the Federation of Labor, and have also given the matter considerable thought.

I must adhere to the principle laid down by me in my letter of September 30th, 1908, to the Water Engineer, when I had under consideration the question of the current rate of wage for day laborers. In that letter I used the following language:-

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"In order, therefore, to arrive at what constitutes the current rate of per diem wages, regard must be had in the first instance to the locality where the work is to be performed and then effort should be made to ascertain what per diem wages, irrespective of the hours that constitute a day's work, are being paid by all employers of labor in that locality, including among others as an employer of labor, the Mayor and City Council of Baltimore and also contractors with the Mayor and City Council of Baltimore. It may be that some contractors employ more laborers of a certain grade than other contractors. This fact should be taken into consideration in arriving at what is the current rate of per diem wages. In other words, the current rate is the fair general average that is being paid per day at the time the rate is to be fixed, by all those who are employers of that particular class of laborers in the locality in question".

Bearing in mind the principle thus announced, let us take the case of carpenters for purpose of illustration.-

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Suppose there are three thousand carpenters in the City and that fifteen hundred receive Three dollars and fifty cents per day, and the remaining fifteen hundred, three dollars per day. The current rate of wage that the City and the City's contractors would be bound to pay would be three dollars and twenty-five cents. This would constitute the minimum figure, but there would be nothing to prevent the City or the City's contractors from paying more than three dollars and twenty-five cents.

Of course, it is the duty of each Department before which this question comes up to get the best information available as to the various