

File No. 11264 Continued.

OPINION.

8942

4. "Are scavengers, whose duty it is to patrol the harbor in small boats and gather up refuse, within the Act?"

I do not think they are, as their duties seem to me to be analogous to those of a watchman and not of a character required to bring them within the provisions of the Act.

5. "Are these employees who are paid at a certain rate per month, such as the man in charge of the ash scow and deck-hands on Light street bridge and those who work on repairs to the bridges, within the Act?"

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I do not think they are. The Act is a penal statute and is to be strictly construed.

Billingslea vs. Marshall County,
5 Kansas App. 437.

The Act applies to day laborers and, therefore, those who are employed and paid by the month are clearly not within its provisions. This would seem to follow from the very language of the Act, and is fully supported by the authorities.

Helpenstine vs. Hartig, 5 Ind. App., 177.
Billingslea vs. Marshall Co., 5 Kas. App. 436.
Luske vs. Hotchkiss, 37 Conn. 219.
Scorr vs. Savigny, 85 Mich. 144.

This answers all the questions of the Harbor Engineer.

Very truly yours,

(Signed) Sylvan Hayes Lauchheimer,
Deputy City Solicitor.

File No. 11264.

CORRESPONDENCE.

DEPARTMENT OF PUBLIC SAFETY,
COMMISSIONER OF STREET CLEANING,
CITY HALL.

Baltimore, May 3rd, 1910.

Mr. Harry F. Hooper,
City Comptroller,
Baltimore, Md.

8944

Sir:- Referring to our conversation this morning, I beg to inform you