

File No. 13960

Baltimore, January 24, 1912.

Hon. S. S. Field,
City Solicitor

Dear Sir:

0144 In reply to your inquiry regarding the contract entered into between the Jail Board and Leo H. Hirsch & Co., I beg to advise you that I have examined the law in regard to the Jail Board entering into a contract in its own name and have been unable to find any Act authorizing a contract of this character.

The contract, I think, should be in the name of the Mayor and City Council of Baltimore.

The Act of 1908, Chapter 71, provides that the Visitors of the Jail in Baltimore City are authorized to contract with any person or corporation for the erection at the City Jail of a work-shop for its use, provided that the cost of erecting said work-shop shall be paid for by the hire to the contractor, as now authorized by law.

It would seem from this provision that where the contractor has a duty of erecting a work-shop, that a contract may be made directly by the Jail Board, and such seems to have been the case in the Agreement between the Board of Visitors and the Maryland Veneer and Basket Company of Baltimore City.

The contract now in question, of Hirsch & Co., is not for the erection of a work-shop but merely for the hire of convicts, and I cannot find any authority which permits a contract of this character to be made directly by the Board of Visitors.

I also want to call your attention to the fact that the Agreement simply refers to Leo H. Hirsch & Company, without setting forth whether Hirsch & Co., is a firm or a corporation. I should advise that this should be specifically set out in the Agreement finally executed, and also that the Mayor and City Council of Baltimore be substituted in every place in which the Board of Visitors is now mentioned in the said contract.

Very truly yours,
(Signed) Alexander Preston,
Deputy City Solicitor.

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