

File No. 20032. continued.

an action against the actual perpetrator or perpetrators of said nuisance.

B. & O. R. R. Co. vs. Howard County, 113 Md.404.

Respectfully submitted,

(Signed) George Washington Williams,

File No. 15447.

Baltimore, February 1, 1916

Hon. S. S. Field,
City Solicitor.

Dear Sir:-

In reply to your letter of January 31st, 1916, by which you refer to me an inquiry of R. Keith Compton, Chairman of the Paving Commission, dated January 31, 1916, asking whether or not paving inspectors, both street and plant, come within the eight hour law, I beg to advise you that in an opinion by the Hon. W. C. Bruce, former City Solicitor, to Calvin W. Hendrick, Chief Engineer of the Sewerage Commission, dated May 21, 1908, he said:

"One of your inspectors is not, in my opinion a laborer, workman or mechanic, within the meaning of the Act of 1898, Chapter 458 (the eight hour law).

Montreal Bank vs- J. E. Potts-
Salt, etc. Co. 92 Mich. 354.
Missouri, etc. R. R. - vs. Baker,
14 Kan. 567"

The late Mr. Justice Brewer delivered the opinion in the Kansas case.

The said Act of 1898 has been twice amended, viz: by the Act of 1906, Chapter 85 and the Act of 1910, Chapter 94, but neither of those amendments affect the above inquiry.

The above opinion is equally applicable to the paving inspectors and the Sewerage inspectors, above referred to, and I am, therefore, of the opinion that the paving inspectors are not subject