

File No. 8662 Continued.

OPINION.

LAW DEPARTMENT.

Baltimore, September 2, 1908.

Hon. Edgar Allan Poe,
City Solicitor.

Dear Sir:-

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I have considered the inquiry in reference to the duty of the Engineers of the Fire Department to secure certificates in accordance with the Act of 1892 Chapter 448, which is found in sections No. 426-430 of the City Code, pages 298-301 (Pielert's Revision).

I am of the opinion that the law does not apply to the engineers of the Fire Department. Section 427, page 298, provides that the Board shall have general supervision of all stationary engineers. Section 428, page 298, for the examination of all persons who desire to apply for position of stationary engineer and requires that the party pursue the examination before he can follow his avocation as such engineer. The same section makes certain exceptions and amongst others provides that the law shall not apply to engineers "running threshing machines and other machinery of a similar character." The act also makes further provisions concerning the activities of the engineers; all being designed to protect life and property.

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Section 427, page 298, provides for the grade of certificates and the privileges attaching thereto and enables the holders to take charge of the "plant of machinery."

The Act in terms applies specifically to stationary engineers or to engineers who have charge of stationary engines.

The Century Dictionary defines stationary as "Being a particular station or place and remaining in a certain place, not movable or intended to be moved", and a stationary engine as follows: "Any form of motor on a fixed bed as distinguished from a portable, road or locomotive engine."

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Looking at the language of the Act and the purposes intended to be accomplished by it, and further testing the language by the definitions given above, I am constrained to the opinion that engineers of the Fire Department are not within the letter or the spirit of the Act, and even if by a liberal construction, the engineers of the Fire Department could be brought within the letter of the Act, they are ex-