File No. 8662 Continued. OPINION.

cluded therefrom by the exceptions stated in Section 428, page 300, viz,- threshing machines and all machinery of a similar character. This language indicates that portable machines which are moved from place to place are not within the purview of the Act.

As a matter of fact the fire engines are not stationary. When in the Engine House they are never in use. They are only put in operation when connected with the city plug and after water has been secured therefrom. In addition the engines are likely to be moved anywhere within the fire district at any time, and in the case of a general alarm, to any part of the City. The engineer in charge of such an engine cannot be said to be a stationary engineer, and is not subject to the provisions of the City Charter.

As a matter of fact, the engineers of the Fire Department, I am told, are subjected to a rigid examination before being permitted to qualify and every step is taken to see that competent persons alone are selected.

Very truly,
(Signed) Sylvan Hayes Lauchheimer,
Assistant City Solicitor.

File No. 8662.

LAW DEPARTMENT.

Baltimore, September 3, 1908.

Board of Fire Commissioners,

Baltimore, Md.

Gentlemen:-

I herewith enclose copy of a report from Mr. Lauchheimer, in reply to your inquiry of August 27th, in reference to the Engine-men of the Fire Department.
Kindly act upon Mr. Lauchheimer's report.

Very truly yours,
(Signed) Edgar Allan Poe,
City Solicitor.