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Carswell Wins Lighting Case

Contractor Will Have Power to Remove or Retain Employees

The Court of Appeals at Annapolis decided yesterday that the superintendent of lamps and lighting has no power to appoint or remove the employees of the contractor in-trusted with the work of street lighting, and thus settled the case of the American Lighting Company vs, the Mayor and City Council of Baltimore.

Fundamentally, the question at issue was one regarding the meaning of the charter. Under chapter 204 the superintendent of lamps and lighting is given absolute power of appointment and removal over his subordinates, and Mayor Hayes, when the time came to sign the contract, demanded that the company sign with the understanding that the provisions of this section be taken into account. This Mr. N. Stanley Carswell, president of the company, refused to do. The lawsuit decided yesterday was the result.

Judge Fowler, who delivered the opinion of the court, said that the city's claim is unreasonable on its face. The case was argued by Messrs. Bernard Carter and Thomas N. Clendinen for the company and City Solicitors William Pinkney Whyte and Olin Bryan for the city.

"The decision is not a disappointment," said Mayor Hayes yesterday afternoon. "I have always held that it would be better to have the contractor take entire charge of the work. The suit was brought to have the charter provisions interpreted."

Superintendent of Lamps and Lighting McCuen will at once require Mr. Carswell to bond in the sum of \$175,000. The contract, which begins March 1, is for three years, and the consideration agreed upon is \$14.13 per lamp per year. As there are 6,200 lamps this will amount to about \$87,500 annually. In addition the city will pay-under the new flat rate-\$7.25 per lamp per year for gas. This will make the total cost of each lamp \$21.38 a year. At present the cost is \$32.50. The saving, it will be seen, will be \$11.12 a lamp, or \$69,000.

Though by the decision of the court Mr. Carswell has obtained the right to discharge every one of the 140 lamplighters now in the service on March 1, there is little likelihood that he will do so. To Mr. McCuen he has given an intimation that he will retain practically all of them. In addition he has promised to increase their wages from \$8 a week to \$9.

The district superintendents, who receive \$12.50 a week each, are not affected by the change.