

File No. 36404 Continued.

interest until payment is actually made or tendered. Collier 13th Edition, page 1454.

In the matter of Kalak, 147 Fed. 276, construing Section 64 of the Bankrupt Act providing that the Trustee shall pay "all taxes owing by the bankrupt", the Court held that the original tax and all other sums accrued thereon under the revenue laws of the State up to the time the payment is actually made or tendered, were entitled to priority. The court saying, "it is the duty of the court, under the Act, to direct the payment of such taxes together with such penalties or interest as have accrued thereon under the laws of the State, to the time of actual payment".

See also Dayton, Trustee, vs. Stanard, 241 U.S. 588.

From the above I am clearly of the opinion that the special paving tax and all interest and penalties must be paid.

I see no good purpose in passing the check presented to the Collector and have the balance of the account remain open. Therefore, I shall hold the check for two or three days until you forward me a check for the balance, being \$404.63.

Very truly yours,

(Signed) Philip B. Perlman
City Solicitor