

Continued

subject to the order of the Orphans' Court. Mr. Ireton accordingly, on December 9th, 1932, wrote to Mr. Bighy, advising him that the City Collector is not precluded from exercising his remedy by summary process in advertising and selling the real estate for the non-payment of taxes, and suggested that the City proceed to advertise and sell the same as in any other case.

As a result of my examination of the authorities in this matter, I concur in the action already taken by Mr. Ireton.

Very truly yours,

(signed) HECTOR J. CIOTTI

Assistant City Solicitor

C/N

December 27th, 1932

Raymond S. Williams, Esq.,
President, Board of School Commissioners,
First National Bank Building,
Baltimore, Maryland.

Dear Mr. Williams:

Referring to your letter of December 21st in which you submit certain questions and request an opinion as to powers of the Board of School Commissioners with reference thereto, I beg to advise as follows:

Question 1. Examination of the Pension Ordinance, codified as Article 30 of the Baltimore City Code of 1927, shows clearly that the Board of School Commissioners has no power to compel the retirement of any person in the Department of Education under the Employees Retirement System before such person reaches the age of 70 years, except only where the member is mentally or physically incapacitated. In case of mental or physical incapacitation, the member may be retired upon the certification of the head of the Department, in manner and form as provided in sub-