71le No. 478 Continued.

OPINION.

The next question is, what arrangement can be made to enable the owner of the reversion to secure this balance of the purchase money, or his proper proportion thereof, assuming that the leasehold interest was not extinguished so as to entitle the reversioner to the whole balance?

In my judgment, the safest way, and the way that would be most satisfactory as a matter of precedent for the City, and at the same time a way involving as little expense as any that I could suggest, is to have an administrator appointed for the estate of William H. Dorsey, the owner of the leasehold according to the records. Dorsey has been absent and unheard of for about ten years, and those facts would justify the Orphans Court in presuming that he has died and in appointing an administrator for his estate. If an administrator were so appointed, he could surely secure the consent of the Orphans Court to release his interest in the fund for a nominal consideration, and, in that event, under the decision in the case of Schaub vs. Griffin, 84 Md., page 557, the City would be amply protected.

Mr. Greenbaum suggested that the City might accept a bond to secure it against loss from paying this money to Granger, and that Granger might then give the City a release for the amount. I cannot favor the acceptance of a bond for that purpose. If the bond were to be given as security for some event which must occur within a few years, I might regard it more favorably, but it is impossible to say how long a time hence someone may on behalf of Dorsey make a claim for the fund in question. Besides that fact, it appears to me very doubtful that the City Register has authority, or in fact that any other municipal official has authority, under the law as it stands, to accept a bond for such a purpose, and to pay money to a person whose title to it is involved in "doubt. If I were convinced that the leasehold interest of Dorsey was outstanding at the time when the ownership of the property determined the right to the fund, I could surely not certify that Mr. Granger is entitled as owner to the fund, even though the bond suggested were given. 

(Signed) Joseph S. Goldsmith, Second Assistant City Solicitor.

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