OPINION.

File No. 3793 Continued.

Duvall vs. Perkins, 77 Md. 582.

In the present case, only five feet three inches of a lot thirty feet wide was levied upon. For both of these reasons, I think the sale
2990 void, and that exceptions to it must be sustained.

The sale, however, does not appear to have been reported as yet, and I understand that the purchaser does not know the situation. He would, necessarily, learn of it, however, if the report were filed, and would necessarily except to it, as he could not get a good title under
2991 these proceedings. These exceptions, I think, would necessarily be sustained, and the costs put upon the City. I, therefore, think that the sale should not be reported, but that the purchase money should be returned to the purchaser, and a new levy made, and the property be resold.

I return herewith the report of sale, four exhibits, and plat, all of which should be sent back to Mr. Williams.

Very truly yours,
(Signed) Albert C. Ritchie,
Assistant City Solicitor.

File No. 3793.

LAW DEPARTMENT.

Baltimore. November 25,1905.

Henry Williams, Esq.,
Collector.

Dear Sir:-

I reply to your letter of the 22nd inst., to myself with regard to tax lot No. 3761, sold by you on December 19, 1904, by enclosing you a report from Mr. Ritchie, Assistant City Solicitor, to myself,
2992 dated the 24th inst., in which he reaches the conclusion, approved by me, that the sale was void.

You will please pursue the course pointed out by Mr. Ritchie in his letter. I return the report of sale, four exhibits and plat.

Truly yours,
(Signed) W. Cabell Bruce,
City Solicitor.

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