File No. 4745 Continued.

OPINION.

LAW DEPARTMENT.

Baltimore, May 21, 1906.

P. W. Wilkinson, Esq., Sect'y. Board of Fire Commissioners. Dear Sir: -

I reply to your letter of the 19th inst.

Chapter 142 of the Acts of 1906 simply authorizes and directs the Fire Board to place Mr. William C. McAfee on the pension roll of the Baltimore City Fire Department. The necessary appropriations to cover the amount of the pension are, under the Act, to be provided for in the usual way, that is to say, by the agency of the annual ordinance of estimates, and this is but in keeping with Section 445 of the City Charter, directing the City to appropriate annually such sums of money as shall be sufficient to pay the pensions of persons on the pension roll of the department.

By the ordinance of estimates for the year 1906, there was appropriated to the Fire Department for pensioners \$13,000 (page 40). If this sum will be sufficient, during the present year, not only to pay the pensions of all other persons on the pension roll of the department, but also the pension of Mr. McAfee, from May 1, 1906, to December 31, 1906, there is no legal reason, in my opinion, why it should not be used to make the necessary payments to Mr. McAfee. If the sum, however, is insufficient for these purposes, I see no course for you to pursue except to await the preparation of the grainance of estimates for the year 1907, when an amount should be appropriated thereby not only sufficient to cover the pension of Mr. McAfee for the year 1907, but also for the period from May 1, 1906, to December 31, 1906.

I return herewith the copy of the Act of Assembly handed me.

Truly yours,

(Signed) W. Cabell Bruce. Caty Schicator.

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