

File No. 8878 Continued.

OPINION.

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Code 1906, Article 32, Section 33 provides that the public schools are "maintained exclusively for the education of the children whose parents or guardians are actual residents of said City". The only exception being in favor of children residing in Baltimore "whose parents or guardians are residents of the Insular territory or possessions of the United States". Children of non-resident parents or guardians must pay tuition fee.

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While, under some circumstances, I think that the word parent, as used in this ordinance, might be construed to mean grand-parents (for example if the parents are dead and the child lives with its grand-parents), still, I do not think that such is the case in the present inquiry, as the child's parents live in Cumberland and her relations with them are such that she even absents herself from school in order to go to see them; nor do I think that the word guardian includes grand-parents in this case. The word guardian means, I think, either a guardian in law, or a guardian in fact, and in the present case the grand-mother hardly falls within either definition. The language of the ordinance is such, in my opinion, as to make a strict construction of it necessary and this is emphasized by the fact that the only exception to its provisions applies to children whose parents live in the Insular territories. I do not think that another exception can be read into the ordinance.

For these reasons, I think that Vivian Riley cannot legally attend the public schools unless she pays tuition as the child of non-resident parents.

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

File No. 8878.

LAW DEPARTMENT.

Baltimore, October 22nd, 1908.

John H. Roche, Esq.,  
Secretary, School Board.  
Dear Sir:-

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I herewith enclose copy of a report from Mr. Ritchie, in reply