

File No. 14087

Baltimore, February 26, 1912.

Hon. S. S. Field,
City Solicitor.

Dear Sir:

In reply to yours of February 23rd, requesting an opinion in regard to the expiration of the term of one of the Commissioners for Opening Streets, I beg to reply that it is not necessary to make an appointment immediately; that the Commissioner whose term has expired holds over until such time as his successor is appointed.

A person filling an office should continue to discharge the duties until his successor has qualified, whether the office is created by the Constitution, an Act of the Legislature, or a Municipal Ordinance. It was expressly decided in the case of Robb vs. Carter, 65 Md. 321.

Very truly yours,

(Signed) Alexander Preston,
Deputy City Solicitor.

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File No. 13877

Baltimore, February 27, 1912.

Hon. S. S. Field,
City Solicitor.

Dear Sir:

Referring to the inquiry relative to the eligibility of Miss M. Florence Perry to become a member and a beneficiary in the Teachers' Retirement Fund - which inquiry I am returning herewith - I am writing to say that in my opinion Miss Perry is not entitled to nor can she be retired so as to become a beneficiary of the Teachers' Retirement Fund.

By chapter 78 of the Acts of 1908 it was provided that certain teachers of the Public School of Baltimore City could be retired, and a fund out of which salaries should be paid teachers so retired was provided. Under the provisions of said Act, however, it was provided that no retirements could take place until 1910.

It appears that Miss Perry became insane in the year 1906. She was granted an indefinite leave of absence by the School Commis-