

File No. 25654

Baltimore, December 4, 1919.

Hon. William F. Broening,
Mayor of Baltimore.

Dear Mr. Mayor:

I have before me for approval, F. B. Ordinance No. 115.

13466

This ordinance provides that the sum of \$450 be appropriated to Barbara Morgan, widow of Captain John H. Morgan, deceased member of the City Fire Department. I regret that I am compelled to advise that this ordinance is beyond the power of the City Council as I understand the Charter.

Section 70 of the Charter after giving to the Fire Commissioners the right to make provision for members of the department disabled while in the actual performance of their duty, says:

"The said Board may also provide for the relief of the widows and children of firemen who may be killed in the discharge of their duty. The amount of such annual pension to be allowed by said Board of Fire Commissioners to such pensioner shall be equal to one-half the yearly amount then being received by him for service in said department at the time of such retirement, per annum, payable in monthly installments."

Similar provision is also made in Section 445 with reference to members in the department at the time of the adoption of the Charter.

There is no provision in the Charter for the granting of pensions or for appropriating money for the relief of the widow and children of deceased firemen who were not killed in the discharge of their duty.

Mr. McClelland may be very much interested in this ordinance and I suggest that you advise him of my opinion and if he wants to talk with me about the matter I will be glad to explain to him why the ordinance cannot be approved.

Very respectfully,
(Signed) Roland R. Marchant,
City Solicitor.