

Mr. Josiah A. Kinsey, Secretary,

Board of Police Commissioners.

Dear Sir:-

By your letter of August 22nd., ultimo you referred to me, by order of the Board, a brief submitted by Edward J. Colgan, Jr. on behalf of the retired police officers of Baltimore City, involving the question of increase of the pensions of officers who were retired prior to January 1st., 1907.

This question was first submitted to me by the Board through your letter of July 1st., 1910, and on July 7th., 1910, I handed to the Board a written opinion undertaking to Construe the provisions of Chapters 391 and 471 of the Acts of the General Assembly of 1910 upon which the retired officers rely for an increase of their pensions.

I have read Mr. Colgan's brief, and after carefully considering all that he has said, I cannot change my views as expressed in my opinion of July 7th., 1910.

If it was the purpose, as it is claimed to have been, of the draftsman of Chapter 391 of the Acts of 1910 to provide for an increase of the pensions of retired police officers so as to enable such officers as were retired prior to January 1st., 1907 on one-half of the salary which they were then receiving, to obtain the benefit of any subsequent increase in the salary of the officers who had not been then retired, such purpose and intent does not appear from the language of the Act in such a way as to have enabled the Legislature to so understand it nor to warrant the court, if the question were to arise, to so construe it.

I do not wish to be understood as personally objecting to the payment of increased pensions to the retired officers, but, on the contrary, if the Board can without reference to my views of the law, gather enough from the Acts referred to in my letter of July 7th., 1910 and Mr. Colgan's brief to justify them in such payment, probably no one would interpose objections; or if the retired officers, through their counsel, desire to institute appropriate proceedings in the courts to have the meaning and effect of the Legislation on the subject interpreted, I shall be very glad, with the consent of the Board, to waive all questions of technical pleading and have the court determine their rights in the premises.