

File No. 8695 Continued.

CORRESPONDENCE.

and the other half paid him after January 1st 1909. It will take about 60 days to make the repairs.

6541

Now there is a fund known as the Intestate Estate Fund, which is under the control of the Board of School Commissioners, which amounts to \$7,888.24. The Board of School Commissioners, by resolution at one of their regular meetings, have authorized me to transfer this fund to Mr. Preston's consolidated property account so that the repairs to that School can be started at once.

Have I the authority, upon such resolution, to make such a transfer, temporarily or permanently.

Very truly yours,

(Signed) Harry F. Hooper,

Comptroller.

File No. 8695.

OPINION.

LAW DEPARTMENT.

Baltimore, September 11, 1908.

Edgar Allan Poe, Esq.,

City Solicitor.

Dear Sir:-

As requested by you I have considered the matter referred to by Mr. Hooper in his letter to you of Sept. 5th, namely, - whether the City Comptroller should permit the School Board to transfer to Mr. Preston the Intestate Estate Fund for the purpose of increasing the accommodations of School No. 60.

6542

By Section 511 of the Charter it is provided that the release to be given on behalf of the School Board for Intestate Funds "shall contain an obligation that the said funds shall be applied by the Board of School Commissioners to the use and support of the public schools."

6543

By Pielert's Code, Article 32, Section 17, it is provided that said funds "shall be held subject to the order of the Board of School Commissioners, in like manner as the funds derived