

R. E. Lee Marshall, Esq., City Solicitor (cont'd)

right to remove subordinates to the extent that such department head shall not remove employees "for or on account of political or religious opinions or affiliations or for refusing to contribute to any political funds or refusing to render any political service."

The Engineer of Street Cleaning, as the head of the Bureau of Street Cleaning, in dismissing Mr. Ryan on April 3rd, 1936, acted within the scope of the power granted him by the Charter, and that dismissal is evidenced by the out-off ticket issued by the Engineer of Street Cleaning, which out-off ticket removed Mr. Ryan from the roster of the Classified Service. Under Section 203N of the Charter, after the removal of Mr. Ryan's name from the roster of the Classified Service, it would have been unlawful to have paid him any salary or compensation so that there can be no doubt but that from and after April 3rd, 1936, Mr. Ryan was not an employee of the City.

I am, therefore, of the opinion that Mr. Ryan was not "a member in service" at the time of his death on April 12th, 1936, and the Board of Trustees should not in this case allow any ordinary death benefit.

Very truly yours,

(signed) J. FRANCIS IRETON

Assistant City Solicitor

JFI:HC

August 4, 1936

R. E. Lee Marshall, Esq.
City Solicitor
Baltimore, Maryland

Dear Mr. Marshall:

Under date of July 17, Clarence A. Tucker, Esq., wrote J. Francis Ireton, Esq., regarding the Arundel-Brooks Concrete Corporation, of 921 South Wolfe Street.

It appears from Mr. Tucker's letter that his client has applied for a manufacturer's exemption for 1937 and future years; apparently no application has been made for 1936, and Mr. Tucker claims that an exemption should be granted for that