OPINION.

File No. 3789 Continued.

LAW DEPARTMENT.

Baltimore. November 27,1905.

W. Cabell Bruce, Esq.,
City Solicitor.

Dear Sir:-

As requested by your favor of November 23d, I have examined the question submitted by Mr. Glenn in his letter of November 22d, with reference to the right of the Supervisors of City Charities to release Peter V. Freeberger from Bayview before the expiration of his sentence.

I find that Sections 865 to 872 of the Charter authorize a Justice of the Peace, upon information that any person is a pauper, to cause such person to be brought before him for a hearing. Section 867
2961 authorizes police officers on their own information to bring such a person before a Station-house Justice. Section 868 authorizes a Justice, upon proof that any such person is a pauper, to commit him, and, in case such person is not able-bodied, but is aged or infirm, he may be committed to the City's almshouse. Section 870 provides that the officials of the place to which such persons are committed "shall keep them during the time for which they are to be kept, so that they cannot
2962 escape from such places". Section 872 provides that the "time for which any person shall be sent to the almshouse x x x shall not be less than one week, nor more than two months, for the first conviction". A longer confinement is prescribed for subsequent convictions.

In the present case, the commitment, a copy of which is attached to the papers, purports to have been made on the application, under oath, of Police Officer John Dulaney, the man being charged with being a pauper, and with not being able-bodied, but aged and infirm. The
2963 commitment recites the trial before Justice Daniel C. Loden on November 10, 1905, and that the man was found guilty on the same day and committed to Bayview Asylum for the term of two months, in accordance with the provisions of the Charter. So far as I can see, this commitment is entirely regular upon its face.

Mr. Glenn states, however, that, as a matter of fact, the man is not a pauper, but had himself committed because of some family quarrel,
2964 and that his family are now anxious to have him back, and are able to support him. The question is whether he can be released before the ex-