

File No. 11,677.

OPINION.

## LAW DEPARTMENT.

Baltimore, July 25, 1910.

B. Howell Griswold Jr., Esq.,  
Baltimore.

Dear Sir:

9306

You have informed me that you have taken up with the officials of the Federated Charities the question of devising some plan under which the poor of the City will be enabled to sleep in the public parks and squares during the summer season, and you now desire to learn from me whether or not there are any laws or ordinances that would prohibit the carrying into execution of such a plan.

9307

I have carefully examined the laws and ordinances bearing in any way upon the matter, and am satisfied that the subject is one over which the Board of Park Commissioners has full control. Under Section 91 of the Charter, this Board is given full charge and control of all public parks and squares, and Section 92 empowers it to make, from time to time, such rules and regulations that it may deem expedient for the government and preservation of order within the parks and squares.

9308

The Board does not seem, up to the present time, to have passed any regulations that directly prohibit the end that you have in view, except in so far as Rule 14 of the Rules and Regulations relating to public parks may be said to contain such a prohibition. This Rule provides that no person shall lie down upon a bench or upon the grass, except in picnic-grounds, children's playgrounds, or other places set aside for such purpose, under a penalty of a fine ranging from two to twenty dollars. I would suggest, therefore, that the Park Board be conferred with, with a view to securing its approval of the plan that you have in contemplation.

Truly yours,

(Signed) Edgar Allan Poe,  
City Solicitor.