

File No. 11798 Continued.

OPINION.

9436

letter addressed to you by the Commissioner of Health, under date of the 3rd inst., advising of the establishment of a Hospital at No. 428 E. Twenty-second street for the cure of the drink habit, without permission of the Mayor and City Council of Baltimore, and asking what action should be taken in the matter.

I also have before me a letter addressed to you by R.E. Redmond, 428 E. Twenty-second street, asking whether it is necessary to obtain a permit before opening a place to treat the afflictions named in a circular enclosed with the letter. According to such circular it is the purpose of the Institution to cure the drink and drug habit through the use of "medicines given by the mouth."

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Section 4 of Article 16 of the City Code of 1906 provides, that it shall not be lawful to establish any hospital for the sick unless by and with the assent of the Mayor and City Council of Baltimore, obtained in the manner therein set out.

Section 5 provides, that if any hospital for the sick shall be established in violation of the preceding Section, the party or parties so establishing the same shall be fined the sum of Fifty dollars for each and every day it is permitted to remain as such after having received notice of ten days from the Mayor or Commissioner of Health to discontinue it.

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In my opinion, an Institution for the cure of the drink and drug habit, as described in the circular referred to above, is a "Hospital for the Sick" within the meaning of Sections 4 and 5 of Article 16. It was the evident purpose of the framers of those Sections to protect the public by preventing incompetent or unskillful persons from opening Institutions, which, of necessity, are of a public or semi-public character, and there receiving and treating those who find it necessary to seek medical or surgical attention, and the language used should be given a construction which will accomplish this purpose if it is possible to do so.

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The word "sick" in a narrow sense means "ill" or "affected with disease"; but, also, has the broader meaning of "impaired or weakened"; thus the blind and the insane have been held by the Courts to be comprehended by the term "sick", and the term, as it appears in the City Code, should be given this broader wider meaning. According to Bouvier's Law Dictionary, a Hospital is defined