

File No. 11798 Continued.

OPINION.

LAW DEPARTMENT.

Baltimore, September 8, 1910.

Hon. Edgar Allan Poe,  
City Solicitor.

Dear Sir:-

9444

I am writing you in reference to the letter of R.E. Redmond, M. D., in reference to opening an Institution for the cure of the drink and drug habit at 428 E. Twenty-second street. This letter you handed me with a letter to you, under date of September 3rd, from the Commissioner of Health, in reference to the same matter, and to which I am replying by a letter of this date.

Mr. Redmond first asks, whether it is necessary to obtain a permit from the City before opening the Institution. I think it necessary that such a permit be obtained and refer you to my letter of this date.

9445

Mr. Redmond then asks the following question: "If we were to call our place a Sanatorium or Institute, would we then be permitted to run without consent of the Mayor and Council?" I do not think that the name is of any importance. The Institution, in my opinion, is a Hospital for the Sick, within the meaning of Sections 4 and 5 of Article 16 of the City Code, and it certainly will not take the Institution out of the meaning of those Sections by simply giving it some name other than Hospital. The mere naming of a thing does not make it that which it is named, if, in fact, it is something else. Its properties and qualities determine what it is.

See *Heller vs. Marine Bank*, 89 Md., 602-611.

Am. & Eng. Encyc. of Law, Vol. 15, page 758.

Very truly yours,

(Signed) German H.H. Emory.

Assistant City Solicitor.