

File No. 12402.

Baltimore, February 14, 1911.

Hon. Edgar Allan Poe
City Solicitor.

Dear Sir:

I beg to reply to your communication of the 9th inst., enclosing a letter from George L. Wilkins, Physician of the City Jail, together with certain correspondence relating to the scope of Section 144 of the City Charter, and of Section 120-A of the City Charter.

Section 144 provides as follows:

"Whenever any person has been committed to the Baltimore City Jail on the charge of drunkenness or disorderly conduct, who is affected with any form of disease, that in the judgment of the physician of the said Jail would require a longer time than the term of sentence to cure, or in any case where the accomodation, comfort, care and nursing cannot be furnished by the said Jail, or in case of any person who may be insane at the time of committal or become insane during the term for which committed, the said Visitors to the Jail should have the power to release and send such person to his or her home, or to some infirmary, hospital, or to the Almshouse where provision has been made by the City of Baltimore, for the reception of such cases."

Dr. Wilkins states that for a number of years the Jail Authorities have, from time to time, transferred certain prisoners charged with drunkenness or disorderly conduct, disturbing the peace or minor assault, and insane persons committed by Magistrates to Bay View Asylum, St. Joseph's Hospital or to their homes, according to the character of the case.

Section 120-A of the Charter provides that whenever the Board of Visitors may deem it necessary they may summon the State Lunacy Commission to pass on the mental condition of the convicts, and if any such convicts be adjudged insane, the Commission shall make complaint to the Judge of the Criminal Court, who shall have power to order the removal of such insane convicts to Bay View Asylum for treatment.

Considering first the question of the right of the Board of Visitors to remove insane convicts, I am of opinion that Section 120-A was intended by the Legislature to contain the exact definition of such right.