

File No. 20010

Baltimore, January 28, 1916

Hon. S. S. Field,  
City Solicitor,  
Court House,  
Baltimore, Md.

Dear Sir:-

2076  
Replying to your letter of January 18th, in reference to the possible claim of the City upon the State for a contribution to the cost of the care of insane persons at Bay View, I would say that I have examined the State Lunacy Law of 1886, as amended by the Act of 1910, and find that it provides that the counties and the City are required to contribute the sum of \$100 for each insane person of said county or City in a State institution, and the balance of the cost of care and treatment to be borne by the State.

The case of County Commissioners of Allegany County vs. Dr. Arthur P. Herring, Secretary of the State Lunacy Commission, October Term of the Court of Appeals, reported in the Daily Record of January 8th, 1916, which gave rise to the question of the possible claim of the City for contribution by the State to cost of care and maintenance of insane persons at Bay View, turned upon the question of an Act applicable, solely, to Allegany County; Act of 1914, Chapter 778, wherein it is provided in substance, that the County Commissioners of Allegany County shall be reimbursed for any excess money expended over and above the county's liability in such cases under the Act of 1910, where insane persons of the State are confined in "Sylvan Retreat", an institution located in said county.

The Court in this case, while allowing the claim of the County Commissioners for the excess expended by them in the care of insane persons at "Sylvan Retreat", over and above the liability imposed upon them under the general Lunacy Law, stated that under the Lunacy Law (Act of 1910) alone there could be no such recovery.

It is respectfully suggested that it would not be inappropriate, as the General Assembly of Maryland is now in session, to have introduced, on behalf of Baltimore City to take care of this question in the future, a Bill similar to that passed by the Legislature of 1914, Chapter 778, applicable to Allegany County.

Very truly yours,