

Mr. Charles P. Price, Warden, Baltimore City Jail (cont'd)

City Charter under discussion, because it is not found there. It would, therefore, be advisable for you to inform Mr. Burnett of our conclusion in this regard promptly.

You have asked me over the telephone whether you should charge the State of Maryland for the maintenance of this prisoner. It is provided in Section 3 of Article 65, of the Annotated Code of Maryland, that in cases involving conviction for violating the Articles of War, "imprisonment other than in guardhouse shall be executed in jails or prisons designated by the Governor for the purpose." The commitment of this prisoner must have been effected pursuant to that language. Since the offense was not a local one, and because the facilities of the jail are extended to the State, as a matter of accommodation, it is only fair and equitable that the State should assume whatever reasonable cost is incurred by virtue of this prisoner's commitment. I, therefore, recommend that you bill the State for this charge in due course.

Very truly yours,

(signed) J. GILBERT PRENDERGAST

Assistant City Solicitor

JGP/re

APPROVED:

(signed) F. MURRAY BENSON
City Solicitor