

File No. 86235

November 15, 1950

Major General Donald H. Connolly, Director
Department of Aviation
Friendship International Airport
Baltimore, Maryland

Dear General Connolly:

In your letter of September 5, 1950, you state that during the hunting season you are presented with problems at the Airport because of indiscriminate shooting and trespassing of hunters and you set forth several reasons why you do not allow hunting at the Airport. You have requested the opinion of this office on the following questions.

1. Does the language underscored in the attached lease give us the right to prohibit gunners from hunting on land rented to tenants, even if the tenant has granted permission to allow the gunners to hunt?

You enclosed with your letter the lease entered into between the City and Egbert H. Hawkins, dated January 6th, 1950, and expiring on December 31, 1950. The property therein defined was rented to Hawkins for the purpose of farming for that period. We do not believe that the lease provisions would prohibit the tenant from hunting on the premises rented to him unless the lease provisions specifically prohibited hunting. Consequently, any new lease entered into after December 31, 1950, should contain a prohibitive clause against hunting, if such prohibition is the policy of the Department of Aviation.

2. Can we arrest persons who trespass on land rented by us to a tenant?

This question, as propounded, is very difficult to answer for it would mean that your enforcement personnel would have to have definite knowledge that the person is a trespasser. The tenant, of course, has the right to invite persons on land rented to him and consequently, it would mean that your enforcement personnel in each case would have to contact the tenant prior to any arrest for trespassing.

3. Can the City of Baltimore declare the Airport property a Game and Wildlife Sanctuary?

There is no provision in the City Charter granting the City the right to so declare the Airport property a Game and Wildlife Sanctuary. The right to declare