

FILE NO. 74894

October 16, 1942

Mr. Charles P. Price  
Warden, Baltimore City Jail  
Madison and Buren Streets  
Baltimore, Maryland

Dear Mr. Price:

I have before me an opinion written by Mr. Wilson K. Barnes, Deputy City Solicitor, as to your liability for the release of the prisoner, Thomas John Fluharty, by the Honorable John H. Stanford, Magistrate for the Northern District of Baltimore.

Mr. Barnes suggests in his opinion that whether the Magistrate has exceeded his authority or not is a question for the Attorney General but that, in any event, the responsibility for the release rests entirely upon the Magistrate and not upon the Warden. I think this latter decision is the one which affects you more vitally than the former.

I would like to give you my opinion as to the authority of the Magistrate but I cannot presume upon the jurisdiction of the Attorney General. I hope you will understand our position in the matter.

Very truly yours,

(signed) F. MURRAY BENSON

City Solicitor

FMB/RRS  
Enc.