

FILE NO. 72249

September 6, 1940

Mr. W. S. Callowhill  
Director, Department of Public Recreation  
1129 N. Calvert Street  
Baltimore, Maryland

Dear Mr. Callowhill:

Reference is made to your letter of August 1, 1940, regarding insurance on privately owned areas used for recreational purposes.

As explained to you and Mr. Stinson verbally sometime ago, I do not believe that the Department of Recreation has the power to execute a lease in which it guarantees to save harmless from any and all liability the lessor of an area being leased by your department for recreational purposes. I suggested that the matter might be handled by paying for a policy of insurance provided the cost was not excessive. I also suggested that it might be advisable to have the Mayor and City Council of Baltimore named as an insured as well as the lessor, if the premium would not be increased by including the Mayor and City Council as an insured or if the premium would be only slightly increased by such inclusion. The question of whether or not the matter should be handled in this way, as well as the question of the amount of the premium, is a matter of policy for your department to decide.

The form of policy which you forwarded to me would protect the Mayor and City Council in the normal case if the Mayor and City Council is named as one of the insured. However, the form of policy would have to be submitted in each case to the lessor for his approval.

Very truly yours,

(signed) CHARLES C. G. EVANS

City Solicitor

CCOE/RRS