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ANALYSIS OF CONSTITUTIONAL PROVISIONS  
AFFECTING PUBLIC WELFARE IN THE STATE OF  
MARYLAND

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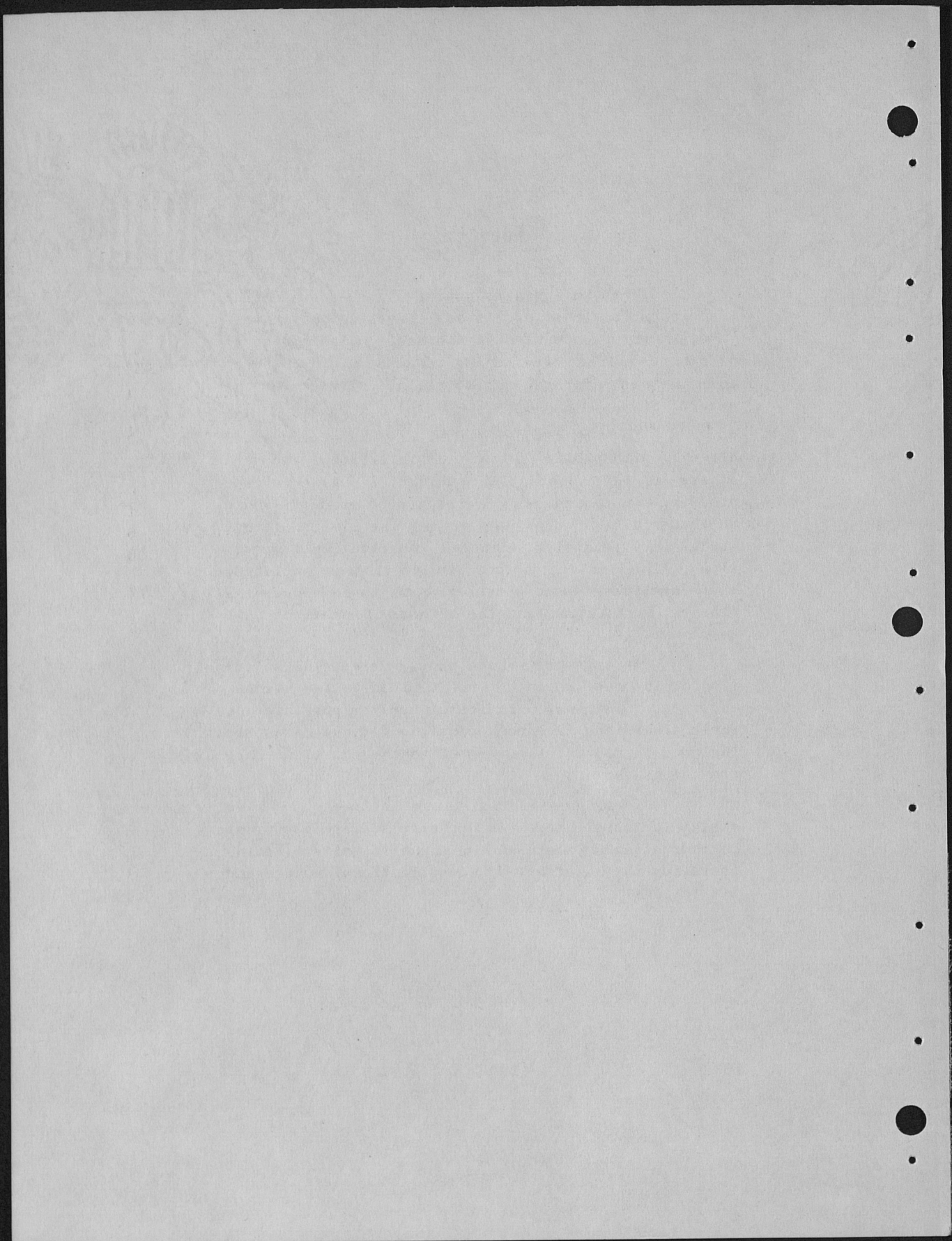
## PREFACE

This bulletin is one of a series presenting State constitutional provisions affecting public welfare, prepared to supplement the State by State digests of public welfare laws so as to provide in abstract form the basis for the public welfare services of the several States.

The provisions quoted are those concerned directly with public welfare administration and such others as may substantially affect a public welfare program, even though only indirectly related. It would be impossible to consider within the limits of this study every remotely connected constitutional provision. The indirectly related provisions included, therefore, have been restricted to those concerning finance, legislation, and the methods of constitutional amendment.

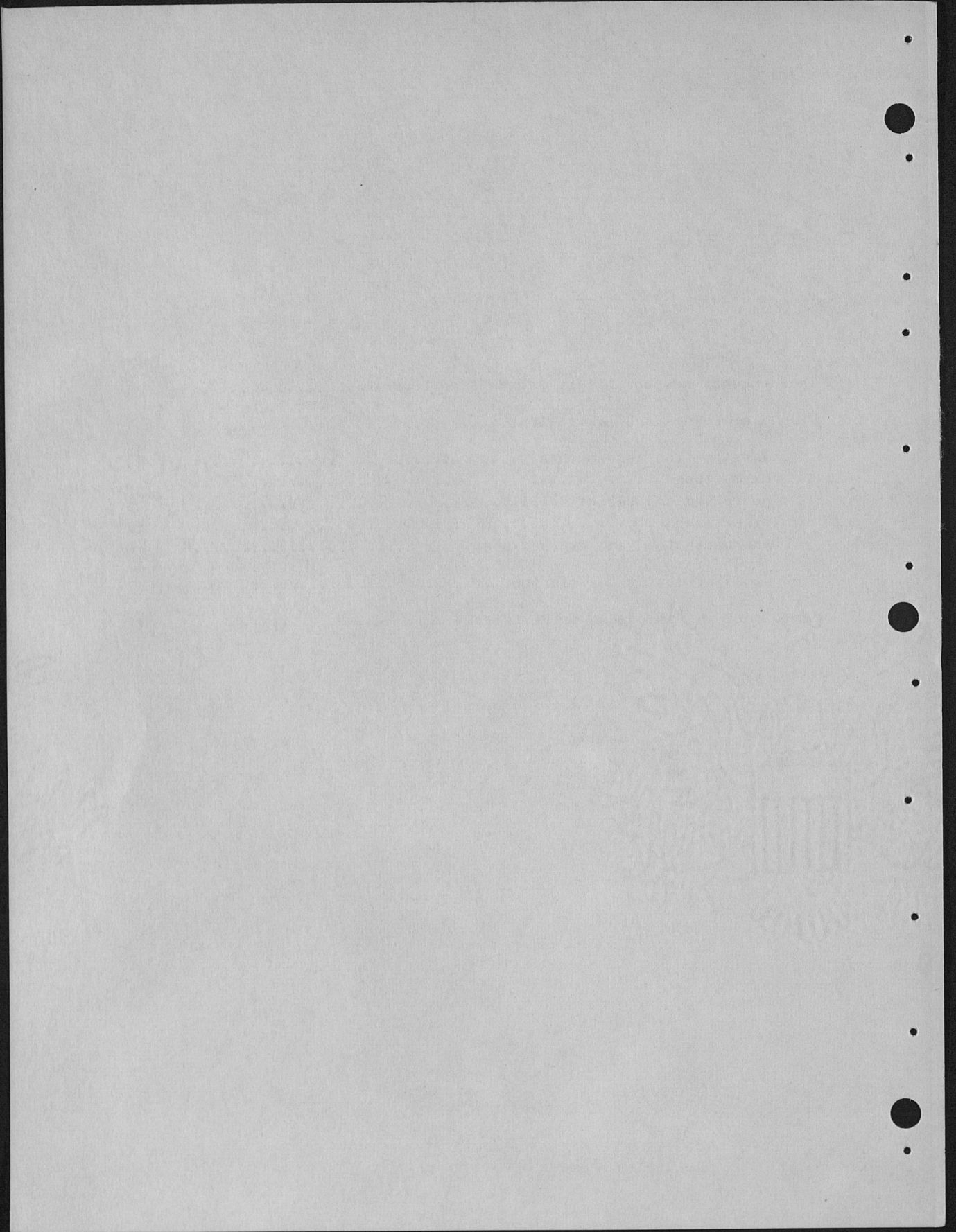
An attempt has been made, by a careful selection of the most recent cases decided by the highest courts of the States, to indicate wherever possible how these provisions have been construed. These cases are included in footnotes appended to the constitutional provisions shown.

It is hoped that these abstracts will be useful to those interested in public welfare questions in indicating how State and local public welfare administration may be affected by constitutional powers and limitations.



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Maryland

ANALYSIS OF CONSTITUTIONAL PROVISIONS AFFECTING  
PUBLIC WELFARE IN MARYLAND<sup>1</sup>

I. Incidence of Responsibility for Welfare Program

The office of "State Pension Commissioner" is hereby abolished; and the Legislature shall pass no law creating such office, or establishing any general pension system within this State.<sup>2</sup>

II. Financial Powers and Limitations

A. Taxation and Assessments

(1) State

(a) That the levying of taxes by the poll is grievous and oppressive and ought to be prohibited; that paupers ought not to be assessed for the support of the government; that the General Assembly shall, by uniform rules, provide for separate assessment of land and classification and sub-classifications of improvements on land and personal property, as it may deem proper; and all taxes thereafter provided to be levied by the State for the support of the general State Government, and by the counties and by the City of Baltimore for their respective purposes, shall be uniform as to land within the taxing district, and uniform within the class or sub-class of improvements on land and personal property which the respective taxing powers may have directed to be subjected to the tax levy; yet fines, duties or taxes may properly and justly be imposed, or

<sup>1</sup>Constitution (1867), as compiled and published by the Secretary of State in the Maryland Manual (1935); with all amendments to May 1, 1937.

The police power of the State "was formerly concerned with the protection of the public health, morals, and safety. By our own recent decisions it is now recognized as extending to the general welfare. \* \* \* An exertion of the police power by the Legislature should not be held to be void if there are any considerations related to the public welfare by which it can be supported." A statute requiring any dealer in trading stamps to pay a license fee was held to be a proper exercise of the police power. State vs. J. M. Seney Company, 107 A. 189, 193 (1919).

<sup>2</sup>Constitution, Art. III, Sec. 59.

This section was inserted in the Constitution with exclusive reference to military pensions and was not intended to include other pensions of an entirely different character, not then in existence and unknown to the members of the convention. Hence "Mothers' Relief" statutes of 1929 and 1931, granting pensions to mothers of dependent children, were held not to violate this section. Mayor and City Council of Baltimore City vs. Fuget, 164 Md. 335, 165 A. 618 (1933).

## II. Financial Powers and Limitations—Continued

## A. Taxation and Assessments—Continued

## (1) State—Continued

laid with a political view for the good government and benefit of the community.<sup>3</sup>

(b) That no aid, charge, tax, burthen or fees ought to be rated, or levied, under any pretense, without the consent of the Legislature.<sup>4</sup>

(c) The Legislature, at its first session after the ratification of this Constitution, shall provide by law for State and municipal taxation upon the revenues accruing from business done in the State by all foreign corporations.<sup>5</sup>

(d) The General Assembly, at its first session after the adoption of this Constitution, shall, by law, establish throughout the State a thorough and efficient system of free public schools; and shall provide by taxation, or otherwise, for their maintenance.<sup>6</sup>

(2) Counties and Other Local Units<sup>7</sup>

(a) See paragraph (b), above.

<sup>3</sup>Constitution, Declaration of Rights, Art. 15, as amended 1915.

It was held that under this section poll taxes are prohibited, paupers exempted from assessment, and property taxes must be uniform, but that "it was not the purpose of the framers of the Constitution to prohibit any other species of taxation, but to leave the Legislature the power to impose such other taxes as the necessities of the government might require." A tax on collateral inheritances was therefore valid. *Tyson vs. State*, 28 Md. 577 (1868).

In holding a gross receipts tax on railroad companies valid under this section, the Supreme Court stated that while "All taxes levied upon property, should be equal and uniform according to its actual value. \* \* \* But \* \* \*, it was not the purpose of the framers of the Constitution, nor of the people who adopted it, to restrict or limit the Legislature in the exercise of the power of taxation \* \* \* it will hardly be contended, that an income tax is a direct tax on property within the meaning of the Bill of Rights." *State vs. P. W. & B. Railroad Company*, 45 Md. 361 (1876).

The uniformity requirement of this section applies only to property taxes; it has no relation to automobile license fees which may be classified so long as the classification is reasonable. A statute differentiating between commercial and private vehicles and commercial vehicles using pneumatic tires from those using solid tires, for purposes of license fees, was held valid. *Samuel Bevard Manuro Products vs. Baughman*, 173 A. 40 (1934).

Under this section the principal of uniformity of property taxation is satisfied by making local taxation equal and uniform within the taxing district. *McGraw vs. Merryman*, 133 Md. 247, 104 A. 540 (1918).

<sup>4</sup>Constitution, Declaration of Rights, Art. 14.

<sup>5</sup>Constitution, Art. III, Sec. 58.

<sup>6</sup>Constitution, Art. VIII, Sec. 1.

<sup>7</sup>"The County Commissioners are a governing body with limited powers. They can exercise only the authority with which they have been expressly, or as a reasonable implication, invested by law." *County Commissioners of Frederick County vs. Page*, 163 Md. 619, 164 A. 182 (1933).



## II. Financial Powers and Limitations—Continued

## A. Taxation and Assessments—Continued

## (2) Counties and Other Local Units—Continued

(b) See page 1, paragraph (a), and page 2, footnote 3.

(c) The personal property of residents of this State shall be subject to taxation in the county or city where the resident bona fide resides for the greater part of the year for which the tax may or shall be levied, and not elsewhere, except goods and chattels permanently located, which shall be taxed in the city or county where they are so located, but the General Assembly may by law provide for the taxation of mortgages upon property in this State and the debts secured thereby in the county or city where such property is situated.<sup>8</sup>

(d) See page 2, paragraph (c).

## B. Exemptions

No provision.<sup>9</sup>

Under the Code of Public General Laws, Art. XXV, Sec. 7, which declares that county commissioners shall levy all needful taxes on the assessable property within the county liable to taxation, it was held that the county commissioners had power to levy a tax for the purpose of erecting a fireproof vault for the preservation of the records of the clerk of the court. *B. F. Smith Fireproof Construction Company vs. Munroe*, 97 Md. 370, 55 A. 315 (1903).

<sup>8</sup>Constitution, Art. III, Sec. 51.

The object of this section is that personal property shall be taxed once but not more than once. The ordinary situs of personal property for purposes of taxation is the residence of the owner, but this section makes an exception where personal property is permanently located in some other city or county, and provides that such property shall be taxable at the place of its location. A merchant's stock in trade was held to be personal property "permanently located" within the meaning of this section, and as such was taxable in the city where located. *Hopkins vs. Baker*, 78 Md. 370, 28 A. 284 (1894).

The last clause of this section was held to settle any question as to the power of the Legislature to tax mortgage debts at the situs of the property. A statute taxing the interest on real estate mortgages, whether the owner of the mortgage was a resident or a nonresident, was held valid. *Allen vs. National Bank of Camden, N. J.*, 92 Md. 509, 48 A. 78 (1901).

"The original section was first incorporated in the Constitution of this state by the constitutional convention of 1867, for the purpose of preventing individuals, whose places of business were in Baltimore City or in one of the counties, and who so resided for the greater part of the year, from escaping taxation by that city or county on their personalty, through establishment of a residence for taxation in the city or county where they resided for but a short period of the year." *McLard vs. Judges of Appeal Tax Court*, 156 Md. 133, 143 A. 656, 659 (1928).

<sup>9</sup>The state has full power to exempt any class of property as it may deem best according to its views of public policy. It cannot now be questioned that a state may classify property in all proper reasonable ways, provided the discriminations made are based upon sound reasons of public policy, and are not arbitrary or hostile." *William S. Wilkens Company vs. Mayor, etc., of City of Baltimore*, 103 Md. 293, 63 A. 562 (1906).

"It is well settled that the Legislature may, without contravening either the federal or state constitution, exempt certain species of property from taxation, when it does not amount to an arbitrary discrimination." A tax assessment statute, providing for the deduction from the capital stock of domestic fire insurance companies of the amount of mortgages on land within the State held by them, was held not to be an arbitrary discrimination, and so did not violate the Federal or State Constitution.

## II. Financial Powers and Limitations—Continued

## C. Borrowing and Use of Credit

## (1) State

No debt shall be hereafter contracted by the General Assembly unless such debt shall be authorized by a law providing for the collection of an annual tax or taxes sufficient to pay the interest on such debt as it falls due, and also to discharge the principal thereof within fifteen years from the time of contracting the same; and the taxes laid for this purpose shall not be repealed or applied to any other object until the said debt and interest thereon shall be fully discharged. The credit of the State shall not in any manner be given, or loaned to, or in aid of any individual association or corporation; nor shall the General Assembly have the power in any mode to involve the State in the construction of works of internal improvement, nor in granting any aid thereto, which shall involve the faith or credit of the State; nor make any appropriation therefor, except in aid of the construction of works of internal improvement in the counties of St. Mary's, Charles and Calvert, which have had no direct advantage from such works as have been heretofore aided by the State; and provided that such aid, advances or appropriations shall not exceed in the aggregate the sum of five hundred thousand dollars. And they shall not use or appropriate the proceeds of the internal improvement companies, or of the State tax, now levied, or which may hereafter be levied, to pay off the public debt to any other purposes until the interest and debt are fully paid or the sinking fund shall be equal to the amount of the outstanding debt; but the General Assembly may, without laying a tax, borrow an amount never to exceed fifty thousand dollars to meet temporary deficiencies in the Treasury, and may contract debts to any amount that may be necessary for the defence of the State. And provided further that nothing in this section shall be construed to prohibit the raising of funds for the purpose of aiding or compensating in such manner or way as the General Assembly of the State shall deem proper, those citizens of the State who have served, with honor, their country and State in time of war; provided, however, that such action of the General Assembly shall be effective only when submitted to

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Mayor, etc., of Baltimore vs. German-American Fire Insurance Company, 132 Md. 380, 103 A. 980 (1918).

The uniformity clause of Art. XV of the Declaration of Rights (see p. 1, par. (a)), constitutes no bar to the right of the Legislature to exempt property from taxation, when that exemption is not an arbitrary discrimination in favor of a particular class. Unless the discrimination be arbitrary, the wisdom of the exemption is within the discretion of the Legislature. A statute which taxed the mortgage bonds of corporations, but exempted the mortgage debts of individuals was held not to provide for an arbitrary and unreasonable discrimination, on the ground that there was a valid distinction between corporate and individual debt for purposes of taxation. *Simpson vs. Hopkins*, 82 Md. 478, 33 A. 714 (1896).

Tax exemptions contained in legislative acts must be strictly construed. *Mayor, etc., vs. Havre de Grace and Perryville Bridge Company*, 125 A. 704 (1924).

## II. Financial Powers and Limitations—Continued

## C. Borrowing and Use of Credit—Continued

## (1) State—Continued

and approved by a vote of the people of the State at the General Election next following the enactment of such legislation.<sup>10</sup>

## (2) Counties

No county of this State shall contract any debt, or obligation in the construction of any railroad, canal, or other work of internal improvement, nor give, or loan its credit to or in aid of any association, or corporation, unless authorized by an Act of the General Assembly, which shall be published for two months before the next election for members of the House of Delegates in the newspapers published in such county, and shall also be approved by a majority of all the members elected to each House of the General Assembly, at its next session after said election.<sup>11</sup>

## (3) Other Local Units

From and after the adoption of this Constitution, no debt (except as hereinafter excepted), shall be created by the Mayor and City Council of Baltimore; nor shall the credit of the Mayor and City Council of Baltimore be given or loaned to, or in aid of any individual, association, or corporation; nor shall the Mayor and City Council of Baltimore have the power to involve the City of Baltimore in the construction of works of internal improvement, nor in granting any aid thereto, which shall involve the faith and credit of the city, nor make any appropriation therefor, unless such debt or credit be authorized by an Act of the General Assembly of Maryland, and by an ordinance of the Mayor and City Council of Baltimore, submitted to the legal voters of the City of Baltimore, at such time and place as may be fixed by said ordinance, and approved by a majority of the votes cast at such time and place; such

<sup>10</sup>Constitution, Art. III, Sec. 34, as amended 1924.

The "internal improvements" contemplated by the framers of the Constitution were activities of private companies, such as railroads and canals. It was not meant to include the ordinary and necessary activities of the State. Therefore, the construction of State roads was held not to come within the scope of this section. *Bonsal vs. Yellott*, 100 Md. 481, 60 A. 593 (1905).

The construction of a drainage and sewerage system was held not to be a "work of internal improvement"; such works being internal improvements in one sense, but not the type of "internal improvements" intended to be included within this section. *Welch vs. Cogan*, 128 Md. 1, 94 A. 384 (1915).

<sup>11</sup>Constitution, Art. III, Sec. 54.

The "works of internal improvement" contemplated by the framers of this section were private enterprises, such as railroads and canals. It was not meant to include the ordinary and necessary activities of the governmental units of the State. Therefore, it was held that a county might borrow for the purpose of building roads without complying with this section. *Bonsal vs. Yellot*, 100 Md. 503, 60 A. 593 (1905). See p. 3, footnote 9.

## II. Financial Powers and Limitations—Continued

## C. Borrowing and Use of Credit—Continued

## (3) Other Local Units—Continued

ordinance shall provide for the discharge of any such debt or credit within the period of forty (40) years from the time of contracting the same; but the Mayor and City Council may, temporarily, borrow any amount of money to meet any deficiency in the City Treasury, and may borrow any amount at any time to provide for any emergency arising from the necessity of maintaining the police, or preserving the health, safety and sanitary condition of the city, and may make due and proper arrangements and agreements for the renewal and extension, in whole or in part, of any and all debts and obligations created according to law before the adoption of this Constitution.<sup>12</sup>

## D. Other Income

The General Assembly shall have power to receive from the United States any grant or donation of land, money or securities for any purpose designated by the United States, and shall administer or distribute the same according to the conditions of the said grant.<sup>13</sup>

## E. Appropriations and Expenditures

(1) No money shall be drawn from the Treasury of the State by any order or resolution, nor except in accordance with an appropriation by law; and every such law shall distinctly specify the sum appropriated and object to which it shall be applied; provided, that nothing herein contained shall prevent the General Assembly from placing a contingent fund at the disposal of the Executive, who shall report to the General Assembly at each session the amount expended, and the purposes to which it was applied.<sup>14</sup> \* \* \*

<sup>12</sup>Constitution, Art. XI, Sec. 7, as amended 1934.

Subject to the exceptions set forth in this section, no debt can be created or credit involved on behalf of Baltimore City unless it is first authorized by an act of the General Assembly and approved by a majority of the legal voters after the submission of the question to them by a city ordinance. Stanley vs. Mayor and City Council of City of Baltimore, 148 Md. 277, 128 A. 151 (1924); Johnson vs. Mayor and City Council of Baltimore, 148 A. 209 (1930).

Where a statute passed by the General Assembly and an ordinance authorizing a bond issue by Baltimore City did not specify the rate of interest to be charged, it was held that the city could properly delegate the fixing of the rate of interest to the finance commissioners. Douty vs. Mayor and City Council of Baltimore, 155 Md. 125, 141 A. 499 (1928).

If the ordinance submitted to the voters of Baltimore City specifies the rate of interest, however, the Mayor and City Council cannot validly change such rate. Thom vs. Mayor and City Council of Baltimore, 154 Md. 273, 141 A. 125 (1928).

<sup>13</sup>Constitution, Art. III, Sec. 46.

<sup>14</sup>Constitution, Art. III, Sec. 32.

## II. Financial Powers and Limitations—Continued

## E. Appropriations and Expenditures—Continued

(2) The General Assembly shall not appropriate any money out of the Treasury except in accordance with the following provisions:

Sub-Section A: Every appropriation bill shall be either a Budget Bill, or a Supplementary Appropriation Bill, as hereinafter mentioned. \* \* \*

Sub-Section C: \* \* \* Neither House shall consider other appropriations until the Budget Bill has been finally acted upon by both Houses, \* \* \*: (1) Every such appropriation shall be embodied in a separate bill limited to some single work, object or purpose therein stated and called herein a Supplementary Appropriation Bill; (2) Each Supplementary Appropriation Bill shall provide the revenue necessary to pay the appropriation thereby made by a tax, direct or indirect,<sup>15</sup> \* \* \*.

## III. Provisions Affecting Legislation

## A. Regular Sessions of Legislature

(1) The General Assembly shall meet on the first Wednesday of January, nineteen hundred and twenty-four, for a regular session, and shall not meet again for a regular session until the first Wednesday of January, nineteen hundred and twenty-seven, and the General Assembly shall meet on the same day in every second year thereafter and at no other time unless convened by proclamation of the Governor.<sup>16</sup>

(2) The General Assembly may continue its session so long as in its judgment the public interest may require, for a period not longer than ninety days;<sup>17</sup> \* \* \*.

(3) \* \* \* If the Budget Bill shall not have been finally acted upon by the Legislature three days before the expiration of its regular session, the Governor may, and it shall be his duty to issue a proclamation extending the session for such further period as may, in his judgment, be necessary for the passage of such bill; but no other matter than such bill shall be considered during such extended session except a provision for the cost thereof.<sup>18</sup> \* \* \*

## B. Special Sessions of Legislature

(1) The Governor shall convene the Legislature, or the Senate alone, on extraordinary occasions;<sup>19</sup> \* \* \*

<sup>15</sup>Constitution, Art. III, Sec. 52.

<sup>16</sup>Constitution, Art. XVII, Sec. 6, adopted 1922.

<sup>17</sup>Constitution, Art. III, Sec. 15.

<sup>18</sup>Constitution, Art. III, Sec. 52, Sub-Sec. D.

<sup>19</sup>Constitution, Art. II, Sec. 16.

## III. Provisions Affecting Legislation—Continued

## B. Special Sessions of Legislature—Continued

(2) \* \* \* When the General Assembly shall be convened by proclamation of the Governor, the session shall not continue longer than thirty days,<sup>20</sup> \* \* \*.

## C. Powers of Initiative and Referendum

(1) The people reserve to themselves power known as The Referendum, by petition to have submitted to the registered voters of the State, to approve or reject at the polls, any Act, or part of any Act of the General Assembly, \* \* \*.

The provisions of this Article shall be self-executing; provided that additional legislation in furtherance thereof and not in conflict therewith may be enacted.<sup>21</sup>

(2) \* \* \* No law making any appropriation or maintaining the State Government, or for maintaining or aiding any public institution, not exceeding the next previous appropriation for the same purpose, shall be subject to rejection or repeal under this section. The increase in any such appropriation for maintaining or aiding any public institution shall only take effect as in the case of other laws, and such increase or any part thereof specified in the petition, may be referred to a vote of the people upon petition.<sup>22</sup>

(3) The referendum petition against an Act or part of an Act \* \* \* shall be sufficient if signed by ten thousand qualified voters of the State of Maryland, of whom not more than half shall be residents of Baltimore City, or of any one county; provided that any Public Local Law for any one county or the City of Baltimore shall be referred by the Secretary of State only to the people of said county or City of Baltimore, upon a referendum petition of ten per cent of the qualified voters of said county or City of Baltimore.<sup>23</sup> \* \* \*

<sup>20</sup> Constitution, Art. III, Sec. 15.

<sup>21</sup> Constitution, Art. XVI, Sec. 1 (a) and (b), adopted 1915.

<sup>22</sup> Constitution, Art. XVI, Sec. 2, adopted 1915.

The exceptions from the referendum of appropriations "for maintaining the State Government" include more than those absolutely necessary to keep the government operating. They include appropriations for the agencies of government of which the State Roads Commission is one of the most important. Maintaining the government means providing money to enable it to perform its duties. So it was held that a statute increasing the gasoline tax to provide for the construction of lateral roads came within this exception and was not subject to the referendum. *Winebrenner vs. Salmon*, 142 A. 723 (1928).

<sup>23</sup> Constitution, Art. XVI, Sec. 3 (a), adopted 1915.

Public local laws affecting a political subdivision of the State other than Baltimore City or one of the counties were held not within the operation of this article. So a statute designating a portion of Baltimore County as a metropolitan

## III. Provisions Affecting Legislation—Continued

## D. Legislative Enactment

(1) No law enacted by the General Assembly shall take effect until the first day of June next after the session at which it may be passed, unless it contain a section declaring such law an emergency law and necessary for the immediate preservation of the public health or safety, and passed upon a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly; provided, however, that said period of suspension may be extended as provided in Section 3 (b) hereof. If before said first day of June there shall have been filed with the Secretary of the State a petition to refer to a vote of the people any law or part of a law capable of referendum, as in this Article provided, the same shall be referred by the Secretary of State to such vote, and shall not become a law or take effect until thirty days after its approval by a majority of the electors voting thereon at the next ensuing election held throughout the State for Members of the House of Representatives of the United States. An emergency law shall remain in force notwithstanding such petition, but shall stand repealed thirty days after having been rejected by a majority of the qualified electors voting thereon; provided, however, that no measure creating or abolishing any office, or changing the salary, term of duty of any officer, or granting any franchise or special privilege, or creating any vested right or interest, shall be enacted as an emergency law.<sup>24</sup> \* \* \*

(2) No law passed by the General Assembly shall take effect until the first day of June next after the session at which it may be passed unless it be otherwise expressly declared therein.<sup>25</sup>

district for the purpose of providing adequate water supply, sewerage, and storm water drainage system was held not subject to the referendum and could therefore be made effective immediately according to the terms of Art. III, Sec. 31. *Dineen vs. Rider*, 152 Md. 343, 136 A. 754 (1927). See par. (2), above.

<sup>24</sup>Constitution, Art. XVI, Sec. 2, adopted 1915.

Sec. 3 (b) provides that if there is filed before the first day of June more than one-half but less than the full number of signatures required for a referendum petition, the time for the law to take effect and for filing the requisite number of signatures shall be extended until June 30th.

This provision does not apply to the types of laws which are not subject to the referendum (see p. 8, C, par. (2), and footnotes 22 and 23). As to laws not subject to the referendum, Art. III, Sec. 31 applies (see par. (2), above). This result was held to follow from the fact that this provision concerning the effective date of statutes was contained in the referendum amendment passed in 1915, and so its operation was intended to be limited to measures which were subject to the referendum. *Dineen vs. Rider*, 152 Md. 343, 136 A. 754 (1927).

<sup>25</sup>Constitution, Art. III, Sec. 31

Since the adoption of the referendum amendment in 1915 this section has been held to apply only to measures which are not subject to the referendum. *Dineen vs. Rider*, 152 Md. 343, 136 A. 754 (1927). See p. 8, C, par. (1) and par. (1), above.

The effective date of a statute not within the referendum provision of the Constitution may be fixed by the Legislature without a declaration of emergency, and does not require passage by a three-fifths vote. *Culp vs. Commissioners of Chestertown*, 154 Md. 620, 141 A. 410 (1928). See par. (1), above.

## III. Provisions Affecting Legislation—Continued

## D. Legislative Enactment—Continued

(3) \* \* \* no bill shall originate in either House during the last ten days of the session, unless two-thirds of the members elected thereto shall so determine by yeas and nays; nor shall any bill become a law until it be read on three different days of the session in each House, unless two-thirds of the members elected to the House where such bill is pending shall so determine by yeas and nays, and no bill shall be read a third time until it shall have been actually engrossed or printed for a third reading.<sup>26</sup>

(4) No bill shall become a law unless it be passed in each House by a majority of the whole number of members elected and on its final passage the yeas and nays be recorded; nor shall any resolution requiring the action of both Houses be passed except in the same manner.<sup>27</sup>

(5) \* \* \* every law enacted by the General Assembly shall embrace but one subject, and that shall be described in its title; and no law, nor section of law, shall be revised or amended by reference to its title or section only; nor shall any law be construed by reason of its title to grant powers or confer rights which are not expressly contained in the body of the Act;<sup>28</sup> \* \* \*.

(6) The General Assembly shall not pass local or special laws in any of the following enumerated cases, viz.: For \* \* \* re-funding money paid into the State Treasury, or releasing persons from their debts or obligations to the State, unless recommended by the Governor or officers of the Treasury Department. And the General Assembly shall pass no special law for any case for which provision has been made by an existing general law.<sup>29</sup> \* \* \*

<sup>26</sup> Constitution, Art. III, Sec. 27, as amended 1913.

<sup>27</sup> Constitution, Art. III, Sec. 28.

Where there was no record at all of what, if any, vote was taken on a bill by the Senate, the bill was held void, this section being mandatory and requiring the recording of the vote taken on a bill. *County Commissioners of Washington County vs. Baker*, 119 A. 461 (1922).

<sup>28</sup> Constitution, Art. III, Sec. 29.

"The authorities hold that section 29 of article 3 of the Constitution is mandatory, but that the general disposition of this court has been to give this section a liberal construction so as not to interfere with or impede legislative action; that the title of an act, while it must indicate the subject, need not give an abstract of the act, yet it must not be misleading by what it contains or what it omits." A statute, the title of which indicated that improvements were to be paid entirely out of an annual tax on all the city property, but which provided in the body that a certain percentage was to be paid by special assessment of the adjoining property, was held void as violative of this section. *Culp vs. Commissioners of Chestertown*, 141 A. 410, 413 (1928).

The object of this section is that legislators and the public may be informed by the title of an act as to the general nature of the provisions proposed to be enacted. *Buck Glass Company vs. Gordy*, 185 A. 886 (1936).

<sup>29</sup> Constitution, Art. III, Sec. 33.

A statute may be made to apply to a particular class and still be "general," providing the members of that class are so situated as to justify legislation different from that applicable to others.



## III. Provisions Affecting Legislation—Continued

## D. Legislative Enactment—Continued

(7) The General Assembly at its first session after the adoption of this amendment shall, by Public General Law, provide a grant of express powers for such county or counties as may thereafter form a charter under the provisions of this Article.<sup>30</sup> \* \* \*

(8) \* \* \* From and after the adoption of a charter by the City of Baltimore, or any county of this State, as hereinbefore provided, the Mayor of Baltimore and City Council of the City of Baltimore or the County Council of said county, subject to the Constitution and Public General Laws of this State, shall have full power to enact local laws of said city or county, \* \* \* All such local laws \* \* \* shall be subject to the same rules of interpretation as those now applicable to the Public Local Laws of this State, except that in case of any conflict between said Local Law and any Public General Law now or hereafter enacted, the Public General Law shall control.

\* \* \* no Public Local Law shall be enacted by the General Assembly for said city or county on any subject covered by the express powers granted as above provided. Any law so drawn as to apply to two or more of the geographical sub-divisions of this State shall not be deemed a Local Law, within the meaning of this Act. The term "geographical sub-division" herein used shall be taken to mean the City of Baltimore or any of the counties of this State.<sup>31</sup>

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Such a class may include only one city provided that such city stands alone in a matter which furnishes a reasonable basis for classification. A statute, however, exempting the city of Hagerstown from the jurisdiction of the Public Service Commission was held to be "special" because the classification was not reasonable. *Littleton vs. Mayor and Council of Hagerstown*, 132 A. 773 (1926).

This section was held not to prohibit a "local" law, but only a "special" law, where an existing "general" law covered the same subject matter. A "local" law is one which is confined in its operation to a defined territorial limit as distinguished from a "general" law which is operative throughout the State. A "special" law is one which relates only to certain persons of a class as distinguished from a "general" law which relates to the whole class. A "local" law may be either "special" or "general." An amendment to the general motor vehicles statute, which was made applicable to Baltimore only, was held not to violate this section since it was a "local" rather than a "special" law. *Grossfeld vs. Baughman*, 129 A. 370 (1925).

<sup>30</sup> Constitution, Art. XI-A, Sec. 2, adopted 1915.

Baltimore City is also authorized to adopt a charter. Constitution, Art. XI-A, Sec. 1.

<sup>31</sup> Constitution, Art. XI-A, Secs. 3 and 4, adopted 1915.

Under this article the General Assembly is empowered to designate the subjects with respect to which the city of Baltimore and charter counties may legislate locally. Where Baltimore City had passed a local law, within the bounds of the subjects authorized by the Legislature, this Baltimore law was held to prevail over a *public local statute* passed by the Legislature. *State vs. Stewart*, 152 Md. 419, 137 A. 39 (1927).

A *public general law* passed by the Legislature, however, will prevail over a law passed by local authorities under charter powers. A statute regulating license fees of auctioneers in Baltimore was held to be a public general law even though it did

## III. Provisions Affecting Legislation—Continued

## D. Legislative Enactment—Continued

(9) To guard against hasty or partial legislation and encroachments of the Legislative Department, upon the co-ordinate, Executive and Judicial Departments, every Bill which shall have passed the House of Delegates, and the Senate shall, before it becomes a law, be presented to the Governor of the State; if he approves he shall sign it, but if not he shall return it with his objections to the House in which it originated, which House shall enter the objections at large on its Journal and proceed to reconsider the Bill; if, after such reconsideration, three-fifths of the members elected to that House shall pass the Bill, it shall be sent with the objections to the other House, by which it shall likewise be reconsidered, and if it pass by three-fifths of the members elected to that House it shall become a law; \* \* \*. If any bill shall not be returned by the Governor within six days (Sundays excepted), after it shall have been presented to him, the same shall be a law in like manner as if he signed it, unless the General Assembly shall, by adjournment, prevent its return, in which case it shall not be a law.

The Governor shall have power to disapprove of any item or items of any Bills making appropriations of money embracing distinct items, and the part or parts of the Bill approved shall be the law, and the item or items of appropriations disapproved shall be void unless re-passed according to the rules or limitations prescribed for the passage of other Bills over the Executive veto.<sup>32</sup>

## IV. Constitutional Amendment or Revision

## A. By Proposal of Legislature or People

The General Assembly may propose amendments to this Constitution; provided, that each amendment shall be embraced in a separate bill, embodying the Article or Section, as the same will stand when amended and passed by three-fifths of all the members elected to each of the two Houses. \* \* \* The bill or bills proposing amendment or amendments shall be published \* \* \* once a week for at least three months preceding the next ensuing general election, at which the proposed amendment or amendments shall be submitted, in a form to be prescribed by the General

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not apply to more than one "geographical sub-division" as defined in this article. The court stated that the law was not necessarily a local law merely because its operation was confined to Baltimore City or to a single county, if it affected the interests of the people of the whole State. *Gaither vs. Jackson*, 147 Md. 655, 128 A. 769 (1925).

A statute which provided for the licensing and regulation of paperhangers in the city of Baltimore was held not to be a "local" law, because it affected the people of the whole State in that the excess fees collected were payable into the State general fund. *Dasch vs. Jackson*, 183 A. 534 (1936).

<sup>32</sup>Constitution, Art. II, Sec. 17, as amended 1891.

## IV. Constitutional Amendment or Revision—Continued

## A. By Proposal of Legislature or People—Continued

Assembly, to the qualified voters of the State for adoption or rejection. \* \* \* if it shall appear to the Governor that a majority of the votes cast at said election on said amendment or amendments, severally, were cast in favor thereof, the Governor shall, by his proclamation, declare the said amendment or amendments having received said majority of votes, to have been adopted by the people of Maryland as part of the Constitution thereof, and thenceforth said amendment or amendments shall be part of the said Constitution. When two or more amendments shall be submitted in manner aforesaid, to the voters of this State at the same election, they shall be so submitted as that each amendment shall be voted on separately.<sup>33</sup>

## B. By Constitutional Convention

It shall be the duty of the General Assembly to provide by law for taking, at the general election to be held in the year eighteen hundred and eighty-seven, and every twenty years thereafter, the sense of the people in regard to calling a convention for altering this Constitution; and if a majority of voters at such election or elections shall vote for a convention, the General Assembly, at its next session, shall provide by law for the assembling of such convention, and for the election of Delegates thereto. Each county and Legislative District of the City of Baltimore shall have in such convention a number of Delegates equal to its representation in both Houses at the time at which the convention is called. But any Constitution, or change, or amendment, of the existing Constitution, which may be adopted by such convention shall be submitted to the voters of this State, and shall have no effect unless the same shall have been adopted by a majority of the voters voting thereon.<sup>34</sup>

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<sup>33</sup>Constitution, Art. XIV, Sec. 1.

<sup>34</sup>Constitution, Art. XIV, Sec. 2.

