1954

PROCLAMATION OF THE GOVERNOR OF MARYLAND DIRECTING THE PUBLICATION OF BILLS PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE.

WHEREAS, at its regular session of 1953, the General Assembly enacted Chapters 55, 315, 480, 607 and 754 proposing amendments to the State Constitution, and

WHEREAS, at its regular session of 1954, the General Assembly enacted Chapters 42, 53, 65 and 68 proposing amendments to the State Constitution, and

WHEREAS, it is the duty of the Governor under Section 1 of Article XIV of the Constitution, to order the publication of the bills proposing said amendments in advance of the General Election of November 2, 1954, and

WHEREAS, there will be presented on the ballot at said election the following proposed amendments to the Constitution, for adoption or rejection by the voters:

(EXPLANATION: *Italics indicate new matter added to existing law.* [Brackets] indicate matter stricken from existing law. CAPITALS indicate amendments to bill.)

CHAPTER NO. 55

AN ACT to propose an amendment to Section 44 of Article 4 of the Constitution of Maryland, title "Judiciary Department," providing that the Sheriff of Baltimore City shall receive such salary as may be fixed by law, clarifying the provisions of said section and removing certain duplicating provisions therefrom.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* (Three-fifths of all members elec[illegible] each of the two Houses concurring), [illegible]e following be and the same is here[illegible]posed as an amendment to Section 4[illegible] Article 4 of the Constitution of Mary[illegible] title "Judiciary Department," the sam[illegible] adopted by the legal and qualified voter[illegible]he State, as herein provided, to bec[illegible]tion 44 of Article 4 of the Constitu[illegible] Maryland:

44. There [illegible] be elected in each county *and in Balti*[illegible]y in the year 1946 and in every fou[illegible] thereafter, one person, resident in [illegible]nty, *or City,* above the age of tw[illegible]years and at least five years prec[illegible]election, a citizen of the State, to th[illegible] Sheriff. He shall hold office for fo[illegible]and until his succestor is duly ele[illegible]ualified; shall give such bond, exer[illegible]wers and perform such duties as [illegible]ay hereafter be fixed by law.

[In the [illegible]timore at the general election [illegible] the year 1946 and every fo[illegible]after, there shall be elected in [illegible]Baltimore, one person who shall [illegible]t of said city, above the age [illegible] years, and who shall have bee[illegible] years preceding his [illegible]s State, to the office [illegible] hold office for four [illegible]cessor is duly elected [illegible]ligible for re-election; [illegible] exercise such powers [illegible] as now are or may [illegible].]

[illegible]ty death, resignation, [illegible]ndered to qualify, or [illegible]alification or removal [illegible]y, the Governor shall [illegible] Sheriff for the re[illegible] term.

[illegible] county and in Balti[illegible] such salary or com[illegible]ber necessary to the [illegible]ay be fixed by law [illegible]ry of the Sheriff of [illegible] be Seven Thousand [illegible]$7,500.00) per year]. [illegible] Sheriff shall be pa[illegible] The Treasury of the [illegible] Baltimore City, re[illegible]

[illegible]*ther enacted,* That [illegible]ly proposed as an [illegible]dment of this State [illegible]ral election held in [illegible]4, submitted to the [illegible] thereof, for their [illegible] pursuance of di[illegible]e 14 of the Con[illegible] at the said gen[illegible] said proposed [illegible] and upon each [illegible]y words "For [illegible] and "Against [illegible] as now pre[illegible] after said [illegible]ce to the [illegible]ainst said [illegible]d by said [illegible] and further [illegible]ce with said [illegible]

[illegible] 315

[illegible] amendment to [illegible] the Constitu[illegible]and, title "Ex[illegible]easing the an[illegible]or from $4,500 [illegible]that this amend[illegible]to the qualified [illegible]eir adoption or [illegible]

[illegible] *by the General* [illegible]ree-fifths of all [illegible]ach of the two [illegible] the following [illegible]by proposed as [illegible]21 of Article 2 of [illegible]ate of Maryland, [illegible]ent", the same, if [illegible] voters of the State, [illegible] Article 2 of the [illegible]e of Maryland:

21. T[illegible]shall reside at the seat of gover[illegible] *from and after the second W*[illegible] *January, 1955, shall* receive for [illegible]ces an annual salary of [four thousand five hundred dollars] FIFTEEN *Thousand Dollars.*

SEC. 2. *And be it further enacted,* That said aforegoing section hereby proposed as an amendment to the Constitution of the State of Maryland shall, at the next general election to be held in November, 1954, be submitted to the legal and qualified voters of the State, for their adoption or rejection, in pursuance of the directions contained in Article 14 of the Constitution of the State of Maryland, and at the said general election the vote on the said proposed amendment to the Constitution shall be by ballot and upon each ballot there shall be printed the words "For the Constitutional Amendment", and "Against the Constitutional Amendment", as now provided by law, and immediately after said election due returns shall be made to the Governor of the vote for and against said proposed amendment, as directed by said Fourteenth Article of the Constitution and further proceedings had in accordance with said Article 14.

CHAPTER NO. 480

AN ACT to propose an amendment to Section 1A of Article 1 of the Constitution of the State of Maryland, title "Elective Franchise", authorizing the General Assembly to provide by suitable enactment for voting by qualified voters of the State of Maryland who are absent at the time of any election from the ward or election district in which they are entitled to vote and providing for the submission of said amendment to the qualified voters of the State of Maryland for adoption or rejection.

SECTION 1. *Be it enacted by the General Assembly of Maryland* (Three-fifths of all the members elected to each of the two Houses concurring), That the following amendment be and it is hereby proposed to Section 1A of Article 1 of the Constitution of the State of Maryland, title "Elective Franchise", the same, if adopted by the legal and qualified voters of the State, as herein provided, to become Section 1A of Article 1 of the Constitution of the State of Maryland:

1A. The General Assembly of Maryland shall have power to provide by suitable enactment for voting by qualified voters of the State of Maryland who are absent [and engaged in the Military or Naval Service of the United States] at the time of any election from the ward or election district in which they are entitled to vote, and for the manner in which and the time and place at which such absent voters may vote, and for the canvass and return of their votes.

SEC. 2. *And be it further enacted,* That the aforegoing section, hereby proposed as an amendment to the Constitution of this State, shall, at the election to be held in November 1954, be submitted to the legal and qualified voters of the State for their adoption or rejection, in pursuance of the directions contained in Article 14 of the Constitution of the State of Maryland, and at the said general election the vote on the said proposed amendment to the Constitution shall be by ballot, upon each ballot there shall be printed the words: "For Contitutional Amendment", and "Against Constitutional Amendment", as now provided by law, and immediately after said election due returns shall be made to the Governor of the vote for and against proposed amendment, as directed by said Fourteenth Article of the Constitution, and further proceedings had in accordance with said Article 14.

CHAPTER NO. 607

AN ACT to propose an amendment to SECTION 3 AND Section 21 of Article 4 of the Constitution of Maryland, title "Judiciary Department", subtitle "Circuit Courts", TO PROVIDE THAT THERE SHALL BE AT LEAST ONE JUDGE FOR EVERY COUNTY IN THIS STATE EXCEPT IN THE FIRST AND SECOND JUDICIAL CIRCUITS CREATING AN ADDITIONAL JUDGESHIP IN ANNE ARUNDEL, BALTIMORE, MONTGOMERY AND PRINCE GEORGE'S COUNTIES PROVIDING FOR THE MANNER OF SELECTING THE JUDGES OF ALL CIRCUIT COURTS IN THIS STATE, CLARIFYING THE PROVISIONS OF SAID SECTION, REMOVING OBSOLETE PROVISIONS THEREFROM AND TO SUBMIT THIS AMENDMENT TO THE QUALIFIED VOTERS OF THE STATE FOR ADOPTION OR REJECTION.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That SECTION 3 AND Section 21 of Article 4 of the Constitution of Maryland, title "Judiciary Department", sub-title "Circuit Courts", be and THEY ARE hereby repealed and reenacted, with amendments, to read as follows:

3. THE JUDGES OF THE SAID SEVERAL COURTS SHALL BE ELECTED IN BALTIMORE CITY AND IN EACH COUNTY, BY THE QUALIFIED VOTERS OF THE CITY AND OF EACH COUNTY, RESPECTIVELY, EXCEPT THAT IN THE FIRST AND SECOND JUDICIAL CIRCUITS THE SAID JUDGES OF THE SEVERAL COURTS SHALL BE ELECTED BY THE QUALIFIED VOTERS IN EACH RESPECTIVE JUDICIAL CIRCUIT AS HEREINAFTER PROVIDED. ALL OF THE SAID JUDGES TO BE ELECTED AT THE GENERAL ELECTION TO BE HELD ON THE TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER, AS NOW PROVIDED FOR IN THE CONSTITUTION. EACH OF THE SAID JUDGES SHALL HOLD HIS OFFICE FOR THE TERM OF FIFTEEN YEARS FROM THE TIME OF HIS ELECTION, AND UNTIL HIS SUCCESSOR IS ELECTED AND QUALIFIED, OR UNTIL HE SHALL HAVE ATTAINED THE AGE OF SEVENTY YEARS, WHICHEVER MAY FIRST HAPPEN, AND BE RE-ELIGIBLE THERETO UNTIL HE SHALL HAVE ATTAINED THE AGE OF SEVENTY YEARS, AND NOT AFTER. IN CASE OF THE INABILITY OF ANY OF SAID JUDGES TO DISCHARGE HIS DUTIES WITH EFFICIENCY, BY REASON OF CONTINUED SICKNESS, OR OF PHYSICAL OR MENTAL INFIRMITY, IT SHALL BE IN THE POWER OF THE GENERAL ASSEMBLY, TWO-THIRDS OF THE MEMBERS OF EACH HOUSE CONCURRING, WITH THE APPROVAL OF THE GOVERNOR, TO RETIRE SAID JUDGE FROM OFFICE.

21. From and after January 1, [1945] *1955,* there shall be IN THE THIRD, FOURTH, FIFTH, SIXTH AND SEVENTH CIRCUITS at least [three judges] *one judge* for [the first, second, third, fourth, fifth, sixth and seventh circuits] *each county, who shall be a resident of the county in which he shall hold office, and who shall be elected by the voters thereof,* to be styled judges of the Circuit Court, to be elected or appointed as herein provided. [In any of said circuits in which there shall be more than three judges (including the additional judge of the Court of Appeals), no successor to the additional judge of the Court of Appeals shall be appointed or elected as judge of said circuit. In any of said circuits in which there shall be only three judges (including an additional judge of the Court of Appeals), a successor to the additional judge of the Court of Appeals shall be appointed and elected as judge of said circuit.] The [aforesaid] number of judges for any of the [circuits shall be subject to increase or decrease by law] CIRCUITS OR FOR ANY OF THE *counties may be increased or decreased by the General Assembly from time to time,* AND ANY VACANCY SO CREATED SHALL BE FILLED as provided in Section 5 of this Article. [] *except that in* THE THIRD, FOURTH, FIFTH, SIXTH, AND SEVENTH JUDICIAL CIRCUITS *there shall never be less than one judge in each county* AND ALL OF THE CIRCUITS THERE SHALL NEVER BE *less than three for each circuit.* The senior judge in length of service shall be the chief judge of the circuit [(unless there is an additional judge of the Court of Appeals)]; the other judge or judges shall be associate judges. IN THE FIRST AND SECOND JUDICIAL CIRCUITS no two of said judges of the Circuit Court shall at the time of their election or appointment, or during the term for which they may have been elected or appointed, reside in any one county. In THE FIRST AND SECOND JUDICIAL CIRCUITS, in case any candidate or candidates for judge at any election shall receive sufficient votes to cause such candidate or candidates to be declared elected, but the election of such candidate or candidates would cause more judges than herein permitted to reside in any county of the circuit, then and in that event there shall be declared elected only that candidate or those candidates residing in said county, in the order of the votes received, whose election would provide the permitted number of judges from said county, and also the candidate or candidates residing in some other county, and not similarly disqualified, who shall have the next highest number of votes in said election. If, by reason of such a condition or by reason of an equal vote for two or more candidates a sufficient number of judges duly qualified as to residence shall not be elected at any election, then it shall be the duty of the Governor to order a new election for such unfilled office or offices. FROM AND AFTER DECEMBER 1, 1954, THERE SHALL BE NOT LESS THAN THREE JUDGES RESIDENT IN MONTGOMERY COUNTY AND NOT LESS [illegible] ANNE ARUNDEL COUNTY, AND IN PRINCE GEORGE'S COUNTY, AND NOT LESS THAN THREE JUDGES RESIDENT IN BALTIMORE COUNTY. THE VACANCIES IN CARRETT, MONTGOMERY, AND PRINCE GEORGE'S COUNTY CREATED BY THE ADOPTION OF THIS AMENDMENT SHALL BE FILLED AS PROVIDED IN SECTION 5 OF THIS ARTICLE.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE THE VACANCIES IN ANNE ARUNDEL, BALTIMORE, AND ST. MARYS, COUNTIES CREATED BY THE ADOPTION OF THIS AMENDMENT SHALL NOT BE FILLED BY APPOINTMENT AS PROVIDED IN SECTION [illegible] OF THIS ARTICLE; BUT AT THE FIRST BIENNIAL GENERAL ELECTION FOR REPRESENTATIVES IN CONGRESS AFTER THE ADOPTION OF THIS AMENDMENT A JUDGE SHALL BE ELECTED BY THE QUALIFIED VOTERS OF ANNE ARUNDEL, BALTIMORE, AND ST. MARY'S, COUNTIES, RESPECTIVELY, TO FILL SUCH VACANCY IN EACH COUNTY. ANY OTHER VACANCY IN THE OFFICE OF JUDGE OF THE CIRCUIT COURT FOR ANNE ARUNDEL, BALTIMORE, AND ST. MARY'S, COUNTIES SHALL BE FILLED AS PROVIDED IN SECTIONS 3 AND 5 OF THIS ARTICLE.

The said judges shall hold such terms of the Circuit Court in each of the counties composing their respective circuits, at such times as are now prescribed or may hereafter be prescribed by rules or regulations by the Court of Appeals or otherwise by law. One judge in each of *the first* [said] seven circuits shall constitute a quorum for the transaction of any business; and the said judges, or any of them, may hold special terms of their Courts, when in their discretion, the business of the several counties renders such terms necessary.

All provisions of the Constitution of Maryland and all Acts of the General Assembly relating to the Court of Appeals or any other courts, and all rules heretofore adopted by the Court of Appeals, not inconsistent with the provisions of the sections amended or added by this amendment, shall remain in full force and effect unless and until amended or repealed by proper authority. All salaries now prescribed by law for associate judges of the Circuit Courts shall continue to apply to all judges (including chief judges) of the Circuit Court [who are not judges of the Court of Appeals]. No member of the General Assembly at which [this amendment] *either of these amendments* was proposed, if otherwise qualified, shall be ineligible for appointment or election as judge of the Court of Appeals or any other court by reason of his membership in such General Assembly. [All appeals and other matters pending in the Court of Appeals on January 1, 1945, shall be proceeded with and determined by the Court as hereby constituted.]

In the event and to the extent of any inconsistency between the provisions of any section amended or added by [this amendment] *these amendments,* and any of the other provisions of this Constitution or the provisions of any existing law, the provisions of the sections amended or added shall prevail, and such other provisions shall be repealed or abrogated to the extent of such inconsistency, except Section 35A of Article III of this Constitution; provided, however, that in the event of any inconsistency between the provisions of the sections thus amended or added and any of the other provisions of this Constitution as amended by any other amendments which may be adopted at the same time or *times* as [this amendment] *these amendments, i. e.,* at the election held in November, 1944, *or at the election held in November, 1954,* the changes made by [this amendment] *these amendments* and all such other amendments to this Constitution shall all be given effect.

SEC. 2. *AND BE IT FURTHER ENACTED,* THAT THE AFOREGOING SECTIONS HEREBY PROPOSED AS AN AMENDMENT TO THE CONSTITUTION OF THIS STATE SHALL BE, AT THE NEXT GENERAL ELECTION, TO BE HELD IN THIS STATE IN THE YEAR 1954, SUBMITTED TO THE LEGAL AND QUALIFIED VOTERS THEREOF FOR THEIR ADOPTION OR REJECTION IN PURSUANCE OF DIRECTIONS CONTAINED IN ARTICLE 14 OF THE CONSTITUTION OF THIS STATE, AND AT THE SAID GENERAL ELECION, THE VOTE ON THE SAID PROPOSED AMENDMENT SHALL BE BY BALLOT, AND UPON EACH BALLOT THERE SHALL BE PRINTED THE WORDS "FOR THE CONSTITUTIONAL AMENDMENT" and "AGAINST THE CONSTITUTIONAL AMENDMENT", AS NOW PRESCRIBED BY LAW AND IMMEDIATELY AFTER SAID ELECTION, DUE RETURNS SHALL BE MADE TO THE GOVERNOR OF THE VOTE FOR AND AGAINST SAID PROPOSED AMENDMENT, AS DIRECTED BY SAID ARTICLE 14 OF THE CONSTITUTION.

CHAPTER NO. 754

AN ACT to propose an amendment to Article XID of the Constitution of Maryland, title "Port Development", providing that no public local law enacted under the provisions and authority of said Article shall be enacted or construed to authorize the Mayor and City Council of Baltimore to exercise or apply any of the powers and authority in said Article enumerated within the territorial limits of Howard COUNTY, OR WITHIN THE TERRITORIAL LIMITS OF ANNE ARUNDEL COUNTY WITHOUT, IN CERTAIN INSTANCES, THE PRIOR CONSENT AND APPROVAL BY RESOLUTION DULY PASSED AFTER A PUBLIC HEARING, BY THE COUNTY COMMISSIONERS; AND PROVIDING FURTHER THAT ANNE ARUNDEL COUNTY SHALL RETAIN THE POWER OF TAXATION OVER CERTAIN LANDS and to provide for the submission of said amendment to the qualified voters of the State for adoption or rejection.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* (three-fifths of all the members of each of the two Houses concurring), that the following be and the same is hereby proposed as an amendment to Article XID of the Constitution of Maryland, title "Port Development", the same, if adopted by the legal and qualified voters of the State, as herein provided, shall become Article XID of the Constitution of Maryland:

ARTICLE XID

Port Development

1. The General Assembly of Maryland, by public local law, may authorize the Mayor and City Council of Baltimore:

(a) To acquire land and property of every kind, and any right, interest, franchise, easement or privilege therein, in, adjoining or in the vicinity of the Patapsco River or its tributaries, by purchase, lease, gift, condemnation or any other legal means, for or in connection with extensions, developing or improving the harbor or port of Baltimore and the facilities and approaches and approaches thereto and PROVIDING FURTHER, THAT THE MAYOR AND CITY COUNCIL OF BALTIMORE SHALL NOT ACQUIRE ANY SUCH LAND OR PROPERTY, OR ANY SUCH RIGHT, INTEREST, FRANCHISE, EASEMENT OR PRIVILEGE THEREIN, FOR ANY OF SAID PURPOSES, IN ANY OF THE COUNTIES OF THIS STATE WITHOUT THE PRIOR CONSENT AND APPROVAL BY RESOLUTION DULY PASSED AFTER A PUBLIC HEARING BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY IN WHICH SUCH LAND OR PROPERTY, OR SUCH RIGHT, INTEREST, FRANCHISE, EASEMENT OR PRIVILEGE THEREIN, IS SITUATE; AND PROVIDED, FURTHER, THAT ANNE ARUNDEL COUNTY SHALL RETAIN JURISDICTION AND POWER TO TAX ANY LAND SO ACQUIRED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE UNDER THE PROVISIONS OF THIS ACT.

(b) To sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it is undeveloped or has been developed, redeveloped, altered, or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi public corporation, partnership, association, person or other legal entity.

No land or property taken by the Mayor and City Council of Baltimore for any of the aforementioned purposes or in connection with the exercise of any of the powers which may be granted to the Mayor and City Council of Baltimore pursuant to this Article be exercising the power of eminent domain, shall be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation.

All land or property needed, or taken by the exercise of the power of eminent domain, by the Mayor and City Council of Baltimore for any of the aforementioned purposes or in connection with the exercise of any of the powers which may be granted to the Mayor and City Council of Baltimore pursuant to this Article is hereby declared to be needed or taken for a public use.

2. The General Assembly of Maryland may grant to the Mayor and City Council of Baltimore any and all additional power and authority necessary or proper to carry into full force and effect any and all of the specified powers which the General Assembly is authorized to grant to the Mayor and City Council of Baltimore pursuant to this Article and to fully accomplish any and all of the purposes and objects contemplated by the provisions of this Article; provided such additional power or authority is not inconsistent with the terms and provisions of this Article or with any other provision or provisions of the Constitution of Maryland. The General Assembly may place such other and further restrictions or limitations on the exercise of any of the powers which it may grant to the Mayor and City Council of Baltimore under the provisions of this Article as it may deem proper and expedient.

3. *Provided, however, that no public local law enacted under the provisions and authority of this Article shall be enacted or construed to authorize the Mayor and City Council of Baltimore to exercise or apply any of the powers or authority in the Article enumerated within the territorial limits of Howard COUNTY.*

SEC. 2. *And be it further enacted,* That the aforegoing Article hereby proposed as an amendment to the Constitution of Maryland, shall, at the election to be held in November, 1954, be submitted to the qualified voters of the State of Maryland for their adoption or rejection in pursuance of the directions contained in Article XIV of the Constitution of Maryland, and at the said general election the vote on the proposed amendment to the Constitution shall be by ballot, and upon each ballot there shall be printed the words "For Constitutional Amendment" and "Against Constitutional Amendment", as now provided by law, and immediately after said election due returns shall be made to the Governor of the vote for and against said proposed amendment, as directed by Article XIV of the Constitution and further proceedings had in accordance with said Article XIV.

CHAPTER NO. 42

AN ACT to propose an amendment to Section 22 of Article 3 of the Constitution of Maryland, title "Executive Department", to provide that the salary of the Secretary of State may be fixed by the General Assembly of Maryland, that he shall not be required to reside at the Seat of Government and REMOVING A REFERENCE TO THE FORMER OFFICE OF PRIVATE SECRETARY and to submit this amendment to the qualified voters of the State for adoption or rejection.

SECTION 1. *Be it enacted by the General Assembly of Maryland* (Three-fifths of all the members elected to each of the two Houses concurring), That the following section be and it is hereby proposed as an amendment to Article 3 of the Constitution of Maryland, title "Executive Department", the same, if adopted by the qualified voters of the State, to become Section 22 of Article 3 of the Constitution of the State of Maryland:

22. A Secretary of State shall be appointed by the Governor, by and with the advice and consent of the Senate, who shall continue in office, unless sooner removed by the Governor, till the end of the official term of the Governor from whom he received his appointment, and receive *such annual salary as the General Assembly may from time to time by law prescribe* .[and shall reside at the Seat of Government; and the office of Private Secretary shall thenceforth cease.]

SEC. 2. *And be it further enacted,* That the aforegoing section hereby proposed as an amendment to the Constitution of this State shall be, at the next general election, to be held in this State in the year 1954, submitted to the legal and qualified voters thereof for their adoption or rejection in pursuance of directions contained in Article 14 of the Constitution of this State, and at the said general election, the vote on the said proposed amendment to the Constitution shall be by ballot, and upon each ballot there shall be printed the words "For the Constitutional Amendment", and "Against the Constitutional Amendment", as now prescribed by law, and immediately after said election, due returns shall be made to the Governor of the vote for and against said proposed amendment as directed by said Article 14 of the Constitution.

CHAPTER NO. 53

AN ACT to propose an amendment to the Constitution of Maryland by adding a new Article thereto, to be known as Article 11-E under the title "Municipal Corporations", and to follow immediately after Article 11-D thereof, generally prohibiting the enactment by the General Assembly of local laws relating to those municipal corporations which are not authorized by Article 11-A of the Constitution to have a charter form of government with certain exceptions, and conferring powers of charter amendment and home rule upon such municipal corporations.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* (Three-fifths of all the members of each of the two Houses concurring). That the following Article, to follow immediately after Article 11-D, and to be known as Article 11-E, be and the same is hereby proposed as an amendment to the Constitution of Maryland which Article, if adopted by the qualified voters of the State of Maryland, as herein provided, shall thereby, by adoption, be and become a part of the Constitution of Maryland:

ARTICLE 11-E

MUNICIPAL CORPORATIONS

Section 1. Except as provided elsewhere in this Article, the General Assembly shall not pass any law relating to the incorporation, organization, government, or affairs of those municipal corporations which are not authorized by Article 11-A of the Constitution to have a charter form of government which will be special or local in its terms or in its effect, but the General Assembly shall act in relation to the incorporation, organization, government, or affairs of any such municipal corporation only by general laws which shall in their terms and in their effect apply alike to all municipal corporations in one or more of the classes provided for in Section 2 of this Article. It shall be the duty of the General Assembly to provide by law the method by which new municipal corporations shall be formed.

Section 2. The General Assembly, by law, shall classify all such municipal corporations by grouping them into not more than four classes based on population as determined by the most recent census made under the authority of the United States or the State of Maryland. No more than one such grouping of municipal corporations into four (or fewer) classes shall be in effect at any time, and the enactment of any such grouping of municipal corporations into four (or fewer) classes shall repeal any such grouping of municipal corporations into four (or fewer) classes then in effect. Municipal corporations shall be classified only as provided in this section and not otherwise.

Section 3. Any such municipal corporation, now existing or hereafter created, shall have the power and authority, (a) to amend or repeal an existing charter or local laws relating to the incorporation, organization, government, or affairs of such municipal corporation heretofore enacted by the General Assembly of Maryland, and, (b) to adopt a new charter, and to amend or repeal any charter adopted under the provisions of this Article.

Section 4. The adoption of a new charter, the amendment of any charter or local law, or the repeal of any part of a charter or local law shall be proposed either by a resolution of the legislative body of any such municipal corporation or by a petition signed by the signatures of at least five per cent of the registered voters of a municipal corporation and filed with the legislative body of such municipal corporation. The General Assembly shall amplify the provisions of this section by general law in any manner not inconsistent with this Article.

Section 5. Notwithstanding any other provision in this Article, the General Assembly may enact, amend, or repeal local laws placing a maximum limit on the rate at which property taxes may be imposed by any such municipal corporation and regulating the maximum amount of debt which may be incurred by any municipal corporation. However, no such local law shall become effective in regard to a municipal corporation until and unless it shall have been approved at a regular or special municipal election by a majority of the voters of that municipal corporation voting on the question. NO SUCH MUNICIPAL CORPORATION SHALL LEVY ANY TYPE OF TAX, LICENSE FEE, FRANCHISE TAX OR FEE WHICH WAS NOT IN EFFECT IN SUCH MUNICIPAL CORPORATION ON JANUARY 1, 1954, UNLESS IT SHALL RECEIVE THE EXPRESS AUTHORIZATION OF THE GENERAL ASSEMBLY FOR SUCH PURPOSE BY GENERAL LAW WHICH IN ITS TERMS AND ITS EFFECT APPLIES ALIKE TO ALL [illegible] OR MORE OF THE CLASSES PROVIDED FOR IN SECTION 2 OF THIS ARTICLE. *All charter provisions enacted under the authority of Section 3 of this Article shall be subject to any local laws enacted by the General Assembly and approved by the municipal voters under the provisions of this section.*

Section 6. All charter provisions, or amendments thereto, adopted under the provisions of this Article, shall be subject to all applicable laws enacted by the General Assembly, except that any local law, or amendments thereto, relating to the incorporation, organization, government, or affairs of any municipal corporation and enacted before this Article becomes effective, shall be subject to any charter provisions, or amendments thereto, adopted under the provisions of this Article. Any local law, or amendments thereto, relating to the incorporation, organization, government, or affairs of any municipal corporation and in effect at the time this Article becomes effective, shall be subject to any applicable State law enacted after this Article becomes effective. All laws enacted by the General Assembly and in effect at the time this Article becomes effective, shall remain in effect until amended or repealed in accordance with the provisions of this Constitution. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO AUTHORIZE ANY MUNICIPAL CORPORATION BY ANY AMENDMENT OR ADDITION TO ITS CHARTER, TO PERMIT ANY ACT WHICH IS PROHIBITED BY THE LAWS OF THIS STATE CONCERNING THE OBSERVANCE OF THE SABBATH DAY OR THE MANUFACTURE, LICENSING OR SALE OF ALCOHOLIC BEVERAGES.

SEC. 2. *And be it further enacted,* That the aforegoing Article hereby proposed as an amendment to the Constitution of Maryland, shall, at the election to be held in November, 1954, be submitted to the qualified voters of the State of Maryland for their adoption or rejection in pursuance of the directions contained in Article XIV of the Constitution of Maryland, and at the said general election the vote on the proposed amendment to the Constitution shall be by ballot, and upon each ballot there shall be printed the words "For Constitutional Amendment" and "Against Constitutional Amendment", as now provided by law, and immediately after said election due returns shall be made to the Governor of the vote for and against said proposed amendment, as directed by Article XIV of the Constitution and further proceedings had in accordance with said Article XIV.

CHAPTER NO. 65

AN ACT to propose an amendment to Section 21 of Article 4 of the Constitution of Maryland, title "Judiciary Department", sub-title "Part III—Circuit Courts", providing that there shall be not less than four judges in the sixth Judicial Circuit, not less than three judges resident in Montgomery County, removing certain obsolete provisions from said section, stipulating certain conditions under which said amendment shall be null and void and of no further effect and submitting said amendment to the qualified voters of the State for adoption or rejection.

SECTION 1. *Be it enacted by the General Assembly of Maryland* (Three-fifths of all the members elected to each of the two Houses concurring), That the following amendments be and they are hereby proposed to Section 21 of Article 4 of the Constitution of Maryland, title "Judiciary Department", sub-title "Part III—Circuit Courts", the same, if adopted by the qualified voters of the State, to supersede and stand in the place and stead of Section 21 of Article 4 of the Constitution of Maryland:

21. From and after [January 1, 1945] *December 1, 1954,* there shall be at least three judges for the first, second, third, fourth, fifth, [sixth] and seventh circuits, *and at least four judges in the sixth circuit* to be styled judges of the Circuit Court to be elected or appointed as herein provided. [In any of said circuits in which there shall be more than three judges (including an additional judge of the Court of Appeals), no successor to the additional judge of the Court of Appeals shall be appointed and elected as judge of said circuit. In any of said circuits in which there shall be only three judges (including an additional judge of the Court of Appeals), a successor to the additional judge of the Court of Appeals shall be appointed and elected as judge of said circuit.] The aforesaid number of judges for any of the circuits shall be subject to increase or decrease *by the General Assembly* [law as provided in Section 5 of this Article]. The senior judge in length of service shall be the chief judge of the circuit [(unless there in an additional judge of the Court of Appeals)]; the other judge or judges shall be associate judges. No two of said judges of the Circuit Court shall at the time of their election or appointment, or during the terms for which they may have been elected or appointed, reside in any one county other than Baltimore, Montgomery, Prince George's or Allegany County and not more than two in any county except [(if there is an additional judge of the Court of Appeals)] Baltimore County; *and except further that after December 1, 1954, there shall be not less than three judges of the Circuit Court in Montgomery County and the vacancy hereby created shall be filled as provided in Section 5 of this Article.* In case any candidate or candidates for judge at any election shall receive sufficient votes to cause such candidate or candidates to be declared elected, but the election of such candidate or candidates would cause more judges than [herein] permitted *by law* to reside in any county of the circuit then and in that event there shall be declared elected *only* that candidate or those candidates residing in said county, in the order of the votes received, whose election would provide the permitted number of judges from said county and also the candidate or candidates residing in some other county, and not similarly disqualified, who shall have the next highest number of votes in said election. If, by reason of such a condition or by reason of an equal vote for two or more candidates a sufficient number of judges duly qualified as to residence shall not be elected at any election, then it shall be the duty of the Governor to order a new election for such unfilled office or offices. The said judges shall hold such terms of the Circuit Court in each of the counties composing their respective circuits, at such times, as are now prescribed or may hereafter be prescribed by rules or regulations by the Court of Appeals or otherwise by law. One judge in each of said circuits shall constitute a quorum for the transaction of any business; and the said judges, or any of them, may hold special terms of their Courts, when in their discretion, the business of the several counties renders such terms necessary.

All provisions of the Constitution of Maryland and all Acts of the General Assembly relating to the Court of Appeals or any other Courts, and all rules heretofore adopted by the Court of Appeals, not inconsistent with the provisions of the sections amended or added by this amendment, shall remain in full force and effect unless and until amended or repealed by proper authority. All salaries now prescribed by law for associate judges of the Circuit Courts shall continue to apply to all judges (including chief judges) of the Circuit Courts who are not judges of the Court of Appeals. No member of the General Assembly at which this amendment was proposed, if otherwise qualified, shall be ineligible for appointment or election as judge of the Court of Appeals or any other court by reason of his membership in such General Assembly. [All appeals and other matters pending in the Court of Appeals on January 1, 1945, shall be proceeded with and determined by the Court as hereby constituted.] In the event and to the extent of any inconsistency between the provisions of any section amended or added by this amendment and any of the other provisions of this Constitution or the provisions of any existing law, the provisions of the sections amended or added shall prevail, and such other provisions shall be repealed or abrogated to the extent of such inconsistency, except Section 35A of Article III of this Constitution; provided, however, that in the event of any inconsistency between the provisions of the sections thus amended or added and any of the other provisions of this Constitution as amended by any other amendments which may be adopted at the same time as this amendment, i. e., at the election held in November, [1944], *1954,* the changes made by this amendment and all such other amendments to this Constitution shall all be given effect *and further provided that if the amendments proposed by Chapter 607 of the Acts of the General Assembly of Maryland of 1953 to Sections 3 and 21 of Article 4 of the Constitution of Maryland are adopted by the voters of the State at the election held in November, 1954, the amendments proposed herein to and Section 21 of Article 4 shall be null and void and of no effect whatsoever and shall not be included in any future copy or edition of the Constitution of Maryland or treated in any way as if effective.*

SEC. 2. *And be it further enacted,* That the aforegoing section hereby proposed as an amendment to the Constitution of the State of Maryland shall at the next general election to be held in November, 1954, be submitted to the legal and qualified voters of the State, for their adoption or rejection, in pursuance of the directions contained in Article 14 of the Constitution of the State of Maryland, and at the said general election the vote on the proposed amendment to the Constitution shall be by ballot, and upon each ballot there shall be printed the words "For the Constitutional Amendment", and "Against the Constitutional Amendment", as now provided by law, and immediately after said election due returns shall be made to the Governor of the vote for and against said proposed amendment, as directed by said Fourteenth Article of the Constitution, and further proceedings had in accordance with said Article Fourteen.

CHAPTER NO. 68

AN ACT to propose an amendment to Section 21 of Article IV of the Constitution of Maryland, title "Judiciary Department", sub-title "Part III—Circuit Courts", providing that there shall be not less than three judges resident in Baltimore County, stipulating certain conditions under which this amendment shall be null and void and of no further effect and submitting said amendment to the qualified voters of the State for adoption or rejection and removing certain obsolete provisions from said section.

SECTION 1. *Be it enacted by the General Assembly of Maryland* (Three-fifths of all the members elected to each of the two Houses concurring), That the following amendments be and it is hereby proposed to Section 21 of Article IV of the Constitution of Maryland, title "Judiciary Department", sub-title "Part III—Circuit Courts", the same, if adopted by the legally qualified voters of the State as herein provided, to become Section 21 of Article IV of the Constitution of Maryland.

21. From and after [January 1, 1945] *December 1, 1954,* there shall be at least three judges for the first, second, [third,] fourth, fifth, sixth, and seventh circuits, *and at least four judges in the third circuit* to be styled judges of the Circuit Court, to be elected or appointed as herein provided. [In any of said circuits in which there shall be more than three judges (including the additional judge of the Court of Appeals), no successor to the additional judge of the Court of Appeals shall be appointed or elected as judge of said circuit. In any of said circuits in which there shall be only three judges (including an additional judge of the Court of Appeals) a successor to the additional judge of the Court of Appeals shall be appointed and elected as judge of said circuit.] The aforesaid number of judges for any of the circuits shall be subject to increase or decrease by the General Assembly [law as provided in Section 5 of this Article.] The senior judge in length of service shall be the chief judge of the circuit [(unless there is an additional judge of the Court of Appeals.)]; the other judge or judges shall be associate judges. No two of said judges of the Circuit Court shall at the time of their election or appointment, or during the term for which they may have been elected or appointed, reside in any one county other than Baltimore, Montgomery, Prince George's or Allegany County, and not more than two in any county except [(if there is an additional judge of the Court of Appeals)] Baltimore County. In case any candidate or candidates for judge at any election shall receive sufficient votes to cause such candidate or candidates to be declared elected, but the election of such candidate or candidates would cause more judges than herein permitted to reside in any county of the circuit, then and in that event there shall be declared elected only that candidate or those candidates residing in said county, in the order of the votes received, whose election would provide the permitted number of judges from said county, and also the candidate or candidates residing in some other county, and not similarly disqualified, who shall have the next highest number of votes in said election. If, by reason of such a condition or by reason of an equal vote for two or more candidates a sufficient number of judges duly qualified as to residence shall not be elected at any election, then it shall be the duty of the Governor to order a new election for such unfilled office or offices. *From and after December 1, 1954, there shall be not less than three judges resident in Baltimore County. Notwithstanding any other provisions of this Article, the vacancy in Baltimore County created by the adoption of this amendment shall not be filled by appointment as provided in Section 5 of this Article, but at the first biennial general election for representatives in Congress after the adoption of this amendment, a judge shall be elected by the qualified voters of Baltimore County to f