## 1940 PROCLAMATION OF THE GOVERNOR OF MARYLAND PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE.

WHEREAS, at the January session of the General Assembly of Maryland, held in the year 1939, the following Acts were passed, providing for the submission of said amendments to the qualified voters of the State of Maryland for adoption or rejection;

Chapter 40—proposing an amendment to Section 17 of Article 4 of the Constitution of the State of Maryland, title "Judiciary Department," sub-title "Part 2—Court of Appeals," providing for appointment by the Court of Appeals of the Clerk of said Court;

Chapter 163—proposing an amendment to Article IV of the Constitution of the State of Maryland, adding thereto two new sections, to be numbered 41-A and 41-B under a new subtitle "Part V-A—People's Courts," and to follow immediately after Section 41 of said Article, providing for the establishment of People's Courts;

Chapter 200—proposing to amend Section 21 of Article 4, title "Judiciary Department," sub-title "Part III—Circuit Courts," of the Constitution of this State, providing for an additional Judge in the Seventh Judicial Circuit of Maryland;

Chapter 247—proposing an amendment to Section 15 of Article 3 of the Constitution of the State of Maryland, title "Legislative Department," regulating the period that the General Assembly may continue its session and the compensation of the members thereof;

Chapter 371—proposing to amend Section 21 of Article 4, title "Judiciary Department," sub-title "Part III—Circuit Courts," of the Constitution of this State, providing for the residential qualification and method of selection of Associate Judges in the Third Judicial Circuit;

Chapter 381—proposing an amendment to Section 1, Article II, title "Executive Department," of the State Constitution, to provide that a Governor shall not be eligible to succeed himself for the term directly following that for which he was elected;

Chapter 771—proposing an amendment to Article III of the Constitution of the State of Maryland, adding thereto one new section, to be numbered 35A and to follow immediately after Section 35 of said Article, providing that nothing in the Constitution shall exempt the salary or compensation of any judge or other public officer from the imposition of a nondiscriminatory tax upon income; in words and figures as follows:

### CHAPTER 40

AN ACT to propose an amendment to Section 17 of Article 4 of the Constitution of the State of Maryland, title "Judiciary Department," sub-title "Part 2—Court of Appeals," providing for appointment by the Court of Appeals of the Clerk of said Court, 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 of each of the two Houses concurring), That the following be and the same is hereby proposed as an amendment to Section 17 of Article 4 of the Constitution of the State of Maryland, title "Judiciary Department," sub-title "Part 2—Court of Appeals," the same if adopted by the legally qualified voters of the State, as herein provided, to become Section 17 of Article 4 of the Constitution of the State of Maryland.

17. There shall be a Clerk of the Court of Appeals, who, after the expiration of the current term of the present incumbent, shall be appointed by and shall hold his office at the pleasure of said Court of Appeals.

Sec. 2. And be it further enacted by the authority aforesaid, That said 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 1940, submitted to the legal and qualified voters of the State for adoption or rejection, in pursuance of the 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 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.

Approved: April 26, 1939.

### CHAPTER 163

AN ACT to propose an amendment to Article IV of the Constitution of the State of Maryland, adding thereto one new section, to be numbered 41-A and 41-B under a new sub-title "Part V-A—People's Courts," and to follow immediately after Section 41 of said Article, providing for the establishment of People's Courts; 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 two new sections, to be numbered 41-A and 41-B under the new sub-title "Part V-A—People's Courts," and to follow immediately after Section 41 of said Article, be and the same are hereby proposed as an amendment to Article IV of the Constitution of the State of Maryland, the same, if adopted by the legal and qualified voters of the State as herein provided, to become a part of said Article IV of said Constitution and to be numbered and sub-titled as aforesaid:

PART V-A—PEOPLE'S COURTS.

41-A. There is hereby created a People's Court of Baltimore City. Said Court shall consist originally of a Chief Judge and two Associate Judges; the number of such Judges may thereafter be increased or decreased by the General Assembly by law but no such decrease shall affect the term of any Judge then in office or his right to stand for election for further terms as hereinafter provided. The Judges of said Court shall have the qualifications prescribed by Section 2 of this Article and shall have practiced law in the City of Baltimore for a total period of at least five years; shall hold office subject to the provisions of Sections 3 and 4 of this Article with regard to retirement and removal from office; and shall receive from the Mayor and City Council of Baltimore City such compensation as shall be fixed by law by the General Assembly, which shall not be diminished during continuance in office.

The Governor shall appoint to said Court, to take office on the first Monday of May, 1941, one Associate Judge for a term expiring December 31, 1942; one Associate Judge for a term expiring December 31, 1944, and a Chief Judge for a term expiring December 31, 1946; and, upon the creation of any additional office on said Court by increase in the number of Judges pursuant to this Section, shall appoint an Associate Judge for such term, not exceeding eight years and expiring on the thirty-first day of December immediately following a Congressional election, as the law creating such office shall prescribe. If any vacancy occurs during any such original term, the Governor shall appoint a successor to serve for the remainder of such term. After the expiration of said original terms, the terms of said Court shall be for eight years, beginning on the first Monday of May, and upon the expiration of the preceding term shall be filled as follows:

[illegible] Judge of said Court [illegible] the Congressional election preceding the expiration [illegible] appointment or term, for [illegible] election to succeed himself [illegible] term of eight years, except [illegible] (b) hereof; or (b) for the [illegible] remainder of the current eight [illegible] if his appointment will expire [illegible] end of such term. No person [illegible] an incumbent Judge shall be [illegible] election to said Court.

[illegible] ever a vacancy shall occur on [illegible] from any cause the Governor [illegible] to said Court a Judge who [illegible] office under such appointment [illegible] ty-first day of December immediately following the first Congressional [illegible] during six months or more after [illegible] his appointment. No Judge of [illegible] who has stood for election to [illegible] himself and not been elected, shall [illegible] be appointed to said Court, and [illegible] of said Court, who has failed to [illegible] for election when eligible, shall be [illegible] inted to succeed himself.

(3) In order to qualify for election or re-election an incumbent Judge shall file with the Supervisors of Election of Baltimore City not later than thirty days before the date of the applicable election a certificate signed and duly acknowledged, stating the basis of his eligibility and the term or remainder of term for which he is eligible for election. Thereupon, the name of such Judge, together with a statement of the term or remainder of term for which he is eligible, shall be placed upon the ballot to be used in said City in such election, with no party designation whatever and with no opposing candidate, with space provided to permit any voter to cast his vote for or against the continuance in office of such Judge; if the votes cast for the continuance in office of such Judge represent a majority of all the votes cast for or against his continuance in office, such Judge shall hold office for the unexpired remainder of the term or for the full term of eight years, as the case may be.

Unless his office shall have been abolished pursuant to this Section, each Judge of said Court shall continue to hold office after the expiration of his period of appointment or term until a successor shall qualify. As used in this Section "Congressional election" means any of the biennial elections at which members of the House of Representatives are regularly chosen.

Said Court shall have such jurisdiction (which may be made exclusive as to any class or classes of civil cases in Baltimore City), with such right of appeal, therefrom, and the Chief Judge and Associate Judges thereof shall have such powers and duties, as the General Assembly shall prescribe from time to time by law. The Judges of said Court shall have full power to regulate by rules the administration, procedure and practice of said Court; such rules shall have the force of law until rescinded or modified by said Judges or the General Assembly. Unless otherwise provided by law, (1) all powers granted by this Section or by law to said Court or the Judges thereof as a body may be exercised by a majority of the Judges thereof, and (2) said Court shall not be a Court of Record.

There shall be a Chief Constable of said Court, who shall perform therein the duties prescribed for Clerks of Court by Section 10 of this Article and such other duties as shall be prescribed by law or by rule of said Court. Such Chief Constable shall be appointed, in the manner hereinafter prescribed, by the Judges of said Court; and such Chief Constable shall appoint, in the manner hereinafter prescribed, all original, subsequent and additional constables and clerks employed pursuant to this Section, and shall supervise and direct the work of all such constables and clerks. There shall be appointed originally fourteen such constables and sixteen such clerks; the number of either may, on the joint recommendation of said Court and said Chief Constable, be increased by the Mayor and City Council of Baltimore City; no vacancy in the position of any constable or clerk, however arising, shall be filled by said Chief Constable unless the Judges of said Court and said Chief Constable shall expressly find that the filling of such vacancy is necessary for the efficient operation of said Court. The positions of said Chief Constable and of all such constables and clerks shall be positions in the Classified City Service of Baltimore and the provisions of the Charter of said City with respect to said City Service are hereby expressly made applicable thereto, provided that, the Chief Constable at the time this amendment becomes effective shall continue and remain in said position and immediately become a member of said Classified City Service of Baltimore; all such positions shall be classified by the City Service Commission and all appointments, promotions, transfers, reinstatements, and removals with respect to such positions shall be made only in accordance with the provisions, rules and regulations of said Classified City Service in force from time to time. Such Chief Constable and all of such other constables and all such clerks shall receive from the Mayor and City Council of Baltimore such compensation as said Mayor and City Council shall prescribe. Such constables and clerks shall perform such duties as may now or hereafter be prescribed by law or rule of Court.

After adoption of this Section no constable shall be appointed by the Mayor and City Council of Baltimore City pursuant to Section 42 or Section 43 of this Article IV, but constables in office upon the adoption of this Section shall hold office for the remainder of their terms, and the constables first appointed under this Section shall take office at the expiration of such terms.

41B. The General Assembly shall have power by law to establish a People's Court in any county, or any part thereof, incorporated city or town in this State, except Baltimore City, and to prescribe and from time to time alter (1) the number, qualifications, tenure, and method of selection of the Judges of any such Court, and their powers, duties and compensation, except that the term of office or compensation of any Judge shall not be reduced during his continuance in office; (2) the jurisdiction of any such Court (which may be made exclusive as to any class or classes of civil cases in such county, or any part thereof, city, or town) and the right of appeal therefrom; (3) the number, qualifications, tenure, method of selection, duties, and compensation of all constables, clerks or other employees for such Court; and (4) all other matters relating to such Court. After adoption of this Section the Governor shall not be required to appoint any particular number of Justices of the Peace in any county or in any of the several election districts of the counties as now provided in Section 42 of the Constitution.

Sec. 2. And be it further enacted by the authority aforesaid, That the aforegoing sections hereby proposed as an amendment to the Constitution of the State of Maryland shall, at the election to be held in November, 1940, 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 Article 14 of the Constitution.

Approved: March 10, 1939.

### CHAPTER 163

AN ACT to propose an amendment to Article IV of the Constitution of the State of Maryland, adding thereto two new sections, to be numbered 41-A and 41-B under a new sub-title "Part V-A—People's Courts," and to follow immediately after Section 41 of said Article, providing for the establishment of People's Courts; 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 two new sections, to be numbered 41-A and 41-B under the new sub-title "Part V-A—People's Courts," and to follow immediately after Section 41 of said Article, be and the same are hereby proposed as an amendment to Article IV of the Constitution of the State of Maryland, the same, if adopted by the legal and qualified voters of the State as herein provided, to become a part of said Article IV of said Constitution and to be numbered and sub-titled as aforesaid:

"CONSTITUTIONAL AMENDMENT PROVIDING FOR PEOPLE'S COURTS."

"This amendment provides for establishing People's Courts in this State by adding two new sections numbered 41A and 41-B to Article IV of the Constitution. The first section (41-A) establishes a People's Court for Baltimore City and regulates or provides for regulating all matters relating to the Court, the Judges of the Court and the Constables and Clerks. The second section (41-B) authorizes the General Assembly to establish a People's Court in any other county, incorporated city or town of this State and to provide for all matters relating to said Court and the Judges, Constables, Clerks and Employees of said Court"; and below said synopsis shall be printed the words "For People's Courts Amendment," and "Against People's Courts 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.

Approved: April 26, 1939.

### CHAPTER 200

AN ACT to amend Section 21 of Article 4, title "Judiciary Department," sub-title "Part III—Circuit Courts" of the Constitution of this State, and to provide for the submission of said amendment to the qualified voters of this State for adoption or rejection.

Section 1. Be it enacted by the General Assembly of Maryland, That three-fifths of all the members elected to each of the two Houses concurring, that the following section be and the same is hereby proposed as an amendment to Section 21 of Article IV, but constables in office upon the adoption of this Section shall hold office for the remainder of their terms, and the constables first appointed under this Section shall take office at the expiration of such terms.

41B. The General Assembly shall have power by law to establish a People's Court in any county, or any part thereof, incorporated city or town in this State, except Baltimore City, and to prescribe and from time to time alter (1) the number, qualifications, tenure, and method of selection of the Judges of any such Court, and their powers, duties and compensation, except that the term of office or compensation of any Judge shall not be reduced during his continuance in office; (2) the jurisdiction of any such Court (which may be made exclusive as to any class or classes of civil cases in such county, or any part thereof, city, or town) and the right of appeal therefrom; (3) the number, qualifications, tenure, method of selection, duties, and compensation of all constables, clerks or other employees for such Court; and (4) all other matters relating to such Court. After adoption of this Section the Governor shall not be required to appoint any particular number of Justices of the Peace in any county or in any of the several election districts of the counties as now provided in Section 42 of the Constitution.

Sec. 2. And be it further enacted by the authority aforesaid, That the aforegoing sections hereby proposed as an amendment to the Constitution of the State of Maryland shall, at the election to be held in November, 1940, 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 Article 14 of the Constitution.

Approved: April 26, 1939.

### CHAPTER 247

AN ACT to propose an amendment to Section 15 of Article 3 of the Constitution of the State of Maryland, title "Legislative Department," regulating the period that the General Assembly may continue its session and the compensation of the members thereof, and to provide 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 of each of the two Houses concurring), That the following be and the same is hereby proposed as an amendment to Section 15 or Article 3 of the Constitution of the State of Maryland, title "Legislative Department," the same, if adopted by the legally qualified voters of the State, as herein provided, to become Section 15 of Article 3 of the Constitution of the State of Maryland.

15. 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; and each member thereof shall receive a compensation of seven hundred and fifty dollars ($750) per annum, payable quarterly, with a deduction of ten dollars per diem for each day of unexcused absence from any session; and he shall also receive such mileage as may be allowed by law, not exceeding twenty cents per mile; and the presiding officer of each House shall receive an additional compensation of two hundred and fifty ($250) dollars per annum. When the General Assembly shall be convened by Proclamation of the Governor, the session shall not continue longer than thirty days, but no additional compensation other than mileage and other allowances provided by law shall be paid members of the General Assembly for Special Sessions.

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 1940, 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 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.

Approved: May 11, 1939.

### CHAPTER 371

AN ACT to propose an amendment to Section 21 of Article 4, title "Judiciary Department," sub-title "Part III—Circuit Courts," of the Constitution of the State, providing for the residential qualification and method of selection of Associate Judges in the Third Judicial Circuit.

21. For each of the said circuits, excepting the eighth, the second, the third and the sixth, there shall be a chief judge and two associate judges, to be styled judges of the Circuit Court, to be selected or appointed as herein provided, and for the second circuit, the third circuit and the sixth circuit, there shall be a chief judge and three associate judges to be styled judges of the Circuit Court, to be elected or appointed as herein provided. And ... two of said associate judges, for any of the said circuits, except the third and sixth circuits shall, at the time of their election or appointment or during the term for which they may have been elected or appointed, reside in the same county. If two or more persons shall be candidates for associate judge in the same county in any of the circuits, except the third and sixth circuits, that one only in said county shall be declared elected who has the highest number of votes in the circuit. In case any two candidates for associate judge in any one of the circuits, except the third and sixth circuits, residing in the same county shall have an equal number of votes greater than any other candidates for associate judge in the circuit, it shall be the duty of the Governor to order a new election for one associate judge; but the person residing in any other county of the circuit and who has the highest number of votes shall be declared elected. The said judges shall hold not less than two terms of the Circuit Court in each of the counties composing their respective circuits, at such times as are now or may hereafter be prescribed to which jurors shall be summoned; and in those counties where only two such terms are held, or where two and intermediate terms, to which jurors shall not be summoned; they may alter or fix the times for holding any or all terms, until otherwise prescribed, and shall adopt rules to the end that all business not requiring the interposition of the jury shall be, as far as practicable, disposed of at said intermediate terms. The additional associate judge for the third circuit elected in accordance with the terms of the Constitutional Amendment heretofore submitted and adopted shall be subject to the same constitutional provisions, hold his office for the same term of years, receive the same compensation and have the same powers as are herein provided for the other associate judges in the second circuit, and the additional judge for the sixth circuit herein provided for and elected by the qualified voters of Frederick and Montgomery Counties at the 1938 election in accordance with the terms of the Constitutional Amendment heretofore submitted and adopted shall be subject to the same constitutional provisions, hold his office for the same term of years, receive the same compensation and have the same powers as are herein provided for the other associate judges in the sixth circuit and his successors shall be appointed and/or elected in accordance with the constitutional provisions relating to judges. The Chief Judge may be elected from either Frederick or Montgomery Counties, but when the Chief Judge is elected from Frederick County one of the associate judges shall be a resident of said county and the two remaining associate judges shall be residents of Montgomery County and when the Chief Judge is elected from Montgomery County one of the associate judges shall be a resident of said Montgomery County and the remaining two associate judges residents of Frederick County. In case any candidate or candidates for associate judge at any judicial election held in the third judicial circuit 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 associate judges than herein permitted to reside in any county of said circuit, then and in that event only that candidate or candidates, as the case may be, residing in said county in the order of the votes received shall be declared elected whose election would provide the permitted number of associate judges from said county and the candidate or candidates, as the case may be, residing in any other county, and not similarly disqualified, who shall have the next highest number of votes in said election shall be declared elected. If, by reason of such a condition or by reason of an equal vote for two or more candidates a sufficient number of associate judges duly qualified as to residence as above set out should not be elected at any election in said seventh judicial circuit, then it shall be the duty of the Governor to order a new election for such unfilled office or offices.

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 1940, 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 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.

Approved: April 26, 1939.

### CHAPTER 381

AN ACT to propose an amendment to Section 1, of Article II, title "Executive Department," of the State Constitution, to provide that a Governor shall not be eligible to succeed himself for the term directly following that for which he was elected and to provide for the submission of said amendment to the qualified voters of this 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 Section 1 of Article II, title "Executive Department," of the State Constitution, be and the same is hereby repealed and re-enacted with amendments to read as follows:

Section 1. The executive power of the State shall be vested in a Governor, whose term of office shall commence on the second Wednesday of January next ensuing his election, and continue for four years, and until his successor shall have qualified and he shall be ineligible to succeed himself as Governor for the term directly following that for which he was elected.

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 1940, 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 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.

Approved: April 26, 1939.

### CHAPTER 771

AN ACT TO propose an amendment to Article III of the Constitution of the State of Maryland, adding thereto one new section, to be numbered 35A and to follow immediately after Section 35 of said Article, providing that nothing in the Constitution shall exempt the salary or compensation of any judge or other public officer from the imposition of a non-discriminatory tax upon income and providing for 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 members of each of the two Houses concurring), That the following new section, to be numbered Section 35A, to follow immediately after Section 35 of Article III, be and the same is hereby proposed as an amendment to Article III of the Constitution of Maryland, the same if adopted by the legal and qualified voters of the State as herein provided to become a part of Article III of said Constitution, to be numbered as aforesaid.

35A. Nothing in this Constitution shall exempt the salary or compensation of any judge or other public officer from the imposition by the General Assembly of a non-discriminatory tax upon income.

Sec. 2. And be it further enacted, That the foregoing section hereby proposed as an amendment to the Constitution of the State of Maryland shall, at the election to be held in November, 1940, be submitted to the legal and qualified voters of the State for their adoption or rejection in pursuance of the directions contained in Article XIV 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 Article XIV of the Constitution and further proceedings had in accordance with said Article XIV.

Approved: April 26, 1939.

NOW, THEREFORE, I, HERBERT R. O'CONOR, GOVERNOR OF THE STATE OF MARYLAND, in pursuance of the direction contained in Section 1 of Article 14 of the Constitution of Maryland, do hereby order and direct that this proclamation containing a full, true and correct copy of the text of said Chapters 40, 163, 200, 247, 371, 381 and 771 of the Acts of the General Assembly of Maryland of 1939, be published in at least two newspapers in each of the counties of the State where so many may be published and where not more than one may be published then in that newspaper, and in three newspapers published in the City of Baltimore, one of which shall be published in the German language, once a week for at least three months next preceding the general election to be held in the State of Maryland on Tuesday, the 5th day of November, 1940, at which election the said proposed amendments to the Constitution shall be submitted in form and manner prescribed by the General Assembly, to the legal and qualified voters of the State for their adoption or rejection.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF MARYLAND. DONE AT THE CITY OF ANNAPOLIS, THIS 29TH DAY OF JULY, IN THE YEAR OF OUR LORD, ONE THOUSAND NINE HUNDRED AND FORTY.

THE GREAT SEAL OF MARYLAND

HERBERT R. O'CONOR
*By the Governor:*

FRANCIS PETROTT
*Secretary of State.*

## 1940 PROCLAMATION OF THE GOVERNOR OF MARYLAND STATE-WIDE REFERENDA

WHEREAS, at the January 1939 session of the General Assembly of Maryland, an Act was passed known as Chapter 353, providing for the creation of a commission of fisheries, and prescribing its powers and duties, and providing for the inspection of oysters and the collection of the tax thereon; and

WHEREAS, at the January 1989 session of the General Assembly of Maryland, an Act was passed known as Chapter 732, to repeal and re-enact, with amendments, Sections 1, 2, 5, and 6 of Article 101 of the Annotated Code of Maryland (1935 Supplement), title "Workmen's Compensation," sub-title "State Industrial Accident Commission"; in words and figures as follows:

### CHAPTER 353

AN ACT to repeal Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Article 19A of the Annotated Code of Maryland (1935 Supplement), title "Conservation of Natural Resources"; to repeal Sections 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48 of Article 72 of the Annotated Code of Maryland (1924 Edition), title "Oysters," sub-title "State Fishery Force"; to repeal Sections 80, 81, 84 and 87 of said Article 72, title "Oysters," sub-title "General Measurers and Inspectors"; to repeal Sections 99, 115, 155 and 155A of said Article 72, title "Oysters," sub-title "Oyster Culture"; to repeal Section 46 of Article 19 of said Code, title "State Auditor"; to repeal Chapter 165 of the Acts of 1906; to add new sections to be numbered sixteen new sections to Article 19A of said Code, title "Conservation of Natural Resources," said new sub-title to be known as "Commission of Fisheries," and said new sections to be known as Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 12A, 12B, 12C and 12D, providing for the creation of the Commission of Fisheries and prescribing its powers and duties; to repeal and re-enact, with amendments, Sections 9 and 11 of Article 72 of the Annotated Code of Maryland (1935 Supplement), title "Oysters," sub-title "Culling"; to add two new sections to Article (1935 Supplement), title "Oysters," sub-title "General Measurers and Inspectors," said new sections to be known as Sections 81 and 84, providing for the inspection of oysters, fish or crabs, and the tax thereon; to repeal and re-enact, with amendments, Section 129 of Article 72 of the Annotated Code of Maryland (1935 Supplement), title "Oysters," sub-title "Oyster Culture."

Section 1. Be it enacted by the General Assembly of Maryland, That Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Article 19A of the Annotated Code of Maryland (1935 Supplement), title "Conservation of Natural Resources," be and the same are hereby repealed.

Sec. 2. And be it further enacted, That Sections 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48 of Article 72 of the Annotated Code of Maryland (1924 Edition), title "Oysters," sub-title "State Fishery Force," Sections 80, 81, 84 and 87 of said Article 72, title "Oysters," sub-title "General Measurers and Inspectors," Sections 99, 115, 155 and 155A of said Article 72, title "Oysters," sub-title Oyster Culture," and Section 46 of Article 19 of said Code, title "State Auditor," be and the same are hereby repealed.

Sec. 3. And be it further enacted, That Chapter 165 of the Acts of 1906 be and the same is hereby repealed.

Sec. 4. And be it further enacted, That a new sub-title and sixteen new sections be and the same are hereby added to Article 19A of the Annotated Code of Maryland (1935 Supplement), title "Conservation of Natural Resources," said new sub-title to be known as "Commission of Fisheries," and said new sections to be known as Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 12A, 12B, 12C and 12D, to follow immediately after said sub-title and to read as follows:

"COMMISSION OF FISHERIES"

1. The Commission of Fisheries of the State of Maryland is hereby created and established. The said Commission shall be composed of five members, citizens and residents of this State, all of whom shall have practical knowledge of the tidewater fisheries. One of the members of said Commission shall be designated as the Chairman and shall be known as the "Commissioner of Fisheries." The members of the Commission, including the Chairman thereof, shall be appointed by the Governor, by and with the advice and consent of the Senate, for terms of two years, beginning on the first day of June succeeding their appointment, the terms of the first members of said Commission to be appointed under this Act to begin on June 1, 1939. One associate member shall be a resident of that section of the Eastern Shore south of the Choptank River, one associate member shall be a resident of that section of the Eastern Shore north of the Choptank River, one associate member shall be a resident of that section of the Western Shore, outside the counties of St. Mary's, Calvert and Charles, one associate member shall be a resident of that section of the Western Shore comprising the counties of St. Mary's, Calvert and Charles. The Commissioner of Fisheries shall be chosen from the State at large. All vacancies among said members shall be filled by the Governor with the advice and consent of the Senate.

2. The Commissioner of Fisheries shall receive such salary not exceeding $4,500 per annum as may be fixed in the budget, and the associate members of the Commission shall each receive such salary not exceeding $2,400 per annum as may be fixed in the budget.

3. On June 1, 1939, all the rights, powers, duties and functions heretofore conferred upon or exercised by the Conservation Commission with respect to oysters, shellfish, the State Fishery Force or Oyster Navy and the Commander and personnel thereof, Chesapeake Bay and tidewater fish, fisheries, and hatcheries and the State Biological Laboratory shall be transferred to and thereafter be exercised and performed by the Commission of Fisheries and thereupon the said Conservation Commission shall be abolished.

4. The Commission shall have the general supervisory power, regulation and control over the following natural resources of the State, within the bounds of the tidewater, viz: fish, crabs, terrapin, oysters, clams and other shellfish. The Commission shall be charged with the execution of all laws now in force or hereafter enacted relating to any of the above subjects, and particularly with the enforcement of all laws relating to licenses and inspections. The Commission shall have control over the inspection of oysters, fish or crabs, wherever caught or sold in the State of Maryland, and of the enforcement of the oyster laws and other protective Measures. The Commission is empowered to equip such arms, ammunition and equipment as may be required for the vessels, boats and vessels owned by it or owned by the State of Maryland and subject to the control of the Commission. The Commissioner, with the approval of the Commission, shall be authorized to operate, sell, buy, lease, exchange, repair and equip such boats, vessels, boats, nets and other equipment as may be necessary for the work of the Commission.

5. The Commission shall establish and maintain a permanent office in the City of Annapolis, where its meetings shall be held and where all books, records, charts and other official papers and documents pertaining to the work of the Commission, shall be kept. The Commission shall meet during the first and third week of each month at its office in Annapolis, and its meetings shall meet upon call of the Commissioner at such time and place as he may designate.

6. The Commissioner may at any time permit or cause to be taken any fish or marine organism for scientific purposes or for fish or shellfish propagation.

7. The Commission on or before the second Monday in January, in each year, shall prepare and present to the Governor a printed report showing the operations of the Commission during the preceding year, together with a financial statement showing its collections, receipts and disbursements. The said report shall include such statistical information relating to the seafood industry as may have been obtained by the Commission. Prior to each meeting of the General Assembly, the Commission shall make such recommendations to the Governor for the improvement of the condition of the fisheries as it shall deem necessary or advisable. The Commission, upon instructions of the Governor, shall cooperate with any Commission, or other agency of the State Government appointed to study the welfare or improvement of the State Government.

8. The Commission shall exercise all the powers herein conferred except that the Commissioner shall be wholly responsible for the enforcement of the fish and shellfish laws, and shall be in command of the Commission's vessels, boats and vehicles. Each associate member shall supervise the planting and transplanting of shells and oysters in the area in which he is a resident in accordance with policies determined by the Commission, and shall perform such other duties as may be directed by the Commission.

9. The Commissioner, with the approval of the Commission, shall appoint a secretary, who shall be paid such salary not to exceed $3,800 per annum as may be fixed in the budget, a surveyor, who shall be paid such salary not to exceed $3,000 per annum, as may be fixed in the budget, a captain, who shall be paid such salary not to exceed $3,000 per annum, as may be fixed in the budget, and a Director of the Marine Laboratory and Biological Research, who shall receive such salary as may be fixed in the budget. The Commissioner, after consultation with the Director, and with the approval of the Commission, shall appoint or continue in employment a biologist and such other employees of the Marine Laboratory, as he may deem necessary, and the salaries of each of such employees shall be fixed by the Commission. The Commissioner, with the approval of the Commission, shall employ such clerks and stenographers and other employees as may be necessary. All employees provided for in this Article shall hold their respective positions under the provisions of the Merit System, Article 64A of the Annotated Code of Maryland. The Commission shall have power to require any employee of the Commission who handles funds, to furnish fidelity bond in such amount as the Commission may determine.

10. The Secretary of the Commission shall have and exercise all the powers and authority herein conferred on the Commission and the county inspectors hereinafter provided for. The secretary, acting under the control, supervision and direction of the Commissioner, shall have and exercise all the powers and duties herein conferred upon the Commission. It shall be the duty of the secretary to audit the books of the various oyster buyers, dealers, shippers and fish dealers, including any catches of the above seafoods, who may ship direct, for the purpose of ascertaining the total number of bushels of oysters taken from the waters of the State of Maryland, the number of gallons shucked and shipped, the pounds of crabs and crab meat, quantities of fish and clams, quantities of each kind of fish, and also the quantity in bushels or gallons of oysters that are purchased from points out of the State, and shall have such other duties as shall be required by the Commission.

In order to enable said secretary to secure the information required, all persons engaged in the pursuits mentioned herein shall keep such records, accounts and books, and all such books, statements and accounts shall be open to inspection by the secretary or his duly authorized agents at all times.

Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than $100 nor more than $500, and shall be adjudged in contempt of court until he complies therewith. All monies arising from fines collected under this section shall be paid into the Comptroller for credit to the Conservation Fund.

11. (a) The surveyor shall have charge of surveying and marking natural oyster bars, reserved areas, leased bottoms, crabbing grounds, seine and other fishing nets, and shall perform such other surveying or engineering work as may be required by the Commissioner.

(b) The captain shall be in command of all vessels and boats owned or controlled by the Commission, and under the control and direction of the Commissioner shall supervise the maintenance and replacement of the same and perform such other duties as the Commissioner may direct. The captain shall have and exercise all the powers and authority conferred by this Article upon the county inspectors hereinafter provided for.

(c) The Director of the Marine Laboratory and Biological Research under the supervision and direction of the Commissioner shall have charge of the Marine Laboratory and the Biological Research carried on in connection therewith, and shall perform such other duties as the Commissioner may direct.

12. The Commissioner, with the approval of the Commission, shall appoint a county inspector for each tidewater county, each of whom shall receive such salary not to exceed $1,500 per annum as may be fixed in the budget, and each of whom shall give bond to the State of Maryland, in the penalty of $1,000, conditioned upon the faithful performance of the duties imposed upon them by this Article. Each county inspector shall be responsible for the enforcement of all laws and regulations pertaining to fisheries, and for the inspection of all oysters, crabs and fish taken within the county for which he is appointed and in such parts of the Atlantic Ocean and its tributaries and the Chesapeake Bay and its tributaries as may be designated by the Commissioner. Each county inspector shall have the right to arrest, seize and confiscate as provided by law, shall have authority over any deputy inspector who may be placed under him and shall be directly responsible to the Commissioner of Fisheries and subject to his orders. Each county inspector shall be charged with the duty of enforcing the laws requiring tonging, dredging, clamming, crabbing, pound net seine and other licenses in his assigned territory, and the laws relating to the collection of the oyster tax, and shall pay on such other duties as may be prescribed by the Commissioner of Fisheries.

12A. The Commissioner, with the approval of the Commission, may appoint not more than fifty deputy inspectors, each of whom shall receive such salary not to exceed $1,200 per annum, as may be fixed in the budget. The Commissioner shall have the right to employ such deputy inspectors by the month or by the year. The deputy inspectors shall have and exercise the powers and duties herein conferred upon the county inspectors and when so directed by the Commissioner shall act under the control, supervision and direction of the county inspectors. Both the county inspectors and deputy inspectors shall have and exercise the rights, powers and duties of the former deputy commanders, general inspectors, special inspectors, inspectors, general measurers, measurers and members of the State Fishery Force, subject in all cases to the orders of the Commissioner of Fisheries.

12B. The Commissioner shall appoint as county or deputy inspectors such male persons as can read and write, and are sufficiently intelligent to pass an examination in the making out of reports, and upon other phases of their duties, as determined by the Commission. No person shall be appointed as a county inspector or deputy inspector until he shall have passed a physical examination to be given by a physician selected by the Commission.

12C. It shall be the duty of the Commissioner to prom