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READ FORMER JUDGE BURKE'S LETTER AGAINST NEW CHARTER FORM OF GOVERNMENT.

States It Will Introduce Confusion, Inefficiency and Dissatisfaction.

Issue Ought Not Be Partisan Question. Writer Is Persuaded That a Clear Exposition and Understanding of Its Provisions Will Lead to Conclusion It Should Be Rejected.

(Continued from Page 1)

county shall be thereby repealed. By the second section of the Article the duty was imposed upon the General Assembly, at its first session after the adoption of the amendment, to provide a grant of express powers to such county or counties as might thereafter form a Charter under its provisions. The General Assembly of 1918, which was the first session after the adoption of the amendment, failed to discharge this duty, but by the Act of 1918, Ch. 456, which will be presently noticed, did undertake the discharge of that duty. This section also provided that such express powers as might be granted to the counties should not be enlarged or extended by any charter, but such powers might be extended, modified, amended, or repealed by the General Assembly.

The third section of every County Charter shall provide for "An elective legislative body" in which shall be vested the law-making powers of the county. Its powers as a law-making body, by the express provisions of Article XI-A, under which it is created, are subject to the Constitution and Public General Laws of the State and is expressly confined to the enactment of local laws for the county, including the power to repeal or amend local laws of the county enacted by the General Assembly.

The County Council is expressly forbidden to enact laws or regulations for any incorporated town, village or municipality, or for any matter covered by the powers granted to said town, village or municipality by the Act incorporating it, or any subsequent Act or Acts amendatory thereto. The County Council, for the purpose of enacting local legislation, is not permitted to "sit more than one month in each year," and all legislation shall be enacted during the month so designated for that purpose in the Charter, and all laws and ordinances so enacted shall be published once a week for three successive weeks in at least one newspaper published in the county.

By section four the General Assembly is prohibited from passing any local law upon any subject covered by express powers granted to the county, and by section five it is provided that no amendments of any provision of the Charter, no matter how necessary, urgent and imperative, can be made except at a general or congressional election.

The attention of the voters is especially called to this language contained in section six of the amendment, so far as it relates to the counties of the State, as it will occupy an important place in the discussion.

The powers heretofore conferred upon the General Assembly to prescribe the number, compensation, powers and duties of the County Council, in each county, when expressly granted as hereinbefore provided, are hereby transferred to the voters of each county, and provided further that this Article shall not be construed to authorize the exercise of any powers in excess of those conferred by the legislature upon the counties.

Section seven simply defines the word "Petition," used in the amendment, and is of no importance in this discussion.

The Constitutional Amendment, Article XI-A whose provisions insofar as they relate to this Charter, I have set out, is the supreme law of the State, and in the event of any conflict between the Charter and the provisions of the Constitution, the Charter shall be void insofar as it attempts to confer upon the County Council, in violation of the provisions of the Constitution, the power to exercise powers in excess of those expressly and constitutionally granted by the General Assembly, and is simply null and void.

The Act of 1918, Ch. 456, by which express powers were granted to any county which might adopt a Charter. Prior to the passage of this Act the General Assembly, by Public General Laws, passed at various sessions and codified in Art. 25 of the Code, has granted to the County Commissioners of the county broad powers relating to county administration and imposed upon them the most important duties with respect to a variety of subjects—bridges, public roads, schools, etc. Baltimore county has also a number of local laws which are well adapted to the needs and habits of the people, and with which in the main they are fairly familiar. These laws have been codified by Judge T. Scott Offutt, and constitute a volume of about one-hundred and fifty pages. Immediately upon the adoption of this Charter all our local laws inconsistent with its provisions are to be repealed, and the county will thereby be left in a condition of doubt and confusion as to what laws or parts of laws are in force, and what are repealed. Such a condition would not only be deplorable, but would be the fruitful source of all kinds of annoyances and litigation.

The Act provides that upon the adoption of the Charter the following express powers shall be exercised by the county, which are granted in substitution for and in extension of the powers codified in Art. 25 of the Code, viz:

(A) Local Legislation. To enact local laws for such county, including the power to repeal or amend local laws thereof enacted by the General Assembly upon the matters covered by the express powers in this Article granted to the county, for the enforcement of all ordinances, resolutions, by-laws and regulations adopted under the authority of this Article by fines, penalties and imprisonment, enforceable according to law as may be prescribed, but no such fine or penalty shall exceed \$100.00 for any offense or imprisonment for more than six months.

(B) County Property and Franchises. To provide for the protection of the county property; to provide for the acquisition and condemnation of property required for public purposes in the county; to dispose of any real or personal property belonging to the county; to dispose of any real estate or leasehold property belonging to the county, provided the same is no longer needed for public use, or any right or franchise in relation to any highway, street, road, lanes, alley or bridge, for street, road, lanes, alley or bridge, for a period not longer than twenty-five years, and then only upon such terms and compensation as said corporation may deem proper after such disposition or grant shall have been advertised once a week for more consecutive weeks in one or more newspapers of general circulation published in said county, stating the terms thereof, and giving opportunity for objections thereto.

(C) County Institutions. To erect, establish, maintain, and control hospitals, almshouses, pest houses or other similar institutions within such county, and make all regulations for the government and conduct of the same; to establish, maintain, regulate and control county jails, and county houses of correction or detention and reformatories, and to regulate all persons confined therein; to make proper provision for female and juvenile offenders.

(D) Advertising and Printing. To provide for county advertising, printing and publishing, including that of all ordinances, by-laws and resolutions adopted by the County Council and of annual statements of expenses of the county government.

(E) Audits and Claims. To audit the accounts of all county officers, assisting the State Auditor or other State officer elected with authority in the performance of this duty; to provide for proof of all claims against the county before their payment.

(F) Contracts and Bonds. To provide for the advertising, bidding for any county work and the making and awarding of contracts requiring bonds when deemed necessary.

(G) Drainage. To provide, as far as necessary, for the draining of swamp and low lands, and for the construction of levees, dikes, and other works for the purpose of drainage and reclamation.

(H) Elections Districts and Precincts. To arrange and create election districts and precincts.

(I) Courts and Records. To provide for recording, indexing and keeping indexed all records in the office of the Clerk of the County, of the Will and of the records of the Commissioners and County Council to be kept by general law; to provide for designating Justices of the Peace who may constitute a county court, the keeping of its records, and to fix the compensation of all judges thereof, and all officials connected therewith.

(J) Health and Nuisances. To prevent, abate and remove nuisances; to prevent the introduction of contagious diseases into such county; to regulate the places of manufacturing soap and candles and fertilizers, slaughter houses, packing houses, canneries, factories, workshops, mines, and other places where offensive trades may be carried on, or which may involve or create any sanitary conditions or conditions detrimental to health.

(K) Highways, Bridges and Streets. To provide for grading, shelving, curbing, paving, resurfacing, regrading, regrading, resurfacing, and repairing any street, road, lane, alley, footway, bridge, culvert, highway or public place within said county, or any part thereof, now or hereafter condemned, ceded, opened, widened, extended or straightened as public property; and for assessing the cost of any such work upon the assessable property of the county, or by fine or penalty the owner or possessor of any lot to grade, regrade, pave, re-pave, or repair the highway or street, or to regulate the opening of street surfaces.

(L) Live Stock. To regulate the conditions under which dogs, cows, sheep, pigs, cattle and live stock of any and every kind may be kept in the county, and to regulate streets, roads, alleys, lanes, bridges, highways and public places.

(M) Fish and Game. To pass local fish and game laws.

(N) Fences. To regulate and provide for the building and repairing of fences, and to enforce the rights of the owner in default.

(O) Taxes, Levies and Collection of Taxes. To direct the class or sub-class of improvements on land and personal property which shall be made subject to the county tax levy, and to provide for the levy thereupon and upon the value of land in accordance with Article II of the Declaration of Rights of the Constitution of Maryland, as amended, of any sum which may be necessary to pay and discharge the principal and interest of any loan which may heretofore have been obtained, or which may hereafter be obtained by such county, according to law, and to create a sinking fund to meet the liabilities thus incurred, and to levy upon the property so subject to taxation from time to time such sums as may be necessary to provide therefor, as well as to collect from such property so subject to the levy such sums as may be necessary for the support and maintenance of the county government.

(P) To provide for the prompt collection of all taxes due the county, and for the sale of real estate, as well as leasehold and personal property, for the payment of such taxes.

To rectify errors in the assessment of property; to provide for the reduction or abatement of assessments improperly made, and for the reimbursement of moneys paid in consequence of such errors.

(Q) Bonds or Evidence of Indebtedness. To provide for the borrowing on the faith and credit of the county, and for the corporate uses of the county, of any sum or sums of money, not exceeding in the aggregate with any outstanding bonds seven per centum upon the assessable basis of such county, and to issue bonds or other evidences of indebtedness for the same, in such sums and payable at such times as may be prescribed, provided that any bond

issue or borrowing of money in any one year in excess of one-fourth of one per cent. of the assessable basis shall be submitted to the voters of the county for approval under regulations to be prescribed.

(R) County Officers. To provide for the appointment and removal of all county officers except those whose appointment or election is provided for by the Constitution or Public General Law; and to establish a merit system, if deemed desirable, in connection with the appointment of all county officials and employees not elected or appointed under the Constitution and the Public General Laws; to fix the qualifications and term of office of such county executive authority as may be established, and to fix its compensation.

(S) Protection of County Credit. To prevent the credit of the County in any manner being given or loaned to or in aid of any individual, association or corporation.

(T) Amendment of County Charter. To pass any ordinance facilitating the amendment of the County Charter by vote of the electors of the county according to Article XI-A of the Constitution.

The foregoing or other enumeration of powers in this Article shall not be held to limit the power of the County Council, in addition thereto, to pass all ordinances, resolutions or by-laws of the State, as may be proper in executing and enforcing any law or laws enumerated in this section or elsewhere in this Article, as well as such ordinances as may be deemed expedient in maintaining the peace, good government, health and welfare of the County.

Provided, that the powers herein granted shall only be exercised to the extent that the same are not provided by Public General Law; provided, however, that no power to legislate shall be given with reference to licensing, regulating the sale of liquors, or to local option, the manufacture or sale of malt or spirituous liquors.

It must be evident to any fair-minded and intelligent person that it was not the intention of the people in adopting the amendment to the Constitution to abolish the office of County Commissioner in the various counties of the State. These are constitutional officers whose office is expressly recognized in the Constitution, and are expressly exempted from removal by the Act of 1918, Ch. 456. It is equally clear that such powers and duties as have been conferred or imposed upon the County Commissioners by the Public General Laws of the State cannot be changed, interfered with, withdrawn, or discharged by the County Council, or by any executive authority established under it. The result will be, if this Charter should be adopted, that we will still have a Board of County Commissioners, elected by the people and discharging various and important duties, which will be hereafter particularly pointed out. In addition we will have a County Council composed of fifteen men exercising circumscribed and limited power. We will then have a kind of hybrid government in Baltimore county.

In my next article I will analyze the proposed Charter, and will consider its provisions in the light of the law authorizing its formation, and I hope to show that it is not such a measure as should receive your favorable consideration.

Very faithfully yours,  
N. CHARLES BURKE.

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SCRAWLED BY GREAT POET?

Signature of William Shakespeare, Believed Genuine, Found on Wall in Hampton Court.

The discovery of the signature of William Shakespeare, scrawled years ago on the wall of the "haunted gallery" of Hampton Court, has just been made in London. Shakespeare authorities pronounce it authentic.

The disclosure was made when Ernest Law, the court antiquarian, was directing the renovations. On the wall of the old retiring room he found, after cleaning it, the letter "S," followed by illegible letters, concluding "ke-speare," and beneath the rough sketch of a hand and the date 1600.

It is a matter of history that the Shakespeare company visited the palace at the date set down and played "Hamlet" before the then King Christian of Denmark. The company dressed in the "haunted gallery," near the great hall where the play was enacted.

The gallery, according to ancient tradition, is haunted by the ghost of Catherine Howard, one of Henry VIII's six wives, who was imprisoned there. History tells that she escaped from confinement while the king was praying in his private chapel, and that her flight was discovered by the court guards, who dragged her screaming to the king, interrupting his devotions.

It was long said that Catherine interrupted the gallery, shrieking—"Torn-to-Globe."

COCKEYSVILLE.

A lawn fête for the benefit of Sherwood P. E. Church will be held on Saturday evening, August 14, on the grounds of the Odd Fellows' Hall, Cockeysville. In addition to the usual attractions, there will be music and dancing in the hall, for which an admission fee of fifty cents will be charged.

CARNEY.

Henry Rudel of Carney Heights, died last Saturday at his home. He was 53 years old and is survived by his widow, Mrs. Minnie Rudel. The funeral was held Tuesday afternoon and burial was in Schwartz's Cemetery.

Established 1865

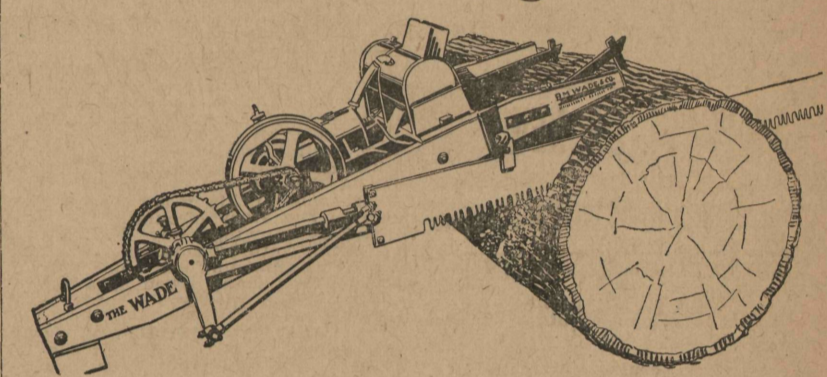
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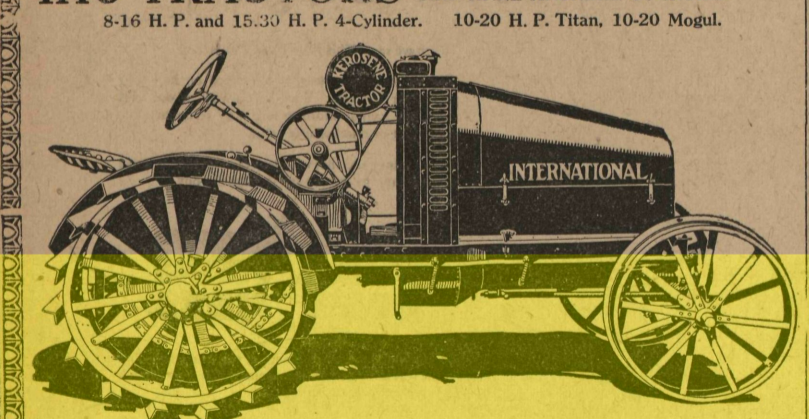
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