

Health ordered the County Commissioners of Baltimore County to install and put into operation a sewerage system in Baltimore County in the Govans district. Baltimore County appealed from the order of the State Board of Health, contending not that the Act is invalid in its entirety, but that sections 7 and 9 thereof transcend the power of the Legislature under the constitutional limitations resting upon that branch of the Government.

It is argued, among other points, that these sections of the Act violated Section 7 of Article 11 of the Constitution with regard to the debt incurring power of the City of Baltimore. The Court speaking of this point said, at page 8 of the opinion:

"***This objection need not be considered, as the order of the Board of Health, which has given rise to the present case, in no way affects Baltimore City; moreover the limitation upon the incurring of an indebtedness by the City is different from that in the case of a county, and it may be that an Act may be constitutional in part and unconstitutional in part, without entirely destroying the Act, and this may result from distinct and different constitutional provisions with regard to one part of the State from those which obtain in another, as well as from embodying in one and the same section different provisions, for it has been held that a statute may be valid in part and void in part, even when the two parts are contained in the same section, provided that the valid part is independent of and severable from that which is void.***"

Upon the question whether Baltimore City is subject in all respects to the provisions of the Act in question, no opinion is now expressed.****"

The Welch-Coglan case clearly approves the purposes for which this Act was passed as a valid exercise of Police Power and further decides that the Legislature did not transgress its authority or interfere with any of the constitutional rights of the counties, in the methods prescribed for its enforcement, or of the City of Baltimore unless the Act is in conflict with some provision of the Constitution relating to the City. If this Act is not invalid, in so far as the City of Baltimore is concerned, it must be because Sections 7 and 9 thereof are in conflict with Section 7 of Article 11, of the Constitution, as they are the only sections of the Act, which under the decision in the Welch case can be considered an invalid exercise of the Police Power, or because Article 11-A of the Constitution exempts the City from the provisions of the Act.

In considering Section 7 of the Act, we find that the Legislature has given the State Board of Health authority to compel any