

R. E. Lee Marshall, Esq., City Solicitor (cont'd)

by special taxes are concerned. The following cases support the position maintained herein:

Indiana Co. vs. Agricultural Soc., 85 Pa. 357 - (constitutional provision prohibiting the General Assembly from authorizing any county to appropriate money for or loan its credit to any Association did not repeal an act of the Legislature passed prior thereto, which provides that certain county societies should be entitled to receive a certain sum annually from the Commissioners of the County in which such society was located).

People vs. Board of Supervisors, 33 N.Y.S. 692 - (a constitutional provision stating that payments by counties to reformatory institutions may be authorized by the Legislature did not prohibit the payment of a sum which had accrued and become due prior thereto by virtue of a statute making it the duty of the County Treasurer to pay a certain sum to such an institution.)

Since writing the above, I have discussed with you the question of whether or not the Budget Acts impliedly repeal that part of Section 254 of Article 56 of the Code which deals with the disposition of the Special Fund created by that section. We decided that from a practical point of view it would be inadvisable for the City to assert any legal right it might have in the premises because the City would be at the mercy of the State Legislature. If the City should obtain a judgment against the State Treasurer for its part of the Special Fund in question, the Legislature would undoubtedly curtail the annual appropriations to Baltimore City and thereby offset any benefit which the City would otherwise have obtained by virtue of its judgment.

The opinions of the Attorney General referred to on the third page of this memorandum also deal with the effect of the Budget Bills on the appropriation provisions of Section 254 of Article 56. For reasons heretofore stated the correctness of the conclusions reached by the Attorney General on this particular question is not being gone into.

Very truly yours,

(signed) CHARLES C. G. EVANS

Deputy City Solicitor