

84 Md. 256 (dissenting opinion); *Queen Anne's County v. Talbot County*, 108 Md. 197.

The purpose of this article is to parcel out and separate the powers of government, and to confide particular classes of them to particular branches of the supreme authority. This article referred to in upholding the power of the general assembly to pass an act of divorce. *Wright v. Wright's Lessee*, 2 Md. 452 (decided prior to the constitution of 1867—see article 3, section 33, thereof). And see *McCrea v. Roberts*, 89 Md. 251.

This article is not to be interpreted as enjoining a complete separation between the departments. The bill of rights and the constitution are to be construed together and in case of conflict the latter prevails. Design of this article. The power of appointing officers may be exercised by the legislature if given to it by law. Baltimore police bill, upheld. *Baltimore v. State*, 15 Md. 377. And see *Hooper v. Creager*, 84 Md. 256 (dissenting opinion).

The state may delegate the police power to subordinate boards and commissions, and the reasonable and just exercise by them of the delegated power will be upheld. *State v. Loden*, 117 Md. 376; *Downes v. Swann*, 111 Md. 61.

If the legislature could finally pass on the validity of acts of assembly, this article would be defeated; the courts must pass on such validity. The legislature is subject only to such restrictions and limitations as are prescribed by the bill of rights and form of government and the constitution of the United States. The act of 1801, chapter 74, relating to the administration of justice, etc., held valid. *Whittington v. Polk*, 1 H. & J. 242. And see *Crane v. Meginnis*, 1 G. & J. 472.

The judiciary.

A statute requiring judges to approve certain accounts which have reference to the fees prescribed by article 36 of the code, held to violate this article; hence so much of said statute as prohibited the payment of such fees without the approval of the judges was nugatory. The mere fact that a judge is called on by a statute to execute a certain function does not make that function a judicial one; its character is dependent upon its qualities. *Robey v. Prince George's County*, 92 Md. 163. And see *Board of Supervisors v. Todd*, 97 Md. 263.

Where a public service commission has hearings upon the rates of a public utilities corporation and subsequently promulgates the rates which such company may charge, such act is legislative and not judicial; the nature of the final act determines the nature of the previous inquiry. Order of public service commission held not to violate this article. *Gregg v. Public Service Commission*, 121 Md. 28.

The act of 1896, chapter 195, providing that whenever one-half of the registered voters of Wicomico county, or of any district thereof, petition the circuit court for a vote on the granting *vel non* of liquor licenses, the court should order an election, held void under this article. History of this article. *Board of Supervisors v. Todd*, 97 Md. 262.

The act of 1894, chapter 6, providing that if an objection were filed to an application for a liquor license in Carroll county, the judge of the circuit court should determine whether the license should issue, held not to violate this article. *McCrea v. Roberts*, 89 Md. 251.

No rule of court can transfer to commissioners to take testimony, appointed by the courts under an act of assembly, powers intended by the legislature to be exclusively exercised by the courts themselves. *Mitchell v. Mitchell*, 1 Gill, 83.

The act of 1901, chapter 15, providing for the appointment by the judges of the fifth circuit of visitors to the jail in Anne Arundel county, held void under this article. *Beasley v. Ridout*, 94 Md. 658. And see *Board of Supervisors v. Todd*, 97 Md. 263.

The act of 1902, chapter 455, transferring the control of the courthouse of Prince George's county from the county commissioners to the court crier, held void under this article. *Prince George's County v. Mitchell*, 97 Md. 337.