

What the Governor's proclamation amounts to is a declaration that the thousands of people who signed the referendum petitions have acted unwisely, and it is suggested that we enact legislation that would circumvent their constitutional rights. This Jeffersonian concept of the ultimate rights of the electorate is being thwarted in favor of the Hamiltonian concept of government by the few.

The subject is discussed by our Court of Appeals in the case of Board of Education of Frederick County vs. Mayor and Aldermen of Frederick, 194 Md. 170, where it is said at page 176: "The Referendum Article of the Constitution was submitted to the people of the state by the Act of 1914, Chapter 673, and was ratified by the voters on November 2, 1915. In a case involving the provisions of this article, decided in 1917, there is contained a discussion of its purposes. It was stated that, after the Civil War, abuses began to creep into legislation, which were alleged to have grown out of the control of the legislators by great corporations and by political parties, by means of which it was felt that the government was prostituted to corrupt and selfish purposes. Proposals were made to abolish the principle of representation and to adopt the principle of initiation of legislation by the people, and the principle of referring legislation already adopted by the Legislature to the people. The last of these proposals was adopted by this state in the Referendum Amendment, and this Court said *'The referendum, broadly speaking, is the reservation by the people of a state, or local subdivision thereof, of the right to have submitted for their approval or rejection, under certain prescribed conditions, any law or part of a law passed by the law-making body.* It was designed as a modification of, or as a supplement to the principle of representation with which we had long been familiar, and it was claimed for it that it would prevent the recurrence of many of the abuses to which we have referred'. Beal v. State, 131 Md. 669 at pages 678, 103A. 99, at page 102."

Article XVI says there could be no referendum which will stay an emergency law. The two Acts with which we are concerned were not enacted as emergency laws and therefore the General Assembly indicated clearly that no emergency existed. If the present session is called on the basis of an alleged emergency, it can only be an attempt to destroy the power of referendum reserved to the people of the State of Maryland. The referendum is constitutional right, the purposes of which have been clearly set forth in the above quotation of the Court of Appeals.

As to the Act providing for the Municipal Court, there is a further objection that the emergency session is improper in that its manifest purpose is to enact a so-called emergency bill in defiance of Article XVI, Section 2 of the Maryland Constitution, which provides "that no measure creating or abolishing any office, or changing the salary, term of duty of any officer, or granting any franchise or special privilege, or creating any vested right or interest, shall be enacted as an emergency law".

In the leading case of Dorsey vs. Petrott, 178 Md. 230, 13 A. (2d) 630, the Court pointed out that the purpose of this quoted clause is to obviate the public and private uncertainty, disorder and confusion which would result from an emergency measure which might create or abolish an office, or change the salary, term or duty of an officer, or grant a franchise or special privilege, or create a vested right or interest, merely from the time of its passage, since an emergency act is effective from that date, until, by virtue of a referendum, it would "stand repealed