

COURT OF APPEALS OF MARYLAND

No. 9, October Term 1937

William S. Norris, et al,

vs.

Mayor and City Council of Baltimore,
a corporation.

Appeal from the Circuit Court No. 2 of
Baltimore City.

Filed: April 24, 1937.

Advanced and Argued at the April Term,
1937.

May 26, 1937, Decree affirmed with costs.

Opinion filed. Op.- Offutt, J.

June 17, 1937, Decree filed.

Appellant's Cost in the Court of Appeals of Maryland,

Record	\$ 52.50	
Briefs (2)	\$ 103.50	
Appearance Fee	\$ 10.00	
Clerk's Costs	\$ <u>2.45</u>	\$168.45

Appellee's Cost in the Court of Appeals of Maryland,

Brief	\$ 78.00	
Appearance Fee	\$ 10.00	
Clerk's Costs	\$ <u>.75</u>	<u>88.75</u> \$257.20

STATE OF MARYLAND, Sct:

I, James A. Young, Clerk of the Court of Appeals of Maryland, do hereby certify that the foregoing is truly taken from the record and proceedings of the said Court of Appeals.

In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal
of the Court of Appeals, this ----- ninth -----
day of ----- October ----- A. D. 1937

James A. Young Clerk
of the Court of Appeals of Maryland.

William S. Norris, et al,	:	In the Court of Appeals of
	:	
v.	:	Maryland
	:	
Mayor and City Council of	:	October Term, 1937, (Advanced)
Baltimore, a Corporation.	:	No. 9.
	:	

THE APPEAL in the above entitled case, standing ready for hearing, was argued by counsel for the respective parties, and the proceedings have since been considered by the court.

It is thereupon on this 17th day of June, 1937, by the Court of Appeals of Maryland, and by the aurhority thereof, adjudged, ordered and decreed that the decree dated April 23rd, 1937, of the Circuit Court No. 2 of Baltimore City, be and the same is hereby affirmed with costs.

Carroll T. Bond.
 Chief Judge
 For the Court

Filed: June 17, 1937.

469 ²⁰²/₁₉₃)

William J. Morris

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Mayor and City
Engineer
Baltimore

Murphy

H 222402

12

Feb 11 October 1931

WILLIAM S. NORRIS,
PLAINTIFF

vs.

Mayor and City Council of Balti-
more, a corporation,
DEFENDANT

IN THE
CIRCUIT COURT NO. 2
OF BALTIMORE CITY

: : : : : :

PETITION
of
ELEANOR E. SMITH, a taxpayer

: : : : : :

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Your Petitioner, Eleanor E. Smith, a taxpayer, by
Stewart Brown, her Solicitor, respectfully shows unto your Honor:

1. That on April 13th a Bill of Complaint was filed
in the above entitled suit averring in Paragraph 1 thereof that
said suit was brought on behalf of the Plaintiff therein, and
all other taxpayers who may become parties to the proceeding,
and contribute to the expenses of this suit.

2. That your Petitioner is a citizen of the State of
Maryland and a taxpayer of the City of Baltimore.

3. That your Petitioner says that the matters and
facts set forth in paragraphs (2) through (8) inclusive of the
Bill of Complaint heretofore filed on behalf of William S. Norris
and all other taxpayers who become parties thereto are true to
the best of her information, knowledge and belief and that she
therefore joins in the prayers for relief set forth in said Bill
reserving to herself the right to Petition this Honorable Court
on her own behalf with regard to the said Bill of Complaint in
so far as her rights are affected and to otherwise participate
in these proceedings as a party Plaintiff.

TO THE END THEREFORE:

1. That your Petitioner may intervene and be made a
party Plaintiff in these proceedings.

2. And that your Petitioner may have such other and
further relief as equity and this case require.

May it please your Honor to sign an Order joining your
Petitioner as a Party Plaintiff in these proceedings.

And as in Duty Bound, etc.

Eleanor E. Smith
Petitioner.

Stewart Brown
Solicitor for Petitioner.

STATE OF MARYLAND)
CITY OF BALTIMORE) ss.

On this 16th day of April, 1937, personally appeared
before me Eleanor E. Smith, who acknowledged that she had signed
the foregoing Petition and stated that the matters and facts set
forth therein are true to the best of her knowledge, information
and belief.

AS WITNESS, my hand and Notarial Seal.

Francis M. C. Pritchard
Notary Public.

WILLIAM S. NORRIS,

PLAINTIFF

vs.

Mayor and City Council of Baltimore, a corporation,

DEFENDANT

IN THE

CIRCUIT COURT NO. 2

OF BALTIMORE CITY

: : : : : :

O R D E R

: : : : : :

Upon the foregoing Petition and Affidavit it is O R D E R E D, this 19 day of April, 1937, by the Circuit Court No. 2 of Baltimore City, that ELEANOR E. SMITH be joined as a party Plaintiff in this suit she to bear her proportionate share of the costs of this suit.

Paul H. Dennis
JUDGE.

46 A 202/1937
IN THE

CIRCUIT COURT NO. 2

OF BALTIMORE CITY

46A 202
1937
WILLIAM S. NORRIS,

PLAINTIFF,

vs.

MAYOR AND CITY COUNCIL OF BALTI-
MORE, a corporation,

DEFENDANT.

P E T I T I O N
of Eleanor E. Smith, a taxpayer,
to be made a PARTY PLAINTIFF
A N D O R D E R

Mr. Clerk:

7
Please file, etc.

Solicitor for Petitioner.

fd 19 April 1937

WILLIAM S. NORRIS, Plaintiff,	:	IN THE
	:	
vs.	:	CIRCUIT COURT NO. 2
	:	
MAYOR and CITY COUNCIL OF	:	OF BALTIMORE CITY
BALTIMORE, a corporation,	:	
Defendant.	:	

- - -

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Bill of Complaint of William S. Norris, plaintiff, respectfully represents:

(1) That plaintiff is a taxpayer of the City of Baltimore and State of Maryland, and brings this suit on behalf of himself, and of all other taxpayers who may become parties to this proceeding and contribute to the expenses of this suit.

(2) That the General Assembly of Maryland at the January Session in the year 1937 duly enacted an Act, hereinafter sometimes referred to as the "Voting Machine Act", being Chapter 94 of the Acts of 1937, approved March 24, 1937, which is described in the title thereto as follows:

"AN ACT to repeal and re-enact with amendments Section 224 of Article 33 of the Annotated Code of Public General Laws of Maryland (Edition of 1924), title 'Elections', sub-title 'Voting Machines', relating to the use of voting machines; to repeal and re-enact with amendments Section 224A of Article 33 of the Annotated Code of Public General Laws of Maryland (1935 Supplement) title 'Elections', sub-title 'Voting Machines', providing for the purchase and use of voting machines at elections in Baltimore City, for the appointment of a board to purchase voting machines for use in Baltimore City, for reduction in the number of and change in the boundaries of election precincts in Baltimore City, for the elimination of clerks of election where voting machines are used, for the preparation and form of ballots for use in voting machines, for the time allowed each voter in the use of voting machines, for the duties of election officials, for inspecting voting machines used in contested primary elections, for the time of opening and closing of polls where voting machines are used, and to add nineteen sections to said Article 33 under said sub-title 'Voting Machines', to be known as Sections 224E to 224W, inclusive, of said Article, defining certain terms used in said sub-title, fixing certain requirements as to the nature and construction of voting machines to be acquired and used, and the form of ballot labels to be used on said machines, providing for the preparation of voting machines by the Supervisors of Election, and the delivery of said voting machines and supplies by said Supervisors to the judges of election, providing for the instruction of judges of election and for the

examination of voting machines in the polling places and the final preparation thereof, providing for instruction of voters before an election, and instruction and assistance of voters on election day, prescribing the manner of voting in primary elections by the use of such machines and the manner of voting for Presidential electors, providing for the canvass of the vote and the disposition of the machines after the election, and for the return of the votes, providing for a re-canvass of the vote, and for the custody of the voting machines and the keys thereof, prescribing penalties, providing for the applicability of the election laws, and for the validity of such portions of this Act as shall not be declared unconstitutional in case other portions thereof shall be declared unconstitutional, and providing for the repealing of laws or portions of laws in conflict herewith, and declaring this Act to be an emergency law."

(3) That by Section 1 of the said Act, Section 224A of Article 33 of the Code is amended and a board to be composed of the members for the time being of the Board of Estimates of Baltimore City and of the Board of Supervisors of Elections of Baltimore City is created and the said Board is empowered and directed to purchase a sufficient number of voting machines for use in all polling places throughout Baltimore City at all primary, general, special and other elections held or to be held in said City after the first day of January, 1938; and the said Section 224A, as amended, further provides that the expenses incurred by said Board and the cost of such voting machines shall, upon requisition of said Board, be audited by the Comptroller of Baltimore City, who is directed to pay the same by warrant drawn upon the proper officers of said City.

(4) That Section 4 of the said Act provides:

"SEC. 4. And be it further enacted, That this Act is hereby declared to be an emergency law within the scope and meaning of Chapter 5 of the Laws of Maryland, Special Session 1936, and necessary as a police measure for the immediate regulation of elections in Baltimore City; and having been passed by 'yea' and 'nay' vote supported by three-fifths of all of the members elected to each of the two Houses of the General Assembly, the same shall take effect from the date of its passage."

(5) That elections to the present date have been carried on in the City of Baltimore in accordance with the general election law as set forth in Maryland Code, Article 33 prior to the present amendment; that the voters in Baltimore are accustomed to voting by means of a printed ballot under the detailed provisions of the said law and the regulations established by the Attorney General in com-

pliance with Article 33, Section 131 of the Maryland Code; that through many years of similar procedure in observance of the said election laws and regulations, the supervisors of election of Baltimore City together with the hundreds of judges of elections and clerks are thoroughly acquainted with the present law and the City is equipped with the means and appliances such as booths, ballot boxes, etc. as are necessary under the said law and the various wards, and legislative districts and Congressional districts have been divided into precincts which are suitable in size for the operation of election machinery as it existed under the general election laws of the State of Maryland prior to the passage of the said Act; *that in the last 10 years all elections primary general & special in Baltimore City have been conducted in an orderly & peace-ful nature,* that no sudden change of events, has occurred in the City which has rendered the said election machinery and law in its said form any less suitable for elections to be held therein, than it has been in the years past to the present date; that while it is alleged in said Act that the use of voting machines in elections is beneficial to the public and will be more economical than the use of paper ballots and will insure prompt returns of elections, afford secrecy in voting, prevent despoiling of ballots and assure an accurate account of votes cast therefor, none of the said reasons are sufficient to justify the General Assembly of the State of Maryland or the City of Baltimore to declare that an emergency as described in said Section 4 of the Act exists, and plaintiff therefore avers that whether or not voting machines will accomplish the said purposes so alleged by the legislature, no such emergency does exist.

(6) That the City Council of Baltimore passed an Ordinance No. 694 of the Ordinances of the year 1937, which was approved by the Mayor of said City on the 13th day of April, 1937, which purports to authorize Baltimore City to issue negotiable and non-negotiable obligations in an amount not exceeding \$1,250,000. to be used for the sole purpose of meeting requisitions of the Board created by the said Voting Machine Act. A copy of said Ordinance marked "Plaintiff's Exhibit No. 1" is attached hereto and made part hereof.

(7) That the defendant City proposes forthwith to issue the

obligations and borrow an amount not exceeding \$1,250,000. for use as described in said Ordinance and will do so unless restrained by this Honorable Court.

(8) That the said proposed action of the defendant City by its agents and servants is beyond the power of the defendant City and is illegal and void for the following reasons:

(a) That said Ordinance purports to authorize the issue of obligations for other than temporary indebtedness in an amount not exceeding \$1,250,000. without the passage of an enabling act of the General Assembly of Maryland and without the submission of the said Ordinance to the legal voters of the City of Baltimore in violation of Article 11, Section 7 of the Constitution of Maryland which provides in part:

"No debt (except as hereinafter excepted), shall be created by the Mayor and City Council of Baltimore; nor shall the credit of the Mayor and City Council of Baltimore be given or loaned to, or in aid of any individual, association, or corporation; nor shall the Mayor and City Council of Baltimore have the power to involve the City of Baltimore in the construction of works of internal improvement, nor in granting any aid thereto, which shall involve the faith and credit of the city, nor make any appropriation therefor, unless such debt or credit be authorized by an Act of the General Assembly of Maryland, and by an ordinance of the Mayor and City Council of Baltimore, submitted to the legal voters of the City of Baltimore, at such time and place as may be fixed by said ordinance, and approved by a majority of the votes cast at such time and place."

And the said Ordinance is therefore illegal and void.

(b) That said Ordinance purports to authorize the issue of said obligations without authorization by an Act of the General Assembly of Maryland and without submission to the legal voters of the City of Baltimore on the ground that it is within the exception of Article 11, Section 7 of the Constitution of Maryland which reads as follows:

"but the Mayor and City Council may borrow any amount at any time to provide for any emergency arising from the necessity of maintaining the police or preserving the health, safety and sanitary conditions of the City."

But plaintiff alleges that the purpose for which said Ordinance is

passed and said loan authorized, to wit, to meet requisitions of the Board creating under said Voting Machine Act, is not within the meaning of said exception; and the said Ordinance is, therefore, illegal and void.

(c) That the said Ordinance purports to authorize the issue of said obligations under and by reason of the authority of Article 25-B of the Charter of Baltimore City (being Chapter 5 of the Laws of Maryland, Special Session 1936) which provides in part that the defendant City shall have the power

"To borrow any amount of money at any time to provide for any emergency arising from the necessity of maintaining the police or preserving the health, safety and sanitary condition of the City; to declare by ordinance the existence of such an emergency, and provide, by ordinance, for the creation of municipal debt, temporary or otherwise, for such amount as may be required to meet the same, and the form and character of the loan, or loans, whether temporary or otherwise, and the terms of the security, or securities, to be issued by the City therefor.

x x x x

"Indebtedness, temporary or otherwise, may be created pursuant to this power without the previous authority of the General Assembly of Maryland or submission to or approval by the legal voters of the City of Baltimore."

But plaintiff alleges that the purpose for which said Ordinance was passed and the issue of said obligations authorized, to wit, to meet requisitions provided for in the said Voting Machine Act, is not a provision for an emergency arising from the necessity of maintaining the police or preserving the health, safety and sanitary conditions of said City within the meaning of said provision of the Charter; and the said Ordinance is ultra vires and void.

(d) That said Ordinance purports to authorize the issue of said obligations under Article 25-B of the Charter of Baltimore City as aforesaid but fails to provide for the discharge of said indebtedness within the period of forty years from the time of contracting the same as required by the provision of said Article 25-B which reads

"Such ordinance shall provide, as to any other than temporary indebtedness, for the discharge thereof within the period of forty years from the time of contracting the same."

(e) That the said Ordinance purports to authorize a loan for the "sole purpose of meeting requisitions of the said Board so created and constituted by Section 224A of Chapter 94 of the Laws of Maryland of 1937" (being the Voting Machine Act as aforesaid); that the said Voting Machine Act was passed and approved by the Governor of Maryland on the 24th day of March, 1937; that the said Voting Machine Act by Section 4 thereof provides that it shall take effect from the date of its passage and does not contain a section declaring the Act to be an emergency law and necessary for the immediate preservation of the public health and safety; that the said Act is therefore in violation of the provisions of Article 16, Section 2 of the Constitution of Maryland which provides in part as follows:

"No law enacted by the General Assembly shall take effect until the first day of June next after the session at which it may be passed, unless it contain a Section declaring such law an emergency law and necessary for the immediate preservation of the public health or safety,"

That the said Act is not an emergency law within the meaning of the said provision of the Constitution and that the said Voting Machine Act is, therefore, void, or at most, cannot take effect until the first day of June, 1937; that the said Ordinance authorizing expenditures as provided in said Act is therefore void.

(f) That the Voting Machine Act provides for the exclusive use of voting machines at all primary, general, special and other elections, held or to be held in the City of Baltimore after the first day of January, 1938; that the said provision is in violation of Article 1, Section 1 of the Constitution of Maryland which provides in part as follows:

"All elections shall be by ballot."

That the said Voting Machine Act is therefore wholly void and the Ordinance providing for expenditures required by the said Act is also

illegal and void.

(g) That with the exception of the amendment of Section 224 of Article 33 of the Maryland Code (1924 Edition), the said Act is made applicable only to the City of Baltimore and is not applicable to the counties of the State of Maryland; that there is already in existence a general code of election laws, to wit, Maryland Code, Article 33, and in particular general provisions for voting by printed ballot, and counting the ballots so cast, in all primary, general, special and other elections in the State of Maryland; that the said Voting Machine Act, with the exception of the amendment to Section 224 of Article 33 of the Code, is therefore a special law within the meaning of Article III, Section 33 of the Constitution of Maryland which provides as follows:

"And the General Assembly shall pass no special law for any case for which provision has been made by an existing general law."

That the said Act with the exception of the amendment to Section 224 as aforesaid is, therefore, unconstitutional and void; and the said Ordinance is therefore illegal and void.

Your Orator is, therefore, advised and alleges that the said action of the defendant City in proposing to issue obligations under said Ordinance No. 694 of the Ordinances of the year 1937 is unlawful; and the plaintiff states that a remedy at law is inadequate and that the plaintiff and other taxpayers of the City of Baltimore will suffer irreparable damage unless this Honorable Court grant the relief herein prayed.

TO THE END, THEREFORE:

(1) That this Honorable Court shall declare the said Ordinance No. 694 of the Ordinances of the year 1937 of the Mayor and City Council of Baltimore to be invalid.

(2) That the said Chapter 94 of the Acts of 1937 (hereinbefore referred to as the Voting Machine Act), and each and every

IN THE
CIRCUIT COURT NO. 2
OF BALTIMORE CITY

464 202

WILLIAM S. NORRIS, *1937*
Plaintiff

vs

MAYOR and CITY COUNCIL OF
BALTIMORE,
Defendant

BILL OF COMPLAINT

10702400

Mr. Clerk:

Please docket and file.

Charles G. Page
Solicitor for Plaintiff

CHARLES G. PAGE
ATTORNEY AT LAW

fd 13 against 1937

BALTIMORE, MD.

LUCAS BROS., INC., BALTIMORE

William C. Norris

vs.

Mayor and City Council of Baltimore

a Municipal Corporation.

IN THE

Circuit Court No. 2

-OF-

BALTIMORE CITY

46A202

The Defendant by R. E. Lee Marshall

its Solicitor, applies to have the above entitled cause placed in the Trial Calendar for a hearing on Demurrer

In conformity with the First Equity Rule.

R. E. Lee Marshall

Solicitor for Defendant

120

42

Circuit Court No. 2

202
1937

DOCKET No. 46 A

William C. Norris

vs.

Mayor and City Council of

Baltimore, A Municipal Corporation

Motion for Hearing

No. 222409
5

Filed 14th day of April, 1937

EQUITY SUBPOENA

The State of Maryland

To

*Mayor and City Council
of Baltimore*

of Baltimore City, Greeting:

WE COMMAND AND ENJOIN YOU, That all excuses set aside, you do within the time limited by law, beginning on the second Monday of May, next, cause an appearance to be entered for you, and your Answer to be filed to the Complaint of

William D Morris

against you exhibited in the CIRCUIT COURT No. 2 of BALTIMORE CITY.

HEREOF fail not, as you will answer the contrary at your peril:

WITNESS, the Honorable SAMUEL K. DENNIS, Chief Judge of the Supreme Bench of Baltimore City, the 8 day of March, 19 37
Issued the 13 day of April, in the year 19 37

John P Pleasant
Clerk.

MEMORANDUM:

You are required to file your Answer or other defense in the Clerk's Office, Room No. 235, in the Court House, Baltimore City, within fifteen days after the return day. (General Equity Rule 11.)

SERVICE OF COPY ADMITTED

THIS 14 DAY OF April 1937

R. E. Lee Marshall
City Solicitor

P 781

Circuit Court No. 2

207

1937

a 46
DOCKET No.

William L. Morris

vs.

Mayor and City Council
of Baltimore

SUBPOENA TO ANSWER BILL OF COMPLAINT

Pro

No. 22240

copy 3 equid

Filed 19 day of April, 1937

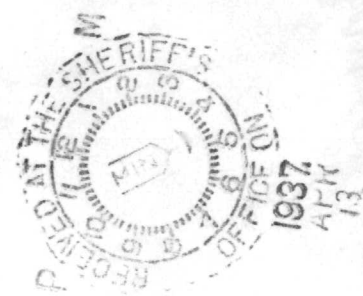
Charles G Page
Solicitor.

3

Summond the Mayor and City Council of
Baltimore, a municipal corporation and a
copy of the process left with R. E. Lee Marshall
the City Solicitor
Joseph C. Keenan
Sheriff

Keenan
4/14/37

File 1/15



William D Morris

vs.

*Mayor and City Council
of Baltimore*

IN THE

Circuit Court No. 2

—OF—

BALTIMORE CITY

Upon application made by the Solicitor for the

defendant

the above entitled cause has been placed upon the Trial Calendar in accordance with the provisions of the

First Equity Rule, and the same will stand for hearing on

demure

when reached in due course on the said calendar.

JOHN PLEASANTS,

Clerk Circuit Court No. 2.

54 Central Law Book Bldg.

SERVE ON

Charles G. Page
Sdr

Circuit Court No. 2
2027
1937 DOCKET No. 46

William J. Honis

vs.

Mayor and City Council
of Baltimore

NOTICE AS TO HEARING

(1)

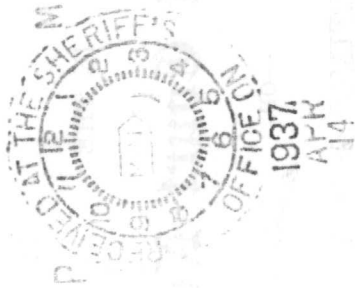
No. 22240 a
copy signed

Filed 14 April 1937

Copy of the within Notice served on
Charles G. Page, Solicitor on the 16th
day of April 1937 in the Presence of
Christopher Myers

Joseph C. Deegan
Sheriff

Geo. P. W.



WILLIAM S. NORRIS,
COMPLAINANT

VS.

MAYOR AND CITY COUNCIL
OF BALTIMORE,
RESPONDENT.

IN THE
CIRCUIT COURT NO. 2
OF BALTIMORE CITY.

HEARING ON DEMURRER TO BILL
OF COMPLAINT.

This is one of those rare cases of importance and intricacy, beautifully presented by able, learned counsel on all the points involved in their oral arguments, supplemented by candid helpful briefs, which add to the pleasure and satisfaction of a Judge's days in Court.

The controversy was conceived and presented without any trace of acrimony^{ony;}; and was brought by Mr. Norris in a public spirited effort to test the validity of a recent Legislative Act, and an ordinance of the Mayor and City Council, which among other things provides for a fund of \$1,250,000.00 to meet the cost of setting up a new system of conducting elections in Baltimore with the aid of voting machines.

It is a matter of great regret that the necessity of having the points raised finally decided by appeal to the Court of Appeals at once denies this Court a fair opportunity to prepare a better reasoned and more praiseworthy opinion.

Mr. Norris, a taxpayer, prays in his Bill of Complaint that the creation of the City debt contemplated be enjoined. The City has demurred to his Bill of Complaint.

The General Assembly of 1937, passed an Act, Chapter 94, which may be called the Voting Machine Act, approved March 24th, 1937.

The purpose of the Act is to require that at all elections held in Baltimore City after January 1st, 1938, that the old method of conducting elections by paper ballots, etc. be abandoned and that in lieu thereof voting machines be used; that voters registering their choice of candidates shall thereafter be restricted to the use of those now familiar machines.

It is profitless to refer to all the provisions of the elaborate Act and the ordinance. To be brief, the Act creates a joint board composed of the Supervisors of Elections and Board of Estimates, and said Board is empowered and directed to buy voting machines for use in all polling places at all elections held after January 1st, 1938, at the cost of the Mayor and City Council. The cost will be heavy, perhaps \$1,250,000.00.

Chapter 94 was intended by the General Assembly to be passed as an emergency Act, to take effect at once. Section 4 thereof reads:-

"Sec. 4. And be it further enacted, that this Act is hereby declared to be an emergency law within the scope and meaning of Chapter 5 of the Laws of Maryland, Special Session 1936, and necessary as a police measure for the immediate regulation of elections in Baltimore City; and having been passed by 'yea' and 'nay' vote supported by three-fifths of all of the members elected to each of the two Houses of the General Assembly, the same shall take effect from the date of its passage."

Mr. Norris objects to the validity of Chapter 94, Acts of 1937 on several grounds.

The first is that the enacting section is not in conformity with the text of Sec. 2 of Art. XVI of the Constitution. Wherefore the act can not become effective until June 1st, 1937.

Section 2 of Art. XVI provides that:-

"No law enacted by the General Assembly shall take effect until the first day of June next after the Session at which it is passed, unless it contains a section declaring such law to be an emergency law and necessary for the immediate preservation of the public health or safety, and passed upon a yea and nay vote supported by three-fifths of the members elected" etc.

Fault is found with Section 4, quoted above, because it omits the words of the Constitution "preservation of public health or safety." Section 4 incorporates by reference Chapter 5, Acts of 1936, which is an amendment to the City Charter, and enlarges the power of the Mayor and City Council. It reads:-

" (25-B) To borrow any amount of money at any time to provide for any emergency arising from the necessity of maintaining the police or preserving the health, safety and sanitary

condition of the City; to declare by ordinance the existence of such an emergency, and provide, by ordinance, for the creation of municipal debt, temporary or otherwise, for such amount as may be required to meet the same, and the form and character of the loan, or loans, whether temporary or otherwise, and the terms of the security, or securities, to be issued by the City therefor. Such ordinance shall provide, as to any temporary debt authorized or provided therein, for the conversion, discharge or payment thereof, or of any part thereof remaining unpaid or unprovided for, at the close of each fiscal year, by the issue of certificates of indebtedness in such amount as may be necessary to convert, discharge or pay any such temporary indebtedness unpaid or unprovided for prior to the passage of the annual Ordinance of Estimates for the next succeeding year. Such ordinance shall provide, as to any debt other than temporary indebtedness, for the discharge thereof within the period of forty years from the time of contracting the same. Indebtedness, temporary or otherwise, may be created pursuant to this power without the previous authority of the General Assembly of Maryland or submission to or approval by the legal voters of the City of Baltimore." (Italics supplied)

"Section 2. And be it further enacted, That this Act is hereby declared to be an emergency law and necessary for the immediate preservation of the public health and safety; and having been passed by "yea" and "nay" vote supported by three-fifths of all of the members elected to each of the two Houses of the General Assembly, the same shall take effect from the date of its passage."

The Constitution is not to be construed in a technical manner, but in ascertaining its meaning consideration must be given to what appears to have been the understanding i.e. intent of the people when they adopted. Jackson vs. State 87 Md. 191; Mayor vs. State, 15 Md. 376; ^{ISAAC} ~~State~~ Bandel vs. State 13 Md. 202; McMullen vs. Sheppard, 133 Md. 157.

In construing Acts of Assembly in the light of the Constitution every reasonable intendment must be made to enable both to stand. Co. Com. vs. Meekins, 50 Md. 28.

The letter and the spirit of the Statute must be given effect. Roland Park Co. vs. State, 80 Md. 448. Every presumption favors the validity of a statute. Painter vs. Balto County, 119 Md. 466; and they are to be held valid unless so manifestly in conflict with some provision of the Constitution that no discretion is left to the Courts but to decide against them. McCurdy vs. Balto.

Co. 126 Md. 318; Heller vs. State, 124 Md. 385; Thrift vs. Laird, 125 Md. 55; Ruehl vs. State, 130 Md. 188; Gregg vs. Public Service Com. 121 Md. 1.

It was the manifest intent of the Legislature to make the Act of 1937 an emergency measure within the Constitution. It would be a cramped interpretation of the Act and the Constitution which would defeat the intent of both should the Court accept Mr. Norris' view, and would violate the canons of construction announced by the Court of Appeals in the cases cited above.

The sum of the text of Chapter ~~34~~, Acts of 1937, plus the reference to Chapter 5, Acts of 1936 - itself an emergency measure - meet in substance, and almost in form, the literal provisions of Art. XVI Sec. 2 of the Constitution.

The Second ground of attack is that there is in fact no emergency for the immediate preservation of the public health or safety, that the next election will not occur before 1938, and that elections since the beginning of our State Government have been conducted with the aid of paper ballots, will so continue in the Counties, and for the last decade at least have been conducted in Baltimore with propriety, and surely without prejudice to the public health or safety.

It has been decided that in the case of an Act which (like the Act of 1937) is within the referendum provision of the Constitution, the question whether an emergency in fact exists is for the Legislature, and its determination in that regard is final, and not reviewable by the Courts. Culp vs. Chestertown, 154 Md. 620.

It must be admitted that the matter of elections is intimately associated with the general welfare and affects the integrity of elections and public officials. It is of the essence of the police power. It will also be as readily admitted that legislation which bears a reasonably relation to the exercise of the police power is immune from judicial inquiry as to the reasons, results, wisdom or actual necessity therefor. In short having legislated within

its jurisdiction the truth or error of the Legislature's declaration of fact cannot lawfully be opened to inquiry by the Courts. The Legislative fiat is final. State vs. Hyman 98 Md. 596; Mt. Vernon Woodberry Co. vs. Frankford Ins. Co. 111 Md. 561; Jones vs. Gordy, 169 Md. 180; Construction Co. vs. Jackson, 152 Md. 671.

In declaring, by Chapter 94 Acts of 1937, an emergency to exist the General Assembly was simply exercising the power granted it by Art. XVI Sec. 2 of the Constitution. No authority is known which can interfere with the Legislature when doing precisely those things which the Constitution unequivocally says it may do.

On the contrary, where a statute is within the Constitutional powers of the Legislature, its exercise of such powers can not be reviewed or controlled by the Courts. McGaw vs. Merryman, 133 Md. 247.

That plenary power resides in the Legislature for all purposes of civil government is the rule; a prohibition to exercise a particular power is an exception. Painter vs. Baltimore Co. 119 Md. 466.

The power to decide whether a given use of property imperils the public order, security, health or morals, so as to justify depriving the owners of such use is vested in the Legislature. And while the policy, wisdom or expediency of the legislation enacted under the police power are for the Legislature to decide, whether the legislation is within the police power is for the Courts to decide. Tighe vs. Osborne, 149 Md. 350.

The third ground of attack is that the Act is repugnant to Art. 1 Section 1 of the Constitution, which provides that "All elections shall be by ballot." What is a ballot or elections by ballot?

Applying his gift for research, Mr. Page has traced back ^{to} its origin ^{the} ~~and~~ meaning of the word "ballot" with an energy the Court will make no attempt to equal, and to an extent which can best be described in the late Judge Phelps' sonorous passage (largely wasted on his law students) in defining the "Genesis of Equity:

Research into the origin of institutions, when pressed back to the initial stage from which all development issues, gropes in the twilight of a strange and rudimentary condition, and is sometimes lost in myth."

It is sufficient perhaps for the Court to call attention to the words ~~modern~~ ^{modern} measure of thought. The word "ballot" is defined in Bouvier's Law Dictionary as "originally a ball used in voting; hence a piece of paper or other thing used for the same purpose. The act of voting by balls or tickets." The same authority defined elections or voting by ballot to mean: "Voting by ballots is by a ticket or ball, and secrecy is an essential part of this manner of voting. 9 S.C. 94; 27 N.Y. 45; 4 Vt. 535; 26 Minn. 107."

Mr. Norris says in substance that voting by pushing buttons on a machine is not voting by ballot; that from time immemorial voting by ballot in Maryland Elections, (except for the limited permissive use of voting machines) has been by paper ballot. While it is conceded that the definitions of the word ballot do not restrict it to paper ballots, that balls were first used for ballots, that the decisions in other jurisdictions having the like constitutional provisions as has Maryland, (quoted above) it is nevertheless contended that our position is unique, that Maryland is definitely committed to the conception that a ballot means a paper ballot. Ground for that contention is furnished by the provision of the Constitution Art. XVI Sec. 5(b) which provides that all measures voted upon by the people "Shall be submitted separately on the ballots to the voters of the people."

It is urged that the language quoted connotes a printed paper ballot.

It is just as convenient mechanically to post the measure to be voted on before the voter using a voting machine. He gets the same information the one way as the other. It would seem clear, independent of precedent, that the "Voting by ballot" provision of the Constitution is as easily and fully gratified by the use of a voting machine as by a paper ballot.

The decisions elsewhere are uniform in holding that votes are cast by ballot, whether the voter drops a paper ballot in the box (as now) or punches a button which automatically, accurately and secretly expresses his choice of candidates. See:- Automatic Reg. Co. vs. Griem, 121 Ohio State, 301 - reversing the lower Court; Lynch vs. Malley, 215 Ill. 574. Apparently balloting by voting machines has been held lawful in Illinois, Indiana, Iowa, Michigan, New York, Washington, Rhode Island, Ohio, Montana and Minnesota. Voting machines have been in occasional permissive use in Baltimore for several years without question or complaint of illegality. The Court is unable to accept the view that "Election by ballot" necessarily means a paper ballot.

The fourth contention is that the Act of 1937, Chapter 94, is a special law, because it requires the use of voting machines exclusively in Baltimore, and not elsewhere; and the Election Supervisors in the City and Counties by an existing "general law" Act of 1914, Ch. 513 (Code Art. 33 S.S. 222, 223, 224) ^{are} granted the permissive use of such machines. Hence, it is argued the Act is void because contrary to Art. III, Section 33 of the Constitution, which provides that "The General Assembly shall pass no special law for any case for which provision has been made by an existing General Law."

In the Court's opinion Chapter 94, is a Public Local Law, and a Public Local Law is valid though opposed to a public general law. Crisfield vs. C. & P. Tel. Co. 131 Md. 444.

The distinction between local and special laws is this: Local laws apply to all persons within the territorial limits prescribed by the Act, whereas a special law applies to particular persons or things of a class. Prince George's Co. vs. B & O. R.R. 113 Md. 179; Littleton vs. Hagerstown, 150 Md. 163; Police Pension Cases, 131 Md. 315; Grossfield vs. Baughman, 148 Md. 330.

One important reason for the provision of the Constitution against special legislation is to prevent one who has sufficient

influence to secure legislation from getting an undue advantage over others. The object of the provision is to prevent discrimination. Baltimore vs. U. Ry. Co. 126 Md. 39. Special laws as contemplated by the Constitution, are those which provide for individual cases. To make a statute a public law it is not necessary that it shall apply equally to all parts of the State. All that is required is that it shall apply to all persons within the territorial limits described in the Act. State vs. Co. Com. of Balto. Co. 29 Md. 512.

A further difficulty the Court finds in agreeing with Mr. Norris is due to the fact that the existing permissive use law, the Act of 1914, was repealed insofar as Baltimore City is concerned by Chapter 94, Acts of 1937. The Act of 1914 does not cover the field which the Act of 1937 covers. The wider scope and exclusive operation of the later law is in marked contrast to the restricted, discretionary, ineffective provisions of the old State wide law. There never was any State wide or general law or local law therefore compelling the use of voting machines. The question, the Court thinks was settled by the cases cited and by Hamilton vs. Carroll, 82 Md. 337; County Com. vs. Meekins, 50 Md. 28; Lankford vs. Somerset Co. 73 Md. 105.

The Act of 1937, Chapter 94 is valid and effective as of the date of the Executive approval.

As to the ordinance, No. 694: The Act of 1937, Chapter 94 is not self-executing, in that it provides no fund to finance the voting machines system. In obedience to the mandate of that Act and to put the plan in operation the Mayor and City Council passed the ordinance No. 694, as a professed emergency measure, reading in part as follows:-

"AN ORDINANCE PROVIDING FOR THE CREATION OF A MUNICIPAL DEBT TO PROVIDE FOR AN EMERGENCY ARISING FROM THE NECESSITY FOR THE IMMEDIATE REGULATION OF ELECTIONS IN BALTIMORE CITY, AS A POLICE MEASURE, THROUGH THE PURCHASE OF A SUFFICIENT NUMBER OF VOTING MACHINES FOR THE CONDUCT OF ALL ELECTIONS TO BE HELD IN SAID CITY AFTER JANUARY 1, 1938; DESCRIBING THE TERMS OF THE SECURITY, OR SECURITIES, TO BE ISSUED BY THE CITY THEREFOR: AND DECLARING THE EXISTENCE OF AN EMERGENCY.

WHEREAS, by Chapter 94 of the Laws of Maryland of 1937, the Board therein constituted and created was authorized, empowered and directed to purchase a sufficient number of voting machines for use in all polling places throughout the City of Baltimore at all primary, general, special, and other elections, held or to be held in said City after the first day of January, 1938; and

WHEREAS, it was further provided, among other things, in and by said Act that the expenses incurred by said Board and the cost of such voting machines shall, upon the requisition of said Board, be audited by the Comptroller of Baltimore City and paid by him by warrant drawn upon the proper officers of said City; and

WHEREAS, said Act was further declared to be an emergency law within the scope and meaning of Chapter 5 of the Laws of Maryland, Special Session 1936, and necessary as a police measure for the regulation of elections in Baltimore City; and

WHEREAS, it will be impossible to provide such voting machines for the conduct of elections in Baltimore City after the first day of January, 1938, unless arrangements and financial provision for the purchase of the same are made immediately;

NOW THEREFORE:*

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That an emergency exists arising from the necessity of policing and providing for the orderly conduct of elections to be held in Baltimore City after January 1st, 1938, by making adequate provision for the cost and expense of purchasing a sufficient number of voting machines for use in all polling places throughout the City of Baltimore at elections held or to be held in said City after said date.

SECTION 2. BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore be, and it is hereby, authorized to issue negotiable or non-negotiable obligations, including certificates of indebtedness, of said Corporation to an amount not exceeding One Million, Two Hundred and Fifty Thousand Dollars (\$1,250,000.)."

Mr. Norris contends that the ordinance is void because it carries a debt creating provision which was not authorized by the General Assembly, is not to be submitted to the voters of Baltimore, and the retirement of the debt is not limited to forty years. Mr. Norris bases his contention upon Art. XI Sec. 7 of the Constitution, which reads:-

"Article XI, Section 7. From and after the adoption of this Constitution, no debt (except as hereinafter excepted), shall be created by the Mayor & City Council of Baltimore; nor shall the credit of the Mayor and City Council of Baltimore be given or loaned to, or in aid of any individual, association, or corporation; nor shall the Mayor and City Council of Baltimore have the power to involve the City of Baltimore in the construction of works of internal improvement, nor in granting any aid thereto, which shall involve the faith and credit of the City, nor make any appropriation therefor, unless such debt or credit be authorized by an Act of the General Assembly of Maryland, and, by an ordinance of the Mayor and City Council of Baltimore, submitted to the legal voters of the City of Baltimore, at such time and place as may be fixed by said ordinance, and approved by a majority of the votes cast at such time and place; but the Mayor and City Council may, temporarily, borrow any amount of money to meet any deficiency in the City Treasury, or to provide for any emergency arising from the necessity of maintaining the police, or preserving the safety and sanitary condition of the City, and may make due and proper arrangements and agreements for the renewal and extension, in whole or in part, of any and all debts and obligations created according to law before the adoption of this Constitution." (Italics supplied)

Unless the debt created is authorized by and falls within the exception (the emergency clause) of Article XI two of the contentions are unquestionably sound, and the ordinance is unconstitutional. Mayor & C. C. vs. Gill, 31 Md. 375; Stanley vs. M & C. C. 146 Md. 277.

It is apparent that full legislative power was prospectively conferred by the Legislature upon the Mayor & City Council to incur debts by Chapter 5, of the Acts of 1926, quoted above. The Act of 1926 is within the provisions of and in phraseology is almost identical with Article XI Section 7 of the Constitution quoted above.

The ordinance proceeds upon the theory that an emergency exists as does Ch. 94 of the Acts of 1937. If so, the ordinance is within the provisions of Article XI Sec. 7 of the Constitution, and the enabling Act, Chapter 5 of the Acts of 1936, and need not

be submitted to a referendum vote.

Mr. Norris contends that no emergency exists in fact; that the Courts have jurisdiction to inquire into existence of that fact, and declare the ordinance valid or void accordingly, otherwise all substantial protection afforded by Art. XI, Sec. 7 of the Constitution may be destroyed. That is to say if the declaration by the Mayor & City Council in its ordinance that such an emergency has arisen which will except the debt from submission to the legal voters of Baltimore is final and binding on the Court that the Mayor and City Council by assuming a counterfeit emergency may make ^{any} ~~any~~ loan desired without submission to the voters, and bankrupt the City; which power the Constitution does not afford and never intended.

All that can now be said is that the City authorities are presumed to obey the Constitution; that the Constitution, and that the statute, whether wisely or unwisely is beyond the power of the Court to determine, confers the power upon the Mayor & City Council to create an emergency debt and to determine when an emergency exists. It is superfluous to repeat as to the ordinance all that has been said as to the Act of 1937, where the same argument was made, for the same rules apply to both. The Court can not go back of an Act when nothing appears to indicate that the parliamentary body has exceeded its exclusive jurisdiction. The chain of Constitutional, legislative and municipal enactments considered are all ~~x~~ predicated upon the theory of an emergency. The Act of 1937 and the ordinance both declare an emergency to exist. That the Mayor and City Council acted within the ~~grant~~ of power conferred admits of no real doubt.

Within the police powers granted by the General Assembly to the Mayor & City Council, the necessity or propriety of their exercises rests exclusively with the corporate authorities; ~~but~~ it is ^{merely} the duty of the Courts to see that they do not transcend the authority delegated. State vs. Mott, 61 Md. 297.

In answer to the final objection to the ordinance, that it fails

to fix the discharge date of the debt of \$1,250,000.00 within forty years. The ordinance leaves the terms of the obligations to be fixed by the Commissioners of Finance in conformity with Section 41 of the City Charter. By Chapter 5, Acts of 1936 the Commissioners of Finance are restricted to a forty year term for any bonds authorized by them.

It would be unsound and unwise to hold the ordinance to be invalid because it fails to rehearse, repeat and reinclude existing provisions of law now controlling upon the Commissioners of Finance. They can be made no more effective if reenacted repeatedly.

The ordinance is, in the opinion of the Court, valid.

An Order will be signed ~~dismissing~~ dismissing the Bill of Complaint without leave to amend; since no useful ends can be served by amendment.

Filed April 23rd, 1937

David Dennis

IN THE ^{469 202}
CIRCUIT COURT NO. 2 ¹⁹³⁷

OF BALTIMORE CITY.

WILLIAM S. NORRIS

VS.

MAYOR & CITY COUNCIL OF
BALTIMORE.

O P I N I O N

Hearing on Demurrer to

Bill of Complaint.

W. S. Norris

MR. CLERK:

PLEASE FILE.

fd 23 April 1937

9

WILLIAM S. NORRIS,
Plaintiff,

VS.

THE MAYOR AND CITY
COUNCIL OF BALTIMORE,
Defendant.

:
:
:
:
:
:

IN THE

CIRCUIT COURT NO. 2 OF

BALTIMORE CITY

* * * * *

O R D E R

The above cause coming on to be heard on demurrer filed by the Mayor and City Council to the Bill of Complaint; argument of counsel having been heard, the Bill of Complaint and exhibits having been read and considered:-

It is thereupon ADJUDGED, ORDERED, and DECREED by the Circuit Court No. 2 of Baltimore City, this the 23rd day of April 1937, that the demurrer is hereby sustained, and the Bill of Complaint dismissed without leave to amend.

Robert H. Dennis
Judge

Handwritten notes in left margin:
April 23 1937

Handwritten notes in right margin:
Bill of Complaint
Dismissed
April 23 1937

In the Circuit

Case no 207
667 437

Wm S. Morris
Plaintiff

vs

The Mayor and
City Council

Defendant
7740 A

order of
court sustained
my demurrer
and
dismissed the
Bill of Complaint

[Signature]
Judge

fd 23 April 1937

WILLIAM S. MORRIS,
Plaintiff,
vs.
THE MAYOR AND CITY
COUNCIL OF BALTIMORE,
Defendant.

CIRCUIT COURT NO. 2 OF

BALTIMORE CITY

IN THE

ORDER

(2)

IN THE
CIRCUIT COURT NO. 2
OF BALTIMORE CITY

202
469 1937

WILLIAM S. NORRIS,
Plaintiff

VS

MAYOR and CITY COUNCIL OF
BALTIMORE, a corporation,
Defendants

Norris vs
10

ORDER FOR APPEAL

Mr. Clerk:

Please file.

Charles G. Page

Solicitor for William S.
Norris, Plaintiff

CHARLES G. PAGE
ATTORNEY AT LAW

BALTIMORE, MD.

fd 23 again 1937
LUCAS BROS., INC., BALTIMORE

AN ORDINANCE PROVIDING FOR THE CREATION OF A MUNICIPAL DEBT TO PROVIDE FOR AN EMERGENCY ARISING FROM THE NECESSITY FOR THE IMMEDIATE REGULATION OF ELECTIONS IN BALTIMORE CITY, AS A POLICE MEASURE, THROUGH THE PURCHASE OF A SUFFICIENT NUMBER OF VOTING MACHINES FOR THE CONDUCT OF ALL ELECTIONS TO BE HELD IN SAID CITY AFTER JANUARY 1, 1938; DESCRIBING THE TERMS OF THE SECURITY, OR SECURTIES, TO BE ISSUED BY THE CITY THEREFOR: AND DECLARING THE EXISTENCE OF AN EMERGENCY.

WHEREAS, by Chapter 94 of the Laws of Maryland of 1937, the Board therein constituted and **created** was authorized, empowered and directed to purchase a sufficient number of voting machines for use in all polling places throughout the City of Baltimore at all primary, general, special, and other elections, held or to be held in said City after the first day of January, 1938; and

WHEREAS, it was further provided, among other things, in and by said Act that the expenses incurred by said Board and the cost of such voting machines shall, upon the requisition of said Board, be audited by the Comptroller of Baltimore City and paid by him by warrant drawn upon the proper officers of said City; and

WHEREAS, said Act was further declared to be an emergency law within the scope and meaning of Chapter 5 of the Laws of Maryland, Special Session 1936, and necessary as a police measure for the regulation of elections in Baltimore City; and

WHEREAS, it will be impossible to provide such voting machines for the conduct of elections in Baltimore City after the first day of January, 1938, unless arrangements and financial provision for the purchase of the same are made immediately;

NOW, THEREFORE.-

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That an emergency exists arising from the necessity of policing and providing for the orderly conduct of elections to be held in Baltimore City after January 1, 1938, by making adequate provision for the cost and expense of purchasing a sufficient number of voting machines for use in all polling places throughout the City of Baltimore at elections held or to be held in said City after said date.

SECTION 2. BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore be, and it is hereby, authorized to issue negotiable or non-negotiable obligations, including certificates of indebtedness, of said Corporation to an amount not exceeding One Million, Two Hundred and Fifty Thousand Dollars (\$1,250,000.).

SECTION 3. BE IT FURTHER ORDAINED, That the loan or loans hereby authorized shall be issued in such manner and form, for such amounts, and payable at such periods as the Commissioners of Finance shall by resolution provide. The rate or rates of interest to be paid on such indebtedness may be fixed as to the whole or any part thereof by said Commissioners of Finance; or, if so provided by said Commissioners of Finance, the rate or rates of interest on said indebtedness or any part or parts thereof shall be the lowest rate named in any legally acceptable proposal submitted by bidders at a public sale of obligations evidencing said indebtedness or any part or parts thereof, after notice and advertisement.

SECTION 4. BE IT FURTHER ORDAINED, That the Commissioners of Finance may, by resolution, authorize the issuance of the obligations evidencing said indebtedness in series maturing at stated periods, and may make payable annually a portion of said obligations; and any portion, or all, of said obligations may be registered or not registered; and said obligations or any portions thereof shall have interest coupons attached, or said obligations or any portions thereof shall not have interest coupons attached, as may be determined and provided by resolution of the Commissioners of Finance. If said obligations are issued in series maturing at stated periods, and a portion of the principal is made payable annually, the Mayor and City Council of Baltimore shall annually raise by taxation the amount of money required to meet the interest and the portion of the principal payable in such year. If said certificates are not issued in series, but are payable or redeemable in whole at a fixed date of maturity, the Mayor and City Council of Baltimore shall annually raise by taxation the amount of money required to meet the interest on said obligations, and to produce a sum sufficient to accumulate a sinking fund for the redemption of said obligations at maturity; and in such case any premiums realized above the par value of said obligations shall constitute a part of the sinking fund. The Commissioners of Finance may, in their discretion, provide for the payment of said obligations before maturity, upon such terms and conditions as they may prescribe.

SECTION 5. BE IT FURTHER ORDAINED, That the proceeds of the loan hereby authorized shall be used for the sole purpose of meeting requisitions of the said Board so created and constituted by Section 224A of Chapter 94 of the Laws of Maryland of 1937, when audited by the Comptroller of Baltimore City. For such purpose, the proceeds of said loan, or loans, shall constitute a special fund in the custody of the City Register, who shall pay and disburse the same only upon and in accordance with proper warrants drawn by the Comptroller upon him, accompanied by requisitions of said Board audited and approved by said Comptroller.

SECTION 6. AND BE IT FURTHER ORDAINED, That this ordinance shall take effect from the date of its passage.

IN THE
CIRCUIT COURT NO. 2
OF BALTIMORE CITY

469 202
1937

WILLIAM C. NORRIS,
Plaintiff

vs

MAYOR and CITY COUNCIL OF
BALTIMORE,
Defendant

PLAINTIFF'S EXHIBIT NO. 1

No 222400

2

CHARLES G. PAGE
ATTORNEY AT LAW

BALTIMORE, MD.

LUCAS BROS., INC., BALTIMORE

fd 13 April 1937

5. Because said Chapter No. 94 of the Acts of 1937 of the General Assembly of Maryland and said Ordinance No. 694 are, in purport, intent and effect, consistent with the spirit, intent and meaning of Article XI, Section 7, of the Constitution of Maryland, as amended and ratified by the legal voters of the State in November, 1934, and within the scope of the power and authority created and granted by said Constitutional provision, so amended as aforesaid.
6. And for other reasons apparent upon the face of said Bill of Complaint to be assigned at the hearing of this demurrer.

R. E. Lee Marshall

City Solicitor, Solicitor for
Defendant, Mayor and City Council
of Baltimore.

STATE OF MARYLAND, CITY OF BALTIMORE, to wit:

I HEREBY CERTIFY, That on this 14th day of April, nineteen hundred and thirty-seven, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared HOWARD W. JACKSON, Mayor of the City of Baltimore, and made oath in due form of law that the demurrer filed by the Defendants is not intended for delay.

Lucille W. Henry

Notary Public

46A 202

469 202
1937

IN THE
CIRCUIT COURT NO. 2 of BALTIMORE

WILLIAM C. NORRIS,
Plaintiff

vs.

MAYOR AND CITY COUNCIL OF
BALTIMORE, a corporation,
Defendant

No 22240 d
DEMURRER
4

Mr. Clerk:-
Please file, etc.

R. E. Lee Marshall
City Solicitor
Solicitor for Defendant.

fd 14 April 1937

WILLIAM S. NORRIS, Plaintiff, :

vs. :

MAYOR and CITY COUNCIL of
BALTIMORE, a corporation,
Defendant. :

IN THE
CIRCUIT COURT NO. 2
OF BALTIMORE CITY

Mr. Clerk:

Please enter an Appeal in the above entitled
case to the Court of Appeals of Maryland on behalf of
ELEANOR E. SMITH, an intervening party Plaintiff.

Stewart Brown

Solicitor.

IN THE CIRCUIT COURT NO. 2
OF BALTIMORE CITY

469202

William S. Norris, Plaintiff,

(937)

vs.

MAYOR and CITY COUNCIL of
BALTIMORE, a corporation,
Defendant.

NOTICE OF APPEAL

W. S. Norris

Mr. Clerk: "

Please file, etc.

*Transcripts sent
to Ct of Appeals*

cm

Stewart Brown

fd 26 april 1937
Solicitor.

3/24/9/93