

## ADOPTION

**John S. Strahorn, Jr., "Adoption in Maryland,"** *Maryland Law Review*, Vol. VII, No. 4, June 1943.

Adoption, while early recognized in Roman law, is an artificial statutory creature in the Anglo-American system. It was not provided for in England until 1926, although by now all US states have created adoption laws. The first Maryland adoption statute was Acts of 1892, Ch. 244. It has been amended by Acts of 1924, Ch. 441 which provides concurrent jurisdiction where the petitioner or adoptee resides, by Acts of 1935, Ch. 63 which extends jurisdiction to residents of federal facilities, and by Acts of 1937, Ch. 172 which provides for the adoption of adults. (pp. 275-276)

Adoption is based on a petition filed by the prospective parents in an equity court. It is usually docketed as an ex parte case in the name of the person to be adopted. (p. 285)

In the decree the court may provide for the change of the name of the adopted child, if requested in the petition. A recent law provides for the substitution of a new birth certificate for the adoptee. The original is then sealed, not to be opened except by order of the court or the vital records registrar. (pp. 303-304)

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**John S. Strahorn, Jr., "Changes Made by the New Adoption Law,"** *Maryland Law Review*, Vol. X, No. 1, Winter 1949.

Acts of 1945, Ch. 343, revised by Acts of 1947, Ch. 599, provides for the sealing of records and proceedings in adoption cases. Seven counties - AL, CV, CH, GA, PG, SM, and WA were exempted, an action that caused legal doubts and resulted in the passage of a curative act in Acts of Special Session 1947, Ch. 19. Adoption of adults before 1937 was accomplished by special laws. (pp. 20-23)

Sec. 85F of Acts of 1947, Ch. 599 provides that adoptions be docketed as ex parte in the matter of a petition for adoption of a minor, thus not disclosing the name of the child. (p. 25)

Acts of Special Session 1947, Ch. 19 was necessary because Acts of 1947, Ch. 599 seemed to exempt the seven counties from all its provisions. No doubt it was only intended to exempt them from the new procedural provisions. (p. 57)

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## ASSESSMENT AND TAXATION

[For additional notes, see [Local Government](#). For notes about taxation of corporations, see [Corporations](#). For notes about taxation in general, see [Taxation](#)]

**Maryland Tax Commission ( Report), 1888, MdHR 793312, EC1390:** Report of a commission to study Maryland's system of taxation. Following notes taken from appendix: "Sketch of Tax Legislation in Maryland."

Taxation has passed through three periods of development in Maryland - through 1776, 1777-1841, and 1841-present. Preeminent tax in the first period was the poll tax. Acts of 1641 and 1642 provided that every free man, free woman, and servant pay a specified amount. Children under age twelve were exempt. The collector was authorized to distrain on the person, lands, debts, goods, or chattels of the person chargeable. Every householder had to certify to the county collector everyone in the household. (pp. cxxii-cxxiii)

Assessors of the poll tax were the sheriffs or constables. Acts of 1756, Ch. 5 imposed a tax on land at an amount per acre. This appears to be the first tax on real property ever actually enforced in Maryland. The act was extended by 1760, Ch. 9 and expired on November 26, 1763. (p. cxxviii)

In the second period the first law for the valuation and assessment of property came in Acts of Feb. 1777, Ch. 21. For the first time taxation on property was based on ascertained value. The object of the law was to raise money to aid Congress in conducting the war. In general, the same system of taxation was in force and administered according to the same rules throughout the second period. Acts of June 1780, Ch. 6 ordered annual valuations for the next five years, but provided no method for doing so and was superseded the next year. When a general valuation was deemed expedient, a general assessment law was passed, providing for an immediate valuation and thereafter for annual additions of new property and abatements for destruction and sales. General assessment laws were enacted in 1777, 1779-1785, 1792, 1797, 1803, and 1812. In each act commissioners of the tax were appointed for each county, who continued to serve until the passage of a new assessment law for the entire state or an individual county. The commissioners of the tax managed all matters relating to valuation, assessment, and collection. (pp. cxxxi-cxxxiii)

The county levy courts levied the state tax, adjusted and allowed county expenses, and levied the county tax to pay for them. The duties and powers of the commissioners of the tax and levy courts were periodically merged into boards of county commissioners in specific counties. A characteristic of the second period was the constant effort to equalize taxation between individuals and localities, both for personal property and real property. (p. cxxxiv)

It was deemed necessary to control assessors in the valuation of land in order to prevent some counties from escaping their due share of the state tax by valuing real property at low rates. The problem was addressed in Acts of 1785, Ch. 53 which fixed the average value per acre for each county and required the commissioners of the tax to value land accordingly. (pp. cxxxv-cxxxvi) This act remained in effect until 1841 and was expressly adopted by subsequent legislation. The principle of equalization was set

aside by Acts of 1841, Ch. 23. (p. cxxxviii)

Between 1812 and 1841 there were many local assessment laws, most of which ordered assessments made per provisions of Acts of 1812, Ch. 191:

- AL: Acts of 1824, Ch. 174; Acts of 1824, Ch. 35; and Acts of 1832, Ch. 139
- AA: Acts of 1824, Ch. 174; Acts of 1832, Ch. 278; Acts of 1838, Ch. 215; Acts of 1839, Ch. 48; and Acts of 1840, Ch. 103
- BC: Acts of 1817, Ch. 142; Acts of 1822, Ch. 150; and Acts of 1833, Ch. 143. The 1833 legislation allowed the mayor and city council to make new assessments whenever deemed necessary. Ordinance of 1834, No. 32 was accordingly passed.
- BA: Acts of 1817, Ch. 142; Acts of 1822, Ch. 150; and Acts of 1832, Ch. 130
- CV: Acts of 1821, Ch. 24; Acts of 1827, Ch. 55; and Acts of 1834, Ch. 205
- CA: Acts of 1821, Ch. 83 and Acts of 1831, Chs. 82 and 213
- CR: Acts of 1836, Ch. 64
- CE: Acts of 1817, Ch. 41; Acts of 1821, Ch. 60; Acts of 1826, Ch. 20; and Acts of 1833, Ch. 149
- CH: Acts of 1819, Ch. 131; Acts of 1828, Ch. 194; and Acts of 1836, Ch. 6
- DO: Acts of 1819, Ch. 131; Acts of 1825, Ch. 22; and Acts of 1831, Ch. 253
- FR: Acts of 1824, Ch. 132 and Acts of 1834, Ch. 22
- HA: Acts of 1820, Ch. 11; Acts of 1828, Ch. 175; and Acts of 1829, Ch. 137
- KE: Acts of 1821, Ch. 146; Acts of 1827, Ch. 77; and Acts of 1834, Ch. 329
- MO: Acts of 1819, Ch. 177 and Acts of 1830, Ch. 58
- PG: Acts of 1817, Ch. 41; Acts of 1824, Ch. 32; Acts of 1832, Ch. 257; and Acts of 1834, Ch. 280
- QA: Acts of 1819, Ch. 189; Acts of 1823, Ch. 108; and Acts of 1832, Ch. 263
- SM: Acts of 1820, Ch. 3; Acts of 1830, Ch. 22; and Acts of 1834, Ch. 320
- SO: Acts of 1816, Ch. 22; Acts of 1822, Ch. 75; Acts of 1826, Ch. 179; Acts of 1829, Ch. 106; and Acts of 1839, Ch. 51
- TA: Acts of 1816/, Ch. 22; Acts of 1825, Ch. 9; Acts of 1831, Ch. 118; and Acts of 1839, Ch. 45
- WA: Acts of 1819, Ch. 113; Acts of 1826, Ch. 27; and Acts of 1833, Ch. 144
- WO: Acts of 1818, Ch. 152; Acts of 1823, Ch. 198; and Acts of 1831, Ch. 36 (pp. cxi-cxii)

In some instances commissioners of the tax appointed by Acts of 1812, Ch. 191 continued in office more than fifteen years. From 1800-1841 there were only periodic direct taxes on land and other property for state purposes - Acts of 1803, Ch. 92; Acts of 1812, Ch. 191 necessitated by the War of 1812; and Acts of 1822, Ch. 139 necessitated by insufficient revenue from licenses and other sources; and later acts in 1823-1825. These laws required the levy court to levy on assessable property specified sums named in the acts. (pp. cxlii-cxliii)

A tax to be used for the removal of free blacks from the state was levied under Acts of 1831, Ch. 281 and its supplements. For the valuation of slaves the owner was required to return a list and the assessor to view the slaves and value them. Slaves were always valued by assessors, according to fixed schedules established by law. (p. cxliv)

In order to follow changes in property ownership Acts of 1832, Ch. 219 required executors and administrators to return accounts of transfer and Acts of 1834, Ch. 109 required executors, administrators, sheriffs, and other officers selling property to report the sales. During the second period there were few exemptions from taxation. (p. cxlv)

Collection of taxes was originally placed under the control of the commissioners of the tax and was usually done by the sheriff. Direct taxes on property were paid in semi-annual installments from 1777-1783. After that all taxes were to be paid on or before October 1. During the Revolutionary period taxes were payable in kind. The urgent need for money by the state led to the offer of discounts in the first tax legislation. During the second period payment of taxes was enforced primarily by distraint. Land could not be sold delinquent taxes, if there was enough personal property to sell or if the amounts due could not be recovered otherwise. In the latter case the commissioners of the tax could sell the land. One local law, Acts of 1838, Ch. 301 that was repealed by Acts of 1841, Ch. 207, provided for contracting the collection of taxes in BA to the lowest bidder. (pp. cxlvi-cxlviii)

An income tax was imposed by Acts of Feb. 1777, Ch. 22 and Acts of 1779, Ch. 35. Incomes were to be assessed by those who assessed property. (p. cliii)

Taxation for local purposes has never been suspended. Counties were first given general authority to impose taxes to defray ordinary county expenses and provide for collection by Acts of 1780, Ch. 26 through the county courts and after 1794 the levy courts. (p. cliv) Local self-government was further developed by the creation of boards of county commissioners and the resulting consolidation of powers and duties of the commissioners of the tax and levy courts. This process progressed gradually and county by county beginning in 1826. These changes also led to a greater impetus of the counties to resist and thwart state authorities. Levy courts had been appointed by the Governor and Council and commissioners of the tax by the General Assembly. But county commissioners were elected by the people, as were also levy courts and commissioners of the tax in some other counties. (pp. clvii-clviii)

When first imposed in Maryland, the general direct tax was designated for the prosecution of a popular war. The same was true when state taxation was renewed in 1813. Taxation imposed in the 1820s was insignificant. In the closing years of the second period the state debt was so large that doubts existed as to the ability of the state to pay it. The state had incurred the debt by negotiating loans for waterway and railroad enterprises. It was thought that these public work improvements would become sources of revenue. Thus, citizens were reluctant to submit to taxation instead. (pp. clix-clx)

The third period of taxation was ushered in by Acts of March 1841, Ch. 23, the first general assessment legislation in twenty-eight years. It departed from preceding laws and was the prototype of those that followed. Assessors were appointed by the 1841 law and then by Acts of 1852, Ch. 339. The two general assessments laws after that provided for appointment by the governor. In the years after a general assessment the collectors were constituted assessors to value property that escaped assessment or that was newly created or acquired. Acts of March 1841, Ch. 23 also created the BC Appeal Tax Court. Under the 1841 and 1852 legislation slaves were still valued according to schedules fixed by law. Laws in the third period omitted an important provision that has existed in the second period. There was no provision for equalization of valuations between individuals or counties. Assessors had complete

authority to fix the value of land, and they had less local supervision and control. (pp. clxi-clxii)

The state tax rate in 1841 was fixed upon an estimated basis of \$300,000,000. But the assessment resulted in a basis of only \$190,725,788 that was further reduced on appeal to \$177,139,645. This situation could have been avoided if the 1841 act has applied the principle of Acts of 1785, Ch. 53 which, after fixing the average taxable value of land in each county, levied upon the counties the gross sum needed by the state. Another improvement would have been the establishment of rates by which to value certain classes of tangible personal property, as had been done in the second period. In some counties valuations and assessments were not made in 1841 and the time limits had to be extended. Still in seven counties the state tax was not levied, nor were tax collectors appointed. (p. clxiv)

For several years the state government continued to struggle with enforcement of taxation. County taxes continued to assessed and collected as usual. The General Assembly took advantage of the fact that local taxation was felt to be necessary, and by Acts of 1842, Ch. 269 required that state and county taxes be collected together by the same collector and under the same bond. Even so further measures were necessary. Acts of 1843, Ch. 208 authorized the governor to appoint collectors in the counties where the local officials had neglected this duty. This provision continues to the present. In addition, if the state tax was not imposed by the local authorities, the governor could appoint a board to levy the state tax and provide for its collection. This is similar to the current provision in state law. The 1843 legislation also declared state taxes, for the first time, to be liens on real property, required ministerial officers making sales to pay state taxes before applying the proceeds elsewhere, and required executors, administrators, and guardians to pay taxes as preferred debts. This 1843 act, combined with the moral effect of the election of Governor Pratt, finally overcame the difficulties faced by the state. Added to the tax laws at the beginning of the third period were provisions for taxation of shares of stock and bonds and evidences of indebtedness of the state, cities, and incorporated institutions. (pp. clxv-clxvii)

Acts of 1841, Ch. 325 established an income tax on incomes, salaries, emoluments, and profits. (p. clxxvii)

Present collateral inheritance tax was originated by Acts of 1844, Ch. 237. (p. clxxviii)

A stamp law was enacted by Acts of 1844, Ch. 280, and was hated and denounced as long as it continued in force. (p. clxxix)

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**Hanna, Hugh Sisson, A Financial History of Maryland, 1789-1848 (Baltimore: The Johns Hopkins Press, 1907)**

From 1777-1786 an assessment law was an annual, or semi-annual, occurrence, although sometimes the previous valuation was retained. For each county commissioners of the tax were appointed in the legislation and held general supervisory powers over enforcement of the tax laws. The commissioners of the tax appointed assessors, according to hundreds or assessment districts. Assessors reported to the commissioners of the tax who then acted as a court of appeals, hearing complaints and increasing or decreasing assessors valuations. An act of 1788 transferred final review authority to a special court of appeals in each county and BC. A few years later these were abolished and powers revested in the

commissioners of the tax. The commissioners also appointed the tax collectors. The sheriff was usually the first choice, and was usually directed to appoint deputy collectors for each hundred or district. (pp. 13-14)

The state property tax, but not the county property tax, became so difficult to collect that the arrearages exceeded the amounts actually realized, and in 1786 it was discontinued. (p. 21)

The need for immediate revenue forced the General Assembly in 1821 to the extreme of a direct tax. An indirect method of levying the tax on property was adopted by assigning each county and BC a specific sum to collect. (p. 46)

The assessment legislation of 1841 was met with considerable anti-tax sentiment. CV, SO, and WO were the most flagrant; they made no returns for three years. Acts of 1843, Ch. 208 tried to remedy this situation by giving the governor authority to appoint collectors of the state tax in delinquent counties, but he was unable to find anyone to accept the appointments. Finally in 1845 the State Treasurer appointed agents. This met with success. (pp. 117-119)

In reviving the state property tax in 1841 the amount of assessable property in the state was overestimated. No statewide general assessment had been made for half a century and local assessments were untrustworthy.

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### **Commission for the Revision of the Taxation System of the State of Maryland and City of Baltimore (Report), 1913, MdHR 793310, EC644**

Every year a few counties show a loss of assessment for state purposes. From 1878-1911 FR paid state taxes on a basis less than that in 1877, although its property increased greatly in value. In WO in all but two districts land and improvements are assessed as one. CV is the only county which systematically attempts to reassess every property at the time of transfer and to fix a new valuation based upon the consideration. Many cities and town assess property for municipal purposes at a valuation that is nearer the actual value than the value used for state and county purposes. (pp. 13-14)

The date when local taxes are due and payable varies from county to county. In many counties local tax collectors advance to the state an amount that they estimate may be collected and keep for themselves the amount of the discount allowed by the state. The number of collectors in the counties varies considerably - CR has fourteen, AL has three, WO has three, DO has seventeen, and the rest each have one. Some counties are lax in remitting back taxes, and from the reports of the Comptroller of the Treasury it appears none are collected. The state does not charge each county with an amount to be paid, but instead levies on the taxable basis of each property an annual state tax. (pp. 16-17)

BC is the only jurisdiction using plats for assessment purposes. (p. 41)

Under current law in almost every county real property values are only considered at times of general assessments. Between times any increases in taxable bases are due to increases in the amount of personal property and new buildings. In many counties land is divided into classes, usually arable, wood, and marsh. Each class is then assessed at a separate price per acre. Some counties make further divisions; for

example, DO has seven classes. Others, such as CA and SM, assess each farm as an entity at so much per acre. In county seats and larger towns real property is usually assessed on the front foot basis, while smaller towns cling to the lot or acreage basis. Depth of the lot is often disregarded. (pp. 58-59)

Assessment records throughout the state are absolutely dissimilar. Each county designs its own books and keeps them in a particular way. If not for the wealth of information usually reposing in some official, the present methods of recording assessed properties would cause confusion. Alienation lists of transferred properties are usually found to be deficient and in several counties are disregarded. In WA none are kept and tax bills are sent to owners recorded in the assessment records. In addition, descriptions taken from land records are often insufficient for locating the land. Only in HA are transfers of real property noted before deeds are recorded, per Acts of 1912, Ch. 490. (pp. 60-62)

The average percentage of assessed value of land to real value runs from 40% in some counties to 80% in others. The latter thus pay twice the proportion of the state tax than the former. The assessment of personal property is even less uniform. In some counties certain classes of property are assessed fully, For instance, DO assessors even enumerate chickens. In other counties, much property escapes taxation. For example, SM does not assess automobiles on the theory that the state license tax sufficiently covers this class of property. (pp. 63-65)

Without plats it has been necessary to enter the number of acres returned by the owner as correct. Assessments on county real properties are often nearer their true value than those on town properties. Under the present system the value of farm land is more readily ascertainable than land in towns. (pp. 68-69)

The assessment of both real property and personal property in BC is a continuous operation. (p. 71)

When reassessment is made a legislative question, it becomes a political party matter. When demands for relief and better readjustment became incessant in the 1870s, the General Assembly passed Acts of 1874, Ch. 514. When it was engrossed for the governors signature, the words must have been changed. Its language was brought out in Maxwell vs. State (40 Md 273). The wording provided that all property in Maryland shall be "exempt" from taxation except cemeteries, etc. The Court of Appeals refused to give the legislation the meaning it was supposed to have and declared it unconstitutional. Reassessment was delayed for two years. (p. 172)

Essential features of the general assessment laws of 1876, 1896, and 1910 were identical. Each county was divided into districts with three assessors for each. By the 1910 law the governor appointed two assessors and the county commissioners one. Qualifications were more political than otherwise. (p. 174)

BC because of its continuing assessment and revision of all property every five years was exempted from the 1910 legislation, as were SO and WO because of reassessments in 1908. Four counties - CE, GA, KE, and TA - failed to report reassessment in time for the 1911 levy. (p. 212)

State taxes are collected with local taxes and by the same official. There is no uniformity in making collections. But the trend is towards to the county treasurer system. The treasurers collects both state and

county taxes and are usually salaried. In some counties tax collectors report state taxes directly to the state and in others to the county treasurer who then remits the taxes. State taxes are levied upon piece of property by the county commissioners. The local collector is notified of the assessment of each individual and computes the amount of the state and local taxes. Collectors make no effort to collect state taxes when first levied because the property owner gets the same benefit in January that is available in August. At the end of August collectors estimate which accounts are good and have their notes discounted at a bank for the difference between the amount of collected taxes and the estimated amount to be collected and then send this amount to the comptroller. Collectors pocket the discount. After the discount period has ended, collectors make every effort to collect taxes, but for their benefit, not the state. In CA and WI in recent years, county authorities themselves anticipated payment of state taxes and then saved the discount for the county. Accounts of local collections are not audited. (pp. 227-229)

Time for the payment of local taxes is fixed by local laws passed by the General Assembly and applicable to particular counties. The beginnings of fiscal years also vary from county to county. State taxes are considered in arrears on January 1. Discounts on state taxes date from Acts of 1847, Ch. 266. Interest is chargeable on state taxes on January 1; current law implies that this does not apply in GA, HA, and TA. Taxes in Maryland are not a preferred claim except in the administration of a decedent's estate. In equity proceedings it is necessary for officials to file claims for taxes due. Unless the claim is made a preferred one or a lien in a federal bankruptcy case, the state and local bodies are likely to lose that amount. The term insolvency has a local meaning and applies to assessments on personal property which local tax authorities consider uncollectable. Laws concerning forced collection of taxes on real property varies with practically every county. Taxes in arrears from personal property are usually obtained by distraint, but again there is no uniformity. (pp. 232-236)

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### **State Tax Commission (Biennial Report) 1st, 1916, MdHR 793308, I4685**

Acts of 1914, Ch. 841, sec. 234 required that all property be reviewed for assessment at least once every five years. This act did not do the following - change the powers of the county commissioners who make the original assessments of all property of individuals, provide for additional resources for assessments, and a financial system to defray expenses of a reassessment. The Tax Commission notified the county commissioners to include an estimate of these expenses in the levy for 1915. AL, BA, CE, CH, GA, HO, and QA did so. AA, FR, HA, KE, and MO said they would pay the expenses during the progress of the assessment. Eleven counties did nothing. (pp. 9-10)

The present assessment of property is unequal between adjoining counties and adjoining districts in the same county. There is no uniformity in assessment of the same property for municipal purposes and for state and county purposes. Usually it is higher for municipal purposes. Tax Commission feels there must be supervision over assessments made by the county commissioners. A carefully formulated plan should be followed in listing and appraising property. It is doubtful that the Tax Commission has the authority to require the county commissioners to adopt such a plan. There are twenty-three boards of county commissioners and 123 incorporated towns. Property in MO is assessed the lowest - 42% of its sale value, property in HO the highest - 81%. The state average is 65-70%. (pp. 11-12)

Acts of 1914, Ch. 841, creating the State Tax Commission, inaugurated a system of central supervision



by means of supervisors appointed for each county. (p. 13) While having no authority to make original assessment, the supervisors may object to new assessments made by the county commissioners or any of their actions regarding assessments by appeal to the Tax Commission. Several supervisors of assessments have made such appeals. (p. 15)

No counties have plats for assessment purposes. The Tax Commission has adopted a method of designating property which eventually should prove of great value. The State Geological Survey has divided the state into squares that the Tax Commission has taken and given each square a letter and number. When the copy of the existing assessments was prepared for the commission by the supervisors of assessments from the county commissioners records, each official was required to designate by letter and number the location of each property. The supervisors also used the designations in reporting sales. Thus the assessments of all properties within a territory may be compared, irrespective of county or district lines. Tax Commission has found inequalities in assessments in the built-up portion of BA, adjoining BC, and some properties not assessed at all. BA Supervisor of Assessments is compiling plats of blocks in this area. (p. 16)

Tax Commission instructed the supervisors of assessments along the bay to examine assessment records regarding boats and all water craft. This class when owned in the locality and when plying in local waters was generally assessed. Vessels over five tons were generally not assessed, especially if engaged in trade outside local waters. After compiling this information the supervisors were directed to report to the county commissioners the names of the owners, names of the vessels, tonnage, and instructed to serve notice on the owners in order to make assessments. Only SO has completed this assessment of water craft. (pp. 49-50)

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### **State Tax Commission (Biennial Report) 2nd, 1918, MdHR 793306, I4683**

Legislation in 1916 conferred on the Tax Commission the power to order expenses to be included in the local levy for the cost of reassessment. That authority has been exercised. In addition, the commission arranged a conference of taxing officials and supervisors of assessments in BC in July 1916. The result was the promulgation of a reassessment plan. However, injunction proceedings were instituted against the Tax Commission. A case was filed in FR attempting to upset the plan and to declare the commission's orders illegal and void. The commission had ordered that all real property in the counties be reassessed. BC was exempt because of its continuous method of reassessment. The Court of Appeals reversed the decision of the FR Circuit Court and sustained the actions of the Tax Commission. Because of this case the assessors could not begin work until October 1, 1916. Work in BA and DO did not begin until 1917 because the county commissioners had already set their levies and thus had not included funds for the reassessment. (pp. 7-8)

Because of delays and early levy dates in several counties the new assessment was not required to be used as a basis until 1918. In prior reassessments owners of real property prepared a schedule of their land on a form furnished by local authorities. The plan developed for the most recent reassessment provided for the assessors to personally investigate all land and acquire information about topography, improvements, and values of other property in the area. Then the assessors would recommend an assessment for each property. The Tax Commission furnished the assessors with cards which contained

data from the previous assessment and on which the assessors were to record the new data and recommended assessments. Each assessor reported the recommendations to the supervisor of assessment, and if they agreed, they sent the valuations to the county commissioners. If they disagreed, both amounts were reported to the county commissioners who then determined the assessment. (p. 9)

Personal property, both tangible and intangible, can be best ascertained through returns of the owners. Since completion of field work regarding real property, the Tax Commission has ordered a general reassessment of personal property, and prescribed forms for the task. (p. 28)

The Tax Commission devised a form for the assessment books to be used by the counties for entering the assessment of real property. (p. 50)

[Copies of the forms described above appear in the report.]

The method of collecting state taxes from localities is faulty. The legislature in 1916 changed the date when state taxes are due and payable and abolished discounts, but did not change collection methods. In most states, state taxes are levied directly on the counties, thus assuring the state of the amounts due. (p. 52)

The Tax Commission had recommended that the collateral inheritance tax law be changed to provide for review of appraisals made by local officials. Acts of 1916, Ch. 669 provides that before appraisals are filed with the registers of wills, they are submitted to the local supervisor of assessments who sends it to the Tax Commission with recommendations as to valuation. The commission may change valuations. (p. 72)

### Report on the Conference held July 6, 1916

Through the assessment system in BC one fifth of the city is assessed every year. The Tax Commission presented a general plan for reassessment in the counties. Supervisor of assessments shall be the chief assessor in the county. County commissioners shall appoint local assessors according to directions of the Tax Commission. Generally there shall be one assessor for each election district. When an election district is too large or contains too many different parcels of land to be reviewed in a reasonable amount of time by one person, the district shall be divided and a sufficient number of assessors appointed. When election districts are small and contain few parcels of land, they may be combined and placed under one assessor. Tax Commission shall regulate the number of assessors appointed in each county. County commissioners shall appoint separate assessors for towns and cities and some closely populated areas because these classes of property require a different knowledge than for farm districts. (pp. 118-119)

Tax Commission will deliver to the supervisors of assessments cards that contain copies of the assessment of every parcel of real property in 1914 along with tabulations of sales. The supervisors will distribute these materials to the local assessors. Each assessor must visit and review every piece of real property in the assigned district. Assessors shall classify land according to categories shown on the cards and list buildings separately and show adjoining owners. (p. 120)

Assessors returns shall indicate whether farms are occupied by the owners or a tenants. Acreage given

by the owner or tenant shall be verified by examination of the land records by the attorney for the county commissioners. Assessors shall try to obtain from the land owners the source of the title. Responsibility for the classification and valuation of land is thus placed upon the supervisor of assessments and assessors. They shall submit their valuations to the county commissioners who shall notify each property owner of their intention to reassess the land and provide an opportunity to be heard. After the hearing or expiration of the time allowed for hearings, the county commissioners shall enter assessments for the properties. County commissioners are not bound to accept the valuations recommended by the supervisor of assessment and assessors. However, they must follow the plan developed by the Tax Commission and use its forms. Within thirty days after the assessment by the county commissioners, property owners or supervisors of assessments may appeal the decisions to the Tax Commission which shall make the final determination. (pp. 123-124)

BC Appeal Tax Court which has supervision of all assessments in BC has divided the city into twenty-four districts. Each district is divided into precincts and numbered. Also every block has a number. Plats of every block have been made, showing dimensions and shapes of the lots each of which has a number. Thus, a particular lot may be listed as District 16, Precinct 5, Block 80, Lot 7. The appeal tax court maintains on cards a record of sales, leases, and other information on each lot. An assessor sent out to do a reassessment is given a plat of every block in that area and an assessors card for each lot. The cards are filed in book form. Assessors returns are filed with the appeal tax court which sends notices to the property owners notifying them of the proposed assessment and naming a date on which they may have a hearing. The appeal tax court either affirms the proposed assessment or makes changes. Land in BC is assessed at full value. (pp. 151-153)

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### **State Tax Commission (Biennial Report) 3rd, 1920, MdHR 793305, I4691**

The reassessment of real property was completed in the latter part of 1917 and first used for the levy of 1918. On completion of that assessment the Tax Commission ordered a reassessment of tangible and intangible personal property and adopted a comprehensive schedule to be returned under oath by the property owner. This method involves only the counties because BC has a system of checking the acquisition of all personal property. (p. 3)

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### **State Tax Commission (Biennial Report) 5th, 1924, MdHR 793304, I10440**

Reassessment since the creation of the Tax Commission in 1914 - 1917 for the levy of 1918 and 1922 for the levy of 1923. (p. 3)

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### **Maryland Tax Revision Commission (Report), 1928, MdHR 806016, EC248**

The tax on mortgages was originally applied statewide. County by county it has been repealed, except in FR. (p. viii)

Levy dates and dates on which the taxable status becomes fixed for the ensuing year vary in almost every county. In BC since 1898 local taxes are levied for the calendar year and the taxable status is fixed as of the preceding October 1. In BA since 1920 and HA since 1922 local taxes are also levied for the

calendar year, but the taxable status is determined as of the preceding October 15 and November 1, respectively. (p. ix)

Existing legislation taxes furniture and household effects and similar non-productive chattels at the same rate as real property, with \$500 or in some counties \$100 in value exempt. There is really no standard for the valuation of such property. Personal property held for use or enjoyment and not for profit should be exempt from taxation. The present tax on stock in trade of merchants is counterproductive. When business is bad and stock accumulates, the assessment goes up, while when business is good and stock turns over quickly, the assessments diminishes. This tax should be repealed and a sales tax substituted. (pp. xxxiii-xxxiv)

Tax relief can be extended to farmers by repealing the tax on farm implements, horses, etc. used in farming or even on livestock raised for market. (p. xxxix)

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### **Maryland Tax Revision Commission of 1939 (Report), 1941, MdHR 805710, EC271**

The combination of administrative and appellate functions in the state Tax Commission has not worked well in practice. When the commission is acting in a strictly appellate capacity, its findings as to fact are conclusive, although appeals lie to the courts on the question of law. However, when the assessment was made the Tax Commission or its employees, it has been necessary to allow an appeal on questions of fact as well. The effect is to impair the uniformity that was sought with the creation of the Tax Commission. (p. 6)

Maryland law requires that property be reviewed for assessment at least once in five years. The last general reassessment scheduled for 1932 was postponed by succeeding legislatures. Nine counties were authorized to make reassessments in 1937 and the other fourteen were required to do so in 1939. All have now been completed. The system of continuous assessments used in BC have been adopted for FR in Acts of 1937, Ch. 345, AA in Acts of 1939, Ch. 185, and HA in Acts of 1939, Ch. 206. (p. 14)

General reassessments are disproportionately expensive compared to the costs of continuous reassessments. Only a few counties require building permits on new construction, and even where required, the permits do not reach the assessors office. Thus, many new residential and commercial buildings escape taxation until general reassessments are done. Tax maps are not available in most counties and no provision has been made for their preparation. Many assessors offices have no adequate record of real estate sales, although this is one of the most valuable methods of determining whether assessed values are in line with market values. Except in BC, there is no complete record of the values of exempt properties. County commissioners as the assessing bodies exercise conflicting functions. They appoint and direct the work of the assessors and hear appeals from their assessments. (pp. 15-16)

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### **State Tax Commission (Biennial Report) 13th, 1941, MdHR 793369, I4692**

Legislation in 1939 gave the Tax Commission the duty of assessing personal property of foreign corporations. Previously it was assessed by BC and the county commissioners. (p. 14)

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## **General Assembly, Legislative Council, Research Division (Research Report 14), 1942, MdHR 785629, L1757**

The methods and results of selling real property for taxes have for years caused dissatisfaction because of extreme variations in local and general laws, undue burdens placed on administrative officers, and reluctance of purchasers to treat tax sale titles as good and merchantable. The counties and incorporated municipalities have provisions for sales in their local codes. In addition, there are two alternative sale procedures outlined in Art. 81, Public General Laws, and BC has its own provisions in Acts of 1941, Ch. 540. The general outline of all statutes contain provisions for stating when taxes are overdue, sending notices to the taxpayers, giving public sale notices, ratifying sales, giving taxpayers time to redeem sold property, and giving purchasers some reference to title. In details, however, the statutes vary considerably. Some counties and cities rely heavily on the Public General Law and others have very detailed local laws. In between there are all sorts of combinations. (pp. 1-2)

Statistics on tax sales in the counties were compiled, mostly for 1938-1941. Of the over 8700 parcels sold for taxes, the counties had to purchase over 6400 of them. In the entire state the amount received from sales barely exceeded the taxes due. Tax sale problems are most acute in urban areas. GA is an exception, where almost \$250,000, 000 worth of property is off the tax rolls. No county wants to own and administer large blocks of property that in addition provides no tax revenue. (pp. 3-5)

AL officials report that recently the FHA refused to grant loans for the construction of buildings on land sold at tax sales. AL law requires the county tax collector to collect municipal taxes, water rents, and paving liens. The city tax collector simply waits for the county collector to sell property. Thus, municipalities get their overdue taxes without any cost or effort on their part. CH has difficulty with double assessments which detract from marketable value. Property is sometimes assessed in two names, that of the original owner and a recent purchaser because of failure to strike the sellers name from the rolls. Or, the assessor may have erred in listing the property under two names for two succeeding assessments. One reason for double assessments is that the assessors office in CH is rarely open. FR county commissioners have not been buying property at tax sales, resulting in land being offered for sale year after year without success. (pp. 6-7)

In MO it is reported that some of the unwillingness to accept tax sale titles may be due to a reluctance to deprive hard-pressed owners of their properties. WA Treasurer complains about the necessity of traveling to remote sections of the county in order to deliver notices of delinquency. When taxes are due on mortgaged property, the WO Treasurer usually suggests that the mortgage holder foreclose before a tax sale is made. The mortgage holder can acquire the property in a shorter period of time and perhaps have a better title than securable in a tax sale. A perennial complaint in BC has been the difficulty in establishing the certainty of service of notice. (p. 8)

In Acts of 1872, Ch. 384 the burden of proving the irregularity and invalidity of tax sale proceedings was placed on the exceptant. Yet, courts continued to insist that all provisions of the tax sale statute must be strictly complied with. (p. 10)

Acts of 1941, Ch. 540 provides a new tax sale procedure for BC. Formerly the tax collector reported a

sale to the court which issued an order nisi and proceeded to ratify the sale. Now the collector issues a certificate of sale, which is analogous to a mortgage, to the purchaser. The certificate is recorded in the land records. At the end of the redemption period the purchaser may begin an equity proceeding to foreclose the right of redemption; this must be done within two years. If not, the certificate of sale becomes void and the purchaser loses all rights to the land. These provisions also apply if BC buys the property. The new BC statute puts greater emphasis on the use of land records rather than assessment records. The former, not the latter, establishes title to property. (pp. 15-16)

Acts of 1941, Ch. 154, applicable only in BA, provide that the county commissioners may undertake to guarantee the validity of titles to land purchased by them at tax sales. County commissioners are having these titles guaranteed by a private title company which in turn is being indemnified by the county. Already BA has disposed over one fourth of the properties it was holding. (p. 16)

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### **State Tax Commission (Biennial Report) 14th, 1943, MdHR 793370, I4692**

Tax commission supervised reassessments in five counties during 1942 and partial reassessments in three others. (p. 1)

Card records have been substituted for books in entering assessments. (p. 2)

Local supervisors of assessments have general authority over local assessments of property, with the power of a chief assessor, but without the power to make a final assessment which is a function of the county commissioners. However, supervisors can appeal actions of the county commissioners to the Tax Commission. Supervisors also compile data relative to values, sales, and property transfers, make recommendations to the county commissioners, and assist them in the general administration of tax laws. BC Supervisor of Assessments is also engaged with the assessment of inventories and other tangible personal property of corporations under the jurisdiction of the Tax Commission. That supervisor reviews returns of the various classes of corporations and investigates where necessary, including protested cases referred by the Tax Commission. (pp. 12-13)

Since 1914 Maryland law has required that all property be reviewed for assessment purposes at least once every five years. Yet, general reassessments have been postponed by legislative action. Even when held the results of the reassessment have been rather unsatisfactory because assessors were usually selected from each election district on a temporary basis with an emphasis on political patronage rather than experience and training. The present method should be changed to reassess one fifth of each county each year by permanent assessors. BC has followed this system since 1900 and it has been adopted by FR in 1937 and HO, MO, and PG in 1941. (pp. 19-20)

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### **State Tax Commission (Biennial Report) 15rd, 1945, MdHR 793371, I4692**

As of January 1, 1944, the continuous method of assessment as provided by Acts of 1943, Ch. 717, has been established in every county and BC. Permanent assessors are now appointed by the county commissioners after examination and recommendation by the Tax Commission. One fifth of a county is reassessed each year. (p. 1)

Tax Commission plans to hear assessment appeals at the county seat instead of requiring taxpayers to travel to BC for hearings. (p. 2)

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### **State Tax Commission (Biennial Report) 17th, 1949, MdHR 793373, I4692**

The entire state has been reassessed under the continuous assessment plan provided by Acts of 1943, Ch. 717. (p. 1)

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### **Tax Survey Commission of 1949 (Interim Report 2), 1950, MdHR 806096, EC331**

Local assessors, including the supervisors of assessments, are essentially under the control of the Tax Commission which fixes general policy to guide the assessors, prescribes methods of assessment, participates in the selection of assessors and the establishment of their salaries, and has the power to remove assessors. (p. 12)

Protests against assessments are heard by the county commissioners in twenty-one counties, by an appeal tax court in BA and MO per Acts of 1943, Ch. 717, Secs. 186-186B, and by the BC Board of Municipal and Zoning Appeals. Their actions may be appealed to Tax Commission which in essence sits in judgment of its own theories, policies, and instructions. (p. 13)

Tax hearings before the Tax Commission are usually conducted in an informal manner. Stenographic records of the proceedings may be obtained only if the taxpayer litigant pays for it. The Tax Commission frequently files written opinions, invariably in matters relating to the assessment of public service corporations and in proceedings involving a claim for exemption from taxation and usually when a question of law is involved. Means of bringing a tax case before the Tax Commission include an appeal from an assessment by the county commissioners, appeal tax courts, and the BC appeal board; protests against proposed assessments made by the Tax Commission; and appeals from income tax assessments made by the Comptroller of the Treasury. Appeals from decision of the Tax Commission may be taken to the lower state courts and then to the Court of Appeals. If the case before the Tax Commission was an appeal from an assessment made by another agency, appeals from the commission must be based only on questions of law. If the case involves an assessment by the commission, the appeal may be based upon both law and fact. (pp. 19-21)

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### **Tax Survey Commission of 1949 (Interim Report 3), 1950, MdHR 806115, EC327**

The chief complaint against the rotational method of assessment is that in this era of rising values the method results in inequities and inequalities in valuations among the counties and BC and among the five assessment districts within each jurisdiction. Yet many improvements have been implemented in the past fifty years:

- elimination of general, irregularly scheduled reassessments in favor of reassessments at regular intervals,
- supervisors of assessments in BC and the counties,

- statewide supervision of assessment administration,
- full time assessors,
- adoption of uniform property description records (not yet completely installed), and
- uniform appraisal techniques and procedures.

Present five year rotational plan does not and will not produce the best results, except during long periods of economic stability. (pp. 84-86)

When assessors in 1943 were made permanent, full time employees, the control of the Tax Commission over the initial valuation of property became more effective. State law still designates the county commissioners as the initial assessing authority and notices to taxpayers of proposed changes in assessments are sent under their direction. County commissioners, except where county appeal tax courts exist, are also the first reviewing authority. A better plan would have the assessors sending notices of proposed changes and adjusting differences with the taxpayers before finally determining the valuation. Then the county commissioners would act only as a board of review to hear appeals from the assessors decisions. This merely adopts for the counties the separation of functions existing in BC between the BC Department of Assessments and BC Board of Municipal and Zoning Appeals. (p. 91)

In a rising market property in recently revalued districts is overvalued in relation to land in other districts. In a falling market, the opposite applies. There are apt to be so many applications for reductions that the plan would have to be abandoned as was done in BC in 1930. With annual reassessments, valuations of land would be more uniform and closer to current market values. In 1943 it was impractical to attempt annual valuations of all property because, except for BC, there was no adequate administrative machinery - no staff of assessors and no appraisal aids. Even property descriptions were lacking. Since then, each county has acquired permanent assessors, an inventory of taxable property on property description cards, unit value tables, cost indices, and uniform procedures. Because not all appraisal aids are completed, it would not be desirable to change to an annual system now. Especially needed are tax maps including property location maps, land classification maps, and land value maps. (pp. 95-97)

BC Appeal Tax Court began to install a system of tax maps in 1904. MO and PG have begun to compile tax maps. MO should be done in three years. It is reported that the work in PG has ceased. Also needed are records of new construction, building costs, sales, rentals, and private appraisals. (p. 103)

Building permits put assessors on notice of new construction that might otherwise escape taxation. Permits are required in many counties, but not uniformly enforced. (p. 107)

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### **State Tax Commission (Biennial Report) 19th, 1953, MdHR 793375, I4692**

The five year rotational plan for assessments has been repealed in favor of a three year rotational plan which becomes effective January 1, 1954. The tax mapping program now required by state law is well organized and progressing well. (p. 1)

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### **State Tax Commission (Biennial Report) 20th, 1955, MdHR 793376, I4692**



The three year rotational plan for assessments was repealed by Acts of 1954, Ch. 69, taking effect July 1, 1956. There will be a continuous method so that all property in the counties and BC is reviewed and reassessed once a year. Tax maps in KE and QA have been completed.

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### **State Tax Commission (Biennial Report) 21st, 1957, MdHR 793352, I10443**

Tax maps have been completed for CA, CR, CE, DO, FR, HA, HO, KE, QA, TA, and WI. BC and MO are not included in the current map project because they already had them. (pp. 18-19)

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### **State Tax Commission (Biennial Report) 22nd, 1959, MdHR 793353, I10443**

Tax maps in all counties except AA, BA, PG, and SO are complete or substantially complete. (p. 11)

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### **Department of Assessments and Taxation (Biennial Report) 23rd, 1961, MdHR 793354, I10443**

Acts of 1959, Ch. 757 divided and reorganized the Tax Commission into the Maryland Tax Court to perform judicial or semi-judicial functions and the Department of Assessments and Taxation to handle administrative functions. The purpose of the department is threefold - legal custodian of corporate records, supervisor of the state tax structure, and administrator of corporate taxes. The department has been organized into five sections.

- The administrative section is responsible for general accounting and regular office services.
- Another section handles the administration of tax laws and the local assessment of property. Control is exercised by the Chief Supervisor of Assessments. Functions include the appointment of local supervisors of assessments and local assessors; establishment of assessment standards, forms, and procedures; ordering of general and special assessments; and exercise of powers per Sec. 232 of Art. 81, Annotated Code. BC Supervisor of Assessments also works with the department's personal property assessors in checking corporate reports.
- The tax map section prepares land classification and unit value maps.
- Charter section. [See [Corporations](#) file.]
- The assessment section assesses, upon sworn reports, the tangible personal property of foreign and domestic ordinary business corporations. Assessments are then certified to the appropriate local officials for collection, according to the location of the property. (pp. 7-8)

Work on tax maps has been expanded to cover almost all incorporated towns. In some cases, large scale drawings have been prepared for congested areas.

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### **Department of Assessments and Taxation (Biennial Report) 27rd, 1969, MdHR 793358, I10443**

Maps showing different grades of soils based on relative productivity are to be prepared for all agricultural acreage in the state. Maps have been completed for CA, DO, QA, SO, and WA and begun in FR.

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## **Governors Operating Economy Survey (General Administration Offices Report), 1969, MdHR 806342, EC520**

Department of Assessments and Taxation fulfills three purposes - legal custodian of corporate records, supervisor of real property tax structure, and administrator of corporation personal property taxes. (p. 21)

The Real and Personal Assessment Section supervises the administration of tax laws and local assessment of property. It handles the appointment of local supervisors of assessments, examination and grading of local assessors, establishment of assessment standards, forms, and procedures, and ordering of general and special assessments. Constant supervision of assessment level is maintained by a continuing statistical survey of property sales in each subdivision. (pp. 21-22)

The Corporate Charter Section acts as a general corporation agency. It receives for approval and recordation articles of incorporation, amendments to charters, merger agreements and consolidations, stock issuance statements, articles of reduction, articles of dissolution, articles of revival, designations of resident agents, and changes therein. With foreign corporations the section approves and keeps on file applications for qualifications or registration to do business in the state. A complete file of all corporations, domestic and foreign, is maintained, listing resident agents and showing forfeitures, dissolutions, mergers, and other changes. Currently photographs are made of all charters filed and kept as a permanent record. Some time ago the charter records were filmed, but the result was unsatisfactory. (p. 22)

The Corporate Assessment Section assesses, based on annual sworn reports, the tangible personal property of all ordinary business corporations, domestic and foreign, and certifies these assessment to local officials for collection. Taxes are assessed on shares of stock in banks, trust companies, and other financial institutions and in corporations other than ordinary businesses and railroads subject to taxation on gross receipts. The assessments are certified to local officials for collection. All domestic ordinary business corporations having capital stock are subject to an annual franchise tax that is collected by the section. The section also assesses distilled spirits and certifies assessment to local officials for collection. (p. 23)

In 1948 personal property exemptions were confined to certain items in only eight counties and BC, In 1968 exemptions included certain items in all jurisdictions, with some giving 100% exemptions on most personal property and others beginning to phase out the personal property tax completely. (p. 23)

The Foreign Corporation Section keeps copies of the charters, amendments, etc. of all foreign corporations certified to do business in the the state. (p. 23)

The Tax Map Section prepares land classification, soil capability, and unit value maps. Soil maps are relatively new and result from joint studies with the federal government. About 25% of the state has been analyzed so far. Nine counties have regional offices near the courthouses where assessors search records and make changes to tax maps which are reported to the central office for updating. (p. 23)

Maryland Tax Court performs the judicial and semi-judicial duties of the former Tax Commission. It

hears appeals from the decisions, determinations, or orders of any agency or assessing or taxing authority that concern the valuation, assessment, or classification of property; levy of a tax; application for abatement or reduction of assessment or tax or exemption; allowance, disallowance, or claim for tax refund; cancellation of a motor vehicle fuel dealer license; income tax question; or sales tax question. Real estate matters comprise 75% of the case load, but usually have smaller dollar amounts. (p. 24)

The fact that counties and BC whittle away the personal property tax base by piecemeal methods has complicated local assessing, state supervision, and distribution of state aid based on assessed valuation. Personal property used in business by doctors, lawyers, CPAs, etc. should be reported. There are, however, no regulations to require such reporting unless notified by assessors. The system for handling personal property taxes on corporations functions well and should be applied to unincorporated businesses. (pp. 25-26)

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### **Department of Assessments and Taxation (Annual Report) 30th, 1974, MdHR 793361, I10443**

Acts of 1973, Ch. 784 directs the Department of Assessments and Taxation to assume the full cost and supervision of the property assessment function for the entire state. On July 1, 1973 the local supervisors of assessments entered state service. Local assessors will become state employees on July 1, 1974 and clerical staff on July 1, 1975. The act also provides for property tax assessment appeal boards to conduct hearings for property owners to protest the actions of the local supervisors of assessments. The boards replace the appeal tax courts and the county commissioners as the final local hearing agencies. Appeals from the boards decisions may be taken to the Maryland Tax Court. DAT is currently studying standardized procedures for keeping records in each jurisdiction. All real property is physically inspected at least once every three years. An annual in-office review of all property has been ordered. Full cash value of property will now be reduced by 50% instead of the 40% previously used for inflation. (p. 7)

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### **Department of Assessments and Taxation (Annual Report) 31st, 1975, MdHR 793362, I10443**

A recent investigation revealed that assessments in BC have fallen behind actual real estate market conditions, resulting in both over and under assessments. DAT will assign assessors from surrounding counties to temporary duty in BC to complete a physical inspections of 234,000 properties. During 1974 DAT, in compliance of an order from the AA Circuit Court, has completed a physical review of over 400,000 properties in the state. An in-office review of the remaining 800,000 has been completed. All changes over \$250 are being entered on assessment cards and incorporated into the tax base for 1975. Thus for the first time DAT has been able to comply with the requirement that one third of the properties in each jurisdiction be physically inspected each year. (p. 7)

## CIVIL

### **M. Luther Pittman, "The Maryland Speedy Judgment Acts," Maryland Law Review, Vol. II, No. 4, June 1938**

Acts of 1886, Ch. 184, better known as the Speedy Judgment Act established for BC a method for obtaining summary judgments. Since then similar acts have been passed for individual counties. The laws furnished a method for reducing to judgment a valid and uncontested claim in cases where the amount was certain and liquidated, provided the plaintiff had complied with the terms of the legislation. (p. 305)

Requirements for speedy judgment cases:

- Action must be based on a claim for liquidated damages which are those whose amount has been determined by agreement between the parties.
- Defendants liability must appear upon the face of the cause of action.
- Cause of action must be filed with the declaration and must be of sufficient particularity to support a summary judgment.
- Action must be verifiable. (p. 306)

Damages for services or charges where the valuation depends on an opinion of the plaintiff or where evidence must be taken to prove value cannot be claimed under a speedy judgment act. (p. 307)

Counties having speedy judgment acts, based on the 1930 Public Local Laws: AL, AA (1935), BA, CV (1937), CA, CR, CH (1937), FR, GA, HA, HO, MO, PG (1937), SM (1937), and WA. (p. 325)

### **Proposed Rules and Report on Summary Judgment Procedure, 1947**

Summary judgment was first introduced by Acts of 1858, Ch. 323 that applied only to written contracts signed by the defendant and applied only to BC. Later acts expanded the procedure to unwritten agreements - Acts of 1864, Ch. 6; Acts of 1886, Ch. 184, secs. 170-171; Acts of 1894, Ch. 173; and Acts of 1898, Ch. 123, Secs. 312-313.

Speedy judgment procedures were extended to WO in 1941.

### **Allan W. Rhyhart, "Execution and Fi Fa in the Peoples Court of Baltimore City," Maryland Law Review, Vol. XIV, No. 3, Summer 1954**

Writ of execution or fieri facias is used to enforce a money judgment. Its purpose is the eventual sale, if necessary, of the goods of the defendant to pay the plaintiff the amount of the judgment. Execution is effected by a levy upon the property, schedule, notice of sale, and sale and return. (p. 203)

Execution or attachment may issue out of the BC Peoples Court on any of its judgments, whether or not they have been recorded, by virtue of Acts of 1951, Ch. 693 and Acts of 1953, Ch. 409. Only the BC

Peoples Court can handle the enforcement of judgments that were not recorded with the BC Superior Court prior to January 1, 1951. (pp. 204-205)

Only tangible property in possession of the defendant may be taken in execution. (p. 220)

BC Peoples Court obtained the authority to order the sale of real property in the execution of judgments in Acts of 1951, Ch. 693. Under Maryland practice property is not sold under a writ of attachment. After a judgment of condemnation a writ of fi fa may be issued for the purpose of selling the property so condemned. (pp. 225-226)

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**Allan W. Rhyhart, "Attachments in the Peoples Court of Baltimore City," *Maryland Law Review*, Vol. XIV, No. 3, Summer 1954**

The purpose of an attachment is, by seizing property of a debtor, to compel appearance to answer the plaintiff when from nonresidence or flight the person is beyond process or the person fails to appear and to apply such property toward satisfaction of the debts. Sequestration arises from the physical seizure of chattels or personal property of the defendant, bringing suit against a debtor of the defendant as garnishee, and subjecting real property or chattels real of the debtor to a lien in favor of the plaintiff. In every attachment a specific lien is created against the property attached, which continues until determination of the short note case unless the debtor appears and furnishes sufficient bond. In courts of record an attachment proceeding consists of two types of cases:

- attachment case itself in which the preliminary seizure is made. This is an action in rem against the goods or credits of the debtor with the dual purpose of securing a lien on the property attached and inducing the debtor's appearance to the short note case.
- Short note case which is a suit in personam against the debtor.

The foundation of an attachment case is the affidavit of the plaintiff accompanied by the voucher or evidence of debt. (p. 235)

Attachments fall into two general categories - on original process and on judgment. (p. 236)

In every writ of attachment there must be a scire facias directing the defendant to show cause why condemnation should not be had. (p. 243)

If lands are attached by process out of the BC Peoples Court, they must be described with sufficient accuracy for identification and the party in possession should be notified of the attachment and summoned to appear as garnishee. (p. 251)

By issuing an attachment on mortgaged land, the attaching creditor obtains an inchoate lien upon the equity of redemption, which entitles the holder to payment out of the surplus proceeds of a foreclosure sale. (p. 254)

When attaching land or taking chattels into possession, a constable lists the property on a schedule.

When an attachment issues out of a conventional court of record, the sheriff not only schedules the property but also has it appraised. The practice of appraisal does not exist in a BC Peoples Court attachment. (pp. 255-256)

An attachment on a judgment is for the purpose of reaching goods or assets of the defendant in the possession of a third person, or garnishee. In an attachment on a judgment, only property in the hands of a garnishee may be attached because property in possession of the defendant may be taken on execution. Process of attachment on a judgment is considered as an execution and is governed by the same principles. (p. 257)

When a garnishee is involved, the suit can be brought only where the garnishee resides or does business. When attachments are laid in the hands of several garnishees, separate suits are docketed against each. Funds in the hands of a trustee under a court decree are not liable to attachment until after the account is stated and ratified. (pp. 258-259)

If a bond is filed in a sum equal to the value of the property attached or double the amount of the plaintiffs claim, the attachment may be dissolved and property released. (p. 271)

## COMMISSION TAX

**Maryland Tax Commission ( Report), 1888, MdHR 793312, EC1390:** Report of a commission to study Maryland's system of taxation. Following notes taken from appendix: "Sketch of Tax Legislation in Maryland."

The first tax on officers compensation appears to have been made under Acts of June 1780, Ch. 8. (p. clii)

Present tax on officers commissions was imposed by Acts of 1843, Ch. 284. (p. clxxvii)

Commissions allowed receivers and trustees by the courts were subjected to a tax by Acts of 1844, Ch. 187. It was repealed by Acts of 1864, Ch. 408. A similar tax was laid on commissions allowed executors and administrators by Acts of 1844, Ch. 184, which still continues. (p. clxxviii)

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### **Maryland Tax Revision Commission of 1939 (Report), 1941, MdHR 805710, EC271**

Current law requires certain officials to pay a tax to the court clerks. It derives from Acts of 1843, Ch. 284 and Acts of 1844, Ch. 302 which attempted to reach and equalize remuneration received by state officers, especially those being paid on a fee basis. (p. 110)

The commission tax works in a haphazard and unfair way as it is payable only once each term of office regardless of its length of the term. Some judges have commissions for fifteen years and others for only one or two years. Because officials salaries are now subject to income tax, the commission tax is unnecessary.

## CORPORATIONS

[For corporate law prior to 1853, see Joseph G. Blandi, *Maryland Business Corporations, 1783 - 1852* (1934)]

**Maryland Tax Commission ( Report), 1888, MdHR 793312, EC1390:** Report of a commission to study Maryland's system of taxation. Following notes taken from appendix: "Sketch of Tax Legislation in Maryland."

From 1777-1841 corporations were subject to taxation mostly as natural persons. Taxes on shares of stock were charged to and collected from the owners. (p. cli)

Added to the tax laws in 1841 were provisions for taxation of shares of stock and bonds and evidences of indebtedness of states, cities, and incorporated institutions. (p. clxvii)

Acts of Mar. 1841, Ch. 23 required an officer of a corporation to return a list of stock owned by nonresidents and to pay the taxes charged on them. Acts of 1842, Ch. 281 and Acts of 1843, Ch. 289 extended this method to stock owned by residents. The tax was withheld from dividends and paid to the collectors, but was not demandable unless a dividend was declared or earned. County and city taxes were not covered by these acts and continued to be collected directly from shareholders. (p. clxviii)

Acts of 1847, Ch. 266 directed county and BC government officials to value stock of corporations, after giving the company an opportunity to produce evidence of its value. The assessed value of the corporation's real property and personal property was then deducted from the valuation of the stock. The difference was the valuation on capital stock for state, county, and city taxation. An account of these assessments was sent to the State Treasurer. However, counties and cities still had to collect their taxes from the shareholders. The legislation required corporations to pay the state tax on capital stock regardless of dividends or earned profits. These provisions were maintained until passage of Acts of 1872, Ch. 90 that provided for the annual assessment of shares of stock in companies incorporated by the state. (pp. clxviii-clxix)

Not until passage of Acts of 1878, Ch. 178 were the counties and cities put on the same footing as the state regarding taxes on stock. The legislation created the Tax Commissioner and directed that taxes assessed on stock for all levels of government be collected from the corporations. (pp. clxx-clxxi)

The attempt to tax both shares of stock and real property and personal property of corporations was resisted and resulted in a Court of Appeals decision in 1877 that this was double taxation and unconstitutional. Thus the 1878 law provided that the assessed value of real property be deducted from the aggregate value of shares. Tax Commissioner was charged with assessing shares of stock and certifying the valuations to the county commissioners or BC Appeal Tax Court, wherever the stockholders resided. (pp. clxxii-clxxiii)

Efforts to tax stock of foreign corporations held by residents has been unsuccessful because it is almost impossible for assessors to find such stock. (p. clxxiv)



Acts of 1847, Ch. 266 provided for the valuation of securities issued by corporations and the collection of state taxes on them. This legislation is still basically in effect. Every company makes annual returns to the Comptroller of the Treasury and out of interest due holders pays the state tax to the State Treasurer. Every company also furnishes a list of security holders to the county commissioners and BC Appeal Tax Court.

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**Commission for the Revision of the Taxation System of the State of Maryland and City of Baltimore (Report), 1913, MdHR 793310, EC644**

Domestic corporations are taxed through assessments on valuations of their shares of stock ascertained by the Tax Commissioner from annual reports filed by the companies. The state taxes are paid directly by the corporations and the local taxes are paid to the taxing authorities where the stockholders reside. (p. 17)

Real property of corporations is assessed locally and a certificate furnished the Tax Commissioner who deducts the amount along with other securities and tax paying shares before determining the net assessment on shares. Personal property of corporations is not assessed by local assessors, and the Tax Commissioner has no guide to aid in valuing this class of property. Thus much escapes both state and local taxation. (p. 18)

Imposition of the securities tax is not uniform. CV, CA, GA, and WO collect none. In the other counties only a low percentage of securities is taxed, with the greater proportion being paid by conscientious persons. In QA 82% of the assessment of securities is assessed to one woman. (pp. 65-66)

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**State Tax Commission (Biennial Report) 1st, 1916, MdHR 793308, I4685**

Legislation in 1914 radically changed the method of assessment of business corporations and provided that they be assessed directly on their assets and that their shares of stock should not be valued for taxation purposes or be subject to taxation. In addition to the assessment on their tangible property, their intangible personal property is subject to assessment in same manner as individuals. Other corporations remain subject to assessment on shares. Assessment of securities was conferred on local authorities. Tax Commission requires corporations to report in detail their holdings and certifies the amounts of the investments to local officials for assessment. (pp. 38-39)

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**State Tax Commission (Biennial Report) 2nd, 1918, MdHR 793306, I4683**

Recently numerous changes have occurred concerning the recordation of charters and amendments. Prior to June 1, 1908 all were filed with the clerks of the county circuit courts and BC Superior Court. After that they were filed with the Tax Commissioner and a copy sent to the court clerk where the main office was located. From April 16, 1914 to June 1, 1916 charters were filed with the Secretary of State, but the recording of amendments remained unchanged. Since June 1, 1916 charters and amendments are filed with the Tax Commission. Copies are sent to the Secretary of State and the court clerks. (pp. 53-54)

The Attorney General issued an opinion that charters and amendments of religious corporations should

be filed the court clerks, but not the Tax Commission. (p. 55)

Under existing law, Secs. 76-77 of Art. 23, Public General Laws, there is only one method for the voluntary dissolution of corporations. The directors must pass a resolution declaring dissolution advisable and call a meeting of stockholders. If 2/3 of the shares outstanding agree, a petition is filed in a court of equity where the main office is located. For companies with no property, assets, or debts this is an expensive and cumbersome procedure. (pp. 56-57)

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### **State Tax Commission (Biennial Report) 11th, 1937, MdHR 793367, I4692**

Prior to passage of Acts of 1935, Ch. 551 the jurisdiction of the Tax Commission was limited to the dissolution of corporations with no assets, liabilities, or outstanding contractual obligations. Under the new law a corporation is automatically dissolved, except for liquidation purposes, upon filing with the Tax Commission articles of dissolution certifying that the action has been approved by the directors and 2/3 of the each class of stockholders and that notice had been given to all known creditors. Tax Commission publishes notices of these filings. Liquidation of assets and settlement of affairs are placed in charge of the directors, with the right reserved to any creditor or stockholder to apply to the courts for the appointment of a receiver. This new procedure is especially useful for uncontested cases. (pp. 10-11)

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### **Commission on Revision of the General Corporation Laws of Maryland (Final Report) 1950, MdHR 806098, EC328**

The last complete revision of corporation laws was made in 1908 and numerous piecemeal amendments have been made since then. (p. vii)

The present statute permits voluntary dissolution by articles of dissolution filed with the Tax Commission or by bills in equity. The older and more cumbersome method of court action has almost been entirely superseded in practice by the newer one of filings with the Tax Commission. (p. viii)

Requirements regarding resident agents should be broadened to include corporations formed before June 1, 1916. Now those companies may have a resident agent or resident director. The current provision for a resident agent to be in charge of the main office in the state is not followed in practice and should be eliminated. Changes in the location of the main office shall be allowed without amendment to the charter. (p. 72)

Present law provides that the Attorney General institute forfeiture proceedings when authorized by the governor. It should be changed to authorize the Tax Commission to recommend such action to the Attorney General who would do so if the facts warranted such action. The governor has rarely used this power and even then must rely on the Tax Commission for recommendations and statements of fact. (p. 85)

The 1908 revision repealed the provisions in all existing charters limiting the duration of the corporation, but left some ambiguity as to whether a company of limited duration could be formed thereafter. (p. 89)

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## **Commission on Revision of the Corporation Laws of Maryland (Final Report) 1966, MdHR 806240, EC431**

General corporation laws were completely revised in 1951 on the basis of a commission study. Its thorough work makes it unnecessary at this time for an overall revision. However, it did not revise provisions relating to particular classes of corporations such as banks, insurance companies, and railroads. Since 1950 the banking and insurance laws have been recodified and a law passed for the regulation of savings and loan associations. (p. v)

This commission reviewed statutes concerning religious corporations, cooperatives, railroads, and building and loan associations. (p. vi)

The requirement for filing a stock issuance statement with the Department of Assessments and Taxation should be eliminated because it services no useful purpose and is often uninformative. Yet, failure to do so may cause legal problems. (p. 69)

As long a corporation trying to dissolve voluntarily provides a satisfactory method of paying taxes after dissolution, DAT should be able to accept the articles. (p. 72)

The basic purpose of the proposed new subtitle for closed corporations is to reduce some formalities and mechanics involved in companies having a small number of owners and to provide for certain powers to arrange affairs by contract similar to partnerships, while retaining corporate features. (p. 73)

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## **Department of Assessments and Taxation (Biennial Report) 23rd, 1961, MdHR 793354, I10443**

Acts of 1959, Ch. 757 divided and reorganized the Tax Commission into the Maryland Tax Court to perform judicial or semi judicial functions and the Department of Assessments and Taxation to handle administrative functions. The purpose of the department is threefold - legal custodian of corporate records, supervisor of the state tax structure, and administrator of corporate taxes. The department has been organized into five sections. (p. 7)

The charter section approves and records articles of incorporation, amendments, merger or consolidation agreements, stock issuance statements, articles of reduction, dissolutions, articles of revival, and designations of resident agents. Copies of charters are forwarded to the court clerks. A complete file of all corporations, domestic and foreign, is maintained, listing residents and showing forfeitures, dissolutions, mergers, and similar changes. Corporations, except for non-stock ones, must be approved by DAT. Some banks and trust companies must obtain additional approval from the Bank Commissioner and insurance companies from the Insurance Commissioners. Also maintained are files of applications by foreign corporations to do business in the state, including copies of charters and amendments and designations of resident agents and files of corporations seeking to register to do an interstate business. (p. 8)

DAT certifies to the governor for forfeiture of charters the names of domestic corporations failing to file reports or pay certain taxes. Foreign corporations failing to file or pay are subject to having their

qualifications canceled. Corporations may appeal assessments to the director of DAT, with a further appeal to the Maryland Tax Court. (p. 9)

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**Department of Assessments and Taxation (Annual Report) 29th, 1973, MdHR 793360, I10443**

Charter section also receives, approves, records, and indexes financing statements filed under the Uniform Commercial Code where business personal property is involved and where the debtor has one or more places of business. (p. 9)

## DIVORCE

### **General Assembly, Legislative Council, Research Division (Research Report 25), Divorce in Maryland, 1946, MdHR 785639, L1768**

Divorce law in the colony was uncertain. There was no ecclesiastical court in Maryland, so that possibility was closed. By the the late 17th century the English parliament was beginning to grant a few divorces by special legislative act. By the late 18th century the practice was well established in Maryland that petitions for alimony, without divorce, could be heard by the judiciary, acting through the Chancery Court. Beginning in 1790 the General Assembly began to grant divorces by special legislation and during the next half century expanded the possibilities for divorce. At first the legislature insisted that a criminal conviction precede the petition for divorce. (pp. 2-3)

There were a number of unsatisfactory aspects to the whole system of legislative divorce. No definite policy was followed. Most acts gave no hint as to grounds and few people knew what went on in the committees or on the floor. The General Assembly was less concerned than the courts about such judicial niceties as notice and hearing. Acts granting divorces seldom said anything about the wife's name, alimony, custody of children, or property rights. When the legislature tried to incorporate alimony into an act, the Court of Appeals called it unconstitutional. A complainant seeking both alimony and divorce had to go to both the courts and the legislature. (p. 4)

Acts of 1841, Ch. 262 provided that the Chancery Court or any county court sitting as a court of equity could hear applications for divorce. With no prohibition against the practice, the General Assembly continued to grant divorces. Constitution of 1851 abolished this function, thus making divorce an exclusively judicial function. (p. 5)

Most contests in divorce cases are not on the question of granting the divorce, but on disputes over collateral matters such as alimony, custody of children, and property settlements. There are four types of legal actions for attacking the marriage relationship - annulment, alimony, limited or a mensa divorce, and absolute or a vinculo divorce. (p. 6)

Offices of master and examiner in equity are old ones, stemming from the early English courts of chancery. An examiner takes testimony and the master makes formal recommendations to the court. Maryland courts are assisted in divorce work by examiners only. (p. 51)

## EDUCATION

### **Hugh Sisson Hanna, A Financial History of Maryland, 1789-1848 (Baltimore: Johns Hopkins Press, 1907)**

Acts of 1813, Ch. 122 dedicated the bank tax to free elementary education. Acts of 1816, Ch. 256 provided for application of the fund accruing from the bank tax. A board of school commissioners was appointed for each county with the power to draw upon the state treasurer for the county's share. The act was ineffectual primarily because the fund was inadequate. Counties could supplement the fund, but few if any did. (p. 68)

Acts of 1825, Ch. 162 devised a more comprehensive system and provided for a state superintendent of public instruction to supervise schools, appointment of local school commissioners and inspectors, divisions of each county into school districts, and distribution of the county share of the state school fund among the districts according to the number of school children. Other money was to be raised by the districts. BC was permitted to establish its own system distinct from the state and received one-half of BA's share of the state fund. The effectiveness of the state plan was diminished by the provision that it could not be operative unless accepted by a majority vote in a county. Only BC set up an effective system. (pp. 68-69)

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### **Maryland Educational Survey Commission (Report), Public Education in Maryland, 1915, reprinted 1921, EC933**

County boards of education are appointed by the governor and composed of six members in six counties - BA, CR, DO, FR, MO, and WA - and of three members in the rest of the counties. Each county board appoints three district trustees for each schoolhouse district. They are the custodians of the school property and have the power to select the principal teacher, subject to the approval of the county board. County boards appoint all subordinate teachers and all high school teachers. Trustees may remove any teacher they appoint, a decision that can be appealed to the county board. Because appointments are viewed as spoils, county boards are looked upon as Democratic or Republican boards. (pp. 32-33)

County commissioners are required to levy sums requested by the county boards, provided they do not exceed \$.15 on every \$100 of taxable property. County commissioners have the discretion to exceed this amount. While county boards are held responsible for schools, they are in practice deprived of financial power to meet their responsibilities. Full requests for funds are seldom granted by the county commissioners. The most serious difficulties are usually encountered when funds are requested for the construction of new schoolhouses. In most counties almost all money spent on new buildings in the past five years has been wrung from the county commissioners through special laws requiring a levy or bond issue. (pp. 34-36)

Politically selected county boards are apt to choose district trustees on a partisan basis. Trustees as a rule do little. They do not talk over school affairs with the teacher and take no special interest in the schoolhouse or grounds. They act when a teacher is to be appointed or dismissed; but their actions will not be based on purely educational considerations. (p. 40)

County superintendents are elected by politically constituted county boards. When Republicans were in power, 1896-1900, new county superintendents were chosen in nineteen counties. When Democrats came into power in 1900, sixteen new superintendents were appointed. (p. 43)

The county superintendent is the custodian of the records of the county board of education, conducts correspondence, arranges business to be considered at monthly and special board meetings, keeps minutes of the proceedings, collects statistics from schools, and prepares the annual report submitted to the state Department of Education. As treasurer, the superintendent has charge of the funds, and in that role receives and when audited by board members pays all bills, keeps accounts, purchases and distributes textbooks and educational materials, and prepares the annual budget submitted to the county commissioners. For lack of assistance and facilities, clerical work is often poorly performed. In some counties - AL, BA, FR, HA, QA, TA, WA, and WI - order prevails. Elsewhere there is no system. Teachers' exam records are preserved, but inaccessible. School reports are merely bundled together and filed. Data are almost never collected as to why children are not promoted or attend school irregularly. Financial accounts, however, are carefully and accurately kept. (pp. 45-46)

Purely education duties begin with the maintenance of the school plant. District trustees may spend on their authority for upkeep and repairs \$5 per term. Larger expenditures must be approved by the county board. The county superintendent investigates and reports upon the need, makes the necessary purchases, and supervises work done under contract. If a new building is to be erected, the superintendent must acquire the ground, draw the plans, let the contract, and look after construction and equipment. A decent and comfortable rural school plant consisting of a neat school building, clean yard, and sanitary outhouse is exceptional. (pp. 46-47)

Teachers certificates issued by the county superintendent on the basis of exams are probationary, good for six months. Then the superintendent may cancel the certificate, require another exam, or issue a certificate valid for five years. (p. 49)

In counties without supervisors oversight depends on the county superintendent who is required by law to visit schools. The number of reported visits is no index to effective supervision because they are usually brief and of a business or inspectorial character. (p. 53)

County superintendents are required to prepare semi-annual exam questions for all school children. Instead of showing what children know, they function to guide the teacher, because by the exam the superintendents tell the teachers what kind of instruction should be given. County reports are usually dull pamphlets throwing little light on education problems. (pp. 54-55)

Ambitious ideas were embodied in the law of 1872 which prescribed courses of study for every district school - orthography, reading, writing, English grammar, geography, arithmetic, U.S. history, good behavior, algebra, bookkeeping, natural philosophy, U.S. and Maryland constitutions, Maryland history, vocal music, drawing, physiology, health, and domestic economy. Actual instruction in one room rural and village schools was in practice limited to grammar, geography, and history. Other courses were attempted as a rule only in academies and high schools in larger towns and the number of pupils taking

them was small. Prospective teachers under the law had to be trained to teach courses which in fact did not exist in the schools. (p. 67)

Eleven counties - AL, CA, CE, DO, FR, GA, KE, PG, QA, WI, and WO - appear to be making financial sacrifices. But the counties that receive from the state the largest proportion of money spent on local schools - CV, CH, and SM - are the ones with the lowest school tax. Rich counties like CR, HO, and TA are apparently content to rely on the state for 40 to 50% of their school expenditures. The state cannot afford to dispense its school funds without requiring a minimum school levy at the county level. (p. 154)

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### **School Law Revision Commission (Report), 1968, MdHR 806297, EC463**

The 1916 General Assembly enacted the revised state school code which has remained politically and educationally sound. Local systems were made responsible for the actual development and operation of their school programs with financial aid, minimum standards, supervision, and counseling coming from the state. A new state Board of Education was established, consisting only of laymen selected by the governor. Their chief duties were the making of policy, interpretation and enforcement of the school law, and appointment of the state superintendent of schools. Administration of the state school system was placed in the hands of a professionally qualified state superintendent and staff. (p. 5)

The governor appoints members of the county boards of education, except in MO where their election was authorized by a 1957 law. Local superintendents of schools are selected on the basis of professional qualifications. The 1916 statute established a minimum statewide program of education including length of school year, exam and certification of teachers, salary schedules, and courses of study. The state was to provide financial assistance for local school programs and minimum local effort was also provided for. Although the equalization principle was not adopted until 1922, the present basis of school finance was established in 1916 (p. 6)

Changes in Art. 77, Annotated Code, are now in order because it contains obsolete phrases and structures. For example, the local superintendent is often called the examiner and the principal a teacher. (p. 7)

Maryland was one of the first states to enact principles of equalization. The 1922 law included an authorized number of teachers and administrators, minimum salary scale, guaranteed amount for other current expenses, approved cost of pupil transportation, required local tax levy, and state financial assistance to support differences between the cost of the foundation program and local levy. (pp. 8-9)

A 1929 law authorized and directed the state board to establish standards, rules, and regulations for the examination, classification, and education of mentally and physically handicapped children and provided a special fund for paying expenses. Twenty years later the law was amended to provide reimbursement to parents who enroll their handicapped children in a school outside the local system. A 1957 law provided for the education and training of handicapped children under age six. (p. 10)

A 1929 law authorized and directed the state board for vocational education to disburse all funds for rehabilitation of disabled persons, to appoint personnel to administer the act, and to rehabilitate and



place in remunerative occupations persons eligible for benefits of the act. It also allowed the state to accept provisions and benefits of federal laws relating to vocational rehabilitation. (p. 11)

A 1945 law made a twelve year public school system a uniform requirement throughout the state. It resulted in an additional year for many jurisdictions except for BC, AL, MO, and WA which were already in compliance, organization of junior high schools, and reorganization of senior high schools. The system was put into effect gradually. The last county was reorganized in 1950-1951. (p. 13)

Legislation enacted in 1945 and strengthened in 1947 makes the state superintendent responsible for the approval of all nonpublic schools except those operated by bona fide church organizations or with state charters. (p. 13)

Before 1947 children of age 14 who had completed elementary school could be excused from further school attendance. In 1947 the law was changed to provide compulsory school attendance for children between the ages of six and sixteen. (p. 15)

Traditionally the construction of school buildings was considered a local responsibility except for state operated special schools for handicapped children. However, rapid urbanization and population explosion following World War II created a sudden financial burden. The first state aid legislation for school construction was enacted in 1947. Community colleges were set up through the state budget law in 1945 in order to meet the educational needs of war veterans. Expenses were shared by the state, local subdivision, and student. The colleges were operated by local boards of education in accordance with rules and regulations established by the state Board of Education. Local boards constituted boards of trustees for the local colleges. (pp. 16-18)

A 1967 law incorporated kindergarten education in the basic education foundation program. (p. 18)

The office of state superintendent of public instruction was created in 1826 by the General Assembly, but was not ratified by the voters. The Constitution of 1864 provided for a system of free public schools and the office of state superintendent who was mandated to submit a plan to the next legislature. A very comprehensive plan was thus drawn up and enacted. Somewhat utopian, the plan proved a premature effort. The 1867 constitution removed the office of state superintendent and the legislature failed to retain it. Also much of the promising education legislation was repealed. For the next thirty-two years, 1868-1900, the principal of the Normal School exercised general supervision over public schools. During this period BC obtained a law in 1872 giving it all the state's power over public schools in the city. Only recently have state laws limited this power. (pp. 26-27)

The district boards of school trustees should be abolished because they no longer serve their original purpose of school boards for small one and two room elementary schools. (p. 33)

## ELECTIONS

### **University of Maryland, College of Business and Public Administration (Study in Public Administration), Election Practices in Maryland, 1950, MdHR 803247, I8706**

The corrupt practices act applies to general and primary elections. The latter includes the selection of delegates to nominating conventions, meetings of such conventions, and caucuses of General Assembly members. Every political committee is required to appoint and bond a treasurer. A candidate may also appoint a treasurer and a political agent. For campaigns in the state or two or more counties a report of these appointments must be filed with the Secretary of State. For local campaigns the reports are filed with the clerks of the county circuit courts and BC Circuit Court. (pp. 29-30)

Within twenty days after an election every treasurer or political agent must file a financial statement with the same court clerks. Rulings of the Attorney General hold that they shall also be filed with the Secretary of State for campaigns beyond a single county, but it is not common practice to do so. Candidates must also file financial reports. There is no official machinery to examine the accuracy of these reports. The laws require no one to do so. (pp. 33-34)

Persons who wish to become candidates for party nominations through the primaries must file certificates of candidacy called certificates of nomination. For offices in a county or BC they are filed with the local board of supervisors of elections. Candidates for Congress or any office filled by voters of the entire state file certificates with the Secretary of State. (p. 38)

Each statewide nomination is made by a major political party through its state convention. Candidates of new parties or independent candidates may be nominated by petition of voters. Petitions are filed with the Secretary of State or local election supervisor, depending on the office sought. A candidate for president must file a certificate with the Secretary of State. (pp. 41-43)

Primary and general elections are conducted by the local boards of supervisors of elections. Each board consists of three persons appointed by the governor for two year terms. Supervisors may subdivide election districts, change precinct boundaries, and establish additional polling places. There must be a polling place in each precinct. (pp. 46-47)

In every precinct using paper ballots, four election judges and two election clerks are selected by the election supervisors. When voting machines are used the election is conducted by four judges, and no clerks are appointed. Two judges handle registers, another is in charge of blank ballots, and the fourth receives ballots at the ballot box. Each clerk keeps a poll book. (pp. 50-51)

After the polls close, judges count ballots and clerks tally returns. With voting machines, two judges are in charge of the registers and two in charge of the machines. (p. 52)

Votes are counted by opening and reading the machine counters. The local election supervisors constitute a board of canvassers to make an official tabulation of returns from all precincts in the respective county or BC. Election returns are filed with the clerks of the county circuit courts and BC Superior Court. Reports are sent to state officials to show returns for state or national offices. They are

canvassed by the Board of State Canvassers that consists of the Secretary of State, Comptroller of the Treasury, State Treasurer, clerk of the Court of Appeals, and Attorney General. (p. 57)

Contested elections for Governor, Comptroller of the Treasury, judges, court clerks, registers of wills, and seats in the House of Delegates are decided by the House of Delegates. Contested elections for seats in the Senate are decided there. Seats for other offices, if not provided for in the Constitution, are decided by the county circuit courts or BC Superior Court. (p. 58)

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### **Maryland Commission on the Functions of Government (Report), 1974, MdHR 806403, EC550**

Until 1969 BC and the counties were individually responsible for the conduct of state and county elections. The State Administrative Board of Election Laws (SABEL), created by Acts of 1969, Ch. 555 was designed to provide a focal point on election matters and to work toward a unified system. However the board had only an advisory role. In 1971 it was changed to a supervisory role. (pp. 4-5)

SABEL consists of five persons appointed by the governor for four year terms. A state administrator of election laws is appointed by the governor for a six year term. Powers and duties of SABEL include

- supervision over conduct of elections
- adoption of rules and regulations to assist the local boards of supervisors of elections in conducting registrations, voting, and elections
- receive filings for statewide or multi-county offices
- depository for election records and relevant information
- preservation of election records (pp. 5-6)

Local supervisors provide for all elections held in their jurisdictions. (p. 7)

Each local board of election supervisors constitutes a board of canvassers. The Board of State Canvassers consists of the Chairman of SABEL, Comptroller of the Treasury, State Treasurer, clerk of the Court of Appeals, and Attorney General. Since local election boards cannot direct legal questions to the Attorney General, the state board gives them a channel to the that office. (p. 11)

Municipal elections, except for BC, are generally conducted independently of the state and counties. The process lacks uniformity among the cities. Towns generally have some form of an election board, usually appointed by a mayor and council. Registration is usually handled by the municipal clerk. Although cooperation between the county and municipal election boards is limited, two cities - Frederick and Hagerstown - work closely with the county boards. Registration for these city elections is accomplished through the county boards which also handles the municipal elections. Although the AA election board registers citizens of Annapolis, the city may hold special registrations and conducts its own elections. (pp. 12-14)

## ESTATES

### **State Tax Commission (Biennial Report) 2nd, 1918, MdHR 793306, I4683**

The Tax Commission had recommended that the collateral inheritance tax law be changed to provide for review of appraisals made by local officials. Acts of 1916, Ch. 669 provides that before appraisals are filed with the registers of wills, they are submitted to the local supervisor of assessments who sends them to the Tax Commission with recommendations as to valuation. The commission may change valuations. (p. 72)

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### **Maryland Tax Revision Commission of 1939 (Report), 1941, MdHR 805710, EC27**

Method of assessing and collecting the inheritance tax has not changed since its adoption in 1844. Since orphans courts had jurisdiction over settlement of estates, it was natural to give the function to the registers of wills. (p. 23)

In BC standing appraisers of real property and personal property are appointed. In most counties appraisers for a particular estate are nominated by the executor or administrator. In BA one is appointed by the orphans court and one by the executor or administrator per Sec. 515 of Art. 3, Public Local Laws. General law provides that a copy of each appraisal shall be furnished the local supervisor of assessments who sends a copy to the state Tax Commission which has the power to review and modify an appraisal. This power has seldom been exercised. (p. 23)

This system of appraisal and collection works well enough for property that is inventoried and a matter of record with the registers of wills. However, there are other properties subject to inheritance tax which present difficult problems, for example, property passing by survivorship, by transfer in contemplation of death, or by deeds of trust intended to take effect at death. Many of these do not pass through the registers of wills or orphans courts. (p. 24)

In 1929 the Maryland estate tax was enacted, based on a percentage of the federal estate tax as computed under an act of 1926. In 1935 the inheritance tax was extended to lineal heirs. The Attorney General as legal advisor to the registers of wills bears an unnecessary burden. Many questions involve the applications of general principles to involved questions of fact. (pp. 24-25)

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### **University of Maryland, College of Business and Public Administration (Study in Government), Judicial Process in Maryland, 1961, MdHR 803180, I8689**

The General Assembly abolished the colonial probate arrangement, consisting of the Commissary General and county deputies, and gave probate duties to an orphans court for each county. These judges were appointive. Orphans courts have survived with few organizational changes. (p. 8)

Orphans courts were established by the Constitution of 1776. Judges were appointive until 1851, and since then have been elected. Three are elected to four year terms in each county and BC. (p. 33)

Orphans courts have the power to take probate of wills, grant letters testamentary and letters of

administration, direct the conduct and accounting of executors and administrators, superintend distribution of estates, secure rights of orphans and legatees, and administer justice relating to affairs of deceased persons. Parties in a case may appeal directly to the Court of Appeals or to the county circuit court or BC Superior Court. (pp. 35-36)

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### **Commission to Study and Revise the Testamentary Laws of Maryland (Report), First, 1966, MdHR 806231, EC430**

Present system of death taxation in Maryland is archaic, unjust, and complex. Maryland imposes three death taxes:

- inheritance tax on legacies under a will or on distributive shares of the next of kin of a decedent where there is no will
- estate tax, designed to take advantage of certain credits which the U.S. government allows against the federal estate taxes where the amount of such credits is paid to a state
- tax on commissions of executors and administrators (p. 3)

The inheritance tax was originally enacted in 1844 and now fails to take sufficient account of the passage of property at death other than through probate estate and of the new and sophisticated modes of disposition of property by trusts and powers of appointment. (p. 4)

Inheritance taxes and commission taxes are paid to registers of wills and estate taxes to Comptroller of the Treasury. This dual system of administration is not justified. (p. 7)

Commissions are subject to income taxes and there is no need to impose two taxes on earned income. (p. 10)

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### **Governors Commission to Review and Revise the Testamentary Law of Maryland (Report) Second, 1968, MdHR 806306, EC493**

The distinction between real property and personal property in the administration of estates developed in early English law. It originated at a time when landed estates were the basic feature of a feudal economy. Then land descended by primogeniture to the eldest son, while the less important personal property went to all the children. In our modern economy assets other than land are now the prime source of wealth. Thus, there is little reason for continuing to exclude a decedent's real estate from the assets of the probate estate. In fact, it causes problems. For example, under the rule that personal property must be consumed completely before real property can be used to pay debts, income producing personal property such as stock in a family business must be sold before a vacant lot can be. Inclusion of real property in the probate estate would remove this priority. (p. 11)

Under the proposed revisions of the testamentary law, the cumbersome and expensive creditors' bill in equity to subject real property of a decedent to liability for debts will no longer be necessary. All distinctions in Art. 93, Annotated Code, between real property and personal property have been eliminated. Thus, the required recordation of a will in any jurisdiction where the decedent owned real

property has been repealed because a personal representative will now be required to execute and record a deed to pass title to distributees of an estate. Sec. 1-301 of Art. 93 makes it clear that title to all property in both testate and intestate estates passes directly to the personal representative. (pp. 12-13)

Currently the methods of maintaining permanent records of proceedings in orphans courts throughout the state vary. Likewise, the recording of entries in different record books requires searches in several places for the same estate. The proposed Sec. 2-210 of Art. 93 would provide a uniform and simplified system of keeping records - wills record book, administrative proceedings record book, release record book, claims docket, and claims against nonresident decedents. (p. 28)

The proposed Sec. 2-301 of Art. 93 would give all registers of wills the authority to appoint standing appraisers, which now is in effect only in BC. In BA, MO, and PG the orphans court appoints a chief appraiser. (p. 29)

The division of probate proceedings into administrative probate and judicial probate reflects an old distinction still in effect in Maryland. Acts of 1798, Ch. 101 referred to them as plenary and summary. The latter, an action taken by a register of wills without judicial proceedings, is the most common method used in present practice. Most duties and powers associated with probate courts are administrative rather than judicial. (pp. 62-63)

The proposed requirement that evidence of security or payment of Maryland death taxes be evidenced by a certificate recorded in land records will be the most effective way of policing the actual payment. (p. 80)

The period for filing the first account should be reduced from fifteen to a little over six months. (p. 95)

Current laws do not make notice to creditors a mandatory requirement. Of course, it is usually done since if the notice is not published the personal representative would continue to be liable for creditors' claims. The proposed law would make notice mandatory, and change the period of limitations for filing claims by creditors from six to four months. (pp. 97-98)

The proposed Sec. 7-201/205 of Art. 93 provides for general retention of the existing inventory filing system. In addition, Sec. 7-201(b) provides an optional method for a personal representative having extended powers under Sec. 7-402. If copies of the inventory are sent to all persons directly concerned with the estate, information concerning assets will not become part of the public records. The alternative procedure is to file the inventory with the register of wills and give copies to persons upon request. (p. 99)

The original purpose for filing inventories was to afford interested parties an opportunity to discover the extent and composition of an estate. Subsequently inventories came to be used for setting a value on interests subject to the inheritance tax. (p. 100)

Acts of 1916, Ch. 669 required that a copy of an appraisal be delivered to the local supervisor of assessments, to be forwarded to the state Tax Commission for review and changes, if necessary. It has been ignored in practice since 1939 and in law since 1957. (p. 102)

Since real property is considered part of the probate estate and since the proposed Sec. 7-302 of Art. 93 provides for the reporting of any sale of real property or personal property in the next account, current provisions regarding reports of sales for ratification by the orphans court are omitted. (p. 104)

With respect to sales of property, the personal representative should get prior approval of the orphans court unless the will authorizes sales or the individual has extended powers. (p. 111)

Extended powers will be available only if the will so provides or if all heirs or legatees agree in writing. Thereafter, the personal representative need not file any inventory or accounts provided copies are given to all interested persons. The personal representative may close the estate by filing a verified statement that responsibilities are completed. (p. 114)

Sec. 171 of Art. 93 provides that the personal representative serve as guardian for a minor regarding real property until the close of administration. With real property as part of the probate, this is no longer necessary. The personal representative will be acting in a fiduciary capacity regarding real property whether or not beneficiaries are minors. (pp. 142-143)

The proposed Sec. 9-112 of Art. 93 continues the present practice of not requiring releases, although personal representatives have often obtained them. (p. 144)

## GRAND JURY

### **General Assembly, Legislative Council, Research Division (Research Report 32), Grand Jury, 1958, MdHR 785646, L1775**

The first reference to a grand jury in the Provincial Court occurred on February 12, 1637 when the SM sheriff returned a panel of twenty-four freemen for the grand inquest. Subsequent juries had only twelve members. In the county courts up to 1666 the usual method of presentment of criminal cases appears not to have been by way of indictment, but by information or presentment by a justice, constable, or sheriff. A 1666 law required that county courts twice yearly inquire by grand jury into offenses against laws. (p. 18)

By 1670 there were three well established methods of initiating criminal actions, still in use today:

- indictment, voted by the grand jury after a states attorney has laid the accusation before them
- presentment by the grand jury itself without any bill of indictment from the government
- information filed by an officer of the government without intervention of the grand jury. (p. 19)

The term of the grand jury is co-extensive with that of the court appointing it. In the counties it usually does not actually sit for the entire term because there is seldom that much criminal business. In BC there are three grand juries each year, each sitting for four months. A grand jury has always had the power to initiate its own investigations. Now it acts as little more than an approving body. It may still disapprove a bill or ignore an indictment, but this is about the limit of its independent inquiry. By statute grand juries have other duties, mostly relating to the inspection of county buildings and state penal institutions. (p. 21)

Presently in BC almost all crimes except minor breaches of the peace and certain statutory violations must be presented to the grand jury. In the counties, there are many misdemeanors which fall within the criminal jurisdiction of trial magistrates. In other cases, a waiver of the grand jury can be obtained and the case initiated by filing an information in the circuit court. England which created the grand jury and gave it to Maryland has since 1933 used an information system in which a magistrate holds a preliminary hearing to determine probable cause that the accused committed a crime. Maryland cannot do this under a trial magistrate system of partisan, short-term lay appointees and expect to preserve fundamental freedoms afforded by a grand jury. (p. 25)

Maryland law provides two methods for the selection of grand jurors. First, in the counties, the clerk for the county commissioners submits to the circuit court a list of all taxable persons residing in the county. From these the judges select panels of jurors. Prior to the next court term the names on the panel are placed in a box and forty-eight names are drawn out. The judge appoints one person foreman of the grand jury. The remaining forty-seven names are again drawn from a box, with the first twenty-two designated grand jurors and the other twenty-five as petit jurors. (p. 31)

Annually in April the BC Supreme Bench selects 750 names for the yearly panel of jurors from a list of taxables furnished by the city treasurer. Before each court term the judges select twenty-three names to



serve as grand jurors and the judge sitting in Part I of the BC Criminal Court appoints one as foreman and one as assistant foreman. In actual practice, before each court term each judge brings a list of two to ten names of persons considered qualified to serve as grand jurors. The judges draw up a composite list which is submitted to the clerk of the BC Superior Court for verification with the list of taxables. This method secures a high class of jurors. (p. 32)

## HEALTH

### **State Planning Commission (Report) Public Health Administration in Maryland, 1938, MdHR 787598, E14523**

For many years after organization of the state Board of Health in 1874 health work was carried on by officials from their office in BC. A 1910 act gave it authority to establish bureaus and changed its name to the Department of Health. (p. 4)

The county director of health occupies two positions - county health officer and deputy state health officer - and sometimes others such as health officer for a municipality. (p. 6)

The present Department of Health consists of the state board of health, state director of health, and several bureaus. (p. 7)

County health administration has developed over time. As early as 1875 the state Board of Health recommended the appointment of health officers in each county and large town. An 1880 law directed the state board to organize as far as practicable local boards or advisory committees to serve in every city and village and legislative district. It also directed that local boards of health assist the state board. An 1886 law made county commissioners ex officio county boards of health and required them to appoint a physician as county health officer who was also to act as secretary and executive officer of the county board. The position was part-time. (p. 17)

Legislation in 1914 directed the state board to divide the state outside of BC into ten sanitary districts, each embracing two or more counties, and to appoint for each a deputy state health officer. A 1931 law repealed the 1914 act and divided the state into twenty-three sanitary districts, following county lines, and provided for the appointment of a deputy state health officer in each. Presently, county commissioners continue to serve as county boards, but appointment of a county health officer can be made only with advise and consent of the state board. In practice the same person acts as both the local officer and deputy state officer, and the state and county share expenses. There has been a gradual but complete elimination part-time county health officers and a drastic reduction in the number of part-time health officers whose jurisdiction is limited to a town or election district. In January 1934 the last county was organized on a full time basis. (p. 17)

The registration act of 1865 which placed responsibility for collecting vital statistics on the Secretary of the Senate was never enforced. State Board of Health suggested in 1875 that this duty be assigned to them. It was not until 1898 that the legislature enacted an effective vital statistics laws. Director of the state Department of health is the state registrar of vital statistics and the county health officer is the county registrar. In addition, there are local and deputy registrars who have jurisdiction in restricted areas of the county. They are appointed by the county registrar with consent of the county board. (pp. 20-21)

In the counties there are twenty-three county registrars, 195 local registrars, and 159 deputy local registrars. (p. 23)

Death certificates must be filled out within twenty-four hours after death. Compliance is facilitated by the provision that local registrars may not issue a burial permit without a death certificate. Nor can anyone in charge of a burial ground permit interment without a burial permit. By law certificates of birth must be completed and filed with the local or deputy registrar within four days after birth. In actual practice, however, physicians and registrars frequently fail to file their returns this promptly. Certificates are issued by the attending physician or midwife, if there is one. Otherwise the father or someone else present at the birth must report it to a registrar. Stillbirths are recorded as births and deaths. (p. 73)

Full time county health officers were established as follows: AL in 1922; MO in 1923; BA, CV, CR, and FR in 1934; PG and TA in 1927; HA in 1928; CE and WI in 1929; AA, KE, and WA in 1930; DO, GA, QA, and WO in 1931; CH. HO, SM, and SO in 1932; and CA in 1934. (p. 87)

The principal feature of county programs is the control of communicable diseases. A considerable amount of time is given to medical inspection and physical examination of school children. (p. 88)

## JUDICIARY

### **Carroll T. Bond, *The Court of Appeals of Maryland: A History* (Baltimore: Barton-Gillet, 1928)**

There were few appeals in the 17th and 18th centuries. From May 1695 to May 1700 twenty-two appeals were docketed. Not until May term 1750 were there as many as seven cases docketed at one term. One small docket book includes all cases from 1695 to 1790 with many continuances adding to the entries. Cases moved slowly on appeal, some remaining on the docket for a decade. (pp. 53-54)

The last meeting of the provincial Court of Appeals occurred on May 21, 1776. (p. 56)

Art. 56 of the Constitution of 1776 provided for a Court of Appeals to hear appeals from the General Court, Chancery Court, and Admiralty Court. All judges were to be appointed for a term of good behavior by the governor and council. Acts of Feb. 1777, Ch. 15 set the court terms for October and May. The General Assembly also set the number of judges at five. (pp. 59-61)

No judges were appointed until December 22, 1778. The order of appointment determined the chief judge. (p. 63)

No clerk of the Court of Appeals was appointed until 1781. Because of a lack of a quorum no court was held until May 2, 1780 at which time the only business was an adjournment. The first case was filed on October 3, 1780. Seven pending cases were carried over from May term 1776. (pp. 68-69)

No business, except adjournment, was transacted until 1783. (p. 72)

Cases carried over from 1776 were not disposed of until 1788. (p. 74)

After 1785 appeals increased: eleven in 1785, thirty-one in 1786, and seventy-four in 1787. The increase seems likely due to the passage of Acts of 1785, Ch. 80 which provided that on a reversal of a judgment upon the merits the court should award costs incurred by the defendant or a person aggrieved by the judgment, both in the superior and inferior courts. (pp. 75-76)

Disposition of cases remained slow. Acts of 1789, Ch. 40 changed the court terms to June and November. Acts of 1801, Ch. 74 reduced the number of judges to three, to be reached at first by death or resignation. (pp. 77-78)

Apparently no court rules were formally promulgated prior to 1806. There was no statutory definition of the jurisdiction and powers of the Court of Appeals. It merely continued in the course set before the Revolution. Acts of 1790, Ch. 42 provided for the return of cases at law to the trial courts for retrial after reversals of judgments. Before then a plaintiff had to institute a second original suit to proceed with the case. A writ of procedendo was used for this new procedure. (p. 80)

There was no time limit for arguments which were oral and included the reading aloud of papers filed. For 1776-1805 and many years thereafter only one copy of the record, in manuscript, was filed on appeal and that was read in court. No briefs were filed, although some lawyers left their notes of

arguments with the judges. (pp. 81-82)

Court of Appeals judges filed few written opinions before 1806. (p. 84)

A constitutional amendment was adopted through Acts of 1804, Ch. 55 and affirmed in 1805. Chief judges of the six judicial districts were to constitute the Court of Appeals. The court was given the appellate jurisdiction of its predecessor and that formerly exercised by the General Court. A Court of Appeals was organized on both the Eastern Shore and Western Shore. (pp. 96-97)

The first official session on the Western Shore was held on June 16, 1806. Thomas Harris, Jr. was appointed clerk; he had been a deputy clerk in the General Court since 1789. In both positions he made voluminous notes on cases. (pp. 109-110)

Harris indexed in three large volumes the proceedings of the Provincial Court for 1658-1776 and apparently transcribed the Court of Appeals docket for 1695-1790. He and a lawyer John McHenry, as a private venture, began to report and publish selected cases, beginning with the Provincial Court. All Maryland Reports through 1851 were private endeavors. The court clerks regularly took notes of arguments made in court, and with abstracts from the records prepared the volumes entirely on their own. (pp. 111-112)

The Court of Appeals continued far behind in hearing and deciding cases. In the first half of the 19th century cases on the Western Shore regularly stood for argument at the third term after filing. An act of 1831 required that certain cases be disposed of at their first term - petitions for freedom of negroes, appeals from decisions of orphans courts or decisions of county courts on issues sent for trial by the orphans courts, and appeals from granting, refusing, or dissolving injunctions in equity courts. Acts of 1849, Ch. 453 required that cases be argued at the second term after filing, thus reducing the time to six months. However, cases were frequently continued by consent. (pp. 132-133)

In 1827 the Western Shore court began arranging cases in classes, by county, for order of argument. It periodically changed the order of arrangement. The Eastern Shore court had few cases, rarely over five at a term and often none. (p. 134)

Transcripts of records remained totally manuscript until the 1830s when a few printed records began to be filed. Briefs of arguments became a regular practice in the 1840s and became a rule in 1848 in the Western Shore court. But only one copy was required. In 1826 the Western Shore court imposed the first limit on oral arguments - six hours. That limit remained until 1851. The Eastern Shore court adopted a five hour limit in 1849. (pp. 135-137)

Although many cases were decided at the term of argument, others were held under advisement and entered as continued - curia advisori vult or cur. adv. vult. Cases continued to be decided without the filing of opinions, except on rare occasions. (p. 139)

The Constitution of 1851 provided for one Court of Appeals with four judges elected from districts for ten year terms. The court was given the power to appoint its own clerk for a six year term. Other clauses required the filing of opinions in every case and the publishing of reports of cases. (pp. 150-151)

The new court first met on December 1, 1851. (p. 153)

Acts of 1852, Ch. 55 created the office of State Reporter to compile the Maryland Reports. (p. 157)

At the December term 1852 the time limit for arguments was reduced to 2 1/2 hours. At this time single copies of records were ordinarily printed and extra copies of briefs were being furnished. (pp. 163-164)

The Constitution of 1864 increased the number of judges to five, one elected from each of five districts, with the governor selecting the chief judge. The four judges then in office were to continue until their terms expired. The fifth was elected from Western Maryland. Court terms were fixed for April and October. (p. 170)

Acts of 1865, Ch. 114 required oaths from attorneys. (p. 171)

At October term 1865 the court rules were revised; many are still in force. Records and briefs were to be furnished in a number sufficient for use of counsel, reporter, and court. Briefs were to contain abstracts of the cases, with full statements of the points relied on and authorities sustaining them accurately cited. The time for argument was reduced to two hours. (p. 172)

The Constitution of 1867 adopted a fifteen year term of office. The court was to be composed of the chief judges of the seven circuits. The chief judge from the 8th circuit was not included because it was agreed that the amount of trial business there was too large. A separate judge for the Court of Appeals was to be elected from BC. The clerk of the court was made an elective position. The court terms remained at April and October. (pp. 175-176)

Court of Appeals had been in arrears in its work since 1776. In June 1864 there had been 240 cases on the docket. Thus, the Constitution of 1867 required that the judges sit for ten months, if necessary, to complete the case work. Acts of 1886, Ch. 185 added a third term - January. By this time the court dockets were smaller and easily disposed of in a year. (pp. 184-186)

Oral arguments gradually assumed less importance and the written and printed records more importance. (p. 190)

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**G. Kenneth Reiblich, A Study of Judicial Administration in the State of Maryland (Baltimore: Johns Hopkins Press, 1929)**

Justices of the peace in the counties have civil jurisdiction where amounts do not exceed \$100. Justices and the county circuit courts have concurrent civil jurisdiction for amounts between \$50 and \$100. Justices and civil courts in BC do not have that concurrent jurisdiction. (p. 10)

Although justices of the peace in BC are still appointed, they have almost no jurisdiction unless selected as one of the special magistrates. There are now eight police courts in BC. (p. 13)

Modern needs of BC are met by superimposing a new structure upon the old petty tribunal system. This

is also happening in other towns in the state, which have one or more police magistrates. Some towns acquired peoples courts in 1927 - Salisbury, Cumberland, and Rockville. (pp. 15-16)

There are three special courts for juveniles - BC established in 1902, Hagerstown in 1914, and Cumberland in 1924. (p. 19)

The vesting of judicial business in administrative boards in Maryland is manifested chiefly in the Industrial Accident Commission, Public Service Commission, and Tax Commission. (p. 96)

Industrial Accident Commission enforces the workmens compensation law. Appeals may be taken to the county circuit court or BC law courts. (p. 97)

Public Service Commission was established by Acts of 1910, Ch. 180. Appeals may be taken to the county circuit court or BC law courts. (pp. 99-100)

Tax Commission, created in 1914, hears appeals from assessments made by county commissioners or BC Appeal Tax Court. (p. 101)

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### **Commission on the People's Court of Baltimore City (Report), 1938 [unable to relocate in govpubs database, 2007]**

BC Peoples Court consists of five justices of the peace who are lawyers. (p. 7)

Cases fall into three general categories - general litigation, ejectment proceedings, and city tax suits. 12% of them fall into the first category and are kept in Docket A. A little over one-third fall into the second category and are kept in Docket B. One-half fall into the third category and are kept in the MC Docket. General litigation includes assault and battery, replevin, damages to chattels, injury to persons, neglect and other injury to land, action on negotiable instruments and guaranty bonds, breach of contract, collections for services rendered, actions on liens or pledges on storage of goods or carriage or shipping contracts or insurance, breach of building construction contracts, wage claims, and sale or lease of goods. (pp. 8-9)

Over one-half of the general litigation cases are suits for collections on the sale or lease of goods or services rendered. Ejectment suits are for the repossession of premises where the term is for less than three months and where the rent is in arrears. (p. 11)

81% of the city tax suits are for the collection of taxes on automobiles and 17% for tangible personal property taxes, all under \$100. (p. 13)

The BC collector's office prepares the MC Docket and sends it to the court. (p. 16)

Most appeals from decisions of the peoples court are in the category of general suits. (p. 17)

There are fifty-six constables serving in the Peoples Court, two from each ward and appointed by the mayor and city council for two year terms. (p. 19)

There are eleven clerks, appointed theoretically by the chief constable, subject to approval of the mayor. (p. 22)

There is inefficiency and surplusage in a system under which the justices have no control over the chief constable who in turn has no real control over the constables and clerks and under which appointments are made primarily for political reasons. (p. 23)

Prior to 1912 civil cases involving amounts not over \$100 were heard by justices of the peace scattered throughout BC. Laws in 1912 and 1914 provided that every civil process issued by any justice of the peace be returnable to justices of the BC Peoples Court. The Court of Appeals upheld this by deciding that no court had been created, but instead [rest of notes missing]. (p. 26)

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### **Juvenile Delinquency Commission (Report), 1941, MdHR 805689, EC270**

One-third of the counties have juvenile courts, some having taken advantage of the 1931 optional statute and others having designated an existing court to hear juvenile cases. A few counties have a special arrangement between the circuit court and a public or private welfare agency. In others the matter is handled by justices of the peace. Eight counties have juvenile courts - AL, BA, FR, HA, MO, TA, WA, and WI. Eight counties have probation officers. Six counties have a separate juvenile court docket. Four counties have active juvenile court committees appointed by the governor pursuant to the 1931 legislation. (pp. 5-6)

BC is the only large city in the U.S. whose juvenile court judges are justices of the peace. It actually has no legal jurisdiction over types of offenses most commonly committed. Offenders are frequently released by the BC Supreme Bench on writs of habeas corpus. (p. 16)

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### **Commission on Juvenile Delinquency (Report), 1943, MdHR 806057, EC300**

The constitutional amendment for juvenile courts was defeated in November 1942. (p. 71)

There has been a failure to distinguish between jurisdiction over criminal offenses and jurisdiction over juvenile offenses. Thus the BC courts have repeatedly nullified institutional commitments of children made by the juvenile court on the theory that the juvenile court was illegally exercising criminal jurisdiction with a disregard of the guarantee of a right to a jury trial. (p. 74)

Juvenile court magistrates have jurisdiction over minors up to age eighteen when exercising criminal duties, but over minors only up to age sixteen when exercising special juvenile duties. (p. 75)

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### **Commission on Administrative Organization of the State (Reports), Administration of Juvenile Delinquency Control in Maryland, 11th, 1952, MSA S119**

Whether a child under age eighteen will be handled as a juvenile or an adult depends on where the individual lives. Maryland has a patchwork of six sets of juvenile court laws. Such courts have jurisdiction over juveniles up to age eighteen in twenty-two counties and up to age sixteen in BC. GA



has no juvenile court. (pp. 1-2)

Not all statutes make juvenile court records confidential. Many juvenile courts are such in name only, having all the old, familiar trappings of a criminal court. (p. 21)

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**Robert G. Dixon, Jr., "Judicial Administration in Maryland - The Administrative Office of the Courts," *Maryland Law Review*, Vol. XVI, No. 2, Spring 1956**

The Maryland Judicial Council, authorized in 1924, consists of nine members, appointed by the governor. Its function was to report to the General Assembly on the work of the judicial system and make recommendations. Being unsalaried and not provided with staff, the council has had a weak and abortive existence. (pp. 99-100)

Historical roots of the Administrative Office of the Courts (AOC), created by statute in 1955, date back to the Judicial Council and the battle over reform of the Court of Appeals fifteen years ago. (p. 108)

The constitutional amendment on judges of the Court of Appeals designated the chief judge as the administrative head of the judicial system. The chief judge could require reports from judges of the county circuit courts and BC Supreme Bench and assign judges to and from the Court of Appeals, county circuit courts, and BC Supreme Bench. These powers did not embrace the lower courts. An annual statistical reporting system was set up, but for lack of staff the reports were not analyzed or published regularly. (pp. 109-110)

AOC is headed by a director appointed by the chief judge of the Court of Appeals. The director has general powers to submit recommendations for improvement of the judicial system. The director also gathers statistical data, recommends assignment of judges, studies financing of the judiciary, and prepares budget estimates for the state share of costs. (p. 113)

The four primary administrative functions performed by local court clerks pertain to financial matters, personnel matters, record keeping, and calendar control. The tradition of local autonomy has resulted in a lack of uniformity. (p. 122)

Court clerks' offices are financed primarily by commissions and fees charged for services and retained by the clerks under supervision of the Comptroller of the Treasury. A principal commission is the one on business licenses and a principal fee is the one on transactions affecting real property. Clerks must keep records which are subject to inspection by the state comptroller and state auditor and must transmit surpluses to the state treasury. Deficits are made up by a state deficiency appropriation. Local governments normally give no financial support other than office space in the courthouse. (pp. 124-125)

About 75% of the jurisdictions use loose leaf binders with locks for docket entries. There is, however, great variation in the kinds and number of dockets kept. The varieties include separate dockets for law, equity, habeas corpus, condemnation, partition, and criminal cases, and there are various combinations of these. Most jurisdictions use a permanent numbering system for cases docketed. But at least one county in 1954 renumbered cases when pending ones were copied into a new docket for the next term of court. (p. 128)

In some jurisdictions deeds and mortgages are kept in one book, in others in separate books. In 1954 flat filing, rather than the traditional folding, was in use in BC and about half the counties. Filing and follow-up on reports of trustees and other fiduciaries are not uniform. Only a minority of the jurisdictions have an effective system of checkup and verification. (p. 129)

In 1954 Prof. Invernizzi conducted a survey of the judicial system. Among the causes for the buildup of docket load were the two non est statutes and the time lag between the date of filing and date of trial because of continuances and postponements by lawyers. The law provides that after service of process has been twice returned with the defendant not served, the case shall be permitted to lie dormant returnable only on written order of the plaintiff to such future return day as selected by the plaintiff. (p. 130)

Docket congestion in the three civil courts in BC finally led to the creation of an assignment commissioner in 1955. The separate trial dockets in the three courts were abolished, and the assignment commissioner maintains a consolidated docket. Cases are assigned from this docket for trial in whatever court is available without regard to the court in which the case was initially filed. (pp. 130-132)

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**Court of Appeals (Review Relative to Court of Appeals of Maryland), 1959, MdHR 781993, J304**  
(pp. 4-7, 35-36, 48)

The number of judges of the Court of Appeals over time: zero for 1776-1778, five for 1778-1784, four for 1784-1792, three for 1792-1801, five for 1801-1806, six for 1806-1851, four for 1851-1864, five for 1864-1867, eight for 1867-1944, and five for 1944-1958.

The Constitution of 1776 did not specify the number of judges, and none were appointed until December 1778. Acts of Feb. 1777, Ch. 5, specifying forms of commissions, mentioned three or more judges. By an exchange of messages, the two legislative bodies agreed on five. Because of a lack of definiteness the number varied between 1778 and 1801. Acts of 1801, Ch. 74 fixed the membership at three after vacancies reduced it to that number. Two judges had been appointed before enactment of the law. A constitutional amendment through Acts of 1804, Ch. 55, taking effect in 1806, introduced regional representation. The court was to be composed of the chief judges of the six judicial districts.

The Constitution of 1851 provided for the election of judges, one from each appellate judicial district, for ten year terms. The Constitution of 1864 did the same, but added a district and made the term of office fifteen years. The Constitution of 1867 provided for the court to be composed of the chief judges of the seven county circuits and one special judge from BC, all elected for fifteen year terms.

The Bond constitutional amendment in 1944 reduced the number of judges to five and divided the state into four appellate judicial circuits. Two judges were allotted to BC. Terms of office remained the same.

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**University of Maryland, College of Business and Public Administration (Study in Government), Judicial Process in Maryland, 1961, MdHR 803180, I8689**

In 1638 the General Assembly established courts for geographical areas known as St. Mary's and Kent Island. This formalized organization merely represented ratification of an arrangement that had already been established by common consent. The court established at St. Mary's was first called the county court, but after 1642 it was known as the Provincial Court. (p. 2)

Jurisdiction of the county courts was increased from time to time, resulting in gradual encroachments upon the domain of the Provincial Court. In addition to original jurisdiction, the Provincial Court obtained some appellate jurisdiction over the county courts. (p. 4)

It was the sympathy of the county courts with the purposes of the people that apparently resulted in a decision by the proprietary and council in 1733 to make all councilors ex officio members of all county courts. This arrangement would in theory help to provide proprietary control by way of a threat that the council members could sit in the county courts whenever they pleased. However, it remained principally a threat, although in theory it endured until the Revolution. (p. 4)

The Declarations of Rights and Constitution of 1776 condemned multiple office holdings and excessive court fees and prescribed the separation of powers principle. The Court of Appeals was made a distinctive court, separate from the trial courts. A General Court was created, replacing the Provincial Court. It had appellate and some original jurisdiction and thus constituted Maryland's single experiment after the Revolution with an intermediate court of appeal. The General Court was required to sit on both the Eastern Shore and Western Shore. (p. 7)

County courts were recognized by the new constitution, but organizational details were left to the legislature which by Acts of 1785, Ch. 87 enlarged their jurisdiction. A 1790 law provided that each county court be composed of a chief judge and two associate judges. Although status as a lawyer was for the first time required as a qualification for at least one county judge, the arrangement was unsatisfactory because the chief judge with his legal knowledge overborne his associates. (p. 8)

Justices of the peace could hear petty cases, with appeals to the county courts. They were appointed by the governor. The Constitution of 1776 also provided for a Chancery Court for equity cases and Admiralty Court. (p. 8)

The General Assembly abolished the old probate arrangement, consisting of the Commissary General and county deputies, and gave probate duties to an orphans court for each county. These judges were appointive. Orphans courts have survived with few organizational changes. (p. 8)

Court of Appeals could hear appeals from the General Court, Chancery Court, and Admiralty Court. The latter was abolished in 1789 when the federal constitution was adopted and provided for admiralty cases to be heard in federal courts. (p. 8)

A constitutional amendment of 1805 divided the state into six judicial districts. For each district three judges were provided. One was the chief judge and together they composed the several county courts in the district. Also the six chief judges constituted the Court of Appeals, and the General Court was abolished. Its appellate duties were conferred on the Court of Appeals. The judge who heard the case in

his district could not sit in the same case on appeal. This arrangement lasted until 1851. Before the end of the 18th century the Court of Appeals never issued written opinions or statements of reasons for decisions. Even as late as 1832 not much time was given to opinion writing. (pp. 9-10)

The Constitution of 1851 reduced the number of judges, decreased the cost of judicial administration, and abolished the appointive method, even for justices of the peace and constables. State judges were elected for ten year terms. There were four judicial districts strictly for geographical representation on the Court of Appeals whose members were to have only appellate duties. BC was given a separate political status. For the first time the constitution provided that an opinion in writing should be filed in each case decided in the Court of Appeals. (p. 11)

The district courts were replaced by circuit courts. Eight judicial circuits were established with one judge for each, except for the fifth, BC. They were also given equity jurisdiction formerly exercised by the Chancery Court. The judicial organization in BC included the Court of Common Pleas with jurisdiction over civil cases for amounts of \$100-\$500, general insolvency, and appeals from justices of the peace; Superior Court with jurisdiction over civil cases over \$500 and equity; Criminal Court with jurisdiction over criminal cases; Orphans Court; and Justices of the Peace. (pp. 12-13)

The constitution gave the General Assembly authority to create another court for BC. This was exercised in 1853 with the establishment of the Circuit Court that was given equity jurisdiction concurrent with the Superior Court. (p. 13)

Although the 1864 constitution was replaced in 1867, it had several features that affected future judicial organization. The term of office for appellate and circuit court judges was increased to fifteen years. The Court of Appeals was made to consist of five judges elected from five judicial districts by voters of the whole state. Maryland was divided into thirteen judicial circuits. Justices of the peace became appointive by the governor and constables by county commissioners and BC Mayor and City Council. The 1864 constitution tended toward more centralized and controlled authority. (p. 14)

Marylanders were dissatisfied with this constitution, feeling its adoption had been foisted upon them under virtual military rule. A new constitution was approved in 1867. The Court of Appeals was to consist of eight judges, seven of whom were the chief judges of the first through seventh judicial circuits and one of whom was a special judge elected from BC. The court was given authority to formulate rules for appeals and general rules for equity practice in the lower courts. Circuits 1-7 had a chief judge and two associate judges; one judge could constitute a quorum. For the 8th circuit the constitution provided five courts and a Supreme Bench. (p. 15)

The BC Supreme Bench was intended to be an intermediate court of appeals, but the General Assembly removed most of this function. Acts of 1870, Ch. 177 gave the court the power to act on motions for new trials in civil cases. The Supreme Bench was also directed by the constitution to assign judges to the five courts, hear charges against attorneys for professional misconduct, select grand jurors, and prescribe rules of practice for the BC courts. Trial courts consisted of the Superior Court, Court of Common Pleas, and City Court. All were given concurrent common law jurisdiction in civil cases where the amount exceeded that given the lower courts. The Court of Common Pleas retained jurisdiction over insolvency,

and the City Court was given appeals from justices of the peace. The Criminal Court was retained. The Circuit Court was given exclusive equity jurisdiction. (p. 16)

The General Assembly was given the power to create an additional court for BC, which it did in 1888 by creating Circuit Court No. 2 as a second concurrent equity court. By a constitutional amendment in 1892 the General Assembly obtained the authority to create new judges for BC. This was done in 1894, 1896, 1897, and 1907. (pp. 16-17)

A new division of the Criminal Court, Criminal Court No. 2, was created by the Supreme Bench in 1897. A BC Juvenile Court was established in 1902. (p. 17)

The county courts of the colonial period were "justices of the peace." The office, however, has lost prestige and dignity over the years. Justices of the peace are appointed by the governor for two year terms and are removable by circuit court judges. (p. 19)

Lying formant was a constitutional provision which was eventually used to revamp the justice of the peace system. Sec. 42 of Art. IV states that the General Assembly shall prescribe the number of justices and designate their jurisdiction, duties, compensation, and manner of appeals from their rulings. The legislature began to experiment with the idea that this provision might not have to be applied uniformly throughout the state. The result has been the assignment to separate justices, even in the same city or county, different duties and pay. The experiment was upheld by the Court of Appeals in 1903. (pp. 19-20)

The specific authority, perquisites, and duties of a justice of the peace depend on whether or not the official possesses an additional title and on statutory provisions regarding the office in a particular town, district, county, or other jurisdiction. Sec. 97 of Art. 52, Annotated Code, provides for the governor to appoint for each county one or more justices as committing magistrates and other justices at large as trial magistrates. (p. 20)

Number of trial magistrates for the counties:

- AL - 12
- AA - 5
- BA - 16, plus 4 judges for a peoples court for civil cases
- CV - 2
- CA - 2
- CR - 1
- CE - 7, plus 1 committing magistrate
- CH - 1
- DO - 3
- FR - 5
- GA - 4
- HA - 3, called the peoples court
- HO - 3

- KE - 1, plus 1 associate trial magistrate
- MO - 4, called the peoples court
- PG - 2, plus 7 committing magistrates; system will change on 5-1-1963, per Acts of 1961, Ch. 675 to a peoples court
- QA - 1
- SM - 1
- SO - 2
- TA - 1
- WA - 6, plus a magistrate for juvenile causes
- WI - 1, called the peoples court
- WO - 4 (p. 21)

General Assembly has also established a system of substitute trial magistrates. They act during the absence or inability of the trial magistrates. (p. 22)

Justices of the peace other than trial magistrates were stripped of most of their authority by Acts of 1939, Ch. 720, Sec. 93 which provided that any civil or criminal action instituted before a justice other than a trial magistrate should be removed to the latter. Justices were left with contingent authority to take recognizance for the appearance of an accused person before a trial magistrate. In case of a violation of a municipal ordinance, a justice may take jurisdiction if no trial magistrate is available. (p. 22)

Another special arrangement is the recent establishment of peoples courts, first begun in BC. As of June 1955 the MO Council was authorized to appoint three judges of the peoples court for eight year terms. A fourth was later authorized. One judge hears juvenile causes. Trial magistrates in HA and WI are designated peoples courts. (p. 23)

Acts of 1955, Ch. 672 created the BA Peoples Court. It has exclusive jurisdiction in civil cases involving amounts under \$500, in all civil cases in which justices of the peace and trial magistrates previously had jurisdiction, and in landlord tenant cases. All civil jurisdiction was removed from the justices and trial magistrates. (p. 24)

Civil jurisdiction, particularly contract and tort cases, are based on monetary limitations. Others are based on the nature of the case. Monetary limitations vary from county to county:

- AL - \$500, changed from \$300 by Acts of 1959, Ch. 125
- AA - \$500, changed from \$300 by Acts of 1959, Ch. 670
- BA - \$500
- CV - \$300
- CA - \$300
- CR - \$300
- CE - \$100, except for \$500 for trial magistrate in Elkton
- CH - \$500
- DO - \$500
- FR - \$300

- GA - \$300, changed from \$200 by Acts of 1961, Ch. 167
- HA - \$1000, changed from \$500 by 1959, Ch. 103 which also established the peoples court
- HO - \$250
- KE - \$400
- MO - \$1000, changed from \$500 by Acts of 1959, Ch. 262, applicable only to peoples court
- PG - \$1000
- QA - \$500, changed from \$200 by Acts of 1959, Ch. 165
- SM - \$1000, changed from \$500 by Acts of 1959, Ch. 137
- SO - \$200
- TA - \$500
- WA - \$500
- WI - \$500
- WO - \$700, changed from \$300 by Acts of 1959, Ch. 432 (pp. 25-26)

In cases where the amounts are between \$50 and those listed above the circuit courts have concurrent jurisdiction, except in BA. (p. 26)

Civil jurisdiction based on the nature of the case includes judgments for possession where grantors have remained in possession of the land after delivery of a deed or an agreed upon time. Trial magistrates have no jurisdiction in cases involving title to land, slander, breach of promise, or enforcement of liens. BC Peoples Court is an exception with respect to liens. (p. 26)

Lower court judgments may be appealed to county circuit courts or BC Court. (p. 27)

Except for BC, trial magistrates have criminal jurisdiction where the offense is not punishable by confinement in the penitentiary and not involving felonious intent, provided a jury trial is not demanded and the accused freely elects to be tried before a magistrate. Appeals may be taken to the county circuit courts. (p. 27)

Trial magistrates may also try violations of municipal ordinances. (p. 29)

Orphans courts were established by the Constitution of 1776. Judges were appointive until 1851, and since then have been elected. Three are elected to four year terms in each county and BC. (p. 33)

Orphans courts have the power to take probate of wills, grant letters testamentary and letters of administration, direct the conduct and accounting of executors and administrators, superintend distribution of estates, secure rights of orphans and legatees, and administer justice relating to affairs of deceased persons. Parties in a case may appeal directly to the Court of Appeals or to the county circuit court or BC Superior Court. (pp. 35-36)

The first juvenile court in Maryland was established in 1902 in BC, when there were only two other childrens courts in the nation. Special courts for juvenile causes have been created in a few counties - Acts of 1914, Ch. 701 for AL and Acts of 1924, CH. 36 for WA. In MO one judge of the peoples court handles only juvenile causes. The MO judge may determine paternity, with a jury trial if demanded, hear

charges against adults of contributing to delinquency, and may try cases of non-support of children concurrent with other peoples court judges. (pp. 36-37)

Number of judicial circuits and judges:

- First - DO, SO, WI, WO - 4 judges
- Second - CA, CE, KE, QA, TA - 4 judges
- Third - BA, HA - 7 judges
- Fourth - AL, GA, WA - 4 judges
- Fifth - AA, CR, HO - 5 judges
- Sixth - FR, MO - 6 judges
- Seventh - CV, CH, PG, SM - 7 judges
- Eighth - BC - 15 judges (p. 39)

In the first and second circuits judges are elected by voters of the entire circuit, but no two judges may reside in the same county. In the third through seventh circuits judges are elected by voters of the county where the judges reside and shall preside; there must be at least one judge per county. In each circuit the judge with the most seniority is the chief judge and the others are associate judges. The term of office is fifteen years. Governor fills vacancies. (pp. 40-41)

Judges may be assigned by the Court of Appeals to sit in other circuits for specific periods to relieve the accumulation of business or to replace an indisposed or disqualified judge. (p. 42)

The circuit courts are the highest common law courts of record and original jurisdiction in the state and each has full common law powers and jurisdiction in all civil and criminal cases within its county or BC, except where the jurisdiction has been taken away or conferred upon another tribunal. Circuit courts may hear appeals from decisions of justices of the peace and trial magistrates, orphans courts, and county commissioners. (pp. 43-44)

A jury trial may be held in both civil and criminal cases. In civil cases the Maryland system follows the traditional pattern by which the judge instructs the jury on the law and the jury finds the facts. When a jury trial is waived, the court finds both law and fact. In criminal cases the jury finds both fact and law. In 1945 a slight change was made by a constitutional amendment providing that the court could decide on the sufficiency of the evidence to convict. The provisions of allowing a jury to find both law and fact was first adopted in 1851. Thus in a criminal case in Maryland the judges are not required to instruct the jury and if done the remarks are only advisory. (pp. 44-45)

Judges select jury panels from lists of taxable inhabitants filed by the county commissioners. (p. 46)

In 1955 the General Assembly established an Administrative Office of the Courts to aid the chief judge of the Court of Appeals. The clerk of the Court of Appeals is appointed by the court. The clerk's duties are mainly judicial - maintenance of the docket, receipt of briefs and transcripts, and supervision of court records and files. The state reporter, appointed by the Court of Appeals, is responsible for the publication of court opinions in Maryland Reports. (p. 55)



Although the constitution does not specifically limit the jurisdiction of the Court of Appeals to appellate duties, the court itself has refused to honor legislation purporting to confer original jurisdiction upon it. (p. 59)

Acts of 1960, Ch. 11 changed the structure of the Court of Appeals by redefining the districts:

- First - CA, CE, DO, KE, QA, TA, SO, WI, WO - 1 judge
- Second - BA, HA - 1 judge
- Third - AL, FR, GA, MO, WA - 1 judge
- Fourth - CV, CH, PG, SM - 1 judge
- Fifth - AA, CR, HO - 1 judge
- Sixth - BC - 2 judges (p. 60)

BC Supreme Bench is composed of fifteen judges who assign themselves on a rotation basis to the six trial courts. There are three common law courts - Court of Common Pleas, City Court, and Superior Court - all with concurrent original jurisdiction in civil cases and each with some special jurisdiction. The Superior Court is divided into three parts. Circuit Court and Circuit Court No. 2 have equity jurisdiction. A division for juvenile causes was established by Acts of 1943, Ch. 818. The Criminal Court has general criminal jurisdiction. A Criminal Court No. 2 was established by the Supreme Bench on December 21, 1897 and a youth court in 1950. (p. 68)

BC Supreme Bench provides for the annual rotation of judges from court to court except for the semi-permanent assignment of a judge to the juvenile division of the Circuit Court. An assignment commissioner assigns cases for the law courts. The Supreme Bench may hear and determine motions for new trials in criminal cases. In civil common law cases amounts must exceed \$100 except in contract and land title cases. Deeds, conveyances, and other papers are filed with the clerk of the Superior Court. The Court of Common Pleas has exclusive jurisdiction in applications for the benefit of state insolvency laws. (p. 70)

Marriage and other licenses are issued by the clerk of Court of Common Pleas. BC Court has exclusive jurisdiction in cases of appeal from justices of the peace and arising under city ordinances. Since 1943 the Circuit Court has had jurisdiction in juvenile cases involving persons under age sixteen. The Criminal Court sits in several parts, each with a separate jury. One division is the youth court which hears cases where the defendant is between ages sixteen and twenty-one. (p. 71)

Most of the civil jurisdiction of the BC justices of the peace was removed by Acts of 1912, Ch. 823 which established the BC Peoples Court. Its judges receive salaries instead of fees. The power to make rules was given to the court by a constitutional amendment in 1940. Peoples Court has exclusive jurisdiction in civil cases both in contract and tort where the amount does not exceed \$100. Actions in replevin and attachment are included. There is concurrent jurisdiction with the Superior Court, City Court, and Court of Common Pleas for amounts between \$100 and \$1000. If a jury trial is desired by a defendant, the trial is transferred to one of the law courts. In landlord tenant ejectment cases the \$100 limitation is not applicable. Appeals are taken to the City Court. (p. 72)

BC Peoples Court judges are appointed by the governor for eight year terms. After that an incumbent may run for re-election. (p. 73)

Police and traffic courts in BC are being reformed into the Municipal Court. The following description of the former courts illustrates previous practices and those to be assumed by the latter court. 125 justices of the peace in BC were appointed to two year terms. From them the governor selected one to sit at each station house and three magistrates at large. One justice was designated the chief police magistrate and the rest police magistrates. The chief had station house duties and acted as the administrative head over the other police magistrates. They could hear and determine cases which in general did not involve felonies, penitentiary sentences, or fines over \$100. (pp. 74-75)

The traffic court was a separate organization from the police magistrate court. Five or more justices of the peace were designated by the governor as magistrates of the traffic court. One was designated as chief magistrate with administrative control over the court. Governor could designate two other justices as magistrates at large to act as substitutes as assigned by the chief magistrate. The traffic court had exclusive jurisdiction in violations of state and city motor vehicle laws and ordinances. A juvenile traffic court was created by Acts of 1957, Ch. 516 as part of the traffic court. Juvenile court magistrates were designated by the chief traffic court magistrate. (pp. 75-76)

A constitutional amendment, approved in 1960, creates a new BC Municipal Court, replacing the traffic court and police magistrates. The 1961 enabling act increased the number of judges from eleven to fifteen. Judges must have the same qualifications as circuit court judges. The first positions will be filled by appointment by the governor for terms ranging from nineteen months for four judges to five years and seven months for four others. Then elections take place for ten year terms. The governor designates the chief judge. (pp. 77-78)

Acts of 1961, Ch. 472 gives the Municipal Court all jurisdiction held by the police magistrates and traffic court. It may promulgate rules for procedure and practice and may divide itself into divisions. Acts of 1961, Ch. 616 divided the court in criminal and traffic divisions. (p. 78)

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### **Committee to Revise the Condemnation Laws of Maryland (Report), 1962, EC967**

Statutory provisions for condemnation are found in three places in the Annotated Code. The general statute is Art. 33A which was enacted in 1914. Current procedure has changed little since then. (p. 10)

The State Roads Commission (SRC) has several procedures. It may use Art. 33A and has available in Art. 89B several methods for speedy taking. The SRC may pay the value into the court and take possession. If no agreement is reached, the SRC may sue under Art. 33A within sixty days after completing the road. The latest procedure permits the SRC to file plats with the court and pay the estimate of damages to the owner or into the court and take possession, except in cases of improved property. If an agreement is not reached within six months, the case is certified to the property review board which conducts a hearing and makes an award. Either party may appeal to the circuit court. (p. 10)

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**Charles E. Maylan, Sr., "Comments on the Juvenile Court," Maryland Law Review, Vol. XXV, No. 4, Fall 1965**

Division for juvenile causes of the BC Circuit Court has existed for twenty years. Proceedings are begun by filing a petition, similar to an equity procedure. All petitions are docketed and heard by the judge or a master in equity who usually handles preliminary hearings and makes recommendations to the judge. Investigative reports of social workers are never presented to the judge until after the youth is found delinquent. A court reporter takes down all testimony in cases set for hearing before the judge. In cases heard by the masters a court reporter is not present, although one should be. The juvenile court docket is a public record. (pp. 313-315)

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**Court of Special Appeals (Maryland Appellate Reports), Vol. 1, 1967, MdHR 813407, J188**

The Committee on Judicial Administration of the Maryland State Bar Association undertook in the fall of 1964 to devise a way to alleviate the crowded docket of the Court of Appeals. It proposed the creation of an intermediate appellate court for hearing and determining appeals of criminal convictions. The committee also prepared legislation for the 1966 session. (p. iii)

When the new law took effect, the Court of Appeals transferred to the Court of Special Appeals all its pending criminal appeals and applications for leave to appeal in post conviction cases where the death sentence had not been imposed and all applications for leave to appeal in defective delinquent cases. All these and others filed through February 28, 1967 were designated as the court's Initial Term 1967. The court first convened on February 20, 1967. (p. iv)

A constitutional amendment approved in 1960 expanded the Court of Appeals to seven members, with five judges sitting in each case. For two reasons the seven-five plan seemed adequate at the time. First, the Uniform Post Conviction Procedure Act became effective on June 1, 1958, abolishing the habeas corpus procedure. Second, the exceptional rise in criminal appeals was not anticipated. Law and equity appeals remained stable. (p. ix)

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**Institute of Judicial Administration, Survey of the Judicial System of Maryland (NY, 1967)**

The only uniformity in the state courts is found at the appellate level. At the apex is the Court of Appeals which hears civil and criminal appeals, primarily the former. Below is the five judge Court of Special Appeals created by statute in 1966 and limited to criminal matters. Further review is possible in the Court of Appeals. (p. 12)

Appeals from lower courts to the circuit courts are tried anew, sometimes called a trial de novo. This is really retrial at a higher level. In most cases, there is no further appellate review. A disappointed litigant after trial in the circuit court may move to be heard en banc. The moving party may not thereafter appeal further, although the other party may do so. This procedure is used extensively only in the seventh circuit. (pp. 13-14)

In only one county - MO - does the circuit court handle probate work, per provisions of Acts of 1966,

Ch. 699. All circuit courts, except MO, conduct juvenile delinquency proceedings. In MO the peoples court handles those cases. (p. 14)

In eighteen counties there are trial magistrates, ninety-two in total. In all but name these are justices of the peace - part-time judges who need not be legally trained. 65% of their cases are traffic violations. (pp. 15-16)

Seven counties have peoples courts. In five of them there are no trial magistrates. BA and DO have both. BA Peoples Court has only civil jurisdiction. DO Peoples Court has both civil and criminal jurisdiction, and substantially duplicates the work done by trial magistrates. Civil jurisdiction of the peoples courts varies:

- AA - exclusive up to \$300, concurrent with the circuit court up to \$1000
- BA - exclusive up to \$1000, concurrent with the circuit court up to \$2500
- DO - exclusive up to \$300, concurrent with the circuit court up to \$1500
- HO - exclusive up to \$300, concurrent with the circuit court up to \$1000
- MO - exclusive up to \$50, concurrent with the circuit court up to \$1000
- PG - exclusive up to \$50, concurrent with the circuit court up to \$3000
- WI - exclusive up to \$300, concurrent with the circuit court up to \$1500

The number of peoples court judges ranges from two to seven. (pp. 17-18)

The judges of each peoples court, instead of operating independently of each other like trial magistrates, function on a team basis, dividing the caseload among themselves. All counties also have committing magistrates who handle preliminary phases of criminal prosecutions. They issue warrants and admit persons to bail or commit them to jail. There are over 328 committing magistrates in the state. BA alone has 200, of which only twenty-five exercise their functions. (pp. 19-20)

BA has a housing court, created in 1966, which hears cases involving violations of county zoning and health laws and building and fire codes (p. 21)

Appeals from the BC Peoples Court are taken to the BC Court; appeals from the BC Municipal Court to the BC Criminal Court. (p. 24)

The constitution vests procedural rule making powers concurrently in the Court of Appeals and General Assembly. Rules of court administration have been left to the courts. There has been a division of responsibility between the courts and legislature in regard to admission and discipline of attorneys. (pp. 53-55)

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**William L. Reynolds II, "The Court of Appeals of Maryland: Roles, Work and Performance - Part I," Maryland Law Review, Vol. 37, No. 1, 1977**

The Court of Appeals has its roots from the days when the governor and council issued writs of error to review judgments of the Provincial Court. A court of last resort was formally established under royal

authority in 1694. (p. 3)

Jurisdiction of the Court of Special Appeals, originally quite limited, has been gradually expanded until as of January 1, 1975, it was given exclusive initial appellate jurisdiction over any reviewable judgment or other action of a circuit court or orphans court, except in cases where a final judgment has been rendered by a court on appeal from a district court. Court of Appeals has jurisdiction in this latter area. (pp. 3-4)

As jurisdiction of the Court of Special Appeals expanded, there was a like increase in litigation subject to review in the Court of Appeals by petition for certiorari rather than by right of appeal. Today the sole method of securing review of a decision by the Court of Appeals is by writ of certiorari. Thus, it can control fully its appellate docket. (p. 4)

Neither the legislature nor the Court of Appeals has given much guidance concerning standards to be applied to certiorari petitions. (p. 7)

Litigants are given one appeal as a matter of right to the Court of Special Appeals. An exception is the denial of the right to appeal from a final judgment of a court in reviewing the decision of a district court, administrative agency, or local legislative body. Here there is a right to appeal to the circuit court. (p. 9)

## LICENSES

**Maryland Tax Commission ( Report), 1888, MdHR 793312, EC1390:** Report of a commission to study Maryland's system of taxation. Following notes taken from appendix: "Sketch of Tax Legislation in Maryland."

License taxes began very early in the state's history. Licenses were issued by and collected by the court clerks. Acts of Jun. 1780, Ch. 8 covered marriages, ordinaries, and billiard tables; Acts of 1818, Ch. 210 brokers; Acts of 1821, Ch. 232 and Acts of 1826, Ch. 67 lotteries; Acts of 1827, Ch. 111 auctioneers in BC only; and 1827, Ch. 117 traders including retail liquor dealers. (p. cxlix)

Present mode of fixing the amount of the traders license tax was set by Acts of 1831, Ch. 262 which proportioned the tax to the amount of stock on hand. The same legislation established the current method of fixing the rate of ordinary licenses by the annual rent value of the premises. (p. cli)

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**Hugh Sisson Hanna, A Financial History of Maryland, 1789-1848 (Baltimore: Johns Hopkins Press, 1907)**

From 1819-1829 there was a broad extension of license taxes, as general business taxes. The extension to merchants was gradual. The first step was taken in 1820 with retailers of dry goods, including wholesalers. A comprehensive act of 1828 included ordinary keepers and retailers of liquors. (pp. 48-49)

A uniform license charge was superseded in 1832 by basing the fee on the amount of stock on hand. The auctioneers license tax was the result of the diversion of the tax on auction receipts from BC to the state treasury. Acts of 1827, Ch. 111 also gave the governor the power to appoint auctioneers. The tax on hawkers and peddlers was increased. A license tax on billiard tables for the benefit of the counties and towns had been authorized by Acts of 1798, Ch. 113 and for the state by Acts of 1825, Ch. 64. (pp. 50-51)

There were miscellaneous licenses - owners or occupants of fisheries for the sale of liquor and other commodities during the fishing season, sale of liquor at horse races, and sale of liquor at militia musters. The limited partnership act of 1826 provided for an annual license. No income was received from this source. (pp. 52-53)

Prior to 1818 the issuance of license and collection of taxes thereon were vested in different authorities, except for marriage licenses. Judges or court clerks issued the licenses and the sheriffs collected the taxes and paid the proceeds into the state treasury, even when payment was first made to the court clerk. As sheriffs were local officials and frequently insolvent, this division of duty led to confusion and loss. After 1818 the court clerks performed both duties in most instances. (p. 53)

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**State Tax Commission (Biennial Report) 1st, 1916, MdHR 793308, I4685**

State Tax Commission as created in 1914 was given the power to inspect licenses. The state acquires much revenue from license receipts. Prior to 1914 there was no supervision or investigation, except by constables and sheriffs, to see that licenses were obtained by all persons required to get traders licenses.

Tax Commission has investigated whether the trader had any license or was licensed to the proper amount according to law, based on the amount of stock of goods, wares, and merchandise generally kept on hand and whether the trader was assessed on the stock in trade or, if assessed, whether the amount was in proportion to the amount for which a license was acquired. (p. 43)

## MECHANICS LIENS

**Mitchell S. Cutler and Leonard Shapiro, "The Maryland Mechanics Lien Law - Its Scope and Effect," Maryland Law Review, Vol. XXVIII, No. 3, Summer 1968**

In 1791 Maryland enacted the first mechanics lien law, Ch. 45, in the United States. It applied to the city of Washington and was designed to stimulate and encourage rapid building in the new federal capital. The present state statute favors not only those who contract with the owner but also workmen, material men, and other subcontractors who contract only with an intervening contractor. (p. 225)

Generally the lien attached to both the building and land. (p. 231)

Mechanics liens have priority over all subsequent mortgages, judgments, liens, encumbrances, and deeds of trust. (p. 244)

Sec. 28 of Art. 63, Annotated Code, required the bringing of a proceeding in equity to enforce a mechanics lien within two years of filing the claim with the court clerk. A major defect in the law is that it serves its purpose too well. It may go too far in protecting the supplier of labor and materials. An owner can be required to pay twice despite being without fault. It is not always possible for an owner to protect against a contractors failure to make payment to a subcontractor. Home buyers should be protected from liens not filed at the time of settlement. (p. 246)



## LOCAL GOVERNMENT: COUNTY AND MUNICIPAL

**Maryland Tax Commission ( Report), 1888, MdHR 793312, EC1390:** Report of a commission to study Maryland's system of taxation. Following notes taken from appendix: "Sketch of Tax Legislation in Maryland."

From the colonial period to the present county expenses are not levied for until they are due. (p. cxxvi)

In the early colonial period there was no permanent, independent local administrative machinery. County business was transacted through the General Assembly or by authority of special and temporary acts. Gradually a county government structure began to develop. An act of 1671 empowered the county courts to examine and allow public charges and to levy for payment by an assessment on goods and chattels of freemen and inhabitants. (pp. cxxvii-cxxviii)

The onerousness of obtaining special legislative to adjust and pay county charges led to passage of Acts of 1780, Ch. 26 which authorized the county courts to impose assessments to defray ordinary county charges and to provide for its collection. This act was continued until passage of Acts of 1794, Ch. 53 which established the county levy courts, each of which was composed of the county justices of the peace or any five of them. Acts of 1798, Ch. 34 directed the governor to appoint seven justices of the peace in each county as justices of the levy court. (p. cliv)

Over time the levy courts were given greater authority and discretion. Until 1836 county aid to the poor was mostly given via special legislation for relief of specific persons. (p. clv)

General power to provide relief to the poor was first conferred by periodic local laws giving county officials the authority to levy for allowances and grant pensions. Acts of 1835, Ch. 307 gave all counties this authority. Local self government was further developed by the creation of boards of county commissioners and the consolidation in their hands of the powers and duties of the commissioners of the tax and levy courts. This was done gradually and county by county, the first being BA in 1826. (p. clvii)

These changes contributed to the growth of local self government and to the power of the counties to resist and thwart state authorities. Levy courts had been appointed by the governor and council and commissioners of the tax by the General Assembly. But county commissioners were elected by the people, as were also levy courts and commissioners of the tax in some counties. (p. clviii)

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### **General Assembly, Legislative Council, Research Division (Research Report 3) The Problem of Local Legislation in Maryland, 1940, MdHR 785618, L1746**

The amount of local legislation in the General Assembly varies from county to county. In 1939 nine counties were affected by ten or less acts each and 129 acts concerned PG and MO and municipalities and special districts within them. Over 50% of the laws were contributed by BC and five counties - PG, MO, WA, HA, and AA. Six counties with the least population - CV, KE, QA, SM, CH, and HO - were affected by less than 10% of the total. The more populous and more rapidly growing counties and their cities have the most varied problems of local government and therefore contribute most to the total mass of local legislation. In Maryland the custom is that the legislature adopts acts relating to specific counties

and cities as the need or demand for action arises instead of delegating powers to all jurisdictions to be exercised as necessary. (pp. 2-3)

Often the legislature must settle disputes between local factions that are of no concern to the state as a whole. County delegations may be in conflict with local officials and in effect assume the powers of the local government unit. (p. 4)

Local legislation falls broadly into three classes:

- establishment of machinery and procedures of government, such as fixing the number of county commissioners or city councilmen, creating county or municipal departments, or empowering county commissioners to employ a clerk
- definition of powers and duties of local agencies, such as the power to levy taxes, regulate buildings, abate nuisances, or improve roads and streets
- state laws applicable only to a county or other local area (p. 5)

The rule of interpretation is that when the Public General Law and Public Local Local Law conflict, the latter shall prevail. (p. 14)

Many questions that were at one time settled by local or special legislation have come to be determined by administrative or judicial bodies operating under general standards fixed by laws, such as name changes and divorces. There is little local legislation in the fields of health, education, and public welfare where there are strong state departments that make proposals for general legislation and can through administrative rules meet local needs. A large proportion of county and municipal indebtedness is now issued by the General Assembly without any local vote on the matter. (pp. 15-16)

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### **General Assembly, Legislative Council, Research Division (Research Report 4) Municipal Legislation in Maryland, 1940, MdHR 785619, L1747**

Between 1930 and 1940 the Maryland legislature enacted 534 municipal laws. Thirteen chartered new municipalities and seven revoked charters for lack of use. The rest ranged from general charter revisions to alterations of minute details. (p. 8)

Maryland town are uniformly moving in the direction of longer terms of office for both mayor and councilmen. Local fiscal officers - treasurer, tax collector, assessor, and clerk - received more voluminous attention in local laws than other officials. In smaller towns there has been a trend toward consolidating the offices of clerk, treasurer, and tax collector. A complementary movement has been the abolition of town assessor and adoption for town purposes of assessments used for state and county purposes. (pp. 10-12)

The control by the General Assembly of local officers concerned with finance and public safety limits the extent to which the mayor and council can be held responsible for the standards of local government. Both groups are non-policy determining officers and their tasks are purely administrative. (p. 13)

Town officials, rather than rely upon their town charters to cover a situation not expressly mentioned therein, need a special local law passed. (p. 21)

The necessity of special local laws to change the tax year or fiscal year, for example is prima facie evidence of the rigidity of city charters. (p. 24)

In the U.S. the general practice regarding annexation of peripheral areas to the central city is to base it upon a referendum approved by residents of both areas. But in Maryland only three of the twenty-two extensions of municipal boundaries legislated between 1930 and 1940 were subject to local referenda. (p. 31)

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### **State Tax Commission (Biennial Report) 13th, 1941, MdHR 793369, I4692**

There is a lack of uniformity in fiscal years of governmental units. In the past these bodies were independent of one another as far as fiscal affairs were concerned and thus accounting periods of each had little significance for others. Now much money spent by localities is furnished by state or federal government especially for roads, social security, and schools, many of which are on a matching basis. Confusion is created by the variances in fiscal years. Ending dates include

- June 30 for the federal government and 9 counties
- December 31 for 7 counties and BC
- May 31 for four counties
- March 31 for two counties
- April 30 for one county
- September 30 for the state

Other agencies such as school boards have their own fiscal years which do not correspond to state, federal, or county fiscal years. (p. 127)

Prior to 1878 the state government fiscal year was the calendar year. Acts of 1878, Ch. 260 changed it to end on September 30. (p. 128)

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### **General Assembly, Legislative Council, Research Division (Research Report 21) Supplementary Report on Local Legislation, 1942, MdHR 785636, L1764**

Thirteen counties have no requirement for securing a building permit to construct or alter a building. Eight of those counties use the permits only for tax purposes so that the assessors can add new property to the tax rolls. Only AA and BA have detailed regulatory powers over the type of construction. The usefulness of building permits in keeping tax rolls current is an argument for uniformity throughout the state. (p. 4)

There is much variation in local laws covering audits in regard to whose records are examined and who does them. Most counties provide for an audit of the records of the county treasurer. Audits may extend to the county commissioners, trustees of the poor, school commissioners, and sheriff. In only MO does

the audit cover all county officials handling public funds. Auditors may be appointed by judges of the circuit court or the county commissioners. Some counties have no specific provision for an audit. (pp. 4-5)

Twenty counties have local laws imposing conditions before deeds conveying real estate may be recorded, such as transfer in the assessment records, payment of taxes, and listing of improvements. AL, MO, and TA have none of these provisions. (p. 8)

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### **General Assembly, Legislative Council, Research Division (Research Report 23) Local Government: A Comparative Study, 1944, MdHR 785638, L1766**

The multiplicity of local legislation on tax sales was partially clarified by Acts of 1943, Ch. 761 which set up a new and single method. However, AL, HA, and WO are exempt from the provisions, and the mass of local laws for the remaining counties will have to be worked through to weed out items covered by the new statewide law. (p. 11)

With but one exception local codes give no general authorization to counties to acquire and convey real property. HA through Acts of 1937, Ch. 395 can purchase or lease real property and sell it when no longer needed. All other counties must ask the legislature for authority to acquire or sell particular pieces of land. (p. 29)

Laws on franchises vary. Companies constructing bridges or canals must get the consent of the county commissioners concerned, per provisions of Sec. 152 of Art. 23, Public General Laws. Railroads get their franchises from the Public Service Commission, per provisions of Sec. 388 of Art. 23, Public General Laws. County commissioners of BA, per provisions of Secs. 611-614 of Art. 3, Public Local Laws, and MO, per provisions of Secs. 877-881 of Art. 16, Public Local Laws, have the power to grant franchises. Other counties are limited to specific types such as electric railways that cross public highways. (p. 31)

Every county has some provision for discounts for taxes paid in advance or penalties on taxes paid late or for both. (p. 36)

County commissioners have wide powers to open and care for public roads. (p. 43)

There is not statewide law concerning county police, but a number of counties have recently secured local laws for such departments. (p. 47)

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### **State Planning Commission (Local Planning Survey in Maryland), 1948, MdHR 787616, E14602**

Development of county planning agencies has proceeded only slowly. BA in 1920 appointed a street planning commission, and Acts of 1924, Ch. 539 created the BA Metropolitan District for the planning of water, sewer, and drainage systems in conjunction with BC for that part of the county contiguous to the city. Acts of 1939, Ch. 715 gave BA authority to develop a comprehensive plan for zoning and building regulations which was extended to the whole county two years later. Not until 1947 did BA avail itself of the authority granted under the statewide planning and zoning enabling act of 1933 to

establish a planning commission with comprehensive functions. (p. 3)

AA Sanitary District was created in 1922 for planning water, sewer, and drainage systems for part of the county. Acts of 1943, Ch. 551 gave the county commissioners authority to adopt zoning and building regulations. Their powers were expanded by Acts of 1947, Ch. 448 which also provided for the appointment of a zoning commissioner. (pp. 3-4)

SM, originally exempt from the 1933 enabling act, was brought under it by Acts of 1945, Ch. 808, and established a planning and zoning commission. HO was removed from the same exemption by Acts of 1947, Ch. 609, and by Acts of 1948, Ch. 19 was given the authority to adopt a comprehensive system of zoning. In July 1948 the county commissioners created the office of zoning commissioner. (p. 4)

These are the only counties that have established planning and/or zoning commissions. (p. 4)

Regional planning in Maryland followed the creation of the National Capital Park and Planning Commission by the U.S. Congress in 1924. A corresponding state agency - Maryland National Capital Park and Planning Commission (MNCPPC) - was established by Acts of 1927, Ch. 448. With the creation of the Maryland-Washington Regional District by Acts of 1939, Ch. 714, the MNCPPC area was enlarged and its powers in planning, zoning, subdivision control, and building regulation were increased. (pp. 4-5)

Planning on a statewide basis began with the establishment of the State Planning Commission by Acts of 1933, Special Session, Ch. 39, that was given general authority to prepare and coordinate plans for development of the state. (p. 5)

The state zoning enabling act of 1927, Ch. 705, authorized the BC Mayor and City Council and legislative bodies of other incorporated towns having over 10,000 residents to appoint zoning commissions. As of 1940 only six cities besides BC had a population that large. They were Annapolis, Cambridge, Cumberland, Frederick, Hagerstown, and Salisbury. (p. 6)

Even broader in scope was the statewide planning and zoning enabling acts of 1933, Ch. 599, which authorized all counties and incorporated cities to undertake comprehensive planning, zoning, and subdivision control. Many jurisdictions, however, were exempted. Five counties - HA, HO, PG, SM, and TA - have since then been brought under the legislation. Remaining exempt are BC, AA, CA, KE, QA, WI, and WO. Localities were authorized to appoint a planning commission with powers to prepare master plans for physical development and recommend zoning districts and building and land use regulations. Legislative bodies were given final authority to enact zoning regulations. Few jurisdictions have acted on their authority. Others carry on these activities under special legislation. Among the counties only SM is acting entirely upon the 1933 enabling act. (pp. 6-7)

BC was among the first cities in U.S. to adopt the idea of planning for future physical growth. It was also one of the first to approach planning in a scientific manner by preparing base maps, planning park areas, developing an arterial street system, and enacting a zoning ordinance. With the annexation of new territory in 1816 the mayor appointed a commission to prepare a street plan for the new area. Thomas

Poppleton, an English surveyor, did the work. It was adopted as a basis for future street extensions. In 1893 authority was granted by an ordinance for a topographical survey of the city to show all streets and alleys and their width as then laid out, elevation of streets at intersections, dimensions of blocks, and locations and grades for unopened streets. At the same time the territory annexed in 1888 was surveyed for planning lines and grades for proposed streets and alleys. (p. 9)

As a result of the 1904 fire, the General Assembly gave the BC Mayor authority to appoint a burnt district commission, per provisions of Acts of 1904, Ch. 87. It was directed to prepare a map of the district; provide for opening, extending, widening, and closing streets and alleys; plan for public squares and market spaces, building lines, and widths of sidewalks; and develop harbor plans. Under Acts of 1910, Ch. 114 a commission on city plan was appointed. Its authority was limited and it remained relatively inactive until reorganized and given expanded powers in 1939. A city plan committee was appointed in 1918 for primarily the newly annexed territory. After passage of the 1927 enabling act a zoning commission was appointed to develop zoning plans which were used to adopt a zoning ordinance in 1931. By resolution in 1939 a new commission on city plan was established and empowered to prepare a master plan and supplementary detail plans for future growth. A department of planning was included in the charter that went into effect in May 1947, replacing the commission on city plan. The department is directed to develop a master plan for physical growth and to regulate land subdivision. (pp. 10-14)

AL controls development of subdivisions under Acts of 1935, Ch. 331 and building permits under Acts of 1922, Ch. 338. Under the 1933 enabling act Cumberland created a municipal planning and zoning commission in 1943. A zoning commission had operated under Acts of 1924, Ch. 560. All incorporated towns have authority in their charters to regulate buildings, but only Cumberland and Luke do so. (p. 15)

AA was given the authority to zone by Acts of 1943, Ch. 551, to require the filing of subdivision plats by Acts of 1937, Ch. 111, and to issue building permits by 1916, Ch. 622 and Acts of 1929, Ch. 485. Acts of 1947, Ch. 388 authorized the appointment of a zoning commissioner with broad powers to recommend zoning and building regulations and issue building permits. A comprehensive zoning plan is still being worked on. Annapolis established an advisory planning agency in 1935 but abolished it two years later. It does, however, issue building permits. (p. 16)

North Beach Mayor and Council have building and zoning regulations under Acts of 1933, Ch. 480, but do not exercise their charter authority to issue building permits. (p. 19)

Westminster council may enact zoning ordinances under Acts of 1947, Ch. 529. It also regulates buildings. (p. 21)

CE issues building permits under Acts of 1931, Ch. 352 for the county and all towns. Under Acts of 1933, Ch. 410 Elkton possesses limited zoning and building regulation authority. (p. 22)

DO issues building permits under Acts of 1943, Ch. 896, including for the incorporated towns of Cambridge, Secretary, and Vienna. (p. 24)

Under 1941, Ch. 170 FR issues building permits throughout the county, except in Brunswick and Frederick where local authorities perform the function. Frederick City Planning Commission was established under Acts of 1929, Ch. 443 and has comprehensive powers over planning, zoning, and subdivision development. The city regulates buildings under Acts of 1929, Ch. 509. (p. 25)

In GA only Kitzmillersville and Mountain Lake Park issue building permits under charter authority. (p. 26)

Although authorized by Acts of 1947, Ch. 609 to undertake comprehensive planning and zoning and to control subdivisions, HA has not yet acted. The county does issue building permits under Acts of 1939, Ch. 325. Aberdeen was authorized to zone and regulate buildings by Acts of 1939, Ch. 324 and to prepare plats and issue building permits by Acts of 1943, Ch. 908. Aberdeen Commissioners, based on Acts of 1947, Ch. 582, adopted a comprehensive zoning ordinance in April 1948. Bel Air Commissioners control subdivisions and issued building permits under Acts of 1941, Ch. 304. Havre de Grace does the same under Acts of 1941, Ch. 925. (p. 27)

HO adopted county wide zoning regulations in July 1948. HO issues building permits under Acts of 1939, Ch. 270. (p. 28)

In KE only Chestertown and Rock Hall regulate buildings. (p. 29)

Much of MO is included in the Maryland-Washington Regional District and thus under the jurisdiction of MNCPPC. The commission has an advisory function regarding zoning, making a recommendation on each petition for an amendment to the zoning ordinance. Final zoning authority rests with the MO Council. Regional planning by MNCPPC was initiated under Acts of 1927, Ch. 448 and expanded under Acts of 1939, Ch. 714 and Acts of 1943, Ch. 992. The commission exercises subdivision control, park acquisition and development powers, and inspection and issuance of building permits except in Garrett Park, Kensington, Somerset, and Takoma Park. MO issues building permits in areas outside the regional district under Acts of 1922, Ch. 265 and Acts of 1945, Ch. 1045. Garrett Park by Acts of 1936, Ch. 130 is authorized to prepare a plat of the town, control subdivisions, and issue building permits, the latter being subject to approval by MNCPPC and Washington Suburban Sanitary Commission. Rockville issues building permits under its charter and has a zoning commission established under Acts of 1929, Ch. 415. Somerset and Takoma Park have charter authority to issue building permits. Washington Grove may regulate buildings under Acts of 1937, Ch. 372. Gaithersburg issues building permits under its charter and established a zoning commission by Acts of 1931, Ch. 93 (pp. 30-32)

Much of PG is under the authority of MNCPPC. It does, however, issue building permits under Acts of 1924, Ch. 563 and Acts of 1927, Ch. 383. Sixteen of the incorporated towns fall under the control of MNCPPC. Outside the area Bowie regulates buildings under Acts of 1937, Ch. 385 and Laurel issues building permits under Acts of 1933, Ch. 431. (pp. 33-35)

In QA only Queenstown grants building permits, under Acts of 1939, Ch. 774. (p. 36)

Acts of 1947, Ch. 685 gave SM specific authority to zone and issue building permits. Leonardtown does

the latter under Acts of 1931, Ch. 495. (p. 37)

Easton established a planning and zoning commission under Acts of 1941, Ch. 523 by an ordinance passed in December 1946. By charter Easton issues building permits. (p. 39)

Hagerstown under Acts of 1939, Ch. 338 issues building permits. (p. 40)

Salisbury Planning Commission, established a few years ago, has advisory status only. The mayor and council administer zoning under the 1927 enabling act and regulate subdivisions under Acts of 1941, Ch. 99. The building inspector issues building permits under Acts of 1927, Ch. 138, (pp. 41-42)

Ocean City has enacted a zoning ordinance under Acts of 1945, Ch. 787. (p. 43)

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**Joan E. Spencer, Contemporary Local Government in Maryland (College Park: Bureau of Governmental Research, College of Business and Public Administration, University of Maryland, 1965)**

The Maryland system of local government is based primarily on two units - county and incorporated municipality. It is one of twenty-nine states having no township governments and one of four having no independent school districts. Its 152 municipalities, except for BC, are located within the geographical boundaries and to some extent the governmental jurisdictions of the counties (p. 1)

The pattern of local laws and local exemptions and the initiative and choice permitted charter local governments have resulted in substantial differences in local organizations and responsibilities. (p. 3)

During the colonial period, but almost fifty years after the establishment of the first county, the formal process of establishing municipal governments was initiated. The first town act was passed in 1683 and authorized the colonial government to select land sites, establish communities, and provide for their governance. (p. 5)

Services, which today are still commonly called municipal services, usually included regulation of public conduct and public health and construction and maintenance of public roads and buildings. In 1960 Maryland had 152 incorporated towns. (p. 6)

Recent changes in population and community have prompted a variety of responses, including reallocation of functional responsibilities, creation of special districts, establishment of intergovernmental and cooperative programs, and entrance of some county governments into what has previously been a traditional responsibility of city government - water, garbage and sewage disposal, planning and zoning, and fire and police protection. No new towns have been incorporated since 1953. Special districts are most often administrative or tax areas which operate within the existing local government framework rather than as separate independent bodies. (p. 12)

There are many large unincorporated urban areas in the state. (p. 12)

Local and state relations are characterized by extensive state administrative and legislative control.



Administrative control can mean appointment of or participation in the appointment of local officials and supervision of local programs. Of greater significance have been the nature and scope of legislative control (p. 14)

Arts. XI-A and XI-E of the Constitution provide for local home rule. The first, adopted in 1915, enables counties and BC to assume responsibility for passage and administration of local legislation on specified subjects. The latter, adopted in 1954, grants to all municipalities certain home rule powers. A proposed constitutional amendment, if ratified in 1966, will establish code home rule, a second form of county home rule, similar to municipal home rule. Art. XI-A, usually called the home rule amendment, sets forth the steps for establishing a charter local government, dependent upon local initiative and approval. The local legislative power of charter governments is a central and significant feature. It provides a measure of independence from the General Assembly. (p. 19-21)

Art. XI-A changed the degree and kind of state legislative control. The General Assembly cannot enact local laws for charter governments on subjects covered by express powers, but can determine the matters to be included in the express powers. These powers are outlined in Art. 25, Public General Laws, and the express powers act, and include personnel appointments and removals; levy and collection of taxes; establishment of special tax areas, institutions for health, detention, and correctional purposes, and boards of health and zoning appeals; provisions for county property, roads, and bridges; regulation of public health and nuisances; issuance of bonds and incurring indebtedness; and establishment of merit systems and conflict of interest laws. (pp. 23-24)

Four counties - MO, BA, AA, and WI - and BC have adopted charter government. Code home rule, per the provisions of Art. XI-F of the Constitution, is an alternative to charter home rule. It will give non-charter counties a greater measure of home rule. (p. 26)

Charter government has become associated with major governmental reorganization and the needs of the urban rather than the rural county. The smaller non-charter counties have a lessening voice in the General Assembly because of reapportionment. County commissioners of a home rule code county would be authorized to enact, amend, or repeal public local laws. These would prevail over local laws previously enacted by the General Assembly which would, however, retain the power to enact, amend, or repeal local laws limiting property tax rates and the amount of indebtedness. (pp. 27-29)

Prior to the ratification of Art. XI-E, municipal home rule, of the Constitution in 1954, the creation and governance of municipal corporations was completely within the power of the General Assembly. This article has transferred to cities and its voters substantial responsibility for their own charters and makes possible incorporation, dissolution, and annexation at the local level. All municipalities were automatically included in the provisions of Art. XI-E. Whether these powers are exercised depends on local initiative. The state legislature can enact only general legislation for specified classes of municipalities. (pp. 32-33)

The provisions of Art. XI-E have been defined by Art. 23A, Public General Laws, the enabling statute for municipal governments. (p. 35)

The incorporation process today takes place entirely in the local area, requiring local initiative and petition and approval of the relevant county governing body to become effective. The county is now assuming the role formerly performed by the General Assembly. Dissolution is accomplished by the same procedure as those for the repeal or amendment of portions of an existing charter. If voters elect to terminate their corporate existence, the county succeeds to full ownership and control of municipal property and assets and assumes responsibility for its debts and obligations. (pp. 36-38)

The existing pattern of county government organization has been created more by statutory than constitutional provisions and consists primarily of appointive rather than elective offices. The fundamental governing body for the non-charter county is the board of county commissioners and for the charter county the county council. The sizes of these bodies range from three to seven. The county councils in AA, BA, and MO contain seven members and in WI five members. The boards of county commissioners in AL, CV, CA, CR, CE, CH, DO, FR, GA, HA, HO, KE, QA, SM, and SO contain three members and in PG, TA, WA, and WO five members. (pp. 45-47)

All county councils and county commissioners are today elected at large. Twelve counties require residence in a particular election district. (p. 48)

MO and WI have a council and manager form of charter government. AA and BA have a council and elected executive form of government. Boards of county commissioners represent a fusion of executive, legislative, and administrative powers in a single body and acts collectively. This collective nature may be modified as in PG where each member serves as a primary liaison agent between the board and a major program or activity. Other counties assign specific duties to individual members. The president or chair may have broad executive and administrative powers. Mounting work loads and complex functional responsibilities have caused other modifications, primarily making the president or chair a full time executive officer and employing full time administrative staff assistance. CH and PG have done the former. Full time staff officers, appointed by and directly responsible to the elected body, have been given various titles and varying degrees of responsibility for day to day program coordination and supervision. Sometimes, the office of the clerk to the county commissioners, traditionally a clerical and supportive office, has become one of an administrative assistant. (pp. 50-53)

In a council and manager form of government, a council is elected and chooses a president or chair. A full time manager - called a county manager in MO and administrative director in WI - is appointed and directly responsible to the council. The manager appoints, removes, and supervises specific personnel and supervises and coordinates specific offices and activities. With its lack of organizational separation of executive and legislative powers, this form of government is similar to the traditional form of county government in the state. Under the commissioner system executive and legislative powers may be exercised concurrently, and under charter government during separate and specifically scheduled meetings. (pp. 54-55)

In a council and executive form of government, both bodies are elected. The county executive is a full time officer exercising specific executive and administrative powers. In BA the executive does not directly administer county departments and agencies, but is given full responsibility for the appointment, decisions, and actions of the administrative officer who administers and supervises programs. In AA the

executive has direct responsibility for administration and conduct of specific program oriented departments, while the director of administration, appointed by the executive, supervises administrative departments. Under the council and executive form of government, executive and legislative functions are clearly and organizationally separated, similar to state and municipal governments in MD. (pp. 56-57)

Traditionally responsibility for programs and activities at the county level in MD has been widely diffused among many offices, both state and local, rather than centralized in the elected governing body itself. Its participation and fiscal authority in many decisions and policies at the county level is often neither direct nor final. It may participate with state officers or agencies in the selection and appointment of some officers and may exercise indirect control through the budget making process. In other instances, as with judicial offices, it may have no role in the selection of officers and the amount of financial support is prescribed by statute. (p. 58)

The sheriff is a constitutional office and elected for a four year term. Traditionally the sheriff has been the officer primarily responsible for general law enforcement. The sheriff is also responsible for the county jail and serves as an agent of the court by carrying out court orders, serving process, collecting fines and fees, and transporting prisoners. Especially in metropolitan counties, the law enforcement powers have been taken over by police forces under the direction of an officer appointed by and responsible to the county governing body. (p. 60)

The surveyor is also a constitutional office and elected for a four year term. The surveyor is responsible for conducting surveys for the county and maintaining records of plats and surveys filed with the county governing body. The office today is a part-time position. (p. 60)

Established by statute the office of county treasurer is an elective, four year office in most counties. The treasurer is usually the chief financial officer, responsible for the collection, custody, and disbursement of county funds. The treasurer may also be the chief financial advisor, involving direct participation in budget making and financial decisions. In charter counties the office has been made appointive, with the incumbent generally designated as director of finance. The effect has been to move the office of treasurer from a position of semi-independence to one of direct responsibility to the governing body. (p. 61)

Offices appointed by the governing body itself have traditionally been those which support and facilitate its role, such as clerk, county attorney, and county auditor. The county attorney generally provides the governing body, and sometimes county offices, with legal assistance - representation in civil actions, drafting ordinances and other legal documents, and providing legal advice. The county auditor conducts post audits on accounting and budget procedures of county financial offices. (p. 62)

The clerk or secretary to the board of county commissioners keeps minutes of meetings and processes correspondence. The clerk may also conduct personnel, purchasing, and budget making functions and process routine reports and requests from local offices. While at least fourteen counties still utilize this office as a primary administrative and clerical staff office, nine have created new administrative offices, which has modified the clerk's activities. (p. 63)

There has been a similar increase in substantive or program centered offices in many counties, including road boards, economic development commissions, planning and zoning commissions, sanitary commissions, and special commissions on aging, recreation, and youth. Usually serving as advisory and policy making bodies, such offices will recommend programs and often appoint and direct the work of technical staff. Occasionally they may be granted substantial responsibility for the conduct of programs and policy decisions. In general, these are local offices, created under the provisions of general or local laws, but appointed by and responsible to the local governing body. (p. 64)

County officers appointed by the governor are primarily concerned with education, elections, and liquor licenses and control. Their nature and duties are established and defined by statute. Appointed by the governor for six year overlapping terms, member of county boards of education may number from three to seven. They establish education policies and standards, allocate funds, appoint personnel, determine school location and construction, and appoint a county superintendent of schools for a four year term with prior written approval of the state superintendent. Board members are primarily responsible to the state for the conduct of their office. An exception to this pattern exists in MO where board members are elected for four year terms and may be removed for cause by the county council instead of the state superintendent. (p. 65)

Responsible for the conduct and supervision of elections, except for municipal ones, the three member board of election supervisors in each county is appointed by the governor with the consent of the Senate. They conduct elections, appoint staff assistants including the judges and clerks, and designate registration and polling places. (pp. 65-66)

The county serves as the basic administrative unit of the state for liquor licenses and control. The appointment, terms, and organization vary. In most counties three member boards of license commissioners are appointed for two year terms by the governor with the consent of the Senate. In BA, CH, MO, and QA the boards are appointed by the county governing body. In CA, CE, DO, GA, HO, and KE the governing body serves ex officio as the license commissioners. Where county dispensary systems exist, there are also liquor control boards which may also be the license commissioners as in HA, but are generally separate bodies of three members appointed by the governor with the consent of the Senate. In CA and KE the county commissioners serve ex officio as liquor control boards. (pp. 66-67)

Other county officers appointed by the governor include directors of civil defense and library boards. Local offices selected by a joint state and local process are those involved with property assessment, public health, and public welfare, activities for which the county serves as a basic administrative unit of state government. (p. 67)

While each county governing body is authorized to serve ex officio as the local board of health, in several counties separate boards have been created and generally are appointed by the governing body. The boards adopt and enforce rules and regulations concerning nuisances and causes of sickness and appoint with the consent of the state board of health a physician to serve as both the local health officer and executive officer and secretary to the board. This officer is responsible to both local and state boards, but may be removed by the state board. (p. 67)

Each county welfare board consists of seven members, one a member of the county governing body and six appointed for six year terms by the county governing body from a list prepared by the state department of public welfare. The board is responsible for the local administration of what is basically a local-state-federal financial but state supervised program. Each board appoints a county welfare director through the state merit system. (pp. 67-68)

The county assessment office determines assessment valuations which serves as the basis for state, county, and municipal taxation. The office is directed by a supervisor of assessments who is appointed for an indefinite term by the director of the state department of assessments and taxation from a list submitted by the county governing body which also appoints the staff of assessors from a list the body prepares and the state office certifies. (p. 68)

BC has played a unique dual role in the local governmental process by functioning as both a municipality and a county, and conducting concurrently basic programs and services customarily assigned to separate local government units. The government is more like that of a county than of other municipalities. Its home rule powers derive from Art. XI-A of the Constitution, which provides the basis for county rather than municipal home rule. BC adopted charter home rule in 1918. The structure of the BC government, however, resembles city government. It operates within a mayor and council form of government. The city council is composed of twenty members, each elected by a district for four years. (pp. 68-69)

The president of the BC council is elected to that position and serves as a member and presiding officer of the council. The mayor is the chief executive officer and is elected to a four year term. The mayor has general supervisory authority over city officers and agencies. Appointments by the mayor usually require council confirmation. Offices in the executive branch include the department of finance which is responsible for preliminary preparation of the operating budget, for budget administration, and for receiving and disbursing funds; department of the treasurer which is the custodian of moneys and securities; and other departments of assessments, law, legislative reference, and public works. The comptroller is elected and responsible for supervising the department of audits and department of real estate and appointing the city auditor and real estate officer. The comptroller along with the mayor, treasurer, and two persons appointed by the mayor constitute the commissioners of finance who issue and sell certificates of indebtedness. The board of estimates, composed of the mayor, president of the council, comptroller, city solicitor, and director of public works, formulates, determines, and executes fiscal policy. (pp. 72-74)

The BC Mayor and City Council have powers of appointment in the areas of education, health, and welfare. (p. 76)

Municipal governments are generally organized as mayor and council or commission forms of government. Municipal organization has taken place under individually granted charters. Councils and commissions vary from two to ten members, but average from two to four. 25% of the cities are governed by commissions; these generally have a population of less than 2500. (pp. 77-78)

Mayor and council forms of government range from a weak to a strong mayor. (p. 81)

In addition to elected officials, municipal officers most often include a treasurer, clerk, and attorney. Larger cities may have offices of finance, planning, engineering, and police. In most cities the clerk or clerk-treasurer is given certain administrative and supervisory functions. In a few instances full time officers, such as a city manager or city administrator, have these functions. (p. 83)

The counties and BC are clearly defined local performance areas for the conduct of major statewide programs. (p. 87)

Public welfare programs are administered by locally appointed welfare boards. Programs include old age assistance, aid to dependent children, aid to blind and disabled persons, and general public assistance. The primary role of the boards is to determine eligibility. Sometimes it may include direct administration of supplemental aid programs and facilities as authorized and supported by the local governing body. Both state and county governments participate in financial support of programs which, however, are most clearly defined at the state level. Thus, roles at the local level are secondary to the role of the state department of public welfare. (p. 89)

Local health activities include control of communicable diseases, sanitation, health education, public health nursing, mother and child care, and lab services. They are conducted by local health departments under the direction of health officers. Some programs may include mental health, pre-school health, special clinics, special facilities for speech defects and disease detention, and construction and maintenance of local hospitals. In several counties financial support of hospitals may involve joint participation of county and city government. (pp. 89-90)

The local and deputy state health officers are responsible to both the local board and state department of health. In BC, however, the local health officer is not a deputy state health officer. BC's public health activities are coordinated with the total state program by the annual submission of its operating plans and budget to the state department for review. A public health department was established in BC in 1793, and a state board of health in 1874. The process of creating county boards began in 1882, and in 1934 Maryland became the first state to have established full time health departments in all counties. (p. 90)

Local boards of education exercise primary administrative responsibility for local elementary and secondary education programs and have considerable freedom in determining local curriculum development and education policies within and above the minimum requirements set by the state. Local governments provide financial support for education, but receive assistance from the state, which is allocated directly to the local board. The local board prepares and submits its annual budget to the local governing body, with the request that the latter appropriate the difference between the proposed budget and funds available from the state. In BC where the local board and superintendent are appointed by the mayor, the role of the local governing body is much more direct. (p. 91)

Road and highway programs include participation of counties, BC, and larger cities. In BC programs are conducted through the bureau of roads within the department of public works. In most counties the

elected governing body itself sits as the county roads board. In six counties road programs are performed by the state roads commission, a carryover from the 1930s. Before 1933 all counties constructed and maintained their own roads. Financial pressures brought on by the depression, however, prompted legislation in 1933 authorizing counties to turn over road responsibilities to the state and to later resume local control on request. Most counties took advantage of this act. By 1953 thirteen counties has resumed control, and by 1965 all but six had done so. (p. 92)

Participation of cities in the state roads program depends upon whether they request a role and whether it is approved by the state roads commission. Whether the local program is conducted by local or state operations, the role and duties of the local governing body is substantial in establishing construction and maintenance standards, determining direction and priorities, and supervising program activities. Highway user taxes are shared by the state and localities. (p. 93)

State program process has primarily been established by state decision and is structured, guided, and coordinated at the state rather than the local level. The urban program process, by contrast, is initially defined by state law and regulations, but has developed at the local level in response to specific needs and conditions. Urban programs often do not correspond to local geographical boundaries. (pp. 97-98)

Because there are no incorporated towns in BA and HO the county governments have had to assume municipal type programs. Proximity of major population centers in BA to the boundaries of BC and the willingness of BC to extend services beyond it boundaries have permitted BA to develop programs different from those in HO. In WA the existence of widely scattered cities, clear distinction between city and rural populations, and proximity of the few large unincorporated communities to existing towns have made urban programs primarily a municipal function. In PG and MO, which encompass almost one third of all municipalities in the state, the existence of special program agencies and powers granted county governments have virtually excluded development of municipal roles. (p. 99)

Much fire protection is accomplished by volunteer fire departments whose operational jurisdictions are determined more by population location and density and local needs than by government boundaries. Buildings, equipment, and activities are supported by joint county and city appropriations. Some larger municipalities and BC have their own fire departments with some full time salaried personnel. (p. 100)

Police programs are conducted by BC, some cities, and several counties. Police departments exist in AA, BA, HO, MO, and PG. In some counties, especially CH and HA, the sheriff's office has been strengthened and is utilized as a primary law enforcement office. In other counties, while the sheriff will have some such activities, the small size of the staff and the large territorial area make activities of the state police a vital factor in the county. (p. 101)

Within incorporated areas water and sanitation services are most often the unilateral responsibility of the city government, and refuse collection and disposal even more so. In ten counties - CV, CA, CR, CE, GA, KE, QA, SM, SO, and WA - municipal water and sewage systems are the only public programs now operative. In WA the county sanitary commission, while authorized to initiate and conduct these programs, has to date concentrated on encouraging, coordinating, and facilitating the development and extension of municipal systems. This had been feasible because systems exist in seven of the nine towns,

and unincorporated communities are close to incorporated towns. The extension of municipal systems beyond the corporate limits is a characteristic of municipal efforts in many counties. (pp. 104-105)

In most counties some type of county and special program agencies have been established to conduct basic water and sewer programs. In BA facilities have been made available to urban areas adjacent to BC by agreement between BA and BC which dates back to the establishment of a metropolitan district in BA in 1924. BC facilities are also used in AA. Other areas in AA are served directly by the county sanitary commission. HO is served by both BC and WSSC facilities and has a county metropolitan commission. (p. 108)

The Washington Suburban Sanitary Commission is a special program agency created by the General Assembly in 1918 to provide water and sanitation services in an area adjacent to DC. Today it also conducts refuse collection and disposal programs and approves storm drainage plans. Water and sewer systems in MO and PG are almost exclusively the responsibility of WSSC whose jurisdiction extends to both incorporated and unincorporated areas. (pp. 108-109)

Outside metropolitan areas sanitary commissions have been created in seven counties. (p. 110)

Planning and zoning roles and jurisdictions are established in Art. 66B, Public General Laws. Where there are cooperative intergovernmental efforts in planning, program responsibility for zoning is unilateral. Planning includes the establishment of a program for physical development and growth of a given area, while zoning is the decision making process which implements, augments, and adopts a basic plan for local growth into a specific, legally authorized and enforceable framework. All counties have established planning and zoning or planning commissions, fourteen in the past decade. So have at least forty cities, thirty in the past decade. Older planning agencies include ones in Frederick since 1929, BC since 1939, and BA since 1947. (pp. 111-112)

Master plans will include a comprehensive outline of existing and planned facilities and recommendations for future location and development of streets and highways, parks and open spaces, residential and commercial areas, public buildings and facilities, and public utility, transportation, water, and sanitation facilities. On the basis of this plan the local governing body approves specific zoning ordinances and regulations and may depart from the plan in response to changing needs and circumstances. (p. 112)

In BA and HO planning and zoning are exclusively county functions. In PG and MO the roles of the county bodies have become paramount and have virtually excluded direct municipal roles. Roles in PG and MO are defined within the broader context of the MNCPPC, a program agency created by law in 1927. The members from each county also serve as the respective county planning boards. Responsibility for zoning, however, rests with the county governing bodies with cities denied planning and zoning roles. Rockville is the exception and is specifically excluded from the jurisdiction of this bi-county process. (pp. 112-113)

In the Baltimore metro area planning and zoning are conducted by BC, the counties, and several municipalities. Need for coordination of local efforts was recognized in 1963 with the creation of a



regional planning council. Its planning area includes BC, AA, BA, CR, HA, and HO. It replaces the former Baltimore Regional Planning Council, an unofficial ad hoc organization created in 1957. (p. 113)

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**University of Maryland, Division of Behavioral and Social Sciences, Bureau of Governmental Research, Maryland Technical Advisory Service (Home Rule Study), Home Rule in Maryland Counties, 1974, MdHR 803595, I8730**

Acts of 1914, Ch. 416 when ratified in 1915 became Art. XI-A of the Constitution and provided a basis for home rule in the counties and BC. Implementation was provided by Acts of 1918, Ch. 456. BC adopted home rule in 1918. No county did so until 1948 when MO adopted its first charter. Later ones were BA in 1956, AA and WI in 1964, HO in 1968, PG in 1970, and HA in 1972, all under Art. XI-A. TA in 1973 was the first county to adopt a charter under the simplified provisions of the alternative procedure provided by Sec. 1A of Art. XI-A, ratified in 1970. All but WI and TA chose the executive and council form of government. Those two chose the council and manager form. MO's original option for council and manager was changed to executive and council in 1970. (pp. 4-5)

Home rule for code counties is based on Art. XI-F of the Constitution, enacted through Acts of 1965, Ch. 493 and ratified in 1966. Acts of 1967, Ch. 650 provides implementation. KE in 1970 was the first county to adopt this form of home rule. AL voters approved this option in 1974. (p. 6)

The most important feature of home rule, by charter or code, is the transfer of legislative power over local matters from the General Assembly to the county governing body. Code counties retain boards of county commissioners. Art. 25A, Public General Laws, grants to a charter county twenty-seven express powers. (pp. 16-17)

## **PARDON AND PAROLE**

### **Parole Commissioner (Biennial Report) 1933-1934, MdHR 811092, E6551**

A parole system has been operating in Maryland for twenty years, instituted by Acts of 1914, Ch. 400 as a branch of the executive department. (p. 1)

State statutes do not refer directly to parole nor do they give to the paroling authority the power to grant paroles. Instead they make use of the governor's constitutional power to grant pardons so that parole actually emanates from the governor in the form a conditional pardon. Parole department and commissioner merely exercise an advisory function in the granting of parole. (p. 10)

Advisory Board of Parole functioned from 1914-1923 and Parole Commissioner since then. Use of the term conditional pardon instead of parole is often seen as an act of clemency. (p. 12)

A individual under parole is still within the penal system while a pardoned person is not. (p. 16)

Parole Commissioner institutes and reviews all cases that come up for parole consideration and determines the advisability of making recommendations to the governor. Parole officers make the investigations and supervise parolees. (p. 26)

Upon the breaking of parole conditions, parolees may be reincarcerated without court action. A warrant is issued by the governor revoking the parole and the parolee is returned to prison to finish the sentence. (p. 31)

In the absence of any other specific agency for handling them, the governor refers to the Parole Commissioner many applications submitted by prisoners for reduction in their sentences or for pardon, or other cases involving the exercise of executive clemency. Commissioner then has them investigated and reports findings to the governor, but usually not recommendations as to disposition. (p. 34A)

Most applications for pardons are for restoration of civil rights after the sentence and/or parole period has ended. Fewer are for release from prison. (p. 35)

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### **Commission on Administrative Organization of the State (Reports), Administration of Juvenile Delinquency Control in Maryland, 11th, 1952, MSA S119**

Maryland is one of only five states in which the authority to grant parole rests with the governor. All studies of parole since 1914 in Maryland have agreed that this should not be so because the governor cannot have time to do the matters justice. Only a fraction of those eligible are actually paroled. (pp. 20-21)

## SECRETARY OF STATE

### **Governors Operating Economy Survey (General Administration Offices Report), 1969, MdHR 806342, EC520**

Secretary of State was created in 1837 by constitutional amendment. The official is appointed by the governor with consent of the Senate and serves during the governor's term. Functions and duties:

- general secretary to the governor
- attests to governor's signature on public documents, commissions, warrants, proclamations, etc.
- custodian of the Great Seal
- certifies results of all referenda and constitutional amendments submitted to the electorate
- keeps and publishes results of elections
- keeps records of state Board of Canvassers of which the Secretary of State is a member
- keeps records of all commissions issued and all appointments made by the governor
- keeps a registry of legislative agents and counsels, their legislative subjects, and moneys received and expended
- legally designated attorney for nonresident drivers, aviators, and aircraft owners involved in accidents in Maryland for the serving of process and warrants
- receives and publishes administrative rules and regulations
- prepares publication of elections laws with the Dept. of Legislative Reference
- receives certificates of candidacy
- receives referendum petitions
- prepares and records requisitions, extraditions, pardons, and commutations
- keeps registrations of trading stamp companies and samples of their stamps, collection books, redemption catalogues, and distribution and agreement forms
- keeps records of charitable organizations and contributions received by them (p. 4)

Recent legislation has provided for the transfer of certain functions. Effective July 1, 1969 the State Administrative Board of Election Laws will take over filings for elections, checking of petition signatures, and certifying election results. Another bill should simplify procedures for notary public certification. Another bill will eliminate the filing of State Roads Commission plats with the Secretary of State. Another bill transfers to the State Police certain duties concerning special policemen - applications for commissions, investigations of applicants, and forwarding of recommendations to the governor. In addition, the Secretary of State should be relieved of duties concerning soil conservation districts, trademarks, trading stamps, and Development Credit Corp. (pp. 4-5)

## STATE GOVERNMENT

### Reorganization Commission (Plan), Reorganization of Administrative Departments of State Government, 1921, MdHR 805996, EC235

Table of eighty-five departments, offices, boards, and commissions making up state government, with appropriations and number of employees for FY1921 (pp. 7-9):

Organization	Funds	Staff
Adjutant General	125,550	32
Agricultural Lime Board	0	0
Board of State Aid and Charities	4,950	2
Armory Commission	0	0
Athletic Commission	0	3
State Auditor	14,000	3
Bank Commissioner	27,500	11
Board of Barber Examiners	0	0
Board of Boiler Rules	0	0
Board of Chiropody Examiners	0	0
Board of Chiropractic Examiners	0	0
Commission re Claims Against U.S.	0	0
Comptroller of the Treasury	30,340	12
Conservation Commission	287,390	108
House of Correction	193,318.62	44
Crownsville State Hospital	123,370	36
School for the Deaf	48,836	47
Board of Dental Examiners	0	0
Department of Education	57,570	12
Eastern Shore State Hospital	125,106.19	34
Employment Commission	20,000	4
Board of Examining Engineers	0	0
Board of Electrical Examiners	0	0

Executive Department	97,700	8
Board of Forestry	28,580	204
Geological and Economic Survey	18,672	8
Department of Health	240,000	115
Inspectors of Hay and Straw	0	2
Board of Homeopathic Examiners	0	0
Board of Examiners of Horseshoers	0	0
Industrial Accident Commission	87,765	36
Industrial Training School for Girls	45,550	18
Commission on Industrial and Welfare Laws	0	0
Insurance Department	45,150	14
Commission to Revise Insurance Laws	0	0
Board of Labor and Statistics	51,790	25
Land Office	17,085	11
Law Department	27,315	9
Uniformity of Legislation Commission	750	0
Legislative Reference Bureau	3,275	3
Public Library Commission	4,584	2
State Library	5,800	3
Library Committee	1,500	0
Liquor License Commissioners	0	2
Lunacy Commission	5,000	2
Board of Medical Examiners	0	0
Miners Hospital	6,000	14
Mining Commission	0	0
Board of Motion Picture Censors	14,828	5
Commissioner of Motor Vehicles	202,270	100
Board of Examiners of Moving Picture Operators	0	0
Normal and Industrial School	31,995	10

Normal School, Towson	108,755	32
Normal School, Frostburg	30,100	11
Board of Examiners of Nurses	0	1
State Office Building Commission	0	0
Board of Examiners of Optometry	0	0
Board of Osteopathic Examiners	0	0
Advisory Board of Parole	13,300	8
State Penitentiary	243,506.49	71
Board of Pharmacy	0	0
Pine Bluff Sanitarium	11,022	6
Commissioners of Practical Plumbing	0	0
Board of Prison Control	18,400	5
Board of Examiners of Public Accountants	0	0
Public Buildings and Grounds	23,260	29
Public Service Commission	119,560	37
Board of Public Works	55,844	0
Central Purchasing Bureau	15,000	10
Racing Commission	20,000	2
State Roads Commission	1,859,900	700
Rosewood State Training School	164,030	73
Secretary of State	5,200	1
Soldiers Memorial Commission	0	0
Springfield State Hospital	413,304	175
Spring Grove State Hospital	231,494	98
Tax Commission	60,960	21
Tobacco Inspector	93,096	43
Weigher of Tomatoes	0	0
Training School for Boys	133,620	49
State Treasurer	19,820	8

Tuberculosis Sanitarium	200,620	89
Board of Undertakers	0	1
University of Maryland	506,275	600
Veterinary Medical Board	0	0
War Records Commission	15,000	5
Trustees of Washington Cemetery	0	0
Weather Service	1,175	1
Measurer of Woodcarts	0	0
Workshop for the Blind	16,000	17

The table includes the Maryland Penitentiary and House of Correction which are under the nominal control of the Board of Prison Control and the three state normal schools which are operated by the Department of Education. Employees of the State Roads Commission includes 250 laborers. (p. 9)

The table includes six commissions created for special purposes and will presumably pass out of existence when they have made reports to the legislature. Commission re Claims Against the U.S. is designed to aid Marylanders in the prosecution of claims against the federal government. Mining Commission will investigate mining institutions and codify mining laws. State Office Building Commission will study the advisability of the construction of a state office building in Baltimore. Soldiers Memorial Commission will cooperate with other agencies to select a suitable memorial to the veterans of the Great War. Commission on Industrial and Welfare Laws will study industrial and welfare laws and make recommendations. Commission to Revise Insurance Laws will study and codify existing insurance laws. (pp. 9-10)

Four agencies listed in the table are practically extinct - Weigher of Tomatoes, Measurer of Woodcarts, Inspectors of Hay and Straw, and Agricultural Lime Board. Disregarding these agencies and the six temporary commissions, there still remain seventy-five independent agencies which the governor as the chief executive officer of the state is expected to supervise. (p. 10)

Table B, departments and offices headed by a single executive, and Table C, boards and commissions, indicate how the seventy-nine agencies are constituted. [These tables not abstracted here.] Sixty-seven of them, or 71%, are headed by boards or commissions. Only eighteen offices are headed by a single official. (p. 10)

Whenever the General Assembly determined that the state should engage in some new function, a new

independent unit was usually set up, rather than attaching it to an existing agency. (p. 16)

Maryland lacks a proper grouping or relationship of administrative agencies. No comprehensive plan or outline of organization has ever been submitted to the General Assembly. (p. 17)

There are many examples of improper allocations. Both the Board of Labor and Statistics and Industrial Accident Commission are concerned with labor problems. Eighteen boards are engaged in examining and licensing various trades and professions. State institutions have separate boards of managers. Ten agencies regulate private businesses or furnish services for them. Several agencies deal with construction and maintenance of public buildings and highways. Until recently several agencies were engaged in enforcing fish and game laws, now combined into the Conservation Commission. (pp. 17-18)

Purely executive functions should not be vested in boards and commissions that number sixty-six in Maryland. Only fifteen agencies are headed by one individual. The constitution provides for only one commission - the Board of Public Works. The General Assembly thereafter created commissions not only for quasi judicial and sub-legislative functions but also for purely administrative ends. An example of the latter is the State Roads Commission. (p. 22)

Recently there has been a return to the one person type of administration, such as the Commissioner of Motor Vehicles, Employment Commissioner, and State Purchasing Agent. (p. 23)

Most vocational examining boards have neither offices nor employees, and it is difficult for license applicants to locate them. (p. 24)

Under the consolidation plan being proposed by this commission, several existing boards and commissions exercising functions of a quasi judicial or sub-legislative nature would be retained in substantially their present form, but for organizational purposes would be attached to the proposed departments. The departments whose organization would include advisory councils or with which would be affiliated existing boards are as follows:

- Executive Department
  - Uniformity of Legislation Commission
  - Board of the Legislative Reference Bureau
  - State Library Committee
- Department of Finance
  - Treasury Council
- Department of Welfare
  - Lunacy Commission
  - Advisory Board of Parole
  - Advisory Council on Corrections
  - Advisory Council on Charities
- Department of Health
  - Advisory Council on Health
- Department of Education



- Advisory Council on Education
  - Advisory Council on Agricultural Development
- Department of Commerce
  - Public Service Commission
  - Board of Motion Picture Censors
- Department of Labor
  - Industrial Accident Commission
- Department of Employment and Registration
  - 18 vocational examining boards

The plan proposes that such of the existing boards as will retain substantially their present functions and authority shall be known by their present titles. Advisory Councils are proposed in those cases where the form or jurisdiction of existing agencies can be changed to advantage. (pp. 27-28)

Proposed departments, showing allocation of functions of existing executive agencies:

- Executive Department
  - Executive Department
  - Secretary of State
  - Uniformity of Legislation Commission
  - Legislative Reference Bureau
  - State Library
- Department of Finance
  - State Treasurer
  - Tax Commission
  - Central Purchasing Bureau
- Department of Law
  - Attorney General
- Department of Militia
  - Adjutant General
- Department of Welfare
  - Mental Hygiene
    - Lunacy Commission
    - Crownsville State Hospital
    - Eastern Shore State Hospital
    - Rosewood State Training School
    - Springfield State Hospital
    - Spring Grove State Hospital
  - Charities
    - Board of State Aid and Charities
    - Miners Hospital
    - Pine Bluff Sanitarium
    - Tuberculosis Sanitarium

- Workshop for the Blind
  - School for the Deaf
- Corrections
  - Board of Prison Control
    - House of Correction
    - Maryland Penitentiary
  - Industrial Training School for Girls
  - Training School for Boys
  - Advisory Board of Parole
- Department of Health
  - Department of Health
- Department of Education
  - Department of Education
    - Normal School, Towson
    - Normal School, Frostburg
    - Normal and Industrial School
  - University of Maryland
    - Board of Forestry
    - Weather Service
    - Public Library Commission
- Department of Public Works
  - State Roads Commission
  - Public Buildings and Grounds
  - Board of Public Works, except for financial functions
  - Armory Commission
  - Washington Cemetery
- Department of Commerce
  - Bank Commissioner
  - Insurance Commissioner
  - Commissioner of Motor Vehicles
  - Conservation Commission
  - Land Office
  - Public Service Commission
  - Tobacco Inspector
  - Athletic Commission
  - Racing Commission
  - Board of Motion Picture Censors
- Department of Labor
  - Industrial Accident Commission
  - Board of Labor and Statistics
  - Board of Boiler Rules
- Department of Employment and Registration
  - Employment Commission

- Board of Barber Examiners
- Board of Examiners of Chiropody
- Board of Chiropractic Examiners
- Board of Dental Examiners
- Board of Examining Engineers
- Board of Electrical Examiners
- Board of Examiners of Horseshoers
- Board of Medical Examiners
- Board of Examiners of Moving Picture Operators
- Board of Examiners of Nurses
- Board of Examiners of Optometry
- Board of Osteopathic Examiners
- Board of Pharmacy
- Commissioners of Practical Plumbing
- Board of Examiners of Public Accountants
- Board of Undertakers
- Veterinary Medical Board
- Comptroller of the Treasury
  - Comptroller of the Treasury
  - State Auditor (pp. 28-29)

The reorganization plan further recommends that the functions of the Liquor License Commissioners, Weigher of Tomatoes, Measurer of Woodcarts, and Inspectors of Hay and Straw be delegated to BC, if it is decided to keep these duties. In addition, Johns Hopkins University should assume increased authority and responsibility over the Geological and Economic Survey, which is already practically a part of that institution. (p. 28)

Officers and agencies now dealing with general financial and auditing problems are the Governor, Comptroller of the Treasury, State Treasurer, Board of Public Works, Tax Commission, Purchasing Bureau, and State Auditor. The constitution gives the Comptroller general superintendence of state fiscal affairs and assigns specific duties connected with revenue collection, settlement of claims, control of disbursements from the treasury, prescription of forms of accounts, administration of the state debt, etc. (p. 57)

Duties of the State Treasurer involve receiving and depositing of state funds, writing of checks, signing of evidences of state's indebtedness, keeping of certain accounts, etc. The Treasurer's responsibilities in regard to borrowing are great. The Board of Public Works holds general financial powers of a quasi-legislative nature - receives reports of the State Auditor, thus intending it to correct irregular and illegal practices, and directs the adoption of methods of conducting agencies' affairs. (p. 58)

There are three principal defects in the present organization for financial administration. First, there is no official recognized as being responsible to the governor for advise and assistance with finance problems and control. Second, there is no office for securing information needed to compile the budget and review

estimates of state agencies. Third, the independent accounting and auditing office under the Comptroller of the Treasury does not have complete powers to do all the work of review and audit. (p. 59)

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## **Executive Reorganization Committee (Report), Executive Reorganization: A Comprehensive Plan for Maryland, 1969, MdHR 806327, EC496**

Patterns and problems of proliferation and fragmentation characterize the executive branch today. There has been a proliferation of administrative, planning, advisory, coordinating, regulatory, and other agencies. There has been an increasing need for new social and community oriented programs, many of which do not fit into existing program structures. Changing program requirements of the federal government often necessitate organizational arrangements not available within the existing structures. (pp. 2-3)

246 separate executive units have been identified, as of January 1, 1969, not including individual hospitals, schools, or other state institutions. (pp. 4-5) [Itemized list not abstracted.]

Over a dozen agencies are responsible for aspects of human relations and resources - welfare, social services, and planning development. (p. 11)

The increasing interdependency of programs, combined with a fragmented rather than a consolidated organizational structure, places a heavy burden on executive officers. To keep related efforts coordinated the state has taken some steps to create structure for program review and coordination. Governor has established the office of program executive for this task. Such officers have only such authority as may be derived from being in the governor's office. By law they have no authority for conduct of the program or to take direct action. (p. 12)

Prior to the initiation of the program executive concept, the primary technique for coordination of programs was the creation of specialized coordinating boards. They may be large bodies with broad jurisdiction but little direct authority, such as the Board of Natural Resources, or small bodies with substantial authority, such as the Board of Health and Mental Hygiene. (p. 13)

## TAXATION

### **Maryland Tax Revision Commission of 1939 (Report), Administrative Reorganization, 1940, MdHR 806043, EC277**

Governmental units administering state taxes and some of the more important taxes:

- Comptroller of the Treasury - admissions, gasoline, income, liquor, and gross receipts of one railroad
- Tax Commission - bonus, corporate shares, distilled spirits, franchise, gross receipts except for one railroad, personal property of most corporations, and savings bank deposits
- County Commissioners and BC Bureau of Assessments - real property, personal property except for most corporations
- Insurance Commissioner - insurance premiums and licenses
- Commissioner of Motor Vehicles - motor vehicle taxes and titling taxes
- Racing Commission - horse racing and betting
- State Roads Commission - billboards
- Registers of Wills - estate tax, inheritance tax, and executor and administrator commissions
- County Circuit Court Clerks - business and other licenses, official commissions, and recordations
- Clerk of BC Court of Common Pleas - business and other licenses
- Clerk of BC Superior Court - official commissions and recordations (p. 3)

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### **Commission on Administrative Organization of the State (Reports), 1952, MSA S119**

In 1907 the revenue system of Maryland consisted of five classes of taxes - general property tax, extensive system of license taxes, corporation taxes notably on gross receipts, inheritance tax, and tax on commissions of officers, executors, etc. License taxes originally had been levied under the police or regulatory power of state government. Some such as those on peddlers and auctioneers were levied on activities in competition with established businesses that paid property taxes. Licenses imposed on some agents and brokers seemed designed to reach profitable occupations that did not require use of much taxable property. (p. 7)

In 1916 use of license taxes was expanded to meet a growing state deficit. Thereafter, use declined as their inadequacy for providing additional revenue was discovered. Income taxes, sales taxes, and other sources proved more productive. The expanding use of motor vehicles and demand for better roads led in 1922 to adoption of a state gasoline tax. During the depression in the 1930s the state tried various expedients - gross receipts tax of 1935 which was unpopular and an income tax in 1937. (p. 8)

The end of World War II brought a need for increased funds for delayed capital outlay in many fields of state and local activity. In 1947 a sales tax was enacted. (p. 9)

Tax on property is mostly reserved as a source of revenue for local governments. The state now uses it only for the limited purpose of servicing bonded indebtedness. The allocation of most property taxes to

local governments has not solved their revenue problems. The state has had to assist local governments. An illustration of state grants-in-aid to localities occurs in education, a situation that dates far back in the history of Maryland. They were systematized in 1922 by Ch. 382 which established minimum salaries for teachers and provided for an equalization fund to aid poorer counties. (pp. 9-11)

The allocation of gasoline taxes began with Acts of 1927, Ch. 382 which required the State Roads Commission to devote part of the lateral road fund to the construction of streets and highways in BC. Acts of 1933, Ch. 425 allocated funds to the counties in proportion to road mileage. (pp. 11-12)

The sharing of state income tax revenue with local governments also was adopted because local collection of them would have been inefficient and irritating to taxpayers. The revenue was needed by local governments in 1939 to replace the revenue lost when the state abandoned the inefficient and inequitable personal property tax on intangibles. (p. 12)

As of 1949 the number of activities licensed by the state for revenue purposes had been reduced to twenty-nine, and as of 1951 to twenty-six. Localities, however, can continue to use these sources. The state should withdraw from the collection of twenty-three of these license activities - billiard table, bowling saloon, carnival, cigarette vendor, circus, cleaning and pressing, construction firm, garage, horse and jack, laundry, motion picture machine, moving picture show, music box, pinball machine, plumbing and gas fitting, restaurant, show, soda water fountain, storage warehouse, theater, trading stamp company, vending machine, and wholesale dealer in farm machinery. The remain three - chain store, hawker and peddler, and trader - should remain state license activities because they overlap local jurisdictions. (pp. 22-23)

## TOBACCO INSPECTION

**Hanna, Hugh Sisson, A Financial History of Maryland, 1789-1848 (Baltimore: The Johns Hopkins Press, 1907)**

Up to 1824 tobacco inspection was under the direction of the levy courts and costs were defrayed by fees received for inspections. Inspectors were appointed by the governor, but the state assumed no responsibility and received no revenue. (See Acts of 1801, Ch. 63.) The growing importance of the tobacco trade in BC as the main point of shipment made it desirable for the state to assume direct management of the inspection of the product there. (See acts of 1823, Ch. 165.) (p. 65)

## RESEARCH NOTES

Patricia V. Melville

2006

Notes from government publications, periodicals, and library books, re government agencies, their duties and responsibilities, and resulting records. The notes are transcribed from handwritten abstracts compiled mostly between 1977 and 1985. Research was concentrated on the records and representative agencies then available at the Archives or potentially to be transferred. [Bites from the Archivists'](#) [Bulldog](#) should be consulted for articles on several of the following topics.

- [Adoption](#)
- [Assessment](#)
- [Civil](#)
- [Commission Tax](#)
- [Corporations](#)
- [Divorce](#)
- [Education](#)
- [Elections](#)
- [Estates](#)
- [Grand Jury](#)
- [Health](#)
- [Judiciary](#)
- [Licenses](#)
- [Local Government](#)
- [Mechanics Liens](#)
- [Pardon and Parole](#)
- [Secretary of State](#)
- [State Government](#)
- [Taxation](#)
- [Tobacco Inspection](#)
- [Voter Registration](#)
- [Welfare](#)



## VOTER REGISTRATION

### **General Assembly, Legislative Council, Research Division (Research Report 28), Declaration of Intentions Act, 1948, MdHR 785642, L1771**

The declaration of intentions act was passed in 1902 as an amendment to the Straus election bill and raised little comment at the time. Subsequently there have been repeated attempts to modify or repeal it. The act requires that all persons who move into the state and wish to vote here shall declare their intent to become citizens and residents of Maryland either before a court clerk or election officials. No such person shall be entitled to register to vote until one year after the intent to become a voter has been recorded. (p. 1)

The basic version of the present registration laws was enacted in 1882. It took some time, however, for the laws generally to be accepted and enforced, so that for about twenty years afterward there were repeated proposals to amend or revise election laws. Registration laws were completely revised by Acts of 1896, Ch. 202. (p. 2)

Declaration of intention provisions were passed against a background of election law growing pains and problems affecting African Americans. (p. 6)

A companion measure was the declaration of removal act which was added to the election laws by Acts of 1890, Ch. 573, omitted by Acts of 1896, Ch. 202, added again by Acts of 1901, Ch. 2, and repealed in 1945. It stated that any person removing from a place of residence out of Maryland shall lose state residency unless the person makes an affidavit of intent to not change legal residence and to return to the state six months before the next general election. Upon failure to return, the person lost the qualification to vote in Maryland. (pp. 12-13)

Declaration of removal provisions was omitted in the revision of election laws in Acts of 1945, Ch. 934. (p. 15)

Beginning in 1912 a series of acts were passed to authorize an alternate form of declaration of intention in specified counties. The declaration might be made before the board of registry of the election district or precinct where the person intended to reside. The board would then send a copy to the court clerk. Acts of 1914, Chs. 223, 534, 541, and 573 added CA, CE, FR, and PG. Acts of 1916, Chs. 540 and 546 added BC, CV, CR, GA, HA, and MO. Acts of 1918, Ch. 486 added AL, AA, CH, DO, KE, QA, SO, TA, WA, and WI. Acts of 1922, Ch. 97 added HO. Thereafter only BA, SM, and WO lacked the alternate method. However, it was made statewide by Acts of 1945, Ch. 934. (pp. 20-22)

Acts of 1929, Ch. 578 would have abolished the declaration of intentions in all but BA and PG, but it was subsequently declared unconstitutional because registration laws were required to be uniform throughout the state. (p. 23)

Thousands of declarations are filed every year, especially in advance of a presidential election. The removal act was seldom observed during the years prior to 1945. Maryland seems to be the only state having anything like a declaration of intentions act. (pp. 40-41)

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**University of Maryland, College of Business and Public Administration (Study in Public Administration), Election Practices in Maryland, 1950, MdHR 803247, I8706**

In many municipalities an entirely separate registration of voters is maintained. In others the county registration lists are used in city elections. Uniform registration required by the constitution for state elections is conducted in the counties and BC. Organization, however, is of two types - periodic and permanent. The former places upon the voter the responsibility for registering anew at times designated by the legislature. The latter permits the voter to remain registered until the individual moves, is disqualified, or fails to vote at least once in five years. Permanent registration is required by law in BC, MO, and WA. In all other counties it may be instituted upon recommendation of the board of supervisors of elections and approved by the county commissioners. It is becoming more general in those counties. (pp. 6-7)

Under the periodic method two election judges for each precinct are designated by the election supervisors to serve as registration officers. Supervisors may also provide in their office for the registration of voters at any time. A permanent board of registry consists of the clerk of the supervisors and one person appointed by the governor. In MO both members may be named by the supervisors. Supplementary boards of registry, each consisting of two persons, may be set up by the supervisors. Permanent registration is continuous in the office of the supervisors. (pp. 7-9)

Registration records are prepared in duplicate in large registry books, on cards, or on loose leaf pages. In areas having permanent registration, either cards or loose leaf pages must be used. One set is alphabetized for the entire county or BC and is kept as a central record by the supervisors. The other set is alphabetized within precincts for use in elections. (pp. 9-10)

Reports to election supervisors are required from various public officials for the correction of registration records. Health officers report the names of deceased persons over age 21. Court clerks report names of persons convicted of infamous crimes and names changed by marriage or court decree. (p. 14)

Decisions of registration officers may be appealed to the county circuit courts or any BC court. From them appeals may be taken to the Court of Appeals. (pp. 14-15)

## WELFARE

### **Social Welfare Survey Commission (Report), 1930, MdHR 805971, EC269**

Maryland has not recognized and accepted responsibility for maintenance of standards of social welfare for its underprivileged citizens. It has adhered to the policy of allowing to private initiative the development of social work. The Board of State Aid and Charities is not functioning as a department of welfare in the usual sense of the word. It is exclusively a board of control administering subsidies to private and state agencies. (pp. 3-4)

Most welfare statutes have been in the nature of permissive legislation with no state action toward putting into effect the provisions. There is no machinery to stimulate action, no central bureau to advise and assist county units, and no means by which a plan may be worked out for a county too poor to adopt a program. The result has been that the mothers relief and old age pension acts have had little practical value. (p. 4)

Only in the fields of education and health has Maryland accepted a different philosophy. The departments of health and education have been created under laws that set up minimum standards and provide for assistance to counties. (p. 4)

Grants in aid were first made to private institutions in 1798. There was then no public school system and Maryland granted aid to education institutions to compensate for this lack. Later when care of the insane was a pressing need, state aid was given to mental hospitals. In the early 1850s children's institutions began to receive aid and in 1890 homes for the aged were included. In 1900 the Board of State Aid and Charities was created to make reports and recommendations to the General Assembly. (pp. 6-7)

Family case work has been exclusively a function of private agencies. Its has been most widely developed in the counties by the Maryland Children's Aid Society. For its first sixteen years of existence it was concerned chiefly with care of homeless, neglected children from rural areas. Emphasis was upon immediate relief by removal from the home. It gradually developed into a general family case working agency. Its branches which now exist in seven counties are functioning as general welfare organizations. (p. 12)

The present state of social work in the counties fall into the following categories:

- 7 have a branch of the Maryland Children's Aid Society
- 1 is organizing such a branch
- 3 support with private funds a family organization with paid workers
- 1 employs a worker paid by the county to administer relief
- 1 has a probation officer whose work includes family adjustment
- 10 have no paid social worker of any kind (p. 12)

In counties with paid social workers, the standard and amount of work done varies greatly. Nine counties have one public health nurse, the rest have two or more. In counties having no social workers

the nurse is the only person regularly visiting homes and coming in contact with destitute conditions. (pp. 13-14)

The practice of giving outpensions to dependent persons is an old one. Usually the county commissioners handle them, acting upon petitions signed by taxpayers of the community. In MO, WA, and WI there is a growing cooperation between private welfare organizations and the county commissioners regarding pensions. Social workers make preliminary investigations before a pension is granted. (pp. 15-16)

Counties also expend funds for the upkeep of almshouses, burial of paupers, sundry charities, and support to private welfare groups. (p. 17)

The state has given counties additional authority for granting pensions, per Acts of 1927, Ch. 538 for old age and Acts of 1929, Ch. 401 for mothers relief. Widows in AA and WI are receiving pensions on a budgetary basis in conformity with the intentions of the latter law. A 1916 law, pertaining particularly to BC, provided specific amounts to be awarded widows with children. These pension schemes provide for budget study and supervision, but neither is practiced in the county pension procedures (pp. 18-19)

County commissioners occasionally pay for emergency situations as they arise, such as hospital care for indigent persons, transportation of a pauper to his/her legal residence, or board for a child who is a charge of the county. BC Department of Charities and Corrections has a paid staff to handle expenditures for the care of dependent persons. With the exception of a sum appropriated in 1930 for mothers relief, care of dependents by that department is entirely through institutions. (p. 20)

Originally the state Department of Health divided Maryland into sanitary districts of two or more counties. At the head of each district was placed a state health officer. Some counties supplemented the program by designating county or town health officers. Thirteen counties now have full-time health officers. County health units are concerned with the control of communicable diseases, health of school children, infant health, and control and treatment of tuberculosis and venereal disease. Emphasis is upon prevention. The ultimate goal is the improvement of general health of the community, not treatment of individuals. (pp. 21-22)

Duties of the state Board of Mental Hygiene include supervision of the care of the insane in hospitals. It supervises four state hospitals for the insane, thirteen private institutions, BC Psychopathic Ward, AL Hospital for the Insane, and a state and a private institution for feeble-minded. In the past the board conducted psychiatric or child behavior clinics in various areas. The program, however, was intermittent and inadequate. For now the clinics have been discontinued. (p. 23)

Acts of 1916, Ch. 326 provided that circuit court judges could designate one of themselves to hear cases of dependent, neglected, or delinquent children. Eight counties have designated juvenile judges or magistrates. In other counties the regular criminal procedure was invoked. Although efforts are made to treat children understandingly, there is usually no other facility for caring for detained children except the jail. Six counties have probation officers, either full time or using a social worker. (p. 25)

In counties having no probation officer, parole work must be done by state juvenile reformatories. Adults paroled from penal institutions are under the supervision of the state parole commissioner who has an office in BC and only two other parole officers on the staff. (p. 26)

A 1929 law materially affects the welfare of handicapped children. The principal teacher of every public school must prepare a list of all deaf, blind, and feeble-minded children in the school district who are not attending school. County commissioners then certify the names to the state schools for the deaf, blind, and feeble-minded. A similar list of physically handicapped children, both in and out of school, must be prepared and sent to the Board of Health and Board of Education. The Board of Health has the children examined and recommends clinical therapeutic, or hospital treatment. The recommendations are reported to the county commissioners and state Board of Education. The latter prescribes equipment and curriculum of special schools and classes to be established for the children. (pp. 27-28)

Another 1929 law provides for vocational rehabilitation in order to make self supporting those persons whose capacity to earn a living has been destroyed or impaired. The Board of Education administers the program and the state has accepted financial assistance from the federal government. Deaf children are trained at the School for the Deaf. County commissioners must certify to the governor that the applicant is teachable and that the parents or guardians cannot pay for the instruction. The governor then authorizes the instruction and the county pays the school. (p. 28)

Training and care of the blind is a joint undertaking of the School for the Blind and Workshop for the Blind. The former trains blind minors and county commissioners pay for each child admitted. The latter is concerned with adults and re-educates them and provides pensions. County commissioners pay for each person under the care of the workshop. (p. 29)

County commissioners are charged with the care of pauper children, that is, those who are destitute, homeless, or abandoned or who have been removed from homes by court order because of improper parental care. The courts place such children in the care of an agency or institution which places them with a suitable family. Counties are supposed to bear the costs. In practice, however, the children are usually sent to state aided institutions and no further payment is made by the counties. In cases of homeless children the county commissioners or trustees of the poor place the children with a respectable family, in an educational institution or home for children, or under the care of a child-care agency. (p. 30)

Acts of 1927, Ch. 632 provides that all institutions or individuals boarding two or more minors must have a license from the Board of State Aid and Charities. No preliminary investigation visit is made and little follow-up is done to see if provisions of the law are met. Inspection of licensed homes is made upon complaint. (p. 31)

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### **State Planning Commission (Report), Public Health Administration in Maryland, 1938, MdHR 787598, E14523**

Prior to June 1, 1933 the Board of State Aid and Charities was the policy forming and reviewing body in respect to state appropriations to various institutions. A 1933 law transferred administration of unemployment relief and emergency relief programs to the board. The board established a welfare board

in each county receiving federal aid. The Baltimore Emergency Relief Commission was organized in BC. Acts of 1935, Ch. 586 established within the state board a permanent structure for the administration of general social welfare through the state with funds to meet a share of the cost of welfare work in the counties and BC. The present social welfare organization consists of the state board and local organizations or county welfare board and BC Department of Welfare. The state board was first created in 1900. The 1935 law gave it authority to supervise and control local boards. (p. 90)

By the end of 1935 the state board had created a welfare board in all counties and had commenced the administration of old age pensions in several. Each county board consists of seven members, one of whom is a county commissioner. The term of office for the six appointees is three years, staggered. County commissioners make the appointments from a list submitted by the state board. Each county board has authority to administer public assistance and general outdoor relief and services to families and individuals in need, including mothers relief, old age pensions, relief to handicapped persons, and care of neglected, dependent, and delinquent children. The latter includes probation service to juvenile courts or other courts handling minors. At present the county boards are engaged in aid to dependent children, administration of old age pensions, and assistance to needy blind. (p. 91)

The mothers relief law was amended by Acts of 1936, Ch. 148. Old age pensions were enacted in 1927, 1929, and 1931. But they were only enabling acts. This was changed by laws passed in 1935 and 1936. Assistance to needy blind is provided under Acts of 1936, Ch. 145. (pp. 91-92)

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**General Assembly, Legislative Council, Research Division (Research Report 2), Almshouses in Maryland, 1940, MdHR 787617, L1745**

Early in Maryland history the alms and work house came to be considered an important way of dealing with certain phases of the problem of destitution and need. The purpose of these institutions was to be realized through enforcement of a harsh discipline and a means by which inmates could earn their living and also produce goods for sale, and so effect some measure of economy to the state. Thus, most almshouses were located on farms. Very early, however, the number of employable people in the almshouse population began to decrease. There was considerable lag in adapting the almshouse to this changing characteristic. Most changes took the form of alternate types of care for specialized groups. Mentally ill persons were removed to hospitals designed for their care and treatment. Laws were passed to prohibit the keeping of children in almshouses, excepting those who were physically or mentally handicapped. (p. vi)

A 1906 law changed the name of the county almshouse to the county home. This was intended to remove some of the stigma traditionally attached to entering the almshouse. But the law provided for no corresponding change in the institution itself. (p. vii)

In December 1939 fifteen counties still had almshouses or county homes. There were 556 persons living in them, 71% male and 29% female. About 60% were over age sixty-five. In the past decade there has been little change in the number of inmates. Slightly more than one-half of them have been admitted during the past three years. Thus, the almshouse is still an active institution. (pp. vii-viii)

## Eastern Shore

Almshouses exist in five Eastern Shore counties, with the following populations:

- CA, 10, 5 white and 5 negro
- CE, 23, 19 white and 4 negro
- KE, 15, 7 white and 8 negro
- QA, 12, 5 white and 7 negro
- SO, 10, all negro (p. 2)

Each almshouse has a farm. Much of the employees time must be devoted to farm work. On each farm in 1939 it was necessary to hire laborers. (p. 10)

CA Board of County Commissioners is responsible for admissions. Any interested person may request that someone be admitted. Although questions are asked about resources, there is no routine check made. There are no specific discharge procedures. Personnel consist of the superintendent, matron, two farm laborers, cook, and domestic worker. The almshouse is located four miles from Denton. The farm contains 320 acres, with 165 acres in cultivation. The main buildings consist of a three story frame house and a two story frame house. Others include a building once used for inmates and now scheduled to be torn down, barn, meat house, dairy, and poultry house. (pp. 13-14)

None of the buildings at the CA almshouse are in first class repair. The county commissioners are arranging for a WPA project to make extensive repairs. A physician is on call only. There are no records of physical examinations. (pp. 18-19)

The board of trustees of the CE almshouse is responsible for admissions. There is an attempt to verify residence and to determine the ability of relatives to support the applicants. Applications for discharge are made to the superintendent. Personnel include the superintendent, matron, cook, farm laborer, and inmate paid for laundry work. The almshouse property is located at Cherry Hill, four miles from Elkton. The farm contains 168 acres, with 130 acres in cultivation. The main buildings consist of a two story stone house and 2 1/2 story frame house. Others include a laundry house, granary, wagon shed, poultry house, corn crib, barn and annex, hog pen, and pump house. (pp. 13-14)

All buildings at the CE almshouse are in a good state of repair. The original main building was torn down several years ago. The present building was remodeled about seven years ago. Medical care is provided irregularly, and the records are kept by the physician. (pp. 18-19)

KE Trustees of the Poor are responsible for admissions. They verify bank accounts, property holdings, insurance, and date of last employment. There are no discharge procedures. Dates of discharge are entered in a ledger. Personnel include a superintendent and matron. The almshouse property is located five miles from Chestertown. The farm contains 332 acres, with 190 acres in cultivation. The main buildings consist of a 2 story frame house, 2 story brick house, and 3 story frame house. Others include a meat and grocery house, cow stable and milk house, horse stable, barn, and hen house. (pp. 13-14)

The 2 story frame house at the KE almshouse is used by the superintendent is in a good state of repair, having recently been shingled. The 2 story brick house is whitewashed annually; the floors which are very rough are scrubbed only once a year. Only the first floor of the 3 story frame house is occupied because of the bad state of repairs on the other two floors. A physician visits once a week and is on call. No medical records are kept. (pp. 18-19)

The board of trustees of the QA almshouse handles admissions. Trustees living near the applicant inform the others concerning resources. Discharge applications must be acted upon by the trustees. Personnel include a superintendent, matron, two cooks, and farm laborer. The almshouse property is located at Ruthsburg, twelve miles from Centreville. The farm contains 110 acres, all in cultivation. The main buildings consist of a 3 story brick house, 2 story frame annex, and 3 story brick house. Others include a dairy and coal house, barn, cow stable, and fruit house. (pp. 13-14)

All buildings at the QA almshouse need paint, both inside and outside. A physician visits two or three times a week, is on call, and keeps the records of medical examinations. (pp. 18-19)

SO Board of County Commissioners handles admissions. There is no provision for checking resources of the applicants. Discharges are made upon complaint by responsible persons in the community and with proof of inmate's ability for self support. Personnel include a superintendent, matron, cook, and farm laborer. The almshouse property is located four miles from Princess Anne. The farm contains 60 acres, with 40 acres in cultivation. The main buildings consist of a 3 story brick house, 2 story frame house, and two small buildings for white inmates. Others include a barn, stable, corn house, two chicken houses, and smoke house. (pp. 13-14)

The barn and stable at the SO almshouse are ready to collapse. All buildings need paint inside and outside. The roof of the superintendent's house leaks. Floors in the main buildings need repair. Quarters for white inmates need extensive repairs. A physician is on call only. No medical records are kept. (pp. 18-19)

## **Western Shore**

Almshouses exist in ten Western Shore counties, with the following populations:

- AL, 41, 39 white and 2 negro
- AA, 30, 29 white and 1 negro
- BA, 84, 68 white and 16 negro
- CR, 31, 29 white and 2 negro
- FR, 112, 91 white and 21 negro
- HA, 48, 38 white and 10 negro
- MO, 22, 19 white and 3 negro
- PG, 25, 16 white and 9 negro
- SM, 10, 5 white and 5 negro
- WA, 83, 71 white and 12 negro (p. 1)



AL Board of County Commissioners administers the almshouse and handles admissions. The assets, health, and needs of applicants are investigated. There are no discharge procedures. The superintendent can discharge problem patients. Inmates can leave any time they choose. Personnel include a superintendent, matron, two cooks, practical nurse, and farmer. The almshouse property is located 1.5 miles from Cumberland. The farm contains 96 acres, with 75 acres in cultivation. The main buildings consist of two houses. A number of small buildings were formerly used by inmates and sometimes as pest houses; they are no longer used. Other buildings include a barn and farm house. (pp. 17-18)

The main building at the AL almshouse is about 100 years old and is in fairly good condition. (p. 22)

AA Board of County Commissioners administers the almshouse and appoints a board to handle admissions. Investigations are made of residence, health, and eligibility for pensions. There are no discharge procedures. Personnel include a matron, assistant matron, and scrub woman. The property is located on the South River, about five miles from Annapolis. The farm contains 12 acres, with 4 acres in cultivation. The main buildings consist of a 2 story brick building and 1 story shingle buildings. (pp. 25-26)

The main building at the AA almshouse is about 230 years old and is in a fair state of repair. The new building for men, constructed in 1936, is in good repair. (p. 30)

BA Board of County Commissioners administers the almshouse. Admissions are authorized through the chief auditor of the county commissioners. Insurance and health of applicants are investigated. There are no routine discharge procedures; discharges are done on a voluntary basis. Personnel include a superintendent, matron, farmer, inmate cook, inmate washer, two farm laborers, domestic worker, and inmate fireman. The almshouse property is located at Texas, 5.5 miles from Towson. The farm contains 125 acres, with 115 acres in cultivation. The main buildings consist of a 4 story limestone house and 2 story limestone addition. Others include a garage, meat house, hen house, barn, wagon and machine shed, hog pen, hay barracks, pest house not in use, and farm house. (pp. 17-18)

One-half of the main building at the BA almshouse was built in 1872, and the other half in 1919. It is in good repair. (p. 22)

CR Board of County Commissioners administers the almshouse. Applications usually must include a petition signed by twelve taxpayers, which must provide a family history and needs and reason for the request. Assets and eligibility are investigated. There are no routine discharge procedures. Personnel include a superintendent, matron, two maids, teamster, wash woman, and fireman. The property is located one mile from Westminster. The farm contains 150 acres, with 120 acres in cultivation. The main buildings consist of a 3 story brick house and 2 story brick house. Others include a barn, chicken house, hog house, and several smaller buildings. (pp. 25-26)

The county home in CR was originally a large farm house to which additions have been made, the latest in 1914. There has been considerable renovation in the last five years. (p. 30)

FR Board of County Commissioners administers the almshouse. Admissions are made by the county

commissioners, doctors, or magistrates. No investigations of the applicants are made. Cases of illness are discharged by the physician; others by the authority of the superintendent or county commissioners. Personnel include a superintendent, matron, clerk, waitress, three wardens, two nurses, three cooks, two farmers, fireman, and night watchman. The almshouse property is located at Frederick. The farm contains 92 acres, with 68 acres in cultivation. The main building is brick with 4 stories and an attic. Others include a wash house, boiler room, bake and butchering room, tool house, dairy house, chicken house, barn, wagon house, slaughter room, machine shed, and pig pens. (pp. 17-18)

Externally the buildings at the FR almshouse appear in good repair. But there has been considerable deterioration which has been painted over rather than repaired. (p. 22)

HA Board of County Commissioners administers the almshouse and handles admissions. No routine investigation of applicants is made. Inmates wishing to leave notify the superintendent. Personnel include a superintendent, matron, assistant matron, cook, two domestic workers, and three farm hands. The property is located two miles from Bel Air. The farm contains 250 acres, with 100 acres in cultivation. The main buildings consist of a 4 story stone house, 1 story weatherboard house, and superintendents house. Others include a barn and outbuildings. (pp. 17-18)

The main building at the HA almshouse was erected about 1860 or 1865. Negro quarters were built about 1925. All buildings are in good repair. (p. 22)

MO Board of County Commissioners acts on matters involving unusual expenditures for the almshouse. Otherwise one commissioner selected for that purpose administers the facility. This person, also called the supervisor of county aid, handles admissions. Physical health, need for institutional care, and eligibility for other assistance of applicants are investigated. There are no routine discharge procedures. Personnel include a superintendent, matron, cook, two farm laborers, and wash woman. The almshouse property is located 1.25 miles from Rockville. The farm contains 130 acres, with 120 acres in cultivation. The main brick house has two sections - a 2 story one and 3 story one. Other buildings include a barn and stable, hog shed, dairy, feed storage house, hen house, brooder house, meat house, and corn crib and garage. (pp. 25-26)

The county home in MO is nearly 200 years old and is in good condition. (p. 30)

PG Board of County Commissioners administers the almshouse and on recommendation of the county social worker handles admissions. Resources and physical and mental health are investigated. Inmates may leave by their own volition by notifying the superintendent. Unmanageable inmates are committed to another institution. Personnel include a superintendent, matron, caretaker, farm laborer, cook, and nurse. The almshouse property is located at Forestville. The farm contains 120 acres, with 45 to 50 acres in cultivation. The main buildings consist of a 2 story brick house, 1 story cement block asphalt shingle house, 1 story wood frame house, and 1 story frame house. Others include a meat house, tool and work shed, hen house, garage and granary, barn, and corn house and tool shed. (pp. 25-26)

Buildings at the PG almshouse are in a fair state of repair. (p. 30)

SM Board of County Commissioners administers the almshouse and handles admissions. Resources are checked through references and the county welfare board. The superintendent may discharge inmates. Personnel include the superintendent. The almshouse property is located 2.5 miles from Leonardtown. The farm contains 45 acres, most in cultivation. The main building is a 2 story frame house. Others include two barns, chicken house, meat house, granary, and three privies. (pp. 25-26)

The present SM almshouse was built in 1916 to replace one destroyed by fire. It is in good repair. (p. 30)

In WA a board of trustees administers the almshouse and handles admissions by taking applications, making physical examinations, and taking recommendations from taxpayers. There are no routine discharge procedures. Personnel include a superintendent, matron, practical nurse, two ward ladies, two ward men, three cooks, farmer, and farm hand. The property is located at Hagerstown. The farm contains 112 acres, with 70 acres in cultivation. The buildings include a 3 story frame house, large brick farm house, and pest house once used in case of contagious diseases. (pp. 17-18)

The WA almshouse was built in 1878 and seems in good repair. (p. 22)