

1 powers of government ought to be forever separate and
2 distinct from each other. In 1851 additional language
3 was added reading identically with what we have in the
4 present constitution.

5 There have been several Maryland cases over
6 the years that have construed this particular prohibition,
7 even though there were allocations of power to the three
8 distinct branches of government.

9 I think a particularly apt example of what this
10 does do, and the reason why it is still needed, is an old
11 Maryland case that goes back to 72 Maryland, where the
12 legislature passed a statute requiring the courts to
13 change the effect of certain decrees which had been
14 final. This was voided under the provisions of the
15 Declaration of Rights, Article 8.

16 I do not feel if we eliminate this that such
17 acts by the legislature of giving the courts non-
18 jurisdiction powers or requiring the courts to act in a non-
19 judicial way would be prohibited.

20 The Supreme Court of the United States as late
21 as 1964 in an opinion by Justice Warren looked with favor