

1 Comptroller, Mr. Gordy, to test it out. When that case got
2 to the Court of Appeals, the Court of Appeals of Maryland
3 relied upon the Supreme Court case and ruled that it was
4 a diminution of the judge's salary in violation of his
5 constitutional rights. Whereupon the people rose up and
6 said wherefore is he any different from the rest of us?
7 They passed this constitutional amendment which I just
8 read and said that it was all right to apply this tax
9 literally to everybody who is in the proper classification.

10 Thereafter, as sometimes happens, the Supreme
11 Court in a later decision ruled that what the Maryland
12 amendment said was really law anyway in the case of
13 O'Malley versus Woodrough in 307 US 277 and they expressly
14 overruled the earlier case of Evans versus Gore.

15 That left us then in this situation. You are
16 not reducing a judge's salary or any other fixed salary
17 of a state official by this kind of tax. You don't
18 need a constitutional provision to say that this is so
19 because this is the law. It is applicable to everybody
20 and since the Maryland Court of Appeals had relied on this
21 case, which the Supreme Court later overruled, we reached