

further that nothing in this section shall be construed to prohibit the raising of funds for the purpose of aiding or compensating in such manner or way as the General Assembly of the State shall deem proper, those citizens of the State who have served, with honor, their Country and State in time of War; provided, however, that such action of the General Assembly shall be effective only when submitted to and approved by a vote of the people of the State at the General Election next following the enactment of such legislation.

**SEC. 35.**<sup>59</sup> Extra compensation may not be granted or allowed by the General Assembly to any public Officer, Agent, Servant or Contractor, after the service has been rendered, or the contract entered into; nor may the salary or compensation of any public officer be increased or diminished during his term of office except those whose full term of office is fixed by law in excess of 4 years. However, after January 1, 1956, for services rendered after that date, the salary or compensation of any appointed public officer of the Mayor and City Council of Baltimore may be increased or diminished at any time during his term of office; except that as to officers in the Classified City Service, when the salary of any appointed public officer of the Mayor and City Council of Baltimore however, increased or decreased, it may not again be increased or decreased, as the case may be, during the term of such public officer.

**SEC. 35A.**<sup>60</sup> Nothing in this Constitution shall exempt the salary or compensation of any judge or other public officer from the imposition by the General Assembly of a non-discriminatory tax upon income.

**SEC. 36.**<sup>61</sup> No Lottery grant shall ever hereafter be authorized by the General Assembly, unless it is a lottery to be operated by and for the benefit of the State.

**SEC. 37.**<sup>62</sup> Vacant.

**SEC. 38.**<sup>63</sup> No person shall be imprisoned for debt, but a valid decree of a court of competent jurisdiction or agreement approved by decree of said court for the support of a spouse or dependent children, or for the support of an illegitimate child or children, or for alimony (either common law or as defined by statute), shall not constitute a debt within the meaning of this section.

**SEC. 39.**<sup>64</sup> The books, papers and accounts of all banks shall be open to inspection under such regulations as may be prescribed by law.

**SEC. 40.** The General Assembly shall enact no Law authorizing private property to be taken for public use without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation.

**SEC. 40A.**<sup>65</sup> The General Assembly shall enact no law authorizing private property to be taken for public use without just

compensation, to be agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation, but where such property is situated in Baltimore City and is desired by this State or by the Mayor and City Council of Baltimore, the General Assembly may provide that such property may be taken immediately upon payment therefor to the owner or owners thereof by the State or by the Mayor and City Council of Baltimore, or into court, such amount as the State or the Mayor and City Council of Baltimore, as the case may be, shall estimate to be the fair value of said property, provided such legislation also requires the payment of any further sum that may subsequently be added by a jury; and further provided that the authority and procedure for the immediate taking of property as it applies to the Mayor and City Council of Baltimore on June 1, 1961, shall remain in force and effect to and including June 1, 1963, and where such property is situated in Baltimore County and is desired by Baltimore County, Maryland, the County Council of Baltimore County, Maryland, may provide for the appointment of an appraiser or appraisers by a Court of Record to value such property and that upon payment of the amount of such evaluation, to the party entitled to compensation, or into Court, and securing the payment of any further sum that may be awarded by a jury, such property may be taken; and where such property is situated in Montgomery County and in the judgment of and upon a finding by the County Council of said County that there is immediate need therefor for right of way for County roads or streets, the County Council may provide that such property may be taken immediately upon payment therefor to the owner or owners thereof, or into court, such amount as a licensed real estate broker appointed by the County Council shall estimate to be the fair market value of such property, provided that the Council shall secure the payment of any further sum that may subsequently be awarded by a jury. In the various municipal corporations within Cecil County, where in the judgment of and upon a finding by the governing body of said municipal corporation that there is immediate need therefor for right of way for municipal roads, streets and extension of municipal water and sewage facilities, the governing body may provide that such property may be taken immediately upon payment therefor to the owner or owners thereof, or into court, such amount as a licensed real estate broker appointed by the particular governing body shall estimate to be a fair market value of such property, provided that the municipal corporation shall secure the payment of any further sum that subsequently may be awarded by a jury. This section 40A shall not apply in Montgomery County or any of the various municipal corporations within Cecil County, if the property actually to be taken includes a building or buildings.

**SEC. 40B.**<sup>66</sup> The General Assembly shall enact no law authorizing private property to be taken for public use without just compensation, to be agreed upon between the parties or awarded by a jury, being first paid or tendered to the party entitled to such compensation, except that where such property in the judgment of the State Roads Commission is needed by the State for highway purposes, the General Assembly may provide that such property may be taken immediately upon payment therefor to the owner or owners thereof by said State Roads Commission, or into Court, such amount as said State Roads Commission shall estimate to be of the fair value of said property, provided such legislation also requires the payment of any further sum that may subsequently be awarded by a jury.

**SEC. 40C.**<sup>67</sup> The General Assembly shall enact no law authorizing private property to be taken for public use without just compensation, to be agreed upon between the parties or awarded by a jury, being first paid or tendered to the party entitled to such compensation, except that where such property, located in Prince George's County in this State, is in the judgment of the Washington Suburban Sanitary Commission needed for water supply, sewerage and drainage systems to be extended or

<sup>59</sup> Amended by Chapter 416, Acts of 1957, ratified Nov. 4, 1958; Chapter 547, Acts of 1976, ratified Nov. 2, 1976; Chapter 976, Acts of 1978, ratified Nov. 7, 1978.

<sup>60</sup> Added by Chapter 771, Acts of 1939, ratified Nov. 5, 1940.

<sup>61</sup> Amended by Chapter 364, Acts of 1972, ratified Nov. 7, 1972.

<sup>62</sup> Repealed by Chapter 681, Acts of 1977, ratified Nov. 7, 1978.

<sup>63</sup> Amended by Chapter 14, Acts of 1950, ratified Nov. 7, 1950; Chapter 121, Acts of 1962, ratified Nov. 6, 1962; Chapter 321, Acts of 1982, ratified Nov. 2, 1982.

<sup>64</sup> Amended by Chapter 151, Acts of Sp. Sess. of 1936, ratified Nov. 3, 1936.

<sup>65</sup> Amended by Chapter 402, Acts of 1912, ratified Nov. 4, 1913; Chapters 224 and 604, Acts of 1959, ratified Nov. 3, 1960; Chapter 329, Acts of 1961, ratified Nov. 6, 1962; Chapter 100, Acts of 1962, ratified Nov. 6, 1962; Chapter 304, Acts of 1966, ratified Nov. 8, 1966.

<sup>66</sup> Added by Chapter 607, Acts of 1941, ratified Nov. 3, 1942.

<sup>67</sup> Added by Chapter 781, Acts of 1965, ratified Nov. 8, 1966.