

to pay therefor, held to be within the meaning of this section. The above act having been approved by the Governor on the first of April, 1872, the election should have been held on the fourth Monday of April, 1873, and not in 1872. Intent of this section. The "months" referred to in this section are calendar and not lunar months, and the direction that the act "shall be published for two months," held mandatory and not directory merely. *Baltimore, etc., R. Co. v. Pumphrey*, 74 Md. 106.

The act of 1890, chapter 150, authorizing the county commissioners of Talbot county to subscribe to the capital stock of the Baltimore and Eastern Shore Railroad Company became invalid because not published as required by this section. The object of this section was not to extend the power of taxation, but it is a limitation of legislative power and of the power of the local authority. Counties have no inherent power of taxation; what power they exercise must be delegated to them by the legislature. The act of 1892, chapter 295, authorizing the county commissioners of Talbot county to issue and sell bonds and first pay out of the proceeds all proper claims held by residents of Talbot county against a certain railroad company, etc., held void—see notes to article 15 of the declaration of rights. *Baltimore & Eastern Shore R. Co. v. Spring*, 80 Md. 514.

This section referred to in construing article 3, section 34—see notes thereto. *Bonsal v. Yellott*, 100 Md. 503.

Sec. 55. The General Assembly shall pass no law suspending the privilege of the Writ of *Habeas Corpus*.

What constitutes the privilege of the writ—whether it be the right to it as defined by law at the adoption of the constitution, or whether it be according to the pleasure of any subsequent legislature, however restricted that privilege might be—not passed on. *State v. Glenn*, 54 Md. 595.

See notes to article 4, section 14.

See article 42 of the Annotated Code.

Sec. 56. The General Assembly shall have power to pass all such Laws as may be necessary and proper for carrying into execution the powers vested by this Constitution, in any Department or office of the Government, and the duties imposed upon them thereby.

Although under the constitution and existing laws, the Governor has *jurisdiction* to hear and decide the case of a contested election for the office of attorney-general, yet until the legislature clothed him with the authority and gave him the means and instrumentalities of exercising such jurisdiction as it was authorized to do by this section, the Governor had no power to examine and decide the questions raised by such contests. Implied powers denied. *Cull v. Whelple*, 114 Md. 86; *Groome v. Gwinn*, 43 Md. 572.

Sec. 57. The Legal rate of Interest shall be *six per cent. per annum*, unless otherwise provided by the General Assembly.

The legislature has no power by a special law to authorize a certain class of corporations to loan money at a higher rate of interest than is provided in this section and by the general law of the state. *Citizens Security Co. v. Uhler*, 48 Md. 459 (*cf. dissenting opinion*). And see *Birmingham v. Md. Homestead Assn.*, 45 Md. 543.

This section does not of itself make void in whole a contract calling for the payment of more than six per cent. interest; it merely fixes the legal rate. It is for the legislature to make the contract void in whole or in part. How the constitution should be construed. *Bandel v. Isaac*, 13 Md. 218 (based on the constitution of 1851). And see *Scott v. Leary*, 34 Md. 389.