

review such action, though the question of jurisdiction was not raised below. See notes to art. 27, sec. 248, of the An. Code. *Close v. So. Md. Agri. Assn.*, 134 Md. 633.

The act of 1916, ch. 466, directing the county commissioners of Allegany county to levy a certain sum of money and pay the same to the sureties of a county tax collector, held invalid under this article. *Harris v. Allegany County*, 130 Md. 491.

#### The judiciary.

A statute requiring judges to approve certain accounts which have reference to the fees prescribed by art. 36 of the Code, held to violate this article; hence so much of said statute as prohibited the payment of such fees without the approval of the judges was nugatory. The mere fact that a judge is called on by a statute to execute a certain function does not make that function a judicial one; its character is dependent upon its qualities. *Robey v. Prince George's County*, 92 Md. 163. And see *Board of Supervisors v. Todd*, 97 Md. 263; *Close v. So. Md. Agri. Assn.*, 134 Md. 639.

Where a public service commission has hearings upon the rates of a public utilities corporation and subsequently promulgates the rates which such company may charge, such act is legislative and not judicial; the nature of the final act determines the nature of the previous inquiry. Order of public service commission held not to violate this article. *Gregg v. Public Service Commission*, 121 Md. 28.

The act of 1896, ch. 195, providing that whenever one-half of the registered voters of Wicomico county, or of any district thereof, petition the circuit court for a vote on the granting *vel non* of liquor licenses, the court should order an election, held void under this article. History of this article. *Board of Supervisors v. Todd*, 97 Md. 262.

The act of 1894, ch. 6, providing that if an objection were filed to an application for a liquor license in Carroll county, the judge of the circuit court should determine whether the license should issue, held not to violate this article. *McCrea v. Roberts*, 89 Md. 251; *Close v. So. Md. Agri. Assn.*, 134 Md. 636.

No rule of court can transfer to commissioners to take testimony, appointed by the courts under an act of assembly, powers intended by the legislature to be exclusively exercised by the courts themselves. *Mitchell v. Mitchell*, 1 Gill, 83.

The act of 1901, ch. 15, providing for the appointment by the judges of the fifth circuit of visitors to the jail in Anne Arundel county, held void under this article. *Beasley v. Ridout*, 94 Md. 658. And see *Board of Supervisors v. Todd*, 97 Md. 263; *Close v. So. Md. Agri. Assn.*, 134 Md. 639.

The act of 1902, ch. 455, transferring the control of the courthouse of Prince George's county from the county commissioners to the court crier, held void under this article. *Prince George's County v. Mitchell*, 97 Md. 337; *Close v. So. Md. Agri. Assn.*, 134 Md. 639.

Services performed by the chief judge of the third judicial district, as chancellor, under certain acts of assembly, held to be of a strictly judicial character. *State v. Chase*, 5 H. & J. 304. And see *Board of Supervisors v. Todd*, 97 Md. 263; *McCrea v. Roberts*, 89 Md. 251.

The judiciary may not compel action on the part of a co-ordinate branch of the government; its authority is confined to restraining the potency of enactments when they transcend constitutional limits. *Watkins v. Watkins*, 2 Md. 356.

#### Generally.

This article referred to in refusing a mandamus directing the Governor to count certain votes and to exclude certain other votes for and against the adoption of the Constitution. *Miles v. Bradford*, 22 Md. 183.

This article referred to in construing art. 4, secs. 11, 12 and 13, of the Maryland Constitution—see notes to sec. 12. *Magruder v. Swann*, 25 Md. 207.

This article referred to in construing art. 7, sec. 1 (as it stood in the Constitution of 1851). *Board of Commissioners, etc., v. Allegany County*, 20 Md. 459.

See art. 2, sec. 17, and notes to art. 4, secs. 1 and 14, Md. Constitution.

Art. 9. That no power of suspending Laws or the execution of Laws, unless by, or derived from the Legislature, ought to be exercised, or allowed.

Art. 10. That freedom of speech and debate, or proceedings in the Legislature, ought not to be impeached in any Court of Judicature.