

shall adopt such measures as they may deem expedient to obtain from the United States compensation for such Slaves, and to receive and distribute the same equitably to the persons entitled.

The word "slaves" as used in this section cannot be applied to a free negro apprenticed. *Brown v. State*, 23 Md. 507.

See notes to sec. 32.

Sec. 38. No person shall be imprisoned for debt.

Fact that the act of 1912, ch 133—see art. 56, sec. 177, *et seq.*, of the An. Code—penalizes the operation of motor vehicles without a license by imprisonment in jail upon default in payment of fine imposed, does not violate this section. *Ruggles v. State*, 120 Md. 564.

The term "debt" as used in this section means an obligation arising otherwise than from a sentence of a court for a breach of the peace or crime. The Constitution is to be construed according to the acceptance of those who adopted it. *State v. Mace*, 5 Md. 350; *Ruggles v. State*, 120 Md. 564. And see *The Ann*, 8 Fed. 925.

The act of 1872, ch. 329, providing that a defaulting tax collector shall be imprisoned in the penitentiary, etc., "unless the amount for which he defaults be sooner paid," held not to violate this section. There is a broad distinction between imprisonment for debt and for a breach of duty on the part of a public officer, although such breach may be the neglect to pay over money received for the use of the state. *State v. Nicholson*, 67 Md. 3; *Ruggles v. State*, 120 Md. 564.

This section referred to in upholding the right of a court of equity to enjoin a suit in another state instituted for the purpose of evading this section. *Miller v. Gittings*, 85 Md. 618.

The insolvent laws held not to have been abrogated by this section; an arrest for debt was not necessary at the adoption of the Constitution of 1851, to entitle a person to be discharged under the insolvent laws. *Trail v. Snouffer*, 6 Md. 316.

Cited but not construed in *Rice v. Hoffman*, 35 Md. 351; *Buchanan v. Turner*, 26 Md. 6.

See notes to sec. 32.

Sec. 39. The General Assembly shall grant no charter for Banking purposes, nor renew any Banking Corporation now in existence, except upon the condition that the Stockholders shall be liable to the amount of their respective share or shares of stock in such Banking Institution, for all its debts and liabilities upon note, bill or otherwise; the books, papers and accounts of all Banks shall be open to inspection under such regulations as may be prescribed by Law.

This section referred to in deciding that under art. 23, sec. 147, of the An. Code, each stockholder was liable for double the amount of his stock. *Murphy v. Wheatley*, 102 Md. 514.

This section referred to in deciding that a corporation may not buy its own shares of stock. *Md. Trust Co. v. Mechanics' Bank*, 102 Md. 619.

Cited but not construed in *Clark Co. v. Colton*, 91 Md. 231 (dissenting opinion). See notes to sec. 32.

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.

What is a public use?

The supplying of electric power to the public generally on equal terms is a public use, and hence a corporation so doing has the right of condemnation. The fact that some of the purposes for which a corporation is formed are public and some private, does not prevent it from condemning property for its public uses unless its public and private purposes are so combined that the two cannot be separated. The Susquehanna Pole Line Company held to have the right of condemnation.