

as have been heretofore aided by the State; and provided that such aid, advances or appropriations shall not exceed in the aggregate the sum of five hundred thousand dollars. And they shall not use or appropriate the proceeds of the internal improvement companies, or of the State tax, now levied, or which may hereafter be levied, to pay off the public debt (or) to any other purpose until the interest and debt are fully paid or the sinking fund shall be equal to the amount of the outstanding debt; but the General Assembly may, without laying a tax, borrow an amount never to exceed fifty thousand dollars to meet temporary deficiencies in the Treasury, and may contract debts to any amount that may be necessary for the defence of the State. And provided 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.<sup>1</sup>

#### Sec. 38.

Party brought into court for contempt to compel performance of money decree—not for alimony—may not be imprisoned. *Dickey v. Dickey*, 154 Md. 681.

#### Sec. 40.

Act 1927, ch. 119, adopting plan for conservation of oysters, does not violate this section, or art. 23 of Declaration of Rights. Powers of Legislature not derived from grants in Constitution. Interest of State and individual in oysters. License fees. Discretion in Conservation Department. *Leonard v. Earle*, 155 Md. 260 (affirmed by U. S. Supreme Court—decision filed May 13, 1929).

Changes by city in grade of street, so as not to deny plaintiff access to property, but merely make it more inconvenient and expensive of access, not a "taking" under this section. *Baltimore v. Marine Works*, 152 Md. 368.

This section plainly implies a prohibition against taking private property for private use. What is "public use". *Construction Co. v. Jackson*, 152 Md. 686 (dissenting opinion).

See notes to art. 91, sec. 28, of Code.

#### Sec. 40A.

Right to use private property without limitation save that public safety, health or morals must not be imperiled, is a tangible property right within protection of this article. *Construction Co. v. Jackson*, 152 Md. 686 (dissenting opinion).

#### Sec. 44.

See notes to art. 45, sec. 8, of Code.

#### Sec. 45.

See notes to sec. 52.

#### Sec. 48.

See notes to art. 23, sec. 390, of Code.

<sup>1</sup> Thus amended by Act of 1924, ch. 327, and ratified by the people November 4, 1924.