

provide for the discharge of any such debt or credit within the period of forty (40) years from the time of contracting the same; but the Mayor and City Council may, temporarily, borrow any amount of money to meet any deficiency in the City Treasury, and may borrow any amount at any time to provide for any emergency arising from the necessity of maintaining the police, or preserving the health, safety and sanitary condition of the city, and may make due and proper arrangements and agreements for the renewal and extension, in whole or in part, of any and all debts and obligations created according to law before the adoption of this Constitution.<sup>1</sup>

Ordinance providing for loan to replace tax funds expended for relief in 1936-1938 and declaring emergency, held valid under this section. *Geisendaffer v. Baltimore*, 176 Md. 150.

Ord. 694, Apr. 13, 1937, authorizing loan for purchase of voting machines as directed by Ch. 94, Acts of 1937, not invalid without enabling Act and submission to voters as required by this section, as it is an emergency within meaning of said section. *Norris v. Baltimore*, 172 Md. 689.

The provisions of the act of 1898, ch. 123, sec. 6 (known as the Baltimore city charter) relative to the issue of certificates of debt to be denominated Baltimore water stock, were intended by the legislature to preserve in force the existing provisions of law upon that subject and not to authorize the creation of a new and distinct indebtedness; hence an ordinance approved May 23, 1906, purporting to provide for the issuance of certain city stock to defray the cost of augmenting and improving the water supply of said city, was void under this section. *Baltimore v. Bond*, 104 Md. 591.

An ordinance of the city of Baltimore providing for the raising of one million dollars by the hypothecation of certain shares of stock and for the investment of said sum, etc., is within the scope and purview of the portion of this section providing that no debt shall be created, etc., unless it is authorized by the legislature and approved by a majority of the legal voters of said city. Meaning of the word "debt." Intent of this section. *Baltimore v. Gill*, 31 Md. 385.

An ordinance of the city of Baltimore approved June 13, 1910, and passed in pursuance of the act of 1910, ch. 110, held not to violate this section. *Bond v. Baltimore*, 116 Md. 685.

The act of 1876, ch. 220, directing Baltimore city to take possession of Harman's bridge over Gwynn's Falls, held not to violate this section. *Pumphrey v. Baltimore*, 47 Md. 153.

This section referred to in construing art. 33, secs. 95, 97, 99 and 100 of the An. Code—see notes to sec. 95. *Levering v. Supervisors, etc.*, 129 Md. 339.

Subject only to exceptions set forth in this section, no debt can be created in behalf of City of Baltimore unless authorized by Act of Assembly and approved by majority of voters. Legislature may prescribe procedure, etc., for submission of question to voters; method so prescribed must be followed. Act of 1920, ch. 373, contemplated one interest rate only. Exhaustion of city's power under act. Taxpayer may enjoin sale of stock. *Stanley v. Baltimore*, 146 Md. 290.

This section does not require act or ordinance to fix interest rate; delegation by Baltimore to Finance Commissioners. Baltimore Airport Loan validly submitted to voters. *Stanley v. Baltimore*, 146 Md. 277, and *Thom v. Baltimore*, 154 Md. 273, reviewed. *Douty v. Baltimore*, 155 Md. 131.

Word "debt" includes interest where ratifying ordinance specifies rate of interest, periods at which it is payable, etc.; Legislature may not thereafter empower Mayor and City Council to change interest rate. *Thom v. Baltimore*, 154 Md. 277 (*cf. dissenting opinion*).

Act authorizing debt must have legislative approval before ordinance providing for same can be submitted to the voters. *Baltimore v. Supervisors*, 156 Md. 197.

Ch. 328, 1927, and ordinance submitting loan for library fully complied with provisions of this section. *Johnson v. Baltimore*, 158 Md. 93.

Cited but not construed in *P. B. & W. R. R. Co. v. Baltimore*, 121 Md. 506; *Browne v. Baltimore*, 163 Md. 217.

See notes to sec. 1.

Sec. 8. All Laws and Ordinances now in force applicable to the City of Baltimore, not inconsistent with this Article, shall be, and they are hereby continued until changed in due course of Law.

The ordinance of 1866, providing for the appointment of school commissioners of Baltimore city by the city council was in force when the Constitution of 1867 was

<sup>1</sup> Thus amended by Act of 1933, ch. 456, and ratified by the people Nov., 1934.