

This section referred to in construing art. 4, sec. 11, and art. 5, sec. 2—see notes thereto. *Groome v. Gwinn*, 43 Md. 633 (concurring opinion).

See notes to art. 7, sec. 3.

Sec. 10. Any officer elected or appointed in pursuance of the provisions of this Constitution, may qualify, either according to the existing provisions of law, in relation to officers under the present Constitution, or before the Governor of the State, or before any Clerk of any Court of Record in any part of the State; but in case an officer shall qualify out of the County in which he resides, an official copy of his oath shall be filed and recorded in the Clerk's office of the Circuit Court of the County in which he may reside, or in the Clerk's office of the Superior Court of the City of Baltimore, if he shall reside therein. All words or phrases, used in creating public offices and positions under the Constitution and laws of this State, which denote the masculine gender shall be construed to include the feminine gender, unless the contrary intention is specifically expressed.<sup>1</sup>

## ARTICLE XVI.

### THE REFERENDUM.<sup>2</sup>

Sec. 1 (a). The people reserve to themselves power known as The Referendum, by petition to have submitted to the registered voters of the State, to approve or reject at the polls, any Act, or part of any Act of the General Assembly, if approved by the Governor, or, if passed by the General Assembly over the veto of the Governor;

(b). The provisions of this Article shall be self-executing; provided that additional legislation in furtherance thereof and not in conflict therewith may be enacted.

Ch. 353, 1939, creating "Commission of Fisheries", held subject to referendum on petition under this Article. *Dorsey et al. v. Petrott*, (Judge Melvin, Circuit Court for A. A. Co.), Daily Record, Aug. 28, 1939.

Of the 5,000 signatures needed on petition to be filed before June 1, at least 2,500 must be obtained from county voters. *Phifer v. Diehl*, 175 Md. 364.

Contention that the act of 1918, ch. 82, extending the limits of Baltimore city, violated this article because it undertook to affect taxes levied prior to June 1, 1918, the date the act became effective, overruled. *Daly v. Morgan*, 69 Md. 460, affirmed. *McGraw v. Merryman*, 133 Md. 261.

The act of 1918, ch. 205, applicable to the city of Annapolis, held not to come within the purview of this article. This article does not apply to public local laws for any city other than Baltimore. The declaration of the legislature that an act is an emergency act, does not make it so if it does not come within the purposes and provisions of this article. See notes to art. 3, sec. 31, of the Constitution. *Strange v. Levy*, 134 Md. 646. And see *Richardson v. Blackstone*, 135 Md. 540.

Act 1917, ch. 13, prohibiting the sale of liquor in certain districts of Prince George's County is valid under art. 3, sec. 31, of the Md. Constitution, which was modified, but not repealed or wholly suspended, by this article. Meaning and limitations of art. 16; meaning of "Referendum." Constitutional construction. *Beall v. State*, 131 Md. 673. And see *Strange v. Levy*, 134 Md. 648.

As this article does not apply to Public Local Laws affecting political subdivisions of State other than Baltimore City or a county, provision of act 1924, ch. 529 (creating Metropolitan District of Baltimore County), making it effective from date of its passage, not invalid under this article. This article qualifies art. 3, sec. 31, of Constitution; latter applicable. Declaration that act is emergency measure nugatory if act not within terms of this article. Whole Constitution considered in construing each part. Design of this section. *Dinneen v. Rider*, 152 Md. 354.

This article makes no provision for referendum to voters of any city other than Baltimore, or of any rural section less than a county. Act 1927, ch. 359, providing for construction of roadways, sewers, etc., in Chestertown not within this section, but gov-

<sup>1</sup> Thus amended by act of 1922, ch. 275, ratified November, 1922.

<sup>2</sup> This article was added to the Constitution by act of 1914, ch. 673, ratified November 2, 1915.

As to referendum votes, see art. 33, secs. 316 and 317, An. Code.