

manner affect the provisions of Section 34 of Article III of the Constitution or of any laws heretofore or hereafter passed in pursuance thereof, or be construed as preventing the Governor from calling extraordinary sessions of the Legislature, as provided by Section 16 of Article II, or as preventing the Legislature at such extraordinary sessions from considering any emergency appropriation or appropriations.

If any item of any appropriation bill passed under the provisions of this Section shall be held invalid upon any ground, such invalidity shall not affect the legality of the Bill or of any other item of such Bill or Bills.¹

This section referred to in holding that judges' salaries are not subject to State income tax imposed by 1937 Sp. Sess., ch. 11 *Gordy v. Dennis*, 176 Md. 124.

This section referred to in construing art. 3, sec. 32—see notes thereto. *McPherson v. Leonard*, 29 Md. 390. (And see discussion of this section in dissenting opinion.)

Act 1924, ch. 576, providing that monies received by treasurer from officials of Baltimore City should be used to pay deficiencies between collection and expenses of said officers, invalid, notwithstanding art. 15, sec. 1, of Constitution. Budget Bill of 1924 construed. Act 1924 also invalid under art. 5, sec. 9, and art. 3, sec. 45, of Constitution. Where two parts of act, one of which is unconstitutional, are essentially connected in substance, both are invalid. *Baltimore v. O'Connor*, 147 Md. 641.

This section referred to in construing Home Rule Amendment—see notes to art. 11A, sec. 1, of Constitution. *Gaither v. Jackson*, 147 Md. 664.

This section does not preclude introduction of another appropriation bill before final action on Budget Bill; purpose of section to prevent submission of another appropriation bill to a vote before such final action. *Bickel v. Nice*, 173 Md. 1.

See notes to Code, art. 56, sec. 302. And see art. 88A, sec. 17.

Sec. 53. No person shall be incompetent, as a witness, on account of race or color, unless hereafter so declared by Act of the General Assembly.
See art. 35 of the An. Code.

Sec. 54. No County of this State shall contract any debt, or obligation, in the construction of any Railroad, Canal, or other Work of Internal Improvement nor give, or loan its credit to or in aid of any association, or corporation, unless authorized by an Act of the General Assembly, which shall be published for two months before the next election for members of the House of Delegates in the newspapers published in such County, and shall also be approved by a majority of all the members elected to each House of the General Assembly, at its next session after said election.

The act of 1872, ch. 245, authorizing the county commissioners of Anne Arundel county to subscribe for a certain amount of stock of the Baltimore and Drum Point Railroad Company, and to issue coupon bonds to pay therefor, held to be within the meaning of this section. The above act having been approved by the Governor on the first of April, 1872, the election should have been held on the fourth Monday of April, 1873, and not in 1872. Intent of this section. The "months" referred to in this section are calendar and not lunar months, and the direction that the act "shall be published for two months," held mandatory and not directory merely. *Baltimore, etc., R. Co. v. Pumphrey*, 74 Md. 106.

The act of 1890, ch. 150, authorizing the county commissioners of Talbot county to subscribe to the capital stock of the Baltimore and Eastern Shore Railroad Company became invalid because not published as required by this section. The object of this section was not to extend the power of taxation, but it is a limitation of legislative power and of the power of the local authority. Counties have no inherent power of taxation; what power they exercise must be delegated to them by the legislature. The act of 1892, ch. 295, authorizing the county commissioners of Talbot county to issue and sell bonds and first pay out of the proceeds all proper claims held by residents of Talbot county against a certain railroad company, etc., held void—see notes to art. 15 of the Declaration of Rights. *Baltimore & Eastern Shore R. Co. v. Spring*, 80 Md. 514.

This section referred to in construing art. 3, sec. 34—see notes thereto. *Bonsal v. Yellott*, 100 Md. 503.

See notes to art. 43, sec. 378, An. Code.

¹ Thus amended by the act of 1916, ch. 159, ratified November 7, 1916.