

amendments provide "that nothing in said Sections 258 and 259 shall be construed to prohibit the use of purse nets to take or catch menhaden in the Atlantic Ocean except within three miles of the beach adjacent to the corporate limits of Ocean City, Maryland". The body of Section 259(d), however, contains additional provisions which state that nothing in that Section shall be construed to prohibit the taking or catching of menhaden in the Chesapeake Bay by use of buck net or purse net provided that said nets shall not exceed 150 yards in length nor have a mesh less than three inches. Further provisions relate to the time that menhaden can be taken, the geographical application of the Sub-section in the Chesapeake Bay and the licensing by the Tidewater Fisheries Commission of users of buck or purse nets. In view of the difference between the description of what the bill purports to do contained in its title and its actual provisions contained in the body of the bill, a serious constitutional question is here presented.

Article III, Section 29 of the Maryland Constitution provides, in part, as follows:

"* * * every law enacted by the General Assembly shall embrace but one subject and that shall be described in its title; * * *"

The purpose of this constitutional provision was stated by the Court of Appeals in *Neuenschwander v. Wash. San. Com.*, 187 Md. 67 at pp. 78-79:

"* * * As bills introduced in the Legislature are usually read by their titles only, and the titles only are printed in the Journals of the Senate and House of Delegates, the framers inserted this provision in the Constitution to assist members of the Legislature in finding out the nature of the bills and watching their course intelligently, and also to inform the citizens of the State about the proposed legislation and to give them an opportunity to appear before the committees of the Legislature. *Stiefel v. Maryland Institution for Instruction of Blind*, 61 Md. 144, 148; *Painter v. Mattfeldt*, 119 Md. 466, 473, 474, 87 A. 413; *Weber v. Probey*, 125 Md. 544, 94 A. 162. * * *"

The cases in which the Court of Appeals has held a statute as in violation of this constitutional provision have involved legislation where there was a clear conflict between the title and the body of the enactment and an apparent opportunity for misleading the members of the General Assembly and the public. *Bell v. Prince George's County*, 195 Md. 21, 29. For example, in *Luman v. Hitchens Bros. Co.*, 90 Md. 14, the title of the statute prohibited railroad and mining corporations, their officers and agents from selling or bartering goods, wares or merchandise in Allegany County to their employees. The body of the act made it unlawful for any officer of such corporation to own or have any interest whatever in any store or merchandise business in the County without the slightest reference whether sales were made to the employees or not. In holding the statute invalid, the Court, speaking through Judge McSherry, said that although the title need not contain an abstract of the bill nor give in detail the provisions of the act, it must not be misleading by apparently limiting the enactment to a much narrower scope than the body of the act is made to encompass. Other cases to the same effect are collected in *Bell v. Prince George's County, supra*, at pp. 28-32.