

thirty days after having been rejected by a majority of the qualified electors voting thereon."

It is not my intention here to ask for a vote or to call for the question which I raise. It is my intention to be sure that there is noted the fact that at least one of us did not stand by and watch the civil rights of the citizens steamrollered away. I believe that if we do here what the Governor asks of us, that is, to circumvent, to sidestep, to thwart the constitutional rights of the people, then we will set a precedent which will open a whole Pandora's box of legislative and legal evils, which will plague us for many, many years to come.

It may be that the courts will hold that any statutes passed as to the Municipal Court or as to Building and Loan Associations at this session will be in violation of the due process provisions of the State and Federal Constitutions. Despite the attempt by anyone to characterize this as an "extraordinary occasion" calling for emergency action under the policy powers of the State. It may well be the courts will hold such actions to be unwarranted and arbitrary exercise of the police power in defiance of our own particular constitutional provisions.

To suddenly invoke the police power or regulatory power of the State requires the showing of a real emergency and not just the simple declaration by us or anybody else that there is an emergency. See the case of *Strange v. Levy*, 134 Md. 645, 107 A. 549.

We are convened in extraordinary session which, by dictionary definition, means "beyond or out of the common order or rule". In other words, we have the Alice in Wonderland situation where the people, having exercised their constitutional right, are said to be gone beyond the common order or rule because they shouldn't have done it.

Our Governor speaks of an "emergency". I find "emergency" to be defined as "a sudden, unexpected happening, an unforeseen occurrence or condition, a sudden or unexpected occasion for action". Apparently, it was unforeseen that the people would have the temerity to exercise a constitutional right.

Neither of the acts that we are concerned with here were passed as emergency legislation by the recent regular session. Thus, this body found as of April, 1961, that no emergency existed in either of these fields.

I submit that there is no emergency which requires the calling of this session of the Legislature and that the call to this extraordinary session is simply an attempt to destroy the power of referendum of the people as provided by the Maryland Constitution.

I am not to be understood here as making a brief for or against the regulation of Savings and Loan institutions or for or against the expansion of powers and personnel of the Municipal Court created by the voters at the last election. I am making a brief for the continuing, orderly operation of constitutional government.

I ask that these remarks be journalized.

*Which was read and ordered journalized.*