

Based upon the opinion of the Attorney General, I feel I have no choice than to exercise my power of veto.

With kindest regards, I remain

Sincerely yours,

(s) J. MILLARD TAWES,  
Governor.

JMT/S/ss  
enclo.

Enclosure—Copy of Letter from State Law Department:

April 25, 1961.

Honorable J. Millard Tawes,  
Governor of Maryland  
Annapolis, Maryland

Re: Senate Bill No. 459

Dear Governor Tawes:

You have requested this office to examine Senate Bill No. 459.

This Bill would make it unlawful to peddle merchandise in Wicomico County without a license. The license is to be issued by the Sheriff after application and payment of a \$2.00 fee. Proposed Section 24A (c) grants an exemption to persons selling farm produce and seafood which have been derived from Wicomico County. Although there is no objection to exempting a class of produce, such as farm produce or seafood, nevertheless the exemption must be uniform within the class; otherwise it tends to discriminate against persons of the same class who are non-residents of the County or of the State. Since Senate Bill No. 459 in effect would require a license for farm produce and seafood which had been derived from another State, it places a discriminatory burden on interstate commerce and an additional burden on non-residents of the County. Such a condition is in contravention to the commerce clause in Section 8, Article I and the privilege and immunities clause, Section 2, Article IV of the Constitution of the United States.

Because of the discriminatory feature in the exemption, I have serious doubt as to the constitutionality of Senate Bill No. 459, and therefore cannot approve it as to legal form and sufficiency.

Very truly yours,

THOMAS B. FINAN,  
Attorney General

TBF:B

**Senate Bill No. 544—Additional Judge in Fourth Circuit**

AN ACT to add new Section 32D to Article 26 of the Annotated Code of Maryland (1957 Edition and 1960 Supplement), title "Courts", sub-title "Circuit Courts for the Counties—Court Stenographers", to follow immediately after Section 32C thereof, to authorize an additional judge for the Fourth Judicial Circuit resi-