May 4, 1965.

Honorable Marvin Mandel
Speaker of the House of Delegates
State House
Annapolis, Maryland

Dear Mr. Speaker:

In accordance with Article II, Section 17, of the Maryland Constitution, I am returning herewith House Bill 44, 1965 Session, which has been vetoed by me today.

In view of the Attorney General's comprehensive and technical analysis of the Bill, I am setting forth *in toto* his opinion letter of April 6, 1965:

"Dear Governor Tawes:

"At your request, we have reviewed the above bill (re House Bill 44) as to form and legal sufficiency.

"As originally introduced, this bill sought to amend Article 49, Sec. 4, of the *Annotated Code of Maryland* (1964 Replacement Volume), which was enacted in 1845 and has remained in its original form to the present time. The original title of House Bill 44 stated that it was intended 'to provide that any person guilty of usury shall forfeit the real sum or value of the goods and chattels actually lent or advanced and all interest charges thereon.' This represented a radical departure from long-standing practice, which provides for a forfeiture only to the extent of excessive interest or charges. *Plitt v. Kaufman,* 188 Md. 606, 610-611; *Kinsey v. Drury,* 146 Md. 227, 233; *Brown v. Real Estate Inves. Co.,* 134 Md. 493, and cases cited.

"During the course of the passage of the bill through the General Assembly, the title was amended to interpolate the words 'all excess above' after the word 'forfeit' so that as finally passed the title reads as follows:

> '. . . to provide that any person guilty of usury shall forfeit ALL THE EXCESS ABOVE the real sum or value of the goods and chattels actually lent or advanced and all interest charges thereon.'

"Even a casual reading of this language indicates that the word 'thereon,' by all rules of grammatical construction, relates back to the phrase 'all the excess above the real sum or value' with the net result (so far as the title is concerned) that no change is made in the statute as heretofore construed.

"However, the body of the bill as amended is more cryptic. It provides:

> 'Any person guilty of usury shall forfeit all the excess above the real sum or value of the goods and chattels actually lent or advanced and shall forfeit any and all interest on such sum or value, which forfeiture shall enure to the benefit of any defendant who shall plead usury and prove the same.'