

Acker, Kircher, Krug, Mooney, O'Connell, O'Malley, Palmisano, Abramson (J.), Abramson (M.), Alpert, Epstein, Young, Resnick, Siegel, Stark, Baumann, Baynes, Corrigan, McGuirk, Murphy, Wheatley, Dillon, Grumbacher, Hoffman, Huyett, Spence, Tingle, Anderson, Blondes, Bresler, Cook (E. P.), Doing, Gore, McAuliffe, McInerney, Miller, Moore, Beall, Cook (N. S.), Evans, Reed, See, Williams, Dulany, Magin, Hale, Hanna, Warfield, Long (J. J.), Lowe (H. W.), White, Bray, Glotfelty, Groves.

Total—125

The Speaker announced the veto was sustained.

House Bill No. 527—Baltimore City Bailiffs

AN ACT to repeal and re-enact, with amendments, Section 295 (a) of the Charter and Code of Public Local Laws of Baltimore City (1949 Edition, being Article 4 of the Code of Public Local Laws of Maryland), title "Baltimore City," subtitle "Criers, Bailiffs, Watchmen and Stenographers," as last amended by Chapter 849 of the Acts of 1963; to provide that a prior increase in bailiffs' pensions shall be applicable to bailiffs who had served at least ten consecutive years before retirement.

EXECUTIVE OFFICE

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 527, together with my veto message.

This bill seeks to provide that an increase in pensions be made applicable to bailiffs who had retired prior to January 1, 1964, when the increase in pensions became effective, if any said bailiff shall have served at least ten consecutive years prior to retirement.

I am advised by a letter from the office of the Attorney General dated April 15, 1965, that Article III, Section 35 of the Constitution of Maryland provides, in part: "No extra compensation shall be granted or allowed by the General Assembly to any public Officer, Agent, Servant or Contractor, after the service shall have been rendered, or the contract entered into; . . ." In accordance with this Article and two previously rendered opinions dated May 3, 1963, the Attorney General's office believes that to provide, or increase, a pension for former bailiffs who are no longer bailiffs would be extra compensation granted to a public Servant after the services have been rendered, and concludes by stating that the bill could not constitutionally apply to bailiffs who have retired prior to January 1, 1964.

Attached is a copy of the Attorney General's opinion which is to be included in my veto message. For reasons stated in this opinion, I feel that I am compelled to veto this measure.

With kindest personal regards, I am

Sincerely yours,

(s) J. MILLARD TAWES,
Governor.