

General has stated in his opinion, could involve "a real possibility of confusion * * * as well as serious problems with respect to administration."

In view of the foregoing, I have decided to veto House Bill 228.

Sincerely,

/s/ MARVIN MANDEL,
Governor.

Letter from State Law Department on House Bill No. 228

May 27, 1971.

The Honorable Marvin Mandel
Governor of Maryland
State House
Annapolis, Maryland 21404

Re: House Bill 228

Dear Governor Mandel:

This bill, as introduced, would have eliminated the holder-in-due-course doctrine, under certain circumstances, in actions between a consumer of certain goods and banks, savings and loan associations, industrial finance companies and small loan companies. During the legislative session amendments to the bill and its title were adopted which eliminated banks and savings and loan associations from its impact but continued to leave intact the provisions with respect to industrial finance companies and small loan companies.

A constitutional question is presented by the fact that certain types of financial institutions have been singled out by the General Assembly for particular treatment under this legislation while others, which also participate in the consumer credit business, are exempted. This raises questions of due process and equal protection of the law under the Constitution of the United States. A quite analogous set of facts was discussed by the Court of Appeals of Maryland in *State's Attorney v. Triplett*, 255 Md. 270 (1969), in which the following statement appears at pp. 285-286:

"In our opinion, the Chancellor should not have granted a summary judgment declaring the Act unconstitutional as denying due process of law and the equal protection of the law. There may be cases involving statutes where the denial of due process of law and of equal protection of the law are clear on the face of the statutes or upon consideration of quite limited evidence, but, in our opinion, the statute involved in the present case is not of this type, especially in view of the issues arising in regard to the possible restrictive effect of the provisions of the title of the Act upon the construction of the language in the body of the Act."

Triplett quoted with approval language from *A. & H. Transport, Inc. v. Mayor and City Council of Baltimore*, 249 Md. 518 (1968), where it was stated that "a constitutional question will not be decided without full record". It would be even less appropriate for this office to speculate as to the "evils intended by the General Assembly to be suppressed by the Act" than it was for the court which decided