

Maryland Constitution, I have today vetoed Senate Bill 766.

This bill limits the scope of the "Dead Man's Statute", as contained in Section 9-116 of the Courts Article, to instances "in which judgments or decrees may be rendered for or against" certain specified parties to a proceeding.

The title of Senate Bill 766 states that the purpose of the bill is to limit testimony which would tend to "decrease or diminish" the estate of a decedent in proceedings "where judgments or decrees may be rendered against" certain specified parties. However, the new language added by Senate Bill 766 to Section 9-116 also serves to limit testimony which would tend to increase an estate in a proceeding where a judgment may be rendered for these specified parties.

For these reasons, the Attorney General has advised me that Senate Bill 766 has a defective title and is, therefore, in violation of Article III, Section 29, of the Maryland Constitution. A copy of the Opinion of the Attorney General is attached to and should be considered a part of this veto message.

For this reason, I believe that Senate Bill 766 must be vetoed.

Sincerely,
/s/ Marvin Mandel
Governor

Letter from State Law Department on Senate Bill 766

May 28, 1974.

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

Re: Senate Bill 766

Dear Governor Mandel:

Senate Bill 766 was recommended by the Commission to Revise the Annotated Code of Maryland at the urging of Professor John Brumbaugh of the University of Maryland Law School and was obviously intended to provide a further limitation upon the already existing restrictions