

found in the Courts and Judicial Proceedings Article, Section 9-116 (the "Dead Man's Statute"). The additional limitation proposed by the bill was the exclusion of testimony concerning transactions with or statements made by dead or incompetent persons not only in proceedings in which a personal representative, heir, devisee, distributee, legatee or incompetent person was a party but also in a narrow category of such proceedings, namely, when a judgment or decree may be rendered for or against them. The effect of this narrowing limitation would presumably be to permit the admission of the testimony in question in a proceeding where no such judgment or decree could be rendered.

Unfortunately, the title of this bill does not adequately describe this effect and, in our view, is fatally misleading. The title (page 1, units 47-50) indicates that the limitation imposed by the bill obtains only when the testimony in question "would tend to decrease or diminish the estate of a decedent" and "where judgments or decrees may be rendered against" (emphasis supplied) any of the category of persons listed in the second sentence of the above paragraph. In fact, the text of the bill imposes no limitation concerning the diminution of an estate (as it includes increasing), contains no restriction to "estate[s] of decedent[s]" (as it includes proceedings involving incompetent persons) and relates to judgments or decrees for (or against) personal representatives, heirs, devisees, distributees, legatees or incompetent persons.

In essence, then, the title is misleading in three respects, any one of which standing alone would possibly constitute sufficient cause to render it unconstitutional in view of the requirements of Article III, Section 29 of the Maryland Constitution. It is our view that these title defects have the cumulative effect of rendering this bill unconstitutional.

Very truly yours,
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Attorney General

Senate Bill No. 788 - Calvert County Treasurer
and Streets

AN ACT concerning

Calvert County - [[Salary of County Treasurer