which the Court is unwilling to adopt?

Article IV, Section 18A, of the Maryland Constitution provides, inter alia, that

> "The Court of Appeals from time to time shall make rules and regulations to revise the practice and procedure in and the administration of the appellate courts and in the other courts of this State, which shall have the force of law until rescinded, changed or modified by the Court of Appeals or otherwise by law."

It is clear, under this section of the Constitution, that the General Assembly may, if it wishes, enact statutes which alter Rules adopted by the Court, or which create or affect procedures in the handling of court cases independent of the existence or absence of such Rules. See Southerland v. Norris, 74 Md. 326; Richardson v. Richardson, 217 Md. 316 (1958); Hensley v. Bethesda Metal Co., 230 Md. 556 (1963); Funger v. Mayor of Somerset, 244 Md. 151 (1966). Thus, if the Legislature desired to abolish the hearsay rule, in whole or in part, there would seem to be no constitutional infirmity in its doing so by enacting a statute to that effect.

What the Legislature has done here, however, is not to legislate a new rule of evidence, but to require that the Court of Appeals do so by rule. The bill does not, therefore, represent an exercise of permissible legislative discretion, but, in effect, a curtailment of the constitutionally based discretion of the Court of Appeals in the promulgation of its own rules.

Article 8 of the Declaration of Rights provides, in part, that "the Legislative, Executive and Judicial powers of Government ought to be forever separate and distinct from each other." This provision has been part of our Constitution since 1776, and has always been regarded as one of the cornerstones of our political system. The Court of Appeals, in the early case of Wright v. Wright, 2 Md. 429 (1852) noted that the evident purpose of the separation of powers clause was

> "to parcel out and separate the powers of government, and to confide particular classes of them to particular branches of the supreme authority. That is to say, such of them as are judicial in their character to the judiciary; such as are legislative to the legislature, and such as are executive in nature to the executive. Within the particular limits assigned to each, they are supreme and uncontrollable." (emphasis