

provided in Senate Bill 374, the validity of the release would be so uncertain as to create a doubt as to the state of the title to the mortgaged property.

Moreover, the Attorney General has advised me that he cannot approve Senate Bill 374 for constitutionality due to a defective title which renders the entire bill invalid as violative of Article III, § 29 of the Maryland Constitution. (See the letter of May 14, 1981, which is attached.)

Therefore, at the request of the sponsor, I have decided to veto Senate Bill 374.

Sincerely,
Harry Hughes
Governor

May 14, 1981

The Honorable Harry Hughes
Governor of Maryland
State House
Annapolis, Maryland 21404

Re: Senate Bill 374

Dear Governor Hughes:

We have reviewed Senate Bill 374 (Real Property - Release of Mortgages) and are unable to approve the bill as to constitutionality in light of what we perceive to be a defective title.

Article III, § 29 of the Maryland Constitution provides, in relevant part:

"[E]very Law enacted by the General Assembly shall embrace but one subject, and that shall be described in its title."

In testing a bill against the requirement that its subject be described in its title, a court will be disposed to uphold rather than defeat the enactment; and a reasonable doubt in its favor is enough to sustain it. Madison National Bank v. Newrath, 261 Md. 321 (1971). Nevertheless, the constitutional requirement is aimed at assuring that the General Assembly and the people be fairly apprised of the nature of the legislation; and a title that is affirmatively misleading must necessarily cause the statute to fall. See Kelly v. State, 139 Md. 204 (1921); 58 Opinions of the Attorney General 75 (1973).

Senate Bill 374 is described in its title as being: