

WHEREAS, On May 5th, 1934, the Maas Construction Company entered into a contract with the University of Maryland for the construction of a dormitory building, which contract provided that, as estimates were received from the architects, the University should pay ninety per cent (90%) thereof and retain ten per cent (10%) until the completion of the job; and

WHEREAS, When the Maas Construction Company submitted certificates from architects in the amount of \$16,963.13, and the University refused to pay ninety per cent (90%) thereof; and

WHEREAS, On this refusal the said Construction Company served notice on the University that it would proceed no further with the contract; and

WHEREAS, Suit was brought against the University by the Maas Construction Company in the Superior Court of Baltimore City; and

WHEREAS, After trial of the case, the jury returned a verdict against the University in the sum of eleven thousand dollars (\$11,000.00) on May 14th, 1937; and

WHEREAS, This amount represented the actual labor and material in the job, the jury making no allowance to the construction company for profits or damages for the breach of contract; and

WHEREAS, On appeal by the University of Maryland, the Court of Appeals held that the University was subject to suit for breach of contract but overruled the verdict rendered in the Superior Court on the ground that the uncontradicted testimony of the President of the University was to the effect that the University was without funds to pay said verdict or judgment; and

WHEREAS, Judges Urner, Parke and Johnson, while agreeing with the majority of the Court, that the University was liable to suit, but disagreed with the majority on the question of reversal on the ground that the University was without funds to pay said judgment; and

WHEREAS, In view of the above-stated facts and in order that equity and justice may be done; therefore, be it

Resolved by the General Assembly of Maryland, That the Governor be and he is hereby authorized and directed to include in the Supplemental State Budget to be submitted to the General Assembly in 1943, the sum of eleven thousand dollars (\$11,000.00) for the Maas Construction Company, as awarded by verdict of the jury May 14th, 1937.

Approved May 7, 1943.