

**Limitations upon legislative powers.**

The act of 1906, chapter 450, determining what amount is due by one county to another in connection with a certain bridge, and directing its payment, together with a certain sum annually for the maintenance of the bridge, held void under this article. Cases reviewed and distinguished. *Queen Anne's County v. Talbot County*, 108 Md. 197.

The act of 1854, chapter 160, authorizing the court upon application, and on the establishment of a *prima facie* case, to open certain decrees, provided the court should be satisfied that justice would be promoted thereby, held not to violate this article. *Calvert v. Williams*, 10 Md. 486.

The act of 1872, chapter 310, purporting to authorize the court of appeals to reopen and rehear certain cases and pass such judgments, decrees, etc., as right and justice require, held invalid under this article. *Dorsey v. Gary*, 37 Md. 79.

The act of 1845, chapter 358, requiring Washington county court to grant an appeal in a certain case and providing what should be contained in the record, held to be unconstitutional under this article. *Miller v. State*, 8 Gill, 145.

The act of 1868, chapter 249, held, in so far as it authorized the courts to change the effect of decrees which had become final, to be void under this article. *Roche v. Waters*, 72 Md. 272.

The legislature may not in any given determination of the court of appeals, declare what would be the rights of the parties, since that is a judicial power. *Prout v. Berry*, 2 Gill, 147.

The legislature may pass resolutions directing credits or the waiver of interest upon judgments of the state against a county clerk and the sureties upon his bond. *Green's Estate*, 4 Md. Ch. 349.

The act of 1825, chapter 190, purporting to abolish the corporation known as "The Regents of the University of Maryland," and to appoint trustees composed of different persons, and to transfer to the latter all the franchises and property of the corporation, held to be in violation of this article, since it is an exercise of judicial power by the legislature. It is difficult to perceive how an unconstitutional act can be made valid by a subsequent acquiescence in it. *University of Maryland v. Williams*, 9 G. & J. 410.

The act of 1816, chapter 157, vacating certain deeds, decrees, etc., held to violate this article. *Berrett v. Oliver*, 7 G. & J. 206; *University of Md. v. Williams*, 9 G. & J. 411. And see *Daly v. Morgan*, 69 Md. 476 (dissenting opinion).

The act of 1864, chapter 344, directing certain parties to pay certain assessments which the court of appeals had decided they did not owe, held void under this article. *Baltimore v. Horn*, 26 Md. 206.

The act of 1843, chapter 289, requiring the president of corporations to pay certain taxes on corporate stock, held not to violate this article; mandamus is the appropriate remedy. The legislature may not only impose taxes, but may provide the means and details for their collection. Contemporaneous construction of the constitution. *State v. Mayhew*, 2 G. 496. And see *Faust v. Twenty-third Bldg. Assn.* 54 Md. 192; *Harrison v. State*, 22 Md. 487.

Although the court of appeals has decided that a certain ordinance and tax assessment thereunder were void, and in pursuance thereof the lower court has enjoined the collection of the assessment, an act may subsequently be passed providing for the collection of an assessment to be paid to the extent that the property was specially benefited—not the original assessment but a new one and not necessarily the same amount. The act of 1892, chapter 284, held valid. Cases distinguished. *Baltimore v. Ulman*, 79 Md. 482 (affirmed in 165 U. S. 719).

The legislative department is nearest to the source of power and is manifestly the predominant branch of the government. The act of 1823, chapter 95, divorcing a certain woman and requiring the husband to pay a trustee for her use a certain sum annually, held to be in violation of this article, since it was an exercise by the legislature of judicial power. *Crane v. Meginnis*, 1 G. & J. 472. And see *Daly v. Morgan*, 69 Md. 476 (dissenting opinion); *McCrea v. Roberts*, 89 Md. 251; *Hooper v. Creager*,