

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, ch. 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.

Act of 1816, ch. 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, ch. 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, ch. 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.*, 84 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, ch. 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, ch. 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*, 84 Md. 256 (dissenting opinion); *Queen Anne's County v. Talbot County*, 108 Md. 197; *Harris v. Allegany County*, 130 Md. 491.

The purpose of this article is to parcel out and separate the powers of government, and to confide particular classes of them to particular branches of the supreme authority. This article referred to in upholding the power of the general assembly to pass an act of divorce. *Wright v. Wright's Lessee*, 2 Md. 452 (decided prior to the Constitution of 1867—see art. 3, sec. 33, thereof). And see *McCrea v. Roberts*, 89 Md. 251.

This article is not to be interpreted as enjoining a complete separation between the departments. The Bill of Rights and the Constitution are to be construed together and in case of conflict the latter prevails. Design of this article. The power of appointing officers may be exercised by the legislature if given to it by law. Baltimore police bill, upheld. *Baltimore v. State*, 15 Md. 377. And see *Hooper v. Creager*, 84 Md. 256 (dissenting opinion).

The state may delegate the police power to subordinate boards and commissions, and the reasonable and just exercise by them of the delegated power will be upheld. *State v. Loden*, 117 Md. 376; *Downes v. Swann*, 111 Md. 61.

If the legislature could finally pass on the validity of acts of assembly, this article would be defeated; the courts must pass on such validity. The legislature is subject only to such restrictions and limitations as are prescribed by the Bill of Rights and form of government and the Constitution of the United States. The act of 1801, ch. 74, relating to the administration of justice, etc., held valid. *Whittington v. Polk*, 1 H. & J. 242. And see *Crane v. Meginnis*, 1 G. & J. 472.

The Workmen's Compensation Law does not violate this article; the commission is not a court and has not judicial power within the meaning of this article. *Solvuca v. Ryan & Reilly Co.*, 131 Md. 282.

Where the lower court acts under a statute which violates this article, and hence a question of jurisdiction is involved, the court of appeals may, of its own motion,