

The Attorney General's office by letter dated May 1, 1959 advises me that in the Attorney General's opinion, this bill will not meet the requirements of Article IV, Section 2 of the Constitution of the United States, as recently applied in the case of *Toomer vs. Witsell* (334 U.S. 385).

The above mentioned Section reads, in part, as follows:

"The Citizens of each State shall be entitled to all privileges and immunities of Citizens in the several States."

As a result of the statement of the Attorney General referred to above, I feel that I must veto this particular bill on the ground that it violates the Federal Constitution.

Sincerely yours,

(s) J. MILLARD TAWES,

Governor.

JMT/S/db

Senate Bill No. 275—State Roads Commission

AN ACT to repeal and re-enact, with amendments, Section 8(a) of Article 89B of the Annotated Code of Maryland (1957 Edition), title "State Roads", sub-title "In General", relating to the acquisition of property by the State Roads Commission to protect highways, to provide in addition to the present provisions of said Section 8(a),—that no motel, restaurant, gasoline or automobile service station ~~or other commercial enterprises or activities, other than emergency services for disabled vehicles,~~ shall be allowed, permitted, authorized or conducted on property acquired by the Commission. ON THE BALTIMORE-WASHINGTON EXPRESSWAY.

May 5, 1959.

Honorable George W. Della
President of the Senate
State House
Annapolis, Maryland

Dear Mr. President:

I have this day vetoed Senate Bill 275 which although specifically designed to prohibit the State Roads Commission or any other State agency from engaging in the motel, restaurant or service station business on the Baltimore-Washington Expressway, yet is considerably broader in scope. I initially was in favor of this proposed legislation, with the understanding that it was to be restricted in scope to the Baltimore-Washington Expressway. However, the Bill as it now stands after passage is all inclusive and can be construed to encompass the prohibition of any type of commercial activity on any land, right-of-way, property, road, parking or service area acquired, held or maintained by the Commission.

It is this broadening of the language beyond the design and purpose of the Bill which gives one cause for serious consideration and since it definitely does go beyond the Baltimore-Washington Express-