

File No. 14133

H. Baltimore, November 15, 1912.

S. S. Field, Esq.,  
City Solicitor.

Dear Sir:

10422

I am returning herewith your letter relative the validity of Chapter 529 of the Acts of 1912, granting a pension to John S. Ledden.

Section 33 of Article 3 of the State <sup>Constitution</sup> Commission contains the following prohibition:

"And the General Assembly shall pass no special law for any case for which provision has been made by an existing general law".

The question is whether Chapter 529 of the Acts of 1912 is in violation of that restriction. The Act under consideration is one authorizing and directing the Board of Fire Commissioners of the City of Baltimore to place on the pension roll of the City Fire Department, John S. Ledden, with an annual pension of \$1500. It contains the recitation that Mr. Ledden "was a member of the Fire Department of the City of Baltimore for nearly twenty-one years, of continuous and faithful service"; and that he "has become permanently disabled by reason of injuries received while Chief Engineer" thereof. This statute is plainly a special law.

"The special laws contemplated by the Constitution are those that provide for individual cases".

Baltimore v. Starr Church, 106 Md. 289.

The necessary further inquiry, however, is whether the Act referred to covers and is for a "case for which provision has been made by an existing general law".

We find that there was existing at the time of the passage of said Act a law fully covering such cases. Section 70 of the Charter (page 137-138- 1906 Code) is as follows:

"70. The Board of Fire Commissioners of the City of Baltimore may retire from office in the Fire Department any permanent or call member thereof who has become permanently disabled while in actual performance of duty, or who has performed faithful service in the department for a period of not less than twenty consecutive years, or who may become unable to perform further service by reason of age or other physical or mental disabilities, and place the member so retired upon a pension roll. And said Board may also provide for the relief of the widow and children of firemen who may be killed in the discharge of duty. The amount