

Murray, Nyman, Parker, Pugh, Ridgely, Russell, Sands, Schley, Scott, Stirling, Stockbridge, Wickard, Wooden—33.

Nays—Messrs. Belt, Chambers, Dail, Davis, of Charles, Dennis, Dent, Edelen, Henkle, Hollyday, Johnson, Jones, of Somerset, Lee, Mace, Mitchell, Miller, Morgan, Smith, of Dorchester—17.

On motion of Mr. MORGAN,

It was ordered to be entered on the journal that Chapman Billingsley, member from St. Mary's county, is detained from his seat in the Convention in consequence of indisposition.

LEGISLATIVE DEPARTMENT.

The Convention resumed the consideration of the report of the Committee on the Legislative Department, which was on its second reading.

The following section was under consideration:

"Section 16. Any bill may originate in either house of the General Assembly, and be altered, amended or rejected by the other; but no bill shall originate in either house during the last ten days of the session, or become a law, until it be read on three different days of the session of each house, unless three-fourths of the members of the house, where such bill is pending, shall so determine."

The pending question was upon the motion of Mr. SCOTT to amend the section by inserting after the words "amended or rejected by the other," the following:

"and public general laws shall always have precedence over local laws, and the latter shall have precedence over all private bills."

Mr. STIRLING. I wish to say one word upon this subject. It struck me, when this amendment was last under consideration, that there seemed to be a disposition on the part of the Convention to adopt it, in consequence of the abuse to which it relates. And as I regard the adoption of this amendment as fatal, I must say a word or two which I think will throw some little light upon it. I think it is easily demonstrable that this amendment is impracticable. In the first place there is great danger in endeavoring to fetter the Legislature on this subject at all. If this amendment is adopted there will not be a private or local bill ever passed by the Legislature of Maryland. It provides that public bills shall always have precedence over private bills. Just as long as there is a public bill upon the calendar, it must have precedence over all private bills. And as there will always be one or more public bills pending until the very close of the session, then the whole session will be used to transact public business. That I think is mathematically demonstrable. It matters not whether the public bill be important or

not, it will keep its place on the calendar, and will take precedence of all private bills, however important those private bills may be. It is not a general rule that all local and private business is unimportant; it so happens that it is often very important. If a citizen of this State comes here to get justice done to him, it is just as much due to the credit and honor of this State to do him justice, as it is to transact public business. And it is a great mistake to suppose that private bills are not a matter of public interest. And it seems to me that the best way is to let the Legislature regulate its own docket, and transact its business in such order as it may deem proper. If you allow a judge of a court to regulate his docket and try his cases as he pleases, it seems to me that the highest legislative body in the State should have equal control over the management of its business.

Mr. PUGH. My only answer to the objections of the gentleman from Baltimore city (Mr. Stirling) is this—that a body representing the people of Maryland here every winter, is a body representing the public interests of the State. And all that we propose to declare by this amendment is simply that the public interests of the State should rightfully have precedence over all private interests of any particular portion of the State. That is all that we wish to declare; that the general good of the whole State, and of all the people of the State, shall have precedence over any particular private good, while we admit that certain citizens of the State have private rights, and that they ought to be protected, yet we declare that the public welfare is superior to all private welfare.

The question being taken, the amendment was not adopted.

No further amendment was offered to section sixteen.

Sections seventeen and eighteen were then read, and no amendments offered thereto.

Section nineteen was then read as follows:

"No divorce shall be granted by the General Assembly."

Mr. STOCKBRIDGE. I desire to remark, in offering the amendment which I shall propose to this section, that the restriction as it at present stands here is aimed at but a single class of cases; the trial of causes of a particular kind before the Legislature, which is not a tribunal for the trial of causes. It is a part of the same abuse aimed at by the amendment to the sixteenth section. I propose an amendment which shall give the section a very much broader range, add a much larger class of subjects to the scope of the restrictions imposed upon the Legislature.

I offer the following amendment; strike out the section and insert the following:

"The Legislature shall not pass local or special laws in any of the following enumerated cases, viz: