

which this amendment is designed to accomplish.

Mr. SANDS. In illustration of the argument of the gentleman from Baltimore city (Mr. Stockbridge,) I will state some facts which, to my knowledge, transpired here at the last session of the legislature. Some parties in Howard and Carroll counties were interested in procuring the opening of a road from a place called Watersville in Carroll county to a place known as Davis's Gate in Howard county. They came here and got an act passed by the legislature, giving certain persons—three parties named, two of them living at the termini of the proposed road—authority to open the road. They proceeded to open the road, under this special act; although within two weeks after the act had been passed, a petition came here signed by over two hundred of the residents along the road they proposed to lay out arbitrarily, protesting against the action taken here.

Mr. STOCKBRIDGE. And at the time the bill was called up, it was said that it was purely a local measure, which did not affect the rest of the State at all, and which everybody in that locality wanted.

Mr. SANDS. I will do my friends of the legislature who passed the act the justice to say that they were imposed upon. These parties went on to open the road. They came to the farm of a gentleman there, and under the arbitrary power with which the act clothed them, they proceeded to cut his farm in two for the distance of nearly a mile and a half—doing him damage which, when an injunction was laid upon the work, and testimony was taken before the commissioners of Howard county, it was proved beyond all question, amounted to \$1,500. And this, too, when they could have had the road originally petitioned for by the citizens upon the route indicated by them, without doing him twenty dollars' worth of damage, which damage he was perfectly willing should be done. That was a case of special legislation. Of course the only remedy was to enjoin their proceedings and apply to the courts for redress. And the road is not opened yet, because it has not been decided whether these gentlemen have the right to go upon that farm, and damage it to that extent.

The CHAIRMAN (Mr. Dent.) The chair has permitted a digression in the discussion to take place. He would now call the attention of the convention to the amendment under consideration; that is, prohibiting the legislature from passing special laws for the punishment of crimes and misdemeanors.

Mr. SANDS. I was stating these facts for the purpose of illustrating the argument of the gentleman from Baltimore (Mr. Stockbridge.)

The CHAIRMAN. The chair supposed that was the object, and has allowed the gentleman to get through with his illustration.

Mr. CHAMBERS. Is it in order to move a substitute now? My object is to move to add to the section the following:

"Nor shall the legislature pass any special law to make valid a defective deed, or afford other remedy in any case in which, by the existing laws, provision is made."

The CHAIRMAN. The chair is of opinion that it is not in order to offer a substitute after ordering a division of the amendment now under consideration.

Mr. CHAMBERS. I offer this as a substitute for the whole amendment.

The CHAIRMAN. It is not in order to do that after the yeas and nays have been ordered.

Mr. CHAMBERS. The yeas and nays have not been called yet.

The CHAIRMAN. The yeas and nays have been ordered on the amendment now pending, but the call had not commenced when this discussion began.

Mr. MILLER. The immediate question is upon the first clause of the amendment of the gentleman from Baltimore city (Mr. Stockbridge,) to prohibit the legislature from passing any local or special laws for the punishment of crimes or misdemeanors, &c. Now what may be the effect of that amendment if adopted? In the counties there are various cases requiring special legislation, in reference to the sale of intoxicating drinks in the neighborhood of schools and colleges. Is it proposed that the legislature shall confer the power of punishing such offenses as those upon any local tribunal in the county?

Mr. RIDGELY. I rise to a question of order. I am not conversant with the rules upon the subject. But under the general rule, it strikes me that after the house has deliberately ordered the yeas and nays upon a proposition, it is no more in order to debate the subject than it is to offer an amendment to it.

The CHAIRMAN. It has been the practice of the convention since I have been here, and also of other bodies of which I have been a member, to allow discussion upon pending propositions until the actual commencement of the call of the yeas and nays. Strictly speaking, the chair believes, parliamentary rules should be administered otherwise. This, however, has been the practice heretofore, and the chair has conformed to it on this occasion.

Mr. CHAMBERS. I would be gratified to receive an explanation from the chair of the manner in which future amendments can be offered. I suppose it will hardly be said that, according to parliamentary usage, it is in the power of a member at any time to propose a division of a question, and thereby preclude all amendments. The proposition as I understand is now upon the amendment of the gentleman from Baltimore city (Mr. Stockbridge,) by divisions. If a substitute for the whole proposition is to be offered, I