

more, a contract within the contemplation of the Constitution of the United States, and the obligation of which is protected by that instrument, from State legislation.

My impression is, that the principles settled by the Court of Appeals, in the case of the State use of Washington county vs. the Baltimore and Ohio Railroad Company, 12 Gill and Johns. 399, shows, that no contract between the State, and one of its public territorial divisions, can be made, which would come within the protection of the Federal Constitution. But still, there can be no doubt I think, that obligations of a moral character, may be incurred, which no honorable, or wise government, would disregard.

The case of the Railroad and Washington county, through the principles established by it, show I think, that no legal obligation, amounting to contract, can exist between the State and a public integral part of it, contains several features, which distinguish it widely; from that I am now considering. In that case, the sum claimed by Washington county was a penalty, and for that reason, liable to be repealed, or remitted by the Legislature, and it was repealed, by a law passed expressly for that purpose.

In the case now under consideration, none of the characteristics of penalty, or forfeiture, are to be found, and no attempt has been made to repeal the law, under which the claim is set up. It is the case of a large sum of money borrowed on the public credit, and to be paid by public contribution, and which the two divisions of the State stipulated in terms the most explicit and binding, should, for certain specified public purposes, be partitioned between them in certain proportions. That division which was to enjoy but one eighth of the sum so borrowed, has fairly contributed her full proportion of the burdens imposed by the law, and she now asks, that she may receive the substantial benefit, which it was solemnly agreed she should have, when she took upon herself the burden; and my clear conviction is, if State faith be not a mere mockery, and delusion, it cannot be withheld from her, unless indeed there be something in the new Constitution which takes from the Legislature the power to do her justice.

By the 22nd section of the 3rd article of the Constitution, the Legislature is prohibited hereafter, from contracting debt, except for certain purposes, and upon certain conditions, and it is declared, that "the credit of the State, shall not in any manner be given &c., nor shall the General Assembly have the power in any mode, to involve the State in the construction of works of internal improvement, or in any enterprise which shall involve the faith or credit of the State, or make any appropriations therefor."

But by section 7th of article 10, it is provided, that "all rights vested, and all liabilities incurred shall remain as if this constitution had not been adopted."