

Mr. STIRLING. Why do you strike out "tenure of office?"

Mr. RIDGELY. Because it is provided above that the election shall take place every two years.

The question being taken upon the amendment, upon division, no quorum voted.

Mr. MILLER. I desire to ask the chairman of the committee why they have changed in this clause the word "uniform" in the old constitution to the word "similar." The old constitution reads:

"But such powers and duties, and the tenure of office shall be uniform throughout the State."

I know questions have arisen in our courts upon the construction of that section as contained in the old constitution, upon the constitutionality of a great many laws authorizing the county commissioners of a particular county to build a bridge, or construct a road, or open a road, conferring upon certain county commissioners special powers or duties which were not imposed upon the county commissioners of the counties throughout the State. The word in the old constitution was "uniform." The word here is "similar." I do not think that would alter the construction or get rid of the difficulty at all. It is impossible to have any legislation with reference to the county commissioners under the provision of the constitution, which defines their powers and duties to be uniform throughout the State. The necessities in one county are so different from those in another, that when the necessities of the people of one county require them to come to the legislature and ask for certain legislation in regard to the county commissioners of their county, the people of another county in another portion of the State require no such legislation at all. To authorize the county commissioners of the several counties to perform duties peculiarly local, when their people require it, is one of the best modes, it appears to me of legislation. And notwithstanding the provision in the old constitution that the powers and duties of the county commissioners should be uniform throughout the State, the statute book of the State, since the adoption of that constitution has been filled with legislation authorizing the county commissioners of one county to do what the county commissioners of no other county are authorized to do. I think it is a wise amendment to strike out that provision, and to let the legislature from time to time, as the people may require, authorize the county commissioners of the different counties to do different things.

Mr. CLARK. I will merely state that the language of the old constitution was that the powers, duties and tenure of office should be uniform. Several cases have arisen in the court of appeals; one in the court in Allegany county, where the legislature conferred some power upon the county commissioners of Al-

legany county, which the county commissioners of no other counties did not have. A doubt arose whether the county commissioners of Allegany county could exercise such a power, because it was not a power given in other counties. The committee thought that the word "uniform" required that the county commissioners should exercise the same powers; and that we could not and the legislature could not confer a power upon the commissioners of one county, without conferring it upon all.

The committee therefore provided that the powers and duties should be similar throughout the State; that they should have like powers, which would give the legislature a certain discretion with reference to modifying these similar powers in order to meet the exigencies of the different counties. This would give the legislature fuller and more extensive power than retaining the word "uniform," and would enable the legislature to confer similar powers in different counties.

Mr. NEGLEY. I do not see why this section should be changed. It should be recollected that a few days ago we prohibited special legislation on these local matters. We put a prohibition into the constitution, and very wisely. It is possible under this provision to pass a general law in such general terms, of such wide and comprehensive scope, that it will allow each board of county commissioners in the State of Maryland to carry out any county purposes they may have to carry out. I think it is perfectly competent to legislate under this provision; and then we shall not have so much local legislation.

We shall have one general law, so general and so wide in its scope, as not to interfere with freedom of action of the individual boards of the several counties. I think therefore that if we strike this out now, we depart in a great measure from what we attempted to do the other day, in prohibition of so much special legislation. Let there be boards of commissioners throughout the entire State for the counties; and let the authority of these boards be a general, a very general authority, a wide authority, so that they shall have power to act under it and not be trammelled. I do not think we ought to change this.

Mr. KING demanded the yeas and nays, but they were not ordered.

The question being again taken upon the amendment, the result was—yes 14, nays 31—no quorum voting.

Mr. STOCKBRIDGE. I am confident there is a quorum in the house.

Mr. DANIEL. I call for the yeas and nays. That will test whether there is a quorum or not.

The yeas and nays were ordered.

The question being taken upon Mr. RIDGELY'S amendment, the result was—yeas 13, nays 35—as follows:

Yeas—Messrs. Audoun, Greene, Henkle,