

should think the proper time for that is surely before we begin to vote upon any provision of it. Suppose all of these enumerated items are rejected but one, and that one is adopted by the house, what will be the consequence? After it has been adopted it cannot be substituted by another proposition. I hope the chair will see that by the parliamentary rules of proceedings, it is in order at any time to offer an amendment.

The CHAIRMAN. The yeas and nays having been ordered, it is not competent for the chair to entertain any amendment upon which the yeas and nays could not be taken as ordered. The question before the convention is, therefore, upon the first clause of this amendment.

Mr. MILLER. I was going on to say that this power of delegating the function of punishing offences is certainly an anomalous one. In the counties there are instances arising when it becomes necessary to protect a school or college from the sale of intoxicating drinks in the immediate neighborhood, when the grievance becomes so great that it would become necessary to punish that offence by imprisonment, or something of that kind, rather than by a fine. That is a matter which the legislature itself by local legislation should provide for, and not delegate it to any power in the county. So in reference to the destruction of crops, wines, fruits, or anything of that kind, in a particular locality. When any malicious mischief that arises in a particular locality becomes so grievous an offence, the legislature ought to interpose and define the crime and provide for the punishment of the offenders. I am not for leaving it to any local tribunal to perform that high authority. It seems to me it would be a strange thing to delegate this power, to define and punish a crime, to any local tribunal.

Mr. NEGLEY. I am in favor of the amendment proposed by the gentleman from Baltimore city (Mr. Stockbridge.) I think that the State of Maryland has for several years been laboring under the curse of special legislation. The legislature has met here and consumed entire days of its session in legislating for this and that particular county; and not always for a county, but for particular portions of some particular county. This special legislation has become a curse that is actually oppressing the State of Maryland, and I am decidedly in favor of some means of getting rid of it.

The objections urged against prohibiting the legislature from passing those special laws are not valid. The municipal authorities of the town of Hagerstown have the authority to punish offences. They say what shall constitute an offence within the limits of the corporation, and they punish it accordingly. They pass their ordinance, and when it is violated they punish the offender. If any ordinance does not work well, they repeal it.

That is precisely what I understand to be intended by the amendment now pending. It is designed that all those subjects that have purely a local reference, and embrace matters relating solely to the counties, shall be determined upon by the proper authorities in the county. I do not know what they are; but they should have the power to define an offence and punish it. That is all we claim.

As to the prohibition of the sale of spirituous liquors in particular localities, could there not be a general law authorizing the courts, upon petition of the inhabitants of the county, to prohibit the sale? That could be infinitely better done by general law than by special legislation. Let the legislature pass a general law by which the local authorities of the different counties can be authorized and empowered to attend to their municipal and county affairs. That would be infinitely better than it is now, and then we should avoid these very difficulties complained of here. Otherwise, parties in portions of counties will get up petitions and come down here to their delegates, and their delegates will act upon matters without knowing the sense of the people.

I do hope that this amendment will pass. It will then impose the duty upon the legislature to pass a general law. What is a crime in one portion of the State, is a crime in any other portion of the State. If it should not be committed in Allegany county, but should be committed in Baltimore city, then punish it in Baltimore city and not in Allegany county. If it is not committed in any particular locality, then so much the better for that locality. But if it is committed in one locality, or in twenty localities in different parts of the State, then punish it in all the localities alike.

Mr. CHAMBERS. There seems to be an indisposition on the part of a great many members to go into this subject as largely as the amendment of the gentleman from Baltimore city (Mr. Stockbridge) proposes. Now, there are certain mischiefs acknowledged, I believe, by every individual who has ever been a member of the legislature. I had the honor once of serving a term in the senate of the State. I was placed at the head of an important committee of that body. The first thing the committee did, was to say that no special law should be reported in any case where, by a general law, the party had a remedy. Persons came here, as in the case mentioned by the gentleman from Howard (Mr. Sands.) And although exactly the same case could not perhaps be instanced elsewhere, yet thousands of cases of the same character have occurred. I mean when I say "of the same character," cases where injustice has been done by suppressing before the legislature, a knowledge of very important facts constituting a part of the transaction. Thousands of cases have occurred where just