

The question recurred upon the provision in relation to schools.

Upon this question Mr. HOFFMAN called for the yeas and nays, which were ordered.

The question being then taken by yeas and nays, it resulted—yeas 36, nays 30—as follows:

Yeas—Messrs. Goldsborough, President; Abbott, Annan, Audoun, Barron, Brooks, Carter, Crawford, Cunningham, Daniel, Earle, Ecker, Galloway, Hebb, Hopper, Keefer, Kennard, Larsh, Markey, McComas, Mullikin, Murray, Negley, Nyman, Parker, Pugh, Ridgely, Russell, Sands, Sneary, Stockbridge, Swope, Sykes, Valliant, Wickard, Wooden—36.

Nays—Messrs. Belt, Bond, Chambers, Dail, Davis, of Charles, Davis, of Washington, Dent, Duvall, Edelen, Greene, Harwood, Hatch, Henkle, Hoffman, Hollyday, Hopkins, Johnson, Jones, of Somerset, King, Lee, Mitchell, Miller, Morgan, Parran, Schley, Smith, of Carroll, Smith, of Dorchester, Stirling, Thomas—30.

The provision was accordingly adopted.

The question then recurred upon the clause prohibiting the legislature from "granting divorces."

The question being taken, the clause was adopted.

The question then was upon the clause prohibiting the legislature from passing special laws "relating to fees or salaries."

Mr. STIRLING. I really would like to know what a local or special law in regard to fees and salaries is. Upon my word, I do not understand what it means. There must be some offices in some of the counties which do not exist in others. And in some parts of the State the salaries are different from what they are in others, and must be different. You cannot pay anybody in the counties what you do in Baltimore city. And when you make a difference in the salaries, that difference is a local or special law, it seems to me.

Mr. BELT. In addition to what has been said by the gentleman from Baltimore city (Mr. Stirling,) suppose that we are so circumstanced in some parts of Prince George's county, that we cannot get a decent constable without paying more than is paid in the county of Charles. Are we to be deprived of having a constable, because the law requires the same salary to be paid all over the State?

Mr. STIRLING. And suppose you give a constable in the counties mileage, and do not give it to him in Baltimore city; that is local legislation. Nobody gives a constable mileage in Baltimore city; but you must give it to them in the counties.

Mr. STOCKBRIDGE. I wish to say a word or two in explanation. My colleague (Mr. Stirling) shows that he understands the question better than he supposes, a great deal. He

will probably remember that last winter there were applications here from a dozen different counties asking to have the fees of constables and magistrates increased in their several counties. Sometimes it was a single constable who wanted his fees increased. And when a general law had been framed which might affect the whole State, then you would see gentlemen rise in their places, and ask that this county, and that county, and another county, might be exempt from its operations, until I believe one of the general laws, which were passed for the whole State, on one of these subjects, was reduced down so that every county in the State was exempted but two.

This provision is designed to accomplish this purpose; that the salaries and fees of any office shall be the same throughout the State. Take the very instance which my colleague has cited. What objection can there be to framing a general law allowing constables a certain amount of mileage? If they do not travel the miles in Baltimore city, of course they cannot demand it, any more than they can in the counties if the miles are not travelled there. If a man in the county has a warrant to serve at his own door, he does not get mileage. And the same thing in Baltimore city; if he does not travel the miles, he can have no claim to mileage. I can see no difficulty in regulating this matter by general law. All these things are paid to persons by the counties. And when you come to make the payment, if it be necessary that any discrimination should be made there, what does the legislature know about it? How can gentlemen from Washington, Frederick, Cecil and Worcester counties say but what they can get just as good a constable in Prince George's county, and for the same fees, as just over the border in Charles county? But the local authorities there can understand and decide that thing; and there is the place where it should be decided. I am for having those authorities decide these things who are interested in them, and who know something about it.

After all, it comes to about this; that the person, who really has the money go into his pocket, comes up here with an ex parte obligation, influences the delegation from his county as such men perhaps can influence them, gets a report from them in favor of his application, and then it is passed through the legislature on the ground that it is purely a local matter. Now I say, if it be such local matter, then let the authority over it be delegated to the local authorities. If it is not a local matter, then let a general law be passed to regulate the whole thing.

Mr. STIRLING. I agree with my colleague (Mr. Stockbridge) in that. If this provision, instead of saying that the legislature shall not do so and so, it stated that the legislature shall authorize the county authorities to do