

The question was then taken upon the clause prohibiting the legislature from passing local and special laws "regulating the election and compensation of State and county officers," &c., and upon a division—ayes 32, noes 31—it was adopted.

The next question was upon the clause prohibiting the legislature from passing special and local laws, "Providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities, by executors, administrators, guardians or trustees."

The question being then taken, upon a division—ayes 34, noes 16—the clause was adopted.

The next question was upon the clause prohibiting the legislature from passing local and special laws, "giving effect to informal or invalid deeds or wills."

The question being taken, the clause was adopted.

The next question was upon the clause prohibiting the legislature from passing special or local laws, "refunding money paid into the State treasury, or releasing persons from their debts or obligations to the State."

Mr. EDELEN. I would call the attention of the chair to page 242 of the journal of proceedings, where I think it will be found that this question has been already acted upon by the convention, and therefore this amendment is not in order. I find that, according to the journal, while section twenty-six of this report was under consideration:

"Mr. Stockbridge submitted the following amendment:

"Section 26, amend by adding to the end of the section the words—'but shall not by special act cancel or annul any bond which for any purpose has been executed to the State of Maryland.'

"Decided in the negative."

Now it seems to me that, the subject-matter of that amendment being the same as the house is now called upon to consider, the subject has already been decided by the convention, and, therefore, the only way to reach the subject is by a motion to reconsider the vote upon this twenty-sixth section.

Mr. PUGH. There are other kinds of debts and obligations besides bonds.

Mr. STIRLING. That was an amendment to a different section.

The CHAIRMAN (Mr. Dent.) The chair is of the opinion that the point of the gentleman from Charles (Mr. Edelen,) is not well taken, and therefore overrules the point.

The question recurred upon agreeing to the clause of the amendment.

Mr. EDELEN. Is it competent to call for a division of this particular clause? It recurs to me that it embraces two separate and independent propositions. The one is an interdiction upon the power of the legislature to refund to any party money after it has once

gone into the treasury. The latter branch of the proposition is intended to be an interdiction upon the legislature to pass a special law releasing a party, who is indebted to the State but has not paid the money into the treasury of the State. I therefore call for a division of the proposition.

The CHAIRMAN. The chair is of opinion that the question is divisible. The question therefore will be first taken upon the first clause of the proposition.

The question was upon adopting the first clause—being a prohibition upon the passage of special or local laws, "refunding money paid into the State treasury."

Mr. ABBOTT. Does this prevent the legislature from passing some general law for this purpose?

Mr. STOCKBRIDGE. The object of this provision is this: There are very frequent claims made upon the State treasury for moneys alleged to have been improperly paid into the treasury for taxes, &c. It has happened more than once that these claims have been fully and carefully investigated by the financial officers of the State, the State treasurer and comptroller, who have reported the claims as improper. Yet these claims so reported upon have been, somehow or other, smuggled through the legislature, and the State has thereby been actually swindled out of large sums of money. The object of this provision was to prevent the passage of any such special act, in order that the State legislature might pass a general law, conferring power in certain cases, and upon proper proof upon the financial officers of the State, who have all this information in their hands, to investigate all these claims, and decide upon them judicially, with full knowledge of all the facts, with access to all the books and documents, and opportunity to bestow a degree of deliberation upon the subject which the legislature cannot do; to leave the matter entirely in their hands. It was no part of the idea which prompted the amendment, that moneys erroneously paid should not be returned, or errors made should not be corrected. The simple object was to provide that the legislature should not do it, but that it should be left in the hands of the proper financial officers of the State, under such rules and regulations as the legislature might provide by general law.

Mr. ABBOTT. That was the construction I had placed upon it.

Mr. STIRLING. One of the sections of the Constitution says that no money shall be drawn out of the treasury except by appropriation made by law. The power, therefore, to draw money out of the treasury must rest with the legislature. It is not wise and safe to trust the disbursing officer of the treasury to put his hand in the treasury and take money out of it. No State trusts such a power to its executive officers.