

3. That Article 3, section 33, of the Constitution of this State requires the recommendation of either the Governor or officers of the Treasury Department before the General Assembly can pass a law for the relief of your petitioners.

4. Your petitioners therefore respectfully pray that the Governor will entertain this, their petition, and recommend to the General Assembly the passage of a bill for their relief, and they respectfully submit the following as some of the considerations entitling them to relief :

A. The facts and law referred to in the report of the Joint Special Committee of the General Assembly of 1890, appointed to investigate the accounts of said Archer, and the evidence taken by said committee.

B. The failure for many years of all Governors (with not more than one exception) Comptrollers and Treasurers of the State, to comply with the various provisions of the Constitution and laws intended for the protection of the State securities and funds, by interrogating the Treasurer under oath and actually calling for the production of the securities which were or ought to have been in his possession, which duty the sureties had a right to believe would be performed.

C. The failure of successive Legislatures to comply with the duties imposed by various provisions of law, the full discharge of which would surely have led to a much earlier discovery of Archer's defalcation;

Art. 95, secs. 22 and 23, Code of Public General Laws, Vol. 2, p. 1431 Const. Art. 3, sec. 24.

D. The Court of Appeals, though not permitted under the law, to admit as a defence against the State, the well known facts attending Archer's defalcations, have not hesitated to express their views of the hardship of the case. The hardship to the State having been suggested, they say, we have nothing to do with the supposed hardship of the case; but it must be evident that the hardship is not entirely on one side. When Archer's sureties executed this official bond, they had a most just and reasonable expectation that their liability would not extend beyond the period of two years, with the addition of the short time allowed by law for the qualification of a successor. Circum-