

Now there has not been a session since the adoption of this Constitution, at which application has not been made here for the purpose of enabling the county commissioners to pass or to do some act in one county which the county commissioners of another county have had no power or authority to do. This provision of the Constitution has been utterly and totally disregarded by the Legislature. The Legislature at its second session, passed laws defining the number of county commissioners for each county, and some very meagre general provisions in regard to their powers and duties; but in the great majority of instances in which the county commissioners were called upon to act, in establishing roads, in levying taxes, in building bridges, in raising money for county purposes, all that has been the subject of special legislation by the Legislature, and will continue to be so, it seems to me, notwithstanding any provision that we may put into the Constitution. The Legislature have disregarded this imperative injunction of this Constitution, and it seems to me that it will equally disregard any other provision we may put in. So it is with regard to road supervisors.

Let us look for a moment at the amendment offered:

"The Legislature shall not pass local or special laws in any of the following enumerated cases, viz:

"For the punishment of crimes and misdemeanors, regulating the practice of courts of justice, or authorizing or directing the trial of any case in any court."

I know instances in which, under any general law that we could pass, unless the Legislature had the power to grant a special hearing or special appeal in those particular cases, great injustice and great wrong would have been wrought out. The Legislature acts in passing a general law upon that subject. A particular case arises; and if the rules and regulations of the general law are to be observed, injustice is wrought out, unless the parties have the power to come to the Legislature and obtain authority to take an appeal. This is in reference to the first clause of the amendment.

"Regulating the practice of courts of justice." How is that to be done by a general law? You give now, under the general law, the power to each court in the counties of the State, to pass rules in reference to the practice in these respective courts. The rules passed by the respective courts will be local. I have never heard of any attempt made on the part of the Legislature to provide any general law which would give the courts of the State the power to pass rules. It is a necessary inherent part of their jurisdiction as courts of justice. These rules may be as diverse and different as the several judges of the several courts in the counties of the State.

Why put that provision in, and regulate that by a general law?

"For the assessment and collection of taxes for State or county purposes, or extending the time for the collection of taxes."

You provide by general law for the collection of taxes. No time is to be extended for any collector under any circumstances. The collectors of the several counties would have to conform to the general law which may be passed by the Legislature; unless you intend to divest the Legislature of all this power and place it in the boards of county commissioners themselves, and that I am opposed to.

Mr. STOCKBRIDGE. With the permission of the gentleman, I wish to correct him here once for all. I have foreborne to interrupt him; but he seems to misunderstand the propositions themselves, and I wish to explain while upon this point of extending time for the collection of taxes. The provision now is that the Legislature shall not pass local or special laws for that purpose. As the law of the State now stands, there is a provision by which the courts, on proper application, and for sufficient reason, may grant this extension of time of collectors who have failed to collect their taxes to a sufficient time; notwithstanding which, although full power is given to any collector who has been remiss to get the extension there in proper form, no sooner does the Legislature meet here than it is flooded with these special applications; and here, where the facts cannot be investigated in our limited sessions, there is a perfect deluge of applications. The purpose is to prevent the Legislature from acting upon such cases, to force these parties to resort to the tribunal already pointed out for that purpose.

The same remark applies to the other cases. It is not that it shall be all provided for by general law, other than that the tribunal shall be created, and provision made by which the end may be accomplished.

Mr. MILLER resumed: The object of the gentleman is to confer upon the several county jurisdictions, or upon some jurisdiction other than the Legislature, all this power that is embraced in that amendment. Is it wise and proper to confer upon such tribunals this power? That is the question for this body to consider. The next proposition is:

"Providing for the support of public schools, the preservation of school funds, the location or the regulation of school houses."

I do not see before me the chairman of the Committee on Education; but I suppose that as we have a committee on that subject, some provision is to be embodied in the constitution in relation to our system of public schools.

A MEMBER. They are to be supported by a uniform State tax.

Mr. MILLER. This amendment puts in the power of the local tribunals of the several counties the regulation of the support of public