

that they have been exercising some of the powers of other departments of the government?

Mr. BELT. I presume the legislature does and can perform many duties not necessarily legislative, and which might be properly exercised by other departments of the government. The laying of taxes, and certain other powers like that, are properly and necessarily legislative, nor can they be delegated to any other authority. But many of these local special functions may properly be devolved upon other bodies.

The question was then taken upon the amendment to the amendment, and it was rejected.

The question recurred upon agreeing to the amendment submitted by Mr. STOCKBRIDGE.

Mr. RIDGELY called for a division of the question, and asked that the vote be taken upon each clause separately.

The question was accordingly stated to be upon the first clause of the amendment, as follows:

"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."

Mr. THOMAS called for the yeas and nays upon this question, which were ordered.

Mr. STIRLING. I do not want to debate this question to any extent. But at the same time, as there may be a chance of its being carried, I wish to say something upon it. I want to know what is to be the effect of this amendment. What do you mean by saying the legislature shall not pass local laws for the punishment of crimes and misdemeanors? Do you mean that they shall not provide that a certain offence committed in one part of the State shall not receive a greater punishment than the same offence committed in another part of the State. If it does mean that, then it wipes out a large part of the criminal code of the State. There are certain offences committed in Baltimore city which do not exist in any other part of the State. There are certain acts which become offences from the very fact that they are committed in the midst of a dense population. Firing a pistol in the streets of Baltimore city is an offence; but that is not an offence in the mountains of Allegany. The offence consists in the circumstances under which it is committed. It really seems to me that this amendment is perhaps so strong that it would absolutely destroy one-half of the criminal code of this State.

Mr. BOWLEN. I think there is a great deal of good sense in the suggestion of the gentleman from Baltimore city (Mr. Stirling,) and although I have listened with a great desire to be enlightened upon this subject,

I must say, that in regard to all these several propositions embraced in the amendment of the gentleman from Baltimore city (Mr. Stockbridge)—although this burden of special legislation is a grievous one, and has been existing for a long time in this State, and has been carried to an enormous extent—I think "it would be better to endure the ills we bear than fly to those we know not of."

Take this first proposition upon which we are now to vote. An example in point now occurs to my mind. In Charles county, Prince George's county, St. Mary's county—some two or three counties in Southern Maryland—we have a law of this kind; under which a case arose at our last court; calling upon everybody of the character of hucksters, not a resident of those particular counties, to take out a license. The grievance intended to be remedied by that law was this: residents of Washington city, irresponsible parties, were constantly traversing our counties for the purpose of buying up eggs, poultry, hogs, cattle, &c. for the Washington market; thereby holding out inducements for our slaves and the free negroes there to engage in petty larceny. The evil grew upon us to such an extent that the legislature of Maryland thought proper to enact a special law upon the subject. Now, is it the purpose of this amendment to sweep from our statute book through all coming time, all the special legislation of the State of Maryland, upon this subject?

If this amendment is passed, I put this question to the convention: Would it be competent for any subsequent legislature to pass a law for the punishment of any crime or misdemeanor, that does not have an application over the entire limits of the State? Now what may be good and proper for us, may be very bad and wrong for Baltimore city or for Allegany county, or for the Eastern Shore counties. The object of all legislation in relation to crime is to correct the grievance. Now what may be a grievance in one county, or in one locality, may be anything else than a grievance in other parts of the State. I submit that if we adopt this amendment, the door to all legislation of this kind will be hermetically sealed to all future legislatures assembled in this hall, and representing the people of the State of Maryland.

Even if that would not be the effect of this amendment, I would oppose it, because of this other clause, relating to the practice of courts, &c. That is a question which you must leave to the control of the courts. The process by which business is to be done in the courts is something which you must leave to the courts themselves.

I say again, that in regard to the whole of these propositions, with perhaps two or three exceptions, we better let these things stand where our fathers, who sat in this hall