

The executive officer has the right to certify, but you must come back to the legislature at last in order to get the money out of the treasury. It is not safe to put such a provision in the treasury as this. The legislature must provide general regulations under which the comptroller of the treasury can decide whether a man has paid too much money into the treasury, and I think it would be safer to let the legislature make mistakes than to give power to the officers of the treasury to take money out of the treasury.

Mr. NEBLEY. The objection of the gentleman from Baltimore city (Mr. Stirling) I think is not a valid one. I think when the legislature of Maryland passes a general law covering the cases intended to be covered; that is, cases of money paid improperly into the treasury, specifying the mode and manner in which a certain tribunal shall investigate the claim; and upon the investigation and decision that the money has been improperly paid in, authorizing that tribunal or functionary to pay it back. Is not that refunding money out of the treasury by a law of the legislature? Unquestionably it is. The money is refunded by a law of the legislature, which authorizes the intervention of a tribunal to investigate the claim and adjudicate it.

Mr. STIRLING. The universal interpretation put upon the Constitution has always been that that provision means that each specific sum of money taken from the treasury must be appropriated in so many dollars and cents. My friend, the President of this Convention, (as comptroller of the State,) knows that such is the interpretation; not that it must come within the provisions of general law, but the specific amount to be paid to the individual must be drawn from the treasury by appropriation. Congress has created a court of claims and authorized them to adjudicate claims against the Government. Yet they do not provide that this certification of the court of claims shall constitute a warrant upon the treasury. But all those certificates of the court must go to Congress, who must determine whether the money shall or shall not be paid out of the treasury, and Congress does not direct the payment of one-half the claims which the court have awarded.

Mr. NEBLEY. The only difficulty would be this, that the proper tribunal, or the proper officers who may be authorized by general law to investigate into this improper payment, should report to the legislature, and they can pass an order to that effect. That would be a better way of providing for the refunding of this money than to allow members of the legislature, who know nothing about the case, to pay out money without any investigation at all.

Mr. GOLDSBOROUGH (President.) [Mr. Dent in the Chair.] I would suggest to the gen-

tleman from Baltimore city (Mr. Stockbridge) the propriety of modifying his proposition in the manner suggested by the gentleman from Washington (Mr. Negley.) This is a very important matter. I have, of course, had official connection with this matter, and know to what extent this matter has gone. The pending proposition is a mere prohibition upon the right of the legislature to pass private local measures or legislation upon this subject; that is the extent and object of this amendment. It does not deny to the legislature to pass a general law covering these cases. It does not deny to the legislature any power, which as the body representing the people, the entire people of the State, it necessarily possesses. It does not deny its inherent sovereign power to legislate for the whole body of the people of Maryland. It only prevents the legislature from being controlled by such influences which we have seen have grown up here from time immemorial. Ever since I have had any knowledge of legislative business, it has been possible for a man without the slightest shadow of right or justice, to smuggle a claim through the legislature, and that directly in conflict with the record in the treasury department.

I have myself, and so have my predecessors, issued certificates from that department containing statements of certain claims. And notwithstanding that official knowledge, still a powerful combination by local influences and local measures, have carried these measures through the legislature, in violation of the rights of the people in all other sections of the State. I do not say that the legislature should not possess this power; but I say that some check should be imposed upon its exercise. And I would suggest to the gentleman from Baltimore city (Mr. Stockbridge,) to append to his proposition this provision, or something like this:

"unless recommended by the governor and officers of the treasury department."

The legislature then will possess the power to pass these local measures, provided they are recommended by the proper officers of the government. I would be willing to go that far, but no farther. According to the present system it is a matter of very frequent occurrence that the most of the session of the legislature has been absorbed in local business to the entire exclusion of the public business of the State. Of what is that legislation composed? Of laws for the changing of names, road laws, fees of various officers throughout the State, changing the fees of the officers of Prince George's county, or any other county upon the Eastern Shore, or the Western Shore, and a variety of local legislation which ought to be intrusted to the local authorities, who have a full knowledge of the subjects to be acted upon.

But at present the claimants come here and appeal to members of the legislature, and