

stated the general assembly referred to be the general assembly that passed this law. I feel bound to say this, because I have been in the habit of trying to have the law distinctly understood by those concerned in it, and I could not agree with gentlemen here. I do say, therefore, never mind whether the law was right or wrong, whether lawful or unlawful, whether constitutional or unconstitutional, that, according to the theory which gentlemen have supported here, when that bill was submitted to the people and was adopted and sanctioned by them, that bill is a rule of conduct for us. We need not go back and ask what the law was before. That is the law from that hour.

These are the views I entertain, and they lead me to believe that any matter involving a simpler and plainer question of law, cannot well be contemplated.

Mr. DELLINGER moved the previous question.

Mr. JONES, of Somerset. This is a question of legal construction, and I think it is hardly proper to call the previous question on such a question until it is fully discussed.

Mr. SCOTT. I would ask the gentleman from Washington (Mr. Dellinger) to withdraw his motion for the previous question.

Mr. DELLINGER. I withdraw it.

Mr. BELT. I would like, in reply to some observations that fell from the gentleman from Baltimore city (Mr. Stockbridge,) to add one single remark to what has been said by my distinguished friend from Kent (Mr. Chambers,) and my learned friend from Baltimore county (Mr. Ridgely.) I understood the train of the argument of the gentleman from Baltimore city to be to the effect that the last general assembly, in voting this hundred dollars additional, had practically perpetrated some fraud, or exercised some corruption. Now I put it to that gentleman, and to every lawyer here, whether it is not a received principle of law in any body, especially one like this founded upon a law, and especially in a convention like this sitting at the very root of all law, that the first and primary rule of construction in reference to the act of a body like the general assembly of this State, is that it is to be interpreted in accordance to the best intent that can be put upon it? Every intendment of the law, every construction, every presumption is to be made in favor of the proper action of the legislature; not only upon the common maxim of law that all things that are done, are presumed to be rightly done until the contrary appears, but as was most ably and splendidly set forth, I remember, in Judge Martin's decision, and afterwards in the decision of the court of appeals confirming it, I refer to the police law. He said that he first felt bound to say that the law was to be presumed to be constitutional, because every thing done by the

general assembly was presumed to be constitutional.

And so in this case. Here the general assembly pass a joint resolution, nominally and expressly for the very purpose, as they say, for revising the law of mileage. And the resolution does so far revise it as to affix to it a certain sum, as had been done by previous legislatures. It comes before us as the act of the regularly organized legislative branch of the State government. And are we to stand here and say that it was the result of fraud and corruption? Is it proper legal construction for us to take the ground that that act of the legislature was done in any except the most honorable and proper mode in which they can exercise their legislative functions? Not only are we bound to presume that, but if there are different constructions which can be placed upon the law, are we bound, as lawyers and legislators, to search about among the different constructions that can be found, so as to put upon it precisely that construction which would tally with the constitutional power of the legislature. And if we can possibly find such a construction, we are bound to take it and none other.

Now the construction which has received the assent of nearly all the lawyers of this body, is that this act of the legislature was a change, a readjustment of the question of mileage, and was entirely proper and constitutional. And it seems to me that, upon every just principle of law, it is our duty, until the contrary shall be made manifest by evidence, to take that as the proper rule of action for this body. These are all the observations I desire to make.

Mr. ECKES moved the previous question.

Mr. JONES, of Somerset. I trust that will not be sustained.

The motion for the previous question was not seconded.

Mr. JONES, of Somerset. This question is entirely new to me, not having been present when it was agitated on a former occasion. But on listening to the debate, and looking at the law, I entirely concur in the opinion expressed by the gentleman from Anne Arundel (Mr. Miller) and the gentleman from Kent (Mr. Chambers.) It is a question of statutory construction, and I was surprised to hear gentlemen so well versed in the rules of law which govern such a question as the gentlemen from Baltimore city, (Messrs. Stockbridge and Daniel,) referring to what took place in the house of delegates of the last general assembly, and to the injustice and inequality of the resolution about mileage adopted by that assembly, as reasons for their construction. We must look at the law as it stands upon the statute book, and interpret its meaning by the well known rules of construction of statutes. Now what is the case? The constitution provides that "no money shall be drawn from the treasury of the State,