

requirements of that act

By the act of 1839 Chapter 33 the appropriation of one thousand dollars charged upon the interest accruing upon the surplus fund by the act of 1827 Chapter 173 is superseded, and in substitution thereof, the like sum of one thousand dollars is appropriated out of the revenue to accrue to the State from the Baltimore and Washington Rail Road.

This was the state of the law at the date of the passage of the act of 1849 Chapter 209, by which it will be seen that there was then an annual appropriation of thirty five hundred dollars for the benefit of the deaf and dumb, and an annual special appropriation chargeable upon the revenue to be derived from the Baltimore and Washington Rail Road, of one thousand dollars for the benefit of the deaf and dumb with a reserve interest in the fund appropriated by the act of 1827 Chapter 173 applicable to the like purpose.

The question upon which my opinion is requested is as to the operation of the act of 1849 which relates exclusively to the urgent blind, and does not affect otherwise than incidentally the provisions for the instruction of the deaf and dumb.

In the first place, I think it is clear, that the act in question repeals the acts of 1837 Chapter 173 - 1839 Ch. 28 - 1839 Ch. 33 (in so far as the urgent blind are concerned), and 1846 Chapter 132 - and it does this not only by force of the title and repealing section, but by the tenor of the remaining sections of the law which created a new system altho' substantially recualling the repealed provisions of the pre existing acts of which it was the obvious design of this act to supersede the operation.

The effect of this law is to unfetter the appropriation of thirty five hundred dollars made for the benefit of the deaf and dumb by the act of 1827 Chapter 173 from the charge contingently imposed upon it by the act of 1839 Chapter 28, and to supersede the appropriation for the benefit of the blind, out of the revenue of the Baltimore and Washington Rail Road, made by the act of 1839 Chapter 33. It moreover throws the whole system upon the interest of the surplus revenue for a support. That alone is appropriated by the act, and that only can be legitimately applied to the accomplishment of its objects. Upon this fund the Governor may draw, upon no other has he the authority to draw, and from no other can the Treasurer rightfully pay.

It becomes therefore material to enquire into the condition of the surplus revenue fund with a view to ascertain how far the appropriations under the act of 1849 is available.

The first act passed by the General Assembly in regard to this fund is that of 1836 Chapter 220 which appropriated the sum of two hundred and seventy four thousand, four hundred and fifty one dollars, thereof to the payment of the public debt already created and other expenses of the Government, and invested the Treasurer of the Western Shore with the requisite authority to apply it to the purposes of the act.

The fourth section directed the residue of the fund to be deposited in some Bank or Banks in the Treasurer's discretion at five per cent interest which it distributed amongst the Counties (and)