

state of the question, under the different amendments which had been adopted.

Mr. CHAMBERS explained, in detail, the various particulars involved in the amendment of the gentleman from Baltimore, to show that it included all the provisions which the Convention, by its previous votes, had expressed a willingness to adopt, except only a portion of the amendment of the gentleman from Caroline. He advocated the system of codification, and would agree to the plan of simplifying the system of special pleading, as it seemed to be the wish of the Convention. He suggested various difficulties which must result, if the Convention adhered to the portion of the amendment which was now omitted. He was aware how difficult it was for gentlemen who had cast their votes in favor of it yesterday, to surrender pre-conceived and pre-expressed opinions. It was a false pride, though common to us all. But he did believe, if persisted in, this necessity to repeal or re-enact every thing in a former law having an "object" in common with the new law, would result in many and great mischiefs. It would require infinite labor and a large share of legal investigation in every case, and very often the result would be, that the new law, by its repealing clause, would operate upon previous provisions never intended to be repealed; or if there were no repealing clause, the new law would not be pursuant to the Constitution for the want of a full enumeration and re-enactment of all the previous provisions having a common object. He denied that after the experience of its mischiefs in a few instances, it would prevent incompetent persons from attempting to draft acts of Assembly. Every session would bring in new members of that class; and the last to perceive his incompetency would be the incompetent member. Experience of others would never profit such a man. Bad as it might be to have a law drafted so obscurely as to make it difficult or even impossible to give it operation, it was worse to have this additional mischief, that useful provisions of pre-existing laws should be annulled when no one desired or designed to repeal them.

He illustrated these positions and strongly urged the adoption of the amendment of the gentleman from Baltimore.

Mr. THOMAS made a brief reply, in which he further illustrated the arguments he had made on several previous occasions. He enforced the position he had formerly taken, that parts of some laws ought not to be amended without rendering it necessary to re-enact the whole, because all other parts would be affected by the change of a part. He referred to the acts granting charters to banks and other corporations, which contained a number of conditions and restrictions occupying various sections, and to the practice which prevailed, of lobby members coming here for the purpose of obtaining supplementary acts for the purpose of repealing such sections as were most onerous, and said that our statute books were swelled out by these numerous supplements passed by Legislatures that did not see their effect. He wished to avoid this inconvenient multiplication of laws. He could not see that any obsta-

cles would be thrown in the way of present legislation by the course he recommended. He thought that by it this danger would be avoided, of surprise on the Legislature, when the section to be repealed or amended and the whole act of incorporation, of which it was a part, were printed and laid before the House, having the question of repeal under consideration.

Mr. CHAMBERS thought much difficulty would grow out of the use of indefinite language. An act of Assembly often has a variety of "objects." It cannot be necessary to re-enact a whole law, perhaps a long one, and to republish it because a new law changes some one of these objects, or provides a new and additional rule concerning them. He instanced cases that might occur in regard to the testamentary act, which is almost a volume of itself.

He did not perceive how the proposed prevention of frauds was to be accomplished by it, as suggested.

If, as has been said, members of the Legislature would not look at provisions in a printed volume, lying open before them, containing the laws of a previous session, to learn the character of a bank charter or any other charter, why should we expect them to look at the pages of another document? Nothing but a blind confidence, which closes the eye to all means of information, except from the party confided in, could occasion such gross and culpable neglect of duty. Mispaced confidence under any system will end in fraud. Even in this wonderful age of "progress," that great desideratum was yet to be attained—"a mode to prevent the cunning knave from overreaching the credulous and unsuspecting."

He pointed out various advantages as likely to ensue from the adoption of the amendment of the gentleman from Baltimore.

Mr. GWINN said:

That the gentleman from Kent, had so thoroughly established the unreasonableness and inconvenience of the proposition of the gentleman from Caroline, that he would not recur to any portion of the argument upon that head. He desired, however, to answer an illustration, used by the gentleman from Frederick. Admit that a charter had been obtained, by the person alluded to, which conferred, by way of supplement, extraordinary powers upon any corporation. What did it prove? Why, surely, if the charter went beyond the intention of the Legislature, it demonstrated only that the Legislature had been imposed on, or that the committee, which had charge of that branch of the public business, had not paid proper attention to their work. Nor did he see how the mistake could ordinarily occur. For if a bill repealed an act by its title, or a section by its number, it was not likely that any committee would be so grossly neglectful, as to omit the examination of that which they designed to repeal, and if any thing were added it would speak for itself.

If the whole law were to be re-enacted, worse errors would occur. By a supplement, the only mischief done, was what its terms accomplished. But if the theory of the gentleman was true, and whatever was omitted was repealed—indefinitely