

by law for publishing reports of cases argued and determined in the said court."

Determined in the affirmative.

Mr. SCHLEY, moved further to amend the amendment by adding at the end thereof the following:

"And at the city of Frederick, for the hearing of appeals from the counties of Allegany, Washington, Frederick, Carroll, and Montgomery, on the first Monday of May and September, in each and every year."

Mr. SCHLEY. My object in offering that amendment is palpable upon the face of it. It is to promote the convenience of suitors and lawyers in the counties embraced in the amendment. It does not interfere at all with the arrangement of the business in other parts of the State. We only ask that we of the Western part of the State, may not be compelled to go to Annapolis to attend the Court of Appeals; but that the Court of Appeals shall come to the city of Frederick. The only plausible objection would be the want of a library, and I venture to say that the libraries in the city of Frederick are vastly superior to the library here in the State House.

Mr. BRENT. I move to postpone for the purpose of making a few remarks. I am opposed to this proposition. I believe it is merely for the convenience of lawyers, and that the suitors have nothing to do with it. The suitors never have any thing to do with the Court of Appeals; and there is no sort of reason for the attendance of the clients, unless to hear the argument.

Again, sir, we shall be called upon for a Court of Appeals somewhere on the Eastern Shore, and another perhaps for the Potomac counties. They may have very good libraries in Frederick, but they are not public libraries; and the Judges would necessarily be indebted to the bar for every book which they should have occasion to examine; and some of the counties have scarcely any private libraries of value. Then, sir, what is to become of the records of these courts? Are they to be scattered in fragments all over the State of Maryland? Why not have them concentrated here, where every one can have access to them? Whatever arguments there might be in favor of such a proposition in the large States of Virginia, Pennsylvania, or New York, I hold that the arguments do not apply to Maryland. This is a small State, with ample facilities of communication. The court also have occasion frequently to refer to the minutiae of a case, not to be found in the printed report, to learn the precise facts on which a case in point was decided. I see no reason, then, why, in order to accommodate lawyers, we should have an itinerant Court of Appeals. Rather have but one court and one clerk, and then you will always know where to search for titles which have passed through your highest court.

Mr. DAVIS moved to strike out the word "Montgomery."

The PRESIDENT ruled the amendment not to be in order.

Mr. JOHN NEWCOMER demanded the yeas and

nays; which were ordered, and, being taken, resulted—yeas 20, noes 49—as follows:

*Affirmative.*—Messrs. Hicks, George, Thomas, Gaither, Biser, Sappington, Thawley, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Kilgour, Weber, Slicer, Fitzpatrick, Smith, Parke, Shower and Cockey—20.

*Negative.*—Messrs. Chapman, (President,) Morgan, Blakiston, Dent, Hopewell, Ricaud, Lee, Donaldson, Dorsey, Wells, Randall, Sellman, Jenifer, Buchanan, Lloyd, Dickinson, Jas. U. Dennis, Crisfield, Dashiell, Williams, Hodson, Goldsborough, Eccleston, Miller, Bowie, Tuck, Sprigg, McCubbin, Spencer, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Johnson, McHenry, Magraw, Nelson, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Ware, Davis, Brewer, Waters, Anderson and Brown—49.

So the amendment was rejected.

Mr. JOHNSON moved to amend said substitute by adding at the end thereof the following:

"And at such other times and places as the Legislature may by law direct."

Mr. J. said: I am opposed and vote against having a migratory court of appeals in all the counties. There may be occasions, though, in the future, when in some central point in the various districts, it may or may not be necessary that the court of appeals should be held. I, therefore, would not close up future contingencies that may arise, and I think that the Legislature of Maryland is a very safe depository to repose that confidence in. Their judgment, their wisdom in the future can judge of the times and circumstances that it may or may not be necessary to hold a court, say once on the Eastern shore, once here, and once in Western Maryland. Therefore, I am willing to leave that under the entire discrimination of the Legislature. It may or it may not be wanted. I am unwilling that this Convention should settle that, for certainly there is not a legislature that will meet here but what will have every thing around them necessary to guide them in this matter. Hence it is I made that motion, leaving it to the discrimination of the Legislature to judge of the future, as the future may occur to judge of circumstances as they may arise, and of emergencies as they may think it necessary to meet them.

Mr. SCHLEY asked the yeas and nays on agreeing to the amendment, which were ordered, and being taken, were as follows:

*Affirmative.*—Messrs. Buchanan, Spencer, George, Thomas, Johnson, Gaither, Biser, Sappington, Nelson, Thawley, Gwinn, Stewart of Baltimore city, Sherwood of Baltimore city, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Weber, Slicer, Fitzpatrick, Parker, and Shower—24.

*Negative.*—Messrs. Chapman, (President,) Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Donaldson, Dorsey, Wells, Randall, Sellman, Jenifer, Lloyd, Dickinson, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Miller, Bowie, Tuck, Sprigg, McCubbin, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, McHenry,