

which has been practiced under in the courts of the United States for the last sixty years, and in the construction of which there never has arisen the slightest difficulty. It is strange that, with the decisions of that court to guide us in the construction of the clause, that we should talk about the novelty of an amendment. I cannot comprehend such a course of argument. I withdraw the motion to postpone.

Mr. STEWART, of Baltimore city, withdrew the amendment submitted by him, stating that he intended it as an amendment to the 12th section, and not to the one under consideration, the 11th.

Mr. SPENCER then offered as a substitute for the 11th section of the report the following:

"There shall be in the city of Baltimore three courts, one to be called the common law court, the other the equity court, and the other the criminal court, with one judge to each; provisions may be made by law for the establishment of a police court."

Mr. SPENCER. By a vote which has been recently had by this Convention, it would seem that it has determined that there shall not be a court of equitable jurisdiction exclusively for the city of Baltimore, and that more than three courts should be allowed to her.

Mr. BRENT, of Baltimore city. Including the criminal judge.

Mr. SPENCER. Including the criminal judge. I have offered this proposition as a test vote. I have not undertaken, in the amendment, to carry out any details, the jurisdiction, the mode of electing the judges, &c. My purpose is to know if the Convention has determined to give but three courts to the city of Baltimore. I am still in favor of giving a district equity court.

Mr. BUCHANAN. I understand that the gentleman's proposition provides for a judge of the common law court, a judge of the chancery court, and a judge of the criminal court. I shall vote for it.

Mr. SPENCER. There was a remark which fell from my friend over the way, in relation to which I intended to make a personal explanation; but my friend from Carroll called for the previous question, and prevented me from so doing. I said, yesterday, that the committee on the judiciary had unanimously reported in favor of abolishing the chancery court. I say that now. It is true there was a portion of the committee who dissented from that report; yet at the time the report was made there was not a member of the committee who objected, so far as my knowledge went, to the abolition of the chancery court. At least no such dissent was signified here in this hall. There were gentlemen in the Convention who, when the vote was taken upon the abolition of the court, did vote against it. But it having been carried, there was a general acquiescence in the report made in this behalf, as he (Mr. S.) understood.

Mr. RANDALL. I would inquire of the gentleman if it was not agreed, by every member of the Convention, that this report should be made, and that no member of the Convention

should be bound by any thing in that report, in his action in the Convention?

Mr. SPENCER. Just the reverse. The gentleman and myself, and one or two more, wholly dissented from the report. But a majority of the committee, according to my recollection, agreed that the report should be made, as their report, as well as the report from the chairman.

Mr. MORGAN. I agreed that the report should be made. I understood, as my friend from Anne Arundel, (Mr. Randall,) that every gentleman should come in here, and should have a right to offer any objections to the report which he chose. This is also the recollection of my friend from Kent, Mr. Ricard. In reference to the abolition of the chancery court, I did vote for the abolition of it, in committee, as proposed in that bill, under the conditions therein contained, because it was impossible to retain it in committee as a court of original jurisdiction.

Mr. SPENCER was about to proceed with his remarks, when

The PRESIDENT announced that the ten minutes allowed by the rule had expired.

Mr. BRENT, of Charles. I move to postpone the further consideration of this report, and my only object in doing so, is to be in order while I make a single remark. I happen to be a member of the judiciary committee. I have heard it more than once stated here by gentlemen, that the members of that committee were pledged to sustain the several propositions reported in the bill now under consideration. This is a mistake. The majority of that committee consented to the report of the bill, with the view of bringing the subject of the judiciary before the Convention, with the understanding that each one had full liberty to sustain or not, upon this floor, its several parts. I make these remarks, that it may not be again said the members of that committee are pledged to the support of this bill. I withdraw the motion to postpone.

Mr. SPENCER. The gentleman will allow me one word. I submit to the Convention, if it is air, when I am in the midst of a statement, before my statement is made to the Convention, on a matter personal with regard to what took place, that my statement should be intercepted half-way? I can say that, although it was understood that certain gentlemen reserved the right to do as they pleased when they came in here, yet I say, in reference to the subject matter of the report, that it was agreed, by a majority of the committee, that it should be presented as their report, and that the committee were generally in favor of the abolition of the chancery court.

Mr. BRENT, of Charles. My remarks were not designed to refer so much to the remarks of the gentleman from Queen Anne's, (Mr. Spencer,) as to those which have been made by others in this Convention. I only desired to place the members of the Committee in their true position, and am pleased to see that a majority of the members of that committee assent to my statement. In reference to the court of chancery, I will state that I favored in committee the plan of abolishing it—provided a separate judge, with chancery as well as common law