

constitution. Alterations would be necessary only in those sections which provide for the division of the State into judicial circuits. I think it would simplify the whole matter and tend greatly to facilitate the action of this convention, if some such course as that was adopted.

Mr. RIDGELY. The difficulty about the course suggested by the gentleman from Howard (Mr. Sands) appears to be this: the gentleman knows very well, that according to fixed parliamentary law, the friends of a measure are entitled to the privilege of perfecting their measure before the house, and no vote upon a substitute for the entire proposition could be taken before the friends of the pending proposition had had an opportunity of perfecting. Hence the course he has suggested could not be adopted.

Mr. SANDS. I suppose it can be done by general consent.

Mr. RIDGELY. It is hardly to be presumed that that general consent could be had. I should have no objection in the world to that course, if the house would give general consent. I think myself it would be the preferable course. But in view of the fact that this barrier interposes itself to the consideration of the proposition in that form, unless the gentleman can assure us that there will be general consent, (which I think is extremely problematical,) there is no other mode of reaching the end which the gentleman from Baltimore city (Mr. Audoun) has in view than the one he has proposed. If the sense of the house is that the existing judiciary system should be adopted, then they will vote for it in some form, perhaps by amending the instructions to the committee so as to make them conform to the sentiment of the house.

We are, of course, not obliged to adopt the proposition in the specific form offered by the gentleman from Baltimore city (Mr. Audoun.) It is like all other propositions, open to amendments and modifications. But if it be the object of the house to deliver itself from the interminable confusion in which it seems to be involved at this moment, by reason of the multiplicity of the propositions and amendments which encumber the subject as it is now before the house, this is a ready mode of reaching that end. If it is not prepared so to do by the specific instructions which accompany the motion made by the gentleman from Baltimore city, it can supersede those instructions by others. But I think sufficient has transpired here to satisfy the members of this convention that the report made by the committee on judiciary will not pass this house; that it cannot pass this house; that we shall be engaged here from day to day in discussing the subject, occupy a long period of time, and then, like our experience upon the usury question, perhaps get back finally to where we started from. Therefore, to avoid that delay, and to prevent the protraction of

the session, it seems to me that the gentleman from Baltimore city (Mr. Audoun) has adopted a very wise plan to ask the house to recommit this report to the committee with instructions. If the house is prepared to instruct the committee to adopt the existing judiciary system, with such modifications as have been suggested, it can manifest it at once. I for one will vote for this recommitment with pleasure.

Mr. DANIEL. I rise to renew the motion to lay on the table. I wish to say that being a member of the committee on the judiciary—

The CHAIRMAN (Mr. Pugh.) The motion to lay on the table is not debatable.

Mr. THOMAS. I would inquire if we adopt this order of my colleague (Mr. Audoun,) and the judiciary committee should bring in a report in accordance with these instructions, are we bound by that report, and cut off from offering amendments to it?

Mr. RIDGELY. Certainly not.

Mr. DANIEL. That shows that this debate will all have to be gone over again.

Mr. CUSHING. We will get rid of pending amendments.

Mr. AUDOUN. I have conversed, I believe, with a majority of the members of this house, and I think they are anxious that this plan should be adopted. They are desirous to bring the session to a close, and to go home. And this is the only way that I see that can accomplish that.

Mr. DANIEL. That will be tested directly. My object is—

Mr. KENNARD. I hope my colleague (Mr. Daniel) after speaking on this question himself as much as he desires, will not insist upon his motion to lay upon the table, as there may be other gentlemen who desire to speak upon this question.

Mr. DANIEL. Well, I will not make that motion now, I will say what I said before, and what, as a member of this committee, I know to be true; that this recommitment will cause a great deal more delay. There will be great difficulty I think in getting that committee together, and getting them to act sufficiently to draw up an entirely new system.

And what work is there left for this house to do? There is one little report, the report of the military committee. Here we are with a full house, having sessions night and day. I think this house can perfect this judiciary system a great deal quicker than the judiciary committee can. I am as anxious to save time as is my colleague (Mr. Audoun.) But I think this house has come pretty much to the conclusion to adhere to the old judiciary system in a great measure, and if it has I do not see how there can be much debate or difficulty about the matter. If the house has come to the conclusion that the old system is the best one, then why send this matter back to the committee, and have it come back to the house, and have all the discussion over it?