

my accepting the amendment, I do not accept it. But the gentleman can offer it as an amendment to my substitute, and have a vote upon it.

Mr. AUDOUN. I will accept the proposition of the gentleman from Allegany (Mr. Hebb) in lieu of the one I submitted.

The question was upon the order submitted by Mr. HEBB.

Mr. GALLOWAY. If this report, together with all the amendments that have been offered to it, is to be referred back to the committee, I think some time should be fixed for them to report it back again.

Mr. RIDGELY. That can be done after we have voted upon the order of reference.

Mr. GALLOWAY. As I understand, the chairman of that committee, and three or four of its members are absent. If this report is to go back to the committee, with all these amendments, the time may be far distant when we will ever hear from it again. I want some time mentioned.

Mr. STIRLING. I think it would be well, as the gentleman from Harford (Mr. Galloway) suggests, to insert a clause directing the committee to report by a certain day. And I would also suggest that so many of the committee as are present be authorized to act. And if they do not report by the day fixed, then that the matter be referred to a special committee.

Mr. SMITH, of Carroll. If there was any unanimity of sentiment in reference to referring this report back to the committee, then I should think it would be well to act upon the suggestion of the gentleman from Baltimore city. But there is manifestly so wide a difference of opinion upon the subject, that it seems to me that it can only result in what the gentleman desires to avoid—a waste of time. We have barely a quorum present now, and it would be perfectly competent for a full house to-morrow to reconsider what we may do to-night. And even if the report goes back to the committee with certain instructions, it would be perfectly competent for the majority of the convention when they shall have again reported, to destroy the very effect of this recommendation. And the result will be, besides the difficulty that will be encountered of assembling a committee together, four or five of those members are absent, we will start again just where we are now, and all this time will be lost. It seems to me the better plan would be to take up the several propositions already submitted and act upon them. One or two votes will determine the sense of his convention upon the general proposition, and then we can systematize the details as we may think proper.

Mr. THREASTON. If this report is referred to the committee with instructions to make a certain report, any member of the committee present can make that report. It is not neces-

sary for a majority or two-thirds of the members of the committee to be present to do it. It is a mere formal matter; the committee act under instructions; there is nothing whatever left to their discretion, and any number of the committee can make the report. Therefore I think the objection of the gentleman from Carroll (Mr. Smith) is not well taken.

Mr. SANDS. I move to amend the order of the gentleman from Allegany (Mr. Hebb) by striking out the words "nine judicial circuits, instead of eight," and inserting "such number of judicial circuits as the committee may deem necessary to meet the public necessities."

The question was upon the amendment submitted by Mr. SANDS.

Mr. STIRLING called the yeas and nays upon this question, and they were ordered.

The question being then taken, by yeas and nays, it resulted—yeas 39, nays 18—as follows:

*Yeas*—Messrs. Abbott, Billingsley, Blackiston, Briscoe, Brown, Chambers, Cunningham, Daniel, Dellinger, Dent, Earle, Ecker, Edelen, Gale, Galloway, Hebb, Hodson, Hollyday, Horsey, Lee, McComas, Mitchell, Miller, Morgan, Negley, Nyman, Parker, Parran, Pugh, Robinette, Russell, Sands, Smith, of Carroll, Swope, Sykes, Thomas, Thruston, Turner, Wooden—39.

*Nays*—Messrs. Annan, Audoun, Bond, Carter, Cushing, Hopper, Keefer, Kennard, King, Mayhugh, Mullikin, Murray, Purnell, Ridgely, Schley, Smith, of Worcester, Stirling, Wickard—18.

The amendment was accordingly adopted.

Mr. SMITH, of Carroll, when his name was called, said: While I am opposed to recommending this report at all, believing that it will result in no good but only a waste of time, still I think the proposition made by the gentleman from Howard (Mr. Sands,) is more acceptable, and better in many respects, than any other offered, I therefore shall vote for it.

Mr. STIRLING. Now in order to prevent the committee having the right to go back to the one-judge system, I move to amend, by inserting after the words "judicial circuits" the words "not exceeding twelve."

The question being taken upon the amendment, upon a division—ayes 35, noes not counted—the amendment was adopted.

Mr. STIRLING. I now move to add a clause to the order as amended, instructing the committee to report by Thursday next at twelve o'clock, M.

Mr. SCHLEY. I hope the gentleman will make it "to-morrow at one o'clock," and that the committee have leave to sit during the morning session of the convention.

Mr. STIRLING. I do not think that till day after to-morrow is too much time to give the committee. The whole report must be drawn up in some shape.