

Mr. SCHLEY. Then I move to amend by instructing the committee to report to-morrow at one o'clock.

The CHAIRMAN (Mr. Pugh.) The question will be first taken upon the longest time.

The question was upon the amendment of Mr. STIRLING, instructing the committee to report by twelve o'clock, M., on Thursday next.

Mr. DANIEL. I think it would be better, and would save time, to refer this to a special committee at once. The chairman of the committee is away, and some four members of the committee have been excused from attending for a few days. I do not think any other member of the committee will take the responsibility of calling the committee together. I hope some friend of the measure will amend it so as to have a reference to a special committee.

Mr. SANDS. I do not know whether it would be a very respectful course towards the committee, who have taken a great deal of trouble to report a system, to oust the standing committee and appoint a special committee to take charge of the subject. I never heard of a procedure of that sort before, and I should hardly like to see it adopted here.

Mr. THRUSTON. I would like to state for the information of the house, that the chairman of the judiciary committee (Mr. Stockbridge) asked me to push the report as much as possible, and not mind his absence. He said he would like to see good progress made during his absence.

The question was then taken upon the motion of Mr. STIRLING to instruct the committee to report by twelve o'clock, M., on Thursday next; and, upon a division—ayes 29, noes 21—it was agreed to.

The question recurred upon the order as amended.

Mr. THOMAS. As I understand it, this order instructs the committee to report upon everything except the part relating to the court of appeals; it takes it for granted that that portion of the report is adopted. I find by reference to pages 489 and 490 of the journal of proceedings that section twelve of the judiciary report, being the first section in relation to the court of appeals, was adopted in so far as the amendment of the gentleman from Allegany (Mr. Thruston) was concerned. But there was an amendment offered by myself which was still pending at that time, which upon motion of the gentleman from Carroll (Mr. Smith,) was laid over informally. The inquiry I wish to make is whether this amendment of mine goes to this committee, and they are to report upon it also.

Mr. SANDS. I can explain to my friend how this matter stands. About the time we were passing this section, some one suggested that a substitute had been offered for it by the gentleman from Baltimore city (Mr. Thomas.) Then some gentleman on the floor stated that

he had understood from the gentleman from Baltimore city, who moved that substitute, that he had no interest in pressing it, did not care to do so. He was absent sick, and unable to be in his place. And it was under these circumstances that the section was adopted.

Mr. THOMAS. The journal says that it was informally passed over. I understand on account of my absence. So far as my giving up my substitute is concerned, I never dreamed of such a thing; and furthermore I never said so to any person at any time.

Mr. SANDS. That was stated on this floor. Mr. THOMAS. Then whoever said so, stated that which was not true.

Mr. MILLER. When the judiciary report comes up for action, will it be open to amendment so far as the part relating to the court appeals is concerned?

The CHAIRMAN (Mr. Pugh.) That is for the convention to determine.

Mr. MILLER. Then the vote already taken upon it is for nothing. I want to get back to the appointive system for the court of appeals.

Mr. STIRLING. The convention has passed upon that subject.

Mr. MILLER. The question I want to ask is this; when this report comes back from the committee, will it be open to amendment like a new report, and can you offer an amendment to any part of it?

Mr. RIDGELY. It will all be open to amendment.

Mr. BRISCOE. It seems to me that our object ought to be to make some progress. Our action here to-night, it seems to me, is very much like the action of a spavined horse; there is a great deal of movement, but no great amount of go about it. As I understand the sentiments of the judiciary committee, it is in favor of dividing the State of Maryland into eight judicial circuits. I do not understand that that conclusion upon the part of the committee has been changed since they submitted their report. And there has not been any expression of sentiment in this house, as heretofore expressed, so far as I understand it, that there shall be either a greater or less number of judicial circuits than the committee reported. And we are about to vote upon a proposition to send this subject back to the committee and ask them to report what kind of division they think should be made, when they have heretofore told us they wanted the State divided with eight judicial districts. And of course when they bring the report back again it will be with the veridical number of judicial districts it now contains.

Mr. STIRLING. That cannot be so, because the eight-district system was based upon the principle of having three judges to each circuit. This order cuts up the three-judge system, for it says the committee shall adopt the present judiciary system, which is a one-judge