

nience under the present system. That is the reason I presume that these gentlemen are divided upon that question.

Mr. THURSTON. I understand that the gentleman from Calvert alluded to me in his remarks just now. I did not hear his remarks.

Mr. BRISCOE. I alluded to the gentleman from Allegany as having voted for the substitute of the gentleman from Anne Arundel (Mr. Miller.)

Mr. THURSTON. Yes, sir. I voted with the majority; but I would like to know what the gentleman said upon the subject.

Mr. STIRLING. It was in answer to my argument.

Mr. THURSTON. Very well. I say this: It does not disturb the orphans' court. The judge elected is elected by the people as much as any member of the orphans' court is now elected by the people. If gentlemen come here to get their opinions of the popularity or unpopularity of certain measures, they will all differ. I think it will make this popular. I know that our people will suffer inconvenience under the old system, and I think this will commend the constitution to the people rather than the reverse. Where we differ upon these questions the right way is to look at the measure itself, and see whether it conduces to the public weal. If it does we should vote for it, unless we are positively certain that it will have a damnifying effect. If it is conducive to the public good, we have a right to presume that the public will see that and appreciate it. Therefore I think we ought not to give such considerations any weight whatever.

Mr. NEGLEY. I voted for this proposition of the gentleman from Anne Arundel (Mr. Miller,) and I will continue to vote for it. I believe that instead of damaging the constitution, it will have a great tendency to bring to its support a large number of persons. There was a large class of people in Washington county that were favorable to the old system, the appointive and three-judge system. This is a compromise between the old three-judge system and the appointive system, and the elective system with one judge. We have the elective feature. We have the three-judge characteristic. And I do believe that friends of the constitution that might have been prejudiced against it, under the elective system merely will be induced under the three-judge system to vote for it.

It does correct two evils we have labored under. We have labored under the curse of a special judge system. I have in my pocket a letter I received from one of the first citizens of the county asking that something might be done to give some relief from the curse of the special-judge system. He happened to be one of those who had business in court, and saw how it operated. By electing one judge in each county, we get rid

of the expense and the nuisance of appointing special judges. And we get rid too of the trouble and difficulty of sending from Washington county, sixty-six miles to have an injunction issued, or to have some equity paper signed. These are two, and the only two grievances in regard to the operation of the present system that our people have complained of. Any system that will relieve our people of these grievances, I am sure will meet with their approbation, when it does not increase the expense to the State over fifteen or twenty thousand dollars, which is its utmost limit of increase in expense over the present judiciary system, and for this little additional expense I think the people of the State will be largely repaid. I am decidedly in favor of it, because I feel absolutely certain that unless we get this system, the convention will go back to the present system, and we shall still be forced to put up with these manifold inconveniences.

Mr. KEEFER moved that the convention do now adjourn.

Mr. SMITH, of Carroll, demanded the yeas and nays, which were ordered.

The question being taken the result was—yeas 21, nays 39—as follows:

*Yeas*—Messrs. Abbott, Chambers, Crawford, Cunningham, Cushing, Dellinger, Gale, Galloway, Hoffman, Hopper, Horsey, Keefer, Kennard, King, M'lybush, McComas, Mullikin, Schley, Stirling, Thomas, Wooden—21.

*Nays*—Messrs. Goldsborough, President; Annan, Belt, Berry, of Prince George's, Billings'ey, Blackiston, Briscoe, Brown, Dent, Duvall, Ecker, Edelen, Farrow, Hebb, Hodson, Hollyday, Hopkins, Johnson, Landale, Lea, Mitchell, Miller, Morgan, Murray, Negley, Nynan, Parker, Parran, Pugh, Purnell, Robinette, Russell, Sands, Smith, of Carroll, Smith, of Worcester, Swope, Sykes, Thurston, Turner—39.

The convention accordingly refused to adjourn. The question recurred upon the adoption of Mr. MILLER'S amendment as an amendment to the original section reported by the committee.

Mr. THOMAS. I desire to submit but one remark in relation to this proposition. Were it not for the fact that I represent a constituency that I know will be obliged to pay for this new judicial system that is proposed to be inaugurated in the State, at least the greater part of it, I would not trouble the convention by making any remarks upon it. But I say now that unless the counties will agree to pay for this luxury they intend to have, there are thousands of people in my city that will not support your constitution. They have been taxed enough. The gentleman from Anne Arundel (Mr. Miller) seeks to convince the convention that by adopting this system you get rid of special judges. I will ask the gentleman from Anne Arundel