

There have been times when this matter in England was a matter of grave doubt. It was a long while before it was settled in England that if a jury should undertake to bring in a verdict contrary to the instructions of the judge, upon the law, that the jury was not liable to be punished for so doing. It was not until the great libel case; when it was asserted and maintained with great power that it was the principle even under the common law that the jury were the judges of the law and of the fact. I ask how it would be in the case of the defence of a man honestly entertaining views of the law different from those of the judge; what lawyer would undertake to give his views of the law to the jury, if the court could put him down? He could not go on and argue it, as he can under this provision of the law, as it now stands. For these reasons I shall vote against striking out this section.

On motion of Mr. NEGLEY,  
The convention took a recess until 8 o'clock,  
P. M.

#### EVENING SESSION.

The convention met at 8 o'clock, P. M.

The roll was called, and the following members answered to their names:

Messrs. Goldsborough, President; Abbott, Annan Audoun, Baker, Barron, Belt, Briscoe, Brooks, Brown, Carter, Chambers, Clarke, Cunningham, Cushing, Daniel, Davis, of Washington, Dellinger, Dent, Duvall, Earle, Ecker, Farrow, Galloway, Greene, Hatch, Hebb, Henkle, Hollyday, Horsey, Jones, of Cecil, Kennard, King, Lansdale, Lee, Marbury, McComas, Miller, Morgan, Mullikin, Murray, Negley, Nyman, Parker, Parran, Purnell, Ridgely, Russell, Sands, Schley, Schlosser, Scott, Smith, of Carroll, Smith, of Worcester, Sneary, Stirling, Stockbridge, Sykes, Thomas, Todd, Turner, Valliant, Wickard, Wooden—64.

#### THE SCHEDULE.

The convention resumed the consideration of the report of the committee on the schedule.

The question being on the adoption of the amendment submitted by Mr. CHAMBERS, to strike out the sixth section of the report, as amended as follows:

"Sec. 6. In the trial of all criminal cases, the jury shall be the judges of law as well as fact."

The amendment was rejected.

The next section was read as follows:

"Sec. 7. The trial by jury of all issues of fact in civil proceedings, in the several courts of this State, where the amount exceeds the sum of five dollars, shall be inviolably preserved."

No amendment being offered, the next section was read as follows:

"Sec. 8. The general assembly shall have

power to regulate by law, not inconsistent with this constitution, all matters which relate to the judges of election, time, place, and manner of holding elections in this State, and of making return thereof."

Mr. DUVAL submitted the following amendment:

Amend by striking out "not inconsistent with this constitution," in the second line.

The amendment was rejected.

No further amendment was offered.

The next section was read as follows:

"Sec. 9. All officers, civil and military, now holding office, whether by election or appointment under the State, shall continue to hold and exercise their offices according to their present tenure, unless otherwise provided in this constitution, until they shall be superseded pursuant to its provisions and until their successors be duly qualified, and the compensation of such officers which has been increased by this constitution, shall take effect from the first day of January, 1865.

No amendment was offered.

#### COMMISSIONERS OF REVISION.

Mr. STOCKBRIDGE submitted the following amendment:

Insert as an additional section the following:

"Sec. 10. It shall be the duty of the governor immediately after the adoption of this constitution, to appoint two "commissioners of revision," whose duty it shall be to prepare and present to the general assembly at its first session thereafter, drafts of all bills which the general assembly are required by this constitution to pass, or which may be necessary to carry into effect its provisions.

The commissioners of revision shall also proceed with all reasonable despatch, to revise the code of the State, embodying in it all existing laws not now incorporated therein, omitting all superfluous words and enactments, and all such as have ceased to affect existing rights, condensing the whole into as concise a form as is consistent with a full and clear expression of the law, and suggesting any errors or omissions which may be found to exist therein, and the best mode of rectifying the same.

They shall report the code so revised, to the general assembly for its approval, and while the bills so prepared, and the code so revised by them, shall be under consideration, shall be entitled to seats upon the floor of the senate or house of delegates, and to take part in the discussions thereof, but without the right of voting thereon."

Mr. STOCKBRIDGE said: I will state in a few words the purpose of that amendment. The present constitution made provision for certain commissioners of revision to codify the law of the State. That work was done. The present constitution has no such provision in it; and at the same time we have made no extra provision, as the last constitutional con-