

to have no right to sit on the trial courts; thirteen judicial circuits, with one judge for each, were provided for trial work.

The convention's product had little chance of adoption by the popular vote, especially because of its broad disfranchising clauses;⁷ and there was a majority of the civilian vote against adoption of 1,995, or 29,536 to 27,541. The constitution itself, however, contained a provision for taking the votes of soldiers in the federal service, and the result of those votes was a majority of 2,370, or 2,633 to 263—and this carried the adoption of the constitution by a majority of 375 votes.

The first session of the court under the constitution of 1864, was held on January 24, 1865, at a special term called under an act of assembly of that year, chapter 24. The only change in the membership was that made by the addition of one judge, and the new one was Daniel Weisel, of Washington County, elected on November 8, 1864. Judge Weisel had been an associate judge of the fourth circuit, which included his county, and had served in that position until his election to the Court of Appeals. The court which first met under the new constitution of 1864, then, was composed of Richard Johns Bowie, Chief Judge, and Judges Bartol, Goldsborough, Cochran and Weisel, the first four having held over through the adoption of the constitution.

An act of 1865, chapter 114, prescribed an oath to be taken by all attorneys, and on April 4 groups of them began to appear before the court for the purpose. On that day appeared, Oliver Miller,

7. Article 1, section 4.