

great many cases where the facts are perfectly simple, dependent upon the testimony of one witness, or two at the best. Hours might be occupied before a jury, while the matter would be disposed of before the court in a few minutes. The putting labor upon the judge is a consideration, I think, hardly to be regarded as worth estimating in such cases. It is only where both the parties desire it, that they are to have this privilege. And if it was an onerous case to the judge, I think the principle of common delicacy would lead them to forbear exercising this privilege. I know that has been the practice. I know that the judge of the court has repeatedly urged counsel not to submit cases of a very serious criminal character, to his decision, when they expressed a desire to do so. And as gentlemen would always do, they have courteously acceded to the judge's request, and have gone before a jury. Now, where there is a very simple case, where much time may be saved, and where both parties desire it, why forbid parties from exercising their option? I confess, that I can see no objection to the section.

Mr. THURSTON. I think the section will be made less ambiguous by changing the word "and," to the word "or," so that it will read: "but the parties to any cause may, by consent, appoint a proper person to try said case, or may try any cause before the court without the intervention of a jury."

Mr. STOCKBRIDGE. That changes the meaning of the sentence somewhat, as I understand it.

Mr. THURSTON. I do not so understand it. The change I propose would carry the idea of consent into the latter clause more clearly than it now does; and that I suppose is the intention. If it is left as it now stands, the words "by consent," ought to be inserted into this latter clause also.

The question was upon striking out the word "and," and inserting the word "or," and being taken, it was agreed to.

Mr. NOLAN. I think this section should not be passed in its present form. This section contemplates a three-judge system. It says, "The legislature shall provide for the trial of causes in case of the disqualification of all the judges of the circuit, &c." Suppose we adopt a one-judge system, then we will have to go back and change this.

Mr. SMITH, of Worcester, moved that the convention take a recess; but withdrew the motion at the request of

Mr. BERRY, of Baltimore county, who asked and obtained leave to submit the following report, which was read the first time, and ordered to its second reading.

The committee on militia and military affairs respectfully submit the following report:

MILITIA AND MILITARY AFFAIRS.

Section 1. The militia shall be composed of all able-bodied male citizens, residents of this State, being eighteen years of age, and under the age of forty-five years, who shall be enrolled in the militia, and perform military duty in such manner not incompatible with the constitution and laws of the United States, as may be prescribed by the general assembly of Maryland.

Sec. 2. It shall be the duty of the general assembly to provide for and perfect from time to time the enrolment of the militia, and also for its effectual organization, and to make for this purpose such a division of the State into military districts as may secure these results, and in so doing, to especially pass such laws as shall promote the formation of volunteer militia associations, in the city of Baltimore, and every county, and to secure to them such privileges or assistance as may afford them effectual encouragement.

Sec. 3. The adjutant general shall be appointed by the governor, by and with the advice and consent of the senate. He shall hold his office for the term of _____ years, and receive for his services an annual salary of _____ dollars.

JOHN S. BERRY, Chairman,

JOSEPH B. PUGH,

H. W. DELLINGER,

D. C. BLACKSTON,

GEORGE PETER.

Mr. WICKARD, from the same committee, asked and obtained leave to submit the following report which was read:

The minority of the committee on militia and military affairs, respectfully submit the following report:

Section 1. The militia of this State shall consist of all able-bodied male citizens, between the ages of eighteen and forty-five years, except such persons as now are, or may hereafter be exempted by the laws of the United States or this State.

Sec. 2. Persons whose religious opinions or conscientious scruples forbid them to bear arms, shall not be compelled to do so in time of peace, but shall pay an equivalent for such personal service.

Sec. 3. The general assembly shall provide for organizing, equipping and disciplining the militia, in such manner as shall be most effective to repel invasion and suppress insurrection, not incompatible with the laws of the United States.

Sec. 4. The militia officers shall be chosen or appointed as follows: Captains, subalterns and non-commissioned officers shall be chosen by the written votes of the members of their respective companies; field officers of regiments and separate battalions, by the written votes of the commissioned officers of their respective regiments and separate battalions to which they belong; brigadier generals and