

certain principles with regard to the court of appeals, and the courts of the counties. Will it be allowable to make that motion, if this amendment is voted upon?

The PRESIDENT: It will be in order to move to recommit the report.

Mr. MAYHUGH demanded the yeas and nays, and they were ordered.

The question being taken, the result was—yeas 29, nays 28—as follows:

Yeas—Messrs. Belt, Berry, of Prince George's, Billingeley, Blackiston, Briscoe, Brown, Chambers, Crawford, Dent, Duvall, Edelen, Gale, Hollyday, Horsey, Johnson, Lansdale, Lee, Mitchell, Miller, Morgan, Negley, Nyman, Parran, Purnell, Smith, of Carroll, Smith, of Worcester, Swope, Thruston, Turner—29.

Nays—Messrs. Goldsborough, President Abbot, Annan, Cunningham, Cushing, Ecker, arrow, Galloway, Hebb, Hoffman, Hopkins, Hopper, Kefer, Kennard, King, Mayhugh, McComas, Mullikin, Parker, Pugh, Robinette, Russell, Sands, Schley, Stirling, Sykes, Thomas, Wooden—28.

When their names were called,

Mr. SANDS said: As a member of the committee I should like to say a word in explanation of my vote. The theory of the report is unexceptionable. The arguments advanced in its support by the gentleman from Allegany (Mr. Thruston) are in almost all respects unanswerable. I would not myself regard the expense of the system. It is scarcely an item in the account. But I do see great difficulties in the practical operation of our excellent theory. Some of our counties thrown together by it are very large—Allegany, Washington and Frederick. I doubt much if any one court could transact the business of that circuit. Again, some of the counties are very small. They would not have business enough to occupy the court. If there is a disposition to add to this proposition an amendment to the effect that every county shall pay its own judge, I feel certain that if this amendment should prevail it would array all the smaller counties against us. For these, among other reasons, as at present advised, I must vote "no."

Mr. STIRLING said: I will say that my feelings, so far as they are concerned, are in favor of the proposition; but it does not meet with sufficient unanimity and support from those interested in it to make it in my judgment safe for us to support it. If I saw any considerable part of our friends in the counties disposed to favor it, I should vote for it; but at present I must vote "no."

The amendment to the amendment was accordingly adopted.

Mr. HEBB. It is not adopted as an amendment to the section yet.

The question recurred on the adoption of the amendment to the section, as amended on motion of Mr. MILLER.

Mr. BELT. I take it for granted from the vote just taken that the matter is settled. I am willing when by a decided vote a principle is settled, that it shall then rest; and I hope there is no intention on the part of the gentleman from Allegany (Mr. Hebb) by a second vote to draw the house to a different judgment.

Mr. STIRLING. I will inform the gentleman from Prince George's (Mr. Belt) that I do not consider it settled; for I am satisfied that there is a large majority against it.

Mr. BELT. I have no doubt the result was as much a matter of surprise to the gentleman from Baltimore city (Mr. Stirling) as to the gentleman from Allegany (Mr. Hebb). But the matter having been settled by the vote of the convention, I trust the same courtesy will be extended to the majority upon this question as upon every other.

Mr. STIRLING. I do not intend to discuss this proposition; but if you will analyze this vote it appears that the counties that have the least necessity for the one-judge system of judges have voted for the one-judge system; while the counties in which there is the greatest necessity for a one-judge system have mostly voted against it. The fact is, as I said before, that the vote does not show that there is that amount of unanimity among the convention itself, although there is a majority of one for it to-night, there is not that unanimity in point of strength and interest, that a proposition of that kind ought to command.

I do not wish to introduce into the decision of this question any matter at all political in its character; but in order to carry out this system we have got to have it adopted by the people. Now the counties that voted for it are not going to help to carry the constitution; while the counties that voted against it, as a general thing, are the counties that will help to carry the constitution among the people. If the gentlemen from these counties will tell me that they are in favor of adopting it before the people, I will vote for it. But I do not think it is proper to make a change in our judicial system that does not meet the support of that part of the convention that will endeavor to carry this constitution.

It seems to me that our present system, by enlarging the number of districts, and putting fewer counties in the districts, will accomplish everything that is necessary. I cannot see why Calvert needs a single judge; and there are one or two other counties in the same position where there certainly cannot be a necessity for that system. I am perfectly willing to vote for a large number of circuits, so that there may not be three or four counties together. But when I see that the large counties themselves are unwilling to take this proposition, whose constituents are so much more numerous than the constituents of the gentlemen who voted for it, it seems to me