

On my motion, it was postponed. The gentleman in question, and to the convention to it. The gentleman in question, this morning, having determined by a small majority, that the constitution should be adopted, not by the districts, but by the convention; that it would be a relief to the people, that I believed, and a fairer and more equitable arrangement, and demonstrated it to the people should be adopted, respectively. The chief justice yielded to the majority, so far that I expressed the opinion, and considered it determined in favor of the constitution, and the gentleman in question, his constituents would have been in his house, and would differ with

it is the fact, and in the same way, the gentleman in question, I claim conscientiously, the success of this constitution, I entertain. I know else how I judge. It is the best in a measure, which the gentleman in question, I shall have differed to judge as I

first principles, itself meets my connected at which have been as a section with perfect in the slightest as they now into a circle; and I do

not propose now, as it seems to me improper and out of place to discuss any of the other propositions which may come up in their turn.

Mr. SANDS. No one has a higher appreciation of the fairness of the gentleman from Carroll (Mr. Smith,) than I have. No one appreciates more highly his honest earnestness in any matter which he advocates. Still eloquent as he is, he has not entirely cleared up some very weighty objections in my mind. If I believed this was the last opportunity that the people of Maryland were going to have to reform the judiciary, I should be disposed to make great sacrifices looking to that end; but when it is a fact notorious to every gentleman in this convention that this constitution will provide for its own constant amendment according to the will and wishes of the people, I put it to gentlemen of the majority of this house whether we have a moral right to touch any provision of this constitution we are sure will make it unpalatable to a large portion of the people of the State.

I will say to my friends that they need not have any delusive hope about getting support for this constitution on account of any judiciary system they may frame or incorporate in it. I have no doubt but that if the simple question was before the people whether they would retain their present judiciary system, or adopt that indicated in this amendment, my friends would go before the people and urge it there quite as eloquently and as pertinently as they have done it here, and would vote with as great unanimity as they do now. But they will excuse me for the belief and the conviction that above this question of the judiciary of the State there are issues in the coming election upon this constitution which are going to be final and conclusive with each and every one of them. They may be willing, and doubtless are anxious that this system of their liking and of my personal liking, shall be attached to the constitution with the hope that if the constitution shall prevail this will be one benefit to them. Of course I believe they are entirely sincere in that. But I repeat again to my friends, that they must not look for one vote for this constitution from the opposition ranks. If one gentleman of the opposition would rise in his place to-night and say, "I will vote for this constitution, if that is put in it, and will urge my people to do it," God knows how gladly I would vote with him to put it in.

Mr. BELT. Will my friend allow me to ask him one question? Do I understand the gentleman from Howard to say that his vote upon the question how the judiciary system shall be established, will be controlled by his view of the probable vote upon the adoption of the constitution?

Mr. SANDS. I will answer that question very plainly. If I believed my vote for the judiciary system as proposed by the commit-

tee was going to lose this constitution before the people, or endanger its acceptance, I would sooner lose my right hand than to vote for it.

Mr. BELT. Then it is a secondary consideration whether it is a desirable system. But I do not understand my friend from Howard to impute to any gentleman upon this side of the house that his vote is guided by any such considerations, and until that is avowed it is unnecessary for me—

Mr. SANDS. No, sir; I think my proposition is a very plain one; and it is not intended to give personal umbrage to any one. I do not believe this constitution if we adopt the judiciary system spoken of, is going to get a single vote from a single gentleman of the opposition upon this floor.

Mr. BERRY, of Prince George's. While I shall oppose the constitution on other grounds, I will tell the gentleman this; that I will offer the same arguments before the people in approval of the judiciary system, if it shall be adopted, that I have done to-night.

Mr. SANDS. That amounts precisely to what I said. If they can get this judiciary system in the constitution, it is a God-send to them; but they are not going to vote for your constitution and mine, the constitution framed by the majority of this house to get all the judiciary systems on earth rammed into one and given to them.

Mr. CHAMBERS. Not with the negro in it?

Mr. SANDS. No; "not with the negro in it." Gentleman may as well know where the opposition stand with regard to it. Not while the negro is in it, will you ever get one of their votes.

Mr. BELT. Not mine.

Mr. SANDS. No; "not mine," I suppose might be repeated all round.

Now I want to ask my friend from Washington county (Mr. Negley,) turning from political considerations to legal considerations, whether he believes that such a provision as that proposed is practicable; whether he believes that the business of Allegany, Washington, and Frederick counties, can be discharged by any one court? Because, mark you, according to the experience of the oldest and the ablest judges who now occupy the bench, while the three-judge system is good in itself, because you had a chance to get a better and safer opinion from the court, upon which you could more safely rely, the very consultation necessary to make up that opinion so far delayed the progress of the business of the court. It has been found, in the experience of judges now upon the bench, and I have it from the lips of some of the best of them, that business is more rapidly transacted under one-judge. I am sorry I have not at hand a communication I received in my place from his honor, Judge Brewer, giving his experience for nearly thirty years. But I say that is the plain common sense view of the matter, that three judges upon the bench will