

delay the business of the court more than one will, because of the very time consumed in consultation about the propositions submitted before they can decide upon them.

I do not think that with the most energetic men in the State of Maryland upon the bench of the circuit, that would be formed of Allegany, Washington and Frederick counties they could discharge the duties of that court with three judges upon the bench.

So far as this matter of injunctions and writs of *habeas corpus* is concerned, what different state of things do you have under this system from that under the one-judge system? The court is sitting in Allegany county, for instance. Must not the three judges be there? Have not we placed the three judges upon the same bench? Would not the citizens of Washington county or Frederick county, if they wanted an injunction, have to go to Allegany county for it? And when the court go from Allegany to Washington county, in their circuit, would not the three judges all be there, and if the people of Allegany or Frederick wanted writs of *habeas corpus* or injunctions, would they not have to go to Washington county for them? And when the court went to Frederick county, would not the citizens of Washington and Allegany have the trouble of coming over the mountains to Frederick for these purposes? The objections urged to the one-judge system have no foundation so far as this matter is concerned; for you would have to follow the court in its circuit, whether there were three judges or one. You have to follow the court as a unit. If it is one, you have to follow it; if it is two, you have to follow it; and if it is three, it is still a unit, and that one court you have to follow.

Mr. MILLER. Does not the gentleman know that issuing the writ of *habeas corpus* is a duty which pertains to the judge and not to the court?

Mr. SANDS. I know that. But would not that judge be a part of the court? and would you not have to go to the court to find the judge, whether in Frederick, Washington or Allegany?

Mr. MILLER. No, sir; not if one judge is all you want.

Mr. SANDS. If three judges constitute the court, the three judges will always be where the court is, whether in Frederick, Washington or Allegany. Now I ask my friend from Washington whether he believes that the court could discharge the business of that circuit? I ask the gentlemen advocating this amendment whether they believe that if the convention adopt the theory, the theory is at all practicable? I do not believe it is. I do not believe the gentlemen can answer this in the affirmative.

Something has been said about the wishes of the people, and how far we ought to consult them, or not to consult them. I do not

know how the delegation from Washington stands. I believe they are divided. I am sure that the delegation from Frederick, large and populous as a county, and numerous in its representation here, are a unit in opposition to this system; and I understand that out of the delegation from Allegany—while of course I do not mean to impugn the right of any one member to urge his own views of the matter—but one single member forms it. There are only two or three gentlemen on this floor from Western Maryland who indorse this system. And it is practically true that to the public sentiment of that part of the State, large and populous as it is, we must look for the votes for this constitution. And votes are vital; for if the constitution is lost this pet judiciary system is gone. You get neither one system nor the other. You resign both by clinging pertinaciously to one.

I would myself be glad to oblige gentlemen of the opposition by advocating this measure. I am perfectly plain and honest in telling them that I do not do it for the reason I have stated, that I believe it will endanger the constitution before the people, and I will do nothing that will do that. I like it for the same reason that some gentlemen dislike it; because the negro is in it, and I want him out of the way; and I will give my vote for a judiciary system or anything else likely to help us in getting him out of the way.

Mr. KENNARD moved that the convention do now adjourn.

Mr. MILLER. You cannot make that motion without intervening business.

Mr. HEBB moved a call of the convention.

The motion was rejected.

Mr. HEBB moved that the convention do now adjourn.

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

The question being taken, the result was—yeas 35, nays 25—as follows:

Yeas—Messrs. Abbott, Annan, Cunningham, Cushing, Dellinger, Ecker, Farrow, Galloway, Hebb, Hoffman, Hopper, Horsey, Johnson, Keefer, Kennard, King, Mayhugh, McComas, Mullikin, Murray, Nyman, Parker, Pugh, Purnell, Robinette, Russell, Sands, Schley, Smith, of Carroll, Smith, of Worcester, Stirling, Swope, Sykes, Thomas, Wooden—35.

Nays—Messrs. Goldsborough, President; Belt, Berry, of Prince George's, Billingsley, Blackiston, Briscoe, Brown, Chambers, Crawford, Dent, Duvall, Edelen, Gale, Hodson, Hollyday, Hopkins, Lansdale, Lee, Mitchell, Miller, Morgan, Negley, Parran, Thruston, Turner—25.

When their names were called,

Mr. CHAMBERS said: I have invariably voted for an adjournment at night. I did so a while ago. But believing this an attempt at coercion, I vote "no."

Mr. ECKER said: For the reason assigned