

system. Therefore the committee cannot report three judges to each circuit; they must report one judge to a circuit. But they can alter the number of circuits, not exceeding twelve.

The question recurred upon adopting the order submitted by Mr. HARR, which had been amended so as to read as follows:

Ordered, That the report of the committee on the judiciary department, with all the amendments proposed thereto, be recommitted to the committee, with instructions to report the judiciary system as embraced in the existing constitution, except so far as the same has been modified by the adoption of the article in the court of appeals, and excepting also to report such number of judicial circuits, not exceeding twelve, as the committee may deem necessary to meet the public necessities, (erecting Baltimore county in a separate circuit,) and also, reporting a provision giving the general assembly the power to create additional circuits from time to time when required, and that the committee be instructed to report by Thursday next at twelve o'clock.

Upon this question Mr. DANIEL asked for the yeas and nays, which were ordered.

The question was then taken, by yeas and nays, and resulted—yeas 20, nays 37—as follows:

Yeas—Messrs. Audoun, Cunningham, Cushing, Earle, Ecker, Hebb, Keefer, Kennard, King, Negley, Nyman, Parker, Pugh, Ridgely, Robinette, Stirling, Thomas, Thruston, Wickard, Wooden—20.

Nays—Messrs. Abbott, Annan, Billingsley, Blackiston, Bond, Briscoe, Brown, Carter, Chambers, Daniel, Dellinger, Dent, Edelen, Gale, Galloway, Hodson, Hollyday, Hopper, Horsey, Lee, Mayhugh, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Parran, Purnell, Russell, Sands, Schley, Smith, of Carroll, Smith, of Worcester, Swope, Sykes, Turner—37.

The order was accordingly rejected.

Mr. ASBORN, when his name was called, said: When this proposition was first offered by my colleague (Mr. Audoun,) I was in favor of it. But after spending nearly an hour and a half in discussing this matter, and finding that there are hardly any two in the house, especially among the members of the legal profession, who think alike upon the subject, I shall vote against it. For if they once get this report in the committee, there is no telling when we shall get it back again, for committees do not always obey orders. The committee before was some three or four months in labor, and then brought forth a report which this house has already pronounced to be a mouse. I vote "no."

Mr. RIDGELY. I now propose to submit an order much like the one just voted upon, but in a modified form. The objection was taken to the other order—and I understand it controlled the votes of a great many members—

that the judiciary committee, by reason of the absence of several of its members, was not in a condition to consider this subject and report promptly to the house. I therefore submit the following order, which will remove that objection.

Ordered, That the report of the committee on the judiciary department, with the amendments thereto, be referred to a select committee of five, with instructions to report a judiciary system as embraced in the present constitution, except that portion of the report which has been adopted by this body, and with further instructions to report such rearrangement of the judicial circuits as they may deem necessary, not to exceed twelve, and that said committee report to-morrow at one o'clock.

Mr. NIXON. The question has been asked whether this order excepts from the consideration of the committee that portion of the report relating to the court of appeals. Now the house has passed upon all that portion of the report except section twelve, or the first section relating to the court of appeals. The question has been asked whether those sections which have been acted upon and approved by the convention will be again open to amendment when the report comes back. I conceive that that cannot be so, because if we were now to go on and consider this report without referring it, that portion upon which the convention has acted, the part relating to the court of appeals, with the exception of the first section, is complete. It will be precisely in that condition when the special committee shall make its report. Otherwise we will find ourselves reduced to the absurd position of having passed one day through the second reading of a number of sections, and then the next day going over them again. I will vote for this order with the understanding that the portion of this report which has been read a second time shall be considered as having been finally passed upon, and that we are not to have the whole thing gone over again and argued. I consider that strictly, according to parliamentary law, that portion of the report cannot be gone over again.

Mr. STIRLING. I suppose that all that part which is not referred to the committee for action will come back to the house precisely as it now stands.

Mr. DANIEL. I do not want to speak upon this question. I simply rise to set myself right in reference to a matter to which allusion has been made here. In some remarks which I made the other night in reference to the postponement of section twelve of this report, I said that I had understood my colleague (Mr. Thomas) to say to me that he did not care much about the matter. Now I want to state exactly how that occurred, so that I may set myself right. After the house had adopted the amendment of the gentleman from Allegany (Mr. Thruston,) to elect the judges of the