

unfits them, will be to make "confusion worse confounded." I hope to see a provision made by this Convention for codifying the laws of the State, but it can only be done by a few of the ablest lawyers of the State, who should be selected for the purpose, and adequately paid for their services in preparing such a code, to be submitted to and receive afterwards, the sanction of the Legislature. In this way this desirable work may be accomplished, but it can be effected in no other way. Besides, it is argued that this amendment will have the effect of preventing or restraining incompetent men from attempting to prepare bills for the legislative action, inasmuch as it will require a thorough knowledge of all previous legislation to prepare a bill embodying all pre-existing laws on the subject. It is desirable certainly, that incompetent persons should not become members of the Legislature, but who is to be the judge of the competency of gentlemen to hold seats in the Legislature besides their constituents? If the people think a man competent, there is an end of that question, and he stands in this Hall the equal of any other. And shall it be said or maintained here that a farmer, a mechanic, or any other that the people may please to elect, shall not be privileged to bring forward such measures as his constituents require, because he is not learned in the laws, and the Constitution requires that he shall make a collection of all the laws that have ever been passed upon the subject, on which his people want but some partial legislation, and therefore, none but a good lawyer can draw a bill? I trust not. I am very sure the honorable gentleman from Frederick, (Mr. Thomas,) intends no such thing as this. But such will be the scope and operation of the proposition if adopted. Errors and egregious blunders, it is true, do sometimes blur our statute book, but this was a small evil compared with a policy which would disfranchise a portion, probably a large portion, of the members of the Legislature. Besides this, you would be imposing a task upon the Legislature which even those who might be most competent to its performance would rarely and always most reluctantly undertake; it would be requiring a large expense of time, labor, and money to no good purpose whatever, that he could perceive. He was not disposed to go farther in the discussion. The time was past when he would be apt to feel much enthusiasm about any thing; but he confessed the contemplation of this proposition, in all its bearings shocked him.

Mr. Hicks expressed a hope that he should be excused for entering the arena with the learned gentleman of the bar, who had taken part in this debate; but the discussion appeared to him to have been one-sided. He could not imagine any time more proper than this, when we are approaching the entrance to a new Government, to entertain such a proposition. The Judiciary system is to be thoroughly changed; the orphan's court, as he understood, was intended to be abolished; and the duties of the register of wills to be enlarged. A new state of things was just opening upon us. When, he asked, could there be a more propitious time for the codification of our

laws, for he had no doubt that the people would be ready to carry out the proposition? He made a reference to the digest of the laws published some years since, and what it had cost the State, and stated that it had been of very little service in shedding light on the laws of the State, or facilitating the progress of business in our courts. It was not to be supposed that a codification of our laws could be effected in a moment. It would require much time and much industry to complete it. He had no doubt that others of our intelligent citizens besides lawyers would be employed in the work. But there would be no deficiency of able lawyers who would be always ready to give their aid. And then there is the library here from which much assistance may be obtained; and this facility, with the aid of the lawyers, would, he thought, enable any intelligent citizens to perfect a codification. While they are engaged in concocting, and putting the laws together, we ought to provide for the simplification of those now and hereafter enacted; and this would be a step towards codification. Though it may be done gradually, it will be done cheaply and yet efficiently.

Mr. PRESTMAN said he had not supposed when the proposition was submitted by the gentleman from Caroline, that it would meet much, if any favor from the Convention. It had, however, assumed more importance in his estimation, since the discussion, in which the gentleman who had offered it and others, have unfolded their views, and the objects they design to accomplish.

He would call the attention of the gentleman from Frederick, (Mr. Thomas,) to the necessary construction which the courts would be obliged to give to this article, whereby either all laws kindred in their character, would be repealed which were omitted by the negligence of the draughtsman of an Act of Assembly, or not being so repealed, the article if adopted would not reach or carry out in any degree the object of the several gentlemen who have advocated it. If the first result would follow, (and he thought such would be the case in legal contemplation,) he was unwilling to subject the whole legislation of the State to the inexperience and want of general information in matters of law, which must necessarily exist in the body constituted as was the General Assembly.

He meant, certainly, no disrespect to a large class of individuals who were not members of the legal profession, when he said they would not be prepared to offer laws if the effect would be to interfere with prior legislation to an indefinite extent, as would be the case if the amendment now pending prevailed. What, sir, will you thereby virtually deprive the mechanic, the farmer, on the floor of the General Assembly of Maryland, from offering any act without consulting the innumerable volumes of laws to see to what extent they are to be embraced in an act or by omission repealed? He admired the sentiment of the gentleman from Frederick, (Mr. Thomas,) when he said that he would not compliment any one at the expense of what he believed to be true, and that his purpose was to arrest the practice of unskilful persons from pre-