

we are all men fitted for the duties which are within our sphere. Intelligent gentlemen who have no practical knowledge of the law, would feel themselves insulted if asked to enter on such a task.

On these grounds he would confide the work of drawing the laws to lawyers only, as coming within the range of their professional and habitual studies. He admitted the perfect competency of men of sound judgment and good sense, to pass judgment on bills when they had been prepared, and to decide whether they were such as the interests of society demanded. And hence he was in favor of submitting the code to the legislature for rejection or adoption.

Mr. MERRICK explained, and recapitulated his previous remarks. He was most anxious, he further said, that the laws should be condensed and simplified as much as possible and rendered intelligible to the plain good sense of the country. And he had not only suggested, but urged, when last up, the adoption of what he considered the only safe and wise plan for attaining that desirable object even partially; which was the employment of one or more persons, eminent for their industry, legal learning and ability, to codify the laws. These persons should be the most eminent men the profession could furnish, and they should receive such a compensation for their services as would justify them in putting aside all other business, and devoting their whole time, talents and energy to the task; the work, when accomplished, should be of course submitted to the Legislature for their sanction; and, if approved by them, would have imparted to it the binding force of law; but, if not approved and enacted by the Legislature, it would still be worth more than it would cost, as a collection of statutes with the deliberate comments of wise men upon them. But he was opposed, and had so expressed himself, to requiring the Legislature in the course of their ordinary business, to codify each particular branch of the law they might have occasion to touch. Such a requirement would be, in his judgment, fraught with pernicious consequences, and productive of no compensating good whatever. He had said, for the purpose of codifying the laws, none but lawyers, and these the most deeply read and eminent men the State could furnish, should be employed. But he was very far from agreeing that the ordinary business of legislation should be confined to this or any other class, as would, to a great extent, be the effect of the pending amendment if adopted and made a part of the Constitution. No Legislature was competent to the work of codification to any great extent, not because there might not be members of the Legislature competent to such a task, but even if every member in such a body were separately capable of performing such a work, the body would still be incompetent, because of its multitudinous character. There were, also, in every Legislature, a large number of gentlemen, not professional men and not competent because of their different pursuits and habits of thought, to codify or even collate the statutes, who were yet as capable and often even

more capable than the lawyers, of performing all the appropriate duties of ordinary legislation. He would not consent to a proposition which should hinder or impede such men in the performance of these duties, by making a prerequisite that they should either be competent to codify or even perform the labor of collating all the statutes on any subject upon which they might deem some legislation necessary. He hoped to see the Legislature left free, as it had heretofore been, to do the will of their constituents, and to change and modify the laws of the State as the progressive changes in the world and the state of society might require.

Something had been said about reflections upon lawyers; it was not, he supposed, it could not have been intended for him. He certainly was one of the last men living, who would cast reflections upon that honorable class of citizens. That was said to be a bird of evil omen, which would befall its own nest. He had been in early life a lawyer himself, and though for many years exclusively engaged in other pursuits, he still felt some identity with them, and besides those dearest to him of all men on earth, were now engaged in that noble and ennobling profession.

This amendment, if adopted, Mr. President, it strikes me, will be making a retrograde movement, taking a step backwards, in this age of progress. Arts, sciences, civilization, religion, are all progressing. The human intellect is progressing and attaining a development, and reaching a dominion never before known to men. Shall legislation alone go backwards? Shall we of Maryland alone, say our legislators can no longer be trusted to make laws for the regulation and government of society, as the ever varying, continually improving condition of society may require? I trust not.

After some conversation,

The question was taken, and

The second branch of the amendment was adopted.

The question then recurred on the third branch of the amendment, as follows:

"And no law shall be revised or amended by reference to its title only; but in such case all parts of the act to be revised or amended that are embraced in the object of the bill, shall be re-enacted and published at length."

And the question being taken,

The result was as follows:

*Affirmative*—Messrs. Mitchell, Weems, Buchanan, Bell, Welsh, Lloyd, Dickinson, Sherwood of Talbot, John Dennis, Hicks, Hodson, Phelps, Constable, McCullough, Miller, Sprigg, Bowling, Dirickson, Thomas, Shriver, Gaither, Biser, Annan, Stephenson, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Fiery, Neill, Anderson, Weber, Fitzpatrick, Smith, Ege, Cockey and Shower—38.

*Negative*—Messrs. Chapman, President, Morgan, Blakistone, Chambers of Kent, Donaldson, Dorsey, Wells, Dalrymple, Merrick, Williams, Spencer, George, Wright, Jacobs, McHenry, Gwinn, Stewart of Baltimore city, Brent of Bal-