

But it seemed to him that that was the proper system to be adopted.

He expressed his surprise at the mode of attack which had been introduced against his proposition. If a motion had been made to reconsider the vote taken yesterday, he would have voted for it—not because his views had undergone any change, but because he was willing to see whether any proposition better than his own could be brought forward.

Mr. S. then proceeded to vindicate his own proposition, and to reply *seriatim* to the objections which had been urged against it.

Mr. SPENCER expressed his regret that the gentleman from Washington, (Mr. Schley,) had offered his amendment to the 16th section, as amended by the amendment of the gentleman from Caroline. He could vote for it as a distinct proposition, but not in its connection, because the effect would be, that the Legislature before the codification took place, would have to re-enact at much trouble and expense many laws, and after the codification took place, the same evil would continue. Between the gentleman from Washington and himself there was a difference of opinion, as to the construction put on the amendment of the gentleman from Caroline, by that gentleman and the gentleman from Frederick, (Mr. Thomas.) He asked the gentleman from Frederick, if he did not find that though, in amending a law, it would not be required that the whole law should be re-enacted, as the whole of the testamentary system, yet all the parts of the law which related to the subject amended would have to be re-enacted.

Mr. THOMAS declined making any further explanation. If he was not understood by the House he could not make himself more clear. He did not decline to answer from any disrespect to the gentleman. If he was opposed to him, he knew how to respect an honest difference of opinion—which it was not important to reconcile, as the House might vote for different reasons. He was unwilling to take the floor too often.

Mr. SPENCER stated that he had asked further explanation, because he, and the gentleman from Washington, (Mr. Schley,) understood the gentleman from Frederick differently. They did not comprehend the gentleman from Frederick alike, on the point whether the amendment of a part of any law rendered it necessary to re-enact all the parts of the law applying to the subject, or only a portion of a law.

Mr. THOMAS still declined to make any further explanation of his views.

Mr. SCHLEY thought the opposition made to his proposition by the gentleman from Queen Anne's arose from a misunderstanding of its import. To make its object more clear, he turned to the codified laws of Missouri, and showed that the laws were divided in chapters. If one of these chapters was amended it was not necessary to re-enact the whole law. By merely amending the chapter and publishing it as amended, every useful purpose was answered.

Mr. MERRICK stated that the fact that gentlemen were unable to agree as to the meaning of

the amendment proved, the truth of what he had before said, that the tendency of the amendment was to make confusion worse confounded.

Mr. BROWN wished the codification by the legislature not to interfere with that under the amendment.

Mr. SCHLEY suggested that the gentleman could move an amendment.

Mr. HARBINE stated, that on a previous day he had said he would offer an amendment to the section under consideration, so as to prevent the operation of the amendment of the gentleman from Caroline, (Mr. Stewart,) until after a codification of the laws. After consultation with gentlemen of more experience, he had concluded to waive that intention. It had been charged that those voting against the proposition of that gentleman were opposed to codification. This was a great mistake. He was as much in favor of it as any man, and did not believe that among those who voted against that proposition, five could be found who were hostile to it. His reason for voting as he did, was because he did not believe the Legislature competent to codify. It was a great work, that could only be properly performed by the most learned lawyers. That was the conclusion arrived at by all other States where the laws had been codified, and in no instance had such work been left to the Legislature. True, one precedent had been cited, in the State of Louisiana. But when examined, that was no precedent at all. There the laws had been first codified by Mr. Livingston, one of the greatest lawyers of his day, and it was only after that, that the Legislature done what was proposed by the amendment of the gentleman from Caroline. Now let our laws be first codified and then he would cheerfully vote for such a proposition; indeed, what he contended for all the time, was to postpone the effect of that proposition until the laws were codified, and then, but not until then, would the case cited and our's, run parallel. Not only was there no precedent cited, but among the varied Constitutions of the several States, he did not believe a single one could be found. And why? Because their sages and statesmen must have supposed such a provision impolitic and fraught with evil. We should accord to others as much wisdom and as sincere a desire for the public weal as we possess; and surely, but for the evil consequences that were thought would ensue, such a provision would have found a place in more than one Constitution. Now, according to the amendment, the Legislature were to codify—for it amounts to that—until the persons appointed by the Legislature had reported a code and the same had been adopted. This would take several years. Mr. Livingston was engaged three years in the great work for the State of Louisiana, and it was said, that in the State of New York, four years were already spent, and the work was not yet completed. From these cases, it would appear to every man who knew the confused and chaotic condition of our legislation from 1692 to the present time, that four or five years must elapse before those engaged for the purpose could report the code. Now, during