

to the committee on the judiciary. As I do not desire to occupy any such position, I will now take occasion to explain the circumstances which induced me to offer that order. An order had been submitted by my friend from Baltimore city (Mr. Andou) to recommit the report of the judiciary committee with instructions to that committee. In the course of the debate upon that order, another gentleman from Baltimore city (Mr. Daniel,) a member of that committee, stated that in consequence of the absence of several members of that committee, it would be impossible for them to comply with the order then pending. A vote was taken, and the house refused to adopt the order. It was then suggested to me, by members all around the house, that the difficulty with the order grew out of the fact that the order could not be carried into effect if adopted, for the want of the presence of the members of the judiciary committee. Hence I offered the order that a special committee be substituted for the judiciary committee. I make this explanation for the purpose of acquitting myself from any purpose to show any disrespect for the committee on the judiciary, toward whom no member of the house has a higher respect than I have, and for whose members I feel under a profound obligation. And I will go so far as to say if it be not out of place, that I appreciate them so highly, that I would vote for the report they have made except for the fact that I have been deterred from so doing by considerations growing out of the magnitude of the expense which the system reported by them contemplates.

Mr. STRILING. I move that the convention now proceed to consider the sections of this report which have been informally passed over.

The question being taken, the motion of Mr. STRILING was agreed to.

The first section which had been informally passed over, being section three, was then read as follows:

"The judges shall be appointed, commissioned and designated as chief or associated justices, by the governor, with the advice and consent of the senate. Each judge shall hold his office during good behavior, or until he shall attain the age of sixty years, when, in the discretion of the governor, by and with the advice and consent of the senate, he may be re-appointed for a term not exceeding ten years, after which he shall not be re-appointed."

The pending question was upon the motion of Mr. THOMAS, [journal of proceedings, page 475,] to strike out all after the word "judges" in the first line, and insert,

"Of the several counties of this State, shall be elected by the qualified voters of the counties and the city of Baltimore, in the manner hereinafter prescribed."

Mr. ANSBORR submitted the following amendment:

Strike out the words "shall be appointed," and insert the words "when elected shall be."

Mr. BARR. Just at the time that we stopped discussion upon this report, I was trying to draw up an amendment which I proposed to offer, embodying what I would regard as a compromise of this question. It was to the effect that this report be recommitted to the committee with instructions from the convention to report a system of court of appeals, the judges of which shall be appointed by the governor. To that extent that would satisfy those who favor an appointive system. And also to report a system adapted to the counties, reserving to the people the privilege of electing their own judges. That I think would be a fair and proper compromise. I would rather have this report postponed for the present, in order to give me time to draw up a proposition in such a shape that I can get a vote of the convention upon it. I therefore move to postpone the further consideration of this report until to-morrow at 12 o'clock.

The question being taken upon the motion to postpone, it was not agreed to.

The question recurred upon the amendment submitted by Mr. ANSBORR.

Mr. STRILING. The difficulty about that is, that there is nothing said in the report so far, except indirectly, that they shall be elected. There must be some indirect indication that they are to be elected. This section was intended by the committee to fix the mode of appointment.

Mr. HERR. I move to strike out the words "shall be appointed, commissioned and designated as chief or associate justices by the governor, with the advice and consent of the senate," and insert in lieu thereof the following:

"Of the court of appeals shall be elected by the qualified voters of the State, and the governor, by and with the advice and consent of the senate, shall designate the chief justice, and the judge of the judicial circuits shall be elected by the qualified voters of their respective circuits."

Mr. THOMAS. That is exactly like my amendment, except a little change of phraseology. I therefore withdraw my amendment.

The amendment submitted by Mr. THOMAS was accordingly withdrawn.

Mr. ANSBORR also withdrew his amendment.

The question was then upon the amendment submitted by Mr. HERR.

Mr. BARR. I propose to submit an amendment, which I have not drawn up in proper legal phraseology, for it is not in the form in which it ought to be submitted. It is a mere order that this particular branch of the report be recommitted to the committee with instructions. I think the committee will understand my phraseology, although from the haste in which I have drawn it I have