

not put it in the proper legal form in which I would like to have it. It will, however, at least test the sense of the convention upon the proposition. It is as follows:

"Ordered, That the report from the committee on the judiciary be recommitted to the committee on that subject, with the instruction of the convention to amend their report so as to embody the following principles, and to report on Friday at 11 o'clock.

"1. That there shall be a court of appeals to consist of — judges, to be appointed by the governor from as many districts.

"2. That there shall be circuit courts, embracing three counties in each circuit, each county to elect one judge, but, as regards the more populous counties, the report of the committee must embrace the principle that a single judge in these counties shall, under laws to be passed, or rules of court to be adopted, have power to hold special terms of court as often as may be necessary to transact the business of those counties."

The PRESIDENT. The gentleman from Prince George's (Mr. Belt) can submit that as an independent proposition, not in the shape of an amendment to the report. The question now is upon the amendment of the gentleman from Allegany (Mr. Hebb.)

Mr. HEBB. The convention has already determined that the judges of the court of appeals shall be elected by the State at large. This proposition is to the same effect; it only contains the additional provision, permitting the governor in conformity with the provision in the present constitution, to designate by and with the advice and consent of the senate, which of the five judges shall be the chief justice. And it also proposes that the circuit judges shall be elected, as they now are by the people, instead of being appointed as provided by the section reported from the committee.

Mr. RIDGELY. Does the amendment prescribe any period of time for which these judges shall serve?

The PRESIDENT. That is left open.

Mr. THOMAS. By the twelfth section as reported from the committee, provision is made for the appointment of the judges of the court of appeals. When we reach that section we can determine how the judges are to be elected. I have submitted a substitute for that section which will be found on page 487 of the journal of proceedings, and which reads as follows:

"The court of appeals shall consist of a chief justice and four associate justices and for their selection the State shall be divided into four judicial districts. Allegany, Washington, Frederick, Carroll, Baltimore and Harford counties shall compose the first; Montgomery, Howard, Anne Arundel, Calvert, St. Mary's, Charles and Prince George's, the second; Baltimore city, the third; and Cecil, Kent, Queen Anne's, Talbot, Caroline,

Dorchester, Somerset and Worcester, shall compose the fourth district; and the chief justice shall be elected by the qualified voters of the counties and the city of Baltimore, on a general ticket.

"And one person from among those learned in the law, having been admitted to practice law in this State and who shall have been a citizen of this State at least five years, and above the age of thirty years at the time of his election, and a resident of the judicial district, or if chief justice a resident of the State as herein provided, shall be elected from each of said districts and the State, by the legal and qualified voters therein as a judge of said court of appeals, who shall hold his office for the term of fifteen years from the time of his election, or until he shall have attained the age of seventy years, whichever may first happen, and be re-eligible thereto until he shall have attained the age of seventy years, and not after, subject to removal for incompetency, wilful neglect of duty or misbehavior in office, on conviction in a court of law, or by the governor upon the address of the general assembly, two-thirds of the members of each house concurring in such address, and the salary of each of the judges of the court of appeals shall be four thousand dollars (\$4,000) annually, and shall not be increased or diminished during their continuance in office, and no fees or perquisites of any kind shall be allowed by law to any of the said judges."

That substitute is still pending, as will be seen by reference to page 490 of the journal, where the following entry is made:

"The question then recurring upon the adoption of the amendment submitted by Mr. THOMAS,

"On motion of Mr. SMITH, of Carroll,

"The further consideration of section twelve was informally passed over."

It will be found, when we reach the portion of this report relating to the circuit courts that there is provision made in relation to the judges of the judicial circuits. It was for that reason I submitted the amendment to the third section, which was pending when this report was taken up this morning. I took it for granted that the convention by its action had already signified its intention to have an elective system of judiciary, and that when we reached those sections in their order we could provide for the election of the judges of the court of appeals for judicial districts, and the election of the judges of the circuit courts for their several circuits, or in any other mode the convention might prescribe. I therefore now move to strike out this third section.

Mr. HEBB. The convention has already stricken out the word "appointed" in the twelfth section, and inserted the words "elected by the qualified voters of the State."

Mr. THOMAS. I know that. But that was