

done to perfect the section. My substitute for the entire section is still pending.

Mr. BELT. I desire to make a remark by way of personal explanation. I understand that the convention has decided generally as between an elective and an appointive system, to be applied to the whole judiciary of the State. I now make the inquiry of the chair for the purpose of obtaining information, if a vote can be had upon a proposition which shall compromise these two systems; allowing the judges of the court of appeals to be appointed and the other judges to be elected. I hold that that is the best system that we can adopt. I hold now, as I have always held, that the only evil connected with an elective system of the judiciary grows out of the large area to which the election applied. Generally in our State we have had the worst judges where they have had the largest constituencies. But if you adopt a system so as to embrace three counties in a circuit, and let each county elect its own judge—

Mr. STIRLING. I rise to a point of order. It will be found by reference to page 488 of the journal that the convention has determined that the judges of the court of appeals shall be elected by the qualified voters of the State on general ticket. I make the point that that vote must be reconsidered before the gentleman from Prince George's (Mr. Belt) will be in order with his proposition.

The PRESIDENT. The gentleman from Baltimore city (Mr. Stirling) is correct.

Mr. PARRAN. Is a motion to reconsider that vote now in order?

The PRESIDENT. Not at present. Section three is now under consideration, and must be disposed of in some way.

Mr. BELT. And the section being amendable is now open to any amendment which gentleman may choose to offer.

The PRESIDENT. Yes, sir. The question now is upon the amendment of the gentleman from Allegany (Mr. Hebb.)

Mr. CHAMBERS. And that very point is now decided. Is it in order to renew from time to time the very same proposition?

The PRESIDENT. If the convention choose they can affirm the same proposition in two places. The chair cannot control that.

Mr. CHAMBERS. Then I ask the yeas and nays upon the amendment. It brings up the question of appointment or election, and I want to be upon the record.

The yeas and nays were accordingly ordered.

Mr. BILLINGSLEY asked that the amendment be divided, which was ordered.

The first question was stated to be upon adopting the first branch of the amendment, as follows:

Insert after the word "judges" in the first line, the words "of the court of appeals

shall be elected by the qualified voters of the State."

Mr. THOMAS. I desire to say a few words upon this question. If we are going to make a judicial system for the State which will be understood, it appears to me that the best way would be to divide this report into parts, under different headings, and then have all that relates to each part under its appropriate heading. For instance, have all relating to the court of appeals under the heading of "court of appeals;" everything relating to circuit courts under that heading; everything relating to the courts of Baltimore city, under that heading, &c. But the proposition of the gentleman from Allegany (Mr. Hebb) is a general proposition, applying not only to the court of appeals, but also to the circuit courts. He provides that the legal and qualified voters of the State shall elect the judges of the court of appeals; and the legal and qualified voters of the several circuits shall elect the judges of the respective circuits.

By reference to the present constitution you will find there no such provision as this third section. That article is divided into several parts, the sections relating to each part being under their appropriate heading, prescribing the qualifications of the judges, the tenure of office, salary, &c. Now, it appears to me, that that is the best and most simple way. When we come to the twelfth section of the report, the gentleman from Allegany (Mr. Hebb) can then get what he wants; for we can then provide whether the judges of the court of appeals shall be elected by the State at large, or by judicial districts; and when we come to the circuits, we can then determine whether the judges of the circuits shall be elected for ten years or for life, or during good behavior. But if we pass this general provision, we shall find ourselves all mixed up, and this report will have to be recommitted to the judiciary committee.

Mr. STIRLING. The views of my colleague (Mr. Thomas) would be very consistent with the action which the house refused to take last night. It was this difficulty which induced me last night to vote in favor of recommending this report. The house having refused to do that, there is no other course now left except to amend the sections of this report as they stand. The judiciary committee, very wisely, I think, adopted a different arrangement from that in the present constitution. They have gone upon the principle of first grouping together all the general provisions of the judiciary system; and then arranged the special provisions under their appropriate headings.

If we adopt the principle of the present constitution, then we must have a recommitment. It is not now in order to offer a whole judiciary system as a substitute for this report. The section now under con-