

remark not been made. But the remarks that have been made by every gentleman who has advocated the postponement, show that that it is the very same ground which was discussed over and over, and over again this morning, which was the propriety of electing by districts, and not by general ticket. That seems to be the main proposition embraced here; and I think we are just, as well prepared to settle it to-night as at any other time.

The question being taken upon the motion to postpone the 12th section informally, it was agreed to—ages 40, noes not counted.

Mr. BERRY, of Prince George's, gave notice that when the section was again considered, he would submit the following amendment:

Strike out the words in the amendment "for the period of fifteen years," and insert "for life, or until they shall arrive at the age of sixty years."

The next section was read as follows:

"Sec. 13. The court of appeals shall hold its sessions in the city of Annapolis, on the first Monday in April, and the first Monday in October, in each and every year, or at such other times as the general assembly may by law direct, and it shall be competent for the judges of said court, sufficient cause appearing to them, temporarily to transfer their sittings elsewhere."

No amendment was offered.

JURISDICTION OF COURT OF APPEALS.

The next section was read as follows:

"Sec. 14. The jurisdiction of the court of appeals shall be coextensive with the limits of the State, and such as now is or may hereafter be prescribed for it by law, and its sessions shall continue for not less than ten months in the year, if the business before it shall so require."

Mr. MILLER. I wish to ask the chairman of the committee what is meant by the provision "such as now is or may hereafter be prescribed for it by law?" The court of appeals under the present constitution has appellate jurisdiction only; and it is impossible for the legislature to confer upon it anything except appellant jurisdiction. But if this constitution is adopted it does away with the old constitution entirely, under which the court of appeals now has its entire jurisdiction. What jurisdiction then would be referred to by the words "such as now is or may hereafter be prescribed for it by law?"

Mr. STOCKBRIDGE. As the gentleman is well aware, we have several acts of assembly in our code, referring to the jurisdiction of the court of appeals. It was designed to sum the whole up in one expression, to avoid a very long definition. It is true it is entirely appellant; but at the same time the jurisdiction has some limitations or definitions; as on the 23d, 25th, 27th, and various other pages of the first volume of the code.

Mr. MILLER. These are provisions regulating the mode of appeals simply.

Mr. STOCKBRIDGE. Saying who may appeal, and in what cases the court shall have jurisdiction.

Mr. MILLER. But by virtue of the provisions of the present code, it is appellate jurisdiction only. The provision is: "The court of appeals shall have appellate jurisdiction only, which shall be coextensive with the limits of the State." But by adopting the present constitution we repeal that; and it seems to me that it would be proper to say in this constitution that the court of appeals shall have appellate jurisdiction only, and then it may be subject to all laws applicable to the new court of appeals as well as to the old.

Mr. STOCKBRIDGE. It makes very little difference what the committee or anybody else, understands by this section. It should be so plain as to be understood by anybody of ordinary capacity; and if it is not so plain, I hope the gentleman will make it so by an amendment. There may be one or two instances, as in cases of *habeas corpus*, where the court of appeals have entertained jurisdiction not appellate.

Mr. MILLER. That was by virtue of their being judges, and not as a court.

Mr. STOCKBRIDGE. Precisely; and if there be any jurisdiction of that sort, they will still have it under this provision; but not otherwise. Still I should like to hear the gentleman's amendment.

Mr. MILLER submitted the following amendment:

Strike out down to the word "and," in the third line, and insert "the court of appeals shall have appellate jurisdiction only, which shall be coextensive with the limits of the State."

The amendment was rejected.

No further amendment was offered.

The next section was read as follows:

"Sec. 15. Any three of the judges of the court of appeals may constitute a quorum, but no cause shall be decided without the concurrence of at least three judges in the decision, and in every case decided, an opinion in writing shall be filed within six months after the argument or submission of the cause, and the judgment of the court shall be final and conclusive."

No amendment was offered.

SALARY OF JUSTICES.

The next section was read as follows:

"Sec. 16. The salary of the justices of the court of appeals shall be four thousand dollars each per annum, payable quarterly."

Mr. MABURY moved to strike out "four" and insert "five."

Mr. DAVIS, of Washington, moved to strike out "four" and insert "three."

The amendment submitted by Mr. MABURY was rejected.