were divided the judgment below would be affirmed. If one judge out of three be taken sick, we should have only two to reverse or affirm. And besides, what is experience on this subject? We have had six judges in Maryland since 1805. The Supreme Court of the United States has at times been composed of an even number of judges. And in other States there are an even number. The United States Courts consist of two judges. We have not heard of any inconvenience from this arrangement elsewhere. Why then shall be apprehended any in Maryland? As to the difference in the expense of three and four judges, Mr. T. thought it too small a consideration to be allowed to weigh one moment in a matter of so much importance.

The question being taken on striking out, resulted as follows:

Affirmative—Messrs. Ricaud, Presˈt, pro. tem., Morgan, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Weems, Dalrymple, Howard, Lloyd, Sherwood, of Talbot, John Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Tuck, Sprigg, Spencer, Shriver, Gaither, Annan, Brent, of Baltimore city, Schley, Fiery, Kilgour and Smith—32.

Negative—Messrs. Soˈllers, Buchanan, Bell, Welch, Colston, Miller, Bowie, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Johnson, Biser, Sappington, Stephenson, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Baltimore city, Sherwood, of Baltimore city, Ware, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke and Shower —34.

When the name of Mr. Sollers was called, that gentleman said—"I vote against the amendment, because I vote against every thing that touches the present judiciary system."

So the Convention refused to strike out.

Mr. Sollees proposed to offer a substitute; but,

The President ruled it not to be in order at that time.

Mr. Dorsey then moved to amend the 5th section of the report, by inserting after the word "law," these words, "being a citizen of the United States and;" also by striking out the words "a citizen," and inserting in lieu thereof, "a resident."

Mr. Dorsey remarked, that the Convention heretofore had seen fit to change what was proposed, and adopt a principle which he wished to see adopted—that was, to place naturalized citizens in the same condition with the citizens of other States. If we were again to be brought back to the odious principle of discrimination, he thought that some good reasons ought to be assigned why a man—a foreigner—when he became a citizen of the United States, should not, to all intents and purposes, enjoy all the advantages of a native-born citizen. He would say that we ought not to introduce into our Constitution any unjust, obnoxious distinctions; at least nothing that should place him in a worse situation than the citizens of others of the United States. He was free to say that he would quite as soon trust a naturalized citizen, if he was an honest and trustworthy man, (and unless he were so, he would not be trusted,) as a northern abolitionist.

Under this proposed section, reported by his friend on the left, [Mr. Bowie,] who, on a former occasion, had thrust himself forward as the champion of naturalized citizens, and such a stickler was he for the recognition of their most unrestricted rights, that he would not, even to accomplish a great public good, postpone the exercise of their right of suffrage for five days; he insisted that there must be no discrimination between the rights of naturalized and native born citizens.

But most suddenly and unexpectedly an entire revaluation had taken place in the opinions ofthat gentleman; more light must have dawned on his mind; according to the section of his report now under consideration, a new principle was introduced apparently in entire variance from what he heretofore advocated with so much zeal; and when his remarks. he [Mr. D.] had no doubt had a most powerful effect on the decision of this Convention, when that question was before it. He had introduced a principle that, if a man had resided five years in the State, and was then naturalized, immediately after which a vacancy occurred in a judicial station, yet he was not eligible to fill it; but to do so, he must reside in the State five years more, to become eligible for the vacancy. From which it would follow, that if an emigrant of the highest character, took up his residence among us, and remained five years, having in due form declared his intentions of becoming a citizen of the United States, when he first reached our shores. Although, immediately upon his arrival, as he well might be, admitted to practice law in all our courts, and whilst so doing had pre-eminently distinguished himself as a citizen and a lawyer; had become naturalized at the expiration of his five years residence yet, if every man in the judicial district desired to cast his vote for him to fill the vacant judgeship, he could not do so until he had resided five years longer in the State. Thus requiring of him a residence of ten instead of five years.—Whilst on the other hand, a yankee abolitionist, who had resided amongst us five years, become at once eligible to the appointment. For this unjust discrimination he could discover no satisfactory reason.

We had nothing to fear from opening the door in the manner he, [Mr. D.] proposed to the naturalized foreigner. He thought that by the decision already made by the Convention, it was impossible that this proposition of his could be seriously opposed.

Now, what in this respect was the condition of things under the existing Constitution.

What qualifications did it require for judicial appointments? That the persons appointed should be men of integrity, and sound legal knowledge, residents of the State of Maryland. A foreigner residing in the State for one year, was as eligible to a high judicial appointment, as a native born or naturalized citizen. No citizenship under the present Constitution of Maryland was required. This he thought wrong and