

Mr. DORSEY withdrew the second branch of his amendment.

Mr. STEPHENSON moved to amend the fifth section of the report, by striking out the word "election," in the sixth line, and inserting "appointment;" striking out the word "elected," in the seventh line, and inserting "appointed by the Governor, by and with the advice and consent of the Senate," striking out in the eighth line the words, "by a plurality vote of the legal and qualified voters therein;" and by striking out the word "election" in the tenth line, and inserting "by appointment."

Mr. SPENCER. I wish to make an explanation with regard to a vote I gave on Saturday. On the motion made on Saturday by the gentleman from Anne Arundel [Mr. Donaldson] to strike out, and insert a provision for the selection of persons by the legislature from whom the Governor should appoint. I voted against the motion to strike out, because the only proposition before the House was to insert the matter offered by the gentleman from Anne Arundel; and because under the rules of the House, any other motion to strike out and insert different matter would be in order. I shall vote for the proposition of the gentlemen from Harford county. I do not know that I should have moved it myself, thinking that the question is so far decided that it would be a mere consumption of time to debate or to move such a proposition. The great reform in my opinion consists in the limitation of the tenure, and in the reduction of the number of the judges. He looked upon this as a test vote.

Mr. BOWIE asked for a division of the question, and the question was accordingly stated to be first upon striking out.

Mr. STEPHENSON wished this to be considered as a test vote, and would prefer to have the question taken without division for that reason.

Mr. BOWIE said that it would be a test vote either way.

Mr. SPENCER. This question has never yet been submitted to the Convention. I consider this motion as a test question, and shall therefore vote to strike out.

Mr. BISER demanded the yeas and nays,

Which were ordered,

And being taken, resulted—yeas 18; nays 45—as follows:

*Affirmative*—Messrs. Lee, Chambers, of Kent, Donaldson, Wells, Weems, Dalrymple, Colston, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Sprigg, Spencer, Fooks, Jacobs, Sappington, and Stephenson.—18.

*Negative*—Messrs. Ricaud, Pres't, pro tem. Morgan, Mitchell, Dorsey, Howard, Buchanan, Bell, Welch, Lloyd, Sherwood, of Talbot, John Dennis, Crisfield, Dashiell, Miller, Bowie, Tuck, George, Wright, Dirickson, McMaster, Shriver, Johnson, Gaither, Biser, Annan, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke and Shower.—45.

So the Convention refused to strike out.

Mr. HICKS moved to amend the fifth section by striking out the word "ten," and inserting in lieu thereof, "fourteen," and after the word "and," insert "shall not," and by striking out the words "until he shall have obtained the age of seventy years, and not after."

Mr. HICKS said:

I have taken fourteen years, for the reason that we have determined, by our action this morning to have biennial session of the Legislature. I would prefer a longer time, because I believe it would tend to lessen agitation. I move this amendment, however, because I believe that in this matter I am on the side of the people, being of the opinion that their interests require an independent judiciary. I have no opposition to the election of judges by the people, provided you make their tenure reasonably long, give them good salaries, and hold out to them no promise for re-appointment or re-election, as the case may be. I desire to see them placed in a position in which they will feel their independence, and by which all political agitation, so far as the election of these important offices are concerned will be avoided. I hope my amendment will prevail.

Mr. BOWIE asked a division of the question on striking out and inserting.

Mr. DORSEY gave notice that if the motion to strike out should be agreed to, he would move to insert twenty years.

Mr. BOWIE asked the yeas and nays on the amendment of Mr. HICK,

Which were ordered,

And being taken resulted as follows:

*Affirmative*—Messrs. Ricaud, Pres't, pro tem., Lee, Chambers, of Kent, Mitchell, Dorsey, Wells, Weems, Dalrymple, John Dennis, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Tuck, Fooks and Jacobs.—18.

*Negative*—Messrs. Morgan, Howard, Buchanan, Bell, Welch, Lloyd, Sherwood, of Talbot, Colston, Miller, Bowie, Sprigg, Spencer, George, Wright, Dirickson, McMaster, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood of Baltimore city, Ware, Schley, Fiery, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, and Shower.—43.

So the Convention refused to strike out.

Mr. DORSEY then moved to amend the section by striking out the word "ten," and inserting in lieu thereof, the word "twenty," and asked the yeas and nays on his motion.

Some discussion ensued on a point of order, which was participated in by Messrs. SPENCER, DORSEY and TUCK.

The yeas and nays were then ordered, and the question being taken on agreeing to the amendment of Mr. DORSEY, it was rejected by the following vote:

*Affirmative*—Messrs. Ricaud, Pres't pro tem., Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Weems, John Dennis,