"by presentment of a grand jury and conviction of a petit jury of the county in which he may reside."

Determined in the negative.

Mr. JACOBS moved to amend the 5th section by striking out in the 3d and 4th lines, the words "from among those learned in the law, having been admitted to practice the law in this State."

Mr. PHELPS demanded the yeas and nays, which were ordered and taken.

Mr. DIRICKSON said, I do not wish to place any unnecessary or useless restrictions within the body of the Constitution. I believe that the same intelligence and integrity which qualifies the people to elect their judges, renders them equally competent to select a judge with the proper and requisite legal information, without any such unnecessary and useless restriction as that which it is now moved to strike out. Honestly and sincerely entertaining such a confidence, I shall vote aye upon the motion which has just been submitted by the gentleman from Worcester, (Mr. Jacobs.)

[The amendment is stated above as it appears on the Journal; but it not being as intended by Mr. Jacobs, and as understood by many members, this vote was reconsidered on the next day. See proceedings of Thursday, April 24.]

The yeas and nays being taken, resulted—yeas 1, nays 67; as follows:

Affirmative—Mr. Dirickson—1.

Negative—Messrs. Ricaud, President *pro tem*, Morgan, Lee, Mitchell, Wells, Kent, Sellman, Brent of Charles, Howard, Buchanan, Bell, Welch, Ridgely, Sherwood of Talbot, Colston, John Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Miller, Bowie, Tuck, Sprigg, Bowling, Spencer, Grason, George, Wright, McMaster, Fooks, Jacobs, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Stewart of Baltimore city, Brent of Baltimore city, Schley, Fiery, Neill, John Newcomer, Harbine, Davis, Kilgour, Waters, Anderson, Weber, Holliday, Slicer, Fitzpatrick, Smith, Parke, Shower and Brown—67.

So the amendment was rejected.

Mr. SPENCER moved to reconsider the vote of the Convention on the amendment offered by Mr. Brown, and adopted by the Convention, inserting after the word "be," in the 19th line, the words "increase or."

Upon making this motion,

Mr. S. said that he was opposed in any particular to judges receiving perquisites or fees, and their salaries being diminished; he was opposed to restricting the Legislature from raising them. If it was the desire of the people that the salaries should be enlarged, he would leave it in the power of the Legislature to enlarge them.

Mr. BROWN. If we undertake to fix in the Constitution the salary of a single officer, I hold that the salary of that officer should be fixed. Here is a minimum stated. I have had experience enough with the old system to know that there will be applications to the House of Delegates to raise the salaries of the judges. If we are not capable of judging of the duties to be performed in this Court, I should like to know how the Legislature can judge of them. I want a maximum to be fixed in the Constitution. If $2,500 is not enough, and if a majority of the Convention think $3,000 a proper amount, then let it be fixed at $3,000, and there let it stand. We do not know under how much excitement the Legislature may be placed at a future day. We had better not attempt to fix it at all than to have only a minimum. I hope, therefore, that the reconsideration will not be agreed to.

Mr. SPENCER. If this be stricken out, it will be left precisely as the old Constitution was, providing that the Judges shall not have their salaries diminished. We have put in another requisition here which is in conformity with the declaration of rights. That Bill of Rights declared that it was improper for judges to receive perquisites of office. That was an abuse which we have eradicated. We cannot now pretend to say with certainty what ought to be the remuneration of the Judges. We think $2,500 ought to be given. But we cannot tell how much the duties of the Judges may be enlarged. There is an immense commercial interest growing up in this State, and particularly in Western Maryland. There is the town of Cumberland, for example, growing rapidly; the business of the city of Baltimore alone, now frequently detains the Court of Appeals for two or three months, while the whole business amounts to seven months in the course of the year, it may be that in a short time, the business, instead of being transacted in seven months, will take up the entire year. Why should we be forced to call a Convention to provide for a case of that kind? It is true that a Convention may be held at the expiration of ten years; but I do not want to force the calling of a Convention, merely because the salaries of the Judges have been permanently fixed so low as to prevent competent men from occupying the bench. It seems to me that if you fix it so that it shall not be diminished while in office, and give the people through the legislature the right to give them more by way of fixed salary, if it should be found necessary as a matter of justice, it will be the best arrangement we can adopt. I think it is assuming too much, to suppose that we can decide for all time to come, the proper remuneration of a Judge of the Court of Appeals.

Mr. BROWN demanded the yeas and nays, which were ordered, and being taken, resulted—yeas 5, nays 63, as follows:

Affirmative—Messrs. Ricaud, President pro tem., Bowie, Spencer, Grason and Holliday—5.

Negative—Messrs. Morgan, Lee, Mitchell, Wells, Sellman, Sollers, Brent, of Charles, Merrick, Howard, Buchanan, Bell, Welch, Ridgely, Sherwood, of Talbot, Colston, John Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Miller, Tuck, Sprigg, Bowling, Wright, Dirickson, McMaster, Fooks, Jacobs, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Sher-