Hearn, Fooks, Jacobs, Johnson, Sappington, Magraw, Nelson, Thawley, and Ware—16.

Negative—Messrs. Morgan, Blakistone, Dent, Hopewell, Ricaud, Donaldson, Dorsey, Wells, Randall, Sellman, Buchanan, Lloyd, Dickinson, James U. Dennis, Crisfield, Dashiell, Williams, Hodson, Goldsborough, Eccleston, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Thomas, Gaither, Biser, McHenry, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Brewer, Waters, Anderson, Weber, Holliday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey, and Brown—53.

So the amendment moved as the 12th section was rejected.

The amendment offered by Mr. Spencer, as the 13th section of the report, was then read, as follows:

Sec. 13. In the trial of all actions hereafter in the courts of this State, in which matters of account in bar or set off are plead as now authorized by law, or which may hereafter be allowed by law, the jury shall find, according to the merits of the case, either for the plaintiff or the defendant, as the case may be.

At the suggestion of Mr. Brent, of Baltimore city, Mr. Spencer modified his amendment by inserting after the word "find" in the 11th line, the words "any balance," and by adding at the end thereof these words, "and the judgment of the court shall be rendered according to the finding of the jury."

Mr. Spencer demanded the yeas and nays, which were ordered, and being taken, resulted—ayes 47, noes 22—as follows:

Affirmative—Messrs. Ricaud, Lee, Sellman, Buchanan, Lloyd, Dickinson, James U. Dennis, Dashiell, Hicks, Hodson, Eccleston, Miller, McLane, McCubbin, Spencer, George, Wright, McMaster, Hearn, Fooks, Jacobs, Johnson, Gaither, Biser, Sappington, McHenry, Magraw, Nelson, Thawley, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Ware, Michael Newcomer, Kilgour, Brewer, Waters, Weber, Holliday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—47.

Negative—Messrs. Chapman, President, Morgan, Blakiston, Dent, Hopewell, Donaldson, Dorsey, Wells, Randall, Crisfield, Williams, Goldsborough, Bowie, Tuck, Sprigg, Thomas, Schley, Fiery, John Newcomer, Harbine, Davis and Anderson—22.

So the amendment moved as the 13th section was adopted.

On motion of Mr. Bowie, the Convention then took up for consideration the 2d and 3d sections, which had been passed over informally.

Mr. Bowie then offered as a substitute for said sections, the following:

"Sec. 2. The court of appeals shall have appellate jurisdiction only, which shall be co-extensive with the limits of the State, and shall consist of a chief justice and three associate justices, any three of whom shall form a quorum, whose judgment shall be final and conclusive in all cases of appeals, and who shall have the same jurisdiction which the present court of appeals of this State now have, and such other appellate jurisdiction only as may be hereafter provided for by law. The Governor, for the time being, by and with the advice and consent of the Senate, shall designate the chief justice, and the court of appeals shall hold its sessions at the city of Annapolis, on the first Monday of June, and the first Monday of December, in each and every year."

Mr. Crisfield moved to amend the substitute by inserting after the word "appeals" in the fifth line, these words, "but no judgment of reversal shall be rendered, except with the concurrence of at least three of the judges thereof."

Mr. Crisfield. Your Court of Appeals is now composed of four judges; and three form a quorum. The decisions of these will be the decision of one. The judge below has already expressed his opinion. If the court above should consist of three, and two of them would be in favor of overturning the decision of the court below, there would be two above in favor of overturning the decision, and one above and one below in favor of sustaining it. I do not wish an equal number of judges to overturn a decision, but to require a majority of all. By inserting these words, we prevent the case of two judges overturning the decision which is concurred in by two judges.

Mr. Bowie. That is the effect of it as it now stands. It takes three to reverse. If there are two against two, it is an affirmance.

Mr. Crisfield. But suppose there are only three upon the bench.

Mr. Bowie. Then you would require a unanimous decision?

Mr. Crisfield. Certainly I would.

Mr. Bowie. I think that is rather hard. It is carrying it too far. A majority ought to be allowed to affirm or reverse the decision.

Mr. Crisfield demandee the yeas and nays, which was ordered, and being taken resulted—ayes 26; noes 42—as follows:

Affirmative.—Messrs. Morgan, Ricaud, Sellman, Lloyd, Dickinson, James U. Dennis, Crisfield, Dashiell, Williams, Hodson, Goldsborough, McCubbin, Spencer, George, McMaster, Hearn, Fooks, Gaither, Gwinn, Fiery, Brewer, Weber, Holliday, Slicer and Smith—26.

Negative.—Messrs. Chapman, Pres't, Blakistone, Dent, Hopewell, Lee, Donaldson, Dorsey, Wells, Randall, Buchanan, Hicks, Eccleston, Miller, McLane, Bowie, Sprigg, Wright, Dirickson, Jacobs, Johnson, Biser, Sappington, McHenry, Magraw, Nelson, Thawley, Brent, of Balt. city, Sherwood, of Baltimore city, Ware, Schley, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Waters, Anderson, Fitzpatrick, Parke, Shower, Cockey and Brown—42.

So the amendment was rejected.

Mr. Crisfield then moved to amend the substitute, by inserting after the word "law" in the ninth line, the following:

"And in every case decided, an opinion in writing shall be filed, and provision shall be made