

Carroll, Smith, of Worcester, Stirling, Stockbridge, Swope, Sykes, Todd, Turner—64.

On motion of Mr. ECKER,

It was ordered to be entered upon the journal, that Mr. Wooden is detained from his seat, having been unexpectedly called away on important business.

Mr. DAVIS, of Washington, asked and obtained leave to absent himself from the sessions of the convention for a few days.

#### ELECTION OF COURT OF APPEALS.

The convention resumed the consideration of the report of the committee on the judiciary department; the twelfth section being upon its second reading as amended as follows:

Sec. 12. The court of appeals shall consist of a chief justice and four associate justices, and for their selection the State shall be divided into five judicial districts as follows, viz: Worcester, Somerset, Dorchester, Talbot, Caroline, Queen Anne, Kent and Cecil counties, shall compose the first district; Harford and Baltimore counties, and the first seven wards of Baltimore city, shall compose the second district; Baltimore city, except the first seven wards, shall compose the third district; Allegany, Washington, Frederick, Howard and Carroll counties, shall compose the fourth district; St. Mary's, Charles, Anne Arundel, Calvert, Prince George's and Montgomery counties, shall compose the fifth district; and one of the judges of the court of appeals shall be elected from each of said districts.

The pending question was upon the adoption of the amendment of Mr. DEWY, as amended, as follows: to add at the end of the section, "by the qualified voters of the whole State."

Mr. BERRY, of Prince George's. I move to postpone the section informally, as the house is not full, and we may have a full house tomorrow.

The motion was not agreed to.

The question recurred upon the adoption of the amendment as amended.

Mr. BERRY, of Prince George's, demanded the yeas and nays, and they were ordered.

The question being taken, the result was—yeas 34, nays 27—as follows:

*Yeas*—Messrs. Annan, Carter, Cunningham, Cushing, Daniel, Davis, of Washington, Ecker, Galloway, Hebb, Hopkins, Hopper, Keefer, Kennard, King, Markey, Maybugh, McComas, Mullikin, Murray, Negley, Nyman, Pugh, Purnell, Robinette, Russell, Sands, Schley, Schlosser, Smith, of Worcester, Stirling, Stockbridge, Swope, Sykes, Todd—34.

*Nays*—Messrs. Goldsborough, President; Abbott, Audoun, Berry, of Prince George's, Billingsley, Blackiston, Brown, Chambers, Clarke, Crawford, Dent, Duvall, Earle, Edeleen, Gale, Hodson, Horsey, Jones, of Somerset, Lansdale, Lee, Marbury, Mitchell, Miller, Morgan, Parran, Smith, of Carroll, Turner—27.

The amendment was accordingly agreed to.

The question recurred upon the adoption of the substitute moved by Mr. THOMAS as follows:

Strike out all after the word "the," in the first line and insert the following:

"The court of appeals shall consist of a chief justice and four associate justices and for their selection the State shall be divided into four judicial districts. Allegany, Washington, ton, Frederick, Carroll, Baltimore and Harford counties, shall compose the first; Montgomery, Howard, Anne Arundel, Calvert, St. Mary's, Charles and Prince George's, the second; Baltimore city, the third; and Cecil, Kent, Queen Anne's, Talbot, Caroline, Dorchester, Somerset and Worcester, shall compose the fourth district; and the chief justice shall be elected by the qualified voters of the counties and the city of Baltimore on a general ticket.

"And one person from among those learned in the law, having been admitted to practice law in this State and who shall have been a citizen of this State at least five years, and above the age of thirty years at the time of his election, and a resident of the judicial district, or if chief justice a resident of the State as herein provided, shall be elected from each of said districts and the State, by the legal and qualified voters therein as a judge of said court of appeals, who shall hold his office for the term of fifteen years from the time of his election or until he shall have attained the age of seventy years, whichever may first happen, and be re-eligible thereto until he shall have attained the age of seventy years, and not after, subject to removal for incompetency, wilful neglect of duty or misbehavior in office, on conviction in a court of law, or by the governor upon the address of the general assembly two thirds of the members of each house concurring in such address, and the salary of each of the judges of the court of appeals, shall be four thousand dollars (\$4,000) annually, and shall not to be increased or diminished during their continuance in office, and no fees or perquisites of any kind shall be allowed by law to any of the said judges."

Mr. STOCKBRIDGE. My colleague is not here to-night in his place. I should like to know whether his amendment has any indorsement here.

Mr. CLARKE. I have been absent; and I understand that the convention have already adopted a number of general qualifications and rules with reference to the judges of the court of appeals as well as the other courts. Now if in the sections relating to the court of appeals and the circuit judges we are to go again into the questions of qualification, age, removal from office, &c., we shall have first a series of general provisions, and then a series of particular provisions for each court which will take the place of the general provisions.

Mr. SMITH, of Carroll. It strikes me that