sideration, as reported by the committee, goes upon the basis of an appointive three-judge system, and generally prescribes the whole mode of the appointment of all the judges of the State. Following that precise mode of arrangement, and differing only in regard to the mode of selecting the judges, the gentleman from Allegany (Mr. Hebb) proposes to leave the general design of the committee in regard to the mode of arrangement to stand as it now is, but to make the section conform to the principle which the convention has adopted, by substituting the elective for the appointive system. If the convention wishes to adopt the arrangement of the present constitution, then they must adopt some way of getting rid of this whole report, and substituting something else in its place.

Mr. THOMAS. I desire to inquire whether the substitute which I offered for the twelfth section, and which will be found on page 487 of the journal, would be in order as a substitute for this section? It relates to the court of appeals, providing for dividing the State into districts, and confining the election of the judges to those districts respectively, instead of having them elected by the State at large as proposed by the gentleman from Allegany (Mr. Hebb.) The first branch of his proposition is that the judges of the court of appeals shall be elected by the qualified voters of the State.

The PRESIDENT. That has already been decided by a vote of the convention upon an amendment to the twelfth section.

Mr. THOMAS. Then why put it in here again?

The PRESIDENT. The chair has nothing to do with that.

Mr. STOCKBRIDGE. I suppose every one understood that it was necessary to make all the sections of this report correspond with the principle adopted by the convention. When we come to consider this third section, it is necessary to modify it. Although I do not agree to the policy of making our judiciary elective, yet as the convention has decided in favor of it, I do not propose to raise any objection to modifying the various sections so as to harmonize with the action of the convention.

The PRESIDENT. This is a mere general provision. It can make no difference if the general provisions are reasserted in the subdivisions.

Mr. SMITH, of Carroll. The convention has determined to elect the judges of the court of appeals by general ticket. But at the time that determination was expressed there was an amendment pending to that section. Therefore no final and determinate action has been taken upon that section by the convention; and when it comes up for final determination the amendment of the gentleman from Baltimore city (Mr. Thomas) will still be in order.

The PRESIDENT. Certainly; it will then be in order.

Mr NEGLEY. I suppose that any amendment that we should propose, which should contravene anything the convention has already determined upon, could not be received without a reconsideration of the action of the convention.

Mr. BERRY, of Prince George's. Would it be in order to move to postpone the section now under consideration until I can move a reconsideration of the vote by which the convention determined to elect the judges of the court of appeals on general ticket?

The PRESIDENT. It would be in order to move to pass over it informally.

Mr. BERRY, of Prince George's. Then I submit that motion.

The question was then taken upon the motion to pass over informally the third section of the report, and it was not agreed to.

The question then recurred upon the first branch of the amendment of Mr. HEBB.

Mr CHAMBERS. That involves two questions; first the principle of election, and next the election by the State at large. I am opposed to both.

The first branch of Mr. HEBB's amendment is as follows:

Strike out all of the first sentence of the third section after the word "judges" and insert "of the court of appeals shall be elected by the qualified voters of the State."

Upon this question Mr. MILLER called for the yeas and nays, and they were ordered.

The question was then taken, by yeas and nays, and resulted—yeas 40, nays 24—as follows:

Yeas—Messrs. Abbott, Annan, Audoun, Cunningham, Cushing, Daniel, Dellinger, Ecker, Farrow, Galloway, Hebb, Hoffman, Hopkins. Hopper, Jones, of Cecil, Keefer, Larsh, Mayhugh, McComas, Mullikin, Murray, Negley. Nyman, Parker, Pugh, Purnell, Ridgely, Robinette, Russell, Schley, Smith, of Carroll, Sneary, Stirling, Swope, Sykes, Thomas, Thruston, Valliant, Wickard, Wooden—40.

Nays—Messrs. Goldsborough, President; Belt, Berry, of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brown, Chambers, Dent, Duvall, Edelen, Gale, Hodson, Hollyday, Horsey, Johnson, Lee, Mitchell, Miller, Morgan, Parran, Stockbridge, Turner—24.

The first branch of the amendment was accordingly adopted.

Pending the call of the yeas and nays, the following explanations were made by members, as their names were called:

Mr. BELT. I desire to say one word in explanation of my vote. I shall vote in the negative for the reason that being generally in favor of the appointive system of the judi-