

circuits; and the present judge of the first judicial circuit shall continue to act as the judge of the first judicial circuit, and the present judge of the second judicial circuit shall continue to act as judge of the second judicial circuit, and the present judge of the third judicial circuit shall continue to act as the judge of the fourth judicial circuit, and the present judge of the fourth judicial circuit shall continue to act as the judge of the fifth judicial circuit, and the present judge of the fifth judicial circuit shall continue to act as the judge of the ninth judicial circuit, and the present judge of the seventh judicial circuit shall continue to act as the judge of the tenth judicial circuit, and the present judge of the eighth judicial circuit shall continue to act as the judge of the twelfth judicial circuit, and the present judges of the several courts of the fifth judicial circuit shall continue to act as the judges of the several courts of the nineteenth judicial circuit, until the expiration of the time for which they have been severally elected, or until they shall have attained the age of seventy years, whichever shall first happen, and until their successors are elected and qualified. And in case of the death, resignation, removal or other disqualification of any of the judges hereby continued in office, the governor, by and with the advice and consent of the senate, shall appoint a person duly qualified, according to the terms of this constitution, to fill said office, until the next general election for county officers thereafter; at which time an election shall be held as herein before prescribed for a judge, who shall hold his office for fifteen years, according to the provisions of this constitution, as to the qualification and removal of judges."

Mr. HEBB. Some of these provisions are already embraced in the report on the tenure of office, &c. I have prepared an amendment which I think will answer the purpose, and which I designed to offer to the come in at the end of Part III.

Mr. THOMAS withdrew his amendment.

Mr. HEBB submitted the following amendment:

Insert as an additional section, to follow section twenty-one, the following:

"The present judges of the circuit courts shall continue to act as judges of the respective circuit courts within the judicial circuits in which they respectively reside, until the expiration of the term for which they were respectively elected, and until their successors are elected and qualified, viz: the present judges of the first, second, third, fourth, sixth and eighth judicial circuits, as organized at the time of the adoption of this constitution, shall continue to act as judges respectively of the first, second, fourth, fifth, ninth and twelfth judicial circuits, as organized under this constitution; and an election for judges of the third, sixth, seventh, eighth, tenth and eleventh judicial circuits shall be held on Tuesday

next after the first Monday of November, eighteen hundred and sixty-four."

Mr. THOMAS. I will suggest that the gentleman includes the tenth judicial circuit.— Judge Ricaud was only appointed last year; and according to the rules he would not be elected until a year from next fall.

Mr. STIRLING. It strikes me that the judge would have held over a year more if the convention had not been held; and you ought not to displace him and require an election to be held in that district sooner than it would otherwise have been held. There is no necessity for holding an election in that district for judge until a year from next fall. I move that the further consideration of this section be informally passed over. It occurs to me that that makes no provision with reference to the court of appeals; and I think there ought to be some provision made there.

Mr. HEBB. I have made provision for that in another amendment. With regard to the judge of the tenth judicial circuit I will state that the election of all these judges is provided for to take place at the next general election of members of the general assembly.— The election next year is for county officers; and if the convention choose to reconsider what they have already decided, and say they may be elected at the election either of members of the general assembly or of county officers, then it will be proper to provide that the election of the judge of that district shall take place next year.

Mr. STIRLING. Some provision will have to be made with regard to that; for the convention have determined that the judges shall hold for fifteen years, a term which will inevitably require a change in the time of election, or make this an anomalous provision. I do not, however, propose to change this, for I want these elections to be kept separate as far as possible from party politics.

The motion to postpone was agreed to.

ANOTHER COURT IN BALTIMORE.

Mr. THOMAS submitted the following amendment:

"Sec. —. The legislature shall, whenever it may think the same proper and expedient, provide by law another court for the city of Baltimore, to consist of one judge, to be elected by the legal and qualified voters of said city, who shall be subject to the same constitutional provisions, hold his office for the same term of years, and receive the same compensation as the judge of the superior court of said city, and said court shall have such jurisdiction and powers as may be prescribed by law; and the general assembly may reapportion the civil jurisdiction among the several courts in Baltimore city, from time to time, as in their judgments the public interest and convenience may require."

Mr. THOMAS said: I will state that that is an exact copy, with a very slight variation in