

for the Court of Appeals. Determined in the affirmative.

Mr. THOMAS then moved to amend said 5th section of the report of the committee by striking out these words "the State shall be divided into three judicial districts, one on the Eastern and two on the Western Shore, which said districts shall be laid off as the gubernatorial districts are," and inserting in lieu thereof the following:

"The State shall be divided into four judicial districts, Allegany, Washington, Frederick, Carroll, Baltimore and Harford counties shall compose the first; Montgomery, Howard, Anne Arundel, Calvert, St. Mary's, Charles and Prince George's counties the second; Baltimore city the third; and Cecil, Kent, Queen Anne's, Talbot, Caroline, Dorchester, Somerset and Worcester counties shall compose the fourth district."

Mr. BOWIE demanded the yeas and nays, which were ordered.

Mr. THOMAS. This is an arrangement of districts precisely like that he had proposed for the election of Governor. He did not know what arguments were used here the other day, but he would state the principle reason he had for desiring this arrangement. Among those to sit in the court of appeals we ought to have, he thought, a gentleman of the bar, who had practiced in the Baltimore city courts, where he has had an opportunity to study commercial law, and the law of insurance. Every member of the bar knows perfectly well that in the country these branches of the law are not so thoroughly understood. In the absence of such a judge on the bench in the court of appeals, the court would be dependent entirely upon the assiduity and learning of the members of the profession practicing before the court in those branches of law; and if it should so happen that the lawyers practicing before the court should overlook or omit to notice a very material decision bearing upon those branches of law, there would be no member of the court to prompt his associates; and it might very often happen that decisions in the court of appeals touching those branches of the law would be directly in conflict with what they would be with a member of the Baltimore bar upon the bench. He took for granted that in the organization of the judiciary, there is a desire on both sides to see a fair participation in the honors and advantages of a position on the bench of the court of appeals. Is it right under these circumstances, to associate the city of Baltimore and the counties of the Potomac together when they have 278,000 inhabitants, while the other counties on the Eastern Shore have 128,000? Would it be equitable to consolidate Baltimore city and all these counties in one district, and to leave the Eastern Shore for another district, and the remainder of the western counties the third. The effect of this would be to consolidate them, and there would be a continued struggle between the counties connected with Baltimore and that city for a judge. The reasons that he had assigned will be so cogent, when urged in behalf of selecting a judge from the Baltimore bar, that it would be almost

an ostracism of all the members of the bar in the Potomac counties if connected with that city. Whether these judges shall be elected by a general ticket system or by districts is a question that the house can decide independent of this question whether the districts shall be four or three. As to the advantages we derive from having four judges on the bench of the court of appeals, he took it for granted, as it has been a matter of discussion heretofore, that there is no necessity for my going into that branch of the subject. He would say, however, that it will often happen that if you organize a court of three judges, one of them may be absent, and the others divided. We do not expect men to go upon the bench of the court of appeals who are not experienced practitioners at the bar; and in the case he had mentioned of an equal division of the court of appeals, the case may be decided by the presiding judge below, who may not be experienced in such questions. If you make the number of judges four, one judge can be absent by reason of indisposition, or his private affairs, and there will still be three to progress with the business. He did not feel it necessary to go further in vindication of his intended vote. He wished only further to say that he had no unkind reminiscences to indulge in. He had no feelings of that kind that would induce him to put on the bench of the court of appeals no one not of the political party which shall predominate in the State. His proposition, however, to fix the election by districts, secures a representation to both parties, not merely as at present organized, but in any organization of party which would be likely to take place in the State.

And the question being taken, resulted as follows:

*Affirmative*—Messrs. Ricard, President p. t., Morgan, Lee, Chambers of Kent, Mitchell Donaldson, Dorsey, Wells, Weems, Dalrymple, Solters, Merrick, Jenifer, Howard, Buchanan, Bell, Welch, Ridgeley, Sherwood of Talbot, John Dennis, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, McCullough, Bowie, Tuck, Bowling, Spencer, Wright, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, Nelson, Gwinn, Brent of Baltimore city, Schley, Neill, Harbine, Kilgour, Hollyday, Smith, Showler, and Brown—50.

*Negative*—Messrs. Sellman, Colston, Miller, Grason, George, Dirickson, McMaster, Fooks, Jacobs, Johnson, Stewart of Caroline, Harcastle, Stewart of Baltimore city, Sherwood of Baltimore city, Ware, Fiery, Anderson, Weber, Slicer, Fitzpatrick, and Parke—21.

So the amendment was adopted.

Mr. Gwinn moved further to amend the 5th section by striking out from the word "elected," to the word "who," and inserting in lieu thereof the following:

"On general ticket by a majority of the legal and qualified voters of the State, as judges of the said Court of Appeals."

Mr. GWINN observed that he would only say in support of the amendment, that whatever reason there might be on the ground of conve-