

Sec. — There shall be a clerk of each of the said superior, common pleas and criminal courts, who shall be elected by the qualified voters of the city of Baltimore, hold their respective offices for the term of six years, and until a new election is held, and their successors duly qualified, and be re-eligible thereto, but removable for wilful neglect of duty, or other misdemeanor in office, on conviction in a court of law, or for such other causes as may be prescribed by law.

Sec. — The clerk of the present superior court shall continue to act as clerk of the superior court, as herein constituted, until the end of the time for which he was elected; and the clerks of the present court of common pleas and criminal court shall continue to act as clerks of said courts respectively until the end of the time for which they were elected, and to exercise and perform the same powers and duties as they now exercise and perform, or such as may be prescribed by law.

Mr. SCOTT gave notice that at the proper time he would submit the following amendment to the report of the committee on the judiciary department:

Strike out section two, and insert the following:

"Sec. 2. The judges of the court of appeals shall be elected by the people of the State, by general ticket; the court of appeals shall appoint the judges of the circuit courts, and the circuit courts shall appoint the justices of the peace in their respective circuits."

#### EXECUTIVE DEPARTMENT.

The convention then resumed the consideration of the unfinished business of Friday last, being the report of the committee on the executive department, which was on its second reading.

The section under consideration was the following:

"Section 2. The first election for governor under this constitution shall be held on the Tuesday next after the first Monday of November, in the year eighteen hundred and sixty-four, and on the same day and month in every fourth year thereafter, at the places of voting for delegates, to the general assembly, and every person qualified to vote for delegates, shall be qualified and entitled to vote for governor; the election to be held in the same manner as the election of delegates, and the returns thereof, under seal, to be addressed to the speaker of the house of delegates, and enclosed and transmitted to the secretary of State, and delivered to the said speaker at the commencement of the session of the legislature next ensuing said election."

Mr. VALLIANT. I would like to be informed by some member of the committee, what will be the effect of the second and third sections if this report is adopted? If I understand it, the effect of the third section will be to make the term of the present governor expire at the

close of the present year. Is that or not the effect this report will have, if adopted?— The third section is:

"The speaker of the house of delegates shall then open the said returns in the presence of both houses, and the person having the highest number of votes, and being constitutionally eligible, shall be the governor, and shall qualify in the manner herein prescribed, on the second Wednesday of January next ensuing his election, or as soon thereafter as may be practicable."

The PRESIDENT. The first section controls that. It says that the governor first elected under this constitution shall take office at the expiration of the term of the present governor.

No amendment was offered to the second section.

Section three was then read as follows:

"Section 3. The speaker of the house of delegates shall then open the said returns in the presence of both houses, and the person having the highest number of votes, and being constitutionally eligible, shall be the governor, and shall qualify in the manner herein prescribed, on the second Wednesday of January next ensuing his election, or as soon thereafter as may be practicable."

Mr. SANDS. This section certainly requires the first governor elected to qualify before the expiration of the term of the present incumbent.

Mr. VALLIANT. And then there is another difficulty. The second section names the day for the first election, and then provides that the election shall take place "on the same day and month in every fourth year thereafter." Now if we want the gubernatorial term to continue, the governor will have to enter upon his office in the January ensuing his election.

Mr. PUGH. The governor first elected under this constitution will serve only three years. That provision was made in order to allow the present incumbent to fill out the term for which he was elected. I do not myself suppose that it relieves the sentence from all ambiguity; but I suppose the words "constitutionally eligible" were intended to cover the difficulty the gentleman suggests.

Mr. SANDS. I think the difficulty may be reached by striking out all after the words, "and shall qualify in the manner herein prescribed." That will leave the governor elect to qualify at any time after his election, and before the expiration of the term of the present governor. Or rather I will move to amend this section by adding the words "save in the case of the governor first elected under this constitution as provided in the first section of this article." That answers the double purpose of naming the day for the qualification of the governor, and excepting the first governor elected under this constitution.

Mr. MILLER. That will leave out any time