

Mr. NEGLEY. And in order to get this proposition in the house must strike out the original?

The PRESIDENT. Yes, sir.

The motion to strike out prevailed.

The PRESIDENT. The question recurs upon the substitute submitted by the gentleman from Talbot (Mr. Mullikin) as amended.

Mr. THRUSTON. I move to strike out "voter in this State" and insert "citizen of the United States," because the constitution of the United States requires that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States" [art. 4, sec. 2,] and I do not want to have our constitution at variance with the constitution of the United States in any way.

Mr. NEGLEY. I think that is an edge tool that will cut two ways. It is competent to allow a man who has not been naturalized to vote for State officers; yet he could not vote for United States officers.

Mr. THRUSTON. It is not competent to give a privilege to citizens of Maryland in a suit at law, that citizens of other States have not a right to. I do not want to have a useless conflict between our own constitution and the constitution of the United States, because our constitution must give way to the constitution of the United States. That is the reason for my motion.

The amendment was agreed to.

Mr. NEGLEY. I move the following amendment, being section 31 of the article in our present constitution:

"Every person of good moral character, being a voter, shall be admitted to practice law in all the courts of law in this State, in his own case."

The PRESIDENT ruled the amendment out of order, having already been acted upon.

Mr. CHAMBERS demanded the yeas and nays upon the adoption of the section as amended, and they were ordered.

The question being taken, the result was—yeas 40, nays 32—as follows:

Yeas—Messrs. Abbott, Annan, Audoun, Barron, Brown, Crawford, Cunningham, Daniel, Davis, of Charles, Davis, of Washington, Dennis, Duvally, Ecker, Galloway, Hebb, Hopkins, Hopper, Horsey, Jones, of Somerset, Keefer, Kennard, King, Lansdale, Markey, Mayhugh, McComas, Mullikin, Negley, Nyman, Robinette, Sands, Schlosser, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Sykes, Thomas, Thruston, Wickard—40.

Nays—Messrs. Goldsborough, President; Berry, of Prince George's, Billingsley, Blackiston, Brooks, Carter, Chambers, Clarke, Dent, Earle, Edelen, Hatch, Jones, of Cecil, Lee, Mace, Marbury, Mitchell, Morgan, Murray, Parker, Parran, Peter, Pugh, Purnell, Russell, Schley, Stirling, Stockbridge, Swope, Todd, Turner, Wooden—32.

When their names were called,

Mr. SCHLEY said: For the same reason I voted for striking out yesterday, I vote "no."

Mr. STIRLING said: I do not know that this section can practically give any rights a man cannot exercise now; and I think it is only calculated to produce confusion, and perhaps restrict some rights. I therefore vote "no."

Mr. BROOKS said: Under the explanation of the gentleman from Baltimore city (Mr. Stirling,) I will change my vote and vote "no."

The section was accordingly adopted as follows:

"Sec. 11. Every person, being a citizen of the United States, shall be permitted to appear and try his own case."

The next section was read as follows:

PART II.

Court of Appeals.

"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 appointed from each of said districts."

Mr. ABBOTT. I move to strike out "appointed" and insert "elected" in the last line.

Mr. JONES, of Somerset. I would suggest to the gentleman to insert "by the qualified voters in each of the said judicial districts."

Mr. STIRLING. It would be better to take the vote first upon the amendment as offered, and afterwards upon the mode of election.

Mr. SANDS. That can be provided for by inserting in line two, after the words "associate justices" the words "to be elected on general ticket by the qualified voters of the State."

Mr. SCHLEY. I give notice that I will move to amend by inserting "to be elected by the qualified voters of the State" in the second line, and to strike out the last clause, and let the justices be elected from the State at large.

Mr. DENT. I will move to amend by adding at the end of the section, "by the qualified voters thereof."

Mr. THOMAS. I give notice that at the proper time I shall offer a substitute for the whole section.