

disqualification, the parties thereto may, by consent, appoint a person to try the same; and the parties to any cause may submit the same to the court for determination without the aid of a jury."

Mr. STIRLING. That is correct. I recollect that it was decided that when we should have determined whether to have three judges or one, we would take it up again. That question has not yet been decided.

Mr. NIXON. I move that it be informally passed over until we determine the number of judges.

The motion was agreed to.

COURT OF APPEALS.

The twelfth section which had been passed over informally, was taken up and read, as amended, as follows:

"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 elected from each of said districts, by the qualified voters of the whole State."

Mr. THOMAS. The pending question is upon my amendment to the section, contained on page 487 of the journal.

The amendment, submitted by Mr. THOMAS was read as follows:

Strike out all after the word "the," in the first line, and insert the following:

"The court of appeals shall consist of a chief justice and four associate justices and for their selection 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, the second; Baltimore city, the third; and Cecil, Kent, Queen Anne's, Talbot, Caroline, Dorchester, Somerset and Worcester, shall compose the fourth district; and the chief justice shall be elected by the qualified voters of the counties and the city of Baltimore on a general ticket."

"And one person from among those learned in the law, having been admitted to practice law in this State and who shall have been a citizen of this State at least five years, and above the age of thirty years at the time of

his election, and a resident of the judicial district, or if chief justice a resident of the State as herein provided, shall be elected from each of said districts and the State, by the legal and qualified voters therein as a judge of said court of appeals, who shall hold his office for the term of fifteen years from the time of his election or until he shall have attained the age of seventy years, whichever may first happen, and be re-eligible thereto until he shall have attained the age of seventy years, and not after, subject to removal for incompetency, wilful neglect of duty or misbehavior in office, on conviction in a court of law, or by the governor upon the address of the general assembly, two-thirds of the members of each house concurring in such address, and the salary of each of the judges of the court of appeals, shall be four thousand dollars (\$4,000) annually, and shall not be increased or diminished during their continuance in office, and no fees or perquisites of any kind shall be allowed by law to any of the said judges."

The PRESIDENT. There is this difficulty, that the gentleman has embraced in his proposition what the convention has already passed upon in a different section. The latter branch of the proposition prescribes the tenure of office and the age of the judge. The convention has already passed upon that proposition in the third and fourth sections.

Mr. THOMAS. The latter part of it is embraced in the third section; but not the former part. I will omit the latter part, and modify my motion to strike out all after the word "the," in the first line and insert the following:

"Court of appeals shall consist of a chief justice and four associate justices and for their selection 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, the second; Baltimore city, the third; and Cecil, Kent, Queen Anne's, Talbot, Caroline, Dorchester, Somerset and Worcester, shall compose the fourth district; and the chief justice shall be elected by the qualified voters of the counties and the city of Baltimore on a general ticket."

That makes five judges of the court of appeals, the chief justice to be elected by general ticket, and the other four in their several districts.

Mr. BERRY, of Prince George's. I do not understand that the amendment states how the four judges shall be elected. It says that the chief justice shall be elected by the qualified voters of the counties and the city of Baltimore on a general ticket; but does not say how the associate judges shall be elected.

The PRESIDENT. The gentleman has stated that the associate judges will be elected from