

The question was upon adopting the section as proposed by Mr. ABBOTT.

Upon this question Mr. ABBOTT called for the yeas and nays, but they were not ordered.

The question was then taken, and the section was rejected.

Mr. THOMAS. There is no provision made in this report in relation to filling vacancies occasioned by the death, resignation or other disqualification of the judges. It is necessary that some provision should be made for that; I therefore move the following additional section be adopted:

"Section 24. In case of the death, resignation, removal or other disqualification of a judge by the courts of this State, the governor, by and with the advice and consent of the senate, shall thereupon appoint a person duly qualified, to fill said office until the next general election for members to the general assembly thereafter, at which time an election shall be held as herein prescribed, for a judge, who shall hold said office for the term of fifteen years, and until the election and qualification of his successor."

Mr. STIRLING. I approve of this proposition, but I cannot vote for it any more than I could for the other. Simply for the reason that it meets only one branch of the question. Some provision must be made in relation to judges holding over, elections of judges of new circuits, and the filling of vacancies.—This provides for the filling of vacancies, and nothing else.

The PRESIDENT. This can be followed up.

Mr. STIRLING. I think we better let the whole matter lay over. This can be put in the schedule.

Mr. CHAMBERS. This is a proper subject for a permanent constitutional provision.—The schedule is only temporary, for the purpose of carrying the constitution into effect. As to the filling of vacancies for all time to come, that is a proper subject for the constitution. I can see no objection to it.

The question was then taken upon adopting the additional section proposed by Mr. THOMAS, and upon a division—ayes 41, does not counted—it was adopted.

ORPHANS' COURTS.

Section twenty-four of the report was then read, as follows:

"Section 24. There shall be an orphans' court in each of the counties of the State, and the city of Baltimore, and the circuit judge resident in any county shall be ex-officio chief judge of the orphans' court of each county, and one of the judges of the circuit court of Baltimore city shall sit as chief judge of the orphans' court of said city; the qualified voters of the city of Baltimore and of the several counties of the State shall, on Tuesday next after the first Monday in the month of November eighteen hundred and sixty-seven,

and on the same day of the same month in every fourth year thereafter, elect two men to be associate judges of the orphans' court of said city and counties respectively; no person shall be elected associate judge of the orphans' court unless he be a citizen of the State of Maryland, and resident in the city or county for which he may be elected at the time of his election; each of said associate judges shall be paid at a per diem rate for the time they are in session, to be fixed by the legislature, and paid by the said counties and city respectively."

Mr. THOMAS submitted the following as a substitute for the section:

"Section 24. The qualified voters of the city of Baltimore, and of the several counties of the State, shall, on Tuesday next after the first Monday in November, 1867, and on the same day in the same month in every fourth year thereafter, elect three men to be judges of the orphans' court of said city and counties respectively, who shall be citizens of the State of Maryland and citizens of the city or county for which they may be severally elected, at the time of their election; the judges of the orphans' court for the city of Baltimore, shall receive an annual salary of _____ hundred dollars, to be paid by said city.—The judges in the several counties shall receive a per diem, and be paid by the said counties."

Mr. HEBB. Before the question is taken upon the substitute, I move to amend the original section by striking out all after the word "Baltimore" where it first occurs, and insert the following:

"And the qualified voters of the city of Baltimore and of the several counties of the State shall, on Tuesday next after the first Monday in November, eighteen hundred and sixty-seven, elect three men to be judges of the orphans' court of said city and counties respectively; one of the said judges first elected shall hold his office for two years, one for four years and the other for six years; and at the first meeting after their election and qualification, or as soon thereafter as practicable, they shall determine by lot, which one of their number shall hold his office for two, four and six years respectively, and thereafter there shall be elected as aforesaid, at each general election for county officers, one judge to serve for the term of six years. No person shall be elected judge of the orphans' court unless he be a citizen of the State of Maryland, and a citizen of the city or county for which he may be elected, at the time of his election; each of said judges shall be paid at a per diem rate for the time they are in session, to be fixed by the general assembly, and paid by the said counties and city respectively."

The question was stated to be first upon the amendment of Mr. HEBB.

Mr. HEBB. The difference between the amendment offered by myself, and the one of-