

sideration the best means of establishing a good Constitution in this State, declare : ”

Some conversation followed.

Mr. CHAMBERS preferred the amendment of the gentleman from Washington. At any time prior to the vote of Friday last, he should have concurred in the view taken by the gentleman from Anne Arundel. He regarded that vote as changing our condition in this respect. Our Constitution no longer recognizes the God of the Christian or the God of the Jew. The invocation of an *Almighty* God is now out of place in our Constitution. We recognize “a” God—any God under whose dispensation his worshipper may look for reward or punishment in this life or the next.

The Indian, the Hindoo and numerous classes of heathens, put faith in “a” God, who, though sometimes he sleeps, or is engaged in indulgences which call off his attention, yet, when aroused, is able to punish disobedience to his will. Some worship the great spirit of evil to deprecate his wrath. All such are now made capable of holding the highest offices in the government. Let the Convention be consistent in this respect.

As to the verbal criticism of the gentleman from Anne Arundel, he dissented from his opinion. We are now making a Constitution, if we succeed in our object—if we do make a Constitution, it is for the people to ratify or reject what their delegates have done.

The question was then stated to be on the substitute of Mr. JOHN NEWCOMER.

Mr. N. asked the yeas and nays, which were refused.

The question was then taken, and by ayes 33, noes 21, the substitute was adopted.

And the preamble, as thus amended, was adopted.

Mr. SPENCER moved that the bill of rights, as amended, be printed.

Ordered accordingly.

#### THE JUDICIARY.

Mr. BOWIE, Chairman of the Committee on the Judiciary Department, submitted the following report :

The committee on the Judiciary, beg leave to make the following

#### REPORT :

*Section 1.* The judiciary Power of this State shall be vested in a Court of Appeals, in County Courts, in such courts for the city of Baltimore as may be hereinafter prescribed, and in justices of the peace.

*Sec. 2.* The Court of Appeals shall consist of a Chief Justice and two Associate Justices, any two of whom shall form a quorum. The Governor by and with the advice of the Senate, shall designate the Chief Justice.

*Sec. 3.* The Court of Appeals shall be co-extensive with the limits of the State, but in criminal cases, and in appeals from interlocutory judgments and decrees, with such exceptions and under such regulations as may be prescribed by law, and the Court of Appeals and judges thereof shall

have power to issue writs of *Mandamus* and writs of *Diminution*, and such other writs as shall be necessary to enforce its own jurisdiction, and may also compel a judge of a county court or other inferior court to proceed to trial and judgment in a cause—and the Court of Appeal shall hold its sessions at the city of Annapolis on the first Monday of June and the first Monday of December in each and every year.

*Sec. 4.* The Court of Appeals shall appoint its own clerk, who shall hold his office for six years, and may be re-appointed at the end thereof; he shall be subject to removal by the said court for incompetency, neglect of duty, misdemeanor in office, and such other causes as may be prescribed by law.

*Sec. 5.* 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 one person from among those learned in the law, having been admitted to practice the 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, shall be elected from each of said districts by a plurality vote of the legal and qualified voters therein, as a judge of the said Court of Appeals, who shall hold his office for the term of ten years from the time of his election, or until he shall have attained the age of seventy years, which ever 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, misdemeanor in office, and such other causes as may be prescribed by law, by presentment of the Grand Jury and conviction of a petit jury of the county in which he may reside, or by the Governor upon the address of the General Assembly, two-thirds of the members of each house concurring in such address. The salaries of the judges of the Court of Appeals, shall be two thousand five hundred dollars annually, and shall not be diminished during their continuance in office.

*Sec. 6.* The Legislature may hereafter, should the public convenience require it, increase the number of judges of the court of appeals to five; in which event, a new division of the State into five judicial district, shall be made in such manner as to secure two to the Eastern and three to the Western Shore.

*Sec. 7.* No judge of the Court of Appeals, shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity within such degrees as may be prescribed by law, or where he shall have been of counsel in the cause. When the Court of Appeals, or any two of its members shall be thus disqualified to hear and determine any cause or causes in said court, or when no judgment can be rendered in any case or cases in said court, by reason of the equal division of opinion of said judges, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons