

courts, the wants of the people would be provided and their wishes would be consulted.

Mr. GWINN demanded the yeas and nays, which being ordered and taken, resulted as follows:

Affirmative—Messrs. Welch, Colston, Miller, Spencer, Stewart of Caroline, Gwinn, Stewart of Baltimore city, Brent of Baltimore city, Sherwood of Baltimore city, Ware, Anderson, Parke and Shower—13.

Negative—Messrs. Ricard, President *pro tem*, Morgan, Lee, Chambers of Kent, Mitchell, Donaldson, Wells, Kent, Weems, Dalrymple, Soliers, Merrick, Jenifer, Howard, Buchanan, Bell, Ridgely, Sherwood of Talbot, John Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, McCullough, Bowie, Tuck, Sprigg, Bowling, George, Wright, Drickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, Nelson, Harcastle, Schley, Fiery, Neill, Harbine, Kilgour, Weber, Hollyday, Slicer, Fitzpatrick, Smith and Brown—59.

So the amendment was rejected.

Mr. JENIFER gave notice that at a proper time he should offer the following as a substitute for the report of the Committee on the Judiciary, which he desired should be printed.

Mr. J. said it was proper that he should make some explanation why he intended to pursue that course. He had been confined to his room for the last two weeks by the prevailing influenza, which, with the inclement weather, had prevented his being in the Convention during the discussion of the Judiciary report, which had been under consideration the last ten days. It was a question in which his constituents, in common with the citizens of the whole State, took a deep interest, and he regretted not to have it in his power at last to give his vote upon all questions relating to this subject.

Mr. J. said he now presented this plan for the purpose of expressing, as far as it went, his views upon the Judiciary. The report of the committee had gone through many changes since it came before the Convention, and from present indications, others will not be made; and the bill, as it now stands, does not appear to be acceptable even to the committee which reported it.

Mr. J. said, he should not of his own accord have proposed any judiciary system whatever, (not being learned in the laws or having ever practiced at the Bar,) but for the advice of gentlemen whose legal acquirements would not be disparaged by a comparison with the able and experienced jurists of this body—men now at the Bar, and others having retired from it. The system, therefore, which he proposed was not so much his own, as a compilation from the several plans suggested by those gentlemen, and the reports from members of the Convention.

Mr. J. said he would briefly state the general principles of the plan he submitted. It proposed that there should be a Court of Appeals, possessed of all the powers, authorities and jurisdiction of the existing Court of Appeals, with such additional powers, authority and jurisdiction as may be conferred by the Constitution and laws made

pursuant thereto, and its judgments shall be final in all cases whatever.

The Court of Appeals shall consist of four judges, learned in the law, three of whom shall constitute a quorum.

The judges of the Court of Appeals shall be appointed by the Governor, with the advice and consent of the Senate; be thirty years of age, and go out at sixty-five. The salary of each judge shall be fixed, and not diminished during his continuance in office.

For the County Courts, the State to be laid off into eight judicial districts, with one judge to each inferior judicial district, to be elected by the electors of each judicial district, whose duties shall be the same as now exercised by the common law county courts, and such other duties as may hereafter be prescribed by law, made pursuant to this Constitution. Not eligible unless thirty years of age. Term of service ten years, or until the incumbent arrives at the age of sixty-five. To be elected by the electors of the inferior judicial district. Salary \$2,000 per annum, not to be diminished during continuance in office.

The judges for the city of Baltimore to be appointed, with duties, responsibilities, salaries, Terms of service, &c., as defined in the 13, 14, 15, 16, 17, 18 and 19th sections of the bill proposed, which are similar to those reported by the judiciary committee.

A Chancellor to be appointed for each inferior Judicial District, whose term of office, qualification and salary to be the same as herein provided for the Judge of the inferior Judicial District, and removable like the judges, for incompetency, willful neglect of duty, misdemeanor in office, and such other cases as may be presented by law, by presentment of a Grand Jury, or by the Governor, upon address of the General Assembly, two-thirds of the members of each house concurring in said address.

The Chancellor to exercise the equity jurisdiction now exercised by the county courts, sitting as courts of equity, &c.

The Chancellor shall be Judge of the Orphans' Court in each of the counties in his judicial district, and be vested with all the powers now vested in the Orphans' Courts of the several counties of the State. He shall have jurisdiction in all applications for the benefit of the Insolvent Laws within his district, &c. The clerks of the several county courts, and registers of wills, shall be elected by the electors of the county, for a term of six years.

Mr. J. said this was a synopsis of the plan proposed, leaving all details necessary to perfect it to be done by the Legislature at its first session after the ratification of this Constitution. He thought it best to leave all details of this, as any other system, to the wisdom of the Legislature, and not to burden the Constitution with unnecessary provisions, many of which might require, upon due consideration, alterations and amendments, when too late.

Mr. J. said he had proposed to leave the present High Court of Chancery untouched, at least until the year 1860, when a new census will have been made, and the question submit-