

which they may be elected." If the people have the right to elect the judges, they should have the right to go outside of the judicial districts if they desire. It may be a matter of practical convenience in some districts to do so.

Mr. SANDS. Will that enable the people to go outside of their own judicial district for a judge?

Mr. STIRLING. Yes, sir.

Mr. SANDS. I am opposed to that.

Mr. RUGELY. The amendment of the gentleman from Baltimore city (Mr. Stirling) refers also to the circuits, and allows a judge from one county to be elected to serve in another county.

Mr. STIRLING. If you are going to give the election of judges to the people, let them have that power to the fullest extent. In the present condition of affairs in this State it may be very necessary to take a man from one county to be judge in another.

The question being taken upon the amendment of Mr. STIRLING, it was rejected.

Mr. THRUSTON. I now move to strike out the words "or district," so as to allow the judges of the court of appeals, who are to be elected on general ticket to be selected from any part of the State, and not to be confined to their special districts.

Upon this question Mr. MARBURY called the yeas and nays, and they were ordered.

The question being then taken, by yeas and nays, it resulted—yeas 18, nays 43—as follows:

*Yeas*—Messrs. Annan, Chambers, Cunningham, Daniel, Davis, of Washington, Hopper, Keefer, McComas, Mullikin, Negley, Russell, Schley, Schlosser, Stirling, Stockbridge, Todd, Thruston, Wooden—18.

*Nays*—Messrs. Goldsborough, President; Abbott, Berry, of Baltimore county, Billingsley, Blackiston, Bond, Brown, Crawford, Dail, Davis, of Charles, Dent, Duvall, Earle, Ecker, Edelen, Galloway, Harwood, Hodson, Hopkins, Jones, of Cecil, Jones, of Somerset, Kennard, Kinz, Lansdale, Lee, Marbury, Mayhugh, Mitchell, Miller, Morgan, Parker, Parran, Peter, Pugh, Purnell, Ridgely, Sands, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Swope, Thomas, Turner—43.

The amendment was accordingly rejected.

Mr. NEGLEY, when his name was called, said: As these officers are to serve for the whole State, I think the people of the whole State ought to be permitted to take them from any portion of the State. I therefore vote "aye."

Mr. ABBOTT. The section now reads—

"They shall be not less than thirty years of age," &c. I move to strike out the word "thirty" and insert the word "forty."

The question being taken, the motion was not agreed to.

Mr. STIRLING moved to strike out "thirty" and insert "twenty-five."

The amendment was rejected.

Mr. DAVIS, of Charles, moved to insert the word "five" after the word "thirty."

Not agreed to.

Mr. MILLER. I move to strike out the word "circuit" and insert the word "county," in the clause of the section which now reads, "resident in the judicial district or circuit." The convention had determined by a very large vote to adopt the elective instead of the appointive system. They have refused to allow any judge of the court of appeals to be taken outside of the judicial district. Now, if there is to be one judge for each county in the State, who shall be one of the judges of the circuit court of the three counties of the circuit, and also to be placed upon the bench of the orphans' court, then properly to carry out that provision each county should elect its own judge. It will be found that by the nineteenth section of this report the State is to be divided into eight judicial circuits, providing that each circuit shall consist of three counties. In each of those circuits are to be elected three judges; that is, one judge for each county. He is required by the provisions of this report to reside in the county for which he is to be the judge, and if the elective system is to be carried out, it is but proper that the people of the county should be the proper constituency to elect that officer, and not permit the counties of St. Mary's, Charles and Prince George's, for instance, to elect three judges, all three of whom may be elected from one of those counties, and require two of them to remove to the other counties to reside. You should let the local bar of each county furnish a man to be the judge in that county.

Mr. CHAMBERS. They may not be able to do it.

Mr. MILLER. I think they can.

Mr. SANDS. I would suggest to the gentleman from Anne Arundel (Mr. Miller) that his amendment is premature. The subsequent action of the convention upon other subjects may require us to come back to this section and reconsider it. If the convention determine against the three-judge system, we would have to go back and strike this out.

Mr. MILLER. I will withdraw the amendment now, but shall probably introduce it at some other time.

No further amendment was offered to this section.

The next section was then read as follows: "Sec. 3. The judges shall be appointed, commissioned and designated as chief or associated justices, by the governor, with the advice and consent of the senate. Each judge shall hold his office during good behavior, or until he shall attain the age of sixty years, when, in the discretion of the governor, by and with the advice and consent of the senate, he may be re-appointed for a term not exceeding ten years, after which he shall not be re-appointed."