

this Convention had done nothing, except to change the mere mode of appointment, and that was a beautiful system of judicial reform to send to the people of this State. A mere change in the mode of appointment! They had done nothing to facilitate the dispatch of business. It would be found that attempts had been made here to cut down the judicial districts, but they had failed.

The two jurisdictions, equity and common law, must be disconnected, if you place more than one or two counties, at furthest, in the same circuit. If that was not done, the system would be made worse than when this Convention first met here—for then we had three judges to do the same business which was now to be done by one only. The expense of the proposed new system was as nothing compared with the benefits that must result from it to the people.

MR. SPENCER moved the indefinite postponement of the whole subject.

MR. PRESIDENT. On that motion the subject is open to debate ten minutes.

MR. SPENCER said he had made the motion in order to save time, and bring the Convention to a speedy decision on this subject. He was prepared to support the proposition of the gentleman from Prince George's, (Mr. Bowie,) or that of the gentleman from Charles, (Mr. Jenifer.) If you adopted the plan of the gentleman from Prince George's, he would be willing to allow the judges for the counties \$1000. The difference then between the costs of the plans of the two gentlemen would be \$5000 in favor of that of the gentleman from Charles, which he (Mr. S.) preferred.

MR. BOWIE, with the consent of the Convention, so modified his substitute as to make the salary of the judge "one thousand dollars," instead of "twelve hundred dollars," as originally offered.

MR. SPENCER proceeded. He said he had advocated and desired to see a system adopted which would have been better and cheaper, by which the county court judges would have been required to perform all the judicial business of their districts. But the Convention had determined otherwise. He had now of necessity to advocate what he considered the next best. The existing system costs the people—with the Orphans' Courts and the judges of Baltimore county—\$71,200 a year, as per estimate of the committee, while the plan proposed by the gentleman from Prince George's would cost only \$52,500. Thus there would be a saving of \$19,700 per annum. The plan of the gentleman from Charles would cost \$46,000 per annum, and would save the sum of \$25,200 per annum.

MR. BUCHANAN. I beg to ask if he takes into consideration the perquisites?

MR. SPENCER. Certainly.

MR. BUCHANAN. Well, they ought to be excluded.

MR. SPENCER proceeded. It could not be denied that the perquisites were paid indirectly

by a tariff of charges. But it was nevertheless true, though paid indirectly, it came out of the pockets of the people, and that in the very worst form. In the early part of the session he had submitted a proposition that there should be connected with the chancery and orphans' court, a chancery sheriff or master in chancery, and he intended again to submit it to the consideration of the Convention. If you incorporated the chancery and orphans' courts with each other, there should be a master in chancery, attached with powers to sell all estates decreed to be sold on the equity side of the court; it would cheapen in a great degree the costs incident to such sale, and not be, as heretofore, necessary to appoint special trustees. He had submitted this proposition so far back as the 4th of December last, and he then had the honor to converse with the honorable gentleman from Cecil (Mr. McLane) on the subject, and it met his entire sanction as being a sound and just plan.

He would now withdraw his motion.

MR. THOMAS rose to address the Convention, but

The PRESIDENT said the motion to postpone indefinitely was debatable.

MR. THOMAS then renewed the motion to postpone indefinitely. He observed that he did it with reluctance, as such a mode of proceeding was a virtual repeal of our standing order. But as the President thought otherwise, he was not willing to sit here and hear, day after date, the debate altogether on one side of the question.

He had entertained the opinion from the first—without any intention to impugn the motives of gentlemen—that this project would have the effect of creating, very unnecessarily, more offices than there were at present in Maryland. And why did he say so? Each gentleman was supposed to be familiar with his own district, and knew its wants. He (Mr. T.) could say, from his own experience, that one judge who was faithful to his duties, who would attend to his duties, could transact all the common law and all the chancery law business before the three courts of Frederick, Washington and Allegany, by working six months out of twelve. Again: he was opposed to this system on another ground. It was that there was created an inequality among the counties and the city, in the proposition to give one judge to each county, without regard to its population.

MR. BUCHANAN. Baltimore is not included.

MR. THOMAS. We had our theories on the subject, and we entertained them firmly and decidedly. He maintained that those plans had the effect he had stated. The smallest counties in the State could not give employment to one judge, even if clothed with common law and chancery powers, and required also to act as an orphans' court. The old system of the judiciary, in his opinion, did not adapt itself to the peculiar condition of the small as well as the large counties. He contended that the great interests of the State would be promoted by an adherence to the old orphans' court system, and