

is no doubt that it is a general principle which the convention are as competent to decide now as at any other time. I agree with him in nearly everything he has said; although I do not agree with him precisely, for this reason. I had made up my mind to accept the report of the committee. I thought that the committee having investigated and digested a plan, it would be much easier to take the system substantially as they had adopted it, so far as its general principles are concerned. I would not have bound myself to all its details. But the convention has absolutely modified that principle. The system proposed in this report is a system of three judges, going back to the plan before the present constitution, when the judges were appointed by the governor during good behavior. The convention has determined that its judges shall be elected, while I was perfectly willing, so far as my individual opinions were concerned, to vote for the three-judge system as proposed in this report, I cannot agree to vote for three judges according to this plan, to be elected by the people. It will run the elective system into the ground, to cause such a large number of judges that it will positively bring the judicial office directly into politics. It will offer so many offices to the competition of members of the bar, that there will be constant elections of judges from among them. I do not believe it is worth while to incur the expense of a three-judge system, to be chosen in the mode in which the convention have determined to choose them. I am not willing to incur the expense of this system, the judges being elected under the present system. I think the result will be that we shall not be able to come to any conclusion if we attempt to perfect such a system. It seems to me that all the convention can do now is to adopt and modify the system of the present constitution.

It requires some modification because it works some injustice. There are some circuits in this State in which it is absolutely impossible to transact their business. I think if my friend from Baltimore county were present at this time, he could give some practical experience how the matter works there. In the circuit composed of Baltimore, Howard and Cecil counties, there is an absolute denial of justice. It is impossible for suitors to get their suits tried; for no mortal man can discharge the duties of these three counties. Baltimore county alone has business enough before its court to test the capacity of any single man. I am satisfied from what I know of the practice in some of the other counties of the State that there are one or two other counties which have business enough for a single judge.

I should prefer, as the matter now stands, that we should have a one-judge system, and so reduce the larger districts that business may be transacted by one judge. I do not

see that we can do anything else. There is no doubt that there will be great difficulty about the expense of the other system. I do not consider it too much to pay, but other members of the convention will consider it too much to pay. I shall be disposed to vote for the proposition of the gentleman from Allegany substantially, because it does remedy the practical difficulties by diminishing the size of the circuits, while it keeps the one-judge system in operation.

Mr. JONES, of Somerset. I do not know whether the chairman of the committee (Mr. Stockbridge) adverted to the fact that the one-judge system necessitates the employment of special judges to a very great extent; and I question whether, if the account were strictly kept of all the employment of special judges, the expense would not be found sufficient to employ at least one additional judge; and whether it is not worthy of consideration that in the three-judge system you have a far greater certainty of having a judge whose regular business it is to hold courts, who has been regularly appointed or elected and commissioned to that office, to hold a court, and need not resort to special judges in so many cases. I think one of the principal reasons for resorting to the three-judge system is the frequent necessity for resorting to special judges and the expense attending it.

The other consideration is important also, that in many of the districts the distance of the judge from some portions of the district is such that it is impracticable to reach him, which amounts to a practical denial of justice, especially in cases of injunction. I have had myself in urgent cases to ride fifty miles in the winter season by a private conveyance to find a judge to get an injunction, and if he had happened to be away from home I should have had my whole trip for naught. I have ridden fifty miles and back, making one hundred miles, and in other parts of the district they would have to ride seventy or eighty miles. This is an inconvenience.

I do not think the additional expense at all is to be compared to the additional convenience afforded to the people. Where there are two or three judges it would certainly avoid the delay. In Baltimore county they could divide the business between the three judges, one hearing appeals, another criminal matters, and the third equity matters, for instance; and they could all be together to hear cases tried at common law before juries. I submit that I think it will be very great economy ultimately, as well as a very great convenience to the people, to adopt the three-judge system.

Mr. AUDOUN. My friend opposed the amendment offered by the gentleman from Allegany county, because it does not provide for one learned in the law, for the orphans' court. If he will turn to page 446 of the journal, he will find a section offered by