

Mr. Thomas, which does provide for one learned in the law upon the bench of the orphans' court. I think that will obviate the difficulty named by my friend. The provision is this:

"Section 24. The qualified voters of the city of Baltimore and of the several counties of the State shall on Tuesday next after the first Monday in the month of November, 1867, and on the same day in the same month in every fourth year thereafter elect three men to be judges of the orphans' court of said city and counties respectively, one of whom shall have been admitted to practice law in this State for at least five years before his election, and who shall be the chief justice of the orphans' court, and who shall be citizens of the State of Maryland and citizens of the city or county for which they may be severally elected at the time of their election, and each of said judges shall be paid an annual salary of fifteen hundred dollars, except the chief justice, who shall receive an annual salary of two thousand dollars, and which shall be paid by the said counties and city respectively."

Mr. STOCKBRIDGE. I do not think it will by any means insure its having one learned in the law, if he is simply to have been admitted to practice law for five years, and if he is to hold the office for a salary of \$2,000.

Mr. CLARKE. I do not see how I can well raise the question before the convention without offering an amendment to that offered by the gentleman from Allegany county (Mr. Hebb.) which I will read to the convention, carrying out the idea I suggested when I was up before. If it shall be adopted it will be necessary to vary several other sections, and I have sketched a plan for this. But really it is impossible, as said by the gentleman from Baltimore city (Mr. Stockbridge,) with the report cut up in the manner in which the convention seems determined to do it, for any gentleman to submit an amendment which contains any idea of any plan or judicial system whatever. A gentleman offers a proposition which is an amendment of a section, and is part of a system, but it is so cut up, and the whole thing is so mixed up that nobody can tell what system we are considering.

There can be no doubt that the present judicial system is imperfect. The people are involved in heavy costs by reason of the impossibility of conducting the business with despatch. Especially is it so with regard to equity business, and so in many cases with regard to getting injunctions. It is a notorious fact that all the equity business is despatched at the end of the common law term. What is the result? Members of the bar are crowded with business; the judge is crowded with business on the common law

side of the court, and many orders are drawn and signed by the judge just as he is about to get into his carriage to drive off. I do not mention this as the fault of the judges, but of the system.

The proposition which I have to offer differs very little from that which is here reported by the committee, but it is varied a little, as I thought it would tend more speedily to despatch the equity business of the various counties. Upon this question I really think the convention ought to take some other than a mere dollar and cent view of it. It is the great question of dispensing justice to the people of the State. It is the great question whether or not your courts are to be a mere place for parties to become involved in, where but few shall have a speedy decision of the merits of their cases, driving the people of the State out of your courts to settle their cases by arbitration, or to settle them in modes which give up all their rights rather than to be involved in this direction.

We have here attempted to frame a system, believing it would carry out the views of the convention, yet when we come down to this system of dispensing the justice of the State to the people, questions of expense are raised, whether we shall pay \$50,000 for one system, or what will be the saving to the people of the State by a different system. But I will not take up the time now with discussion. I will offer the following amendment to the amendment:

"Sec. 20. There shall be a judge for each county in the State, who shall be elected by the legal and qualified voters thereof, from among those learned in the law."

I will simply read the section I have drawn up to show the system with which I propose to follow this up:

"Sec. — There shall be a court in each county in the State; they shall be called equity courts for the county in which they are held. The judge elected for each county shall be the judge of the said court, and shall have and exercise in the county for which he is elected the full and exclusive power, authority and jurisdiction of a court of equity in their said county, with all the chancery powers which the present circuit courts have as courts of equity in the several counties, or which may be hereafter prescribed by laws made pursuant to this constitution, with the right of appeal to the court of appeals, as is now or may be hereafter provided for by law."

The result of this is to have a judge in each county, elected in the county, with chancery powers to despatch the equity business. Instead of having the appeals from magistrates heard only twice a year, they will be disposed of four times a year or oftener by the county judge, disposing of them rapidly, and saving costs in small