

The amendment was rejected.

The question then recurring upon the adoption of the amendment submitted by Mr. HEBB, as amended, it was agreed to.

No further amendment was offered to the third section.

#### OFFICERS OF THE COURTS.

The seventh section, which had been informally passed over, was read as follows:

"Sec. 7. The judge or judges of any court may appoint such subordinate officers for their respective courts as may be found necessary, but none other; and no crier shall be appointed in any court, but clerks or assistant clerks, sheriffs or their deputies, or bailiffs, as the court directs, shall, without additional compensation, perform the duties heretofore performed by criers."

Mr. STIRLING. I move to strike out that section. The court have the power to do that without this section; and the only effect of the section is to abolish the criers, which I really do not see any necessity for, while I see reasons against it. I think as a general principle that we ought not to turn people out of office.

Mr. STOCKBRIDGE. One word with reference to that, rather by way of explanation than argument; because I do not propose to argue any of these propositions. It is not the law of the State at this time, with reference to all the subordinate officers, that they are appointed by the judges; and in some of the counties they are appointed in a different manner. The first part of the section introduces a uniform system throughout the State, whereas it is not now uniform.

The second part strikes out of existence in this State an office which has become obsolete and useless, in the apprehension at least of a part of the committee. There was a time when that office was of much importance, in the early stages of the existence of the courts, when there were proclamations and calls, and when they had heralds and various paraphernalia that have now gone out of use. They are now utterly useless appendages to the court in every instance. They have been abolished utterly in nearly all the orphans' courts of this State already; although they are of as much importance and use there as elsewhere. I am not aware that there is a county in the State which retains a crier in its orphans' courts. I know of no reason why they should be retained in other courts more than in that. It is true that in one instance, in Kent county I believe, certain special duties, by act of assembly have been devolved upon the crier; he having been made keeper of the public buildings also; but that is an anomaly; and it is not so in other cases.

It is a very considerable expense, more or less, in all the counties. The lowest salary I am aware of, fixed for the crier of any court, is \$75 a year. From that it ranges up, there

being certain fees received also, until the highest salary received by law is \$1,500 a year. I am not aware that the State, or that suitors in the courts get any equivalent for this expense. The expense of that office in the State must amount to some \$12,000 or \$15,000 a year; it cannot be under that; besides the perquisites of the crier not included in the fixed salary. Believing it is a sufficient object to save this amount of money, and to save also the fees charged to suitors, this section is reported as it stands. In my opinion, it ought to be adopted.

Mr. CHAMBERS. What is the salary of the crier in Baltimore city?

Mr. STOCKBRIDGE. It is impossible to answer precisely. The salary is \$1,500 a year, and the fees. In the criminal court in Baltimore there is no fixed salary allowed. He draws his compensation, whatever it may be, from the city treasury, from time to time. It has ranged from \$3,000 to upwards of \$5,000. I have not the data to state the exact amount. It is more than that of the judge, uniformly; a good deal more.

Mr. BELT. I desire to say in connection with the remarks of the gentleman from Baltimore city, that I voted to strike this section out; not that I do not agree with my friend from Baltimore city, the chairman of the judiciary committee (Mr. Stockbridge), that the office of crier ought to be abolished; but because I thought that this was a matter which would better be referred to the legislature; and because I am opposed to tying up the hands of the legislature as to the establishment and abolition of these petty offices. I think we shall do best to refer it there; and therefore I shall support the motion to strike this section from the constitution.

The motion to strike out the section was agreed to—ayes 31, noes 26.

#### TRIAL OF CAUSES.

The ninth section, which had been informally passed over, was taken up and read, as amended, as follows:

"Sec. 9. The legislature shall provide for the trial of causes in case of the disqualification of all of the judges of the circuit, but the parties to any cause may, by consent, appoint a proper person to try said cause, or may try any cause before the court without the intervention of a jury."

The pending question was stated upon the amendment submitted by Mr. NEGLEY, to strike out in line two "all of the judges," and to insert "any judge."

Mr. HEBB. That was taken up again in the evening, and on motion of Mr. THURSTON the following section was substituted, as appears from page 479 of the journal:

"The general assembly shall provide for the trial of causes in case of the disqualification of all of the judges of the circuit to hear and determine the same, but in case of such