

own experience is this, that unless it is in some few cases where the gentleman elected or appointed orphans' court judge has been a long time in office, or repeatedly appointed, the register of wills is almost uniformly the judge of the orphans' court. In the transaction of business, and even in matters where he has no jurisdiction by law, the judges of the orphans' court constantly appeal to the register of wills to know what they shall do in this case or in that case; so that in fact they are in most cases a mere fifth wheel to a coach. If the orphans' court is abolished, it will be a large saving of expense, so far as their salary is concerned. If the judge is resident in the county, there will be a large saving of expense in the item I have mentioned, in regard to the speedy hearing of criminal cases.

The legislature might provide for these matters; and might even provide, if necessary for extending the jurisdiction of the register of wills. He might be given jurisdiction in all matters relating to apprentices and some other matters, that would render the orphans' court totally insignificant. As we all know, unless they have had any considerable experience, the register of wills is judge of the orphans' court *per se*, because they are obliged to rely upon him. If we make the judge of the circuit court judge of the orphans' court, there is no necessity for associate judges of the orphans' court. In this way the expense would be in some measure compensated for in giving a judge to each county.

Besides the argument mentioned by my friend from Prince George's (Mr. Berry,) it is a great convenience to the people to have a judge resident on the spot, in a case of *mandamus*, or cases of that sort. These are my reasons for advocating, at the proper time and place, the abolishment of the orphans' court, and the extension of the jurisdiction of the register of wills. I think we shall have abundant employment for a judge in each county.

Mr. MAYHUGH. It would appear from the efforts made here to create new offices in the judiciary system of the State, that the people were really wild upon the subject in the counties and the city of Baltimore. It would really appear to the stranger coming into this convention, that the people were holding meetings and sending memorials to this convention to induce us to make important changes. In my county the question has been scarcely mooted in my presence. Now and then you would hear a man speaking of the judiciary system, and some little alterations or changes that ought to be made in it; but as a whole, the people of the county have rested perfectly satisfied with the judiciary under the old system. In my own opinion, it is a question of extravagance, and not of the retrenchment which should be made at the proper time. I believe that the people have no desire to create new

offices, or to go into extravagance in this state of chaos and confusion. The people are already burdened with taxes. If we adopt the amendment under consideration, by which we create from twenty to twenty-five new offices, having already created five, making thirty, the convention will have incurred an expense of at least fifty or seventy-five thousand dollars annually. It is upon this ground that I oppose the amendment.

And not only upon that; for it is paying men, really, for doing nothing. The judges of the judicial districts in all the counties have been doing the work. They are able and competent for the task. Why then should we separate the judicial districts, and give one judge to each county, doubling the expense, when there is no more labor to be performed?

I oppose the amendment upon these two grounds; in the first place, I say it is extravagant; and in the second place, I say it is absolutely paying men for doing nothing. If you will decrease their salaries to \$1,000 each, it might meet that objection; but that you could not do simply because you could not secure the learning, talent and ability, necessary for the position. Therefore I oppose the amendment, and hope there is no disposition upon the part of the convention to pass such an amendment.

Mr. SCHLEY. I understood the gentleman from Prince George's who addressed the convention just now (Mr. Berry.) to express a willingness that the counties should pay the expenses of their courts. I therefore wish to offer an amendment to the proposed amendment, to be added to the end thereof, in the following words:

"The salary of the circuit judges shall be levied and paid by the respective counties in which they act."

My object in doing so has been already indicated by some of the gentlemen who have addressed the convention. The great objection to the multiplication of the number of the judges, has been the enormous expense that is imposed upon the State. I find by statement A, of the comptroller's report, for illustration, taking several of the amounts of the levy of 1863 for the different counties, that the total assessment or levy upon the assessed value of the real and personal property of St. Mary's county, is \$9,028.71; while in my county there is an assessment of \$54,822.95; showing a disproportion in the ratio of six to one in the revenue levied by the State. It is manifest that we are paying five-sixths of the salary of the judges in the county of St. Mary's. A like disparity exists between other counties. In Prince George's the assessment is \$22,923.94; and in Baltimore county \$53,791.63; showing a disparity, not so wide as that I have already mentioned, but more than two and a half to one. Of the total amount of assessment upon the State, I find that my county