

evident that it will not help the constitution before the people of the State.

Mr. BRISCOE. The line of argument pursued by the gentleman from Baltimore city is certainly a very extraordinary one. He has very clearly indicated that if he had a right to expect that certain sections of the State would come up and sustain the constitution, very likely he might be induced to pursue a certain course on this judiciary question, and might be willing to accommodate some of the counties. All that I have to say with regard to this question is that I am very sorry that any question, extraneous in its character should be brought into the settlement of a question like this. It is one in which the people of the whole State, the people of every section of it, are deeply concerned. It is one having no political bearing, involving none.

The gentleman from Baltimore seems to have forgotten that at least one member from Carroll county agreed with us that in every section of the State each county is entitled to a judge. One of the gentlemen from Allegany (Mr. Thruston) entertains the same opinion with regard to that question. So far as that is concerned the gentleman is at fault in his conclusions.

So far as regards the question of having a judge for the county I represent, I have simply to say that if this system is adopted as now before the convention, giving the judge of the county jurisdiction in all questions of equity, and giving him orphans' court jurisdiction, in addition to the duties in the circuit court, these duties will necessarily occupy the judge in each one of these counties for a very large portion of the year. So far as the duties of the orphans' court are concerned, we know that the responsibilities attached to it, and the great interests of the community at large involved in it, most clearly indicate to every man that it is one of the most important portions of the judicial system of Maryland. So far as my own section of the State is concerned, and I believe in every section of it, there is a necessity for a radical reform with regard to the orphans' court. When we combine the jurisdiction and duties of the equity judge, and judge of the orphans' court with the circuit court business, it seems to me that such duties will be imposed by such a system as will be sufficient to justify us in the employment of a judge.

But the great question is, as stated by the gentleman from Anne Arundel (Mr. Miller,) how to bring home justice, the speedy and efficient administration of justice to the door of every man in the community. I know from the experience in my section of the State of a judicial circuit where there are some four or five counties, that the duties of the circuit judge necessarily keep him constantly employed. If any case of emergency arises in our county, and we want an injunction, we have to go to the city of Balti-

more, and then go to the city of Annapolis, and in nine cases out of ten we find our presiding judge attending some court in Montgomery county or Howard county, so that it is sometimes utterly impossible for us to reach him. Looking at it in this light, as a matter of necessity for us, I think there can be no just argument raised here against the adoption of that system.

I have only this to say, and to throw it out to gentlemen here, and they can put what value they please upon it, that if this system is adopted, I believe in my section of the State it will tend more to commend this work which we have done, as objectionable as I must be candid in saying it has appeared to be in the past, it will tend more to commend it to the approval of my people than any measure this convention has acted on in the past.

Mr. STIRLING. I do not know but what some provision of this kind might have some effect upon the constitution in the portion of the State the gentleman comes from; but it must be very slight, and whatever effect it can produce, can just as well be produced by a modification of the circuits, giving a large degree of practical relief without going to the extent that the amendment goes to. I can say to the gentleman from Calvert county (Mr. Briscoe) that the case of that district ought to be remedied, and I am perfectly willing to vote for a remedy which will accomplish everything that is necessary, and I believe will satisfy the people there as well as this plan of having one judge to each county.

In breaking up our present orphans' court system, we run a great risk of making an unpopular change. The people do not want a change in the orphans' court, and if we have one judge in each county that will make a change in the orphans' court, and that is an additional reason for my voting against it. I shall vote against any change in the orphans' court. I believe it would be a great deal more dangerous to disturb that, than even to disturb the election of judges by the people. The counties which oppose this amendment represent a large vote, and we must take it into consideration that the more populous part of the State votes against this proposition, and the less populous part of the State votes for it. I submit to those gentlemen who care anything for this consideration that this does indicate a dangerous state of things. It indicates that there is no certainty that this one-judge system meets the wishes of the majority of the people.

Mr. BRISCOE. That section of the State has not been inconvenienced by the operation of the present system, and for that reason may not require a change. We do in our portion of the State require it, and there is an eminent necessity for it. In Allegany and the larger counties there is not that inconve-