

how he proposes to get rid of special judges by electing one judge from each county.

Mr. MILLER. I will tell the gentleman. Under the present system there is only one judge in the circuit, and the court is composed of one judge only. Under this system the court is composed of three judges, and it is almost impossible that all three of the judges should be engaged in the same case or related to the same parties, so that there could still be enough to hear the case. That is the way in which it is possible to get rid of the special judges, and that is the way it will be done.

Mr. THOMAS. Does the gentleman pretend to say that when some of the judges may get sick, and there is a proposition put in this very bill that a man is entitled to two judges to try his case? And then you must consider that you deprive the people of the election of one of the people as one of the judges of the orphans' court, because the chief justice of the orphans' court is to be a man learned in the law, a professional gentleman, a member of the bar, which is not as it is at present, for now the judges of the orphans' court all come right from the people. Knowing as well as I do the people, I am perfectly satisfied that they are not willing to give up the system of electing their own orphans' court. So far as I understood the remarks of the gentleman he places to the credit side of his system the speedy trial of criminal cases, and then he goes to work and calculates the number of jail-birds that will be released by this system. How can this system try any more men with three judges than with one judge?

Mr. MILLER. I made no such calculation. I spoke of the cost in criminal cases of keeping them before their trial. I made no such argument as to the number of jail birds released.

Mr. THOMAS. How does he arrive at that? How does he know how many will be tried under the new system more than are now tried under the present system?

Mr. MILLER. It was the keeping before trial that I spoke of.

Mr. THURSTON. Will the gentleman from Baltimore city allow me to ask him a question. If you have a case before the orphans' court for trial would you go as one of the people to try it?

Mr. THOMAS. I would go before the judge of the orphans' court. I do not understand the question.

Mr. THURSTON. Would you employ a lawyer or one of the people to take charge of the case?

Mr. THOMAS. That would depend very much on the case. If I was one of the people and not a lawyer, whether I would employ a lawyer or not. There are a great many men in the counties that never employ lawyers.

Mr. THURSTON. Try their own cases, do you mean?

Mr. THOMAS. Yes, sir. A great many go there and plead their own cases and have their own accounts passed in the orphans' court.

Mr. NEGLEY. Will the gentleman allow me to ask him another question? Is not the circuit court of the district as much the production of the people as the orphans' court?

Mr. THOMAS. No, sir.

Mr. NEGLEY. Have not they as much interest in it?

Mr. THOMAS. Yes; they have as much interest in it; but they do not take the same interest in it.

Mr. NEGLEY. Does it not belong to the people as much as the orphans' court?

Mr. THOMAS. Certainly it does; but they are a different kind of people. Lawyers are a very different kind of men from farmers. According to the present system you can take three farmers and put them on the orphans' court bench, but according to the proposed system you must take one lawyer and give him the same salary as one of the judges of the circuit court. Suppose your circuit court is in session, and your orphans' court wants to be in session. You have got to take the chief justice of the orphans' court and put him on the orphans' court bench, and leave the two associate judges of the circuit court to try the cases there.

Mr. BELT. How often do you suppose that will occur?

Mr. THOMAS. I do not know how often it will occur. But suppose you have two terms a year, and now have two terms a year, how can you do more business in your circuit court with three judges than you now do with one? And as to this matter of injunctions, the gentleman coming from Calvert county to Anne Arundel for a judge, and finding that he is attending a court in Montgomery or Howard, that is their own fault. As lawyers they ought to know where to find the judge. If they come down here after Judge Brewer when he is in Montgomery county, they ought to know that the court is in session in Montgomery county, and that it is Judge Brewer's business to be there, and they ought to have gone there in the first place instead of coming down to Anne Arundel.

Besides, in the matter of issuing injunctions three judges will be just as liable to be out of the county when gentlemen want injunctions as one judge. You cannot tie a circuit judge down to the county where he resides for the purpose of being there to issue injunctions whenever you want one. You cannot tie the man to his house or the court room. Very frequently with our four courts in Baltimore city when we want injunctions we go and find both of our