

Mr. HEBB submitted the following amendment to the section :

Strike out all after the word "the," in the first line, and insert :

"State shall be divided into thirteen judicial circuits, in manner following: The counties of St. Mary's and Charles, shall constitute the first circuit; the counties of Anne Arundel and Calvert, the second; the counties of Prince George's and Montgomery the third; the county of Frederick, the fourth; the county of Washington, the fifth; the county of Allegany, the sixth; the counties of Carroll and Howard, the seventh; the county of Baltimore, the eighth; the counties of Harford and Cecil, the ninth; the counties of Kent and Queen Anne's, the tenth; the counties of Talbot and Caroline, the eleventh; the counties of Dorchester, Somerset and Worcester, the twelfth; and the city of Baltimore, the thirteenth.

Mr. STIRLING. I shall very cheerfully support this amendment. I have all the time opposed giving to each county one judge; but I am decidedly in favor of increasing the facilities of all parts of the State under the present system. And I think this amendment, putting not more than two counties together, except in one instance, and giving the large counties one judge, very properly meets the whole difficulty. It puts the smaller counties in a vastly better position than they are in at present, and I hope will be accepted by them. I think it will to some extent ameliorate the difficulties of our present system; and I hope it will be adopted.

Mr. BILLINGSLEY. Does that give to each county in the judicial district a judge?

The PRESIDENT. No, sir.

Mr. BILLINGSLEY. I thought the question of one judge to each county had been decided?

The PRESIDENT. No, sir; it was carried last night and rejected this morning.

Mr. PETER. The great object to be attained by having one judge for each county was that there might be some remedy for the system as it existed in our courts. At the same time I thought it would be a great advantage to the people, not only residing in our counties, but throughout the State, to have their business attended to at once, especially in the chancery practice in our courts. How is it now in our courts? We have two chancery courts appointed in the year. Our judge has more chancery business than almost any two judges can attend to. The consequence is that we have but one chancery court in the year, and the disputed cases occupy the time. The court cannot get a trial and a decision for two years. Our judge labors, I will admit, almost day and night under the necessities of the case.

Now I appeal to this convention whether it is right to designate certain counties of this

State, and give them the advantage of a judge, and give their lawyers this advantage in their practice, that they can always have a judge sitting at their elbows, while in other portions of the State the lawyers have to travel forty to sixty miles to get a little order passed in chancery.

Gentlemen seem to forget that it is not merely in chancery or in the common law business of our courts that there is a great advantage in having a judge present; but the orphans' court is pressed with business. Once if a gentleman thought proper he could go to that court to get business transacted when it was a plain matter of the settlement of an account. How is it now? Very often an orphans' court is so crowded, meeting one day in the week, that business is postponed week after week until it hangs for years before we can get even a simple account adjusted.

I thought the great object to be attained by this one-judge system was to have a judge in each county that could transact the business of the orphans' court; that it would save time; that lawyers throughout the State might have equal advantages in the transaction of their other business. I do not see the fairness of the gentleman's proposition at all. If Frederick county is entitled to one judge, why not Montgomery? Why not have the same system throughout the State?

I admit that the city of Baltimore is so large that it would take one judge to transact the whole business; but if the judge is not to attend to the business of the orphans' court, why not put Frederick and Washington county together? One judge could probably transact the business of those two counties. How is it now in our judicial division. We have Howard, Calvert, Anne Arundel and Montgomery, all combined. I will admit that one judge is not able to transact the business of those counties; but I unhesitatingly say that if the judge is not to transact the orphans' court business of the counties, let us divide up the State and hitch on Frederick to Washington, or put Allegany and Washington together. If that is to be the plan, that the judge is not to transact the orphans' court business, let us put the lower counties together. If we are going to bring down the expense, let us bring it down where it ought to be, and give the judge as much as he can do, or as much as he ought to do. If we are not to derive benefits adequate to the increase of the expense, let us curtail the expense as much as possible.

Mr. DENNIS. I move to amend the amendment by transposing Dorchester county from the twelfth circuit to the eleventh circuit, with Talbot and Caroline counties. I make that motion for this reason. Worcester, Somerset and Dorchester are put together. I take from the census the total free population of those counties.