

# VOTES AND PROCEEDINGS, NOVEMBER SESSION, 1805.

With the office of judge of the county courts of his district, every chief judge associates that of judge of the court of appeals. The vast importance of those appellate functions do not require to be remarked upon—It is evident that they can be satisfactorily discharged only by men of the first talents, learning and experience; and that a remuneration, which looks as it ought as well to the qualifications which the duties themselves demand, as to the time and labour necessarily employed in the discharge of them, must both, as to them as well as to the associates, be more liberal than that proposed by the bill, which is now returned. It may be said, that the salaries may be enlarged hereafter, if justice and the public good should appear to require it; but it is apparent, that although this is true, it is by no means a justification of the salaries proposed.—Incompetent salaries, in the first instance, will produce mischiefs, which their future augmentation can neither remove or mitigate—They will introduce incompetent judges into the system, and this will incurably affect the administration of justice, and may ultimately destroy the system itself—And it is, moreover, improper upon principle, to offer to those whom we are about to cloath with the judicial character, a compensation which is manifestly less than it ought to be, only because it may hereafter be increased—And even if it should be supposed that the offices would be accepted by suitable persons, in the hope that the salaries would be raised at some future period, it ought not to be forgotten, that whatever may be the true value of such an expectation, it has a manifest tendency to impair the just independence of the judiciary. The finances of the state permit, and the duty of the legislature demands, that liberal salaries should be given. At all times the compensation should be proportioned to the services required.—Should the present legislature fix on inconsiderable salaries, it is in vain to expect that a future one should raise them. What motives can then exist to produce an augmentation, that do not now more powerfully press upon us? United to which, let us keep in recollection the difficulty which at all times exists against making an increase.

We, therefore, gentlemen of the house of delegates, indulge a wish, that the present reform, which we fondly hoped would be a happy one, may not be strangled in its infancy by a too rigid regard to economy, whereby its true value can never be known, nor the people experience that benefit from it, which they had a just right to anticipate.

By order,

T. W. HALL, clk.

Which was read.

Also the bill to establish permanent salaries for the judges of the six judicial districts in this state, the bill to authorise any two justices of the peace in this state to qualify the coroners of their respective counties, and the bill to alter the time of the meeting of the general assembly of this state, and for other purposes, severally endorsed, "will not pass." Also the bill to lay out and open a road in Baltimore county to intersect the main road leading from Cromwell's bridge to Baltimore, endorsed, "will pass with the proposed amendments," which amendments were read the first and second time by especial order, agreed to, and the bill ordered to be engrossed. And the bill to provide for the organization and regulation of the courts of common law in this state, and for the administration of justice therein, endorsed, "will pass with the proposed amendments," which amendments were read.

The bill for draining part of a branch, called Old-town Branch, lying in the upper part of Caroline county, was read the second time and passed.

ORDERED, That Mr. Bruce be added to the committee appointed on the petition for the extension of the Falls turnpike.

The house proceeded, by especial order, to the second reading of the amendments proposed to the bill to provide for the organization and regulation of the courts of common law in this state, and for the administration of justice therein; the question was put, That the house agree to the first amendment? The yeas and nays being required, appeared as follow :

## A F F I R M A T I V E.

Messieurs	Neale, Scott, Hanson, Hurt, Gale, Merriken,	Dorsey, Higgins, B. Mackall, Somervell, Lemmon, Harryman,	Lloyd, Dickinson, Smoot, Moffit, Porter, Hall,	Blake, Sudler, Gleaves, Sturgis, Bishop,	Hawkins, Waters, Cockey, Kuhn, Montgomery,	Forwood, Ayres, Street, Holbrook, Bayard,	Turpin, Jump, Stephen, Bowles, Smith,	Yates, Watts, Bruce, Tomlinson, Rizer.	43.
-----------	--	--	---	--	--	---	---	--	-----

## N E G A T I V E.

Mes	Plater, Parnham,	M'Pherson, Denny,	Jackson, Bayly,	Hyland, Frazier,	Ward, Van-Horn,	Callis, Shaaff,	Selby,	Linthicum.	14.
-----	---------------------	----------------------	--------------------	---------------------	--------------------	--------------------	--------	------------	-----

So it was resolved in the affirmative.

The residue of the amendments were severally read, agreed to, and the bill ordered to be engrossed.

Mr. Waters, from the committee, delivers to the speaker the following report :

THE committee to whom was referred the petition of sundry inhabitants of Frederick, Montgomery and Baltimore counties, reports, that they have had the same under their consideration, and are of opinion that owing to the pressure of business now before the legislature, and the late period of the session, it will be impossible to act on the subject of the petition the present session, they therefore think it adviseable to refer the same to the next session of assembly.

By order,

L. GASSAWAY, clk.

Which was read the first and second time by especial order and concurred with.