

of Caroline and Dorchester, the tenth; the counties of Somerset and Worcester the eleventh; and the city of Baltimore, the twelfth."

Mr. HEBB said: I will state that if this amendment should be adopted, dividing the State into twelve judicial districts, instead of eight, I shall offer another providing one judge for each circuit, making twelve judges. The system reported requires twenty-two judges—three for each of the seven circuits—and one for the eighth circuit. My object is to have one judge in each circuit instead of three.

Mr. KING. Would it not be better to pass over this section informally until we come to the 21st, to know whether we shall have one judge in each circuit, or three? I make that motion.

The motion to pass over the section informally was agreed to.

Mr. OLARKE. I will offer a proposition when it shall be in order, to test the sense of the convention upon the question whether there shall be a judge for each county in the State.

The next section was read as follows:

Sec. 20. In each of the above named circuits, except the eighth, there shall be three courts, one to be held in each county; they shall be called circuit courts for the county in which they may be held, and shall have and exercise all the power, authority, and jurisdiction, original and appellate, which the present circuit courts of this State now have and exercise, or which may hereafter be prescribed by law.

Mr. AUBURN moved to strike out "three" in the second line, and insert "one."

Mr. HEBB submitted the following amendment:

Strike out the section and insert:

Sec. 20. One court shall be held in each county of the State; the said courts shall be called circuit courts for the county in which they may be held, and shall have and exercise all the power, authority and jurisdiction, original and appellate, which the present circuit courts of this State now have and exercise, or which may hereafter be prescribed by law.

Mr. SANDS. I do not see how we can properly act upon this until we have decided whether we shall have three judges to a circuit, or whether we shall have three counties to a circuit, or one county in some cases, two counties in others, and three in others, as proposed by the substitute of the gentleman from Allegany (Mr. Hebb.) I move to pass over the twentieth and twenty-first sections informally.

Mr. STIRLING. It seems to me if we are going to do that, we might as well pass over all of it; we shall have to meet the question somewhere.

Mr. SANDS. I will withdraw the motion, if we can have the question at once.

Mr. STIRLING. The whole report will have to be recast; and if the house come to some conclusion upon this point, the committee can more readily revise it. This whole part was very carefully drawn for a three judge system; and it is now proposed to have a one judge system.

Mr. AUBURN withdrew his amendment. The question recurred upon Mr. Hebb's amendment.

Mr. BERRY, of Prince George's. Does that mean that only one term of the court shall be held in each county of the State?

Mr. SANDS. Certainly not.

Mr. STOCKBRIDGE. The twenty-first section provides for that.

This amendment, I think, brings before the convention fairly the question of the system of circuit courts they may choose to adopt. As such I am very glad it has been offered. This is perhaps as good a time to decide that question as any. As there have been several indications on different sides that this report has not been read or considered in its entirety, but only in its separate parts, I wish to say a word with reference to the system, as a system, that is reported.

There have been a variety of amendments offered, not systematized at all, not fitting the one into the others and several of them adopted, sufficient to make it clear that we are not to have a judicial system at all, but a thing of shreds and patches, a little of this and a little of that.

The effort of the committee at which they worked a long time, was to digest and prepare a system; and they settled two or three cardinal principles, and fitted every detail to these principles.

There is a necessity for four different kinds of jurisdiction in the State, aside from the court of appeals; that is, the ordinary common law, civil jurisdiction, criminal jurisdiction, equity jurisdiction, and the jurisdiction of the estate of deceased persons.

The effect and design of this system was to cover the whole ground, to form a system which should give sufficient force to meet the wants of the people in all these departments, which should give no more than was necessary, which should be at all times accessible, and which should be able to render justice promptly to all suitors.

The system which has prevailed for the last fifteen years in the State has been a circuit court system, with but one judge upon the bench in any place. That system has some advantages; the chief one being its very great economy, there being but one judge over sometimes one county, and sometimes two or more. But there has been this practical difficulty, that the judges have been overworked in almost every instance, and in many instances they have not been at all times accessible for the discharge of what are called the chamber duties of the court in the dis-