

article. But I think it increases the number of judges beyond the necessities of the case. It provides that we shall have twelve districts.

Mr. HEBB. That is the nineteenth section, which was informally passed over.

Mr. NEALEY. I thought the nineteenth section was the amendment pending.

Mr. CLARKE. I withdraw my amendment with this view, that we cannot vote understandingly upon section twenty without understanding the system which I propose to offer, and of which the amendment last night was only one branch. I think if I read the amendments I propose to offer, the convention will be in a better frame of mind to understand the different sections as they may be offered, section by section as the several sections are taken up.

[Mr. CLARKE again read sections nineteen to twenty-four, inclusive, of which he had given notice immediately before taking up the report this morning.]

This will bring up the question of the two systems at once. If in order, I will now offer section nineteen, as an amendment to the present amendment, so that it shall read as follows:

"Sec. 20. There shall be a judge for each county in the State, who shall be elected by the legal and qualified voters of the several counties. He shall be a resident for one year in the county for which he may be elected next before the time of his election, and shall reside in the county for which he is elected while he continues to act as judge.

The PRESIDENT. That does not seem to be strictly germane to the amendment of the gentleman from Allegany, which is a section relating to the courts, that one shall be held in each county.

Mr. RIDGELY. I understand the proposition of the gentleman from Prince George's (Mr. Clarke) to be a part of an entire system, which contemplates a circuit and equity judge in each county. I would ask him what compensation he has in view for these judges?

Mr. CLARKE. I will state that the plan which I propose embraces no more judges than the report of the committee. Instead of having three counties brought into a circuit, you have one judge for each county all through; and the resident judge in the county shall discharge the chancery powers. The expense is the same as that contemplated by the report of the majority of the committee. There are no more judges; and the expense is identical.

Mr. HEBB. I offered the proposition in this form in order to conform to the general features of the report of the judiciary committee. The difference between the proposition I offered and that contained in the report is this: The report proposes twenty-two judges, one for each county, three judges in the circuit. My proposition is to have one judge to each

judicial circuit, and to have a circuit court in each county over which that judge is to preside. There can be no difficulty about it. Any one in favor of having one judge in each circuit, whether there are eight, ten, twelve, or fifteen circuits, will be in favor of my proposition.

Mr. NEALEY. I conceive that there is no earthly difference between the section offered by the gentleman from Allegany and the one reported by the committee, except that the section offered by the gentleman from Allegany looks to a one-judge system, and the other looks to a three-judge system; so that when we vote, those who are in favor of a one-judge system will vote for the proposition of the gentleman from Allegany; and those who are in favor of a three-judge system will vote against it.

Mr. HEBB. That's it.

Mr. NEALEY. We can alter it hereafter to make twelve, nine, or fifteen circuits, as we please.

Mr. SANDS. I was very much interested last evening in the remarks of gentlemen to whom I listened. The more that has been said upon this subject—that is, the question of three judges upon the bench or one—the more I have become interested in it. I should like to hear the views of all gentlemen, professional and non-professional, upon the subject. I do not think that the one consideration with us should be the consideration of expense. By calculation, we will find that the expense of the system as proposed by the committee, will be about 4 cents on the \$100. The assessable property of the State is about \$300,000,000. The estimated cost of this system is about \$100,000. After all, the expense of this system would scarcely be felt in the taxation of the State.

The convention has already by its action appropriated \$460,000 annually to the public school system of the State. We have provided that \$300,000 shall be raised to defray the immediate expenses of the system, and a sinking fund created, by a tax of 5 cents on the \$100 on the assessable property of the State, making in all a levy of about \$450,000 annually.

Now I humbly submit that a matter so important to the people of the State, their welfare and their safety, their convenience and their happiness, as the judiciary system of the State, should not be controlled by the bare consideration of expense. I for one would be willing not to take the expense of the two systems into consideration; because, as I said, the taxation to which the State will be subjected for its judiciary will be not over 4 cents on the \$100. It seems to me then that the sole consideration with this convention should be, which is the better system, as proposed to this body.

To the system as reported by the committee there are some objections. Some of the