

"Sec. 19. The State shall be divided into eight judicial circuits, in manner following: The counties of St. Mary's, Charles and Prince George's shall constitute the first circuit. The counties of Calvert, Anne Arundel and Montgomery, the second. The counties of Allegany, Washington and Frederick, the third. The counties of Baltimore, Howard and Carroll, the fourth. The counties of Harford, Cecil and Kent, the fifth. The counties of Queen Anne's, Talbot and Caroline, the sixth. The counties of Dorchester, Somerset and Worcester, the seventh. And the city of Baltimore, the eighth."

The pending question was upon the following amendment submitted by Mr. HESS:

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

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

Mr. MILLER. Mr. President—

Mr. THOMAS. I move the amendment on page one of the printed amendments.

Mr. MILLER. I move to strike out the section and to insert the provision on page 18 of the amendments.

Mr. THOMAS. I submit that my amendment was offered first. The only difference between the amendment of the gentleman from Allegany and my own is that he strikes out all after the word "the" in the first line, while my amendment is to strike out and insert. He makes twelve circuits, and my amendment makes nine.

The amendment was as follows:

Strike out the nineteenth section and insert the following:

"Sec. 19. The State shall be divided into nine judicial circuits, in manner and form following, to wit: St. Mary's, Charles and Prince George's shall be the first; Anne Arundel, Howard, Calvert and Montgomery shall be the second; Frederick and Carroll shall be the third; Washington and Allegany shall be the fourth; Baltimore city shall be the fifth; Baltimore county shall be the sixth; Harford, Cecil and Kent shall be the seventh; Queen Anne's, Talbot and Caroline shall be the eighth; Dorchester, Somerset and Worcester shall be the ninth; and there shall be elected as hereinafter directed for each of said judicial circuits, except the fifth,

one person from among those learned in the law, and shall have been a citizen of the State at least five years and above the age of thirty years, at the time of his election, and a resident of the judicial circuit, to be judge thereof, and the said judges shall be styled circuit judges, and shall respectively hold a term of their courts at least twice in each year, or oftener if required by law, in each county composing their respective circuits, and said courts shall be called circuit courts for the county in which they may be held, and shall have and exercise in the counties of this State, all power, authority and jurisdiction which the circuit courts of this State now have and exercise, or which may hereafter be prescribed by law, and the said judges in their respective circuits shall have and exercise all the power, authority and jurisdiction of a court of chancery."

Mr. MILLER. I propose mine as a substitute for the whole section.

The PRESIDENT. The chair first recognized the gentleman from Anne Arundel (Mr. Miller,) whose amendment is first in order.

The amendment submitted by Mr. MILLER, of which notice had been given by Mr. CLARK, was read as follows:

Strike out section 19, and insert:

"Sec. 19. 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."

Mr. THOMAS. That brings up the question whether there shall be one judge in each county in the State. I have no remarks to submit on that subject, with the exception of this, that I am opposed to the election of one judge in each county. I think the system will be too expensive, and I do not think the counties want one judge in each county. In some counties I do not think there is business enough for one judge. I think it is better to break up the State into circuits. Some circuits may be too large and others too small; but we can enlarge those that are not large enough; and contract those that are too large.

Mr. BEARY, of Prince George's. I am in favor of the amendments proposed by my colleague (Mr. Clarke.) I understand that it is proposed to have one judge in each county, who shall be chief judge of the orphans' court and shall have equity jurisdiction in the county, and preside with three other judges of his district to discharge the common law business of the several counties composing the circuit. I think it would be highly proper that we should have this change. It would be the means of facilitating the business in the various counties of the State. As to the cost, I will state to gentlemen that if Baltimore