

city will undertake to pay the costs of her judicial system; each county in the State will undertake to pay the cost of its judicial system. I do not consider that that question ought to be brought into consideration at all, when we consider the importance of the matter upon which we are now deliberating. It is a matter in which the citizens of the several counties in the State are deeply interested.

As we are now organized, in our circuit composed of the counties of Charles, St. Mary's and Prince George's, we have only one judge on our bench. He has jurisdiction not only of the common law but the equity business of the several counties. He holds two common law terms in each county, and two equity terms. We have then three judges elected for the orphans' court of the several counties, from the people. My experience in the practice of the law has been that the orphans' courts in the several counties are the most important courts we have. Cases arise in the orphans' courts of the counties, involving more indirect points of law, than arise in the circuit court in the trial of cases of *nisi prius*.

I have known cases to arise, where we in Prince George's county wanted to secure an injunction to prevent a sale, or to prevent a trespass, such as could not be remedied by an action of damages. I have had myself to ride some forty odd miles in the winter season to procure an injunction in an important case. Give us a judge for each county, and vest him with equity jurisdiction, and make him chief judge of the orphans' court, and associate judge of the circuit court of the district, and then you bring justice home to the people. If you require him to reside in or about the county town, he is accessible to every citizen of the county whenever a case of emergency may arise.

I had proposed to let Baltimore city settle upon her own judicial system. I thought it was a matter of so much importance to the gentlemen of Baltimore city, that they would be willing that the counties should agree what system they should have.

Mr. THOMAS. I am willing.

Mr. BERRY, of Prince George's. If the gentlemen from Baltimore city will select their own judicial system, suited to their own people, I am willing to go for it; and I think the same principle should actuate them toward the counties. We ought to have a change in the system. I say that it is almost a denial of justice to the people of the several counties, in many cases, as it now is. This is a highly important change; and I do hope that the members of this convention will consider it. Particularly do I address myself to the members of the various counties of the State. I know there are many members representing counties much more thickly populated than mine. But in my small county I

have seen the workings of the present system to be injurious to the people. If you give us one judge, the legislature may prescribe that they may hold four terms in common law. They may sit in chambers in the discharge of equity business, and act as the old chancellor did in the passage of orders, and trial of cases of injunction, matters most important to the citizen.

I say that the members of the various counties ought to take it into consideration; and I think if they will think of it properly, they will determine with me that the change is an important and a proper one. Give us a judge for each county of the State. Give him equity jurisdiction in the county. Make him the presiding judge of the orphans' court of the county; and let him preside as associate judge of the circuit. Then he will not only have enough to do, but the wants of the citizens of the county will be fully supplied. I do hope that gentlemen from the city of Baltimore will not oppose the wants of the people of the counties in this respect. We are willing to give them their own system. The question of cost should not be taken into consideration at all. If it is, I tell them that the counties are willing to pay the cost of their own system if Baltimore city will do the same. I hope that this amendment will be adopted. I think it is a change that meets the wants of the people, and will be a great improvement upon the present system. I want the convention to understand that these are mere suggestions of mine. I said the other day I should say nothing except in the way of suggestion; and I hope they will take it as suggestion.

Mr. BOND. I think there can be no question that a judge in each county would be a great convenience to the people. The only objection in the world there can be to it is the additional expense. Upon the question of the judge having employment, if he is given the whole jurisdiction of testamentary affairs, and the orphans' court entirely abolished, as I think it ought to be, the whole equity jurisdiction, the whole testamentary jurisdiction, and the whole common law jurisdiction will furnish employment enough even in the small counties for any one judge. In fact a great deal of expense will be saved by having a judge resident in the counties. There are numerous cases where men are arrested and committed to prison and obliged to remain there a considerable length of time because there is no judge there to hear their case. I know that in some counties large costs have arisen in that way, which would not arise if there were a judge resident in the county, for there would be no delay whatever.

Upon the question of giving to the judge in the counties orphans' court jurisdiction, testamentary jurisdiction, I know there are very many in the State who are in favor of this old institution of the orphans' court. My