

pays nearly one-twelfth. So that if we have twenty-two judges in the State, we shall have to pay not only the salary of our own judge, but that of the judge of another county also. The same thing holds true with regard to Baltimore county, and is approximately true with regard to some of the other of the larger and upper counties of the State. For this reason I offer the amendment which I have read, and sent to the clerk's desk.

What has been stated as a further reason for multiplying these judges, is with me an objection. It is that the judge of the county may act as judge of the orphans' court. I will say just here that I shall persistently oppose any change in the present system of the orphans' court. I have no idea of providing for a judge of legal attainments upon the bench of the orphans' court. The system, in my opinion, works very well as it is, giving satisfactory justice and accessible justice; while the amendment by placing a legal judge upon the bench will lead, I fear, to litigation and endless strife.

There being already an amendment pending in the second degree, the amendment submitted by Mr. SCHLEY was ruled out of order.

Mr. STOCKBRIDGE. I wish merely to give one word of explanation with reference to what seems to be a misapprehension of the system as reported and as now before the convention. The system creates just one new officer and no more. It adds one judge to the court of appeals. That is all the difference in the number of officers between the present system and the system as reported by the committee.

Mr. SCHLEY. I was speaking of the amendment.

Mr. STOCKBRIDGE. And the amendment of the gentleman from Prince George's (Mr. Clarke) is the same.

Mr. SCHLEY. It makes one judge to each county.

Mr. STOCKBRIDGE. It makes a judge to each county, but it takes away a judge in each county; substituting, in other words, a judge of the circuit court of the county for the judge of the orphans' court of the county. — So that in point of fact, instead of increasing the number of officers it diminishes them by just one less than the entire number of circuit judges in the State. The aggregate number of officers, when you come to count them, is less under the system reported by the committee than under the existing system. It is simply the character, the quality and position of the judge, which is changed.

Upon that I wish to give another word of explanation. I am aware that there is not very much cause of complaint of dishonesty in the orphans' court system, as it exists in our State. That court has been constituted in such a manner, as for most of the matters that come before it, the generality of them, to do substantial justice, and to do it without

much delay, and to do it honestly, so far as guarding the interests of those having business there was concerned. At the same time there has been a great clamor throughout the State, or a great desire expressed everywhere, to have an arrangement made by which the orphans' court could not only settle and close the personal but the real estates of persons of moderate means without an appeal to the equity courts as is always necessary now. That call has come up on all sides. Orders have been offered here from several counties looking to that very thing. In order to carry that out, it involved the imperative necessity of having a judge upon the bench of the orphans' court somewhat conversant at least with the rules and practice of the equity courts.

It was thought therefore that all the valuable features of the existing orphans' courts might be preserved, keeping there as a majority of that court men selected precisely as the judges are now selected from the masses of the people, from the honest and intelligent yeomanry, placing upon the bench one judge, who should be there at all times if possible, at least at all times when matters involving equity considerations or litigation or contest should be before them, who would be familiar with the practice of the courts, and especially with their equity powers. This system then proposed that the resident judge in each county should be the chief judge of the orphans' court. He could then supervise, precisely as if he were sitting in equity, the distribution and administration of estates, where real estate was concerned.

The system then embraced these changes; that there should be a judge resident in the county, subject at all times to the discharge of equity business, and who should there sit as chief judge of the orphans' court; and who should in the circuit sit in contested matters in that or the other counties of the circuit.

A single word with reference to the expense. The expense to the State of the judicial system as it now stands is a little more than \$40,000 a year. I have heard but one expression of opinion upon this point, that some increase of the salaries is necessary. I believe gentlemen on all sides of the house concede that that is necessary. It is also conceded, and is not in question here, that there is a necessity for adding one judge to the court of appeals. There are necessary increases of the expense, which must be incurred under any system. The system here proposed will also increase the expense by the salary of the additional circuit judges, diminished however by the amount paid by the several counties to one judge of the orphans' courts. That will be the real difference between the systems. The system as reported may cost the State not far from \$100,000 a year. The present system, modified as I have suggested that it must be, will