

to alter, because it cannot be increased without being altered.

Mr. SANDS. If it merely gives the right to increase the number of circuits, it will somewhat diminish my objection but not remove it entirely.

The next legislature may choose to increase the number to twenty-one, the very thing this convention has by a decided vote put the seal of its condemnation upon. I think the mode provided for the amendment of the constitution will meet the wants of the people whenever those wants arise. I think it would be better to let the thing rest; and not subject the matter to the changes of public opinion which may rule this way one year and another the next. I am very well convinced of the impropriety of this amendment.

Mr. THOMAS. It appears to me that there is another objection that may be suggested in relation to the proposition of the gentleman from Allegany, and it is this: If it gives power to the legislature to alter the judicial districts, you must at the same time give them power to provide for the election of new judges. There is already a power under our new constitution by which the legislature may change the judicial districts whenever the time shall come that the people may really desire it, by amending the constitution. If the people require the change they will ratify the amendment. Two successive legislatures can pass the amendment and submit it to the people, and the people can adopt it. It appears to me an unwise provision to give power to the legislature to undo exactly what we are doing, in our attempt to fix these judicial districts permanently.

Mr. THURSTON. There seems to be so much objection to this amendment that I withdraw it.

No further amendment was offered to the nineteenth section.

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. HESS submitted the following amendment:

Strike out section twenty 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. THOMAS. It appears to me that striking out "three" in the second line of the report of the committee we arrive at the same result.

The amendment of Mr. HESS was agreed to. No further amendment was offered.

The next section was read as follows:

"Sec. 21. For each circuit (the eighth excepted) there shall be three judges, who shall be styled circuit judges, one of said judges, during his term of office, shall reside in each county of the circuit; the said judges shall hold a term of their courts in each of the counties composing their respective circuits at such times as now are or may hereafter be fixed by law, such terms to be never less than two in each year in each county; special terms may be held by said judges, in their discretion, whenever the business of their several counties renders such terms necessary; a single judge may hold sessions of the circuit court for the disposal of all equity business, all business merely formal and uncontested, appeals from the decisions of justices of the peace (but no other appeals) and such causes civil or criminal as the parties litigant shall consent to try before a single judge."

Mr. AUDOON submitted the following amendment:

Amend by striking out all after the word "for," in the first line, and insert:

"Each circuit (the thirteenth excepted) there shall be one judge, who shall be styled circuit judge, who during his term of office, shall reside in one of the counties composing the circuit for which he may be elected, the said judge shall hold a term of their courts in each of the counties composing their respective circuits at such times as now are or may hereafter be fixed by law, such terms to be never less than two in each year in each county; special terms may be held by said judges in their discretion, whenever the business of their several counties renders such terms necessary."

The amendment was agreed to.

Mr. PETER submitted the following amendment:

Add to the section the following:

"It shall be the duty of the judge elected for any circuit embracing more than one county, to divide his time equally between each county, and he shall be required to reside at the county town one half of his time, in each county where the circuit embraces two counties, and one-third of his time in each county where the circuit embraces three counties."

The amendment was rejected.

No further amendment was offered.

COMMITTEE ON ACCOUNTS.

Mr. GALLOWAY. Before the convention proceeds further with the judiciary report, I ask that the rules be suspended to enable me to offer the following order: