

ferred by the gentleman from Baltimore city (Mr. Thomas) is this: He proposes that the judges of the orphans' court shall be elected for four years; the proposition I submit is that, at the expiration of the terms of the present judges of the orphans' court, three men shall be elected in each county to serve respectively two, four and six years. So that at each county election held thereafter, there shall be one judge of the orphans' court elected for six years. The object of that amendment is that the judges of the orphans' court shall not all be elected at the same time. In our county last year three intelligent men were elected judges, and a register elected, all men new to the office, and entirely unacquainted with their duties. After the first election, under my amendment, there will always be two old judges holding over at each election.

Mr. STIRLING. There is one thing which strikes me in regard to this matter. The present constitution, as well as this amendment, says that these judges shall be citizens of Maryland, and citizens of the city or county in which they are elected. There is nothing said about his being a citizen of the United States.

Mr. HEBB. I think the gentleman will find that the general provisions already adopted provide for that; I am not certain.

Mr. STIRLING. The orphans' court is accepted.

Mr. HEBB. My amendment requires the judge to be a resident of the county.

Mr. STIRLING. I think the gentleman better say that he shall be a citizen of the United States, and a resident of the county twelve months before his election.

Mr. HEBB. I have no objection to that. I followed the phraseology of the present constitution, which does not require that.

The amendment of Mr. HEBB was modified accordingly.

Mr. THOMAS. The amendment of the gentleman from Allegany (Mr. Hebb) is all very well, so far as it provides for old judges holding over. I would be willing to accept his amendment, provided he would put in a clause that the judges of the orphans' court of the city of Baltimore shall receive a salary of not less than fifteen hundred dollars a year, to be paid by the city mayor and council, as city salaries are paid. Each judge now gets twelve hundred dollars a year, and is at his office every day from ten until three o'clock. They can transact no other business, and it appears to me that fifteen hundred dollars a year is little enough for their services.

Mr. STIRLING. I would suggest to the gentleman from Allegany (Mr. Hebb) that he should say that they shall receive such per diem compensation as is now or may hereafter be fixed by the general assembly. That will leave the matter to stand as it is now. The act of the general assembly gives our judges such a per diem that they receive twelve hundred dollars a year.

Mr. BOND. I move to amend section twenty-four of the report by striking out the words "the qualified voters of the city of Baltimore, and of the several counties of the State," &c., to the end of the section, and insert the following: "business and duties of the orphans' court shall be performed by the judge of the circuit court for the district, except so far as the several registers of wills may be authorized by law to perform part of said duties."

The object of that amendment is to test the sense of the house upon the question of abolishing the orphans' court system altogether. It is not intended necessarily to apply to the city of Baltimore; perhaps a separate section would be necessary for that. Since the circuits have been diminished in size, and the duties of the circuit judges very much lessened, it does appear to me not only that the duties of the orphans' court could be better performed by requiring the circuit judge to sit as an orphans' court, for instance once a week, but in this way the whole orphans' court system might be got rid of.

My theory is that the orphans' court is a useless tribunal; that is to say, all or nearly all the duties are performed by the register of wills. I know it is the constant habit of the judges of the orphans' court to appeal to the register of wills in almost every case, as to their duties, what they shall do, how their duties shall be performed, and how it has been performed theretofore. I do not speak of gentlemen who have served in the orphans' court for several years. But as a general rule I assert that the orphans' court is a useless tribunal. The duties would be far better done by the judge of the circuit court. The orphans' court tends to complicate the judiciary machinery of the State, and increases the expenses heavily. I am certain that since the districts have been diminished, the judicial duties of the circuit judges have been lessened, and they can perform these duties. I am willing to except from the operation of my amendment the city of Baltimore, where the judges are constantly employed every day. There may be a judicial system established for the city of Baltimore, so as to enable the circuit judges there to attend to these duties. I offer this amendment now for the purpose of testing the sense of the convention upon the question of abolishing the orphans' court.

The PRESIDENT. As there is already an amendment to the section pending, the gentleman from Anne Arundel (Mr. Bond) must move his proposition as an amendment to the amendment.

Mr. BOND. Then I move to amend the amendment by striking out all after the word "the" in the first line, and inserting, "business and duties of the orphans' court shall be performed by the judge of the circuit court for the district, except so far as the several registers of wills may be authorized by law to perform part of said duties."