

The question was then taken upon the amendment to the amendment, and it was rejected.

The question recurred upon the amendment of Mr. HESS.

Mr. THOMAS moved to amend the amendment by adding thereto the following:

"Provided, the judges of the orphans' court of Baltimore city shall receive an annual salary of fifteen hundred dollars to be paid by the mayor and city council of Baltimore, as city officers are paid."

Mr. NEALEY. I cannot understand why the salaries of the judges of the orphans' court in the city of Baltimore should be fixed in the constitution, and the salaries of the judges of the orphans' court in the counties be left open to the legislature. I cannot see why the legislature is not as competent to fix the salaries of the judges of the orphans' court in the city of Baltimore, as it is to fix them in the counties. If you fix in the constitution the salaries of the judges of the orphans' court in the city of Baltimore, I do not see why you should not go to work and fix the salaries or per diem of the judges in the counties. Is the gentleman afraid that the legislature will not give them as much as this convention is disposed to give? Or is he afraid to trust the legislature hereafter on that subject? I do not see why this distinction should be made at all. I shall vote against the amendment. I am for uniform legislation.

Mr. DANIEL. I am rather opposed to the amendment in its present form. The legislature has heretofore regulated this matter. It increased the salaries of the judges last winter, and it will increase them again, I suppose, if necessary. I think it is rather bad policy to fix a certain salary in the constitution. I should rather see it remain as it now is, to be altered by the legislature as they may think proper.

Mr. THOMAS. If the counties desire to have the constitution fix the per diem of the judges of the orphans' court, I am perfectly willing to vote for any proposition they may offer to that effect. But the desire upon the part of county members appears to be that the county commissioners shall have control over that subject. But we prefer that the salaries of the judges of the orphans' court for Baltimore city shall be fixed. Last winter the salaries of those judges were raised to twelve hundred dollars a year. There was a general disposition on the part of the members of the legislature to fix it at fifteen hundred dollars a year; but on account of one gentleman opposing it, that proposition was defeated. We had great difficulty in getting it, for the simple reason that there was a clause in the constitution which said that the salary of no officer should be increased or diminished while he was in office. But after a long and full argument they overcame their constitutional scruples, and agreed to give the judges of the

orphans' court what they considered a better salary than they had been getting before.—The duties of the judges of our orphans' court are as onerous as the duties of some of the judges of the circuit court. They are in session every day; they have to hear very frequently long litigated cases on the probate of wills. They can transact no other business. And it appears to me that while you give the judges of your small circuits twenty five hundred dollars a year, a salary of fifteen hundred dollars a year is little enough for the judges of the orphans' court for Baltimore city, whose duties require them to be in session every day in the week except Sundays.

Mr. STIRLING. In addition to what my colleague (Mr. Thomas) has said, I will state that it is impossible to fix in the constitution the compensation of the judges of the orphans' court in the counties, because there are no two counties in which the same services are rendered; their compensation must be a per diem. But the orphans' court in the city of Baltimore is organized upon a different principle. The judge there attends every day, and there is a reason why the per diem should be abolished and a proper fixed compensation given. I have not consulted all the delegates, but so far as the most of us are concerned, we think that a salary of fifteen hundred dollars is not too much, and as it comes out of the city treasury I do not suppose the county members are very much interested in the subject.

Mr. DANIEL. I feel great delicacy in again opposing this matter. But really it seems to me that I cannot see any reason for a different rule being established in the city from the one in the country. I believe that the practice in the city is to sit pretty much every day, but to meet at eleven o'clock and adjourn at one. And the judges can have time to attend to their other business either before or after those hours. And the legislature having, in view of the high prices and everything, fixed the salary at twelve hundred dollars, I really am opposed to fifteen hundred dollars at this time.

Mr. MILLER. I cannot see why a day's work in the orphans' court in the county is not worth just as much as in the city of Baltimore. We have just as good judges in our orphans' court, and they are worth just as much. And if you leave it to the legislature to fix their compensation they will fix it fairly and uniformly.

The question was then taken upon the amendment of Mr. THOMAS, and it was rejected.

The question again recurred upon the amendment of Mr. HESS.

Mr. STIRLING. I move to amend the amendment as follows: Strike out the words "shall be paid at a per diem rate for the time they are in session, to be fixed by the general as-