

With the office of judge of the county courts of his district, every chief judge associates that of judge of the court of appeals. The vast importance of these appellate functions do not require to be remarked upon. It is evident that they can be satisfactorily discharged only by men of the first talents, learning and experience; and that a remuneration, which looks as it ought as well to the qualifications which the duties themselves demand, as to the time and labour necessarily employed in the discharge of them, must both, as to them as well as to the associates, be more liberal than that proposed by the bill, which is now returned. It may be said, that the salaries may be enlarged hereafter, if justice and the public good should appear to require it; but it is apparent, that although this is true, it is by no means a justification of the salaries proposed.—Incompetent salaries, in the first instance, will produce mischiefs, which their future augmentation can neither remove or mitigate.—They will introduce incompetent judges into the system, and this will incurably affect the administration of justice, and may ultimately destroy the system itself.—Add it is, moreover, improper upon principle, to offer to those whom we are about to cloath with the judicial character, a compensation which is manifestly less than it ought to be, only because it may hereafter be increased.—And even if it should be supposed that the offices would be accepted by suitable persons, in the hope that the salaries would be raised at some future period, it ought not to be forgotten, that whatever may be the true value of such an expectation, it has a manifest tendency to impair the just independence of the judiciary. The finances of the state permit, and the duty of the legislature demands, that liberal salaries should be given. At all times the compensation should be proportioned to the services required.—Should the present legislature fix on inconsiderable salaries, it is in vain to expect that a future one should raise them. What motives can then exist to produce an augmentation, that do not now more powerfully press upon us? United to which, let us keep in recollection the difficulty which at all times exists against making an increase.

We, therefore, gentlemen of the house of delegates, indulge a wish, that the present reform, which we fondly hoped would be a happy one, may not be strangled in its infancy by a too rigid regard to economy, whereby its true value can never be known, nor the people experience that benefit from it, which they had a just right to anticipate.

By order,

T. W. HALL, clk.

Which was read the first and second time, and the question put, Will the senate concur therewith? The yeas and nays being required, appeared as follow:

A F F I R M A T I V E.

Mr. Harwood, president, Mr. Christie, Mr. Duckett, Mr. Hayward, Mr. Houston, Mr. J. Johnson, Mr. McCulloch, Mr. Ringgold, Mr. Williams. 9.

N E G A T I V E.

Mr. Brown, Mr. T. Johnson, Mr. Partridge, Mr. Shriver, Mr. Thomas, Mr. Whitely. 6.

So it was resolved in the affirmative.

The senate resumed the consideration of the bill, entitled, An act to provide for the organization and regulation of the courts of common law in this state, and for the administration of justice therein, and the bill being read throughout, the question was put, Shall this bill pass with the proposed amendments? Resolved in the affirmative.

Amendments proposed. 1. Strike out the fourth section and insert "And be it enacted, That the form of commissions that shall issue to the judges of the courts of common law shall be as follows, to wit: The State of Maryland, to A. B. of — county, greeting. Be it known, that reposing great trust and confidence in your integrity and sound legal knowledge, you are appointed and assigned chief judge, or associate judge, as the case may be, of — judicial district, and in the case of chief judge insert, in virtue thereof judge of the court of appeals, to do equal right and justice, according to law, in every case in which you shall act as judge, freely without sale, fully without any denial, and speedily without delay, and you are to execute the said office of judge justly, honestly, diligently and faithfully, according to law, and you are to execute the said office for and during your good behaviour, and removable only in the manner prescribed by the constitution and form of government. Given under the seal of the state of Maryland, this — day of —, in the year eighteen-hundred and —. And be it enacted, That the county courts in each judicial district shall be composed of all the judges appointed for such district, any one or more of whom shall have full power to hold the court, and to exercise all and singular the powers, jurisdictions and authorities, that might or could be exercised by all the judges when present." 2. After the word "court" in the sixth line from the bottom of the 8th page insert "And be it enacted, That no appointment of the clerk of the court of appeals for the western or eastern shore shall be made, until all the judges of said court shall be present, or shall, by writing, declare his or their preference in favour of any particular candidate for the said office of clerk." 3. After the word "law" in the last line of the 8th page insert "And be it enacted, That all attorneys practising in the court of appeals of this state shall be entitled to receive the same fees as attorneys were entitled to receive in the late general court." 4. After the word "and" in the 11th line of the 14th page insert "second Monday of." 5. Strike out the word "fourth" in the third line from the bottom of the same page and insert "third." 6. After the word "respective" in the 2d line of the 22d page insert "or in case of death or refusal to act, such person or persons as the governor and council shall appoint." 7. Strike out the words "tenth day of February" in the 11th line of the 26th page and insert "first day of March." 8. After the word "fees" in the last line of the 32d page insert "the