

lyday, Hopper, Horsey, Keefer, Kennard, King, Lee, Mayhugh, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Nyman, Parker, Parran, Pugh, Purnell, Ridgely, Robinette, Russell, Sands, Schley, Smith, of Carroll, Smith, of Worcester, Stirling, Swope, Sykes, Thomas, Thruston, Turner, Wickard, Wooden—58.

#### JUDICIARY REPORT.

Mr. AUDOUN asked and obtained leave of the convention to offer the following:

*Ordered,* That the report of the committee on the judiciary, with all pending amendments, be recommitted to the committee, with instructions to prepare and report an article embodying the present judicial system of the State, with the following modifications:

1st. To provide for the formation of a fifth judicial district of the State, composed of Baltimore city, and the election of a judge therefrom, so that the court of appeals shall consist of five judges, with a compensation of \_\_\_\_\_ each.

2d. To provide for the formation of two additional circuits; the first to be composed of Baltimore county, and the second of Frederick county, and for the election of circuit judges therein—and fixing the compensations of each of the circuit judges of the State at \_\_\_\_\_ per annum.

3d. And empowering the general assembly to re-arrange and increase the circuits from time to time, as the public interest may require, and to provide for the election of such judges as may become necessary in the event of the increase of circuits.

4th. That all elections for judges under this constitution shall be held in the month of May instead of on the day for the election of members of the general assembly, except in the case of the first judges in the new circuits hereby provided for.

Mr. AUDOUN said: My object in offering this order is to bring the session to an early close, an object I believe desired by every member of this body. And I believe this order if adopted, will accomplish that result.

Mr. SCHLEY. I hope that order will be amended as far as Frederick county is concerned. We do not wish to have Frederick county erected into a separate judicial circuit; we prefer the circuit as it is now established. We have no objection at all—indeed we can see that there is a manifest propriety in Baltimore county being erected into a separate judicial circuit. But we do not care to have Frederick county alone made into a circuit, because we do not think there is work enough there to occupy the time of a judge.

Mr. AUDOUN. I had understood from some of the members from Frederick county, that they desired to have it made a separate circuit; hence I inserted the name of Frederick.

I have no objection to withdrawing the name from the order.

Mr. SCHLEY. If you will do that we will not object to it.

Mr. AUDOUN. My object is to accommodate the wants of the counties as nearly as possible. Some of the smaller counties do not at this time require to be made into separate circuits. But I have inserted a provision for the general assembly to provide for them at such times as they may require.

The order was accordingly modified by striking out the words "and Frederick county."

The question was on the order as modified.

Mr. DANIEL. My only objection to this order is that I think it will delay our proceedings instead of saving time. If the house determines that they prefer the old system, then it is much easier, with the report already before us, to substitute section for section, than it will be to recommit the report to the judiciary committee, with the necessary delays which are frequent in getting meetings of the committee, and all the discussions which will come up in the committee, a great deal of which discussions will come up again before the house. The report is now before the house, and I think we better determine upon the various propositions which are proposed to be sent to the committee, when the report comes up for action. If the spirit of them is adopted, it will shorten our labors very much. We are better prepared to do it right now, and we will save time by having one discussion here in place of the whole. I think therefore this order better be laid upon the table for the present, and let us go on with the report. Gentlemen can submit section for section, and amend it in that way, which is the easiest, and I think we will get through in half the time. I move to lay the order on the table.

Mr. SANDS obtained the floor.

The CHAIRMAN (Mr. Pugh.) The motion to lay on the table is not debatable.

Mr. DANIEL. I will withdraw the motion if the gentleman will renew it.

The motion to lay on the table was accordingly withdrawn.

Mr. SANDS. I think the speediest way to dispose of this judiciary question would be to substitute for the report of the committee, the present judiciary system as embodied in our constitution. That would enable us to take up section after section as we proceed, making simply the changes suggested by the proposition of the gentleman from Allegany (Mr. Hebb,) or any other change which might occur to members as necessary. We have the present judiciary system all printed here, in article four of the present constitution, and we might take it up as a substitute and amend it as necessity requires. We would find that a large portion of this article would be left to stand as it does in the present