

Baltimore city, Kilgour, Brewer, Waters, Holiday, Slicer, Fitzpatrick, and Brown—35.

*Negative*—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricard, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Brent, of Charles, Howard, Dickinson, John Dennis, Williams, Goldsborough, Bowling, Grason, Gaither, Biser, Anan, Gwinn, Brent, of Baltimore city, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Anderson, Smith, Parke, Shower and Cockey—38.

So the Convention rejected said amendment.

The question again recurred and was put on the adoption of the amendment as the 13th article, and it was determined in the negative.

The eleventh and twelfth sections were then read, as follows:

Sec. 11. There shall be established for the city of Baltimore one court with common law jurisdiction, to be styled "the Court of Common Pleas," which shall have civil jurisdiction in all suits where the debt or damages claimed shall not exceed five hundred dollars.

Sec. 12. There shall also be in said city another common law court, having jurisdiction in all suits where the debt or damages claimed shall exceed the sum of five hundred dollars; and each of said courts shall be vested with all powers now held and exercised by Baltimore county court as a court of law; and this last court shall be styled "the Superior Court."

MR. MORGAN. In the absence of the chairman of the Judiciary Committee, (Mr. Bowie,) who has requested me to take charge of this bill, it being impossible for him to attend here, I move to pass over the 11th and 12th sections, so that I can move to strike out section 13. In relation to the organization of the courts in Baltimore city, the Convention will observe that it is proposed to establish two courts there—one in section 11, which is to have jurisdiction of all claims to the amount of five hundred dollars; and one in section 12, to be styled "the Superior Court," with jurisdiction of all claims above five hundred dollars. In section 13 there is also provided a Chancellor for that city. My object in moving to pass over sections 12 and 13, is for the purpose of taking the sense of the Convention upon the proposition whether or not they will give a separate Chancellor to the city of Baltimore, and for the purpose of hereafter moving to amend the 12th section, by inserting a clause giving chancery jurisdiction to the court having cognizance of all claims above five hundred dollars.

In carrying out the judicial system adopted by this Convention, it is my opinion that the court which has jurisdiction over all claims above \$500, should discharge the equity jurisdiction of Baltimore city, so that by this plan we could save the expense of one Chancellor, giving Baltimore the benefit of two courts—a civil jurisdiction for the transaction of business under and above \$500. It would be perceived, under the arrangement of this bill, that there is established for Baltimore city six judges and six courts, one of which judges is an equity

judge, for the purpose of somewhat reducing the expense, and to carry out a system which we have not adopted for other portions of the State. I have made the motion which I have indicated.

The question was then taken on the motion of Mr. Morgan, to pass over the 11th and 12th sections, and it was agreed to.

The 13th section of the report was then read, as follows:

Sec. 13. There shall also be established a court having equity jurisdiction, for the city of Baltimore, whose style shall be "the chancery court of the city of Baltimore," and which shall have and exercise the equity jurisdiction now exercised by Baltimore county court, sitting as a court of equity. Each of the said three courts shall consist of one judge, who shall hold his office for the term of ten years, subject to the provisions of this Constitution, with regard to the election and qualification of judges and their removal from office; and the salary of each of the said judges shall be twenty-five hundred dollars per year.

MR. MORGAN moved to amend the section by striking out the following:

"There shall also be established a court having equity jurisdiction for the city of Baltimore, whose style shall be "the chancery court of the city of Baltimore," and which shall have and exercise the equity jurisdiction now exercised by Baltimore county court, sitting as a court of equity."

MR. GWINN. I move to amend the section by striking out the word "style." The question presented by the motion of the gentleman from St. Mary's is one of very great importance to the community which I, in part, have the honor to represent, and as I do not think the facts involved in this question are generally understood by members of this Convention, I hope that before they pass a final judgment they will hear, with patience, some few statistics which I have been enabled to gather, partly by my own labor and partly by the labor of the gentleman from Somerset, (Mr. Crissfield.)

The gentleman from St. Mary's proposes to transfer the chancery cases of the city of Baltimore to one of the two courts specified in the bill. Now the average of civil suits commenced in the city of Baltimore alone, for the years 1846, 1847, 1848, 1849 and 1850, was 1,336 cases for every year. To attend to this immense amount of business, it is proposed to give two tribunals, consisting of one judge each. Supposing that the sum of five hundred dollars properly divides the jurisdiction, so as to make the business equal, each court will have to entertain, in the course of a year, some six hundred and fifty civil cases. Now it is true that in a large commercial community there are a number of cases which go to judgment without trial; but the Convention must know that this number cannot be so large but that out of six hundred and fifty cases in each court, there will be a large number for trial, which will average from one to three days each. If each court sat every day, except Sundays, it would be called upon to dis-