

pose of two cases per day, which allowing for trial cases would certainly prove too much for their endurance.

Mr. MORGAN. What is the number of jury trials?

Mr. GWINN. The number of jury trials is not authentically returned, according to the statement here. But upon this tribunal, which has charge of six hundred and fifty cases per year, whether for trial or other disposition, the gentleman proposes to cast the entire equity business of Baltimore city, and what is that? Why at the present time, although the expedition with which the present Chancellor decides cases, and the press of business upon Baltimore County Court, results in the transfer of a very large number of contested cases to Annapolis, it will be seen that one hundred and twenty-four decrees every year have been passed by Baltimore County Court, sitting as a Court of Equity, as an average for the last five years. Yet the gentleman tells us that it is reasonable to cast upon two judges 650 cases per year, and in addition to superadd to the jurisdiction of one of these courts 124 equity cases, taking the average during the past five years. I humbly submit that such a measure would entail upon the judges of the two courts an amount of labor which it is scarcely possible to perform with advantage to the community.

At the present time we have three judges, who attend to the civil and criminal business of Baltimore and Harford counties, and to the civil business of Baltimore city, and two judges for the criminal business of Baltimore city alone. The judicial districts were laid out in 1805. At that period Baltimore city had about 32,000 and Harford and Baltimore counties about 49,000, making in all a gross population of 81,000. St. Mary's, Prince George's and Charles had, on the other hand, about 53,618. It will be seen that at this period even the Baltimore district was relatively too large.

In the forty-five years which have passed since that time, Baltimore city has increased in population to 169,000, which is more than double the population of the whole district as then laid out. Of late years it is notorious with the profession, and with the whole community, that our legal business has not been adequately attended to; yet it is proposed to create a system which is certainly disproportioned to the increase of business accruing since that time.

I am aware that it has been said that this inconvenience proceeds from the dilatory character of our courts. It is not necessary to speculate whether greater expedition could be attained. But it may be said that we have possessed the services, in the past twenty years, of men as conscientious in the performance of their duty, as any who ever sat upon the bench of Maryland; and had it been possible to have made the system answer the ends for which it was designed, that object would have been accomplished by some one of those who have filled the judicial office within the period referred to. Surely no man was ever more entirely devoted

to his duty than the late admirable chief justice of the State, (Judge Archer;) yet his patience and unwearied zeal were unavailing to the steady performance of the laborious duties connected with his station. It is not likely that any system will call into office a man of higher character or more devoted purpose; and if he failed to make the organization then existing fully serviceable, we cannot expect that any other will accomplish that end.

It is proper to state the precise time which the judges now spend in that city, in order that it may be seen whether the public service is neglected. Baltimore county court, sitting for Baltimore city, was, in the terms of January, May and September, 1848, in session one hundred and seventy-three days in the regular call of the docket. One of the judges sitting in the appeal court, was employed about ninety days. This is a very moderate computation. Another was occupied in hearing equity causes, (taking the one hundred and twenty-four decrees returned as a fair average,) about thirty days, and it is certain that the same court decided, and, with separate juries, under the power given by act of assembly, sat about thirty days longer. Besides the chief judge, sat eighty days in the court of appeals. These calculations are all made with reference to the most moderate estimates.

If Sundays are reckoned, it will be seen that the constitutional court, if it attended to the business as a whole, would not be entirely unable to attend to the legal wants of the city alone. Even if when we consider that this same court sat seventy-three days, in the year 1848, for Baltimore county, and twenty days for Harford, the impossibility of its affording the advantages of a full court, under the arrangement of 1805, will be clearly apparent.

Nor has the present system led only to the evil of a divided court. The press of business is so great that the judges are not able to perform it. If the docket is regularly reached at each term, beginning with the case first standing ready for trial, the one at the foot of the docket would not be reached in years. As it is, even when the court begins one term at that part in the docket at which it stopped on the term preceding, some three terms must pass before the cases at the end of the docket are reached. Surely a state of things, so injurious to the interests of trade, ought to be remedied.

Such are the evils of the present system. Now, what is the remedy? We have asked for three courts organized as in the bill. One to consist of two judges, with common law jurisdiction in cases over five hundred dollars, and with jurisdiction in equity causes; and the other of one judge, with jurisdiction in sums less than five hundred dollars, and a criminal court. The last we have already, and the only alternative is to elevate it from the mere legislative character it now has, and to put it on the footing of a constitutional court. The gentleman proposes to give us one judge only for the court with the larger jurisdiction, who is to perform the same duties. A reference to these will show that the labor imposed is such that it will se-