

verely task the energies of one man, if he fully performs the service required of him. For although the permanent and necessary division of the city business, between two courts, is between them, the optional arrangement which is now sometimes resorted to, yet we are entitled to ask not only for an improvement in the present law, but for a full provision for our reasonable wants.

Something has been said about the inequality of the proposed system, assuming the latter of Mr. Crisfield to be in all respects accurate. The second district, consisting of Anne Arundel, Calvert, Montgomery and Howard District, presents an array of eight hundred and sixty-two cases instituted, which is more than one-half of the whole number of suits instituted in the city of Baltimore. It is surely not necessary to remind those who are familiar with the dockets of that section of the State that they are largely made up of cases which are litigated for the sake of time only, and in which there is no purpose of trial. The comparison of the number of days which the court sits in this district with the time specified in Baltimore, shows this, or if it does not, the judges of that district are very derelict in duty. The presumption certainly is that they perform their duty; and the leisure days remaining show that they have ample space to perform it. In 1845 the court sat in these counties sixty-six days only; in 1846, seventy-three days; in 1848, fifty-three days; in 1849, eighty days. All the remaining portion of the year was unemployed by the associates. If the business was not done thrice over, the fault was not in the system, but in the court.

It must be recollected also that it is not just to make a provision on the basis of our present wants only. While the counties for the most part remain stationary, the city is growing to a magnitude hardly dreamed of when the judiciary system was framed in 1805. We heard enough of this when gentlemen were arguing the necessity of a check upon our representatives, but it is overturned when a competent provision should be made for our judicial wants.

Mr. MORGAN. I move to strike out "the Chancery Court of the city of Baltimore." I for one certainly am not subject to the charge of illiberality towards the city of Baltimore, for I feel disposed to give her every facility for transacting all her business, and I am for extending every remedy in a court of justice which her citizens may require. I cannot see the propriety, nor do I see the necessity, of first instituting two Common Law Courts in the city of Baltimore and then organizing a Chancery jurisdiction for the transaction of its business.—The gentleman from the city of Baltimore (Mr. Gwinn) has read you some statistics in reference to the number of suits originating in the courts. They may be correct, but these are not the data upon which this Convention has come to its conclusion in reference to the organization of the courts throughout the State. The gentleman from Somerset county (Mr. Crisfield,) who brought forward the statistics,

referred you to the fact of the number of trials and the number of verdicts brought before judgment. In my own county I recollect that some one hundred or two hundred actions were instituted, and the gentleman said that there were about five trials per annum, and that was the measure upon which the business of the State was said to be transacted. There may be 650 cases in Baltimore City Court, instituted there; but will the gentleman pretend to say that there were 650 trials in the County Court? Most certainly not.

Mr. GWINN. I can say that if the present system continues, we will not have any trials at all.

Mr. MORGAN. I am as much opposed to the present system as the gentleman, but the gentleman will recollect that the present system includes Baltimore and Harford counties, with the city. What does this bill propose? It proposes just to institute a court which shall be called a court of common pleas, having cognizance of claims to the amount of five hundred dollars. It next proposes to institute another court, to be styled the superior court of Baltimore, which shall have cognizance of claims above the amount of five hundred dollars. Is not this a sufficient judiciary for the transaction of the business of Baltimore city upon the civil side of the docket? In addition to this, the bill proposes to give Baltimore city a criminal court, an orphan's court, as well as a police court, making six courts, the chancery court included. I think that the judges upon the bench of these two courts of common pleas, one styled the court of common pleas, the other the superior court, may discharge all the duties, may attend to all the trials which will come to issue in these 650 suits which are instituted there, and also attend to the chancery jurisdiction in the city. I do not care which the gentleman chooses so select. If he prefers a court of common pleas and a superior court, having equity jurisdiction, I am for letting it remain so, but if he prefers a chancery, I would say to him that we certainly ought to take away one of the common law courts. You are to have two civil courts, two courts for the transaction of ordinary business and an equity court at the same time. It seems to me that there would not be sufficient business to occupy these judges during the time for which they ought to sit at least upon the bench, if we may judge of the business imposed upon judges in other sections of the State. The gentleman from Baltimore city seems to think we are illiberal in this matter, and that we are unwilling to extend to the growing population of the city of Baltimore, to the development of her commercial wealth, and to the adjudication of the many suits which must necessarily come before the courts, all the remedies which they need. I repudiate any such idea, and I would say to him that I would give to the citizens of that city a remedy, a speedy and effectual remedy, and a court ready to enforce that remedy.

But does not the gentleman see that this argument applies with equal force to the remainder of the State? We have provided but seven