

courts for the whole State, and this bill proposes six for the city of Baltimore alone. We have to go one hundred miles to get an injunction from a judge, and if we desire to obtain a habeas corpus for a man who is imprisoned, we would have to go that distance. You allow us but seven judges for the whole State, and now you generously come forward and ask six for the city of Baltimore. If the want of liberality is to be cast at any door, it is at the door of the gentleman from Baltimore city, who, I believe, supported in this body this very proposition which gave seven judges for the whole State.

I merely desire to observe that if the gentlemen prefer to take one court of common pleas, separate from the equity jurisdiction, and to have chancellor separate altogether, then I have no objection to that; and I will move to strike out section eleven or twelve, which would abolish one of these courts, and the gentleman can have it arranged in that way. But never can I consent to arrange it so that Baltimore city shall have two courts and one chancellor, when I believe, upon the basis adopted for other judges, that the business of the city can be disposed of by these two courts, combined with a superior court with equity jurisdiction.

The gentleman says that there are an average of two hundred and twenty-four decrees passed by Baltimore County Court. What are these decrees? Many of them are mere orders passed, which do not take the judges perhaps over five minutes. The bill is written by the counsel, the judge examines the papers and puts his name to them. It does not take the judge as long to decide as it does for him to read the papers. I hope the section will be stricken out, and withdraw my amendment.

Mr. STEWART, of Baltimore city. I move to strike out the word "chancellor." I am very far from imputing any want of personal liberality to any of the members of this Convention, with regard to the claims of Baltimore, either in relation to representation or any other question. They are acting no doubt in deference to the supposed wishes of their constituents. But I regard this matter of the judicial system as so vital a question in view of the future action of the constituency which in part I have the honor to represent, that I cannot fail to make some observation and comment upon the remarks of my friend from St. Mary's (Mr. Morgan.) With regard to any other portion of my action here, in which it has been my misfortune to dissent from some of my colleagues, I have no difficulty in meeting my constituency. When the day of accountability comes, I am not at all apprehensive of receiving a certificate, such as I desire, from the hands of those whom it is my ambition and highest honor to serve. In regard to this matter I know the great wants of the people of Baltimore. Indeed, as was said by my friend from Baltimore county, I am free to state that but for the desire of Baltimore city to have some change in the existing judiciary establishment, there would have been comparatively but little feeling about this Convention. This was not

confined to the city of Baltimore, because I avail myself of the authority of my friends from every county, who have said that all over the State there was a pervading desire of change with reference to this system, as there is nothing which comes so near to the homes of every man in the community, be he high or humble.

I beg to say that, if your system, as it now exists, or as is contemplated to be continued, by my friend from St. Mary's, in the substitute suggested by him, be made, it will be a denial of justice to the citizens of Baltimore. They have not the means, they have not the opportunities, with all the dispatch and ability of their judges, to discharge the public duties confided to them. The gentleman has spoken of six courts. There are not that number contemplated in this bill. The orphans' court passed away with the proposition of the gentleman from Washington county. (Mr. Michael Newcomer.) There are therefore only five courts, and I ask my friend to bear in mind that these five courts are made up of the very number of judges now in Baltimore city, whose duties and powers are very differently distributed by this bill. It is not an increase of judges. It proposes hereafter to establish a separate organization for what has hitherto been the concentrated jurisdiction of one particular court, so that the business may have a better dispatch, and justice be duly administered.

Now, with regard to the Court of Common Pleas, what do we propose to give that court? My friend will be surprised when I tell him that the appellate jurisdiction from the judgments of magistrates alone covers nearly one thousand cases per annum. It is an important jurisdiction, a jurisdiction to the amount of one hundred dollars, in which the middle class of the community are greatly interested; and when you add to the discharge of duty by him as judge of the court of common pleas, and judge of the original jurisdiction, why he has as much as any judge can do who would take due time to deliberate properly in regard to important matters submitted to him for judgment.

With regard to the other court, that would cover larger policies of instruments, where larger amounts are involved, and insolvent cases. Why, they would occupy the whole time of the judges of the superior court. This, too, is a new declaration of judicial duties.

When we come to the Equity Court, will my friend for a single moment say, where matters in equity for large amounts will arise, that for the great city of Baltimore, of which he has so kindly spoken, one judge will be too much to attend to that business? Our friends are disposed to say that, if we pass an equity jurisdiction for the city of Baltimore, growing necessarily out of the repeal of the high Court of Chancery, the extent of the jurisdiction is too much to confide to one person. We only ask that upon your organic law you will distribute the powers of the Baltimore County Court, to as great an extent among two functionaries, to have the title impressed upon them in the bill.