

unanimous delegates from Baltimore city, whose names I was astonished to hear recorded on that question.

Mr. BRENT. Will the gentleman please to inform me in what respect the "magnanimous delegates from Baltimore city" are inconsistent?

Mr. MORGAN. In wishing to take from us a court in which we now have jurisdiction, and to establish it in Baltimore city, where you give jurisdiction to yourselves, and not to us. I did expect, certainly, that a different course might have been pursued. This is the issue which is brought home to us. Now, I have no objection to giving Baltimore city this equity jurisdiction, or this Chancery. But when equity jurisdiction has been denied us in the counties; when you have given us but one judge instead of three; when you compel us to go a hundred miles, in some instances, to obtain that judge, I do not see why the same system which operates upon the counties should not operate also upon the city. The gentleman from Baltimore city has said that the number of judges is not chosen in reference to this system. But is it not carrying out the system established throughout the whole State? In my circuit we have but one judge. You have taken our three judges, and required them to transact almost half the business of the State, for you only have seven in the State. That is the way the system operates in the counties, to the confusion of equity and common law jurisdiction, and yet when we come to apply the vote to Baltimore city, we are told that they should have what they claim, because no more judges are required than under the old system. When Charles county and St. Mary's were put into one judicial district, that argument was not good; but it seems that the argument is good when applied to Baltimore city. The old system has been exploded—carry out the new to city and county alike.

I hope that the Convention will stand by the report of its committee. Some gentlemen here are opposed to giving Baltimore city more than one court. I am willing that she should have two, for I think her necessities require it. I am willing to stand by sections 11 and 12, which were drawn up with a view to the wants and necessities of Baltimore city. If you strike out the chancery court in Baltimore city, you then have two courts in that city to do that which one is now doing. That is what is proposed in the bill. Sections 11 and 12 give the court of common pleas and the court of superior jurisdiction, where before they had but one. The question now is, whether, having afforded them twice the facility to transact their business under this system that we did under the old, that is not a sufficiency. Is it not a competency, when they have a separate organization in reference to their orphans' court? when they have a court devoted entirely to all cases up to \$500, and another devoted to cases rising above \$500? when they have two courts to discharge the business now discharged by one? In view of the system which we have adopted throughout

the State, and in view of the pledges which gentlemen have made in reference to this chancery court, I do not see how we can possibly reconsider. I was originally opposed to the plan adopted by this Convention, but it has pleased it to think differently, and I am now but carrying out the action of the Convention, and therefore concur with my friend from Baltimore city in reference to this blending of chancery and common law jurisdiction. I know the evils of the system. I know that it would possibly have been better to have separated them in this particular. But do we not know that the county courts groan under the same evils? Do we separate them elsewhere? Is your system to be one thing in one part of the State, and a different thing in another part of the State? You have given to us this blended jurisdiction, with all the imperfections which the people have groaned under so long. Now let that system remain equal upon all parts of the State, and intact. Let the system be carried out for the whole people alike, and let us not make a distinction between one part of the State and another part of the State. I withdraw the motion to postpone.

Mr. BRENT. I renew the motion. It is very extraordinary that we should be accused of want of liberality, for doing in our own city what we are perfectly willing to do for other parts of the state. Have we not voted to give to the counties courts of common law and chancery jurisdiction? Have we asked for any thing more for Baltimore than we have voted to give to the counties? But the proposition has been voted down. A motion is made to reconsider. I shall vote for the reconsideration. I care not what name you give the court; all we want is the substance. "A rose by any other name would smell as sweet." We need another court; and if we vote for the Constitution at all, we mean to have it. Where is there any want of liberality or consistency? The want of liberality is, I presume, the refusal to give a court of chancery to the whole state. We shall suffer just as much as the counties in this respect. If the high court of chancery is to be continued, and the county courts are to have chancery jurisdiction also, the people of Baltimore ought equally to participate in the benefit. But I shall not vote for concurrent or double jurisdiction. Baltimore cannot do with less than three judges for her civil business.

With regard to the division of these courts, the damages claimed in the declaration determine the jurisdiction, as reported in the bill. If they are over \$500, the case goes to the higher court; if under \$500, to the other. But if the judge of the higher court is more popular and obliging, men who do not expect to recover \$200, will claim \$500, in order to go before the higher court. I am opposed to it. The only true way is to divide the docket between them. I withdraw the motion to postpone.

Mr. B. here read the amendment which he should introduce, if the motion to reconsider should not prevail.