

friend if we did not ask a reduction of our district, and if he did not vote against it?

Mr. STEWART. I can answer my friend. I was not here at the time. I was detained, unexpectedly, and much against my will, in a very important case in the circuit court of the United States. With regard to the Court of Common Pleas, I desire to offer an amendment, when it comes up, so as to avoid the objection of my friend from Baltimore county, because we are so closely together that I can hardly consent to give him up. I desire to claim him as one of our own. Here is the amendment which I propose to offer:

*Provided,* That when the plaintiff or plaintiffs shall recover less than the sum or value of five hundred dollars, the said plaintiff or plaintiffs shall not be allowed, but at the discretion of the court, may be adjudged to pay costs.

I will move to add that to the end of the 11th section, in conformity with the act of 1789, establishing circuit courts of the United States, in reference to which I had the honor to submit some remarks yesterday. That court will have the whole work it can bear; but our friends say that the judges, under the new system, will be adequate to perform the duty, if they will do it. Our best judges have not done their duty! Can any one point to Stevenson Archer, and say that he did not discharge all the high obligations of his functions? All know that not only the bar of Baltimore, but its citizens of all classes, paid, in the most solemn form of mourning, deep and sincere, their tribute of respect to his memory, and of sorrow for his departure.—They followed him to the repose of that grave whose perennial verdure the rains of heaven, falling like tears of pity for his fate, served to freshen to our eye. He neglect his duty! Sir, it was the bright polar star by which he firmly and proudly steered the judicial bark over the angry and swollen waves of controversy. I do not speak of him as an exception; I am but just in alluding to him as an instance.

My constituents, who sent me here to express their views in regard to reform, have a strong feeling in relation to this particular subject.—We can have an appellate jurisdiction in the common pleas, the business of which can be disposed of even with as much dispatch as in New York, where the judge of one of the courts is called the "Steam Judge"—I mean a judge in the western part of New York. Looking to the desires of justice among the class of suitors who will come there, the poor man, to whom that suit may be every thing, I feel it to be one of the highest parts of our duty to discharge, to establish a judge of that kind. There must be some separation of this jurisdiction, with a view to discharge all of its business. It is a great American principle, and comes up as an indigenous production of our happy land; you must give justice fully, without denial, and speedily, without delay. That is the great American doctrine, and for this purpose all the other great cities of the Union have made their provisions. It is, therefore, indispensable.

I beg now to say a single word, and only to refresh the minds of the gentlemen. We have been acting under a system organized in 1828, and which he knows well is insufficient and inconvenient, and why do the people of Baltimore city, who are characterized for their higher notions of restriction to law and order, submit to it? For twenty-three years we have been paying seven thousand dollars a year as a local tax in Baltimore for three judges whom you did not pay, and for what reason? To give us justice, the great object of all government—to bring to every man's door a judicial settlement of strife and controversy—to bring to him that peace which follows the closing of a law suit. We have borne the burden upon that ground, without murmur, so far. What further had we to do; we addressed a complaint to the legislature, and I will say that in kindness it was answered. The legislature passed a special law authorizing special juries to be summoned.—What was the effect of that arrangement? We have been paying seven thousand dollars a year extra; and although the Constitution said that we should have three judges, to give us the benefit of their collective wisdom and integrity, we have only one. It was found it would not work. My friend, I think, may have been engaged in a case in one room, and could not attend to the call of the docket in the other. One of his causes had to be postponed. It was found to be impossible to carry on that system. Then it was that the people of Baltimore became excited with regard to the question of Conventional Reform. From that time to the present they have desired it; and mainly, I say, in regard to some change in the judiciary system. They passed upon the law enacted by the Senate and House of Delegates in 1849, with the peculiar material of the city of Baltimore, as the same has been described by her opponents, although she had but four representatives here, they relied upon you, organized as this body was upon a basis unfriendly to their interests, and there was not a murmur with regard to what they believed would be the just action of this Convention in regard to their rights. I do not want them to be disappointed. One of our friends desired to give Baltimore three thousand dollars for a judge. I take ground against it. I am not here as a Baltimorean. That, it is true, is the particular part of the State which I represent. The other parts of the State are so well represented, that I could not contribute to their general power and intelligence. I claim to vote and to act in the higher character of a Marylander.

Mr. BRENT, of Baltimore city. The manner in which my colleague has spoken might create the impression that I was in favor of a distinction between the salaries of the judges in the city and counties. I based the distinction upon the undoubted fact that the expense of living is much greater in the city than in the counties, and I desire to equalize the salaries by looking to the difference in the local expenses.

The PRESIDENT announced that the ten minutes of Mr. Stewart had expired.