

one and the same thing all over Maryland.— That is my principle. If we, after grave consideration, have determined that the chancery court and the common law court shall be blended in the counties, does not the same reason apply to the city of Baltimore? I gave that vote for blending them, because we are to review our special pleading and the mode of practice in the courts; and I hope that those who have the revision of the laws under their charge, will try, if possible, to abolish many unmeaning distinctions between common law and chancery jurisdictions. If a party, in some cases under our laws, will consent to employ a solicitor, he may file a bill on the equity side of a county court, and put his adversary to the necessity of answering it, under oath, and avail himself of the advantages of the testimony thus obtained in the common law courts. In these cases might not the law of the land be so changed as to provide that whenever you have power to put an adversary under oath, you may examine him in open court. There may be a controversy about mortgage. At present, you must go into a court of chancery, file your bill, and pay large fees before you can foreclose a mortgage. Could we not devise some plan by which you can issue a *scire facias*, and call in the party to show whether they will permit the mortgaged property to be sold or not?

I say that the reason why I voted against a separate chancery court for the city of Baltimore, was that I desired to blend jurisdictions and practices now unnecessarily separated. I desired the same judge to preside in the chancery court who presided in the common law courts. If this is right all over Maryland, it must be right in the city of Baltimore. As to giving the city of Baltimore courts sufficiently numerous and competent to perform all of the duties which may be required of them, I am the last man to give a vote against any such proposition. If one court is not enough, I will give two; if two courts are not enough, I will give them three. Looking to the rapidity with which Baltimore city is increasing, I am willing to give the power to the legislature to create an additional court when that city needs it. I want the system symmetrical all over Maryland. I would prefer dividing the city of Baltimore into two circuits. The gentlemen of that city, though, seem to prefer that they should have a superior court and an inferior court, one having jurisdiction over sums of a certain amount, and another having jurisdiction over sums under that amount. I have no objection to that. I think the gentleman from Cecil (Mr. McLane) could suggest a plan which might meet the concurrence of the House, and that it will be prepared and offered.

I rose for the purpose of repudiating the idea that I could be influenced in my vote in organizing the courts of the city of Baltimore, by any particular vote that might have been cast by her delegates for or against the abolition of the court of chancery. I am obliged to withdraw my motion to postpone, but I express the hope that the President will review his decision, and will either confine us to the rule, or recommend

its abolition, so that any gentleman may participate in the discussion without resorting to a motion which is made to be withdrawn.

Mr. BREW, of Baltimore city. I am like the gentleman from Frederick. I thought we were confined to the rule adopted, but finding other gentlemen using this practice, I use it myself, and more particularly because this question involves the rights of my constituents. I therefore renew the motion to postpone. I wish to state what I suppose to be the proposition of the gentleman from Queen Anne's, (Mr. Spencer,) which, with all due respect to that gentleman, I consider indefensible. What does he propose to do? To give Baltimore city two judges to transact the civil business. Every one of the Baltimore city delegation knows that this number is not sufficient. But what is the remedy? He does not even refer it to the Legislature to increase the number of judges or the number of courts, except the police court. I think one judge may do a great deal of business. But the Legislature is merely required to establish a police courts by the amendment of the gentleman from Queen Anne's. If we adopt the proposition, the result will be disastrous indeed, as there can be no amendment to the constitution for ten years, and not then unless a convention is called. Then we would have to depend upon legislative action to get another court, and yet no power is left to the Legislature. I can never believe that a bill to call another Convention will pass the Legislature for the next twenty or fifty years. If we do not get through the Legislature a bill calling a Convention, or if the people do not choose to call a Convention, whatever might be the grievances in Baltimore city, what is the result? Why, for all time to come, or until another Convention is called to change the constitution, Baltimore city is to have but two civil judges, with her growing population and increasing business.

I call upon this Convention to look not merely to the dockets, but to the importance of the business of Baltimore city, the wealth that passes through her courts, and the amount of protracted litigation which is necessary to discharge its business. I look to the fact that in the next ten years our population will increase in as great a ratio as it has for the past ten years. Would the plan we advocate increase the expenses of the judiciary of Baltimore? I conceive not. The idea is that if we vote for a separate court of chancery for Baltimore city, we will be driven back upon the high court of chancery. I do not see that this follows. We ought to have a system of jurisprudence peculiar to our great commercial city. I do not see any reason, because the abolition of the high chancery courts that we should not have a court of chancery for our purposes, or at least judges enough, who, if separated, can attend to our demands. If a proposition is made, such as I believe the gentleman from Frederick (Mr. Thomas) indicated, I am prepared to vote for it; but I will not consent myself here to vote or acknowledge in this body that our civil business can be transacted by less than three judges. I am opposed to the