

Further proceedings under the call of the Convention were dispensed with.

Mr. DAVIS moved to postpone the consideration of the report of the committee on the Judiciary until to-morrow, for the purpose of taking up the report on Education, which motion was agreed to.

The question then recurred on the adoption of the amendment offered by Mr. Bowie, to the substitute offered by Mr. STEWART, of Baltimore city, for the 12th section of the report.

Mr. GWINN. I only desire the sense of the House on the amendment of the gentleman. I do not wish to renew the argument which took place upon this question some days since. It was then announced by my colleague, that the proposition of the gentleman from Prince George's was in point of fact, a test question to ascertain the sense of the House—whether they are determined to allow us two or three judges for the purpose of transacting the civil business of the city. All that I have heretofore stated with relation to the necessity of our having an increase of the judiciary, has been abundantly confirmed by letters received from the most eminent counsel of the city of Baltimore, and those who have had the largest experience in practice there. All agree that under the plan proposed by the gentleman from Prince George's, (Mr. Bowie,) there will be a large impediment thrown in the way of justice, and I am firmly persuaded that they have reason for their apprehension. Is it fair to advise this House that gentleman even upon the other side are not persuaded that we do not require these judges; a partial admission has been made even by the gentleman from St. Mary's, (Mr. Morgan,) and the gentleman from Anne Arundel, (Mr. Randall,) who have said that their justification is that we shall be involved in what they think is a common calamity.

If the whole system had been put upon the Convention by the delegation from Baltimore city, I should have regarded any retribution as just; but a system has been adopted here, over which his delegation could exercise no control, and it seemed extraordinary that for this reason a prejudice should be indulged against the judicial interest of the city of Baltimore. In view, therefore, that the opposition which gentlemen made upon the other side, to the necessity of this system for the well-being of our judicial proceedings, has been because of our supposed resistance to the county system, we call upon the majority to aid us in administering to the judicial wants of our own portion of the community, and we do trust that as that majority has arranged a system satisfactory in other particulars to itself, it will not, through a false idea of economy embarrass our judicial proceedings. I make no other appeal than that directed to the sense of justice of the Convention. I am sure that in the full confidence which must be placed in the statements of both of my colleagues, who have long practiced at the bar in Baltimore, and of such men as Schley, Latrobe, and other gentlemen whose testimony I can produce, (and I pledge myself to be able to produce the testimony of

one of the very ablest lawyers of Baltimore,) that this Convention will not refuse to award to the city of Baltimore that boon which she has a right to ask at its hands. If the business, population, and wants of the city of Baltimore, were as stationary as those of the counties have been for the past fifty years, we should not claim this indulgence, nor would we ask you to provide for an emergency not yet arrived. But that emergency now exists—in the course of a few years more we must number two hundred thousand souls, and we say that it is ungenerous to force us to a system not proportionately as liberal as that established in 1805, when we had hardly one-fourth of our present population.

Mr. BOWIE. It seems to me extraordinary, indeed, that the gentleman from Baltimore city, (Mr. Gwin,) and all of his colleagues, after they have given their votes in this Convention, and expressed their opinions that one judge was sufficient in the circuit composed of Prince George's, St. Mary's and Charles, and one judge in that composed of Calvert, Anne Arundel, Howard and Montgomery, (which according to the facts shown to us by the gentleman from St. Mary's, (Mr. Morgan,) have largely more business than the city of Baltimore,) should now say that two judges are not sufficient to transact their business, and should now ask us to give them three judges to do less business. Gentlemen were incredulous when I appealed to them, and said that in my judgment I could bring almost every member of our bar to testify that one judge would not be sufficient to transact the business of our district; they forced this system down upon us, and now it is proposed to have an additional judge in the city of Baltimore, where there is not as much business as in these two judicial circuits. There are now upon our dockets in the whole judicial circuit, more than 3,500 cases pending, and our delegations are confident that one judge cannot dispose of this business. I ask them if the same rule ought not to work on both sides, and if one judge is enough to dispose of three thousand five hundred cases in one judicial district, if two are not more than enough to dispose of five or six thousand cases in another?

Mr. MORGAN. I did not intend to say another word upon this subject, nor should I, had I been permitted to proceed the other evening, for a few moments, to present some facts to this Convention in reference to this whole judicial scheme, and to show that the basis upon which it was founded, was not, so far as I could gather from the returns made here, formed upon any principle at all. The gentleman from Baltimore city brought forward the opinions of some of the lawyers of that city, for the purpose of sustaining what he said. Upon a previous occasion, I declared that I did not know whether the force given was sufficient for the transaction of the judicial business of Baltimore city or not, but that looking to the system which had been adopted for other sections of the State, the force given to the city of Baltimore by this Convention was greater than that given to those sections. The gentleman from Baltimore city has