

Abbott, Annan, Audoun, Brooks, Carter, Cunningham, Cushing, Daniel, Davis, of Washington, Dellinger, Ecker, Galloway, Greene, Hatch, Hebb, Hoffman, Hopper, King, Markey, Mullikin, Murray, Negley, Nyman, Parker, Pugh, Purnell, R. d. G. Russell, Sands, Schley, Schlosser, Scott, Smith, of Worcester, Sneary, Stirling, Swope, Sykes, Thomas, Todd, Wickard, Wooden—42.

Nays — Messrs. Blackiston, Chambers, Crawford, Duvall, Hollyday, Horsey, Lansdale, Lee, Mitchell, Morgan, Parran, Smith, of Dorchester, Wilcox—13.

When his name was called,

Mr. HODSON did not vote.

The PRESIDENT. If the gentleman from Dorchester refuses to vote, the chair will order it to be so entered on the journal.

Mr. HODSON. I should prefer to have it so entered upon the journal.

The section was accordingly adopted.

No further amendments being offered to part IV, the next section was read as follows:

PART V.

Courts of Baltimore city.

"Section 27. There shall be in the eighth judicial circuit two courts, to be styled the superior court of Baltimore city and the circuit court of Baltimore city; each court to consist of three judges, who shall be appointed in the same manner, hold their offices for the same time, and have the same general powers and duties as are herein prescribed for other judges of courts of record in this State."

Mr. THOMAS submitted the following amendment:

Section 27. Strike out all after the word "the," in the first line, and insert the following:

"Thirteenth judicial circuit four courts, to be styled the 'superior court of Baltimore city,' the 'court of common pleas,' the 'circuit court of Baltimore city,' and the 'criminal court of Baltimore,' each court shall consist of one judge, who shall be elected by the legal and qualified voters of said city, and shall hold their offices for the term of fifteen years, subject to the provisions of this constitution with regard to the election and qualification of judges and their removal from office, and shall exercise the jurisdiction hereinafter specified."

Mr. THOMAS said: After I drew up the section on the fifth page of the amendments as printed, I found a section in the report in relation to the salary of officers; and I therefore leave that out of this section, and will offer it when the proper time comes.

Mr. SROCKBRIDGE. The practical operation of the adoption of the amendment is to retain the judicial system in Baltimore precisely as it is at present organized, with the single exception that one of the courts now is a court created by act of assembly instead

of by the constitution itself. The courts are the same, and the judicial power on the bench will be the same under this amendment as that which at present exists; and the distribution of the duties and the jurisdiction of the courts is precisely the same as at present exists. I do not think any one familiar with the operation and practical working of these courts but will be satisfied on a little reflection that they are inadequate to the discharge, even at the present time, of the judicial duties which ought to be discharged in that city; besides which the litigation, the business of the courts, is constantly and rapidly increasing, the result of which is practically there, as it was complained of throughout the counties, the delay of justice to such a degree as almost to amount to a denial of justice. There is one advantage which the courts there have over the courts in the counties, that although there is but one judge on the bench, yet ordinarily the judges are always accessible. They are there; and in any case of great emergency which addresses itself with sufficient force to the discretion of the judges, they can give it prompt attention. But when their dockets are overcrowded, a thousand to twelve hundred cases on the docket going over from one term to another, in spite of the utmost diligence on the part of the justice, I say it amounts practically to a denial of justice to provide a system by which there shall be no increased judicial force in that city.

In view of that fact, and to obviate another difficulty, the committee have reported a system somewhat different. They have consolidated the four courts into two, but have provided three judges on the bench in each of these courts; so that in fact, while there are but two courts, there are six judges; whereas under the system proposed by the amendment there are four courts and yet but four judges. The operation of that, with the other part subsequently given in the report of the committee, is to provide that practically there may be six courts sitting at a time. There being six judges, it is provided that they shall sit on the bench as a full bench in the hearing of important trials, in the hearing of motions, and in the distribution of business among themselves; yet they may sit in different departments of their business separately and thus transact their business. I am satisfied that the report, as it comes from the committee, will promote very much more the ends of justice in the city of Baltimore than is possible to be attained under the system proposed by the amendment. I hope therefore that the amendment will not prevail.

I have but one purpose in advocating the amendment; and that is to secure prompt justice and the speedy trial of all causes in the courts of that city, which affects any citizen of that great commercial and mercantile community to an extent which it is almost