

impossible for gentlemen of the counties who have not been familiar with the amount of important and pressing business there, adequately to understand. It is in behalf of that commercial and mercantile interest that I speak. I say that there business is embarrassed. It is accumulated; and it is impossible for them to discharge it. The utmost diligence on the part of the judges is insufficient to clear their dockets. It is so in both courts. In one of the courts the equity business is effectually blocked; cases standing there which have been standing there for years and years, so that it is impossible to get equity business transacted. I trust this convention will give the city of Baltimore more judicial force. They have done it for the counties, not to the extent the committee reported and thought desirable, but to some extent. If justice is to be administered in the city of Baltimore they must do it there. If they do not consent to do it, justice cannot be administered in those courts.

Mr. ABBOTT. I should like to have the gentleman explain to us how it is that two courts can transact more business than four.

Mr. STOCKBRIDGE. I fear my colleague has not read the report of the committee. If he had he would have discovered in the twenty-eighth and thirtieth sections that it is made competent for the three judges of each court, provided for in this section, so to "apportion and distribute the business of their courts as shall best facilitate the despatch of business and promote the ends of justice." To illustrate: that it may be evident that one court with three judges acting in that way may do more than two courts sitting with one judge each according to the other system. On the bench of the superior court there are three judges. They have the jurisdiction of all civil matters, equity not being included; that is, appeals from magistrates' decisions, and all original suits brought from one hundred dollars upward. In the distribution of their business they may assign one judge who shall go on trying appeals from magistrates' decisions; they may assign one judge who shall go on trying cases where the amount in dispute ranges from one to five or to seven hundred dollars; and the third judge may hear those cases above five or seven hundred dollars. So that practically the superior court may be sitting in three places and transacting business by three judges at once. Thus you get what is under the other system a force of three judges. Under the other system, you have given this jurisdiction to two courts; but you have only given it to two men, who consequently, to do their utmost, can only sit in the trial of causes in two places at once; while under the system reported by the committee, they can hear them in three places at once.

Precisely the same is it in the circuit court, in which is placed the equity jurisdiction of the present circuit court, and the jurisdiction

of the present criminal court. For the three judges together have power to apportion and distribute the business among themselves.

They may make such an apportionment as to sit in three places at the same time; while under the amendment as proposed, this jurisdiction and labor is placed in two courts, but confined to two judges, and they can only sit in two places.

Mr. ABBOTT. The effect of it will be to give us six courts instead of four.

Mr. STOCKBRIDGE. Practically; but not all the time. It provides that where a suitor chooses, and where he thinks that one judge is not sufficient, he may demand a bench, and require that at least two of the judges shall sit in the trial of the case, so that he may have the benefit of two judges if there are important legal points involved. But the great bulk of the time there may be six men sitting in effect in as many different courts, but really in two.

Mr. THOMAS. I desire to say a few words in relation to what has fallen from my colleague. As has been stated by him, the system proposed by this amendment is the present system, as practiced in the city of Baltimore, establishing four courts. The reason which is given by the gentleman for the increase of judges in the courts of Baltimore city, is that the courts, as established by the report of the committee, can greatly facilitate business, and that the courts now established cannot possibly perform the duties required of them. I have only to say in reply to that that the superior court of Baltimore city, having now jurisdiction over all sums where the debt or damage claimed is above five hundred dollars, if there are a great many cases on the dockets of the superior court, it is not owing to the jurisdiction of the court. I will venture to assert that if any gentleman of this convention will go into the superior court on the first three days of any term, and listen to the calling of the docket, he will find that two-thirds of the cases are postponed or continued by the lawyers themselves. The judge of that court has repeatedly complained in my hearing that the lawyers will not come up and try their cases. But we propose by further amendments to avoid the superior court having so much business, by increasing the jurisdiction of the court of common pleas from five hundred up to a thousand dollars, which will throw all these small cases, which are nine-tenths of the cases which give trouble in the superior court, into the court of common pleas.

How then does the court of common pleas stand in relation to its business? I will venture to assert that the court of common pleas, when it meets, on the second Monday of every term, is not in session two months in the term. This last term of the court, Judge King adjourned his court over a month ago, because he had not enough business to trans-