

act. We propose also to give the court of common pleas additional facilities for the performance of these additional duties. We take away from the court of common pleas the appeals from magistrates in relation to criminal cases. According to the present constitution, appeals from the magistrates in all cases go up to the court of common pleas.

Mr. STOCKBRIDGE. Not in all.

Mr. THOMAS. Yes, they do, except in the case of violation of the city ordinances. There are hundreds of cases every year in that court, involving the recovery of fines, penalties, and forfeitures, under the State laws, *quasi* criminal cases, which should properly go to a criminal court. We propose to give these cases to the criminal court, so that you will have the common law jurisdiction confined to two courts, which will increase their facilities, and the whole criminal jurisdiction will be confined to one court, and the equity jurisdiction will be divided between the present circuit court of Baltimore city and the equity court of Baltimore city, which will give them additional facilities for the performance of the duties assigned.

This system has been in operation for fourteen years, and there is no complaint yet in the city of Baltimore in relation to its courts; and it appears to me that the city of Baltimore is entitled to have her courts just as they now stand; because, I contend, they will be more acceptable to the people. I contend too that the report of this committee renders it more complicated than it now is. For instance, it is proposed by this report to give to the judges of the circuit court, which is to be composed of the present criminal court and the circuit court, both equity and criminal jurisdiction, and also to make one of the judges of that court the chief justice of the orphans' court. This convention has already decided that the orphans' court system shall remain just as it is. If you adopt the system as proposed by the committee in relation to the courts of Baltimore city, you have got to break up the orphans' court system, which you have already established and made uniform throughout the State.

Then in relation to the three-judge system as proposed by the committee, it will work badly in this way. There is a provision that whenever a man wants a case tried he shall be entitled to three judges.

Mr. STOCKBRIDGE. There is no such provision.

Mr. THOMAS. Two judges, then. Now suppose one of the judges is on the bench of the orphans' court. Another one sits every day to try cases. A lawyer comes in and wants to postpone a case. He sees one judge upon the bench, and knows that another one is sick, for you cannot prevent sickness, and he claims two judges, and is entitled to the postponement of his case. According to the practice now he is not entitled to the post-

ponement of the case unless the parties agree, or unless he has a legal ground of continuance under the law. I say that so far as the trial of cases is concerned, the system is better and more expeditious under the present system than it would be under three judges.

Mr. SHIRLING. I shall support the amendment my colleague has offered; and I desire very briefly to assign my reasons for doing so, because I regret to differ from my colleague who introduced this report, who has had a great deal of experience in these matters, and whose opinion with regard to them is worth a good deal. Upon careful examination I have not been able to agree with him, and I desire very briefly to state my reasons for differing.

The system which has been reported by the committee has already been so far altered with regard to the counties that the proposition would now apply to Baltimore city a condition of courts entirely different from the courts of the counties. It would establish a one-judge system in the counties, and a three-judge system in the city. It strikes me that there is something anomalous in that provision. There is one great advantage in the courts as we now have them in Baltimore. It is the advantage of perfect and entire simplicity. There is one judge for equity business; and under the substitute system there may be three judges for equity business who are to alternate or distribute themselves; and the consequence will be that where you now have one certain man you will have two or three uncertain men. The judges will be obliged either to assign some one permanently to transact the equity business, which will not be very easy consistently with the provision allowing a party to require two judges upon the bench, or they will have to distribute it among themselves.

The people are accustomed to the systems we have now; and this system produces a radical change in the whole system of the courts. I should be indisposed to adopt it without strong reasons for so doing. In investigating this subject, I have made it my business to inquire of the judges; and I state it as a matter of fact, which is certainly entitled to very great weight, that the judges of the courts of Baltimore city are unanimously opposed to the changes proposed. If their judgment is that this change is not wise,—they have no interest in the matter, for it is not proposed to disturb their offices—they are gentlemen whose opinion is entitled to great weight. They have told me, without exception, that they do not approve of the change introduced by the report of the committee.

With regard to the fact stated by colleague (Mr. Thomas,) with regard to the court of common pleas, it is true that Judge King not only attends to all the business of that court but has time to spare, abundant time to spare. Where is the press of business? There is