

some press in certain courts with reference to the administration of the chancery jurisdiction; and it would be well to relieve the superior court of part of its jurisdiction and give it to the court of common pleas which has not jurisdiction, and thus equalize that business and prevent delay.

My colleague (Mr. Stockbridge) speaks of the great difficulty in getting cases tried. I know that Judge Martin frequently sits there day after day with no company but the jurors and bailiffs, ready to entertain motions at law, because he occasionally stays on the bench when there is no necessity for it, sitting there frequently with no business and no company but his bailiffs. That his docket is so full, arises from the old cases upon it which have been retained simply because the counsel have a right to compel a continuance, the law divesting the judge of any control over them. The counsel continue cases by consent, and have got into a chronic condition of laziness. The old cases on the docket have been there so long that they hate to try them. I believe if the judges had power to compel the trial of a case, the docket would be disposed of. I know that Judge Martin devotes sufficient time to the work, because I know he sits there with nothing to do; and he says himself that he is able to transact the business.

The circuit court and the chancery court are more obnoxious to the charge of delay than any others. But if you relieve Judge Martin of a part of his jurisdiction, and still give him an equity jurisdiction, it will take equity business off the hands of the circuit court and relieve the docket of the circuit. The reason Judge Martin has no more time to spare for equity business is because he has so many of the small cases on his docket; but if you strike off all the \$500 cases up to \$1,000, he will have time to spare. I think he told me that he had a recess in his court amounting to certainly eight weeks in the year, and I think sometimes twelve weeks. That certainly is time enough for transacting the business.

I know that so far as the criminal court is concerned, the judge of that court works very hard; but because he works hard he gets through his docket. The criminal court frequently transacts its business in three days in the week, sitting there from ten till five o'clock. The judge says he would rather work very hard on three days than work moderately on four. Some other judges do not prefer that mode of business. They prefer to work from ten to half-past two on three days, than from ten to five or six on one day. The business is transacted, and there is time to spare. There are no cases continued in the criminal court. All the cases on the docket are called, and that docket has been kept clean ever since it has been under the administration of Judge Bond.

I am not in favor of making this change. It does unquestionably run against prejudice, and it runs against interest in a great meas-

ure, although I do not regard that as of much importance. I do regard the change as doubtful. I do not wish to say any more upon it. I will leave it to the decision of the convention. I believe so far as I have ascertained their views, it meets the concurrence of possibly the entire delegation with the exception of my colleague the chairman of the committee (Mr. Stockbridge.) I have not been able to ascertain the sentiments of a very large number of the members of our bar, but so far as I have been able to learn it meets with their concurrence; and I think the system reported by the majority of the committee is not acceptable to the majority of our people.

There is another consideration that occurs to me. There is one subject I hoped to be able in connection with this subject to bring before the convention; and it is the fact that the salary of the judges of Baltimore city, under the present system, in consequence of the alteration of prices that has taken place, has become so small that I know as a matter of fact that one-half, if not three out of four judges of that court are contemplating the resignation of their places and going back to the practice of the law. We have had great difficulty in getting good men upon the bench. We have in Baltimore now as good a judiciary as ever was upon the bench. We are reluctant to lose them. I know they will not stay there at the present rate of their salaries. I know that some of these gentlemen have been forced to borrow money to live, since these troubles have come upon us. With the expenses that prevail in Baltimore, the high price of fuel, the high price of everything, the enormous rise of everything, it is impossible for any man to occupy the position these men do, most of them men in the maturity of life with families around them, one of them with no family of his own but a family dependent upon him for support. What salaries can you afford to give if you increase the number of judges from four to six?

Then I cannot see how the system of three judges is going to gain anything, with the policy of allowing any party to demand two judges. If you give people the right to a bench, they will have it. No man will try his case before a single judge, if he has a chance to require two judges. As a practical thing, in every case there will be two judges upon the bench of the superior court.

There is another feature in this report. If there is any court in Baltimore which is acceptable to the people of that city at this present time, it is the criminal court. You want in the criminal court not merely legal ability, but executive force and unity of purpose. If you do not have unity of purpose the court is worthless, however much legal ability in the abstract may be upon the bench. You distract the judge of that court by requiring him to exercise chancery jurisdiction; and you disturb that unity of purpose by putting