

judge of the chancery court upon the bench of the criminal court. I say that the people of the city of Baltimore, so far as that court is concerned, are unanimously opposed to displacing the present judge of the criminal court. Yet this provision practically destroys his power by forcing him to act with an associate. It makes a two-judge system practically in the criminal court, and a two-judge system is the very worst kind of a system of criminal jurisdiction because it destroys practically all unity of purpose and executive force, while the great business of that court is to administer a jurisdiction which is *quasi* executive. The smaller cases are more to be regulated by a uniform policy than by any other principle. If there are two courts, the practice of which is inconsistent, they are the chancery and criminal courts. There is certainly more similarity between common law and equity than between criminal cases and chancery cases. The civil and criminal law are frequently blended in one court; but certainly chancery powers have not been often blended with the powers of criminal courts, except where one man is forced to administer all, and the criminal docket amounts to scarcely anything.

This last feature is my greatest objection to the report. I certainly would never consent to the destruction of the criminal court as it at present exists; and if there were no other objection to the report than that, I should oppose it; and I believe that I represent the sentiments of ninety-nine out of a hundred of those who sent me here in expressing these views with regard to the criminal court. I shall support this proposition. But I intend to support an amendment to the subsequent section to increase the jurisdiction of the court of common pleas from \$500 up to \$800 or \$1,000.

Mr. STOCKBRIDGE. I wish to say a few words in reply to the remarks of my colleague. It is true, as has been said, that the present system has the merit of simplicity. There has scarcely ever been a question raised since the system was established in the city of Baltimore as to the jurisdiction of the courts, so far as the one comes in conflict or in contact with the other. The line is drawn very clearly, distinctly, and positively. That feature of the system it is certainly desirable, so far as possible, to retain. But that is the only recommendation of the present system; and I hold that, in view of all the circumstances which hang around it, it is not sufficient to retain it, practically denying justice, as it does, to suitors of the business community.

Gentlemen have argued this question as if they supposed this constitution was to be taken without any regulation or rule of the courts, but that the three judges were thrown together in hodge-podge, and out of that justice was to be administered, if at all,

in some hap-hazard way. The report expressly provides that it shall be regulated by a rule of the court:

"It shall be the right of any party to an original cause pending in said court, under such rules and regulations as the court may prescribe, to require the presence of at least two of the judges of said court at the trial thereof."

That was thrown in with the full purpose of preventing the very evil which my colleague seems to anticipate, that a man will watch his time and wait until he discovers that a full bench of two cannot be had, and then demand a full bench to try his case. The rules and regulations are to arrange all that. They are to be required to make the demand at a certain time, upon the call of the docket, or at such time as shall seem to the court equitable and right, so that it shall not be made the means of defeating the ends of justice, and delaying the business of the court.

It is provided, too, that they are to distribute and apportion the business between them. My colleague, who has just taken his seat, draws a picture of a judge of the criminal court sitting in equity, or a judge in equity sitting upon the criminal bench and conducting the powers there. This is all to be done under a distinct division of the exercise of the jurisdiction conferred upon the judges.

Mr. SIBLING. Will my colleague allow me to make a suggestion. There are three judges upon the bench, and the other two may assign to the one now in the criminal court duties in equity and put a new man in his place on the criminal bench. So that it is in the power of one of the present judges, together with one of the new judges to be elected, to oust the present occupant of the bench of the criminal court.

Mr. STOCKBRIDGE. "If the sky falls we may catch larks." It is possible that that judge may die to-morrow, and that we may have to provide for a vacancy upon that bench. It is possible that he may become disqualified, from sickness or otherwise, and we may have to provide for a special judge; and I will say here in passing, that this is another of the advantages of the system reported by the committee that it obviates entirely the necessity for special judges which we have sometimes had on one or another of the benches month after month at an additional expense to the State.

Now, in domestic economy, I grant that it is sometimes best to decide how much money we can spend, and then go on and devise how to make that meet the wants. But I submit that in the arrangement of judges the principle is a bad one to apply. The first question to be decided is, how can the ends of justice be obtained. When that is settled, manage so as to attain the ends of