

is thought best to have conference, that another judge is called in.

This additional judge provides too against the contingency of there being left a vacancy upon the bench, and an inexperienced special judge being called in to decide it may be the most important matters. I am fully persuaded that while justice is not administered under the present system, it will be under the system as it is reported by the committee, if the convention see fit to adopt it. I do not believe it is possible so to arrange it that it can be administered otherwise. I am absolutely sure that if the jurisdiction of the court of common pleas be increased to \$1,000, it will be utterly impossible for any judge, however diligent, and although he may have a constitution of cast iron, to discharge the business, and survive three years. It cannot be done. It is an absolute impossibility. It will require his labor night and day, and without any intermission from year's end to year's end.

Mr. AUDOUN demanded the yeas and nays, and they were ordered.

The question being taken, the result was—yeas 34, nays 20—as follows:

**Yeas**—Messrs. Goldsborough, President; Abbott, Annan, Audoun, Brooks, Carter, Cunningham, Cushing, Daniel, Davis, of Washington, Ecker, Farrow, Galloway, Hatch, Hebb, Hopper, King, Markey, Morgan, Mullikin, Murray, Pugh, Purnell, Ridgely, Sands, Schley, Schlosser, Sneary, Stirling, Swope, Thomas, Todd, Wickard, Wooden—34.

**Nays**—Messrs. Blackiston, Chambers, Crawford, Dellinger, Duvall, Hoffman, Hollyday, Horsey, Lansdale, Lee, Mitchell, Negley, Nyman, Parker, Russell, Scott, Smith, of Dorchester, Smith, of Worcester, Stockbridge, Wilmer—20.

When their names were called,

Mr. ABBOTT said: I have the very highest regard for the opinions of my colleague, the chairman of this committee; but it seems to me that the change he proposes is too great a one for our people just at this time. I am afraid it would be no benefit to us yet. I vote "aye."

Mr. DANIEL said: This is a matter of some delicacy, and I have some doubt about it; and I should like to be excused from voting.

The convention refused to excuse him; whereupon,

Mr. DANIEL said: Then I want to say in explanation of my vote that I agreed to this report in committee, expecting to sustain it. But from the opposition, as has been stated here, by the judges themselves, and others of the profession in the city of Baltimore, I have been led to change my views somewhat. Therefore I am forced to the conclusion that the present system is perhaps the best under all the circumstances. I therefore vote "aye."

Mr. PUGH said: I am free to confess that I am more singularly influenced on this occasion in my vote than any other vote I have cast in this convention. I vote as I do simply because it seems to me that the majority of the representatives of Baltimore want this peculiar system. If they do want it, I have no objection to their having it. I therefore vote "aye."

The amendment was accordingly agreed to.

No further amendment being offered, the next section was read as follows:

"Sec. 28. The superior court of Baltimore city shall have all the power and jurisdiction heretofore conferred upon and exercised by the superior court and the court of common pleas of Baltimore city (except the equity powers of the superior court,) subject to such modifications as may be made by law, and the judges shall so apportion and distribute the business of their court as shall best facilitate the despatch of business and promote the ends of justice."

Mr. DANIEL submitted the following amendment:

Strike out the twenty-eighth section and insert:

"Sec. 28. The superior court of Baltimore city, shall have jurisdiction over all suits where the debt or damage claimed shall exceed the sum of one thousand dollars, and in case any plaintiff or plaintiffs shall recover less than the sum or value of one thousand dollars, he or they shall be allowed or adjudged to pay costs in the discretion of the court. The said court shall also have jurisdiction as a court of equity within the limits of the said city, and in all other civil cases which are not hereinafter assigned to the court of common pleas."

Mr. THOMAS. I move to add the following amendment to the amendment:

"Provided all cases now pending on the law side of said court, where the debt or damage claimed is less than one thousand dollars, shall be prosecuted to final judgment in said court, as though its jurisdiction had not been changed."

Mr. DANIEL. I accept that.

Mr. ABBOTT moved to amend the amendment by striking out "one thousand" and inserting "eight hundred."

Mr. STOCKBRIDGE. I hope that amendment will not prevail, or that it will be voted down, and that an amendment will prevail to strike out "one thousand" and insert "five hundred." I am satisfied that with \$800 the court of common pleas can never do the business—never.

Mr. DANIEL. The convention has just had a statement from my colleague upon this floor, coming from Judge King himself, and I know it to be correct from my own experience, that he has frequently eight weeks or more of leisure after finishing all the business