

son: It oftentimes happens that inasmuch as the equity court has jurisdiction over wards, applications are made to take a ward out of the possession of some persons not entitled to have custody, or by a husband to get his wife, and such cases; and I think in such cases the jurisdiction ought to be retained.

Mr. STOCKBRIDGE. Permit me to inquire whether the twenty-seventh section as we adopted it, providing for the courts, styles that court the equity court or the circuit court?

Mr. THOMAS. The reason why we changed the name from the equity court to the circuit court is this. It has been known by that name for years, and everybody knows the circuit court of Baltimore city to be the equity court. I think on that account that the name would better remain as it is.

Mr. STOCKBRIDGE. I only desired to know whether the change had been made. I wish now to inquire with reference to the matter of the *habeas corpus*, in reference to the denial of the right of *habeas corpus* as embodied in this thirtieth section in cases where the judge of the criminal court is absent. The point of my inquiry is this: Whether it is designed that that judge alone shall have jurisdiction in these cases of *habeas corpus*, or whether it will be shared by other judges, and if so by what other judges?

Mr. THOMAS. I think the judge of the superior court and of the criminal court have jurisdiction. I am not satisfied whether the judge of the court of common pleas has or not. I think he has not.

Mr. STOCKBRIDGE. I merely wanted to know if we deny the power to this judge, where it was to be vested?

Mr. STIRLING. "And shall exercise all the power that is now or may hereafter be conferred by law." That would give the legislature power to control the whole subject. I move to strike out the words "or may be hereafter."

The amendment to the amendment was agreed to.

The amendment as amended was adopted.

No further amendment was offered.

The next section was read as follows:

"Sec. 31. One of the judges of said court shall sit as chief judge of the orphans' court of the city of Baltimore, and either of the judges may sit alone in either department of the business of said court, but it shall be the right of any party to an issue pending in said court, under such rules as the court shall fix, to require the presence of at least two of the judges at the trial thereof; and no order for an injunction or the appointment of a receiver shall be passed without the concurrence of at least two of the judges therein."

On motion of Mr. DANIEL,
The section was stricken out.

On motion of Mr. THOMAS,

The following section was inserted as section thirty-one:

"Sec. 31. The criminal court of Baltimore city shall have and exercise all the jurisdiction now held and exercised by the criminal court of Baltimore, except in cases of appeals from commissioners for opening streets, and shall have jurisdiction in all cases of appeals from justices of the peace in said city for the recovery of fines, penalties and forfeitures."

SALARY OF CITY JUDGES.

The next section was read as follows:

Sec. 32. Each of said judges shall receive an annual salary of three thousand five hundred dollars, payable quarterly.

Mr. ABBOTT. I move to strike out "five hundred." The salary of the other judges throughout the State was increased five hundred dollars, and I am sure that is enough for these. The judge of the criminal court has always had a salary five hundred dollars less than that of the other courts, which the people of our city think is very improper. We think he should have the same salary as the judges of the other courts. His salary now is only two thousand dollars, and that of the other judges is twenty-five hundred dollars. It seems no more than right and proper that the judges should all receive the same salary, and I move to make it uniform at three thousand dollars.

Mr. SANDS. The judges of the court of appeals are to receive three thousand dollars, and I hope the amendment will prevail. I hope we shall not give the circuit judges a higher salary than that of judges of the court of appeals.

Mr. THOMAS. I think instead of decreasing these it would be better to increase the salary of the court of appeals.

Mr. SANDS. It would be rather anomalous to fix the salary of these judges below that which we have fixed upon for the court of appeals.

Mr. STIRLING. I will merely suggest that my friend from Howard (Mr. Sands) leaves out of view altogether the fact that there is a manifest difference between the city of Baltimore and the counties with regard to the amount of money it takes a man to live. I have very little to say on the matter. I do not profess to be a great man myself; but if I should be offered one of these places, I should not consider it much of an offer.

The PRESIDENT. Living in the city of Annapolis is about as dear as anywhere else.

Mr. STIRLING. They do not have to live here all the time; and it is the question of their general expenses. I know there is not a man of family occupying the position of judge in Baltimore city, who can live to save his life on \$3,000 a year. I know he cannot live on that. I am not a very extravagant man; I do not live in any very great splendor, and I cannot.