

the latter part of it, of the provision in the present constitution.

Mr. STIRLING. My colleague, the chairman of the committee (Mr. Stockbridge,) has objected to the system we have adopted that it crowds the jurisdiction of the court of common pleas. The object of this is to give the legislature power, if the jurisdiction can be better apportioned among the several courts, to reapportion it. It can certainly do no harm. The legislature may take part of the jurisdiction from that court and give it to another, if they think it necessary.

Mr. MILLER. I should like to learn from some gentleman what necessity there is for a new court in Baltimore city. There are four now. The provision of the old constitution was for three courts; and this was for a fourth if three were not sufficient.

Mr. THOMAS. There is no necessity now; but before the constitution is revised again the commercial interests of Baltimore may have so increased that it may become necessary to have another court.

Mr. STIRLING. It cannot be organized unless the general assembly provide for it; and if there is no necessity for it they certainly will not do it.

Mr. STOCKBRIDGE. I have no objection at all to the latter part of the section. The latter part of it I think is really important, that there should exist some such power somewhere. But I do not see the necessity for a provision to multiply the courts. If it were put in the alternative that they might establish an additional court or increase the judicial power of the existing courts by adding a judge, if they should find it necessary for the transaction of the business, I should have no objection whatever to the section. It might be decidedly better than to establish a new court, that two judges should be placed in charge of an existing court, with power to apportion their business. It seems to me that the multiplicity of courts covering the same territory is certainly going to operate very badly indeed. I would greatly have preferred to see the judicial power of the city vested in a single court, with sufficient judicial power, and with a sufficient number of judges to transact all the business. I am satisfied that it would work much better than arbitrarily making each court a Procrustean bed, for one man to fill, who may know very little about these particular duties, while you cannot change his jurisdiction from one court to another. I trust the amendment will be modified as I have suggested.

Mr. THOMAS. It appears to me a great deal better to have a multiplicity of courts than a multiplicity of judges; because, in the first place, it is more simple and less complex to have more courts than it is to have more judges. I am perfectly aware that Baltimore city does not require any other court or more judges than it has at the present time. But we are making this constitution for years to

come, I hope. We do not know but in the course of five or six years it may be absolutely necessary for the commerce of Baltimore to have another court; and it is a great deal better, if it were necessary, to have another court rather than to have an increase of judges in the present courts. I think this was a wise provision put into the constitution under which we live; and it was the origin of one of the most useful courts within the limits of Baltimore city. I think it will be wise now to give the same discretion to the legislature. Most certainly, as has been well said by my colleague (Mr. Stirling,) if the wants of the people and the mercantile interests of Baltimore require it, we ought to have it; and if they do not, the legislature will not provide for another court.

Mr. DANIEL. If my colleague (Mr. Stockbridge) will prepare an amendment so as to give the legislature the alternative he has suggested, I should prefer it to an increase of the courts, so that the legislature may either increase the courts or the judges as they think proper. In the absence of that I shall vote for the proposition as it is.

Mr. THOMAS. If you have an increase of the judges, the legislature might go on and increase the number of judges in every single court, in all the four courts, which would be a very heavy expense; whereas if you adopt this amendment, we can only have one more court, to be limited to one judge.

The question being taken on the adoption of the amendment, the result was—ayes 32, noes 14—no quorum voting.

The question being again taken, the result was—ayes 35, noes 18. The amendment was accordingly adopted.

The next section was read as follows:

PART VI.

Justices of the Peace.

"Sec. 37. The judges of the circuit courts shall appoint in each election district of the several counties composing their respective circuits, and the judges of the superior court and of the circuit court of Baltimore city, by concurrent action, shall appoint in the city of Baltimore such number of justices of the peace as the wants and interests of the people may require. They shall certify their appointment so made to the governor, by whom the appointees shall be commissioned as justices of the peace of the State of Maryland, in and for _____ county and city. The justices so appointed and commissioned shall be conservators of the peace, shall hold their office for two years, and shall have such jurisdiction, duties and compensation, subject to such right of appeal as hath been heretofore exercised or shall be hereafter prescribed by law."

Mr. A. UDOUN submitted the following amendment:

Strike out section 37, and insert: