

ports have been received. The reports received were made up in different forms, and some of them by no means clear; and it is therefore quite possible that errors may be found in the foregoing statement.

Mr. C. proceeded. In addition to the business now done in the County Courts, the proposition under consideration proposes to throw upon the judge of the county, the performance of the probate jurisdiction. In most of the counties of the State already, almost the entire amount of chancery business is performed by the County Court. In some of the counties, for instance in Frederick county, where the average number of bills in equity has been 60 per annum, the whole chancery business, or nearly the whole, is performed by the County Court. There will be in each county some increase of chancery business, but it will not be very important, because when you take the business of the Court of Chancery, and subdivide it into 22 parts, there will be a very small portion to each county; and, of course, the addition will require in each county a very small portion of the time of the judge. I think the only material increase thrown upon the judge will be the Orphans' Court duty. I do not propose to leave the Orphans' Courts in their present posture. I think it is one of the most important courts of the State, and I would give it to the charge of a legal man. We all know that it is now filled with laymen—with men who have no connection with law. I would enlarge the power of the Register of Wills; and give him the power to do all the formal duty of the court, subject to the ratification and approval of the judge.

With such a system, which is incorporated in this plan of a judiciary which I have presented, there will be a very small increase of business on account of the orphans' court. What service do they now perform, sitting day after day? They pass claims; but their examination generally goes no further than to see that the probate is in accordance with the act of assembly; they pass formal orders of sale, and ratify sales; in each case a mere matter of course. I think that these duties can as well be performed by the register of wills, subject to the revision and ratification of the judge. If, then, the proper system is adopted, the whole probate jurisdiction, except in a case of occasional controversy, will be performed in such a way that it will require but a few days per annum for the judge to pass upon it. Occasionally, it is true, litigations will arise, which it will take time to determine; but these cases, so far as my experience goes, are of very rare occurrence. As it now is, you have three judges in your orphans' court, who are not capable of deciding a controversy involving legal questions; but who sit simply to perform formal duties, which the register of wills can just as well perform.

The proposition to throw the formal duty of the Orphans' Court upon the Register of Wills, subject to the ratification of the judge, who shall make stated visits, and who can perform the duty in a few days, will increase the judicial labor very little. It will not amount to an in-

crease of twenty days in the whole year. What is the result? I have a slight increase of judicial duty by means of the jurisdiction of the Chancery Court, and an increase not exceeding twenty days upon the average in each judicial district, from the jurisdiction of the Orphans' Court; and then the common law labor will remain precisely the same as it is now.

Let us take, for instance, Charles county. The number of days now employed in the discharge of these functions is about thirty. Suppose you double or triple that number. What does it amount to? It will leave the judge to perform a duty of only sixty or ninety days in the year. But no one believes that the duty will be any thing like doubled. No one believes that the addition of the business of the Orphans' and Chancery Courts will double the amount of business in the County Court. A judge may sit in these courts dallying away day after day, but the business does not require it. If you add, in Charles county, twenty days for the Orphans' Court jurisdiction, and ten days for the increase for the Chancery jurisdiction, you have still but sixty days in the year. Under the system which I propose, in none of the districts, except Frederick and Baltimore, would more than one hundred days be required to perform all the labor now performed, and the addition which would be made by transferring to the District Courts the entire equity jurisdiction and Orphans' Court service, cannot be very great. Certainly there will be ample time to discharge it all. For Baltimore city I would propose an additional number of judges, sufficient to meet liberally the wants of that city. In Frederick the number of days which the court sits is out of proportion to the business transacted. In that county he thought more time was consumed than was necessary. The judicial business of Frederick was not much greater than it was in Prince George's, and yet the courts of that county sit six times as long as they do in Prince George's.

I do not mean to cast any imputation upon the judges of that district. All that I know of their proceedings is what I find in the returns. But I must be permitted to say that they occupy a great deal more time in the discharge of the same functions than is required in other counties. Now, sir, I think we are entitled to at least three-fourths of the judge's time. If we give a salary for a whole year, we ought at least to require a service for nine months in the year. In St. Mary's county, you cannot employ a judge more than forty or fifty days in the year; and it will be a waste of time if he occupies a longer time than that. And so with other counties? Now would any reasonable man employ a lawyer to try a cause for him who was attending to his professional duties but forty or fifty days in the year? No, sir; he would go to the man who—

[Here the hammer fell, the thirty minutes having expired.]

Mr. MERRICK moved to suspend the rule for one hour, in order to allow Mr. C. to proceed.