

the orphans' court and the exclusive chancery jurisdiction?

If there is any evil above all others which, in my judgment, exists in the present judicial system of the State, it is in imposing upon the judges the necessity of traveling through large and extended tracts of country, riding circuits. In doing this, you violated the great fundamental principle which I have just read, contained in the 17th article of the Bill of Rights; for in so doing, you necessarily denied a speedy administration of justice.

The entire argument of my friend from Somerset consisted rather in a mere statement in detail of statistics, which he has thought proper to gather up for the information of this body—a matter which, after collected, amounts, in my judgment, to as strong, clear, and convincing proof of the inefficiency of the present system as could be devised. He founds his own argument upon these statistics, with a view to perpetuate the evils of this judicial system. He seems to assume, that because these judges have not attended more than thirty days in one county, and twenty days in another, twelve days in another, and as high as forty days in another, that these facts are proofs from which we have a right to presume that there was no other business for them to do; that the judicial business of the county did not require their attendance beyond these limits; that the attendance of the judges is a sort of thermometer by which we are to measure the amount of business within the county or judicial district. Why, sir, the very statement itself, the very fact disclosed by these statistics, show how utterly the present system has failed to answer the great wants of the people. He has said that if Fredrick county, where there are from three hundred and sixty to four hundred cases, was put along side of Prince George's county, the attendance of the judges would be found to be almost the same. I desire my friend to state whether these statistics show how much of the business was left *undone* by these judges. They show only one fact—that the judges attend so many days; but that is not the important inquiry; that is not an important consideration. I wish to know how many cases were left untried because of the want of attendance of the judges, or because of the fact that they did not sit long enough. I put it to the experience of every practicing lawyer upon this floor, if he does not know that cases are constantly continued from term to term, without being tried? I put it to him to say whether, if the judge had pleased to sit longer than ten, twelve, or fourteen days each term, the cases might not have been tried? These statistics only show the number of days the judges have actually attended. They do not show the amount of business undisposed of. That fact may be arrived at by the observation and experience of every man in this Convention.

Now, I say, judging of other portions of the State by my knowledge of my own judicial district—a fact which I am sure my colleague, who

belongs to the same profession as myself, and others who belong to the same judicial district, will confirm—that if we get a judge to sit longer than a fortnight in Prince George's or Charles, (there are occasions when they have sat longer in Prince George's, it is true, but I believe very rarely longer than that time in Charles and St. Mary's.) it is considered as something singular. From the time I first became a member of the bar in Prince George's, the docket has varied from six to seven hundred cases down to three hundred and sixty or three hundred and seventy as the lowest number on the trial docket, and in the course of a practice now of some fifteen or sixteen years, I say that out of these cases, one-third of which are generally disputed cases, we do not try more than from eight to ten at any one term, and we are now precisely in that predicament throughout the whole of the judicial district. You may go to Charles and St. Mary's, you may go to Prince George's, and you will find that one-third at least of the cases upon the calendar are disputed cases marked for trial, and are generally continued from term to term, and if we get even ten cases tried during one term, we think we are dispatching business most rapidly. This is the fact within our judicial district; it is a matter known to every gentleman who practices in that district. I have no doubt the very same causes of delay exist every where. I say that this evil, this vice, this constant accumulation of costs upon the people of the State, growing out of the continuance of cases, this constant accumulation of fees in the shape of witness fees and other expenses, are entailed upon the people of this State by the vices of the present judicial district system. We have departed from that great cardinal maxim laid down by our ancestors, and engrafted upon the constitution, that the people are entitled to a speedy administration of justice. It is our duty to devise some plan by which justice will be speedily administered. To carry out this great and valuable principle in practice there is no compromise to be made. You can devise no scheme of judicial districts, to embrace more than one county, or two at the furthest, by which the large amount of business now thrown upon the hands of the judges can be disposed of. Have a judge for each county and you at once establish a system which will work off the public business, and this is what the people require. Any system short of this will bring no substantial relief to the people, but will only add to their burdens.

The gentleman assumes, as the foundation of his argument, the very evils which we are now called upon to remedy. And here lies the fault of his argument. He assumes that the number of days which the judges have attended is evidence of the amount of business within the courts over which they are called to preside. We know the facts to be otherwise. If I were to ask my friend, I am sure he would answer me that in his district large portions of business are constantly left untried.

Mr. CRISFIELD. Does the gentleman desire an answer?

Mr. BOWIE. I do, sir.