

warrant it. My county engages the attention of the court as long, if not longer, than any other county on the Eastern shore. In reference to the orphans' court and chancery court, the business of these courts will not keep any judge in the faithful discharge of his duty exceeding two months in the course of the year. My friend has referred to the chancery jurisdiction of the counties. I have been in practice on the Eastern shore, in full practice, as is known by members of this Convention, for the last twenty years or more, and I assert that, upon an average, there have not been exceeding three chancery cases tried, either in the high court or in the county court, as a court of equity. I say more; that I have been retained as counsel in almost every case tried, on one side or the other, in the orphans' court and in the chancery court, and in that time the average per year has not exceeded three cases in the orphans' court. I say this so far as that county is concerned. I have had some practice in Caroline county, and the business will not amount to as much there. I have not had the same practice in Talbot; but have attended the courts, and have attended the courts in Kent, and pronounce the same result to be the case there. If you attempt to put one judge to either of these counties, I believe it will be looked upon by the people as the greatest piece of extravagance ever perpetrated.

The plan of the gentleman from Prince George's recommends \$62,500. I wish to demonstrate by statistics that this system is too extravagant. What did the people call this Convention for? Retrenchment was one great object, as well in the judiciary as in other branches of the government. And in order to understand the imperfections of our own, let us compare it with other States. I will compare it with the States of New York, Pennsylvania, Ohio, and Kentucky. I have now on my desk before me the cost of the entire judiciary of the State of New York. It is expensive on account of the amount of business that comes before it for adjudication, the territorial extent, and the vast commerce of the State. The entire cost for the administration of justice in every department of that State is \$123,500; not quite double the expense of our judiciary according to the estimate of the chairman of the judiciary committee. In the immense State of New York, the number of judges is only fifty, with an expense of \$123,500, and it is recommended to us, in our small State, to have thirty, with an expense of \$62,500. Let gentlemen turn to statistics. I have them before me. Let them turn to the American Almanac, where they will find the expenses of the judiciary in every State in the Union exhibited, and they will see that this is the state of the case. Look at New York in another aspect, in reference to its population. I have not the present census, but I have that of 1840, when the population of New York was 2,428,921. It has greatly increased since that time. The population of Maryland at the same time was only 470,000, the population of New York being more than five times as great as the population of Maryland. Nor is this all. Look at the wealth of the State of New York. Her

capital invested in manufactures, in the foreign and retail trade amounted to \$146,971,575. In Maryland it amounted to \$20,110,454. To prove this, look at the census of 1840, pages 141, 153 and 360. Does not this show how unreasonable is the proposition which gives to Maryland thirty judges at an expense of \$62,500, whilst New York has only fifty judges, at an expense of \$123,500. The people of this State ought not, and never will submit to it. But, again. Look at the wealth and power of the State of New York as an agricultural community, as compared with Maryland, and see what a strong contrast is presented between her judiciary system and ours.

New York raised in 1840, as by the census of that year appears, page 358, of wheat, barley, oats, rye, buckwheat and indian corn, 51,721,827 bushels. Maryland raised of the same articles only 15,913,857. See page 144 and 145 census of 1840.

Mr. BOWIE. I would ask the gentleman what has all this to do with this question.

Mr. SPENCER. If the gentleman had listened to me, he would have understood me. I think this Convention will understand, and the people of Maryland will understand, that it is now asked in this Convention to have an expensive judiciary, amounting to \$62,500, while other States of this Union, who have justice administered as well and as fully, pay nothing like as much. I intend to compare the ability of Maryland with the ability of these States, to show that the proposition is untenable.

Mr. BOWIE. The gentleman assumes this to be an expensive system. When gentlemen say this is an expensive system, I have a right to say it is not so, and upon a proper occasion, I will show it to be not so upon the question of cost, which I have not gone into at all.

Mr. SPENCER. This is the difference between the gentleman and myself. I say that it is expensive; he says it is not. I am arguing from facts to show this; he argues that it is not. Let the facts go to the country and to the world to determine between the gentleman and myself.— But, Mr. President, the disparity between our State and Pennsylvania, is still greater than New York.

Mr. MITCHELL. As the gentleman is going into the State of Pennsylvania, I hope he will yield to a motion to adjourn;

Mr. SPENCER. I will give way, though not to suit myself, but to suit the Convention. It is immaterial to me whether the Convention adjourns or not.

Mr. MITCHELL then submitted his motion to adjourn, which was agreed to.

And the Convention accordingly adjourned until to-morrow at nine o'clock.

THURSDAY, April 24, 1851.

The Convention met at ten o'clock. Prayer was made by the Rev. Mr. Gr. The journal of yesterday was read.