

the jury trials within the jurisdiction of the county court. This division of labor occupies the court almost the entire year, as it is now organized. You have but one court of *nisi prius*, and you must have a chancery court for the city of Baltimore. If you establish a high court here, as now organized, and have no chancery court in the city of Baltimore, my word for it, the high court will not be able to transact the business of the State. If you throw the entire chancery business of that city into the high court of chancery organized here, how can it get on? It will be utterly impossible. It will be overwhelmed. The question is not whether you will have a high court of chancery for the State or whether you will have a court of chancery for the city of Baltimore, because if you have a high court of chancery, you will find that it will not be sufficient for the transaction of the business brought before it. Baltimore will still require one.

Mr. BUCHANAN. If the question was propounded to me as to whether I would dispense with the chancery jurisdiction in the city of Baltimore, or with the Chancery Court at Annapolis, I would say without hesitation dispense with the chancery jurisdiction in the city. I agree with my friend from Baltimore that by far the most valuable court in Maryland is the High Court of Chancery of Annapolis.

I consider the present Chancellor of Maryland one of the most prompt, independent and impartial judicial officers I have ever had the honor to appear before. I transact nearly the whole of the chancery business in which I am engaged in the Chancery Court at Annapolis, rather than on the equity side of Baltimore County Court. I find it more economical and quite as expeditious. It is thought by many that cases are delayed in the Court of Chancery, and that it is much more expensive to prosecute a case there than in the other courts. This is an error. I will say to the lay members of the Convention, if you wish to have your business economically and expeditiously terminated, instruct your solicitors to institute your proceedings in the High Court of Chancery rather than in the County Courts. It by no means follows that your solicitors will have to attend the Chancery Court in person in all cases. Your business may be very often fully and satisfactorily closed without his appearance in Annapolis at all. You need be under no apprehension, therefore, of being called on to pay a fee, (which by the by should always be liberal,) because your bill is filed in Annapolis.

The Register in Chancery (Mr. Gassaway) is a remarkably prompt business man, and he will keep your solicitor at all times fully apprised of the condition of your case by letter until the time for argument arrives, if argument be necessary. If argument be not necessary, your solicitor need not leave home, and you will be subject to no extra fee merely because your case is in the High Court of Chancery.

I have said that it is more economical and quite as expeditious to prosecute cases in the

Court of Chancery as in the County Courts. In Baltimore we pay, in addition to the tax of two dollars on filing the bill, a tax of one per cent. on the amount of all sales under decree, if I am not mistaken. Besides this, I am of opinion that the ordinary costs of suit are less in the Chancery Court than in the County Courts sitting in equity.

There are many and conclusive reasons, in my judgment, why the High Court of Chancery ought not to be abolished, but under the rule I have not time to go into them now. I wished much to have been allowed the privilege of presenting these reasons before the vote was taken, but it seems to be impossible; one only I have time to present.

As the County Courts are now about to be organized, if an injunction should be desired in one of the counties whilst the judge is engaged in his judicial duties in a remote part of the district, the client will be put to the expense of sending a special messenger after the judge, or of going himself, or of sending his solicitor at large cost, whilst under the present system, with a Chancery Court in existence for the whole State, the expense would be saved to him, and the delay and inconvenience ascribed be gain.

Suppose a judge in a particular district should render a judgment in a case in which equity would afford relief by an injunction. There might be great difficulty in obtaining an injunction from the judge who rendered the judgment, and none whatever in obtaining an injunction from the Court of Chancery. There should be by all means an independent Court of Chancery with jurisdiction co-extensive with the limits of the State.

The hammer fell.

Mr. RANDALL. The position I occupy may require some explanation of me upon this point; and with a view to introduce it, I make a motion that the time of the continuance of the court be extended for ten years, instead of one, the longest time being put first under the rules.

I beg leave to call the attention of the Convention to some facts. My friend from St. Mary's spoke from memory; but I hold the record in my hand; and the actual number of cases undecided, now upon the docket, in the court of chancery, is 1491.

We all know that suits instituted in this court are, for the most part, cases of a very complicated character, where, perhaps, the beginning of the litigation is after a decree has passed for the sale of the property, when creditors, *inter se*, litigate their respective claims.

We all know that there is much more litigation after the sale of such estates than before it. Such cases are not in this statement, containing, as I understand, only cases where no decree has been passed. This class of cases, then, is to be added. Many of these cases thus pending after the decree involve the most complicated questions. The parties live in various localities in the State. The interests are various and conflicting, and require the constant attendance of the judge, register, and the auditor, to transact the business with facility and efficiency.