not and could not follow the zig-zag, crooked and searching tracks of the court of chancery, but so far as its remedies extended they were direct and perfect. He who sued for justice there could march forward to her altar and receive from the hands of her priest that measure to which he was entitled. The systems of equity were adopted from necessity; and nothing but necessity would drive any sensible man into that forum—a suit at law was no mystery—everybody could understand it sufficiently, and calculate with proximate certainty its expenses and its delays, but the purlieus of the court of chancery were shrouded in darkness and mystery, and his client generally when informed that no adequate remedy existed elsewhere, would shrug his shoulders and shrink back as from the horrors of annihilation. Much of this it was true, arose from the manner in which justice had been administered in that forum; much simplification, much reform, in that department might doubtless be attained, and he trusted would be, in whatever court its powers might be vested, though in its best estate if the one system or the other must go by the board, he would take leave of it forever and take the hazard of moulding the remedies of the courts of law so as to attain the end of justice."

And not only was the proposition discussed to make the proceedings similar, but they discussed the proposition to blend both law and equity together. Previous to that time there was a sort of entire court of chancery. Now I say the argument holds strongly in this State; for with the exception of Baltimore city, our courts of law are courts of equity, and the same judges administer equity that administer common law. And as one gentleman from whom I have quoted says in his very able argument, the distinction was so nice, especially where one of the judges administers both, that his mind was constantly running from the common law channel into that of the other.

Mr. SMITH, of Carroll. As the gentleman seems so familiar with the judicial system of New York, will he tell me whether or not there are masters of chancery in that State?

Mr. DANIEL. They abolished them by this constitution. I copied the provision I have offered here, from the present constitution of the State of New York, as published in the book of constitutions with which members have been furnished. The ground taken there was the same ground I have taken here to-day, that it does save time, and in my judgment it saves expense to suitors. We have the same thing in the United States court in Baltimore city every day, sitting as a court of admiralty. Judge Giles in all cases of admiralty hears testimony and decides upon it without the intervention of a jury. The proceedings are similar to those in equity. You commence with something like a bill of equity; and then the answer is put in, and you take testimony before the court, and the court prepares a decision in the case. I would not destroy the commissioners, for where the witnesses cannot be present at the trial, and the lawyers agree, you can take the testimony of witnesses before a commissioner.

Mr. STIRLING. You cannot do that if this is put in the constitution.

Mr. DANIEL. Mr. O'Conor said distinctly it could be done.

Mr. STIRLING. It cannot be done under our practice, if this proposed section is adopted, except out of the city or county.

Mr. DANIEL. It can be provided for. And I think in all cases like these it would afford greater facility. I was very much surprised to hear my colleague (Mr. Stockbridge) say to-day that the experience was that cases at common law were as tedious or more so than cases in equity. And he illustrated it by saying that some have been in court since the time of our grandfathers. It may be that some have hung on like that, but I think experience is to the contrary. In a case at law you try the case before a jury, you have the witnesses before the court and can see their manner and all about them, and get through more rapidly than in cases of equity. It is a common tale about the great delays in suits in equity; novels have been written about it.

Mr. STIRLING. Is that applicable to this State? It may be applicable to such cases as Jaundice *vs.* Jaundice, but not to cases in our courts. The docket of the superior court has cases on the docket longer than those in our equity courts. It takes two years longer to try some cases there than in the equity court.

Mr. DANIEL. That does not at all meet the objection I am making. It is said that proceedings are necessarily longer at common law than in equity, that is because that court is crowded with cases, and you cannot get at the case.

Any man who has been in courts of justice, and seen witnesses come in and be examined orally, one come in, be examined and then go out, and another come in, etc., must know that it is a shorter process than to take testimony before commissioners, by filling up the record with exception after exception, to go up to the other court. Some of the lawyers from which I have read speak of the interminable delay of cases in equity. One of them said that when his client was told that he must go into chancery, he would shrink from it as from annihilation.

Mr. MILLER. I should regret very much that gentlemen should go to the State of New York and bring here all the new-fangled notions of law that prevail in that State. In reference to the matter of expense, about which so much has been said by the gentleman from Baltimore city (Mr. Daniel,) the experience of New York lawyers will show,