

necessarily cost the State a little more than \$50,000 a year. These are the differences in the systems.

If it were proper to draw the analogy, we have had the proposition before the convention this morning, and the convention has deliberately stricken out one item, one section, which would have saved the State in its various departments more than \$10,000 a year, upon an entirely unnecessary and mere ornamental appendage to the courts. If consistency be the aim of gentlemen, I do not see the consistency of striking out that section, and then insisting upon retrenchment where retrenchment is necessarily attended with a weakening of the judicial power all over the State. I do not know that there is a single county that is an exception, from which the cry has not come up that their equity business particularly was not attended to. In the county where the judge chanced to reside, usually the equity business was kept along with something like order and proper shape; but in all the other counties there was great inattention to it.

I might instance particular counties. The judge goes to a county on the occasion of holding his semi-annual term of the court. He attends, usually, in the first place, to the trial of the criminal business, giving that the precedence, and making a sort of general jail delivery. As soon as he gets through that, then attends to magistrates' cases, and then to the civil docket. By the time he gets through these cases, civil and criminal, his trunk is packed to go to the next circuit, and it is almost always an impossibility to induce him to remain to take up and dispose of the equity matters which are pending. He has usually an intermediate term for equity business. Sometimes he is there. Quite as often, I believe in the experience over the State, he is not there. If he is there it is still almost an impossibility to get matters attended to. I know in my own practice, of cases which should have been tried long ago in some counties, which have been standing four or five years untried, although every effort has been made to get a hearing before the judge, it has never been successful.

Now I lay down this proposition. As between a system that administers justice, and one that denies justice, the question of economy ought not to have any weight in this convention. If under the system as reported, or under the system as it is proposed to be modified, we can get this business done in the counties, and under the present system we cannot get it done, it is certainly the interest of the State, and of all the citizens of the State, that the more effective system should be adopted although it may be more expensive. It is no economy to leave the business undone. There are suitors in this State, now suffering a greater loss twice over from the neglect of their business and the

utter impossibility of getting it done, than the difference between the two systems proposed. I therefore trust this convention will adopt some system which shall secure the result of the transaction of the business. I do not desire that there shall be one cent of expense beyond what is necessary to secure that. If gentlemen are satisfied that the business can be done without this additional expense, very well. I shall be glad to vote for it. But I do not see the possibility.

Gentlemen have said here that there has been no clamor upon this point. I grant it; and there never will be a clamor upon this point; because the great mass of the people are not litigants. They are not in the courts. They have not equity cases there. But those who are so unfortunate as to have cases in court, business men who want transactions of this sort, who are charged with the management of estates, who have business in the equity court to be adjusted and settled, do complain, and complain most loudly. The legal profession, who are connected with these cases throughout the State, complain. They are cursed by their clients for neglecting their business and not forcing it to a conclusion, when they know perfectly well that the fault does not lie with them; that it is an impossibility to obtain a hearing from the judge in these cases; that it is an impossibility for the judge, pressed as he is, to attend to them, to give them a practical hearing.

I trust therefore that this will be the first question, and take precedence of the question of economy. How can the business best be done? How can the ends of justice be secured? How can we prevent persons from being incarcerated in jail for the want of the presence of a judge to hear their cases or to take bail, in some instances longer than the term for which they could have been sentenced, even if tried when first arrested and found guilty? Such cases have occurred, and yet at the trial they have after all been acquitted. This is not just. It is an utter denial of justice. It is time the convention should take this matter in hand, and make this its first grand object. Let justice be done.

On motion of Mr. PURNELL,
The convention took a recess until eight o'clock, P. M.

EVENING SESSION.

The convention met at eight o'clock, P. M. The roll was called, and the following members answered to their names:

Messrs. Goldsborough, President; Abbott, Annan, Belt, Berry, of Prince George's, Billingsley; Blackiston, Briscoe, Brown, Chambers, Crawford, Cunningham, Cushing, Dellinger, Dent, Duvall, Ecker, Edelen, Farrow, Gale, Galloway, Hebb, Hodson, Hoffman, Hollyday, Hopkins, Hopper, Horsey, Johnson, Keefer, Kennard, King, Lansdale, Lee,