

CHAPTER V

1805 TO 1851

PROCEDURE AND CHANGE

DURING this first half of the century the court continued far behind in its business. The cases on the docket at the opening of the June Term, 1806, numbered three hundred and two;¹ and the variations in the figures before 1851 were not great. There was a feeling at the time that the judges were crowded with their duties. McHenry, in the preface to his work on Ejectment,² said:

The judges of the Court of Appeals, being itinerant, have little time to pause. One Court treads on the heels of another. The business of one county is hurried over that the judges may hasten to the other counties of the district. From the districts, the chief judges repair to the Court of Appeals, in which court many cases lie undecided that the judges may hasten back to their districts.

But the records of days actually spent by the judges on their various benches are difficult to reconcile with this explanation. In 1809 the Assembly passed an act, chapter 181, to promote the speedy administration of justice by the punctual and regular discharge by the judges of their important official duties, in which it required that the court clerks report to each Assembly the duration of each session of their courts and the number of days the respective judges attended, and,

1. Not all of these were ready for hearing, according to the practice of that time.
2. John McHenry, Ejectment Law of Maryland, Frederick Town, 1822.