

the true character of our judiciary. These statements point out in a very striking manner the defects in the organization of that branch of the government, and will be essentially useful in suggesting the remedy.

From the evidence thus furnished, your committee do not hesitate to say, that the administration of justice in this state is characterised by the most expensive delays, which in some of the larger districts amount almost to a denial of justice. From what causes this evil springs, your committee would not undertake to say. It may, in part be accounted for, by the disposition of the terms in some of the circuits leaving too small an allowance of the time to the first court; and partly, perhaps, by the limited salaries of the judges not enabling them to incur the travelling expenses which would be necessary in holding adjourned courts. Both of these defects are within the reach of a legislative remedy, and your committee would respectfully recommend them to consideration.

Without saying more in reference to the merits of this subject, your committee would beg leave to suggest the propriety of referring this whole matter to the judges of the court of appeals at their next session, with instructions to them to examine the returns of the clerks accompanying this report, and to confer together upon the propriety of making such alterations in the judiciary system as the wants of the people might require, and for the prevention of delay in the courts; that they be instructed to prepare a bill, which should make provision for two sessions of the court of appeals in the year, for the hearing of arguments, also for the speedy rendering up of judgments in the county courts, either at the first or second term, in cases where there is no dispute, requiring affidavits of merits to be filed at the appearance or imparlance term; giving the parties power also, at the first or second term, to take out commissions for the examination of witnesses. That a provision be likewise inserted to regulate the stay of execution upon judgments confessed at the first or second term, for a period not exceeding twelve months, and that the said judges insert such other provisions in the bill, as will in their judgment facilitate the trial of causes in their courts, and render more rigid the observance of the rules of practice.

Your committee believe also, it would have a good effect to lay a tax upon every continuance of a cause after the trial term, to be paid by the party asking the continuance; and also that the parties to a suit, where the cause is contested by a due observance of the rules of court, should be allowed to bring their causes to trial at the second term, giving in such cases a stay of execution for six months; these provisions your committee would therefore recommend to be engrafted upon the bill abovementioned.

Your committee refrain from saying any thing upon the subject of the equity jurisdiction of the courts, as that subject has been already before the house in a very lucid and satisfactory exposition accompanying the resolutions from the senate referring the preparation of a bill upon this subject to the chancellor, which resolutions your committee beg leave to recommend to the adoption of the house.

Your committee, in conformity with the views expressed in this report, would respectfully advise the passage of the following resolutions:

*Resolved*, That the report of the select committee upon the administration of justice, and the returns of the several county clerks to the legislature, in pursuance of the call of that committee, be referred to the judges of the court of appeals at their next session, and that their attention be invited to the subject of the said report, with a request that they take the same, with the documents accompanying, into their consideration, and make a report thereon to the next general assembly, including in their report a bill setting forth the principles suggested in the said report, with such other amendments, alterations or additions, as in their judgment shall be most conducive to facilitate the administration of justice throughout this state.

*Further resolved*, That the report and resolutions, with the documents accompanying, be deposited in the council chamber, with directions to the clerk of the council to deliver the same to the judges of the court of appeals at their next meeting. All which is respectfully submitted.

By order,

T. CROSS, Clk.

Which was read.

On motion by Mr. H. Kemp, the following order was read:

*Ordered*, That the governor and council cause the bill, entitled, An act to incorporate a Potomac Canal Company, as has been amended by the committee to whom it was recommitted, and is withdrawn for the present session, to be published, as it has been so amended, in one of each of the newspapers printed in Easton, Baltimore, Frederick and Hager's town, for the information of the people.

Mr. Teackle moved to insert the bill to provide for the public education of youth, and to promote the interest of agriculture. Mr. Allen moved to add "the bill to abolish imprisonment for debt." When Mr. Duvall moved, and the question was put, that the whole be referred to the next general assembly? Resolved in the affirmative.

The house adjourns until to-morrow morning 9 o'clock.

TUESDAY, February 18, 1823.

The House met. Present the same members as on yesterday. The proceedings of yesterday were read.

Mr. Roberts reports a bill, entitled, An additional supplement to an act, entitled, An act authorising a lottery for raising a sum of money for the purpose therein mentioned, passed at November 1809; which was read.

On motion by Mr. Purviance, Ordered, that the petition of Robert Oliver, and the bill reported thereon, be withdrawn.