

Mr. CRISFIELD. I have been at the bar in my district since 1832. In my own county I have never missed a term, and in the adjoining counties I have attended a large proportion of the time. I have never, in the whole course of that time, seen a single cause continued because the judge would not stay to hear it. I now further remark, that I understand that in the neighboring judicial district, such is the promptness of the court, that the bar have interposed to get a law passed to allow them to continue causes by consent.

Mr. BOWIE. That is not the question I asked the gentleman. I asked him if there have not been causes continued from term to term, and not tried?

Mr. CRISFIELD. Yes, it has been so; and it is because those concerned in the trial of cases did not choose to have them tried.

Mr. BOWIE. I have no doubt that the counsel in a cause do frequently consent to have it continued. But I say that if you devise a system by which a judge presiding over your docket will not be called upon, or induced by any other consideration whatever, to depart from his jurisdiction, such a state of things will not often arise in which either parties of lawyers will desire a continuance. No man wants a cause delayed, if he can have the witnesses present, and a willing judge to listen to his case. My friend knows very well, that under the present system, when the judges are unwilling to remain longer than six, or eight or ten days, and are anxious to get back to their homes to attend to their private affairs, that the habit of members of the bar will be to adapt themselves very much to the disposition of the bench. It will be so for ever, in the nature of things. You can devise no system like this, which will not conform itself to the habits and disposition of the bench who are to try the cause. If there is any impelling motive to induce a judge to go home and retire to his domestic affairs, and seek repose in the bosom of his family; if there is any such motive, (and there always will be in a circuit system,) you never can devise a scheme by which the bar will not conform themselves to this feeling. But if it is known the judge is always present, lives among you, and has no inducement to go away, and is always ready to try your cause, you will have for the most part no such thing as a continued cause, at least beyond a very short time—perhaps only from one term to another.

The annals of your State will now show continued causes to a very great number. I have no doubt that if a statistical table could be furnished, taking my own county as an illustration, out of a docket of some three hundred and sixty to three hundred and seventy cases, you will find sixty or seventy trial causes that have been continued for the last ten years, and God knows when they ever will be settled. Out of the whole amount, as I have just stated, you cannot get over eight to twelve causes tried at any one term. I ask any gentleman to state, upon his own experience, within the whole State of Maryland, whether at any one term you can get

over twelve or thirteen causes tried out of a docket of two or three hundred. I do not confine myself to my own judicial district. I have had the good fortune to practice in the old and excellent county of Calvert, which my friend (Mr. Sollers) represents, and I ask him if he does not know that upon the calendars of that court there have been causes that have been continued for the last ten or fifteen years?

Mr. SOLLERS. I will answer the gentleman. I think there are some causes that have been continued seven or eight years. But I never knew a cause continued that it was not, in my opinion, the fault of the lawyer or client engaged in it.

Mr. BOWIE. I think the gentleman mistaken in his judgment.

Mr. SOLLERS. I really think I am right.

Mr. BOWIE. The gentleman puts the fault upon the bar; I rather think it grows out of the evils of the circuit system.

Mr. SOLLERS. I fasten it where I think it belongs.

Mr. BOWIE. I do declare that I have never attended a court in the gentleman's county that has set over five or six days, except on one occasion, when a person was tried for murder. I never have seen a term in that county when the court entered into the second week.

Mr. SOLLERS, (in his seat.) I have.

Mr. BOWIE. I mean for jury trials. The law docket has been closed, and the whole amount of causes disposed of—I will not say within a week, but in three or four days. If you examine that calendar, you will find it has been so for years past, varying as it does from three hundred to three hundred and fifty cases.

Mr. SOLLERS. Not that many.

Mr. BOWIE. Very nearly I suppose at the present time, and has been so I believe for the last two or three years.

Mr. SOLLERS. I suppose that in my county they number now from two to three hundred trials, made up mostly of continued causes, arising from the fact, as I stated, the utter and certain negligence of gentlemen to attend to their business.

Mr. BOWIE. My friend will allow me to differ with him altogether. I do not think he is right in throwing all the fault upon the bar, for it would be their pleasure, as it certainly is their interest, to bring on the trial of their causes; indeed, every propelling motive the human mind can conceive of, would induce them to try their causes; for until then they get no fees or compensation. It is because they have not time to do it. The evils of circuit riding are so intolerable to the judge, that he becomes weary and impatient to get home, and is apt to favor the continuance of causes.—The evil is more the fault of the circuit system than any thing else, and may be expected to continue under any similar system.

But our business is to devise some scheme by which the people of the State shall be relieved from these onerous taxes upon them in the form of costs growing out of delay. I care not what