

judge could not go from one end to another in twelve hours? The gentleman may talk of generalities, and about the business being postponed and put off. But where is the evidence of it? Let him exhibit the proofs of his charge. It is fashionable in our day to denounce judges.

Mr. BOWIE. The gentleman will allow me to say that the very reason I complained of his statistics, was that they did not show that a large amount of business had been continued from term to term. I spoke of my own knowledge, within my own district, in reference to the continuance of causes. I appeal to the gentleman and ask him, to say if causes have not been continued in his district?

Mr. CRISFIELD. That causes have been continued is true. We all admit it and know it. I doubt not it is so in the gentleman's district, and it may be that causes have been continued in his district for the reasons he has assigned; but I should like to have the proof. I do not doubt that the gentleman's opinions are honestly entertained, but I think he is mistaken as to the facts. I do not believe causes have been continued to any great extent or habitually, because the judges would not stay to hear them. I do not know that I can say that I have not helped to delay causes within the range of my own practice. I am quite sure it was not the fault of the judges. As I said before, it is fashionable to abuse judges.

Mr. BOWIE. I have not intended to charge any impropriety upon the part of the judges. I said the delay grew necessarily out of the judicial district system, out of the fact that the judge did not live at the places where justice is to be administered, but at remote places, and that every principle of the human mind would tend to a furtherment of the business, to enable the judge to go home, to attend to private and domestic affairs, and that it would be the habit of the bar to conform themselves to these natural and inherent dispositions of the human heart.

Mr. CRISFIELD. I understand it. What does the record show? Why, that not one-half of the time of the whole year is occupied by the judges of the gentleman's judicial district in the performance of their judicial duties. They only sit about sixty or seventy days in the year. It is not pretended that they have more work than they can accomplish. Then, if causes are continued by reason of the absence of the judges, who might have been in their places, it is an unnecessary and inexcusable delay, and not the result of the district system. Unless the gentleman can show that the business could not be accomplished within the time allowed, unless he can show that it has been crowded out for want of time, it must be the fault of the judges. The gentleman, in acquitting the judges from all censure, waives, or rather answers his whole argument. They have all the time necessarily required in the performance of their duties; and if the judges do not attend in the gentleman's district, it is because they do not properly perform their duty. I can only say

that the record shows that in that district they have ample time, and I call for proof to show that causes have been continued because judges have been absent. It is not so in my district, nor in the neighboring districts. There they have an act of Assembly which requires the court to continue causes upon the consent of both parties.

The gentleman argued that we should not have this district system, because it renders the judge a traveler. Suppose he is required to travel. Is there not time for it? There is no doubt but there will be ample time for the judge to perform the duty required of him—traveling included. Does the gentleman doubt it? Where are his proofs? Here is the record: it shows that under this system it will not take him half a year, in most of the districts, to perform all the labor required of the judge. Then where is the objection to his traveling from county to county.

I know the gentleman is not influenced by any such motive, but a more beautiful system for promoting the interest of the legal profession could not be devised. If I were looking to personal benefit, I could not devise a system that could better promote my own interests.

Mr. BOWIE. I will say that I fear very much that some gentlemen may, from motives of false delicacy, oppose the system, through fear of being charged with creating offices for themselves. In my case, the gentleman knows that I do not seek office, and that under no circumstances would I, at this time of my life, accept the place of a judge.

Mr. CRISFIELD. It is enough for me to disclaim all inferences from what I say that the gentleman is influenced by interested motives. I disclaim that because my remarks, without such disclaimer, might possibly attach to the gentleman. I made the disclaimer, not because I supposed the gentleman was influenced by such a feeling, but because it might otherwise be supposed I designed such an inference to be drawn from the argument I am about to make. The system, such as desired by the lawyers, is, in my judgment, the best possible one for the promotion of that class to which I belong. I am free to confess that if I could be influenced by any motive of personal consideration, not with a view to the judgeship, but with a view to the practice of my profession, I should go for this system. I believe, under it, we will have an incompetent judiciary. I believe we will have a farmer or a mere layman upon the bench. I am not willing to trust the public interests in such hands. I want a judge who is competent, and I want him to apply himself to his business, so as to be always competent for the discharge of his duties. If there is too much labor imposed upon him by my system, lessen it; demonstrate that the judge cannot perform it with reasonable diligence, and I will go with you in lessening it; but I believe he can do it. It is not worth while to talk in generalities, about superadding labors to the judge. It proves nothing. Take the figures and records, and show that the judge is incapable of performing