

moved an amendment in the fourth degree, which is not in order.

The PRESIDING OFFICER sustained the point, and ruled the gentleman out of order.

Mr. CRISFIELD. Then I will modify my own proposition. I understand that there was a vote taken while I was out of the hall, striking from the original bill the jurisdiction proposed to be given to the judges as judges of the Orphans' Court. Out of respect to this decision of the Convention, I will modify my own proposition so as to conform to it, and strike out all that part of it which relates to the Orphans' Courts of the several counties.

Mr. RIDGELY. I understand we are to vote on the proposition of the gentleman from Queen Anne's as a substitute for the proposition of the gentleman from Somerset. I am disposed to vote for the classification of the districts; it meets my approbation. But other matters are contained in the section, which I understand, by a decision of the chair, is not now in order to amend. To obviate the objection which I have to the part of the section referring to consolidating the Equity and Orphans' Court's jurisdiction, making the courts of a movable character, I ask for a division of the question.

Mr. SPENCER. Suppose I accept the suggestion and strike out of my amendment that part which refers to the equity jurisdiction.

Mr. RIDGELY. Then the question of the movability of the courts would remain.

Mr. SPENCER. That can be amended hereafter.

Mr. RIDGELY. I prefer asking a division of the question.

Mr. THOMAS. Before the question is taken, I desire to disembarass myself, and in doing so may relieve others by a motion to amend the original proposition which the gentleman from Somerset proposes to strike out altogether. The complexity of these propositions embarrasses me in voting for every one of them. They not only district the State and arrange it into circuits, but provide the time when a court is to sit, and the number of terms it shall hold in a year. I move to strike out "two," in the original proposition, and insert "four," so as to provide for four terms in a year.

I will barely say, in connection with my amendment, that from my experience, which is not very long, in courts of justice, one of the principal causes of the enormous costs attendant upon all proceedings to vindicate a right, in a court of law, grows out of the fact that the judges sit only twice in twelve months. If the courts were held four times, it would be an immense relief to every suitor in court. If there be one hundred causes on the docket, the parties having witnesses summoned to attend in the last case upon the docket are subjected to the expense sometimes of attending four long tedious weeks, at an enormous expense every day. At the expiration of four weeks the judge may be called somewhere else. The same case then comes up at the next term, when there is a great accumulation of costs, and the parties have to wait perhaps two weeks more. I have

seen a trifling case, with not more than five dollars worth of property involved, cost three hundred dollars for the attendance of witnesses. This, in my own humble judgment, is the root of the evil. There is a large class of our people—the mechanical and laboring—whose outstanding debts are indispensable to their subsistence. When they are put to the necessity of suing, (that class, in proportion to its number, being most generally forced into courts of justice,) they have to wait six long months before they can get judgment, and in the meantime are obliged to sacrifice the claim at enormous rates. If we secure to them the privilege of obtaining judgment in ninety days, and reduce the claim to a judgment, it becomes a lien on property, and is available to almost every purpose. I do not propose to expedite the collection of debts. I will leave to the Legislature to say what stay of execution shall be granted. My principal object is to obtain judgment at an early day, that the party may obtain the liquidation of its claim. I desire this settled as a preliminary question, and ask the yeas and nays on agreeing to the amendment.

Mr. RANDALL. Is the gentleman's proposition capable of amendment?

The PRESIDING OFFICER. It is not.

Mr. RANDALL. It is not with a view to make any alteration, but to make some remarks corroborative of what the gentleman has said.

Mr. BRENT, of Baltimore city. Is this in order? I should like to make some remarks myself respecting the amendment.

Mr. HICKS. I desire to ask the gentleman from Frederick whether four terms will require the summoning of jurors four times a year.

Mr. THOMAS. Certainly, sir.

The yeas and nays were then ordered on agreeing to the amendment of Mr. Thomas, and being taken resulted as follows:

*Affirmative.*—Messrs. Donaldson, Wells, Randall, Kent, Buchanan, McLane, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Stewart, of Caroline, Sherwood, of Baltimore city, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Weber, Holliday, Smith, Ege and Shower—25.

*Negative.*—Messrs. Chapman, Pres't, Morgan, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Sellman, Weems, Dalrymple, Brent, of Charles, Howard, Bell, Welch, Chandler, Ridgely, Sherwood, of Talbot, Colston, John Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, McCullough, Miller, Bowie, Tuck, Sprigg, Spencer, Grason, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Hardcastle, Gwinn, Brent, of Baltimore city, Davis, Kilgour, Brewer, Waters, Anderson, Slicer, Fitzpatrick, Parke and Brown—57.

So the amendment was rejected.

The question then recurred on agreeing to the substitute of Mr. Spencer.

Mr. McMASTER moved to amend the original section of the report by striking out the words