

the 1st line the word "constables," and after the word "elizors," insert "and notaries public."

The twenty-third section was then adopted as amended.

The 24th section of the report was then read as follows:

"No judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity within such degrees as may be prescribed by law, or where he shall have been counsel in the cause; and whenever any of the judges of the circuit courts, or of the courts for Baltimore city court, shall be thus disqualified, or whenever by reason of sickness or any other cause, the said judge or any of them may be unable to sit in any cause, the parties may by consent, appoint a proper person to try the said cause, or the judges shall exchange districts and hold courts for each other, when they may deem it expedient, and shall do so when directed by law."

The question being taken upon the section, it was adopted.

The 25th section of the report was then read. This section was passed over on April 29th, with the amendments pending, informally.

The question pending being on the amendment offered by Mr. JOHN NEWCOMER, to amend the 25th section in printed report, by striking out from the word "office" in the 8th line, to end of said section, and substitute in lieu of it the following:

"For two years at the expiration of which time, any causes remaining unheard and undetermined, shall be taken to the county or city where the defendant, or if more than one, a plurality of the defendants may reside, where the judge of the county or city court shall have jurisdiction, hear and determine the same, and after the expiration of two years from the adoption of this constitution, the office of register in chancery, shall be and hereby abolished.

Mr. BOWIE. I hope this amendment will not be adopted. The bill as reported by the committee provides for the abolition of the Chancery court at the expiration of five years. Suppose that the large amount of business now on hand in this court, amounting to between 2000 and 2500 cases, should be undisposed of within that time of two years, a little reflection would show provision in relation to the business now pending in that court. Almost one half of the the danger to the interests of the State from this titles to land in the State of Maryland, have been derived through that court, and when we look to the immense amount of money in that court ready for distribution in the hands of trustees, or to the credit of trustees in the Farmers Bank of Maryland; when we consider that all this money is to be appropriated under the order of the Chancellor by the very terms of the trustee's bonds, we shall find it utterly impossible for us by this Constitution to make any alternative which will go to effect the liability of these bonds. There are contracts now existing at law; and it is not

in the power of the legislature or this Convention, to strike them out of existence. If at the end of two years we send the papers back to the various county courts where these cases are to be brought up and the proceedings to be perfected, will any lawyer say that an order from the county court will be obligatory upon the trustee, or that if money is paid according to that order, it will have any legal effect whatever? We ought to do something by which the proceedings now pending may be matured. It may possibly be done within five years, but not in less time. No new causes will be transferred to this court, and why should we be so very anxious to send back the business now before them, especially when we consider the danger from the transportation of these original papers, which may be lost? At the end of five years, these cases will be disposed of and the records deposited in the archives as records of the title to property sold by that court. Let the Chancery court be abolished in the manner proposed and it will be most agreeable to all the parties concerned, producing no confusion; but it cannot be done in two years; and I hope therefore that the amendment of the gentleman from Washington [Mr. J. Newcomer] may not prevail.

Mr. RANDALL. I hope I may be indulged, from the position I here occupy, representing a county essentially and especially to be injured by this abolition of the Chancery Court and summary conclusion of its business, in again occupying the attention of the Convention, even under the restrictions now imposed upon me. But, sir, the whole of this judicial district, whose chancery business has been performed in this court, will be essentially injured by the contemplated arrangement. Indeed, the general jurisdiction of the court, and its facilities in adjusting and concluding complicated matters of account, have invited to its docket hundreds of cases from all parts of the State. I may, therefore, urge upon the entire Convention to reflect upon the injury they are doing to their own constituents before they dispose of this court in such careless and unbecoming haste.

Hundreds of causes have been brought here by parties, who, confiding in the laws as now existing, and in the wisdom of future legislation for their protection, will suffer from the breach of that faith in now denying them the proper time and means to complete that business which you invited them to bring into this court. Thousands of dollars have been paid to solicitors and others for the performance of those duties, which will have to be again paid to others upon whom your proposed plan will force these duties. Original vouchers, bonds, notes, accounts, to the amount of hundreds of thousands of dollars, are now on file in this court, partially proved against deceased estates and living debtors, which may be lost if sufficient time be not allowed to conclude these causes. Many of these claims have just been filed—many of them are in the hands of outstanding commissioners, yet to be proved. These commissions are to be executed in other States.