was thus led to believe, publicly and solemnly pledged to whoever should be appointed Chancellor. May he now be permitted, respectfully to ask—has that faith been kept?

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time to prepare his defence, and to have the merits of his case deliberately discussed in the Court of first resort; and that so many limitations and checks have been imposed upon the range of the right of appeal.

Considering these as the true causes of greater salaries having been always given to the Judges of the Courts of original jurisdiction; they shew, that the right of appeal should be kept within its proper range; that the Court of last resort should be permitted to exercise no original jurisdiction whatever; and that any material departure from these principles, which have every where, and at all times, been regarded as fundamental; would sink the Courts of original jurisdiction into the condition of mere preparatory tribunals, or ministerial agents of the Court of Appeals, thereby depriving the litigants of the important benefit of a first, full and open discussion, with a succeeding careful and critical revision of their controversy as contemplated by the Constitution, and finally turn awry and subvert the whole judicial department of our government.

But although this comparative view of the requisite amount of the skill and labor of the Judges, of the original and appellate tribunals, may sufficiently account for the difference, which has always been made, in the salaries of the Judges of those Courts; yet, considering the Court of Chancery as one of original jurisdiction, it will be necessary to advert to other circumstances to account for the difference between the salaries of the Chancellor and of the Judges of the common law Courts of first resort; and even between the salaries of the Judges of whole districts of such Courts, and that of the Chancellor.

Our code of laws is, in many respects, very peculiar in its principles; but, its great and principal peculiarity arises from the judicial machinery by which it is administered.

That part, called the common law, as contradistinguished from equity, is administered by Courts composed of a Judge and a jury. It is presumed, that the Judge knows the law; but, that the jury do not; and, therefore, it is the province of the Judge to expound and declare the law to the jury, who are called upon to say, by their unanimous verdict, whether, by applying the law, as thus declared, the plaintiff should obtain what he asks or not. But a jury, being composed of twelve men, not lawyers, gathered from the people for the occasion, the whole matter in controversy must be reduced to a single point, or so presented as to place it in their power to put their unanimous verdict into the form of a general affirmative or negative response. A learned and experienced Judge might find no great difficulty in so framing his judgment as to grant relief, in every way, suited to the most complicated case, that could be presented to him; but twelve men, unlearned in the law, would, in the same case, find it exceedingly perplexing, or altogether impracticable, unanimously, to agree upon any adequate complex form of granting relief; and, therefore, a jury cannot, with propriety, be called upon, in any case, even although it should involve a complicated title to property, for more than a general affirmative or negative verdict; or for a special verdict, finding the truth of the facts, leaving the conclusion of law to be pronounced by the Judge.—(3 *Jeff. Corr. Lett.* 2.)

Hence it is that all judicial proceedings, according to the course of the common law, have a perpetual tendency to rigid exactness and precision; so as to be easily explained to, and applied by a jury; or, at least, so as to