

captivating. By the time the jury cases are through, the lawyers get tired and the judges wish to go to their farms. And consequently the old chancery cases are continued. There was a case in Charles county where a chancery case had been pending eighteen or nineteen years. It was brought before one of the associate judges of the court, and was decided upon the ground that old transactions ought not to be ripped up, and he therefore dismissed the case, after it had been eighteen years on the docket. What is to become of these cases? Transfer them to the chancery court, and new life is infused into them. I think the true plan would be to give the chancery court jurisdiction over the whole State; and to give to the county courts power over all matters of summary equity jurisdiction, and thus much expense may be saved. I know that I can sit in my office, Baltimore city, and have a complete transcript of all the papers filed in any case at Annapolis, merely at the cost of postage. I receive a copy of the bill and every other paper the moment it is filed in the high court of chancery, and I can prepare the whole case, argue the case by note, without coming to Annapolis.

The amendment was rejected.

The question recurred upon the amendment moved by Mr. Howard.

Mr. McLANE. Before the question is taken, I wish to inquire whether, if the resolution is passed, it will then be competent to alter the present mode of appointment.

Mr. HOWARD. I think so. I offer it with that view. It only looks to the establishment of the court.

Mr. McMASTER demanded the yeas and nays, which were ordered, and being taken, resulted—yeas 23, nays 53—as follows:

*Affirmative.*—Messrs. Chapman, Presid't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Brent, of Charles, Jenifer, Howard, Buchanan, Williams, Bowling, Grason, Fooks, Davis and Brown—23.

*Negative.*—Messrs. Lee, Mitchell, Dalrymple, Bond, Welch, Lloyd, Dickinson, Colston, John Dennis, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Chambers, of Cecil, Miller, McLane, Spencer, George, Dirickson, McMaster, Hearn, Jacobs, Johnson, Gaither, Biser, Annan, Sappington, McHenry, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Schley, Fiery, Neill, John Newcomer, Harbine, Kilgour, Brewer, Waters, Anderson, Weber, Holliday, Slicer, Smith, Parke, Shower and Cockey—53.

So the Convention refused to accept the substitute.

Mr. WRIGHT, when his name was called on the yeas and nays just taken, rose in his seat and stated that having paired off with Mr. Sprigg on the question under consideration, he declined voting.

Mr. RANDALL offered as a substitute for the 55th section, the following:

“The present chancellor and the register in chancery, and in the event of any vacancy in their respective offices, their successors in office respectively, who are to be appointed as at present by the Governor and Senate, shall continue in office, with the powers and compensation as at present established, until the expiration of five years after the adoption of this constitution by the people, and until the end of the session of the Legislature next thereafter; after which period the said offices of chancellor and register shall be abolished. And the Legislature shall in the meantime provide by law for the recording, safe keeping or other disposition of the records, decrees and other proceedings of the court of chancery, and for the copying and alteration thereof, and for the custody and use of the great seal of the State, when required after the expiration of said five years, and for the transmission to the said counties and the city of Baltimore, all the causes and proceedings in said court as may be then undisposed of and unfinished, in such manner and under such regulations as may be deemed necessary and proper.”

Mr. RANDALL. I will state, sir, that this amendment which I propose is identical with the section for which it is proposed as a substitute, with the exceptions I will now point out.

My amendment confers upon the chancery court the power to continue its business until it is abolished. If you continue the court in existence, why should you lose the advantages of having its jurisdiction to fall back upon as a court of relief, in the event of your present system proving inadequate to the exigencies of the people?

If the court is to be continued five years, let it be continued with all the powers and advantages; as you have the expenses of its continuance, enjoy all its benefits. The object to be accomplished by the continuance of the court for five years is, to enable it to wind up its business, will not be interfered with by its retaining all its powers for that period. The new cases to be instituted will all be such as will be terminated within that period, so that the whole operation of this will be to enable the people to have the benefit of another tribunal, and, at the same time, to accomplish the object of closing up the business of this court within five years.

There are also some words inserted here which, I respectfully submit, ought to have been inserted in the printed bill. For instance: Provision is here made for the preservation, attestation, and copying of the papers remaining after the expiration of five years. It must be necessary to have such a provision as this, because otherwise the records of this court cannot be copied and attested. Most of the titles in this State are traced through this court; and without the use of these records, valuable muniments of title may be lost. What, I ask, shall become of the great seal of this State, now deposited in that court? This is another omission in that section. No public or private paper requiring it, could be attested without the use of that great seal being properly provided for. Provision is here made for its disposition by the Legislature. The only point, it seems to me, in this amendment, upon which there can be any