

Worthington, that I had refused to act in a case in chancery between <sup>submitted</sup> to my decision, under the act of 1806, concerning the chancery court, I determined to lay before them the following observations in my vindication, that my conduct might appear in its true light, not clouded by prejudice or extenuated by favor.

By the 19th section of the act to provide for the organization of the courts of common law (1805, ch. 65) under which I accepted my commission, as a judge of the courts of common law, it is enacted, "that in all cases where the chancellor is or may be interested, and where bills may properly lie, the chief judge of the district in which the chancery court shall sit, shall hear and decide thereon in the same manner as if he was chancellor, &c." I have esteemed it my duty to decide all cases in equity which may come under this provision of the said act, and have acted in all cases which have been brought before me, in which the chancellor was interested; and I am still willing to hear and decide such cases.

By the act of 1806, ch. 55, concerning the chancery court, the chief judge of the third judicial district or the court thereof, at the election of the complainant, is empowered to act in all chancery cases in which the chancellor has been *counsel*, or has given his *opinion*, &c; and by the second section of the said act, the chancellor may require the opinion of the said chief judge on any question of law arising in any suit in chancery. Pursuant to the provisions in this act, several cases and questions have been submitted by the chancellor to the chief judge of the third judicial district, and have been decided by him, to which I refer the honorable committee; a list whereof, together with the opinions given, can be obtained from the register in chancery, for their more particular information.

The said duties imposed on the chief judge of the third judicial district, do not arise under the act from whence he derived his commission; nor do they appertain to his office as a judge of the courts of common law. The chief judge of the third judicial district having always considered the duties imposed on him by the said act as not resulting from his office or belonging to it, has performed the services required out of respect to the general assembly, and from a firm persuasion that the legislature would make him a suitable compensation for duties superadded to his office and performed by him, whenever the subject should be brought before them in a manner which solicited their attention.

As an American and citizen of Maryland, the chief judge of the third judicial district claims equal rights and privileges with the other citizens of the state; and he knows no instance in which the general assembly have required services from the citizens without remuneration; nor can he conceive why he should be excluded from the claims of common justice. The chief judge begs leave to refer the committee to a resolution which passed the honorable