

Courts, if the business could be regularly dispatched, and the system would not be too expensive. It has been my fortune to be a judge of the Orphans' Court in two counties—first in Washington, and then in Allegany. I have frequently been embarrassed in the discharge of the duties of the office, by the legal questions which have arisen, and have been compelled to consult gentlemen of the profession in reference to the proper decision of those questions. A difference of opinion between several thus consulted has greatly increased the embarrassment. Under the present system, a different practice prevails in different counties. I will mention a single fact. In the settlement of estates in Washington county, where rents pass into the hands of administrators, the funds are properly accounted for separately, as belonging to the estate, and to the heirs; whilst in Allegany the practice has been to treat accruing rents from real estate as assets in the hands of the administrator, and to distribute them among the creditors. These different modes of settling estates, under the same system, could not have obtained, if the judges had been educated in the law. My experience as a judge has satisfied me that the public interest would be promoted by placing upon the Orphans' Court bench gentlemen educated in the law.

The PRESIDENT's hammer here fell, the hour having arrived at which the convention had resolved to close the debate.

Mr. EGE. I endeavored to obtain the floor, not with a view of making a speech, but with a view of giving my ideas in regard to the particular application—

The PRESIDENT. The gentleman is not in order. The Chair will state to the gentleman that the convention has adopted a resolution which precludes further debate, the hour of 12 having arrived.

Mr. WEEMS moved to rescind the order closing the debate on this subject at twelve o'clock, stating that in his judgment the subject under consideration was one in which the people of the State were vitally interested.

The Presiding Officer (Mr. BUCHANAN) ruled the motion out of order.

Mr. WEEMS then moved to postpone the order of the day, and the amendments pending, to enable him to submit his motion.

Mr. HARBINE demanded the yeas and nays on the motion.

Mr. JOHNSON inquired whether, if the motion was agreed to, it would not carry the entire bill with it?

The PRESIDING OFFICER replied in the affirmative.

The yeas and nays were then ordered, and being taken, resulted as follows:

*Affirmative*—Messrs. Randall, Kent, Morgan, Weems, Dalrymple, Sollers, John Dennis, Dashiell, Goldsborough, Eccleston, Sprigg, Spencer and Wright—13.

*Negative*—Messrs. Chapman, Pres't. Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Wells, Sellman, Brent, of Charles, Merrick, Howard, Buchanan, Bell, Welch, Chan-

dlar, Ridgely, Sherwood, of Talbot, Colston, Crisfield, Hicks, Hodson, Phelps, McCullough, Miller, McLane, Bowie, Tuck, Grason, George, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Brewer, Waters, Anderson, Weber, Holliday, Slicer, Fitzpatrick, Smith, Parke, Ege, Shower and Brown—72

So the convention refused to postpone.

The question then recurred on agreeing to the amendment of Mr. Thomas, on which

Mr. BROWN demanded the yeas and nays, which were ordered, and being taken, resulted as follows:

*Affirmative*—Messrs. Chapman, President, Morgan, Hopewell, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Sollers, Brent, of Charles, Merrick, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Sherwood, of Talbot, Colston, John Dennis, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Miller, McLane, Bowie, Grason, George, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Nelson, Thawley, Hardcastle, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Waters, Slicer, Smith, Shower and Brown—59.

*Negative*—Messrs. Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Crisfield, McCullough, Tuck, Sprigg, Spencer, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Magraw, Stewart, of Caroline, Brewer, Anderson, Weber, Holliday, Fitzpatrick, Parke and Ege—25. So the amendment was adopted.

Mr. MERRICK said that he understood it was stated, when the amendment first rejected was moved, that it would be considered as a test vote, to show the sense of the Convention as to the question of retaining the office of judge as it now is. He voted with no such purpose, as did many gentlemen who were around him.

The said 10th section was then adopted, as amended.

On motion of Mr. THOMAS.

The Convention then resumed the consideration of the 9th section of the report.

The question pending was on the substitute offered by Mr. Bowie, for this section of the report, and the amendment offered by Mr. Crisfield.

Mr. THOMAS said, that with the permission of the gentleman from Somerset, (Mr. Crisfield,) he would move to strike out of the substitute of that gentleman the word "district," wherever it occurred, and insert in lieu thereof the word "circuit."

The motion was agreed to.

Mr. BRENT, of Baltimore city, inquired if it would be in order to move a substitute for this section?