

tleman from Somerset presents. The truth is, it is not the number of cases upon the docket which is the guide to the length of time required to discharge the business of the court; it is the character of the litigation, of the suits that are brought before it; and from the fact that it takes our county court five, six or seven weeks to get through with its ordinary business, the fair presumption is that the amount of business is far greater than that in Queen Anne's county, whether it arises from the character of the litigation or from any other cause. I hold that this association of Baltimore county with Harford and Cecil counties is imposing too large an amount of labor upon the district. I know that it has been said that by an act of Assembly Baltimore county court cannot continue in session over one month. I am aware that the law provides that for city business the county court shall commence its session upon a particular day, and therefore, if the county business runs into that day, it must necessarily cease. But in answer to this I present the fact, from my own personal knowledge, that in some way this difficulty is overcome, for the county court at the very last session continued from November till Christmas. These are facts that the Convention ought to be in possession of, and show that Baltimore county should not be arranged with Harford and Cecil, and I hope the house will not inflict upon us such a wrong. I will withdraw the motion to reconsider, having made it merely to state the facts in connection with this subject.

The question was then stated to be on agreeing to the substitute of Mr. Chrisfield, as amended.

Mr. SPENCER. I desire to make a motion in order that my opinions on this subject may be thoroughly understood. I move to reconsider the second branch of the proposition, and I do it for the purpose of moving to insert these words:

"And in each of the said county court districts, the chancery and the orphans' courts shall be incorporated into one court, and the person who shall be elected as judge of the county courts, within the said districts respectively, shall be the judge of the said chancery and orphans' court, shall have, hold, and exercise in the several counties of this State, all and every the powers, authorities, and jurisdictions which the said chancery and orphans' courts of this State now have, use, and exercise, and which shall hereafter be prescribed by law, and the judge thereof shall have and use all other powers and authorities which the chancellor and justices of the orphans' courts of this State now have, by virtue of law, or which may hereafter be prescribed by law, and the sessions of the said chancery and orphans' courts shall be held in the several counties in this State, at the time and place where the regular terms of the said orphans' courts are now held, and at such other times and places as may be fixed and appointed by the judge of the said district, or may be prescribed by law."

I did suppose, until the Chair announced his decision just now, that I had a right to move my amendment now. Otherwise, I should have moved it before. I thought, as did the gentleman

from Baltimore county, that when this section came up for a division, it merely having been taken as a substitute for the original bill—that it would stand precisely as the original bill stood, subject to any amendment. I shall not appeal, because it is too late to do so now. But, inasmuch as I cannot do now what I proposed to do, and what I thought I could do, I make the motion to reconsider, and I do it to signify my purpose to insert the words I have indicated. I want my position to be understood before the community which I have the honor, in part, to represent. I want it to be understood that I am in favor of a system which would cheapen the administration of justice in the State by some thirty thousand dollars, and at the same time perfect the orphans' court and chancery court system. I ask that the question be taken by yeas and nays.

Mr. BOWIE. Is it in order to move to reconsider the entire section?

The PRESIDING OFFICER. It is not, each branch being inserted by separate votes.

Mr. GWINN. I will test the question by moving to lay the motion to reconsider on the table.

Mr. SPENCER asked the yeas and nays on the motion, which were ordered, and being taken, resulted as follows:

*Affirmative*—Messrs. Morgan, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Kent, Weems, Dalrymple, Merrick, Howard, Bell, Welch, Chandler, Lloyd, John Dennis, Crisfield, Dashiell, Hodson, Eccleston, Phelps, McCubbin, Grason, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Nelson, Thawley, Gwinn, Brent, of Baltimore city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Waters, Weber, Holliday, Slicer, Smith, and Brown—50.

*Negative*—Messrs. Chapman, Pres't, Wells, Randall, Sellman, Buchanan, Ridgely, Sherwood, of Talbot, McCullough, Miller, McLane, Bowie, Tuck, Sprigg, Spencer, George, Wright, Dirickson, McMaster, Hearn, Fooks, Magraw, Sherwood, of Baltimore city, Brewer, Anderson, Fitzpatrick, and Parke—26.

So the motion to reconsider was laid on the table.

The question then recurred on agreeing to the section as amended.

Mr. BOWIE asked the yeas and nays, which were ordered, and being taken, were as follows:

*Affirmative*—Messrs. Chapman, Pres't, Morgan, Hopewell, Ricaud, Lee, Mitchell, Merrick, Lloyd, Sherwood, of Talbot, Crisfield, Dashiell, Hodson, Eccleston, Phelps, McCullough, Sprigg, McCubbin, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, McHenry, Magraw, Nelson, Gwinn, Sherwood, of Baltimore city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Holliday, Slicer, Fitzpatrick, Smith Parke, and Brown—53.

*Negative*—Messrs. Chambers, of Kent, Wells, Randall, Kent, Sellman, Weems, Howard, Bu-