

chanan, Bell, Welch, Chandler, Ridgely, John Dennis, Miller, McLane, Bowie, Tuck, Spencer, Stephenson, Thawley, Davis, Waters, and Anderson—23.

So the 9th section as amended was adopted.

The tenth section of the original report was then read, as follows:

Sec. 10. The said county courts, or the judges thereof, respectively, shall be courts of law and equity, and have original jurisdiction in all civil and criminal cases arising in their respective limits; and in all respects have the same powers and jurisdiction that the present county courts of this State now have, or which shall hereafter be prescribed by law. They shall also have exclusive jurisdiction in all matters relating to last wills and testaments, executors and administrators and guardians, within their respective limits, and all and every other power which the orphans' courts of this State now have, or which may hereafter be prescribed by law. They shall also have and exercise appellate jurisdiction from the judgments of justices of the peace, subject to such rules and regulations as may be prescribed by law.

Mr. THOMAS. This section has been adopted.

Mr. BOWIE. It seems to me that this section may come out, as it is superseded by a previous section. I therefore move to reconsider the vote by which it was adopted.

The motion was agreed to.

The question recurring on the adoption of the section—

Mr. BOWIE moved to strike it out, which motion was agreed to.

Mr. JENIFER then moved to insert the following in the place of the section just stricken out:

Sec. 10. There shall be a Chancellor elected for each of the inferior judicial districts, whose term of office, qualifications and salary shall be the same as herein provided for the Judges of the inferior judicial districts, and who shall be elected in the same manner and removable for same causes. The Chancellor shall have and exercise the equity jurisdiction now exercised by the County Courts sitting as courts of equity in the several counties for which he shall have been elected. He shall hold his courts at such time and place as are now prescribed, or may hereafter be provided for by law. He shall have jurisdiction in all applications for the benefit of the insolvent laws within his district of this State, and the supervision and control of the trustees thereof.

The Chancellor elected for each of the inferior judicial districts shall be Judge of the Orphans' Court of each county in their respective districts, who shall have all the powers now vested in the Orphans' Courts of the several counties of this State, subject to such regulations as the Legislature may hereafter establish. It shall be the duty of the Chancellor or Judge of the Orphans' Court to attend at least six times in every year, and oftener when the business of the county may require it, to examine into and discharge the duties as Judge of the Orphans' Court for such county in his district as are now or may hereafter be provided by law.

He shall examine into and revise the proceedings of the Register of Wills of each county, establish such rules and orders not inconsistent with the law as may tend to facilitate the business of the court. There shall be a Register of Wills for the Orphans' Court of each county in the State, who shall be elected by a plurality vote of the legal voters of the county, who shall discharge the duties now or which may hereafter be required by law, whose term of office, qualifications, manner of election, and removal shall be the same as those herein provided for the clerks to the courts of the said counties. He shall also discharge the duties of Register in Chancery in such manner as may be required by law. The Legislature shall provide a suitable annual salary in lieu of fees and perquisites as at present exists.

Mr. MICHAEL NEWCOMER offered as a substitute for the amendment the following:

“The qualified voters of the city of Baltimore and of the several counties of the State shall severally, by a plurality vote, on the first Wednesday of November, eighteen hundred and fifty one, and on the same day of the same month in every fourth year for ever thereafter elect three men to be Judges of the Orphans' Court of said city and counties respectively, who shall be citizens of the State of Maryland and citizens of the city or county for which they are severally elected at the time of their election; and who shall have power to take probate of wills, to grant letters testamentary, to appoint administrators, guardians and collectors to superintend the distribution of estates of intestates, to secure the rights of distributees, orphans and legatees, and to administer justice relative to the affairs of deceased persons, according to the laws now in force, giving jurisdiction to the Orphans' Courts in this State, or which may hereafter be passed by the General Assembly of Maryland, touching their powers and jurisdiction.”

Mr. SHRIVER moved to amend the substitute by striking out the words “three men” and inserting in lieu thereof “one man.”

Mr. BUCHANAN gave notice that if the amendment should prevail he would offer a proposition to pay the judge one thousand dollars.

Mr. JOHN DENNIS read the proposition afterwards submitted by him, and gave notice that when in order he should move it as an amendment.

Mr. SHRIVER demanded the yeas and nays; which were ordered, and being taken, resulted—ayes 52, noes 25—as follows:

*Affirmative*—Messrs. Chapman, President, Ricaud, Lee, Chambers, of Kent, Mitchell, Sellman, Jenifer, Buchanan, Bell, Welch, Chandler, Ridgely, Sherwood, of Talbot, John Dennis, Crisfield, Dashiell, Hodson, Eccleston, Phelps, McCullough, McLane, Bowie, Tuck, Sprigg, McCubbin, Spencer, Wright, Dirickson, McMaster, Shriver, Johnson, McHenry, Magraw, Nelson, Thawley, Gwinn, Brent, of Baltimore city, Sherwood, of Baltimore city, Ware, Schley, Fiery, John Newcomer, Kilgour, Brewer, Anderson, Weber, Holliday, Slicer, Fitzpatrick, Smith, Parke and Shower—52.