

The question then recurred upon the substitute moved by Mr. Chambers of Kent, as amended.

Mr. STEWART of Baltimore, demanded the yeas and nays, which were ordered: and being taken, resulted—yeas 19; noes 58—as follows:

*Affirmative*—Messrs. Lee, Chambers, of Kent, Mitchell, Crisfield, Williams, McCubbin, Spencer, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, McHenry, Magraw, John Newcomer, Brewer, Weber and Fitzpatrick—19.

*Negative*—Messrs. Chapman, President, Morgan, Blakistone, Dent, Hopewell, Ricaud, Dorsey, Wells, Randall, Sellman, Dalrymple, Jennifer, Howard, Buchanan, Lloyd, Dickinson, John Dennis, James U. Dennis, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Chambers, of Cecil, Miller, McLane, Bowie, Sprigr, Grason, George, Thomas, Johnson, Gaither, Biser, Annan, Sappington, Nelson, Thawley, Gwinn, Stewart, of Baltimore city, Sherwood, of Baltimore city, Ware, Schley, Fiery, Neill, Harbine, Michael Newcomer, Davis, Kilgour, Waters, Anderson, Holliday, Slicer, Smith, Parke, Shower, Cockey and Brown—58.

So the Convention refused to accept the substitute.

Mr. BOWIE then offered, as a substitute for the 10th section, the following:

“There shall be in each county of this State an Orphans’ Court, to consist of three judges, who shall be elected by a plurality vote of the legal and qualified voters of said counties respectively, and who shall hold their offices for the term of four years, if they shall behave themselves in office so long, and until their successors in office shall be elected and qualified; one of the persons voted for as a judge of said court shall be, in each of said counties, from among those experienced in the laws, and the said court shall have the same jurisdiction within their respective limits, that the Orphans’ Courts of the several counties of this State, as now established by law, have, and also the same chancery and equity jurisdiction which the Chancellor of the State, or the present county courts as courts of equity now have, or which may be hereafter prescribed by law. The jurisdiction of said courts shall be exclusive within their respective limits, and all appeals from their decisions, judgments, decrees or orders, shall be to the Court of Appeals of this State. The compensation of said Judges shall be prescribed by law, and paid by the several counties respectively.”

Mr. BOWIE. It will be observed that I have purposely left out the city of Baltimore, because in this judiciary bill an entire system of judiciary is provided for that city. I did so, hoping that this Convention would take care of our friends from this part of the State. If I am here, I shall willingly co-operate with them. This is the entire plan, except that we ask you to give us one gentleman learned in the law, (if you can find such, and I have no doubt you can,) and elected by the people. I desire men of clear heads and sound hearts, who would make first rate Orphans’ Court Judges and good Chancellors. I am perfectly willing, and I think we may safely trust chancery jurisdiction to a court

thus composed—to one gentleman, learned and skilled in the law. By doing this we will mitigate the evils of the present system, which I consider most horrid. I say, therefore, that I think this will be a decided improvement.

Mr. JENIFER moved to amend the substitute of Mr. Bowie by inserting after the word “paid” in the last line, these words, “one-half by the State and the other half.”

Mr. J. said, the Orphans’ Court is not exclusively for the benefit of the counties, but it is also for the benefit of the State. I think, therefore that the expenses should be equally borne by both.

Mr. BOWIE. I accept the amendment, because every expense thrown upon the public treasury is already provided for by a uniformity of taxation.

Mr. JOHNSON moved to amend the amendment by making one-hundred thousandth part of the expenses to be paid by the State. (Laughter.) I intend (said Mr. Johnson) to vote for the proposition, rather than see the system which was proposed by the gentleman from Washington county, (Mr. Michael Newcomer,) fail, which I am free to say I prefer to any other system. As there had been some doubt expressed by those gentlemen to whom I adverted, whose practice and experience at the bar and before the Orphans’ Court gave their opinions weight, and just weight, in my own mind, in relation to the duties thrown, as far as we have gone, upon the circuit judges, and when I heard eminent lawyers, men of experience, as I do not profess to be, say that they thought the duties were too onerous upon the circuit judges, I was willing myself, if a portion of their duties and labors could be thrown upon the Orphans’ Court, preserving the system with some modification, to vote for that system. The proposition offered by the gentleman from Kent (Mr. Chambers) was one which I could not, under any consideration, vote for, because it made the Register judge, clerk and jury, himself to profit by all his blunders, and it held out high temptations for him to err. The plan proposed by the gentleman from Prince George’s (Mr. Bowie) I felt disposed to vote for. I shall now most certainly vote against it, for the idea of giving one judge for the counties of Calvert and Caroline, where all the titles are fixed, the parties are few, and controversies are rare and easily disposed of, occupying a person two or three days in a whole year, a salary equal to that paid the judges of Baltimore county, Prince George’s county, or Frederick county, or one-half the salary, is so shocking to all my sense of equity, with the principle that the laborer is worthy his hire, and is worth no more, that I cannot even tolerate the idea, because I think it must strike every man’s mind.

Mr. BOWIE. That is not the amendment. It is that the compensation shall be fixed by law.

Mr. JOHNSON. One-half to come out of the public treasury. That is the point; I am not willing to have the public treasury of the State of Maryland pillaged.

Mr. BOWIE. I have no right to accept the