

were ordered, and being taken, were as follows:

Affirmative—Messrs. Morgan, Blakistone, Dent, Hopewell, Dorsey, Sellman, Jenifer, Howard, Buchanan, Lloyd, Dickinson, Hicks, Hodson, Goldsborough, Eccleston, Chambers, of Cecil, Miller, Grason, George, Hearn, Fooks, Jacobs, Thomas, Johnson, Gaither, Biser, Annan, Sappington, Magraw, Nelson, Thawley, Gwinn, Stewart, of Balt. city, Brent of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Waters, Weber, Holliday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—52.

Negative—Messrs. Chapman, Pres't, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Wells, Randall, Dalrymple, Bond, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, McCullough, McLane, Bowie, Sprigg, McCubbin, Spencer, Wright, Dirickson, McMaster, McHenry, Kilgour, Brewer, Anderson and Smith—29.

So the 10th section was adopted.

Mr. THOMAS said that, considering they had but a week longer to sit, he hoped the Convention would excuse him for moving that they take a recess until five o'clock, P. M.

Mr. NEILL asked that the question be taken by yeas and nays, which were ordered, and being taken, appeared as follows:

Affirmative—Messrs. Blakistone, Dent, Sellman, Bond, Jenifer, Lloyd, Dickinson, Crisfield, Hicks, Hodson, McLane, McCubbin, George, McMaster, Thomas, Johnson, Gaither, Biser, Annan, Sappington, McHenry, Magraw, Nelson, Thawley, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Brewer, Weber, Holliday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—45.

Negative—Messrs. Chapman, Pres't, Morgan, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Dalrymple, Howard, Buchanan, John Dennis, James U. Dennis, Dashiell, Williams, Goldsborough, Eccleston, Chambers, of Cecil, Miller, Bowie, Sprigg, Spencer, Grason, Wright, Dirickson, Hearn, Fooks, Jacobs, Kilgour, Waters and Anderson—35.

So the Convention took a recess until 5 o'clock, P. M.

EVENING SESSION, MONDAY, April 28.

The Convention in pursuance of the order this day adopted, re-assembled at 5 o'clock.

The roll was called, and a quorum was present.

THE CASE OF MITCHELL.

The President laid before the Convention the following communication from the Governor of the State of Maryland:

State Department, Annapolis, April 29, 1851.

Hon. John G. Chapman, Pres't of Convention:

Sir,—I herewith transmit by the request of H. Hubbell, Esq., a copy of a letter recently addressed by him to me, concerning the case of J.

S. Mitchell and his agents, F. Alberti and J. Frisby Price.

I have the honor to be,

Very respectfully,

E. LOUIS LOWE.

61 Prune Street, Philadelphia, April 23, 1851.

Dear Sir,—I perceive by the morning newspaper that the Maryland State Convention now in session, have taken some action in the case of J. S. Mitchell and of his agents George F. Alberti and J. Frisby Price. I was the counsel of Mr. Alberti in this case, and it gratifies me very much to learn that the authorities of Maryland are moving in this matter, so vital to their State's interest, tranquility and prosperity. I have not the least doubt on my mind, on presenting the case properly to the Supreme Court of the United States, but that the whole proceedings against Mr. Alberti would be set aside and reversed, the law under which he was convicted declared unconstitutional, and his triumphant liberation from unjust imprisonment secured. I have been anxious to take measures to bring this case properly before the Supreme Court, but Mr. Alberti and his friends are so poor that the necessary expenses cannot be obtained.

I will feel obliged to your Excellency, if you will communicate the purport of this letter to the Convention.

I am with great respect,

Your Excellency's obed't serv't,

HOR. HUBBELL.

His Excellency Gov. Lowe, Annapolis.

Which was read, and on motion of Mr. Brown, referred to the select committee already appointed on that subject.

THE JUDICIARY SYSTEM.

Mr. SPENCER said that he had this morning presented an amendment to the bill under consideration, but that, in consequence of the demand for the previous question, he could not have a vote upon it.

He did not intend at this time to detain the Convention a moment by any remarks. His sole object was to have the proposition to which he had this morning called the attention of the Convention, entered upon the journal. He moved, therefore, a reconsideration of the vote last taken, in order that he might introduce the proposition he had indicated.

Mr. BOWIE. Read it.

Mr. SPENCER read the proposition as follows:

"There shall be in each county of this State an orphans' court, which shall hold, use and exercise all the powers, authorities and jurisdictions, now held, used and exercised by the existing orphans' courts in the several counties of this State; and the General Assembly may by law, restrain or enlarge the powers and jurisdiction thereof. The judge of the circuit in which any orphans' court shall be held, shall be judge thereof; and shall hold at least four terms of said court in each year in each county in his circuit, or oftener if required by law. In the recess of the orphans' court, the Register of Wills, in each county, shall have and exercise