

Mr. Biser said he had listened to his friend from Kent (Mr. Chambers) not only with attention, but with great delight, as he always did. He had been edified, but had not been made a convert. Perhaps the fault was his—that he might be somewhat dull of comprehension. In reply to Mr. Chambers's anecdote, he desired to say it was not his wish to turn the cattle of Frederick county into the grass pastures of Kent; for he believed it was more abundant in his own county; that the gentleman had better act upon the principle to be just before he was generous. But he agreed with the gentleman from Kent in one thing: he had given a faithful historical account of the rise and origin of the School Fund, of which he had spoken. He (Mr. B.) however, did not agree with him in some of his illustrations, nor was he disposed, when time was so precious, to follow him through all his minutiae. It was enough for him to know there was a School Fund, and that it was a common fund. And it was enough, too, to know that we—the representatives of the people, did not aid in distributing it, but were the descendants of those who did, and we were entitled to an equal distribution. The gentleman had said it had been disbursed in a certain manner; the proceeds of the School Fund had been distributed, as it now stood, but the principal had remained untouched, and argued that any changes in the distribution now would be unfair. Why, said Mr. Biser, a dozen gentlemen might enter into co-partnership, and the proceeds of that co-partnership might be unfairly distributed for a time; but does the gentleman argue that it should remain so for all time, that the evil and inequality should not be remedied at some time. Surely, the gentleman will not advocate this doctrine. And now was the proper time, in the opinion of Mr. Biser, when justice and equity were watch-words—to distribute this fund in proportion to the white population throughout the State. Was there any thing unjust or improper in the amendment of the gentleman from Baltimore city, which proposed an equal distribution. Was it proper that some counties should receive three, four, or five times as much benefit from this fund as other counties. He, Mr. Biser, was of opinion that it should be distributed according to the white basis. He now repeated what he had said before; he wished to place himself right on the journal, and on the Register of Debates, that he had not changed his opinion, he had very little hope of carrying the object he had in view. He had now performed his duty, and would fulfil his promise made to the gentleman from Baltimore county, (Mr. Howard,) give way for the gentleman to move to lay the whole subject on the table, which would be a test vote.

Mr. HOWARD moved to lay the motion of reconsideration on the table.

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

*Affirmative*—Messrs. Chapman, Pres't, Mor-Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dor-

sey, Wells, Randall, Sellman, Dalrymple, Bond, Brent, of Charles, Howard, Buchanan, Welch, Lloyd, Dickinson, John Dennis, Jas. U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Chambers, of Cecil, McCubbin, Bowling, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Sappington, Magraw, Nelson, Carter, Thawley, Schley, Harbine, Davis, Kilgour, Brewer, Waters, Anderson, Holliday, Smith and Shower—58.

*Negative*—Messrs. Miller, Johnson, Gaitier, Biser, Annan, McHenry, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Fiery, Neill, John Newcomer, Michael Newcomer, Weber, Fitzpatrick, Slicer, Parke, Coekey and Brown—20.

So the motion to reconsider was laid on the table.

Mr. CHAMBERS, of Kent, gave notice that the motion made by him on yesterday, for a reconsideration of the vote of the Convention on the report of the committee on representation, he should move to take up on Thursday next.

#### REPORT OF THE COMMITTEE ON THE JUDICIARY.

The Convention then resumed the consideration of the order of the day, being the report, submitted by Mr. Bowie, chairman of the committee on the judiciary.

Mr. SPENCER moved that the consent of the Convention be granted to enable him to move to reconsider the vote of the Convention on the 10th section of the report adopted on yesterday, for the purpose of inserting the following substitute proposed by him for the section:

"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 all and singular the powers, authorities and jurisdiction of the said court; and from any final order, judgment or decree of the register of wills, there shall be a right of appeal, under such regulations as may be provided by law, to the judge of the orphans' court; and the said judge shall have the matter of said appeal *de novo*, and decide according to the equity and right of the matter. From any final order, judgment or decree of the said circuit judge, sitting as a judge of the orphans' court, there shall be a right of appeal to the court of appeals, as now or hereafter may be provided by law."

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