

riod the said offices of chancellor and register shall be abolished. And the Legislature shall in the meantime provide by law for the recording, safe-keeping or other disposition of the records, decrees and other proceedings of the court of chancery, and for the copying and attestation thereof, and for the custody and use of the great seal of the State, when required after the expiration of said five years, and for the transmission to the said counties and the city of Baltimore, all the causes and proceedings in said court as may be then undisposed of and unfinished, in such manner and under such regulations as may be deemed necessary and proper."

Mr SPENCER had moved to amend the substitute, by adding at the end thereof, the following proviso:

"Provided, that no new business shall originate in the said court, nor shall any cause be removed to the same from any other court in this State, from and after the ratification of this Constitution."

The question being taken upon the amendment it was agreed to.

Mr. SHRIVER moved to amend the substitute, by striking out the word "five" wherever it occurs, and insert "two."

Mr. BOWIE moved that the question be taken by yeas and nays, which being ordered, appeared as follows:

*Affirmative*—Messrs. Bond, Bell, Welch, Sherwood of Talbot, Colston, John Dennis, James U. Dennis, Dashiell, Constable, Chambers of Cecil, McCullough, Miller, Dirickson, McMaster, Hearn, Jacobs, Shriver, Gaither, Biser, Annan, McHenry, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Hardcastle, Sherwood of Baltimore city, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—41.

*Negative*—Messrs. Ricaud, Pres't., *pro tem.*, Blackstone, Hopewell, Lee, Donaldson, Wells, Randall, Kent, Sellman, Weems, Howard, Buchanan, Williams, Bowie, Tuck, Spencer, Grason, George, Wright, Fooks, Stephenson, Gwinn, Stewart of Baltimore city, Brent of Baltimore city, Waters, Anderson and Hollyday—27.

So the amendment was adopted.

The question then recurred upon accepting of the twenty-fifth section.

Determined in the affirmative.

The section was then read and adopted as the twenty-fifth section.

The twenty-sixth section of the report was then read as follows:

Section 26. The present judges of the county courts of the orphans courts of Baltimore city court and of the Magistrates courts, and the commissioners of insolvent debtors for the city of Baltimore, and justices of the peace, shall remain in office until the election and qualification of the judges and justices of the peace whose election is provided for by this Constitution and no longer.

On motion of Mr. RANDALL,

The twenty-sixth section was amended, by in-

serting after the word "peace" in the fourth line, these words:

"And all other officers in commission at the adoption of this Constitution by the people."

The twenty-sixth section was then adopted as amended.

The twenty-seventh section of said report was then read as follows:

Section 27. The first election of judges, clerks, registers and justices of the peace, and all other officers, whose election by the people is provided for in this article of the Constitution, shall take place throughout the State on the first Wednesday of October next, after the ratification of this Constitution by the people.

On motion of Mr. BOWIE,

The twenty-seventh section was amended by striking out the word "and" in first line, and inserting after the word "register," the words "of wills," and after the words "justices of the peace" inserting the words "and constables;" also striking out in the fourth line "October," and inserting "November."

The twenty-seventh section was then adopted as amended.

The twenty-eighth section was read and adopted as follows:

Section 28. Whenever lands lie partly in one county, and partly in another, or whenever persons proper to be made defendants to proceedings in chancery, reside some in one county and some in another, that court shall have jurisdiction in which proceedings shall have been first commenced, subject to such rules, regulations and alterations as may be prescribed by law.

The twenty-ninth section was read as follows:

Sec. 29. In all suits or actions at law, and in all presentments and indictments hereafter to be commenced or instituted in any of the courts of law of this State, having jurisdiction thereof, the judge or judges thereof, upon suggestion in writing, if made by the State's Attorney, or the prosecutor for the State, or upon suggestion in writing, supported by affidavit, made by any other of the parties thereto, that a fair and impartial trial cannot be had in the Court where such suit or action at law, or presentment or indictment is depending, shall and may order and direct the record of proceedings in such suit or action, presentment or indictment, to be transmitted to the judge of any adjoining county for trial, who shall hear and determine the same in like manner as if such suit or action, presentment or indictment, had been originally instituted therein; *provided nevertheless*, that such suggestion shall be made as aforesaid, before or during the term in which the issue or issues may be joined in said suit or action, presentment or indictment; and *provided also*, that such further remedy in the premises may be provided by law, as the legislature shall from time to time direct and enact.

On motion of Mr. GWINN,

The twenty-ninth section was amended by inserting after the word "law" in the first line, the following:

"In all issues from an orphans' court, or from any court sitting in equity, and in all petitions for freedom."