

The PRESIDENT thought that the amendment was not pertinent, because it would cause incongruity.

Mr. RIDGELY. It appears to me that the simple question is upon the motion of the gentleman from Frederick, (Mr. Shriver,) to strike out one and insert three. It is a distinct, separate and independent proposition in its nature. The amendment offered by the gentleman from Kent, is to add to or qualify the duties of this officer when appointed. They are certainly independent, and incongruous propositions. The naked, isolated proposition is, will the Convention agree to strike out three judges and insert one judge?

Mr. CHAMBERS. To relieve the chair of difficulty, I will, for the present, withdraw my amendment. The Convention will now understand that if one judge is continued, the proposition will be offered to make the circuit judge that judge. Those who prefer three judges will, of course, not adopt the system of having this circuit judge. Those who prefer a circuit judge presiding, will vote for the motion to strike out.

Remarks of Mr. CHAMBERS, Monday, April 28th, 1851.

Mr. CHAMBERS said:

He had prepared, with the assistance of his friend from Somerset, (Mr. Crossfield,) a plan for the Orphan's Court, according to the suggestion he had submitted on Saturday. It proposes to give jurisdiction to the Register of Wills, over all cases now within the usual jurisdiction of that court. By this arrangement the court will always be open to persons having business to transact. By the terms of the bill establishing the Circuit Courts, the Judge of that court will necessarily visit each county in his circuit four times in the year. It is proposed that on each of these occasions he should attend to any duty which may require his presence in the Orphan's Court: to hear and decide upon appeals from the decision of the Register, or to act on any matter of difficulty, reserved for his consideration. On these occasions opportunity will be offered, to correct any errors complained of, in the administration of the register, and without delay. The existing law provides for an appeal to the Court of Appeals, unless the parties by an agreement filed in the Orphan's Court, consent to an appeal to the County Court, thus virtually giving an appeal to either of these courts which the parties may select. The plan now submitted is substantially the same, in cases of ordinary occurrence; with a modification however which it is believed, will be useful and satisfactory to suitors. It proposes that in contested cases, looking chiefly to cases of contested wills, where frequently difficult questions of law arise, the parties, by consent, may submit the case at once to the judge, and take an appeal from his decision to the Court of Appeals. It also requires the judge to prescribe rules for the transaction of business, in the department of the register, as well as his own. A good deal of sensitive apprehension has been expressed, as to the propriety of securing to persons having business in the

Orphan's Court, the right to transact it in person, and without being compelled to employ counsel; and an objection has been suggested to this particular provision, by a gentleman near me, least it might result in establishing a system of rules which would render the services of a lawyer necessary.

Mr. C. said, no rule existed in any court in this State, which precludes a man from trying his own case, if he thinks proper to dispense with legal assistance, and certainly nothing was more improbable than the attempt to introduce such a rule. The judge would about as soon think of passing a rule directing the crier to knock out the brains of a litigant party, as soon as he entered the door of the court. Nevertheless, if insisted upon, he should not resist an amendment to guard against it. If the Convention shall adopt this scheme, I have a further amendment, said Mr. C., in relation to the Circuit Judge, to conform to this arrangement, which shall be next presented.

He then moved the following as a substitute for the tenth section of the bill:

"The register of wills shall have power to perform and execute such duties as are now performed by the Orphan's Courts, and for that purpose issue process for parties or witnesses, according to the practice of said courts, and any person who may be interested may appeal from the decision of the register, to the Judge of the Orphan's Court, whose decision shall be final and conclusive between the parties to said appeal; but the persons interested may, by an agreement to be previously filed in the office of Register of Wills, take an appeal to the Court of Appeals instead of the Judge of the Orphan's Court. In any contested case, occurring in said court, the parties may by consent submit the decision of the cause, in the first instance, to the judge instead of the register, and in such case, the said judge shall have original jurisdiction over the same, and an appeal may be taken from his decision to the Court of Appeals."

Mr. CHAMBERS said, in answer to the objection of his friend from Queen Anne, (Mr. Grason,) he had only to remark, that according to the returns before the House, the judges in his district had attended court one hundred days in the year on an average. It was believed that an allowance of two days at each visit to the county would be ample for all the business the judges would be called to transact in the Orphan's Court. In the gentleman's district there are four counties, a larger number than in the other circuits. Two days at each of four sessions would make eight in each county, and eight in each of the four counties would make thirty-two in the whole, which added to the average of one hundred would make an aggregate of judicial service of one hundred and thirty-two days in the year. He had no more to say.

MOTIONS TO RECONSIDER.

Remarks of Mr. CHAMBERS—May 1st.

Mr. CHAMBERS observed:

That having heretofore expressed his views in