

Mr. SANDS. Where there is none appointed by last will and testament.

Mr. PUGH. That is what I said.

Mr. SANDS. I go farther and say that even where, by virtue of his office, the executor is guardian of the minor heir, it is only for three years, and after that period the minor is without a guardian, unless one is appointed by the orphans' court.

Mr. PUGH. I never said he was so forever; but only that he was so.

Mr. SANDS. There was no limitation to the expression of the gentleman. The legal construction of his statement would be that the executor was guardian forever.

Mr. ABBOTT. Does not the latter portion of that section provide for all that?

Mr. SANDS. I tell you non-professional gentleman that your interests are vastly more at stake in this matter than those of the lawyers, although I am an humble member of that much abused fraternity. Your interests are at stake instead of mine. For if this section is adopted, where I now have one case going to the court of appeals from the orphans' court, I should then have a dozen. But the people who are not lawyers, and who would be put into the hands of men not lawyers to decide law issues, would be the sole sufferers.

I make these remarks to show that we might go to gentlemen of high intelligence in the orphans' court, and ask them to decide questions of law, and then we should have to go into the court-house to have their decisions reviewed and corrected. It is a most dangerous thing, and one that will be fraught with evil consequences, to put men not lawyers to decide law issues.

The question recurred upon the motion of Mr. DAVIS, of Washington, to amend the amendment of Mr. THOMAS, by striking out the words "one thousand" and inserting the words "three thousand" as the limit of the jurisdiction of the orphans' court over the real estate of deceased parties.

Mr. SWOPE called the yeas and nays on this question, which were ordered.

The question was then taken, by yeas and nays, and resulted—yeas 28, nays 41—as follows:

Yeas—Messrs. Annan, Audoun, Brown, Carter, Cunningham, Davis, of Washington, Dellinger, Dennis, Ecker, Gale, Hatch, Hopper, Johnson, Keefer, Markey, Mayhugh, McComas, Nyman, Pugh, Robinette, Russell, Schlosser, Smith, of Dorchester, Sneary, Swope, Sykes, Todd, Wickard—28.

Nays—Messrs. Goldsborough, President; Abbott, Billingsley, Blackiston, Briscoe, Chambers, Cushing, Daniel, Dent, Duvall, Edelen, Farrow, Galloway, Greene, Hebb, Hoffman, Hollyday, Hopkins, Horsey, Kennard, King, Lansdale, Larsh, Mitchell, Miller, Morgan, Murray, Negley, Parker, Parran, Peter, Purnell, Ridgely, Sands, Schley,

Smith, of Carroll, Stirling, Thomas, Thruston, Wilmer, Wooden—41.

The amendment to the amendment was accordingly rejected.

Mr. CUSHING, when his name was called, said: I am willing to vote for the proposition allowing the orphans' court jurisdiction to the amount of one thousand dollars. But I am not willing to increase that amount, because it strikes me, though not a lawyer, that there will come up before the orphans' court questions concerning real estate that may be very embarrassing, and which in the end will lead to great litigation. I am willing to vote for one thousand dollars, to meet cases involving small estates. But where larger estates are involved, I think questions will arise which will govern the action of the other court. I therefore vote "no."

The question then recurred upon the amendment of Mr. THOMAS, to insert after the words "real estate of deceased persons" in the twenty-fifth section of the report, the words "not to exceed the value of one thousand dollars."

Upon this question Mr. WOODEN called for the yeas and nays, and they were ordered.

The question was then taken, by yeas and nays, and resulted—yeas 46, nays 26—as follows:

Yeas—Messrs. Goldsborough, President; Annan, Belt, Billingsley, Blackiston, Brooks, Brown, Chambers, Cunningham, Cushing, Daniel, Dellinger, Dent, Duvall, Ecker, Edelen, Farrow, Galloway, Greene, Hebb, Henkle, Hoffman, Hollyday, Hopkins, Hopper, Horsey, Kennard, Lansdale, Larsh, McComas, Mitchell, Morgan, Negley, Parran, Purnell, Robinette, Russell, Sands, Schley, Smith, of Carroll, Sneary, Swope, Sykes, Thomas, Wilmer, Wooden—46.

Nays—Messrs. Abbott, Audoun, Briscoe, Carter, Davis, of Washington, Dennis, Gale, Hatch, Johnson, Keefer, King, Markey, Miller, Murray, Nyman, Parker, Peter, Pugh, Ridgely, Schlosser, Smith, of Dorchester, Stirling, Thruston, Todd, Turner, Wickard—26.

The amendment was accordingly adopted. Pending the call of the yeas and nays, the following explanations were made by members, when their names were called:

Mr. ABBOTT. Believing that the people are fully competent to select such men as they choose to transact their business, and being opposed to putting any limit upon them in that respect, I vote "no."

Mr. CHAMBERS. I do not think this orphans' court is the jurisdiction by which this real estate should be administered. I think it is altogether foreign to its character and mode of doing business. But I shall vote "aye" upon this proposition, upon the principle that the less mischief done the better.

Mr. PUGH. I shall vote against this proposition for reasons I have already stated. If