

changes therein as the legislature may prescribe; and in addition to the jurisdiction now exercised by the said courts, they shall have and exercise in relation to the real estate of deceased persons, not to exceed the value of one thousand dollars, concurrent jurisdiction with the circuit courts sitting as courts of equity, and it shall be the duty of the legislature to make such modifications of existing laws as may be requisite to give full power and effect to this provision."

The pending question was upon a substitute for the section, submitted by Mr. RIDGELY, as follows:

"Sec. 25. The said orphans' courts shall have all the powers now vested by law in the orphans' courts of this State, subject to such changes as the general assembly may prescribe, and shall have such other jurisdiction as may from time to time be provided by law."

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

The question was then taken, by yeas and nays, and resulted—yeas 43, nays 28—as follows:

*Yeas*—Messrs. Goldsborough, President; Billingsley, Blackiston, Bond, Briscoe, Chambers, Cushing, Daniel, Dent, Duvall, Edelen, Farrow, Galloway, Greene, Hebb, Henkle, Hodson, Hoffman, Hollyday, Hopkins, Horsey, Kennard, King, Lausdale, Larsh, Lee, Mitchell, Miller, Morgan, Murray, Negley, Parker, Parran, Peter, Purnell, Ridgely, Smith, of Worcester, Stirling, Stockbridge, Thomas, Turner, Valliant, Wilmer—43.

*Yays*—Messrs. Abbott, Annan, Audoun, Brooks, Crawford, Cunningham, Davis, of Washington, Dellinger, Ecker, Hopper, Keefer, Markey, McComas, Mullikin, Nyman, Pugh, Russell, Sands, Schley, Schlosser, Smith, of Carroll, Smith, of Dorchester, Sneary, Swope, Sykes, Todd, Wickard, Wooden—28.

The substitute was accordingly adopted.

No further amendment was offered to this section.

Section twenty-six was then read as follows:

"Sec. 26. There shall be a register of wills in each county of the State, and in the city of Baltimore, to be elected by the legal and qualified voters of said counties and city respectively, who shall hold his office for six years from the time of his election, and until his successor is elected and qualified; he shall be re-eligible, and subject at all times to removal for wilful neglect of duty, or misdemeanor in office, in the same manner that clerks of courts are removable. In the event of any vacancy in the office of register of wills, said vacancy shall be filled by the judges of the orphans' court in which such vacancy occurs, until the next general election of delegates to the general assembly,

when a register shall be elected to serve for six years thereafter."

Mr. MILLER. There ought to be some provision here fixing the time of election.

Mr. STIRLING. There will be some difficulty in fixing the day of election. I do not think the registers of wills all go out at the same time. Our register of wills was elected last fall, and holds his office for six years. No election for register of wills will therefore be held in Baltimore for six years longer.

Mr. AUDOUN. I move to amend this section by inserting after the words "counties and city respectively," the words "on the Tuesday next after the first Monday in November, 1869."

Mr. TODD. There would appear to be some difficulty in adopting that amendment. The terms of some registers of wills expire before that time.

The PRESIDENT. The latter part of the section provides that the judges of the orphans' court shall be authorized to fill vacancies.

Mr. HEBB. There will be a general provision in the schedule that all these officers shall continue in office until their terms expire. This section provides that when a vacancy occurs it shall be filled by the judges of the orphans' court until the next election. I think the section is perfect as it is.

Mr. DANIEL. I do not think this amendment is necessary, as this matter is covered by the general provision.

Mr. STIRLING. If that amendment is adopted then the words "for delegates to the general assembly" ought to be stricken out near the close of the section, because there will be no election for members of the general assembly in any year which is parallel in point of enumeration to 1869. The elections for members to the general assembly will be held on even years. The section ought to be amended so as to read "the next general election for county officers." I make no objection to this amendment, but if adopted the change should be made I have suggested.

The question being taken upon the amendment of Mr. AUDOUN, it was rejected.

Mr. STIRLING. I now move to strike out the words "delegates to the general assembly," near the close of the section, and to insert the words "county officers." That will make this section conform to the action of the convention yesterday in regard to the orphans' court and clerks.

Mr. STOCKBRIDGE. I trust the gentleman will modify his amendment so as merely to strike out the words he has indicated, and insert none in their place.

Mr. STIRLING. That will not fix the day of election.

Mr. STOCKBRIDGE. It will be the next general election, whether for State or county officers.

Mr. STIRLING. I understand the conven-