

attend to them, which pertain to free negroes and mulattoes.

I vote for this proposition merely to extend the jurisdiction of the orphans' court; merely to suggest to the orphans' court that there is some propriety in giving the preference to their former masters, a propriety as suggested by the gentleman from Baltimore city in view of the relations which exist between these parties, and not for any purpose of enslaving the apprentice, not for the purpose of caring for the interests of the master, but because you cannot get rid of the fact that you throw upon the community a large number of these people who are helpless, both from youth and from age. I have heard no proposition from any quarter of this house to extend the liberality of the State to the benefit of this class of people. They are to be thrown upon their own resources, helpless and uneducated as they are, upon their own providence.

I vote for this proposition because it simply adopts one single principle and no more. The only question before the house is this, will you give a preference to the master over a stranger in apprenticing a free negro or mulatto? There is no other question in this matter. There must be apprenticeship. They must be bound out, unless the acts of assembly are repealed or modified, for this provision is the same as the law now is in that respect. There is a certain class of vagrants, and the orphans' court have an arbitrary power to bind them. There is another class over whom, with the consent of their parents, they exercise that power. There is another class that can take care of themselves whom the orphans' court have power to bind out under your code. Now I propose that in the exercise of their power they shall give the preference to their former masters.

Mr. SANDS If they are not vagrants they cannot be bound out.

Mr. RIDGELY. They must be vagrants under the existing law, having no domiciles. If all vagrants must be bound out, under the law, as they belong to that class they must be bound out. And the orphans' courts have power to exercise a discretion over the cases, and to be controlled by the circumstances in binding them out. Do the orphans' court bind out people twenty years of age? Do they bind out girls of seventeen or boys of nineteen years of age? The uniform rule is to bind them when they are young. They are taken when they are young—and it is not expected that their services will be of much value during that period of their life—in the expectation that as they progress in years they will be some sort of equivalent for the care of them in their earlier years.

These are the reasons I stand by my vote upon emancipation. As the gentleman from Baltimore city says, I stand or fall by it. I gave that vote deliberately, from a conviction of duty. I would not swerve from it to the

right or to the left. But I cannot be persuaded to believe that I am in the slightest degree derelict from that position in caring, to the best of my judgment, for these helpless creatures, large numbers of whom I know are improvident, and who may be thrown upon the world without means of support. If any member will suggest to the convention any means by which that object can be secured without such interposition, I should like to have them. For these reasons I shall vote for the proposition with a slight modification to put it beyond all doubt that the party to be bound out shall occupy precisely the same position that the free negroes and mulattoes now occupy, that there shall be no obligation to bind them out indiscriminately, but that in all the category of free negroes and mulattoes now known to the law, when bound out, the masters shall have the preference to others, if the court think proper. So far I will go, but no further.

Mr. PUGH. I ask simply the privilege of putting on the record two sections in the code which misled me, if I was misled, with regard to the law:

"151. Wherever any person shall die seized or possessed of any lands, tenements, or hereditaments lying within this State, and any of the persons entitled thereto or any part thereof, shall be under age, and without a guardian appointed by last will and testament, or by the orphans' court, the administrator of the decedent, as soon as administration shall be committed to him, and not before, shall take possession of such estate, and discharge and fulfil all the duties of *guardian* to such infant, and shall account with the court in like manner as guardians are required by law to account and subject to the like control and authority of the court in all respects whatever.

"152. No administrator shall be bound in any manner to discharge and fulfil the duties of guardian after the close of his administration or after the end of three years from the granting such administration, nor after a guardian shall be appointed by the orphans' court."

I submit that although he is not bound to act as guardian after the expiration of three years, nevertheless he can be. I also submit that I was about right in another view of the orphans' court. The gentleman from Baltimore county (Mr. Ridgely) is in favor of the jurisdiction of the orphans' court for the benefit of poor white people. I was in favor of it yesterday not only for benefitting poor white children, but poor white orphan children.

Mr. SCHLEY. I desire to make one or two statements of facts contained in the last census. Preliminary to that, however, I desire to say upon the proposition contained in this section, that I know of nothing which tends one particle to confuse my judgment of the practical operation of this section, if it be