

will therefore move, with the hope that some other plan for the establishment of a chancery jurisdiction, in the various counties may be adopted, to strike out the following words: "and the said judges in their respective districts, shall have, use and exercise all the powers, authorities and jurisdiction which the Chancellor of Maryland, as a judge in equity, now has, uses, and exercises, and the said judges shall also be judges of the orphans' courts of the several counties composing their respective districts, and shall have, hold and exercise all and every the powers, authorities and jurisdiction which the orphans' courts of this State now have, hold, and exercise, or which may hereafter be conferred by law."

Mr. BUCHANAN. That would require an additional officer.

Mr. BOWIE. Yes, sir; an orphans' court judge.

The question was then taken on the amendment of Mr. Bowie, and it was rejected.

The question then recurred on the adoption of the latter branch of the amendment as amended.

Mr. CRISFIELD. It will be recollected by the Convention, that in deference to a vote of the Convention had upon another proposition, I struck out of my amendment that branch of it which related to the orphans' courts. In obedience to the request of many gentlemen who favor giving this jurisdiction to these courts, I move to add to my amendment these words:

"And the said judges shall also be judges of the orphans' courts of the several counties composing their respective districts, and shall have, hold and exercise all and every the powers, authorities and jurisdiction which the orphans' courts of this State now have, hold and exercise, or which may hereafter be conferred by law."

Mr. BOWIE asked the yeas and nays on the adoption of the amendment, which were ordered.

Mr. THOMAS. I have not attended particularly to the language of this amendment, but it strikes me that in substance it is in conflict with what the Convention has already decided, and if so, it is not in order to offer it.

The PRESIDENT. The Convention having changed the section in so many particulars, it is in order for the gentleman to submit his amendment.

Mr. THOMAS. I thought it was distinctly understood between the gentleman from Somerset and myself, that when the motion was made to strike out that portion of the bill giving the county courts the jurisdiction now exercised by the orphans' courts, he would make his amendment conform to that decision of the Convention.

Mr. CRISFIELD. I have made this motion at the request of other gentlemen, but I am not committed to it myself in any way. Although the Convention has already determined that it shall not be inserted, I stood pledged to offer it, and having done so, I have nothing more to do with it.

Mr. JENIFER. I have been absent during the whole of the discussion on this subject. I believe that under the rule no remarks can be made without an amendment being offered.

The PRESIDENT. The rule prohibits any debate, except upon an amendment, and that by the mover of the amendment.

Mr. JENIFER. Is it in order for me to offer a substitute?

The PRESIDENT. It is not the substitute pending being in the second degree, it is not liable to amendment.

Mr. JENIFER. I desired to make some remarks upon the question.

The question was then taken on agreeing to the amendment of Mr. Crisfield, and was decided as follows:

*Affirmative*—Messrs. Lee, Chambers of Kent, Mitchell, Buchanan, Welch, Crisfield, Chambers of Cecil, McLane, Spencer, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Magraw, Brewer, Weber, and Fitzpatrick—18.

*Negative*—Messrs. Chapman, (President,) Morgan, Hopewell, Ricaud, Donaldson, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Merrick, Jenifer, Howard, Bell, Chandler, Ridgely, Lloyd, Sherwood of Talbot, John Dennis, Dashiell, Hodson, Eccleston, Phelps, McCullough, Miller, Bowie, Sprigg, McCubbin, Grason, George, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Nelson, Thawley, Gwinn, Brent of Baltimore city, Sherwood of Baltimore city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Waters, Anderson, Holliday, Slicer, Smith, Parker, Shower, and Brown—61.

So the amendment was rejected.

Mr. JENIFER moved the following as an amendment to the second branch of the amendment:

There shall be a Chancellor elected for each of the inferior judicial districts, whose term of office, qualifications and salary shall be the same as herein provided for the Judges of the inferior judicial districts, and who shall be elected in the same manner and removable for the same causes. The Chancellor shall have and exercise the equity jurisdiction now exercised by the County Courts sitting as courts of equity, in the several counties for which he shall have been elected. He shall hold his courts at such time and place as are now prescribed, or may hereafter be provided for by law. He shall have jurisdiction in all applications for the benefit of the insolvent laws within his district of this State, and the supervision and control of the trustees thereof.

The Chancellor elected for each of the inferior judicial districts shall be Judge of the Orphans' Court of each county in their respective districts, who shall have all the powers now vested in the Orphans' Courts of the several counties of this State, subject to such regulations as the Legislature may hereafter establish. It shall be the duty of the Chancellor, as Judge of the Orphans' Court, to attend at least six times in every year, and oftener when the busi-