

ness of the county may require it, to examine into and discharge the duties as Judge of the Orphans' Court for such county in his district as are now or hereafter may be provided by law. He shall examine into and revise the proceedings of the Register of Wills of each county, establish such rules and orders not inconsistent with the law as may tend to facilitate the business of the court. There shall be a Register of Wills for the Orphans' Court of each county in the State, who shall be elected by a plurality vote of the legal voters of the county, who shall discharge the duties now or which may hereafter be required by law, whose term of office, qualifications, manner of election, and removal shall be the same as those herein provided for the clerks to the courts of the said counties. He shall also discharge the duties of Register in Chancery in such manner as may be required by law. The Legislature shall provide a suitable annual salary in lieu of fees and perquisites as at present exist.

Mr. JENIFER said, in the proposition which he submitted the other day, which was intended as a substitute for the whole report of the judiciary committee, in the event it was not so amended as to meet the support of a majority of the convention, he had embraced the court of appeals, the common law courts, the court of equity, and the orphans' court. Mr. J. said he should not have offered any proposition for a judiciary system of himself, but by the advice and approbation of others he had proposed this. Not being learned in the law, never having practiced the law, he left it entirely to those who were conversant with the subject to devise such a system as was required. His object in proposing this amendment, not having had an opportunity to vote on any of the questions relating to the judiciary, or to express his opinions, it was his desire to show in some form the views he entertained upon the subject of the judiciary system, and to show how he would have voted had he been present.

It was also his intention, after the bill had been gone through with, should it not have been amended so as to meet the views of a majority of the Convention, to have moved as a substitute for the whole, the proposition he gave notice of on Monday last. The amendment he now offered was more especially intended to apply to the orphans' court, believing that a chancellor appointed for the inferior judicial districts, if separated from the common law courts, could discharge the duties of the orphans' court in that district, and also do all the chancery business of each county within it. He now moved the amendment to that effect. He believed that one judge appointed for a judicial district can discharge the duty of the chancery and orphans' courts to the satisfaction of the people. His decided opinion was that the orphans' courts meeting six times a year, as now provided for, or if you please, once a month, and holding court until the whole business shall have been transacted, would be a better system than the present one. The business would be done, more satisfactorily, and more uniformity of practice would prevail, which is at all

times desirable to those having business in the orphans' court, or indeed any other court.

This system, Mr. J. thought, would work well. The question with him was, how shall the orphans' courts and chancery courts be united?

It was therefore that he moved this amendment.

Mr. J. said it could not be expected that gentlemen appointed as they were now, annually, without compensation, should devote the time required for a proper discharge of their duties, to the neglect of their own private affairs; whereas, if you make it the duty of the Chancellor, as Judge of the Orphans' Court, to attend regularly, and hold his court as long as there is business before it—make it his duty to review the acts of the Register of Wills, and see that there is no delay in the discharge of the duties appertaining to the court, then you will have an efficient Orphans' Court, one in which the people will have confidence, and the decisions will be respected, and from which but few appeals will be taken. Instead of the fees, as now allowed to the Register, give him a stated annual salary, which will take away from him the desire or temptation to multiply or magnify the fees of office. Let those fees accruing, as should also be the case with those of the clerks of the courts, go into the state or county treasury, and let the fees of office be simplified so that "he who runs may read," and understand. Let them be reduced to the lowest possible amount. By the plan of appointing a judge for these judicial districts, separating his power entirely from the common law courts, and giving him exclusive power over the Orphans' Courts, and all cases of insolvencies, Mr. J. though he will have his hands full. The importance of the Orphans' Court had not been sufficiently considered. It should be borne in mind that, in every twenty or twenty-five years, all the property of the county, in some form or other, passes through the ordeal of the Orphans' Court, where large fees are paid, by way of commission, to executors, administrators, counsel, and others, which require the scrutinizing and patient investigation of the judge. The rights of widows and orphans, as also creditors, are subjected to his revision. The judge should, therefore, be a man of sound, discriminating mind, of great purity of character, and have a knowledge of the high trust confided to him.

Mr. J. said he deemed it one of the most important of your courts. He believed there had been more injustice done by, and more reform required in, the Orphans' Courts of the State than any other. These are the opinions he entertained upon this branch of the Report, but was prepared to vote for any system of reform which would remedy the present evils of the system.

Mr. J. said it was proper for him to add, before he took his seat, that his remarks had no reference whatever to the present or past Judges of the Orphans' Courts, many of whom he knew, and who had discharged faithfully and ably the duties, as far as in their power; but was the system to which he was opposed, which