

Mr. CHAMBERS. Let them all be printed.

Mr. BELT. It is a matter of special importance, and these amendments all go to the very root of the system; and I should prefer that they should be printed in bill form.

Mr. JONES, of Somerset. Before the vote is taken, in response to the desire of the gentleman from Howard (Mr. Sands,) that those who have reflected upon this question of the judiciary should give their views to the convention, there is one point upon which I desire to throw out a view suggested this morning, in order that gentlemen may give it such weight as they deem it worth; and it will operate against the amendment of the gentleman from Allegany. He says that under this system it will be impossible that the judge of the circuit should be the judge of the orphans' court.

The PRESIDENT. The motion to postpone is now pending. If debate is allowed upon the question itself, it may be interminable, one gentleman speaking and then another.

Mr. JONES, of Somerset. I hope the gentleman will withdraw the motion.

Mr. SMITH withdrew the motion.

The question recurred upon Mr. HERR's amendment.

Mr. JONES, of Somerset. I merely wish to address my remarks to one single point. I think there cannot be much difference of opinion with those who are well acquainted with the matter, that our past and present orphans' court system is very defective. When you come to consider that about once in a generation the entire personal property of the State passes through the administration of that court, and when you consider the innumerable questions which arise there about the distribution of that property, where infants are concerned most frequently, I think it will be seen that a different system ought to be adopted, and that there ought to be at least one, the chief judge, a lawyer, well acquainted and informed, and learned in his profession, as well as of the strictest integrity and business habits, to supervise the administration of this personal estate.

The PRESIDENT. That is not the question before the convention.

Mr. JONES, of Somerset. I suggest it in this view. It is an argument against the amendment of the gentleman from Allegany, because it does not provide for a judge for the orphans' court with legal qualifications.

The PRESIDENT. The gentleman has not made any proposition of that kind; only that one judge shall be established in each circuit.

Mr. STIRLING. It seems to me that this question is inevitably concerned in it. Gentlemen may vote against the proposition of the gentleman from Allegany on the ground that it renders the presiding of the circuit judge over the orphans' court impossible. Any proposition which provides one judge for a circuit, of course prevents any such

change in the orphans' court, as is proposed by the committee.

The PRESIDENT. He might propose for the equity judge to sit.

Mr. STIRLING. He could not do that. It is impossible.

The PRESIDENT. If the gentleman from Allegany, in proposing one judge for each circuit, also proposes an equity judge to take charge of equity business, he might preside over the orphans' court.

Mr. STIRLING. He does not do that.

The PRESIDENT. The chair does not know what the plan of the gentleman from Allegany contemplates.

Mr. HERR. It only contemplates these three amendments, to the 19th, 20th, and 21st sections.

Mr. JONES, of Somerset. I will not occupy the time of the convention; I am willing that the subject should go over on the motion of the gentleman from Carroll (Mr. Smith).

The PRESIDENT. The gentleman has withdrawn that proposition. The question is upon the amendment of the gentleman from Allegany (Mr. Hebb.)

Mr. JONES, of Somerset. I will say that the chairman of the committee, and many of its members, have been indefatigable in their endeavors to digest a system, and they have reported a system. If the convention upset it in detail, as has been commenced, we shall be very much at sea. I think it is well worthy of consideration whether it would not be better to recommit with all the amendments for the committee to reconstruct their report. If the convention go on and amend by detail, they render the whole system incongruous.

Mr. STIRLING. It strikes me that there are some things this convention must settle before we can emerge at all from the confusion in which we are placed. If these things are settled, the confusion can very easily be remedied. We have decided that the judiciary shall be elected. That guides us in some respects in casting our votes for the details of the system. There is another proposition which must be settled before any of us can vote understandingly; and that is the tenure.

There is no use in recommitting the report for the committee to consider and put into shape, if the committee does not know the sense of the convention upon the tenure.

The committee has reported an appointive system. The convention have substituted an elective system. If the committee report it back with the tenure unchanged, and we do not accept the tenure, we are at sea again.

Men may be willing to vote for a system with a certain tenure, and not be willing to vote for it with a different tenure.

Another thing to be settled is the orphans' court. All these systems depend more or less upon the construction of the orphans' court. I suppose nobody will vote for a system of