

few thousand dollars to adopt the best system. In that view of it, taking this as an alternative between this amendment and the report of the committee, I shall vote against the amendment offered by the gentleman from Allegany.

The amendment submitted by Mr. DENNIS was rejected.

The question recurred upon the amendment submitted by Mr. HEBB.

Mr. HEBB. I desire to state to those members who desire one judge for each county that it is impossible to carry that system. The largest number of circuits that can possibly be carried will be thirteen. If this is not adopted, an effort will be made to reduce the system to ten circuits.

Mr. BELT. I move to transfer Prince George's county from the third district to the first district, so that Prince George's, Charles and St. Mary's shall constitute one circuit as they now do. These three counties lying together in the peninsula have been associated in the judicial system from the first foundation of the State. There is not business enough in the two lower counties, St. Mary's and Charles, to constitute one circuit. I think that will be testified to by the members of those counties here. Prince George's can well be connected with them, although it is a matter of fact that there is perhaps twice as much business in Prince George's county as in both the others put together. I think it leads to unnecessary expense and an unnecessary multiplication of the circuits, besides disconnecting our people from those with whom we have been associated in this way, and breaking up professional and personal intercourse, which I am in favor of preserving as long as possible. Of course I have no objection to associating with the people of Montgomery, but we have been connected with the lower counties and are used to it, and I hope that the convention will have no objection to make the alteration.

The amendment was rejected.

The question recurred upon the amendment submitted by Mr. HEBB.

Mr. DANIEL. I confess that I have had and have now some difficulty in determining how to vote upon the proposition now before the convention. As a member of the judiciary committee I agreed to that report, believing it was the best. I would have preferred the one judge to have done all the orphans' court business as well as the other business of the counties. It was thought better, on agreement, to compromise in committee, to have him sit with two associate judges, so as not to destroy the present orphans' court system, and array opposition to it. For the reasons assigned by my colleague on yesterday, I prefer the report of the judiciary committee, and the main reason is, that it is greatly desired by this house, and

I believe will be determined, to confer additional equity jurisdiction upon the orphans' court of the State. That involves, I think, a great deal of strictly legal matter which has not been confided to the orphans' courts before, if estates real and personal are to be settled up in the orphans' court. It is a large power of chancery jurisdiction which has heretofore been confined to the circuit judge. If that is transferred I believe it will be proper to have a judge in that orphans' court. Seeing no other way to have a judge there except by the report of the committee, something like the one-judge system, I feel constrained to vote against all amendments that I may have an opportunity to vote for the report of the committee.

Mr. STIRLING. It seems to me that we are not coming to any definite conclusion. Gentlemen who like this better than something else will vote against it, and the proposition will be killed while a majority of the house is in favor of it. I suggest that the better means of reaching a definite result will be to take the question on the section reported by the committee, and I will move that the section reported by the committee be stricken out.

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

Mr. HEBB. I have no objection to withdraw the proposition and take the vote upon striking out the section altogether.

The PRESIDENT. That will bring confusion again.

Mr. HEBB. I can only withdraw it with that understanding.

The PRESIDENT. The chair cannot recognize any understanding. If the gentleman withdraws his proposition the chair will take no further notice of it. Does the gentleman withdraw his proposition?

Mr. HEBB. No, sir.

Mr. DENNIS demanded the yeas and nays, and they were ordered.

The question being taken, the result was—yeas 52, nays 24—as follows:

Yeas—Messrs. Goldsborough, President; Abbott, Audoun, Blackiston, Bond, Brooks, Carter, Chambers, Cunningham, Cushing, Davis, of Washington, Dellinger, Duvall, Ecker, Galloway, Greene, Hatch, Hebb, Henkle, Hoffman, Hopkins, Hopper, Johnson, Keefer, Kennard, King, Larsh, Markey, McComas, Miller, Murray, Negley, Nyman, Parker, Parran, Pugh, Purnell, Ridgely, Robinsonette, Russell, Sands, Schley, Smith, of Dorchester, Smith, of Worcester, Sneary, Sykes, Thomas, Thruston, Todd, Wickard, Wooden—52.

Nays—Messrs. Annan, Belt, Billingsley, Britche, Brown, Crawford, Daniel, Dennis, Dent, Edelin, Farrow, Gale, Hodson, Holiday, Horsey, Lansdale, Lee, Mitchell, Morgan, Peter, Schlosser, Smith, of Carroll, Swope, Turner—24.