

tion was put, That the following be inserted after the third clause? " Provided nevertheless, that all acts done by any executors or executrix, administrator or administratrixes, according to law, before any actual revocation of such letters testamentary or of administration, shall be valid and effectual; and provided, that the administrator or administrators, so to be appointed, shall thereby be authorised and empowered to prosecute any actions at law or in equity, commenced by such executor or administrator, and to obtain judgment in his, her or their own names, and likewise to defend any suit as aforesaid commenced against the said executor or administrator, and the revocation of the letters testamentary or administration as aforesaid, shall not be construed to affect any suit as aforesaid commenced against the executor or administrator, but the plaintiff or plaintiffs shall be allowed to prosecute the same unto judgment, nor shall the granting of such letters testamentary or of administration be construed to affect any suit brought by the executors or administrators, but the same shall be prosecuted unto judgment, unless the administrator, administratrix or administrators, shall come into court, and pray that the same be struck off or discontinued, and the administrator, administratrix or administrators, so to be appointed, shall have the benefit of all judgments obtained by such executor or administrator, and shall be bound by all judgments obtained against them." Determined in the negative.

The question was then put, That the following clause be stricken out? " And be it enacted, That the said several orphans courts may call upon any executor or administrator in whose hands there remains any property of any deceased person, which by the laws of this state devolves on, or becomes the property of, the free schools, colleges or other schools, or justices of the levy court of any county, to pay and deliver over such property to the register of wills of the said courts respectively; and the said registers shall, at least semi-annually, account for the same, and deliver over to the said schools, colleges and levy courts respectively entitled to receive the same, and the said registers shall be allowed a commission of — per centum on all such property by them severally received and accounted for as aforesaid." Resolved in the affirmative.

The question was then put, That the following be inserted in lieu of the clause stricken out? " And be it enacted, That the said several orphans courts be and they are hereby authorised and empowered to appoint a guardian or guardians to an infant, who may acquire real or personal property by gift or by purchase, in the same manner, with the same powers, and upon the same terms and conditions, that they may appoint a guardian or guardians to an infant acquiring any such property by descent or devise, or in right of distribution." Resolved in the affirmative.

The question was then put, That the following be inserted at the end of the bill, to wit: " And be it enacted, That it shall not be lawful for any register of wills within this state to issue a citation against any executor, administrator or guardian, unless directed by the orphans court of their county, or on the application of some person interested in having the account of such executor, administrator or guardian settled up." The yeas and nays being required, appeared as follow:

		A F F I R M A T I V E.							
Mes	O. Williams, Merriken,	Harryman,	M. Brown,	Mitchell,	Porter,	Forwood,	Davis,	Bayard,	9
		N E G A T I V E.							
Messieurs	W. H. Brown, Blakistone, Hopewell, W. Moffitt, Welch,	Grahame, Reynolds, C Dorsey, Green, Rogerson,	Seth, Stevens, King, Henry, T. Moffitt,	Hall, Callis, B Hodges, J. E. Spencer, Sudler,	Sturgis, Dashieil, Biggs, Streett, Holbrook,	Jump, T. Dorsey, Steuart, Bowles,	Tabbs, Gabby, Carroll, Darne,	Linthicum, Tomlinson, Greenwell, Briscoe.	37

So it was determined in the negative.

The question was then put, That the following clause be added to said bill? " And be it enacted, That hereafter no register of wills in the several counties of this state shall be entitled to receive any fee for entering the appearance of the state to any proceedings in any of the orphans courts of this state, unless when a citation issues, nor for entering the continuance of any proceedings in any of the said courts, except for the entering the same at the time at which the said continuance was granted." Resolved in the affirmative.

The question was then put, That the following be added to the said bill? viz. " And be it enacted, That they the said registers of wills respectively, are authorised and required to endorse any account under fifty dollars, which may to them appear to be stated and authenticated agreeably to law, without bringing the same before the orphans court for their consideration, for which they shall receive but eight cents." Determined in the negative.

The question was then put, That the following be added to the said bill? " And be it enacted, That the registers of wills for the several counties of this state respectively, shall be and they are hereby directed and required, from and after the passage of this act, to deposit and keep all the records, books and original papers, belonging to their said office, in the town or place where the county courts of said county are held, under the penalty of one thousand dollars." Determined in the negative.

The bill being read throughout, the question was put, Shall the said bill pass? Resolved in the affirmative.

Mr. Mitchell, from the committee, delivers to the speaker a bill, entitled, An act to lay out and open a straight road from Ferguson Smith's to Marley Mills, in Cæcil county; which was read the first and second time by especial order and passed.

The clerk of the senate delivers the resolution in favour of William Rose, and others, endorsed, " assented to." The bill to vacate a certain certificate therein mentioned, the supplement to an act, entitled, An act au-