

change in the law he comes here with his proposition and presents it to the Convention, I do not think it should be therefore referred to one of our committees. We are here for the purpose of establishing the fundamental and organic law of the State; and if we are to prescribe the powers of the legislative, judicial, and executive branches of the government, go into all the details of those powers, I doubt whether we shall be through our work before the end of the year. I have no disposition to be captious when any gentleman offers a proposition for a mere inquiry, but I want this question settled; for if gentlemen are to be allowed to come here day after day and ask committees to consider the expediency of adopting propositions which properly belong to the Legislature, I think we shall be unnecessarily cumbering our journal. As to the question of expense I shall not speak of that, for it is not proper to talk about that now. I only wish now to show my friend from Prince George's that he is wrong about this. I know very well that the Legislature has this power, and has exercised it, and my friend the chairman of the Judiciary Committee, (Mr. Chambers) will testify that the Legislative department has always exercised that power. It would be a very strange circumstance if it were not to exercise the power to regulate the jurisdiction of the court. I do not say this to consume the time, but merely to say that we establish a very bad precedent if we cumber the committees with such orders as this. While as a member of a committee I would not seek to avoid the labor merely, I think we ought not to impose upon the committees the consideration of too many subjects at a time.

Mr. CHAMBERS. I will merely say to my friend that I am not the chairman of any committee.

Mr. BERRY of Prince George's. I still insist that I am right, and that the Orphans' Court has no such power as that which it is contemplated by the order of the gentleman from Frederick (Mr. Markey) shall be given to them. I think my friend from Calvert (Mr. Briscoe) read this article of the Constitution with very little effect in making the allegations he made as to the powers of the Orphans' Court. I will read it now and give my construction of it:

"They shall have all the powers now vested in the Orphans' Courts of this State."

What were the powers vested in the Orphans' Courts of this State at the time of the adoption of the Constitution?

They had the general supervision of the estates of deceased parties, and the general supervision of the estates of minors. These were the principal duties confided to the Orphans' Court when this Constitution was adopted. It proceeds:

—"subject to such changes therein as the Legislature may prescribe."

Does this give them an additional jurisdiction? The Constitution provides that the jurisdiction that they have may be changed by the Legislature, but it does not allow the Legislature to extend their jurisdiction. The provision of the Constitution will not admit of the construction placed upon it by the gentleman from Calvert (Mr. Briscoe.) They have no such power under the law. They have no such power under the Constitution. The object of the order of the gentleman from Frederick is to extend their powers, so that when an executor shall die vested with power under a will to sell real estate, it may not be necessary to make application to Courts of Equity in order to carry out the view of the intestate.

Mr. SANDS. I still entirely agree with my friend from Prince George's (Mr. Berry) in his view of the law.

The order was agreed to.

#### IMMIGRATION OF FREE NEGROES AND MULATTOS.

Mr. CLARKE. Before the order is read which I propose to offer, I desire to say with reference to the remarks of the gentleman from Calvert (Mr. Briscoe) that the subject embraced in this order may be considered by some a matter of legislative power. It may embrace, to a certain extent, matter which has been heretofore a subject of legislative action. But, as I understand, it is perfectly competent for a sovereign convention to say whether they will regulate the matter by organic law or leave it in the power of the Legislature to regulate it hereafter. The present Constitution embraces matters which are sometimes left to mere legislation, as with reference to usury, a subject which might have been left to the legislative department but which it was thought proper to fix in the Constitution. So in respect to the creation of a public debt, &c. This proposition embraces a matter which has been heretofore a matter of State legislation, but which I desire shall be submitted to the consideration of the proper committee to be incorporated in the organic law.

With reference to the propriety of offering such propositions, I will say that many of us are members of one or two committees, and have no opportunity of knowing what is going on in other committees at all; and although the committees are very competent to take charge of the subjects committed to them for investigation, yet it may so happen that a gentleman may have a proposition which he wishes passed upon by some other committee; and I think it not improper that he should offer such a proposition and refer it to the appropriate committee, which will give him an opportunity of having his views passed upon. I offer the following order:

*Ordered*, That the Committee on the Legislative Department be instructed to inquire into the expediency of inserting the following articles in the Constitution: