Affirmative—Messrs. Lee, Chambers, of Kent, Mitchell, Wells, Dalrymple, Bond, Welch, John Dennis, James U. Dennis, Crisfield, Dashiell, McLane, Spencer, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, McHenry, Carter, Kilgour, Brewer, Anderson and Smith—25.

Negative—Messrs. Chapman, President, Morgan, Blakistone, Dent, Hopewell, Ricaud, Donaldson, Dorsey, Sellman, Brent, of Charles, Howard, Buchanan, Lloyd, Dickinson, Williams, Hicks, Hodson, Goldsborough, Eccleston, Chambers, of Cecil, Miller, Grason, Gaither, Biser, Annan, Sappington, Nelson, Thawley, Gwinn, Stewart, of Baltimore city, Sherwood, of Baltimore city, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Waters, Weber, Holliday, Slicer, Parke, Shower, Cockey and Brown—46.

So the Convention refused to grant the consent for a motion to reconsider.

Mr. SCHLEY remarked that he had been the first to call the attention of the Convention to this subject, as would appear by reference to page 93 of the journal. That in the early part of the session he had been favorable to it, but upon reflection, he had come to the conclusion that nothing could be inserted in the constitution so well calculated to embarrass and retard the business of the people and of the courts. Under the language of this proposition, if a bill in equity was filed in Allegany county court, and the testimony of a witness resident in another county (for instance, Worcester) was wanted, he would be compelled, by the process of the court, to travel from Worcester to Allegany, that his testimony might be delivered orally to the judge who would hear the cause. Under the existing system the testimony of a witness, resident in any part of the State or of the United States was taken under a commission, and when the judge went to any county in his judicial district to hear equity causes, they were heard upon bill answer and testimony thus taken. But under this proposed system, the witnesses would be required to be in attendance upon the court, and the result would inevitably be great and expensive delay, enhanced vastly by the fact that this Convention had assigned but one judge to two or more counties. Two reasons had been given for the change. First, that it would lessen the expense of equity proceedings. Second, that the oral examination would give the judge the opportunity of seeing the *manner* of the witness, which was said some times to possess more weight than the matter disclosed by him. The first reason had no force, as the expense would be increased, because the witness would receive not only a per diem, but itinerant charge. These charges would be greater or less, as the necessity of his attendance upon the court from day to day was imperious or otherwise. At present the expense of a commission rarely exceeded four dollars, and the witness was subjected to no inconvenience by being compelled to be absent from his home and business. While, on the other hand, the business of the equity courts was facilitated by the judge being able to read the entire testimony in a tithe of the time that would be consumed by oral examination. As his duties would be enlarged, economy of time was of the first importance, that his judicial functions might be promptly discharged. The second reason also failed, because in the case of an appeal the testimony must be read in writing by the appellate court, and in that court the *manner* of the witnesses was entirely lost, as all would be alike upon paper. The time allowed for discussion was so brief (five minutes) that he could not do more than offer these suggestions to the mind of the Convention. He hoped the Convention would reconsider their vote of yesterday, to defeat the proposition entirely, or if they would not do that, he asked that they would amend it so as to require that the oral examination should be confined to witnesses resident in the county where the cause was heard. If that amendment was made, it would mitigate the objections to the plan.

Mr. BUCHANAN moved to postpone the motion indefinitely, and then he proceeded to discuss the imoolicy of holding afternoon sessions, when he was interrupted by

Mr. GWINN, who raised this question of order: that the policy of holding afternoon sessions was not before the Convention—the question being the motion to reconsider.

The PRESIDENT ruled the motion to postpone indefinitely to be in order. The Chair, however, thought the gentleman (Mr. Buchanan) should confine his remarks to that question.

Mr. BUCHANAN hoped the gentleman from Baltimore city would be required to reduce his point of order to writing.

Mr. GWINN then sent to the Secretary's desk the following, which was read:

"That the motion to postpone is not in order, as being against the true meaning of the rule established by this Convention."

Mr. SPENCER. The Chair has already decided the point of order, and there was no appeal.

Mr. GWINN. The Chair decided that it was doubtful.

Mr. SPENCER. No, sir; the Chair decided that it was in order.

Mr. BRENT, of Baltimore city. I call both gentlemen to order.

The PRESIDENT again decided the motion to be in order.

Mr. GWINN then appealed from the decision of the Chair.

The question was then propounded—

"Shall the decision of the Chair stand as the judgment of the Convention?"

The yeas and nays were then demanded, but not ordered.

And the question being taken, it was determined in the affirmative.

The PRESIDENT. The Chair suggests that a rule should be formed on the subject, there being none, as the Chair has been directed and guided entirely by the *lexparliamentaria*. If the Convention will adopt a rule, the Chair will take pleasure in enforcing it.

Mr. BRENT, of Baltimore city, said he had voted for the proposition of the gentleman from