

Assembly shall pass all laws that may be necessary to carry this section into effect.

EDWARD W. BELT,
Chairman of the Committee.

Which was read the first time.

On motion of Mr. Stirling,

It was ordered to be entered on the Journal, that Mr. Cushing is detained from his seat in the Convention on account of sickness.

The Convention then resumed the consideration of the Report of the Committee on the Judiciary Department.

The question being on the amendment submitted by Mr. Daniel, to wit :

Insert as an additional section, the following:

“Sec. 10. The testimony in Equity cases shall be taken in like manner as in cases at law ;”

Decided in the negative.

Mr. Thruston submitted the following amendment :

Sec. 9. Strike out all after the word “the,” in the first line, and insert :

“General Assembly shall provide for the trial of causes in case of the disqualification of all the Judges of the Circuit to hear and determine the same, but in case of such disqualification, the parties thereto may by consent appoint a person to try the same ; and the parties to any cause may submit the same to the Court for determination without the aid of a Jury ;”

Decided in the affirmative.

Mr. Stirling submitted the following amendment :

Strike out from the word “party,” in the 8th line, to the word “cannot,” in the 9th line ;”

Decided in the affirmative.

Mr. Belt submitted the following amendment :

Sec. 10. Insert after the word “pending,” in line ten, as follows : “And sufficient proof to entitle the applicant to such removal shall be the affidavit of the party to the effect that he cannot have a fair and impartial trial of the said issue, petition, presentment or indictment, and also that the said