case, if he chooses, notwithstanding the old adage that "the lawyer who tries his own case has a fool for a client."

The PRESIDENT. There is no use in putting this in here; you cannot deprive a man of that right, for he has it at common law.

The question was upon the motion of Mr. MULLIKIN to reconsider the vote by which the eleventh section was stricken out.

Mr. ABBOTT called for the yeas and nays upon this question, and they were ordered.

The question was then taken, by yeas and nays, and resulted—yeas 44, nays 26—as follows:

Yeas—Messrs. Abbott, Annan, Billingsley, Blackiston, Brown, Cunningham, Cushing, Davis, of Charles, Davis, of Washington, Dennis, Dent, Ecker, Hebb, Hodson, Hopkins, Horsey, Jones, of Cecil, Keefer, Kennard, King, Lansdale, Mace, Marbury, Markey, Mayhugh, McComas, Morgan, Mullikin, Negley, Nyman, Parran, Robinette, Russell, Sands, Schlosser, Smith of Carroll, Smith, of Dorchester, Swope, Sykes, Thomas, Todd, Turner, Wickard, Wooden—44.

Nays—Messrs. Goldsborough, President; Audoun, Barron, Brooks, Carter, Chambers, Clarke, Crawford, Daniel, Earle, Edelen, Galloway, Hatch, Hopper, Jones, of Somerset, Lee, Mitchell, Murray, Parker, Peter, Pugh, Purnell, Schley, Smith, of Worcester, Stirling, Stockbridge—26.

The motion to reconsider was accordingly agreed to.

The question was stated to be upon agreeing to the section, as amended, which was read as follows:

"Every person shall be permitted to practice law in all the courts of this State, in his own case."

Mr. MULLIKIN moved the following as a substitute for the section:

"Every person, being a voter, shall be admitted to practice law in all the courts of this State, in his own case."

Mr. CLARKE. It might be considered that, being an attorney, the vote in favor of striking out this section was one in which I was interested, as being one who, to a certain extent, probably might be benefited thereby, by the exclusion of parties from acting in their own cases. But a very limited experience on this subject has convinced me that not only is the profession not interested in having this left out, but I think the public would be benefited, individually, by not having this right extended to them. I understand that at common law any party who is sued in court has the right to come in and have his personal appearance entered. I once brought suit against a person, and he undertook to conduct his own case. We had a rich scene there, I can assure gentlemen, such as I never saw before. During the pendency of the trial almost a fight took place in the courthouse. The party seemed to be entirely ignorant of every form connected with his case. He filed a plea covering from ten to twenty pages, and going into everything except the real merits of the case. There was a demurrer to that, and he filed another plea; to that there was a demurrer, to which he again filed a plea. And finally he had to get a lawyer to take part in the case, while it was before the court. Of course the lawyer who came into the case then, had no knowledge of it. The result of that case was that costs accumulated to such an extent that the party was really damnified. The case went up to the court of appeals, and we agreed to leave out a great many issues, it was so complicated and involved. If this provision had never been in the constitution, I think a great deal now on the records of the courts would never have got there.

Mr. MULLIKIN. I only want that in a plain case, involving a hundred dollars for instance, a man shall not be compelled to employ a lawyer, but shall be allowed to try his own case.

Mr. PARRAN. I move to insert the words "in this State," after the words "being a voter."

Mr. JONES, of Somerset. I move to strike out the words "being a voter," so as to leave the matter where the common law leaves it. For fear that legal gentlemen here might be under the implication of striking out what may be considered by some, who do not know what the common law is, their constitutional right, it would be as well to incorporate the broad provisions of the common law. It can do no harm; it is but an affirmance of the common law; and having been put in the present constitution, if it is stricken out of this the ignorant might suppose the lawyers struck it out for their own benefit. It takes very little experience to convince a man to the contrary. A man never tries that thing but once. He may go up and confess judgment, that is done every day. But as to a man's trying his own case, I never knew an instance of a man doing that the second time. I knew a case once of a shrewd man, who tried his own case, examined his own witnesses, etc. His case was just as plain a case as possible, and if he had employed some one who understood the matter to ask the proper questions he would have been cleared. There happened to be two cases against him. In the first one which he undertook to manage himself, he failed to make out his case, and the judge decided against him. He then asked me how it was he had lost that case, and I told him. He then asked me if I could get the case opened again, I told him it was doubtful. He told me he would give me ten dollars if I would try. I went to see the judge, who said the case was closed. Then said the man to me—"I will get you to try the next case any way." Now if a man trusts himself to draw up a declaration on a note for one hundred