

AFFIRMATIVE.

Messrs. Coad	Winder	Bravard
Constable	Long	Spence
Jones	Tall	Hearn
Welch of Kent	Phelps	Thawley
Ridgely	Willson	Giles
Estep	Sprigg	Mason
Dalrymple	Tuck	Newcomer
Stevens	Maccubbin	Gaither
Matthews	Bowie	England
Bruce	Welch of Ann.	Newman
Cottman	Temples	Hook—33.

NEGATIVE.

Messrs. Owens	Heckart	Graves
Hammond	McPherson	Byer
Poultney	Quynn	Keppler
Welch of Balt.	Biser	Waters
Risteau	Simmons	Dade
Stansbury	Firor	Berry
Holmes	Sutton	Price
Martin	Hope	Crabbs
Colston	Polk	Parke
Humphreys	Sangston	Bramwell
Foard	Le Grand	Mr. Speaker—34.
Cameron		

So the house refused to reconsider the said bill.

The clerk of the senate delivered the following message :

By the Senate, March 5th, 1840.

Gentlemen of the House of Delegates :

We herewith return to your honorable body, the bill entitled, "an act to give to the Chancellor and county courts as courts of equity, jurisdiction in cases of divorce," which has been rejected by your honorable body. The subject intended to be conferred upon the courts of equity in the State, is one which now occupies a great portion of the time and attention of the General Assembly; which could be more profitably employed in matters more interesting to the public and State at large—and from the mode in which the statements of these private grievances are presented to our consideration, being based frequently and indeed in almost every instance upon ex parte testimony, and without notice to the adverse party, great injustice must often be the consequence. In many cases the persons whose testimony is introduced and relied upon are unknown to the General Assembly, and their testimony not subjected to the scrutiny of a public or the severe test of a cross examination, and it may be that the legislature has been and will continue to be deceived and imposed upon by the fruitful fancies of interested or what may be worse, corrupt witnesses.

The Senate are of opinion that the rights of the parties and the forms and sanctions of society, would be better protected and sub-