

in the constitution. Under the laws of Maryland, any man in the State can practice medicine and charge for it. But would any man not a physician, among those members of this convention who favor the adoption of this section, attempt to treat a bad case of disease, or to give a diagnosis of it? While I have seen a man try his own cases in the courts, I have never in my life seen a man, not a physician, employed by his neighbors to treat diseases. Now any man in the community is as capable of forming a diagnosis of the most obscure case known to medicine, as he is, uninformed and unpracticed in the law, to go to your court-house and try a legal case before the court and jury.

I shall vote, therefore, against retaining this provision in the constitution, because I think to do so would be doing our citizens an injustice. Not that I think that keeping this section out would benefit my profession at all; for I believe it would be a greater benefit to the profession to permit every man to practice.

The question was upon the motion of Mr. JONES, of Somerset, to strike out the words "being a voter."

Upon this question, Mr. JONES, of Somerset, called for the yeas and nays, and they were ordered.

The question being then taken, by yeas and nays, it resulted—yeas 14, nays 58—as follows:

Yeas—Messrs. Chambers, Crawford, Daniel, Dennis, Edelen, Hatch, Horsey, Jones, of Somerset, Lansdale, McComas, Mitchell, Murray, Schley, Stockbridge—14.

Nays—Messrs. Goldsborough, President; Abbott, Annan, Andoun, Barron, Berry, of Prince George's, Billingsley, Blackiston, Brooks, Brown, Carter, Clarke, Cunningham, Davis, of Charles, Davis, of Washington, Dent, Duvall, Earle, Ecker, Gale, Galloway, Hebb, Hodson, Hopkins, Hopper, Jones, of Cecil, Keefer, Kennard, King, Lee, Mace, Marbury, Markey, Mayhugh, Morgan, Mullikin, Negley, Nyman, Parker, Parran, Peter, Pugh, Purnell, Robinette, Russell, Sands, Schlosser, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Stirling, Swope, Sykes, Thomas, Thruston, Todd, Turner, Wickard, Wooden—58.

The amendment was accordingly rejected.

Mr. DANIEL, when his name was called, said: I shall vote for this, for I can see no reason why a man twenty-one years old should be allowed to defend his own case, and not a man who is twenty years and eleven months old.

Mr. THRUSTON, when his name was called, said: Inasmuch as this amendment if adopted would permit citizens of other States to practice law in this State in their own cases, I must vote against it.

Mr. CHAMBERS submitted the following amendment:

Strike out the words "admitted to practice law," and insert the words "permitted to appear and try his own case," and strike out the words, in the last line, "in his own case."

Mr. CHAMBERS said: I have made a business of the practice of the law in my State from the year 1805 up to the 18th of August, 1864; and I think it is entitled to some respect at the hands of this convention when I say that a man who knows nothing of the law cannot be admitted to practice it. You may pass an ordinance or a constitutional provision, but you cannot enable a man who is fool enough to go into court to try his own case, not being a lawyer, to practice law. It would be a libel upon the profession, were we to assert such a thing.

The amendment was agreed to—yeas 44, nays 14.

The question was stated upon the motion to strike out the section.

Mr. CHAMBERS. I rise to excuse myself from voting to accomplish an object I have no desire to accomplish. By common law every man has a right to appear and try his own case. Gentlemen seem to think that they are conferring a privilege upon a particular class of persons. That is altogether a mistake. This is restricting a right which they already have. I vote against it because it restricts the right of the voter coming into the State, and having all the qualifications except residence. A man coming here from Massachusetts, although he may be a lawyer, cannot be admitted to try his own case unless he comes to the bar and qualifies. But another man alongside of him, with no pretensions of law, because he is a voter can try his own case. I do not see the necessity of restricting the privilege. Any man has a right to spend his own time and money foolishly; to employ his time, talents, money, reputation, as he pleases, provided he does not injure his neighbor by it. Why then restrain him? The inference would be from inserting such a clause, that this class of persons is to be prohibited. I do not want them prohibited. I think it is an invidious distinction between persons who stand in this respect in the same category. When a man has just come into the State or into the county, I do not see why he should not be as much as any other man in the State, permitted to try his own case. I shall vote against the insertion of such a clause.

Mr. NEPLEY: What will be the effect of striking out the entire section?

The PRESIDENT. The gentleman from Talbot moved to reconsider the vote by which this section was stricken out. After that vote had been reconsidered, the gentleman from Talbot moved a proposition which the house has been perfecting. After they have perfected it, the convention must go back to the motion to strike out.