

fathers, opposed to that kind of legislation. In regard to this amendment, I notice that in the latter clause there is a slight departure from the phraseology of the article as it came from the committee; the words "on persons or property" are omitted in this amendment.

Mr. STIRLING. I would state that the amendment of the gentleman from Harford (Mr. Galloway) differs from the original article reported by the committee in but two particulars; the word "abolished" is replaced by the word "prohibited," and the words "on persons or property" are omitted in the last clause. In respect to the last clause the omission of those words brings the article back to the condition in which it was in the declaration of rights of 1776. In the convention of 1850, the committee on the declaration of rights reported this article without the clause pronouncing the levying of taxes by the poll, as grievous and oppressive, in place of which they inserted in the last clause the words "on persons or property." The Convention restored to the article the clause relating to the levying of taxes by the poll, and also left in the words "on persons or property" which had been inserted by the committee. This amendment strikes out those words, thus leaving the article to stand precisely as it did in the Constitution of 1776, with the exception of substituting the word "prohibited" for the word "abolished" in the first clause.

Mr. SCOTT. Is it competent to move to amend the Journal, or to withdraw my amendment?

The PRESIDENT. The withdrawal of the gentleman's amendment would involve also, the withdrawal of the other amendment and leave the article as reported by the committee. The Convention, however, can grant the gentleman permission to withdraw his amendment, if they think proper to do so.

The question was then taken upon agreeing to the amendment as amended.

The PRESIDENT announced that the amendment as amended was not agreed to.

Mr. STIRLING called for a vote by a division of the House.

The PRESIDENT. It is too late to call for a division upon the question after the result of the vote has been announced by the Chair.

Mr. STIRLING. Then I must appeal from the decision of the Chair, for I am satisfied that the announcement was incorrect.

The PRESIDENT. The gentleman must see that the only way in which the Chair can determine how the vote has resulted, is by the impression produced by the voices of those voting. It might well happen that some gentleman on the floor should receive a different impression from the Chair.

Mr. STIRLING. The Chair announced the result of the vote so soon that no member had an opportunity to call for a division. Unless

that opportunity is afforded to members, the result of all votes will depend upon the impression which the Chair may have upon the subject, whether correct or not.

Mr. JONES, of Somerset. I merely desire to say that I believe the usual way in which the Chair announces the impression produced by the sound, is that "the ayes appear to have it"—then after a pause, if no member of the House asks a division, the announcement is made—"the ayes have it," and *vice versa*.

Mr. BERRY, of Baltimore county. I move that the vote last taken be reconsidered.

The motion to reconsider was agreed to.

The question then recurred upon agreeing to the amendment as amended.

Upon this question Mr. SANDS called for the yeas and nays, which were ordered, and being taken, resulted, yeas 50 nays 29; as follows:

Yeas—Messrs. Abbott, Annan, Audoun, Baker, Barron, Berry of Baltimore county, Berry of Prince George's, Billingsley, Blackiston, Briscoe, Brooks, Brown, Chambers, Crawford, Cunningham, Dellinger, Duvall, Ecker, Edelin, Farrow Galloway, Harwood, Hoffman, Hopkins, Horsey, Keefer, Kennard, King, Lash, Marbury, Markey, McComas, Mitchell, Morgan, Murray, Negler, Nyman, Parran, Purnell, Russell, Sands, Schley, Smith of Carroll, Stirling, Sykes, Thomas, Thruston, Todd, Wilmer, Wooden—50.

Nays—Messrs. Goldsborough, President; Belt, Bond, Carter, Clarke, Daniel, Davis of Charles, Davis of Washington, Earle, Greene, Hebb, Henkle, Hodson, Hopper, Johnson, Jones of Cecil, Jones of Somerset, Lansdale, Lee, Miller, Mullikin, Parker, Pugh, Robbinette, Scott, Smith of Dorchester, Sneary, Valliant, Wickard—29.

Pending the call of the yeas and nays,

Mr. VALLIANT, when his name was called, said: It has become absolutely necessary that I should explain my vote. When the vote was taken upon the adoption of the amendment of the gentleman from Harford (Mr. Galloway) to the amendment of the gentleman from Cecil, (Mr. Scott,) I at first voted "no," and then, under a misapprehension, I changed my vote to "aye," in favor of his amendment. I now vote "no."

The amendment, as amended, was accordingly adopted.

Mr. BARRON moved that when this Convention adjourns to-day, it be to meet on Tuesday next.

Mr. DANIEL moved to adjourn to Monday next.

The question being taken on the motion of Mr. Barron, it was rejected.

The motion of Mr. Daniel was then agreed to.

And the Convention accordingly adjourned until Monday next, at 11 A. M.