

swerable to the defendant for all the damage sustained by him in the premises.

Sec. 13. In the trial of all actions hereafter in the courts of this State, in which matters of account in bar or set off, are plead as now authorised by law, or which hereafter may be allowed by law, the jury shall find, according to the merits of the case, either for the plaintiff or the defendant as the same may be.

Sec. 14. The courts of this State, shall not have the power hereafter, to grant a new trial in any action of tort on the ground of excessive damage."

Mr. Stewart of Balt. city, submitted the following order :

Ordered, That the President of the Convention be authorised to pay upon the order of the committee on Printing, such sum as the said committee shall find it necessary to disburse for the printing of the Convention.

Which was read.

Mr. Stephenson, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Ricaud, Pres't, pro tem., Morgan, Lee, Chambers, of Kent, Mitchell, Wells, Kent, Weems, Dalrymple, Sollers, Howard, Buchanan, Ridgely, John Dennis, Crisfield, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Sprigg, Spencer, George, Wright, McMaster, Gaither, Annan, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Davis, Anderson, Weber, Hollyday and Smith—38.

NEGATIVE—Messrs. Sellman, Bell, Welch, Sherwood, of Talbot, Colston, Miller, Fooks, Shriver, Biser, Sappington, Stephenson, Nelson, Stewart, of Caroline, Hardcastle, Schley, Fiery, John Newcomer, Harbine, Slicer, Fitzpatrick, Parke and Brown—22.

So the order was adopted.

On motion of Mr. Shriver,

The Convention took up for consideration the report submitted by Mr. Sollers on yesterday, on the subject of the requisition of the Governor of Pennsylvania upon the Governor of this State, for the delivery of James S. Mitchell;

The said resolutions were then read the second time and adopted.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Bowie, chairman of the committee on the Judiciary ;

Mr. Stephenson, moved to amend the 5th section of said report, by striking out from the word "who" in the 10th line to the word "or," in the 11th line, and inserting in lieu thereof, the following:

"And immediately after the judges of the court of appeals shall have convened after their first election under this constitution, the