

The thirty-second section of the report was read, and no amendment having been offered thereto, was adopted, as follows :

*Sec. 36th.* No person who may hereafter be a collector, receiver or holder of public moneys, shall have a seat in either House of the General Assembly or be eligible to any office of profit or trust under this State, until he shall have accounted for and paid into the Treasury all sums for which he may be liable.

The thirty-seventh section of the report was read, as follows :

*Sec. 37th.* All laws and parts of laws not inconsistent with this Constitution, shall continue in force according to their respective provisions, subject, nevertheless, to be altered, amended or repealed by the General Assembly.

Mr. CHAMBERS, of Kent, suggested the propriety of striking out the last part of the section.

Mr. DORSEY objected to the motion.

Mr. THOMAS suggested that the whole section be stricken out.

Some conversation followed between Messrs. CHAMBERS, of Kent, THOMAS and DORSEY, when

Mr. PRESTMAN, following the suggestion of Mr. THOMAS, moved to strike out the section.

Mr. CHAMBERS, of Kent, accepted the motion as a modification of his own proposition.

Mr. DORSEY insisted on the propriety of retaining the section, but moved to amend it by adding at the end thereof the following proviso :

" Provided such amendment, alteration or repeal be not inconsistent with the fundamental principles of natural justice and right, or the provisions of the constitution of the United States, or of the State of Maryland."

The amendment of Mr. DORSEY was rejected.

And the motion of Mr. PRESTMAN was agreed to.

So the section was stricken out.

Mr. PHELPS then moved to amend said report by inserting as the thirty-seventh section, the following :

*Sec. 37th.* Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either in or out of the State, or who shall act as second, or knowingly aid or assist in any manner those offending, shall be deprived of holding any office of trust or profit under this State."

Mr. PHELPS asked the yeas and nays, which were ordered, and being taken, resulted as follows :

*Affirmative.*—Messrs. Chapman, Pres't, Dent, Lee, Chambers, of Kent, Donaldson, Randall, Kent, Bell, Ridgely, James U. Dennis, Crisfield, Dashiell, Phelps, McMaster, Hearn, Fooks, Shriver, Gaither, Biser, Stephenson, Thawley, Hardcastle, Sherwood, of Baltimore city, Ware, Fieery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Weber and Slicer—32.

*Negative.*—Messrs. Blakistone, Hopewell, Ricaud, Mitchell, Dorsey, Wells, Weems, Bond, Merrick, Buchanan, Welch, Lloyd, Colston, Con-

stable, Chambers, of Cecil, Bowie, Grason, Wright, Thomas, Sappington, McHenry, Gwinn, Brent, of Baltimore city, Prestman, Kilgour and Hollyday—29.

So the amendment was agreed to.

Mr. PHELPS moved further to amend said report, by inserting as the thirty-eighth section thereof the following :

" *Sec. 38th.* No lottery grant shall ever hereafter be authorized by the Legislature of this State."

The amendment was adopted.

Mr. PHELPS moved further to amend said report by inserting as the thirty-ninth section of said report, the following :

" *Sec. 39th.* All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired by gift, devise, or descent, shall be her separate property, and laws shall be passed by the Legislature, more clearly defining the rights of the wife in relation to her separate property."

This amendment, as originally offered, was modified on the suggestion of

Mr. HARBINE, who thought that the words "or claimed," should be stricken out.

Mr. PHELPS accepted the modification.

The question was taken and the article was adopted.

Mr. DORSEY moved a reconsideration of the vote adopting the said last amendment.

The motion to reconsider was briefly spoken to by Messrs. CHAMBERS, of Kent, PRESTMAN, DONALDSON, MITCHELL, RANDALL and PHELPS, when

The question was taken and the motion to reconsider was agreed to.

Mr. CRISFIELD moved to strike out the whole of the said section and insert the following :

" The General Assembly shall pass laws necessary to protect the property of the wife from the debts of the husband during her life, and for securing the same to her issue after her death."

Mr. PHELPS modified his original proposition in accordance with the suggestion of Mr. CRISFIELD.

And the amendment of Mr. PHELPS, as thus modified, was agreed to.

Mr. GWINN now renewed the proposition heretofore offered, but withdrawn by him, in the following words :

" The Mayor and city Council of Baltimore shall have the exclusive right to open and close all streets, lanes and alleys within the limits of the said city ; but nothing in this section shall be construed to prevent the Legislature from passing any general law directing the process which shall be had in such cases, or from prescribing a general rule of compensation to the parties who may be injured thereby."

Mr. GWINN explained the object and effect of the amendment.

Mr. BELL moved to amend said amendment by adding at the end thereof the following proviso :

" Provided, that all persons in the city petitioning for opening or closing such streets, lanes or alleys, shall pay all the expenses that may accrue for the same."