

Magraw, Brent of Baltimore city, Davis, Kilgour, Brewer, Waters, Anderson, Smith, Cockey, and Brown—45.

So the amendment was rejected.

The question then recurred and was put.

Will the Convention accept the substitute as offered by Mr. Bowie, and amended on the motion of Mr. Chrisfield, for the 2d and 3d sections of the report?

Determined in the affirmative.

The said amendment was then adopted as the 2d article of the report.

Mr. KILGOUR moved that the Convention do now adjourn; which motion was not agreed to.

The Convention then proceeded to the consideration of the 4th section of the report, which was read as follows:

Sec. 4. The court of appeals shall appoint its own clerk, who shall hold his office for six years, and may be appointed at the end thereof; he shall be subject to removal by the said court for incompetency, neglect of duty, misdemeanor in office, and such other cause as may be prescribed by law.

Mr. BRENT, of Baltimore city, offered as a substitute for said section, the following:

"There shall be a clerk of the court of appeals elected at the same time with the judges of the court of appeals, by a plurality vote of the qualified electors of the State, who shall hold his office for a term of ten years, and receive a salary to be fixed by law."

Mr. MICHAEL NEWCOMER asked the yeas and nays on the adoption of the substitute.

Mr. SPENCER said that he did not like to make any delay, but there were a great many gentlemen in the Convention this morning who were not here now. He would, therefore, move that there be a call of the House.

Mr. BRENT, of Baltimore city, moved that the Convention do now adjourn.

Mr. BUCHANAN hoped the motion would not prevail, and for the reason that it was very likely certain gentlemen who brought them into this meeting would be absent to-morrow morning. They had better hold on to them while they had them.

The motion to adjourn was then negatived.

The question was then taken on the motion that there be a call of the house, and it was agreed to.

The Clerk was proceeding with the call, when

Mr. JOHN NEWCOMER moved to dispense with all further proceedings under the call.

Mr. SPENCER asked the yeas and nays on the motion. He said that he was willing to sit here to-day until the very last hour to vote upon the subjects before the Convention. He was willing to sit now, but he was not willing that he should be forced to do so while other gentlemen would not attend.

Mr. BROWN hoped the gentleman would withdraw his motion to dispense with all further proceedings.

Mr. NEWCOMER declined to withdraw his motion.

Mr. BRENT desired to know if a motion to adjourn was debatable?

The PRESIDENT replied in the negative.

Mr. THAWLEY moved that the Convention do now adjourn.

Mr. MICHAEL NEWCOMER demanded the yeas and nays on the motion, which were ordered, and being taken, were as follows:

*Affirmative*—Messrs. Hopewell, Donaldson, Dorsey, Randall, Sellman, James U. Dennis, Williams, Miller, Sprigg, McCubbin, George, Wright, McMaster, Fooks, Jacobs, Thawley, Brewer, Waters, Fitzpatrick and Smith—20.

*Negative*—Messrs. Chapman, President, Blackstone, Dent, Ricaud, Lee, Wells, Brent, of Charles, Jenifer, Buchanan, Lloyd, Dickinson, Crisfield, Dashiell, Hicks, Goldsborough, Eccleston, Bowie, Tuck, Spencer, Dirickson, Thomas, Gaither, Biser, Sappington, McHenry, Magraw, Nelson, Gwinn, Stewart, of Baltimore city, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Anderson, Weber, Slicer, Parke, Shower, Cockey and Brown—43.

So the Convention refused to adjourn.

The question then recurred on the motion to suspend all further proceedings, when

The Convention refused to order the yeas and nays.

The motion was then agreed to.

Mr. THAWLEY moved that the Convention adjourn.

Mr. SPENCER demanded the yeas and nays, which were ordered, and being taken, were as follows:

*Affirmative*—Messrs. Dent, Hopewell, Donaldson, Dorsey, Randall, Sellman, Dickinson, Williams, Miller, Sprigg, McCubbin, Spencer, George, McMaster, Jacobs, Thawley, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Ware, Brewer, Waters, Fitzpatrick and Smith—24.

*Negative*—Messrs. Chapman, President, Blackstone, Ricaud, Lee, Mitchell, Wells, Jenifer, Howard, Buchanan, Lloyd, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Bowie, Tuck, Dirickson, Thomas, Johnson, Gaither, Biser, Annan, Sappington, McHenry, Magraw, Gwinn, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Slicer, Parke, Cockey and Brown—40.

So the Convention refused to adjourn.

The question then recurred on the adoption of the substitute as offered by Mr. Brent, of Baltimore city, for the 4th section of the report.

Mr. CRISFIELD moved to amend said substitute by striking out the words "and to receive a salary to be fixed by law."

Mr. JOHNSON wished to move an amendment to the proposition.

The PRESIDENT ruled that no amendment was now in order.

Mr. CRISFIELD. I will simply say that the clerk of the Court of Appeals is already paid by fees. It is reasonable and proper that those persons who avail themselves of the services of the clerk, should, as in all other cases, pay the expenses of that officer. I think it would be a bad principle to introduce fixed salaries for this officer. What is to become of the fees? If