

Mr. CONSTABLE demanded the previous question, remarking that he would go for the Constitution without engrossment and without the signature of the President.

Mr. CHAMBERS, of Kent, demanded the yeas and nays on the motion for the previous question;

Which were ordered,

And being taken,

Resulted as follows:

*Affirmative*—Messrs. Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Sherwood of Talbot, Colston, Constable, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Jacobs, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Carter, Thawley, Stewart of Caroline, Gwinn, Stewart of Baltimore city, Brent of Baltimore city, Sherwood of Baltimore city, Ware, Schley, Harbine, Michael Newcomer, Weber, Hollyday, Fitzpatrick Parke and Shower—41.

*Negative*—Messrs. Chapman, Pres't., Morgan, Lee, Chambers of Kent, Sellman, Weems, Donaldson, Wells, Randall, Jenifer, John Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Bowie, Tuck, Sprigg, Dirickson, McMaster, Fooks and Waters—24.

So the previous question was sustained.

Mr. CHAMBERS, of Kent, asked a division of the question on the orders, so that the vote should be taken on each separately.

Mr. BOWIE understood that this brought the Convention to a vote, whether the Constitution, as it now stood, should be signed by the President and deposited by the committee in the Court of Appeals. He desired to know what became of the amendment with regard to the judges.—Was that a part of the Constitution?

SEVERAL MEMBERS. Certainly.

Mr. CHAMBERS, of Kent. It has not been engrossed.

Mr. BOWIE. It is understood that it will go without being engrossed.

Mr. HOWARD. Not at all.

Mr. CONSTABLE. We can regard it as engrossed.

Mr. CHAMBERS. There is no authority to engross it.

Mr. BOWIE. I cannot vote for the order. I think the article ought to be referred to the committee to be engrossed at once. Does it exclude the article adopted in relation to the contested elections of judges?

The PRESIDENT. The chair thinks not.

Mr. BOWIE. I think it does—though I do not wish it to be excluded.

The question was then stated to be on agreeing to the first order.

Mr. CHAMBERS, of Kent, demanded the yeas and nays,

Which were ordered,

And being taken,

Were as follows:

*Affirmative*—Messrs. Sellman, Howard, Buchanan, Welch, Chandler, Ridgely, Lloyd, Sherwood of Talbot, Colston, Constable, McCullough, Miller, McLane, Tuck George, Wright, Gaith-

er, Annan, Sappington, Stephenson, McHenry, Magraw, Carter, Stewart of Caroline, Gwinn, Stewart of Baltimore city, Sherwood of Baltimore city, Ware, Harbine, Michael Newcomer, Anderson, Weber, Hollyday, Fitzpatrick, and Shower—35.

*Negative*—Messrs. Chapman, Pres't, Morgan, Lee, Chambers of Kent, Donaldson, Wells, Randall, Weems, Bell, John Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Bowie, Sprigg, Spencer, Dirickson, McMaster, Hearn, Fooks, Jacobs, Shriver, Biser, Brent of Baltimore city, Schley, Brewer, Walters and Parke—31.

So the first order was adopted.

The question then recurred on the adoption of the second order.

Mr. STEWART, of Carolinae, moved that the Convention adjourn until half-past eight o'clock to-morrow morning.

The PRESIDENT stated there was an order operating, that when the Convention should adjourn to-day, it should adjourn without a day. The gentleman from Carolinae had moved that when the Convention adjourn, it should adjourn to meet to-morrow morning at eight o'clock. It would seem that there was a conflict between the two motions; but the Chair thought that every parliamentary body should have its own hour of adjournment and period of adjournment within its rule. The chair, therefore, decided that the motion made by the gentleman from Carolinae took precedence of the order.

Mr. STEWART, of Carolinae, said:

That when this Convention should adjourn, there would be no President, and had the President the power to sign the Constitution after the Convention had adjourned, when there would be no President?

The PRESIDENT replied, that that was a question for the House to decide, and not the chair.

Mr. HOWARD rose to a point of order, stating that he was going to appeal from the decision of the chair for the first time this session. He was of the opinion that the resolution to adjourn *sine die* was under the operation of the previous question, and being so, it was not susceptible of amendment, nor could any other motion be substituted for it. Therefore the motion of the gentleman from Carolinae was not in order.

The PRESIDENT stated that the appeal was not debatable, as it was under the operation of the previous question.

The question was then stated to be on the appeal of Mr. HOWARD from the decision of the chair.

And the question being put, "shall the decision of the Chair stand as the judgment of the Convention," it was decided in the affirmative.

So the decision of the Chair was sustained, and the motion of Mr. STEWART ruled to be in order.

The question then recurred on the motion of Mr. STEWART, of Carolinae, that the Convention adjourn until to-morrow morning at 8 o'clock.

Mr. BRENT, of Baltimore city, demanded the yeas and nays which being ordered, appeared as follows: