

(Mr. Clarke) has been adopted. I understood from the explanation that the adoption of this proposition of the gentleman from Allegany (Mr. Hobb) would not affect the right of the legislature to sell, which the house had determined upon. The last vote was upon a prohibition of the power to sell. The proposition to prohibit the legislature from selling, received three votes. The theory of a sale seems therefore to be determined upon; at all events that the legislature should have the power. I want to understand distinctly whether this is an addition to the power to sell, or is it only to have effect after having sold the public stock, upon the balance after paying the public debt, whatever it may be, that it is to be applied in the mode which is prescribed. Is this amendment to supersede the whole section?

Mr. CLARKE. The amendment is to strike out the whole section and put that in.

The PRESIDENT. That is a substitute for the section. There is a notice by Mr. THOMAS of an amendment on page 341 of the journal. It does not clearly appear whether that was a substitute for the legislative article or for the majority report of the committee.

Mr. AUDOUN. It was the intention of my colleague to offer it as an amendment to the article in the legislative report as it stood.

The PRESIDENT. Then it does not come within the previous question. The question will now be taken upon the substitute moved by the gentleman from Allegany (Mr. Hobb.)

The question being taken, the result was—yeas 21, nays 46—as follows:

Yeas—Messrs. Annan, Baker, Cunningham, Daniel, Duvall, Ecker, Farrow, Greene, Hebb, Hopkins, Hopper, Keefer, Morgan, Pugh, Purnell, Robinette, Smith, of Carroll, Smith, of Worcester, Stockbridge, Wickard, Wooden—21.

Nays—Messrs. Abbott, Audoun, Belt, Blackiston, Bond, Brown, Carter, Chambers, Clarke, Davis, of Washington, Dellinger, Earle, Gale, Galloway, Harwood, Hatch, Hoffman, Hollyday, Horsey, Johnson, Jones, of Cecil, Kennard, King, Lansdale, Larsh, Lee, Mace, Marbury, Mayhugh, McComas, Miller, Murray, Negley, Nymman, Parker, Parran, Ridgely, Russell, Schley, S. Scott, Sneary, Stirling, Todd, Turner, Valliant, Wilmer—46.

The PRESIDENT was excused at his request from voting, being personally interested.

So the amendment was rejected.

The question recurred upon the adoption of the report of the majority of the committee as amended.

Mr. DANIEL demanded the yeas and nays, and they were ordered.

The question being taken the result was—yeas 39, nays 28—as follows:

Yeas—Messrs. Abbott, Annan, Audoun, Belt, Blackiston, Brown, Chambers, Clarke, Davis, of Washington, Duvall, Gale, Gallo-

way, Harwood, Hatch, Hoffman, Hollyday, Hopkins, Horsey, Johnson, Jones, of Cecil, Kennard, King, Lansdale, Larsh, Lee, Mace, Marbury, Mayhugh, McComas, Miller, Negley, Parker, Parran, Ridgely, Russell, Schley, Turner, Valliant, Wilmer—39.

Nays—Messrs. Baker, Bond, Carter, Cunningham, Daniel, Dellinger, Earle, Ecker, Greene, Hebb, Hopper, Keefer, Morgan, Murray, Nymman, Pugh, Purnell, Scott, Smith, of Carroll, Smith, of Worcester, Sneary, Stirling, Stockbridge, Todd, Wickard, Wooden—28.

As their names were called,

The PRESIDENT was excused, as before from voting.

Mr. ECKER asked to be excused; and the request being denied, voted "no."

Mr. STIRLING said: As the amendment I offered, and which was adopted the other day has been defeated, I vote "no."

The report of the committee was accordingly adopted as the thirty-ninth section of the legislative article.

Mr. HEBB submitted the following amendment:

"Provided further, that before any transfer shall be made of the interest of the State in the said Chesapeake and Ohio canal, the Chesapeake and Ohio canal company shall in proper form secure to the holders of scrip and other creditors of said company, the payment of said scrip and debts.

Mr. CHAMBERS. Is it in order to amend, after the section has been adopted under the previous question?

The PRESIDENT. It stands now as a section of the report. The gentleman from Allegany (Mr. Hebb) moves to add to that section. The section cannot be changed except by reconsideration; but it is in order to amend by adding to it.

Mr. CHAMBERS. Adding to it is to make it a different section.

Mr. CLARKE. As I understand the rule, the previous question brought us directly to a vote upon the pending amendments and the section. As I understand the object of calling the previous question is to cut off further amendments. We have adopted the section as it stands.

The PRESIDENT. But you have not passed over that section. It may be amended, but not by striking out any part of what the house has adopted.

Mr. CHAMBERS. This is so important that I must appeal, upon the ground that we have decided that that particular section shall consist of those particular words; and that it is a violation of that decision of the house to say that it shall include other words.

The PRESIDENT. The chair has decided the very reverse, that the house has decided to adopt those words, and that not one single solitary word of this section can be changed without reconsideration. What it contains