

cle of the report of the committee on the legislative department. It is headed so. They recommend the insertion of this as the 39th article, and the convention agreed to it.—They took a vote upon the two pending amendments, when the previous question was called, voted upon the report, and then voted upon the proposition—

The PRESIDENT. The gentleman is mistaken on that point. The proper distinction is that this was the report of the majority of the committee, which report received sundry amendments. Pending these amendments the previous question was called. What then constituted the main question? It was the adoption of the majority report of the special committee. The adoption of that report exhausted the previous question. The previous question being thus exhausted, by an adoption of the report of the majority of the special committee, the committee were discharged and the section recommended by them and adopted by the convention into the legislative report. When there, it stands like every other section, open to amendments; but in this case by additions only.

Suppose there had been a vote upon a section of the legislative article, by striking out and inserting another section *without a call for the previous question*. In that stage of the case it would be perfectly competent for the house to add thereto, even after the vote upon the section so inserted. The house could not change the section so inserted, but they could add to it matter embracing another idea not inconsistent with that contained in the section itself. The previous question has never been called upon the section as inserted in the legislative report, and it does not extend to or embrace it. A concurrence in the report of the majority of the special committee is the main question. That is the idea which the president wishes to enforce. Suppose there had been an unguarded vote, and a section of this legislative article did not embrace, in the judgment of the house, what they intended. How are you to reach it? By adding thereto what was omitted. It is perfectly competent to do so even after the vote is taken.

The main question only arose upon the report of the committee, and did not embrace more than a concurrence in the report of the majority of the special committee, with the pending amendments thereto. The report of the special committee being disposed of, the matter as reported by said committee is subject to the same rules that govern the original report from the standing committee on this department in the legislative report, and it becomes the 39th section of the legislative report. It stands therefore, like any other section, open to amendments. That is the judgment of the chair, from which the gentleman from Keut (Mr. Chambers) appeals.

Mr. CHAMBERS. The ground upon which I

stand is this: The section had been adopted under the influence of the previous question. The house decided that that question should be taken without debate. It was taken without debate. The house decided that that section should consist of certain words. Any alteration makes it a different thing. Any addition to it prevents it from being what the house have decided it shall be. Any amendment of it, any addition to it, any alteration in it, is in my opinion prohibited.—That is the ground upon which I take an appeal from the decision of the chair.

Mr. BLACKISTON asked and obtained leave of absence.

Mr. TODD asked and obtained leave of absence for Mr. Tatman, folder.

On motion of Mr. PUGH,

The convention took a recess.

EVENING SESSION.

The convention met at 8 o'clock, P. M.

The roll was called, and the following members answered to their names:

Messrs Goldsborough, President; Abbott, Annan, Audoun, Baker, Cunningham, Daniel, Davis, of Washington, Dellinger, Earle, Ecker, Farrow, Galloway, Greene, Hebb, Hollyday, Hopkins, Hopper, Keefer, King, Lansdale, Lee, Marbury, Markey, Mayhugh, Miller, Murray, Negley, Nyman, Parker, Parran, Pugh, Purnell, Ridgely, Robinette, Russell, Schley, Scott, Smith, of Carroll, Smith, of Worcester, Sneary, Stirling, Stockbridge, Todd—44.

There being no quorum,

The sergeant-at-arms was sent for absent members, and returned with Messrs. Clarke, Duvall, Harwood, Henkle and Peter.

The roll was called again, and forty-nine members responded.

Mr. DANIEL. There is a quorum present. The gentleman from Prince George's (Mr. Belt) is here.

Mr. BELT's name was called, and he responded.

INTERNAL IMPROVEMENTS.

The convention resumed the consideration of the thirty-ninth section of the legislative article, to which as amended, Mr. HEBB had 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."

The pending question was upon the appeal taken by Mr. CHAMBERS from the decision of the chair, that this amendment was in order.

On motion of Mr. ABBOTT,

The appeal was laid upon the table—ayes 32, noes not counted.