

The motion was accordingly rejected.

Mr. CHAMBERS moved to strike out all after the words "six per cent. per annum," and insert the following :

"And no higher rate shall be taken or demanded; provided, it shall be lawful for parties loaning money on bond, mortgage, judgment or other security, to contract for the payment of taxes and dues to the United States, the State or county, and all other public dues, by the borrower, so as to retain to the lender the clear amount of the legal interest."

Mr. THRUSTON asked for a division of the question.

Mr. RIDGELY. I hope the house will be able to reach some conclusion upon this question. The proposition now before the house brings us to the privilege of adopting the constitutional provision as it now exists. It is perfectly competent, as suggested by the gentleman from Allegany (Mr. Thruston) for the house to divide this question, and take a vote upon so much of the proposition as corresponds with the existing provision of the constitution. In doing so, we shall adopt what we now understand, because all the decisions and interpretations which have been made by the courts in relation to the existing provision of the constitution are perfectly intelligible to us, and is known as constitutional law. I hope therefore that the house will take the question upon this proposition in its divided form. I shall vote for the first part of the proposition which corresponds with the provision of the existing constitution; but I cannot vote for the second branch of it.

The question was stated to be upon adopting the first branch of the proposition submitted by Mr. CHAMBERS, being as follows :

Strike out all after the words "six per cent. per annum" and insert "and no higher rate of interest shall be taken or demanded."

Mr. THOMAS demanded the yeas and nays upon this question, and they were ordered.

The question was then taken, by yeas and nays, and resulted—yeas 59, nays 10—as follows :

*Yeas*—Messrs. Abbott, Audoun, Berry, of Prince George's, Blackiston, Bond, Briscoe, Carter, Chambers, Clarke, Crawford, Cunningham, Dellinger, Dennis, Dent, Duvall, Earle, Ecker, Edelen, Gale, Galloway, Hebb, Hollyday, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Keefer, Kennard, King, Lee, Mayhugh, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Nyman, Parran, Peter, Pugh, Purnell, Ridgely, Robinette, Russell, Sands, Schley, Schlosser, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Stirling, Swope, Sykes, Thomas, Thruston, Turner, Wickard, Wilmer, Wood—59.

*Nays*—Messrs. Billingsley, Cushing, Daniel,

Hatch, Hopper, Larsh, Negley, Parker, Sneary, Valliant—10.

The first branch of the amendment was accordingly adopted.

Mr. NEGLEY, when his name was called, said: I am in favor of fixing the rate of interest at six per cent. in cases where there is no contract. And I would be glad to vote for that. But as the question is now presented, it does not meet my approbation, because it forbids the making of a private contract. I therefore vote "no."

The question recurred upon the second branch of the amendment, as follows :

"Provided, it shall be lawful for parties loaning money on bond, mortgage, judgment or other security, to contract for the payment of taxes and dues to the United States, the State or county, and all other public dues, by the borrower, so as to retain to the lender the clear amount of the legal interest."

Upon this question Mr. WICKARD called for the yeas and nays, and they were ordered.

The question was then taken, by yeas and nays, and resulted—yeas 27, nays 43, as follows :

*Yeas*—Messrs. Berry, of Prince George's, Billingsley, Blackiston, Bond, Chambers, Clarke, Duvall, Earle, Edelen, Gale, Galloway, Hebb, Hollyday, Hopper, Jones, of Cecil, Kennard, King, McComas, Mitchell, Miller, Peter, Pugh, Sneary, Stirling, Thruston, Valliant, Wilmer—27.

*Nays*—Messrs. Abbott, Briscoe, Carter, Crawford, Cunningham, Cushing, Daniel, Dellinger, Dennis, Dent, Ecker, Hatch, Hopkins, Horsey, Johnson, Jones, of Somerset, Keefer, Larsh, Lee, Mayhugh, Morgan, Mullikin, Murray, Negley, Nyman, Parker, Parran, Purnell, Ridgely, Robinette, Russell, Sands, Schley, Schlosser, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Swope, Sykes, Thomas, Turner, Wickard, Wooden—43.

The second branch of the amendment was accordingly rejected.

The following explanations were made by members, as their names were called :

Mr. MILLER. I consider this proposition as merely allowing what the law of the State now permits to be done. But the question has arisen, and there is a doubt in the minds of some professional gentlemen in the State whether that provision of the code is constitutional or not. I think that question ought to be settled, and that the borrower ought to have the privilege of stipulating in his contract that he will pay the taxes. I vote "aye."

Mr. MULLIKIN. I wish to say that no selfish motives will control me in my vote upon this question. I have never been a money borrower; I do not know that I ever shall be. I have had the fortune to loan a little sometimes. And I think the man who has money to loan is better able to pay the taxes,