

Mr. MILLER. They decided it upon our State law; and considered also the question whether slavery did or did not exist in England, under the common law, which they did not decide. as the gentleman from Baltimore city (Mr. Thomas) yesterday would lead the convention to infer.

Mr. THOMAS. The general court decided it; but the Court of Appeals would not decide it. They dodged it.

Mr. MILLER. Judge Chase decided it below, and the Court of Appeals reviewed his decision, and reversed it, and decided simply upon the State law. If I have succeeded in placing myself right upon the record upon those two propositions, I have nothing more to say upon the question.

Mr. STIRLING. I now offer the amendment which I proposed during the gentleman's remarks.

Mr. JONES, of Somerset. I gave notice that I was writing an amendment before the gentleman from Anne Arundel (Mr. Miller) took the floor.

Mr. STIRLING's amendment was read by the clerk.

The CHAIRMAN (Mr. Hollyday.) No further amendments are now in order.

Mr. BARRON called the previous question.

Mr. JONES, of Somerset. I insist that I was entitled to the floor, before the gentleman from Anne Arundel (Mr. Miller.)

[The PRESIDENT resumed the chair.]

Mr. JONES continued: The gentleman from Montgomery (Mr. Duvall) offered an additional section. I arose and was recognized, and stated that I had an amendment to offer to that section. I was engaged in writing it when the gentleman from Anne Arundel began to speak. I submit that my amendment is first in order.

The PRESIDENT. When the gentleman from Somerset addressed the chair and informed the convention that he proposed an amendment, amendments were not then exhausted, there being only an amendment pending in the first degree. The gentleman from Somerset can offer his amendment now. The motion of the gentleman from Baltimore city (Mr. Stirling) was to strike out and insert; and that leaves the section proposed to be stricken out, open to amendment.

Mr. JONES, of Somerset, submitted the following amendment to the section:

Add the following: "Or taken away from their owners under authority of the President of the United States, whereby their services have been lost to their said owners."

Mr. BARRON called the previous question.

Mr. DAVIS, of Charles. Is that in order before the section has been sent to the chair to be read?

The PRESIDENT. It is not. The amendment is not in possession of the house until it is read by the clerk.

The CLERK read the amendment.

Mr. BARRON renewed the call for the previous question.

Mr. DENT. I rise to a question of order, whether it is in order for a gentleman to arise and keep the floor while an amendment is read by the clerk, so as to be in a position above all others to catch the eye of the President and call the previous question.

The PRESIDENT overruled the point of order.

Mr. MILLER demanded the yeas and nays upon sustaining the call for the previous question, and they were ordered.

The question being taken, the result was—yeas 43, nays 23—as follows:

Yeas—Messrs. Goldsborough, President; Abbott, Annan, Audoun, Barron, Carter, Cunningham, Cushing, Daniel, Davis, of Washington, Earle, Ecker, Farrow, Galloway, Hatch, Hebb, Hoffman, Hopkins, Hopper, Jones, of Cecil, Kennard, King, Markey, McComas, Mullikin, Murray, Negley, Nyman, Parker, Pugh, Purnell, Ridgely, Russell, Sands, Schley, Stirling, Stockbridge, Swope, Sykes, Thomas, Todd, Valliant, Wooden—43.

Nays—Messrs. Berry, of Prince George's, Blackiston, Bond, Brown, Chambers, Crawford, Dail, Davis, of Charles, Dent, Duvall, Edelen, Hollyday, Horsey, Jones, of Somerset, Lee, Marbury, Mitchell, Miller, Morgan, Parran, Peter, Smith, of Dorchester, Wilmer—23.

The call for the previous question was accordingly sustained.

The amendment offered by Mr. JONES, of Somerset, was rejected.

The question recurred upon the amendment moved by Mr. STIRLING, as follows:

Strike out all the proposed amendment after the first word, "The," and insert the following:

"General assembly shall have power to receive from the United States any grant or donation of land, money or securities for any purpose designated by the United States, and shall administer or distribute the same according to the conditions of the said grant."

The amendment was agreed to.

The question then recurred upon the adoption of the section as amended.

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

The question being taken, the result was—yeas 65, nays 1—as follows:

Yeas—Messrs. Goldsborough, President; Abbott, Annan, Audoun, Barron, Berry, of Prince George's, Blackiston, Bond, Brown, Carter, Chambers, Crawford, Cunningham, Cushing, Dail, Daniel, Davis, of Charles, Davis, of Washington, Dent, Duvall, Earle, Ecker, Edelen, Farrow, Galloway, Hebb, Hoffman, Holliday, Hopkins, Hopper, Horsey, Jones, of Cecil, Jones, of Somerset, Kennard, King, Lee, Marbury, Markey, McComas,