

"Provided that such cattle, sheep, hogs, &c., shall happen to be on the road by the default or neglect of the rail road company to enclose their road, and shall not be there by the neglect of the owner thereof."

Which was read.

On the question being put,

Will the House accept the said substitute?

It was determined in the negative.

The question then recurred on the adoption of the amendment submitted by Mr. Hammond;

And on being put,

It was determined in the negative.

Mr. Causin then moved to strike out the second section of said bill;

Before the question was put,

On motion of Mr. Tuck,

Said section was amended by adding thereto the following:

"Provided such injury or damage shall occur in the day time."

The question then recurred on the adoption of the motion to strike out the said section,

And on being put,

On motion of Mr. Presstman,

The yeas and nays were required and appeared as follows:

AFFIRMATIVE.

Messrs. Causin	Dashiell	Johnson
Hopewell	Stone	Graves
Sutton of K.	Eccleston	Presstman
Hammond	Nicols of Dor.	Darby
Crain	Traverse	Buskirk—17
Brent	Richardson	

NEGATIVE.

Messrs. R. M. Gale	Boggs	Johns
Sutton of St. M.	Knight	Hollman
Owens of A. A.	Forwood	Braddock
Dorsey	Owens of Cecil	Gott
Sellman	Tuck	Gittings
Duke	Maccubbin	Buchanan
Laveille	Carmichael	Shaw
Walker	Dennis	Davis
Poultney	Forman	Boyle
Lowe	Simmons	Stull
Handy	Geyer	Mr Speaker—33

So the House refused to strike out the said section.

Mr. Hammond then moved to amend said section by adding thereto the following:

"Provided always that said cattle, hogs, &c., shall be legally upon the line of such rail road."

On the question being put,