

On motion of Mr. Causin,

The yeas and nays were required and appeared as follows :

AFFIRMATIVE.

Messrs. Causin,	Dashiell	Graves
Hopewell	Stone	Presstman
Sutton of Kent	Eccelston	Darby
Hammond	Nichols of Dor.	Gittings
Crain	Traverse	Buskirk—16
Brent,		

NEGATIVE.

Messrs. R. M. Gale	Knight	Johns
Owens of A. A.	Forwood	Hollman
Dorsey	Owens of Cecil	Braddock
Sellman	Tuck	Gott
Duke	Maccubbin	Buchanan
Laveille	Dennis	Shaw
Walker	Powell	Davis
Poultney	Cathell	Boyle
Lowe	Forman	Stull
Boggs	Simmons	Mr. Speaker—32
Richardson	Geyer	

So the said amendment was rejected.

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

“Provided also that nothing in this act shall be construed to deny the rail road companies who may be sued under the provisions of this act the right to prove by any competent testimony, that the injury complained of was not the result of negligence on their part, of any of their agents, or persons in their employment, and if they establish the fact before the tribunal where they may be sued, in such case they shall not be liable for damages.”

Which was read.

On motion of Mr. Tuck,

Said amendment was amended by inserting therein after the word “testimony,” in the fifth line, the following:

“Other than such agents of the company or persons in their employ, as would be liable to reimburse the company for such damages as they might have to pay by reason of any such recovery against them.”

The question then recurred on the adoption of the said amendment as amended;

And on being put,

It was determined in the affirmative.

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

“And the act of 1838, ch. 244, is hereby repealed.”

Which was read.

On motion of Forwood,