

Mr. JENIFER enquired of the Chair, whether the effect of this motion would be to postpone all other special orders.

The PRESIDENT said there was only one special order.

Mr. DAVIS interposed, and said that more than one hour had already been spent, and he would move that the Convention proceed to the orders of the day.

Mr. NEILL moved that the consideration of the orders of the day be postponed, for the purpose of acting upon the question now pending before the Convention.

Mr. DAVIS asked the yeas and nays, which were ordered.

Some conversation followed on a point of order in which Messrs. THOMAS, SPENCER, MERRICK and the PRESIDENT took part.

The question was then taken on the motion of Mr. NEILL,

And the result was as follows :

*Affirmative.*—Messrs. Buchanan, Bell, Welch, Ridgely, Lloyd, Colston, Constable, Chambers, of Cecil, McCullough, Miller, Spencer, Grason, George, Thomas, Gaither, Biser, Annan, McHenry, Magraw, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Baltimore city, Sherwood, of Baltimore city, Presstman, Ware, Schley, Fiery, Neill, Harbine, Michael Newcomer, Weber, Hollyday, Slicer, Parke, Ege, Cockey and Brown—38.

*Negative*—Messrs. Chapman, Pres't, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Sollers, Merrick, Jenifer, James U. Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Bowie, Sprigg, McCubbin, Bowling, McMaster, Fooks, Sappington, Stephenson, Brent, of Baltimore city, John Newcomer, Davis, Kilgour and Smith—38.

A tie vote.

So the motion of Mr. NEILL was rejected.

And the Convention passed to the orders of the day.

#### THE LEGISLATIVE DEPARTMENT.

The Convention resumed the consideration of the report of the committee on the legislative department of the government,

The question pending before the Convention on yesterday, being on the motion of Mr. THOMAS to reconsider the vote of the Convention on the amendment submitted by Mr. DAVIS, and adopted by the Convention, inserting in the amendment offered by Mr. GEORGE, as the twenty-first section of the report, these words, "except for purposes of education," to come in after the word "corporations," in the twelfth line.

Mr. EGE was entitled to the floor.

He desired, he said, to call the particular attention of the Convention to the proposition which had yesterday been adopted on the motion of his friend from Montgomery, (Mr. Davis.) He, (Mr. E.), considered the amendment as inappropriate, and as not coming up to that high

principle which he, and as he believed, a majority of the people of Maryland, desired to see engrafted on the Constitution of the State. He alluded to the principle of education.

His design in now addressing the Convention was, to show that the amendment of the gentleman from Montgomery was out of place here, and that his object could be accomplished in a different and a better form.

It was out of place, because in point of law, or under the rule of common sense, the proposition of the gentleman from Queen Anne's, (Mr. George,) to which that of the gentleman from Montgomery was an amendment, did not forbid the application of moneys by the Legislature to the purposes of a general or common school system of education. It only forbid appropriations or grants to the use of individuals, associations, or corporations, an object which he earnestly desired to see accomplished. And unless the committee on education by their report, and the gentleman from Montgomery, (Mr. Davis,) by his amendment, desired that individuals, corporations, or associations, coming particularly under the head of academies and colleges, should be benefitted by this provision, he, (Mr. E.), could see no good reason for its adoption.

The committee on education should have reported a definite proposition for the action of the Convention, not smothering this great principle under the operation of previous laws, but adopting it as a fundamental provision of the organic law which should confer benefits and blessings upon generations yet to come.

Mr. SMITH, (chairman of the committee on education,) interposed, and desired to say a word in explanation.

Mr. EGE yielded the floor for that purpose.

Mr. SMITH desired to say, that the proposition now before the Convention, had nothing to do with the report of the committee on education. It was not at all connected with it, nor was the report of the committee now the subject-matter of discussion before the Convention. He thought that the gentleman ought not to involve the subject in any difficulty of this kind.

Mr. EGE resumed. Certainly, he said, he designed no reflection on the chairman of the committee on education, or on the committee itself. His main object was to show the connection of this great principle of common school education with the highest and best interests of the people, through the length and breadth of the State.

The amendment of the gentleman from Montgomery, (Mr. Davis,) as appended to the proposition of the gentleman from Queen Anne's, (Mr. George,) was in the following words :

"Nor shall the Legislature hereafter appropriate the public money, or pledge the public faith for the use of individuals, associations, or corporations, *except for purposes of education.*"

Under what rule? Under the rule which had been reported to the Convention by the committee on education—and which he should show operated unjustly and unequally, and did not confer the advantages which the framers of the law themselves intended to bestow.

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