report sumbmitted by Mr. DORSEY, as chairman of the committee on Declaration of Rights;

On motion of Mr. BOWIE,

The Convention reconsidered their vote on the 3rd article in the report;

Mr. BOWIE, then moved to amend the fourth article, by striking out in the third and fourth lines, these words: "at the time of their first emigration," and inserting in lieu thereof "fourth of July, 1776."

Mr. RANDALL was opposed to the amendment.

Chancellor Kilty had by authority of this State, published forty years ago, an elaborate and accurate report of about 300 pages on the English statutes in force in this State, under our present Constitution and laws; such as had been found applicable to our circumstances, and had been used and practised by our courts. This report, the Court of Appeals had declared to be *prima facie* evidence of what statutes were now in force in this State, in 5 H. P. J. 402. Under this state of things, rights of the most important and interesting character had been established by our courts, under the language of the present Constitution. He was apprehensive that if they changed the phraseology as proposed by the gentleman from Prince George's county, (Mr. Bowie,) this might exclude some of the English statutes now in force. Those statutes which intervene between the time of our first settlement in Maryland, and the fourth of July, 1776, and had been found applicable, and incorporated into our laws, and ever since so remained, but which had been repealed if there be any such by the British Parliament before fourth of July, 1776,—and hence the English statute may not exist as an English statue, on the fourth of July, 1776, yet it may on that day be the law of this State, from having been previously incorporated, and the repeal of it by Parliament, not applicable to this country. There is danger in changing so fundamental an article of the Constitution merely to accomplish an imaginary consistency. But he did not see any propriety in selecting the fourth of July, 1776, as the day on which all English statutes then existing, should become the law of this State. That is the birth-day of our political existence as a nation of States, but it is not an epoch connected with the conditions of the laws of this State, or of the English statutes in force within its limits. The truth is, no English statute enacted after the year 1771, is now in force in this State. The last statute declared by the authority before referred to, to be in force here, is the 11th of George 3d, chap. 20, which was passed that year. You do, therefore, by this change in fact extend the time five years, within which English statutes may be introduced as the law of this State, an effect the very reverse of which, was the object of this amendment. You may thus open new and difficult discussions on points now too clearly settled, to admit of doubt.

Mr. BOWIE stated that his object in bringing down these statutes to July 4th, 1776, was that all the statutes in existence from the date of the first emigration to the Declaration of Independence, might be considered in force, as far as they were held to be applicable to our local and other circumstances.

Mr. TUCK preferred, so far as his own opinion was concerned, that the clause should stand as adopted in the old Declaration of Rights. We thought that the argument on the amendment had been answered by the gentleman from Anne Arundel, (Mr. Randall,) and as the Court of Appeals had given a construction to many of those statutes, he thought it better to retain the old article. If the effect will be the same, why change the words?

Looking to the decisions that had been made on the subject, there was no argument of force to be drawn from the fact that we were now living in 1851, while our forefathers lived in 1776.

The question was then taken on the amendment of Mr. BOWIE, and it was agreed to.

On motion of Mr. BOWIE,

The said section was further amended by striking out in fifth and sixth lines, these words: and of such others as have been since made in England or Great Britain."

On motion of Mr. DASHIELL, it was

Ordered, That it be entered on the journal, that Mr. JAMES U. DENNIS, has been called home by the illness of a member of his family.

Mr. MAGRAW moved, that further proceedings under the call of the Convention, on the order submitted by Mr. HOWARD, be dispensed with.

The Convention then resumed the consideration of said order.

The question being on the motion of Mr. HEARN, to lay the order and amendment on the table,—

The yeas and nays previously ordered were taken, and appeared as follows:

Affirmative—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Lee, Chambers of Kent, Dorsey, Wells, Randall, Sellman, Dalrymple, Bond, Sollers, John Dennis, Williams, Hicks, Hodson, Goldsborough, Eccleston, Bowie, Sprigg, McCubbin, Dirickson, McMaster, Hearn, Fooks, Jacobs, Schley, Davis, Kilgour, and Waters—32.

Negative—Messrs. Ricaud, Donaldson, Weems, Brent of Charles, Jenifer, Howard, Buchanan, Bell, Welch, Ridgely, Lloyd, Sherwood, of Talbot, Colston, Dashiell, Phelps, Constable, McCullough, Miller, McLane, Tuck, Bowling Spencer, Grason, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Stewart of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Ware, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Smith, Parke, Ege, Shower, Cockey and Brown—60.

So the Convention refused to lay the order on the table.

The question then recurred on the adoption of the amendment offered by Mr. BISER to the order

Mr. HOWARD really hoped the gentleman from Frederick would not press his amendment, be-