The question being taken, the result was—yeas 44; nays 37—as follows:

Yeas—Messrs. Abbott, Annan, Baker, Barron, Carter, Cunningham, Cushing, Daniel, Davis of Washington, Dellinger, Ecker, Farrow, Galloway, Greene, Hebb, Hoffman, Hopkins, Hopper, Jones of Cecil, Keefer, Kennard, King, Larsh, Markey, McComas, Mullikin, Murray, Negley, Noble, Nyman, Pugh, Purnell, Robinette, Russell, Sands, Schley, Sneary, Stirling, Sykes, Thruston, Todd, Valliant, Wickard, Wooden—44.

Nays—Messrs. Goldsborough, Pres't; Audoun, Belt, Berry of Balto. county, Berry of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brooks, Brown, Chambers, Clarke, Crawford, Davis of Charles, Duvall, Earle, Edelen, Harwood, Henkle, Horsey, Johnson, Jones of Somerset, Landsdale, Lee, Marbury, Mitchell, Miller, Morgan, Parker, Parran, Peter, Scott, Smith of Carroll, Smith of Dorchester, Thomas, Wilmer—37.

So the amendment was adopted.

Mr. KENNARD, when his name was called, said: I have uniformly voted "No" upon every amendment that has been submitted to the consideration of the Convention to change this rule, but in consequence of the spirit which has been exhibited in the course of the discussion of the question this morning, my views have changed, and I now vote—Aye.

The vote having been announced,

Mr. CLARKE said: I raise the point of order that the amendment has not been adopted. I understand the Chair to have decided that the amendment was adopted; and in order to raise the question in form, I appeal from that decision of the Chair, in order to test the sense of the House upon that question.

Mr. CUSHING. I suggest that the gentleman cannot appeal now, after the decision of the question.

Mr. CLARKE. An appeal would not have been in order before. Any decision prior to the taking of the vote was premature. The appeal could only be properly taken after the decision of the Chair had been made; and I immediately after the Chair had decided that the amendment had been adopted by a majority consisting of 44 members, being less than 49, I appealed from that decision.

Mr. CUSHING. I raise the point of order, that the appeal is not now in order, because the specific question had already been raised by the gentleman from Baltimore county (Mr. Berry) and decided.

Mr. CLARKE. He raised the point out of order. He could not properly raise the point until the vote had been taken and the Chair announced its decision upon that vote. I could not have taken an appeal upon that decision of the Chair, to which the gentleman refers, because no vote had been taken upon which it could be predicated.

The CHAIRMAN (Mr. Purnell) overruled the point of order raised by Mr. Cushing, and requested Mr. Clarke to reduce his point of order to writing.

Mr. SANDS. I think the point of order is out of order, for the Convention having voted, it has decided the matter. The decision of the Chair was simply the announcement of this result of the vote After the vote had been taken—

The CHAIRMAN (Mr. Purnell) announced that the hour had arrived for taking up the order of the day, the Declaration of Rights.

On motion of Mr. HEBB,

The consideration of the order of the day was postponed until one o'clock.

Mr. CLARKE read his statement of the point of order, as follows:

"Mr. Clarke, of Prince George's, appealed from the decision of the Chair, declaring the amendment of the Standing Rules offered by the gentleman from Baltimore city adopted by a vote of 44 in the affirmative and 37 in the negative, upon the ground that the Rules of Order having been adopted by a majority of the members elected to this Convention, they can only be changed by a vote of the majority of the members elected to the Convention, and upon the ground that according to parliamentary practice, where it takes a majority of the members elected to any deliberative body to adopt a rule, it requires the same number to change or repeal."

Mr. CLARKE said: My explanation of the reasons for the appeal, states this fact, "the Rules of Order having been adopted by a majority of the members elected to this Convention." That was the fact, that they were adopted by a majority of the members elected to the Convention. That being the mode by which the Rules were adopted, I say they can only be changed by the same rule. Take the case of a bill before the Legislature. It is required to obtain a clear majority in both Houses. Is it argued for a moment that you can bring in that bill again at the next session or at the same session by less than a clear majority? Such a proposition was never asserted. The parliamentary practice is that the majority of members elected being the mode of adoption, the same mode of change or rejection must be pursued, until the Convention shall prescribe some other rule for such alteration of its Rules. I do not deny the power of the Convention to prescribe some other mode of changing the rules; but that must be done by a vote of a majority of the members elected to the Convention; and when thus adopted, that would become a Rule of the Convention

Mr. CUSHING. Upon what does the gentleman predicate his statement that the Rules were adopted by a vote of a majority of the members elected to the Convention?

Mr. STIRLING. Were not the Rules adopted unanimously? If so, under the gentleman's construction of parliamentary practice, would it not require unanimous consent to change them?