

it, merely because when the presiding officer put the question no one said anything.

Mr. DAVIS, of Charles. If I understand the argument of the gentleman from Cecil, (Mr. Pugh,) it is that, if five members answer "aye" and ten members "no," the President must decide that the motion is lost.

Mr. PUGH. Not at all; just the opposite—those who did not answer are to be presumed to have voted with the five.

The PRESIDENT. The gentleman from Cecil (Mr. Pugh) disclaims having voted at all.

Mr. PUGH. And by not voting at all, is supposed to have assented to the majority.

The PRESIDENT. I do not see how the Chair has any authority to presume how a member would have voted.

Mr. CUSHING. I have not stated how I voted, or whether I voted at all.

The PRESIDENT. Upon the inquiry being made by the President, it is incumbent upon the gentleman to state to the House if he voted in the majority. If he did, then he is entitled to move a reconsideration.

Mr. CUSHING. I would make an inquiry for information. If a member does not vote in the minority, how does he vote, whether he says anything or not? If he does not vote in the minority, how does his vote count?

The PRESIDENT. If the vote is five in the affirmative, and ten in the negative, the ten votes decide the question.

Mr. CUSHING. I stated in reply to the question of the gentleman from Prince George's, (Mr. Clarke,) that I did not vote in the minority.

The PRESIDENT. The Chair having presumed that the gentleman from Baltimore city, (Mr. Cushing,) voted in the majority, entertained his motion to reconsider. Having found out he was mistaken, he reviews his decision, and decides that the gentleman is not competent to move a reconsideration.

Mr. BELT. I voted against the reference of this order—being the first time I have given such a vote since I have had a seat here. I did so, not out of any lack of courtesy towards the gentleman who offered it, or from any desire to separate the reference of his proposition from those of other gentlemen. I voted against it, because, although willing to allow the utmost latitude in these matters, I am opposed to the reference of any proposition which in itself is inconsistent with the position which we all occupy here as a Constitutional Convention. Now, if it were proposed to refer to the Committee on the Judiciary, or any other committee, the proposition that we should adjourn without performing the work we were sent here to perform, I should vote against it, as totally inconsistent with the object for which we were sent here. This proposition is that anybody holding an office, or presumed to hold an office under the Federal or the State Government, shall be at liberty to perform in this State any functions

or any power whatever, provided he acts in accordance with instructions he may get from the Federal Government.

The PRESIDENT. Does the gentleman from Prince George's (Mr. Belt) move a reconsideration?

Mr. BELT. I am making a personal explanation; I ask it as a privilege. Our object is to preserve the liberties of the people.

Mr. PUGH. If that side of the question is to be discussed, it would be but fair to have the other side discussed also.

Mr. CLARKE. I have heretofore voted uniformly to refer all orders to committees, if it is a mere order of inquiry. If the gentleman (Mr. Hatch) will amend his order so as to make it a mere order of inquiry, I am perfectly willing to move a reconsideration.

Mr. HATCH. That is all I intended my order to be.

Mr. STIRLING. I think it is merely an order of inquiry. I would not have voted for it, if I had thought otherwise.

Mr. CLARKE. I move a reconsideration. I am willing that all these propositions should be referred to appropriate committees.

The motion to reconsider the vote rejecting the order was agreed to.

The question was upon agreeing to the order.

Mr. HATCH amended the order so that it should read as follows:

Ordered, That the Committee on the Judiciary be instructed to inquire into the expediency of inserting in the Constitution an article providing

"That no officer of the Federal or State Government shall be held responsible for any act done by him under the authority of the Federal Government, provided said act is in conformity with such authority."

The order was then agreed to.

Mr. VALLIANT submitted the following order:

Ordered, That on the day of final action on the Bill of Rights, on its second reading, this Convention adjourn to meet ——— day of ——— at 11 o'clock, and that from the day of adjournment to the day of reassembling, the members and officers shall be allowed not more than four days' pay.

Mr. VALLIANT asked that the consideration of the order be postponed until to-morrow; which was agreed to.

LEGISLATIVE DEPARTMENT—MINORITY REPORT.

Mr. HOLLYDAY, from a minority of the Committee on the Legislative Department, submitted the following report, which was read:

The undersigned, the minority of the Committee on the Legislative Department, respectfully beg leave to report, that they dissent from the report of the majority of said committee made to the Convention; in the following particulars, viz:—