

The question recurred upon the motion of Mr. DENT to strike out section forty.

Mr. HEBB moved a call of the Convention, which was ordered.

The roll was called, and the following members responded:

Messrs. Goldsborough, President; Abbott, Annan, Audoun, Bond, Brown, Clarke, Cunningham, Cushing, Daniel, Davis, of Washington, Dent, Duvall, Earle, Ecker, Edelen, Farrow, Galloway, Hatch, Hebb, Hoffman, Hollyday, Hopkins, Jones, of Somerset, Kennard, King, Lee, Markey, McComas, Mitchell, Miller, Mullikin, Murray, Negley, Nyman, Parker, Parran, Peter, Pugh, Purnell, Russell, Sands, Schley, Stirling, Stockbridge, Swope, Sykes, Thomas, Todd, Valliant, Wooden—51.

On motion of Mr. STIRLING,

Further proceedings under the call were dispensed with.

The question recurred upon the motion of Mr. DENT, to strike out section forty.

Upon this question Mr. DENT called for the yeas and nays, which were ordered.

The question was then taken, by yeas and nays, and resulted—yeas 13, nays 38—as follows:

Yeas—Messrs. Bond, Brown, Clarke, Dent, Duvall, Edelen, Hollyday, Jones, of Somerset, Lee, Mitchell, Miller, Parran, Peter—13.

Nays—Messrs. Goldsborough, President; Abbott, Annan, Audoun, Cunningham, Cushing, Daniel, Davis, of Washington, Earle, Ecker, Farrow, Galloway, Hatch, Hebb, Hoffman, Hopkins, Kennard, King, Markey, McComas, Mullikin, Murray, Negley, Nyman, Parker, Pugh, Purnell, Russell, Sands, Schley, Stirling, Stockbridge, Swope, Sykes, Thomas, Todd, Valliant, Wooden—38.

The motion to strike out was accordingly rejected.

Mr. JONES, of Somerset, when his name was called, said:

I desire to explain the reasons for my vote. I had desired to offer one or two amendments to this section, in order that if it passed, it might pass in a form to operate as easily as possible upon the class of persons there contemplated. I had desired to offer an amendment that the minors should continue in the condition of apprentices. Then there are children now under twelve years of age, who have been reared at great expense to their owners, who have been taxed by the State, and the taxes have annually gone into the State treasury, as well as for county expenses. I think some remuneration ought to be provided for their owners, inasmuch as they are to lose the future services of these children after the expense of rearing them. I had desired to offer an amendment that the legislature should provide for refunding the taxes which the State has collected upon this property, which gentlemen here now allege to have been stolen. As no such opportunity

has been offered to me, I shall vote "aye" upon this motion to strike out.

The question recurred upon adopting the section as reported by the committee on the legislative department, which section is as follows:

"Section 40. The general assembly shall pass no law, nor make any appropriation to compensate the masters or claimants of slaves emancipated from servitude by the adoption of this Constitution."

Mr. DENT: I know it is out of order to submit any remarks now, and I do not desire to offer any except to refer to a notice which I gave when I submitted the motion to strike out. I then stated that if the motion to strike out should fail, I had an amendment to propose to the section. I will now merely suggest what was the amendment I desired to propose. I desired to amend the section by striking out the words "pass no law; nor," so that the section would read—"The general assembly shall make no appropriation to compensate the masters or claimants of slaves," &c. I desired the legislature not to be restricted from passing any law for the purpose of distributing any appropriation that might come from any other source than the State treasury. That was the object I had in view when I gave notice of the amendment. If there were an appropriation made by the general government it would become necessary for the general assembly of Maryland to pass some law for the distribution of the fund. But if this section as it now stands should be adopted, the legislature, I think, would be precluded from passing any such law.

The question was upon adopting the section as reported by the committee.

Upon this question Mr. MILLER called for the yeas and nays, and they were ordered.

The question was then taken, by yeas and nays, and resulted—yeas 38, nays 14—as follows:

Yeas—Messrs. Goldsborough, President; Abbott, Annan, Audoun, Cunningham, Cushing, Daniel, Davis, of Washington, Earle, Ecker, Farrow, Galloway, Hatch, Hebb, Hoffman, Hopkins, Kennard, King, Markey, McComas, Mullikin, Murray, Negley, Nyman, Parker, Pugh, Purnell, Russell, Sands, Schley, Stirling, Stockbridge, Swope, Sykes, Thomas, Todd, Valliant, Wooden—38.

Nays—Messrs. Bond, Brown, Clarke, Dent, Duvall, Edelen, Hollyday, Jones, of Somerset, Lee, Mitchell, Miller, Parran, Peter—13.

The section was accordingly adopted.

Pending the call of the yeas and nays, the following explanations were made by members as their names were called.

Mr. CLARKE: In voting upon this question, I desire to say that I do not regard it as raising simply the question of compensation or no compensation by the State. I regard this section as going farther, as suggested by