

Mr. NEGLEY, when his name was called, said:

When this section was informally passed over, I understood it was to be passed over until we had gotten through the balance of the report; not only what then remained unacted upon, but all such amendments as should be proposed. Then we were to return to this section and complete the report. That was done under an understanding with the gentleman from Baltimore county (Mr. Ridgely,) who had an amendment pending. He is not here to-night, and with the understanding I had of this matter, I shall be compelled to vote against taking up this section. I therefore vote "no."

The section as reported by the committee on the legislative department, was as follows:

"Section 39. The general assembly shall pass laws to sell, lease, or otherwise dispose of the State's interest in the works of internal improvement, in which the State is either stockholder or creditor; and to appropriate the proceeds arising therefrom towards the payment of the public debt of the State; and after the public debt shall have been fully paid off, or the sinking fund shall be equal to its liquidation, to create out of such proceeds a permanent fund for the support of public education."

The following substitute for the section had been offered by Mr. RIDGELY:

"Section 39. The governor, comptroller, and treasurer of the State, are hereby authorized conjointly, or any two of them, to sell from time to time according to their best judgment, the State's interest in the works of internal improvement, whether as stockholder or creditor; also the State's interest in any banking corporation, and to apply the proceeds arising therefrom towards the payment of the public debt of the State; and after the public debt shall have been fully paid off, or the sinking fund shall be equal to its liquidation, the excess of such sales shall be set apart as a permanent fund for the support of public education; provided, however, that the power hereby conferred, shall only be exercised when the proceeds of such sales can be converted into a like amount of the public debt; and provided further, that the State's interest in the Washington Branch of the Baltimore and Ohio Railroad, shall be and is hereby reserved and excepted from the sale hereby authorized; and provided further, that the State's interest in or claim against other works of internal improvement in the State, may be sold upon the best terms which may be obtained for the same."

The pending question was upon the following amendment submitted by Mr. THOMAS to the substitute:

Insert after the words—"and provided further, that the State's interest in the Washington Branch of the Baltimore and Ohio Railroad," the words:

"And of the main stem of the Baltimore and Ohio Railroad, and of the Chesapeake and Ohio Canal."

Mr. CUSHING. Notices of amendment have been given in great number, and they have been argued at great length. I should like to dispose of this matter, and therefore I call for the previous question.

The call for the previous question was seconded.

The question was upon ordering the main question.

Mr. JONES, of Somerset. This is an evening session; the house is not full; it was not expected that this subject would come up to-night. I therefore call the yeas and nays upon ordering the previous question.

The yeas and nays were ordered.

Mr. STOCKBRIDGE. An amendment was offered by the gentleman from Montgomery (Mr. Duvall.) At my suggestion, he withdrew it, with the understanding, however, that he should have an opportunity to offer it at some subsequent time. I consider it due to him that he should have an opportunity to present that amendment again. I wish to know whether if the main question is now ordered, that amendment will be in a position to be acted upon.

The PRESIDENT. No amendment will be considered that has not been actually offered and entered upon the journal.

Mr. AUDOUX. So far as I am concerned, I am ready to vote upon this question at any time. But I think there is a certain amount of courtesy due to my friend from Baltimore county (Mr. Ridgely.)

Mr. CUSHING. Is the gentleman in order?

The PRESIDENT. The call for the previous question is not debatable.

Mr. PETER. I desire to ask a question for information. If the previous question is refused, will it then be in order to offer amendments?

The PRESIDENT. It will be in order.

Mr. HEBB. Should the call for the previous question be sustained, its effect will be to bring the house to a vote upon the pending amendments, and then upon the original section, while the different propositions and substitutes which various members have given notice they will offer if they have an opportunity, will be cut off. That I understand to be the operation of ordering the main question.

The PRESIDENT. The sustaining the call for the previous question does not restrict the convention merely to the pending amendments. Under parliamentary practice amendments to the second degree only can be entertained. But notices of amendments, which have been recorded upon the journal must be disposed of in some way. Therefore if the previous question is ordered the question will be taken upon all pending propositions.

Mr. HEBB. The only difficulty is, that ac-