

and discharge the duties for which they were sent here. My constituents know I am always here. One of the principal reasons, I suppose, why they selected me to represent them here was that they knew, as the record will show, that when they sent me to the Legislature last fall, I attended to my business here. I offered this order, believing it would facilitate the business of the Convention. The people all over the State are becoming restive in regard to the delay in the action of this Convention. In my county those who entertain the political sentiments of the gentleman from Prince George's, (Mr. Clarke), are just as much inclined to complain as those who hold the views I entertain. And I give notice that hereafter, in order to economize the time of the Convention, I shall move the previous question upon the adoption of articles in this Constitution, in order to see if we cannot come to a conclusion in that way.

Mr. CLARKE. I have no desire to press this matter. I am willing to withdraw the motion to reconsider, if it meets with the sense of the House.

No objection being made, the motion to reconsider was withdrawn.

#### REASONS FOR ABSENCE OF CERTAIN MEMBERS

On motion of Mr. DAVIS of Washington. It was ordered to be entered on the Journal that the absence of Mr. Dellinger, from his seat in this body, is caused by severe indisposition; and that the continued absence of Mr. Mayhugh, is caused by illness.

On motion of Mr. THOMAS,

It was ordered to be entered on the Journal that Joseph H. Audoun, of Baltimore city, is detained from his seat in the Convention by sickness.

#### DECLARATION OF RIGHTS.

On motion of Mr. STURLING,

The Convention resumed the consideration of the order of the day, being the second reading of the report of the Committee on the Declaration of Rights.

The CHAIRMAN stated the pending question to be upon the motion of Mr. Stockbridge to amend article 32, by striking out all after the word "people" in the third line, so that the article, if amended, would read as follows:

"That the independency and uprightness of judges are essential to the impartial administration of justice and a great security to the rights and liberties of the people."

Mr. JONES, of Somerset. I believe this motion was submitted for the reason that the provisions of this article proposed to be stricken out, would come more properly in the article on the judiciary.

The question being taken on the motion to strike out all after the word "people," upon a division, the vote was—ayes 21; noes 27.

The CHAIRMAN first announced that the amendment was lost; and then announced that there was no quorum voting, and consequently was not decisive of the question.

Mr. JONES of Somerset, called for the yeas and nays.

Mr. HEBB. After the Chair has announced the result of a vote unless there is something upon the record to show that no quorum voted, that announcement is final. The presumption is that when the Chair announces the result of a vote, that there is a House competent for the transaction of business. If the Chair, before announcing the result of a vote, ascertains by counting the votes upon a division, that there is no quorum voting, and announces that fact to the House, then it would be proper to move a call of the House, or to call for the yeas and nays. But when the Chair has announced that the question is decided one way or the other, then it is too late for such a motion.

Mr. BARRON. I want to ask a question for information. The law requires that there shall be fifty members present to constitute a quorum here. Now, if there are only forty-eight members voting, will the result of their vote be lawful?

The CHAIRMAN. When no objection is made to a proposition, it is considered as adopted unanimously, and no count is required. But when a vote by division is called for, and it is found that the combined vote of the two sides do not make a quorum, then it is proper for the Chair to notice the fact that there is no quorum voting.

Mr. GREENE. I would suggest that it is not incumbent upon the Chair to announce that there is not a quorum voting, even if less than a quorum votes, except in the case of a vote by yeas and nays, when the number voting is placed upon record.

Mr. JONES, of Somerset. I dissent decidedly from the position taken by the gentleman from Allegany, (Mr. Hebb.) On a division, unless there is a quorum voting, unquestionably no motion can be decided; and, therefore, although the Chair may not have stopped at the moment to count up the number of votes and see if a quorum voted, but announces the result of the vote, yet the Chair has a right to correct his announcement, upon the suggestion that the votes of the two sides added together, do not amount to a quorum. The Chair may take the question over again, requesting all the members to vote one way or the other. Then, if upon that second count, if there does not appear to be a quorum, the yeas and nays can be called, or there can be a call of the House.

Mr. MILLER. The 30th rule of this Convention requires every member present to vote. And whether there is a quorum present or not, if, upon a division of the