

nis, Duvall, Edelen, Gale, Harwood, Henkle, Hodson, Hollyday, Horsey, Johnson, Jones, of Cecil, King, Larsh, Lee, Marbury, Mitchell, Miller, Morgan, Parran, Scott, Smith, of Dorchester, Smith, of Worcester, Turner—32.

The motion to lay on the table was accordingly agreed to.

Mr. NEGLEY, when his name was called, said: I think the original order is entirely premature and that the substitute is entirely out of place. I therefore vote—aye.

Mr. SANDS, when his name was called, said: Thinking that this order is premature, I vote—aye. There may be a time when I will vote otherwise on such a proposition.

MISCELLANEOUS.

On motion of Mr. DAVIS, it was

Ordered, That it be entered on the Journal that the absence of H. W. Dellinger from his seat in the Convention, is caused by sickness.

On motion of Mr. DUVAL, it was

Ordered, That the Judiciary Committee be instructed to inquire into the expediency of incorporating a provision in the Constitution requiring the Legislature at each regular session, to provide for a codification, under their appropriate heads, all decisions of the Court of Appeals wherein the principles of common law have been recognized as the law of this State.

DECLARATION OF RIGHTS—EMANCIPATION.

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

The following article was under consideration:

“Article 23. That hereafter, in this State, there shall be neither slavery nor involuntary servitude, except in punishment of crime, whereof the party shall have been duly convicted; and all persons held to service or labor as slaves are hereby declared free.”

The question was stated to be upon the following amendment submitted by Mr. CLARKE:

Amend by striking out all after the word “that,” and insert—

“From and after the first day of January, 1865, there shall in this State be neither slavery nor involuntary servitude, except in punishment of crime, whereof the party shall have been duly convicted, and all persons held to service or labor as slaves are hereby declared free from and after the first day of January, 1865, provided the Congress of the United States shall, before the first day of January, 1865, make an appropriation to the State of Maryland, of not less than twenty millions of dollars, to aid the State of Maryland in providing compensation to the owners of slave property, and the Secretary of the Treasury of the United States shall certify to the Governor of this State that the said sum

of money is subject to the draft of the Treasurer of the State of Maryland, to be disposed of by the Legislature of the State, to pay the owners of slaves for their slaves hereby declared free; and provided further, that unless Congress shall make the said appropriation as hereinbefore provided, this section shall be null and void, and it is hereby declared that it shall be of no effect whatever.”

Mr. BERRY, of Prince George's. I thought, as was stated by my friend from Worcester (Mr. Purnell) on yesterday, that this amendment was not to come up for consideration until my colleague (Mr. Clarke) returned.

The PRESIDENT. No formal vote was taken; that was merely a suggestion.

Mr. BERRY, of Prince George's. I move to postpone this amendment until twelve o'clock to-day. I expect the mover of it in here at any moment.

Mr. VALLIANT. If that motion is adopted, will it not postpone the whole subject?

The PRESIDENT. Certainly it does. The Chair understands that the gentleman from Prince George's (Mr. Clarke) gave notice of this amendment with the understanding that the vote should be taken upon it before it was taken upon the original article. If any gentleman is prepared to go on with the discussion he can do so at this time, otherwise the question will be taken upon the amendment, for the Chair must keep the Convention up to their work.

Mr. MARBURY. I understood my friend from Prince George's (Mr. Clarke) to state distinctly that he merely gave notice of this amendment but did not want it to be acted on until he could return and be heard upon it.

The PRESIDENT. The Convention must proceed with some business.

Mr. MARBURY. Is it competent to withdraw the amendment?

The PRESIDENT. Certainly; with the consent of the Convention.

Mr. BERRY, of Prince George's. My recollection is, that my colleague submitted this not as an amendment, but as a proposition which at the proper time he would offer as an amendment; and it was spread upon the journal simply for information, and that at the request of one of the gentlemen from Cecil. It is only there as information as to the character of an amendment which the gentleman will propose at some time hereafter. I hardly think it is the property of the Convention now.

Mr. NEGLEY. I do not think the amendment indicated by the gentleman from Prince George's (Mr. Clarke) is at all before this Convention. It will be remembered that some time ago a proposition was offered in relation to sending a committee to the President of the United States about compensation, and that proposition was voted down. The gentleman from Baltimore county (Mr. Berry) intimated