

The President: The numbering will be directed by the President. That is considered as a clerical matter. No independent section can now be submitted to the Convention.

The third article was read as follows:

Art. 3. That the inhabitants of Maryland are entitled to the common law of England, and the trial by jury according to the course of that law, and to the benefit of such of the English statutes as existed on the fourth day of July, seventeen hundred and seventy-six, and which, by experience, have been found applicable to their local and other circumstances, and have been introduced, used and practiced by the courts of law or equity, and also of all Acts of Assembly in force on the first day of June, eighteen hundred and sixty-four, except such as may have since expired or may be inconsistent with the provisions of this Constitution; subject, nevertheless, to the revision of and amendment or repeal by the Legislature of this State; and the inhabitants of Maryland are also entitled to all property derived to them from or under the charter granted by his Majesty, Charles the First, to Cecilius Calvert, Baron of Baltimore.

Mr. MARBURY moved to amend by adding the words "as well in times of war as in times of peace."

Mr. JONES, of Somerset, moved to amend the amendment by inserting before it the words,

"And all other property which they have acquired and hold under the Constitution and laws of this State and the Constitution and laws of the United States."

Mr. MARBURY accepted the amendment.

The question was stated upon the first branch of the amendment, being the portion moved by Mr. Jones:

Mr. CLARKE called for the yeas and nays, which were ordered.

The question being taken the result was—

Yeas—Messrs. Belt, Berry of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brown, Clarke, Crawford, Dall, Davis of Charles, Edelen, Harwood, Henkle, Hollyday, Horsey, Johnson, Jones of Somerset, Lee, Marbury, Mitchell, Miller, Morgan, Parran, Peter, Smith of Dorchester, Wilmer—27.

Nays—Messrs. Goldsborough, President; Abbott, Annan, Audouin, Baker, Barron, Brooks, Carter, Cunningham, Cushing, Daniel, Davis of Washington, Dellinger, Earle, Ecker, Farrow, Galloway, Greene, Hatch, Hebb, Hoffman, Hopkins, Hopper, Jones of Cecil, Keefer, Kennard, King, Markey, McComas, Mullikin, Murray, Negley, Noble, Nyman, Parker, Pugh, Purnell, Ridgely, Robi- nette, Russell, Sands, Schley, Schlosser, Scott, Smith of Carroll, Smith of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Thruston, Todd, Valliant, Wickard, Wooden—57.

So the amendment was rejected.

The question was stated upon the latter branch of the amendment, being the portion submitted by Mr. Marbury:

Mr. MARBURY demanded the yeas and nays and they were ordered.

The question being taken the result was—

Yeas 28, nays 57—as follows: Messrs. Belt, Berry of Prince George's, Billingsley, Blackiston, Bond, Brown, Briscoe, Clarke, Crawford, Dall, Davis of Charles, Edelen, Harwood, Henkle, Hodson, Hollyday, Horsey, Johnson, Jones of Somerset, Lee, Marbury, Mitchell, Miller, Morgan, Parran, Peter, Smith of Dorchester, Wilmer—28.

Nays—Messrs. Goldsborough, President; Abbott, Annan, Audouin, Baker, Barron, Brooks, Carter, Cunningham, Cushing, Daniel, Davis of Washington, Dellinger, Earle, Ecker, Farrow, Galloway, Greene, Hatch, Hebb, Hoffman, Hopkins, Hopper, Jones of Cecil, Keefer, Kennard, King, Markey, McComas, Mullikin, Murray, Negley, Noble, Nyman, Parker, Pugh, Purnell, Ridgely, Robi- nette, Russell, Sands, Schley, Schlosser, Scott, Smith of Carroll, Smith of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Thruston, Todd, Valliant, Wickard, Wooden—57.

So the amendment was rejected.

Mr. CLARKE, when his name was called, said: With the understanding that it is the right of the government to take property provided it pays for it, I vote—aye.

Mr. PARRAN, when his name was called, said: I agree with the gentleman from Prince George's (Mr. Clarke) that in time of war the government has a right to take private property, making compensation therefor; and I therefore vote—aye.

Mr. PETER, when his name was called, said: My view of this subject is that the government through its public officers has the right to take land or private property for the general good of the public; but they must do it by just compensation. This I understand to be the meaning of our bill of rights and of the Constitution of the United States. According to this explanation I vote—aye.

Mr. SCOTT, when his name was called, said: With the understanding that when the government chooses to take property of enemies, they can do it without pay, I vote—no.

The vote having been announced, Mr. BELT moved to amend the section by adding at the close the following: "And that no right of property now lawfully held in this State, ought to be destroyed or impaired without compensation to the owners thereof."

Mr. SCHLEY called for the previous question, which was ordered.

Mr. BERRY, of Prince George's, demanded the yeas and nays on the amendment, which were ordered.

The question being taken the result was—

Yeas 27, nays 57—as follows: