

make one less section to reconsider. For I am persuaded that before we get through here the majority of us will find very grave reasons for the postponement of the vote upon this constitution.

Mr. STIRLING. I hope not.

Mr. SANDS. I hope we will.

Mr. STOCKBRIDGE. In answer to the inquiry of the President, I would say that the requirement of the code will be complied with if notice of the election on the day named in this section is given by the 17th of October.

The PRESIDENT. I knew the time would be very close.

Mr. SANDS. If the time is not long enough, how shall we provide for it?

Mr. STIRLING. If this constitution is submitted to the people the day before the Tuesday after the first Monday in November, and they adopt it, then it is the law. And if that law says there shall be an election for members of the general assembly on such a day, what has the code to do with it? If the code cannot be complied with, then so much the worse for the code, that is all.

The PRESIDENT. The only effect would be that it might dispense with the notice at subsequent elections.

Mr. STOCKBRIDGE. The constitution does not repeal the code; it only makes an exceptional provision in the constitution which does or may not coincide with the code.—And in that case the code must give way to the higher law.

Mr. BERRY, of Prince George's. If it is provided in the constitution that the election shall be held on a certain day, and that overrides and repeals the provision in the code, then what provision will apply at the next election?

Mr. STIRLING. It does not repeal the code. But so far as relates to that day, it is impossible to comply with the code, and the supreme law must control. But at the next election there will be no inconsistency, and both of the laws will prevail. It is not a repeal of the code, but merely that it becomes impossible to comply with the code for this particular election.

Mr. SANDS. Will there be thirty days intervening between the 15th of October, and the day of the presidential election?

Mr. STOCKBRIDGE. Certainly not.

Mr. SANDS. The code requires thirty days' notice.

Mr. STOCKBRIDGE. No, sir; only twenty-one days, and the 17th of October will allow that.

Mr. STIRLING. Suppose we do submit the constitution to the people on the day of the presidential election. Can we not submit the constitution to the people, and elect the officers under that constitution at the same time, adopting the same course as was adopted in regard to this convention?

Mr. SANDS. That is true. Then the more

reason for leaving this blank until we have decided upon the time for submitting this constitution to the people. If we leave it blank, then we will not be under the necessity of going back and reconsidering our work. I move to amend this section by striking out the words "the Tuesday next after the first Monday in November, in the year eighteen hundred and sixty-four."

The question being taken upon the amendment proposed by Mr. SANDS, it was rejected.

The question then recurred upon the substitute for the second section, proposed by Mr. MILLER.

Mr. BERRY, of Prince George's, asked for the yeas and nays upon this question, and they were ordered.

The question was then taken, by yeas and nays, and resulted—yeas 19, nays 44—as follows:

Yeas—Messrs. Berry, of Prince George's, Billingsley, Bond, Davis, of Charles, Dennis, Edelen, Harwood, Hollyday, Jones, of Somerset, Lee, Mitchell, Miller, Morgan, Ridgely, Smith, of Dorchester, Thomas, Turner, Valiant, Wilmer—19.

Nays—Messrs. Goldsborough, President, Abbott, Annan, Brooks, Carter, Cunningham, Cushing, Davis, of Washington, Dellinger, Earle, Ecker, Farrow, Galloway, Hatch, Hoffman, Hopkins, Hopper, Jones, of Cecil, Keefer, Kennard, King, Mace, Markey, Mayhugh, McComas, Mullikin, Murray, Parker, Pugh, Purnell, Robinette, Russell, Sands, Scott, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thruston, Todd, Wickard, Wooden—44.

The substitute was accordingly rejected.

Mr. SMITH, of Worcester, moved that the convention take a recess, pending which—

#### LEAVE OF ABSENCE.

Mr. FARROW asked and obtained leave of absence for a few days.

Mr. GALLOWAY asked and obtained leave of absence.

Mr. RUSSELL asked and obtained leave of absence until Monday night.

Mr. HOFFMAN. I am apprehensive I shall not be here to-morrow.

The PRESIDENT. The convention cannot vote upon apprehensions.

Mr. HOFFMAN. Then I will ask leave of absence for to-morrow.

The question was taken upon granting leave, and upon a division—ayes 44, noes not counted—it was granted.

Mr. CUNNINGHAM asked and obtained leave of absence for to-morrow.

Mr. JONES, of Somerset. I would suggest under the circumstances of the case, whether it would not be expedient to adjourn from to-day until Monday at 12 o'clock.

The PRESIDENT. The chair cannot put suggestions.

The question was then taken upon the mo-