

exactly to the one in the present constitution. The section as reported by the select committee reads: "The legal rate of interest shall be six per cent. per annum," &c. The section in the present constitution reads: "The rate of interest shall not exceed six per cent. per annum," &c. I move to strike out the word "be," and insert the words "not exceed."

The amendment was agreed to.

Mr. MILLER. I move to strike out the word "legal," that will leave the section exactly as it is in the present constitution.

The amendment was agreed to.

On motion of Mr. HEBB,

The words "general assembly" were substituted for the word "legislature."

The question then recurred upon the following amendment submitted by Mr. THURSTON:

Strike out all after the word "the" in the first line, and insert, "legal rate of interest in this State shall be six per centum per annum; except in cases where a different rate may be agreed upon in writing between contracting parties, not exceeding, however, seven and three-tenths per cent. interest in any case; and the general assembly shall pass all laws necessary to carry this section into effect."

Mr. CUSHING. I ask for a division of the question. I can vote for the first part of the amendment, but I cannot vote for the second part.

Mr. HEBB. Have we not already voted upon the first branch of this proposition?

The CHAIRMAN (Mr. Pugh). The chair sees no other course to pursue except to put the question, although the house has voted upon it once. The substitute being in order, and a division having been called for, the vote must be taken.

Mr. CLARKE. I think the best way to get rid of this matter will be to vote down both branches of the proposition. That will leave the section to stand exactly in the form in which it has been adopted by the house.

The question was then taken upon the first branch of the proposition fixing the legal rate of interest at six per cent., and it was rejected.

The second branch of the proposition was also rejected.

The report of the select committee as amended was then ordered to be engrossed for a third reading.

ADJOURNMENT SINE DIE.

Mr. STIRLING. I move to reconsider the vote of the house a few days since, adopting the resolution fixing the day for the final adjournment of this convention. I do so for this reason, while I still hope that we may be able to adjourn finally by the thirty-first of this month, I merely propose, therefore, to have the resolution laid over informally.

There are some circumstances which render it somewhat doubtful, and therefore I think we better keep ourselves free. It is not unlikely, judging from the critical state of military affairs, as announced in the papers this morning, that we may have more trouble in this State.

The question being taken upon the motion to reconsider, it was agreed to.

The question then recurred upon agreeing to the resolution.

On motion of Mr. STIRLING,

The further consideration of the resolution was informally postponed.

LEAVE OF ABSENCE.

Mr. STIRLING. I am requested by my colleague, Mr. Stockbridge, to ask leave of absence from this convention for a short time. He left suddenly last night for Baltimore in consequence of the death of Colonel Dushane, being one of his legal advisers, and required to take care of his interests and those of his family. He will have to be absent a few days. As I understood from him in conversation last night, he desires the convention to proceed with the consideration of the judiciary report in his absence.

The leave of absence was accordingly granted.

Mr. CLARKE. I desire to obtain leave of absence for a few days. Leave of absence was granted me on Friday last, but I did not avail myself of it.

Leave of absence was accordingly granted.

Mr. HOPKINS asked and obtained leave of absence from the evening session, on account of indisposition.

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

Mr. KING asked and obtained leave of absence until to-morrow.

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

Mr. JONES, of Somerset, asked and obtained leave of absence for a few days.

Mr. THOMAS moved that the convention adjourn.

Mr. SANDS moved that the convention take a recess.

The question was first taken upon the motion for a recess, and upon a division—ayes 37, noes not counted—it was agreed to.

The convention accordingly took a recess until 8 o'clock, P. M.

EVENING SESSION.

The convention reassembled at 8 o'clock, P. M. (Mr. PUGH in the chair.)

The roll was called, and the following members answered to their names:

Messrs. Abbott, Annan, Andoun, Billingsley, Blackiston, Bond, Briscoe, Brown, Carter, Chambers, Cunningham, Cushing, Daniel, Dellinger, Dent, Duvall, Earle, Ecker, Edelen, Gale, Galloway, Hebb, Hodson, Hol-