

Spencer, George, Dirickson, McMaster, Fooks, McHenry, Magraw, Carter, Stewart, of Caroline, Fiery, John Newcomer, Davis, Waters, Brewer, and Smith.—42.

NEGATIVE.—Messrs. Sellman, Buchanan, Bell, Lloyd, Dickinson, Sherwood, of Talbot, Colston, Miller, McLane, Wright, Jacobs, Shriver, Biser, Annan, Sappington, Stephenson, Nelson, Thawley, Hardcastle, Gwinn, Ware, Michael Newcomer, Kilgour, Anderson, Weber, Hollyday, Slicer, Ege, Shower and Brown—30.

So the Convention reconsidered their vote.

Mr. Gwinn, then withdrew his amendment.

The question then recurred upon the resolution offered by the minority of the committee for that of the majority;

Mr. Spencer, then moved as an amendment to the original resolution, to strike out all after the enacting clause, and inserte the following:

Resolved, That the people of the State of Maryland have a sovereign and inherent right to alter, change or modify their form of government whenever to them it seems proper.

Resolved, That in the exercise of that right all the delegates sent by them to this Convention, to frame a new constitution, are entitled to seats in this body, whether they be Judges, or other Civil Officers or Ministers of the Gospel.

Which was read.

Mr. Tuck, rose to a point of order, that the amendment was not germane to the subject under consideration, and was therefore not in order;

The President decided the amendment to be in order.

The question again recurred upon the amendment as offered by Mr. Spencer;

Mr. Merrick, moved for a division of the question upon striking out;

On the question being put on striking out;

Mr. Ege, moved for the yeas and nays, which being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Miller, Spencer, George, Wright, Shriver, Biser, Annan, Sappington, Stephenson, Nelson, Carter, Stewart, of Caroline, Gwinn, Brent of Balt. city, Michael Newcomer, Brewer, Anderson, Hollyday, Fitzpatrick, Ege and Cockey—21.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Wells, Randall, Weems, Merrick, Buchanan, Bell, Dickinson, Sherwood, of Tal., Colston, John Dennis, James U. Dennis, Dashiell, Williams, Hodson, Goldsborough, Eccleston, Phelps, McLane, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Magraw, Thawley, Hardcastle, Ware, Fiery, John Newcomer, Kilgour, Davis, Waters, Weber, Slicer, Smith, Shower and Brown—50.

So the Convention refused to strike out.