

of Balt. city, Ware, Fiery, Harbine, Michael Newcomer, Brewer, Anderson, Hollyday, Parke, Ege, Cockey and Brown—51.

NEGATIVE—Messrs. Dent, Ricaud, Chambers, of Kent, Donaldson, Kent, Weems, Brent, of Charles, Williams, McCullough, Spencer, George, Wright, Gaither, John Newcomer, Davis and Smith—16.

So the amendment was adopted.

Mr. Constable, moved further to amend said report of the committee, by adding as an additional section the following :

“The trial by jury of all issues of fact in civil proceedings in the several courts of law of this State, where the amount in controversy exceeds the sum of five dollars; shall be inviolably preserved ;

Mr. Spencer, moved to amend said amendment by adding at the end thereof the following :

“And in the trial of all criminal cases, the jury shall be the judge of law as well as of fact ;”

Mr. Constable, moved to amend said amendment to the amendment by adding these words, “and on such trial there shall be a bill of exceptions, and appeal to the ruling of the court as to the admissibility of evidence the same as in civil cases ;”

Which amendment Mr. Spencer, accepted.

Mr. Spencer, (at the suggestion of Mr. Constable.) withdrew said amendment as amended, and gave notice that he should offer it as an independent section ;

The question was then put on the amendment as offered by Mr. Constable , as an additional section ; and

Determined in the affirmative.

Mr. Spencer, then offered an additional section to said report of the committee, the following :

“In the trial of all criminal cases, the jury shall be the judges of law as well as fact, and on such trial there shall be a bill of exceptions and appeal to the ruling of the court, as to the admissibility of evidence, the same as in civil cases ;”

Mr. Thawley, moved the previous question, and being seconded,

Mr. Bowie, moved for a division of the question upon each branch of said amendment.

The question was then put on the first branch of said amendment, being in these words;

“In the trial of all criminal cases, the jury shall be the judges of law as well as fact ;”

Determined in the affirmative.

The question was then put on the 2nd branch of said amendment, being as follows :