

capacity, had a right to send any body here that they thought proper, even though he were a minor or foreigner. They were not bound by the act of assembly, the only office of which was to suggest, which suggestion the people have adopted. Those were my reasons for signing the report.

Mr. PUGH called for the previous question, and the call was sustained.

The main question was upon concurrence with the report of the committee on elections.

Mr. DAVIS, of Charles, demanded the yeas and nays, and they were ordered.

The question being taken, the result was—yeas 55, nays 4—as follows:

*Yeas*—Messrs. Abbott, Annan, Audoun, Baker, Bond, Brooks, Brown, Cunningham, Cushing, Davis, of Washington, Dellinger, Dennis, Earle, Ecker, Edelen, Farrow, Galloway, Greene, Harwood, Hatch, Hebb, Hoffman, Hollyday, Hopkins, Hopper, Keefer, Kennard, King, Larsh, Markey, Mayhugh, McComas, Mitchell, Mullikin, Murray, Nymann, Parran, Pugh, Purnell, Ridgely, Robiette, Russell, Sands, Schley, Scott, Smith, of Dorchester, Smith, of Worcester, Stirling, Swops, Sykes, Todd, Valliant, Wickard, Wooden—55.

*Nays*—Messrs. Davis, of Charles, Lee, Miller, Parker—4.

As their names were called,

Mr. DAVIS, of Charles, said: The gentleman from Baltimore city (Mr. Stirling) said this question had been raised to consume time, that it was a mare's nest, that it was never heard of before, that these gentlemen were disqualified from taking seats in this body. I take this occasion to say that I took that ground in the campaign in our county, that many gentlemen who now hold seats upon this floor were ineligible. I say this particularly to show that my opposition at this time to their holding seats is not with me a new-born idea. I have held it ever since the call of this convention. As we are now dealing with the law of this convention, I shall vote according to my opinions expressed for the last two years, "no."

Mr. CUSHING. You consider your colleague, Mr. Edelen, as not entitled to a seat?

Mr. DAVIS, of Charles. I considered the gentleman from Charles, Mr. Edelen, as not entitled to a seat.

Mr. EARLE said: Being one of those who are regarded by the resolution of the gentleman from Prince George's as ineligible to a seat in this convention, I ask to be excused from voting on the report of the committee on elections.

Mr. STIRLING. I should like to gratify the gentleman from Cecil (Mr. Earle,) but suppose somebody should come in and say that two-thirds of the convention were disqualified; would they sit here and let the one-third turn them out? I submit that the gentleman must vote.

The convention refused to grant the request.

Mr. EARLE. In explanation of the vote I shall give, I wish to state I have no doubt of my right to a seat in this convention. Had I entertained a shadow of doubt on the subject, I should never have allowed my name to be used as a candidate for the position; and had my opinion undergone the slightest change from any argument made use of on this floor, I should not now hesitate to tender my resignation.

The act of assembly calling the convention is explicit, and no fair construction of it can exclude from a seat here, either a judge, or clerk of the court of appeals. Entertaining these opinions, and as the convention insists on my voting, I vote "aye."

Mr. EDELEN said: As I belong to that class who will be affected by this resolution, I ask to be excused from voting.

The convention refused to grant the request.

Mr. EDELEN said: I will take occasion, inasmuch as the house requires me to vote, to say that I became a candidate for a seat in this convention very much against my will and quite unexpectedly to myself. I did not know I was to be a candidate until the very moment I was put in nomination. I must confess that I had not looked very carefully into this convention bill, and the question that is now raised by the resolution of the gentleman from Prince George's (Mr. Belt) and supported at length by the gentleman from Anne Arundel (Mr. Miller,) did not occur to me at the time. Had I supposed that I was not entitled to a seat in this body, like my friend from Cecil, I should certainly have never become a candidate. From the examination that I have given to this question, when the matter was a few weeks ago brought to this body, I must confess that I am not altogether clear upon the question. It is one of those questions which to my mind has two sides, and a great deal may be said upon either side. But being more inclined to the view that we are not here bound by the requirements of that bill, I shall vote "aye."

Mr. GALLOWAY said: Though it was not known to the gentleman from Prince George's (Mr. Belt,) I suppose when he drew up his resolution, I have the honor in my county of holding that position which, in the opinion of the gentleman from Prince George's, disqualifies me from holding a seat in this convention, [State's attorney.] But thinking myself legally elected and entitled to hold my seat, I desire to do so until this convention closes, and shall therefore vote "aye."

Mr. SANDS said: I should prefer to be excused from voting upon this question; but the experiment made by several gentlemen convinces me that my application for release from voting would be ineffectual. I am happy however to say that I have not a bit of