

Was then taken up for consideration.

The question being on the adoption of the following resolutions:

*Resolved by the House of Delegates of Maryland, That, at an election held on the seventh day of November, eighteen hundred and sixty-five, for a Circuit Judge of the Twelfth Judicial Circuit of Maryland, in the counties of Worcester, Somerset and Dorchester, comprising the said Circuit, John B. Franklin was not duly and legally elected, because he was disqualified, under the Constitution, to hold the said office, and because he did not receive the largest number of legal votes polled at the said election for the said office.*

*And, Resolved, That Thomae A. Spence, having received the largest number of the legal votes polled at the said election for the said office, was duly and legally elected Circuit Judge of the Twelfth Judicial Circuit of Maryland.*

*And further, Resolved, That a copy of these Resolutions be transmitted to His Excellency the Governor of Maryland, for his action thereon.*

Mr. Barron moved a call of the House.

The demand being sustained,

The roll was called, and the following members responded:

Messrs. Frazier, Speaker, Angel, Barron, Buhrman, Calvert, Clift, Comegys, Cronise, Dean, Eavey, Everhart, Fooks, Fawcett, Garrison, Harris, Hodson, Hoffman, Hopkins, Jamison, Keefer, King, Kirk, Leaverton, Lee, Malone, Markey, McCauley, McCullough, Miller, of Anne Arundel, Miller, of Washington, Mittag, Nairne, Norris, Parker, Pennington, Pilkington, Poteet, Rider, Rinchart, Roberts, Robinson, Shaw, Sherry, Silver, Slothower, Smith, of Alleghany, Smith, of Frederick, Soper, Stewart, Stone, To'son, Tull, Us'lton, Valliant, Warner, Williams, Wilson, Wood-en, Zeigler—59.

On motion of Mr. Barron,

The Sergeant-at Arms was sent out to bring in the absent members, who shortly afterwards returned with a number of members.

The question being on the adoption of the minority report,

Mr. Williams moved that the subject be referred to the next General Assembly;