

Harry, Hiteshew, Smith,	Henkel, Lock,	Harvey, Howard—40.
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Said bill was then sent to the Senate.

Mr. Godwin raised the point of order,

That Mr. Lansdale was not in the House at the time the vote was taken.

Mr. Wells offered the following resolution:

Resolved, That Hungerford Smoot though returned as elected as a delegate from Charles county, being ineligible under Article 3, section 9, of the State Constitution is not entitled to a seat in this body.

Which was read and referred to the Committee on Elections.

Mr. Linthicum offered the following substitute

RESOLUTION:

Whereas, The Election Committee of the House of Delegates having determined that James de B. Walbach, being duly returned elected is found eligible and Hungerford Smoot while returned elected is found ineligible.

Resolved, therefore, That James de B. Walbach be and he is hereby determined to be a member of this body and entitled to his seat in this body, and Hungerford Smoot is hereby determined not to be a member hereof.

Which was read and referred to the Committee on Elections.

Mr. Collins moved to lay the resolution on the table.

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs.		
Wilkinson,	Crawford,	Miller,
Gibbs,	Harrison,	Pairo,
Bond,	Harry,	Baker,
Simmons,	Hiteshew,	Charles,