

Ordered, That some one of the specifications shall be taken up, beginning with those of the petitioners, and that when a witness is called to one specification, he, or any other witness, shall not be questioned touching any other specification until the first entered upon shall be disposed of by the house, by a final decision, or postponed; and the question was put, That the house assent to the same? Determined in the negative.

On motion by Mr. Dennis, the following order was read.

Ordered, That this house, on making their inquiry into the Calvert election, pursue the following mode, viz: to begin with some one of the votes specified as illegal, and investigate that only, and to decide on it, whether legal or illegal, before any investigation is made into any other vote; and the question put, That the house assent to the same? Determined in the negative.

On motion by Mr. Marriott, the following order was read:

Ordered, That the committee of elections and privileges be instructed to proceed to the examination of the witnesses summoned on the part of the memorialists and the sitting members, who shall report said testimony in writing to the house, upon the subject of the contested election in Calvert county, and that each of the witnesses attending be discharged as soon as they may have been severally examined.

A division of the question being called for by Mr. Dorsey, and asked for on the first part to the words "Calvert county," inclusive, a motion was made by Mr. Dennis, and the question put, That the further consideration of the same be postponed to the first day of June next? Determined in the negative.

On motion by Mr. Dorsey the following was then offered as a substitute for said order.

Whereas the constitution of this state has provided that the house of delegates shall be judges of the election of its members, and as such has armed the house with the power to send for persons and papers in order to enable them to form a correct judgment thereon; Ordered therefore, as the sense of this house, that this house have no right to transfer the examination of witnesses on the contested election of Calvert county, to the committee of elections, in order to report the evidence that the opinion of this house may be formed on the subject matter in dispute, and that such a reference will be inconsistent with the rights of the returned members, and establishes a precedent most dangerous to the elective franchise. The yeas and nays being required appeared as follow:

AFFIRMATIVE.							
Key Millard	Spencer Weems	Dorsey Garner	Polk Dennis	F M Hall	Gaither Washington	Forrest Blair	18
Blakistone	Stonestreet	Dashiell	King	Warfield			
NEGATIVE.							
Mr. Speaker	D Martin	Mackey	Boyle	Quinton	Norris	Kellar	
Brooke	Hayward	Maffett	W R Stuart	Riley	H Hall	Gabby	
Marriott	Stevens	Patten	Hollingsworth	Iiams	Forwood	Peter	
T W Hall	Orrick	Cross	Nicholson	Hawkins	Montgomery	Tomlinson	
Wyvill	A H Price	R T Hall	A Spence	Maulsby	Breckenridge	Greenwell	39
C Stewart	Showers	Duvall	J S Spence				

So it was determined in the negative.

The question was then put on the first part of the order proposed by Mr. Marriott, and divided as requested by Mr. Dorsey? The yeas and nays being required appeared as follow:

AFFIRMATIVE							
Mr. Speaker	C Stewart	A H Price	Cross	A Spence	Hawkins	Montgomery	
Brooke	D Martin	Showers	R T Hall	J S Spence	Maulsby	Breckenridge	
Marriott	Hayward	Mackey	Boyle	Quinton	Norris	Peter	
T W Hall	Stevens	Maffett	Hollingsworth	Riley	H Hall	Tomlinson	34
Wyvill	Orrick	Patten	Nicholson	Iiams	Forwood		
NEGATIVE.							
Key Millard	Weems	Dashiell	King	Duvall	Gabby	Forrest	
Blakistone	Stonestreet	Polk	F M Hall	Warfield	Gaither	Greenwell	
Spencer	Dorsey	Dennis	W R Stuart	Kellar	Washington	Blair	23

So it was resolved in the affirmative.

On motion by Mr. Duvall, That the following be stricken out, to wit: "and that each of the witnesses attending be discharged as soon as they may have been severally examined."

A motion was made by Mr. Dennis, that the words, "and that the witnesses be discharged as soon as the whole investigation be gone through before the committee, and their report is made to this house," be inserted as a substitute for those proposed to be stricken out. A division of the question was called for by Mr. Boyle and put on striking out? The yeas and nays being required appeared as follow:

AFFIRMATIVE.							
Key Millard	Spencer Weems	Dorsey Garner	Polk Dennis	F M Hall	Kellar	Washington	
Blakistone	Stonestreet	Dashiell	King	Duvall	Peter	Forrest	
				Warfield	Gaither	Blair	21
NEGATIVE.							
Mr. Speaker	D Martin	Mackey	Boyle	J S Spence	Maulsby	Breckenridge	
Brooke	Hayward	Maffett	W R Stuart	Quinton	Norris	Gabby	
Marriott	Stevens	Patten	Hollingsworth	Riley	H Hall	Tomlinson	
T W Hall	Orrick	Cross	Nicholson	Iiams	Forwood	W Price	
Wyvill	A H Price	R T Hall	A Spence	Hawkins	Montgomery	Greenwell	37
C Stewart	Showers						

So it was determined in the negative.

The question was put, That the house assent to that part proposed to be stricken out? Resolved in the affirmative.

Mr. Blakistone having (at his request) been excused from further attendance on said committee, Ordered, That Mr. Dorsey be added to the said committee.

On motion by Mr. Dorsey, the following order was read.

Ordered, That the sitting members from Calvert county, and the petitioners, may if they think expedient, retain counsel to appear before the committee of elections to examine witnesses, and object to the legality of questions. And the question put, That the house assent to the same? The yeas and nays being required appeared as follow: