

hearing the House voted 29 to 17 to allow the petitioners to present at the bar evidence of any irregularities. This was done and on the following day the House found that the sheriff of Kent, Hercules Coutts, "was absent and intoxicated with Liquor the greatest Part of the Time, from the Opening to the Closing of the Polls", and ordered by unanimous vote that the sheriff "be taken into Custody by the Sergeant-at-Arms . . . [and] be Reprimanded by the Speaker, at the Bar of this House". Hercules thereupon confessed his offence and the speaker declared that although "you have been Guilty of a manifest Neglect of your Duty . . . and that you ought to receive very severe Treatment in order to deter other Sheriffs . . . in Consideration of your low Circumstances, and in Compassion to your numerous Family . . . this House is inclined to exercise Justice with the greatest Leniency, and in a Manner which will least affect your unhappy Relatives". After he was reprimanded by the speaker he was ordered released upon payment of the fees due to the officers of the House which amounted to £24:8:0 (pp. 209, 220-221, 225-226, 313). It would appear that the election, which the law provided should be conducted by the sheriff, was therefore irregular, but the members returned from Kent were nevertheless allowed to retain their seats. The costs accrued in connection with the Kent petition which amounted to £24:8:0, were later charged against the petitioners, which indicates that Hercules did not have the wherewithal to pay the expenses of the contest (pp. 313, 636).

Certain freeholders of St. Mary's County petitioned the House on October 4, complaining of an "undue election" in that county. The members who had been returned from St. Mary's were George Plater, John Reeder, Jr., Henry Greenfield Sothoron, and Edmund Key. After an examination of the witnesses at its bar, the House unseated Key by a vote of 28 to 10, none of the St. Mary's County members voting. Most of those who voted against the unseating of Key were members of the Proprietary party. Plater by a vote of 23 to 18 was declared duly elected, and Reeder and Sothoron were declared elected without a recorded vote. The costs of the St. Mary's disputed election were fixed by the Lower House at £13:10:0 (p. 313), of which the unsuccessful contestant, Key, was to pay £4:15:4, the petitioning freeholders £3:3:4, and an unnamed individual the balance (p. 636). The House then ordered a new election in that county to fill the Key vacancy, at which Key was elected in due form (pp. 217, 232-234).

On October 13, Josias Beall, contesting the election of Col. Thomas Cresap, complained of an "undue election" in Frederick County, where Joseph Chapline, Edward Dorsey, Thomas Beatty, and Thomas Cresap had been returned as elected. The house ordered the sheriff of Frederick County to appear with the poll before its bar on October 27, the contest to be confined to the names of those whose votes had been "controverted" at the time of the election, although the extent of the enquiry was broadened the day following by a vote of 22 to 20. On October 27, the house decided to reopen the entire Frederick election, and October 29, postponed action until the tenth day of the next session (pp. 234-235, 236, 247, 248), although from the record before us nothing further seems to have been done either at that session or the next succeeding one.