

fact. My objection can be made in [p. 242] clear and intelligible terms without the necessity of mentioning the Counties to which he claims a relation. I refuse to return him because he is not elected. He is not elected because Mr. Sterett is. Had he exceeded that Gentleman in number of votes I should have given my voice for returning him elected from the 4th. District.

'If Residence (says Mr. Pinkney) in the State is a qualification by the Government, Residence in the district is another by the Law.' This sounds like a just conclusion; but I will state the real similitude between the two Cases, and let the advocates of his pretensions, make the most of it. Residence in a State is necessary to the election of a person to represent the particular State, but if he resides in another State within the Union he may be elected for that other State. So, Residence in a district is necessary to the election of a person for that particular district, but if he resides in any other district within the State, he may be elected for that other District, but in fact neither is a qualification; for a qualification is something without which a man can by no means be elected, but a man may be a member of the House of Representatives of the United States without residing in the State of Maryland, and by the same reason a man may be a Representative of the State of Maryland without living in the 3d. or any other given district.

"Calling to mind then the Oath I have taken to support the Constitution of the United States, in which obligation I include a just interpretation of it's Articles, and the best exertion of my judgment, to discover it's intentions, I declare myself of opinion that William Pinkney Esqr. is not duly elected a Representative of the State of Maryland in Congress, and I do accordingly record this my Protest to the Act of the Board which declares him elected."

[signed] John Kilty

So end the Proceedings

T. Johnson, Jr., Sec'y. Council

[p. 243]

On the second Monday in November and eighth day of the same Month, in the year of our Lord One thousand seven hundred and ninety, the General Assembly of Maryland, agreeably to the Constitution and Form of Government proceeded to the Choice of a Governor when John Eager Howard Esquire was unanimously elected, and

On Tuesday following his Excellency qualified in the Senate Room in presence of the Members of both Houses of the Legislature by taking the several Oaths required by the Constitution and Form of Government and the Laws of this State, and by subscribing a Declaration of his belief in the Christian Religion.

On the same Tuesday and ninth day of November Seventeen hundred and ninety The General Assembly made choice of the following Gentlemen as Council to the Governor, To wit

Henry Ridgely,  
John Davidson,  
Randolph Brandt Latimer  
William Hindman and  
John Kilty Esquires.