

REPORT.

TO THE HONORABLE

THE HOUSE OF DELEGATES OF MARYLAND :

The Committee on Elections, to which was referred the petition of Thomas A. Spence, contesting the election of John R. Franklin, as Circuit Judge of the Twelfth Judicial Circuit of Maryland, and the memorial of the said John R. Franklin in response thereto, having deliberately considered the petition and memorial, so referred, and the testimony submitted by the petitioner and memorialist to support their several averments, respectfully report: That, the Committee have entered upon the matter referred to it, deeply impressed with its importance. The individual interests of the parties to this proceeding, great as they may be, when we consider the dignity and importance of the office depending upon its decision, sink into insignificance, when compared with the public interests involved in the charges made by the petitioner: That the laws of the State have been wantonly and recklessly disregarded and set at defiance by its public officers,—the purity and sanctity of the ballot-box polluted, and the right of the majority of the legal voters to have their choice expressed and enforced, outraged. The petitioner contests the election of Mr. Franklin on two grounds. In the first place, because, at the time of the said election, Mr. Franklin was disqualified to hold the office of Circuit Judge,—under the fourth section of article first of the Constitution; and, in the second place, that the Judges of Election in the fifth, eighth, tenth and fifteenth Election Districts of Somerset County illegally received, counted and returned, in their certificates, a large number of illegal votes which were polled for Mr. Franklin, whereby it was made to appear that Mr. Franklin received the largest number of votes and was elected, when the fact is, that he, the petitioner, received the largest number of the legal votes polled in the said Districts and in the Circuit, and was duly and legally elected.