

Somerset County to 908 votes, in the place of 923 votes, as certified to the Governor. From statements and the testimony before the Committee particularly, the returns of the Judges of Election, at the close of the election to His Excellency the Governor, from the counties composing the Judicial circuit, it is shown that Mr. Franklin received of the votes of legal and qualified voters: In Somerset County 559 votes; in Worcester County 1,029 votes; in Dorchester County 461 votes; making an aggregate in the three counties of 2,049 votes. And that the petitioner received of the votes of legal and qualified voters: In Worcester County 633 votes; in Somerset County 908 votes; in Dorchester County 632 votes; making an aggregate in the three counties of 2,173 votes, the largest number of the legal votes polled in the counties of Worcester, Somerset and Dorchester, comprising the Twelfth Judicial Circuit of Maryland, and was duly and legally elected Circuit Judge of that Circuit.

Before closing this Report, the Committee deem it their duty to express their opinion upon the several statements and averments contained in the memorial of Mr. Franklin.

In the second paragraph of his memorial, he states that the petitioner avers, "that your memorialist was and is ineligible, *because he was not at the time of the election registered as a qualified voter*, but was rejected as such by the Officers of Registration of the Second Election District of Worcester County." This is not the averment of the petition, nor can it be, fairly, so construed or made to intend. It is not the want of being registered as a qualified voter in the eighth column, *but the record of his disloyalty* in the seventh column of the Book of Registration, which is the evidence of his disqualification, and the purpose of the averment. The averment of the petition is clear and direct, "that the said John R. Franklin was ineligible to be elected to, and *was disqualified to hold the office under the provisions of the fourth section of the first article of the Constitution.*" The Committee agree with the statement of the memorialist in the seventh paragraph, that it was not the intention of the Act of Registration to confer upon the Officers of Registration the power of determining upon the qualification, (as such) of a Circuit Judge, and that, the fifteenth section of the fourth article expressly confers that power upon the House of Delegates. Under this construction, of this section of the Constitution, this Committee has acted, and so acting, has found, upon evidence recognized and declared by all judicial tribunals to be conclusive, as they have herein before stated: that the memorialist was disloyal under the fourth section of article first of the Constitution, and therefore disqualified to hold the office of Circuit Judge.