

H. Ohr, 69; at the same time, it appeared to the committee, that there were 141 names on the list purporting to be the register of voters of Election District No. 10.

Your committee have also discovered, as connected with this point, that the register of qualified voters for District No. 10, Allegany county, has never yet been filed in the office of the Clerk of the Circuit Court for Allegany county, according to law, either for year 1865 or 1866.

From the facts adduced before your committee, they have arrived at the following conclusions :

1st. That 31 legal voters offered their ballots, on which was the name of Alfred Spates, for State Senator, which were refused by the Judges of Election in District No. 10, and which should have been received and counted for Alfred Spates, the candidate for State Senator.

2d. That the vote in Election District No. 5, should be thrown out of the count for State Senator, because the Judges of Election, in said district, made no return, as is required by law for said State Senator.

3d. That upon a re-count of all the ballots returned to the office of the Clerk of the Circuit Court for Allegany county, it appears that A. Spates received a larger number of votes for State Senator than C. H. Ohr.

4th. That taking into consideration all the facts in this case, admitting all legal votes and rejecting all illegal votes, your committee have discovered, that the vote in Allegany county for State Senator, stands thus: Alfred Spates, 2,066; C. H. Ohr, 1,917; a majority for Alfred Spates, 149 votes.

Your committee submit the following resolutions for your action :

Resolved, That C. H. Ohr was not duly elected as State Senator for Allegany county, and is therefore not entitled to a seat in this body;

Resolved, That Alfred Spates having received the highest number of votes cast, together with those which should have been received by the Judges of Election, for Senator for Allegany county, is declared duly elected, and entitled to a seat in this body, as Senator for said county.

G. FRED MADDOX,
JAMES T. EARLE,
DOUGLASS STIRLING.

Which was read.

On motion of Mr. Bowie, it was

Ordered, That the printer to the Senate be required to have all the testimony in the contested election case of Alfred Spates versus Charles H. Ohr, before the Senate on Monday morning next, 21st January, and that the report of the Com-