

Robinson,	Kemp,	Clark,
Bird,	Pruitt,	Watkins,
Seth,	Merrill,	Park,
Valliant,	Koons,	Brace,
Coulbourn,	Miller,	Vanderford—25.
Duer,		

So the motion prevailed, and the motion to reconsider the vote by which the further consideration of the bill was postponed until the 6th day of April next, was laid on the table.

Mr. Colton, Chairman of the Committee on Elections, (the rules being suspended,) submitted the following

REPORT.

To the Honorable,

The General Assembly of Maryland:

The Committee on Elections, to which were referred the returns and testimony taken in the contested election case of Henry Brooke *vs.* Robert S. Widdicombe, respectfully report, that they have afforded the parties full opportunity to be heard by counsel, and after an elaborate discussion of the law and facts involved in the case, and a careful consideration of the testimony, they submit the Resolutions hereto annexed as the result of their conclusions.

The importance of the principles involved, as well as the fact that this is the first case of a "contested election" which has been decided by the House of Delegates, under the twelfth section of Article four of the Constitution of eighteen hundred and sixty-seven, which reads as follows: "If in any case of election for Judges, Clerks of the Courts of Law, and Registers of Wills, the opposing candidate shall have an equal number of votes, it shall be the duty of the Governor to order a new election; and in case of any contested election, the Governor shall send the returns to the House of Delegates, which shall judge of the election and qualification of the candidates at such election; and if the judgment shall be against the one who has been returned elected, or the one who has been commissioned by the Governor, the House of Delegates shall order a new election within thirty days," in the opinion of your Committee, renders it proper that the grounds of the conclusions at which they have arrived should be stated; especially is this important, as this case may furnish a precedent for cases hereafter arising.

In the mandamus suit recently decided by the Court of Appeals, between these parties, involving the question of the right to the office of Clerk, pending the contest before the House of Delegates, Chief Justice Bartol, in delivering the opinion of the Court, says: "To that tribunal, (meaning House of Delegates,) the Constitution has given the exclusive