

Which was read and adopted by yeas and nays as follows :

## AFFIRMATIVE.

Messrs. President,	Humphreys,
Aydelotte,	Knight,
Bannon,	Lee,
Brewer,	Lawrence,
Dennis,	Lloyd,
Freeman,	McCulloh,
Ford,	Phelps,
Getty,	Stevens,
Gorman,	Suit,
Hepbron,	Walsh—20.

## NEGATIVE.

Messrs. Mudd,	Steiner—3.
Newcomer,	

Also, by Mr. Gorman from same Committee, the following

## REPORT AND RESOLUTIONS.

In the matter of the contested election of the Senator from St. Mary's county, your Committee reports :

That the votes in the 2nd Election District in said county, when counted at the close of the poll, gave, taken in connection with the votes from other districts of said county, a majority to Mr. Lawrence, who has been admitted to the seat.

The Return Judge in said district, thoughtlessly permitted the box containing the ballots, to pass into the custody of another person before delivering it to the Clerk of the Circuit Court.

Upon a subsequent recount of the ballots in the box, a different result appeared from that indicated by the count made by the Judges of election at the close of the poll.

It was the duty of the Return Judge to keep the box containing the ballots in his personal custody until it was returned to the Clerk of the Circuit Court for St. Mary's county. He omitted to perform this duty, and although your Committee is of the opinion that a count of the ballots, after the box containing them has been placed in the custody of a person not authorized to have charge of it, does not necessarily invalidate the vote of the election district, (Cushing on Legislative Assemblys, Sec. 203,) yet if such count differs from a prior count made while the box remained in the continuous custody of the proper officers, it is the safer rule to adhere to the count first made.

For this reason desiring to establish a safe rule and precedent in such cases, your Committee is of the opinion that the Senator from St. Mary's county ought to retain his seat.