

That the said Sheriff, immediately upon the issuing of said Proclamation, gave notice of an election for ten Delegates to represent said city in this House, and all the necessary requirements of law for the holding of said election was duly complied with with, so far as the same could have been done in the short time allowed for holding said election, before the meeting of said Legislature; and an election was held in said city on Wednesday, the 24th day of April, 1861, and that Henry M. Warfield, John C. Brune, Ross Winans, Charles P. Pitts, William G. Harrison, J. Hanson Thomas, S. Teakle Wallis, Lawrence Sangston, H. M. Morfit and T. Parkin Scott, received the majority, and indeed all the votes cast at said election, and have been returned as Delegates elected from said city to the said House of Delegates.

The only objection that has been made before your committee or before this House to the legality of said election is, that ten days notice was not given of said election as required by the 29th Section of the IIIrd Article of the Constitution, which provides that the Speaker of this House shall issue his warrant for special elections, "in case of death, disqualification, resignation, refusal to act, expulsion or removal from the county or city."

Your committee respectfully suggest that this case does not come within the letter of that section and is not embraced by any of the cases mentioned.

The parties whose places were to be filled by the election, are not dead or disqualified. They have not resigned or refused to act. They have not been expelled nor have they removed from the city, and these are all the cases provided for by the Constitution. And however much your committee would be disposed under ordinary circumstances, to be governed by the spirit of that section as be indicative of what would be a reasonable and proper motive of an election, they cannot consent to a course that would defeat the substantial objects of the Constitution by any freedom of interpretation.

The object of the provision was to give notice of the election and secure to the electors a fair opportunity to exercise the right of choosing their representatives. If actual notice was given to the voters of Baltimore city and they had a fair opportunity to exercise their free choice, then the object of the law has been complied with, and as no single individual from the said city has objected in any form, and no complaint of want of knowledge or unfairness has reached us from any quarter, we may fairly presume that sufficient actual notice was given to the voters, and that the election was fair, and that the parties so returned were duly elected.

If mere formal and technical objections could affect the