

Maryland; and that H. G. S. Key and George S. Leigh of St. Mary's county, have an equal number of votes, and are returned as tied.

They have had under consideration the memorial of H. G. S. Key, referred to them by the House of Delegates, praying to be admitted to a seat as the delegate elect of Saint Mary's county; upon the ground that he received a majority of votes at the late election; and various depositions upon the subject presented by Mr. Key, and have heard from him a statement of facts. No memorial has been presented by Mr. Leigh, or any other person on the subject.

The majority of the committee being satisfied from the evidence adduced, that one vote for Mr. Key was improperly rejected, and another vote for Mr. Leigh, improperly counted, have no hesitation in reporting that Mr. Key has received a majority of legal votes, and therefore recommend the adoption of the following order:

Ordered, That H. G. S. Key, has been duly elected a delegate to this legislature from Saint Mary's county, for this session, and that he take his seat accordingly.

J. MURRAY, Chairman.

Which was read the first and by special order the second time.

Mr. Tuck then moved to amend the said report by striking therefrom the following:

“Ordered, That H. G. S. Key has been duly elected a delegate to this legislature from Saint Mary's county for this session, and that he take his seat accordingly” and inserting the following:—Whereas it is represented by the memorial and accompanying affidavits of Henry G. S. Key, Esq. that at the late election for delegates to the General Assembly for Saint Mary's county, one ballot for him was rejected by the judges on the ground that his name thereon was written in pencil; and that one of two other tickets folded together was counted for George S. Leigh, Esq. when as is alleged, both should have been rejected; and whereas it appears that if either of these grounds be sustained the said H. G. S. Key will be entitled to his seat; and whereas in the opinion of this House, to receive and act upon the said petition and affidavits as evidence, without affording to Mr. Leigh an opportunity of being heard in the premises, would be setting an example not only pernicious in itself, but which may hereafter grow into a dangerous precedent; and it being important that this House should be possessed of the merits of the application in a form that will render the same admissible as competent evidence, therefore—

Ordered, That the said Henry H. S. Key have leave to examine evidences touching his memorial, before any justice of the peace, on giving one day's notice to the said George S. Leigh; and that the said Leigh have leave to take proof in the same way, upon similar notice to the said Key, and that said proofs be returned without delay to this House.