

shall we continue to enjoy the blessings of a free government. Public virtue will ever triumph over the designs of the vicious, and the arts of the demagogue. Considering therefore, the sacred character of such a right, your committee have weighed the facts with great caution, and with that care the importance of the case demands. In forming their opinion touching the merits of the memorial, presented to this House by Edward Buckey, they have laid aside the prejudices of the partizan, and have come to a conclusion, that conforms in their judgment, to the meaning and spirit of the law, which secures to the voter the right of ballot. In this case, as regards the intention of those who voted the thirty-six ballots which were rejected by the return judges, there can be no doubt upon the mind of any man. They were cast "bona fide," and, the Act of Assembly, in the judgment of your committee, contemplates, most favorably, the intention of the voter.

It does not presume that all men are equally sagacious and intelligent, and will not therefore, deprive a voter less informed for slight informalities in framing his ballot, of the exercise of his elective privilege. It looks to the motive rather than the manner of the act. Still, your committee would not be understood as wholly disregarding the necessity of certain forms which should guide the voter in the enjoyment of his right. Forms are sometimes essential. They are secondary, not of primary importance. In giving the act of 1805 this construction, your committee have not departed from the rules which prevail in construing Acts of Assembly—but on the contrary, are gratified in finding their views sustained by a decision of this House, in the case of Travilla and Wallis, in the session of 1829. By referring to that decision the House will find the cases precisely similar—the identical point raised—and a decision recorded, by yeas and nays, in which it was settled that *a black line or dash alone*, between the candidate voted for Congress, and the names of the candidates for the House of Delegates, was in the language of the act, "a plain designation." Accordingly, several ballots which had been rejected by the judges of the election, were declared legal and allowed the memorialist Philip B. Travilla, which gave him his seat over Hugh Wallis, the returned member. This decision therefore, settles the construction of the act, and should govern with all the force of a wisely established precedent. The sitting member in his memorial declares his ability in, the event that the House receives the rejected thirty-six ballots as legal votes, to prove by purging the polls, that several votes were counted for Edward Buckey, which were illegal by want of minority, non-residence, alienage or other disability. Your committee, for the reasons assigned in the report made to this House by the committee on Elections a few days since, in the case of George Bowlus, who claimed the seat of Daniel S. Biser, which was unanimously acquiesced in by the House, deem it advisable to decline such an investigation.

The majority of your committee, therefore, are of the opinion