

ton, Esq. of said county, to a membership in the House of Delegates of Maryland," beg leave respectfully to

REPORT:

It is believed there is but little discrepancy between the majority and minority of said committee, as to the inexpediency, under all the circumstances, of resorting to the ballot box to ascertain the validity or invalidity of votes cast at the late October election, for or against the said memorialist, or J. H. Worthington, the sitting member, except as to thirty-six votes said, by the memorialist, to have been illegally withheld from the count of his poll; but which thirty-six votes, it is contended, by the returned member, were illegal, according to the laws of this State, for want of proper *designation* and form. The laws positively requires "the name or names of the person or persons voted for, and the purpose for which the vote is given plainly designated." The law further provides that "if upon opening any of the said ballots there be found any more names written or printed on any of them, than there ought to be, . . . or if the purpose for which the vote is given is not plainly designated, as within directed, such ballots shall be rejected and not counted." Now, it seems clear to the undersigned, those thirty-six ballots are illegal, though the contrary is attempted to be maintained by the petitioner in adducing the case of Travilla vs. Wallis, decided in this House, 1829. But the decision of the highest legislative tribunal in this country, the House of Representatives of the United States, in the case of Reed vs. Cosden, surrounded by facts and circumstances precisely similar to the one here in controversy, was directly adverse to the petitioner here. The 36 votes ran thus:

TARIFF TICKET.

FOR GOVERNOR,

THOMAS G. PRATT.

FOR THE SENATE.

WILLIAM J. ROSS.

WILLIAM COST JOHNSON,

EDWARD BUCKEY,

THOMAS E. D. POOLE,

JOHN F. ELDER,

GEORGE BOWLUS.

The black line is not significant—that would be evident, if the captions for Governor and Senator were severed. In mathematics a line has not *even quantity*. What is it here? It has neither substance or intelligibility. What would the ticket be construed, if the five Delegates had been voted for with no caption but the black line? The undersigned confidently believe the answer