

ording to the certificates made out on the day aforesaid by the judges, it appears that * * * * for Clerk of the Circuit Court of said county, John B. Brooke received seven hundred and ninety-two votes, and Frederick Sasscer received eight hundred and eighty-two votes," thereby attesting that Frederick Sasscer had the greatest number of votes. That fact established, the mere declaration of the election of the party having such greatest number of votes, cannot be essential, because, the election follows by operation of law under the twenty-second section of the fourth article of the Constitution.

But even if in a collateral proceeding, touching the validity of an election, the omission on the part of the return judges to declare the person who received the greatest number of votes, to be duly elected, should be held fatal; yet, your committee hold that this House in judging of the election and qualification of candidates, has full power and authority to go behind the certificate of the return judges, and having from an examination of the primary returns, or by other legal evidence settled the fact that one of the persons voted for had the greatest number of votes, may then declare such person to be duly elected.

Your committee are fully satisfied that the said Frederick Sasscer received the greatest number of votes for the office of Clerk of the Circuit Court for Prince George's county, at the election for said Clerk, held on the sixth day of November last. They, therefore, unite in recommending to this Honorable House the passage of the following resolution:

Resolved by the House of Delegates of Maryland, That Frederick Sasscer, having received the greatest number of legal votes cast at the election held in Prince George's county on the sixth day of November last, for the office of Clerk of the Circuit Court for said county, be and he is hereby declared duly elected to said office.

JOHN A. J. CRESWELL,
Chairman.

Which report was read and adopted.

EXHIBIT A.

Communication from John B. Brooke, Esq.

To His Excellency, THOS. H. HICKS,
Governor of Maryland.

The undersigned hereby gives notice, that if allowed to do so, he will contest the election of Frederick Sasscer, on the sixth of November instant, as Clerk of the Circuit Court for Prince George's county, Maryland.

On the said 6th of November, the undersigned was a candidate for the aforementioned office of Clerk and would have been elected thereto, had the election been conducted in the manner