

stances from the citizens of Baltimore heretofore presented to the Legislature on the subject of the election in that city.

The Constitution makes no particular provision for the trial of a contested election for Comptroller but authorises the Legislature to make provision for all cases of elections not therein provided for. In accordance with this section the act of 1853, ch. 244, declares that all contested elections for Comptroller shall be decided by the House of Delegates; and by the order of the House this case is referred to the committee on elections.

Before the adoption of the present Constitution, the House of Delegates in deciding upon the qualifications of their own members, were restrained by no law but the "law parliamentary," which they possessed the inherent right to decide to suit their own views; and it is a significant fact that the present constitution restrained this power by declaring that such decision shall be made "subject to the laws of the State." A book of authority produced before the committee by the counsel for the contestant asserts that "the same general rules by which courts of law are governed in regard to the evidence in proceedings before them, prevail in cases of controverted elections," (Cushing Sec. 211.) If this be true of election contests in the parliament of Great Britain, where it is exercising original jurisdiction with no other limitation than its own self imposed construction of its powers, it should surely apply with greater strictness in Maryland, where the Constitution itself has distinctly limited the powers of the Legislature in determining upon the qualifications of its own members: and especially should this rule be strictly applied in an exceptional case like the present, which is referred to the House of Delegates under an act of Assembly that might be repealed at any session of the Legislature.

Without the slightest intention of imputing improper motives to the majority of the committee, and with the most perfect respect for their integrity, the undersigned must declare that they regard the course of the majority during this investigation, as at variance in many respects with all the settled rules of procedure in such cases. Their first ruling was, that this case should be taken up and considered with that of *Kerr vs. Gaither*; although the one was a case confined to the city of Baltimore, and the other of an election co-extension with the State; a ruling adopted against the protest of both Messrs. Gaither and Purnell.

Mr. Jarrett commenced his evidence by offering a printed book purporting to contain the depositions of sundry witnesses taken by Messrs. Denmead and others, contesting the seats of Messrs. Krafft and others in the House of Delegates, and