

whole State shall choose the Comptroller; and yet the majority of the committee declare that three-fourths of the electors have the power to choose the Comptroller, and that the will of the remaining fourth is not entitled to any voice in the matter. If Mr. Jarrett is elected, by whom was he elected? By the electors of the State of Maryland? No; we are told there was no election in one-fourth of the State. He is elected, then, by the vote of the electors of *three-fourths of the State*, in the face of the requirement of the Constitution that the electors of the whole State shall choose the Comptroller. If Mr. Purnell is not legally elected, it is because part of the election is *void*, though he received a majority of all the votes. Neither can Mr. Jarrett be elected at a void election, in which he came far short of receiving a majority of the votes cast. If the vote of *one* city or county can thus be rejected upon the ground of illegality, and the vote in the remaining counties be allowed to elect, the vote of *two* counties can equally well be rejected, and the election be made by the balance of the State. And if *two* counties, why not *three* or *four* or *nineteen*, and the remaining county be taken as sufficient to elect the Comptroller. There is the same right to reject *nineteen* counties, as to reject *one*; the principle in both cases being the same. But the report of the majority in the case of *Denmead vs. Krafft*, asserts that it would be "unjustifiable" to declare that a legal election by *one-twelfth* of the voters entitled to vote can entitle a contestant to his seat. We submit, if this is true, where the legal vote is one-twelfth, it would be equally true where it is one-eleventh or one-tenth, or where, as in this case, the legal vote claimed to have been cast constitutes two-thirds of the entire vote. If the ruling of the majority in that case is true, it must be utterly erroneous in the present. By the same process the entire vote of the Eastern Shore might be rejected, and one-half of the counties in the State might be made to elect a Governor; or half the districts of a county to elect a member of the Legislature. This was actually once accomplished in this State in high party times, but it sealed forever the fate of the party which perpetrated the wrong. The returns from two districts of a county were found defective, and the committee of Elections of that day decided that the votes of the remaining districts could be counted to the exclusion of the faulty returns, and gave the seats to the candidates shown to have a majority in those districts. The temporary triumph of party was thus secured, and the election of a Governor was the fruit of the victory. The victors for a moment held

———"The barren sceptre in their gripe,
Thence to be wrenched by an unlineal hand,
No son of theirs succeeding."