

Ordered that the western shore Treasurer pay to John Shaw Twelve pounds, Seventeen Shillings and six pence per Account passed by the Auditor

Agreeably to the notice given by the Honble John Hilty Esquire on the 2<sup>d</sup> instant he delivers his dissent to the determination of that Day as follows.

I dissent to the declaration of Representatives elect, because it includes William Pinkney Esq<sup>r</sup>; and I ground my objection to him on the fact that being a resident of the 4<sup>th</sup> district, and not having the greatest number of votes of all the Candidates residing in that district he is not elected, a representative of this State -

It may be perceived that laying aside any relation Mr Pinkney may claim to the 3<sup>d</sup> district in virtue of his intention or declaration, I view him only as the co-resident and competitor of Mr Sterett, who having the greatest number of votes, I consider Mr Pinkney as an unsuccessful Candidate. The Board in admitting him to be elected for the 3<sup>d</sup> district although resident elsewhere, are governed confessedly by a supposition that the regulations of our Act of Assembly on the subject of elections are repugnant to the Constitution of the United States, and of course ought not to be regarded.

It is not necessary for me to discuss the very problematical right the Board have assumed of disregarding the express directions of a law on account of its supposed opposition to the spirit of the federal Constitution; because on the fullest examination I have been able to give the subject I am confidently of opinion that the Act contains nothing but what is within the authority vested by the Convention in the State administration.

The matter then in dispute is whether the election law of the State contains regulations repugnant to the Constitution of the United States, or to be more particular, whether it exceeds the authority given by the Article which empowers the State Legislatures to prescribe the times, places, and manner of holding elections.

I am not acquainted with the precise grounds on which the majority of the Board have taken the affirmative side of this question,