

or malfeasance, but who cannot by such neglect or mal-practice deprive the people of their vote—And as it would be attended with infinite mischief, inconvenience and danger, to permit the returning judges of election, or a majority of them, whose duty in making such return is purely ministerial, and who by the letter of the act are confined to the simple duty of counting the votes in all the districts, and returning as duly elected, those persons who upon such counting up, shall have the majority of legal votes, to admit or reject at their discretion, the votes taken in a district or districts, or the entire polls of such district or districts, on the allegation that such votes were irregularly taken, or such election irregularly held; inasmuch as it would open a wide door to every species of fraud, enable such judges to make false returns of members to the House of Delegates, stifle and smother the voice of the majority at the discretion of ministerial officers, interfere with the just privileges of the House of Delegates, who alone are the judges in such cases, and by consequence might create an entire house of delegates, of which not a member was a real representative of the people.

And whereas it is the duty of the house of delegates, not only to prevent such abuses in future, but by an express declaration to settle these important questions, that the people may know their rights, and the judges of election may know their duty: *Therefore,*

*Resolved,* That the house of delegates in judging of the qualifications and election of their own members are bound to conform to the constitution and law of the land.

*Resolved,* That no man can be entitled to a seat in the house of delegates, unless he be elected thereto by a majority of the legal votes of the free white male citizens of the United States, above the age of twenty one years, who had resided twelve months in the state of Maryland and six months in the county where he votes next before the election, and at the time of his voting a resident in the district in which he voted.

*Resolved,* That the omission of a judge or clerk to take the oath which by law they are generally directed to take before he acts as such, shall not vitiate or set aside an election in any district, provided the election in other respects be fairly held and conducted.

*Resolved,* That the returning judges of a county constituted by a union of the presiding judges from each election district, act in a ministerial capacity only, and that they or a majority of them have no power, when met for the purpose of making a general return, to exclude from the general enumeration of votes by them to be made, any poll to them returned by the judge of a district, or any vote stated upon any poll to them so returned.

*Resolved,* That the citizens of Maryland who were entitled to vote for delegates to the general assembly of Maryland, cannot be deprived of that right by any omission, irregularity or misconduct of any election judge, clerk or other officer.

Mr. Culbreth stated to the house, that the senate had adjourned until 4 o'clock this evening and moved that this house adjourn to the same hour; and the question was put, that the house adjourn? Resolved in the affirmative, and the house adjourns until this evening at 4 o'clock.

### POST MERIDIEM, 4 o'clock.

The house met.

Mr. Cottman delivers a bill entitled, an act to establish a bank and incorporate a company under the title of the Bank of Somerset; Mr. Hogg a bill entitled, an act for the benefit of James Galbraith, of Cecil county; and Mr. Hands a bill entitled, an act to lay out and make public road in Kent county; which were severally read.

Mr. Howard delivers a petition from Hannah Kimes, widow of John Kimes, of Allegany county, praying that certain lands belonging to her infant children may be sold for their benefit, which was read and referred to Messrs Howard, Hilleary and McCulloh.

Mr. Williams delivers a petition from sundry inhabitants of Worcester county, praying the incorporation of the trustees of Buckingham Academy; which was read and referred to Messrs Williams, Handy and Quinton.

Mr. Maulsby delivers a petition from Thomas Chenoweth, of Harford county, a revolutionary soldier, praying relief; which was read and referred to Messrs Maulsby, Dallam and Foxwood, (of Wm.)

Mr. Lecompte delivers a petition from Clement Stanford and Jesse Hughes, of Dorchester county, praying that they may be authorised to sell the real estate of Arthur Hughes, late of Dorchester county, deceased; which was read and referred to Messrs Lecompte, Stewart and Tootel.

The clerk of the senate delivers a communication from the executive, enclosing a letter from the keeper of the penitentiary, and a memorial from the inspectors thereof; which were severally read and ordered to lie on the table: And the following message:

BY THE SENATE, Dec. 13, 1813.

*Gentlemen of the House of Delegates,*

We agree to proceed to the election of governor immediately. Robert Bowie is put in nomination by the senate. We have appointed Mr. Tabbs and Mr. Fenwick, to act in conjunction with the gentlemen proposed by your house to examine the ballots.

By order,

Which was read.

THO'S. ROGERS, Clerk.

The house having qualified according to the constitution and form of government, proceeded to the choice of a governor, and the ballots being deposited in the ballot box, the gentlemen named retired, and after some time returned and reported, that Levin Winder, Esquire had forty eight votes, and Robert Bowie, Esq. twenty-eight votes: *Whereupon,*

*Resolved,* That Levin Winder, Esq. be, and he is hereby declared to be, governor of the state of Maryland. The house adjourns until to-morrow morning 9 o'clock.