

Messrs. Alnutt and Stevens both presented memorials to the House of Delegates, claiming a right to the vacant seat from Calvert county, and praying the House to investigate their respective claims thereto. At the first meeting of the committee thereafter, the subject of the contested seat from Calvert county was laid before them. It was at that time unanimously resolved by such members of the committee as were present (consisting of Messrs. Mason, Winder, Le Grand, Welch and Selby) that in the investigation of the claims of these gentlemen, that the committee would be governed by a precedent established by the last House of Delegates, in the cases of the contested elections from Kent and Frederick counties and Annapolis city, so far as it would apply to the case at present, in question. The precedent above referred to required the committee on elections to issue subpoenas for any witnesses which either of the parties might name to the committee, for the purpose of showing illegal votes received, or legal votes rejected at the election. The committee upon an examination of the memorials of Messrs. Alnutt and Stevens, find that they allege the fact that legal votes had been rejected, and illegal votes received at the election held in Calvert county in October last, and pray that witnesses may be summoned and examined to sustain those allegations, and to establish in whom the right to the seat exists.

The undersigned are decidedly of the opinion that the committee are bound by virtue of the precedent above alluded to, and in compliance with the resolution adopted by your committee at its first meeting, to go fully into the examination if required by the claimants.

The undersigned therefore think that the report of the majority of the committee ought not to be concurred in, but that your committee ought to be directed to pursue the investigation as far as they may be required by the individuals claiming seats upon this floor, said investigation however to be subject to all the provisions of the order adopted by the last House of Delegates on the 2nd of February 1839.

All of which is respectfully submitted,

JOHN THOMSON MASON.
WILLIAM H. SELBY.

Which was read.

Mr. Selby moved the following as a substitute for the said report:

Whereas, in the case of the contested election of Delegates for Calvert county, each one of the persons returned as having an equal number of votes, claims to be entitled to a seat in this House, upon the ground that certain illegal votes were counted for the other: and whereas each of them claims the right to have the legality of these specified votes inquired into and determined upon proper testimony: and whereas, the summoning of so great a number of witnesses to attend here at this inclement season would subject a great number of citizens to much inconvenience, and