

and shall have qualified as aforesaid. In this case then, there was not, and there could not truly be, a proper certificate annexed to the poll of the necessary qualification of the said presiding Judge; because it is well known, that an oath administered by a person not competent or authorized by law to administer such oath, is in effect no qualification whatever. Nor can it be reasonably contended, that the want of the requisite qualification in the person thus acting as presiding Judge, could possibly operate, as in the case of actual non attendance, to vest in the other two persons a complete and exclusive authority to conduct the election, and thus legitimate the said proceeding. They did not act in any rightful separate capacity, but in conjunction with a person who had no legal authority or power to act with them. In the execution of the important trust committed to them as Judges of the election, there was an equal participation exerted by an individual, who had not bound himself by taking the prescribed legal oaths before the justice of clerk authorized to administer it; and who could not, therefore, be held accountable for any breach of that sacred obligation of office, which the law meant to impose, and with which it was intended to guard the fairness and purity of elections.

Under these circumstances, the committee do not conceive it necessary that the house should comply with the desire expressed on the part of the sitting members, by entering into a general scrutiny of the polls. In their counter memorial, it is stated by Messrs. Howard, McCulloh and Robinett, who are sitting members, that unconnected with the circumstance of there being no election legally held in the district No. 4, they are elected by a majority of the legal voters of the county; that fifty, or upwards, of voters were received in favour of the petitioners in the county aforesaid who were not entitled to vote in said county; that various fraudulent means were successfully practised to impose upon the judges the votes of persons of foreign birth, who were not naturalized citizens of the United States, or were not *bene fide* inhabitants of the said county, or were otherwise not entitled, according to law, to vote at said election.—They offer to go into proof to substantiate these facts, a full scrutiny can be obtained.

But the committee do not conceive that the scrutiny, thus proposed, however desirable such an investigation might be, can be now properly instituted; because the committee are decidedly of opinion, that the return itself, as made by the four Judges of Election of Allegany County, is available and sufficient, according to the foregoing premises, to entitle all the sitting members from said county to retain the seats which they now hold under the decision already given by the house.

AFFIRMATIVE.  
Messrs. Plater, Millard, Causin, Blackston, Boyer, Jervis Spencer, Hands, Browne, Dorsey, Sellman, Eelt, Wm. Hall, Reynolds, Blake, Tane, Turner, Stonestreet, Ford, Farnham, Rogerson, Bayly, Cottman, Waller, Long, Stewart, Griffith, Tootel, Lecompte, Jno. Evans, Lusty, Hogg, Robt. Evans, Somervell, Callis, Wilson, Williams, Quinton, Handy, J. H. Thomas, Delaplaine, J. H. Thomas, Potter, Willis, Jones, Kilgour, Crabb, Riggs, Hilleary, Robinett, McCulloh, Howard.—51.

NEGATIVE.  
Messrs. Randall, Harriman, Warner, Stansbury, Bennett, Martin, Jonathan Spencer, Samuel Stevens, Claude, Duvall, Emory, Burgess, Wright, Forwood of Wm. Forwood of J. Dallain, Mauisby, Saulsbury, Barney, Donaldson, Tilghman, Mason, Kershner, Gibby. 31.

So it was resolved in the affirmative.  
Adjourned.

Monday, Dec 13.

The house met. Present as on Saturday. The proceedings of Saturday were read.

Mr. Hogg delivers a bill to authorise the sheriff of Cæcil county, to execute a deed or deeds therein mentioned. Read.

The Speaker laid before the house, report of the clerk of Washington county court, relative to the attendance of the Judges. Read and referred.

Mr. Saulsbury delivers a bill for the relief of Levin Keminey of Cæcil county. Read.

On motion by Mr. Potter, the question was put, That the House agree to the following message:

Gentlemen of the Senate.

The constitution and form of government having directed that the Governor of this State shall be chosen on the second Monday of Dec, each and every year, and this being the day prescribed, we propose with the concurrence of your honorable body, to proceed to elect the Governor of this State at 12 o'clock today. Levin Winder, Esq. is put in nomination by this House, and we have appointed Messrs. John H. Thomas and Mason to join such gentlemen as may be named by you to count the ballots and report thereon.

The yeas and nays being required appeared as follow.

AFFIRMATIVE.  
Messrs. Plater, Millard, Causin, Blackston, Boyer, Jervis Spencer, Hands, Browne, Dorsey, Sellman, Eelt, Wm. Hall, Reynolds, Blake, Tane, Turner, Stonestreet, Ford, Farnham, Rogerson, Bayly, Cottman, Waller, Long, Stewart, Griffith, Tootel, Lecompte, Jno. Evans, Lusty, Hogg, Robt. Evans, Somervell, Callis, Wilson, Williams, Quinton, Handy, J. H. Thomas, Delaplaine, J. H. Thomas, Potter, Willis, Jones, Kilgour, Crabb, Riggs, Hilleary, Robinett, McCulloh, Howard.—51.

NEGATIVE.  
Messrs. Randall, Harriman, Warner, Stansbury, Bennett, Martin, Jonathan Spencer, Samuel Stevens, Claude, Duvall, Emory, Burgess, Wright, Forwood of Wm. Forwood of J. Dallain, Mauisby, Saulsbury, Barney, Donaldson, Tilghman, Mason, Kershner, Gibby. 31.

So it was resolved in the affirmative and the message sent to the Senate.

Mr. Potter delivers a bill for the relief of Rebecca Hopkins, of Cæcil county. Read.

The Speaker laid before the house report of the Examiner General.

Mr. Culbreth stated to the house, that the Senate had adjourned until 10 o'clock this evening, and moved that the house adjourn to 10 hours; and the question was, that the house adjourn. Resolved in the affirmative, & the house adjourned until this evening at four o'clock.

POST MERIDIEM 4 o'clock.

The house met.

Mr. Cottman delivers a bill to establish a Bank, and incorporate a company, under the title of the Bank of Somerset. Mr. Hogg a bill for the benefit of James Galbraith, of Cæcil county; and Mr. Hands a

### 5 o'clock, P. M.

The house met.

The special report of the committee of elections on the subject of the contested election of Allegany county, was read, and after further debate, the question was put, That the house concur in the report, and assent to the resolution therein contained. The yeas and nays being required appeared as follow:

#### AFFIRMATIVE.

Messrs. Plater, Millard, Causin, Blackston, Boyer, Jervis Spencer, Hands, Browne, Reynolds, Blake, Tane, Turner, Stonestreet, Ford, Farnham, Rogerson, Bayly, Cottman, Waller, Long, Stewart, Griffith, Tootel, Le Compte, J. R. Evans, Lusty, Hogg, Robert Evans, F. M. Hall, Somervell, Callis, Wilson, Williams, Quinton, Handy, J. Thomas, Delaplaine, J. H. Thomas, Jones, Kilgour, Crabb, Riggs. 41.

#### NEGATIVE.

Messrs. Dorsey, Sellman, Belt, William Hall, Blake, Randall, Harriman, Warner, Stansbury, Bennett, Martin, Jona, Spencer, Claude, Duvall, Emory, Burgess, Wright, Forwood, of Wm. Forwood, of J. Dallain, Mauisby, Saulsbury, Poller, Culbreth, Willis, Barney, Donaldson, Tilghman, Mason, Kershner, Gibby. 31.

Whereupon, Resolved, That Levin Winder, Esq. be, and he is hereby declared to be, Governor of the State of Maryland.

Adjourned.

### MARYLAND GAZETTE.

ANNAPOLIS, THURSDAY, DEC. 16, 1813.

#### The Allegany Election,

Which has for sometime agitated the state, and afforded a constant theme for some of our politicians, has been decided by the house in conformity to the law of the state, and agreeably to precedent. The question was argued in the house of delegates on Saturday last, with perfect coolness and moderation, and some of the members on each side who took parts in the debate discovered no small degree of ingenuity.

The four federal members returned from that county were adjudged entitled to their seats, by reason of the votes in one of the election districts being altogether illegal. We conceive no other decision could have been made without a direct violation of the law.

It is with no small degree of pleasure that we announce to the public the re-election of the Honourable LEVIN WINDER as governor of this state, for the year ensuing. At this particular crisis we consider his re-election as one of the most fortunate circumstances that could have happened to Maryland, for his virtue and patriotism have been so often tried, that the most entire confidence may be placed in his administration of our affairs. His council are the same as last year, all federalists, and devoted heart and soul, to the interests of the state, and the happiness of their fellow-citizens.

It is with no small degree of pleasure that we announce to the public the re-election of the Honourable LEVIN WINDER as governor of this state, for the year ensuing. At this particular crisis we consider his re-election as one of the most fortunate circumstances that could have happened to Maryland, for his virtue and patriotism have been so often tried, that the most entire confidence may be placed in his administration of our affairs. His council are the same as last year, all federalists, and devoted heart and soul, to the interests of the state, and the happiness of their fellow-citizens.

It was believed by many, that the senate of Maryland would refuse to go into the election of a governor and council, unless the house of delegates would consent to be controlled by their wishes, and decide the Allegany election on principles directly contrary to the law of the state.

That there are men among us so destitute of virtue, that they would have rejoiced to see the state afloat on the tempestuous sea of anarchy, no one can doubt who has mixed at all in the crowd during the present session of the legislature, but the senate had too much prudence to attempt a state of things which might have been the means of their own political dissolution, as well as many others of their political friends who now enjoy the best offices in the state.

The question, we understand, whether they should secede, was fully discussed in caucus, not only by members of their own body, but by some of the most distinguished democrats in the state, who were invited to attend. Although a different decision from that which ultimately took place might have caused a state of things greatly to be deplored, inasmuch as it would have let loose, for a time, an host of vagabonds to prey on the peace of society, yet we are confident the tumult would have been hushed by a complete triumph of virtuous federal principles.

On this question self-interest might have governed some, while principle, and a firm determination to support the law & constitution of the state, dictated the decision of others. Because they did not gratify the wishes and expectations of a multitude of hungry office seekers, and violate the temporal obligations they had made in a

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Allegany county, and after some debate the house adjourned until 3 o'clock this evening.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to