

*To the Honorable, the Committee on Elections*

*of the House of Delegates:*

The counsel for the claimants, Thomas E. Ballard, Daniel W. Jones, and Joseph Brattan, duly elected, commissioned and qualified as Judges of the Orphans' Court for Somerset county, respectfully requests the attention of the Committee to the circumstances of this contest, as it is now presented for their consideration.

The memorial of the contestants was presented to the House of Delegates on the 6th February, 1864. In the counter memorial, presented to the House of Delegates on the 23d February, 1864, it is erroneously stated that the notice of the contest was received by the claimants on the 13th February, but the counsel is since informed that the notice was not received by claimants, Ballard and Jones, till the 16th February, and that the claimant, Brattan, received no notice whatever of the said contest from any official source. That said Brattan, being summoned before this Committee as a witness by the claimants in the contests for Clerk and Register for said county, came to Annapolis on the evening of the 19th February, when, for the first time, he was unofficially informed of the grounds of contest, on which the contestants seek to set aside the election of the claimants. That on the 20th February the said Brattan for himself and by authority of his co-claimants, engaged the undersigned as their counsel to defend their cause in this contest before the said Committee; and their counsel caused their counter memorial to be presented to the House on the 23d February, 1864. It will thus be seen that the claimants have been guilty of no neglect in presenting their defence.

On reference to the counter memorial of the claimants it will be seen that the allegations of the contestants are denied, and full proof of them demanded. The cause is thus at issue; and the Counsel for the claimants is informed that it is proposed by some, at least, of the Committee, to use against the claimants, in this contest, the testimony taken in the contests for Clerk and Register aforesaid. To this, the Counsel for the claimants, beg leave most respectfully to protest.

The claimants in this case, were in no sense parties or privies to those contests, and the testimony taken therein, is as to