

timony produced on the part of the contestant fail to show any such fraud, but, on the contrary, all of said witnesses admitted that there was no fraud at said election, and that the ballots were counted fairly in the presence of watchers, and that the returns were signed by all of the election officials, both Democrats and Republicans. In the face of this testimony, I submit that the recount made of such ballots should not be allowed to stand. Especially do I make this claim regarding 49 ballots, which were properly marked for the contestee, Mr. Merrick, and yet were rejected by a majority vote of the Committee. Counting these ballots, Mr. Merrick would have a clear majority of 27 votes.

I wish also to call the attention of this Honorable Body to the fact that 107 votes were rejected by the committee in Laurel district alone, in which district, as I am informed by the contestee, he is prepared to prove by the testimony of both the Democratic and Republican judges of election, that there was no dispute whatsoever at the time of the counting of the ballots on the night of election regarding any ballots cast at said polling place except three, one of which was counted for the Democratic ticket, one for the Republican ticket, and the third, having been identified to the judges as a ballot cast for the Republican ticket, was so counted. I also wish to state that the ballots contained in two of the ballot boxes were counted by the committee without a quorum of the committee present.

There has been no opportunity given to the contestee to produce any testimony which he might desire for the purpose of showing the fairness of the election in the districts about which no testimony was taken by the contestant. In all of the districts that were counted, the result of the count did not tally with the official reports as shown by the Sun Almanac, the only authority which we had in the committee room. Again, in one district there was one vote counted more than the number of names on the poll list. In the remaining districts the number of ballots produced were 44 ballots less than names on the poll lists.

For these reasons, even assuming that this contest has to be decided upon the counting of the ballots, I am of