

the following words, "and in case of any contested election [for Circuit Judge,] the Governor shall send the returns to the House of Delegates, who shall judge of the election and *qualification* of the candidate at such election." This article and section of the Constitution reposes in your honorable body, and no where else, the power to decide upon the *qualification* of a candidate for judge.

To enable you to decide the question, the facts upon which the disqualification is based must be before you, and not the deduction made from those facts by other officers appointed for a totally different purpose. There are cases in which the judgment of another tribunal would be binding upon you, as for example, upon a charge of bribery at elections; but the Constitution expressly makes the conviction in such case conclusive evidence of the fact, thereby strengthening the position, that the causes of disqualification under the 4th section of the 1st article must be proven before you, there being no other mode pointed out by which you can arrive at a conclusion. The causes of disqualification in that section are set forth, and by the 15th section of the 4th article you are made the judge, whether or not they exist. How are you to determine the question? by an investigation made by others or by yourselves? if by the former, you cease to be the judge of the qualification of the officer, and simply record the judgment of another. It might be contended with equal force, that the exclusion of a citizen from the polls by the judges of election for any of the said causes, rendered him ineligible to office, and that your Honorable Body could not go behind their action in the matter. Such a construction would not only do gross injustice to the candidate, but would enable designing and unprincipled men to defeat the will of the people, and forestal your action. It is therefore submitted, that the question of the disqualification of your memorialist under said section, is to be adjudicated by your Honorable Body, upon proof of the particular disqualifying acts therein specified. He utterly and emphatically denies, that he is disqualified to hold office, for any cause known to the Constitution and laws of the State, and challenges the production of proof to that effect. He further, to prove the arbitrary and illegal conduct of the officers of Registration, in refusing to register him as a legal voter, begs leave to refer to the evidence of the witness upon which he was disfranchised, as well as the evidence of other witnesses, as to his innocence of the charge which was made against him, which will be submitted.

In reply to the second ground upon which the contestant bases his objection to the election of your memorialist as Circuit Judge of the 12th Judicial Circuit of Maryland, to