

registered in 1866, were refused their ballots, upon which was the name of A. Spates, for Senator, by the Judges of Election Districts Nos. 1 and 10, in Allegany county, and as is developed by the testimony, the said Judges assigned no legitimate reason for said refusal, and in many cases absolutely rejected the ballot assigning no cause for so doing.

As regards the second point raised by the Contestant, your committee have seen nothing in the testimony which would warrant the conclusion, that the sitting member, either counseled armed men to be present at the polls on the day of election, for the purpose of threatening force and violence with intent to overawe and hinder the election, or conspired with the Judges of Election to effect that purpose.

In the investigation, by your committee, of the testimony connected with the establishment of the third point raised, by the Contestant, the evidence develops the fact, that many of the Judges of Election were reckless and criminal in the performance of their duties, disregarding their sworn obligations, by permitting parties, entirely disconnected with any official duty appertaining to the Judges of Election, to act as Judges of Election, during the count after the polls were closed. That the count in many of the districts, could not bear an investigation after the ballots and books were deposited in the office of the Clerk of the Circuit Court for Allegany county. That upon a re-count of the ballots in the said Clerk's office, it was discovered that instead of a majority of 12 for C. H. Ohr, as was made out by the return Judges, that A. Spates had obtained 35 majority; that the return Judge of Election District No. 5, reported the vote for C. H. Ohr, 399, and for A. Spates, 290, when the testimony taken before the Justice of the Peace, and a certificate filed by the Clerk of the Circuit Court for Allegany county, exhibits conclusively, that the Judges of Election in said District No. 5, made no return at all for State Senator.

As regards the fourth ground of controversy, your committee have discovered many material points connected with this case to conclude them, that the Judges of Election in some of the districts in Allegany county, had no theory in the performance of the duties of their office, but in many instances disregarded the plainest rights of the legal voters, were controlled and governed by an unwarrantable disposition, displaying either an ignorance of the duties appertaining to their office, or the possession of a spirit uncontrolled by the workings of the plainest principles of justice. The fact is presented to your committee, that in District No. 10, one of the Judges of Election, James Crisholm, attended a meeting, and assisted in organizing a set of men to come armed to the polls, and that said armed men did attend said election, in which said district, Alfred Spates received 13 votes, and C.