

stances, your Committee believe they voted for Widdicombe, viz: Mack Johnson, convicted April 26th, 1870, and George Locker, convicted April 28th, 1868, and Nace Beall, convicted November 15th, 1859.

It was insisted, upon the part of Widdicombe, that two of these parties having been convicted prior to the adoption of the constitutional amendments, giving the negro the right to vote, they are not disqualified under the second section of Article 1, of the Constitution. The constitutional amendment provides that no one shall be prevented from exercising the elective franchise by reason of any distinction of race, color or previous condition of servitude.

If at the time of the adoption of the constitutional amendment, it was declared by the Constitution of the State of Maryland, "that no person above the age of twenty-one, convicted of larceny or other infamous crime, unless pardoned by the Governor, shall never thereafter be entitled to vote at any election of this State." The constitutional amendment would not confer the right to vote, because the party was laboring under a disqualification, which prevented the constitutional amendment from operating in his behalf.

The disqualification is not a punishment for crime, which never attached, because at the time of conviction the right to vote did not exist, but is a disqualification which follows by reason of conviction, and which ever thereafter prevents the elective franchise from being enjoyed.

To give it any other construction would place a large class of negro convicts in a better position than white convicts.

The disqualification is founded upon reasons of public policy, and the same reasons of public policy should exclude all negro convicts not pardoned, which exclude all white convicts not pardoned.

Under the sixth reason for contesting the election, that non-residents of the State and county were permitted to vote at said election, a large amount of testimony was taken. The contestant claimed that sixteen non-residents voted for Widdicombe, and Widdicombe claimed that fifteen non-residents voted for Brooke. While the testimony showed that those voting for Widdicombe had in most cases left the county and gone to Washington to live for some years, still, in nearly all cases, it was shown that the parties claimed to be only absent temporarily, and that they had never abandoned their intention to return, or their claim to residence in the county.

Those voting for Brooke and claimed to be non-residents, were shown by the testimony to be persons who lived in the State, but were pursuing their means of livelihood in the City of Baltimore, or on the line of the Baltimore and Poto-