

mac Railroad Company; and the proof showed, that in all such cases, the intention not to abandon their residence had been plainly expressed by the parties, and they had voted in the county for years.

Residence is a mixed question of law and fact, and while a party may be temporarily absent from the State, and still retain his residence if he has the intention of returning, yet some limitation should be placed upon this right, else in the case of Prince George's and other border counties, the political complexion of these counties may continue to be determined by a class of persons who, having no fixed or local abode under this plea of intention, float to and fro, and constitute an element which, without any permanent interest, will turn the scale in the closely contested elections.

Until some further legislation is had upon this question of residence, defining it with some accuracy, your Committee think it improper to exclude from the count on either side any except the votes of those clearly proven to be within the class of non-residents.

One non-resident, John G. Leitz, is proved to have voted for Brooke; and two non-residents, Sam. Williams and Geo. Bowling, for Widdicombe. Sam. Williams, (page 38,) is proved to have resided in Washington City, and to have voted there.

Although George Bowling testifies that he was only living temporarily in Washington City, (page 97,) proves that he had a conversation with Bowling in 1872, in which Bowling told him he never intended to come back to Prince George's county to live, and advised him to leave. This, taken in connection with the testimony of other witnesses, satisfies the Committee that he is not entitled to vote in the county.

The result of a recount of the vote with these corrections and allowances, would give Brooke 2,354 votes and Widdicombe 2,330 votes, thus electing Brooke by twenty-four majority. If, however, from this we were to deduct from Widdicombe's vote, Henry Holland and Geo. Bowling, it would leave Brooke with twenty-two majority.

Your Committee, while they do not declare the contestant entitled to the office by reason of his election, but only order a new election, have no hesitation in saying that the facts disclosed in the testimony establish in Marlboro' District a condition of things on the day of election with which Widdicombe is shown to have been directly connected, which warrants them in declaring against his right to the office.

It is one thing for a candidate to manifest proper zeal on the day of election in securing votes, and if this was all that