

herein prescribed in contested seats of the Senate or House of Delegates

50. All cases of contested elections of any of the officers not provided for in the Constitution, or in the preceding section, shall be decided by the judges of the several Circuit Courts—each in his respective circuit—and by the Superior Court of Baltimore City, in the city of Baltimore.

Art 35, s 53
1853, c 244, s 2
Cases of contested elections, by whom decided
46 Md 123

51. Each judge of the Circuit Court, and of the Superior Court of Baltimore City, may adopt such mode of proceeding in cases of contested elections, and prescribe such rules for taking testimony and adjudging costs, as to him shall seem most satisfactory and least expensive.

Id s 54
1853, c 244, s 3
Judges to prescribe rules relating to contested elections.
46 Md 123.

52. The party intending to contest an election for the Senate or House of Delegates, shall give notice of such intention to the person returned, within thirty days after the judges of election shall have made known publicly the state of the polls, unless at a special election to fill a vacancy, when such notice shall be given within ten days after the state of the polls is announced by the judges of election.

Id s 55
1844, c 284, s 1

Notice of intention to contest

53. Such notice shall be delivered in writing, at the usual residence of the person returned; and if he be absent, shall be left there

Id s 56
1844, c 284, s 1.
How served.

54. The party intending to make examinations shall, after such notice, apply to some justice of the peace of the county or city wherein the election is contested, and shall obtain a notice under his hand and seal, directed to the opposite party, and requiring him to attend in person or by attorney, and cross-examine witnesses.

Id s 57.
1844, c 284, s 2

Notice to take testimony

55. The justice, in such cases, shall have the usual power to coerce the attendance of witnesses.

Id s 58
1844, c 284, s 2
Attendance of witnesses.

56. The notice of the justice shall contain the names of the witnesses, with the facts expected to be proved by them, and shall state the time and place of examination, and shall be served on the opposite party or his attorney, at least ten days previous to the proposed examination.

Id s 59
1844, c 284, s 2
What notice of justice to contain and when to be served.

57. Every person deposing shall be examined on oath; and his testimony shall be reduced to writing either by himself, in the presence of the justice, or by the justice, or a clerk by him appointed and sworn fairly to write down and transcribe the depositions, and shall be subscribed by the deponent.

Id s 60
1844, c 284, s 3

Deposition, how taken

58. The depositions so taken, together with a certificate of the notices and proof of service of them, shall be sealed up by the magistrate who took them, and transmitted to the presiding officer of the body in which the seat is contested

Id s 61
1844, c 284, s 3

To whom to be transmitted.

59. The examinations of witnesses, taken in the manner herein prescribed, and in no other, shall hereafter be admitted on trial of contested elections.

Id s 62
1844, c 284, s 4
What examinations admitted on trial

60. The copies of any papers recorded in any office of record, attested under the hand and seal of the recording officer, shall be

Id s 63
1844, c 284, s 5
Attested copies