

Clerk's office of said county, as Clerk thereof, and James E. Chaney against Charles S. Parran, the latter being the present incumbent of the office of Register of Wills of said county as Register thereof, all of whom contestees were returned as elected to the Governor, respectfully submit this their report in the above recited cases.

There can be no question as to the jurisdiction of the House to hear and determine such contested election cases as appear from the record; certainly none as to the contests made for seats in that Body, as the Constitution makes each House the judge of the qualification and election of its members. Concerning the contests made by officers, other than members of the House, the law in pursuance of the Constitution is equally clear and explicit, and as this position is settled by numerous precedents we can pass from this branch of the case, and present the facts as disclosed by the evidence. Having as briefly stated the evidence as the circumstances will permit, we will then apply the law to the facts and arrive at the conclusion to which they both may lead.

The contestants and contestees were respectively the candidates of the Republican and Democratic parties of Calvert county, at an election that took place in that county on the 3rd day of November, 1891. This election was held under the provisions of the Act of 1880, chapter 538, commonly known as the "Australian Ballot Law." Calvert county is divided into three election districts, and the first of these districts into two voting precincts designated as First or Solomons Island, and Second or St. Leonard's Precincts. The issues between the contestant and contestees arise in the second or St. Leonard's Precinct. On the morning of the election before referred to, the duly appointed officers, to wit: three judges of election, two ballot clerks and the usual number of tally clerks, assembled at the polling place for the Second Precinct in the First Election District of Calvert county for the purpose of holding the election. They then qualified by taking the oath of office as prescribed by law. The hour having arrived for opening the polls, the packages containing the ballots that