

REPORT:

FEBRUARY 19, 1892.

To the Senate of Maryland:

The Committee on Elections of the Senate, to which was referred the memorial and papers relating to the contested election case of Samuel R. Bird against Joseph F. Talbott, the latter being the sitting member of the Senate from Calvert county, who was returned as elected by the Governor, would respectfully submit this their report.

The committee after reading and considering all the testimony submitted by both sides, and after hearing the arguments of counsel for both, contestant and contestee, has reached the following decision, which, with the reasons for the same are herewith submitted to the Senate.

Jurisdiction.

The Senate of Maryland in the matter of a contest relating to a seat in its own body has had conferred on it by the Constitution of Maryland, the sole power to judge of the election of its own members. The Constitution, in Article 3, section 19, provides as follows: "Each House shall be judge of the qualification and election of its members, as prescribed by the Constitution and Laws of the State." The members of the committee in deciding the issues involved in the cause submitted to them, have endeavored therefore to act judicially, and have taken as their only guide on the important questions involved as to the election of a Senator from Calvert county, on the 3rd November, 1891, the law (as prescribed by the Constitution and Laws of the State) relating to elections.

Facts.

The facts involved in the case which are necessary to be found in order to apply the law, are but few and it may be said undisputed by either side. These facts are as follows: The contestant, Bird, was the Republican candidate for the Senate of Maryland from Calvert county at the election held on the 3rd of November, 1891, the sitting member and contestee, Joseph F. Talbott, was the Democratic candidate for same office at same election. Calvert county is divided into three Election Districts designated First, Second