

2d. Did this fraud, this crime, which was undoubtedly perpetrated by some one, to the committee unknown, vitiate the election in the Second Precinct of the First District of Calvert county?

To determine this, two questions must be answered, and I will discuss them in order:

First. Was the election conducted by properly constituted officers in this precinct?

Second. Were the ballots used, legal ballots?

If these questions can be answered affirmatively then the fraud did not vitiate the election in this precinct and the contestant is entitled to the seat so sadly made vacant by death. Their settlement involves a proper construction of the election laws of this State.

On the morning of November 3d, 1891, the day of the election, the regularly appointed and qualified Judges of Election for Precinct No. 2, of Election District No. 1, opened the packages supposed to contain the official ballots for said precinct and found that they contained copies of the Local Laws for Calvert county. This naturally created a commotion, especially among the Republicans, who, for the first time, discovered that a low trick had been resorted to, to disfranchise the voters of this Republican district and prevent a free and legal expression of the people's will.

As it subsided, it was suggested that ballots, designed for the First Precinct of the same district be procured, and an order was given to D. B. Bond, Esq., upon the Sheriff for the same. Mr. Bond went and returned without the ballots. In the meantime, Mr. Dixon had secured the official ballot of the First Precinct and brought a sealed package of the same to the Judges of the Second Precinct. They were examined and found to be identical with those originally designed for the Second Precinct, except that the designation of the place of election on the back of the ballot was "First," instead of "Second." It was then suggested that this designation be altered and that the election be proceeded with. All acquiesced, except the Democratic officers of election, who refused to hold an election upon the ground that in their opinion these ballots, adapted in this one particular, to the