

But it is not necessary to go beyond the limits of our own State for a proper judicial construction of the Maryland statute, upon the contested questions in this case.

The Circuit Court for Calvert county, after a full hearing of these very questions in the contested election case of the Sheriff, the State's Attorney and County Commissioners of Calvert county, in which the contention of the contestee was presented and argued by a lawyer of no meaner ability than the presentable and astute Attorney General of Maryland, has held that these ballots so altered were official and legal ballots, and were cast at an election held by legally qualified officers.

The second question must therefore be answered in the affirmative also.

Any other construction of the statute would defeat and nullify the provision in Article 7 of the Declaration of Rights of this State, that "every male citizen having the qualifications prescribed by the Constitution, ought to have the right of suffrage," and thus lay the law open to a constitutional objection.

It would be prudent, therefore, for the Senate to hesitate before it makes a solemn and official declaration, that under a proper construction of the Act of 1890, the Supervisors of Election for any county in the State may, by their own neglect or design, fail to furnish official ballots at a certain polling place, that in such event the Judges of Election may refuse to hold an election, and thus deprive the citizen of the sacred right of suffrage, which is guaranteed him by the Constitution and laws, and the free and full exercise of which is the bed-rock of all free government.

Such a declaration is an admission that the "Australian Ballot Law," passed in 1890, is a failure, in that under its provision it is possible for a voter to be deprived of his right to vote, through no fault of his own, but through an inherent defect in the law of which the Boards of Supervisors and Judges of Election throughout the State can take advantage with impunity.

It will serve notice on such officers that whenever they desire to defeat an election in a certain district