

they may do so under a proper construction of the Statute, by failing to furnish ballots in such district or by seeing to it that the ballots, after being prepared, by some misadventure never reach their destination.

It will say to the voter, "your rights are no longer your own, but the Act of 1890, chapter 538, has placed them in the hands of Boards of Supervisors, upon whose generous but partisan discretion their exercise depends."

It will say to the public we have passed a law whose design was to protect and secure the sacred right of suffrage, but whose result, under a proper construction, is to violate the Constitution and destroy that right.

Legal astuteness and fine-spun technicality may invent a construction to escape the fair and just results of this election, but the invention will arise to plague the party of the inventor, and even-handed justice may in the future commend the poisoned chalice to their own lips.

The sad death of the contestee renders a discussion of the question as to whether there is a vacancy or not, unnecessary in the report. The vacancy now exists and the Constitution of the State, in section 13, of Article 3, provides the means of filling it at once.

It may be proper to add that nothing in this whole proceeding connected the contestee even remotely with the infamous frauds perpetrated in said election. He goes to his untimely grave with a reputation untarnished in this matter by the faintest whisper of suspicion.

For the above reasons I respectfully submit that the following propositions are established by the law and the facts in this case.

1st. That there was fraud in the election in the 2nd precinct of the first district of Calvert county, held Nov. 3rd, 1891, and that the party of the contestee could alone have been benefitted thereby.

2nd. That said fraud failed of its devilish purpose, and did not vitiate said election, but that the same was legal in all respects, and that Samuel R. Bird, the contestant, having received 350 of the 378 votes cast at said election in said precinct, which gives him a majority of 151 in the county, is entitled to a seat in the Senate of Maryland, from Calvert county.