

his residence, whether it might be in Charles, or Howard, or Worcester, or any other county, or in Baltimore city.

A person in the Diplomatic Service of the United States, with no rule anywhere in any statute affecting his right to hold office, can go ten thousand miles away from Maryland, and spend ten years, if need be, and yet would retain his legal residence in the State of Maryland while he is away.

We submit that no one will seriously contend that there should be one doctrine of law applicable to Senators, foreign ministers and consuls, and another to the incumbent of the smallest clerkship in any department of our Federal Government.

Were we to admit that Mr. Smoot, by the isolated, non-deliberate declaration, at the time of his marriage in Baltimore city, over balanced, as it is, by numerous acts and declarations contemporaneous with and since that time, had rendered the question of his residence in Charles county doubtful—which we do not admit, but which is the most that could be claimed from the standpoint of those who dispute his residence—even then his right to a seat in this House could not be affected. The return of his election, with the majority of the qualified voters of Charles county behind him sending him here, gives him a *prima facie* right to the retention of his seat, and all doubts, in the eye of the law, as well as in the eye of equity and fair dealing must be resolved in his favor.

For the reasons stated herein, your minority is clearly of the opinion that no such case has been made out against this contestee to warrant the interference with his right to a seat in this body, to which a majority of the people of Charles county have declared him elected. Therefore, we recommend the adoption of the following resolution, to-wit:

Resolved, That Hungerford Smoot was duly elected a Member of the House of Delegates of Maryland from Charles county, at the November election, 1903, and is entitled to a seat therein.

Which,