

a vacancy, when such notice shall be given within ten days after the state of the polls is announced by the judges of election. Such notices shall be delivered in writing at the usual residence of the person returned, and, if he be absent, shall be left there.

105. The party intending to make examination shall, after such notice, apply to some justice of the peace of the county or city wherein the election is contested, and shall obtain a notice under his hand and seal, directed to the opposite party, requiring him to attend in person or by attorney and cross-examine witnesses. The justice in such cases shall have the usual power to coerce the attendance of witnesses. The notice of the justice shall contain the names of the witnesses with the facts expected to be proved by them, and shall state the time and place of examination, and shall be served on the opposite party or his attorney at least ten days previous to the proposed examination. Every person deposing shall be examined on oath, and his testimony shall be reduced to writing, either by himself, in the presence of the justice, or by the justice, or by a clerk by him appointed and sworn fairly to write down and transcribe the depositions, and shall be transcribed by the deponent. The depositions so taken together with a certificate of the notices, and proof of service of them, shall be sealed up by the justice who took them, and transmitted to the presiding officer of the body in which the seat is contested. The examinations of witnesses, taken in the manner herein prescribed and in no other, shall hereafter be admitted on trial of contested elections.

106. Copies of any papers recorded in any office of record, attested under the hand and seal of the recording officer, shall be admitted at all such trials in the same manner as the originals would be if produced. Copies of any other papers of a public nature, and remaining in possession of a public officer, and extracts from the poll-books, under the hand and seal of the clerk of the court or public officer in whose office they are deposited, shall be admitted as evidence.

107. The Police Commissioner in the City of Baltimore and the clerks of the circuit courts in the counties to whom ballots have been returned under the provisions of this Article shall produce any such ballots in regard to which testimony may be proposed to be taken before a justice of the peace taking examinations in a contested election, and shall furnish said justice of the peace copies of the same only on the order first had and obtained from some one of the courts of Baltimore City or the circuit courts for the counties, or some one of the judges thereof, and then, in pursuance of the terms and conditions of