

1904, art. 33, sec. 128. 1888, art. 33, sec. 94. *Ibid.* sec. 53. *Ibid.* sec. 120.

130. All cases of contested elections of any of the officers not provided for in the constitution, or in the preceding sections shall be decided by the judges of the several circuit courts, each in his respective circuit, and by the superior court of Baltimore city, in the city of Baltimore.

The power of the courts under this section includes authority to decide all matters involved in the contest; to declare who was elected; that the office was vacant, and that notice be given the governor. *Handy v. Hopkins*, 59 Md. 168.

This section was passed in pursuance of the constitutional direction that the legislature make provision for contested elections not provided for by the constitution. This section is still in force under the constitution of 1867. The court will either decide which contestant was elected, or notify the governor of a vacancy. *Anderson v. Levely*, 58 Md. 201. See also, *Warfield v. Latrobe*, 46 Md. 123.

For the effect of the petitioner having a remedy under this section, and proceedings already instituted thereunder, upon an application for mandamus to direct the governor to issue a commission, see *Brown v. Bragunier*, 79 Md. 242.

Ibid. sec. 129. 1888, art. 33, sec. 95. *Ibid.* sec. 54. 1892, ch. 12.

Ibid. sec. 121.

131. Each judge of the circuit court and of the superior court of Baltimore city may adopt such modes of proceeding and adjudging costs in cases of contested elections as to him shall seem most satisfactory, but the rules of taking testimony in such cases shall be the same as those which regulate the taking of testimony in contested election cases cognizable by the house of delegates.

When the boxes have been kept as required by section 78, the ballots may be examined by the court. *Leonard v. Woolford*, 91 Md. 627.

This section was passed in pursuance of the constitutional direction that the legislature make provision for contested elections not provided for by the constitution. This section does not delegate legislative power to judges. It is still in force under the constitution of 1867. *Anderson v. Levely*, 58 Md. 201. See also, *Warfield v. Latrobe*, 46 Md. 123.

Ibid. sec. 130. 1892, ch. 12, sec. 95 A. *Ibid.* sec. 122.

132. If either party shall deem himself aggrieved by the decision of any of the circuit courts or the superior court of Baltimore city in cases of contested elections he shall have a right of appeal to the court of appeals, as in other cases; said appeal to be taken within five days from the date of the decision complained of; and shall be heard and decided by the court of appeals as soon after transmission of the record as may be practicable, and the testimony taken in such cases shall be sent up to the court of appeals as part of the record.

The court of appeals will not consider an agreement of counsel made up after the trial containing a condensation of the testimony, nor will it examine the original ballots as provided in such agreement. Copies of the disputed ballots should be incorporated in the record with the rulings of the court thereon. *Leonard v. Woolford*, 91 Md. 627.

Ibid. sec. 131. 1888, art. 33, sec. 96. 1890, art. 35, sec. 55.

Ibid. sec. 123.

133. The party intending to contest an election for the senate or house of delegates shall give notice of such intention to the person