

are all but corollaries flowing from one great principle "that elections should be free." Upon the preservation of this vital principle, not only the prosperity, but the very existence of the State, *as a free State*, depends. The violation of this, even in the earliest days of representation, called forth the spirited, though feeble, voice of the people who stamped upon record this maxim, "*That elections should be free.*" (Male on Elections, 359.)

The law is, that at any election where the violence and intimidation is so great as to strike terror into the mind of a man of ordinary firmness, the election will be *held absolutely void, without reference to the number of votes thereby affected.* As your committee observed in a previous report, a rigorous construction of the law would perhaps have compelled the House to admit the contesting delegates from the city of Baltimore upon the vote of the eighth ward, where peace and quiet and fair voting reigned; but the vote of the eighth ward being so largely the minority vote of the city, it was deemed both unjust and unsafe to establish such a precedent.

Your committee would not be understood as interpreting the law in the last mentioned case, or any other, so as to make the admission or rejection of contestants to depend upon the fact of a minority or majority of the votes being left after the expurgation of violence, but simply as exempting the previous cases from the rigor of the law, because of their anomalous, peculiar and unprecedented character.

In this case, the facts reverse the position of contestant and claimant. The contestant has received, exclusive of the city of Baltimore, a majority of two thousand four hundred and ninety-two votes of all those entitled to participate in the election. It was an election in which all the voters of the State cast their ballots, and was not confined, as the two previous cases, to the municipality of Baltimore.

Your committee cannot conceive that the whole people of the State should be deprived of their choice—their fair and legal choice—because Baltimore city or any other considerable or inconsiderable portion of the State should present itself in such an attitude of violence and atrocious wrong, on the day of election, as to vitiate its own act and preference. If such a principle were asserted and carried to its logical consequences, the city of Baltimore, or any fractional part of the State, no matter how small, might defeat at any time the wish and choice of the majority, by riot and disorder. Other consequences of an equally grave and deleterious character might occur from so important a modification of the law of elections as it has been handed down to us from remote times.