

greatest, as well as most lamentable specification, is the complicity of the authorities of the city in the crimes, from the rudest assaults up to the most deliberate and shocking murders, which took place in the city of Baltimore on the 2d of November last.

In the opinion of your committee these are the gravest charges, touching the exercise of the elective franchise, which have ever been made in the history of the State of Maryland, or of our Republic. They are so seemingly extravagant, and really so anomalous, that their bare presentation excites the gravest surprise and mortification, and, if they be sustained by the proofs, they will present a case which outstrips, in the magnitude and enormity of the abuse of the elective franchise, the most phophetic foreboding of the enemies of popular government and suffrage. If these charges be sustained by the proofs, the question of your interposition between an enslaved, a disfranchised community and their oppressors, should not admit of remark or debate.

The law of the case, as understood by your committee, is well settled, and uniform in all the authorities, from the earliest down to the most modern.

Amongst other principles the following are clearly laid down:

1. Where the judges of election are not duly appointed, or do not duly qualify, or conduct in so illegal and arbitrary a manner as to violate the freedom of election, the whole proceedings will be void. (Cushing's Law of Leg. Assemb. p. 72.
2. That secrecy is the right which the ballot was designed to secure, and where it is divested of this essential ingredient the election is void. (Cushing, p. p. 37, 67.) And aside from all antecedent authority, the Constitution of our State, in providing that "all elections shall be by ballot," was designed to secure something more than the simple right of depositing a piece of paper in a box, by way of vote; it doubtless meant to provide, for the electors, a system radically different from oral suffrage, whose distinguishing feature is *publicity*, and that was done by guaranteeing to them the right of secret ballot.
3. Fraudulent and illegal votes can never avail to make an election. Wherever they are offered they are to be rejected by the judges, but if, either from ignorance or complicity on the part of the judge of election, they are received by him, still when a contest is raised, and this fact is made to appear, the "illegal votes will be rejected, and he who has the highest number of remaining good votes will be entitled to his seat." (Moore vs. Lewis; Clark and Hale, 128.) In such