

you at said election, surrounded the polls, with arms and weapons, in Election District No. 10, on the morning of the election, and held the said polls all that day, and drove off by force, violence, threats and intimidation a large number of legal and registered voters, &c.

The charge that large numbers of armed men surrounded the polls in Election District No. 10, conspiring with the Judges, and acting under the counsel of the sitting members, threatening violence, with intent to intimidate persons from voting, thereby preventing a large number of duly registered voters from casting their ballots for the contestants, are unsupported by any testimony. It is shown that in this mountain region it is, and has been the custom of the people to take their guns with them. It is also fully shown that these armed men belonged to both parties; and it is further shown by contestants' witnesses that there was no intimidation or threats offered to any one, and that there was no quarreling or interference with voters; and that the election was an unusually peaceable one. It is also shown that many came armed fearing an assault by citizens from West Virginia and others. As they were disappointed in this, not a gun was fired or menacingly employed.

The next point, and that on which the majority rely upon as giving the contestants a right to seats in this Body is, that numerous registered, and consequently qualified voters, were rejected by the Judges of Election, amounting to fifty-one votes in all, to this the undersigned object. First, that the Constitution, Article first and section fourth, plainly defines the qualification of voters, and the Registration Law, chapter 174, sections six and fifteen, of the Laws of Maryland, 1865, plainly shows that the Registers of 1866 not only had no right to examine into the acts of the Registers of 1865, but positively forbids, under pains and penalties, their registering any man who the former Registers had entered in their register as disqualified.

We find, by examination of the record, that there were twenty-three names recorded who had been entered disqualified by the Registers of 1865, with witnesses to prove said facts. The undersigned cannot comprehend how, after the positive prohibitions of constitutional law, the majority can, by any true legal process, count said votes; and if the above reference to the Constitution and law is not sufficient to prove to this Honorable Body that the Judges of Election have the power to enquire into the fact whether a registered person, and specially one registered disqualified in 1865. We refer to Election Law, Article 35, section 9th, of the Code of Public General Laws, which says, that every Judge of Election, before he proceeds to take or receive any vote, shall take the follow-