

entitle the contestant to the office, it would be necessary to refer in more detail to the testimony than your Committee now deem it requisite.

The returns, as made to the Governor, show that Widdicombe received 2,349 votes, and Brooke received 2,342 votes, thus electing Widdicombe by a majority of seven votes. The grounds upon which the election of Widdicombe is contested, are as follows :

1st. That said election was not conducted in the manner designated by the Constitution and Laws of Maryland.

2d. That owing to intimidation, legally qualified voters were prevented from voting at said election.

3d. That legally qualified voters were prevented from voting at said election by other causes.

4th. That minors were allowed to vote at said election.

5th. That unpardoned convicts were permitted to vote at said election.

6th. That non-residents of said State and county were permitted to vote at said election.

7th. That the returns of said election were not made out, returned and certified according to the laws of this State.

8th. That through the unlawful interference of candidates and others at said election, legally qualified voters were deceived and prevented from voting for him, the said contestant.

The seventh objection was not insisted upon by the contestant, and as no reasons were shown to your Committee upon which to sustain it, it may be considered as waived.

The first, second, third and eight objections may be considered together. The Constitution of the State, Article first, section first, provides that all elections shall be by ballot; and Article thirty-five, section twenty-three, of the Code of Public General Laws, declares that if any candidate or other person or persons shall practice force or violence, with intent to influence unduly, or to overawe, intercept or hinder any election, he shall, on conviction thereof in any Court of Criminal Jurisdiction in the county where the offence was committed, suffer such fine, not exceeding two hundred and fifty dollars, and such imprisonment, not exceeding fifty days, as the Court shall adjudge.

The very foundation of the exercise of the elective franchise by ballot, as contradistinguished from *viva voce* voting, is secrecy, and the purity of elections depends upon the freedom and untrammelled choice with which the voter can express his preference for the respective candidates.