

and incidents could be greatly extended to include a large portion of the State, but enough has been disclosed for the fidelity and purpose of this report, and vastly too much to show conclusively that the preservation of the purity of the ballot-box, the full and uninterrupted exercise of the elective franchise, "the arrest of evil-disposed persons" who had been "engaged in rebellion against the lawful government, or had given aid and comfort or encouragement to others so engaged," "and who may" have availed "themselves of the indulgence of the authority which tolerated their presence to embarrass the election and foist enemies of the United States into power," were not and cannot be believed to be the governing motives for the illegal and unauthorized order of the Military Department. The people of the State of Maryland have by their Constitution and laws ever evinced a sacred regard for that great and distinguishing privilege of a freeman—the right of suffrage. They have defined, by their organic law, the qualifications for the right of suffrage, declared in what manner the right shall be exercised, and that alone by ballot, and by laws and the most solemn oaths, to be administered by judges of election, have guarded as far as human wisdom and experience could dictate against all attempts at fraud or violence.

In a republican government, where the people are justly regarded as the source of all power, and "that all government of right originates with them," it becomes an essential element of the safety and perpetuity of their institutions that the will of the people, as expressed in their elections of the public servants who for the time being shall administer it, should be free, full and unrestricted, except by law. The officers who are selected to discharge the various duties of the State are but the public agents of the people, and if any trust thus to be imposed shall be attempted to be exercised by any other than those constitutionally elected in accordance with a will of the people, such attempt should be regarded as unauthorized usurpation.

In this State such has been the jealousy for the free and untrammelled exercise of the elective franchise against all interference, especially against military interference, herein most justly complained of, that the 24th section of article 35 of the code of public laws declares that "no commissioned or non-commissioned officer having the command of any soldier or soldiers quartered or posted in any district of any county in this State shall muster or embody any of the said troops, or march any recruiting party within the *view* of any place of election, during the time of holding said election, under the penalty of one hundred dollars." (The city of Baltimore is exempted from the operation of this statute.)