

In the eighth ward according to the allegations and proofs in this contest, there was a fair and peaceable election. So far as your committee are aware, the sitting members have not denied the fact, nor have they produced any proof to the contrary, and the only remaining question is whether upon the vote of the eighth ward, a majority of more than 1400 votes having been cast for the contestants, they (the contestants,) are entitled to the seats of the sitting members. Your committee are of opinion that they are not so entitled. The law as before stated, is that a riot or tumult, or a display of numerical strength accompanied with threats, even though no actual violence takes place, or conduct of parties engaged being such as to strike terror into the mind of a man of ordinary firmness, and deter him from proceeding to the poll, the election will be held not to be free, and will be declared void.—(Com. Jour., IX., 631; Hey., 546.) “And where the proceedings at an election are interrupted by riots, the election will be held void without reference to the number of votes affected thereby.”—(Rog. on Elec., 243.)

A strict and rigid construction of the law, which pronounces all elections void where riot prevails to the extent therein stated, would perhaps justify us in pronouncing the election at every poll except in the eighth ward to be void, and therefore as a natural and inevitable consequence that the votes polled at the eighth ward, where the contestants received a large majority, are alone entitled to be counted, and as a further consequence that the contestants should be declared elected, but, the committee are of opinion that in this particular and anomalous case, such a construction is not justifiable. The vote at the eighth ward is but a small fractional part of the entire vote of the city—perhaps one twelfth, and it would, to say the least, be impolitic to establish a precedent, by which the city of Baltimore, or any county, should be represented in either branch of the General Assembly, by persons receiving so small a number of the whole number of votes entitled to be cast.

Your committee are therefore of opinion from a studied and well digested review of the law and facts of this contest, that there was no election whatever in the city of Baltimore on the 2nd of November last, and therefore beg leave to submit the following resolution :

Resolved, That it appears to this House, that there was such tumult, riot, intimidation, fraud and injustice in the election of delegates from the city of Baltimore on the 2nd of November last, in contempt of law, and in violation of the