

In the investigation of the matters set forth in the memorial, your committee thought proper to restrict their inquiries to the single fact, as to whether there was, in legal contemplation, an election or not in Baltimore, on the second of November last. "A scrutiny of the polls" was deemed utterly impracticable, because the time of the session, as allowed by the Constitution, would not permit it. Such a course would have involved the separate examination of every individual voter whose name is recorded on the poll lists. In the early period of the investigation, your committee was satisfied that a *prima facie* case of "violence" of such extraordinary magnitude and preconcertion had been made out by the testimony of the contestant, as would vitiate the entire election; we, therefore, determined to hear no testimony on the part of the incumbent except such as would tend to refute the charge of violence, from which all other charges specified in the memorial flow, as corollaries. If this charge be sustained, it would of itself be sufficient to declare the election void.

The law, as already stated by your committee in a previous report is as follows:

"That whenever there has been an interruption of the proceedings by riot and tumult, notwithstanding the returning officer has been able to continue and finish the poll, and to comply with the exigency of the writ, by the return of members, the election has been holden totally void."—(Idem, p. 125.) For this cause the elections for *Pontefract*, 28th May, 1624, were declared void, (1 Jour., 797;) *Southwark*, 10th December, 1702, (14 Jour., 24;) *Coventry*, 5th February, 1706, (15 Jour., 278;) *Westminster*, 6th November, 1722, (20 Jour., 53;) *Coventry*, 20th November, 1722, and Cushing, Law and Practice of Legislative Assemblies, p. 68. "A riot may proceed by actual force or violence, or by a display of numerical strength, accompanied with threats, and, though no actual violence takes place, yet if the conduct of the parties engaged is of such a character as to strike terror into the mind of a man of ordinary firmness, and to deter him from proceeding to the poll, the election can hardly be said to be free."—Cushing on Law and Practice of Legislative Assemblies, p. 68.

Yet it seems necessary to the existence of such a riot as will avoid an election, that it should be founded on system, or at least upon premeditation; for a casual affray or an incidental disturbance, without any intention of overawing or intimidating the electors, cannot be considered as affecting the freedom of elections.—(Rog. on Elec., 242; Trigg vs. Preston, Cont. Elec., 78.)—Cushing, p. 68.