

The undersigned had seen so much violent denunciation of the proceedings at this election in Baltimore by portions of the press in that city, that it had become almost a settled conviction of their minds that everything connected with it was to be condemned as a matter of course. But they found themselves compelled to examine, and this House is now called upon to decide this case under the solemn sanction of an oath upon the evidence actually submitted to them *in this case*, and not upon impressions received from these reiterated assertions of newspapers, which at this very time are engaged with equal bitterness in accusing each other of receiving bribes to promote frauds upon the public, and in slandering the members of this legislature, of all parties, as dishonest and corrupt. Acting under the solemn sense of duty, the undersigned have examined this evidence with reference to the four grounds of complaint set forth in Mr. Jarrett's memorial, and they confidently assert that it does not support either of the charges.

1st. Mr. Jarrett does not charge that *riot* prevailed in the city of Baltimore, and the authorities are clear that he cannot give evidence of any facts not set forth in his memorial. Cushing, p. 56. But waiving this and assuming that the first vague averment in his petition is to be considered as a charge of riot, it is equally clear that no riot will avoid an election, "unless it is shown to have been founded *on system* or a *premeditation*." Cushing, p. 68. Of this we confidently assert there is no proof to be found in this evidence.

2nd. The law as to the reception of illegal votes is plainly set down in all the books. In Cushing on Legislative Assemblies, the authority so frequently quoted by the majority of the committee, it is expressed on page 72, in these words, "an election may be controverted on the ground of the illegal reception or illegal rejection of votes by the returning officers; and in such a case if it is proved that votes *sufficient to change the majority*, have been illegally received or illegally rejected, the election will be set aside, and the candidate having the majority admitted; *but neither the reception of illegal, nor the rejection of legal votes will have this effect unless the majority is thereby affected*." We suppose it will hardly be contended that evidence to any such extent was offered by Mr. Jarrett.

The most extravagant estimate made by all the witnesses of Mr. Jarrett as to the number of legal votes rejected does not exceed twenty-five, and of the illegal votes admitted, eight hundred—of course no such number could affect Mr. Purnell's majority of twelve thousand, seven hundred and eighty-three votes.