

titled to vote in the ward or election district in which he resides in all elections hereafter to be held; and at all such elections the vote shall be taken by ballot, &c.

Also the following provisions of the Code of Public General Laws of the State have been violated:

Article 35, Sections 1 and 6, which provide who shall be Judges of Election, and do not give to the military authorities the power of appointing said judges.

Section 9. Every judge of election, before he proceeds to take or receive any vote, shall take the following oath: "I, A. B., do solemnly swear that I will permit all persons to vote who shall offer to poll at the election, now to be held for _____ county or _____ city, who, IN MY JUDGMENT shall, according to the directions contained in the Constitution and Laws, be entitled to poll at the same election, &c.

Section 14. All elections shall commence at nine o'clock in the morning of the respective days of election, and shall continue without adjournment, and be closed at six o'clock in the evening of the same day, &c.

Section 16. If any Judge of an Election or other person, after a ballot shall be delivered in and before the poll is closed, shall unfold or open any such ballot with design to discover the name or names therein contained, he shall forfeit and pay the sum of fifty dollars.

Section 23. If any candidate or other person or persons shall practice force and violence, with intent to influence unduly or to overawe, intercept, or hinder any election, he shall, on conviction, &c.

Section 24. No commissioned or non-commissioned officer, &c., 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, &c.

From authors of recognized authority, who have treated on the subject of the law of elections, the following extracts and principles are derived:

"Riots, likewise, have been frequently determined to make an election void," *1 Bl. Com.* 179. "Where the judges of election are not duly appointed or do not duly qualify, or conduct in so illegal and arbitrary a manner as to violate the freedom of election, the whole proceedings will be void." *Cushing's Law of Leg. Assembly*, p. 72.

"That secrecy is the right which the ballot was designed to secure, and where it is divested of this essential ingredient, the election is void." *Cushing*, pp. 37, 67.