

The law is stern in suppressing fraud and robbing it of its purposed fruit, but it is far more stern and inexorable in its dealings with violence; and neither the presence of a military force during an election, nor the interruption of the proceedings by riot and disturbance can in any degree be endured by the Constitution." *Male on Elections*, p. 63. As early as the reign of Edward I, (A. D. 1275,) it was ordained "Because elections ought to be free, the King commandeth, upon great forfeiture, that no man, by force of arms, nor by malice or menacing, shall disturb any to make free election."

"When the freedom of election has been violated by riots, the election has been uniformly set aside, 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," *Heywood, Law of County Elections*, 582. *Male on Elections*, 125.

"If there be actual force or violence, or a display of numerical strength accompanied with threats, and the conduct of the parties engaged is of such a character as to strike terror into the mind of a man of ordinary firmness, the election will be held absolutely void without reference to the number of votes thereby affected."—*Crushing*, secs. 181, 183, 185.

"The causes of avoiding an election are all but corollaries flowing from one great principle *that elections should be free*. Upon the preservation of this vital principle, not only the prosperity but the very *existence* of the State as a *free State* depends. The violation of this, even in the earliest days of representation, called forth the spirited though feeble voice of the people, who stamped upon the record this maxim '*that elections should be free.*'"—*Male on Elections*, 359.

There may be an opinion in the minds of some, that martial law, or the will of the commanding general, in a time of war and rebellion such as we are now enduring, usurps the place of the statute law, and becomes the supreme law of the State; that in judging of the validity of an election you are to judge subject to the proclamations and orders of the military authorities. Your Committee are willing to re-organize to the fullest extent to which it has ever yet been recognized, the maxim "*Salus populi suprema lex*"—"the safety of the people is the supreme law"—but that maxim does not apply at all to the case in hand. If necessary for the public good the military power may and ought to arrest dangerous or suspected persons, to impress property for public use, and to do many other acts and things. But the commanding general, unless he possess the power to make black white, to change fact into fiction, and