

It is proper, too, that the House should be informed that there were three candidates in the field for each of the offices of Clerk and Register—two Union candidates and one Democratic candidate for each. This fact will readily suggest to the minds of the House reasons for the greater probability of the election of Woolford and J. J. Dashiell.

In regard to the contested election for Judges of the Orphans' Court of Somerset county, the undersigned do not consider that there was any investigation of such contest by the committee on Elections, and that having made no special examination into the election as to judges of the Orphans' Court, they are not authorized to report in the matter. Should the House think differently, the undersigned assert that the same reasons given in favor of the election of Levin Woolford as clerk, and J. J. Dashiell as register, will apply in favor of the election of Thomas E. Ballard, Joseph Brattan and Dan. W. Jones, as Judges of the Orphans' Court for Somerset county, and that they were elected according to the returns of the election, over two competing tickets for the same office, by an average majority of one hundred and forty-nine.

In conclusion, the undersigned beg leave to say, that an election in its best understood, and commonly received acceptation, is under our laws, a choice of the people having the right to elect.

The laws of the State make provision for the holding of elections to ascertain the choice of the people.

If, at such elections, the choice of the people is clearly the result, then the election is valid as to the parties returned as elected; though there were irregularities and illegalities attending the holding of such elections.

Fraud, violence and other illegalities will certainly vitiate an election, if they defeat the choice of the people; and especially so if such fraud, violence and other illegalities were instigated or promoted by the candidates, or in the interest of the candidates returned as elected.

In the cases before you, it is unquestionably true that no fraud, violence or other illegalities were prompted, instigated or practiced by the successful candidates, or by or through any of their friends, agencies or means, or in any way intended to promote their election.

It is equally clear that all such frauds, violence and illegalities were prompted and instigated by those who were opposed to the successful candidates, and that they (the successful candidates) were elected in spite of such means of opposition.