

trol; and the fears of the complainants are, therefore, equally groundless in this regard.

This respondent, further answering, respectfully shows that the right and power to hold an election for the purpose of calling a convention and of holding a convention to frame a new constitution is a sovereign political right existing in the people, overriding all constitutions and bills of rights, and of which they cannot be deprived by the interposition of one of their own agents.

Wherefore this respondent prays to be hence dismissed with his reasonable costs, &c.

ORVILLE HORWITZ,

S. T. WALLIS,

Solicitors for Respondent.

State of Maryland, City of Baltimore, to wit:—Before the subscriber, a justice of the peace in and for the city and State aforesaid, on this first day of April, 1867, personally appeared William Thomson, and made oath that the matters and things, stated in the foregoing answer, are true to the best of his knowledge and belief.

ALLEN E. FORRESTER, J. P.

JUDGE MARTIN'S OPINION.

On Tuesday, April 2, after Mr. Rogers had filed his printed notes, Judge Martin handed down the following opinion:

“The application for an injunction in this case is rejected. The allegations in the bill involve the consideration of political questions, or legal questions, cognizable only in a court of law, with which a court of equity has no concern, and over which it has no jurisdiction.

“There is no power in a court of equity at the instance of contestants, in the position of these complainants, and upon the allegations in this bill, to interrupt the progress of an election to be held by the legislative department of the government on the averment that it is unauthorized. There is no branch of equity jurisprudence within which this power can be included. In 2 Story's Equity Jurisprudence, section 872, and in Eden on injunction, the cases proper to the application of the writ of injunction