

As a general principle it is not true that the right to vote and the right to hold office are co-relative. Numbers of persons hold office in this country who have no right to vote—as women, aliens and minors—and numbers have the right to vote for certain offices who are not eligible to fill them. Thus all voters can cast their ballots for Governor, Judges, &c., but only those who have attained a certain age are eligible to be elected to them. There are numbers of persons holding offices under the Constitution and Laws of Maryland who are neither voters nor residents of the State—as commissioners to take acknowledgments and State agents residing abroad.

Again, if the fact of a person not being registered is considered evidence that he is not qualified to hold office, the fact of his being registered must be equally conclusive evidence that he *is* qualified, and it would result that if the bitterest rebel had by some management procured himself to be registered, he must be admitted as qualified to hold office, notwithstanding evidence of notoriously disloyal acts should be brought to the knowledge of the House. We look in vain for any sufficient evidence in the facts accompanying the action of the Registers, to induce the House of Delegates to declare Judge Franklin disqualified, from disloyalty, to hold the office of Circuit Judge. Testimony of so trivial a character as that produced before the Registers, going only to the extent that he had been heard, early in 1861, to argue in conversation, in favor of the constitutional right of a State to secede, and that he had made a speech at Snow Hill in that year, the subject and purport of which is not given, can scarcely be esteemed sufficient to work a disqualification to office, and yet this is every word in the proof as to the testimony before the Registers, from which the House are to judge of the propriety of their action. But the other evidence shows that Mr. Franklin always claimed to be a Union man, and that he denied the constitutionality of secession. If there are none in this House who, in the inception of our troubles, transgressed to a greater extent from the present status of loyalty, its members are far beyond the average of the loyal men of the State.

The next objection to the due election of Judge Franklin is based upon the alleged misconduct of the Judges of Election in four election districts of Somerset county. It is admitted that in those districts a number of persons whose names were not on the Registry, were admitted to vote, and that if they had not been so admitted, the majority in the whole circuit would have been for Judge Spence.

In defence of this course of the Judges of Election, it is alleged that there were such irregularities and wrongs in the action of the Registers in those districts, that the Registry