

very large majorities to submit to very small minorities as an ineligible person may receive and in many cases, has received a great majority of the votes, it is enough in such a case to hold the election void.

This question was elaborately discussed and settled so far as the Senate of the United States is concerned in the case of Jos. C. Abbott of North Carolina; the decision in that case was against the adoption of the English rule in this country and Abbott, who received a minority and though the only eligible person was declared not elected, the committee deciding that the fact, that the voters had notice of the ineligibility makes no difference. The broad doctrine was asserted that in this country, an election by a minority of the persons is not to be tolerated under any circumstances.

In spite of these strong arguments and decisions, however, and in the face of the fact that all the States of this country, save Illinois and Indiana, where the question has arisen, have refused to adopt the English rule, the Senate of Maryland in the contested election case of Holton vs. Macklin in 1865, just after the war, declared in favor of it, alleging that Mr. Macklin had given aid, support, etc., to the enemies of the United States, which fact was of public notoriety, that his sentiments and expressions of disloyalty were of sufficient frequency and notoriety and of such a nature as to involve the legal presumption of knowledge on the part of the electors.

Again, in an opinion by Judge Page in the case of Murdock vs. Strange recently decided by our Court of Appeals, the Court declares—that—if the ballot contains the name of a man who is known to the voter to be ineligible, the ballot cannot be counted because the object of the ballot then would be not to elect, but to prevent an election, hence it will be seen that the tendency has been to adopt the English Rule in Maryland, though we do not mean to say that it has been adopted or that it would be adopted if brought directly before the court for decision, nor do we believe it necessary to determine at this time, as to whether or not the English Rule is in force in this State, because, though we might assume it to be in force in Maryland,