

country. Nor do those cases state the law as it now stands in England. As an evidence of this we refer to the authority quoted by the majority, "that wherever there has been an interruption of the proceedings by riot, &c., notwithstanding the officers may continue and finish the poll, &c., the election has been totally void." But by the Reform act the law in England now is, that "if overpowered by a mob the polling officers adjourns the polling and resumes it when it can be carried on without disturbance." Encyclopedia, 8th edition, Brittanica, article Parliament p. 296.

There is no necessity for going to the middle ages nor to England for authorities in elucidation of the law upon this subject. The matter has been frequently decided in our own country and in recent times. In the case of Trigg vs. Preston, contested elections p. 78 referred to by the majority; it was proved, says the committee of Elections that Capt. Preston the brother and agent at the election of the sitting member, was quartered near the Court House with 60 or 70 federal troops of which he had the command—that they were marched around the Court House where the voting was in progress several times during the election, and paraded close to the door—that they voted for Mr. Preston—that some of them threatened to beat any one who should vote for Trigg, and one of them knocked down a magistrate attending the election—that three soldiers stood at the door and refused to admit a voter because he said he would vote for Trigg—that the country people and soldiers got into an affray—that guns were fired by the soldiers and other similar outrages prevailed, and they recommended that Mr. Preston should be unseated. The House upon argument by Mr. Nathaniel Macon, Gen. Samuel Smith and other able members, refused to adopt the report of the committee and Mr. Preston retained his seat, in this case the House acted upon the principle so well defined in the case of Biddle and Richards vs. Wing, referred to on page 506 of Contested Elections.

"In all cases of contested elections, where the question depends upon matters of fact which are controverted by the parties much difficultly is to be expected in coming to a decision, and where there is room for doubt, a disposition is often felt to return it to the people. This, however, ought not to be done where it is possible to ascertain what the result has been. "When the people in the exercise of their constitutional rights, have gone through with the process of an election according to the prescribed rules, they ought not to be deprived of the advantages therefrom, but for the most substantial reasons; no doubts which are capable of being solved ought to be permitted to operate against them—indeed, noth-