

are enumerated, and it is not pretended that a case of this character is within any of the designated classes. After an election is accomplished, parties claiming office under it or against, may, if the asserted illegality of the election depends on legal grounds, contest the question by mandamus; but it is not within the power of any court, by injunction or by mandamus, to arrest the progress of an election directed by the legislative department, by deciding in advance questions connected with the alleged illegality or irregularity of the election as stated, expressing their opinions as to the expediency of a Constitutional Convention.

“It is, therefore, on this 2d day of April, 1867, ordered and decreed by the Superior Court of Baltimore City, as a court of equity, that the application for an injunction in the above case be rejected, and the bill dismissed with costs.

“R. N. MARTIN.”

IN THE COURT OF APPEALS.

A notice of appeal was entered the following day, and on Thursday, April 4, Mr. Rogers went to Annapolis to file the papers. The court ordered the matter to be set down for the following Monday, April 8th, which was two days before the day of election. On April 8, in the Court of Appeals Alexander M. Rogers, Esq., appeared for the complainants, and George William Brown and Orville Horwitz, Esqs., for the respondents—(Mr. Wallis’s professional engagements in the Supreme Court having detained him at Washington.)

Upon the calling of the case the court (Chief Justice Bowie) suggested that the answer of respondents having been filed, it was necessary to inquire whether the appeal could be heard at the present term, or whether it should go over to the next term of the court. The question was argued at length by the counsel on both sides, after which the Chief Justice inquired of the clerk of the court whether the certificate had been sent up by the clerk of the Superior Court. On looking at it the Chief Justice said that it appeared that the answers in this case were filed on the 1st of April and the order refusing the injunction was