

testified that he has uniformly from the beginning of the rebellion to the present time, expressed sentiments of a character directly opposed to those now charged against him? If the expressions, which a few witnesses, not personally intimate with Dr. Maclin, testify to, were really such as would disqualify him for a seat in this body, on what principle can it be assumed that the mass of the voters of Howard county knew of his having used expressions? The facts, that he acted with the democratic party, and that he was a regularly nominated candidate of that party, were certainly notice to the voters that he differed in political opinion from those who sustained all the measures of the present national administration; but it can hardly be seriously maintained that such facts were proof of disqualification either to vote or hold office in this State.

Finally, and as the undersigned conceives a conclusive answer to the pretensions of the contestant, is to be found in the fact that the Constitution of this State must be regarded in all its provisions as subordinate to the Constitution of the United States, which is the Supreme Law of the land. This paramount supremacy of the Constitution of the United States, is set forth in the stringent terms in the 5th Article of the Declaration of Rights in our State Constitution, where it is not only declared that the Constitution of the United States and the laws made in pursuance thereof, are the Supreme Law of the Land, but that every citizen of this State owes paramount allegiance to that great instrument, and is not bound by any law or ordinance of this State in contravention or subversion thereof. Any law or ordinance of this State, whether it be a statutory enactment or a constitutional provision, which in the slightest degree contravenes the command and prohibition of that instrument, is of no force or validity whatever. Among the provisions therein contained is the broad prohibition that, "no bill of attainder or ex post facto law shall be passed;" an ex post facto law is a law which punishes by the imposition of any kind of punishment, an act which was no offence under existing laws at the time of its commission. The undersigned respectfully submits that the provisions of the Constitution of this State which affix a disqualification for holding office, (and which in this case would turn out of an office a party duly elected by the legal and qualified voters of his county,) to acts and expressions which by no law, civil or military, were forbidden at the time they were done and made, is the enactment of an ex post facto law contrary to the prohibition of the Constitution of the United States. The undersigned, therefore, is clearly of opinion, that the Constitution of this State must, in this respect, be regarded as prospective only in its operations and extends its disqualification only to those who shall commit such acts or make use of