

his desire for the triumph of said enemies over the arms of the United States, *shall ever be entitled to vote at any election to be held in this State, or to hold any office of honor or profit or trust under the laws of this State, unless,*" &c.

In the decision of the Court of Appeals in the case of *Anderson vs. the Registrars of the Fourth District of Montgomery County*, we have a clear, direct and positive construction of the character and extent of the powers and authority of the Officers of Registration: that they have exclusive jurisdiction and power to determine finally and in full all questions as to qualifications. The question of qualification before the Officers of Registration upon the application of Mr. Franklin was, "Is Mr. Franklin loyal or disloyal under the fourth section of the first article of the Constitution?" and their decision and judgment was, "he is disloyal." The record of that judgment is now in evidence before us. In the face of this evidence to question or to doubt the existence of the *fact* of disloyalty which must disqualify Mr. Franklin, would be not only to disregard the law as construed and laid down by the Court of Appeals,—that the determination of the Officers of Registration is final and conclusive, but to disregard the rule of evidence well settled, and so clearly and distinctly stated by Judge Story in the case of *Allen vs. Blunt* (3 Story, 745) in the following terms: "In short it may be laid down as a general rule, that when a particular authority is confided to a public officer to be exercised by him in his discretion upon an examination of parts, of which he is made the appropriate judge, his decision upon these facts, in the absence of any controlling provisions, is *absolutely conclusive as to the existence of those facts;*" and further, for this Committee not to regard the determination and decision of this fact by the Officers of Registration as final and conclusive, would be willful disobedience to the instructions of the House.

The Committee are not disposed to disobey the instructions of the House, or to disregard the well settled rules of evidence, or the decision of the Court of last resort of the State.

For these reasons the Committee can arrive at no other conclusion than that Mr. Franklin was, on the seventh day of November, eighteen hundred and sixty-five, ineligible to and disqualified to hold the office of Circuit Judge of the Twelfth Judicial Circuit of Maryland, by reason of his disloyalty, under the fourth section of article first of the Constitution.

To maintain the first proposition of the petition, it devolved upon him to show, not only that Mr. Franklin was disqualified, but also to show that this disqualification was known to the Electors voting for Mr. Franklin at the time of voting.