

Mrs. Savage, as her husband had been arrested as a deserter, and she was represented by the neighbors to be in a suffering condition.

2d Interrog. Do you not know that in law a man cannot be a deserter until he is tried and convicted by a court of competent jurisdiction; and do you not know that no evidence is legal except a copy of the record of the trial and conviction, properly authenticated and certified.

Answer. I do not know; Wm. Savage offered his vote, but it was rejected.

3d Interrog. Who was register in District No. 2, in 1866?

Answer. Elijah M. Friend.

4th Interrog. Did he not return Richard White, Jeremiah Guard, Otho Speelman and Peter Speelman, as qualified voters, to the Judges of Election?

Answer. Their names appeared on the list handed me by Mr. Friend.

5th Interrog. Did these parties offer to vote on election day; if so, were their ballots rejected?

Answer. They offered to vote and their ballots were rejected.

6th Interrog. Was the name of Ezra Savage on the list; did not the register on the day of election, tell you he had inadvertently left it off?

Answer. The name was not on the list, but the register said he inadvertently left it off, and he interceded and asked us to allow him to vote; Mr. Friend did not make out the list he gave us; he said Dr. Mitchell had written it for him.

DAVID KENT.

Ebenezer Kitzmiller, being sworn and examined by interrogatories, deposes and says:

1st Interrog. What is your age, occupation and residence?

Answer. I am 44 years old, run a woollen factory, and live in District No 1. Allegany county, Md.

2d Interrog. Did you attend the election in District No. 1, on November 6th, 1866; if so, in what capacity: where was the election held and how was it conducted?

Answer. I attended the election in District No. 1, on the 6th of November last as judge. The election was held at Altamont, and was conducted very quietly.

3d Interrog. Were any votes rejected that day by the judges; if so, name whose and your reasons for the rejection?

Answer. There were votes rejected by the judges; there were eight rejected, because they refused to take the oath found in Section 4, Article 1st, of the Constitution. Those rejected