

The Contestant offered to prove by Lieutenant Samuel N. Whittle and Captain James H. Wilson, that they were present at the flag raising at Towsontown, on the 29th of April, 1861; that they saw Richard Grason, the defendant, with several others upon or near to Ady's porch, and that the persons so gathered and with whom said Grason was acting, groaned, and jeered the flag of the United States as it was hauled up to its place, said Grason participating in said conduct; and further by said Whittle, that shortly after the 19th of April, 1861, he heard said Grason say that "it was a shame that Baltimore would allow the troops to go through there to Washington, that they ought to have been stopped" and other words to the same effect.

The Contestant asked that this evidence be received as rebutting testimony, and because that at the time when he closed his case, these witnesses were not procurable; said Whittle being then with his regiment in the 5th corps, beyond Petersburg, and said Wilson, a prisoner of war in the Libby prison, at Richmond, from which places they have just returned.

It was decided by the committee that if it be accorded to one side to introduce new testimony for the purpose, even of substantiating what has been said by other witnesses, the same privilege must be accorded to the other side, and this case would be reopened, and we do not know when it would be closed under this circumstances; the testimony is therefore rejected.

HENRY SHEELY, called as a witness for the Contestant, being duly sworn, testified as follows:

Question. How long have you known Mr. Grason?

Answer. Ever since he has been in Towsontown.

Question. Were you in Towsontown on the 19th of April, and during the week or two subsequent to that?

Answer. Yes.

Question. Did you see the Horse Guards about there at that time?

Answer. Yes.

Question. Can you name any officer you saw with them at that time?

Answer. Charles Ridgely, Captain, and Mr. Grason, Lieutenant, I think, but cannot say what office he had at that time.

Question. Were they at that time under arms in uniform?

Answer. Yes.

Question. How long?

Answer. Two or three weeks I judge.

Question. Do you know what they did when under arms?

Answer. On Sunday or Saturday I believe they got orders to take Fort McHenry, they proceeded at once, one of the