

federacy, this conversation was not addressed to witness but to a number of other persons, it was overheard by witness in passing. David McKensie deposes, that soon after the battle of Bull Run, he was on Bond's porch with Dr. Maclin, who was talking against the Union, and in favor of the South. Met him on several occasions, and whenever anything was said about the rebellion, he talked in favor of secession, there were several persons present on Bond's porch at that conversation. His subsequent conversations were always in favor of secession.

Darius S. Grimes deposes, that in the Spring, immediately after the beginning of the war, Dr. Maclin said if the people of Maryland had half sense they would have seceded long ago, this in reply to deponents remark, that he was glad Maryland had not seceded. Sylvanus Sykes deposes, that he has seen Dr. Macklin frequently at the "Mills," does not think he ever had any conversation with him, but has heard him say that if Maryland went with the North he did not want to live in Howard county or Maryland, cannot say positively, which county or State was on the opposite side of the street, it was April or May 1861. Eden Shipley deposes, that he was on Bond's porch, on Tuesday or Wednesday, after the 19th of April, 1861, Captain Gaither was on the porch and remarked, that he had the flag with eight stars and he was going to put it up at Doughoregan's Manor. Dr. Macklin remarked, "put up one with nine stars," that North Carolina had also gone out or seceded, he did not know by what means, but she had gone.

Five depositions were presented on the part of the defendant as rebutting testimony, but no attempt has been made to discredit directly the witnesses on the part of the claimant, and in only one instance has the attempt been made indirectly to invalidate a fact deposed to by a single witness on the part of the claimant, and that only on the single point of the use of profane language by the defendant. In other respects this testimony is negative in its character, the witnesses saying that they had not heard Dr. Maclin advise secession or advise young men to join the Southern arms, and some testify that they have heard him advise some young men against so doing.

Your committee now proceed to the examination of the second point of contest or interrogatory. Was the disqualification of such a character as to entitle the contestant to the seat in this case as claimed?

This is a question the determination of which is dependant on the law as applicable to the facts. It is a principle of law well and firmly established by numerous decisions, by parliamentary as well as civil tribunals, that the election or ap-