

elected or appointed to office, who has taken the prescribed oath. The reason for making a different rule for voters and for persons elected or appointed to office is obvious. The validity of the ballot must be determined at the very time it is offered, and if that is not done, the mischief may be irremediable; but it would be a gross wrong to the people, that an officer elected by a clear majority of undoubtedly qualified voters, should be displaced and for ever disfranchised on the serious charge of disloyalty, in the face of his own solemn oath, without the amplest opportunity to vindicate his innocence in a Court of Law, before a jury of his countrymen.

Dr. Littleton Maclin, the setting member, has duly taken the oath in the Senate, that "he has never directly or indirectly, by word, act or deed, given any aid, comfort or encouragement to those in rebellion against the United States, or the lawful authorities thereof, but that he has been truly and loyally on the side of the United States against those in armed rebellion against the United States." And the undersigned believes, that there is no legal power in the Senate to deprive Dr. Maclin of his seat on the ground of any testimony contained in depositions taken at the instance of any contestant.

But even if there were such power, the undersigned submits, that the testimony taken before the Justice of the Peace, and now laid before this body, does not show that Dr. Maclin is disqualified under the 4th section of the 1st Article of the Constitution. Every citizen is in law, presumed to be innocent of such charges as are made in this case, and the burden of proof is on the side of those who make the charges; and here that presumption is made still stronger, and that burden on the accuser still heavier, by the fact, that the party accused has taken the official oath, which distinctly rebuts all such charges. The undersigned, cannot at all concur in the view taken by the majority of the committee, that the testimony offered on the part of Dr. Maclin, was merely "negative in its character, the witnesses saying that they had not heard Dr. Maclin advise secession, &c." The printed depositions reported to the Senate will show that a number of gentlemen of both parties in this State, some acting politically with Dr. Maclin, and others warmly opposed to him in politics, swore that they had been for many years his near neighbors, and were most intimately acquainted with him, that since the breaking out of this rebellion they had had frequent conversations with him and knew his opinions and his course of action; and that from the very beginning up to the present time, he had uniformly expressed his opposition to secession, and his condemnation of the course pursued by the people of the seceding States, and of the riotous proceedings in Baltimore, on the 19th of April, 1861; and that he had always