

tion and he has no recollection of ever hearing Mr. Waters rejoice at the death of any person, or over any Union defeat. On another point the threat of Mr. Waters, that the Union men would be looked upon as tories, &c., one witness testifies to rebut the testimony of Mr. Duer, that he has no recollection of ever hearing Mr. Waters use any such language.

Your committee have but a few additional remarks to make in submitting this report. The Contestant has proven in positive and direct terms, that Mr. Waters did rejoice over the defeat at Balls Bluff, and the death of Col. Baker; the defendant produces one witness who testifies that he never heard him so rejoice, thus by a negative, attempting to disprove a positive, and the same kind of testimony is to disprove the positive declaration of Mr. Duer. What ever conclusions may be deduced in regard to the testimony relating to disloyalty; these two points stand out boldly and uncontradicted to the minds of your committee, and they leave to the determination of the Senate the question, as to the weight of testimony in regard to loyalty or disloyalty and submit the accompanying testimony as part of this report.