

more city, to overcome the majority which Mr. Jarrett received in the counties together with his entire vote in the city. This offer was also overruled and the majority of the committee determined that they would only hear evidence upon the isolated point, "whether there was an election in Baltimore on the second of November."

Mr. Gaither then proceeded to adduce witnesses in his defence and a considerable number were examined from the different wards.

We deem it proper to say of these witnesses, whose testimony has been alluded to in slighting terms by the majority of the committee, that in intelligence and respectability they compared favorably with the average of those produced by Mr. Jarrett. They were almost all men of the middle age and upwards, of propriety of demeanor, who, though subjected to the most rigid cross-examination by skilful and astute counsel, delivered their evidence with clearness and apparent candor. Several of them were foreigners, who had voted without difficulty at the election.

They were wholly unimpeached, and the undersigned know of no considerations of justice or propriety which would allow them to credit all the witnesses of the contestants, in preference to all those produced for the defence.

It was attempted to diminish the force of their testimony by showing that many of them were connected with the political clubs of the American party; but only two or three of them were shown to have ever belonged to any such clubs. If the political affinities of witnesses are to be considered, it is worthy of note that every witness produced by Mr. Jarrett was a Democrat or Reformer, while several of those produced for the defence were Democrats and Reformers, whose party allegiance did not prevent them from testifying in favor of sustaining the election, although the result was unfavorable to the candidates of their own party.

It is objected that some of the witnesses for the defence were judges and clerks of election, and therefore able to see but little of what passed. It is true that some of those produced acted in that capacity, but *nine* of the thirty produced by Mr. Jarrett, viz: Messrs. Horney, Mowbray, J. P. Thomas, Martin, J. H. Thomas, Fosbenner, Swindell, Brotherton and Baughman, were also acting judges at the election, and are equally disqualified for the same reason, if it is in fact a disqualification. It is alleged that several of them remained at the polls but a short time; but such was also the case in regard to many of those produced by Mr. Jarrett.

It is said that the testimony was negative. How could it be otherwise? It was responsive to positive testimony given