

pointment of a person to any office of honor, profit or trust, who is laboring under any legal disability is void, and such person cannot hold and enjoy such office. Another question here presents itself for determination.

If the person having the greatest number of votes is disqualified, is the election entirely null and void? or is the person not disqualified having the next highest number of votes elected? This point too, has been the subject of repeated legal decisions which establishes the principle that the electors casting their votes for the disqualified person, must have knowledge of the disqualification before the contestant can take and enjoy the office to which he claims to be elected.

In the cases which your committee examined, notice was given by the contestant or his friend at the hustings "that A. B. was disqualified because he was a minor, because he was not a resident, &c." and the contestant was held elected, though not having a plurality of votes, and though he had offered at the time of such notice no testimony to prove the disqualification alleged, the principle being that the elector is presumed to know the consequence of his act and assumes the responsibility of error in his judgment, losing his vote if he decides erroneously.

From the facts and the law adduced before your committee they have arrived at the following conclusions: 1st. That Littleton Maclin, the sitting member from Howard county, has been proven disqualified under the provisions of Article 1st, section 4, in having given aid, support, countenance and encouragement, as well as adhering to the cause of the enemies of the United States, by open words. 2d. That these sentiments and expressions of disloyalty were of sufficient frequency and notoriety and of such a nature as to involve the legal presumption of knowledge on the part of the electors of such disloyalty and consequently they are responsible, if they have erred in judgment, as to the fact of his qualification or disqualification. The history of the last four years in regard to this rebellion, has demonstrated beyond the possibility of contradiction: 1st. That almost every man, no matter what was his standing or rank in society, espoused one side or the other of this question at an early day. 2d. That almost every man of any even local prominence, expressed in terms not to be misunderstood his position on the great question of the times. 3d. That such position was speedily a matter of public notoriety, and that the lines of even social intercourse were plainly drawn and the division made broad and wide, so that knowledge came home to every man, woman and child as to where particular individuals stood. 4th. And that almost every political contest in this State since the breaking out of the rebellion, and certainly the one