

used his influence to prevent young men from going South. [See depository of Messrs. Welling, McCrossen, Hopkins, McCauley and Simpson.]

Surely this cannot be called negative testimony. The real question at issue is whether Dr. Maclin is disqualified for a seat here on account of disloyalty, and what more positive testimony could be given to the contrary than has been furnished by his nearest neighbors, and his most intimate associates of both political parties? It is true that these witnesses did also assert that they had never heard Dr. Maclin utter a disloyal sentiment; and this evidence, though negative, is itself entitled to great weight, coming from persons having such constant intercourse with him.

In the opinion of the undersigned, such testimony is in itself, all-sufficient to counteract that offered by the contestant which is composed principally of disjointed fragments of conversations overheard amid the confusion of crowds gathered on a tavern porch, during the sessions of a county court. But no part of the contestants depositions, even taken by themselves, can be cited as proving any such Act or words, as by the terms of the 4th section of the 1st Article of the Constitution, disqualify a person for holding office. The only clause in that section which the report of the majority claims as applicable to the proof in this case is the following: "If any person has given any aid, comfort, countenance or support to those engaged in armed hostility to the United States, or who has by any open deed or word declared his adhesion to the cause of the enemies of the United States or his desire for the triumph of said enemies over the arms of the United States, he shall be disqualified, &c." There is not here the smallest particle of proof, that Dr. Maclin ever had any intercourse whatever, with any persons in armed hostility against the United States, or that he communicated with them in any manner directly or indirectly; and therefore, he cannot have "given aid, comfort, countenance and support" to such persons; there is no proof whatever, that "he declared his adhesion to the cause of the enemies of the United States or his desire for the triumphs of said enemies." Even if, contrary to the whole tenor of his actions, and of his repeatedly expressed opinions, he did use among our own people, and not in the presence of our enemies, the words attributed to him by some of the witnesses, to the effect that Maryland ought to have seceded, such a declaration of opinion as to what should have been the course of our State, was something very different from declaring his adhesion to those States which had seceded, and wishing for their triumph in arms. The denunciation of the course of the administration, and even the strongest disapprobation of the war, certainly cannot be construed into adhering to the cause of those against whom