

highest number of votes and was elected; in Talbot county, James H. McNeal had the highest number of votes and was elected; in Washington county, Elias Davis had the highest number of votes and was elected; in Worcester county, John T. B. McMaster had the highest number of votes and was elected; in Somerset county, Levin L. Waters received the highest number of votes and was elected as declared in the certificates of the Judges, but his right to the seat is contested by Samuel A. Graham, on the ground that said Levin L. Waters was a disqualified candidate and ineligible under the provisions of the 4th section of Article 1st, on the ground of disloyalty. Your committee before closing their report on the subjects contained in this message of His Excellency, the Governor, would remark that there is a great want of information in the mode adopted by the different counties in making these certificates and incline to the opinion that a uniform mode and practice should be established by law in regard thereto—some of these certificates set forth only the name of the candidates declared in it as elected without specifying the number of votes cast for him. Others give the names and number of votes cast for each candidate.

In the Somerset county case of Samuel A. Graham vs. Levin L. Waters, your committee find that notice of contest was duly given as required by law, and that notice of the time of taking the testimony with the names of the witnesses and the facts expected to be proved by them, was also given as required by the Code of Public General Laws.

The grounds of disqualification alleged consisting of disloyalty under the fourth section, of Article first of the Constitution embrace several specifications.

1st. That with his consent and approbation a rebel or secession flag was raised in front of his office, in the town of Princess Anne, in Somerset county, in April 1861.

2d. That the said Levin L. Waters, in July 1861, in the town of Princess Anne aforesaid, publicly rejoiced at the defeat of the Union army at the battle of Bull Run and expressed a desire for the triumph of the States in rebellion.

3d. That the said Levin L. Waters about the month of March 1862, in the said town of Princess Anne, publicly rejoiced at the defeat of the arms of the United States at the battle of Ball's Bluff and at the death of Colonel Baker. To sustain this charge and its specifications, the contestant has adduced sundry witnesses who testify as follow:

W. H. FISHER, being sworn, says he has known said L. L. Waters from his boyhood; believes he has never heard him accused of loyalty; when said Waters was a candidate for the Senatorship in Somerset county, witness and those he spoke