

Senator for said county, on the 6th of November, 1866, the said Spates was a candidate for State Senator, and received a large number of votes for that office; and that a larger number of votes were cast at the said election for this respondent for said office, and that he was declared by the judges of said election, to be duly elected as such Senator.

This respondent further admits that the said Spates, on the 16th of November, 1866, did serve on this respondent, notice of his intention to contest the election of this respondent, and also on the 23d of said month, delivered a notice of the witnesses and time, and place, where he would take testimony to substantiate his claims to the seat of this respondent.

In the said notice, the said contestant alleges four grounds of contest to be proven by said witness. Your respondent submits that the testimony produced by the said contestant, fails to substantiate any one of these alleged grounds as applicable to this contest, and that by the rebutting testimony of this respondent, on due notice according to the requirements of the Code of Public General Laws, the contestant's claim is wholly disproven.

This respondent further respectfully submits, that the said contestant is disqualified by the Constitution and Laws of this State, for the said office, and being thus ineligible, he could not, even if he had received a majority of the votes cast at said election, be entitled to a seat in the Senate, and that the votes cast for him must be thrown away, and that many of said votes were illegally cast; the voters themselves not possessing the legal qualifications entitling them to exercise the elective franchise.

All of which is respectfully submitted,
C. H. OHR.

“EXHIBIT No. 3.”

STATE OF MARYLAND,

ALLEGANY COUNTY, *to wit*:

I hereby certify that it appears on records in this office, that Alfred Spates, was duly registered as a voter in District No. 6, in Allegany county, Maryland, in the year 1865; and that his name, as such registered voter, appears upon the registry book of said District No. 6, in said county, and also on the return of the registers, filed in the clerk's office for record; as directed by the Act of Assembly, in such cases made and provided: