

complicity with it. Our United States flag usually stayed in the Union office at night. On the night of the 19th it was taken from the office in some way to me unknown, and without the knowledge of any one connected with the office so far as I know, and converted into a flag with fifteen stars in a blue ground, two red borders and a white centre." Witness also testifies that he entered the rebel service of his own accord, and that Mr. Waters advised and urged against it. He also testifies that the Somerset Herald was regularly published by Littleton Long from the 19th March, 1861.

JOSEPH H. SMITH, testifies that he was present when Mr. Johnson brought the first news of the battle of Bull Run. Mr. Johnson produced a paper, and some one who was present requested Mr. Waters to read it. Witness was standing within ten feet of him, "with no one between he and I." Mr. S. B. D. Jones had the paper from Mr. Johnson, and handed it to Mr. Waters, who began to read aloud, "the crowd was very boisterous, at times particularly. Mr. Waters once or twice, and may be oftener, with a motion of his hand, begged the crowd to keep quiet until he had finished reading." Witness was there all the while, and is sure Mr. Waters did not rejoice. This witness also testifies that the flag on the 19th of April was put up by John H. Bell. Mr. Waters was not present, and took no part in it.

L. JAMES WILSON, testifies: "I have no recollection of any such occurrence as that related by Mr. Duer, or any recollection of any such language as that attributed to Mr. Waters, nor do I remember on any occasion anywhere to have heard Mr. Waters use such language or anything like it."

SAMUEL B. D. JONES, testifies: That when the news of the Bull Run fight arrived, he was present and was the first to speak to Mr. Johnson, and gave the paper to Mr. Waters—was standing by his side all the while, and neither saw nor heard anything like rejoicing by Mr. Waters, and confirms the testimony of the preceding witness in regard to the flag. Mr. Jones further testifies to his knowledge of Mr. Waters, and intimate intercourse with him, never heard him say anything like rejoicing at the result of any battle, or of the death of any one; never heard anything to his prejudice as a loyal citizen of the United States. "I have heard him oppose and denounce some acts of Mr. Lincoln's administration as being unconstitutional—formerly differed in politics, but for several years past we have been political friends.

DR. LEWIS W. MORRIS, "never heard an imputation upon Mr. Waters questioning his entire loyalty as a citizen of the United States. Mr. Waters was well known to be a prominent democrat, and to differ in opinion with those who called themselves Union men, on many particular questions."