

LYNCH vs. CHALMERS.

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T E S T I M O N Y

IN THE CONTESTED ELECTION CASE OF

JOHN R. LYNCH vs. JAMES R. CHALMERS,

FROM THE SIXTH CONGRESSIONAL DISTRICT OF MISSISSIPPI.

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DECEMBER 28, 1881.—Ordered to be printed.

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*Notice of contest.*

VICKSBURG, MISS., *November 22, 1880.*

Gen. JAMES R. CHALMERS.

SIR: Please to take notice that I intend to contest your pretended election, on the second day of this present month, as a member from the sixth Congressional district of Mississippi of the Forty-seventh Congress of the United States, and to maintain and prove before that body that I was, and that you were not, elected as Representative to that Congress from said district; and I hereby specify to you the following-named frauds and violations of the law of the land and of the purity of elections which I charge were committed on the day of said election, or with the ballots cast on that day at the election for Congressman by your Democratic friends and supporters, with your connivance, and in your interest and behalf, as the Democratic candidate for Congress in that election; and I hereby give you notice that those transactions, indulged and committed for you and by your party friends at the times and places in said district indicated below, are and will be the particular grounds upon which I rely, and will rely, in said contest:

SEC. 1. In Adams county, at the city of Natchez, at the court-house, and at Jefferson Hotel, and at the town of Washington, there was a systematic plan adopted and carried out by the officers of the election and other persons, all acting for you and in your behalf, to hinder, detain, delay, and obstruct large numbers of duly-qualified Republican voters at the polls at each of the voting-places above named, by propounding or allowing to be propounded to them and to other persons, silly, frivolous, and unauthorized and needless questions, for the purpose of consuming the time allowed by law for polling and receiving the ballots, and thereby preventing my friends and supporters from voting for me. I charge that by this means alone there were not less than 400 duly-qualified and legal voters at each of said voting-places in said

county of Adams who were prevented from voting and forced to go away without having voted at all, and that all of them desired and intended to vote for me, attended the election at the proper time and place for that purpose, and offered to do so, but were thus fraudulently and unlawfully prevented from doing so. In the same county, at the voting-places at Washington, at Kingston, at Pine Ridge, and at Beverly, large numbers of legal votes that had been regularly polled and received for me for said office of Representative in said election were taken out of the ballot-boxes, sorted out from the rest, and like numbers of other false and fraudulent ballots for you, and with your name on them, substituted in their stead, and placed in said ballot-boxes and counted and returned as genuine votes for you. I am not as yet fully informed as to the exact numbers of false ballots for you that were thus substituted at each of said last-named voting-places, but believe and charge that the number was not less than from 100 to 300 at each of said voting-places, thus giving you not less than from 400 to 800 of the votes which were lawfully cast and intended for me, at said Washington, at Beverly, and at Pine Ridge polling-places. In said county, at six o'clock p. m., when the polls were closed, the inspectors, acting falsely and fraudulently for you and in your behalf, as the Democratic candidate for Congress, refused to proceed to count the ballots as required by law, refused to seal up either of the ballot-boxes, and refused to allow either of the Republican United States supervisors of said election to be in the presence or sight of either of said boxes at any time during that night; but carried all of said boxes away into the exclusive custody and control of unauthorized and unsworn persons who were trusted partisan friends and manipulators of yours, and that those boxes were all tampered with, and large numbers of genuine and lawful ballots for me taken out and substituted by like numbers of false and fraudulent ballots for you. And this same process of tampering with the ballot-boxes, abstracting lawful and genuine votes for me, and replacing them with false and fraudulent ballots for you, was pursued during an unauthorized "recess for dinner" by your partisan friends acting for you, at the Kingston and Beverly precincts, and those ballot-boxes in the same manner unlawfully forced to show an apparent majority for you instead of the true one for me. At Palestine and at Dead Man's Bend I received lawful majorities over you; that is, 214 majority at Palestine, and 70 majority at Dead Man's Bend, as shown by the due and proper returns of the inspectors and clerks of election at those two places. But, acting for you and in your behalf, the commissioners of election of said Adams County threw out, rejected, and refused to count or return any of the votes polled at either said last-named precincts. And I charge that by these several outrages upon said election in said county of Adams, all of them committed by persons acting for you and in your behalf, I was deprived of a just and lawful majority over you of not less than 1,800 votes, and probably a much greater number.

SEC. 2. In Jefferson County, the ballot-box in which the ballots, poll-book, and tally-sheets at the Rodney precinct had been regularly deposited according to law, was intercepted in the hands of the officer in charge of it on his way with it to the county seat, and the box and its contents destroyed by partisan friends acting in your interest. In that box I had 247 lawful votes to only 92 for you.

SEC. 3. In Claiborne County, in said district, the ballot-box at Grand Gulf precinct was, by your friends and partisans, taken away from the

presence of the Republican supervisor of said election, and out of his sight, and carried to a private place, and from 30 to 50 lawful votes for me abstracted therefrom, and a like number of false ballots for you substituted in their place.

SEC. 4. In the county of Warren, the county commissioners of election, acting falsely and fraudulently in your interests and against all law, threw out and rejected and refused to count or return 2,029 lawful votes for me, that had been cast and polled by the voters, and duly received and counted and returned by the inspectors of said election, thus depriving me of a lawful majority over you in that county of 1,995 votes, and making it falsely to appear that you had a majority there of 957 votes over me.

SEC. 5. The board of commissioners of election for Issaquena County, in said election, acting in like manner in your interests, but in deliberate violation of law, rejected, threw out, and refused to make any return of 785 legal votes for me, which, in like manner, had been duly polled by the voters and duly received, counted, and returned by the inspectors, thus reducing my majority over you in the election in that county from 945 to only 274.

SEC. 6. In Washington County, in said district, the commissioners, acting as partisans of yours, for you and in your behalf, threw out, rejected, and refused to return all or any of the votes which had been cast by the lawful voters and duly received, counted, and returned by the several boards of inspectors at the voting-places at Stoneville, at Refuge, and at Lake Washington, solely, as it seems, because I received at those three precincts 526 legal votes to only 356 for you. At the court-house in Greenville, in said county, and also at the Robb and Stone precinct, the ballot-boxes were taken away from the sight and presence of the Republican supervisor of election, without his consent and against his solemn objection and protest in each case, and there stuffed—genuine and lawful ballots for me taken out, and false ones for you substituted. At said court-house precinct my honest majority over you was about 400 votes, but this was reversed so as to make it falsely to appear that you had received 506 and I only 121. The inspectors purposely refused to count the votes that night as the law requires, and refused to allow the Republican supervisor to be present, in order to, as it would seem, avail themselves of the darkness of the night to take out the lawful ballots polled for me and substitute false and spurious votes for yourself. At Robb and Stone precinct I received about 300 votes of the 471 votes polled. The officers of election tampered with and stuffed the ballot-box, and returned me only 176 to your 295. Here, also, the inspectors corruptly refused to count the votes at night as required by law, and, during the night, stuffed the ballot-box and changed and substituted the false ballots for you instead of the genuine ones for me. All this also was done in your interest and behalf, as the Democratic candidate for Congress.

SEC. 7. In Bolivar County, in said district, the commissioners of election, in the same lawless way, threw out, rejected, and refused to return all the votes cast, received, counted, and returned at Australia, Holmes Lake, Bolivar Landing, and Glencoe precincts, in said county, without any just or lawful reason, but solely, as it appears, because said commissioners were partisan friends and supporters of yours; and the majority for me over you in that county was not less than 1,400 legal votes, and, by excluding those boxes, my majority in that county would be reduced to only 678.

SEC. 8. In Coahoma County, in said district, I received an honest majority of about 700 over you, out of all the votes polled, according to the true returns of the inspectors and clerks of said election. But the commissioners resorted to the wholesale fraud of throwing out, rejecting, and refusing to count and return any of the ballot-boxes in that county, except the one at Friar's Point, in which they return that I received 352 votes and you 225, thus falsely and corruptly, and in the interest of you and the Democracy, reducing my honest majority over you in that county of 700 votes to only 127.

All these fraudulent, corrupt, and lawless practices and transactions indulged in and committed by Democratic agents and instrumentalities in respect to the Congressional election in said sixth district of Mississippi, held on the 2d inst., were for you, and in your behalf. They have conspired to produce a false and corrupt result, and apparently to deprive me of that large majority which was undoubtedly polled by the people for me at this election. For this reason, it becomes my duty, alike to the people, to Congress, and to myself, to present the evidence to the House of Representatives, and ask its impartial judgment upon it.

Very respectfully,

JOHN R. LYNCH.

The above and foregoing notice of contest, Jno. R. Lynch vs. Gen. Jas. R. Chalmers, executed this 22d day of November, A. D. 1880, at 12.30 p. m., upon Gen. Jas. R. Chalmers, in person, by handing him a true copy thereof at his office in the city of Vicksburg.

R. F. BECK,  
*Sheriff of Warren Co., Miss.,*  
 By JNO. D. TINNEY,  
*Deputy Sheriff.*

*Answer.*

In the matter of the contested election in the sixth Congressional district of Mississippi, for member of the Forty-seventh Congress of the United States.

JOHN R. LYNCH, CONTESTANT, }  
 vs. }  
 JAMES R. CHALMERS, CONTESTEE. }

The answer of James R. Chalmers, member elect to the Forty-seventh Congress of the United States from the sixth Congressional district of Mississippi, to the notice of contest served on him by John R. Lynch, on the 22d day of November, A. D. 1880.

This respondent denies each and all the charges of fraud, violation of law, and of the purity of elections made in said notice of contest, and insists that he was duly elected a member of the Forty-seventh Congress of the United States from the sixth Congressional district of Mississippi, by a large majority of the legal votes cast in said district for said office, at the election held therein on the 2d day of November, A. D. 1880. That a certificate of election has been issued to him by the governor of Mississippi, in due conformity to law, and that he has a lawful right to said certificate, and to the office of member of Congress from the sixth district of Mississippi, in the Forty-seventh Congress of the United States.



In answer to contestant's specific charges of fraud and violations of law, respondent answers—

1st. Respondent denies that 400 voters, or any number of voters, were, by illegal and unnecessary obstructions, fraudulently prevented from voting for the contestant, either at the court-house or Jefferson Hotel, in the city of Natchez, or at the town of Washington, in the county of Adams. Respondent denies that at the voting places of Washington, Beverly, Kingston, and Pine Ridge, in said county of Adams, from 100 to 300 votes, or any votes whatever, were at each of said voting places lawfully cast for contestant, and afterwards falsely and fraudulently taken out of the ballot-boxes and illegal and fraudulent ballots for respondent substituted therefor, and placed in said ballot-boxes.

Respondent denies that at said Washington, Beverly, and Pine Ridge polling-places, the inspectors of election, when the polls were closed, either falsely, fraudulently, or unlawfully refused to proceed to count the votes, or refused to allow the United States supervisors to be in the presence and sight of the boxes, or carried said ballot-boxes away into the exclusive custody and control of unsworn and unauthorized persons, or that large numbers of genuine and lawful ballots for contestant were taken out and substituted by a like number of false and fraudulent ballots for respondent.

Respondent denies that there was any unauthorized recess for dinner at the Kingston precinct, or any false and fraudulent substitution of ballots, as charged, at said precinct, or at Beverly. And respondent maintains that the election officers had a full and perfect right to take a recess for dinner, and a lawful right to proceed immediately to count the ballots when the polls closed, or to adjourn the counting of the same, provided their returns were made at the court-house of the county by 12 o'clock on the second day after the election. Respondent denies that there were lawful majorities for contestant of 214 at Palestine, and 170 at Dead Man's Bend, as shown by the due and proper returns of the inspectors and clerks at these two places, and maintains that the commissioners of election rejected or refused to count the ballots pretended to have been cast at Palestine and Dead Man's Bend, in strict accordance with the laws of Mississippi. Respondent denies that contestant was deprived of a lawful majority of 1,800, or any other majority.

2. In answer to contestant's second specification as to the Rodney precinct, in Jefferson County, respondent says it is true, as he believes, there were 247 votes cast at this precinct for contestant and 72 for respondent, and that the box and contents were destroyed; but respondent denies that those who destroyed this box were partisans, friends of his, acting in his interest; and if the 247 ballots cast for contestant at this box were lawful ballots, as prescribed in section 137 of the Revised Code of Mississippi of 1880, respondent admits that these ballots should be counted for contestant.

3. In answer to the third specification, respondent denies that at Grand Gulf precinct, in Claiborne County, the ballot-box was taken from the sight of the Republican United States supervisor, and from 30 to 50, or any number of lawful ballots for contestant, abstracted, and false ballots for respondent substituted. And, on the contrary, maintains that the Republican supervisor at Grand Gulf left his post at the ballot-box to electioneer with the voters in the interest of contestant, and that he purposely absented himself from the counting of the ballots,

which were openly counted in the presence of the Republican inspector of election, and duly certified by him to be correct.

4. In answer to the fourth specification, respondent answers that it is wholly and utterly untrue. Respondent denies that 2,029 votes for contestant were received, counted, and returned by the inspectors of election in Warren County, and asserts the fact to be that 628 of the 2,029 ballots which were not counted by the commissioners of Warren County had been rejected and *or* not counted by the inspectors of election, as follows, to wit, 174 ballots at the Bovinia precinct, in said county, were not counted because they were of greater width than allowed by law; 214 at the 4th ward precinct in the city of Vicksburg, and 240 at the Pryor's Church precinct were not counted by the inspectors of election because they had marks upon them, in violation of section 137 of the Revised Code of Mississippi of 1880. These ballots were, in accordance with section 139 of said Code of Mississippi, returned by the inspectors to the commissioners of election, and said commissioners (one of whom was a Republican and friend and supporter of contestant), as was their duty, canvassed said ballots, and unanimously agreed with the inspectors that these 628 ballots were illegal, and refused to count the same, and refused also to count 1,821 other ballots, because they also were marked in violation of law, making a total of 2,049 ballots rejected, of which 2,029 had the name of the contestant and 20 the name of the respondent on them. Respondent denies that the action of the Warren County commissioners was either false, fraudulent, or illegal, and asserts that the friends of the contestant caused said commissioners to be prosecuted in the United States district court, sitting at Jackson, Miss., for their action in this behalf; and on the trial of said cause, the United States district judge, Hon. R. A. Hill, instructed the jury to acquit said commissioners, and they were acquitted because their action was not false or fraudulent. Respondent denies that contestant was illegally deprived of a majority of 1,995 votes, and asserts that his majority in Warren County would have been only 1,043 if all the illegal and rejected votes had been counted.

5. Respondent denies that the commissioners of election in Issaquena County threw out and rejected 785 lawful votes for contestant that had been duly revised, counted, and returned by the inspectors of election.

Respondent admits that four boxes in this county, to wit, Skipwith, Ben Lomond, Ingomar, and Hay's Landing, were not counted by the commissioners because the inspectors of election did not make out and return any certified statement of the election, as required by law; and, upon canvassing the Skipwith and Ben Lomond boxes, it was found that, while there was no certified return, the ballots and the tally-list did not correspond by from 40 to 60 votes, and at the Hay's Landing precinct it was shown that a steamboat had landed and the whole crew, who were not registered, had voted, and from this box there was no list returned of the names of those who voted, or of the number who voted. Respondent insists that the commissioners of election in Issaquena County acted strictly in accordance with law; that they were composed of two Democrats and one Republican, a strong friend and supporter of contestant, and their action was unanimous.

6. As to contestant's sixth specification, respondent says: It is not true that the commissioners of election in Washington County acted as partisans of respondent, and threw out and rejected the votes that had been cast at the Stoneville, Refuge, and Lake Washington precincts in

said county solely because the contestant had received a majority of the votes at said precincts. Respondent insists that the election commissioners were composed of two Democrats and one Republican, a friend and supporter of contestant, and that their action in regard to said boxes was openly taken, was unanimously made, and was in strict accordance with law.

*The Stoneville box* was not counted because there was no certificate of the result signed by the inspectors and clerks, as required by section 139 of the Revised Code of Mississippi, 1880; and further, the inspectors certified to the commissioners that the box had been taken by one Sawney Johnson, a friend and partisan of contestant, and kept all night out of the sight of the inspectors and supervisors.

*The Refuge box* was not counted because there was no certified statement of the result signed by the inspectors and clerks, as required by law.

*The Lake Washington box* was not counted because the inspectors failed to send up the ballots for the inspection and canvass of the commissioners, and yet the certified statement of the result signed by the inspectors and clerks showed a majority of 116 for respondent at this box.

Respondent denies that at the Robb and Stone precinct the ballot-boxes were taken away from the presence of the Republican supervisor without his consent and against his solemn protest and stuffed; and denies that any genuine ballots for contestant were taken out of this box and their places supplied by false ballots for respondent.

Respondent says it is not true there was any stuffing or substitution of ballots at the court-house box in this county; and denies that the inspectors either fraudulently or unlawfully refused to count the ballots at once, or to allow the Republican inspector or supervisor to be present.

Respondent denies that contestant received a majority of legal votes at either of the last-named precincts, or that he received any legal votes in Washington that were not counted for him.

7. In answer to the seventh specification, respondent denies that the commissioners of election in Bolivar County refused to count the Australia, Holmes Lake, Bolivar Landing, and Glencoe boxes in said county without any just or lawful reason, and solely because they were partisan friends and supporters of respondent. Respondent answers that one of said commissioners was a Republican, and ardent friend and supporter of contestant, and that he concurred in the action of the commissioners, which was unanimously taken; that the said commissioners made and signed a unanimous report of their action, and assigned their reason for rejecting those boxes in words and figures as follows, to wit:

ROSEDALE, BOLIVAR COUNTY, MISS.,  
November 4, 1880.

To Hon. HENRY C. MYERS,  
*Sec. of State, Jackson, Miss.*

DR. SIR: We have this day duly met and canvassed the returns of this county, and complied with the law in every respect, as we construed the same after duly consulting the best legal authority in the county, and we now inclose to you our certified report of the same. We have thrown out the Australia precinct box, 30 Democratic and 192 Republican votes, because the returns were not certified to by the in-

spectors or the clerks. We have thrown out Holmes Lake precinct, because the box was not opened nor the ballots counted by the inspectors and numbered by the clerks, and no returns or tally-sheet made.

We have thrown out the Bolivar precinct, 45 Democratic and 311 Republican votes, because there was no certified return from the inspectors and clerks. The tally-sheets sent in the box show the names of the electors of the Democratic and Republican parties of Jas. R. Chalmers, John R. Lynch, G. B. Lancaster, M. Rolous, James Winters, ——— Fleming, and James White, but does not show for what office they were voted for. The tally is kept on four different sheets of paper. The total can only be guessed at, but not ascertained correctly.

We have rejected the Glencoe precinct vote, 27 Democratic and 233 Republican votes, because the vote was counted out in part by all the inspectors and clerks, and then discontinued until next day, when the count was finished by one inspector and one clerk, and a very imperfect tally-sheet and return sent in by these two not certified to.

JNO. H. JARNAGIN,  
RILEY ROLLINS,  
W. A. YERGER.

*Commissioners of Election.*

In answer to the eighth specification, respondent says it is not true that contestant received an honest majority of about 700 votes or more in Coahoma County over respondent, according to the true returns of the inspectors and clerks of election in Coahoma County; and respondent denies that the commissioners of election in this county resorted to the wholesale fraud of rejecting and refusing to count and return any of the boxes in said county.

Respondent insists that the commissioners of election in this county, as in every other county in the district, were composed of two Democrats and one Republican, and he insists that the action of the commissioners was neither fraudulent nor unlawful, but in strict conformity to the laws of the State of Mississippi.

Respondent denies that his friends conspired to produce a false and corrupt result of the Congressional election in the sixth district of Mississippi, and insists that said election was as fair, peaceable, and honest as any election could be in any State.

*Notice to Hon. J. R. Lynch.*

And now, having answered all of your specifications, you will take notice that I will insist and endeavor to prove and maintain:

1. That you did not receive a single legal vote in the sixth Congressional district of Mississippi for member to the Forty-seventh Congress of the United States; that all your tickets were marked so that they could be, and were, easily distinguished by persons who could not read, from the Democratic tickets, and also from the regular Republican ticket, printed at Jackson, Miss., under the supervision of the executive committee of the Republican party, and that your tickets were illegal because not such as is prescribed by section 137 of the Revised Statutes of Mississippi, 1880.

2. That these marked tickets were examined and approved by you before they were circulated, and that you paid four dollars per thou-

sand for these marked tickets, when you could have procured from the Republican Executive Committee legal tickets for your district for one dollar per thousand.

3. That you made false representation to the secretary of state of Mississippi about the printing of your tickets, when attempting to prevent him from issuing to me a certificate of election.

4. That your friends and partisans, in violation of law, and contrary to the very essence of voting by ballot, stood at the polls and kept a list of the voters and how each voted as the ballots were handed in.

5. That at Stoneville and Refuge precinct, in Washington County, your friends and partisans, some of whom were United States supervisors of election, browbeat, bullied, and intimidated a number of colored voters who desired to vote for me, and prevented them from so voting.

6. I will insist and maintain that you were unpopular with your own party for many reasons, and especially because you opposed the nomination of General Grant for President, and that a large number of leading colored Republicans supported me on the stump and at the polls; that I was elected, and that you were not.

JAS. R. CHALMERS.

*To the chancery court of the first district of Hinds County, State of Mississippi:*

In the chancery court, first district, Hinds County, Miss.

JOHN R. LYNCH, a citizen of Adams County, Mississippi, complainant,	}
<i>vs.</i>	
HENRY C. MYERS, secretary of state of Missis- sippi, citizen of the 1st district, Hinds County, Mississippi, defendant.	}

The complainant shows to the court as follows:

1st. That he is a citizen of the United States and of the State of Mississippi, and a qualified elector thereof; and is now, and was on the 2d day of November, 1880, and had been continuously for several years previous to said day, a resident of the county of Adams, in the sixth district of the State of Mississippi, for the election of members of the House of Representatives of Congress of the United States for said State (or what is known as the sixth Congressional district of the State of Mississippi).

2d. That the said sixth district is composed, according to law, of the following counties of said State, to wit: Adams, Bolivar, Claiborne, Coahoma, Issaquena, Jefferson, Quitman, Sharkey, Tunica, Warren, Washington, and Wilkinson.

3d. That on the said 2d day of November, 1880, a general election for President and Vice-President, and for members of the House of Representatives of Congress of the United States, was held according to law in said district, composed of the said counties.

4th. That at said election one James R. Chalmers and your complainant were candidates (and the only candidates) for the office of Representative in Congress (or member of Congress) of the United States for the said sixth district of the State of Mississippi, composed of the counties aforesaid.

5th. That, after the said election was closed and within the time prescribed by law, the inspectors of election in the said several counties in said district ascertained the result of said election as provided by law, and delivered to the commissioners of election, in the said counties, at the respective court-houses thereof, in the manner and within the time required by law, a statement of the whole number of votes given for each person and for what office.

6th. The said statements, as delivered by said inspectors to said commissioners in the said several counties of said district for member of the House of Representatives in Congress as aforesaid, showed the following result of the election as the number of votes cast for the said two candidates, to wit: Votes cast for complainant in the counties of—

Adams .....	1, 194
Bolivar .....	1, 715
Claiborne .....	288
Coahoma .....	1, 112
Issaquena .....	1, 118
Jefferson .....	386
Quitman .....	83
Sharkey .....	175
Tunica .....	506
Warren .....	2, 086
Washington .....	1, 298
Wilkinson .....	814
Total number of votes .....	10, 775

And they showed the following result of the election as the number of votes cast for the said James R. Chalmers, to wit: In the counties of—

Adams .....	1, 419
Bolivar .....	403
Claiborne .....	1, 061
Coahoma .....	553
Issaquena .....	173
Jefferson .....	1, 043
Quitman .....	153
Sharkey .....	484
Tunica .....	239
Warren .....	1, 034
Washington .....	1, 963
Wilkinson .....	1, 691
Total number of votes .....	10, 216

From the said statements returned as aforesaid by the said inspectors to the said commissioners, as set forth in detail above, they showed a majority of votes cast at said election for complainant for said office of member or Representative in Congress from said district over the number of votes cast for the said James R. Chalmers for the said office, five hundred and fifty-nine (559) votes.

7th. According to the said statements, as returned by said inspectors to said commissioners, your complainant was duly and legally elected to

the said office of Representative in Congress from said district as aforesaid, and is entitled to be commissioned by the governor of the State of Mississippi as such.

8th. Complainant says that, after the said inspectors delivered to the said commissioners the said statements of the whole number of votes cast as aforesaid in said counties, the said commissioners improperly, unlawfully, and without just cause or authority, rejected and deducted from the votes cast and returned to them, according to said statements, for complainant and the said Chalmers, so as to change the result of said election for Representative in Congress as aforesaid; and the counties in which such rejections and deductions were made, and the number of said rejections were as follows: From the vote of complainant in the counties of—

Adams .....	316
Bolivar .....	736
Coahoma .....	760
Issaquena .....	785
Jefferson .....	250
Warren .....	2, 029
Washington .....	526
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Total votes rejected .....	5, 402

And from the vote of said Chalmers in the counties of—

Adams .....	32
Bolivar .....	102
Coahoma .....	328
Issaquena .....	114
Jefferson .....	92
Warren .....	20
Washington .....	356
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Total votes rejected .....	1, 044

9th. Complainant further says that the said commissioners of election did not canvass the returns made to them by the inspectors as aforesaid, and ascertain and declare the result as required by law; but that they illegally and unauthoritatively rejected the votes as aforesaid, which so changed the result of the statements returned to them by the inspectors as to show that a majority of votes were cast at said election for said Chalmers over the number cast for complainant, three thousand seven hundred and ninety-nine (3,799).

Complainant further says that he was duly and legally elected at said election to the said office of Representative in the Congress of the United States for the said sixth district of the State of Mississippi; and that the said action of the said commissioners, in rejecting the said votes and changing the result of the election as aforesaid, was fraudulent, unauthorized, illegal, unwarranted, without just cause, and void.

10th. Complainant further says that the law requires that commissioners of election shall, within ten days after the day of election, transmit to the secretary of state (the defendant herein), to be filed in his office, a statement of the whole number of votes given in their county for each candidate voted for in such county for any office at such elec-

tion; and that the secretary of state, immediately after receiving the returns of any election, not longer than thirty days after such election, shall proceed to sum up the whole number of votes given for each candidate, and to ascertain the person or persons having the greatest number of votes for each office, and shall declare such person or persons to be duly elected; and thereupon all persons chosen to any office at such election shall be commissioned by the governor.

11th. Complainant further says that the said commissioners of election in said counties have failed to transmit to the secretary of state a statement of the whole number of votes given in their respective counties for each candidate voted for in their said counties as aforesaid, as the law requires; yet the said secretary of state, Henry C. Myers, defendant herein, is about to declare the said James R. Chalmers as the person duly elected to said office of Representative in Congress as aforesaid from said district, and to issue a certificate of election to him, and that, unless enjoined from so doing, he will so declare the said Chalmers elected and issue to him a certificate thereof as aforesaid, upon which the governor will issue to the said Chalmers a commission as Representative in Congress from said district and thereby entitle him to a seat in Congress as Representative as aforesaid, and deprive your complainant thereof, and compel him, in order to obtain his rights in the premises and obtain the said office, to contest with the said Chalmers his right thereto before the House of Representatives of said Congress at a great expense and loss of time.

12th. The premises considered, complainant prays that an injunction issue against the said Henry C. Myers, secretary of state as aforesaid, enjoining and restraining him from declaring the said James R. Chalmers as duly elected to said office of Representative in Congress as aforesaid, and from issuing to him a certificate of election to said office.

He further prays, that a subpoena issue, directed to the said Henry C. Myers, secretary of state as aforesaid, commanding him to appear before this honorable court at rules, on the first Monday in December, 1880, and, on his corporal oath, answer each and every allegation of this bill, and that, on a hearing hereof, the said injunction may be made perpetual.

Complainant prays for such other and further relief as the nature of the case may require, and to the honorable court may seem meet, and as in duty bound he will ever pray, &c.

J. W. JENKINS,  
*Complainant's Solicitor.*

STATE OF MISSISSIPPI,     )  
                  Hinds County.    )

Personally appeared before me, the undersigned, mayor of Jackson and *ex-officio* justice of the peace in and for the county and State above written, John R. Lynch, who, being duly sworn, says that the matters and things stated in the foregoing bill of complaint, as stated of his own knowledge, are true, and that those stated upon information derived from others he believes to be true.

JOHN R. LYNCH.

Sworn to and subscribed before me, this 16th day of November, 1880.

JOHN MCGILL,  
*Mayor of Jackson and ex-officio J. P.*



I decline to grant the injunction prayed for in the annexed bill, because the House of Representatives of the Congress of the United States is the exclusive judge "of the elections, returns, and qualifications of its own members," (made so by the Constitution of the United States), and a decision of the question as to the election of a member of Congress by any other tribunal would not be authoritative or final. Besides this, the chancery court is not authorized to decide contested elections, and whatever its right, if any, to enjoin in aid of a contest inaugurated in a court of the State, which such court could lawfully determine, it appears to be clear that interference by injunction to prevent an executive officer from performing a duty prescribed by law, in reference to an election as to which no court can decide, so as to conclude anybody or thing, would be without the semblance of right.

J. A. P. CAMPBELL,

*One of the Judges of the Supreme Court of Mississippi.*

JACKSON, MISS., November 17, 1880.

The undersigned, commissioners of election in and for Adams county, Mississippi, for the election held on Tuesday, the second day of November, A. D. 1880, for one member of Congress for the sixth Congressional district of Mississippi, hereby certify that the following is a true and correct copy of the results and summary of the votes in the county for each candidate for said office; that the votes and results have been carefully examined, and that this certificate is a correct exhibit thereof:

Names of candidates.	Supervisors' district No. 1, Court-House election precinct.	Supervisors' district No. 1, Dead Man's Bend election precinct.	Supervisors' district No. 1, Beverly election precinct.	Supervisors' district No. 2, Kingston election precinct.	Supervisors' district No. 3, Pales-ton election precinct.	Supervisors' district No. 4, Jefferson Hotel election precinct.	Supervisors' district No. 4, Pine Ridge election precinct.	Supervisors' district No. 5, Washington election precinct.	Total.
Jas. R. Chalmers .....	248	Returns rejected. See certificate	191	249	Returns rejected. See certificate	294	141	261	1,387
John R. Lynch .....	170		140	160		192	138	98	598
Scattering .....									

In testimony whereof, we hereunto set our hands, this sixth day of November, A. D. eighteen hundred and eighty.

(Signed in triplicate.)

W. N. WHITEHURST,  
THOS. R. QUARTEMAN,  
*Commissioners of Election.*

STATE OF MISSISSIPPI, }  
*County of Adams.* }

The undersigned commissioners of election, aforesaid, further certify, in addition to the above certificate, that as no list or lists giving the names of persons that voted, as required by law, accompanied the returns from the Dead Man's Bend election precinct, the said commissioners of

election for said county, having no way of ascertaining how many voters actually cast their ballots at said precinct or who they were, in the discharge of their duty, rejected the election returns therefrom; and, in canvassing the returns from the Palestine election precinct it appeared that the number of ballots which were found in the ballot-box, and which were counted on the tally-sheets, was thirty-five in number in excess of the number of names of voters returned on the list of persons that voted, and signed by the clerk. The fact appeared so unaccountable that the inspectors and clerks returned a special certificate of such fact, and, owing to such gross irregularity, the commissioners of election, in the discharge of their duties, rejected the election returns from said Palestine precinct or district.

In testimony whereof, we hereto affix our names, this sixth day of November, A. D. 1880.

(Signed in triplicate.)

W. N. WHITEHURST,  
THOS. R. QUARTEMAN,  
*Commissioners of Election.*

*Statement of the whole number of votes cast at the general election held in Bolivar county, State of Mississippi, on the 2d day of November, A. D. 1880, as compiled from statements certified to by inspectors from the different precincts in this county, this 4th day of November, A. D. 1880.*

FOR PRESIDENTIAL ELECTORS.

(Names voted for.)

For Hancock and English:

1. F. G. Barry .....	259
2. C. P. Neilson .....	259
3. C. B. Mitchell .....	259
4. Thos. Spight .....	259
5. Wm. Price .....	259
6. William H. Luse .....	259
7. Robt. N. Miller .....	259
8. Joseph Hirsh .....	259

For Garfield and Arthur:

1. William B. Spears .....	1, 016
2. R. W. Flournoy .....	1, 016
3. J. M. Bynum .....	1, 016
4. J. T. Settle .....	1, 016
5. M. K. Mister .....	1, 016
6. R. H. Montgomery .....	1, 016
7. R. H. Cuny .....	1, 016
8. Chas. W. Clark .....	1, 016

For Weaver and Chambers:

1. R. H. Peele .....	24
2. M. M. McLeod .....	24
3. J. J. Dennis .....	24
4. S. L. Harmon .....	24
5. T. N. Davis .....	24
6. H. B. McGee .....	24
7. John T. Hull .....	24
8. J. D. Webster .....	24

For member of Congress from sixth Congressional district:

James R. Chalmers.....	301
John R. Lynch.....	979

We, the undersigned, commissioners of election for the county of Bolivar, and State of Mississippi, do hereby certify that the above is correct.

Rosedale, Bolivar Co., Miss., Nov. 4, 1880.

JNO. H. JARNAGIN,  
RILEY ROLLINS,  
W. A. YERGER,  
*Commissioners of Election.*

To Hon. H. C. MYERS,  
*Sec. of State, Jackson, Miss.*

The following statement accompanied the foregoing returns:

ROSEDALE, BOLIVAR CO., MISS.,  
*November 4, 1880.*

To Hon. HENRY C. MYERS,  
*Sec. of State, Jackson, Miss.*

DR. SIR: We have this day duly met and canvassed the returns of this county, and complied with the law in every respect, as we construed the same after duly consulting the best legal authority in the county, and we now inclose to you our certified report of the same. We have thrown out the Australia precinct box, 30 Democratic and 192 Republican votes, because the returns were not certified to by the inspectors or the clerks. We have thrown out Holmes Lake precinct, because the box was not opened nor the ballots counted by the inspectors and numbered by the clerks, and no returns nor tally-sheet made. We have thrown out the Bolivar precinct, 45 Democratic and 311 Republican votes, because there was no certified return from the inspectors and clerks. The tally-sheets sent in the box show the names of the electors of the Democratic and Republican parties, of James R. Chalmers, John R. Lynch, G. B. Lancaster, M. Roland, James Winters, Fleming and James White, but does not show for what office they were voted for. The tally is kept on four different sheets of paper. The total can only be guessed at, and not ascertained correctly. We have rejected the Glencoe precinct vote—27 Democratic, 233 Republican votes—because the vote was counted out in part by all the inspectors and clerks, and then discontinued until next day, when the count was finished by one inspector and one clerk, and a very imperfect tally-sheet and return sent in by those two not certified to.

JNO. H. JARNAGIN,  
RILEY ROLLINS,  
W. A. YERGER,  
*Commissioners of Election.*

To the Hon. H. MYERS,  
*Secretary of State of the State of Mississippi:*

The following is a certified and correct report of the votes cast in the election held in Coahoma County, State of Mississippi, on November 2nd, 1880, for electors for President and Vice-President of the United

States, and for members of the House of Representatives of the United States for the sixth Congressional district of Mississippi, as returned to and canvassed by us :

For Republican electors as follows, to wit :

William R. Spears .....	364
R. W. Flournoy .....	364
J. M. Bynum .....	361
J. T. Settle .....	364
M. K. Mister, jr .....	364
R. H. Montgomery .....	364
R. H. Cuny .....	364
C. W. Clark .....	364
T. L. Joreau .....	3

For Democratic electors the following votes, to wit :

F. G. Barry .....	209
C. P. Neilson .....	209
C. B. Mitchell .....	209
Thomas Spight .....	209
William Price .....	209
Wm. H. Luse .....	209
Robt. N. Miller .....	209
Joseph Hirsh .....	209

For one member of the House of Representatives from the sixth Congressional district :

John R. Lynch .....	352
James R. Chalmers .....	225

The following are, therefore, declared electors by the above vote by the respective majorities opposite their names :

	Majority.
Wm. R. Spears .....	155
R. W. Flournoy .....	155
J. M. Bynum .....	152
J. T. Settle .....	155
M. K. Mister .....	155
R. H. Montgomery .....	155
R. H. Cuny .....	155
C. W. Clark .....	155

Member of the House of Representatives for the sixth Congressional district :

John R. Lynch .....	127
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We, the undersigned, commissioners of election for Coahoma County, do hereby certify the above list, report, and canvass to be true and correct, and in every particular in conformity to law.

This the 4th day of November, 1880.

M. B. COLLINS,  
W. W. MATHIS,  
JOSEPH E. MONROE,

*Commissioners of Election for Coahoma County.*

Hon. HENRY C. MYERS,  
*Secretary of State, Jackson, Miss. :*

We, the undersigned commissioners and clerk, having canvassed the returns of the election held on the 2d day of November, A. D. 1880, at the following places in the State of Mississippi, county of Issaquena, report as follows—said report being certified to by us as true and correct—to wit: District No. 1: Election held at Duval's Landing. We find eighty-two votes were cast, and that number of ballots were found by us in the box; we did not find any separate lists of the names of the voters in the box, as required by section 139 of the Revised Code of the State of Mississippi. We, the commissioners, decide to throw out the box. District No. 2: Election held at Hay's Landing. We find seventy-five votes reported by commissioners and clerks of election at this precinct, and we find in the box seventy-one votes and four ballots, in which all the names were scratched. We do not find any separate lists of names of the voters in the box, as required by section 139, Revised Code of Mississippi. We, the commissioners, decide to throw the box out. District No. 3: Election held at Ben Lomond. We find three hundred and fifty-two votes reported by the commissioners and clerks of the election at this precinct. We find in the box, as counted and tallied by us, three hundred and seventy votes. We do not find in the box any lists, separate or otherwise, of the names of the voters, as required by section 139 of the Revised Code of Mississippi. We, the commissioners, decide to throw out the box. District No. 4: Election held at Mayersville. We find three hundred and ninety-three votes were cast, as shown by the separate lists kept by the two clerks, and, upon box being opened and the ballots counted, we found three hundred and ninety-seven ballots. In this number we found three ballots which were over  $2\frac{1}{2}$  inches wide and one ballot under  $2\frac{1}{4}$  inches wide, which four ballots we, the commissioners, threw out, under section 137, Revised Code of the State of Mississippi. We, the commissioners, decide to receive this box. We find the following votes were cast, to wit:

For President, W. S. Hancock.

For Vice-President, W. H. English.

For electors:

F. G. Barry	received	57	votes.
C. P. Neilson	"	57	"
C. B. Mitchell	"	57	"
Thos. Spight	"	57	"
Wm. Price	"	57	"
Wm. H. Luse	"	57	"
Robt. N. Miller	"	57	"
Joseph Hirsh	"	57	"

For member of Congress:

James B. Chalmers	59	"
E. Jeffords	1	"

For President, Jas. A. Garfield.

For Vice-President, Chester A. Arthur.

For electors:

Wm. Spears	received	335	votes.
R. W. Flournoy	"	335	"
H. Mis. 12	—2		

J. M. Bynum	received	.....	335	votes.
J. T. Settle	"	.....	335	"
M. K. Mister, jr.,	"	.....	335	"
R. H. Montgomery	"	.....	335	"
R. H. Cuny	"	.....	335	"
C. W. Clark	"	.....	335	"

For member of Congress:

John R. Lynch	received	.....	333	"
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*District No. 5.*—Election held at Duncansby. We find four hundred and twenty votes reported by the commissioners and clerks of the election at this precinct, and, upon opening the box and counting the ballots, we find four hundred and forty four ballots in the box. We do not find any separate lists, or lists of any kind, of the names of the voters, as required by section 139, Revised Code of the State of Mississippi. We, the commissioners, decide to throw out the box. We report further that we have been informed that in District No. 2 of this county a whole steamboat's crew were allowed to vote, none of whom were registered as voters or were citizens of this county.

Given under our hands and seals, at Mayersville, Mi., this 4th day of December, A. D. 1880.

J. H. MOBLEY, [L. S.]  
 JAS. P. HEATH, [L. S.]  
 JAMES WILLIAMS, [L. S.]  
*Commissioners.*

B. W. MILLER, *Clerk.* [L. S.]  
 W. S. INGRAM, " [L. S.]

THE STATE OF MISSISSIPPI, }  
*Jefferson County.* }

We, the undersigned, commissioners of election of the aforesaid State and county, do hereby certify that the following is a true and correct return of all the votes polled at the various precincts of Jefferson County, Mississippi, at a general election held on the 2nd day of November, 1880, for the purpose of electing eight electors of President and Vice-President of the United States and one Representative from the sixth Congressional district of Mississippi in the Congress of the United States:

VOTES POLLED.

Office.	Name of candidate.	Fayette pre-cinct.	Union Church pre-cinct.	Ebenezer pre-cinct.	Bethesda pre-cinct.	Red Lick pre-cinct.	Church Hill pre-cinct.	Clifton pre-cinct.	Rodney pre-cinct.	Total vote.
<b>DEMOCRATIC TICKET.</b>										
President	W. S. Hancock	358		65	27	116	186	43		948
Vice-President	W. H. English	358		65	27	116	186	43		948
Presidential elector	E. G. Barry	358		65	27	116	186	43		948
Presidential elector	C. P. Neilson	358		65	27	116	186	43		948
Presidential elector	C. B. Mitchell	358		65	27	116	186	43		948
Presidential elector	Thomas Spight	358		65	27	116	186	43		948
Presidential elector	William Price	358		65	27	116	186	43		948
Presidential elector	William H. Luse	358		65	27	116	186	43		948
Presidential elector	Robt. N. Miller	358		65	27	116	186	43		948
Presidential elector	Joseph Hirsh	358		65	27	116	186	43		948
Representative in Congress	J. R. Chalmers	359		66	27	116	186	43		951
<b>REPUBLICAN TICKET.</b>										
President	J. A. Garfield	64		1			75			140
Vice-President	C. A. Arthur	64		1			75			140
Presidential elector	W. R. Spears	64		1			75			140
Presidential elector	R. W. Flournoy	64		1			75			140
Presidential elector	J. M. Bynum	64		1			75			140
Presidential elector	J. T. Settle	64		1			75			140
Presidential elector	M. K. Mister	64		1			75			140
Presidential elector	R. H. Montgomery	64		1			75			140
Presidential elector	R. H. Cmy	64		1			75			140
Presidential elector	C. W. Clarke	64		1			75			140
Representative in Congress	J. R. Lynch	60		1			75			136
Representative in Congress	T. W. Hunt	1								1

E. A. MADDUX,  
 J. RIVES WADE,  
 J. B. BOURN,  
*Commissioners of Election.*

FAYETTE, MISS., November 4, 1880.

FAYETTE, JEFFERSON CO., MISS., November 4, 1880.

To the SECRETARY OF STATE, Jackson, Miss.

SIR: Hereto attached find the election returns from this county complete and full except the votes polled at Rodney precinct. The box, books, and returns of that precinct, after voting and counting had all been finished, were delivered to the returning officer, from whom that night they were violently taken by unknown persons, and will not, therefore, be delivered to us, and we cannot, consequently, make return of that vote. The vote at that precinct, from the best and most reliable information obtained, stood thus:

Democratic Presidential electors	92
Democratic Congressman	92
Republican Presidential electors	248
Republican Congressman	248

We have written to the officers who conducted the election for their sworn statement, as also that of the U. S. supervisors, of the actual result of said election, and have written, too, to the returning officer for

the facts connected with the seizure from him of the returns, &c., and so soon as we get their statements will transmit them to you.

Very respectfully, your obedient servants,

E. A. MADDUX,  
J. RIVES WADE,  
J. B. BOURN,

*Commissioners of Election.*

*Election returns of Warren county, Mississippi, November 2, 1880.*

DEMOCRATIC TICKET.

	Total legal votes.
For President, Winfield Scott Hancock .....	1, 034
For Vice-President, William H. English.....	1, 034
For electors for President and Vice-President:	
	Totals.
F. G. Barry.....	1, 032
C. P. Neilson .....	1, 030
C. B. Mitchell.....	1, 030
Thomas Spight .....	1, 031
William Price.....	1, 031
Robert N. Miller .....	1, 031
Joseph Hirsh .....	1, 034
For member of the House of Representatives from the sixth Congressional district:	
James R. Chalmers.....	1, 014

REPUBLICAN NATIONAL TICKET.

For President, James A. Garfield.....	74
For Vice-President, Chester A. Arthur.....	74
For electors for President and Vice-President:	
Wm. R. Spears.....	74
R. W. Flournoy .....	74
J. M. Bynum .....	74
J. T. Settle .....	74
M. K. Mister, jr .....	74
R. H. Montgomery .....	74
R. H. Cuny .....	74
C. W. Clarke .....	74
For member of the House of Representatives from the sixth Congressional district:	
John R. Lynch.....	57

We, the commissioners of election of Warren County, Mississippi, hereby certify that the above is a true and correct return of the number of legal votes cast in Warren county, Mississippi, on the second day of November, A. D. 1880, for the above electors and for President and Vice-President of the United States of America, and also for member of the House of Representatives from the sixth Congressional district of Mississippi.

WM. FRENCH,  
L. R. REID,  
A. S. BUTCHER,  
*Commissioners.*



BALLOTS NOT COUNTED BY COMMISSIONERS.

		Election precincts.															
		Second Ward.	Third Ward.	Fourth Ward.	Davis Bend.	New Town.	Red Bone.	Klien's Store.	Oak Ridge.	Sandy Bottom.	Mt. Albon.	Bovina.	Brunswick.	Malley's Store.	Lane's School.	Pryor's Church.	Grand total.
REPUBLICAN.																	
For President and Vice-President:																	
James A. Garfield	193	118	216	306	144	44	124	6	91	192	196	23	96	67	240	2,057	
Chester A. Arthur	193	118	216	306	144	44	124	6	91	192	196	23	96	67	240	2,057	
Electors:																	
W. R. Spears	193	118	215	306	144	44	124	6	91	192	196	23	96	66	240	2,055	
R. W. Flournoy	192	118	216	306	144	44	124	6	91	192	196	23	96	66	240	2,054	
J. M. Bynum	193	118	216	306	144	44	124	6	91	192	196	23	96	66	240	2,055	
J. T. Settle	193	118	216	306	144	44	124	6	91	192	196	23	96	66	240	2,055	
M. K. Mister, jr.	193	118	216	306	144	44	124	6	91	192	196	23	96	66	240	2,055	
R. H. Montgomery	192	118	216	306	144	44	124	6	91	192	196	23	96	66	240	2,054	
R. H. Cuny	192	118	216	306	144	44	124	6	91	192	196	23	96	66	240	2,054	
Charles W. Clarke	193	118	216	306	144	44	124	6	91	192	196	23	96	66	240	2,055	
For Congress:																	
John R. Lynch	189	117	214	306	144	44	106	6	91	192	196	21	96	67	240	2,029	
DEMOCRAT.																	
James R. Chalmers							18						2				20

We, the commissioners of election for Warren County, Mississippi, beg leave to report that on the 4th day of November, A. D. 1880, previous to the opening of the ballot-boxes and the counting of the ballots therein contained for the different precincts above mentioned, a protest was served on us in words and figures as follows, to wit: "Protest.—To the Commissioners of Elections: Whereas the 137th section of the Revised Code of Mississippi, 1880, provides that no ballot shall be received or counted unless the same is without any device or mark by which one ticket may be known or distinguished from another; and whereas the inspectors at the several precincts in the city of Vicksburg, county of Warren, and State of Mississippi, have received ballots for the Republican ticket, headed with the names of Garfield and Arthur, which have marks and devices thereon, and also do not in size comply with the law, I hereby protest against the counting of said ballots, and demand that the same shall be thrown out.

M. MARSHALL,

*Chairman Sixth District Democratic Congressional Committee.*

A. W. BRIEN,

*Chairman of Warren County Democratic Ex. Com.*

On opening and canvassing the ballots of the aforesaid contested precincts, we discovered the tickets, as above enumerated, not in conformity with section 137 of the Revised Code of State of Mississippi, 1880; therefore, we were compelled to reject the ballots in the above precincts to the amount of the different numbers above stated as unlawful.

WM. FRENCH,  
L. R. REID,  
A. S. BUTCHER,  
*Commissioners.*

While I voted for the rejection of the above ballots, believing them illegal under a strict construction of section 137 of Code of 1880, yet I must enter my solemn protest against a law that deprives over two thousand of my fellow-citizens of their franchise on a strict, literal construction of the law.

A. S. BUTCHER.

GREENVILLE, MISS., November 8, 1880.

To HENRY C. MYERS,  
Secretary of State, Jackson, Miss.

HON. SIR: Herewith find appended a tabular statement, as required by law, of the result of the election held in Washington County, November 2, 1880.

STEPHENSON ARCHER,  
J. M. LEE,  
J. C. COFFEE,  
Commissioners.

Tabular statement of votes cast at the election held in Washington County, Miss., for President, Vice-President, Presidential electors, and Congressman, sixth district.

	First dis- trict.	Second dis- trict.	Third dis- trict.	Fourth dis- trict.	Fifth dis- trict.	
	Lota precinct.	Robb's precinct.	Engine house precinct.	Stonewille precinct.	Westburg precinct.	
	Lake Washington.	Refuge precinct.	Court-house precinct.	Arcola precinct.	Bartonia precinct.	Total.
<i>For President,</i> W. S. HANCOCK.						
<i>For Vice-President,</i> W. H. ENGLISH.						
<i>Democratic Electors:</i>						
F. G. Barry .....	169	190	222	329	85	77
C. P. Neilson .....	169	190	222	329	85	77
C. B. Mitchell .....	169	190	222	329	85	77
Thomas Spight .....	169	190	222	329	85	77
Wm. Price .....	169	190	222	329	85	77
Wm. H. Luse .....	169	190	222	329	85	77
Rob't N. Miller .....	169	190	222	329	85	77
Joseph Hirsch .....	169	190	222	329	86	77
<i>For President,</i> JAMES A. GARFIELD.						
<i>For Vice-President,</i> CHESTER A. ARTHUR.						
<i>Republican Electors:</i>						
Wm. A. Spears .....	288	281	135	298	122	96
R. W. Flournoy .....	288	281	135	298	122	96
J. M. Bynum .....	288	281	135	298	122	96
J. T. Settle .....	288	281	135	298	122	96
M. K. Mister .....	288	281	135	298	122	96
R. H. Montgomery .....	288	281	135	298	122	96
R. H. Cuny .....	288	281	135	298	122	96
C. W. Clark .....	288	281	135	298	122	96
	Rejected from canvass on account of illegal returns.	Rejected from canvass on account of the returns not being signed by the inspectors of election.		Rejected from canvass on account of no statement of election being returned by inspectors of election.		

*Tabular statement of votes cast at the election held in Washington County, Miss., for President, Vice-President, &c.—Continued.*

	First district.	Second district.	Third district.	Fourth district.	Fifth district.	
	Lata precinct.	Lake Washington.	Robb's precinct.	Refuge precinct.	Engine-house precinct.	Court-house precinct.
					Stoneville precinct.	Arcola precinct.
					Westburg precinct.	Burtonia precinct.
						Total.
<i>For President,</i> J. B. WEAVER.						
<i>For Vice-President,</i> B. J. CHAMBERS.						
<i>Greenback Electors:</i>						
M. M. McLeod .....				5	1	34
R. H. Peeler .....				5	1	34
J. J. Dennis .....				5	1	34
S. L. Harmon .....				5	1	34
F. N. Davis .....				5	1	34
H. B. McGee .....				5	1	34
Jno. T. Hull .....				5	1	34
J. D. Webster .....				4	1	33
<i>For Congressman, Sixth Congressional District,</i>						
Jas. R. Chalmers.....	268	295	260	506	120	105 53 1,607
<i>For Congressman, Sixth Congressional District,</i>						
Jno. R. Lynch.....	188	176	103	121	88	96 772

THE STATE OF MISSISSIPPI, }  
Office of Secretary of State. }

I, Henry C. Myers, secretary of state, hereby certify that the foregoing and annexed eleven (11) pages contain true and correct transcripts of returns from the counties of Adams, Bolivar, Coahoma, Issaquena, Jefferson, Warren, and Washington, of this State, of an election held on the first Tuesday after the first Monday in November, A. D. 1880, it being the second day of said month, for electors for President and Vice-President of the United States, and for Representative in the Forty-seventh Congress of the United States from the sixth district of Mississippi, as the same appear from the originals now on file in my office, which originals were made by the proper officers of the said counties, respectively, and within the time required by law.

Given under my hand and the great seal of the State of Mississippi, hereunto affixed, at Jackson, this 18th day of December, A. D. 1880.

[SEAL.]

HENRY C. MYERS,  
Secretary of State.

*United States supervisor's return of votes cast for Representatives in Congress from the sixth Congressional district of the State of Mississippi, at Greenville Court-house precinct, in the county of Washington, on the 2d day of November, 1880.*

Names of candidates.	No. of votes as returned by inspectors.	No. of votes—U. S. supervisor's return.
J. R. Lynch .....	121	No returns to make in this column.
J. R. Chalmers .....	506	
Total Congressional vote .....	627	

The undersigned, supervisor of election, appointed by the circuit court of the United States, hereby certifies that the foregoing return is true and correct.

Witness my hand, at Greenville, Miss., this the 3d day of November, 1880.

NOAH COWAN, *Supervisor.*

To JAMES M. MCKEE,  
*Chief Supervisor of Elections, Jackson, Miss.*

GREENVILLE, MISS., *November 3, 1880.*

Hon. JAMES M. MCKEE.

SIR: I make the following report of the election held at the Court-house precinct, November the 2d, 1880. I were at the polls at 8 o'clock a. m., as required by law. After the polls were opened, and voting commence, I notice the box carefully that there were not any tickets within said box when the voting commence. The polls closed at 6 o'clock p. m., but the inspectors refused to proceed to count any votes. So Mr. Stevenson Archer, the president of the board of commissioners, and John Lee and J. C. Coffee, the other two commissioners, taken a vote, and all agreed that they would not count any votes until tomorrow at 9 o'clock a. m., which I called their attention to what the law required in regard to the counting of votes, and they said that they would not count any votes that evening. Also, they taken the box and placed it in the vault of the chancery clerk's offices, which Mr. J. M. Lee, one of the commissioners, taken the vault key, and Mr. J. C. Coffee the box key. So they would not count until next day, which they met and commenced counting the votes at 10 o'clock a. m., Wednesday, November 3rd, '80. Therefore, I cannot give no returns of my own of the number of votes cast for each Congressman, as I were not with the box during the night and the other inspectors would not count the votes as required by law, and Mr. C. H. Smith, the supervisor on the Democratic side, refused to count also. Therefore, I did not, nor did I request to sign the returns of Mr. Smith. Also, out of 628 votes cast, I am confident that out of that number, seemingly, there were over four hundred Republican votes. So as I were not with the box during the night until next day, 10 o'clock, I cannot give any account of the number of votes cast for each member of Congress.

Respectfully, yours,

NOAH COWAN, *Supervisor.*

Hon. JAMES MCKEE,  
*Chief Supervisor.*

DEAR SIR: In accordance with instructions for duties as U. S. supervisor of Robb and Stone's precinct, received from you, I have to say that the report of my associate supervisor is not signed by me, for the reason that the election was not conducted according to law, for, after the polls closed, at 6 o'clock, the count was delayed until after 10 o'clock, during which time the ballot-box was moved over my protest, but I remained with it till it reached its proposed destination. When the count finally began, as stated above, the count was continued for one hour; they counted one hundred votes, and then proposed to quit till next day; I protested again, and read the law. After a long parley it was proposed to disregard my protest, and J. H. Robb, one of the inspectors, said that he would assume the authority to take the box himself. The count stood 76 for Garfield, Arthur, and Lynch, and 24 for Hancock, English, and Chalmers; not a split-ticket to be found; and they actually looked to find Hancock tickets. The count began on the 3d, at 10 o'clock, and, as soon as the box was opened, I was convinced that it had been tampered with, for the Republican tickets, to a great extent voted the day before, were more or less torn and crumpled; these had most entirely disappeared, and I was satisfied were replaced with mixed tickets. I actually saw and counted 297 straight Republican tickets put in the box, and am satisfied that there were a great many more. The Republicans voted the straight ticket almost to a man.

I remain yours,  
 F. B. COOPER.

*United States supervisor's return of votes cast for Representatives in Congress from the sixth Congressional district of the State of Mississippi, at Robb and Stone's precinct, in the county of Washington, on the 2d day of November, 1880.*

Names of candidates.	No. of votes as returned by inspectors.	No. of votes—U. S. supervisor's return.
J. R. Chalmers .....	295	.....
John R. Lynch .....	176	.....
Total Congressional vote .....	471	.....

The undersigned, supervisor of election, appointed by the circuit court of the United States, hereby certifies that the foregoing return is true and correct.

Witness my hand, at Robb and Stone's, Miss., this 3d day of November, 1880.

F. R. COOPER, *Supervisor.*

To JAMES M. MCKEE,  
*Chief Supervisor of Elections, Jackson, Miss.*

I make no report in column designated, because I counted at time of voting 297 votes for John R. Lynch. Box was moved twice over my protest. Counting did not begin till 10 o'clock, and then only 100 votes counted: Lynch, 76; Chalmers, 24. I am satisfied that the box

was stuffed, to give Chalmers a majority of the votes; for the reason that the Republicans voted openly and solidly, and I had ample chance to count; and I am also satisfied that a great many more did the same, and will testify under oath to the same.

F. B. COOPER,  
*United States Supervisor.*

Mr. JAMES MCKEE.

DEAR SIR: This will inform you of my neglect of duty. I could not make out my tally-sheet. The managers of the election at my precinct would not allow me to handle the tickets, as they were being counted. Mr. Andrew Jackson said I didn't have a damn thing to do with the tickets, and I gave up the hope of tallying with them. Then I took my stand at the back of the chair in which the counter sit, and would not leave for anything at all till the last vote was counted. It (the counting) was all done fair, and I taken my report from the tally-sheets of the clerks of the election. When the voting was all done, at 6 of the clock, they began to count, and continued until seven; then they adjourned, and one of the judges took the box, the other took the key. The judge that took the box said, "Let us seal up the box before we part;" and the other said, "No; there is no use of it, for we have the numbers of all that voted, anyhow." And all of the managers agreed that the box need not be sealed. Then Clark Daney took charge of the box. We met again at 8 o'clock p. m., and counted till 10 o'clock, p. m.; then a motion was made to adjourn; all agreed but me. They said, "All you have to do is to look over while we are at work." Then Mr. Andrew Jackson took the box and Clark Daney took the key, and I objected to the box going out of my sight. However, they took the box. Then they gave it to Clark Daney, and the key was given to Mr. Jackson; and I am satisfied that we had a fair count at Stoneville.

JOHN JONES.

*United States supervisor's return of votes cast for Representatives in Congress from the sixth Congressional district of the State of Mississippi, at Stoneville precinct, in the county of Washington, on the 2d day of November, 1880.*

Names of candidates.	No. of votes as returned by inspectors.	No. of votes—U. S. supervisor's return.
James A. Garfield got .....		315
Winfield Scott Hancock got .....		59
John R. Lynch got .....		315
James R. Chalmers got .....		60
Only one vote for the Greenbackers .....		1
Total Congressional vote .....		650

The undersigned, supervisor of election, appointed by the circuit court of the United States, hereby certifies that the foregoing return is true and correct.

Witness my hand at Stoneville, Miss., this 3d day of November, 1880.

JOHN JONES, *Supervisor.*

To JAMES M. MCKEE,  
*Chief Supervisor of Elections, Jackson, Miss.*

THE STATE OF MISSISSIPPI, }  
*Hinds County,* } *ss.:*

I, James M. McKee, chief supervisor of elections for the southern district of Mississippi, do hereby certify that the foregoing and annexed papers are true and correct copies of the returns of the supervisors of election of the Stoneville, Robb and Stone, Greenville, Refuge, Lake Washington precincts, in the county of Washington, and sixth Congressional district of the State aforesaid; and Dunbarton, Hays Landing, Skipwith's, Ben Lomond, Mayersville precincts, in the county of Issaquena, in the sixth Congressional district, State aforesaid; Natchez Court-house, Jefferson Hotel, Pine Ridge, Washington, Palestine, Dead Man's Bend precincts, in the county of Adams, in the sixth Congressional district of said State; and Rodney precinct, in the county of Jefferson, in the sixth district of said State; and Precinct No. 2, (Grand Gulf,) in the county of Claiborne, in the sixth Congressional district of said State, at the election held November 2, A. D. 1880.

Witness my hand, at the city of Jackson, in the county of Hinds, State aforesaid, this 1st day of December, A. D. 1880.

JAS. M. MCKEE,  
*Chief Supervisor.*

In the District Court of the United States for the Southern District of Mississippi.

THE UNITED STATES }  
*vs.* } No. 318.  
ELECTION COMMISSIONERS of Warren County. }

The court instructed the jury as follows:

The information charges that the defendants were appointed and acted as commissioners of election, for the county of Warren, in this district, at an election held for the purpose of electing a Representative in the Congress of the United States for the sixth Congressional district in this State, on the 2d day of November, 1880.

That in violation of their duty, as required by law, they neglected to certify to the Secretary of State, of this State, the whole number of votes given at said election for each candidate voted for thereat for such Representative.

To this charge the defendants have entered their plea of not guilty. The truth of the charge you must determine from the evidence submitted to you, and of the weight of which you are the sole judges.

Section 133 of the Mississippi Code of 1880, under which the election was held, authorized and required the defendants, as such election commissioners, to appoint for each precinct three persons to act as inspectors of said election.

Section 134 provides that these inspectors of election shall take care that the election is conducted fairly and agreeably to law, and they *shall be judges of the qualifications of the voters*, and may examine on oath any person offering to vote, touching his qualifications as an elector, which oath any of said inspectors may administer.

Section 136 prescribes the manner in which the election shall be conducted, and that, when the same is closed, the inspectors shall open the box and number the ballots, at the same time reading aloud the names of the persons voted for, which shall be taken down by the

clerks, in the presence of the inspectors, and if there shall be two or more tickets rolled up together, or if any ticket shall contain the names of more persons for any office than such elector had a right to vote for, such ballot shall not be counted.

Section 137 provides the kind of ballot to be used, and prohibits the reception or counting of those differing from the kind of ballot prescribed.

Section 138 provides that when the result shall have been ascertained by the inspectors, they, or one of them, or some fit person designated by them, shall, by 12 o'clock noon of the second day after the election, deliver to the commissioners of the election, at the court-house of the county, a statement of the whole number of votes given for each person, and for what office; and the said commissioner of election shall canvass the returns so made to them, and shall ascertain and declare the result.

Section 140 provides that the commissioners of election shall within after the day of election, transmit to the Secretary of State, to be filed in his office, a statement of the whole number of votes given in their county for each candidate voted for in such county for any office at such election.

It is for a neglect to comply with the requirements of this last section that the charge in the information is made.

Under these provisions of our State election laws, which, so far as the same relate to the election of Representatives in Congress, are adopted by the laws of the United States, the officers holding such election are for this purpose officers of the United States, and amenable thereto for any neglect or violation of their duty, as required by the law of the State so adopted.

The *inspectors* of election are, so far as these officers are concerned, the sole judges of the qualification of voters, and of the votes to be counted.

The commissioners of election for this purpose are ministerial officers, whose duty it is to examine and canvass the returns made to them by the inspectors, and from them to ascertain the whole number of votes cast for each person in the county, with the office voted for.

For the purpose of ascertaining these facts, the inspectors are required to send up with the return the ballots, the tally-sheets, and list of voters, to enable the *commissioners* to correct any mistakes which the *inspectors* may have made; but the *commissioners* are not made *judges* of the votes to be corrected. For any mistakes they may innocently make in the discharge of the ministerial duty imposed upon them, they are not responsible; but for a neglect of the performance of the duty so imposed upon them they are responsible.

The return made by the defendants, as such commissioners, to the secretary of state, is in evidence before you. If you shall find from it that it contains a statement of all the votes that were given at said election in said county of Warren for the persons voted for for Congress, and reported to them by the inspectors acting at said election, and that the same was made in good faith and according to their best judgment, your verdict will be not guilty.

But if you shall find from the evidence that such statement does not contain a true statement of all the votes given at said election for all persons voted for in said county for said Representative, and reported to the defendants, as such commissioners, by said inspectors, and that,



in reporting said statement to the secretary of state, the defendants did not act in good faith, according to their best judgment, then your verdict will be guilty as charged. This being a criminal prosecution, the defendants will be deemed innocent until the contrary is established by the proof beyond a reasonable doubt.

And on December 1, 1880, the jury in said cause empanelled returned into court the verdict, "We find defendants not guilty."

Whereupon the following judgment was entered:

## EXHIBIT E.

THE UNITED STATES

vs.

WM. FRENCH, LUTHER REED, AND DAVID BUTCHER. }

This day came the district attorney, who prosecutes on behalf of the United States, and the defendants in proper person, who, being duly arraigned for plea to said information, say they are not guilty, and of this put themselves upon the country, and the district attorney doth the like; and thereupon came a jury of good and lawful men, to wit, E. Virden and eleven others, who, being elected, empanelled, charged, and sworn upon their oath, say: "We, the jury, find the defendants not guilty." It is therefore considered by the court that the defendants be discharged, and go hence without delay.

I, Archy McGehee, clerk of said court, do hereby certify the foregoing five and a half pages to contain a true and correct copy of the charge of the judge to the jury in the above-mentioned cause, which remains on file in my office, and also of the judgment in said cause rendered, and entered upon the minutes of said court, and of record on the 1st day of December, 1880.

Given under my hand, and the seal of said court, affixed at Jackson, in said district, this 5th day of October, 1881.

ARCHY MCGEHEE, *Clerk.*

JOHN R. LYNCH } Contest of election for Representative in the  
vs. } 47th Congress of the United States from the  
JAMES R. CHALMERS. } sixth Congressional district of Mississippi.

To the HON. JAMES R. CHALMERS.

SIR: Please to take notice that on Monday, the 3d day of January, 1881, before L. M. Lowenberg, esq., justice of the peace and ex-officio notary public in and for the county of Warren, State of Mississippi, at his office on the corner of Crawford and Washington streets, up stairs, in the city of Vicksburg, and at the hour of 10 o'clock a. m. of that day, I will proceed to take the depositions of the witnesses whose names are mentioned below, to be read in evidence in my behalf in the pending contest between you and me as above stated, and shall continue the taking of said depositions from day to day until concluded. You can attend and cross-examine if you please so to do.

The following are the names of the witnesses: J. C. Pannell, Charles Lehman, Charles E. Wright, John R. Lynch, Luther R. Reed, Thomas Tucker, J. M. Lawrence, J. D. Tinney, W. C. Raum, Geo. W. Rogers, Wm. French, A. S. Butcher, and Geo. W. Cummings.

Very respectfully,

JOHN R. LYNCH,  
By J. S. MORRIS,  
*Attorney for him.*

VICKSBURG, MISS., *December 27, 1880.*

Due and satisfactory service of the foregoing notice is hereby acknowledged, and the time and place proposed agreed to.

M. MARSHALL,

*Attorney for Gen. Jas. R. Chalmers.*

JOHN R. LYNCH } Contest of election from the sixth Congressional  
*vs.* } district of Mississippi as Representative in  
 JAMES R. CHALMERS. } the 47th Congress of the United States.

Messrs. J. S. Morris, representing John R. Lynch, and M. Marshall, representing Gen. James R. Chalmers, appear before the undersigned, Laz. Lindsay, notary public in and for the county of Warren, in the State of Mississippi, at his office in the city of Vicksburgh, on Monday, the 3d day of January, 1881, and mutually agree that the depositions, of the taking of which notice is heretofore given, relating to the above-entitled contest, which were to have taken before L. M. Lowenberg, justice of the peace and notary public, at his office, shall be taken before the said Laz. Lindsay, notary public as aforesaid, and shall have the same effect as if taken before said Lowenberg.

M. MARSHALL, *Atty.*

J. S. MORRIS, *Atty.*

UNITED STATES OF AMERICA, }  
*State of Mississippi, County of Warren, City of Vicksburg,* } *ss:*

I, Lazarus Lindsay, a notary public for the city of Vicksburgh, in said county and State, do hereby certify that, in accordance with the notice and agreement hereto annexed in the matter of the contested election between John R. Lynch *vs.* James R. Chalmers for Representative in the 47th Congress of the United States from the sixth Congressional district of Mississippi, I caused to come before me at my office in said city, on the 3d day of January, 1881, (Monday,) the witnesses hereinafter named, who were by me severally duly sworn to speak the truth, the whole truth, and nothing but the truth, as to matters connected therewith. Present: Hon. J. S. Morris, counsel for J. R. Lynch.

Mr. CHAS. E. WRIGHT, a witness for Mr. Lynch, being by me first duly sworn, deposes and says in answer to questions by counsel for Mr. Lynch.

Witness here gives his name, age, and occupation, and in consequence of the absence of Hon. Martin Marshall, counsel for Hon. James R. Chalmers, further proceedings herein are adjourned until to-morrow, Tuesday morning, January 4, 1881, at 10 o'clock a. m., to be continued at same place and under same agreement and notice.

LAZ. LINDSAY, *Notary Public.*

TUESDAY, *January 4, 1881.*

Present: Hon. J. S. Morris, counsel for Mr. Lynch; Hon. Martin Marshall, for Mr. Chalmers.

In pursuance to adjournment of yesterday, Mr. Chas. E. Wright was again called and testifies as follows:

CHARLES E. WRIGHT, being sworn, states: My name is Charles E. Wright; I am 39 years old; I reside in Vicksburg, Mississippi, and am by occupation editor of the Vicksburg "Herald," a political paper

which supported Hancock and English in the late Presidential election. There were only two candidates for Representatives in Congress from the sixth Congressional district of Mississippi, Gen. Chalmers and Mr. Lynch. The Vicksburg "Herald" supported Gen. Chalmers. Mr. Lynch first spoke to me about printing tickets for him as a candidate for Congress, asking whether we would do the fair thing, to which I replied that we certainly would. Mr. Lynch said he was very desirous to have his tickets printed in a strictly legal style in accordance with the late law, and asked me whether I would get them up in that way. I told him that I would do so. If I am not mistaken, Mr. Rogers was present then or at a later interview with Mr. Lynch upon the same subject. I told Mr. Lynch that if we did not procure a copy of the code of 1880, State of Mississippi, we could get a legal ticket as a specimen and guide. Mr. Lynch informed me that Captain Tinney, who was to superintend his printing, had a copy of the code and we might get it from him. Mr. Lynch then made an arrangement with Mr. Rogers in my presence for printing tickets, repeating that he was particularly anxious to have them strictly in accordance with the law, for with anything like a fair show he felt confident of being elected, and he wished to give the other side no excuse for objection. Subsequently either Mr. Rogers or myself, or some one in the office, saw Mr. Tinney, but did not obtain a copy of the code; but, instructed by Mr. Tinney, we got a copy of the ticket from Mr. Pannel and printed twelve or fifteen thousand tickets—I forget the exact number—with Mr. Lynch's name and the names of the Republican electors on them. The copy we got from Mr. Pannel we relied on as being exactly legal; it had one of these dashes on it. We handed it to our printer as a copy. We were instructed by Mr. Lynch to send those we printed to the counties above. We printed also some for Gen. Chalmers. Mr. Lynch asked us if we would get up a legal ticket upon our honor and responsibility as business men, and we agreed to do so. There is no doubt that Mr. Lynch's main anxiety was to have a strictly legal ticket, and as nearly alike the Democratic ticket as possible, with the difference of the names. We got the names from Pannel and the proof of the ticket that had been printed. Mr. Rogers tried and measured our printed tickets by the rule. There were no instructions to us except that we should get up a ticket in accordance with the law. The mechanical portion of the work was left entirely to the printer. No instruction was given about the dash, which I did not notice or hear of until after the election. I am not a printer, but I am familiar with proof-reading. I read proofs every day of my life. I saw some of the tickets that were voted for Lynch in this district, such as were thrown out on account of the dash. I examined them with the intent of commenting upon them editorially, and I reproduced a mechanical copy of Lynch's tickets, so rejected, side by side with a copy of the Democratic Congressional tickets, in the Vicksburg "Herald," accompanying these copies so produced by editorial comments. My judgment is that Mr. Lynch's ticket is a plain mechanical ticket, and the dash is used in type of that size everywhere and in almost every paper. The dash I regard as a punctuation mark, and as such it is described in Webster. There was no mark on the outside of the ticket, and when folded none was discernible. When first public attention was directed to the tickets, a gentleman residing in Ohio wrote to me enclosing an exact copy of the Democratic ticket voted there. The law in that State is very similar

to the Mississippi law. The Ohio ticket had dashes on it. Witness here produced two printed tickets, copies of which were used in the election in the State of Ohio, as furnished him by a gentleman residing in that State, one a Democratic, the other a Republican ticket. These two tickets witness identifies with his signature on the back of each, and files as part of his deposition:

*Democratic National Ticket.*

For President—Winfield S. Hancock.  
For Vice-President—William H. English.

Presidential Electors—Electors-at-large: Rufus P. Ranney, John F. Follett.

District Electors: Edmund W. Kittredge, Thomas Sherlock, William Howard, John W. Sater, Thomas J. Godfrey, Samuel M. Heller, John W. Washburn, William H. Blee, Frank C. Dougherty, David Stoutenburgh, John F. Rodarmor, Andrew R. Bolin, John C. Fisher, Wellington Stillwell, Robert A. Constable, Charles N. Gauher, Thomas Hays, John McSweeney, Daniel B. Woods, Martin A. Foran.

*Republican National Ticket.*

For President—James A. Garfield.  
For Vice-President—Chester A. Arthur.

Presidential Electors—Electors-at-large: Sidney S. Warner, Charles H. Grosvenor.

District Electors: Anthony D. Bullock, Alfred T. Goshorn, Robert E. Doan, William Allen, Jacob L.H. Long, Octavius Waters, William W. McKnight, John Q. A. Campbell, George W. Holland, Jacob F. Burket, Nelson B. Sisson, George E. Martin, Mendal Churchill, Jacob Scroggs, Tobias A. Plants, John Milton Lewis, Nathan B. Billingsley, Nathaniel W. Goodhue, Samuel R. House, Joel W. Tyler.

They both have dashes on them; the Democratic, in addition to the dash, a half double rule. My acquaintance with political parties in this county is considerable. I was born and raised here, and have edited a political paper for the last six years, and have myself been a candidate for office during that time. My acquaintance is considerable among the voters, both white and colored. My judgment is that Mr. Lynch carried his full party strength in proportion to the vote that was polled in this county, and more than that. My judgment, also, is there was a great apathy in this county in support of General Chalmers. I know that there were a great many Democratic voters who did not vote at all.

Cross-examined by Mr. MARTIN MARSHALL:

The Vicksburg "Herald" is a Democratic paper. I am a Democrat in politics, but I do think the party should be subordinate to the interests of the people. I supported General Hancock earnestly. I do not think the "Herald" has differed from the great Democratic

[This is a fac-simile of the tickets printed on page 32—Lynch vs. Chalmers.]

# DEMOCRATIC National Ticket.

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FOR PRESIDENT,

**WINFIELD S. HANCOCK.**

FOR VICE-PRESIDENT,

**WILLIAM H. ENGLISH.**

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PRESIDENTIAL ELECTORS

ELECTORS-AT-LARGE,  
RUFUS P. RANNEY,

JOHN F. FOLLETT.

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DISTRICT ELECTORS,  
EDMUND W. KITTREDGE,

THOMAS SHERLOCK,

WILLIAM HOWARD,

JOHN W. SATER,

THOMAS J. GODFREY,

SAMUEL M. HELLER.

JOHN W. WASHBURN,

WILLIAM H. BLEE,

FRANK C. DOUGHERTY,

DAVID STOUTENBURGH

JOHN F. RODARMO

ANDREW R. P

JOHN C. '

WE'

# Republican National Ticket

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For President,

**JAMES A. GARFIELD.**

For Vice President,

**CHESTER A. ARTHUR.**

---

PRESIDENTIAL ELECTORS.

Electors-at-Large,  
SIDNEY S. WARNER,

CHARLES H. GROSVENOR.

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District Electors,  
ANTHONY D. BULLOCK,

ALFRED T. GOSHORN,

ROBERT E. DOAN,

WILLIAM ALLEN,



leaders. It has differed with some of the extreme papers in this State. I have sustained the Democratic administration of Mississippi, the Democratic judges, and everything else. It is not true that when I returned from Washington, a year ago last spring, the tone of the paper became changed, and differed with the Democratic administration of the State. It never has. I differed with the leaders of the party concerning the issue they made in Congress about that time, and said so editorially half a dozen times. It is not true I have since then denounced the leaders of the Democratic party as "machine politicians," or something of that kind. It is not true that I denounced the leaders of the Democratic party as "Bourbons." I regard Mr. Lamar as THE LEADER of the Democratic party in Mississippi, and I know he does not approve those things I issued with. I never made an issue with the leaders of the party. I refer to fraud and violence as things Mr. Lamar does not approve of. I have not taken any new departure. I have opposed them ever since I have been editor of a paper. I was the editor of a paper published in Vicksburg in 1873 or 1874 called "The Vicksburgher," and of the paper called "The Monitor" in the following year.

Q. What fraud or violence have you known committed for running for office since March, 1879?—A. The most prominent affair was in Yazoo, in 1879.

Q. What fraud or violence did you know as being committed in Yazoo in 1879?—A. I do not live in Yazoo county, and know nothing of my own personal knowledge. I only know just like I get other information for the "Herald."

Q. Do you know of your own knowledge any fraud or violence committed against anybody running for office?—A. I answer as before, I do not know of my own knowledge.

Q. Is it not true that you were personally unfriendly to General Chalmers prior to the late contest?—A. It is true that I am personally unfriendly to General Chalmers.

Q. During the contest and now?—A. I don't know how you would construe that. I think General Chalmers treated me very unjustly in business matters.

Q. What was it about, Mr. Wright?—A. Well, he owes the Herald Company money, which ought to have been paid.

Q. How much was it?—A. I cannot enter into details.

Q. Since when does this indebtedness you speak of date from?—A. General Chalmers owes the Herald Company since 1876.

Q. Does that unfriendliness date from 1876?—A. Well, partly. It was a subsequent matter to that—a matter which I have too much delicacy to make public. I thought it very unjust of General Chalmers that he should give an opposition paper money to keep it alive while he owed us money. I did not want him to put money into journalism here while he owed us money. General Chalmers put money into the Vicksburg "Daily Commercial" during the late canvass. I don't recollect attacking General Chalmers prior to his putting money into the "Commercial." I do not recollect that prior to the nomination I [attacked] the course and efficiency of General Chalmers as a Representative. I don't recollect that I published an editorial or editorials of that kind last June or July, prior to the nomination. It is not true that my hostility to General Chalmers dates from my trip to Washington in the spring of 1879.

Q. You say the Vicksburg "Herald" supported General Chalmers during the late contest. Is it not true that the Vicksburg "Herald" did not put his name among the list of candidates in its columns?—

A. It is true. It is also true that the Vicksburg "Herald" never will put the name of any candidate, except for President, at the head of its columns. Any one can announce their name as a candidate in the "Herald" by paying for it.

Q. Is it not true that, during the late canvass, the name of General Chalmers was offered to the "Herald" as a candidate, to be paid for, and they declined it?—A. This is the first intimation I have received about it if it was so. I think you are mistaken. Mr. Rogers is the business manager, and anything of that kind would certainly have come to my ears. I don't know whether I had two or three conversations with Mr. Lynch about printing tickets. I think there were two, or perhaps three, conversations of the kind. I did not pay much attention to them, and cannot recollect. I think Mr. Rogers was present at them all, if my recollection serves me. I think I sent for him to ascertain what he would do it for. I don't recollect exactly where Mr. Lynch first spoke to me about printing the tickets, but I think it was at the office. Mr. Lynch wanted to see about his tickets, and wanted to know if we would do a fair business transaction, or words to that effect. I don't precisely recollect whether it was at the office, or the details. I don't recollect how long it was before the election. I think it was two months; but I cannot recollect within one month of the time; but sufficient time was allowed in which to get the work done, and the tickets sent out, and everything of that kind. I don't recollect the exact language used at the interviews with Mr. Lynch, but I remember the substance. I asked him the number of tickets he wanted, and he said he did not know exactly, but I remember Mr. Lynch was particularly anxious to have a strictly legal ticket. We had a good deal of talk about the ticket, the form, and so forth. I don't know, of my own knowledge, where Mr. Rogers got the copy of the ticket the "Herald" printed Mr. Lynch's tickets from. I saw Mr. Rogers had it; he showed me the proof of the ticket, and he told me also why he had to get it. I don't recollect that it had one or more dashes on it. I did not notice particularly. I don't know that it did not have four marks or dashes on it, for I don't recollect. As a matter of fact, I never thought about the dashes until after the election, and the rejection of the tickets. When I say there is no doubt Mr. Lynch's main anxiety was to have a legal ticket, I mean there is no doubt in my mind. I don't know that Mr. Lynch had any conversation with anybody else at the "Herald" office about printing tickets. No instruction was given about the dash in my hearing or to me. I did not hear of these marks on election day during the course of the election; if I did, I have forgotten it. Mr. Lynch's ticket can be distinguished, when open, at arm's length from the Democratic ticket.

Q. Does not Webster, when he speaks of the use of the dash as a punctuation mark, speak of it as used between two words on the same line, in the same sentence?—A. I don't understand that he defines it in that way.

Q. You say there was no mark on the outside of the ticket, and when folded no mark was discernible. Is it not true that these marks or dashes, as you call them, can be discerned through the ticket from the outside when it is folded, and the ticket be distinguished by them when it is folded by those who can see?—A. It might by a close examination, but not by an ordinary examination.



Q. Can it not be easily seen from the outside by one who was looking for it as a mark to distinguish the ticket?—A. I don't know. My eyesight is strong, and my eyes have never given me any trouble.

Counsel for General Jas. R. Chalmers here showed witness the Republican ticket, which is marked Exhibit A, in Luther R. Reid's testimony, and witness states: At a distance of three feet or more, I can plainly distinguish the dash line, which is printed on the face, through the ticket from the outside, when folded. I do not know of my own knowledge that the Ohio tickets filed as part of my evidence were used in the election in that State. They were sent me in a letter from a gentleman residing in Ohio, and are therein described as copies of the tickets used in the late election there. I don't know how many Republicans voted in the last election in this county. I don't know how many Republicans voted for General Chalmers in this county. I don't know how many Democrats voted for Mr. Lynch in this county. There was great apathy among the Democrats in supporting the entire ticket after the October election.

Re-examined by Mr. JOHN R. LYNCH:

Q. Please to define what you understand by Bourbonism and Conservatism?

(Objected to by counsel for General Chalmers as irrelevant and not re-examination.)

A. The difference, as I understand it, is this: The Bourbons in this State are an extreme faction of the Democratic party; they are willing to go outside of law and the Democratic platform, and anything else, and resort to violence and fraud for the sake of party success. I think the conservative Democrats are opposed to that, and want to let the elections go as the ballots are cast. That is my view of the difference. I regard Senator Lamar as the leader of the Democratic party in this State, and General Chalmers as identified with the extreme men. My unfriendliness with General Chalmers was partly the result of difference in politics and partly from business transactions. The attitude of the "Herald" would have been substantially the same if the candidate had been somebody else besides General Chalmers, of the same school of politics. The word "ticket," at the head of the Democratic ticket, marked Exhibit A in the testimony of James C. Pannell, (which is here shown to witness), is printed in display type. Witness is here handed two election tickets—one, the Democratic ticket above referred to, and identified by the signature of James C. Pannell, and marked Exhibit A; the other, a Republican ticket, part of the testimony of Luther R. Reid, by whose signature it is identified, and marked Exhibit A. Witness states that, when folded and held at a distance of three feet or more, the word "ticket," at the head of the Democratic ticket, is quite as discernible from the outside through the paper as the dash is on the Republican ticket.

Q. Is it not true that the letters and names are as easily discernible on the back of the ticket as the dash?—A. I can read it as well from the back as from the front.

CHAS. E. WRIGHT.

Sworn to and subscribed before me, January 4, 1881.

LAZ. LINDSAY,

*Notary Public.*

JOHN D. TINNEY, being sworn, states:

My name is John D. Tinney; I am 37 years of age; I reside in Vicksburg, where I have lived for 13 years; my occupation is deputy sheriff of the county of Warren. A week or two before the late Presidential and Congressional election, Mr. John R. Lynch applied to me, as a friend of his, to attend to having his tickets printed. His only directions to me were to have his tickets printed in strict accordance with section 137 of the code of 1880, State of Mississippi, relating to the form and get-up of the tickets. I accordingly had the section applicable to the subject copied carefully, and sent it with the order to Mr. Charles Lehman, to be handed to the foreman of the Miller book and job-printing office, Mr. Pannel. The order was to have 50,000 tickets printed. The Miller office printed 25,000; the other 25,000, I think, were printed at the "Herald" office. Those printed at the Miller office were received by me as being done in accordance with the order. I examined the proof and saw nothing about it which attracted my attention in violation of the order. Nothing was said about any peculiar marks or devices to be placed on the ticket. There were no marks or devices on the ticket. The ticket was a plain ticket. The only thing on it besides the letters were printers' dashes and punctuation-marks.

Cross-examined by Mr. MARTIN MARSHALL:

Mr. Lynch and myself talked several times about tickets. We did not refer at every conversation to the code, section 137, nor did Mr. Lynch allude in every conversation to legal or illegal tickets. The only conversation in which this matter was alluded to, was the one in which the tickets were ordered. The conversations were about distributing the tickets, where to send them, how to send them, to whom to send them, what boats to send them on, so that they would probably get there. We might have referred to the legality of the tickets, but that was not what our conversations were about. At the conversation in which the order was given, I was requested to see that the tickets conformed to law. Nothing was said at any of these conversations between Mr. Lynch and myself as to any method of recognizing the Republican ticket. Nothing was said about the difficulty of the negro who could not read in distinguishing that ticket. Mr. Lynch did say that he had friends at the different precincts of sufficient intelligence to read and sufficient honesty to give the right ticket. This is a matter generally of some importance in this county, and I suppose in the district, on account of the deception practised. The action as to the mode of getting right tickets into the hands of his friends was discussed between us, perhaps not more than once. It was an important point. It always is in any political contest. I have known that when parties at the boxes handled tickets for the candidates, such ticket-handlers, for a few dollars, substituted and delivered, for the real ticket, imitation tickets, which had been gotten up for that purpose by the opposition parties. I have seen that in elections where the election was political, and in scrub races. The only imitation tickets I have seen used have been since we had a political contest. There has been no political contest during the last four years. Previous to the last four years I did not watch quite as closely as I have done since then. Previous to the election laws of 1880, all kinds of tickets were used in the elections in this county, and I think in this State. Some of them printed in various colored inks, some with green backs, show-

ing fields and game, and the picture of the candidate; others were printed with spread eagles and flags, and various devices of that kind at the head of them. When distinguishing marks or devices of that kind were used on a ticket, imitations were frequently gotten up by the opposing candidate. When I speak of imitation tickets, I mean these sort of tickets—tickets bearing these marks or devices. I don't recollect particularly whether anything was said about enabling Mr. Lynch, or his party, to see how many tickets, for him, went into the boxes; but Mr. Lynch said that friends representing him would be present at the different precincts; that voters for him would walk up with the open ticket, so that his name might be read thereon, and the vote would be tallied as it went into the box; but I don't know particularly who said that; it might have been Mr. Lynch, or some one else, for all I know or recollect. The object of that was to know how many votes had been received, not with a view of ascertaining who voted for Mr. Lynch. He (Mr. Lynch) wished to see whether there was a fair count. I am not a particularly active political worker in this county. I have not taken an active part in every political contest during the last four years. There were several that I did not take any part in at all. I was a candidate for nomination for the office of city marshal in 1876; but I did not then take an active part in the canvass. I have taken a much more active part in canvasses for friends. I took no active part in 1877; was not a candidate, and do not recollect who was. I don't think there was a city election in 1877. I took a part, but not a particularly active one, in the general election of 1877. I was not a canvasser in the canvass for nomination in that year. I was a friend of Mr. W. H. Andrews, who was defeated in the primary. The part I took in that campaign did not interfere with my business. I worked ten hours a day. A good deal of the night-work was done in the telegraph office in this city. I took no active part in the city election of 1878. I was not a candidate for office; I was only a candidate for city marshal once before 1880. I took an active part in 1879, and canvassed the county with one of the candidates. I took no active part in 1880; but was run by my friends as a candidate for city marshal. I took no part in the canvass myself. I took no active part in the last general canvass; I was not a delegate to the convention which nominated Lynch. I did not know Mr. Lynch much then. I did not attend the meeting held at the court-house the night before the election, and did not then know such a meeting was held. I heard of it subsequently as published in the papers. I was not consulted about that meeting by the Republican leaders of the county. I was not consulted by any Republican leaders about holding a meeting of that kind, or about the distribution of tickets. Was not consulted by any one except Mr. Lynch himself, as above referred to. Don't know who the Republican leaders of Warren County are. Have reason to believe, from inquiries made by Dr. R. H. Walker, whom I understand was at that time chairman of the Republican executive county committee, which body I naturally supposed included some of the Republican leaders, that they were ignorant of the fact that tickets were gotten up at all. The day previous to the election Dr. R. H. Walker was inquiring if any provision had been made for printing tickets and distributing them.

JNO. D. TINNEY.

Sworn to and subscribed before me, this 4th day of January, 1881.

[SEAL.]

LAZ. LINDSAY, *Notary Public.*

ALBERT S. BUTCHER, being sworn, states:

My name is Albert S. Butcher; I am 49 years of age; I am not engaged in any business at present; my last occupation was that of a grocer. I reside in Vicksburg, where I have lived for the last ten years. I was one of the commissioners for Warren County at the recent election. I am a Republican, and a colored man. There were some votes returned by the inspectors of election to the commissioners, which were by the commissioners rejected. The cause of their being rejected was that they had marks on their face, and we thought that these marks were contrary to law. The marks, I afterwards understood, were called printers' dashes. Witness appends herewith as part of his answer one of the tickets with marks on the face of it, which caused the commissioners to reject them. There were no other marks than these appearing on the face of the ticket. Witness identifies ticket filed herewith by his signature and Exhibit A, marked on the back of the ticket.

EXHIBIT A.

*Republican National Ticket.*

*For President—James A. Garfield.*

*For Vice-President—Chester A. Arthur.*

*For Electors for President and Vice-President—Hon. William R. Spears, Hon. R. W. Flournoy, Dr. J. M. Bynum, Hon. J. T. Settle, Capt. M. K. Mister, jr., Dr. R. H. Montgomery, Judge R. H. Cuny, Hon. Charles W. Clarke.*

*For Member of the House of Representatives from the 6th Congressional District—John R. Lynch.*

The marks referred to are the dash between the words Republican National Ticket and the line below; one between the name James A. Garfield and the line below; one between Chester A. Arthur and the line below; one between Hon. Charles W. Clarke and the next line below. These are all the marks complained of, and upon these marks, and because we believed they were not in conformity to the law, the commissioners threw out 2,029 ballots for Lynch, which had been returned to us by the inspectors of elections. These we rejected in the count, besides twenty ballots for Chalmers for the same cause. The ticket filed by him is the exact duplicate of the tickets that were so rejected. I cannot say positively that all the tickets which had these marks or dashes on them for Lynch were so rejected at the late election. There was one box, that from the first ward, which was not examined by the commissioners. In that ward Mr. Chalmers had a considerable majority; I think over 100. The reason we did not examine that box was that there was no protest against it, as there was against the others in which the vote was thrown out.

*Cross-examined by MR. MARTIN MARSHALL:*

*Q. You have stated in your examination-in-chief that the commissioners rejected over two thousand votes for Mr. Lynch. Is it not true that about six hundred of these votes were rejected or not*

counted by the inspectors at several of the precincts and not returned to the commissioners as legal votes—I refer especially to the fourth ward in the city of Vicksburg, Prior's Church, and the Bovina box?—A. I do not remember the exact number of votes, but there was a box from Bovina, a box from Prior's Church, and a box from the fourth ward, concerning which the inspectors had disagreed in regard to counting these votes. The majority of the inspectors had rejected these votes.

Re-examined by Hon. J. S. MORRIS:

Q. What do you mean by rejecting; did they not send up the votes, and did they not return the number and character of them?—A. They refused to consider these votes as legal votes, though they sent the ballots and a statement of the number of them which were cast, and they came to our hands. We acted upon them, and in our action we rejected them.

A. S. BUTCHER.

Sworn to and subscribed before me, this 4th day of January, 1881.

[SEAL.]

LAZ. LINDSAY,  
*Notary Public.*

WM. C. RAUM, being sworn, states:

My name is William C. Raum; I am 52 years of age; I reside in Vicksburg, where I have lived for 33 years; my occupation is deputy revenue officer. I was present when Mr. John R. Lynch spoke to Mr. Lehman about printing tickets to be used in the late Congressional election in this district. I cannot positively state that I heard the order given, but I heard Mr. Lynch say he wanted to have his tickets printed in accordance with the law. Nothing was said about any mark or device of any kind. Mr. Lynch's directions were to print the tickets in strict conformity to the law. Mr. Lehman is manager of the Miller job-printing office.

WM. C. RAUM.

Sworn to and subscribed before me, this 4th day of January, 1881.

LAZ. LINDSAY,  
*Notary Public.*

Adjourned until to-morrow morning at 10 o'clock, to be continued at same place and under same notice and agreement.

[SEAL.]

LAZ. LINDSAY,  
*Notary Public.*

JANUARY 5, 1881.

WILLIAM FRENCH, being sworn, states:

My name is William French; I reside in Vicksburg, where I have lived for thirteen years; I am a lawyer. I was one of the commissioners for election for Warren County at the late Congressional election; I know all about the rejection of votes by the commissioners. On the

return of the boxes to the commissioners by the inspectors of election, and previous to the time appointed by law to open the same, a protest was served on the commissioners against all the voting precincts in the county, except ward number one, in the city of Vicksburg. The protest was served upon the commissioners by Mr. Martin Marshall, as chairman of the Democratic executive committee of this Congressional district. Upon opening the boxes, we found that all the Republican tickets in each of the precincts (except the first ward of the city of Vicksburg, which we did not examine, as no protest was entered against that box) had upon their face marks and devices which, in our opinion, made them illegal, according to section 137 of the Revised Code of Mississippi, 1880. These ballots were rejected by the commissioners. Two precincts came to us rejecting these votes signed by a majority of inspectors, to wit, the fourth ward, in this city, and Prior's Church, in the county. One other—the Bovina box—was returned to the commissioners, with a written statement from the inspectors to the effect that they believed the Republican tickets cast at that precinct were not in accordance with the law, yet they had counted the ballots, and submitted the statement to the commissioners for their action. This is the substance, as I remember, of the inspectors' statement. The returns from Prior's Church and the fourth ward, in this city, came with this certificate, in substance: Two of the inspectors certified that, in their opinion, the Republican votes cast at those precincts were illegal, and had been rejected for that reason. The other inspector and one of the clerks of election protested against this certificate, stating, in writing, that they believed all the votes should be counted. While the commissioners of election rejected these votes as illegal, they nevertheless reported to the secretary of state all the votes cast, showing, in a tabulated statement, the number cast at each precinct which were counted, and the number not counted as illegal, with a certificate stating the reasons why they rejected these ballots.

WM. FRENCH.

Sworn to and subscribed before me, January 5, 1881.

[SEAL.]

LAZ. LINDSAY,  
*Notary Public.*

LUTHER R. REID, being sworn, states:

My name is Luther R. Reid; I am 44 years of age; I reside in Warren County, and am by occupation a planter. I was one of the commissioners of election for Warren County at the late Congressional and Presidential election. The board of which I was a member threw out about 2,029 votes which had been polled for Lynch, the Republican candidate, and rejected a small number of votes which had been polled for Gen. Chalmers; I think about 20, and certainly not exceeding 30. The board were all unanimous in rejecting these votes, and the reason assigned for their rejection was that they had on their face marks which, in the judgment of the commissioners, were marks and devices contrary to law. Witness here examined a copy of rejected ticket with the marks and dashes which caused the rejection, identifying same with his signature on the back thereof and marking it Exhibit A. Said ticket he files herewith as part of his deposition:

## EXHIBIT A.

*Republican National Ticket.**For President—James A. Garfield.**For Vice-President—Chester A. Arthur.**For Electors for President and Vice-President—Hon. William R. Spears, Hon. R. W. Flournoy, Dr. J. M. Bynum, Hon. J. T. Settle, Capt. M. K. Mister, jr., Dr. R. H. Montgomery, Judge R. H. Cuny, Hon. Charles W. Clarke.**For Member of the House of Representatives from the 6th Congressional District—John R. Lynch.*

The commissioners rejected all tickets having these marks or devices upon them by which they could be distinguished one from another, from all the boxes which they examined. The commissioners examined the returns from all precincts that were protested against, and all ballots found among the returns from these precincts, having these marks or devices upon them, we rejected. There was one, or possibly two, wards in the city of Vicksburg against which there was no protest, and no ballots in these wards were rejected. In precincts that were not protested against the commissioners returned the votes as certified to them by the inspectors of election, and did not examine the tickets from such precincts with a view to ascertain whether or not the tickets conformed to the law. I am in doubt whether the votes which were characterized by the inspectors at Bovina as illegal votes were included in the count or not. My impression is that they referred the matter to the commissioners and we rejected them. The board confined themselves in their action to the boxes against which protests had been entered. Witness here examined certified copy of the protest which is filed by John R. Lynch in his testimony, and is contained in Exhibit C. He verifies it as the copy of the protest which was served before his board of commissioners. Mr. Martin Marshall appeared before the board to maintain this protest, and he did maintain it. Whether he appeared as counsel I do not know. He was not employed by the board, nor was he requested to appear. He is the same Mr. Martin Marshall who appears here.

Cross-examined by Mr. MARTIN MARSHALL:

The protests were printed protests, with the name of the precinct to which it applied written at the head of it. I was present at Bovina precinct for an hour or two on the day of the election. I saw a squad of colored men standing together, and heard some say, "These are the marks which I vote by."

(Objected to by contestant's counsel as hearsay.)

Cross-examination continued:

I saw the tickets, but I did not go near enough to see what tickets they were. One of them said, "I voted the O ticket."

(Also objected to by contestant's counsel as hearsay.)

Cross-examination continued:

I do not know whether these men were voters or not. These men

were strangers to me. There are a great many colored men south of the railroad that I do not know.

Re-examined by Hon. J. S. NORRIS :

I did not know any of those men. I know very few colored men south of the railroad. You (addressing contestant's counsel) were the only Republican there, that I know of, who could read, unless I had time to think. I presume you can read. I might know a great many Republicans there who can read, but I cannot call them to mind. If John Fleckenstein is a Republican, he can read. Your two boys were there, and I suppose they can read.

L. R. REID.

Sworn to and subscribed before me, this 5th day of January, 1881.

[SEAL.]

LAZ. LINDSAY,  
*Notary Public.*

CHARLES LEHMAN being sworn, states:

My name is Charles Lehman; I am 35 years of age; I reside in Vicksburg, and am a collector of the customs. I am the manager of the Miller printing house, which is a job-printing office. I printed tickets for Mr. Lynch in the late Congressional election. Some twelve or fifteen days before the election Mr. Lynch spoke to me about the tickets and gave me an order for twenty-three thousand to be printed in my job office, with his name as a candidate for the sixth Congressional district of Mississippi in the election to be held on the 2d November following. Mr. Lynch spoke of the law of Mississippi in reference to these tickets, as contained in the code of 1880, and directed the tickets to be printed strictly in conformity with that law. He gave no direction for any mark or dash to be printed on the ticket, but simply required that the ticket should be in conformity to the law. Upon receiving this order from Mr. Lynch I took the law to the printing office and showed it to the foreman, Mr. Pannel. He and I read it over carefully together and undertook to set up and print the ticket carefully. As to the size of the tickets, I measured them all with a rule and had them cut carefully, and so did Mr. Pannell in like manner measure them. I never received, nor did Mr. Pannell, or anybody else in the office, so far as I know, any other order or directions in respect to these tickets, either from Lynch or anybody else. We also printed election tickets for the same election by the Democratic party in the county of Issaquena. I believe there were 6,000 of these printed. The order for them came through Col. W. H. McCardle, of the Vicksburg "Daily Commercial," who handed it to the Miller job-printing office. I have the original letter, which I herewith file as a part of my testimony. It is from Simon Mayer, chairman of the Democratic executive committee of Issaquena county. The letter is identified by my signature on the back and marked Exhibit A.

EXHIBIT A.

BEN LOMOND P. O.,

*Ellistie, Miss., October 21, 1880.*

Colonel W. H. MCCARDLE,

*Ed. of Commercial, Vicksburg, Miss.*

DEAR SIR: You will please strike off for use in this county three thousand (3,000) regular Democratic tickets, like enclosed, which is specimen of ticket adopted by State ex. committee, as regulated by



new law on subject, and you will also please strike off for us two thousand (2,000) regular Republican tickets—Garfield and Arthur and electors—but with our candidate for Congress, Hon. Jas. R. Chalmers, name at bottom.

Please fill this order with least possible delay, and forward the package to me to above P. O., either C. O. D., or I will remit on receipt. If you want any reference, see Messrs. Lee, Richardson & Co., or Sam. Fischel.

Please return "specimen" inclosed.

No local offices to be filled.

Yours, &c.,

SIMON MAYER,  
*Chairman Dem. Ex. Committee, Issaquena Co.*

We printed 6,000 of these tickets, and sent them to Simon Mayer, C. O. D. We printed them in exactly the same form as those printed for Lynch. I think the Democratic tickets for this county were printed in Jackson. There were none that I know of printed in the city of Vicksburg.

Cross-examined by Mr. MARTIN MARSHALL:

The order for the tickets was given me in my office—the collector's office—fifteen or sixteen days before the election. I do not remember the exact day. I never had any other conversation with Mr. Lynch in reference to printing these tickets. The law that I took to Mr. Pannell was in manuscript, sent to me by Captain Tinney. Mr. Lynch was charged the usual rate for printing these tickets. I cannot tell how much. I don't know, because Mr. Pannell attends to that part of the business altogether. The usual rate was charged. I saw the entry in the book. Mr. Pannell keeps that book. I look at that book every day or two. I did not examine the book with reference to that item more particularly than any others, but I look at the book every day or two to see what is charged. These tickets have not been paid for by Mr. Lynch. I made no agreement with Mr. Lynch as to what he would pay for them. I cannot say what rate was actually charged, but the item is charged on the book, and I looked at it, but cannot say how much it was. The book will show for itself. I do not know what the usual rate was for printing tickets in the late canvass. I do not stay about the Miller printing office all the time. I sometimes go up there and stay ten or fifteen minutes during the day, and sometimes longer. I have another man there in charge, running the business, Mr. Pannell.

Re-examined by Hon. J. S. MORRIS:

My agreement with Mr. Lynch was to charge him the usual rate.

CHAS. LEHMAN.

Sworn to and subscribed before me, this 5th day of January, 1881.

LAZ. LINDSAY,  
*Notary Public.*

Adjourned until to-morrow morning, at 10 o'clock a. m.

[SEAL.]

LAZ. LINDSAY,  
*Notary Public.*

JANUARY 6, 1881.

GEORGE W. ROGERS, being sworn, states:

My name is George W. Rogers; I am 46 years of age; I reside in Vicksburg, Miss., where I have lived for twenty-five or twenty-six years. I am a printer by trade, and one of the proprietors and publishers of the Vicksburg "Herald." I am a Democrat in politics. Employed by Mr. Lynch, we printed tickets for him in the late election. Mr. Lynch came to our office and asked us to print some election tickets. He said he wanted them exactly like the Democratic tickets except the names. He wanted them printed in such manner as to prevent any subsequent trouble about them. In the mechanical part they were to be similar to the Democratic tickets. This is the substance of what he said. I had the tickets printed, and they were printed by my direction. I attempted to have them printed in exact conformity to the law and Lynch's direction. The ticket identified by the signature of Albert S. Butcher is here handed to witness, and he states that he considers it a practically plain ticket. Witness further states: I have printed tickets at intervals for the last thirty years, and I never printed a ticket without more or less of these dashes. I regard the dash as part of the mechanical art of printing such a job. The number of these dashes proper to be used with such a job is more a matter of taste with the printer setting up the ticket than anything else—some printers putting in more, some less. Witness examines the ticket marked "Exhibit A," in Albert S. Butcher's testimony, and states that the marks are not visible on the outside any more than the letters, and these are not distinguishable. I had a Democratic ticket in my possession about the time we printed the tickets. It came, I think, from Hon. W. L. Hemmingway, chairman of the Democratic State executive committee. There was nothing said about the price when Mr. Lynch ordered the tickets, but three dollars per thousand were charged him, such being the rate agreed upon by the printers of the city as a fair and reasonable compensation for the work.

Cross-examined by Mr. MARTIN MARSHALL:

I do not remember Mr. Lynch speaking to me more than once about printing his tickets at the "Herald." That conversation took place in the "Herald" office. I cannot remember all that took place at that time, nor the exact language used, but I remember the substance of it. I did not notice any marks or dashes on the Democratic ticket. I did not examine it carefully; I merely picked it up from the table on election-day, saw that it was a Democratic ticket, and voted it.

[“Exhibit A” in L. R. Reid's testimony is here shown to witness.]

Q. Is it true that the letters and marks on this ticket are not discernible from the outside, through the paper, when folded?—A. The dash is not more distinguishable than the line. It is true that on this ticket, at a distance of three feet from my eyes, I can see the dash through the paper from the outside, when folded; both the dash and the printing are readily discernible on that ticket; but in printing tickets there may be an offset on the back, or more ink may be used by the printer in renewing his ink than is necessary, or an alteration in the impression—either of which causes will render a ticket legible on the back, while the tickets which were printed before and after any of the causes I have mentioned will be perfectly clean on the back.

Witness is here shown Exhibit A, in his own testimony, and states: I can distinguish the mark through the ticket when folded, from the outside, by an effort.

Re-examined by Hon. J. S. MORRIS:

Q. In finding the letters and dashes printed on one side of the ticket by observing from the other side of the ticket, when folded, does it not require a special effort, accompanied by a previous knowledge that the letters and marks were there?—A. I don't know that it requires a previous knowledge, but I don't think the mark would be noticed by any one picking up one of these tickets from a table. It might not be. It does require a special effort.

Q. Are you not very much aided by a previous knowledge that it was there?—A. I suppose a person would be aided by a previous knowledge.

Before signing this deposition, witness explains that at the time he gave the Lynch ticket to the printer to set up, he handed to the printer, besides the proof of the Lynch ticket, a Democratic ticket which he had received through the mail—he thinks from W. L. Hemmingway, esq.—the latter to be used as a guide for the printer, as to dimensions and style. The names were to be set from the proof of the Lynch ticket obtained from the Miller office; no directions as to marks or dashes were given. I don't know that this Democratic ticket alluded to was precisely like those which were voted on the day of election. Gen. Chalmers owes the "Herald" office a balance of sixty-two dollars, due since November, 1876.

GEO. W. ROGERS.

Sworn to and subscribed before me, January 6, 1881.

[SEAL.]

LAZ. LINDSAY,  
*Notary Public.*

JOHN R. LYNCH, being sworn and addressed as follows by his counsel, Hon. J. S. Morris, states:

J. S. MORRIS.—Mr. Lynch, make your own statement, in your own way, without any questions from me.

JOHN R. LYNCH.—My name is John R. Lynch; I am 33 years of age; I reside in Natchez, Mississippi; I am a planter by occupation; I am the contestant in this case. I made a contract with Messrs. Wright and Rogers of the Vicksburg "Herald" office, and with Messrs. Lehman and Tinney of the Miller job-printing office. My contract with Messrs. Wright and Rogers was that they were to print tickets for seven counties in the district, namely, Tunica, Quitman, Coahoma, Bolivar, Washington, Issaquena, and Sharkey. My contract with Messrs. Tinney and Lehman was to print tickets for the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson. In my conversation with Messrs. Wright and Rogers, I directed them to print these tickets in conformity with the requirements of the State law upon the subject. I told them that if they had not a copy of the law I would see that they were furnished with it; that my only desire was to have them get up a legal and valid ticket, about which there should be no dispute. I desired them to get up this ticket upon their own responsibility and honor as business men. I expressed a desire to have the ticket precisely like the ticket to be used by the Democrats, if possible, except as to names. After stating all this to them, they agreed to print the tickets. I state further

that Captain Wright said the "Herald" office would be responsible for the legality of the tickets to be printed by them, and that the "Herald" would defend them, if attacked, which they have done. Substantially the same contract was made with Messrs. Lehman and Tinnéy as to the counties they would print for. I was furnished with a proof of the ticket. I examined it, and according to my judgment it was a legal ticket. The tickets printed by these men were sent out for use and were so used by the Republicans in all these counties, except a few which I had printed in Natchez, when I ran short, as nearly like the others as it was possible to make them. I have been furnished with a copy of the Democratic ticket which was used in Issaquena County. I have it now in my possession. I will make it a part of my deposition, identified by my signature and Exhibit No. 1.

EXHIBIT NO. 1.—JOHN R. LYNCH.

*Democratic-Conservative Ticket.*

*For President—Winfield Scott Hancock.*

*For Vice-President—William H. English.*

*For Electors for President and Vice-President—F. G. Barry, C. P. Neilson, C. B. Mitchell, Thomas Spight, William Price, William H. Luse, Robert N. Miller, Joseph Hirsh.*

*For Member of the House of Representatives from the 6th Congressional District—James R. Chalmers.*

This ticket is precisely like the Republican ticket, except as to names. I also have in my possession the Democratic ticket used in Adams county, which has a large exclamation point in addition to the ordinary punctuation, which I also furnish as part of my deposition, signed with my signature, and marked Exhibit No. 2:

EXHIBIT NO. 2.—JOHN R. LYNCH, *Adams County.*

*Democratic-Conservative Ticket!*

*For President—Winfield Scott Hancock.*

*For Vice-President—William H. English.*

*For Electors for President and Vice-President—F. G. Barry, C. P. Neilson, C. B. Mitchell, Thomas Spight, William Price, William H. Luse, Robert N. Miller, Joseph Hirsh.*

*For Member of the House of Representatives from the 6th Congressional District—James R. Chalmers.*

I made a protest before the governor against the issuance of a certificate of election to General Chalmers, stating my reasons for such a course. I append hereto, as part of my testimony, signed by me, and marked Exhibit A, a copy of that protest:

EXHIBIT A.—JOHN R. LYNCH.—*Las. Lindsay, Notary Public.*

To his Excellency JOHN M. STONE,  
*Governor of Miss.:*

I desire to enter this my earnest protest against the issuance of a certificate of election to Hon. James R. Chalmers as Congressman-elect

from the sixth Congressional district. I claim that on the face of the returns, the votes that are admitted by all parties to have been fairly and honestly polled, Gen'l Chalmers has not a majority, and is therefore not elected. The only ground upon which Gen'l Chalmers' claim to the certificate is based, is the action of the county commissioners in several counties in throwing out votes on account of various technicalities and informalities. I hold that these returning officers are clothed with no such authority under the constitution and laws of this State as they have assumed and exercised in several counties [in several counties] in the sixth Congressional district. Their powers, duties, and functions are ministerial and not judicial. They are to receive, canvass, certify, and make return to the secretary of state of the votes that were polled at the several election precincts in their respective counties, as returned and certified to them by the different precinct election inspectors. If the tickets thus received and returned by the precinct inspectors are believed not to have been prepared in accordance with the requirements of the statute, in any particular, or if any of the inspectors or clerks should commit any act or deed not authorized by law, or fail or omit to discharge any duty in connection with the holding of such election which may be imposed upon them by law, and the right of any candidate at such election is believed to be affected thereby, such irregularities may constitute a valid ground upon which to contest the election; but it is the duty of the commissioners to canvass, certify, and make return to the secretary of state, the same as if every technical requirement of the statute had been complied with in due form. It certainly was not the intention of the framers of the law to give the election commissioners such discretionary authority as would enable them to take advantage of the law to disfranchise thousands of legal and qualified electors; but, on the other hand, it was their intention to guard and protect the purity of the ballot, and afford every elector an opportunity to freely and fairly express his sentiments. If the construction placed upon the law by these returning officers is acquiesced in, the law will have been perverted, right and justice disregarded, and the will of the people ignored. I therefore enter my protest against the issuance of the certificate to Gen'l Chalmers, but respectfully suggest that the whole matter be referred to the attorney-general or to the justices of the supreme court for an opinion as to the power of the county commissioners to throw out votes on account of unimportant technicalities and informalities.

Very respectfully, yours,

JOHN R. LYNCH.

I carried that protest and delivered it to the governor in person. He told me that he would consider it and let me know in a few days. I subsequently called on him, and he said that he had no alternative but to issue the certificate on the report as made to him by the secretary of state, who was the officer who compiled the reports and declared the result. I then called on the secretary of state and called his attention to the fact that by the votes, as returned by the precinct inspectors, General Chalmers had not a majority. I told him that I had entered a protest before the governor against the issuance of a certificate to General Chalmers, and suggested to the secretary that he take legal advice in the premises. The secretary said that he would consider the matter, and asked me to call again. I called again next day, when

he informed me that he had consulted the attorney-general, who said that if the commissioners of Issaquena County, for instance, had furnished him with a statement of the rejected as well as the accepted vote, it would have been his duty to count them all, as the reasons assigned by the commissioners in Issaquena county, were, in his judgment, not sufficient; inasmuch, however, as they had not furnished such statement, he was unable to include the rejected votes in the count.

By Hon. J. S. MORRIS:

Mr. Lynch, you are charged by General Chalmers in his answer with having made false statements to the secretary of state in order to influence his judgment in the matter.

Mr. LYNCH.—I do not know what statements he refers to as being untrue. All I can say is that General Chalmers' statement in this respect is itself untrue. I caused a bill of injunction to be filed in the chancery court of Hinds County, in this State, which was presented to Mr. Justice James P. Campbell, of the supreme court, to obtain his fiat for a writ. I herewith file as part of my deposition the original bill marked with my signature and "Exhibit B," together with the opinion of said Justice Campbell. These are originals, and they sufficiently explain themselves. I also file herewith copies of the commissioners' report to the secretary of state from the several counties of Adams, Bolivar, Coahoma, Issaquena, Washington, Jefferson, and Warren. These certified copies of reports are appended together, and are marked with my signature and "Exhibit C." I also file certified copies of the report of the United States supervisors to the chief supervisor of the southern district of Mississippi, marked with my signature and "Exhibit D." Also certified copy of the opinion of his Honor R. A. Hill, judge of the United States district court, State of Mississippi, identified by my signature and "Exhibit E." These documents, also, all speak for themselves, and I have at present no remark to make upon them. I also file herewith a copy of the so-called Democratic-Conservative ticket used in the late Congressional and Presidential elections in Warren county by the Democratic party. This, it will be observed, has no rules, dashes, or punctuation. I invite particular attention to this ticket, and shall maintain that the utter absence of all rules, dashes, and punctuation marks of every kind is itself a device. This ticket is identified with my signature and is filed herewith, marked Exhibit F:

EXHIBIT F.—JOHN R. LYNCH.

*Democratic-Conservative Ticket*

*For President*—Winfield Scott Hancock

*For Vice-President*—William H. English

*For Electors for President and Vice-President*—F. G. Barry C. P. Neilson C. B. Mitchell Thomas Spight William Price William H. Luse Robert N. Miller Joseph Hirsh

*For Member of the House of Representatives from the 6th Congressional District*—James R. Chalmers

I also filed herewith as part of my deposition, signed by me and marked Exhibit G, the Republican ticket which was used throughout the district at the late election, except a few in Adams County, which I had printed for me in Natchez, as above stated:

[This is a fac-simile of the tickets printed on pages 48 and 49—Lynch vs. Chalmers.]

EXHIBIT F.—JOHN R. LYNCH.

Democratic-Conservative

# TICKET

*For President*

WINFIELD SCOTT HANCOCK

*For Vice-President*

WILLIAM H. ENGLISH

For Electors for President and Vice-  
President

F. G. BARRY

C. P. NEILSON

C. B. MITCHELL

THOMAS SPIGHT

WILLIAM PRICE

WILLIAM H. LUSE

ROBERT N. MILLER

JOSEPH HIRSH

For Member of the House of Repre-  
sentatives from the 6th Con-  
gressional District

JAMES R. CHALMERS

EXHIBIT G.—JOHN R. LYNCH.

# Republican National Ticket.

*For President,*

JAMES A. GARFIELD.

—o—

*For Vice President,*

CHESTER A. ARTHUR.

—

*For Electors for President and Vice  
President,*

HON. WILLIAM R. SPEARS.

HON. R. W. FLOURNOY.

DR. J. M. BYNUM,

HON. J. T. SETTLE,

CAPT. M. K. MISTER, JR..

DR. R. H. MONTGOMERY,

JUDGE R. H. CUNY.

HON. CHARLES W. CLARKE.

—o—

*For Member of the House of Represen-  
tatives from the 6th Congressional  
District.*

JOHN R. LYNCH.





*Republican National Ticket.**For President*—James A. Garfield.*For Vice-President*—Chester A. Arthur.

*For Electors for President and Vice-President*—Hon. William R. Spears, Hon. R. W. Flournoy, Dr. J. M. Bynum, Hon. J. T. Settle, Capt. M. K. Mister, jr., Dr. R. H. Montgomery, Judge R. H. Cuny, Hon. Charles W. Clarke.

*For Member of the House of Representatives from the 6th Congressional District*—John R. Lynch.

Cross-examined by Mr. MARTIN MARSHALL:

To the best of my recollection the conversations I had about printing my tickets were with Messrs. Tinney and Lehman and Messrs. Wright and Rogers. I may have spoken to some others on the subject, but these were the persons with whom I made the contract. I have no recollection of having conversed with anybody else upon that subject except those four gentlemen. Others might have been present, and I think there were, when these conversations took place. I expressed a desire to Messrs. Wright and Rogers to have the Republican precisely like the Democratic ticket, except as to names. I cannot say that I requested them to get a copy of the Democratic ticket, but the same idea was expressed in what I said. I gave them no instructions or directions at all, except to print a legal ticket. My reference to the Democratic ticket was a desire, a mere preference. I left the mechanical work of the ticket entirely to them. I gave them no instructions at all other than to print a legal ticket. I have no recollection of having any conversation with anybody as to the mode of enabling the colored voter who could not read to distinguish the Republican from the Democratic ticket. I had no conversation on that subject with Mr. John D. Tinney nor with Mr. Charles Lehman, none whatever. I examined the proof of the ticket, which was struck off at the Miller job-printing office. Those dashes must have been on that proof then, though if any one had asked me two minutes afterwards I could not have answered. I have no recollection of having examined subsequently the proof of the ticket printed at the "Herald" office, from the understanding that one proof was sufficient for both. The understanding was that the tickets were to be printed substantially alike in both offices. I have not examined the tickets voted in all the counties mentioned in my examination-in-chief. I cannot say that I have actually examined any of the tickets voted since the election, except in the same way that tickets have been exhibited here, and what I have seen in the press; but I did go to the clerk's office and examine the tickets voted in the first ward of the city of Vicksburg with the view of ascertaining whether they were different from the tickets which were rejected by the commissioners. Of my own personal knowledge I do not know what ticket was actually voted in Issaquena County. The Democratic ticket used in Adams County I obtained from the clerk of the circuit court, who is the custodian of ballot-boxes and election machinery, and is presumed to be a ticket actually voted by a Democrat

in that county, but I do not know of my own personal knowledge whether it was or not. When I went to the secretary of state to object to the issuance of a certificate of election to General Chalmers, he told me he would consult about it, and desired me to call the next day, which I did, when the Hon. Henry C. Meyer, secretary of state, said "that he had consulted the attorney-general, who said that if the commissioners of Issaquena county, for instance, had furnished him with a statement of the rejected as well as the accepted votes, it would have been his duty to count them all, as the reasons assigned by the commissioners of Issaquena County were not, in his opinion, sufficient for their rejection; inasmuch, however, as they had not furnished such statement, he was unable to include them in the count." Mr. Meyer did say this substantially to me on or about the 17th day of November, 1880, in his office. I made no false statement to the secretary of state. The charge in the bill of injunction, which is marked "Exhibit B," in my previous testimony, that these votes were fraudulently rejected, is merely my own opinion. The fact that the votes were so rejected I know from official sources.

Q. Do you know, of your own personal knowledge, any fraud committed by the commissioners in this district by throwing out these votes?—A. My judgment is that the action of the commissioners in this district in throwing out those votes was fraudulent, but whether they acted from pure or impure motives I cannot say.

Q. Specify now some act of the commissioners done in this district which is fraudulent?—A. The rejection in Warren County of 2,029 votes which were polled for me.

Q. Specify some other act of these commissioners that you claim to be fraudulent in this or other counties in this district?—A. I know no more than the public knows. I do not assert that any frauds were committed by the commissioners of elections in Warren or any other county in the district other than by the rejection of votes.

Q. Your assertion that that is fraud is based entirely upon the fact that they rejected the votes.—A. Yes; together with the reasons they assigned for such rejection.

Q. What circumstances or facts do you know that make you charge this action as illegal?—A. I have none other than they, or a majority of them, were partisan Democrats.

Q. Do you know the majority of these commissioners yourself?—A. I am not personally acquainted with a majority of them in every county, but I know their politics, or the party they belong to.

Q. Do you know what the strength of the political bias of these men is, and how far that bias would influence their action as public men?—A. No.

Q. When you say they are partisans, you mean they are Democrats; you don't know whether these men are extreme men or partisans?—A. I don't know the majority of them.

Q. When you charge that the action in throwing out the votes in Warren county was fraudulent, what facts or circumstances do you know to base such an assertion upon?—A. The rejection of the votes without sufficient reason assigned, and without authority of law, is the only reason.

Q. Do you or do you not know that in the case and at the trial of the commissioners for election of Warren County the question of the legality

of this vote in Warren County was raised or discussed in the trial?—  
A. I do not know, as I was not in Jackson.

Q. Mr. Lynch, with respect to this report of the supervisors, marked in your examination-in-chief "Exhibit D," state if you know who wrote the written statements or letters from the U. S. supervisors in Adams County, signed Clarence G. Johnson, from the Court-house precinct; Wilson Wood, from the Jefferson Hotel precinct; Alexander Johnson, from the Pine Ridge precinct; Charles W. Minor, from the Washington precinct; and Leonard Scott, from the Palestine precinct.—A. The original written report in each case was written by me at the dictation of the supervisors themselves.

Q. Did they dictate the language used in this report?—A. They might not have dictated the exact phraseology, but they furnished the facts, in addition to what I already knew about two precincts—the Court-house and the Jefferson Hotel precincts—both in the city of Natchez. These parties all came to me, related the circumstances as set forth in their respective reports, and requested me to draw up the reports in due form, which I did; but in one or two instances, when we met for comparisons, such alterations were made as they suggested. In one instance, that of Jefferson Hotel precinct, the report was re-written, so as to have the facts distinctly set forth as understood by the supervisor himself. All of the facts thus set forth in their respective reports in each case are as stated to me by the supervisors respectively, as they saw and understood them. All these supervisors I have mentioned were colored men and Republicans.

Q. Do you know that the facts stated in these reports are true, or do you simply say you wrote them down as they were stated to you?—  
A. I know nothing of my own personal knowledge, as set forth in these reports, except regarding the Court-house and Jefferson Hotel precincts, in the city of Natchez.

Re-examined by Hon. J. S. MORRIS:

Q. In your cross-examination yesterday you were asked, in respect to these actions of the commissioners of elections, which you had characterized as fraudulent, whether you knew these acts were committed; if so, whether they were fraudulent? State what you do know about that matter.—A. The information I obtained relative to the rejection of these votes was from the secretary of state's office, Jackson, Miss., except from Coahoma county. The documents I obtained at the secretary of state's office are official returns, certified copies of which I have filed in my previous evidence, and marked Exhibit C. The information relative to Coahoma County came to me in a letter from Judge O. Davis, United States chief supervisor for the northern district of Mississippi, as furnished to him by the United States supervisors from that county. In their report to the secretary of state the commissioners of Coahoma County did not state that any votes had been rejected by them, when, in fact, they had rejected the entire vote of the county, except Friar's Point precinct. I have not the letter from Judge O. Davis on my person, but I intend to get the official returns, and make them an exhibit in this case. As to whether or not the action of these commissioners was fraudulent, that is my judgment. I believe the votes were thrown out fraudulently, because such action tended to benefit the Democratic party, and to the disadvantage of the Republican party. Witness further states: Relative to the examination by me of the proof-copy of

the Republican ticket in this city, I desire to make this statement: I called at the "Herald" office at the appointed time to examine the ticket. Captain Wright informed me that I would find the ticket down stairs. I went down stairs, and the foreman of the office, or one whom I supposed to be the foreman, handed me this proof-copy of the Republican ticket. He also handed me what was supposed to be a proof-copy of the Democratic ticket. Both of them were placed on the table before me, and I examined them both. The only difference in the two tickets that attracted my attention was the large display letters in which the word "ticket" was printed on the Democratic ticket. I suggested to the foreman, or the one whom I supposed to be the foreman, that he change the type in the Republican ticket so as to conform to the Democratic ticket as to typography. He said he thought that was immaterial, or words to that effect, as the law did not require exact uniformity as to type. I told him "all right." All that I was particular about was to have the ticket in exact conformity to the requirements of the State law upon that subject.

JOHN R. LYNCH.

Sworn to and subscribed before me, this 6th day of January, 1881.

[SEAL.]

LAZ. LINDSAY,  
*Notary Public.*

Adjourned until to-morrow, Friday morning, 10 o'clock a. m.

LAZ. LINDSAY,  
*Notary Public.*

FRIDAY, *January 7, 1881.*

Counsel for both parties present.

*Deposition of James C. Pannell.*

JAMES C. PANNELL, being sworn, states:

My name is James C. Pannell; my age is 41 years; I reside in Vicksburg, where I have lived for the last nine years. I am a printer by trade, and am foreman of the Miller job-printing office, in this city. I printed about thirty or thirty-five thousand election tickets for John R. Lynch, to be used by him in the late Congressional election in this district. They were put up in packages and sent to him, except fifteen thousand, which were retained for and used in this county. The order for these tickets came to me, and was received by Mr. Lehman, who is the manager of the office. Our directions were to get them up in accordance with the law of Mississippi, code of 1880, and I was furnished with a copy of the law. To the best of my knowledge and ability I printed them in accordance with the law. There was no instruction given to me to insert any mark or dash or device of any kind on the ticket, and I put none on them to the best of my judgment. There were dashes and punctuation marks on the ticket simply to divide one set of candidates from another, and these were not inserted by any design or direction, but were my own means of division to distinguish one set of candidates from another. They are in strict accordance with the theory and practice of the printer's art, and I never saw a ticket

printed without them until I saw the Democratic tickets afterwards, which had been printed for the late election. I had a conversation with Gen. James R. Chalmers before he left for Washington. He asked me whether I was not instructed to put marks or dashes on the tickets printed by me for Mr. Lynch? I told him I was not. Witness further states that he has examined the Democratic ticket produced, and, as a practical expert printer, pronounces it as got up entirely contrary to the rules of correct typography, and that, in his opinion, no respectable printing office would get out such a ticket without special orders to that effect. Witness identifies ticket above commented upon with his signature and Exhibit A marked upon the back thereof, and files the same herewith as part of his testimony:

EXHIBIT A.—JAS. C. PANNELL.

*Democratic-Conservative Ticket*

*For President*—Winfield Scott Hancock

*For Vice-President*—William H. English

*For Electors for President and Vice-President*—F. G. Barry C. P. Neilson C. B. Mitchell Thomas Spight William Price William H. Luse Robert N. Miller Joseph Hirsh

*For Member of the House of Representatives from the 6th Congressional District*—James R. Chalmers

Cross-examined by Mr. MARTIN MARSHALL:

I did not set up all those tickets myself. I set up one of them. We printed four at a time, and some one else set up the other three. There were twenty-five or thirty thousand tickets printed at the Miller office. I do not know where any particular package which was printed from these four forms went. When the tickets were set up, a proof was taken by Mr. Gwin, a printer who was at that time in my employ. I was present when the proof was taken, and read the proof. I think Mr. Rogers, of the "Herald" office, was present, waiting for a copy. I corrected the proof. I think I carried a proof to Mr. Lehman, and also to Col. McCardle or Mr. Campbell, at the "Commercial" office, to see if the names were right. And when these were returned to me I went to work to print the tickets; whether on that day or the next day, I cannot recollect. No changes were made in the forms upon the return of the proofs, nor were any suggestions made. Mr. Lynch was not present when the proof was struck off. I had never before this election seen an election ticket printed in accordance with the law of 1880. I did not work off these tickets myself; I had a pressman in the office who did so. I do not undertake to pronounce the Democratic ticket, which I have commented upon in my evidence, and which is identified by my signature and "Exhibit A," as contrary to the laws of Mississippi.

Q. Will you assert that no respectable printing office would get out such a ticket, with the law of Mississippi prohibiting marks upon it before them, without special instructions?

(Counsel for contestant objects to this question, because it refers to the law, and is to make the witness a judge of the legal question as to whether punctuation marks are marks upon the ticket within the meaning of the law.)

A. No respectable printing office would get out such a job without special instructions, no matter what law was before them, because punctuation marks are not contrary to the law.

Re-examined by Hon. J. S. MORRIS:

I have the book here which is referred to by Mr. Lehman in his evidence as that in which the printing of these tickets is charged for. The book shows that the election tickets were charged for at the rate of three dollars per thousand. There were twenty-five thousand and eleven thousand printed, thirty-six thousand in all, at three dollars per thousand. Don't know whether they have been paid for. The book does not show. I wrote the entry myself and the book is correct, and this was the amount actually charged and the amount agreed upon by the two offices to be charged for printing tickets for the late election.

Recalled and re-examined by Hon. J. S. MORRIS:

Witness is shown Exhibit A, in deposition of Charles Lehman, and states: I have seen that letter before, and, in obedience to that letter, I printed five thousand election tickets—three thousand were the regular so-called Conservative-Democratic tickets, the other two thousand were regular Republican tickets, except that the name of General Chalmers was substituted on that ticket for that of Mr. Lynch. They were all printed from the same form, and had the same dashes and space-lines used in each; only the names and heading were changed. All other metal in the form was identical in each ticket. They were sent to Mr. Mayers, in Issaquena County. We charged him (\$20) twenty dollars for five thousand. It was more than we charged Mr. Lynch, on account of the number. I do not know, of my own knowledge, that these tickets were voted in Issaquena County. I only know they were sent there.

JAMES C. PANNELL.

Sworn to and subscribed before me, this 7th day of January, 1881.

[SEAL.]

LAZ. LINDSAY,  
*Notary Public.*

STATE OF MISSISSIPPI, }  
Warren County, } ss:

I, Laz. Lindsay, a duly and legally qualified notary public for the city of Vicksburg, in said county and State, do hereby certify that the foregoing pages, annexed hereto, contain the evidence as truthfully taken before me on the days named therein.

In witness whereof I have hereto set my hand and affixed my official seal, the 7th day of January, 1881.

[SEAL.]

LAZ. LINDSAY,  
*Notary Public.*

Vouchers pertaining to the deposition of Hon. John R. Lynch, and marked B, C, D, and E, being too large to bind with the record, and are sent separate.

LAZ. LINDSAY,  
*Notary Public.*

Fee, \$50; paid by Mr. Lynch.

## No. 2.

JOHN R. LYNCH vs. JAMES R. CHALMERS.

CONTEST OF ELECTION AS REPRESENTATIVE IN THE FORTY-SEVENTH  
CONGRESS OF THE UNITED STATES FROM THE SIXTH CONGRES-  
SIONAL DISTRICT OF MISSISSIPPI.

*Depositions taken in the county of Adams and State aforesaid, to be read  
in evidence in trial of above contest on behalf of said contestant.*

JOHN R. LYNCH } Contest of election for Representative in the  
vs. } 47th Congress of the United States from the  
JAMES R. CHALMERS. } sixth Congressional district of Mississippi.

To the Hon. JAMES R. CHALMERS.

SIR: Please to take notice that on Wednesday, the nineteenth day of January, 1881, before Hon. H. C. Griffin, mayor of Natchez, justice of the peace and *ex-officio* notary public in and for the county of Adams, State of Mississippi, at his office, in the city of Natchez, and at the hour of ten o'clock a. m. on that day, I will proceed to take the depositions of the witnesses whose names are mentioned below, to be read in evidence in my behalf in the pending contest between you and me, as above stated, and shall continue the taking of said depositions from day to day until concluded. You can attend and cross-examine if you please so to do.

The following are the names of the witnesses:

Clarence G. Johnston,	Patrick Foley,
Wm. Noonan,	A. Neuberger,
W. N. Whitehurst,	Thos. R. Quarterman,
Wm. J. Henderson,	John R. Lynch,
Wilson Wood,	Wm. McCary,
S. S. Meekins,	Anderson Thomas,
Theodore H. Greene,	L. W. Fitzhugh,
Henry B. Foules,	Abraham Felters,
Harry Smith, jr.,	Smith Kinney,
Jerry Taylor,	H. C. Bailey,
Lennox Scott,	Geo. R. Washington,
Charles W. Minor,	Alexander Turner,
Geo. N. Johnson,	Alexander Johnson,
Wm. T. Blake,	Webster Bowiger,
Wm. H. Henee,	Wm. H. Lynch.

Very respectfully,

JOHN R. LYNCH.  
By J. S. MORRIS,  
*Attorney for him.*

Due and satisfactory service of the foregoing notice is hereby acknowledged, and the time and place agreed to, this the 19th day of January, A. D. 1881.

J. R. CHALMERS.  
By T. OTIS BAKER,  
*His Attorney.*

JOHN R. LYNCH } Contest of election as Representative in the 47th  
*vs.* } Congress of the United States from the sixth  
 JAS. R. CHALMERS. } Congressional district of Mississippi.

In the matter of taking depositions by the said John R. Lynch, the contestant in the above cause, in the city of Natchez, in the county of Adams, in the State of Mississippi, before Hon. Henry C. Griffin, mayor of the city of Natchez, *ex-officio* justice of the peace and notary public in and for the said county of Adams, to be read in evidence in behalf of John R. Lynch as aforesaid.

It is mutually agreed by the said John R. Lynch, the contestant, and T. Otis Baker, attorney for James R. Chalmers, the contestee, this 31st day of January, in the year of our Lord 1881:

That whereas the period allowed by law to the above-named contestant expires on the day and date above mentioned, that the cross-examination of witnesses, the signing of depositions and other matters pertaining to this cause shall be continued from day to day until the record is completed.

In witness whereof, the said parties have hereunto set their hands, the day and date hereinbefore mentioned.

JOHN R. LYNCH,  
*Contestant.*

T. OTIS BAKER,  
*Attorney for James R. Chalmers.*

Attest:

HENRY C. GRIFFIN,  
*Mayor of Natchez, as aforesaid.*

STATE OF MISSISSIPPI, }  
 County of Adams, City of Natchez. }

Be it remembered, that on this the 19th day of January, 1881, before me, Henry C. Griffin, mayor of Natchez and *ex-officio* justice of the peace and notary public in and for the county of Adams, in the State aforesaid, pursuant to the annexed and foregoing notice, personally appeared Wilson Wood, a witness of John R. Lynch in his pending contest with James R. Chalmers, as Representative from the sixth Congressional district of Mississippi to the 47th Congress of the United States. The said witness was duly sworn, and testified as a witness that the statement he should make should be the truth, the whole truth, and nothing but the truth, as written below.

Present: John R. Lynch, contestant; also T. Otis Baker, counsel for contestee.

HENRY C. GRIFFIN,  
*Mayor of Natchez and ex-officio Justice of the Peace and Notary Public in and for the county of Adams.*

ELEVENTH DAY.

MONDAY, January 31, 1881.

Before Hon. H. C. Griffin, mayor of the city of Natchez, and *ex-officio* justice of the peace and notary public in and for the county of Adams, State of Mississippi.

Present: Captain T. Otis Baker, counsel for General James R. Chalmers; also John R. Lynch, contestant.



## Twenty-seventh witness.

W. N. WHITEHURST, being first sworn and interrogated by JOHN R. LYNCH, states:

My name is W. N. Whitehurst; I am 60 years of age; I am a justice of the peace; I reside in Washington, Adams County, Mississippi, where I have lived more than 35 years. I was a member of the board of commissioners for election in Adams County in the year 1880. I was a member of the board of registrars, now called commissioners, in 1875, 1876, 1877, 1878, and a small portion of the year 1879, when I resigned. I was reappointed to the board of commissioners of election in 1880. I was not a member of the board during the election of 1879. In 1876, the members of the board of registration were myself, Mr. James W. Alexander, and Mr. Thomas R. Quarterman. I was president of the board. Mr. Alexander represented the Republicans. At that time Mr. Alexander designated a list of names for appointment as inspectors of election for the Republicans, and they were appointed by the board. The board conceded to the Republican member of the board the right to nominate persons to represent the Republicans as election inspectors at each precinct, the board reserving to itself the right to reject the names of any persons who might not be acceptable. That was the usage on that occasion. The custom and practice of that canvass was for myself and my Democratic colleague to agree upon the names of inspectors to represent the Democrats. I am under the impression that the nominations made by the Republican member of the board that year were all appointed by the board. The proportion allowed to each party was two Democrats and one Republican to each precinct as inspectors, the board of registrars themselves presiding at the Court-house precinct at the county seat as inspectors. In 1877, the same gentlemen comprising the board of registrars, we allowed the Republican party, or what we then considered to be the regular Republican party, the right to nominate one inspector for each precinct, and these names were appointed as in 1876, on condition of acceptability. In that year, 1877, the Republican party in the county was divided, there being two executive committees, each claiming to represent the Republicans. Each of these committees sent in a list to the board of registrars, suggesting the names of suitable persons to represent the Republicans as inspectors of elections. When these lists were presented for action, I asked Mr. Alexander, the Republican member of the board, to designate who he would suggest as Republican inspectors. Mr. Alexander had previously asked my aid in consequence of his embarrassment growing out of the divisions in his party. These two divisions in the Republican party were known or recognized as the Wood wing and the McCary wing—these two gentlemen being both candidates for the office of sheriff. The Democratic members of the board of registrars decided that the Wood wing was the regular Republican organization of Adams County, and were entitled to representation on the board of inspectors. I am under the impression that all the names sent in by the Wood-wing committee were appointed. The Democratic inspectors were nominated by informal conferences between my colleague and myself. I did not remember whether the Democratic executive committee sent in a list, but my impression is that the names were suggested or presented to the board to represent the Democrats as inspectors and clerks at the various precincts. When

the time came for the appointment of inspectors and clerks, I, as president of the board, intimated to Mr. Alexander that Mr. Quarterman, my colleague, and myself had decided upon our list, and were now ready to receive his suggestions as to the suitable persons to represent the Republicans. Mr. Alexander made a motion, in substance, that in the appointment of inspectors to represent the Republicans, some names be selected from each of the two lists which had been sent in by the two wings of the Republican party. The vote was taken and the motion lost. The seven inspectors to represent the Republicans were taken from the Wood wing of the Republican party, the board recognizing that as the regular Republican organization of the county. In 1878, the same gentlemen composing the board of registrars, allowed Mr. Alexander, the Republican member of the board, to designate the names of inspectors to represent the Republicans, as in 1876, with the same condition as to acceptability. In 1879, I qualified as a member of the board of registrars, but resigned before these appointments were made. In 1880, the board of commissioners consisted of myself, Wm. J. Henderson, and Thos. R. Quarterman. Mr. Henderson represented the Republicans.

In 1880, Mr. Quarterman and myself having agreed upon a list of names to represent the Democrats as inspectors, and the board being in session, we called upon Mr. Henderson to present his list of names to represent the Republicans. Only one out of this list of eight names was acceptable to the board, and only one was appointed; that is my impression. The majority of the board thought there were other names more suitable, and these were appointed. I am uncertain whether Mr. Henderson asked for an opportunity to present any other names. The majority of the commissioners appointed what they considered to be suitable persons, instead of those whose names appeared on Mr. Henderson's list. I do not remember whether it is a fact that the names of persons to represent the Republicans as inspectors had been agreed upon by Mr. Quarterman and myself before Mr. Henderson's list was presented. Mr. Quarterman and myself had an understanding that if certain persons were presented to us for appointment we would not appoint them. To a certain extent it was the case that some of the names to represent the Republicans were agreed upon before Mr. Henderson was called upon to present his list.

This is as far as I can remember about it; I had no list, and was occupied with the details of my office. I do not know whether it is a fact that a list of names for appointment as inspectors was presented, purporting to come from the executive Democratic committee of Adams County. Mr. Quarterman and myself had agreed upon our list, and these names may have come from influential sources; they may have come from the Democratic executive committee or from some other outside source. Mr. Quarterman had a list, and he may have added to it—I do not know—one or two more names. Mr. Quarterman and myself agreed upon a Democratic list, and afterwards agreed upon some Republicans in case Mr. Henderson's list did not prove acceptable to the board. If Mr. Quarterman had on the list of the Democratic nominations as inspectors the name of any Republican, I am not cognizant of it. I don't think he had. Mr. Quarterman might have had a list of those Republicans, or might have had them in his mind, to be appointed in the event of Mr. Henderson's list not being acceptable. I do not know that these persons who were appointed to serve as inspectors

were recommended by Democrats. Mr. Quarterman brought me the list; as a general thing he attended to those matters. I think, as a general thing, that the persons appointed to represent the Republicans were more acceptable to the Democrats than those whose names appeared on Mr. Henderson's list. In the Pine Ridge precinct I myself sternly objected to the appointment of Mr. Blake, and that was from personal knowledge. In the Palestine precinct it was most from hearsay that I preferred the name of George Washington to Horace Bailey. In the Washington precinct I preferred Henry Adams to Mr. George N. Johnson; I thought he was more of a representative man there of the Republican party. I think the appointments of Republican inspectors, so far as I know—that is, in two or three precincts—were acceptable to the Democrats. I don't know that Mr. Henry Adams's appointment was desired by the Democrats before he was appointed. I don't know that these Republican inspectors were recommended or desired by the Democrats prior to their appointment; but I think these appointments met with more sympathy afterwards than those which were recommended by Mr. Henderson would have done.

My object in these appointments was to bring about a unity of good feeling between the two races. I do not think that Mr. Blake's appointment at Pine Ridge would have been in accordance with that sentiment. As regards Palestine, my objections were more from hearsay than a personal knowledge of Mr. Bailey. As regards Mr. George N. Johnson, in the Washington precinct, he resides upon the edge of the district, and, so far as I can observe, has but little connection with our part of the county—his relations and business are principally with Natchez. Mr. Adams was more centrally located, and, in reference to the colored people, a representative man. That is about as far as my knowledge goes. My colleague may have had his objections, as I had mine. Mr. Washington is known as a conservative man, and is well spoken of down there. He exerted a good influence while he was a magistrate there. Mr. Winston Fitzhugh, for Beverley, was presented by Mr. Henderson. I don't think he is a proper person to fill the office as inspector. He seems to be scattered in his ideas; I do not remember that a day or two before his rejection I said to Mr. Henderson that I thought Mr. Fitzhugh a suitable person; I recollect that on one occasion something was said to me about that; I did not deny it; I let it pass; I don't remember that I said he was a suitable person; I remember nothing about it. I take Mr. Henderson to be one of that class who are likely to bring about a unity of good feeling between the races. I exerted some influence to obtain his appointment as a commissioner of elections, and said he was just the man at that time. It seems to me his standing now is just about what it was then. He ought to have signed those returns, but he did not do it. The board of commissioners rejected the returns from two precincts in the county, Palestine and Dead Man's Bend. The reasons were assigned in the returns which were published at the time. There was no list or lists of voters sent in from Dead Man's Bend election precinct. I do not remember whether there was any other informality relating to that precinct. As regards the Palestine precinct, there was some thirty or thirty-odd votes in the box more than there was names on the list of voters returned. The law requires a duplicate list to be kept. I do not know whether the number of ballots corresponded with the poll-book. The commissioners were legally advised that they had nothing

to do with the poll-book, but went by the lists or list of voters kept by the clerks. Whether or not the numbers of the votes returned corresponded with the poll-book I do not know; I took no notice of the poll-book whatever. I am under the impression the commissioners decided they had nothing to do with the poll-books at all.

I do not remember any other informality connected with the Palestine box. I neglected to retain any notes, or if I did, I cannot put my hand on them. I cannot remember as to how the vote stood in either of these boxes as between Chalmers and Lynch as to the exact figures, but the Garfield and Arthur tickets were ahead in both boxes. The returns from the other precincts were accepted and returned to the secretary of state according to the returns received from the inspectors of each precinct. Mr. Henderson, one of the commissioners—the Republican member of the board—declined to sign the returns forwarded by the commissioners to the secretary of state. I was under the impression at one time that Mr. Henderson would have signed the return. When Mr. Quarterman and myself stated our objection to the Palestine and Dead Man's Bend precincts, Mr. Henderson said, "you ought also to reject the returns from Beverly," which sent up (I believe) only one list of voters instead of two. The commissioners were of opinion that in sending up only one list the requirements of the law were substantially met with. I was led to believe from this remark of Mr. Henderson that if we had rejected also the returns from Beverly precinct, Mr. Henderson would have signed the return. I do not remember whether Mr. Henderson called the attention of the board to the fact that there were more votes in the box from the Washington precinct than there were names on the list of voters. I think, perhaps, if he had made his objections more forcibly I might have remembered; he may have said something about it; I do not remember.

Cross-examined by Capt. T. OTIS BAKER, counsel for Gen. James R. Chalmers, contestee:

The board of commissioners of election have not the same power under the election laws of 1880, in registering voters that the old board of registration had. In the matter of registering voters, the circuit clerk is, under the law, the successor of the old board of registrars, the board of commissioners having merely the right and power to examine and revise the lists, and admit to registration such persons as have been denied registration by the circuit clerk and are entitled to it. The poll-books used by the inspectors on the day of election are merely copies from the original registration-book, in which the names of voters at each precinct are alphabetically arranged, and their respective numbers given, but no other data, except when there are two or more persons of the same name, in which case their respective residences may be entered. The circuit clerk, being the registration officer under the law of 1880, registers the names on the original registration-book and carries the name forward to the poll-book, which is alphabetically arranged for the use of inspectors. The original registration-books show the dates of the registration of the several voters. These entries and dates are not carried forward to the poll-book. There is not any entry made upon the poll-book to indicate the date of registration of the voter. The circuit clerk of Adams County, in 1880, was Mr. Lewis J. Winston. I alway understood him to be a Republican in politics. During the period of time in which I have been a member of

the board of registrars and the board of commissioners, the suggestions which have been made to the board as to the appointment of Democratic inspectors have been merely the result of inquiries as to whom, among the suitable persons, would be willing to serve, and the list of names underwent changes frequently before the final appointments, by substitutions and changes. Whenever suggestions or recommendations were made by the executive committees or influential persons, the board paid deference to these suggestions, but did not deem them conclusive, and the board exercised its own sound discretion in the matter of appointments. In 1876, the board of registrars pursued the rule of making the appointments as recommended by the executive committees. Since that year the board varied its practice, but, nevertheless, appointments were made upon the recommendation of the executive committees, though at other times we changed the names by conferring with individuals, or exercised our own discretion.

In 1877, after the motion was lost by Mr. Alexander, he left the room and took no further part in the selection of inspectors, but the final appointments were made by a majority of the board, who were Democrats, in the exercise of a sound discretion, under the requirements of the law, that the inspectors should not all be of one political party. In 1880, in making the appointments of inspectors, we violated no law, but exercised a sound discretion, under the law, that the inspectors should not all be of the same political party. At the time the board appointed these persons, in 1880, to serve on the boards of inspection, it was the belief of the board that the persons appointed to represent the Republicans were *bona-fide* Republicans, and I still believe that they were all Republicans. We declined to appoint the list of names suggested by Mr. Henderson, the Republican inspector; and after we so declined, no further suggestions were made by him or any one else on the part of the Republicans. There was a communication came to the board, after the appointments had been made, protesting against the appointment of one of the persons, signed by a number of names, alleging that the person was a Democrat. That person was Henry Adams, who had been appointed for the Washington precinct. No other protest was ever made, to my knowledge, by the Republicans against any of the other appointments. The only question raised before the board, after the appointments and relative thereto, was concerning Henry Adams. Mr. Henderson, the Republican member of the board, expressed some opposition to the appointment of George Washington. The only case for consideration presented to the board, by any protest or objection on the part of the Republicans, was that of Henry Adams. Henry Adams was a resident of my own precinct, and personally known to me. My vote for his appointment was based upon the belief that he was a Republican. He had never been known to affiliate with the Democrats. He had been a leading officer of the Republican club in that district for awhile. I have myself seen him presiding at a meeting of the Republican club out there. It occurred to me that this protest was merely filed there for the purpose of making a point in the canvass to be used afterwards, if necessary. I have had no reason since to believe that I was mistaken about the politics of Henry Adams. On the contrary, I have made several inquiries there in the vicinage, and all the replies I have received go to substantiate the result of my first impression. Mr. Henderson remarked to me at the time the appointments were made that Mr. Adams was unknown to him. I made

an inquiry concerning Mr. Adams of the secretary of the Democratic association in that district, who was surprised at the inquiry. He had never doubted Mr. Adams. On Sunday afternoon last, Adams told me he would resent the insinuation that he voted the Democratic ticket at the last election, and stated positively that he had voted for both Garfield and Lynch.

In 1876, 1877, and 1878, I know of no objections made by the board to any of the names suggested to them on the part of the Republicans. In 1877, for the purpose of appointment as inspectors, I did not think there could be more than one Republican party, and the majority of the board of registration, who were Democrats, had to decide which was the regular Republican organization. I can recollect one instance, in 1878, where a Republican, who was appointed on the board of inspection, was appointed on my suggestion, which suggestion was accepted by Mr. Alexander in lieu of one suggested by him. As a general thing, the Republicans appointed in 1880 were more acceptable to the Democrats than those whose names appeared on Mr. Henderson's list, for the same reason that they were more acceptable to the Democratic members of the board of commissioners. My object and reason in making these appointments was to bring about a unity of good feeling between the races. One of the wings of the Republican party which has been spoken of here was considered more extreme than the other, the Wood wing being considered the more conservative of the two. The Democratic party had been allied with the Wood wing in the local canvasses here as far back as 1875, and the majority of the board, in 1880, desired to avoid the appointment of any persons who might be considered extremists. That was in order to avoid giving the extremists of that party any additional weight or influence. Mr. McCary had been looked upon as the leader and recognized head of the wing of the party which was regarded by the Democrats as extremists. These appointments were made with the intention of continuing a policy which had brought about a good feeling between the Democrats and certain classes of the Republicans. I never heard any of the speeches of my colleague, William J. Henderson, during the last canvass. George Washington was a magistrate in this county for a number of years previous to his election to the legislature in 1877. I always understood that he was elected to the office of magistrate as a Republican in the Palestine district. He was elected to the legislature as a Republican, and by virtue of that election he served in the legislature for the term of 1878 and 1879. The Dead Man's Bend precinct returns were rejected by the commissioners and excluded from the consolidated return forwarded to the secretary of state on account of the absence of any list of voters. This list of voters which is required to be kept by the clerks of election is the only safeguard provided by the laws of this State against what is known as "repeating." In my opinion, it is an improvement on the system which formerly prevailed of checking the poll-book, and is really an adoption of the system which prevailed in ante-bellum days. I don't think the present law provides for or contemplated checking the names of voters on the poll-book as they voted. I could not officially take any cognizance of the check-marks on the poll-book, especially as the law had provided for a numerical list of names. There was no official means of telling, in the absence of that list, whether all the votes which had been sent up from Dead Man's Bend had not been cast by one or two or half a dozen persons. We, therefore, considered it a most

serious omission. No check-marks that we might find upon the poll-books would be any indication to us officially of anything. It seems that the poll-book is contemplated by the law as an easy reference to the names of the voters in the precinct, the names being arranged thereon alphabetically. It was therefore that we could give no significance to the poll-book when we were trying to ascertain how many had voted, and who did vote. The impression on my mind was that Mr. Henderson would have consented to sign the returns had the board decided to reject the returns from the Beverly as well as the Dead Man's Bend and the Palestine precincts.

There was but one list sent up from the Beverly precinct, and, in the opinion of myself and colleague, the requirements of the law had been substantially complied with. If Mr. Henderson had made any formal protest against the Washington box, I would have remembered it. The point that was made by him about the Beverly box was only about the one list; but I do not think he made any objection about there being an excess of votes in the box. When the board of commissioners met previous to the election, for the purpose of revising the registration list in the interval provided by law, there were no reports made to us of persons who had been denied registration by the circuit clerk. On the day of our meeting, Mr. Quarterman and myself had a conversation with Mr. Winston concerning his powers in matters of registration. We expected to have received a list from him of persons to whom he had denied the right to register. We thought from past experience there would be some cases of that kind this time. The impression on my mind was that Mr. Winston considered that if a party presented himself and was willing to take the registration oath provided by the law of this State as to place of residence, &c., he (Mr. Winston) had no further discretionary power. The point attracted my attention and made an impression on my mind, because I had been under the impression that the circuit clerk had the same discretionary powers that the old board of registrars had. In consequence of this being the opinion of Mr. Winston as to his powers under the law, and the probability that he had been guided by that opinion, I informed the inspectors and challengers of precincts as widely as I could, that, under the election laws of 1880, the inspectors being the judges of the qualifications of those who had the right to vote, it was their duty to be doubly careful to sift the voters as to their right to vote. It was considered under the law that registration was only *prima-facie* evidence of the right to vote, and under another section of the code of 1880 the inspectors were constituted the judges of the qualifications of voters. An instance in which I considered a voter to be improperly registered came under my own personal observation at the Washington precinct on the day of election. A young man presented himself to vote who was believed not to have attained the age of twenty-one. A discussion arose as to his right to vote, which consumed twenty-five minutes of valuable time. Finally, Mr. Bryan, one of the inspectors, administered the oath and propounded questions to him. Mr. Bryan, after the young man had taken the oath, took his ballot and deposited it in the box. Just about the time the young man's ballot was deposited in the box, Mr. Louis Winston, his former owner, arrived in the passage and was about to protest against this vote on the ground that the young man was not of age. The question had arisen previous to the day of election about this very young man, and Mr. Louis Winston had promised to bring the record or a certified copy of the record, but Mr. Winston failed to do so.

I heard it generally reported prior to the election that the Republicans had been advised by the Republican leaders to vote an open ticket. It became known prior to the election that this was the system adopted. It was my opinion, and the opinion of the Democrats generally, that this system was calculated to prevent colored people from voting the Democratic ticket who might desire to do so. It was the general opinion among the Democrats, so far as my observation extended, that this system was adopted for that purpose. It has been an opinion sincerely entertained by a large number of the Democrats in this county that, if the colored people were held free from all pressure and intimidation of every sort, they would generally vote the Democratic ticket in considerable numbers; that has been the view for several years past. They have in other matters, business and otherwise, shown the greatest respect for the advice and opinion of the white persons with whom they were intimately associated. They have, where, as the result of combination or joint tickets between the Democrats and Republicans, they have been relieved of outside pressure, voted in large numbers for the Democrats on those tickets for all the important offices in the county as well as for State officers. I cannot say as to any particular precinct, the number of registered voters, who became registered voters in 1880; I am not positive about the figures, but I think the entire number for the county was about 700.

Re-examined by Mr. JOHN R. LYNCH:

In speaking of this registration of 1880, I considered it within the powers of the board, and the duty of the board, after the registration books had been turned over to them, to erase therefrom the names of all persons who, in the opinion of the board, had been improperly registered. I did not know the names of any who had been illegally registered. Mr. Winstone gave us some information as to who had died or gone away. If there was any information given us from that source, the names were erased. With the great amount of work which had to be done, and the little time in which it had to be done, the board availed itself of any information which came to our knowledge. We considered that our duty. I don't think the board erased any names that were alleged to have been illegally registered by the circuit clerk. I don't think that any were erased, and if any at all, but few in number. My judgment is, that among the great number who were registered in 1880, there must have been many doubtful cases which the circuit clerk might, with propriety, have turned over for appeal to the board of commissioners. I think about 700 were registered by Mr. Winston in the year 1880. In that large number, according to my experience, there must have been some whose age was doubtful, for I have noticed extreme youths who presented themselves for registration at times, not exceeding 17 years of age. It was surprising to me that none had been handed over to the commissioners of election. I think there are from 550 to 600 voters in the Washington precinct, but I am not positive about that. I was at Washington on the day of election; part of the time in or about the polls. I have no idea of the number there who, in the opinion of the inspectors, presented themselves to vote and were not of age. I only dropped into the polls now and then. I know of no other instance than the one referred to in my cross-examination of any doubt about a person's age who was registered. I stated in my cross-examination that Mr. Winston was clothed



with all the powers of deciding about registration as was possessed by the old board of registrars. The code provides that it is the duty of the commissioners of the election, on this final session, to register all who had applied for registration and were entitled thereto, who had been denied registration, and the inference was that Mr. Winston was empowered to register such, or turn them over to the commissioners of election, even if they had proffered to take the oath. I don't think there was interest enough taken in the canvas to induce investigation by outside parties. It would be like hunting a needle in a haystack to find out who had been improperly registered. If the circuit clerk had returned a list of doubtful cases to the commissioners, the inquiries could have been made.

I spoke of the protest made by the Republicans against the appointment of Henry Adams, and it was alleged in that protest that Henry Adams was a Democrat. Mr. Quarterman handed that communication to me, and I made inquiries, for it was the first time I had heard of it. I made inquiries of Republicans as well as Democrats, and, from the information I obtained, I thought the Republicans were mistaken, and no reason was shown for changing the appointment. I never heard out there in that precinct that Henry Adams voted a Democratic ticket at the last election. Henry Adams is not a member of the Democratic roll or club in that precinct. I am a member of that club, but not an officer. There are some sixty or seventy persons in that club; it may go as high as eighty; I do not know. There are very few colored people among that number; I have not an idea as to how many, but there are very few. It is the privilege and right of colored men who are Democrats to join that club. Their entering the club is their own voluntary action, resisting outside pressure against them; I mean by outside pressure that it seems to injure every one who joins the Democratic club; the colored men do not like to face the pressure against them by their own people; that is the rumor. I am speaking more of past years than of last year. There are rumors that it has even gone against them in their churches; not recently, perhaps, but it has been so. The female portion of the colored people also, it is said, have had a powerful influence in this matter. The colored element are, I think, mostly Republican; and in national elections the pressure on them to vote the Republican ticket is, I think, overwhelming; more so in national elections than in State elections. The colored man who votes the Democratic ticket at national elections is afraid of social ostracism, not of personal violence. I do not know whether that is the case with white men who vote the Republican ticket, but considerably so, I guess; in one or two instances it may have led to that, but I don't know whether it is so now. I cannot tell how these colored men in Washington who are members of the Democratic club are getting along, there are so few of them there now; they appear to be getting along in their regular work; there are a very limited number of them there now. I don't know how it would be if we organized the club. I think that the list as presented by Mr. Henderson last year for appointment as inspectors were as, or more, obnoxious than those presented and appointed to represent the Republicans in previous years. I am not personally acquainted with them, except as I have previously stated in my examination-in-chief. I thought that one was more preferable for the Washington precinct than the one presented for that precinct.

I thought more suitable persons could be appointed, and that the matter rested in the hands of the commissioners altogether. I believe in strengthening the hands of those who would bring about a better feeling between the two races. I deemed it essential to appoint those who belonged to the Wood wing of the Republican party, and that those would be more acceptable and conservative than those belonging to the McCary wing. And then again I thought the code of 1880 left it to the commissioners of election to make these appointments officially and collectively, and not to one member to make his own appointments. Mr. Patrick Foley was appointed an inspector at the Court-house precinct, but I do not know to which wing of the Republican party he belonged.

I cannot pretend to say that every one of these appointments belonged to the Wood wing of the party. Numbers of them probably I did not know at all. Mr. Quarterman's knowledge of some of the men was better than mine, and mine, in some places, better than his. I don't know what wing Mr. Foley belonged to. I left it pretty much to Mr. Quarterman, my colleague; that was the general understanding. I have no recollection whether Mr. Foley was appointed in lieu of Mr. Dickson for the Court-house. My impression is that Mr. Foley was called from Mr. Henderson's list, but I don't remember exactly how it occurred. I do not know what wing of the party Mr. Wester Bowyer, who was appointed at Pine Ridge, belonged to, but he was represented as a representative of that conservative element to which I have above referred. I do not know whether Mr. Henry Adams, at Washington, is a member of the Wood wing or not; I cannot swear to it. I do not know what wing of the Republican party Mr. Winston Fitzhugh, who was recommended by Mr. Henderson, belongs to. I don't know which side he was on. I paid attention to one part of the district, and I was instrumental in appointing three, and I left the rest to my colleague, Mr. Quarterman. I do not know that I have any idea as to what wing Mr. Winston Fitzhugh —, and do not know that he was once a candidate for office on the Wood ticket. Mr. Henderson, the Republican commissioner, had belonged to the conservatives, and I understood that he tried to carry out that policy of unity between the two races. I gave a little indirect aid in getting his appointment. Speaking of George Washington running for the legislature in 1877, I know, of my own personal knowledge, that he was elected on what is called a union ticket. In speaking of the large numbers of colored men who voted in this county for Democrats on the union ticket, it is also true that Democrats, in large numbers, voted for Republicans on this union ticket. I think that none of the Democrats, who voted for Republicans on the union ticket, voted for Garfield in 1880. The fact that Democrats voted for Republicans on a union ticket did not necessarily make them any the less Democrats in 1880, at the national election; and that Republicans voted for Democrats on the union ticket did not make them any the less Republicans on the national election. Although it is a fact that Republicans voted, in large numbers, for Democrats on a union ticket, it does not necessarily follow that they would vote for Democrats at national elections. Though the list of voters is a revival of the system which prevailed in ante-bellum days, it is also true that at that period there was no registration at all. The only reason I recollect for rejecting the Dead Man's Bend precinct was because no list of voters was sent up.

Q. Then your judgment as a member of the board of commissioners is, that an election being held at a particular precinct, and held by the officers regularly appointed for that purpose, and who were duly sworn, and the polls opened and closed at the hours provided by law, and the names of all who voted were checked on the poll-book as having voted, and the tally-sheet made out in due form, showing the number of votes polled and for whom they were polled, and the certificate made out and duly signed by the inspectors, and the ballots, poll-book, and tally-sheets returned to the commissioners in accordance with the requirements of the law, but the clerks having failed to send up a list of those who voted, is it your judgment that this omission of duty on the part of the clerks is of itself sufficient to vitiate the election, the law in other respects being strictly complied with?—A. I answer that question in the affirmative. I believe this omission is sufficient cause to vitiate the election at that precinct, as was stated by the commissioners in their return to the secretary of state. The inspectors being judges of the election under the code of 1880, I desired them to be careful. My advice was not intended to apply to all voters, but had reference only to those about whose right to vote there might be some reasonable ground for doubt. The Republicans in the county have alleged that they have not had a fair count at previous elections. I heard previous to the election that the leaders of the Republican party had advised voting an open ticket, to secure a fair count. I heard very little about it. I have always heard that Henry Adams is a leading influential Republican out there in the Washington precinct. I have never heard him doubted by any men out there. I never heard whether Henry Adams advised the Republicans out there to vote an open ticket. I never spoke to him about it until last Sunday.

Cross-examined by Captain T. OTIS BAKER:

In revising the rolls, the commissioners thought they could only act on evidence, and could not with propriety act on hearsay. There was no evidence produced before the commissioners in any case, and I am certain we struck none from the rolls except as hereinbefore specified. My experience on the old board of registrars is that, out of 700 offering to take the prescribed oath, there would certainly be a considerable number about which there would be doubt; and these cases of doubt should be turned over to the special session of the commissioners. The question of age is only one of numerous questions as to the eligibility of persons to register or vote. The first that I heard of Henry Adams having voted a Democratic ticket was after it had been testified here in this case. I considered that the standing of almost all the persons suggested by the Republican member of the board was such that conservative interests would best be promoted by appointing other persons in their stead. The fact that George Washington was on the union ticket, and voted for by Democrats, did not make him any the less a Republican. I think it was generally conceived by the Democrats that these union tickets were calculated to break down the barriers and remove the prejudices that may at one time have existed between the two races.

W. N. WHITEHURST.

HENRY C. GRIFFIN.

*Mayor of Natchez and ex-officio Justice of the Peace and  
Notary Public in and for the county of Adams, Mississippi.*

## SECOND DAY.

Seventh witness.

THURSDAY, *January 20, 1881.*

Before Hon. H. C. Griffin, mayor of the city of Natchez, *ex-officio* justice of the peace and notary public in and for the county of Adams, State of Mississippi.

Present: Captain T. Otis Baker, as counsel for Gen. James R. Chalmers; also John R. Lynch, contestant.

THOMAS R. QUARTERMAN, being first sworn and interrogated by Mr. JOHN R. LYNCH, states:

My name is Thomas R. Quarterman; I am about fifty years of age; I am a painter by occupation, but at present I am city clerk of the city of Natchez. I have lived in the city of Natchez forty years. On the day of the last Presidential and Congressional election I was at the voting place of the Court-house precinct part of the time. I was one of the board of commissioners of election for Adams County. I was a member of the board of registrars, now called commissioners, in 1876, 1877, 1878, and 1879. After that date the board of registrars were abolished, and they are now called commissioners. I was one of the commissioners of election in 1880. The commissioners recognized the right of the Republicans to one representative on the board of inspectors at each precinct. The Republicans claimed that right, and sometimes the board of commissioners or registrars appointed those who were recommended and sometimes they did not. We sometimes had two sets of inspectors recommended, both claiming to represent the Republicans, and the Democratic members, being in the majority on the board, selected those who were considered most competent. We tried to get men who were quiet and intelligent, and would not create any disturbance. In the last election there were men recommended we thought would breed disturbances round the polls. I do not recollect whether in 1879 we left the Republican member of the board to be the sole judge upon this matter. I do not know whether one or two sets of inspectors were recommended by the Republicans that year. I kept no note of it at the time, and I cannot recollect whether or not the Republican member of the board was permitted by the board to be the judge as to who should represent the Republicans. We appointed a set of Republican inspectors in 1880—that is, we appointed men to act as inspectors whom the board considered as Republicans, but I think we only appointed two who were recommended by the Republican member of the board. We thought the others recommended by Mr. Henderson, the Republican commissioner, were incompetent. Mr. McCary was recommended as inspector for the Jefferson Hotel precinct. We did not appoint him. We considered him biassed. We considered that he might prove obnoxious to the people and the other inspectors. I suppose he was competent, but some others who were recommended were not, and we just wiped out the whole business, as recommended by Mr. Henderson, and appointed men whom we thought would make good inspectors. I cannot say that I considered Mr. McCary incompetent.

A man by the name of S. S. Meekins was appointed to represent the Republicans as inspector at the Jefferson Hotel precinct. He had pre-

viously acted as inspector at elections held in that precinct. So far as education is concerned, Mr. McCary is the best man and most competent, but I think S. S. Meekins made the best inspector. Mr. Meekins has acted in that capacity in city and county elections in that precinct. I don't recollect that any one made any suggestions or recommendations to the commissioners regarding the appointments we made. There was a list handed to me—I don't know by whom it was signed—of parties who would make good inspectors. I don't remember who handed me that list; in fact, I don't know that it was handed to me; it might have been handed to Judge Whitehurst. I kept no notes at the time. I think the commissioners made some alterations in that list, but I don't recollect what the alterations were. I do not know that the Democratic committee of Adams County presented that list as a committee, but suggestions may have been made by members of that committee. I do not know that this list was the list agreed upon by the Democratic committee of Adams County. The board of commissioners were not advised by that committee as a committee, but we talked the matter over. I was never before the committee. The committee acted secretly, but we advised with them and talked the matter over as to who would make good inspectors for both the Democrats and Republicans. We appointed men as Republicans that we thought would make good inspectors, and some of them the Democratic committee did not know anything about and some they did. Some of those inspectors whom we appointed to represent the Republicans were suggested in the conversations alluded to, and some were not. All of the persons appointed by the commissioners as inspectors to represent the Republicans were either appointed by Democrats or selected by the commissioners without regard to the recommendations of the Republicans. The commissioners rejected the returns from two precincts in Adams County, namely, the Dead Man's Bend and the Palestine precincts. The Dead Man's Bend precinct-box was rejected because of informality; the inspectors did not comply with the law and furnished no list of voters. This was the only objection to that precinct. There was informality in the returns from the Palestine precinct; I cannot give the figures, but the returns will show. There were a greater number of tickets in the box than the number of names checked on the poll-book and on the list of voters as kept by the clerk. The list of voters kept by the clerk and the poll-book agreed. I do not remember the number of votes in excess. This was the only objection to the returns from the Palestine precinct. The returns from all the other precincts in the county were canvassed and returned as sent in by the inspectors. I do not know how the votes stood for Chalmers and Lynch in those two boxes, but I know that Mr. Lynch had a majority in each box.

WEDNESDAY, *February 2, 1881.*

Cross-examined by Captain T. OTIS BAKER, counsel for contestee:

On the day of the election I was at the Court-house precinct when the polls opened, and remained there probably three or four hours, and then went up to the Jefferson Hotel polls to see how they were getting on there. I was backwards and forwards all day. I was at the Court-house probably from half-past four until the polls closed. The fact that a considerable number of white persons voted before any colored persons was due to the fact that the front of the crowd was composed

almost exclusively of white voters—in fact, the white voters crowded at the door before the polls opened. There was a perfect jam there—so much so that we had to swear in an extra peace officer. There was nothing unusual in the fact that a crowd assembled at the door before the polls opened. I have attended three or four elections before at this precinct, and there has been a jam there before the opening of the polls at all times. Sometimes I have known it to be midday before any considerable number of white men could get to vote. Heretofore, at previous elections, the front of the crowd at this early hour of the morning was composed principally of colored men. The day of the last election was rainy, and a good many of the colored voters live in the country at a distance, and probably did not get in as early as heretofore. I cannot say exactly how many white voters voted there early that day before any considerable number of colored voters got in, in consequence of the facts I have stated. If a colored man was there and could stand the rush he got in, but the white men were principally in front of the crowd. Some colored men did get in at this time in this way. In consequence of dissatisfaction about this matter, the inspectors made some arrangements to vote white and colored men alternately—one or two of each at a time; I forget the exact number. The colored people were assigned the door then in use, the east door, and the whites were drawn off and the west door assigned to them for entrance. I remember that, in one or two instances through the day, Mr. Clarence G. Johnston, the Republican United States supervisor, complained that two white men were being voted for one colored man. One cause for breaking the agreement as to alternate voting was when a white man came in who was not registered, and another white man would be admitted in his place. Sometimes a colored man would be found not to be registered and a white man would be admitted from the opposite door after him, making, in point of fact, two white men voted for one colored man. I cannot say in how many instances this occurred, but I thought the inspectors acted very fairly; there were only a few instances that I saw.

There were some decrepid old men, both white and colored, and elders and ministers, who were allowed to come in at another door where there was no rush. The voters came in at the east and west door; but this class of persons I have just described were admitted at the south door. Of the ministers and elders and old people admitted at that south door by far the greater number were colored, there being so many more colored ministers and elders in the county than there are white. These occasions of admitting two whites to one colored occurred in only a few instances. I only heard Clarence Johnston, the United States supervisor, complain a few times, and I saw no other instances when he did not complain. I was there during the last hour or hour and a half before the close of the polls. There were some aged white persons at the sheriff's door, and I asked the inspectors to allow them to come in through that door and vote, but the inspectors declined to accede to my request, saying they had established a rule and could not admit these people until their turn came. During the afternoon the voting was faster than in the morning. I was there at the close of the polls and during the preceding hour. My remark as to there being only a few instances of voting two white to one colored man applies and has reference to the last hour before the polls closed as well as to any other portion of the day. There was a rumor in circulation previous to the day of election that persons

had been registered without having presented themselves in person to the circuit clerk, but had been registered by lists sent up to him. I was informed of this rumor through the circuit clerk himself. The returns from Pine Ridge, Washington, Palestine, and Beverly were signed by all the inspectors and clerks; in fact, the returns from all the precincts in the county were signed by all the inspectors and clerks, except that from Kingston, which was not signed by the Republican inspector. With the exception of Dead Man's Bend and Palestine, the returns from all the precincts were consolidated in the returns made by the commissioners, and forwarded to the secretary of state. Mr. Lynch received a good many less votes at the Jefferson Hotel precinct than there were colored voters voted, and some few less at the Court-house as entered on the list of voters. There is no such name on the registration book of the Washington precinct as Henry Miles, either erased or unerased. There is no such name on that book, either erased or unerased, as Miles. On the day of election I might have been at Jefferson Hotel about an hour or three-quarters of an hour each time; I don't remember exactly how long, but I was not there at either time more than the time I have mentioned. The first time I was there I did not go inside the room. When I did go inside the room in the afternoon, it was about 3 o'clock, and I remained in the room about half an hour. While I was in there I noticed no distinction in the manner of admitting white or colored voters. While I was there I saw, once, some persons admitted at the front door or outlet, who were elders, or old people or ministers, and I saw no distinction made as to color in admitting that class of persons. Of these persons whom I saw admitted at that front door, a great many more were colored than white, there being a larger number of colored ministers and elders among the voters than there are white.

Re-examined by JOHN R. LYNCH :

Regardless of who got into the voting-room first, it is true that, at previous elections at the Court-house precinct, at some time during the day before the close of the polls in the evening, every voter who presented himself had an opportunity to vote; but those elections were conducted under an entirely different law from that of the last election, namely, the new code of 1880. I only recollect one or two instances in which white men were admitted to the voting-room who were not registered. It is true that these persons I speak of as being admitted at the south door were not allowed to vote out of their turn. Speaking of this rumor as to illegal registration by the circuit clerk, I do not know that this rumor was gotten up and circulated as a pretext upon which to base the action of the Democrats on the day of election in causing delay. The first I ever heard of the rumor came from Mr. Winston, the circuit clerk, through Captain Holmes. I was in Mr. Winston's office a good deal during the time of registration. I observed instances in which I thought persons had been improperly registered, and appealed to Mr. Winston, as the registering officer, not to register them, as I could almost swear, in some cases, that they were not of age. The persons to which I refer had been raised in the town with me. I even went so far as to go to the census returns and show Mr. Winston they were under age. I furthermore took the pains to write to the former owner of one of the boys, and got a certificate from him—a copy of his record—that the boy was under age; that he was only 19

at the time he was registered. The names of these parties were quite familiar to me. I am a member of the board of election commissioners. I did not consider, as a member of that board, that the board had the power, or that it was the duty of the board, to erase from the books the names of those who had been illegally registered. Our construction of the law was that, although I was in possession of evidence with regard to a person's age derived from the census, and could almost swear that a person was not of age, and possessed a certificate from a record concerning his age, we did not consider it our duty to reject or erase from the registration-book the name of such person, unless outside evidence was furnished us. According to our construction of the law, Mr. Winston, the circuit clerk, had the power to reject such cases as appeared to him doubtful, and refer them to the board of commissioners during their session held a week or so prior to the election. The returns from all the precincts were sent up to us, signed by all of the inspectors, except that from Kingston, which was not signed by the Republican member of the board of inspection. From the Palestine precinct the inspectors certified that there were 35 more votes in the box than there were names on the list of voters as kept by the clerks. They made a regular formal certificate of the whole number of votes polled, and the number polled for each candidate respectively, and merely called the commissioners' attention to the fact, that there were 35 more votes in the box than there were names on the list.

Cross-examined by Captain T. OTIS BAKER :

It was a well-known fact that under the code of 1871, which was framed by a Republican legislature, that the right of a challenger was restrained and restricted by a provision that no person was to be challenged at the poll except for identity. It was a general rule that a man's being found to be registered established his right to vote. At the Court-house precinct on the day of election there were plenty of white people who were there waiting an opportunity to vote at the closing of the polls, and who did not get an opportunity to vote. With the exception of the forty or fifty white persons who voted early in the morning, there was about the same proportion of whites who sought but failed to get an opportunity to vote as there were of colored persons. There were an aggregate of about 700 newly-registered voters in the county up to the date of the last election, which number includes those who had registered for the first time in 1880 and changes of residence, but the greater proportion were newly-registered voters. About 190 of the registered voters of the Court-house precinct became registered voters in 1880, and about 150-odd of the registered voters in the Jefferson Hotel precinct became registered voters in 1880. I state these figures, which I have just given from a memorandum made from the registration-book, at the instance of the counsel for the contestee, now present, Captain Baker. I don't know how many of these were white and how many colored, but I am satisfied that two-thirds of them are colored voters.

THOS. R. QUARTERMAN.

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and Notary Public in and for the county of Adams, State of Mississippi.*



## Fourth witness.

WM. J. HENDERSON, being first sworn and interrogated by JOHN R. LYNCH, states:

My name is William J. Henderson; I am 24 years of age; I am a school-teacher by occupation, but I do almost anything. At present I am unemployed. I was born in the city of Natchez, and have lived here all my life. I was a member of the board of registrars, now called commissioners, in the year 1879. I was appointed as a Republican on the recommendation of Republicans. The method pursued by the registrars in 1879 was this: They allowed me, as a Republican member of the board, to suggest the name of one person to represent the Republicans as election inspector for each election precinct in the county. These names were presented by one of the committees claiming to represent the Republican party of this county; at any rate they conceded me the right, as the opposition member of the board, to name one of the three inspectors at each election precinct. In 1880 they claimed that the board of commissioners had the right to appoint three inspectors who should not all be of the same political party; that the majority of the board had the right to do so. They did not allow me, as a member of the board in 1880, as in 1879, to name one of the three inspectors, except as to one man. At the time the appointments were made in 1880 I had a list in my hand. They would first name their man and I would name mine, and I asked them, to appoint for the Republicans on my recommendation as was done in 1879. This they refused to do, except as to one man. Some of the men I named they said were very boisterous, and would create disturbance round the polls. They assigned no other reason, but claimed that the majority of the board had the right to appoint whoever they pleased. On the day of the recent Congressional and Presidential election I was at the Jefferson Hotel precinct the most of the time, at the voting-place. So far as I could discern from the outside, I observed the manner of conducting the election. I think just about five minutes before nine o'clock one of the inspectors came to the door and said the polls would open in five minutes, and at nine o'clock he brought the box to the door and showed it to the people on the outside that there was nothing in it, and stated that the voters should come through the alley-way into the back yard. The inspector that did this was Mr. Cassius Tillman. There were a lot of Democratic voters, as I supposed, standing near the gate. They wheeled into line immediately and went through the alley to the back door. At the same time there were a number of other men standing at the gate, waiting to crowd in. I think they only opened the gate one more time for the voters to come through in that way. I remained there about three hours, and during that time not three voters went in that way after the first and second crowds, who were principally, as I suppose, Democratic voters, went in.

There were two officers (policemen) standing in the alley-way to prevent the voters from getting to the door. At the same time the Democratic voters had access to the back gate and to the front door, and to the front door of a store leading into the back yard in the Jefferson Hotel building, and also from another store below the Jefferson Hotel building. In fact, the Democratic voters had four ways, to my own personal knowledge, of getting to the polls, where the Republicans only had one. After I had been there about three hours, I came out of the alley and asked

the mayor of the city to remove the policemen, who were obstructing the way, for the Republicans to vote, and I think, in about an hour afterward, he did it, and then the Republican voters got to the door. After they had gotten to the door, the Democratic voters had possession of the inside; also, I saw some coming down stairs into the voting-room; I think they had entered from the front street, and gone up stairs and come down into the room where the voting was being done; at any rate, I saw them descending, and I saw during the day the peace officer make Republican voters stand back to admit what I supposed to be Democratic voters; that is, through the door by which it had been arranged the voters should go out after they had cast their votes. I was there off and on during the day, and, I suppose, about two o'clock I got to vote, through the courtesy of one of the inspectors, Mr. S. S. Meekins, through the door that was provided for exit. There were a number of others got to vote through that door by being represented as preachers; for preachers were allowed to enter by the front door; I represented a number of them as preachers myself.

WM. J. HENDERSON.

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and  
Notary Public in and for county of Adams, Miss.*

THURSDAY, *January 25, 1881.*

Recalled and interrogated by Mr. JOHN R. LYNCH:

There were polled at the Jefferson Hotel precinct, for the Congressional candidates, 486 votes, namely, 294 for Chalmers and 192 for Mr. Lynch. The number of voters registered in the precinct were 891—340 whites and 551 colored. These figures are taken from the registration-book as made up to the date of the election. Witness here produces and asks to have filed herewith, as part of his testimony, a list of names which were recommended by the Republican executive committee of Adams County for appointment as inspectors of election, and by him submitted to the commissioners. Witness identifies the list referred to by his signature and the words Exhibit A on the back thereof.

EXHIBIT A.—WM. J. HENDERSON.

*To the Hon. Commissioners of Election for Adams County, Mississippi.*

GENTLEMEN: The Republican executive committee of Adams County respectfully asks that the persons named below be appointed as inspectors of the election to be held Tuesday, November 2, 1880, at the various precincts, to represent the Republicans of Adams County.

Court-house precinct . . . . .	Patrick Foley.
Dead Man's Bend precinct . . . . .	Simeon Winn.
Beverly precinct . . . . .	L. W. Fitzhugh.
Kingston precinct . . . . .	Abe Feltus.
Palestine precinct . . . . .	Horace Baily.
Pine Ridge precinct . . . . .	W. T. Blake.
Jefferson Hotel precinct . . . . .	Wm. McCary.
Washington precinct . . . . .	Geo. N. Johnson.

WILSON WOOD, *Secretary.*

No name on the list was appointed except Patrick Foley. The board of commissioners of which I was a member rejected the returns from Dead Man's Bend and Palestine precincts. I think they rejected the returns from the Dead Man's Bend precinct on account of the clerks not sending any list of the names of the voters. I think this was the only reason for the rejection of that box. In that box Mr. Lynch had 85 votes and Mr. Chalmers 15. The Palestine returns were rejected because the box contained 35 more ballots than were accounted for in the list of voters as kept by the clerks.

I think there was something said about there being only one list of voters sent up, but I am not sure about that. To the best of my recollection, the inspectors sent up their returns stating that there were in the box 17 votes for Chalmers and 270 votes for Lynch; the latter number including 35 votes which were found to be in excess of the list of voters as kept by the clerks. I think the commissioners had some means of knowing that the excess votes were Lynch votes, but I am not certain about that. The idea was taken from the inspectors' returns to the commissioners. I think these were the only reasons for rejecting the vote from the Palestine precinct. The commissioners decided to reject the returns from these two precincts, and both the other commissioners stated to me that these returns would not be received or canvassed. I did not sign the return, or statement of the result, as made out by the commissioners and sent to the secretary of state. I refused to sign it because I did not consider it a correct exhibit of the vote as cast in Adams County. In Beverley precinct, the inspectors made no statement as to how the vote stood; merely presented the tally-sheets, without making any statements, which I think the law required. I contended that if the others had to be thrown out, Beverley should be thrown out also, and the inspectors at Beverley returned only one list of voters, and the other two commissioners of election had decided previously that two lists of voters were required, but they said they received Beverley under section 139 of the Revised Code of 1880, State of Mississippi. I think that at Beverley precinct there were a few more votes in the box than there were names on the list of voters. We canvassed the returns and found as I have stated. The same objection, therefore, applied to Beverley as to Palestine, except as to the number of votes in excess. At Washington precinct I think there were about five more votes in the box than there were names on the list of voters. The same objection also applied to Washington as to Palestine, except as to the number of votes found in excess. In the Kingston precinct, the returns were not signed by the Republican inspector. I went over the box with the other commissioners, and contended that if Palestine and Dead Man's Bend were rejected, Beverley had no right to be received, on account of returning only one list of voters. I am not positive that I made any protest as to the Washington box. Beverley and Washington were returned as counted by the inspectors. The vote in Beverley, Washington, and Kingston precincts stood:

Beverley—Chalmers	191
Lynch	140
Washington—Chalmers	264
Lynch	98
Kingston—Chalmers	249
Lynch	160

I do not know whether the ballots from Beverley and Washington corresponded with the tally-sheets as sent up, but there were more ballots in the boxes than there were names on the lists of persons who had voted. The return was sent up by the commissioners from the returns as compiled by the inspectors.

WM. J. HENDERSON.

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and  
Notary Public in and for county of Adams, Mississippi.*

MONDAY, January 31, 1881.

Cross-examined by Capt. T. OTIS BAKER, counsel for contestee:

When I say I was a member of the board of registrars in 1879, and again of the board of commissioners of election in 1880, I do not mean to say that powers possessed by the board of commissioners are the same exactly as were possessed by the board of registrars. For purposes of registration, the circuit clerk is the successor of the old board of registration, and not the commissioners of election. The only instance in which the board of commissioners can register a voter under the law is when the circuit clerk refuses to register a voter, and the voter appeals to the board of commissioners, when they are in session just previous to the election, and the board, if they think the voter has been improperly refused, may then register him. This is the law which was in force during the canvass of 1880. In 1880, Lewis J. Winston was the circuit clerk of this county. I think he is a Republican. I think there was a rumor current prior to the election that persons had been registered by the circuit clerk without their appearing before him in person. When the board of commissioners, of which I was a member, were selecting inspectors in 1880, the Democratic members of the board would first name a man to represent the Republicans, and I would name mine, and ask them to appoint on my recommendation; but it did not occur in this order all the time. Sometimes the other members would ask me to name my man, and I would name him, and they would tell me who they had to represent the Republicans. The two police officers I referred to in my examination-in-chief as standing at the alley-way of the Jefferson Hotel to prevent voters from getting to the door were William Paul and ——— McDonald. I voted there that day. It was about 1 o'clock when I voted. I was in the voting-room that time just long enough to deposit my vote, and came right out. I entered at the front door. There were some voters standing in the voting-room at the ballot-box waiting to vote, but I cannot really say whether there were any more admitted while I was in there or not. I think there were about two standing by the box. I don't remember that any others were admitted while I was in there. I cannot recollect who these two men who were standing there were. That was the only time I was in the room during the voting. I spent most of the time that day at the Jefferson Hotel precinct voting-place. There is a window opening to the back from the voting-room. I went to the back door leading from the yard into the voting-room that day. I think it is a solid door without any sash in it. I observed the voting from the outside but very little that day.

When I noticed the voting going on from the window, I was standing at the back window; that window is alongside the door which had been

provided as a means of entrance for the voters to the voting-room, I was not really watching the voting when I was at that window, but was merely looking through. There were numbers of men standing there at the time, 'round the window and 'round the door. Nearly all these persons were colored—in fact, I think they were all colored. I suppose I was there at that window for three-quarters of an hour, off and on, during the day; I was there several times. From where I was at the window I could see the men going up and voting. I don't think I was at the front window of the voting-room at any time during the day. I don't think there were more than seven or eight in the voting-room besides the officers of election at any time during the day. No one was admitted to the voting-room at the same time that I was. My opinion is that these policemen were stationed in the alley-way for the purpose of preventing voters from getting to the door. The police of the the city are, I think, under the control of the mayor of the city, and subject to his orders. Mr. Henry C. Griffin was the mayor of the city at that time, but whether he is a Republican or not I cannot tell; I don't know whether he claims to be a Republican at all times. I don't know whether he was a Republican in 1879, but he affiliated with the McCary wing of the Republican party in that year. He was a member of their executive committee. I think he has been a member for several years of one or other of the Republican executive committees of this county. I say that I did not see more than seven or eight men in the room outside of the election officers. These voters were standing inside, at the back door, some of them, and some were standing by the box. I did not see these men from the window, but when I went in to vote. When I was looking in at the window I saw none at the back door. I saw voters go in at the back door that day, but I did not see any standing inside the back door then. I may have seen some there when I was at the front door. I was at the front door once or twice during the day. I do not think I could see that portion of the room when I was looking through the back window. Whether I viewed them from the front door or the window, the largest number that I saw at any time on the inside of the back door was four or five; they were colored men. I suppose I saw that number on the inside of the back door about three times. I did not see that number of white persons at any time on the inside of the back door. I did not see any white persons on the inside of that back door. I said the Democratic voters had possession of the inside, but not of the inside of that door. I did not mean by the expression, in my examination-in-chief, that when the Republicans got to that door they found the Democratic voters had possession of the inside, that there were Democratic voters who had stationed themselves at that door to prevent Republican voters from coming in.

The colored persons who voted that day entered, some at the back door and some at the front door. I think there is a pair of steps or stairs coming down into the voting-room from the second story. I think I have been up there myself. When standing in the back yard, looking towards the building, the window that I speak of is on the right of the door. The peace officer was Mr. Hugh Maginty, and, when he was making Republican voters stand back to admit Democratic voters, was at the front door. I cannot recollect the names of the Democratic voters whom he admitted thus, but I knew the names at the time. I saw him do it in two or three instances. He did not ad-

mit more than five or six persons in that way that I recollect. No objection was made on account of my entering the front door to vote. They received my vote, and did not decline to receive it because I had come in at the front door. I am neither a preacher nor a cripple. There is a gate to the entrance of the alley on Franklin street. That gate was not kept closed throughout the day, except for a few moments. It stood open a greater part of the day. When I say in my examination-in-chief that it was only opened one more time during the day, I mean that it was afterwards kept open and an officer stationed there. The people were crowding so that they could not shut it. McDonald, I think, was the officer who was stationed at that gate-way. I think that officer remained in that alley until he was removed by the mayor's orders; he may have stepped away once or twice and left it to Paul. The officer was not at the gate-way all day; he was in the alley, about midway, with something across it, and the people crowded and crowded until they got nearly to the end of the alley. I could not see the polling-room door from the entrance to the alley; I could not see beyond the mouth of the alley who was between the alley and the polling-room door. I am speaking now from nine till about twelve, when the officer was keeping the alley. After twelve, so far as that crowd in the alley was concerned, I do not think they had gotten into the back yard until one. I went off about twelve and came back with the mayor about one o'clock, as nearly as I can recollect. It was then that the policemen were ordered off. The crowd then went into the back yard; they went to the back door of the polling-room; I was backwards and forwards after that. The back gate I speak of as where Democratic voters came in was the back gate of the yard of the hotel. I saw some whom I supposed were Democratic voters come in there. After they came in the yard they entered the building through a little side door with a curtain over it. I cannot state how many there were; but there were quite a number. I don't recollect who they were now; but I knew them at the time. I have forgotten their names. I saw them plainly and distinctly. I don't remember how many there were. I did not see a great many come through the back gate. This door with the curtain that I speak of, is about seven or eight steps from the back door to the right-hand side going towards the building. There was no officer standing there that I saw. I think it was between one and two that I saw this occurrence, and probably later in the day. I saw some Republican voters go to that door with the curtain and look in, but did not see them go in. I did not go there myself. Nothing prevented Republican voters from going in at that door with the curtain. I don't think persons passing through the store below the Jefferson Hotel building came out into the back yard of the hotel. That store is Mr. McClure's store, kept by Mrs. Wampold, and persons going through the store would come out into Mrs. Wampold's back yard, and get over a fence into the back yard of the Jefferson Hotel. Persons passing through the store in the Jefferson Hotel building, spoken of in my examination-in-chief, would come out into the back yard of the Jefferson Hotel building. The alley I speak of leads from the front of the hotel-in Franklin street to the back yard of the Jefferson Hotel building. I do not know whether a larger number of colored persons voted there that day than there were votes cast for Mr. Lynch. Only one list of voters, as kept by the clerks, was sent up from the Palestine precinct that I saw. I am one of the commissioners of elec-

tion. If there had been more than one list of voters sent up by the clerks, I think I should have seen it. I was there at the opening of the box. I think there was only one sent up. There was no list of voters sent up from Dead Man's Bend precinct that I saw. As to Beverly precinct, I said the inspectors made no statement as to how the vote stood, merely presented the tally-sheets without making any statement, which I think the law requires. There was no such statement sent up from the Palestine precinct. The return sent up by the inspectors consisted merely of a certificate on a separate piece of paper that 35 additional votes were found in the box. I do not think they made any statement as to how many votes Chalmers received and how many votes Lynch received. As to the Beverley precinct, I think the inspectors made a brief certificate on the tally-sheets themselves in substance that the foregoing tally-sheets showed the number of votes cast at that election. They made the tally-sheets their statement. When I say I think the commissioners had some means of knowing that, at the Palestine precinct, the 35 excess votes were Lynch votes, it just came into my mind that such was the case. I don't mean to imply that the commissioners had any means of knowing by the returns as made by the inspectors to the commissioners.

Adjourned.

TUESDAY, *February 1, 1881.*

Since yesterday I have examined the returns from the Palestine precinct, and I find that the inspectors did not say in their statement whether the excessive votes were Lynch votes or Chalmers votes. I don't think the election law of 1880 says anything about checking the names of voters or making any entries on the poll-book as an indication that they have voted. When I say the poll-book I refer to the copy of the original registration-book as used by the inspectors. The list of voters provided by that law to be kept is the only prevention or safeguard provided by the election laws of 1880 against "repeating," or one person voting twice at the same election. I hardly think the commissioners, in compiling their returns, took any additional evidence outside what was found in the boxes and the returns as sent up by the inspectors. I, as one of the commissioners, was not authorized by law to consider any other evidence outside that sent up by the inspectors. Speaking of the consolidated return, as made by the commissioners and forwarded by them to the secretary of state, I believed, at the time that return was compiled, the commissioners had the right to throw out votes if any informalities existed, or irregularities; and as there was from Palestine a list of voters and no statement of the number of votes cast, and from Dead Man's Bend a statement and no list, and from Beverly a list and no statement, which I thought the law required, and as Palestine and Dead Man's Bend were thrown out, I thought that Beverly had a right to be thrown out also; therefore I did not sign the returns. If the other members of the board had consented to throw out the Beverly returns I might, perhaps, have signed the return. I cannot say whether I would have signed them even under that condition, for I considered the whole thing a farce, myself; and because I considered the thing a farce was another reason why I did not sign the return. I thought, again, that if Dead Man's Bend and Palestine votes were excluded from that return, it was not a correct exhibit of the votes as cast in the county. I mean, when I say in my examination-in-

chief that I did not consider the return as made up by the commissioners was a correct exhibit of the vote as cast in Adams County, that the return did not contain the votes of Dead Man's Bend and Palestine precincts. From the returns sent up by the inspectors of precincts, I did not in my official capacity regard the election in Adams County as a farce. I do not remember whether all the inspectors at the Beverly precinct signed the certificate on the tally-sheet, but I think they all signed. My information as to there being more votes in the Beverly box than there were votes cast in the district was derived from the tally-sheets; there were more votes on the tally-sheets as sent up by the inspectors than there were names on the list of voters. I am not positive that there were more votes in the box than there were names on the list of voters, but I think I am positive that there were more votes on the tally-sheets than on the clerks' list of votes. I may be mistaken, but I got my information by the count made. In the Washington box I ascertained that there were five more votes in the box than there were names on the list of voters, from the count. I feel pretty certain about this. I think the returns from the Washington precinct were signed by all the inspectors. While the board of commissioners were considering the returns, I did not make any objection or protest about the Washington box, but the commissioners themselves knew that there was a discrepancy of five votes. When it came to signing the consolidated return, I objected to signing, because they did not contain a correct statement of the votes as cast, by which I mean that they excluded the votes as cast in the Dead Man's Bend and Palestine precincts, I considering that there was no more reason to exclude the Dead Man's Bend precinct returns than there was to exclude Beverly, as Dead Man's Bend had a statement and no list of voters, and Beverly had a list of voters and no statement, which I think the law required; besides which, the other two commissioners had not taken into consideration these little technicalities, except where there were Republican majorities.

In the appointment of inspectors in 1879, there was only one list presented to the board of registrars, and that was the list presented by me for the Republicans. I heard that the names of the persons on that list, as presented by me, were members of the Wood wing of the Republican party, and I believed so at the time. I cannot say the Wood wing of the Republican party was the regular Republican organization or not. I was appointed through the Wood committee; they secured my appointment on the board of registrars. I belonged to the Wood wing at the time, and a member of the Wood committee. I was a Republican at the time. I cannot say whether I was a member of the regular Republican party, or an independent, but I claimed to be regular. When I presented that list to the board I presented the names of the persons as Republicans, and I believed them to be members of the Wood wing of the party. I supported their appointment. The appointment of these inspectors was in compliance with the law requiring that these inspectors should not be of the same political party. The canvass that year was the election of county officers and members of the legislature. There was a combination that year between the Democrats and the Republicans of the Wood wing, and a joint ticket was made up and supported by these two parties. They were not antagonistic. The regular Democrats and the McCary wing of the Republican party were antagonistic, and the Democrats and the Wood



wing of the Republican party were antagonistic to the McCary wing of the Republican party. Myself and the other members of the board supported the same ticket in that canvass. Neither myself nor the other members of the board gave the McCary wing any representation on the board of inspection, because we did not recognize the McCary committee at all. I recognized the Wood committee; they secured me my appointment. The McCary wing of the party sent in no names to the commissioners for appointment. There was something sent in—I can't exactly remember the wording of it now—by the chairman of the McCary committee, but he sent in no names. We answered to the effect that we did not recognize the right of any committee to dictate to us, but they might suggest names if they so desired. I do not think they suggested any. I copied and signed that answer to the McCary committee, and sent it myself. My voice was in favor of that answer. The substance of the application they made was, that the opposing party (meaning themselves) should have representation. I did not concur in the views which were expressed in this communication from the McCary committee. The substance of that answer may have induced the McCary committee to think it would be of no use sending in any names, but I did not think so at the time. Evidently from their communication they wanted representation on the boards of inspectors, and if they had been encouraged to send in any names, I think they would have done so. The McCary committee had opposed my appointment, and of course I acted as I did.

I was in favor of making those appointments without reference to the wishes of the McCary opposition, and that, too, without reference to the competency of the men they might suggest. I had never served on the board of registrars prior to that year, and I had previously no knowledge or experience as to the practice of the board in the appointment of inspectors. In 1879 the candidate for the legislature on the ticket—that is, the joint ticket as agreed upon by the Democrats and the Wood wing of the Republican party—was W. W. Hence. After he was nominated I supported him. He was agreed upon by the Wood committee as their representative on that ticket. In 1877 I was not attached to any wing of the Republican party. I was not a voter until 1878. The two officers that I speak of as standing at the Jefferson Hotel on the day of election were not merely preventing the crowd from undue pushing; they kept us there for about three hours without a man leaving that crowd to vote. The officers kept the people from getting to that back door which had been announced by one of the inspectors as the way we must go in. The crowds which I speak of as having passed through that gate-way first were about eight or ten whites. I really think that there was not more than eight or ten white men went through that alley-way from nine until twelve. I was in the alley; I could not see the back door, but the back yard was full of whites. I could see them coming from all directions, and would tell the officer about it, and point to different men coming into the back yard, and the officer said he could not help it. Of my own personal knowledge, I cannot say whether that back door was used by the whites or not.

Re-examined by Mr. JOHN R. LYNCH:

I know, of my own personal knowledge, from hearing the announcement made, that the back door I speak of at which numbers of colored  
H. Mis. 12—6

voters were standing at one o'clock in the day was the door which had been designated by the inspectors as the correct mode of entrance to the voting-room, and the front door as the way by which voters should pass out the voting-room. While I was standing there it was closed most all the time, and opened once in a while to admit a few voters. While I was standing at the window I saw voters coming in at other entrances; they were white men, and I supposed they were Democrats. I noticed particularly how they entered the room and from where they came. They would come in at a side door on the right-hand side of the door which had been designated by the inspectors as the mode of entrance, and go in through another door into the voting-room. I saw some, at the same time, coming through the front door—at the same time. I saw some come in at another door to the left-hand side of the front door from Franklin street; these would come down some little steps into the voting-room and go up to the box to vote. All the men that I saw enter the room at that time and in that way were white men, and supposed to be Democrats. With regard to these appointments of inspectors in 1880, sometimes a Democratic member of the board would read me the name of a Republican for appointment as inspector at some particular precinct, and sometimes would ask me to read my name first. In several precincts the Democratic members of the board told me they had selected the three inspectors; that is, two Democratic and one Republican inspector to each precinct, and then would ask me who I had. For some precincts they asked me what name I had to represent the Republicans as inspector, and, when I gave the name, they would tell me who they had agreed to appoint as Republican inspector of the precinct, and did appoint in this way at all precincts, except in one case, and that was where they appointed Mr. Patrick Foley, whom I had on my list, instead of Mr. James Dixon, who was their selection. With regard to 1879, I think the board of registrars conceded to me the unquestioned right to say who should represent Republicans. I think that in 1879 they regarded me as the Republican member of the board, and appointed names recommended by me without alteration.

With regard to this division in the Republican party, I think it originated in a dispute as to who should be supported as sheriff. I think the Democratic party conceded to the Republicans the office of sheriff in connection with other officers in the county, and left it to the Republicans to judge who should be the nominee of the party. I think there was an agreement by which the Republicans conceded to the Democrats certain offices in the county, and agreed that the Democrats should select their own men without regard to the wishes of the Republicans. It was agreed upon by the two parties that the selections, or rather by the committees representing the two parties, that the selections thus made by each party should be supported by both parties. It is a fact that the Republican convention met to make nominations, and that the convention split and two committees were created, both claiming to be Republicans. I think the Democratic committee of the county decided to coalesce with the wing of the Republican party of which Mr. Wood was the representative, and the Democratic committee ratified and confirmed the nominations made by the Wood committee, which body ratified and confirmed the nominations made by the Democratic committee. I think the principal issues at that election were confined to local or county affairs. It is also true that the McCary wing coalesced with certain Democrats in the county,

and had Democrats on their ticket. Both wings of the Republican party were in affiliation and combination with Democrats, and the only question for the Democrats to determine was as to which wing of the party they would coalesce with. It is a fact that one Democrat on the McCary ticket was actually elected, Mr. A. N. Ratcliffe, who was elected assessor of the county. Mr. Ratcliffe was a Democrat on the McCary ticket, and was elected over the candidate on the "regular" ticket and Mr. Winston, who was an independent Democratic candidate. I cannot tell whether this was the Mr. Ratcliffe who was originally appointed by the commissioners as inspector of election to serve at Washington precinct, or his brother, but I think it was one of them. This Mr. Ratcliffe is considered to be a Democrat. In addition to the reasons I have already given why I considered the election of 1880 a farce, I go by what I saw and heard from other sources.

Cross-examined by Capt. T. OTIS BAKER:

The only three entrances that I saw in use by white voters whom I supposed to be Democrats were the front door and two side doors. Persons who used these two side doors did not go in from Franklin street. These were the only entrances to the polling-room in use by these persons. Where I saw persons descending steps was from one of these side doors. I think I saw a man coming down a flight of steps leading from the second story of the building, to the right of the door as entered from Franklin street. I do not remember who the man was. I was standing at the front door when I saw him. I did not see him vote. I think he was a voter, but don't remember who he was. I would not stand at the door, but just go up and look, and leave again. In 1879, I think the McCary ticket was made up after the coalition between the Wood wing of the Republican party and the Democrats. The agreement for the joint ticket was gotten up by the Wood wing and the Democratic party. The whole arrangement had it in contemplation to nominate Mr. Wood for sheriff.

WM. J. HENDERSON.

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and  
Notary Public in and for the county of Adams, Mississippi.*

Twenty-sixth witness.

FRIDAY, *January 29*, 1880.

JOHN R. LYNCH, the contestant, being duly sworn, states:

My name is John R. Lynch; I am 33 years of age; I reside in Natchez, Adams County, Mississippi, where I have lived since 1863. When I returned home from the canvass shortly before the election of November 2, 1880, I became satisfied that we would not have a fair and honest election in this county. The action of the Democratic members of the board of election commissioners, in refusing to allow the Republican member of the board to designate the election inspectors to represent the Republicans, as had been the custom at previous elections, I accepted as strong presumptive evidence of a determination on the part of the Democratic managers, in accordance with whose advice and agreeably to whose recommendation the inspectors were no doubt appointed, to overcome the Republican majority in the county by unfair means. I made my appearance at the Court-house voting precinct at about 10 o'clock on the morning of election and ascertained

that the election was being conducted in a very unsatisfactory manner to the Republicans. Postmaster Fitzhugh, who was there when I arrived, informed me that at the rate the votes were being polled, it would be impossible for more than half the voters of the precinct to obtain access to the polls. The voters were then being admitted through the front or east door. While standing there, I saw a Democrat of the name of Botsai standing in the door, pushing colored voters aside so as to prevent them from getting in ahead of white voters; he continued to occupy that position until he was pushed inside by main force. After remaining there awhile longer, I left and went to the Jefferson Hotel voting precinct, and there I found the alley leading from the street into the back yard jammed with colored voters. I inquired of some of them what the trouble was, and I was told that the whites were being admitted into the room and allowed to vote, and that they (the colored voters) were not even allowed access to the room. I then went to the front window or door and beckoned to Mr. Wilson Wood, the Republican United States supervisor, who came to the door and allowed me to enter the room. I asked him what was the matter, and he gave me substantially the same information that I obtained from the outside. It was then between eleven and twelve o'clock, and he informed me that not more than about three colored men had been allowed to vote up to that time. I then went through the back door into the yard and saw Mr. Maginty, and I think one other officer, standing at the head of the alley where the colored voters were, and which was presumed to be the regular route that had been designated for all voters to enter the room, for the supposed purpose of having the voters enter the room in regular order, but for the real purpose, as I believe, of preventing the colored voters from entering at all, at least until nearly all the Democrats had voted, which, of course, would consume the greater part of the day at the rate the votes were being polled. I remonstrated with this officer, and protested against his action in preventing these voters from coming through the alley into the yard. He then stepped back a few feet and the voters came into the yard and placed themselves in line in front of the door which opened into the voting-room, and which was closed.

While standing there I saw several Democrats enter the yard from several different directions; among the number was Captain R. Holmes, chairman of the Democratic executive committee of the county. I remarked to Captain Holmes at the time, "Captain, that is not fair." He replied, "I have nothing to do with that," or words to that effect. I then noticed that Captain Holmes, with several other Democrats, entered the building through a side door. I called the colored voters' attention to this, and requested some of them to follow these Democrats, and endeavor to get into the voting-room through this same passage that these Democrats intended to enter. Several of the colored voters did so, but they soon returned and informed me that they succeeded in getting through one door, and found an interior door closed against them. I then advised the colored voters to keep a sharp lookout, and whenever they saw a white man enter the building they must claim the right to enter in the same way and through the same passage. I remained there about an hour, and while there the main door for the admission of voters was opened once, and three or four were admitted. I then returned to the Court-house, and entered the building through the south door. Mr. Dieks, one of the inspectors, informed me that it was not lawful for any one to be within thirty feet of the

polls except the officers, and that I must leave the room unless I was an officer of the election. I noticed that two persons were acting as challengers on the Democratic side, and, as the Republicans had appointed only one, I claimed the right to act as a challenger, and was therefore allowed to remain in the room. I remained there, I suppose, about two hours, perhaps longer. The colored voters were then being admitted from the east door, and the white voters from the west door. The votes were being polled at a very slow rate, the time being consumed by the Democratic challengers in asking the voters all kinds of unusual, unnecessary, and unauthorized questions. In many instances, when one challenger would get through with the voter, he would be turned over to the other challenger, who would ask substantially the same questions. Many of the voters were placed in about the same position that a witness is placed in when he is on the witness-stand in a court of justice. The voters were asked, among other questions, How old are you? Where do you live? How long have you lived there? When did you vote last? Where did you vote? For whom did you vote? When did you register? Before whom did you register? Was the oath administered to you? Did you go in person to the registration officer, or did you send your name? What month was it? What day of the month? What year was it? These are some of the questions which were, with few exceptions and alterations, propounded to all voters who came into the room while I was in there, without regard to age, color, or politics. Old men, both white and colored, who were personally known to these challengers and the election inspectors to be qualified electors, were required to answer substantially the same questions.

It was clear to my mind that the manner in which the election was conducted at these two precincts was the result of a plan or system which had been previously agreed upon to have the election conducted in such a way as to disfranchise a sufficient number of Republican voters to enable the Democrats to carry the election. After remaining in the court-house for about two hours, or perhaps longer, I left, and did not return until between 4 and 5 o'clock. When I returned I found the voting was going on at a very rapid rate. Had the voting been conducted at this same rate throughout the day every voter who presented himself there that day could have obtained access to the polls and cast his vote. I am satisfied that more votes were polled during the last three hours than had been polled during the previous six hours. As soon as the polls closed I left the room and wrote down the names of two hundred Republican voters who were there, standing at the door, waiting for an opportunity to vote. I herewith present that list as part of my deposition, identifying it with my signature and the mark, Exhibit A.

EXHIBIT A.—JOHN R. LYNCH.

STATE OF MISSISSIPPI.

*County of Adams, Nov. 2, 1880.*

We, the undersigned Republicans of the Court-house precinct, of Adams county, do hereby certify that we presented ourselves for the purpose of casting our votes for Garfield, Arthur, and J. R. Lynch, and were prevented access to the polls in consequence of obstructions:

Abram Jackson,	George Egling,	Benjamin Brooks,
Abram Lloyd,	Jacob Clemons,	Edward Harris,
Louis Mills,	Anthony Bradley,	Reuben Bradford,

Peter Taylor,  
 Frank Vincent,  
 Branch Tucker,  
 James Carr,  
 Hillery Freeland,  
 Ed. Smith,  
 Claiborne Dorsey,  
 Alfred Harris,  
 William Chase,  
 George Brooks,  
 Robert Deamos,  
 Wm. Edwards,  
 Richard Dixon,  
 Walker Mosby,  
 James Ross,  
 French Gibson,  
 Jessie Currie,  
 Volney Williams,  
 Sip. Overstreet,  
 Joseph Brown,  
 James Jackson,  
 Thomas Pendleton,  
 James Nickson,  
 Charles Waddle,  
 Jordon Brown,  
 Marshall Cobbler,  
 Tony Reed,  
 Cyrus Griffin,  
 Ebenezer Best,  
 Jerry Miles,  
 Joshua Stewart,  
 Lee Scott,  
 Ben Davis,  
 Albert Shades,  
 Wm. Gayles,  
 Allen Conway,  
 Charles Jackson,  
 Jackson Jett,  
 Alfred Orangeby,  
 Mitchel Walker,  
 Wilson Harris,  
 Eliga Prophet,  
 Alexander Hughes,  
 Louis Stovall,  
 Thomas Johnson,  
 Louis Hunt,  
 Nelson Kinney,  
 John Burns,  
 Wm. Weeks,  
 Henry Brown,  
 Cyrus Rose,  
 Marshall Louis,  
 Henry Smith,  
 Reed Gaskin.

Henry Washington,  
 George Davenport,  
 Moses Davis,  
 Thornton Mathew,  
 Geno Frank,  
 William Jones,  
 George Taylor,  
 Columbus Miles,  
 Benjamen Green,  
 Madison Scott,  
 Moses Rodgers,  
 Ben McDaniel,  
 John Williams,  
 Robt. D. Leiper,  
 Wm. Jones,  
 Orlando Carter,  
 Peter Callan,  
 Sam Maxwell,  
 Willis Garner,  
 William Coleman,  
 B. F. Carter,  
 Jeff Thompson,  
 Richard Riddle,  
 James Gibbons,  
 Richmond C. Turner,  
 S. D. Young,  
 Robert Thornton,  
 Walter Bartley,  
 Henry Watkins,  
 George Williams,  
 Ephram Jones,  
 Silas Kelly,  
 George Washington,  
 John Hickman,  
 G. H. Merrill,  
 Phillip Bell,  
 David Garner,  
 Alfred Ross,  
 Beal Grant,  
 Henry Jones,  
 Anderson Holdsome,  
 Frank Brooks,  
 Sam Bostick,  
 Robt. Berry,  
 Robt. Walter,  
 Armstead Mitchell,  
 Louis Washington,  
 Thad Starks,  
 Joseph Nichols,  
 Israel Garner,  
 Alfred Grayson,  
 Summers Johnson,  
 Wm. Caraway,  
 Delaney Watts,

Henry Green,  
 Bryant Williams,  
 Horace McDonald,  
 Charles Smith,  
 Louis Brooks,  
 Henry Walton,  
 Samuel Johnson,  
 Harrison Miller,  
 James Jefferson,  
 Richard Irvin,  
 Jack Benton,  
 Ellick Alexander,  
 William Baum,  
 Louis Williams,  
 Philander Perry,  
 Isaac Allen,  
 Edward Green,  
 Allen Smith,  
 Isham Green,  
 John Wilson,  
 Sam Suggs,  
 Ben Parker,  
 Edmund Thornton,  
 Claudius Brown,  
 Robt. Baldwin,  
 Henry Williams,  
 Jeff Smith,  
 Mack Burnett,  
 James Dillard,  
 John B. Gilliard,  
 Armstead Wallace,  
 Thomas Ghaalager,  
 Thomas Smith,  
 P. A. Thomas,  
 Albert Gordon,  
 George Jordon,  
 Solomon Perkins,  
 Samuel Andrews,  
 James Newton,  
 Frank Holmes,  
 Butler Williams,  
 James Notin,  
 John Chavours,  
 Clayton Normon,  
 John Lacoste,  
 Simon Clark,  
 F. West,  
 David Moore,  
 John Russ,  
 Wash Macklin,  
 David Brown,  
 James Williams,  
 James S. Montgomery,  
 John Parker,

Robert Furley,	James Scroggins,	Phillip Wetherspoon,
Henry Singleton,	Jacob Hockins,	Morris Stanton,
Robt. Piper,	Stephen Kyle,	Charles Stewart,
Edward Williams,	Edward Lewis,	William Pinkney,
Henry Fields,	James K. Hymen, jr.,	Louis Hunter,
Ben Melton,	Henry Thomas,	Prince Williams,
John Smith,	Nathan Robertson,	Phillip Gayles,
Jack Dixon,	Albert Warner,	Ivens Long,
Fleming Dickerson,	Thomas Toler,	Baily Buckner,
Charles Howard,	Benjamin Knight,	Phillip Jackson, jr.,
Jeff Carr,	John Winters,	Peter Brennen,
Cato Randolph,	Bonie Henderson,	Gus Brennen,
James Cage,	Adolph White,	Sidney Reedy,
Stephen Wilson,	J. E. Stewart,	Anthony Hoggatt,
William King,	George Washington,	William H. Lynch,
Wm. Horton,	Adam Lewis,	Manselis Brama.

(Counsel for contestee objects to Exhibit A being received or read in evidence, because the statement therein contained is not signed by the parties whose names are appended thereto, and is not sworn to by them.)

I also present as part of my deposition certified copies of the inspector's returns to the commissioners from Palestine and Dead Man's Bend precincts, so far as the same relates to the vote for Congressman, as furnished me by Mr. William J. Henderson, one of the commissioners, identifying the same with my signature and marking it Exhibit B.

EXHIBIT B.—JOHN R. LYNCH.

*Statement of the votes cast at Palestine election district, Adams County, Mississippi, for a member of Congress from the sixth Congressional district of Mississippi, Tuesday, the 2nd day of November, 1880.*

For Congressman:

John R. Lynch.....	270
James R. Chalmers.....	17

STATE OF MISSISSIPPI, )  
*Adams County, A*

I, Wm. J. Henderson, commissioner of election in and for said county, do hereby certify that the foregoing is a true and correct statement of the vote cast for Congressman as taken from the "tally-sheets" returned by the inspectors and clerks of election, the same being deposited in the box from the Palestine election district.

This done at the city of Natchez, this 27th day of January, A. D. 1881.

WM. J. HENDERSON,  
*Commissioner of Election.*

THE STATE OF MISSISSIPPI, )  
*Adams County, A ss:*

I, Louis J. Winston, clerk of the circuit court in and for the county aforesaid, do hereby certify that Wm. J. Henderson, whose name appears to the above certificate, was duly appointed a commissioner of

election for Adams County, Mississippi, for the year A. D. 1880, and served as commissioner of election for the year of A. D. 1880.

Witness my hand and seal of office, this 27th day of January, A. D. 1881.

[SEAL.]

LOUIS J. WINSTON,  
*Circuit Clerk.*

*Statement of the votes cast at Kienstra's store, Dead Man's Bend precinct, Adams County, Mississippi, for a member of Congress from the sixth Congressional district of Mississippi, Tuesday, the 2nd day of November, 1880.*

For Congressman:

John R. Lynch .....	85
James R. Chalmers .....	15

STATE OF MISSISSIPPI, }  
Adams County. }

I, Wm. J. Henderson, commissioner of election in and for said county, do hereby certify that the foregoing is a true and correct statement of the vote cast for Congressman as taken from the "tabulated statement" returned by the inspectors and clerks of election, the same being deposited in the box from Dead Man's Bend precinct.

This done at the city of Natchez, this 27th day of January, A. D. 1881.

WM. J. HENDERSON,  
*Commissioner of Election.*

THE STATE OF MISSISSIPPI, }  
Adams County, } ss:

I, Louis J. Winston, clerk of the circuit court in and for the county aforesaid, do hereby certify that Wm. J. Henderson, whose name appears to the above certificate, was duly appointed a commissioner of election for Adams County, Mississippi, for the year A. D. 1880, and served as commissioner of election for the year of A. D. 1880.

Witness my hand and seal of office, this 27th day of January, A. D. 1881.

[SEAL.]

LOUIS J. WINSTON,  
*Circuit Clerk.*

(Counsel for contestee objects to the two papers filed as Exhibit B being received or read in evidence, because they are not what they are represented to be in the deposition. They are not certified copies of the inspectors' returns, but contain merely certain figures purporting to be taken from the tally-sheets, without the statement or certificate of the inspectors with reference to them; and because their correctness is not certified to by the circuit clerk of Adams County, who is the custodian of the returns, ballot-boxes, registration-books, &c., of said county.)

I also present as a part of my deposition certified copies of the inspector's returns to the commissioners from Issaquena county, identifying the same with my signature and marking it Exhibit C.



## EXHIBIT C.—JOHN R. LYNCH.

STATE OF MISSISSIPPI, }  
*Issaquena County.* }

At an election held on the 22nd day of November, A. D. 1880, the following number of votes was polled for President, Vice-President of U. S., electors, and member of Congress for the sixth Congressional district of Mississippi, as reported by the inspectors of the several election districts in said county and State aforesaid, to wit:

*District No. 1.*

No report received of inspectors. Number of votes polled, 82.

*District No. 2.*

STATE OF MISSISSIPPI, }  
*Issaquena County.* }

At an election held at Hays' Landing, in said county, on the second day of November, 1880, for electors for President and Vice-President of the United States, and member of Congress for the 6th Congressional district of said State, the following was the result:

## Democratic electors:

F. G. Barry, v v v v ii	22
C. P. Neilson, v v v v ii	22
C. B. Mitchell, v v v v ii	22
Thomas Spight, v v v v ii	22
Wm. Price, v v v v ii	22
Wm. Luse, v v v v ii	22
Robt. Miller, v v v v iii	23
Jos. Hirst, v v v v iii	23

## Republican electors:

Wm. R. Spears, v v v v v v v v v v ii	47
R. W. Flournoy, v v v v v v v v v v ii	47
J. F. Bynum, v v v v v v v v v v ii	47
J. T. Settle, v v v v v v v v v v ii	47
M. K. Mister, jr., v v v v v v v v v v ii	47
R. H. Montgomery, v v v v v v v v v v ii	47
R. H. Cuny, v v v v v v v v v v iii	48
Chas. W. Clarke, v v v v v v v v v v ii	47

Scattering, iii

## Member of Congress:

Jas. R. Chalmers, v v v v iiiii	24
Jno. R. Lynch, v v v v v v v v iiiii	39

We, the undersigned inspectors and clerks of said election, do hereby certify the above to be a true statement of the result of the said election, and of the number of votes polled for each candidate. November 2nd, 1880.

JOHN POWELL,  
 ALBION BOOKER,  
 W. FOLKES,

*Inspectors.*

C. A. FETTER,  
 O. T. WOODRY,

*Clerks.*



which is accounted for by attachment to the vote cast of the oath of the elector. We would further state that we find the number of votes cast for the several candidates, as follows, for the respective officers for which they are candidates, and that they received the number of votes set opposite their respective names:

For President:	
James A. Garfield .....	333
For Vice-President:	
Chester A. Arthur .....	333
For electors for President and Vice-President:	
Wm. R. Spears .....	333
R. W. Flounoy .....	333
J. M. Bynum .....	333
J. T. Settle .....	333
M. K. Mister, jr. ....	333
R. H. Montgomery .....	333
R. H. Cuny .....	333
Chas. W. Clarke .....	333
Jno. R. Lynch .....	332
For President:	
W. S. Hancock .....	19
Vice-President:	
W. H. English .....	19
Presidential electors:	
F. G. Bing .....	19
C. P. Neilson .....	19
C. B. Mitchell .....	19
Thos. G. Pright .....	19
Wm. Price .....	19
M. Luce .....	19
Robert N. Miller .....	19
Joseph Hirsh .....	19
For member Congress, 6th Congressional district:	
Jas. R. Chalmers .....	20

SIMON MAYER,  
WM. F. KEENE,  
A. J. WARD,

*Inspectors.*

J. J. DIGGS,  
MATHEW GERSON,

*Clerks for Member 6th Congressional district.*

For President—JAS. A. GARFIELD.

For Vice-President—CHESTER A. ARTHUR.

For electors:

Wm. Spears received .....	335 votes.
R. H. Flounoy received .....	335 "
J. M. Bynum received .....	335 "
J. T. Settle received .....	335 "
M. K. Mister, jr., received .....	335 "
R. H. Montgomery received .....	335 "
R. H. Cuny received .....	335 "
C. W. Clark received .....	335 "

For member of Congress:

Jno. R. Lynch received .....	333 votes.
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## EXHIBIT D.—JOHN R. LYNCH.

## COAHOMA COUNTY.

	Lynch.	Chalmers.
Friar's Point.....	352	225
Jonestown.....	351	71
Clarksdale.....	307	117
Sunflower.....	32	77
Dublin.....	70	63

HOLLY SPRINGS, November 15, 1880.

HON. JNO. R. LYNCH.

DEAR SIR: Yours of 14th received. Above I hand you all the returns I have yet received from Coahoma County. These are all the precincts, except Rosebud and Hulbertson. I will forward them to you as soon as received, but I doubt whether they will be reported.

In this district wholesale frauds were committed, namely, by leaving off Republicans from the registration-roll—ample, in my opinion, to unseat Mr. Manning, large as his reported majority is. Wishing you all success in your contest,

I remain, truly yours, &c.,

O. DAVIS, *Ch. Sup.*

FOR HON. JOHN LYNCH:

Since I wrote him I have received returns from Elliott's, Bolivar County:

Lynch.....	108
Chalmers.....	13

O. DAVIS, *Ch. Sup.*

## BOLIVAR COUNTY.

## \ Supervisors' returns.

	Lynch.	Chalmers.
Rosedale.....	165	110
Australia.....	192	30
Concordia.....	208	85
Terrene.....	102	46
Beulah.....	116	16
Glencoe.....	231	27
Grange Hill.....	125	0
Tupper's Store.....	170	16
Bolivar Landing.....	311	0

No supervisors' returns from Elliott's Store, Holmes's Lake, Jones Bayou, or Hallum's Ferry. I have a special report from Mr. Wm. L. Lowe that there was no election at the two latter precincts.

Also, that the commissioners threw out Holmes's Lake, Bolivar Landing, and Glencoe, because tally-sheets were not returned. That amount thrown out was, for Lynch, 736; Chalmers, 102.

HON. JNO. R. LYNCH:

Above I hand you all the answer to yours of 15th that my records enable me to do.

Respectfully yours,

O. DAVIS, *Ch. Supr.*

HOLLY SPRINGS, November 16, 1880.



FRIAR'S PT., MISS., Nov. 21, '80.

Hon. JNO. R. LYNCH,  
Jackson, Miss.

MY DEAR SIR: Yours of 11th inst. to hand. Absence from home has delayed a sooner reply. The election in this county was very quiet, and I will now give your majorities that were polled:

Beat No. 1.—Redbud box, Lynch	123
“ “ Chalmers	41
“ 3.—Johnstown, your majority	231
“ 2.—Friar's Pt., “	127
“ Delta box, not counted.	
“ 4.—Clarksdale, your majority	190
“ Dublin, “	7
“ 5.—Sunflower; Chalmers' majority	41
“ Halburton; no election.	

The commissioners counted only three boxes, and throwed out all except one—the Friar's Pt. box. Your majority in the county, on a fair count, would have been about 650 or 700 votes. The boxes were thrown out on account of no poll-list being kept. I am pleased at the spirit you manifest in your letter, and truly hope you will contest inch by inch. I know you will be our Representative if you get your honest dues. Chalmers has never been elected to the position he has filled, and I trust he will not be placed in a false attitude again.

I have written you three letters since the election; do not know whether you received them or not.

Let me hear from you; and, at the same time, remember that any assistance I can render will be cheerfully given by

Your friend, truly,

WM. A. ALLEN.

OFFICE OF CIRCUIT COURT CLERK, WASHINGTON COUNTY,  
Greenville, Miss., January 14, 1881.

JNO. R. LYNCH, Esq.

DEAR SIR: Your letter, requesting certified copies of the *inspectors' returns* to the commissioners from Stoneville, Lake Washington, and Refuge precincts, has to-day been received and contents noted. In reply, I state that no returns of the vote at Stoneville have ever been received by me, nor are there any such returns on file in my office. In reference to the Refuge precinct, the same answer as to the Stoneville precinct. In reference to the Lake Washington precinct, by a statement made by the officers of election, but not received—

James R. Chalmers received	229 votes.
John R. Lynch “	112 “

I hereby certify that the foregoing statement is true and correct.

[SEAL.]

J. G. MARSHALL,  
Circuit Clerk.

(Counsel for contestee objects to Exhibit D, numbers one, two, three, and four, being received or read in evidence, because—

1st. The several statements therein contained were not made under the sanction of an oath.

H. Mis. 12—7

2d. They are not the best evidence of the facts which they purport to contain.

3d. They are merely secondary.

4th. They are merely hearsay.

Also, certified copies of the inspectors' returns to the commissioners of Coahoma County, identified with my signature, and marked Exhibit E.

Adjourned to 31, 1, '81.

JOHN R. LYNCH.

EXHIBIT E.—JOHN R. LYNCH.

Votes.

President :		
W. S. Hancock .....		111
Vice-President :		
English.		
Electors :		
F. G. Barry .....		111
C. P. Nelson .....		111
C. B. Mitchell .....		111
Thos. Spight .....		111
Wm. Price .....		111
Wm. H. Luse .....		111
Robert N. Miller .....		111
Joseph Hirsch .....		111
President :		
Jas. A. Garfield .....		312
Vice-President :		
Chester A. Arthur .....		312
Electors :		
Wm. R. Spears .....		312
R. W. Flournoy .....		312
J. W. Bynum .....		312
J. T. Steele .....		312
M. K. Mister, jr. ....		312
Dr. R. H. Montgomery ..		312
Judge Coony .....		312
Chas. W. Clarke .....		312
Congress :		
James R. Chalmers .....		117
John R. Lynch .....		307

We, the undersigned, do certify that the above report and count is correct, and carried out according to law.

J. W. D. VAN BIBBER. [SEAL.]  
 J. W. ELLIOTT. [SEAL.]  
 N. L. LEAVELL. [SEAL.]

STATE OF MISSISSIPPI, }  
     Coahoma County. }

I, R. N. Harris, clerk of the circuit court within and for the county and State aforesaid, do certify that the above statement is a true and perfect copy of the report of inspectors who held the election on the 2d

November, 1880, at Clarksdale precinct, county and State aforesaid, as is now on file in the ballot-box in my office.

Given under my hand and seal of said court, at office, this 29th day of December, 1880.

[SEAL.]

R. N. HARRIS, *Clerk.*

STATE OF MISSISSIPPI, }  
*Coahoma County.* }

I, R. N. Harris, clerk of the circuit court within and for the county and State aforesaid, do certify that the two boxes—one from Jones-town precinct; the other from Delta precinct, county and State aforesaid—did not contain any report from inspectors of election, nor other report or certificate of any kind, only votes, (or tickets, as they are commonly called,) and that there is no way for me to ascertain how the vote stood at those two precincts; that the box and poll-book have never been returned from Hurlburton precinct.

Given under my hand and seal of said court, at office, this 29th day of December, 1880.

[SEAL.]

R. N. HARRIS, *Clerk.*

*Tally-sheet.*

The following is a list of votes cast at Sunflower Landing on November 2, 1880:

*District No. 6.*

For Congress, 6th district:

John R. Lynch, v v v v v v ii

For Congress, 6th district:

J. R. Chalmers, v v v v v v v v v v v v v v v v ii

For Democratic electors:

F. G. Barry, v v v v v v v v v v v v v v v v

C. P. Neilson, v v v v v v v v v v v v v v v v

C. B. Mitchell, v v v v v v v v v v v v v v v iii

Thos. Speight, v v v v v v v v v v v v v v v iii

Wm. Price, v v v v v v v v v v v v v v v iii

Wm. H. Luse, v v v v v v v v v v v v v v v ii

Robert N. Miller, v v v v v v v v v v v v v v v ii

Joseph Hirsh, v v v v v v v v v v v v v v v iii

For Republican Presidential electors:

Wm. R. Spears, v v v v v v iii

J. W. Bynun, v v v v v v iii

J. F. Steele, v v v v v v iii

M. K. Mistre, jr., v v v v v v iii

R. H. Montgomery, v v v v v v iii

Chas. W. Clarke, v v v v v v iii

R. W. Flournoy, v v v v v v iii

R. H. Cuny, v v v v v v iii

J. L. McCaskill, i

This is to certify that the above is a correct list of votes polled Nov. 2, 1880, at Sunflower box, dist. No. 6th.

J. R. HENDERSON, *Inspr.*

WM. LEDBETTER, “

GEORGE GREEN, “

W. H. DRUNNOND, *Clk.*

JOHN HENDERSON, “

H. H. BEEND, *Returning Officer.*

STATE OF MISSISSIPPI, }  
*Coahoma County.* }

I, R. N. Harris, clerk of the circuit court within and for the county and State aforesaid, do certify that the foregoing is a true and perfect copy of the returns made by inspectors of election from Sunflower precinct, county and State aforesaid, dist. No. 5, as is now on file in ballot-box in my office.

Given under my hand and seal of said court, at office, this 29th Dec., 1880.

[SEAL.]

R. N. HARRIS, *Clerk.*

*Dublin box, Beat 4, Miss., Coahoma County, November 2d, 1880.*

	Votes.
Hancock .....	62
English .....	62
F. G. Barry .....	62
C. P. Neilson .....	62
C. B. Mitchell .....	62
Thos. Speight .....	62
William Price .....	62
William H. Luse .....	62
Robt. N. Miller .....	62
Jos. Hirsh .....	62
For Congress: James R. Chalmers .....	63
James A. Garfield .....	70
Chester A. Arthur .....	70
Wm. R. Spears .....	70
R. W. Flournoy .....	70
J. M. Binum .....	70
J. T. Settle .....	70
M. K. Mister .....	70
R. H. Montgomery .....	70
R. H. Cuney .....	70
Chas W. Clark .....	70
For Congress: John R. Lynch .....	70

STATE OF MISSISSIPPI, }  
*Coahoma County.* }

We, the undersigned, inspectors and clerks of election, hereby certify that the above tally-sheet is a correct list of votes polled at Dublin box, in beat No. 4, November 2d, 1880.

J. C. FERRELL,  
his  
 HARDY x KING,  
mark  
 I. B. LAWLER,  
*Inspectors.*  
 G. S. JOHNSTON,  
 M. A. ROBINSON,  
*Clerks.*

STATE OF MISSISSIPPI, }  
*Coahoma County.* }

I, R. N. Harris, clerk of the circuit court within and for the county and State aforesaid, do certify that the above is a true and perfect copy

of report of inspectors of election held at Dublin precinct, beat No. 4, aforesaid county, Nov. 2, 1880, as is now in ballot-box on file in my office.

Given under my hand and seal of said court, at office, this 29th December, 1880.

[SEAL.]

R. N. HARRIS, *Clerk.*

For President:	
Winfield Scott Hancock . . . . .	22
For Vice-President:	
William H. English . . . . .	22
For electors for President and Vice-President:	
F. G. Barry . . . . .	22
C. P. Neilson . . . . .	22
C. B. Mitchell . . . . .	22
Thos. Spight . . . . .	22
William Price . . . . .	22
Wm. H. Luse . . . . .	22
Robt. N. Miller . . . . .	22
Joseph Hirsh . . . . .	22
For member of House of Representatives from 6th Congressional district:	
J. R. Chalmers . . . . .	23
For President:	
Jas. A. Garfield . . . . .	109
For Vice-President:	
Chester A. Arthur . . . . .	109
For electors for President and Vice-President:	
Hon. Wm. R. Spears . . . . .	109
Hon. R. W. Flournoy . . . . .	108
Dr. J. M. Bynum . . . . .	13
Hon. J. T. Settle . . . . .	109
Capt. M. K. Mister, jr . . . . .	109
Dr. R. H. Montgomery . . . . .	109
Judge R. H. Cury . . . . .	75
Hon. Chas. W. Clarke . . . . .	109
For member House of Representatives, 6th Congressional district:	
John R. Lynch . . . . .	109
I. L. Jourden . . . . .	37

W. W. SHELBY.

STATE OF MISSISSIPPI, }  
     Cochoma County. }

I, R. N. Harris, clerk of the circuit-court within and for the county and State aforesaid, do certify that the above and foregoing is a true and correct copy of papers purporting to be returns of election held on the 2d Nov., 1880, at Magnolia precinct, beat No. 1, aforesaid county; that they were in two separate sheets, and that both were marked on the back: "Judges, W. F. Rainey, Jack London, Jerry Jackson; clerks, A. J. Haynes, W. W. Shelby."

Given under my hand and seal of said court, at office, this 29th December, 1880; and also that aforesaid papers are in ballot-boxes now on file in my office.

[SEAL.]

R. N. HARRIS, *Clerk.*

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and Notary Public in and for the county of Adams, State of Mississippi.*

MONDAY, *January 31, 1881.*

Cross-examined by Capt. T. OTIS BAKER, counsel for contestee:

Myself and Clarence Johnston reside together. My understanding is, that at elections previous to 1880 the Republican member of the board of commissioners has been absolutely allowed the right to designate the Republican inspectors. My impression was that such was the custom and practice of the board. That is the impression under which I have labored, and I think that is the general impression. I was never present at any of the meetings of the board of commissioners when they were engaged in the selection of inspectors. I cannot say that the Republican member of the board had that right absolutely. I only judge from the result. I will state, however, that since the Democrats have been in power in this State there have only been two elections to which I have paid particular attention, namely, the election in 1876 and the election in 1880. In 1876 there was no complaint on the part of the Republicans of unfair treatment in the appointment of inspectors of election. In point of fact, I do not know whether changes may not have been made by the majority of the board in lists presented by the Republican member. I state as my opinion that the persons appointed to represent the Republicans in 1880 on the inspection boards were appointed agreeably to the desire and recommendation of the Democratic managers. By the Democratic managers I mean the leaders of the party in the county. I do not mean, necessarily, the Democratic executive committee, but those who are looked upon as leading members of the party, and are supposed to be influential in shaping the course and policy of the Democratic party. It is a mere surmise or opinion of mine that such a thing was done. I have no means of knowing, but the circumstantial evidence is pretty strong. Postmaster Fitzhugh is a resident of Natchez, and within the jurisdiction of the officer taking these depositions, and might have testified himself personally to the facts with which his name is connected in my examination-in-chief. I do not consider that Mr. Botsai, whose name I have mentioned, was merely resisting the pressure of the crowd behind him; I regarded him as an obstructionist as far as the colored voter was concerned. There was a crowd of both white and colored voters there at the time pressing towards the door with great eagerness to get in. I cannot say that the colored voters were endeavoring to get in ahead of the white voters. Mr. Botsai seemed to me to be in the act of preventing the colored voters from getting in in their regular order. He was engaged in pushing the colored men to let the white men get in ahead of them. I cannot say that the colored were trying to get in ahead of the white voters. The colored voters were trying to get in in regular order. I cannot say that the crowd next to the door was all white men; the crowd was very dense close to the door, and I saw several colored men, it appeared to me, close to the door when I was looking on. I cannot say whether there were white persons between them and the door. From the fact that the crowd was very dense and the voters admitted very slowly, it appeared to me that they were mixed in, some of each race. I think the pressure of the voters, when the door was opened, pushed this Mr. Botsai inside. The voters seemed to be mixed, some white and some colored. It appeared to me that the main force of the crowd pushed him inside. I cannot say that there were some white and some colored voters who got inside the door just at that time.

I was in the Jefferson Hotel voting-place several minutes at the time I speak of as having had a conversation with Mr. Wilson Wood. I went into the voting-room at the front door and out into the back yard, and found Mr. Maginty there, the peace officer that day. I sent some colored voters to follow the Democrats who had gone through the side door. I do not know the names of these colored voters, and none of them have been summoned here as witnesses in this case. I took down the names on this list of voters whose names appear on "Exhibit A." I wrote down about 200 of them that night immediately after the closing of the polls. The names in excess of that number were taken down subsequently. I think there are about 219 or 220 on that list. The names on this list are not written in the genuine signatures of the parties whose names appear on it. I wrote down the names of about 200 persons that night myself. I took down the name of each man as he presented himself, and had him touch the pen or make his mark. I think two of them wrote their own names. These names were taken down in a book, and these names, which I have on the list filed as Exhibit A, were copied from the book, but the names are the same as on that book. The original caption is copied on the list also. I cannot say, of my own personal knowledge, that all of the parties, whose names appear on that list, could not get access to the polls, but I took the word of each man who desired his name to be signed. The first 200 that I speak of on the list were there in person before the court-house, and presented themselves to me in person, for the purpose of having their names taken down as not being able to vote, for the reasons assigned on the list in the caption. I can only say they presented themselves for the purpose of voting, from what I saw and what they said. These men were there, and said they were there for that purpose; that is all I go by. They said they were there for the purpose of casting their votes for Garfield, Arthur, and Lynch, and that I believe. They also said, each one of them, they were prevented access to the polls, and that I believe. There were no other obstructions that I am aware of besides what I have stated in my examination-in-chief. The obstructions consisted of delay. When these statements were made to me by the several parties whose names appear on the list, these several parties were not on oath. These 200 persons were standing at or about the door waiting to be admitted to vote when the polls closed. I have compared that list with the poll-book of the precinct, and I find that the names of two on that list are checked on the poll-book as having voted, but their names are not on the list of voters as kept by the clerk. There is just a little check-mark beside their names, but the check-marks made on the poll-book are of different kinds, and seem to have been made by different hands. Some checks are made thus, "√;" some "v;" some "√;" and some "1."

The book I speak of is the one for the use of the inspectors, a copy from the registration book. The names of those two persons who are thus checked on the book are Wm. Jones and Abraham Loyd, whose names were checked thus, "1." On my list there are two persons named Jones—one is marked or checked as having voted on the poll-book—but no William Jones appears on the list of voters as kept by the clerk. I am unable to say whether Abraham Loyd voted there that day. I don't remember whether he presented himself to vote while I was in the polling-room that day. I don't remember the name at all. I don't know whether he is the same man who is alluded to in the deposition of Clarence Johnson. I have not the least recollection

on that point. I think that the check-marks on the poll-book are just as reliable as an indication as to whether or not a man has voted as the list of names kept by the clerk, as the clerk is quite as liable to write down the name of a man who did not vote as he is to check on the poll-book the name of a man who did not vote. I would not consider the checks on the poll-book as a reliable indication as to whether or not a man had voted, in all cases, as it is just as easy for fraud to be committed in checking off the names on the poll-book of men who did not vote, as it is in some other way. I am not aware that the election law of 1880 provides for checking off the names of men who have voted as an indication that they have voted. I think the law of 1880 provides for the keeping of lists of voters by the clerks, as an indication that men have voted. I do not think any entry is required to be made upon the book by the officers of election there, showing what these marks I found on the poll-book were intended to indicate, but these marks are usually made to indicate who has voted. I am not aware that the election law of 1880 provides for such an indication of a man's having voted. I do not know where the Henry Brown lives whose name appears on the second page of "Exhibit A." I cannot identify him. I did not look on the clerk's list of voters for Henry Brown or any other name which appears on that exhibit, whose names I found on the poll-book not checked as having voted. I did not find Henry Brown's name checked on the poll-book as having voted, but I found his name not checked as having voted. I have recently compared this list, Exhibit A, with the registration books of the Court-house and Jefferson Hotel precincts, and I find on that list the names of nineteen men who are not registered in either of these precincts. I find, also, on that list, the names of twelve men whose names are registered in Jefferson Hotel precinct, and whose names are not checked as having voted. The nineteen men who are not registered in either of the precincts, are:

Claiborne Dorsey,	Geo. Davenport,	Lewis Brooks,
Sip Overstreet,	Geo. Taylor,	Isaac Allen,
Joseph Brown,	Columbus Miles,	Charles Stewart,
Marshal Lewis,	Moses Rogers,	Prince Williams,
Henry Singleton,	Sam Bostick,	Gus Brennan,
John Smith,	John Winters,	Manselis Brama.
Charles Howard,		

The names of the twelve who are registered in the Jefferson Hotel precinct, and who were not checked on the poll-book as having voted, are: Jackson Jett, Anthony Bradley, Ben McDaniel (whom I supposed to be the same as Ben McDowell on the Jefferson Hotel poll-book), Thomas Toler, Ben Parker, Thomas Gallagher, Thomas Smith, Claiborne Norman, John Rusk, David Brown, James Williams, Sidney Reedy.

The following-named persons, whose names appear on Exhibit A, are persons whom I suppose to be registered voters in the Court-house precinct, although their names may be spelt somewhat differently on the poll-book: Robert Deamos, S. D. Young, Jessie Currie, Alfred Ross, Robert Furley, Robert Walter, Jack Dixon, Charles Smith, James Gibbons, Albert Gordon, Peter Brennan.

Benjamin Green, whose name appears on "Exhibit A," is a registered voter in that precinct, but I don't know now of any special reason why he did not vote there that day. I don't know whether he did



or did not obtain access to the voting-room, of my personal knowledge. I don't remember seeing any entry opposite his name on the poll-book. I do not know that he obtained access to the voting-room, and that his vote was challenged, and for that reason he did not vote. I don't know that the Henry Singleton whose name is found not to be registered is the same person as Harrison H. Singleton, who voted there that day. I do not know the latter, but am personally acquainted with Henry Singleton. I think Jake Benton is a registered voter in that precinct. I think David Brown is a registered voter also in that precinct. I did not notice those on that list who were registered in 1880 or prior to 1880. I do not know whether 45 or 48 of the persons mentioned on the list "Exhibit A" became registered voters in the year 1880. I cannot say how many of the registered voters in that precinct became registered voters in 1880. I cannot say, in point of fact, whether all the inspectors appointed by the board of commissioners in 1880 to represent the Republicans were Republicans. Some of them I am not personally acquainted with. I remember that in the case of George Washington, his affiliation with the Republican party had been questioned, but I had not personally heard the fact of others being Republicans questioned up to the time these appointments were made. The objection on the part of the Republicans was not so much to the individuals themselves as to the manner of their appointment. We did not object so much to the individuals, politically or morally, as to the principle involved. Some of the men appointed were entirely unexceptionable. It had not much to do with the capability of the men, but the complaint was made that the Republican organization of the county was ignored in the selection of inspectors; that was the chief ground for complaint. They were ignored in the selection of inspectors, and the Republicans felt they ought to be allowed to be the judges of the men to represent them. There might have been three instances, including George Washington, of men who were not in full affiliation with the Republican party. The fact that these men were not in full affiliation with the Republican party was not known to me until after their appointments. So far as I know myself, the others of the Republican inspectors appointed on the inspection boards were and are in good standing and affiliation with the Republican party, so far as I know. The three persons I allude to are George Washington, Henry Adams, and Duncan Holmes; but I will say that Duncan Holmes may be as good a Republican as any of the rest, but he was not the choice of the Republicans for this place. I don't wish to have anything to say about the acceptability, capacity, or fitness of any of the persons suggested by the Republican executive committee, but feel that it was an insult to the Republican organization of the county in ignoring their recommendations and refusing to appoint men whom they suggested.

The above reply is made in answer to a question propounded as to my opinion as to the fitness of the appointment of Mr. Winston Fitzhugh as an inspector at the Beverley precinct. Every ticket used by the Republicans in Adams County was precisely like, and printed in the same office in the city of Vicksburg, as those which were used in Warren County, except those which were used in the city of Natchez. I ascertained that the supply of tickets for use in this county had run short, and I had three thousand printed in this city, which were used in the city of Natchez. These were precisely like the others, with some little exceptions in point of typography. They were all the same kind

of tickets used in Warren County which were involved in the controversy there. I have been engaged in politics in this county since about 1867. I have been justice of the peace and member of the legislature. I held the office of justice of the peace in 1869, by appointment from Governor Ames, who was then military governor. I held that appointment for about seven months. I was elected to the legislature in November of that year, and re-elected in November, 1871. I was not a member of the constitutional convention; I was in the legislature two terms. I held the office of member of Congress for this district two terms. I have not taken an active part in every election in this county since 1867. There have been some canvasses, since I have been at home, that I did not take any active part in.

—JOHN R. LYNCH.

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and  
Notary Public in and for the county of Adams, State of Miss.*

Sixth witness.

CLARENCE G. JOHNSTON, being first sworn and interrogated by JOHN R. LYNCH, states:

My name is Clarence G. Johnston; I am 29 years of age, and a blacksmith by occupation. I reside in the city of Natchez, where I have lived all my life. On the day of the late Congressional and Presidential election I was at the Court-house precinct, in the city of Natchez, as United States supervisor of elections for that precinct. I arrived at the polling-place at nine o'clock in the morning. Before the polls were opened the inspectors opened the ballot-box and turned it upside down to show there were no votes in it, and then they commenced letting in the voters. There were fifteen or twenty whites came in first, and then some one or two colored; and then they began to let them in alternately—that is, one white and one colored; they did that for about an hour, and then there was a sort of a fuss at the door, and so one of the inspectors proposed to me that we let one white man at the back door and one colored man in from the front door. That rule, however, was not strictly observed, for sometimes two white men would be allowed to vote for one colored man. They voted at the rate of about twelve or fifteen an hour. The reason of the delay was that there were two challengers on the part of the Democrats, and each challenger would ask the voter questions substantially alike. This took a good deal of time, and went on for three or four hours. Later in the day, however, when they thought they could not get all the people voted, they began to ask the voters not so many questions. Mr. O'Brien, one of the Democratic challengers, wished to impress upon the minds of the voters that it was rumored that the circuit clerk had registered the names of voters without their having presented themselves for registration in person. He told most every one who came in that it was so rumored. It appeared to me that this was done to cause delay. In the evening they voted two about every three minutes, or something near that rate. Mr. O'Brien assigned, as his reason for questioning so many voters, the above report. After the polls were closed I asked him whether he had proved anything detrimental to the circuit clerk's character as registrar. Under the law, as I understand it, the duty of the circuit clerk is to add to the registration list the names of those who have be-

come qualified voters since the last election, and to change the names on the election rolls of those who had moved from one precinct to another. In answer to my question, Mr. O'Brien replied that he had not proven anything against the circuit clerk; that, perhaps, there was no such rumor out at all. The questions that were asked by the Democratic challengers were put to all voters, as a general rule, indiscriminately. The oldest citizens living here were asked these questions.

It is my judgment that a large number of these voters, both white and colored, were personally known to these challengers as legally qualified voters, about whose right to vote there could be no reasonable doubt. It is my judgment that these questions were asked solely for the purpose of killing time and delaying the voting. About five o'clock they began to vote them more rapidly, but they would vote a larger proportion of whites than colored. I spoke to one of the inspectors, Mr. Dicks, and he told me he was running this machine, and the voting continued in that way until the polls closed at six o'clock. I think there are a little over one thousand registered voters in that precinct, about 424 of that number being whites. I think there were about four hundred votes polled in that precinct on that day. I cannot remember the exact number of votes polled for Mr. Lynch, but think it was over 140. I do not know the exact figures; I put them down, but have not got them with me, and do not remember. I gave the figures in my report as U. S. supervisor. If there had been no obstruction and delay, I think all the voters in the precinct who desired to vote could have done so.

FRIDAY, *January 28, 1881.*

Cross-examined by Captain T. OTIS BAKER, counsel for contestee:

I am related by marriage to Mr. John R. Lynch, the contestant, by marriage with his sister. I was present at the Court-house during the count of the votes at the last election. The ballots as cast were fairly and honestly counted and returned by the inspectors to the commissioners. I have attended elections at that precinct several times before as an officer. I was there as United States supervisor at previous elections as well as this time. I never heard of any charge—there was no charge made that I recollect—of an unfair count at that precinct in 1876 or 1878. I cannot say whether there was a larger crowd present before the opening of the polls at that precinct last election day, than assembled at previous elections. There were about fifty persons inside before the polls opened who had to be cleared out. I cannot positively say that the statement I made in my examination in chief, that 15 or 20 whites came in first, and then a few colored, was due to the fact that the front of the crowd was composed exclusively of white persons. The crowd which was in the room before it had to be cleared, was composed of a larger number of colored people than of white. I did not observe the crowd outside just after the clearing of the room, and the closing of the door. I cannot say that I knew that any distinctions were made by the peace officers at the door between white and colored in admitting voters. I only know that they came in as I have stated. The proposal was made that the crowd be separated by assigning one door for the use of the whites and one for the colored voters, and that they be voted alternately from these two doors. That proposal was assented to, and the front or east door assigned to the colored voters and the western door to the whites. I could not count

the number of instances in which this agreement was broken by voting two white men to one colored. I cannot say the number of times, but it was frequently done during the day. I remonstrated with Mr. O'Brien about it during the day. It occurred in this way: Sometimes there would be a colored man admitted who was found not to be registered, and then a white man would be admitted from the opposite door and allowed to vote. This occurred, as nearly as I can recollect, three or four times that day. It occurred again, when Mr. McCabe, who was the officer at the door, admitted two white men at one time, and one would come up and vote and the other would be allowed to vote without a colored man coming in between them. This occurred two or three times during the day. It occurred also when a white man was admitted whose name could not be found on the registration-book, another white man was admitted after him without the alternation of a colored man. During the last hour there were sometimes three white men permitted to vote to one colored, and sometimes two white men to one colored, and sometimes one white man to one colored, but during this hour the voting was very rapidly carried on—the voter would merely give his name, and, his name being found, the ballot would go into the box. There was about an hour of that sort of voting, the last hour, as nearly as I can recollect. I cannot approximate or say in how many instances three white men were voted to one colored man during that hour. I cannot say in how many instances two white men were voted for one colored man during that hour. I think there were only one or two whites who presented themselves to vote that day, and were refused on the ground that they were not registered, so far as I can remember. I cannot tell who these white men were. I cannot tell exactly how many colored men presented themselves to vote and were found not to be registered, some three or four or five, maybe. There were more colored men than white men. This is all I can remember. I made objections when I saw more white men being admitted to vote than colored, under the agreement. I made objections to the admission of colored voters at the door which had been assigned to whites. There was one instance of a colored person coming through the door which had been assigned to whites.

There was another instance of an attempt to let in another colored person at that door, but he was not permitted to come in. I made objection. The colored man who did get in voted a Democratic ticket. As I have stated, the east door had been assigned to the colored voters, and the west door for the admission of the whites. Both doors were kept fastened by bars. I was there in the capacity of United States supervisor. Mr. Patrick Foley was the Republican inspector at that precinct. Mr. Lewis J. Winston, the circuit clerk, was, under the election law of 1880, the person who registered voters for Adams County. Mr. Winston is a Republican; I think he is. There was only one Republican challenger there that I know of, but I got Mr. Dicks, one of the inspectors, to permit Mr. John R. Lynch to be in there to act as challenger the latter part of the day. Mr. A. Neuburger was the other challenger. I cannot tell what time Mr. John R. Lynch arrived there that day, but I think it was about 11 or 12 o'clock. I cannot tell how many white Republicans voted at that precinct that day. I cannot tell how many white Republicans there are in that precinct. I do not know the white Republicans in that precinct. I can remember Mr. Neuburger voting as a Republican, but I cannot remember any other.

I do not know how many colored persons voted there that day; I cannot distinctly state. There were some youthful colored persons presented themselves there to vote that day, but I do not know whether they were registered in 1880 or not. There was a small number of persons, some three or four evidently of full age, who were new-comers to the county, and presented themselves to vote there that day for the first time in the county. I do not remember that there were any persons of mature age who had been voters in the county and presented themselves at that precinct to vote at that precinct for the first time. I do not know that there was any colored person who presented himself there who was improperly refused the right to vote; but there was one man presented himself there, and, after he was refused, he was told that he could vote, but that he would be held responsible for so doing. When asked where he lived, he said he lived on Mr. Giles's place. Mr. Giles's place is in the Jefferson Hotel precinct. I think this man's name was Abraham Loyd. There was a discussion concerning this man's right to vote between the officers on the Democratic and the Republican sides. I think it was claimed by the officers representing the Republican party that this man had a right to vote at that precinct. It was claimed by the officers representing the Democratic party that he had not the right to vote at that precinct. Mr. John R. Lynch was present at that time. The man was first informed by reading the law from the State code of 1880 to him, and it was left to his option whether he would vote or not. Mr. Dicks told him the law had been read to him; he could vote if he thought proper, but he would be held responsible. Mr. Lynch did not urge the man to vote, but told him he could vote if he wanted to, and that he (Mr. Lynch) would stand by him and see that there was nothing done to him. Mr. Lynch was present when the law was read to this man. The man still hesitated after this assurance from Mr. Lynch. I left him standing by Mr. Lynch. I had my hands full to attend to the door. I think Mr. O'Brien challenged this man's vote just as soon as his name was found on the books. The questions were asked at that time. After that Mr. O'Brien formally challenged his vote. I do not remember that the inspectors told him they would allow him to produce further evidence as to his place of residence. Mr. Dicks told the man he would be allowed to vote, but he would be held responsible. The man went off without voting. He was not prevented by force or violence from voting. The man hesitated, and finally left the room without voting. He did not return to my knowledge. I saw him no more that day. There were no other colored persons who presented themselves there that day, and were found to be registered, who were refused the right to vote. I did not hear of any rumor prior to the election that persons had been improperly registered according to the election laws of 1880. I did not hear of any rumor that persons had been improperly registered by the circuit clerk without presenting themselves to him, but had been registered by the circuit clerk from lists sent up to him.

Q. Were not the questions which were propounded to persons on that day—to youthful-looking voters—were they not asked as to their age; when they were registered; whether they were registered in 1880 for the first time or previously; and if they answered in 1880 for the first time, were they not asked whether they appeared in person before the circuit clerk, or whether their names were sent up by list to the circuit clerk without their appearing before him in person?—A.

Yes; other questions were asked of these persons—where they lived; how long they had been living there; where they lived before they moved to that place; and how they knew they were of age; and if a person answered, from his mother, who had told him, he would sometimes be asked, how his mother knew. I cannot recollect any other questions which were propounded to that class of voters. There may have been other questions, but I cannot remember them.

Q. Were not the questions which were propounded to persons of mature age, who were new-comers in this county, the following: How long they had lived in this county, where they were living when they were registered; and if they answered that they were registered in 1880, whether they appeared in person before the circuit clerk, or whether their names had been sent up on lists without their appearing before him in person; and where they had resided prior to their coming to this county?—A. Yes; and they would sometimes ask them whether they had voted in another State in 1880, or not. They would ask them how long they had been in this State. There would be other questions asked sometimes, but I cannot recollect them. There were no other questions asked of this class of persons that I can remember.

Q. Were not the questions propounded to other classes of voters other than these two classes, the following: When they were registered, whether in 1880 or previously; and if they answered that they were registered in 1880, whether they had appeared in person before the circuit clerk for the purpose of registering, or had sent their names up for registration to the circuit clerk without appearing before him themselves?—A. Those questions would be propounded to all the voters. They would ask them whether they voted at the election for sheriff in this county in 1879. And the voters would, some of them, say "No;" and they would ask them why they had not voted at that election. The voters would say they did not care to vote then, and the challengers would say they thought it strange that persons living in the county did not vote at that election. They would ask them other questions, but it would take a mighty good memory to remember all the questions asked. The questions that were propounded to voters did not always vary according to the answers given to previous questions. I cannot say that the registration-books which were used at the election of 1880 were the same books, with the addition of a few names, which were used at the sheriff's election in 1879, but I think they were. When voters were asked whether they had voted at the sheriff's election in 1879, and said they had not so voted, they were asked whether they were registered at that time or not. There had been considerable interest taken by voters of all classes in the sheriff's election in 1879. There had been as much interest taken in that sheriff's election by all classes of persons as is usually taken in any election except a Presidential election. I did not look over the registration-book at any time during the day of the election of 1880. I did not examine it at any time before the day of election. I looked at the registration-book the day of my examination-in-chief to see the number of voters registered in the precinct—just a casual glance. That was the registration-book, which was in use at the Court-house precinct by the inspectors the day of election. I did not look sufficiently at the book to see, and cannot say whether that book shows by the entries at what dates voters were registered; I did not observe anything of that kind in the book. There was a great crowd of persons at the east

door waiting an opportunity to vote, and they seemed very anxious to vote. I had to go to the window several times and tell them we would let them in as quickly as the challengers got through with the voters. The reason why I had to go to the door was that they were crowding and vicing one with another to get in, and I counselled patience, and told them that only one could get in at a time. At times the people would be crowding and pressing against the door, and it was hard for the peace officers to loose the door in consequence. The object of my going to the window was to advise them not to press so hard against the door.

At the Lynch-Chalmers election of 1876 I don't remember whether Mr. Lynch got a majority at that box; I did not stay there to see the count. When Mr. Castello ran against Mr. Chalmers in 1878 I do not know who had a majority at that box; I was not there during the day at all.

Re-examined by Mr. JOHN R. LYNCH:

With regard to these questions which were propounded by the challengers to the voters, it was clear to my mind that these questions were asked with the intention of confusing the voters and not to obtain information. As a rule these questions were propounded to all voters without regard to classes. In regard to the sheriff's election of 1879, I cannot remember whether the vote was unusually light or not.

CLARENCE G. JOHNSTON.

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace  
in and for the county of Adams, State of Mississippi.*

Ninth witness.

PATRICK FOLEY, being first sworn and interrogated by Mr. JOHN R. LYNCH, states:

My name is Patrick Foley; I am 39 years of age; I am a carpenter by occupation, and reside in Natchez, where I have lived something over 30 years. On the day of the late Presidential and Congressional election I was at the Court-house precinct as one of the inspectors of election. The polls were opened there about 9 o'clock, and the voting commenced. Up to about 11 o'clock only the front or east door was used for the admission of voters. Afterwards it was suggested by Mr. O'Brien to admit one colored man from the front or east door and one white man from the west or opposite door. This proposition was agreed to. The suggestion was that they be admitted alternately. Sometimes one would go in and his name would not be found on the poll-book, and another man would be brought in at the same door in his place. Sometimes they would take a colored man in the place of the colored man who had passed out and sometimes they would not. In the forenoon the voting was conducted very slowly, but at about 4 o'clock, or a little after, they commenced voting pretty rapidly. The cause of the delay in the forenoon was interrogations propounded principally by Mr. O'Brien, the Democratic challenger, which consumed much time and occasioned the principal delay. I cannot say exactly the rate at which votes were polled during the forenoon, but perhaps about 20 or 25 an hour. In the afternoon votes were polled at the rate of perhaps 35 or 40 an hour. I don't remember the nature of all the ques-

tions asked, but, among others, voters were asked where they lived; when they were registered; whether they were registered by the circuit clerk, Mr. Winston, or some one else; whether they presented themselves in person, or whether they sent their names in; how often they had voted, and so on. These questions, as a general rule, were asked all voters, without regard to color or party. A majority of the voters were old resident citizens, whose right to vote had never been disputed or reasonably questioned by any one. My judgment is that these questions were asked merely to delay time. I think the number of voters registered in that precinct is about 1,000 and three or four. I think 474 votes were polled that day, but I am not certain of the exact figures. I know of my own personal knowledge a good many voters in that precinct who did not get to vote that day in consequence of this delay. I think, if the voting had been conducted as rapidly in the forenoon as it was in the afternoon, all the voters who desired to vote could have done so by 6 o'clock. I don't remember now how the votes that were polled stood as between Mr. Lynch and General Chalmers.

FRIDAY, *January 28, 1881.*

Cross-examined by Capt. T. OTIS BAKER, counsel for contestee :

I do not know exactly how many white voters voted before the arrangement was made for alternate voting, but it may be about 15 or 20. There might have been more than that. I do not know how many colored people had voted by that time, but there were more whites than colored coming in at that door. I was one of the inspectors there, and as inspector signed the return from that precinct. The votes as cast were fairly and honestly counted by the inspectors and commissioners. After the arrangement was made I only recollect one or two instances of two whites voting to one colored voter, and that was when a white man was brought in, and his name not being found, prevented him from voting, another white man was brought in in his place when he was passed out. At the time of the closing of the polls there were a good many white men, whom I know myself, waiting there for an opportunity to vote and could not do so. I remained there throughout the time of voting and during the count.

PATRICK FOLEY.

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and Notary Public in and for the county of Adams, State of Mississippi.*

Fifth witness.

A. NEUBURGER, being first sworn and interrogated by JOHN R. LYNCH, states:

My name is A. Neuburger; I am 37 years of age, and a merchant by occupation. I reside in Natchez, and have lived in the county of Adams about nine years. On the day of the last Congressional and Presidential election I was at the court-house precinct polling-place all day. I was challenger on the part of the Republican party. I was a little unwell in the morning, but I got to the polling-place 10 or 15 minutes after nine o'clock; that is, after the polls were opened. When I came into the court-house yard I looked towards the front entrance to the court-house and I saw a large crowd, supposed to be voters,



jammed at the door, and the bulk of those in front of this crowd were all white men. I went in at the back door, and the officer at the door asked me what I wanted; I told him that I was challenger on the part of the Republican party, and he let me in. When I got in some had already voted, I don't know exactly how many because I did not look over the list and kept no tally, but for about an hour or two there was nobody let in except at the front door, and all those who were let in during that time were white men. I don't know what votes they voted, but I suppose they voted the Democratic ticket. I don't know how many, but I suppose that during that time they voted about 30 in two hours. I went off to a chair inside of the bar, and I laughed to myself as to the *modus operandi* in which they were carrying on the election. I did not say anything then, but afterwards I went to the U. S. supervisor, M. Johnston, and I told him in his ear, "at the rate they are voting half of the voters will have to go home without depositing their ballot." Then, about eleven o'clock, as nearly as I can judge, Mr. O'Brien, the challenger for the Democratic party, whether from his own motive, or by prompting from somebody, I am unable to say, asked the supervisor and myself if we were satisfied. They then let one white man in from the back door and a colored man from the front door. I said it made no difference to me. Every voter was asked questions, whether he happened to be an old citizen or not—questions that I never heard asked at an election as long as I have been a voter. Sometimes one Democratic challenger would take him and then turn him over to the other Democratic challenger, for they had two challengers on the Democratic side. It took them sometimes ten or fifteen minutes asking men, who have been citizens here all their lives, all sorts of questions. On my own part I think it is prudent not to ask any questions of voters that I know are voters, and are registered as such. During the whole day I only questioned two young men, whom I thought looked quite young, whether they had ever voted before.

Between four and five o'clock, Mr. O'Brien got mighty busy trying to get the votes all in. I don't know from what motive, but he halloed to the peace officer at each door to let them come in as fast as he could. When the polls closed, to my own knowledge, and to the best of my judgment, there must have been between three and four hundred voters who did not vote at all—probably more—and the majority of these colored. In fact, during the day some of the voters would call me to the window and ask, "What is the matter that we have to wait so long and cannot get in to vote?" And I told them "it was a sort of a slow business, and I had no control over it." The suggestion of Mr. O'Brien that one white and one colored voter should be admitted alternately at different and opposite doors was agreed to. I do not think it was strictly observed, however, during the day, for sometimes two white men would vote for one colored man. There were two challengers acting for the Democrats—Mr. O'Brien and Mr. Koontz—and sometimes, in the absence of one of these gentlemen, Mr. Baker or Mr. McCrae would act. When one challenger would get through with a voter, he would turn him over to the other, and as a general rule would ask them a great many questions, and would sometimes interrogate colored voters more closely. My judgment is that these questions were asked for the purpose of delay, and should judge the vote proceeded at the rate of 15 to 20 an hour until about four or five o'clock in the evening. After that hour they would

sometimes hardly ask any questions, and let the voters in at the sheriff's door. I know there were three or four waiting behind one another to vote at this time. And perhaps they voted at the rate of 40 or 50 an hour after five o'clock. I think the registered vote in the Court-house precinct exceeds seven or eight hundred; I do not know exactly; I have seen the figures, but I have forgotten. I think there was over 400 and some odd votes polled on that day and at that precinct. I think the Democrats polled more votes than the Republicans, but don't remember how many. If the voting had proceeded as rapidly during the day as it did during that last hour or so, I think every man in the precinct who desired to do so could have voted. In that case I think the Republicans would have had a large majority.

MONDAY, *January 31, 1881.*

Cross-examined by Capt. T. OTIS BAKER, counsel for contestee :

I was occupied during the day of the election at the voting place at the Court-house precinct, as challenger for the Republicans; I was the regularly-appointed challenger, but Mr. John R. Lynch also acted as challenger during the latter part of the day. Mr. Lynch asked, or permission was asked for him, of the inspectors that he should be allowed to act as challenger, and he did so act at times. I have attended previous elections at the Court-house precinct, and have been a voter in that precinct for three years. I arrived there, on the day of the last election, soon after the polls were open. So far as I know, the ballots cast at that precinct that day were fairly and honestly counted and returned by the inspectors to the commissioners. The fact that a number of white men were voted first, when only one door was used, was due, I suppose, to the front of the crowd outside being composed of white men. I do not mean by the use of the word "prudent," in my examination-in-chief, to imply that I was in any danger of personal violence, but merely that I did not consider it necessary to ask any questions of voters whom I knew to be voters and registered as such. After the west door had been assigned for the entrance of the whites, there were, I think, some instances of voters presenting themselves to vote who were not registered. There were some instances of youthful-looking colored persons presenting themselves to vote who were registered, I think, for the first time in 1880, but I cannot recollect that there were any whites of this class. I don't recollect the number of new-comers to the county, persons of mature age, who presented themselves to vote and had been registered in the county for the first time in 1880, but there were some. I was present there from the time of my arrival throughout the time when the voting was going on, except sometimes that I would step out a few minutes when Mr. Lynch was there, but I was not gone any length of time. There were several instances in which two white men voted to one colored man, but I cannot tell exactly how often; I can only say that it occurred in several instances. If that process of admitting two white men to one colored man had been kept up for one hour during the day I would have paid more particular attention to it, and would not have spoken of it as having occurred in several instances.

ANSELM NEUBURGER.

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and Notary  
Public in and for the county of Adams, State of Mississippi.*

## SEVENTH DAY.

Twenty-second witness.

WEDNESDAY, *January 26, 1881.*

Before Hon. H. C. Griffin, mayor of the city of Natchez, *ex-officio* justice of the peace and notary public in and for the county of Adams, State of Mississippi.

Present: Capt. T. Otis Baker, counsel for Gen. James R. Chalmers, contestee; also John R. Lynch, contestant.

WILLIAM NOONAN, being first sworn and interrogated by Mr. JOHN R. LYNCH, states:

My name is William Noonan; I am 37 years of age; and my occupation is deputy collector of United States revenue. I live in the city of Natchez. I was in the city of Natchez on the day of the Congressional and Presidential election held on 2d November last. I was appointed deputy United States marshal, and served as such that day. My instructions were that my duties would only consist of serving processes issued by the United States commissioner or the United States court. I was particularly charged not to interfere in any way with voters or the election. I was appointed for the Court-house precinct. I was not present at the court-house at the opening of the polls, but got there 15 or 20 minutes after the polls opened. There was but one door through which voters were allowed to enter, and after awhile, I cannot state how long, another door was opened. One door was reserved for the whites, the other for colored voters. I tried to vote myself at the door set apart for the whites, but failed to get in to vote. I remained at the court-house until the close of the polls. I cannot say as to the rate the votes were polled, but I know it was very slow from the rate at which the voters were allowed to enter. According to my belief I believe there was a large number there who, like myself, could not obtain an opportunity to vote. I was not inside the voting-room at any time during the day.

Cross-examined by Capt. T. OTIS BAKER, counsel for contestee:

I would not consider that there were a large number of whites waiting to vote when the polls closed, but there was a considerable number there; probably there might have been 20, at the vestibule in front, but there were a number passing backwards and forwards in the crowd. I saw more than that number there about an hour before the polls closed, jammed in, but I took it for granted that most of them had voted. There was a United States commissioner in Natchez on the day of the election. There were no writs for arrest issued that day to me from either the United States commissioner or the United States court—none at all. I cannot say whether there were more than 20 who had been there during the day and had not obtained an opportunity to vote. I cannot remember positively enough to swear to what the results of previous Congressional elections at that box were.

WM. NOONAN.

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and Notary Public in and for the county of Adams, State of Mississippi.*

## First witness.

WILSON WOOD, being first sworn and interrogated by JOHN R. LYNCH, states:

My name is Wilson Wood; I am 36 years of age, and a storekeeper by occupation. I reside in Natchez, where I have lived ever since the war. On the day of the recent Congressional and Presidential election I was United States supervisor at the Jefferson Hotel precinct in the city of Natchez, and was present at that precinct. From my own observation, I can say there was unfairness in the election there, inasmuch as one party was allowed access to the polls, and the other party was not allowed access until late in the day. The Democrats were allowed access, but the Republicans were not allowed full access until late in the day. About eleven o'clock in the day, with perhaps one or two exceptions, only one or two Republicans got in and had voted. When most of the Democrats who were present had voted, the Republicans were voted so slowly that I think not more than half of them got an opportunity to vote. It had been arranged that the voters should come in at the back door at the Jefferson Hotel and go out at the front. I saw during the morning that the Republican voters were obstructed, and I went to one of the election officers and told him about the obstruction, and they promised that different arrangements would be made. I had occasion to go outside and into an alley which leads to the rear of the Jefferson Hotel, and I found that the gate which leads into the back yard of the hotel from the alley was closed and an officer there. I think it was Mr. Hugh Maginty; I believe one of the regularly-appointed peace officers. That alley was crowded with Republican voters; while in the yard and at the door of entrance into the voting-room, and inside that door, were the Democratic voters in mass. I cannot say of my own knowledge that there were other means of admission into the yard than through the alley, but there were other means of admission into the room. The Democrats were admitted into the room by three different ways, if I recollect, and the Republicans were kept in the alley-way until late in the day, when some of the Republicans protested against the manner in which they were treated, and they were allowed to go in at these different places which were objected to in the first place, and where other voters had gone in. After being admitted in to vote, slowness in hunting for names, two or three times through the book, when they were in some instances very easily found, occasioned delay. It seemed as if it was the purpose of the inspectors to be just as slow as possible in the whole routine of the business in hunting for men's names, in putting them down, and everything connected with it. I do not think they voted, according to my judgment, more than seven or eight an hour. That method was continued from the time when the bulk of the Democrats had cast their votes until the polls were closed. They voted more rapidly in the morning. I believe it was a plan arranged to operate to the advantage of the Democratic party and to the disadvantage of the Republicans. I cannot say that I know the number of voters in the Jefferson Hotel precinct, but I think the whole vote as registered is about eight or nine hundred. I cannot say that I know the proportion between white and colored voters, but the Republican voters are in the majority; how many I cannot tell. I think there were from five to six hundred votes polled there that day. I did know the exact number, but cannot recol-

lect precisely just now. I think there were twice as many polled for Chalmers as for Lynch. Mr. Lynch got 192 and General Chalmers four hundred and something, but I do not recollect the exact figures. But for this delay and obstruction, I am satisfied the Republican candidate would have carried that district according to the usual Republican majority in that district.

WILSON WOOD.

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and  
Notary Public in and for county of Adams, Mississippi.*

THURSDAY, January 20, 1881.

Recalled by Mr. JOHN R. LYNCH and interrogated, states:

I ascertain that the number of registered voters in the Jefferson Hotel precinct was 891, and of that number, on the day of the late Congressional election, there were 292 polled for General Chalmers and 192 for Lynch. There may, however, be a difference of one or two one way or the other in these figures. As I stated yesterday, the voting was conducted very rapidly in the morning, when the voting was confined principally to the Democrats. On the average, taking the whole day through, there would be 64 to 65 votes an hour polled. It would depend sometimes upon the politics of the voters how rapidly they were voted. I think there were more votes cast from nine until twelve than there were from twelve until six, when the polls closed. I am satisfied of that. The statement I made yesterday with regard to votes being polled at the rate of seven or eight an hour would apply to the Republican votes which were cast in the afternoon near the close of the polls, and not to the whole day, for the bulk of the Democratic vote had been polled by about 12 o'clock, up to which time very few Republican votes had been polled, perhaps not more than a dozen or fifteen. Up to 12 o'clock the voting proceeded quite rapidly. I think I can positively say that up to 12 o'clock they voted more rapidly than the average I have given above for the whole day—namely, 64 to 65 per hour. The bulk of the Republican vote at that precinct was polled from after 12 o'clock until the closing of the polls, during which time the process of voting was very slow.

Cross examined by Captain T. OTIS BAKER, counsel for contestee:

I think the votes cast at the Jefferson Hotel precinct were fairly and honestly counted. I am positive that 192 colored men voted at that precinct on that day, because I kept count as they went in. There may have been more; I might have missed some. I will not be positive there were no more than 192, but I am satisfied of that number, having, as I have stated, kept the count. Several times I had occasion to go out of the room, and some might have voted while I was away. The result of the election, as certified by the inspectors and returned by the commissioners of election, was in accordance with the count at the Jefferson Hotel precinct. I would not say there was as many as 225 or 230 colored men who voted at that precinct on that day, and I cannot say that number did not vote. The different passageways or avenues other than the regular route which had been provided for the voters were not used until late in the day, for there was no cause to use them previously. In the morning all the Democrats were

massed at the provided entrance, but when the bulk of the Democrats had been voted, then this passage-way that had been occupied by the Democrats in the morning was taken by the Republicans; consequently, the Republicans, later in the day, had possession of the ground occupied by the Democrats in the morning. It was after twelve o'clock when the Democrats began to come in at different ways—from that on until very late in the evening. Republicans began to come in by the same routes the Democrats had done. After myself and others had protested against one class of voters being allowed to come in by these different ways, and another class not allowed to do so, the Republicans were allowed to come in by these different entrances. The front door was arranged as a means of exit from the voting-room. The back door had been provided for the voters to enter at, the front door for those to go out at who had voted. Republicans, as well as Democrats, were, in some instances, permitted to come in at the front door; preachers and men who were old and crippled had that privilege. Both classes, both white and colored—no distinction was made in that class of persons between white and colored—were allowed to enter at that door. I spent the whole day at the polls at the Jefferson Hotel precinct, but I had to go out of the polling-room occasionally. I had the privilege of inspecting the registration-list at any time. I do not know of any one instance in which a Republican voter whose name was on the registration-book was denied the privilege of depositing his ballot. Gen. Chalmers received that day at that election, I think, 294 votes. I don't know how many white persons voted for Mr. Chalmers. I cannot say whether more than 260 white persons voted at that precinct on that day. I cannot say whether Mr. McCary had the same access as myself to the registration-list. I do not know his duties. I do not know any instances in which he was refused access to the registration-list. I kept some sort of a tally-list of what I supposed to be Republican voters as their votes were cast. I know pretty nearly every man in the city and in the county, and I know pretty well how they have voted since they have had the privilege of voting; and I know also that at the last election the Republicans were united. In keeping my tally-list, I did not assume that every colored man necessarily voted the Republican ticket. I cannot say really that I know that some colored men voted the Democratic ticket, but I am pretty well convinced of three that did, and I would not be surprised if there were a lot more that voted the Democratic ticket. I do not know of an instance of a white man who was not registered being permitted to vote. I know there are some white Republican voters in that precinct. There was no breach of the peace or disturbance that day at the polls.

Every voter who voted that day, voted fairly and freely, with the exception of a great many unnecessary questions being asked them. I saw nothing like any attempt to drive men away from the polls, or anything of that kind. It was not an unusual thing for a large crowd of voters to assemble at the voting-place at an early hour in the morning. The entrance to the voting-place had never been used as such until this last election. It had been customary for the voters to assemble in crowds before the polls were open and then pass in to vote. A crowd of colored persons were present at the usual entrance to the polls at as early an hour as any other polls on the day of the late election. It seems that the entry to the voting room from the back way was unknown at first to the colored people. Before the polls were opened, no proclamation was made by the inspectors, designating the

place for entrance for the voters. I heard the proclamation made. Hitherto at previous elections a crowd of colored persons have assembled at the polling-place early in the day and occupied the ground and voted first. This time the whites got the ground at the entrance to the polling-room. When the front door was the mode of entrance to the polling-room, I think the back door was the outlet; that door leads into the alley-way. The crowd stood on the pavements hitherto, and went out through the alley-way. At this election the alley-way was designated as the point of entrance and the voters came out at the front door. When the polls were opened I was inside the room. I listened to the proclamation as made by the inspector. My hearing is not, that I know of, in any way inferior to or better than that of Mr. William J. Henderson, who has testified here. I cannot say that my memory is likely to be more accurate than his. Mr. Henderson is a reliable person and worthy of belief. I think that there were two or three Republican voters admitted into the voting-room at a time. I cannot say that a larger number of whites were admitted at one time when they were admitted by the inspectors. There was crowding and considerable pushing at the back door from those who were behind—good-naturedly, of course. During the intervals between the admission of different lots of voters the back door was locked as I suppose; it was certainly fastened.

Re-examined by Mr. JOHN R. LYNCH:

The tally-list that I spoke of and the final count tallied pretty nearly. I kept tally only of what I supposed to be Republican voters, and the final result was nearly like my tally. It is true that, at all previous elections in the city which I have attended, all voters obtained an opportunity to vote, except at this last election. I feel positive and sure that when the inspectors made the proclamation about opening the polls, they did not designate the entrance.

Cross-examined by T. OTIS BAKER, counsel for contestee:

Registration is something I never paid much attention to, and I cannot say whether the registration this year is larger than that of last year. The time for voting under the present law is shorter than that under the late law. I cannot answer as to how many challenges were made to colored people that day, nor as to how many questions were asked concerning their right to vote. There were a good many questioned, but I cannot say how many; half the voters might have been questioned, but I do not know how many. Old citizens were questioned, men whose right to vote had never been questioned before. They were questioned about when they registered, when they had voted last, and in some instances who they had voted for. I do not think the last question was put to a voter by way of identifying the election at which he voted, when unable to say when he voted last. I do not know whether the registration-books showed the date on which persons had registered. I have seen the books, but I have never examined closely enough to see whether they show the date, but I have helped the inspector to look for names. If a voter had registered in 1880, I do not know whether the book would show it or not.

WILSON WOOD.

HENRY C. GRIFFIN,

*Mayor of Natchez, ex-officio Justice of the Peace and Notary  
Public in and for the county of Adams, State of Mississippi.*

## Second witness.

WILLIAM McCARY, being first sworn and interrogated by JOHN R. LYNCH, states:

My name is William McCary; I am 50 years of age; I have resided in Natchez, where I now live, all my life. I am not at present engaged in any business. I have been a member of the board of aldermen in this city, treasurer of the county of Adams, and sheriff of the county of Adams. On the day of the Congressional and Presidential election, held on the second day of last November, I was present at the polls of the Jefferson Hotel precinct as challenger on behalf of the Republicans. It was very evident to me, on that day, that to obstruct and delay was the programme of the officers conducting the election. I noticed that the Democrats got access to the room where the ballot-box was with great ease and facility, which was not the case with the Republican voters. The Democrats got access to the room from the rear; they got access to the room from a pair of stairs inside the room where the election was held, running from the lower into the second story. They came down from that direction. They also were admitted from the front door. The Republican voters were admitted from a door in the rear, and they were admitted five at a time. The door was kept locked, and whenever they admitted Republican voters, from three to four of the officers conducting the election went to the back door, and it was hideous and disgusting, apparently like admitting a lot of wild animals into the room. My description refers to the manner and method of admission. I discerned this difference at the box, that whenever a Democratic voter presented himself, his name was very readily found, which was not the case with Republican voters. They consumed considerable time in finding the names of Republican voters, which was not the case with Democratic voters. And there was another very patent fact, that there was no Democratic voter on the ground but his name was to be found in the book. No one was refused on that ground. I saw a great many Republicans rejected whose names could not be found in the book. I think there was no necessity in consuming so much time in looking for men's names. It was very evident that delay was the leading card. To the best of my recollection, in the forenoon, when the Democracy were voted chiefly, they voted very rapidly; they got through expeditiously and quickly. But later in the day, in the afternoon, when there were more Republicans voted, the process was slow. The bulk of the Democrats had been polled in the forenoon; late in evening they rallied because of instructions given. I heard instructions given by inspectors to send for certain Democratic voters to come up and vote. I presume those who were sent for came. I could not hear the names called of those who were sent for. But for this obstruction and delay there would have been a very large Republican majority, for there was a number of Republicans who remained during the day and could not get access to the polls. By a Republican majority I mean Mr. Lynch over General Chalmers. The number of the registered vote in the Jefferson Hotel precinct is, I think, about eight or nine hundred, but I do not know exactly. I do not recollect now how many votes were polled at that precinct at that election. I know of my own personal knowledge some 120 or 121 Republicans who were prevented from voting, who were there desirous of voting all the time the polls were opened, and who would have voted for Garfield, Arthur, and



Lynch, and were not allowed to do so. I took down a list of the names of these persons, and have the list with me. Witness here handed in the list referred to, and files same herewith as part of his deposition, identifying same with his signature and the words Exhibit A written on the back thereof:

## EXHIBIT A.—WM. McCARY.

STATE OF MISSISSIPPI, )  
County of Adams. )

NATCHEZ, November 2, 1880.

We, the undersigned Republicans of the Jefferson Hotel precinct of Adams County; do certify that we presented ourselves for the purpose of casting our votes for Garfield, Arthur, and John R. Lynch, and were prevented access to the polls in consequence of obstructions.

Henry Clay,	Losson Madison,	Burl Lewis,
James Payne,	George Banks,	William Ogden,
Isaiah Brown,	John Crawford,	John Fleming,
Eustis Roberts,	George Bright,	William Shaw,
Robert Williams,	Fielding Hudling,	Noel Brown,
Charles W. Emery,	Calvin Robinson,	Louis Givings,
Andrew Morgan,	Jeremiah Cochran,	Frank Green,
Henderson Williams,	George Dillman,	Abram Willis,
Richard Dorsey,	Nick Plummer,	Anderson Valentine,
Edward Jones,	Moses Harris,	Nelson Hockins,
George Topp,	Stephen Clawson,	Drew Epps,
Sheppard Minor,	Robert Ouslem,	Benj. Williams,
Allen Swan,	Sanford Thomas,	Isaac French,
Henry King,	Paul Evans,	Harry Braxton,
Henry F. Neal,	Henry Weathers,	Anthony Green,
John Evans,	William Jefferson,	Allen McIntyre,
Joseph Collins,	Frank Lewis,	Elijah Hall,
William Gordon,	David J. Stevens,	Lloyd Taylor,
Charles Ramsey,	Alex. Brown,	John McHolland,
David Stevens,	Albert Rankin,	Wesley Campbell,
Andrew Williams,	Randal Carter,	Aaron C. Montgomery,
Joseph Steward,	Charles Woodford,	Jake Ferguson,
Henry Dorsey,	Clay Burns,	Peter Mason.
Jonas Evans,	Joseph Johnson,	Adam Barber,
Washington Lewis,	John A. Barland,	Cummings Clark,
William Henderson,	Monroe Napier,	Moss Banks,
Peter Duffin,	Babbit McDowell,	David Chew,
N. G. Simmons,	Jack McJoy,	Sam Lewis,
Levi Haughton,	Horace Beverly,	J. C. Richardson,
John Carter,	Charles Black,	Robert Thompson,
Moses Reed,	A. Ramsey, sr.,	Nelson Young,
Nelson Dixon,	Andrew Butler,	Frank Bowen,
Frank Thompson,	William Thornton,	Dudley Sullivan,
Henry Jackson,	Charles Anderson,	George Brown,
Ralph Williams,	Lewis Carter,	John Caldwell,
Joseph Brauson,	John Washington,	Hugh Thomas,
Joseph Harrison,	Tony Mosby,	Robert Holmes,
Henry Johnson,	Willis Clay,	Jerry Brandy,
George Washington,	Mack Emmerson,	Daniel Robinson,
I. H. Evans,	Dennis Williams,	Major Dishroon.

I do not think that the list includes the names of all the Republicans who presented themselves to vote during the day, but who were prevented from voting in consequence of this obstruction and delay. This list embraces the names of only those who were there when the polls closed.

THURSDAY, *January 27, 1881.*

Cross-examined by Capt. T. OTIS BAKER, counsel for contestee:

I do not know that the votes at the Jefferson Hotel precinct were counted fairly and honestly, as cast, for the reason that I only remained at the voting-place ten minutes after the polls closed, and did not return. I cannot say positively that I had access to the registration-book on the day of election; I made no application at any time for an opportunity of examining the registration-book during the progress of the voting; consequently the privilege of doing so was not denied me. I know of only one instance, to my recollection, in which a colored person, who was registered and presented himself, was denied the right to vote. The entry opposite the voter's name was that he stood charged with felony, or had been convicted of felony, I do not remember which. The entry, I think, had been made in the clerk's office, but I do not remember in whose handwriting the entry was. There was no instance, to my knowledge, in which a white person, or Democrat, was permitted to vote whose name was not found on the registration-book. I do not think, to my observation, there was any white man presented himself to vote whose name was found not to be registered. Some colored persons presented themselves to vote who turned out not to be registered; I do not know how many, but there were not many. I did not, prior to the election, look over the State laws of 1880, relative to the manner of conducting elections, to refresh my memory. I was not aware that under the election laws of 1880 the names of the voters had to be reduced to writing by the clerks. I have never read the election laws of 1880. I saw the lists kept at that election, one by each clerk, and I thought the writing was extremely slow. I think that keeping the lists of voters was not required at previous elections, by previous laws. Under previous laws the voters were merely checked on the registration-book as an indication that they had voted. I don't remember exactly the *modus operandi* of the election of 1879; only the mode in 1880 was vastly different from what it was in 1879. Prior to 1876 the voters had registration certificates, and the clerk of the election was required to write on the face of the certificate the word "Voted," giving the date of the month and the year. The "Exhibit A" to my testimony is a list of Republican voters of the Jefferson Hotel precinct, in Adams County, who presented themselves at the polls for the purpose of casting their votes for Garfield, Arthur, and Lynch, and were prevented access to the polls in consequence of obstructions. These names are not the genuine signatures of the parties whose names appear thereon, but these names were written down by me at the request of the several parties whose names appear thereon. I think there are 120 or 121 names on the list, but I am not positive. Henry Clay is the first name on the list and Major Dishroom the last. When I say in my examination-in-chief that the persons named in the list were not allowed to vote, I do not mean to say that they were prevented by violence or threats of violence, but that they were positively refused admission to the room. The voters were there, endeavoring

to get in and were refused admission, not individually, because they were there in a mass. They were refused by the delay. They could not obtain the same access to the polls as was obtained by the Democrats, and by some of the Republicans late in the afternoon. By the expressions that these persons "were not allowed to vote" and "refused the right to vote," I do not mean to imply anything more than that they failed to obtain an opportunity to vote, in consequence of the delays and obstructions I have detailed in my examination-in-chief. I saw a great many of these persons myself as present there throughout the day. I cannot say that I saw all these 120 persons there at any time during the day. I think I know, of my own personal knowledge, that at some time during the day all these 120 persons were there seeking an opportunity to vote. I think that all these 120 persons would have voted a straight Republican ticket. I am pretty certain that if they could have got to the ballot-box they would have voted a straight ticket. I cannot be positive about it, of course, but it is my judgment they would have done so.

Since I first testified I have compared that list with the poll-book of the Jefferson Hotel precinct, and I find one name on the poll-book which is checked as having voted that day—a man by the name of Robert Holmes. I don't think John Washington, whose name appears on that list, voted that day, for the reason that I cannot find his name on the registration-book. It appears, from the examination I have made of the registration-book since my examination-in-chief, that John Washington is not a registered voter of the Jefferson Hotel precinct. I do not know where the Joseph Johnson whose name appears on this list resides, but I presume that he is a resident of the Jefferson Hotel precinct. I do not know how many Joseph Johnsons there are in that precinct. From the investigation which I have made since my examination-in-chief I believe that I have found the name of Joseph Johnson on the book. I don't know whether there is more than one John Washington in that precinct, or whether the John Washington that I speak of is known by some other name. I cannot say whether Joseph Johnson is called by some, or generally known as Joe Johnson. In the investigation which I have made I do not find any of the following names (which appear on my list) as registered voters in the Jefferson Hotel precinct:

Eustis Roberts,	Jack McJoy,	Anthony Green,
Andrew Williams,	William Thornton,	John McHolland,
John Crawford,	Charles Anderson,	Peter Mason,
George Dillman,	Mack Emmerson,	Moss Banks,
Moses Harris,	Dennis Williams,	Jerry Brandy,
Charles Woodford,	Burle Lewis,	Daniel Robinson,
Babbett McDowell,	Abraham Willis,	

I do not think there are any other names on the list besides the above who are not registered voters in the Jefferson Hotel precinct. I think Joseph Harrison is a registered voter in that precinct. I think Robert Ouslem is the same person as Bob Ousland, who is a registered voter in the Jefferson Hotel precinct. I think Henry Wethers is the same person as Henry Withers, who appears as a registered voter in that precinct. Clay Burns and Clebe Burns, I think are the same persons. My impression is that John A. Barland, on my list, is the John Barland whom I found to be a voter, and whom I have known from childhood; that is the way he gave his name to me. I think that John Crawford,

George Dillman, Moses Harris, Charles Anderson, and Peter Mason are registered voters in the Court-house precinct. I think that Moss Banks is the same person as Morris Banks, who is registered as a voter in the Court-house precinct. I suppose the following-named persons were registered voters at the Jefferson Hotel precinct at the time of the election held on the 2d November, 1880, as I found them on the poll-book in the investigation which I have made since my examination-in-chief:

George Topp,	Fielding Hudling,	Allen McIntyre,
Sheppard Minor,	Frank Lewis,	Wesley Campbell,
Peter Duffin,	Alex. Brown,	A. C. Montgomery,
Levi Haughton,	Andrew Butler,	Jake Ferguson,
Frank Thompson,	Tony Mosby,	Dudley Sullivan,
Henry Johnson,	Andrew Valentine,	John Caldwell.
George Banks,	Benjamin Williams,	

I cannot say whether these persons' names, which appear in the foregoing answer, were registered in the year 1880, on the registration-book then in use, or whether they were registered thereon previously to 1880. In fact I don't know anything about their registration; but I find their names on the poll-book, as used on the 2d November last, at that precinct by the inspectors, and which purports to contain the names of all persons entitled to vote at that precinct, and which purports to be a copy of the original registration-book so far as that precinct is concerned. That poll-book which I speak of, as copied from the original registration-book, does not, I think, show on its face the date of registration or when voters were registered. A challenger, on the day of election, could not ascertain from the poll-book, as used by the inspectors, whether the voter was registered in 1880 or previously. All the persons whose names appear on this "Exhibit A" are colored persons. My absence during the count was voluntarily. I was not excluded from the room by the officers of election; for my intercourse with the officers of election on that day, I must say, were pleasant and agreeable. All these persons whose names appear on the list were present on the ground that day; if not all the time, they were there, and with the intention of getting in to vote. I think it was about ten o'clock in the morning when I went there the first time, ten or a little past. I remained there continuously from that time until the close of the polls, with the exception that I went to dinner. I saw a few colored voters admitted from the front door, but nothing like the number of colored men came through the front door as white; I could not say really the difference in the number. Mr. Wilson Wood was present there in the voting-room during the whole time I was there.

WM. McCARY.

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and  
Notary Public in and for the county of Adams, State of Miss.*

Third witness.

ANDERSON THOMAS, interrogated by Mr. JOHN R. LYNCH, after being first sworn, states:

My name is Anderson Thomas; I am 45 years of age, and a carpenter by occupation; I reside in Natchez, where I have lived 24 years. On the day of the election I was in the city of Natchez, and during part

of the day I was at the Jefferson Hotel precinct. So far as my observation on the outside went, I noticed the manner in which the election was conducted. I saw the Republicans did not have a fair showing, because the Democrats had different ways of passing into the polling-room, while they had the alley-way in which the Republican voters were crowded, blocked up, and an officer there. There were men there that had been there from the time the polls opened, nearly, until they closed. The Democrats had three or four different ways of getting in; they passed through in, round the back gate, where they had an officer; they passed through another door on the front street, besides through the main door to where the voting was carried on. I don't know any more, much, about it, except that they did not admit the Republicans to vote as they did the Democrats. I squeezed in just before the polls closed and voted, but I had hard work then. I was there shortly after the polls opened and stayed there until an hour before the polls closed.

THURSDAY, *January 27, 1881.*

Cross-examined by Capt. T. OTIS BAKER, counsel for Gen. JAMES R. CHALMERS:

In speaking of the back gate through which the Democrats passed, where an officer was posted, I mean the back gate which opens on an alley which leads from Commerce street. I think it was the youngest Mr. Perrault, who was the officer standing at that gate. I do not know his first name or where he stays. Mr. Wilson Wood and Mr. McCary, who have testified here, are colored men. I don't know that Mr. Perrault was actually an officer. I saw him walk away from there soon afterwards.

his  
ANDERSON x THOMAS.  
mark

Attest:

JOHN R. LYNCH,  
*Contestant.*  
T. OTIS BAKER,  
*Attorney for Contestee.*

HENRY C. GRIFFIN,  
*Mayor of Natchez and ex-officio Justice of the Peace and Notary  
Public in and for the county of Adams, State of Mississippi.*

Eighth witness.

THEODORE H. GREEN, being first sworn and interrogated by JOHN R. LYNCH, states:

My name is Theodore H. Green; I am 25 years of age, and a school-teacher by occupation; I live in Natchez, Adams County, Mississippi, where I have lived all my life. At the Congressional and Presidential election, held on 2nd November last, I was most of the time at the time at the polling-place of the Jefferson Hotel precinct, 4th district of Adams County. I was U. S. deputy marshal at that election. I had instructions with regard to my duty. My instructions were to be at or near the polls and hold myself in readiness to obey any commands which might be issued by the U. S. commissioner. I did not receive any commands during the day from the U. S. commissioner, and I was 'round about the polls most of the time. The election was conducted quietly. I did not hear of any disturbances, but the voters were con-

siderably deterred, and I noticed several avenues leading to the voting-place. I noticed one avenue in particular, which was open to some and not others—Mr. Strattman's saddlery-shop, part of the same building, as the room in which the election was held; an alley-way or horse entrance separates them. I saw voters, white men, go through Mr. Strattman's shop—voters who were supposed to be Democrats. I saw the same men pass out of the voting-room at the front door. I don't know that arrangements had been made by election officers for ingress and egress of voters. I got an opportunity to vote myself through pretty hard scrambling. It was between one and three o'clock in the day when I got in. It seemed to me the voting progressed very slowly. I was not in the room long enough to notice the particular method of voting. I stayed about the polling-place until about half past-five; I left about half an hour before the polls closed. I think the voting could have been conducted more rapidly than it was.

THURSDAY, *January 27, 1881.*

Cross-examined by Capt. T. OTIS BAKER; counsel for contestee:

There was a United States commissioner in Natchez at the time the election was held, before whom complaints could be made. I received no writs for arrests from him that day. The voters that went through Mr. Strattman's shop passed afterwards out of the front door, where the voting was carried on, but I don't know where they passed from Mr. Strattman's shop. I do not know how or by what route they got into the voting-room; I only know they did not go in at the front door to the voting room. The alley which was designated as the route for voters to reach the voting-room was between Strattman's shop and the voting-room, there being another store or shop between Mr. Strattman's shop and the alley. I cannot state positively whether there is any way of getting out of Mr. Strattman's shop except by going out of the front door of the shop or going out into the back yard of the Jefferson Hotel. The entrance to the voting-room from the alley was through the back door leading into the voting-room. I did not see any one go into the voting-room through that door that way that day. When I was back through there I just saw a crowd standing there and I walked away. I did not remain there any length of time. I was not there long enough, at that door, to see whether voters were admitted at the door in squads of four or five, or not. A person passing through the alley-way from Franklin street, Mr. Strattman's shop would be to the right and the voting-place to the left. That alley-way leads all the way through the building, from the front to the back, into the back yard of the hotel. A person going through that alley-way would turn to his left to reach the door of the voting-room. My understanding was that the front door had been designated by the election officers as the mode of entering the voting-room. I did not understand that from the election officers. I was 'round on the front, in Franklin street, near or about the voting-place most of the time. I was only in the voting-room once during the voting. I was in there no longer than about the space of two minutes. I could not get to the window of the room which opens out on Franklin street. I suppose the longest time I was at the door of the voting-room which opens out on Franklin street was about ten minutes. I made about three attempts to get in at the front door, but only reached the steps the last time. I did not attempt to get into the room by any other route. I think there is only one

window opening from that room on to Franklin street, and only one door. There were about five voters admitted into the room at the same time that I was, and there were no others admitted into the room while I was in there.

I cannot remember all of those who were admitted at the same time that I was. There was Mr. Schofield and Mr. Robert Fitzhugh. I don't remember the names of the others. There were four or five admitted at the same time; Mr. Schofield went in first, then Mr. Robert Fitzhugh, then myself close behind. There was a double door and half it only was opened. I think the others who followed were colored, but I do not remember them. Mr. Robert Fitzhugh is a colored man and the postmaster at Natchez, Mr. Schofield, is a white man. While I was in there, there were no other voters admitted into the room. Mr. Hirsh is one of the persons whom I saw go in at Mr. Strattman's door and come out of the front door of the polling-room. There were several standing there when I came up Franklin street. I was coming down Franklin street when I saw them entering Mr. Strattman's shop. I was passing Mr. Strattman's shop going towards the voting-place. From the time I saw them go into Mr. Strattman's shop, I did not see these gentlemen any more until I saw them come out at the front door of the voting-room; I did not go into the back yard at all during the interval. I do not know that these persons did not enter the voting-room from the back yard, through the back door of the voting-room. I would not pretend to state, of my own personal knowledge, that there were avenues or entrances to the voting-room accessible to and used by the whites and not by the colored. The several avenues that are alluded to in my examination-in-chief, are Mr. Strattman's shop and the front door of the voting-room. I did not attend during the counting of the ballots.

Re-examined by Mr. JOHN R. LYNCH:

I was not present when the polls opened. I did not, therefore, hear the proclamation designating the place of entrance. The impression that the front door was the correct mode of entrance was created in my mind by the fact that it has heretofore been used as such. While standing there I also saw voters go in at that door. While I was standing there I received no information that persons of ill-health, feeble or old men, or preachers would be admitted, and those only, at that front door. I can say of my own personal knowledge that a number of persons other than those just described were admitted at that door. I judge that no distinction was made as to color in admitting persons at that door.

Cross-examined by Capt. T. OTIS BAKER, counsel for contestee:

I cannot say that the front door was the designated and only mode of entrance to the voting-room, and do not intend to imply that that door had been designated by the officers of election as the only mode of entrance. I cannot state that, for I was not there when the proclamation was made. Mr. Robert Fitzhugh that I spoke of is between forty or fifty years old. He is not a preacher or a cripple. I am not a preacher or a cripple. I am a colored man.

THEO. H. GREENE.

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and Notary  
Public in and for the county of Adams, State of Mississippi.*

## THIRD DAY.

## Eleventh witness.

FRIDAY, *January 21, 1881.*

Before Hon. H. C. Griffin, mayor of the city of Natchez, *ex-officio* justice of the peace and notary public in and for the county of Adams, State of Mississippi.

Present: Captain T. Otis Baker, as counsel for General James R. Chalmers; also John R. Lynch, contestant.

JERRY TAYLOR, being first sworn and interrogated by Mr. JOHN R. LYNCH, states:

My name is Jerry Taylor; I am 25 years of age, and a farmer by occupation. I live on the Commencement plantation, Kingston precinct. I have lived there going on two years, but I have resided in the precinct about eleven years. At the late Congressional and Presidential election I was one of the inspectors of election at the Kingston precinct. I was there when the polls opened and remained all day. I observed the manner in which the election was conducted. The polls did not open till half-past ten, by my watch. They proceeded with the voting until two o'clock, when there were, I think, 234 votes polled. The election officers then adjourned to dinner. I objected to that adjournment, and protested against it, because the law, as I understood it, makes no provision for adjournment. The other two inspectors voted for adjournment. Mr. John Higgins, one of the inspectors, locked the box and wanted me to take the key. I refused to take it, but left it on the table, and afterwards I asked him to seal the key-hole, and leave the box with me, but he refused to do that. Mr. John Higgins took the box out of the room with him and put it into Mr. Dave P. Williams's carriage. I followed the box out to the carriage, the key remaining on the table. Mr. Higgins sent some one back for the key. I don't remember who the man was. The box having been taken away without my consent and contrary to my protest, I would not consent to the key being taken. Dave P. Williams, John Higgins, and Mr. Caddie Williams got in the carriage, with one other whom I do not know, and they drove off to Kingston to Dr. Farrar's residence, which, I think, is about one-quarter of a mile, or perhaps more, from the voting-place. I followed the carriage on foot, and Henry Fowles was with me. A great many Republicans followed, also, as far as the gate leading into Dr. Farrar's residence. Henry Fowles and myself went through the gate leading up to Dr. Farrar's house, and up to the house, the other voters remaining at the gate. Dr. Farrar met us at his steps, and I asked him to allow me to go in where the box was. He refused, and told me to wait where I was until the box was brought out, saying that the men who carried the box into the house would bring it out again. I told him then it was his house, and if he objected to my going in I would not go.

Mr. Caddie Williams came out during this conversation and said that I "had as much rights as any other man." I replied "that it did not look much like it, as I was not allowed to go in with that box." Caddie Williams then said, "Oh, no! you have not got the right over that box that we have; we are the majority." I remained there on the steps, and Mr. Fowles with me, until they brought the box out. They remained in the house about half an hour after I got there. Mr. Hig-



gins brought the box out of the house and put it in the carriage, and went back in the carriage to the polling-place. Fowles and myself followed. Upon the arrival of the box the polls reopened. The voting then proceeded on until six o'clock. Upon the return from dinner, I gave the key to Mr. Higgins to open the box, and he opened the box, took out the poll-books and papers, and put the key in his pocket and kept it until the close of the polls. Four hundred and twelve votes were polled that day. I am sure of that number; but in counting the ballots it was found that two Democratic tickets had been folded together and two Republican, which, being rejected, reduced the total to 410 votes. There are about fifty-one white men in that precinct who usually vote. I am satisfied that not as many as fifty-one white men voted there that day. I am satisfied that there were more Republican than Democratic tickets voted there that day. Not less than 250 or 260 Republican tickets were voted there that day. I am sure there was not less than that, and there may have been more. I saw the name of Lynch on the foot of a great many of these Republican tickets; others came in and called out the name of "Lynch" as they voted. I could tell whether these men voted a Republican ticket by the size of the ticket and the roll of it, because the Democratic ticket was so much longer than the Republican. I could distinguish the Republican ticket from the Democratic ticket when folded, because, being so much shorter, the Republican ticket would make a smaller roll when folded. It was by these means that I was enabled to ascertain that there were not less than 250 or 260 Republican tickets voted at that precinct on that day. The Republicans commenced voting an open ticket, so that the names could be read before the tickets were deposited in the box. Mr. Higgins objected to the voters voting an open ticket; he told them that the law did not require them to vote an open ticket, and that if they did not fold their tickets they would not be put into the box, and that was why the Republicans did not continue to vote the open ticket. I think about thirty open tickets had been polled before Mr. Higgins made this proclamation. After this the voters would fold their tickets after they got in the room, between the door of the room and the ballot-box. They would invariably have their tickets open when they entered the room. I could distinctly see the ticket while they had it open. I am sure that at the distance I was from these tickets I could tell that the ticket was a Republican ticket. A heap of old men and others would mistake Mr. Higgins's order to "fold" their tickets for "hold," and they would hold them up at arm's length.

When voters entered the room I could frequently read the names on the open tickets before folding them up. I distinctly saw the name of Lynch on all those I thus read, and all of the tickets I thus read had the name of Lynch on them; but I could not read the names on all the Republican votes that were polled. There were quite a number on which I did not read the name of Lynch. A majority of the colored voters, when they approached the polls, would halloo "Lynch" or "Lynch ticket." No one but Henry Fowles kept a tally of the Republican votes as they were put in the box. Abe Felters was the peace officer during that day. He did not stand at the door all the time, but generally occupied some position between the box and the door. Being between the box and the door, he had a better chance of seeing these open tickets than I had. When the polls closed, the inspectors did

not finish counting that night. They counted for a little while after the polls closed and then adjourned for supper, but I did not know how many ballots they counted before they adjourned. I did not consent to the adjournment, but protested against it just as I did when they adjourned for dinner. The other two inspectors went to supper in spite of my protest. Mr. Higgins locked the box and sealed it up, both the key-hole and the hole through which the ballots were dropped in, with red sealing-wax, and left the box in charge of myself and Jimmy Francis, one of the clerks. Mr. Higgins kept the key. We remained in the room until they returned from supper. They were gone fully an hour. I remained in the presence and sight of the box during the absence of the other inspectors. The box was not moved, handled, or tampered with in any way while the inspectors were absent at supper. When they returned Mr. Higgins unlocked the box and commenced counting again, continuing, I think, until 12 o'clock. I think about 300 ballots were counted, then they adjourned until the next day at nine o'clock. Mr. Higgins locked the box and sealed it up, both the key-hole and the hole through which the ballots are deposited. Mr. Higgins gave me the key. I claimed the right to be with the box that night, but both Mr. Higgins and Mr. Williams objected, and they took the box off to Dr. Farrar's residence for the night.

I don't exactly know what time they returned to the voting-place next morning, but they got there before I did. I arrived there at quarter after nine, and found them there. They finished the count that morning. I cannot recollect now how the vote stood as between Chalmers and Lynch after the count was finished. I examined and inspected the ballots closely as they were counted. The only thing like a scratch ticket that I saw was one Republican ticket with Mr. Lynch's name torn off. The other ballots were straight Democratic and Republican tickets. The weather on the day of the election was very damp and rainy. The tickets that the Republicans voted there that day were fresh-looking tickets, and the tickets that came out of the box were similar in appearance, only creased by depositing. I have in my possession copies of the tickets used by both parties that day at that precinct, which I will bring with me and file as exhibits to this my deposition.

EXHIBIT A.—JERRY TAYLOR.

*Republican National Ticket.*

*For President—James A. Garfield.*

*For Vice-President—Chester A. Arthur.*

*For Electors for President and Vice-President—Hon. William R. Spears, Hon. R. W. Flournoy, Dr. J. M. Bynum, Hon. J. T. Settle, Capt. M. K. Mister, jr., Dr. R. H. Montgomery, Judge R. H. Cuy, Hon. Charles W. Clarke.*

*For Member of the House of Representatives from the 6th Congressional District—John R. Lynch.*

Cross-examined by Capt. T. OTIS BAKER, counsel for contestee:

There was no difference in the width between the Republican and the Democratic tickets. The difference was in length. The Demo-

[This is a fac-simile of the ticket printed  
on page 130—Lynch vs. Chalmers.]

EXHIBIT A.—JERRY TAYLOR.

# Republican National Ticket.

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*For President,*

JAMES A. GARFIELD.

—o—

*For Vice President,*

CHESTER A. ARTHUR.

—

*For Electors for President and Vice  
President,*

HON. WILLIAM R. SPEARS,

HON. R. W. FLOURNOY,

DR. J. M. BYNUM,

HON. J. T. SETTLE,

CAPT. M. K. MISTER, JR.,

DR. R. H. MONTGOMERY,

JUDGE R. H. CUNY,

HON. CHARLES W. CLARKE.

—o—

*For Member of the House of Represen-  
tatives from the 6th Congressional  
District.*

JOHN R. LYNCH.



eratic was about an inch longer than the Republican ticket. I can read. During the time the voting was going on I was sitting at a table right by the side of the box. The place of voting was a weather-boarded school-house. It has two small rooms as you enter, and the passage-way is through these rooms to the large one. You have to go through the small room and through another door to get into the large room. These two doors were not kept open all the time the voting was going on. The table that had the ballot-box on it was placed near the back side of the room. The peace officer stood inside the door of the large room. He admitted a certain number of voters at a time—not more than five. There are no windows on the back part of the building. The large room is, I think, about 30 feet long and about 20 feet across. There are four windows on each side of the room. It was a rainy day, but not the whole day. It turned out very bad after the voting began. I do not remember whether the rain continued throughout the day, but it was a dark, rainy, and cloudy day. It has not been customary with the Republicans to vote open tickets, as they started to do that day, at previous elections. It was to keep everything straight, I suppose, that they voted open tickets. If they had not done that, it might have been worse than it was. All the colored Republican voters intended to vote open tickets that day if it had not been objected to. I suppose they were instructed beforehand that they were to vote open tickets. The Republican club of that district had one meeting, but between themselves the people had all come to the conclusion to vote an open ticket. I voted mine open, and if I had to vote again, I would vote it that way, except they read the law to me. Henry Fowles was made an officer of election—challenger on the part of the Republicans. There was no other Republican challenger.

Dr. Fowles and Jim Francis were the clerks of election. Mr. Higgins and Mr. Winstone were the other two inspectors. They tried to get a United States marshal at that polling-place, but his appointment was fought against. I heard that Bill Bernard was appointed, and I don't think there was any other appointed for that district. They had one supervisor on the Democratic side, Mr. Charlie Fowles. They appointed Mr. L. S. Brown on the Republican side, and he waited until the eleventh hour and then crawfished. Mr. Henry Fowles stood near the end of the table during the voting. I saw about sixty Republican ballots in the hands of voters, on which I was able to read Mr. Lynch's name before they were deposited in the box. The voters who had these sixty tickets were at the door, coming in, and at the box. Some handed up open tickets, and some, in wrapping up the ticket, left the name outside. I handled some of these tickets myself, but I can't tell exactly how many I did handle. I do not know the length of the Republican ticket, but I know the Democratic ticket was a good deal longer. When the tickets were folded I could tell a Republican from a Democratic ticket by the size. When these tickets were folded up I could tell which was the Republican and which the Democratic by the size. There were no other marks by which I could distinguish the tickets. The Republican ticket was perfectly plain and had nothing on it that I could see except the names of the candidates. I kept no tally-list that day as the voting was going on. I kept no count that day of the colored persons who, when they came up, called out, "Lynch ticket." When the ballot-box was closed for dinner, the registration-book and the list of voters were put in the box, on top of the ballots. I knew there were

412 persons voted there that day by the list of names written down on the paper. What I saw of open tickets, and what the voters said, is my reason for stating in my examination-in-chief that more Republican votes than Democratic were put in the box. At a distance of about five steps, I could distinguish a Republican from a Democratic ticket. I can read and I could at that distance distinguish the name of Lynch from Chalmers on an election ticket. Abe Felters, the peace officer, is a colored man and a Republican. There was only one peace officer there that day. I had a struggle over that ballot-box at the dinner adjournment. I did not undertake to take the ballot-box away from Mr. Higgins. I only verbally objected. Mr. Bernard was on hand that day, and went home; he was taken sick. He did not act as United States marshal.

Re-examined by Mr. JOHN R. LYNCH:

The Republicans had reasons to apprehend they would not get a fair count. The reason for the action about the open voting at this election was that they had a great deal of trouble in 1876 about tampering with the box. I mean by that, that the Republicans there were satisfied that the count in 1876 was unfair. That is the reason they all came to the conclusion to vote an open ticket.

Cross examined by Capt. T. OTIS BAKER:

I suppose it was mere suspicion that there had been an unfair count in 1876. I don't know that there was any proof of anything of that kind. I will not undertake to say that no colored man voted the Democratic ticket in 1876, and I will not undertake to say how many did not vote the Democratic ticket in 1876.

Re-examined by Mr. JOHN R. LYNCH:

It is generally known among the Republicans that the count in 1876 was unfair.

Cross-examined by Capt. T. OTIS BAKER:

I am a colored man, and have been a Republican since I have been a voter. I always voted the Republican ticket.

JERRY TAYLOR.

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and  
Notary Public in and for the county of Adams, Mississippi.*

Twelfth witness.

HENRY B. FOWLES, being first sworn and interrogated by Mr. JOHN R. LYNCH, states:

My name is Henry B. Fowles; I am 26 years of age; I am a farmer by occupation, and live now and have lived all my life in the Kingston precinct, Adams County. On the 2d November last, the day of the Congressional and Presidential election, I was present at the voting-place of the Kingston precinct. I was challenger on the part of the Republicans, and as such kept a tally of the votes which were polled and counted also. I arrived at the polling-place just about the time the polls were being opened. Mr. Felters had been appointed as challenger, but as he could not keep tally, the officers of election

appointed me to serve in his place; that is to say, they accepted me and authorized me to act as challenger. I commenced to keep tally from the time the first vote went in. I was present when the first five voters came up to vote, and they had their tickets open. I was sitting at the end of the table and they turned their tickets round so that I could see the names on them. Mr. Williams and Mr. Higgins objected to voting an open ticket, so I called Abe Felters to me and told him to step out and tell the men to hold their tickets as they came in so that I could see them, or else holloa the name of "Lynch." Abe Felters did just as I told him, and he moved more or less from the door to where they were voting all day, and those tickets which I did not read I tallied when the men said "Lynch," but I saw the name of Lynch on the best part of the tickets that were voted that day. Up to the time when the inspectors adjourned for dinner I think 230 votes were polled. I kept no count of the Democratic votes that were polled, but of the Republican only. I don't know how many I had on my tally-sheet up to the time of the adjournment for dinner, but I think it was something over 200. I do not remember the exact figures now, but I did know. I am positive that upwards of 200 votes were polled before the recess for dinner. Mr. Brown came on just before the recess and took the tally-sheet and looked over it. I did have the exact number, but I am positive it was 200. I don't know exactly how many we voted after dinner, but the whole number on my tally-sheet calls for 350. I have that tally-sheet with me which I kept on the day of the election, and file it herewith as part of my deposition, identifying same by my signature and "Exhibit A" marked on the back thereof. I have forgotten the exact figures of the vote polled. I made a note of the number at the time, but I have not my book with me. I think 370, or from that to 400 votes were polled in that precinct. Out of the 350 which I have on my tally-sheet, I actually saw and read the name of Lynch on 160 ballots, the balance I took by what the voters said. We had a right smart of fun there that day. When a voter would come up to the poll, he would present his ticket open and say "Lynch." Then Mr. Higgins would order the clerks to hunt for Lynch in the poll-book, and the clerks, after fooling awhile with the books would say, "Lynch ain't here." They laughed a bit and then Mr. Higgins would tell the voters to "fold" their tickets, but in place of folding them, they would "hold" them up open and Mr. Jerry Taylor or Mr. Felters would take it and fold it for them. Mr. Felters was peace officer. He was first at the door and then at the box. He would turn in five men at a time, and come from the door up with the men to the box. I could see from where I was whether or not the voters entering the door had their tickets open, and as a general rule they had them open.

Mr. Williams was the first one that objected to voting an open ticket that day. He told Mr. Higgins not to receive any open tickets; he said the law about voting by ballot meant secret voting. That was about the reason he gave. Mr. Higgins then would not receive any more open tickets, but would hand them back to the voter to be folded. I don't remember whether Mr. Higgins said he would not receive an open ballot. I observed no difference between the Republican and the Democratic tickets, except in the length. The Democratic ticket was the longest of the two. I think it was an inch or an inch and a half longer. It might be that or it might be less; at any rate it was longer. When voters would come into the room with their tickets open I could detect

the difference between the tickets of the two parties. I saw most of the colored men had Republican tickets. To my own personal knowledge there were about five colored men with Democratic tickets; the others were Republican tickets. I got this information from seeing the Democratic tickets in the hands of voters, and some colored men came in and took Democratic tickets right from the table and voted that ticket. I saw about three colored men come in with Democratic tickets open, and there could have been more who voted the Democratic ticket besides the two or three who took Democratic tickets from the table. All the other tickets that I saw open when the voters came into the room were Republican tickets. The whole 350 votes on my tally-sheet are confined exclusively to those which I thus saw or distinguished in addition to those on which I saw and read the name of "Lynch." I marked no other votes, whether white or colored, unless I saw and read the name of Lynch, or distinguished the ticket voted as a Republican ticket. Those men who would say "Lynch" when they presented themselves to vote would generally come in at the door with their tickets unfolded, and I was thus enabled to see whether the tickets were Republican tickets. I am positive that if they had come into the room with unfolded Democratic tickets, I should have distinguished those tickets as Democratic in consequence of the difference I have just referred to. I do not remember at what hour of the day they took the recess for dinner, but it was after 12 o'clock.

The Republican inspector did not object to the recess, but to moving the box to Kingston. When the question came up about the recess, the house was just crowded, and the excitement was immense; but Mr. Williams, he jumped up on the table and commenced reading the law, and said there was no law to prevent moving the box to Kingston, and, therefore, he contended that it should be moved. Mr. Williams was challenger on the part of the Democrats, and not one of the inspectors. I don't remember that the Republican inspector objected to the recess; but he objected to the box being moved, and I also objected, and so did Mr. Bernard, the marshal; but, in spite of these objections, Mr. Higgins heaved it under his arm and went out with it. Mr. Higgins, who was one of the inspectors, locked the box. The key-hole was not sealed. The Republican inspector requested to have the key-hole sealed, but Mr. Williams said that was pronouncing the Democratic inspectors to be dishonest, and they, therefore, refused to seal it. I don't remember whether they sealed the hole through which the ballots are deposited. They gave the key to Jerry Taylor, Republican inspector, who took it, I believe, but I am not certain about that. Mr. Higgins took the box out of the room and carried it to Mr. Dave Williams's carriage. I don't remember who else went in that carriage, but Mr. Higgins had the box in his lap. The carriage drove off to Kingston to Dr. Farrar's house. Jerry Taylor and myself went up to the house. I suppose the house is 500 or 600 yards from the polling-place; it may be more or less. No other Republicans went besides Jerry Taylor and myself. I never looked back to notice whether others came part of the way. When Jerry Taylor and myself got to the house, Mr. Caddie Williams and Dr. Farrar were standing at the corner of the house talking, and Jerry Taylor asked permission to go in where the box was. Dr. Farrar said: "Didn't these gentlemen carry the box in?" Jerry Taylor answered: "Yes." Then the doctor said: "You stay here, then, till it comes out." And Jerry Taylor stayed there, and I stayed with him



about an hour, I reckon, or an hour and a quarter, but I don't exactly know how long we waited. When they came from dinner, they all went into the doctor's office, and I went round into another part of the yard, so I don't know exactly who brought the box out. I did not see the box in the doctor's office; they had shut the door. But after awhile the box was brought out to the carriage, and they returned to the voting-place. I arrived at the voting-place before the voting recommenced. I was in company with Taylor during the return. The voting continued until 6 o'clock, when the polls closed. All voters there had a fair opportunity to cast their vote that day. There were two who were objected to on account of their names not being found on the poll-book. There was no obstruction or hindrance during the day when once the voting was started.

There was no obstruction or hindrance or delay on the part of the officers in voting or receiving the names of voters. I think every voter down there had an opportunity to vote; if he did not do so it would have been his own fault. They proceeded with the count about 15 minutes after the polls closed. They took a recess for supper. I don't know how many votes were counted before the recess for supper was taken, but I am certain of sixteen Republican votes. I cannot say positively how many Democratic votes were counted, but I am certain there were a good many more than sixteen. The white men voted as they got there, some early and some in the afternoon. I think most of the white men voted after dinner. I knew the number of white voters in the precinct in 1876; I think there were 48 or 49. There may be a few more there now, or possibly there may be less; I have not taken any count. Some white men in the precinct did not vote at the last election; I think about 38 voted, or there may have been a larger number. When the recess was taken for supper the box was locked. I do not remember whether it was sealed, but the box was left in charge of the Democratic clerk and the Republican inspector; they might have sealed the key-hole, but I do not recollect. I don't remember who took the key when the box was locked; just about that time I got up and walked to the door. Mr. Higgins locked the box. The box was left sitting on a table when the officers went to supper. I did not remain there, but went with them and returned with them. I was there when they commenced to count after supper. The count was not finished that night, but the inspectors counted up to twelve o'clock, and then adjourned until nine o'clock the next morning. I don't remember how many ballots were counted that night; the box was locked and the key given to Jerry Taylor. The key-hole of the box was sealed by Mr. Higgins and Mr. Winstone, election officers. I think Mr. Higgins took the box—I know the Democrats had it. I was there the next morning when the count was finished. I don't remember how many votes Chalmers had when the count was finished; I know he had more than belonged to him. I think the box was tampered with in some way or another; and I think it was done during that recess for dinner, otherwise the final count would have agreed with my tally-sheet. The reason why the Republicans decided to vote an open ticket at the last election was because of the manner in which the election of 1876 was conducted at that precinct. Then the Republicans proposed, and wanted, to vote a folded ticket. But the election inspector then, Mr. Wright, who received the votes, would open each ballot and show it to Mr. Calvin Bennett, and let him keep tally-sheet, holding the face

of the ticket to Mr. Bennett and the back to me. Mr. Bennett kept a tally-sheet that year until the adjournment for dinner, but after dinner he did not keep any. The general opinion among the Republicans was that the box had been tampered with that year. I was an inspector of elections in that year. I could not see those tickets which Mr. Wright opened; I was sitting down, and he would, as I have stated, turn the back to me and the face to Mr. Bennett. The Republicans this year decided to vote an open ticket in order to get a fair and square count. They had reason to fear and apprehend that they would not get a fair count from the manner in which the election was conducted in 1876.

EXHIBIT A.—H. B. FOWLES.

*Tally-sheet.*

Kingston precinct tally as kept by the Republican tally-keeper:

For Congress, 6th District—John R. Lynch, v v v v v v v v v v v v  
v  
v v

H. B. FOWLES,  
*Republican Tally-Keeper.*

Cross-examined by Capt. T. OTIS BAKER, counsel for contestee:

I tallied 350 voters on the tally-sheet I kept the day of the election. That 350 includes not only the tickets that were shown me, but the votes of the men who said "Lynch." I am pretty certain that all those who said "Lynch" voted the Republican, but it is possible there may have been a few who said "Lynch," and yet did not vote the Republican ticket. I saw the length of the tickets, and I saw pretty nearly every Republican ticket before it was folded up. Not more than four or five who said Lynch came up with folded tickets. I said that an objection was made to voting open tickets, but almost every one of these 350 voters came into the room and up to me with an open ticket. With the exception, possibly, of three or four, the whole of that 350 came into the room and up to me with open tickets. My knowledge of the number is derived from the fact that they came up and showed me the tickets. It was because I wanted to ascertain that I watched the tickets at the door, not because I could be more certain at 20 feet off than when the voters came up to me. I knew the Lynch ticket from the Chalmers when they were coming by the table. I could distinguish the difference between the tickets at the door by the length. When I was so distinguishing them, they were not held up together for me to compare. When I see a man with a ten-foot rod and a five-foot rod I know which is the longest. There was not that much difference between the tickets, but I could tell by the difference in length which was the Democratic and which was the Republican ticket. The Democratic ticket was an inch longer than the Republican, and it may have been an inch and a half. I did not measure the tickets in width, I did in length. I did not measure them by inches, but just put them together and saw that the Democratic ticket was longer than ours. Some of those 350 colored voters may have voted the Democratic ticket; I

cannot say how many did or did not. I am positive that on 160 of the tickets I saw I read the name of Lynch. Beyond that 160 I cannot be positive, further than that the voters said Lynch. The colored people had always voted a folded ticket at previous elections. There has been no feeling that I know of against colored men who voted the Democratic ticket; if so, I have never heard of it. To my own personal knowledge I have never heard any remarks made about colored men voting the Democratic ticket. I have never known any remarks, out of my personal presence, made to any man who voted the Democratic ticket by any colored person, male or female. I have never had any prejudice against any colored man who voted the Democratic ticket. I always thought every man should vote as he pleased. I belong to the Republican club in that district. We only had one meeting; that was about a week before the election. It was understood that the Republican tickets were to be voted openly. Smith Kinney and Harry Smith, jr., distributed the Republican tickets in that precinct at that election. They distributed some of them the night before the election, and others on election day. When the adjournment was made for dinner the crowd got into the voting-room and there was a good deal of excitement about adjourning, for a good many thought that if the box was taken away it might be tampered with. Men said the box was taken to Kingston in 1876, and there were a great many remarks of that kind made. The voters were instructed to turn their tickets towards me as they came into the voting-room. Some colored men have voted a Democratic ticket previous to the last election. The tally-sheet that I produced, and have filed as an exhibit, is the identical tally-sheet I kept on the day of the election. It is the same paper. I got the blank tally-sheet from Mr. William Lynch. It was furnished me on the day of the election. Mr. William Lynch was at the Kingston precinct on the day of election. He got there before the election began and remained there until the adjournment for dinner; at least I suppose he left there, for when I came back from Dr. Farrar's I could not see him any more that day. All those tallies were made by me on the day of the election except two, which were made by Mr. William Lynch, who was, by consent of the inspectors, allowed to keep tally while I was absent from the voting-room a few minutes. Mr. William Lynch tallied two voters while I was away. The Republican inspector there that day was Jerry Taylor. He was appointed by the commissioners—not selected there that day. He has proved to be a Republican so far. He is a member of the Republican club.

Re-examined by Mr. JOHN R. LYNCH:

The 160 votes that I swore to above are tickets on which I positively saw and read the name of Lynch. The remainder of the 350 ballots are those which I distinguished by the difference in length to be Republican tickets, and those which were called by the voters "Lynch ticket." I put none others on my tally-sheet at all except those. I did not examine the ballots as they came out of the box. I merely kept tally as Mr. Higgins called them out. I was sitting close to the box. I think the tickets were all straight party tickets except one, from which the name of Lynch had been torn.

H. B. FOWLES.

## EXHIBIT B.—H. B. FOWLES.

*Republican National Ticket.**For President—James A. Garfield.**For Vice-President—Chester A. Arthur.*

*For Elector for President and Vice-President—Hon. Wm. R. Spears, Hon. R. W. Flournoy, Dr. J. M. Bynum, Hon. J. T. Settle, Capt. M. K. Mister, jr., Dr. R. H. Montgomery, Judge R. H. Cuny, Hon. Charles W. Clarke.*

*For Member of the House of Representatives from the 6th Congressional District—John R. Lynch.*

## EXHIBIT C.—H. B. FOWLES.

*Democratic-Conservative Ticket.**For President—Winfield Scott Hancock.**For Vice-President—William H. English.*

*For Electors for President and Vice-President—F. G. Barry, C. P. Neilson, C. B. Mitchell, Thomas Spight, William Price, William H. Luse, Robert N. Miller, Joseph Hirsh.*

*For Member of the House of Representatives from the 6th Congressional District—James R. Chalmers.*

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and  
Notary Public in and for the county of Adams, Miss.*

Fifteenth witness.

ABRAHAM FELTERS, being first sworn and interrogated by JOHN R. LYNCH, states:

My name is Abraham Felters; I am 34 years of age; my occupation is making cotton and corn. I live in Kingston, Adams County, Mississippi. On the day of the election, held 2d November last, I was at the voting-place of the Kingston precinct; I was peace officer there. The election went along pretty well up to the time some of the election officers called dinner-time. I do not remember the hour. These officers called the voting to order to make the adjournment for dinner, but there was considerable confusion raised about moving the box. Mr. Caddie Williams got up and read a portion of law to prove that the inspectors could take the box away and do whatever they pleased with it. I was busy in quieting this row, being the peace officer; and I ordered all the voters out of the room, and cleared the room of all but the inspectors and clerks of election, and the other officers. Going out, the men quieted down a bit. After I got them quieted down, Mr. Dr. Fowles and Mr. Jimmy Winstone, the inspector, a young man named Jimmy Francis, one of the clerks, and Mr. Higgins, one of the inspectors, took the box out and went off to Dr. Farrar's residence with

[The following are fac-similes of the tickets printed on page 138—Lynch vs. Chalmers.]

EXHIBIT B.—H. B. FOULES.

## Republican National Ticket.

*For President,*

JAMES A. GARFIELD.

—o—

*For Vice President,*

CHESTER A. ARTHUR.

—

*For Electors for President and Vice President,*

HON. WILLIAM R. SPEARS,

HON. R. W. FLOURNOY,

DR. J. M. BYNUM,

HON. J. T. SETTLE,

CAPT. M. K. MISTER, JR.,

DR. R. H. MONTGOMERY,

JUDGE R. H. CUNY,

HON. CHARLES W. CLARKE.

—o—

*For Member of the House of Representatives from the 6th Congressional District.*

JOHN R. LYNCH.

EXHIBIT C.—H. B. FOULES.

Democratic-Conservative

## TICKET!

*For President,*

Winfield Scott Hancock.

*For Vice-President,*

William H. English.

*For Electors for President and Vice-President,*

F. G. BARRY,

C. P. NEILSON,

C. B. MITCHELL,

THOMAS SPIGHT,

WILLIAM PRICE,

WILLIAM H. LUSE,

ROBERT N. MILLER,

JOSEPH HIRSH.

*For Member of the House of Representatives from the 6th Congressional District.*

JAMES R. CHALMERS.



it. I did not see any more of the box until it came back after dinner, and then not one of the inspectors was with the box. Dave P. Williams and Bobby Stanton were in the carriage with the box, and a colored boy was driving the carriage. No other persons were in the carriage, and these two gentlemen had the box in charge. I do not know what time the box was brought back. I have no watch myself, and know nothing about the time. They closed the polls at what they contend was six o'clock. The officers went up to Dr. Farrar's house to have what they called "tea" after six o'clock, and the voting had closed, and they had been counting a short while. When they returned they went on with the count, and counted till twelve o'clock, when they adjourned for the night. At either nine or ten o'clock the next day they resumed the count, and finished it before twelve at noon. I was there all day; from the time the polls opened until they closed I never left the ground. The Republicans commenced to vote open tickets that day; but the question was raised, and the inspector receiving the votes would make the voters fold their tickets right at the box. The objection to open tickets being voted was made by Mr. Williams and Mr. Higgins. I don't believe they stated their reasons; but I remember Mr. Williams said something about the law, but, being a peace officer, I was paying more attention just then to quieting and regulating the men. As a general rule, the Republicans would bring their tickets into the voting-room open. I can read, and I could read the names on these tickets as the voters brought them in. I could see whether they were Republican or Democratic tickets. My understanding and judgment is that the Republican ticket was a long way in the lead that day. I believe I let in five voters at a time through the door, and as the men came in I saw the tickets they had in their hands, and I was able to see that they did not change their tickets between the box and the door. I saw no Democratic tickets among the open tickets, but all of them were Republican. Mr. Henry Fowles was the tally-keeper on the Republican side. To the best of my belief, every man who came in with the Republican ticket brought it in open, and would hold it up and holloa "Lynch," and the votes would be tallied as they went into the box. A colored man that did not vote the Lynch ticket did not holloa "Lynch." I saw three tickets as they came in at the door, and saw that they were Democratic tickets. I really do not remember now, but I did keep an exact count how many colored men voted the Democratic ticket, but, of my own personal knowledge, I can state that not over ten colored men voted the Democratic ticket at the last election.

My reason for taking such notice of the ticket was that I had not seen a Democratic ticket until that morning, and then I think it was Mr. Williams and Mr. Higgins who brought the Democratic tickets in and laid them on the table right alongside the box. I took up one of the Democratic tickets and read it and examined it. There was a difference between the Republican and Democratic tickets by which one could be distinguished from another without reading the names. The Democratic ticket was a little bit longer, and, if I am not mistaken, a little bit narrower than the Republican ticket. I measured the two tickets one with another, but I am not certain as to the width. The Democratic was an inch, or perhaps less, longer than the Republican ticket. I did not measure the tickets by inches. I had some of each sort of tickets. I put some of them in my pocket after the election.

When these tickets were folded I think I could tell a Republican from a Democratic ticket. When the votes were being taken out of the box at the count, I stood right there, and I would distinguish a Democratic ticket from a Republican the minute it would come out of the box and be held up. I could tell one ticket from another, even when folded, because the Democratic ticket made a little more bulk than the Republican. I am certain that I saw and read the names on all the tickets that were brought in that day by colored persons, both Republican and Democratic. A great many voters, as they came in, would hand me their tickets to look at. They would inquire whether it was all right—a regular Republican ticket. They would receive tickets on the outside from Smith Kinney or Foote Smith or one of the ticket distributors, but they would want me to see and tell them they had the proper Republican ticket, straight out-and-out “Garfield, Arthur, and Lynch.” They would hand me the tickets and I would tell them what they had. There was no blemish on any Republican ticket I read, not even a pencil mark, and the three names, Garfield, Arthur, and Lynch, were the three names I was working for principally, and not one of those three names were scratched. I distinctly saw and read the names on the Democratic tickets that were polled by colored men that day in the same way. I read on the Democratic tickets “Hancock, English, and Chalmers.” I did not follow the list of electors, but the President, Vice-President, and candidate for Congress were the ones I looked after; and on each ticket which was brought in by colored persons that day I read those names. If the names of any of the electors had been erased or scratched, I must have seen it. I do think, in fact, I am sure, there was none of them scratched. I was present when the votes were counted. I never got ten feet away from the box during the day, except when the box was carried off to Kingston, until the voting was closed. I noticed the tickets as they came out of the box. There was part of the ticket, in one instance, torn off. It was a Republican ticket, complete throughout, except that the name of the Republican candidate for Congress was torn off. There were two Republican tickets folded together as one vote and two Democratic tickets folded together in the same way. These were thrown out. The other ballots were all straight party tickets. The Republicans deemed it necessary to vote an open ticket, in order to enable the man who was keeping the Republican tally-sheet to see how many Republican votes went in the box. We, that is, the Republicans, had reasons to apprehend that we would not get a fair count; our apprehension was that we might put in the Republican tickets and not get them out of the box again. Our reason for voting the open tickets was to try and constrain the election officers to give us out of the box what we put in it; that was our object. We had reason to believe, from the result of previous elections, that we would not get a fair count. I refer to the election when Hayes and Wheeler were running for President and Vice-President, and Lynch for Congress. I do not think the count was fair at that election. I do believe the count was false at that election; whether it was so or not, I have my opinion, and this is the general belief among the Republicans in that district. This was what decided the Republican voters there to vote open tickets at the last election. When they took the recess for dinner, there was some little disturbance, as the Republicans were apprehensive the box would be tampered with if it was removed. The Republicans did not want the box taken away from the voting-



place. They took a recess for dinner, and took the box away to Kingston, just as they did in 1876, and the Republicans there believed the box was tampered with at that time, and were apprehensive that it would be tampered with again if it was removed from the voting-place. I was present in the voting-room when it was decided to take the recess for dinner. When the recess was taken, the key-hole of the box was not sealed, nor the hole through which the ballots were put in. I am sure about that. Mr. Jerry Taylor, one of the inspectors, objected to the box being moved, and asked that it might be left in the voting-room with himself and one of the Democratic inspectors, to watch the box that nothing might be put in. This was refused by the other inspectors. It might possibly have been suggested that the box ought to have been sealed. There was a great deal of noise and confusion in the room, and some one made an oath, and I went off about ten or twelve feet from the box to find out who it was, and during that time the suggestion may have been made. Mr. W. G. Fowles also called out at that time for the peace officer, and asked to have the house cleared of all persons who were not officers of election, and I did clear the house as he requested; and the box was taken out as I have stated.

Cross-examined by Capt. T. OTIS BAKER, counsel for contestee:

I was a peace officer at that precinct; I was appointed by Mr. W. G. Fowles, and sworn by him. Mr. Fowles is the magistrate of that district. There was no other peace officer acting there that day. After the polls were opened, tickets were distributed on the outside to the Republicans by Smith Kinney and Foote Smith. When the voters came in at the door a great many of them showed me their tickets. Foote Smith and Smith Kinney are Republicans. I don't know what necessity there was for voters to show their tickets to me, but they may have feared the tickets would get tangled up. Some of the voters said to me: "Is this here Lynch's ticket, for I don't want anything but the Lynch ticket?" I would look at the ticket and say: "See, here is Lynch's name on the bottom of the ticket." It was not generally known and decided that I was to look at them, but generally men came in with their tickets open. The voters had to pass through two doors to get into the voting-room; but there were not two ways of entering the voting-room. I cannot explain why the voters showed me their tickets after having received them from Foote Smith and Smith Kinney on the outside; but it is like colored people to ask such advice. They would ask me if their tickets were right, and I would tell them the ticket was Lynch's ticket, if they wanted to vote it—that the ticket was a Republican ticket, straight out-and-out. I cannot say anything about what the confidence was concerning the ticket distributors on the outside, but the colored people are superstitious. There could be no tangling up of the tickets from the time the voters left until they came to the voting-room, unless they had Democratic tickets also, and Democratic tickets were circulated on the ground. There were Democrats on the ground trying to get colored people to vote the Democratic tickets. We admitted five voters at a time into the room, and I looked at their tickets at the door. My special duty was to take charge of that door. I followed these voters right up to the ballot-box. I had an assistant, who kept his arms stretched across the door while I went up with the voters. If it was not a part of my duty I made it a part of my duty to go up to the ballot-box with these voters and

keep the voting-room clear. I went up with these squads of voters and saw them deposit their ballots, and I went back with them to the door. I could have kept the room clear by other means than these if I had wanted to, but some men, who were a little hard-headed, would go and sit down in the voting-room if I had not escorted him out, and if there was a hard-headed man sitting down there I could not have ordered him out without making a noise and disturbance. When I started from the door with each of these squads of five men I went right square up to the ballot-box with them. When they would hand their ballots they would call their names. The inspector was sitting there, and Mr. Henry Fowles was sitting by the ballot-box, and they could not vote without his seeing them. The open tickets were handed to the inspector, and often Mr. Higgins would tell them to shut it up, to fold it, and the voters would fold the ticket right by the ballot-box. I kept my eye on these ballots all the time. I was not afraid of the tickets being changed while they were being folded. The inspectors made the voters fold the tickets before the tickets left the voters' hands. When one voter was handing in his ticket there would be other voters standing by, and I kept my eye on the ballots, and would see them before they got into Mr. Higgins's hand. It was not possible for any voter to hand in a different ticket from the one he showed me at the door without my knowing it. I would have found him out if he had done so, and would have known who it was. Colored persons in that precinct have voted the Democratic ticket at other elections. I had no means of knowing how many colored persons voted the Democratic ticket in 1876. Gentlemen came out from Natchez to the Kingston precinct on the day of the last election to try to induce the colored people to vote the Democratic ticket. I went up with every one of these squads of five men whom I admitted to the ballot-box. I have always voted the Republican ticket, and I would do the last thing to secure the success of the Republican ticket, and I intend to pull it through if I can.

In regard to the election of 1876, it was mere suspicion that the result was not fair, but I believe it, and I won't go off that. The colored people did not attend the meetings of Gen. Chalmers down in that precinct; all of them stayed away. I was at the last meeting myself and there was not more than 15 or 20 colored men present. I was at several of these meetings, and to my knowledge there were never more than about 15 colored men present. The Republican club in that precinct had only one meeting before the last election; but there were several mass meetings, but I don't remember how many. We had more than one. The meetings I have spoken of were very largely attended. We had two large mass meetings last fall.

his  
ABRAHAM x FELTERS.  
mark

Attest:

JOHN R. LYNCH, *Contestant.*

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and Notary  
Public in and for the county of Adams, State of Mississippi.*

## Thirteenth witness.

SMITH KINNEY, being first sworn and interrogated by Mr. JOHN R. LYNCH, states:-

My name is Smith Kinney; I am 27 years of age, and a farmer by occupation. I live in the Kingston precinct, where I have resided all my life. On the day of the late Congressional and Presidential election I was at the Kingston precinct, at the voting-place. I was almost the first man there that morning, and arrived before the polls were opened. I was issuing Republican tickets and distributed tickets pretty generally that day. The colored voters were all instructed to carry their tickets into the voting-room open. They were instructed by myself and others. Those were the instructions I gave to every man to whom I issued a ticket. The colored voters did so until an objection was raised inside the room, and it was announced that the inspectors would not receive open tickets. I was out of door and consequently could not hear any reason which the inspectors may have assigned, but as the voters came out they would tell others that the tickets had to be folded. Then my instructions were to the voters to vote and say "Lynch" as they handed in their ballots, and in my hearing they pretty much all did so that day. From where I was on the outside, I could distinctly hear the voters when they said "Lynch." I stayed round about the door and window nearly the whole of the day. The peace officer on the Republican side, Abe Felters, was at the door of the voting-room inside, and the voters had to pass by him. Abe Felters kept the door all day, and was backwards and forwards with the voters between the door and the table. Whenever I went to the window, I could see that the voters had their tickets open when they came into the room, and I saw a great many of them show their tickets to Felters and to Mr. Fowles, and then vote those tickets and say "Lynch." I carried my ticket into the voting-room open, went to Mr. Fowles and held my ticket open about a foot from him, folded it, gave it to the inspector, and said "Lynch." I went into the room also when they were preparing to take a recess for dinner, and at night when the votes were being counted. I was not in the room at any other time when the voting was going on except when I went in to vote myself. When the inspectors were getting ready for a dinner recess, a row started. The men were excited and did not want to have the box moved away from the voting-place, and they crowded into the voting-room and desired the inspectors to let the Republicans have the box. Mr. Williams got up on a table and read a portion of law. He said, "We have got the law in our hands and we are going to use it." Then the Republicans gave up and went back out of doors. The Democratic inspectors took the box, put it in Mr. Williams' carriage and went off to Kingston, they said, to dinner. The Republicans were anxious about the box, because, at the election in 1876, the general belief among the Republicans was that the box had been tampered with. At this last election we decided to vote an open ticket to give satisfaction to both parties, but we have heretofore always given our votes in folded, and they would be opened by the Democratic inspectors; and that is the reason why we proposed to vote our tickets open. The Republicans had reason to apprehend, in consequence of what occurred in 1876, that they would not get a fair count. In 1876, the election officers took a recess for dinner, and it is generally believed among the people that

the box at the precinct was tampered with during that recess. It was that apprehension of unfairness which induced the Republicans to do something at the last election to secure a fair count. At night, when they went to supper, they left the box with the Republican inspector and the Democratic clerk. It was sealed on top and at the key-hole, and I made the remark, "You ought to have sealed it that way when you went to dinner."

Cross-examined by Capt. T. OTIS BAKER, counsel for contestee:

I received the Republican ticket that I distributed that day from Mr. William Lynch, on the day before the election. I supposed Mr. Williams was the peace officer appointed by the Democrats, by the way he acted. I am a colored man and a Republican. I have not always voted the Republican ticket; the first ticket I ever voted was a Democratic ticket. Other colored people down there have voted the Democratic ticket at previous elections. There might have been some five or six voted the Democratic ticket at the last election, to the best of my judgment. To my knowledge, there have not been a greater number at previous elections who voted the Democratic ticket at that precinct. When I handed voters the Republican tickets I instructed them not to let any one touch their tickets until they deposited them in the box, and not to have them marked on in any way, not even by a pencil scratch, but to vote them straight as they were. I was afraid that some of them would get scratched or marked, and I instructed them that if any mark or scratch was made on their tickets the whole ballot would be throw out. I was not particularly afraid about the Democrats.

Attest:

his  
SMITH x KINNEY.

mark  
JOHN R. LYNCH, *contestant*.

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and  
Notary Public in and for the county of Adams, State of Miss.*

FOURTH DAY.

SATURDAY, *January 22, 1881.*

Before Hon. H. C. Griffin, mayor of the city of Natchez, *ex-officio* justice of the peace and notary public in and for the county of Adams, State of Mississippi.

Present: Captain T. Otis Baker, counsel for General James R. Chalmers; also John R. Lynch, contestee.

Sixteenth witness.

HARRY SMITH, jr., being first sworn and interrogated by Mr. JOHN R. LYNCH, states:

My name is Harry Smith, jr.; I am 54 years of age, and a farmer by occupation. I live in Kingston precinct, Adams County, Mississippi. I have lived in Kingston forty-seven years. On the day of the last Presidential and Congressional election I was at the polling-place in the Kingston precinct. I had no official position at that election, except issuing tickets for the Republicans. My principal business during

the day was issuing Republican tickets. I was there during the whole of the day, from the time the polls opened in the morning until they closed in the evening. I never, since the colored people have been allowed to vote at all, saw them come more lovingly together than they did that day. They voted the Republican ticket more unanimously that day than I have ever seen them vote it before.

I have been issuing Republican tickets for the last ten years, and I am able to judge in consequence of my experience. I stood right upon the highway, I suppose about fifty yards from the door going into the voting-room. There were numbers and numbers of gentlemen rode up on their horses and mules, and when they did not see me, would inquire where I was, and I would make to them. They would ask me, "Smith, what is on hand to-day?" And I would answer, "Gentlemen and friends, remember this is not a day of local affairs." They would say, "What ticket have you got?" And I would reply, "I have the Garfield ticket." But they would say, "We don't care so much for the Garfield ticket—we want the Lynch ticket." And I would answer, "Gentlemen, you don't suppose I would go all the way to Natchez, as long as Lynch was in the field, and leave his ticket behind." And so it was pretty much all day. I said to the voters that I wanted them to be very particular who issued them tickets and what tickets they got hold of, and I told them I had brought these tickets from Natchez, myself, and had given some to certain other gentlemen to issue, because I could not get 'round with them all myself. I said that I had seen a ticket in Natchez the day previous which was precisely similar in appearance to the Republican ticket except that it was a little longer, and that the voters ought to be particularly cautious what ticket was given them. I told them not to do as they had done heretofore—go from one to another asking what ticket is this or that, but obtain tickets from some one they had confidence in. I saw no Democratic tickets on the ground until eleven or twelve o'clock, when I saw a bundle of Democratic tickets in the hands of Mr. Dan Ashford, who had quite a multitude of men 'round him—colored men. I made for where they were and walked in amongst the ranks and pulled one of my tickets out of my haversack, and said "Gentlemen, the understanding that I got from you was that you are to pay no attention to any ticket but our Republican ticket." Some colored men told me to pull out my tickets, and I did so and said to them "Gentlemen, beware of false prophets; remember that the tickets in Mr. Ashford's hands are the same color paper and similar printing to our own." I did not say anything about measuring the tickets. I suppose there were about fifteen or twenty colored men standing 'round Mr. Ashford about this time that I conversed with them as I have stated, and, with the exception of some four or five, they all left Mr. Ashford. No one of them got a ticket from Mr. Ashford, that I saw. Shortly after this I went up the road a piece—that is, after I had distributed my tickets to this lot of men. I suppose I was gone about five minutes, and when I got back the officers of election had decided to adjourn for dinner, and the Republicans were seriously objecting to the removal of the ballot-box from the polling-place. It occurred to me that a row was about to be kicked up, and I went into the house myself, and advised the Republicans that if the inspectors decided to remove the ballot box, they must not attempt to prevent that removal by force. Mr. Caddie Williams got upon a table and read a portion of law, to the effect that the inspectors had the power to take the box

with them wherever they went. I then said to the Republicans, "We have heard the law read, we must make the best of it we can." Mr. Felters, the peace officer, and myself, succeeded in getting the men out of the room. The box was then taken out and put in Mr. Williams's carriage, and the carriage went off to Kingston to Dr. Farrar's residence. I do not remember who carried the box out of the room to the carriage. I cannot say whether the box was sealed or not, as I went out of the room as soon as I had succeeded in getting the Republicans out. I then said to Jerry Taylor, the Republican inspector, "You have every right to be with that box; go after it." Jerry Taylor followed the carriage in which the box was, and Henry Fowles went after him, a short way behind. When they returned, I asked Taylor whether he had remained with the box, and whether he had had his dinner? He replied that he had not taken any dinner; that he had gone after the box until it was taken into Dr. Farrar's house; and that then the Doctor had told him he could not go into the house, but that the box would be taken care of. I told Jerry that I considered the doctor had a perfect right to forbid his entering the house, and that he (Jerry) had done right in not attempting to force his way in. After the inspectors returned from dinner, the voting went on quietly and peaceably until the polls were closed at six o'clock. I saw the colored men generally as they went into the room to vote. They had their tickets folded about half way when they went in the door of the room to vote. I was at the door or window, or through the yard, most of the time. The voters were instructed by Mr. Felters at the door as they handed in their tickets to the inspector to say "Lynch." I could distinguish from where I stood that the tickets in the hands of the voters as they went into the door were Republican tickets. The tickets that I saw Mr. Ashford with were about half an inch longer than the Republican ticket. I got hold of two or three of those tickets which Mr. Ashford had, and I told the men that I could read, and would measure the tickets and show them which was the Republican ticket. Some of the gentlemen hailed me and said: "I can't see any difference between these tickets;" but I said to them, "If you want to vote for John R. Lynch you take the ticket that I gave you and Smith Kinney and three or four others here. I know every man I gave tickets to to issue, and you ought to be satisfied that I have only the only ticket, and never had any other." I was there when the polls closed at night. I was in the room during the count. I observed the ballots as they were taken out of the box, and I remarked to some of the boys that I observed particularly that for every ten ballots which were taken out of the box John R. Lynch had the eleventh, and that I was satisfied to say we had voted solid there that day; and, furthermore, I was satisfied to say that not more than ten colored men had voted the Democratic ticket there that day. I do not know precisely how many colored men voted there that day, but I have an idea, as a rough guess, that 300 colored men did so vote; there may have been more, but I put it at 300. I have an idea of the number of white men who voted there that day; I don't think there were more than thirty-five or forty. I think there are some fifty-two or fifty-three white men registered in that precinct.

Cross-examined by Capt. T. OTIS BAKER, counsel for contestee:

I was distributing Republican tickets on the outside on the day of election at Kingston precinct; that was my business there. The col-

ored people there that day voted the Republican ticket more unanimously and lovingly than I have known them do since they have had the privilege of voting. The colored men, I do not say all of them, went into the door of the voting-room with Republican tickets. I know three or four colored men who voted the Democratic ticket. I was standing about ten or twelve feet from the door most of the time. I got the Democratic tickets I had from some of the colored men there who had them in their hands. Some of these persons took Republican tickets from me in exchange, and others had both tickets. I told them always they had the right to vote which ticket they pleased, but they answered, "This is the ticket I want—the Lynch ticket." I asked them who they got these Democratic tickets from. I saw Mr. Ashford with Democratic tickets, but he was not distributing them. The Republican tickets were distributed to the voters when they arrived more quickly than they could vote. Some Republican tickets had been distributed the night before. I cannot say who these colored people got these Democratic tickets from. Mr. Ashford is very well known among them as being a Democrat. I am a colored man and a Republican, and the people there all know that I am a Republican. I have never voted any other than a Republican ticket in Presidential or Congressional elections. I have voted for Democrats at local elections by their being mixed in with Republicans on the Democratic ticket—what is ordinarily called a compromise ticket. I have voted that, of course. I believe that there was not more than fifteen minutes during the day that I was thirty feet from the polls or door of the voting-room. I spoke in my examination-in-chief of the window at the same time that I spoke of the door; when I went to the window I just went 'round the corner, but I did not lose sight of the outside door. I could see the outside door from the window. I did not lose sight of the door, but I could see the men coming in at the door. The window I spoke of is into one of the front rooms. Every now and then, when I was not issuing tickets, I made to that window and asked them how they were getting along, and they told me that the Republican voters were voting solid there. I could see the ballot-box from that same window, which is on the east side. From the front of the building, facing towards the door, that window would be 'round the corner to the right. There were two doors opening to the front of the outside of that building. The right-hand door facing the front of that building was used that day; the other door was not used at all during the election. When the house was entered a person had to go through a small room before entering the room where the voting was going on. The door in the room where the voting was going on was right opposite the front door where the voters entered. The second door which had to be passed through was in the centre of the walls of the room. I have no notion whether that door of the small room is in the centre of the walls of the small room or not. The front door is within two feet of the corner of the house. I was not outside that building at any time during the day except when they adjourned for dinner. I saw no one but Mr. Ashford with Democratic tickets in the morning, but I saw others in the evening. We got the polls open between 10 and 11 o'clock. I did not see any white man except Mr. Ashford distributing tickets in the forenoon. I saw some white gentlemen from town there that day and talked with them. They were just standing outside, talking sometimes among themselves and sometimes with colored persons. I did not see these white gentle-

men with Democratic tickets. If they had them I did not see them. I don't know what these gentlemen were talking to the colored people about. I did not go near enough to listen.

his  
HARRY X SMITH.  
mark

(Referred to by other witnesses as "Foote Smith.")

Attest:

T. OTIS BAKER,  
*Attorney for Gen. Jas. R. Chalmers, Contestee.*

HENRY C. GRIFFIN,  
*Mayor of the city of Natchez and ex-officio Justice of the Peace  
and Notary Public in and for the county of Adams,  
State of Mississippi.*

Twentieth witness.

WILLIAM H. LYNCH, being first sworn and interrogated by JOHN R. LYNCH, states:

My name is William H. Lynch; I am 36 years of age; I reside in the city of Natchez, where I have lived about 20 years. I am a farmer by occupation. On the day of the Presidential and Congressional election, I was at the Kingston precinct most of the day. I arrived there between eight and nine o'clock in the morning, before the polls opened, and I remained at the polling-place until after three o'clock that afternoon. I was appointed by the Republican executive committee of the county as challenger on behalf of the Republicans at that precinct. I did not so act, because a majority of the board of inspectors at that precinct refused to recognize my appointment, on the ground that I was not a resident in the precinct. Henry Fowles acted as challenger on the part of the Republicans at that precinct. Mr. Fowles was appointed by the inspectors on the suggestion of myself and Abe Felters. I stayed on the outside, very near the voting-room, all the time I was there that day, with one or two exceptions, when I was inside the voting-room. I was engaged in distributing tickets and instructing voters how to vote so that their vote would be tallied. As a general thing, from the time the polls opened until they took a recess for dinner, the colored people were voting Republican tickets almost solid. The Democrats were making no canvass on the ground, that I could see, in the way of distributing tickets; it was all done by the Republicans—myself and others. I saw the majority of all the tickets which were voted by the colored people before I left. The number polled at that time, which was when a recess was taken for dinner, was about 235, as shown by the Republican tally-sheet. As a general rule, the colored voters came to me, sometimes in crowds, to see whether they had the right tickets or not. The majority of these 235 tickets I saw, and on every one that I did see I distinctly saw and read the name of "Lynch." Some of these tickets I saw on the outside of the voting-room, and some on the inside, and some of them I tallied myself on the tally-sheet kept by Henry Fowles and filed by him in his deposition. As a rule, the voters would carry their tickets into the voting-room open, and they would be seen and read by Abe



Felters as the voters entered the room. I saw this and observed this of my own personal knowledge, and I paid strict attention to it. A few minutes after the recess was taken for dinner, I left for Natchez.

Cross-examined by Capt. T. OTIS BAKER, counsel for contestee:

I am a brother of John R. Lynch, the contestant in this case. I have been a pretty active politician in this county since reconstruction. I did not remain at the voting-place until the box was brought back, after dinner. I asked the inspectors to appoint Abe Felters as challenger in my place when they refused to recognize my appointment; but Abe Felters said he was not a good scholar, and we asked to have Henry Fowles appointed as challenger and Abe Felters as peace officer. Abe Felters said he was not a good scholar. I suppose he considered that Henry Fowles could write and figure faster than he could; and the inspectors were agreeable to make the appointment. No objection was made by the inspectors to this change in the arrangement; everything was pleasant. When the gentlemen first met, after they had got a clerk, and were ready to open the polls, then I handed in my appointment, and I was rejected on the ground I have stated in my examination-in-chief. They then appointed Abe Felters as peace officer. I was inside the room, during the time I remained there, three, or it may be four, times. I think when I was inside the room while the rush of voting was going on, four or five voters were admitted at one time. When the rush was over, there would be one or two, and not stop except to show Abe Felters the ticket on the inside or to me on the outside. While I was in there, Abe Felters, as peace officer, was keeping the door, and every voter, as they came in, came by him as peace officer. As a general thing, from what I saw, Abe Felters saw all the tickets. I asked the voters to let him see them as they came in. While I was in the room, tallying for Henry Fowles, Abe Felters was still at the door; he stayed there until the recess for dinner; after which time I left for Natchez. When Mr. Felters admitted voters, he would escort them up to the ballot-box, as a general thing. He would let four or five, more or less, in at a time, and then close the door. I did not see all the tickets outside before they went in; but I saw the majority of them—that is to say, I saw the majority of the 235 Republican votes which were polled before they took the recess for dinner. For three or four hours, in the early part of the day, I was very busy. These 235 tickets, that I spoke of as being polled before dinner, were Republican tickets; about that number: it may have been a few more or a few less. I went over the tally-sheet myself a little while before the box was taken away at the recess for dinner. Mr. Fowles tallied all these 235 votes, except two or three, which I tallied by consent of the inspectors, while Mr. Fowles was absent a few minutes. This was rather late in the day, while the voting was not very rapid. Almost all the time I occupied a position very near the door of the voting-room, on the outside; and after I had seen the tickets in the hands of the colored voters, I passed them on to Abe Felters, and he passed them up to the ballot-box. I asked the voters to let me see their tickets, the bottom of them anyhow. The majority of these 235 tickets I saw on the outside, and passed the voters who had them on to Abe Felters. My personal knowledge of the majority of these 235 ballots did not end when I passed them on to Abe Felters. I was in a position to see some of them afterwards. I was in the room

once or twice, sometimes at the window, sometimes inside the door, and to the best of my knowledge these 235 votes that were tallied by Henry Fowles were voted as Republican tickets, but I am not able to say positively. The reason why, after I had inspected the ticket on the outside, I instructed the voters to let Abe Felters examine them at the inner door, was, that I was sometimes 15 or 20 feet from the door leading into the voting-room; and in the early morning, when there were a good many Republican tickets being circulated, I was afraid that some one would get hold of the voter and tamper with his ticket. I was not afraid the voters would carry in Democratic instead of Republican tickets, not if they knew it; but, in the morning, I was a little afraid that some of the Democrats 'round there might tamper with the tickets somehow—scratch off something, tear something off, or anything to make them illegal. I suppose if there were none but Republican tickets there, the ticket could not well be tampered with without the voter knowing it. I was afraid that tampering would be done with the tickets. A man might slip up in a crowd and tear a piece off a ticket without its being known by the voter. I have seen that done at elections. If any Republican voter had had his ticket torn or scratched, he could have obtained a fresh ticket if he desired it. I say that, prior to the adjournment for dinner, I saw the majority of 235 Republican votes go in at the door of the voting-room. About 235 colored persons went in to vote from the opening of the polls until the recess was taken for dinner. I don't know of my own knowledge more than that the majority of these 235 colored voters had Republican tickets in their hands when they went in at the door, except what I have stated before. Abe Felters was more able to tell than I was what ballots these colored people had, and he must have seen mighty nigh all of them, if not all. Abe Felters was appointed peace officer on the part of the Republicans, and I considered part of his duty to see what tickets the voters carried. He was there as a peace officer, and acted as a peace officer on the part of the Republicans. I asked for his appointment, and he was appointed. I did not refer to any law at all when I asked the inspectors to appoint him as peace officer on the part of the Republicans. I merely asked them to appoint him, and they did so. I do not know whether this matter of examining tickets is connected with the law under which Abe Felters was appointed. My object was to get a fair count. I do not say that my idea of his appointment was for the sole purpose of subserving the interests and success of the Republican ticket. I asked to have him appointed, but I did not know many peace officers the inspectors would appoint. My idea was to have one peace officer to represent the Republicans, and I did not know, as I have stated, how many other peace officers were to be appointed at the precinct. The inspectors at Kingston might have done as was done in Washington in 1876—appoint a dozen, and put a badge on almost every man they could get hold of. I considered Abe Felters an impartial man; he is a Republican, but he is known as an impartial a man as there is in that district. I suppose he was appointed there as an impartial man, and I know he would protect a colored man voting the Democratic ticket just as quickly as he would one voting the Republican ticket. Mr. Felters received his appointment from the inspectors of election at Kingston precinct that day, the majority of whom are Democrats. He received his instructions, if any, from the same board that appointed him. I do not know that the inspectors instructed him to examine the tickets at the

door as the voters came in, and I do not know that they did not so instruct him. I asked him to do it. I asked him to see that all the voters as they went in had the right ticket who wanted to vote the Republican ticket, and he did so, in my opinion. I know that peace officers are appointed under a law of this State, which provides for the appointment of peace officers among other officers of election. There is nothing in that law which provides for the peace officer examining the tickets of voters that I know of. I left Kingston that day about 3 o'clock. I did not go back there that day. I came home to Natchez with the intention of voting if I could have got to vote.

WM. R. LYNCH.

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and  
Notary Public in and for the county of Adams, State of Mississippi.*

Seventeenth witness.

GEORGE N. JOHNSON, being first sworn and interrogated by Mr. JOHN R. LYNCH, states :

My name is George N. Johnson; I am 47 years of age, and a farmer by occupation. I live in the Washington voting precinct, Adams County, Mississippi, where I have resided since 1872. On the day of the last Presidential and Congressional election I was at the voting-place in the Washington precinct. I was challenger for the Republicans. The polls opened about fifteen minutes to nine o'clock by my watch. Mr. Bryan—I don't know whether he was an inspector or supervisor at that election—without my presenting myself as challenger, suggested to the other election officers who were there that I should be received as challenger for the Republicans. Mr. Bryan said to the other officers, "Gentlemen, here is Mr. Johnson, a neighbor of ours; suppose we receive him and appoint him as challenger to the Republican side." After I heard that I did not even show my appointment, but took my seat as challenger, and the voting went on. During the day, to my knowledge, there were twelve voters who presented themselves to vote, but were not allowed to do so, because the names of some did not correspond with the names on the poll-book; others were erased on the book as being dead, when, in fact, they were alive; and some as having left the precinct, when, in fact, they had not so left. One instance of this was that of Henry Miles; he presented himself to vote, but found himself marked as dead on the poll-book. George Pippings was rejected because of a clerical error in carrying his name on the list. Wherever voters were rejected because their names were not to be found on the book, I kept no list. Zack Campbell presented himself to vote, and a Jack Campbell was found on the list, but no Zack, and he was not allowed to vote, as the inspectors stated he might not be the same man. The voting was considerably hindered in consequence of a great many unnecessary questions being asked. As a general rule, Mr. Bryan, and sometimes Mr. Stanton, would ask these questions, and sometimes Mr. Winston, and others. There were old men came up there that day who had been voting frequently, and whose right to vote had never been questioned, and who had never moved from the precinct. They were asked whether they were 21; where they lived at; "I heard you had moved from the precinct;" and just go on in that way to carry off time. The inspectors would receive about 25

votes an hour. I remember how many votes were polled during the day—364 votes were polled. From fifteen minutes to nine until the officers took a recess for dinner, I think about 110 votes were polled. I think about an hour or an hour and a quarter was occupied in the recess for dinner. The remainder of the votes were polled after dinner, when voting was conducted very rapidly for awhile. Mainly, all the white men came in and voted after dinner, and while the white men were voting was the time when the voting was carried on quite rapidly; colored men were also voted rapidly during this period of the day. I reckon that this rapid voting was carried on for about two hours immediately after dinner. There was one young man came in there to vote, and Mr. Whitehurst objected to his voting because he was not twenty-one; but this could not be proven, and the discussion delayed the time. The young man was finally allowed to vote, and Mr. Whitehurst called for the peace officer to have him arrested. All voting operations were suspended during this dispute. Then they commenced voting again, but it was very near night. They voted very rapidly for about fifteen or twenty minutes before the polls closed, the voters crowding up very rapidly. The polls closed at six o'clock. The obstructions and delay to which I have alluded occurred chiefly before dinner. It was during this time the voting was carried on at about the rate of twenty-five an hour. After dinner the voting was conducted quite rapidly, except during the suspension in consequence of the dispute about this young man's age, to which I have alluded above, when the voting entirely ceased for about half an hour. I was inside the room sitting just by the box. There were some voters came into the room from the back way and some from the front. Most of the white voters came in from the back way; but after it got very late the colored voters crowded in from both ways. During the early voting-hours I did not see any colored men come in at the back way. I know the number of white and colored voters in that precinct; it is about six hundred, or something of that kind. I think the proportion between white and colored is about seventy-five or eighty whites to the balance colored. There was 352 votes polled that day at that precinct, by my count. I have not really any idea how many of these votes were polled by white men. I am unable to form any close opinion, because all the white men in that precinct did not vote at the last election. When the polls closed there were a great many persons waiting outside to vote. It seemed like half of the voters were outside, and had not voted when the polls closed. There were no white men among them; all were colored. I think all these men could have deposited their ballots if these unnecessary questions had not been asked and the polls had opened at the proper hour. During the time the polls were opened all these men could have voted but for the delay in asking unnecessary questions. I observed the voting as it was carried on during the day. I had no means of knowing how many votes were polled for each party, Democrat or Republican. At the commencement of the election the Republicans were coming in with open tickets. Mr. Bryan objected to this, and said he would not receive any ticket which come up there open. He gave no reason for this decision. I think not more than two or three votes had been polled when Mr. Bryan made this decision; and after about sixty votes had been polled he stopped the voting completely, and said he would not receive another ballot until he had seen a Republican ticket

and had a lot of them spread around the box. Charles Minor, the Republican supervisor, gave him a lot out of his pocket, and the voting went on again. Mr. Bryan said the law required these tickets to be spread around the box. I noticed a difference between the Republican and the Democratic tickets, by which one could be distinguished from another. The Republican ticket was a shorter ticket than the Democratic ticket.

After Mr. Bryan objected to receiving the open ticket, the people did not understand him, but came up with their tickets open, and I told them to fold them themselves, so that the voting would go on. When the voters came up with them open, I could see what ticket it was. After awhile, it seems that they had learned outside, for they came up with their tickets folded. I have no particular idea how many came up with their tickets open after the objection was announced. We just let the thing go along, and I have no idea of the number. Those that I did see open were Republican tickets—all that I thus saw. In consequence of the difference between the Republican and the Democratic tickets, I could well distinguish them when folded. When men came up with folded tickets, I saw and observed them, and noticed whether they resembled those which I knew to be Republican tickets, and I observed that the Republicans were generally solid. I was satisfied that these folded tickets which the colored men brought up were Republican tickets. When the recess was taken for dinner, the box was locked, I think, by Mr. Bryan, the key-hole sealed, and the entrance for ballots sealed also. Mr. Bryan, I believe, locked the box, but whoever did so kept the key. As he passed out, Mr. Bryan said, pointing to me, "Gentlemen, there is a man that I would venture my life with. If we left the box open in his charge, we would find it just as we left it." The box remained on the table until they returned. Myself and Charles Minor and Henry Adams, one of the inspectors, remained with the box. When the polls closed at six o'clock, after they had prepared all the tally-sheets, they proceeded immediately with the count, and they counted three ballots that night. Mr. Bryan stated to the gentlemen that if they only counted one ballot that night they would be fulfilling the law. They counted three ballots, and Mr. Fred. Stanton called them all over, and he could not see; he had left his specs home, and I gave him mine, and he could make out a little better, but could not see good yet. He would read off every name on the ballot, electors and all. They commenced to count immediately they got the tally-sheets prepared, and I think it took them half an hour to count these three ballots. Two of them were Republican and one was Democrat—all straight party tickets. They then adjourned for the night until the next morning at six o'clock, to commence counting as soon as they could see. My official capacity had ceased when the polls closed, and I did not see that I had any right to object to the adjournment. The Republican supervisor was there—Mr. Charles Minor—but I do not remember whether he objected or not. Mr. Henry Adams did not object. He was appointed by the Democrats to represent the Republicans. Mr. Adams voted the Democratic ticket that day. I saw him vote it. I saw his vote; it was a straight Democratic ticket; he picked it up right before me. They sealed the hole through which ballots are passed, but not the key-hole, when they adjourned. Several called Mr. Minor's attention to the fact that the key-hole was not sealed as had been done at noon and heretofore. Mr. Minor called them back with the box, for

they had the box out in the entry. Mr. Bryan refused to seal the key-hole. Henry Adams and Minor both objected to the box being taken out of the room until the count was completed. Mr. Bryan and the other Democratic inspector insisted upon the box being taken away for the night. Henry Adams carried the box out of the room; I saw him do so. I think Mr. Bryan had the key. Mr. Bryan, Mr. Tip Stanton, (I think that is his name,) Mr. Minor, and Dr. Fred. Stanton were with Mr. Adams when he carried the box out of the room. I followed them down to Mr. Levi's store-door. There is a bench right in front of the store, and they rested the box on that bench. It seemed to me as if they were hunting for some place to put the box in for the night; that was the way they seemed to be working; and Adams and Minor told the other election officers it would have been as well to have left the box in the room where the voting had been carried on. After awhile they moved off with the box to Mrs. Buell's residence. Mr. Henry Adams took the box on his head, and went towards Mrs. Buell's house, in company with Mr. Tip Stanton, Mr. Minor, Mr. Warren, and myself. About midway between the store and Mrs. Buell's gate, we all waited for Mr. Bryan, and Dr. Fred. Stanton and others, for there was a dozen other white men, I think, with them. When all these came up to where we were waiting, we all moved off to Mrs. Buell's gate. While we were waiting, I had said to Minor that I would stay with him and help watch the box. I spoke loud enough for all present to hear me. Before I reached the gate, however, Mr. Stanton gave me to understand, and told me, there was nobody had any right to stop with the box but the supervisor and inspector. When we got to the gate, I went back and the others went in. Myself and Mr. Warren went back. The other gentlemen, including Mr. Minor and Mr. Adams, went in at the gate. The next morning I got to the voting-place about seven o'clock, and the counting was proceeding. It seemed as if everything there was in mourning, and I put on a mourning garment. I spoke to Minor, for he was looking very bad, and asked him what was the matter? Every time a ballot would come out of the box they would just holloa "Democratic!" "Democratic!" "Hancock and Chalmers!" one after the other. Mr. Fred Stanton did not read off all the names on the ballots, as he had done the night before. And when they came, about every fifteen or twenty votes, to a Republican ticket, Mr. Minor would say to the inspectors, "I thought you had forgotten them." I then said to Mr. Minor and others, "Do you approve this to be right?" and they said, "Of course not." Then I questioned Adams as to what took place, and Adams said, "I did all I could to stay with the box, but they would not allow me." I stayed there until the counting was finished. My judgment is that the box had been tampered with. I know of my own personal knowledge that the box was not tampered with when the recess was taken for dinner. I am confident that if the box was tampered with, it was during the night.

Cross-examined by Capt. T. OTIS BAKER, counsel for contestee:

These twelve persons whose votes were refused were colored men, and, in addition to these, there was one white man so refused. The names of these twelve persons, whose votes were refused, are Zack Campbell, Lev Thomas, George Pippings, James Bowles, Andrew ———, Mat Wells, Henry Miles, Munro Manuel, Randall Nelson, Alfred Wright, Bryan Carraway, Isaac McCowan.

I am not certain that these names were the only votes that were refused that day, for when it got late my book gave out, and I merely took the number and not the names. Henry Miles's vote was refused because his name on the registration-book was erased as "dead." I did not look at the registration-book myself, but they would not allow him to vote. I do not know how old Henry Miles is; I am not acquainted with him; I do not know where he lives. The names of Randall Nelson and George Pippings did not correspond with the names on the registration-book. They gave their names in as I have given them here. Judge Whitehurst was there, and said Mr. Winston, in changing the books, had made some mistake, but he could not admit them to vote, as he had rejected other voters for the same cause. I am not a member of the Republican club in that district. The inspectors did not have the original registration-book, but copies made by the circuit clerk. Alfred Wright was objected to because his name could not be found on the registration-book; Mat Wells for the same reason. Isaac McCowan's name, as he gave it, was differently spelled from the name on the registration-book; I give it here as he gave it. I can only give the reasons for the rejection of those whom I thought were wrongfully refused; the others, I thought, were rightly rejected for some fault of their own. Some old citizens, who had not voted at the previous election, had not their names carried forward to the new book. I do not know the reason why the other six men, whose names I have given above, were refused. I do not know the name of the white man who was not allowed to vote. The officers of election took an adjournment for dinner at about two o'clock.

My reason for being satisfied that these folded tickets which were voted by the colored people were Republican tickets, was that the colored people were generally solid for the Republican party; it was so stated among them, and this is my sole reason for so believing. I had a good deal of talk with them. Mr. Henry Adams, that I spoke of as one of the inspectors of election there, is a colored man. I do not know whether he is an officer of the Republican club in that district. I do not know that they have any Republican club out there, but I think not, as I never heard of any. Mr. Minor, that I have spoken of all along, is the colored United States supervisor of election at that precinct, on that day. Those tickets that Dr. Stanton called out as Democratic tickets, when they were counting, were Democratic tickets. I would not say that I am positive the colored people of that district did not vote the Democratic ticket at previous elections, for I am not much acquainted; but I would say, as I said to Adams the inspector, during the recess for dinner, that I had learned he votes the Democratic ticket; and as he was there to represent the Republicans, I wanted that day to see whether he did vote the Democratic ticket; and, late in the afternoon, he did take up a Democratic ticket, and I saw him vote it. I suppose the colored people at that precinct have heretofore at other elections voted folded tickets. I have no particular reason for believing that Henry Adams is the only colored person in that district who voted the Democratic ticket.

Re-examined by Mr. JOHN R. LYNCH:

When I stated, in my cross-examination above, that my sole reason for believing the colored people at that precinct voted a solid Republican ticket, I misunderstood the question put to me. I was satisfied when I saw a folded ticket that it was a Republican ticket, without

knowing positively whether it was a Republican ticket—without knowing positively whether it was so or not. I believed those tickets to be Republican tickets, simply by what I saw or read, and I knew them to be Republican tickets.

Cross-examined by Capt. T. OTIS BAKER:

The intention of the Republicans, colored people, was to vote an open Republican ticket; it was noised abroad among them, and, as I heard them say, they were generally Republicans. I kept no tally of the separate Democratic and Republican votes after the objection had been made to the open tickets. After that time I found that I could not keep track, and I kept no tally from that time on. I believe that this objection was made with the intention of doing something wrong. When a ticket was not folded in my presence, I could tell very nearly that it was a Republican ticket. I knew the difference in size very nearly. I think the Democratic ticket was something near an inch or an inch and a half longer than the Republican. I know how much an inch is. That was near about the difference between the tickets. I had both tickets. I did not handle these closed ballots; I was only sitting down keeping count. The ballots did not pass through my hands, but I was sitting near, and the voters had to pass me, and there were very few but had to fold their ballots at the box. They would stand and wait when they had that to do. One ticket was larger than the other, even when folded. If the ticket was larger, the fold would be larger, bound to be larger, even if it was folded to the same size, it would be as broad; but the paper would be thicker. The Republicans, when they had to vote folded tickets, were very particular to let some one who was a Republican see their tickets, that the tickets were Republican. Mr. Minor was sitting right behind me with his book. We both made it a special business to watch the ballots, and we tried so to do. I did know and could tell the colored people who are soft and could be carried away to vote the Democratic ticket; and I know those, again, who are too old for that. I tried to watch them all and see how they voted. If one of them had any talk with the white gentlemen, I would watch his ballot mighty close.

The Republican executive committee appointed me as challenger, but I did not show my commission to the inspectors of election; we all laughed and were very cordial together until we got to Mrs. Buell's gate at night. When I was appointed challenger I was instructed about my duties. I was instructed to look closely and see how the election was conducted as near as possible. Of course I was not to take part in any riots or disturbance, but to act civil and gentlemanly to the persons there, and I tried to do that as nice as I could. When I tried to spot those men who were voting the Democratic ticket, I think they were more like spotting themselves. There was some young fellow talking to the white gentlemen, and they conducted him up to the box; but what he did there I don't quite know. I was a little dubious about him; he was a young fellow. I didn't take all the gentlemen's votes and examine them; I was not instructed to take that much authority. I saw the young man pass in his ballot; I saw his ballot; the young man did not look good, but I did not go down to a point about him. These white gentlemen were talking to him, and he had two ballots, one in each hand, and he voted a very small ticket; it might have been a Republican. He was a very young fellow and I watched him particularly. He voted a ballot which I believe to have been Republican, but I was dubious



about him at the time. I did not discover any colored persons there that day besides Henry Adams voting the Democratic ticket that day. He was the only one I positively know of who voted the Democratic ticket there that day. I do not know how many colored persons did or did not vote the Democratic ticket there that day, but I do not believe any others besides Henry Adams did. I have stated my belief about these folded ballots from the size of them, but I cannot possibly be positive about them. I am unable to say whether Henry Adams is the only colored person in that district has voted the Democratic ticket at previous elections. I felt that was part of my duty to watch these ballots so closely. Mr. Minor was watching them also, and he kept a tally of the votes as they went into the box.

Re-examined by Mr. JOHN R. LYNCH:

Mr. Henry Adams is, as I learned from those who know him in the district, regarded as a Democrat. There being two parties, Republicans and Democrats, I claimed the right to be shown to which party he belonged, and I felt it was my duty, so far as possible, to look after the interests of our party, and the right of the Republicans to vote. It was for the purpose of preventing them from being deceived that I watched the ballots so closely, and not with the idea of influencing the voters.

Cross-examined by Capt. T. OTIS BAKER:

I do not know particularly how long Mr. Henry Adams has been known or believed to be a Democrat. I don't know that he has been an officer of the Republican club out there. I was inside the house that day, and I did not know any one who was trying to practice deception on voters. I have got a father, and I believe he wanted to vote the Republican ticket, and if I saw him come up with a ticket opposite to what he wanted to vote, I would tell him of it. I know some out there who do not know B from A, and they want to go with their tickets to some man who can read and find out. I am unable to say how many there are there who could be deceived if the deceiver was on the ground. I do not mean by the illustration I have used that I had to change my father's ticket, but I merely illustrated my meaning in that way. The Republican party, I suppose, had men on the outside distributing tickets. I was not out there. Each party generally have men appointed for that purpose. When they appoint these men they give the appointments to men who can influence the people to come his way.

GEORGE N. JOHNSON.

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and  
Notary Public in and for the county of Adams, State of Mississippi.*

Twenty-fifth witness.

CHARLES W. MINOR, being first sworn, and interrogated by Mr. JOHN R. LYNCH, states:

My name is Charles W. Minor; I am 27 years of age, and a carpenter by occupation. I live in the Washington precinct, Adams County, Mississippi; I had lived there not quite two years prior to the election held on 2d November last. On the day of the Presidential and Con-

gressional election, 1880, I was present at the polling-place of the Washington precinct. I was United States supervisor for the Republicans, and I acted in that capacity. I was there when the polls opened in the morning. The polls opened about half-past ten. There was an adjournment about noon for dinner, as the inspectors said. The polls remained closed for that purpose about 45 minutes, if my recollection serves me right. The election inspectors were Mr. Lewis Bryan, Doctor Fred. Stanton, and Henry Adams, a colored man. The first two are Democrats, and the third is also a Democrat. It was said that Henry Adams had been appointed to represent the Republicans, and it was understood that he had been appointed as a Republican. I know that Henry Adams is a Democrat, if you can judge of a man's politics by what ticket he votes. I saw him vote an open Democratic ticket. Capt. Sam. Winston was the U. S. supervisor for the Democrats. J. D. Baker and Mr. Burke were the clerks of election. All the officers of election were white men except Henry Adams and myself, and all of them were Democrats except myself. The challengers on the inside were Geo. N. Johnson for the Republicans, and Hon. Mr. Chamberlain acted the greater part of the day for the Democrats; others acted also on the Democratic side, but Mr. Chamberlain was the regularly-appointed challenger by the officers present. There were times when more than one Democratic challenger would act at one time; sometimes only one would act. At one time I know there was at least three who questioned one man who was supposed to be very young. These three were Mr. Chamberlain and Judge Whitehurst and Mr. John Arrighi; and all three of them questioned one man as to his right to vote, and they discharged the duties of Democratic challengers, so far as this one man was concerned. I know of my own personal knowledge that Mr. Arrighi is a resident in Natchez, and not a citizen of that precinct, and not a voter there. He did not act at any other time or interrogate any other voter except one white man who applied to vote but had moved from the precinct. I objected to that vote, but Mr. Arrighi said I was wrong to do so. In this instance, also, Mr. Arrighi claimed the authority and functions of a challenger. When I challenged this man's vote, I knew he had left the precinct. I objected to any one acting as challenger except the one who had been regularly appointed for that purpose. Judge Whitehurst, one of the commissioners of election for Adams County, who is a citizen of that precinct, Mr. Bryan, and other Democrats, claimed that any citizen had the right to act as challenger.

No one claimed any privilege to act as challenger on the Republican side except Geo. N. Johnson; only I sometimes intervened when he seemed busy and engaged. I did not claim any right under my appointment to act as challenger, but as they said any citizen had the right to so act, I thought I had as much right to enjoy the privilege as they had. Mr. Arrighi remained in the voting-room from about two o'clock until the polls closed, and the greater part of that time he was near the box, but opposite it sometimes. When the recess was taken for dinner the box was locked. Some one of the inspectors locked the box—I think Mr. Bryan. Some one of the inspectors took the key with him; I do not remember which one. The box was left in the voting-room on the same table. It was sealed at both the key-hole and the hole through which the ballots are deposited. I remained with the box, and so did George N. Johnson and Henry Adams. I can say of

my own personal knowledge that the box was not tampered with during the recess for dinner. When the officers returned, the voting proceeded uninterruptedly, except when a man would be challenged, and there would be some argument or dispute over it, as in the morning. I observed the manner in which the voting was conducted all through the day. The Republican voters commenced in the early part of the day to vote open tickets. There was no open tickets received; the men were sent back from the ballot-box to fold them. Both Dr. Stanton and Mr. Bryan made the same refusal to receive open tickets; they said the law did not allow them to receive them that way. It was contrary to law. Both Mr. Bryan and Dr. Stanton said this several times. The voters stepped back from the box, it may be four or five steps, into the hallway. When these voters were sent back to where they were directed to go, they were out of sight of the election officers. I noticed a difference by which I could distinguish the Republican from the Democratic tickets when open, but I could not tell them apart when folded. The Republican ticket had an eagle on it, I think. I noticed another difference in the ticket, namely, that the heading of the Democratic ticket was in larger letter than the Republican ticket, and the Republican ticket seemed to have the printing more closely together at the heading. The Democratic ticket was something longer than the Republican ticket. If these tickets had been voted open, I would have distinguished the difference between the tickets without even reading the names. The voting was conducted very slowly until the last half hour of the day. At one time in the early part of the day I timed the rate at which they were voting for one hour by Alexander Johnson's watch and by Captain Winston's watch, and I think the rate did not exceed ten an hour. The clerks claimed that they could not find men's names on the registration-book. The clerks looked for men's names on the book, and the inspectors never had anything to do with the names on the registration-book. The clerks claimed that they could not find the names any faster. One of the clerks was deaf, and a man's name had to be halloed out to him three or four times before we could make him understand it. Mr. Baker was the clerk who was deaf. The clerks also wrote down the names of the voters each on a separate list. In addition to writing the names on the list, the clerks also looked for the names of voters on the poll-book, with a view of checking the names as they voted. Neither of the inspectors, at any time during the day, checked off the names of voters as they were polled.

These clerks claimed to have experienced very great difficulty in finding men's names on the poll-book. This was one of the causes of delay. Sometimes a man would call his name differently from what it appeared on the poll-book. One man gave his name in as Gilroy McCovens, and the name did not appear to be spelt correctly on the poll-book, and the clerks would go to work and look through the book, and say they could not find any man of that name. But in looking over the book they found the name of McCowens; I looked but I could not discover any difference in the name but this—"McCowens," instead of "McCovens." He was refused the right to vote. While this was going on a great deal more time was consumed than was necessary, considering the case. Probably five minutes was consumed in this way. Another case occurred with the same man's brother, where it was claimed that the name was McCorens, and not McCovens; but I would take the name as written in the book to be as much like one

as it did like the other. This man was refused the right to vote. Probably as high as ten cases occurred during the day of similar disputes as to names. I have described two methods of delay. Another cause of the delay was when Mr. Bryan, one of the inspectors, after the voting had proceeded for about an hour or a little longer, said there ought to be some Republican tickets 'round the box, and that he could not proceed with the election legally until these ballots were brought. The voting was suspended until the ballots were brought. There was about ten minutes, I judge, elapsed before the tickets were procured and delivered to Mr. Bryan. There was one time, also, other than during the recess for dinner, when Mr. Bryan and Dr. Stanton, both inspectors, were absent together for some time; I do not know from what cause. Both of them were absent at the same time. They went out at the back door into the yard, but I do not know where they went after they got out there. The election was closed, and the voting did not go on while these inspectors were absent. They did not formally close the polls, but just walked off and told the other inspector and the peace officer to keep back everybody from the box until they returned. A great many voters were waiting an opportunity to vote when these inspectors went out. They were absent about five or six minutes, more or less. When they returned the voting was resumed as before. Both these inspectors returned together. I cannot recollect any more causes of delay but those which I have stated; but some of these obstructions were repeated at several times during the day. The Democratic challengers asked voters, almost invariably, many questions. Mr. Aaron Stanton, who was inside the room, and not an officer to my knowledge, seemed to be acquainted with a great many voters in that district.

The Democratic challengers asked voters a great many questions, some of which I remember—voters were asked where they lived, whose place they lived on, where they were staying, how long they had been staying there, when they had registered, where they had registered at, and so on. There were other questions, but there were so many different questions that I cannot remember them all; but those questions I have just stated were asked more than others. Much time was consumed in asking and giving answers to these questions. I should regard these questions as being asked more for the purpose of delay than to gain information. There were some men who the inspectors knew themselves, and I knew that they knew them, and the same questions were put to these men. According to my information, there is something over 600 registered votes in that precinct. Of this number about 80 are white men. About 362 votes were polled there that day. There were a number of voters waiting there for an opportunity to vote when the polls closed that day; I think about 200. They were all colored men so far as I could learn. I never heard a white man say he had not an opportunity of voting there that day. I did not see one white man refused. So far as I know, all the white voters in the precinct who presented themselves to vote had an opportunity to do so. I was in the room when the polls closed. The polls closed at six o'clock. The inspectors immediately proceeded with the count. They counted three ballots that night, and two of them were Republican votes straight out, and one of them a Democratic vote. Mr. Bryan claimed to be sick; Dr. Stanton claimed to be tired. These are all the excuses made that I can remember. They then adjourned the count until the next

morning at seven o'clock. Mr. Adams, one of the inspectors, objected, I think, to the adjournment, and wanted the count to go on that night. The other two inspectors voted for adjournment. I objected to the adjournment. The box was locked up by Mr. Bryan and the key was given to Henry Adams. The hole through which the ballots were deposited was sealed, but the key-hole was not sealed. I suggested to Mr. Bryan that the key-hole should be sealed. I do not remember whether anybody agreed with me as to that or not. They were in the act of taking the box out when I asked them to seal the key-hole. No one in the room, beside myself, said anything about sealing the key-hole that I remember. Mr. Bryan said it was not necessary the key-hole should be sealed and he was not going to seal it. Henry Adams took the box out of the room; he also had the key. He was in company with myself and the other inspectors; Mr. Bryan and the Democratic supervisor, and the peace officer and several other citizens and Geo. N. Johnson, the Republican challenger, was present, also.

We all left the room together. We went down the street in front of Mr. Morris's store, and halted there, for the inspectors had sent some one to procure a room for the night. We halted in an argument with me as to my right to stay with the box that night. I had the argument with Captain Sam. Winston, the Democratic United States supervisor. I claimed the right to be with the box that night. He claimed that he did not think I had that right—that neither himself nor myself had any such right. He said he did not feel well enough to sit up with the box, and he did not see that either of us had any right to stay with the box. No one else took any part in this argument there. They got a room, and they told us that this room was at Mrs. Buell's. At this time I saw Mr. Burke, clerk of election, come out of Morris's store with two or three pistols in his arm, and go in the direction of Mrs. Buell's, where the inspectors had procured a room in which to keep the box until the morning. Myself, Captain Winston, Dr. Fred. Stanton, Mr. Rowan went along, and several other white men were at Mrs. Buell's when we got there. Johnson, Adams, and myself were colored men. All who went were Democrats, or supposed to be Democrats, except Johnson and myself. We stopped half-way from the store to Mrs. Buell's house. When we got there, Johnson said he did not care to go home, and he would stay and help watch the box, but Dr. Stanton said he did not want him to be there that night. All of these parties that I have named went into the house, myself and all. We went into the house and up to the second story of the building. Henry Adams carried the box up, according to the directions of the officers. I followed them and went up stairs to the room. Myself and Dr. Stanton, and Mr. Rowan, went up stairs into the room. They put the ballot-box into an old cupboard in the room, and shut the door of the cupboard, and then Dr. Stanton and Mr. Rowan said, "Now everybody come out." The door of this cupboard was not locked after the box was put in. I objected to leave the room and told them the law required that I should stay with the box, and I merely wanted to discharge my duty or attempt to do it, and that I was not going down unless I was forced. That was what I told the gentlemen who were present. They all walked out of the door, and I was still standing in the room. Mr. John Arrighi, the man who acted as challenger in the early part of the afternoon, and who resides in Natchez, stepped in then and said, "Take the key of the door." I told him I did not want to take the key, as it was a very easy

matter for any one to substitute a key if they undertook to do it." Then Mr. Rowan said, "There is no one going to stop up here, and you may as well go down now." I said, "I am not going down unless I am forced; I am not going to do it." Mr. Rowan is a member of the board of supervisors from the fifth or Washington district; he was not an election officer there that day.

When I refused the second time, Mr. Arrighi went out to the middle of the floor, with his hand in his pocket, and said, "Take the key or door." I thought at first he was still insisting upon me to take the key, and I said "What?" He said, "Take the key or take the door;" and I said, "That settles it." I understood from his appearance that he meant me to go out, and that was what I understood him to mean by the expression, "Take the door." I came outside, and Mr. Arrighi tried to lock the door, but the lock was somewhat out of order; but they finally succeeded in getting it locked. They got a screw-driver, and I succeeded in getting the lock off for them myself. Then they fixed it or pretended that it was fixed, and put it back on the door again. It was fixed in such a way that they succeeded in locking it. I am unable to tell who took the key of the door. I know I did not take it. It was not offered to me after the door was locked. They told me that no one should enter the room until next morning. Mr. Bryan and Doctor Stanton both said no one should enter the room. They took the light out and let me see that it was out. While we were standing at the head of the steps Mr. Bryan came up and said, "Where is Minor; is he up there?" and some one in the crowd answered "Yes," and pointed to me, and I answered "Yes, here I am." He said "Well, ain't Minor going to stay with the box?" Mr. Rowan said "No, we'll take care of the box to-night." Mr. Bryan told them that he did not see why I should not stay with the box since I insisted upon it. Mr. Bryan added, "Come down stairs, Minor, and we will stay down in the parlor, and commence counting early in the morning." He told me I need not go away, but just consider myself safe and stay down there with the rest of them in the parlor. I did so. There was Mr. Rowan, Mr. Stanton, Mr. Bryan, Henry Adams, Mr. Baker, Mr. Burke, Mr. Aaron Stanton, Mr. Ratcliffe, Mr. John Arrighi; and Mr. Sted and Mr. O'Neil came in afterwards, as did some other people. These parties who came in afterwards were all citizens of Natchez, as was also the Mr. John Arrighi mentioned above. All these men were white men, except Henry Adams and myself, and I should say they were all Democrats except myself. I so considered them.

We did not stay all in the same room that night together. Several passed out backwards and forwards. Sometimes some of them were out for an hour or a couple of hours at a time. I did not stay in the room all night. I went out in the yard several times during the night. I never spent more than three or at the outside five minutes away from the room during the night at any one time. Sometimes I was not away so long as that. Henry Adams did not remain in there all night. He was out a considerable length of time once. I cannot say I knew where he was all the time during that longest stay he made on the outside, but I saw him talking to Mr. Rowan about eight or ten steps from the door. I could see him from the room where I was by the light that was shining. I remained awake all night. These men were passing backwards and forwards promiscuously through the house all night. Any of these men could have gone up stairs without my hearing them. I cannot

say I saw any one go up stairs, but I saw a light in the room where the box had been left. I stated that the light had been taken out of the room before the door was locked. It was very late in the night when I saw the light. It must have been nearly twelve o'clock. I was in the yard when I saw this light, and I saw it from the window of the room. The window had dark curtains but no blinds. I can say of my own personal knowledge that the light was in the room in which the box had been put. I said nothing at all to anyone about this and called nobody's attention to it all. The curtain in the room hung down to the sill of the window, or perhaps lower, and I could see the light at each side of the curtain. I apprehended that something was going wrong. I just took it for granted that somebody must have entered the room because of the light. I thought if they wanted to do anything to that box, it was no use for me to say anything; for if the thing was contrary to their knowledge, I did not think it was contrary to their wishes. I thought I had better not say anything. I understood that if they were determined to tamper with the box, I was powerless to prevent it. I felt I had fully discharged my duty in making an effort to remain with the box. I was there present the next morning when the counting was resumed. I observed the count fully; I know how the vote stood as between Lynch and Chalmers when the count was finished. It was Chalmers, 274, and Lynch, 98. I thought something wrong had been done with the box somehow when they got through counting. My reasons for thinking so were the manoeuvres that I saw that night; and the general sentiments of the people would have taught me to believe that a great many votes would have been cast for Lynch.

I am personally acquainted with a majority of the voters in the district, and I am satisfied that the votes, as counted the next morning, were not as polled the day before. I think the box was tampered with during the night. I know it was not tampered with during the day. I am pretty well acquainted with the greater part of the voters in that precinct, and from my knowledge of the voters, and from the number of votes cast, I judge that Chalmers had received 79 or 80 votes, allowing a wide doubt whether he had received that number, judging from the men who voted and the way they had expressed their opinion to me. When I say 79 or 80, I mean that as the highest probable maximum he would poll in that precinct. I know all the Republicans had decided to vote open tickets, for a great many voters out there thought they had been defrauded out of their vote by ballot-box stuffing, and by other means dealt unfairly with, and they complained, and that was the reason why they were advised to vote open tickets. My understanding was that it was the duty of the United States supervisor to keep tally of the votes as they went into the box. That was the instructions, as I understood them, from the pamphlet which I received containing the law upon the subject. The purpose of getting this tally of open votes was to know before the votes were counted how they stood. I was not able to keep any tally of open votes at all; I had no way of getting at it. It seemed to be the general desire of the Republicans there to vote the open ticket. I think they would have done so, as a general rule, if this objection had not been made by the election officers.

Cross-examined by Capt. T. OTIS BAKER, counsel for contestee:

What I have just stated here with regard to what occurred that night at Mrs. Buell's, I first wrote out and forwarded in my report to the

United States chief supervisor at Jackson. That report was made on the fourth of November, if my recollection serves me. I don't recollect telling any one about it before I made that report. I gave Geo. N. Johnston no details of it on the morning when we counted the votes. I never had the key of the room in which the box was left, nor was it offered to me after the door was locked. I told them, when it was offered to me previously, "No, I did not want it, for any key might be substituted for it." Neither myself nor Adams offered to remain at that door at the outside that night. Mr. Arrighi made a proposition to me about taking the key. I am positive about that. No one else made any such proposition to me either before the door was locked or after. No one proposed to me that I should remain at the door all night. I am positive of that also. I did not propose to them that I would remain at the door myself. No proposition was made in my presence to or by Henry Adams to remain at the door all night. I was not offered by any one the use of their overcoat if I wanted to remain at the door instead of going down stairs. There was no such offer that I know of made to Henry Adams. I did not go up stairs at any time during the night after the box was put in the room. I was not prevented by any one that night from going up to that door. I was awake that night. It would be hard for me to say that I saw everything which occurred in the parlor during the night; I saw what was visible to my eyesight—such things as taking a little drink now and then or playing at cards, I might have seen. I was in the room all night, with the exception of the few times I was out in the yard. I was out of the room several times during the night for two or three minutes at a time. I may have been out once longer. When I went out of that room, I did not go anywhere else than into the front yard. I was there when the box was carried away the next morning, and I left at the same time with the box. The inspectors were there where I was, in the parlor that night. The inspectors were in the parlor when I saw the light in the room. Those times that I went out into the front yard, no one went out with me. There was somebody, probably once or twice, when I went out, standing in the front yard. There was somebody out there besides myself when I saw the light in the room. Mr. Jim Rowan was out there in the yard standing talking to Henry Adams, when I saw the light. I did not call their attention to the light up in the room.

When I went back into the parlor I did not tell the inspectors about the light which I saw up in that room. I did not inform Mr. Winston, the United States supervisor, of it. I did not say anything to the inspectors about it the next morning, either before or during or after the count. I do not recollect of having told any one about it until I made my report to the United States supervisor. I might have told Geo. N. Johnson, but I do not remember. I might have told him, and if I did, it was the next morning. Geo. N. Johnson was present at the count; and if he had said anything about it, or made any protest to the inspectors, I would have heard it. I said, while Captain Winston and myself were arguing as to his and my right to be with the box all night, Mr. Burke came out of the store with two or three pistols laying across his arm, his arm being doubled over them. He had two or three—more than one. I did not see any in his other hand. He came out of Mr. Morris's. Mr. Bryan did not come up with us to that room when we carried the ballot-box up. He made



his first appearance when the door had been locked up and we were on the landing or entrance. It was only a few seconds after the door was locked that we saw him; he might have been coming up stairs while the door was being locked, or the man was trying the door to see whether it was locked. The voting was done that day in the school-house in Washington. The voters were passing through a hall-way in the centre of the building. The table was on the inside of the room, close to one of the doors leading out to the hall-way from one of the rooms. I was in the room behind the table. I did not occupy any stationary position; sometimes at one place 'round the table and sometimes at another, but in the room. Geo. N. Johnson's position was also at one side of the table inside the room. I do not know how many Republican clubs there are in that precinct. I am a member of a Republican club in that precinct. I am not an officer of the club.

My proper occupation during that day was U. S. supervisor. I stood around and watched the voting generally, and sometimes, when they would question the voters, I would assist in proving his age and so on, and I counted the votes as they were cast. I kept a tally of the votes as they were cast. I kept that list throughout the day. The first McCovens that I spoke of, I asked Mr. Bryan if it would not be legal to swear the man and vote him on his affidavit. I explained also to the man the penalty attached to taking a false oath. I explained this to him to the best of my ability. As the name was written on the registration-book it might be taken for McCowens. They showed me the registration-book in order that I might see how it was. I also had the privilege of looking at that book, and was not refused the privilege at any time. I was even called by the inspector and told to look at the book at any time when men's names, as given by them, did not correspond with the book. The name was written on the book "McCowens," that is, the letter would be taken for a "w" by an ordinary reader, but it might be taken the other way if it was wanted to be so taken. That letter was written with two curves coming down nearly to the line. I would take it whichever way it suited best, especially if I knew the man and saw how the name was written. McCowens is a strange name in that precinct, and a strange name to me in the county.

I think a great deal more time was taken up over the case than was necessary. I do not mean to say that I would have decided at once as to the man's voting if I had been inspector. If a man's name could be construed from the registration-book to be the name given in, I would give the man the benefit of the doubt. If I was a sworn officer I would be careful to fulfil my oath, and would act quite as carefully as if I was challenger. I do not believe in permitting a man to vote unless he is a registered voter, no how. If I had been an inspector I could not have been certain that no other man would present himself there that day by the name of McCowens, claiming the right to vote. There was a discussion as to the right of this man's brother to vote, whose name appeared on the book as if it might be McCowens. It looked more like that than anything else. There were some eight or nine or ten cases in which a discussion arose, because some who presented themselves to vote looked as if they were probably too young, and others were supposed not to live in the district, and some whose names as given in were differently written on the poll-book. When these men appeared to be youthful looking, they were questioned as to their age, and others as to whether they had not moved out of the district. I thought a great many of the questions which were pro-

pounded had no bearing upon the case, while others were applicable to the classes to which they were put. I was standing in the hall of the voting-place that night when I discovered that the key-hole of the box was not sealed. No one had the box; it was on the table when I first discovered it. When I first spoke of it I was standing in the hall of the school-house. The box was still standing on the table. It was dark when I left the school-house. The pamphlet or book which I received as containing my instructions, I received through the post office. I live on Mrs. Walcott's place, on the left fork of the road leading from here to Washington, a little over three miles from town. It is a printed pamphlet, and I referred to it in my examination-in-chief. I have it at home.

Re-examined by Mr. JOHN R. LYNCH.

I am not positive about the Republican ticket having an eagle on it there that day. Seeing so many tickets at prior elections having an eagle on them, made me think the Republican ticket used at that election had an eagle on it. I had in my mind elections where eagles were frequently found on tickets, and at the moment I answered as I did. I retained one Republican ticket which was used at that election that day, but I have lost it somehow. If I saw a copy of the ticket which was used there that day I think I could identify it.

Cross-examined by Capt. T. OTIS BAKER :

I think now the Republican ticket used at that election had no eagle on it. I am not any more positive about some things in my examination-in-chief than I am about this; questions of time, for instance, I cannot be certain about, for I took no watch with me. I am not more positive about these than I am about the ticket. I saw some of these tickets before election day. I first saw one in Natchez; some man showed it to me, I don't remember who. I think I saw this ticket on the Saturday before the election. I don't know who carried the Republican tickets out from town for use at that precinct. I saw nothing of them the night before the election. I saw the Republican tickets when they were that day spread around the ballot-box. I am not positive whether I handed these tickets myself to Mr. Bryan, but I procured them for him. I saw the Republican tickets when they were counted the next day. Mr. Bryan stated, in reference to having Republican tickets there around the box, that they ought to be there, to be given to any voter who happened to come in and want one.

CHAS. W. MINOR.

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and Notary Public in and for the county of Adams, State of Mississippi.*

EXHIBIT A.—CHAS. W. MINOR.

United States circuit courts for the Southern district of Mississippi.

OFFICE CHIEF SUPERVISOR OF ELECTIONS,  
Jackson, Mississippi, ———.

*To U. S. Supervisors of Elections :*

The within extracts from the Revised Statutes of the United States, regarding elections for Representatives in Congress, and defining your

authority and duty as supervisor of election thereat, are published for your information and direction.

Cordial and harmonious co-operation with your associate supervisor of election, in the discharge of your duty, and courtesy towards the State officials are enjoined.

All violations of the law with respect to the elective franchise, affecting the result of the election, or concerning the performance of your duties, should be promptly reported to this office, under oath, as required by law.

Special instructions will be given from time to time, as occasion may demand.

JAMES M. MCKEE,  
*Chief Supervisor of Elections.*

#### UNITED STATES STATUTES.

*Race, color, or previous condition not to affect the right to the performance of any pre-requisite to the right to vote.*

SECTION 2005. When under the authority of the constitution or laws of any State, or the laws of any Territory, any act is required to be done as a pre-requisite or qualification for voting, and by such constitution or laws persons or officers are charged with the duty of furnishing to citizens an opportunity to perform such prerequisite, or to become qualified to vote, every such person and officer shall give to all citizens of the United States the same and equal opportunity to perform such pre-requisite, and to become qualified to vote.

*Penalty for refusing to give full effect to preceding section.*

SECTION 2006. Every person or officer charged with the duty specified in the preceding section, who refuses or knowingly omits to give full effect to that section, shall forfeit the sum of five hundred dollars to the party aggrieved by such refusal or omission, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just.

*What shall entitle a person to vote.*

SECTION 2007. Whenever under the authority of the constitution or laws of any State, or the laws of any Territory, any act is required to be done by a citizen as a pre-requisite to qualify or entitle him to vote, the offer of such citizen to perform the act required to be done shall, if it fail to be carried into execution by reason of the wrongful act or omission of the person or officer charged with the duty of receiving or permitting such performance or offer to perform, or acting thereon, be deemed and held as a performance in law of such act; and the person so offering and failing to vote, being otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had in fact performed such act.

*Penalty for unlawful hindering, &c., a person from voting.*

SECTION 2009. Every officer or other person, having powers or duties of an official character to discharge under any of the provisions

of this Title [THE ELECTIVE FRANCHISE] who by threats or any unlawful means, hinders, delays, prevents or obstructs or combines and confederates with others to hinder, delay, prevent or obstruct any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school district, municipality or other territorial subdivision, shall forfeit the sum of five hundred dollars to the person aggrieved thereby, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just.

*Attendance at elections.*

SECTION 2017. The supervisors of election are authorized and required to attend at all times and places for holding elections of Representatives or Delegates in Congress, and for counting the votes cast at such elections: \* \* \* to be and remain where the ballot-boxes are kept at all times after the polls are open until every vote cast at such time and place has been counted the canvass of all votes wholly completed, and the proper and requisite certificates or returns made, whether the certificates or returns be required under any law of the United States, or any State, Territory, or municipal law, and personally inspect and scrutinize, from time to time, and at all times, on the day of election, the manner in which the voting is done, and the way and method in which the poll-books, registry-lists, and tallies or check-books, whether the same are required by any law of the United States, or any State, Territorial, or municipal law, are kept.

*When molested.*

SECTION 2020. When in any election district or voting precinct in any city or town for which there have been appointed supervisors of election for any election at which a Representative or Delegate in Congress is voted for, the supervisors of election are not allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hinderance, molestation, violence, or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law, the supervisors of election shall make prompt report, under oath, within ten days after the day of election, to the officer who, in accordance with the provisions of section two thousand and twenty-five, has been designated as the chief supervisor of the judicial district in which the city or town wherein they served, acts of the manner and means by which they were not so allowed to fully and freely exercise and discharge the duties and obligations required and imposed herein. And upon receiving any such report, the chief supervisor, acting both in such capacity and officially as a commissioner of the circuit court, shall forthwith examine into all the facts; and he shall have power to subpœna and compel the attendance before him of any witness, and to administer oaths and take testimony in respect to the charges made; and prior to the assembling of the Congress for which any such Representative or Delegate was voted for, he shall file with the Clerk of the House of Representatives all the evidence by him taken, all information by him obtained, and all reports to him made.

*Interfering with supervisors of election.*

SECTION 5522. Every person, whether with or without any authority, power, or process, or pretended authority, power, or process, of any State, Territory, or municipality, who obstructs, hinders, assaults, or by bribery, solicitation, or otherwise, interferes with or prevents the supervisors of election or either of them, \* \* \* in the performance of any duty required of them, or either of them, or which he or they, or either of them, may be authorized to perform by any law of the United States, in the execution of process or otherwise, or who by any of the means before mentioned hinders or prevents the free attendance and presence at such places of registration, or at such polls of election, or full and free access and egress to and from any such place of registration or poll of election, or in going to and from any such place of registration or election or canvass of votes, or of making any returns or certificates thereof, may be had, or who molests, interferes with, removes, or ejects from any such place of registration or poll of election, or of canvassing votes cast thereat, or of making return or certificates thereof; any supervisor of election, \* \* \* or who threatens, or attempts, or offers so to do, \* \* \* shall be punished by imprisonment not more than two years, or by a fine of not more than three thousand dollars, or by both such fine and imprisonment, and shall pay the costs of prosecution.

*Certain supervisors not to make arrests, &c.*

SECTION 2029. The supervisors of election appointed for any county or parish in any Congressional district, at the instance of ten citizens, as provided in section two thousand and eleven, shall have no authority to make arrests, or to perform other duties than to be in the immediate presence of the officers holding the election, and to witness all their proceedings, including the counting of the votes, and the making of a return thereof.

*Pay of supervisors.*

SECTION 2031. \* \* \* No compensation shall be allowed, in any case, to supervisors of election, except to those appointed in cities or towns of twenty thousand or more inhabitants. \* \* \*

*Fraudulent voting, &c., at elections for Representatives in Congress.*

SECTION 5511. If, at any election for Representative or Delegate in Congress, any person knowingly personates and votes, or attempts to vote, in the name of any other person, whether living, dead, or fictitious; or votes more than once at the same election for any candidate for the same office; or votes at a place where he may not be lawfully entitled to vote; or votes without having a lawful right to vote, or does any unlawful act to secure an opportunity to vote for himself or any other person; or by force, threat, intimidation, bribery, reward, or offer thereof, unlawfully prevents any qualified voter of any State, or of any Territory, from freely exercising the right of suffrage, or by any such means induces any voter to refuse to exercise such right, or compels, or induces, by any such means, any officer of an election in any such State or Terri-

tory to receive a vote from a person not legally qualified or entitled to vote; or interferes in any manner with any officer of such election in the discharge of his duties; or by any such means, or other unlawful means, induces any officer of an election or officer whose duty it is to ascertain, announce, or declare the result of any such election, or give or make any certificate, document, or evidence in relation thereto, to violate or refuse to comply with his duty, or any law regulating the same; or knowingly receives the vote of any person not entitled to vote, or refuses to receive the vote of any person entitled to vote; or aids, counsels, procures, or advises any such voter, person, or officer to do any act hereby made a crime; or omit to do any duty, the omission of which is hereby made a crime, or attempt to do so, he shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than three years, or by both, and shall pay the costs of the prosecution.

*Violation of duty by officers of election.*

SECTION 5515. Every officer of an election at which any Representative or Delegate is voted for, whether such officer of election be appointed or created by or under any law or authority of the United States, or by or under any State, Territorial, district, or municipal law or authority, who neglects or refuses to perform any duty in regard to such election required of him by any law of the United States, or of any State or Territory thereof; or who violates any duty so imposed, or who knowingly does any acts thereby unauthorized, with intent to affect any such election, or the result thereof, or who fraudulently makes any certificate of the result of such election in regard to such Representative or Delegate; or who withholds, conceals, or destroys any certificate of record so required by law respecting the election of any such Representative or Delegate; or who neglects or refuses to make and return such certificate as required by law; or who aids, counsels, procures, or advises any voter, person, or officer to do any act by this or any of the preceding sections made a crime, or to omit any duty, the omission of which is by this or any of such sections made a crime, or attempts to do so, shall be punished as prescribed in section fifty-five hundred and ten. [Shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than one year, or both. Section 5510.]

INSTRUCTIONS TO SUPERVISORS.

SIR: As supervisor, under the laws of the United States, of the election to be held on the second day of November next, you will observe the following instructions:

You should be promptly present at the polling-place to which you are assigned by eight o'clock in the morning on the day of election, and see whether the polls are opened at nine o'clock, as required by law, and you will report any failure to do so, and the names of the persons causing such failure.

Under the election law enacted by the last legislature, the election is required to be held by three inspectors, to be appointed by the commissioners of election provided for in said law; but should said commissioners fail to appoint the inspectors for any voting precinct, or should

the inspectors appointed fail to act at the time appointed, then any three qualified electors may act as inspectors. Should some of the inspectors duly appointed be present, they may appoint some person to fill the vacancy caused by any who may be absent. Before the opening of the polls the inspectors should appoint two clerks, and all should be sworn to faithfully perform their duties at such election, according to law.

The oath may be administered by any officer present competent to administer oaths, or any one of the inspectors may administer the oath to the others.

You will take your position inside the polling-place, by the ballot-box and the election officers, so that you can witness all their proceedings; and you will occupy such position as will, in your judgment, best enable you to scrutinize the manner of conducting the election. From the time the polls are opened until they are closed, you will carefully scrutinize all the proceedings, so as to see whether the election is conducted according to law; that the ballots are promptly received and placed in the ballot-box; and that other ballots are not fraudulently substituted for them, or placed in the box, not having been voted; that the clerks promptly take down on the poll-list the name of every person voting.

The law allows only two challengers, of good conduct and behavior, selected by each party, but no other person, except the election officers and the person voting, shall be allowed within thirty feet of the box, and the voter shall approach the box from one direction and depart in another, as nearly opposite as convenient. It is part of your duty to see whether the challenging is done properly, with honest intentions, and not for the purpose of delaying, embarrassing, or intimidating the voter.

You will report, under oath, the names of all persons who wilfully disregard the laws of the State, or of the United States, in this respect, in order that proceedings may be had against them.

When the polls are closed, which should be promptly at six o'clock in the afternoon, you will carefully observe if the ballots are honestly and correctly counted, taking the best position for the purpose, to satisfy your mind and enable you to make a correct and certified return of the result.

See whether the statement of the result of the count is properly made out; that when the inspectors number the ballot and read it aloud, that it be correctly taken down by the clerks; that the statement of the result is certified and signed by the inspectors and clerks; and that the poll-book, tally-lists, list of voters, ballot-boxes, and ballots shall be lawfully kept until lawfully delivered to the commissioners of election.

The State law provides that the failure to distribute to the voting precincts the poll-books, containing the names of voters in alphabetical order, or the ballot-boxes, shall not prevent the election, but the inspectors may proceed without the books or boxes, and provide some substitute for the ballot-box, and conform as nearly as possible to the law.

The law requires that the ballots, &c., shall be delivered to the commissioners of election by twelve o'clock noon of the second day after the election, so that it is of the utmost importance that you witness the count and the making the certified statement of the result of election at the time of counting the vote at the box. See whether these certi-

fied returns are correct and report under oath to this office any hindrance by any person to your careful performance of this duty.

Your duty does not end until the canvass of votes cast at your box is completed and the returns made. Therefore you may, if you deem it necessary, accompany the returns until they are delivered into the hands of the commissioners of election, at the court-house. Here you will probably find some other United States supervisor to relieve you; but should you not you may remain with the returns and witness the final count, and so scrutinize the proceedings as to enable you to report whether the certificates of the result are properly and promptly made out and declared.

Every violation of the election laws by the officers thereof, whether State or National, is a violation of the laws of the United States, in an election where members of Congress are voted for, and you will carefully note and report the same to me, should any occur, without delay.

Also, if any other persons attempt to hinder or intimidate voters or create disturbances, prevent counting or returning of the votes, you will carefully note and report the same.

Accompanying these instructions is a copy of the United States laws under which you derive your authority. No supervisor, while in the performance of any duty authorized by law, will allow himself to be interfered with or prevented from discharging his duties, whether such interference or prevention be attempted either with or without power, warrant, or process from any State authority whatever. He is amenable to National authority only.

United States supervisors are sworn officers, subject to penalties for neglect or breach of duty. The greatest care should be taken that every duty shall be honestly and impartially executed.

No supervisor should be deterred by threats or violence from the faithful performance of duty. While firm in the discharge of duty, he should do nothing offensively, and at all times should remember that the object of the law under which he holds his office, is to preserve the purity of the election with justness and fairness to all.

You will note in writing full particulars of fraud or attempted fraud or violation of law, with names of witnesses, &c. You will also report the names of all persons whose votes are refused, giving the reasons alleged therefor. Also, all ballots rejected or thrown out, with the reasons for so doing, and names of the persons voted for on the rejected ballot. These reports are to be made *under oath* to the Chief Supervisor within ten days after election.

You will also forward to the Chief Supervisor, upon blanks furnished for the purpose, your return of the votes cast at your box. The returns should be made immediately upon completion of the count and forwarded by first mail.

JAMES M. MCKEE,  
*Chief Supervisor.*

To CHARLES W. MINOR,  
*Supervisor Adams County, Washington precinct.*

ALEXANDER TURNER, being first sworn and interrogated by Mr. JOHN R. LYNCH, states:

My name is Alexander Turner; I am 38 years of age, and a farmer by occupation. I live in the Washington precinct, Adams County, where I have resided 14 years. On the day of the last Presidential



and Congressional election I was present at the polling-place in the Washington precinct. I observed the manner in which the election was conducted, so far as the outside view was concerned. I was not in the room at any time during the day while the voting was going on. I did not vote myself. I wanted to vote, but found it impossible to do so. So far as my knowledge is concerned, I judge the voting proceeded very quietly that day, at about the rate of 35 an hour. Mr. Griffin, a minister out there, called my attention to it, and timed the rate by his watch. The polls opened about ten o'clock, and the voting continued until about two o'clock, when a recess was taken for dinner. That recess occupied not longer than about thirty minutes. When they commenced again the voting continued till about six o'clock, so far as I know. About 150 or 160 voters were waiting an opportunity to vote when the polls closed. They were all colored men except one, Mr. Goldman. I believe all the white men who presented themselves there that day had an opportunity to vote except Mr. Goldman. All these colored men who did not vote claimed to be Republicans. I do not know whether Mr. Goldman claimed to be a Republican. I am not acquainted with him. I do not know exactly how many registered voters, both white and colored, there are in that precinct, but I estimate it at about 500 or over. There are about sixty or seventy white men in that district.

Cross-examined by Capt. T. OTIS BAKER, counsel for Gen. James R. Chalmers:

I judge that these 150 or 160 colored men who were waiting there to vote were Republicans from what they said publicly there that day. I do not know of my own knowledge that none of these 150 or 160 colored persons who were waiting to vote have voted the Democratic ticket previous to the Presidential election of 1880; but I do not believe they have.

ALEXANDER TURNER.

HENRY C. GRIFFIN,

*Mayor of the city of Natchez and ex-officio Justice of the Peace and Notary Public in and for the county of Adams, State of Mississippi.*

Nineteenth witness.

ALEXANDER JOHNSON, being first sworn and interrogated by JOHN R. LYNCH, states:

My name is Alexander Johnson; I am 28 years of age, and I am by occupation a farmer. I live in the Pine Ridge precinct, in Adams County. I have lived there upwards of 20 years. On the day of the late Congressional and Presidential election I was at the voting-place at the Pine Ridge precinct. I was United States supervisor in the interests of the Republicans. The polls opened promptly according to law. Mr. Jacob Thornburg was the Democratic supervisor. Mr. Bridges Foster, Mr. Webster Bowyer, and Mr. Hendrickson were the inspectors of election. There was no hinderance or obstruction in the way of voters during the day. Every voter who had the right to vote had an opportunity to do so. The voting proceeded quietly and at an even, moderate rate. The polls remained open continuously until six o'clock, with the exception of a recess which was taken about three o'clock, when no persons were waiting to vote, for dinner. The

ballot-box was not sealed when they took that recess, but it was locked. I think Mr. Foster locked the box, or Mr. Stowers—I do not distinctly remember which—and the key was given to Mr. Webster Bowyer, one of the inspectors. The box was not taken away from the voting-place during the dinner hour, but remained in my sight and presence. Mr. Bowyer also remained there, and all the election officers remained and took dinner right in the same room. I don't consider the box was tampered with, and I am satisfied it was not, during the recess for dinner, as I stood by the fire close to the box, within two or three feet of it, the whole time, and all the election officers were present. This recess occupied an hour and a half or two hours, because there was no one there to vote. If any one had been there to vote, no doubt the polls would have reopened sooner. When the polls were opened again, they remained open until six o'clock. When the colored people commenced to vote in the morning they voted open tickets, and my instructions to them were to vote open Republican tickets, so that a tally might be kept as the ballots went into the box; but that provision was made for Republican votes only. Mr. William Blake was appointed as challenger in that election on behalf of the Republicans. I authorized him to keep tally. My intention was to have kept tally myself, but I could not do so, because I was not well enough. Mr. Blake came in the room and inside to keep this tally, and his position was about ten feet from the box in the same room; but Mr. Blake did not remain in there during the day. He only remained there about an hour, if I recollect right. Mr. Blake did not remain in there all the day, because Peace Officer J. C. Stowers authorized him to go out, saying he could not stay in there; it was against the law. Stowers told Blake he could not stay in the room. I don't know that Blake showed his authority. I said to Stowers that I thought Blake ought to be allowed to remain in the room, as he had been appointed as challenger; but Mr. Stowers said it was against the law, and Mr. Blake could not remain. Mr. Blake made no remonstrance, but as soon as Mr. Stowers told him he could not stay he left. The number of votes which were polled while Mr. Blake was in there did not exceed five or six; but, as a matter of fact, I do not remember exactly how many votes were polled at that time. That was in the early part of the day. The bulk of the voters had not then appeared, and, in consequence, the voting was proceeding very slowly. I saw the votes themselves which were tallied by Mr. Blake prior to the time when he was requested to leave the room, and all the votes which were polled at that time were straight-along Republican, the last one of them.

The voters continued to vote open tickets up to a certain time. When Mr. Blake was not allowed to remain in the room, I requested him to keep a tally outside at the door; but Blake called me to the door soon after, and said it was raining outside and he could not do it. I told him to give me the book and I would do it inside. The voters came up with open tickets, and Mr. Stowers told Mr. Foster not to receive any more open tickets. I asked why, and said that I did not see any reason why they should not vote open tickets if they wanted to. Mr. Stowers said it was not lawful, and he was not going to receive them. Mr. Foster said the same thing as Mr. Stowers, namely, "that it was not lawful, and he was not going to do it." Then some voters came up still with open tickets, and Mr. Foster told them if they did not close the tickets he would not receive them. I have no idea how

many votes were polled by the time they made this decision, because they closed me out, and I had no idea how the thing was going. During the time they were voting these open tickets I could see whether the tickets were Democratic or Republican. All the tickets which had been voted openly up to the time this decision not to receive any more open tickets was made were Republican tickets. I could see them, and could and did read the name of Lynch on every one of those tickets so voted. After this decision not to receive any more open tickets had been acted upon, I could not tell any more what tickets were voted. During the day voters would still come up with open tickets, but before they got to the window, Mr. Foster would call out to them to fold their tickets or he would not receive them. When these voters came in with open tickets I could see what tickets they were, and every open ticket which I saw that day was a Republican ticket. There was no difference by which I could distinguish the Republican from the Democratic ticket when they were folded. I got a young man there named Williams, and I gave him the book and asked him to keep a tally on the outside of the names of all the Republican voters, and he did it. I did not keep any tally that day, because I was very sick at the time and could not do so. I am well acquainted with the voters in that precinct. I know every colored man in the whole district out there who votes. I consider that I know something about the political sentiments and preferences of the colored people out there. At the last general election out there the colored people were united in the support of the Republican ticket. When I say united, I mean that all the colored people out there, with the exception of a small number, not exceeding five, who are known to be Democrats, were united in their support of the Republican ticket; and these four or five men generally vote the Democratic ticket whenever party lines are drawn. From my knowledge and acquaintance with the voters, I am certain they did the same thing at the last general election. I am confident that if the voters had not been prevented from voting an open ticket, the tally-sheet, which was to have been kept by Mr. Blake, would have demonstrated the fact that the colored people in that precinct were united in their support of the Republican ticket. I gave the instructions to vote an open ticket, because I thought that by that means I could keep track of all the Republicans who voted, and I thought that if wrong was done by the other party I could judge by the tally-sheet what wrong was done. The last man among the Republicans out there thought it was a good idea to vote an open ticket, and were desirous to do so, except a few who seemed not to like to let it be seen how they voted. It was understood that all who desired to vote a folded ticket could do so without any hinderance whatever. My instructions to them to vote an open ticket was to do so only in the event that they desired to do so. All the Republicans, as a rule, thought it was a good idea to vote that way. They thought the other officer might dodge some way, and if we had a tally-sheet of our own we would be able to see how the thing went. When the polls closed at six o'clock, Mr. Foster, one of the inspectors, was absent, and some little delay occurred in consequence of his absence. The box was locked at that time. Mr. Webster Bowyer, one of the inspectors who was present, had the key. All the other officers were present except Mr. Foster.

At six o'clock I inquired of Mr. Stowers where Mr. Foster was, and Mr. Stowers replied, "I don't know where he is." I said that Mr.

Foster ought to be present, for it was six o'clock, and time to commence counting. Mr. Foster returned about half-past six, but the counting did not commence then, for Mr. Foster said he was so sick that he could not count. None of the other officers were sick. When Mr. Foster said he was sick, none of the rest said anything about it. Stowers said, "Mr. Foster is sick, and we cannot count." I believe all of them were willing to count if Mr. Foster had been well enough; but none of them except myself appeared to be willing to count without Mr. Foster. All the others seemed to think it was necessary to have Mr. Foster; he was a very important man. The officers finally adjourned until the next morning, to meet at half-past eight. I protested against the adjournment the whole time, and insisted that the votes ought to be counted that night; at dinner Mr. Foster said he was sick. The inspectors counting no votes that night, they did not even open the box. When they decided to adjourn, I insisted on my right to be with the box that night, but I was told that I could be with it in the room, but not down to Mr. Foster's house. They did not leave the box in the room, however, but carried it to Mr. Foster's house; Mr. Foster and Mr. Thornburg carried the box; Mr. Foster had the box in charge. I insisted on the box remaining in the voting-place until the votes were counted, but Mr. Foster objected to the box remaining in the voting-room, and also objected to my going to his house, where the box was carried. I think there are upwards of three hundred voters in that precinct—that is my opinion, including white and colored men; I think there are about that number, but I have not noticed particularly. I think that about forty of these are white men; the others are colored. The usual Democratic vote in that precinct, when party lines have been drawn, is a little more than forty. I do not remember the year, but at one time it was forty-four. That I consider to be the usual strength of the Democratic party at elections where party lines are drawn; but I don't think there are that number in the precinct now; and I judge, if the ballot-box had been counted that night, there would have been less than forty, and not more, because several of the Democrats out there did not vote at the last election at all. I had a knowledge of how the vote stood when the count was completed the next morning; but it has somewhat slipped my memory. I don't remember the number of votes polled there that day, but I think it was 280 some odd, or 380 some odd. I don't remember the exact number, but I did know the precise figures at the time. When they got through counting the votes the next morning, I think Chalmers had a majority; but I am of opinion that if the votes had been counted on the night of the election, from my knowledge of and acquaintance with the voters, I think Chalmers would not have had more than forty votes, if that many. I think I know every white man in that district, and every colored man who would be likely to vote the Democratic ticket.

Cross-examined by Capt. T. OTIS BAKER, counsel for contestee:

I was present there at the count the whole time, and saw the count made. I saw the ballots as they were taken out, and as they were read off, and as they were tallied down by the clerk. They were fairly and honestly counted on the morning succeeding the day of election, and the returns of the inspectors were made in accordance with the count. While the election was going on there was nobody in the room besides the inspectors, the clerks, the peace officer, the supervisors,

and the marshal. There was no Democratic challenger allowed in the room. I have been an officer of election at a previous election. In that precinct the challengers have always been on the inside of the room while the voting was going on. The box was sealed when it was carried away. I saw it sealed. Mr. Webster Bowie, the Republican inspector, had the key. The key-hole of the box was sealed, and also the hole through which the ballots are put in. These are the only openings in the box. I saw the box when it was brought back. It came with the same kind of sealing over it, and I noticed it particularly. There were some colored persons in the precinct who did not approve of voting by the open ticket. There are not more than four or five colored persons in that precinct who vote the Democratic ticket when they can vote without its being known how they vote. I know the political sentiments of the colored people there. I have been living there sometime, and when there is a campaign I make myself rather busy trying to find out how people intend to vote. My knowledge of the political sentiment of the people is derived from what they tell me as to how they are going to vote. I do know how these four or five that voted the Democratic ticket do vote. I know how these four or five voted, because they tell everybody. They would let the whole world see their tickets if it was desired; it was not a matter of secrecy with those people. These were not the colored persons I referred to when I said that some did not approve the voting an open ticket. I could not tell whether Mr. Foster was sick or not sick; he said he was sick—that is all I know about it; he was grunting considerably. I said I was sick, and I was sick; there was no humbugging in that. When we were taking dinner I heard Mr. Foster say to Mr. Stowers that he was sick in his stomach. I do not say that it is customary for two of the inspectors to go on with the count in the absence of the third, no matter from what cause. I only thought it could be done, and that was why I told them that night I thought it could be done. The inspectors are generally considered to be gentlemen, and courteous one toward another.

Re-examined by Mr. JOHN R. LYNCH:

Mr. Foster told me he was a challenger for the Democrats. He was also an inspector. I noticed the box the next morning when it returned. The sealing appeared to be the same kind of sealing which was used the night before—red sealing; but whether it was the same sealing which had been put on the previous night, I do not know. I am unable to say whether it was the same kind of sealing or the same sealing which had been put on the night before.

Cross-examined by Capt. T. OTIS BAKER:

I examined the box when it came back, and observed that it had the same kind of seals which had been placed on it the night before. I saw the same kind of seals, but I am not prepared to say there were the same seals. I am not prepared to say that the seals were broken, or in any way disturbed. The way the box looked it was the same kind of sealing. The same smooth sealing was on the box. I cannot say that it was the identical sealing, but it was the same kind of sealing. I had no opinion from the look of the sealing on the box, and I had no opinion as to whether or not the seals had been disturbed. I examined that box with a view of forming an opinion as to whether or not the seals

had been disturbed. From the appearance of the seals I came to the conclusion that the box had not been interrupted in any way. If I had believed at the time that these seals had been broken or the box disturbed or interrupted, I would have objected, and I made no such objection or protest at the time.

Re-examined by Mr. JOHN R. LYNCH:

I believe it was possible for the seals to have been broken, and it resealed in such a way as to prevent my detecting it.

Cross-examined by Capt. T. OTIS BAKER:

I believe Mr. Foster and Mr. Thornburg were sworn officers at that election.

Q. From your knowledge of these gentlemen, Mr. Thornburg and Mr. Foster, do you think that they possibly could or would so far have violated their oaths as officers of election as to have tampered with the seals or the box itself?

[The contestant, John R. Lynch, objects to this question as irrelevant, from the fact that it does not necessarily follow from the evidence of the witness that these gentlemen, or either one of them, committed the fraud, or authorized it to be committed by others.]

A. They could have done it; but I have no knowledge that they did do so. I don't know whether these gentlemen could or could not be so guilty—that is a question I cannot answer. I do not say anything about its having been possible for them to have been guilty of tampering with the ballot-box. I cannot answer a question as to its being possible that they were guilty of tampering with the ballot-box. I know these gentlemen, and have known Mr. Foster since he was a boy, and I do not know whether they would be guilty of such an action—there is no knowing what a man would do. I do not know anything about its being possible they would be guilty or not. I understood and considered it my duty to ascertain what ticket voters were voting at that election. I received some little instructions as to my duties when I was appointed as supervisor; I got some other instructions, written on a piece of paper, from Mr. Robert Fitzhugh, the postmaster at Natchez, and from those instructions I gathered that it was my duty to see how each man voted, and notice the voters and voting, and I devoted myself principally to that business during the day.

ALEXANDER JOHNSON.

HENRY C. GRIFFIN,

*Mayor of the city of Natchez and ex-officio Justice of the Peace and Notary Public in and for the county of Adams, State of Mississippi.*

SIXTH DAY.

Twenty-first witness.

TUESDAY, *January 25, 1881.*

Before Hon. H. C. Griffin, mayor of the city of Natchez, *ex-officio* justice of the peace and notary public in and for the county of Adams, State of Mississippi.

Present: Capt. T. Otis Baker, counsel for Gen. James R. Chalmers; also John R. Lynch, contestant.

WEBSTER BOWYER, being first sworn and interrogated by Mr. JOHN R. LYNCH, states:

My name is Webster Bowyer; I am 38 years of age; I live in the Pine Ridge precinct, and am a farmer by occupation; I was bred and born in the Pine Ridge precinct. On the day of the late Presidential and Congressional election I was at the voting-place of the Pine Ridge precinct. I was appointed one of the inspectors of election at that precinct. I can read a little, but make very little out of writing. I cannot write my name good; I have not much practice with writing, except with little accounts of my own. I was at the voting-place at that precinct from the time the polls opened until they closed. I observed particularly the manner in which the election was conducted with regard to voting, and everything which transpired. The United States supervisors of election were Mr. Alexander Johnson, Republican supervisor, and Mr. Jacob Thornburg, Democratic supervisor. The other inspectors, besides myself, were Mr. Bridges Foster and Mr. Hendrickson, a Methodist preacher. The commissioners had appointed Mr. Dennison, but he would not serve, and Mr. Hendrickson was appointed in his place. Mr. Johnny Berry and Mr. Bisland McCaleb were the clerks. There were no challengers there on either side. Mr. William Blake had been appointed as Republican challenger, but when he presented himself the other two inspectors said there was no need for him. I was willing for Mr. Blake to act, but I had to give way. The other inspectors just said there was no need of it, and that he could not stay in the room. Blake left the room and went out on the outside. No one presented himself or claimed to act as challenger on the part of the Democrats, and none of the inspectors claimed to act as such on the part of the Democrats. The inspectors said that there was no need for a challenger; that the inspectors were there to see that everything was fairly done.

The Republicans attempted to vote an open ticket there that day. There were instructions given in the Republican club the night before that every person should go to the polls with an open ticket who voted, so that tally might be kept on the inside as the votes were polled. A good many came that way with the tickets opened, but the inspectors would not receive them in that way, and they had to be folded or they could not be voted. The tickets had to be folded; otherwise the inspectors would not receive them or recognize them. After this objection had been made everybody had to come with their tickets folded up. Mr. Foster was the chief inspector; the box had been delivered into his hands; he made the objection; he was the chief manager. He said there was no law for voting open tickets, and they must be folded, or they would not be recognized. The reason assigned in the Republican club for the proposal to vote open tickets was that we might be able to keep tally and see how things were running on that day. A short recess was taken for dinner, but the election officers did not leave the voting-room, but remained there and took lunch there. When the polls had closed in the evening they did not proceed immediately with the count. About the space of an hour before the polls closed Mr. Foster took sick and left the room. He had the key of the box; he went down to Mr. John Berry's store, about three or four hundred yards, I think, from the polling-place; he claimed to be sick and went to bed. I do not know of my own personal knowledge that he went to bed, for I did not leave the room where the election was held. I do

know that he went to the store. Mr. Foster returned about eight o'clock. I had no watch, but I heard the other gentlemen there who had watches say it was about that time. Mr. Foster was so long coming that we sent for him or for the key. The answer that was brought back to us was that he would not send the key, and was unable to come himself. We sent by William Shields for him. The other officers wanted me to go, but I could not leave the room. William Shields is sometimes called Henry Williams; I suppose from his old master. He carried the message and brought the answer. He brought word also, "Tell Mr. Stowers, the peace officer, to come down." Mr. Stowers said he did not care to go, but, after it being insisted on, he and John Berry, one of the clerks, went with a lantern. Mr. Stowers wanted me or Mr. Hendrickson to go down to Mr. Foster, as we were inspectors; but I declined to go, saying as an excuse that I had my fine shoes on, and did not want to go out in the mud. I made that excuse because I did not want to leave the box.

It was my first time as inspector, and I was instructed not to leave that box from the time the first ticket was polled until the vote was all counted, and I went there with the intention of doing that duty. Mr. Stowers came back and said that Mr. Foster was very sick, dangerously so, and could not count any votes that night. A few minutes after Mr. Stowers said this, Mr. Foster made his appearance in the room. He said that he was very sick; that he could not count a ticket, and sat with his head hung down. The box had never been opened since it was locked in the morning, and the box was in possession of the other two inspectors, Mr. Foster retaining the key up to that time. Mr. Foster gave Mr. Stowers the key of the box, who unlocked it and put into it the poll-books, tally-sheets, pens, and so forth. Mr. Stowers relocked the box and sealed it, I myself helping him by turning the box for him until it was sealed. The key was then handed to me, and I kept it until nine o'clock the next morning. Mr. Foster said that the box must go to his house. Mr. Foster did not carry the box out of the room himself, because he complained of being sick. I don't remember whether Mr. Hendrickson or Mr. Stowers carried the box out; but it was carried out to Mr. Foster's buggy, in accordance with Mr. Foster's directions. When Mr. Foster refused to count that night, there came up some confusion. Mr. Alexander Johnson, the United States Republican supervisor, contended that the box should remain in his possession until the votes were counted and the box returned to the hands of the commissioners. Mr. Foster said to Mr. Johnson, "You have no such a law." Mr. Stowers said to Mr. Bridges Foster that no one had any business with the box but us three inspectors, and we had to decide what should be done. Then the house became quiet to see what we inspectors would do. Mr. Foster said he was unable to count, for he was too sick to sit up, and the box must go home with him and be in his house. Mr. Hendrickson yielded immediately, and said he was willing the box should go. I suggested to Mr. Foster that, as he was sick, he had better take the key and go home or somewhere, and let the box remain on the table where it was, and we would sit up with the box. But Mr. Foster contended that the box must go home with him, and that the box need not be returned to the commissioners until the second day after the election. Mr. Foster referred to the State law upon the subject, as stated in the instructions delivered to the inspectors by the commissioners of election. I kept my copy of those in-



structions, and produced it, and asked to have it filed herewith as part of this deposition. I identify it as "Exhibit A" to this testimony by my mark, attested by the signatures of John R. Lynch, the contestant in this contest, and that of T. Otis Baker, attorney for General James R. Chalmers, the contestee. Mr. Foster proposed, in consequence of this discussion, that "Jake Thornburg should go home with him and help watch him with the box, and that if Alec Johnson was so 'dog-gone' particular, let him go home and watch Web. (meaning witness) with the key." Mr. Stowers said to Mr. Foster, "If you let Jake go home with you, why don't you let Alec Johnson go home with you too?" Mr. Foster's answer was, that Alec Johnson could not go to his house. Alec Johnson said no more, and I said no more, and the box was sealed and carried out, and we adjourned. Mr. Foster said, Alec Johnson could not go to his house; that he had no place for him; and that Alec could not stay in his house. Myself and Alec Johnson and Mr. Stowers were all there the next morning sitting on the fence when Mr. Foster came up with the box. I noticed the box particularly, and I turned it over and over before it was opened. I cannot say whether it had been opened or not during the night. It came back sealed. It had the same red sealing-wax, and the same kind of sealing was on it as on the night before. I did not form any idea that it was not the same kind of sealing that was on it the night before; if I had I would have spoken of it immediately. I thought the box was very carelessly sealed; but it was my first time acting as inspector. The box was sealed with a strip of paper sealed at the four corners, and the names of the three inspectors written on the paper. It was sealed in the same manner over the key-hole, and also the hole through which the ballots are deposited.

As I said, it was my first time as inspector there, and I really did not know much about it. If it had been my work I would have sealed the paper all 'round a little. The others had been election officers at several elections before, and I did not know but what it was done right. When the box was returned the next morning it had the same kind of sealing. I only tried to notice whether the box had been opened by the appearance of the sealing or the paper, but I did not form any opinion. I observed whether it was the same kind of sealing, because the night before when the box was moved, and no attempt made to count, I suspected it was done with some particular purpose. It made me watch the sealing on the next day more closely than I would otherwise have done, because I did not know what the box had been taken away for. I looked at it, and I cannot say now, and I could not say then, whether the sealing had been moved or whether it had not been moved, for with every one practice makes perfect. By the words practice makes perfect, I mean that if the box had been unsealed, it had been resealed in such a manner as I could not discover it. I stayed until the count was finished, and I think the vote ran out: Chalmers, 142; and Lynch, 138. I could tell how many tickets were scratched, and how many were thrown out. On the Democratic side there were two tickets folded together as one vote, and these were thrown out, and one Democratic ballot had Johnny Berry's name written on the back, and that ballot was thrown out for this reason. And on the Republican side, there were two tickets folded together as one vote, and these were thrown out. On one Republican ticket Lynch's name was scratched off, and Gen. Chalmer's name written on

it; that ballot was not thrown out. On one Republican ticket, Lynch's name was scratched out, and no other name inserted, and that ticket was counted so far as the candidates other than for Congress were concerned. The other tickets were all straight-out party tickets through and through.

I am well acquainted with the politics and feelings of the people, both white and colored, in the Pine Ridge precinct. The colored people seemed to be united, and the Republican clubs were all organized through and through. I knew pretty well how the clubs were organized, and that the people were pretty strong together and united in their support of the Republican party. Almost every colored man's name out there is registered on the club books, and I think they attended the meetings pretty promptly. If this voting of open tickets had not been objected to, I think the Republicans would have had a whirling majority. By that I mean that most every member of the clubs would have voted a Republican ticket. If the tickets had been voted open, we could have kept tally of what was voted, and any one inside could have told what tickets they were. I did think that the people there voted differently from the way they would have done if the people had voted open tickets, because every voter nearly had taken a Republican ticket, and they had pledged themselves to vote a Republican ticket, and their instructions were to come to the polls with the ticket opened. We knew every colored man in the neighborhood who had joined a Democratic club, and, therefore, from what instructions they got at the club and what they had solemnly pledged themselves to vote, and from what we could see on the ground, I believe the people would have voted a solid Republican ticket, and would have gone to the polls with an open ticket, and tally could have been kept, and we could have told those who voted differently from their pledge and what they promised. I do not know of any who voted differently from what they would have done if the voting of open tickets had been continued. They all declare they voted a Republican ticket, and I have seen nearly every colored man who voted at that polls. We have some colored men who are known to be Democrats, and they usually vote the way they want to without objections or obstructions. The colored people are all harmonious and friendly together. I do not know of any threats being made to anyone voting the Democratic ticket, or any harm being done them. It is as peaceable a portion of Adams County as any, and there has been no trouble out there. When these instructions were given in the club nothing was said about voting a folded ticket if any one wished to do so. The only instructions were for them to vote open tickets. The voters in these Republican clubs seemed generally unanimous, and we had tally sheets in the clubs and polled the men ourselves before the election, and we knew exactly who was against us and who was for us. These men whom we polled came forward voluntarily and gave in their names at the regular club meetings, and those that did not want to come stayed at home. If this open-ticket voting had been gone through with, and no objections made, and the vote had been counted on the night of the election, instead of adjourning until the next day, the result would have been entirely different.

## EXHIBIT A.—WEBSTER BOWYER.

WEBSTER BOWYER, Esq.,  
*Pine Ridge, Mississippi:*

The undersigned, commissioners of election in and for the county of Adams, State of Mississippi, do hereby appoint the following inspectors of election and peace officers for the several precincts of said county, to conduct the election to be held on Tuesday, the second day of November, A. D. 1880, for the election of eight electors of President and Vice-President of the United States, and for a Representative in Congress from this the sixth Congressional district of said State:

For the Court-house precinct.

*Inspectors*—John A. Dieks, Noah Barlow, Patrick Foley.  
*Peace Officer*—J. N. Ault.

For Beverly precinct.

*Inspectors*—Samuel M. Coulson, James A. Gillespie, Duncan Holmes.  
*Peace Officer*—Austin W. Smith.

For Dead Man's Bend precinct.

*Inspectors*—William L. Jackson, Matt. Miller, John H. Biggs.  
*Peace Officer*—Peter Foster.

For the Kingston precinct.

*Inspectors*—John J. Higgins, Louis Winston, jr., Jerry Taylor.  
*Peace Officer*—H. C. Swayze.

For Palestine precinct.

*Inspectors*—John R. Gahan, S. V. Carter, George R. Washington.  
*Peace Officer*—Calvin S. Bennett.

For Washington precinct.

*Inspectors*—A. N. Rateliff, L. W. Bryan, Henry Adams.  
*Peace Officer*—T. H. Wickliffe.

For the Pine Ridge precinct.

*Inspectors*—E. B. Foster, Ed. T. Denson, Webster Boyer.  
*Peace Officer*—J. C. Stowers.

For Jefferson Hotel precinct.

*Inspectors*—Geo. T. Rehn, J. W. Roos, S. S. Meekins.  
*Peace Officer*—Hugh McGinty.

The attention of inspectors and peace officers is called to the following sections (128, 130, and 134) of the Revised Code of Mississippi of 1880, to wit:

SECTION 128. The commissioners of election shall appoint by writing under their hands, or the hands of a majority of them, for each precinct, an officer to be present during the election, to keep the peace, and to protect the place of voting, and to arrest all persons creating any disturbance about the voting-place, and to prevent improper in-

trusion upon the place of voting, or interference with the conduct of the election; and to enable all qualified electors to have unobstructed access to the polls, when others are not voting.

SEC. 130. It shall be the duty of the officer of the precinct appointed as aforesaid to be present at the voting-place, and to take such steps as will accomplish the purpose of his appointment; and he shall possess full power to do so, and may summon to his aid all persons present at the voting-place. A space of thirty feet in every direction from the poll shall be kept open and clear of all persons, except two challengers, of good conduct and behavior, selected by each party, to detect and challenge illegal voters; and the voters shall approach the polls from one direction, line, door or passage, and depart in another, as nearly opposite as convenient.

SEC. 134. The inspectors shall take care that the election is conducted fairly and agreeably to law, and they shall be judges of the qualifications of voters, and may examine, on oath, any person offering to vote, touching his qualifications as an elector, which oath any of such inspectors may administer.

Witness our hands this 30th day of October, A. D. 1880.

W. N. WHITEHURST,  
WM. J. HENDERSON,  
THOS. R. QUARTERMAN,  
*Com's of Election.*

Attest:

JOHN R. LYNCH,  
*Contestant.*  
T. OTIS BAKER,  
*Attorney for Gen. James R. Chalmers, Contestee.*

Cross-examined by Capt. T. OTIS BAKER, counsel for contestee:

Mr. Alexander Johnson and Mr. Baker, who have testified here, are colored men, and go for Republicans. When I speak of Mr. Blake not being accepted as challenger, I mean that he was not allowed in the room; that is all. Mr. Henry Shields, or Henry Williams, as he is sometimes called, was not an officer of election. Mr. Blake was allowed in the room when the votes were counted. He stood in there and kept a tally-sheet. It was my duty as inspector to remain with the box, and it was also the duty of Mr. Hendrickson—we were both inspectors—to remain with the box when they were talking about going for Mr. Foster; neither one of us had any business leaving the room, according to the duties of an inspector as prescribed by law. Mr. Stowers went down after the key, and said, when he returned, that Mr. Foster was very sick. Mr. Stowers' reputation is that of a man of integrity and truth. I assisted Mr. Stowers in sealing the box. From what I have seen, when attending previous elections as a voter, I should say that box was sealed in the same manner as at previous elections, whether the Republicans had the majority or the Democrats, on the board of inspectors. The voting-place at Pine Ridge precinct is a brick school-house near the church. The voting was done at a window, the voters passing along by the side of the house and handing in their votes through the window. The thirty-foot space required by law to be kept clear was from that window. At previous elections the tickets were distributed on the ground the day of the election to any one who wished for one, and at the clubs on the night previous to the

election. There are four Republican clubs in the Pine Ridge precinct. The regular club meetings are usually once or twice a month, and all the clubs meet the night before the election. They met on the night before the last election at Mr. Orr's place on Mercer's plantation, at Pine Mount, at the Wilderness, and at the Wade place, respectively. I was at the Pine Mount meeting the night before the election, and that was the only club meeting I attended that night. I don't know of my own personal knowledge whether the other meetings were largely attended or not; I only know what I heard. I don't know of my own knowledge how many attended the other club meetings and made a pledge to vote the open Republican ticket. I derived my information from the presidents of the clubs. My reason for saying that the Republican colored people were solid in that district was from what I heard from the voters themselves, and their being enrolled as members of the clubs. I had attended pretty much all the clubs in the district in the previous week to the election, and I knew pretty much how they stood. At previous elections there have been Democratic tickets voted by colored men in that precinct. I know of no one objection being made by the inspectors as to Mr. Blake's acting on the outside as challenger. The only persons allowed in the room during the voting were the inspectors, the two United States supervisors, the clerks, the marshal, and the peace officer. Mr. Blake was admitted in during the counting. There were very few citizens present, but there were a great many that night when the polls were closed. I, as an inspector, was there when the counting was made.

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WEBSTER x BOWYER.  
mark

Attest:

JOHN R. LYNCH,  
*Contestant.*  
T. OTIS BAKER,

*Attorney for Gen. James R. Chalmers, Contestee.*

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and Notary  
Public in and for the county of Adams, State of Mississippi.*

Eighteenth witness.

WILLIAM T. BLAKE, being first sworn and interrogated by Mr. JOHN R. LYNCH, states:

My name is William T. Blake; I am 30 years of age, and am a farmer by occupation. I live in the Pine Ridge precinct, Adams County, Mississippi. I have lived there about six years. On the day of the last Presidential and Congressional election I was at the voting-place in the Pine Ridge precinct. I held no official position in connection with that election. I was appointed as challenger in the interest of the Republicans at that precinct, but was not admitted to act in that capacity. I was not allowed in the voting-room to act. I was in the room when the polls opened, and was ordered out of the room by Mr. Foster, one of the inspectors. I told him I had received a written appointment, and showed it to him. But Mr. Foster said they had a challenger there, Mr. Alexander Johnson, who was the Republican United States supervisor. Mr. Foster forced me out of the room. I was not allowed to remain in the room at all, but I stayed about there

the whole of the day. I can say nothing about the manner in which the election was conducted, because there is thirty feet space between the polls and the voters. The voting was conducted very rapidly. From what I could see from where I was, judging from experience derived at previous elections when I was inspector, the voting was conducted very rapidly. I heard no voter complain that he had not an opportunity to cast his vote there that day. I was there when the polls closed. I know that the count was not immediately proceeded with. Mr. Foster was sick, and went down to the store to lay down after the polls closed, and they agreed to postpone the count until his return, as he had the key. I do not know how long Mr. Foster had been away when he returned and said he was too sick to proceed with the count. They sealed up the box then. I cannot say who had the key. Mr. Foster and Mr. Thornburg took the box and went to Mr. Foster's residence. I was in the room when these proceedings took place. Mr. Stowers, the peace officer, sealed the box—he sealed it up good—both the key-hole and the hole through which the ballots are passed. He sealed it with sealing-wax. Mr. Webster Bowyer, the Republican inspector, objected to the removal of the box. Mr. Alexander Johnson, the Republican supervisor, also objected. Afterwards Mr. Bowyer agreed to the removal of the box, but Mr. Johnson did not agree unless he could be with it. He did not go with it. Mr. Foster told him he was not a white man, and he had no bed for him, but the law required the supervisor to be with the box, and as the Democratic supervisor was a white man, he (Mr. Foster) would take Mr. Thornburg with him. They counted no votes at all that night. I don't remember whether they put the books and tally-sheets in the box, but I think they did. I was present the next morning when they returned. I remained till the count was finished. Mr. Johnson was there, Mr. Bowyer, Mr. Stowers, Mr. Foster, and Mr. Thornburg, and another officer whose name I cannot remember. All the officers were there. William Hence, deputy marshal, was there also. I saw the box when they returned that day. I observed the box closely. Mr. Stowers carried it out of the buggy and put it into the house; during the time Mr. Stowers had it I observed it closely, seals and all. I noticed no difference from the night before; just like it went away.

Cross-examined by Capt. T. OTIS BAKER, counsel for contestee:

The inspectors told me to keep out of the room. I do not mean to imply that they offered me any violence. I was told that the law did not allow any but the election officers to sit in the room. I went out when they told me to go. They disregarded my appointment by the Republican executive committee of the county, and said that there was a challenger already in the room.

WM. T. BLAKE.

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and Notary Public in and for the county of Adams, Mississippi.*

Fourteenth witness.

LENNOX SCOTT, being interrogated by Mr. JOHN R. LYNCH, states:

My name is Lennox Scott; I am 32 years of age, and a farmer by occupation. I live on Moss Hill plantation, in the Palestine precinct.

I have lived in that precinct twelve years. On the day of last Presidential and Congressional election I was present at the voting-place of the Palestine precinct as United States supervisor in the interest of the Republican party. The polls opened between one and two o'clock in the afternoon. The cause of delay was that one of the inspectors appointed by the county commissioners of election failed to appear. Mr. Willis Carter was appointed in his place. Mr. John Gahan was the name of the inspector who did not appear. Before they commenced voting the books and papers were taken out of the box, and the box was examined by myself and Mr. Bailey, and nothing whatever was left in the box. Then the voting began, and I kept tally myself, and Mr. Bailey kept tally of the Republican votes and the votes that went into the box. There were 231 Republican ballots cast, besides 18 or 19 folded votes which I did not see, although I counted them. But I was uncertain whether these 18 or 19 were Republican or Democratic ballots. The 231 Republican ballots were open tickets, and every one of them had the name of Lynch for Congress. I saw and distinctly read the name of Lynch on each of these 231 tickets. The Democrats did not vote an open ticket. Those tickets that were not brought up open I did not know whether they were for Chalmers or Lynch, and those who did not bring up an open ticket we did not try to force them to show the ticket, but let them go in as they were brought up. I only saw one open Democratic ticket, on which I saw the name of Chalmers; it was a straight out-and-out Democratic ticket. I do not know who these 18 or 19 folded votes were cast for; neither did I question the party who they were for. These folded tickets were voted principally by white men, and some few—one or two of them—by colored men. The election went on very quietly, although there were some men came up and gave their names different to the way they were on the registration-book, and were prevented from voting from that cause. One man came there—his name on the registration-book was "John Tyler Miles"—and he called his name "John T. Miles," and because of that difference he was rejected. They refused to let him vote on that account, saying that it might not be the same name. And some men came there to vote who had voted in that precinct at the election before, and their names had been erased as having moved out of the precinct. They were men working about by the day in different places, but who still claimed to vote in the same district, and they were not allowed to vote. About nine or ten were not allowed to vote for these reasons. I questioned these men who were so rejected, and asked them, if they had been permitted to vote, who they would have voted for, and they said "for Mr. Lynch." Two who were denied the right to vote were colored men.

I was there when the polls closed at six o'clock. They did not proceed immediately with the count. The officers appointed over the box locked the box up, putting in the books and the tally-sheets. Mr. Willis Carter locked the box up. Then they concluded to go to supper. I think the inspectors were requested by Mr. Archie Williams and several others to take the box along with them over to the house, but Mr. Calvin Bennett replied "that he did not have any use for the box; that there was nothing in it for him, for they was all principally Republican votes." Then he was asked to seal the box, but he said it was no use, for there was Archie Williams, George Washington, Horace Bailey, and Lennox Scott there, and they were all honest men.

He would just leave the box there with us all, and trust the box in our hands. So the gentlemen went off to supper. Mr. Carter locked the box, but did not give the key to any of us that I know of. They were gone nearly two hours. I remained right there where the box was. I know of my own personal knowledge that it was not tampered with in any manner, or handled even by anybody except George Washington, who was thought to be the most competent man they left in care of the box. If the box had been tampered with I must have seen it. I was sitting by the box all the time, and I know that it was not tampered with. When the inspectors returned from supper, Mr. Carter unlocked the box and they proceeded to count. I suppose he would count a vote every six or seven minutes, as nearly as I can come at it. Then Mr. Bailey said to Mr. Bennet, "Mr. Bennet, why don't you count the votes; you can count faster." Mr. Bennet replied, "Be damned if I have not done enough to-day already; I ain't going to do it. Let Mr. Carter count them himself." Then Mr. Carter counted on slowly. Finally, after awhile, George Washington said, "Mr. Carter, let me count some; I can count faster than you." Mr. Carter answered, "No, I am close to the fire, and would rather be here." Then Mr. Carter went on counting, and would count ten or twelve may be; and then he would stir 'round in the box with his hand and say he liked to get hold of a Hancock ticket sometimes. He counted then until he counted up to 130, I think at that time, and it was then at or about twelve o'clock, and he locked up the box and they went off to Mr. Carter's house. Mr. Bailey, and I think Mr. Archie Williams, inquired if they had not better take the box along with them, but the other inspectors said "No, it was no use," they would leave the box with us, believing we were trusty men. Mr. Archie Williams asked if it would not be better to seal the box, but they said "It was no use." So then they went over to Mr. Carter's house and stayed there until next morning.

I think it was about nine o'clock, as near 'as I can come at it, when they returned the next morning to the voting-place where the box was. We all were there when they came back. Then they proceeded to finish counting, and when the box was opened everything was found just as they had placed it the night before. They went on with the counting, and when they got through there were 280 votes had been tallied out of the box. Then Mr. Bennett said, "Be damned if some one has not been projecting with the box!" Then they began talking and disputing, and they did not know what to do about the 35 votes found in the box more than had been put in by the voters, and all the officers of election consulted one with another as to what should be done about it. No one could come to any other conclusion what should be done about it only to seal up the box, send it to Natchez, and let the board of commissioners act upon it. So they sealed up the box and sent it to Natchez by Mr. George Washington, one of the inspectors. When the inspectors returned from supper, Mr. Willis Carter was the only man who took the tickets out of the box. He stirred 'round in the box several times and gave the ballots a pretty general stirring up, and said he wanted to get hold of some Hancock tickets. When the box was locked that night, Mr. Carter locked the box. I suppose he kept the key. I did not see him give it to any one else. He kept the box there with us all, but specially in Mr. George Washington's care. Mr. Archie Williams requested that the box be sealed up, but that request was refused. Mr. Bennett and the other inspector both



said it was no use to seal it up. Mr. George Washington took charge of the box, and he did not take it out of the house at all, but he spread a cloth over it. It remained in the house all night, on some pegs above the fire-place. Mr. Washington put it there himself, and he spread a cloth over the top of the box. I remained there with the box all night until the other two inspectors returned the next morning. I nodded a little during the night, sitting up in a chair, but I certainly did not commence nodding till Mr. Bailey was awake. I kept my eyes open till then. If the box had been tampered with that night, I should have known it. Any one getting to the box would have had to pass me and get up on something to reach it down. If any one had come when I was nodding, they would undoubtedly have woke me up. I knew Mr. Bailey was awake. I am positive the box was not handled by any one that night, and was not, in any manner, tampered with. To my certain knowledge, I do not see any certain way those thirty-five ballots could have been put in there, and I cannot account for it. I don't like to speak of anything that I do not know. I don't see how they could have got in there except by the man who was doing the counting. I have got the identical and actual tally-list kept by me at that election at the polls, which I produce and ask to have filed herewith as part of my deposition. I identify said tally-list with my signature and the words Exhibit A on the back thereof.

#### EXHIBIT A.—LENNOX SCOTT.

John R. Lynch, v  
v i

LENNOX SCOTT.

Cross-examined by Capt. T. OTIS BAKER, counsel for contestee:

I was U. S. supervisor of election there that day. My tally-list is of Republican votes only, and the number shown is the number of Republican votes which were cast there that day; I saw them. Every one came up with the ticket open and showed it to every one—not to me in particular. I said that the voting was going on right in front of the box. The voter had to come up on the side I was on, and when a man came up he had to pass between me and the inspector. I saw each ticket. The voters held them up for me to see that "Lynch's" name was not scratched, nor any of the electors or President or Vice-President. All the colored people except a few showed their tickets in that way; 231 showed their tickets in that way. The first adjournment took place after the polls closed for the day. I don't think they stopped until after six o'clock. The time the inspectors went off to Mr. Carter's house was after six o'clock—after the polls closed. When that adjournment occurred, I am not certain whether the registration books and tally-sheets were put in the box or not. I know my tally-sheet was not put in the box. Those parties whose votes were rejected as non-residents in the district were erased from the poll-book. There was, I think, one name which could not be found, and probably two. When they got through voting, the name of one whose vote had been refused was found entered in the registration-book. There was some little difference in the names which some gave and the names found on the poll-book, and that was the reason they were not permitted to vote. Mr. Carter did not keep a tally-sheet when the votes were counted.

Mr. Richard Gaines and Mr. Woodson Howard were the two clerks. When I speak of Mr. Carter counting, I mean that he took the ballots out of the box and read the names on them. I was right by the side of the box when the counting was going on. I could not see into the box. It was right up on a barrel and I could not see into it except I had stood up; then I could have seen into it. If I had had any idea of anything going on wrong, I would have stood up. I kept a tally-list while the counting was going on. Mr. George Washington stood right behind the box, and every time Mr. Carter wanted another ticket, George Washington opened the lid. I was in a position where, if I had stood up, I could have looked into the box. Mr. Bennett was sitting down generally, sometimes by the box and sometimes by the fire. After Mr. Carter finished reading the ballots Mr. Bennett had a needle and threaded them on a string. Mr. Bailey was there in the house. I was not prevented in any way from going up to the box and seeing inside the box when I wanted to. When those gentlemen went to dinner at six, the box was inside the door of the voting-room. That door opens, I believe, out on the ground. When the inspectors went to dinner I stood right in the door, inside the house. I did not go away from where the box was; Geo. Washington, Mr. Bailey, Harvey Richards, Archie Williams, myself, and two or three others more remained in the house. We did not sit right down by the box, but 'round where we could see if anything was done to the box. The counting took place at the fire-place. The door was open to the north, and they moved the table and the box up to the fire. It was a pretty cold day. We did not any of us move up to the fire while the inspectors were off to dinner, but we pretty much sat 'round the table where the box was. Mr. Bennett, Mr. Carter, and Mr. Stanton were the ones who went off to dinner. No white folks were among the persons I have named above as remaining with the box. I don't know whether all those who remained with the box are Republicans. They are colored people. The fact that a person is a colored person is no guarantee that he is a Republican. I know that they have a right to be guided by their own mind. I know of one colored man who voted a straight Democratic ticket. I don't say Mr. Carter read any ticket which he did not take out of the box. Those I saw him read were taken out of that box. I do not mean to say that Mr. Carter put any tickets into that box. I did not see any folded tickets about while the election was going on. He did not put any in while the voting was going on. I was standing right by the box the whole time. I did not go to town with the box. I don't know whether some colored people voted Democratic tickets at previous elections. I never staid about the polls and watched, but just put in my vote and went off home to my work.

Re-examined by Mr. JOHN R. LYNCH :

I cannot say that Mr. Carter put any tickets in the box except what were handed in by voters. I must say that I did not see him put any in. I know no other way the excessive tickets could get into the box except while the counting was going on.

Cross-examined by Capt. T. OTIS BAKER :

Every now and then Mr. Carter would stir his hand 'round in the box and say he wanted to get hold of a Hancock ticket sometimes.

If during the time he was engaged in the count Mr. Carter had any tickets in his hand, or had taken any tickets from his pockets, I would have seen him. Mr. Carter is pretty "ageable." He uses spectacles to read at night.

Re-examined by Mr. JOHN R. LYNCH:

If Mr. Carter had had any tickets up his sleeve, and dropped them down into the box when he was drawing tickets out, I could not have seen them.

Cross-examined by Capt. T. OTIS BAKER:

I don't know whether it is possible that Mr. Carter carried tickets in his sleeve when he came back from supper and dropped them in the box. I might have done it if I had tried. I don't say that Mr. Carter did it, and I cannot say so. I don't say whether it is my opinion and belief that Mr. Carter did it. I don't know so well about that, I am just halting between two opinions, and it is hard for me to get close to that matter. It is a pretty puzzling business. I said the only liable way for these extra tickets to get in that box was during the counting. I know I did not put any tickets in while the inspectors went to dinner. I did not have the chance to do it except the others saw me. The only persons who would have seen me if I had done so would have been colored persons, but I cannot say whether they were members of my political party. A heap of them say they are Republicans, and vote the Democratic ticket. I cannot swear that all who remained with me to watch the ballot-box were Republicans. When Mr. Carter was taking tickets out of the box, he had men of both parties 'round him.

LENNOX SCOTT.

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and Notary Public in and for the county of Adams, State of Mississippi.*

Tenth witness.

H. C. BAILEY, being first sworn and interrogated by Mr. JOHN R. LYNCH, states:

My name is H. C. Bailey; I am 25 years of age, and a farmer by occupation. I live in Palestine precinct, Adams County, Mississippi, where I have lived eleven years. The day of the election I was at the voting-place at the Palestine precinct. I was appointed challenger there by the Republican executive committee. I was there at the polling-place throughout the whole day. Under the old law of election, the polls used to open at six o'clock, and I got to the polling-place of my precinct about that time. I did not know anything about the law being changed. When I got there, I found the Republican supervisor there, Mr. Lennox Scott, and also Mr. Calvin S. Bennett, who had been appointed peace officer, but who afterwards acted as one of the inspectors, and we waited there until one o'clock in the day before any of the rest of the inspectors got there. But, previous to that, there was one inspector who failed to qualify, and would not serve—Mr. Vann Carter, who got there as early as Mr. Bennett. Then, about one o'clock, Mr. Stanton, United States supervisor on the Democratic side, came, and a consultation was held as to what was best to do. Mr. Stanton said he

did not know what to do, and Mr. Bennett swore Mr. George Washington as inspector. He had already been appointed, but not qualified so far as taking the oath is concerned. Mr. Bennett also swore two clerks of election—Woodson Howard and Richard Gaines; and about that time it was near two o'clock, and a good many of the voters had left and gone home. Then, afterwards, the proclamation was made by Mr. Bennett, and they voted quite rapidly. I stood by the door, and kept a tally of the votes polled, and about five o'clock in the evening nearly all the voters who were there had voted. The Republicans voted an open ticket, and I kept a tally of all the Republican votes that were polled. Mr. Lynch received 231 votes, and Mr. Chalmers 17.

After the polls closed, the officers fixed up their tally-sheets and went to supper, about 100 yards from the voting place, and stayed away about two hours and a half. They left the box at the voting-place. When they came back they proceeded to count the votes, and they counted about one ballot every fifteen minutes, and they counted up till about twelve o'clock, by which time they had counted about one hundred ballots. About this time I spoke "Why do you count the tickets so slow?" and I insisted on Mr. Bennett reading the ballots off instead of Mr. Carter. Mr. Bennett's reply was that he had done enough already, and George Washington then said to Mr. Carter, "Let me read the ballots off," but Mr. Carter refused. When they had counted about 100 ballots, they agreed to close and adjourn. Then Mr. Williams insisted on Mr. Stanton taking the box in his charge, and he replied "no, we could have it." Mr. Bennett said, "damned if I am going to fool with it; I won't have it in my possession." George Washington told him to leave one of his men there with the box, and he said he was satisfied it would be all right. So they put the tally-sheet and the poll-books all in the box together, and locked the box, taking the key and leaving the box with Mr. Washington and Mr. Scott, Republican supervisor. And that night there were about seven or eight of us stayed up there with the box until morning. I was one of them. The box was not sealed. Mr. Archie Williams asked Mr. Stanton to seal it up, but he refused to do so. Before that, Mr. Bennett called me on one side and asked me whether I wanted to keep the box, and I told him I was not an officer. They locked the box, and next morning between 8 and 9 o'clock these officers, Mr. Stanton, Mr. Bennett, and Mr. Carter came back to finish counting the votes, and when they opened the box they found everything placed as they left it. We noticed very closely and saw that the poll-books and tally-sheets were in precisely the same position in which they had been placed the night before. The officers then proceeded to count. And when they got through they found 35 more votes than the list of names kept by the clerk called for. Then Mr. Bennett said that he "knew some damned rascality had been played with the box." Then I said to Mr. Bennett that it was impossible for those tickets to be put in in any other way but by the man who opened the box, after the polls were closed. I went to work and showed Mr. Bennett how the box was placed during the counting. The box was standing on the head of a barrel, and Mr. Carter standing right down by it, and when he would want a ticket out of the box, George Washington would open the box with one hand, and when Mr. Carter got the ticket George Washington would close the box again, and put his arm over the little-hole. I said to Mr. Bennett that I had spoken to Mr. Carter several times about keeping his

hand in the box so long and stirring about the tickets. Mr. Bennett's opinion was that some of us Republicans had put the tickets in the box. But I said to Mr. Bennett the tickets could not get into the box except when it was opened, and that by putting them up a man's sleeve, when the man went to put his hand into the box the tickets would slip down; that was as near as I could get to it. I was there when they signed and fixed up the papers and everything. I had no more to say then and left.

I noticed that delay was occasioned the Republicans that day who voted an open ticket. I stood close to the box, within hand's reach of it, and I had access to the books, and looked for names. They would often refuse a person's name; for instance, if a man came with a name like "Dick Gaines," and it was written "Richard," they would not let him vote. I can distinctly say I read the name of John R. Lynch on these 231 tickets. The voters would hand me their tickets, and I would go to hand the ticket to Mr. Bennett, who would not receive it from me; then I would hand it back to the voter, and the voter would hand it to Mr. Bennett, and I would see it deposited in the box. Every one of these 231 voters handed me the ticket in my hands before it went into the box. These voters did this voluntarily, and no extraordinary means were used to make them do so. This way of voting had been talked of in the clubs, that is, of voting an open ticket; that was all. The voters had been deceived so much down there previously by ballots which had been cast for one man being counted for another that they adopted this plan as a means of self-protection. Mr. Bennett saw that the colored vote was solidly Republican, and he said he was willing to compromise the thing on my tally. He admitted my tally to be correct, but he had to go through the form of law. I kept a written tally. I had a book. I have not got that book with me. Mr. Scott kept tally on his tally-sheet on the opposite side of the door from me. I am positive that the figures are as I have stated them. The polls did not open till near about two o'clock that day by my watch. They voted quite rapidly out there. When the polls closed, after the inspectors had returned from dinner, Mr. Willis Carter was the man who put his hand into the box to take the tickets out. He had to read off the names, and when he put his hand in to take a ticket out he would say he wanted to stir them up, and Mr. Archie Williams said, "The more you stir them up the fewer Chalmers tickets you will find in the box." Mr. Carter stirred up the ballots in the box several times. If he had any tickets in his sleeve he had ample opportunity to slip them down. Myself, Mr. Lennox Scott, Isaac Sloane, jr., Archie Williams, George R. Washington, George Jamieson, Richard Gaines, Paris Best, and several others stayed up with the box. I kept awake all night that night. I know to my own personal knowledge that the box was not tampered with during the night.

Cross-examined by Capt. T. OTIS BAKER, counsel for contestee:

The inspectors appointed for that precinct by the commissioners were George R. Washington, Mr. Vann Carter, and Mr. John Gahan. Mr. Bennett administered the oath to old man Willis Carter and George R. Washington; also, to Richard Gaines and Woodson Howards as clerks. I was the challenger on the part of the Republicans. I was appointed challenger by the executive committee of the county, on behalf of the Republican party. I was secretary of the Republican club

at that precinct. The polls were opened about two o'clock. The box was kept sitting in the voting-place when the officers went to dinner after the close of the polls, in charge of George R. Washington, one of the inspectors who was appointed by the commissioners as the Republican inspector of that district. He did not vote for Mr. Lynch, and in 1876 he did not vote for him, but for a Democrat. George Washington always votes an open ticket, and tells you plainly who he is going to vote for. He is a colored man. In 1876 he voted a Democratic ticket straight out. I was challenger then. He was not a member of the Republican club at that precinct. There are about one or two more who voted a Democratic ticket at the last election. Frank De France, and another whose name I don't know, voted the Democratic ticket at the last election. There may have been others besides George Washington who voted the Democratic ticket previous to the last election. George Washington always votes an open ticket. The Republicans in that district have never voted an open ticket previous to the last election. I cannot say how many colored men voted the Democratic ticket, but previous to the election day, the night before, generally, they would meet at their respective clubs and get their tickets. Pretty much all the voters would meet solidly. The way a colored voter who could not read would manage to ascertain the facts about his ticket, would be to go to men who were true and tried Republicans, known as such, and show his ticket before he voted. A man who wanted to vote a Democratic ticket could show a Republican ticket in this way, and change it for a Democratic ticket afterwards. At the last election was the only time we could absolutely say what colored men voted the Republican ticket. There is no examination or investigation of previous elections that I know of in which votes were proved to have been counted different from they were cast.

In 1875, one of the inspectors, Mr. Alexander, told me himself, and others also, openly, that he intended to beat Bill McCary, as sheriff, and Jacobs, for the legislature. In that election the candidate against Mr. McCary as sheriff was Mr. Wood, another Republican. Mr. Jacobs ran for the legislature at that time, and I believe there was a compromise ticket at that election. Mr. Jacobs was running for the lower house. The voters at my precinct got their Republican tickets on the ground the day of election, and not the night before. It was understood that any one who did not want to vote the open ticket could do so. It was spoken of in the club. I do not know how it happened that each Republican voter showed me his open ticket. They say I am a staunch Republican, and have a good deal of confidence in me. They thought I was an officer of the election, and gave me the ticket to put in the box. I put no ballots in the box. Mr. Bennett was standing over the box. When Mr. Bennett was away Mr. Carter would take his place. Mr. Bennett declined to receive them from me, and I handed them back to the voter. I did not watch the voter that he did not change his ticket, because the people were 30 feet from the polls and only allowed to go up one at a time. Mr. Bennett would even make the voter take his ticket back and fold it himself. I am certain that every colored man who voted that day, with one or two exceptions, voted for Mr. Lynch. I know that from having inspected the tickets. The registration-books and the list of voters were left on the table during the recess taken for supper, at the close of the polls. George Washington and Woodson Howard, Lennox Scott, and plenty more, re-

mained in the voting-room during that recess. George Washington had charge of the box. Pretty much every one that stayed there at that time were Republicans. Frank De France, a colored Democrat, was also in the room. I cannot say particularly how many colored men's votes were refused because the names they gave did not correspond with the name on the poll-book, but I think six or seven were so refused; there may have been more or there may have been less. I do not know precisely how many colored men voted at that election—about 234 or 235, or something like that number. As nearly as I can remember, I counted about sixteen white men who voted there that day—fifteen or sixteen; Mr. Chalmers received seventeen votes, and some colored men voted for him. George Washington voted there, and I marked his vote a Democratic vote; Frank De France also voted; that made two Democratic votes. They commenced counting about half-past eight, and by twelve they had counted about one hundred ballots—they said they wanted to get a hundred that night anyhow. When these gentlemen went to supper the top of the box was not sealed. The opening for ballots to be deposited was not closed. There was nothing put into the box during supper-time; the box stood off, on a table opposite witness. Woodson Howard, one of the clerks of election, voted a Republican ticket; he was a colored man. Richard Gaines wrote the names of every one who voted, and both clerks kept a tally-sheet during the counting. When they commenced to count the next morning they went right on without an interval. George Washington brought the box to town after the counting was complete. I was coming to town, and I came with him, so did Archie Williams; we three rode in the same buggy. George Washington delivered the box to the commissioners the day after the election. I read every one of the tickets that were handed to me. I inspected them, because in 1876 there were some slips with Chalmers' name pasted over that of Mr. Lynch. There were no tickets of that kind this time; but George Washington voted a ticket with Garfield and Arthur for President and Vice-President, and Gen. Chalmers for Congress. That was the only ticket in the box that was not a straight party ticket. I saw some Democratic tickets there that day. Mr. Lynch's ticket could readily be distinguished from the Democratic ticket. The Democratic ticket was on a little better paper. After they had got through voting, Mr. Perault and three other gentlemen came out in a hack, and after they came Mr. Bennett said to me, showing me a different ticket, "See here, Lynch's tickets are going to be thrown out." He said they were so much wider than Mr. Chalmers' tickets, that is, the one he showed me was. I laughed at him, and went and got a Democratic ticket, and it differed very much from the one that he showed me, and the Republican and the Democratic ticket—that is, the last one that I got—resembled one another very much. I do not know whether the Democratic was wider or narrower, but there was some difference, I think about one-eighth of an inch. I told Mr. Bennett it was left to the part of the commissioners to decide about that. I could see no other difference but the names of the candidates. The tickets were very much alike. I cannot say there were any marks on Mr. Lynch's tickets that were not on Gen. Chalmers'. I don't know whether there was a dash between the names of the candidates or the electors on Mr. Lynch's ticket. I can't recollect. I cannot say whether there were any such dashes on the Democratic ticket. The dash would be such a small thing that I should not notice it much.

Re-examined by Mr. JOHN R. LYNCH:

I saw George Washington take up the Republican ticket and he asked Mr. Carter to write on it. Mr. Carter took it 'round the corner of the house and brought it back and gave it to him, and Washington voted it. I cannot say of my own personal knowledge how George Washington voted, but he told me his ticket was for Garfield, Arthur, and Chalmers. When the polls closed I kept in the room where the box was from the time the inspectors left until they returned. If the box had been tampered with during that time, I am sure I should have seen it. The box was not tampered with. We had been told in the club that all the tickets would be similar in appearance, both Republican and Democratic. We told the people it would be very hard to discriminate between the two tickets except by getting some one to read them. There was no instruction given as to distinguishing the different party tickets by any mark or device. The only instruction given as to any means of distinguishing one ticket from another was to vote an open ticket, so that we could read the names.

Cross-examined by Capt. T. OTIS BAKER:

Mr. Washington can read. He told me he voted the entire Republican ticket except for Congressman, and he gave me his reason for doing so. His reason was nothing personal between himself and Mr. Lynch. I saw some of Mr. Lynch's tickets on Monday, the day before the election, in the city of Natchez. I did not carry them out. Three gentlemen from my precinct took them out. Richard Gahan was one of them. He is a colored man and a Republican. Richard Gahan was the clerk who kept a list of voters during the voting, and his list corresponded with my tally exactly. He carried Mr. Lynch's tickets out on Monday, the day before the election, but he did not distribute them at all. He gave them over, after he was appointed as clerk, to Thomas Ransom. At the time of his appointment as clerk he had the tickets.

HORACE C. BAILEY.

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and  
Notary Public in and for the county of Adams, Mississippi.*

Court adjourned until 10.30 a. m. on Friday, 21st January, 1881.

Twenty-fourth witness.

THURSDAY, *January 27*, 1881.

L. W. FITZHUGH, being first sworn and interrogated by Mr. JOHN R. LYNCH, states:

My name is L. W. Fitzhugh; I am 28 years of age; I am a farmer by occupation. I live in Beverly precinct, Adams County, Mississippi, and am a registered voter in that precinct. I was present at the polling-place in Beverly on the day of the Presidential and Congressional election held on the 2d of November last. From appointment by the Republican executive committee of the county I was challenger there on behalf of the Republicans, and I acted there in that capacity until my authority was practically ignored. The inspectors of elections put me to a good deal of disadvantage, and after a time would not allow me to remain close enough to see properly, but told me I had to get



back to the edge of the gallery. They allowed me to remain for a certain time, but afterwards forced me to get back. Mr. Samuel Colson was the man who spoke to me and told me I had to get back to the edge of the gallery. If I went there I knew I could not see what was going on. I did not go out to the edge of that gallery. It appeared to me the objection was to my tallying, and not to my remaining there. He said that I could go out to the end of the gallery and tally, but that I could not sit there by the box. I ceased to keep tally on the tally-sheet, which had been sent out there by the Republican executive committee. I tallied there all the open tickets which went into the box up to the time of this objection. All the open tickets that were voted, and that I tallied, went into the box up to the time of this objection, for everything was solid there. On all these open tickets I saw and distinctly read the name of Lynch. I could see that the tickets which went into the ballot-box were the identical tickets on which I saw and read the name of Lynch. I had the count of the tickets which were voted, as I have stated, up to the time of this objection, but I do not know the number now; I have forgotten. I can say that the people voted solid, but I can make no positive statement how many did vote. The colored voters, with few exceptions, voted solid Republican tickets, and they voted open tickets. I kept a tally, with a few exceptions, of the straight Republican tickets that went into the box up to the time objections were made to my doing that. The tally-sheet that I was tallying on Jacob Simms has got. When I saw that they did not want me to keep tally I transferred the tally from the sheet to a little book which I had, but which I cannot now find. Without the aid of that tally-sheet I cannot state the number of votes which were polled up to the time the objection was made. I have lost or mislaid the little book I speak of, and am not willing to swear to the accuracy of any other memorandum made subsequently. My memory is bad; I cannot remember how many votes I actually tallied; I cannot approximate.

Cross-examined by Capt. T. OTIS BAKER, counsel for contestee:

I could not see from the edge of the gallery what kind of ballots were being voted. Those who went in were crowding, and had their backs to me. Two or three were let in at a time. If I had got out to the edge of the gallery the people would have had their backs to me, and I could not have told what they were voting. The voting-place was Mr. Jenkins's house, a double house, with a hall in the centre of it. It is a big hall, about ten or twelve feet wide. There would have been plenty of room for me to sit there. The people came up to the gallery and passed into the hall to vote, and then passed out at the other end of the hall. I was originally seated right at the door, where the voters had to come by me, and the people showed me their tickets. This was allowed up to a certain time. The people came up to the edge of the gallery, hundreds of them. There was a large crowd on the gallery at one time, and the gallery broke down. I was sitting just outside the door when the gallery broke down. I did not leave my position when the gallery broke down. I was tallying then, and the objection had not been made. I have no recollection how long the voting had been going on when the gallery broke down. I have forgotten at what time the gallery broke down, or at what hour of the day the objection was made. I don't know about the time; I had no

watch. I do not know who was present when the counting was going on. I reckon Jacob Simms was there, the Republican U. S. supervisor—the same Jake Simms that I handed the tally-list over to. I do not know that there was any Republican inspector there, but there was a man named Duncan Holmes appointed as Republican inspector for that precinct by the commissioners of election. Mr. Metcalfe said he was an officer there, but I don't know in what capacity. The other officers, besides Jacob Simms and Duncan Holmes, were Mr. Metcalfe, Mr. Samuel Colson, and Mr. Lett Guice, but I don't know what offices they respectively held. I don't think Mr. Lett Guice was a regularly-appointed officer.

LOUIS W. FITZHUGH.

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and  
Notary Public in and for the county of Adams, State of Mississippi.*

And I do hereby certify that the above-named and foregoing witnesses, to wit, namely, W. N. Whitehurst, Thomas R. Quarterman, Wm. J. Henderson, John R. Lynch, Clarence G. Johnston, Patrick Foley, A. Neuberger, Wm. Noonan, Wilson Wood, Wm. McCary, Andrew Thomas, Theodore H. Greene, Jerry Taylor, Henry B. Fouples, Abraham Felters, Smith Kinney, Harry Smith, junior, Wm. H. Lynch, George N. Johnson, Chas. W. Minor, Alexander Turner, Alexander Johnson, Webster Bowyer, William T. Blake, Lennox Scott, Horace C. Bailey, L. W. Fitzhugh, testified as above written for them respectively; that I myself caused the same to be written down; that the same has been carefully read over to them in my hearing, and in their hearing, and that they all and each of them signed thereto as being their sworn testimony in the above-entitled cause, and that they and each of them signed the same in my presence. And now I am about to seal up the said depositions with the exhibits, and send them to the honorable the Clerk of the House of Representatives at Washington, to be read in evidence in trial of the said contest.

I do further certify that I am not related to either of the said parties; that I am not counsel for either of them; and that I am entirely indifferent and impartial to the parties.

Given under my hand in the city of Natchez, in the county of Adams, and State of Mississippi, this fifth (5th) day of February, in the year of our Lord 1881.

HENRY C. GRIFFIN,

*Mayor of Natchez and ex-officio Justice of the Peace and Notary  
Public in and for the county of Adams, State of Mississippi.*

I have no seal as notary public.

HENRY C. GRIFFIN,

*Mayor of Natchez, as above stated.*

## No. 3.

JOHN R. LYNCH } Contest of election for Representative in the 47th  
 vs. } Congress of the United States from the sixth  
 JAS. R. CHALMERS. } Congressional district of Mississippi.

*Testimony taken for contestant in the city of Greenville, in the county of Washington, in the State of Mississippi, on the 12th and 13th days of January, A. D. 1881, before Hon. Frank Valliant, mayor of Greenville and ex-officio justice of the peace and notary public in and for the county of Washington as aforesaid.*

F. VALLIANT, Mayor of Greenville.

GREENVILLE, WASHINGTON COUNTY, MISSISSIPPI,  
 January 14, 1881.

JOHN R. LYNCH } Contest of election as Representative in the 47th  
 vs. } Congress of the United States from the sixth  
 JAS. R. CHALMERS. } Congressional district of Mississippi.

To the Hon. JAMES R. CHALMERS.

SIR: Please to take notice that on Wednesday, the twelfth day of January, 1881, before Hon. Frank Valliant, mayor of Greenville, justice of the peace and *ex-officio* notary public in and for the county of Washington, State of Mississippi, at his office in the city of Greenville, and at the hour of ten o'clock a. m. on that day, I will proceed to take the depositions of the witnesses whose names are mentioned below, to be read in evidence in my behalf in the pending contest between you and me, as above stated, and shall continue the taking of said depositions from day to day until concluded. You can attend and cross-examine if you please so to do.

The following are the names of the witnesses:

S. Archer, J. M. Lee, J. J. Coffee, A. G. Pearce, W. A. Harris, Gilbert Horton, Noah Cowan, F. B. Cooper, John Jones, J. G. Marshall.

Very respectfully,

JOHN R. LYNCH.  
 By J. S. MORRIS,  
 Attorney for him.

GREENVILLE, MISS., January 8, 1881.

Due and satisfactory service of the foregoing notice is hereby acknowledged, and the time and place proposed agreed to.

JAS. R. CHALMERS.

DISTRICT OF COLUMBIA, *to wit*:

I, Fred'k Douglass, U. S. marshal of said district, do hereby certify that on the 8th day of January, 1881, I gave notice to James A. Chalmers of taking of depositions as stated in the foregoing paper, as attested by his signature in the acceptance of notice hereon endorsed.

FRED'K DOUGLASS,  
 U. S. Marshal, D. C.

JOHN R. LYNCH } Contest of election for Representative in the  
 vs. } 47th Congress of the United States from the  
 JAMES R. CHALMERS. } sixth Congressional district of Mississippi.

To the Hon. JAMES R. CHALMERS.

SIR: Please to take notice that on Wednesday, the 12th day of January, 1881, before Hon. Frank Valliant, mayor of Greenville, justice of the peace and *ex-officio* notary public in and for the county of Washington, State of Mississippi, at his office, in the city of Greenville, and at the hour of ten o'clock a. m. on that day, I will proceed to take the depositions of the witnesses whose names are mentioned below, to be read in evidence in my behalf in the pending contest between you and me, as above stated, and shall continue the taking of said depositions from day to day until concluded. You can attend and cross-examine if you please so to do.

The following are the names of the witnesses: S. Archer, J. M. Lee, J. J. Coffee, A. G. Pearce, W. H. Harris, Gilbert Horton, Noah Cowan, F. B. Cooper, John Jones, J. G. Marshall.

Very respectfully,

JOHN R. LYNCH.  
 By J. S. MORRIS,  
*Attorney for him.*

I hereby appoint John Rainwater special deputy, to execute and return the within writ, this 1st day of January, A. D. 1880—

R. F. BECK, [SEAL.]  
*Sheriff of Warren County.*

GREENVILLE, MISS., *January 12, 1881.*

Due and satisfactory service of the foregoing notice is hereby acknowledged, and the time and place proposed agreed to.

PERRY A. YERGER,  
*Attorney for Gen. James R. Chalmers.*

Executed the within writ (or notice) by handing a true copy in person to Martin Marshall and by leaving a copy for James Chalmers at his boarding-house when in the city of Vicksburg, this the 1st day of January, A. D. 1880.

R. F. BECK, *Sheriff.*  
 By JOHN RAINWATER, *S. D. S.*

STATE OF MISSISSIPPI, }  
*County of Washington, City of Greenville.* }

Be it remembered that on this the twelfth day of January, 1881, before me, Frank Valliant, mayor of the city of Greenville and *ex-officio* justice of the peace and notary public in and for the county of Washington, State of Mississippi, pursuant to the annexed and foregoing notice, personally appeared before me A. G. Pearce, a witness of John R. Lynch in his pending contest between the said John R. Lynch and James R. Chalmers as Representative to the 47th Congress of the United States from the sixth Congressional district of Mississippi. The said witness was first duly sworn, and testified, as a witness, that the statement he was to make should be the truth, the whole

truth, and nothing but the truth, as written below. Present: Hon. J. S. Morris, as counsel for the contestant, and Colonel W. A. Percy, as counsel for contestee.

First witness.

A. G. PEARCE, being first sworn, stated:

My name is A. G. Pearce; I am 37 years of age; I am at present postmaster in the city of Greenville, where I reside, and have lived upwards of eight years. Prior to my appointment as postmaster, I was engaged in teaching school and planting. I was chairman of the Republican executive committee of this county during the late political canvass. We made an application for the appointment of a Republican commissioner of election for this county. A number of us Republicans had a consultation and they decided that I, as chairman, should make an application for the appointment of a Republican commissioner. As secretary of the former Republican committee, in connection with Judge Clarke and some others—I do not recollect who—we petitioned the State board of commissioners at Jackson to appoint Mr. Noah Cowan, of this county, as one of the commissioners of election for this county, on behalf of the Republicans. I do not recollect the date, but I think it was sometime in June. We made the application in writing, through Judge Clarke, who telegraphed it to the commissioners at Jackson.

(The questions eliciting the two preceding answers are here objected to by counsel for contestee as unimportant and irrelevant.)

The appointment of Mr. Cowan was not made, but Mr. Coffee was appointed instead. Mr. Coffee was not a satisfactory appointment to the Republicans of the county, for he had not been in the county more than two years; and even if his Republicanism was all right, he was a stranger to the voters. Besides, he always claimed, or claimed about that time, that he was unpronounced in his politics, and subsequently has so claimed. I do not know of my own personal knowledge upon whose recommendation this appointment was made.

Q. State whether or not did the Republican executive committee of which you were chairman recommend the appointment of suitable persons to represent the Republicans as inspectors of elections in the several precincts of this county at the late Congressional and Presidential election; and if they did, whether the persons recommended were appointed; and if not, why not?

(This question objected to by counsel for contestee as irrelevant and incompetent.)

A. The request was made by the Republican executive committee, through me, as chairman, to the board of commissioners in this county, that they would appoint one person for each precinct to act as inspectors of election, and at some precincts I requested the appointment of certain persons to act as clerks. I furnished them a written list, a copy of which I retained, and now present here, which I ask to have made a part of my deposition, identifying same with my signature and the words Exhibit A, marked on the back thereof. I delivered it to the Rev. Stephenson Archer, president of the board of commissioners. I also allowed Mr. Coffee to take a copy of it in his book, that he might know. I do not know that any of those so recommended were appointed, and I think not one.

## EXHIBIT A.—A. G. PEARCE.

STATE OF MISSISSIPPI, }  
 Washington County. }

*To the honorable Board of Election Commissioners of Washington County,  
 greeting:*

We, the Republican executive committee of said county, respectfully recommend and request the appointment of the following-named persons to act as Republican judges of election, and as clerks of election, to preside at the ensuing Presidential and Congressional election on the 2d day of November next, 1880, to wit:

*At Wilezinski & Reiser's Store precinct*—Watson Fox, judge; W. A. Jewell, clerk.

*At Leota precinct*—James Calhoun, judge; J. R. Parker, clerk.

*At Robb's Store precinct*—Jas. H. Foster; Henry Johnson, jr., clerk.

*At Refuge precinct*—Burrell Watts, judge.

*At Engine precinct*—Richard Brown, judge; E. K. Stafford, clerk.

*At Stonerville precinct*—Jacob Cartwright, judge.

*At Arcola precinct*—Isaac Delouch, judge; Lewis, clerk.

*At Westbury precinct*—N. J. Collier, judge.

*At Burtonia*—D. P. L. Jordan, judge.

And as in duty bound we shall ever pray.

A. G. PEARCE,  
*Chn. Rep. Ex. Com.*

Q. Did Mr. Archer or any other member of the board assign any reason for not making these appointments?

(Objected to by counsel for contestee.)

A. Only in the case of one of them. Mr. Archer said to me that he had seen Mr. Foster, who refused to act. Mr. Coffee told me substantially the same thing, and none of the others made any explanation. We never had any further conversation. Those persons who were appointed to represent the Republicans in connection with the election were regarded by us as persons who had been acting for several years in co-operation with the Democratic-Conservative party.

Q. Had the Republicans practically any representation among those who were appointed as inspectors of elections? A. I could tell better if I had the names of all those who were appointed as inspectors of election. We were dissatisfied, whether with or without reason, because no person whom we had recommended has been appointed.

Cross-examined by Col. W. A. PERCY:

The men who were appointed were regarded by us as having formerly acted with the Democratic party, because, first, the men whom we recommended were not appointed, and, second, because we knew that one of them had so acted; and we could not see why the board would not allow us to be the judges of the Republicans who were to represent the Republicans. Mr. Smith, as chairman of the Democratic committee, and myself, as chairman of the Republican committee, made a list of U. S. supervisors for each respective party, and they were all appointed, and I could not see why the same course should not be pursued with respect to the others. The person we regarded as having acted

with the Democratic party heretofore rendered entire satisfaction. It was Mr. Clark Dancy, at Stoneville. I have, on several occasions since my residence in Washington County, been a candidate for office. Some portion of my time has been spent that way, as well as supporting you (addressing counsel for contestee) as a candidate for office more than once. When I ran for chancery clerk, 13 or 14 months ago, there were several candidates.

Q. How did you stand? Were you second, third, or fourth in the race?—A. There were six of us running, and I was third. In the special election held here two years, I attributed my defeat for the chancery clerkship to the misunderstanding among the people of a circular which I published, and a copy of which I will endeavor to file as part of my testimony, making it "Exhibit B," and identifying it with my signature on the back thereof. A number of the voters said that if I was not in affiliation to the Democratic party, I was bordering too closely on it; but they had been abused into this belief and misconception by designing politicians, as many of them afterwards acknowledged to me.

Q. Of what party were these politicians?—A. I should say they were not politicians, but maligners.

Q. Of what party?—A. Well, sir, they are sometimes with one party and sometimes with another—sometimes Democrats and sometimes Republicans. The principal one among them was, as you (Col. Percy) and I understand.

Q. Was it not a fact that you were defeated in that election mainly by the efforts of men who were accounted to be local or county leaders of the Republican party at that time, and that you were so defeated by them upon the charge made that you were in affiliation with the Democrats?

(Objected to by counsel for contestant.)

A. The parties who opposed me might, in some one locality, have been a leader, but only for a short time. Neither of the parties were county leaders. I attribute my defeat as much to my tickets failing to be carried honestly to Leota precinct as anything else. I was running as an independent candidate, and not as a party nominee.

By JOHN R. LYNCH:

No party lines were drawn at either time when I ran as chancery clerk. The candidates ran at the election above referred to and the election following, each upon his own individual merits, without reference to parties. Neither party made any nominations.

Commission reopened at ten o'clock a. m. on the 13th day of January, 1881, before Frank Valliant, mayor of Greenville and *ex-officio* justice of the peace and notary public in and for the county of Washington, State of Mississippi, at his office in the city of Greenville, pursuant to the order of adjournment made on the previous day.

Present: Hon. J. S. Morris, counsel for contestant, and John R. Lynch; also Gen. S. W. Fergusson, counsel for contestee.

A. G. PEARCE, the witness examined yesterday, produced the circular referred to in his cross-examination yesterday, and files same herewith as part of his deposition, making it "Exhibit B" to his testimony and identifying same by his signature on the back thereof.

## EXHIBIT B.—A. G. PEARCE.

*To the Voters of Washington County:*

The question of my politics having been raised in connection with my candidacy for the office of clerk of the chancery court, I take this occasion to explain my position, with the hope that it will give satisfaction to all fair minds.

In the first place, I did not enter this as a political contest, nor have I solicited any support on party grounds; but I have simply asked the support of all classes of voters, irrespective of past party affiliations.

I have always been a conservative in politics, and it is that class of men I shall support for public position.

When the Republican party disbanded, we resolved to co-operate with the Democratic party in measures and policies which looked to the general good of the community.

On the 15th day of September, 1877, a Republican convention in the town of Greenville adopted the following resolution, viz:

“Whereas, we endorse the platform of principles (except the last resolution) adopted by the Democratic State convention on the 1st day of August, 1877; therefore,

“*Resolved*, That we adopt the above-named platform as embodying our political views, and that we will join heart and hand with the party adopting the same to carry out those principles.”

This same convention ratified the nominations made by the county Democratic convention on the 16th July, of same year. It seems to me that this made every member of that convention a Conservative Democrat.

It has been, it is, and shall be my strenuous effort to unite the white and the colored people in bonds of political friendship, upon terms of fair dealing and fair representation of both classes in the government; and, in accordance with these principles, I am heartily in accord with the Democratic party of the State and county.

Very respectfully,

A. G. PEARCE.

F. VALLIANT,

*Mayor and ex-officio Justice of the Peace and Notary Public.*

And the witness further states, on his oath, in reference to the special election referred to in his cross-examination yesterday, in which he was a candidate for the office of chancery clerk in Washington County, that that election resulted in a contest between two of the candidates, both of whom were returned with a larger majority of votes than myself. That contest was never decided, but was compromised between the two candidates, both of whom ran the office in the name of one of them. I further state that in a subsequent race in the November following, in which there were six candidates, I was returned as being third best in that race. In this race, the colored vote was divided between three colored men; two others besides myself were induced to run without any hope of election, one of whom was publicly reported to be the hired emissary of the enemy, and is believed to-day to have been so. He was induced to run by one of my opponents to divide the colored vote. My reason for believing this is based upon the fact that he had no tickets in any other portion of the county except in the third district. There was fraud alleged on the part of two gentlemen who stood higher



on the roll than myself. One of them charged fraud, and went so far as to have witnesses summoned to Greenville, and the day for examination fixed; but they did not examine any witnesses, however, but compromised, as I have already stated. In the election in which there were six candidates, there was no fraud alleged. So far as I know that election was perfectly fair. Whenever political lines have not been drawn, by which I mean when party nominations were not made regularly, I have always felt at liberty to support those men and measures which I believed to be best calculated to further our local interests; which course I shall continue to pursue. I have always, notwithstanding, been a Republican, whenever the lines were drawn.

Cross-examined by Gen. S. W. FERGUSSON, counsel for contestee:

The two candidates who had a contest at the election referred to were Mr. C. M. Johnson and Maj. Wm. Yerger. Neither of them were Republicans; but the race was not run on political grounds. By the expression "enemy," if I used the word, in answer to a previous interrogation, I did so inadvertently; I mean the adverse party, my opponents. I did not mean that there was anything like personal antagonism.

A. G. PEARCE.

F. VALLIANT,  
*Mayor of Greenville and*  
*ex-officio Justice of the Peace and Notary Public.*

JANUARY 12, 1881.

Second witness.

Rev. STEVENSON ARCHER, being first sworn, states:

My name is Stephenson Archer; I am 42 years of age, and am by occupation a minister of the gospel. I live in the city of Greenville, in Washington County, Mississippi, where I have resided for twenty years. I was a member of the board of commissioners for election at the Congressional and Presidential election of 1880. There was a list of persons recommended by the committee, of which the previous witness, Mr. Pearce, was chairman, to act as inspectors and clerks of election, sent to the commissioners. I do not know whether there were any of the persons mentioned on that list appointed, but there were perhaps one or two of them. The commissioners did not feel bound to appoint anybody that was recommended from the outside. Some of the persons whom we appointed were recommended to us from the outside, and some were not. There was a list sent in by the executive committees both of the Republican and the Democratic parties, neither of which lists were followed. I cannot say how many of the Democrats we appointed, but I think less than half. Those we did appoint were selected by a part of the commissioners in session, and some of those refused to serve, and others were appointed on the ground on the day of election. I have already stated that the commissioners did not feel themselves bound to appoint the list recommended by the Republican executive committee, and I can only recollect two objections raised against any of the persons mentioned in that list—one, recommended by them for Burtonia district, was not there, having left; his name was D. P. L. Jordan. Another person recommended was Mr. Foster, of Robb and Stone precinct, who had asked me previously—that is

to say, before the election—not to put him on any election. These were not objections to the men, but simply reasons why they could not be appointed. There was no objection to the qualifications of the men recommended by the Republican executive committee—none that I heard alleged or know of. There were three boxes at the late election in Washington County the returns from which were not canvassed. I refer to one at Stoneville, one at Refuge, and one at the Lake Washington precinct. Those were all of the kind. The box from Stoneville had no certificates from officers of election, as required by law. There was no certificate signed by the officers of election returned with the box. The inspectors of election in that precinct signed no report, and sent in none signed by them; they sent only the tally-sheets. The names of the clerks might have been on these, but I don't recollect exactly. The ballot-box was unsealed. There was a protest, also, from two citizens out there; if I recollect rightly, it was signed by Messrs. MacCutehin and Stone; but we did not take that into account; it was not canvassed. I think we put the protest into the ballot-box, but I am not certain about it. The protest was made in town the day the box was brought in. I am not certain about the names of the inspectors of that precinct, but it seems to me there was a man of the name of Jones; I don't recollect his first name. Clark Dancy was one of them, I think, and Mr. Andrew Jackson the other. This is just as I recollect them. I do not know how the vote stood there, but my recollection is that Mr. Lynch had a majority reported, but the votes were not canvassed. The Refuge-precinct box was not canvassed because there was no certificate from the inspectors of election returned with the box. As in the former case, the box was not canvassed. The box was, however, sealed, and the tally-sheets were in the box, and, if I recollect right, the names of the clerks were on the tally-sheets. This was the only cause why the box was not canvassed. My recollection is that Mr. Lynch was reported ahead in this box also. I only recollect one of the names of the inspectors at the Refuge precinct; his name was Scott. The Lake Washington box was not canvassed because there were no ballots, and the certificate of the inspectors was returned in an envelope outside the box. The box came to the commissioners with nothing but the poll-book in it; that was all the objection to the box. I think the tally-sheets came with the inspectors' returns outside the box. Chalmers was said to be in the majority in that precinct. I cannot recollect who the inspectors were at the Lake Washington precinct.

STEVENSON ARCHER,  
*President Board of Commissioners.*

F. VALLIANT,  
*Mayor of Greenville and  
ex-officio Justice of the Peace and Notary Public.*

JANUARY 12, 1881.

Third witness.

JOHN JONES, being sworn, stated:

My name is John Jones; I am 30 years of age, and am a minister of the gospel. I reside in Stoneville, in Washington County, this State, where I was born and have lived all my life. I was appointed one of the United States supervisors of election at Stoneville precinct

at the Congressional and Presidential election held on November 2, 1880, and presided over the election held there on that date. I was in and about the polls all the time during the election, and took strict notice of the proceedings of the election. I was there from the time the polls were opened until they were closed without any interval of absence. As soon as the polls were closed we left the room. I am of opinion that we had a fair election and a fair, full count. When the election was over, the votes were closed up in the box and sent into Greenville. The box was sealed up with mucilage—I saw it done by Mr. Andrew Jackson, one of the inspectors. There were no irregularities or disturbances there that I know of during the day. We had 315 votes for Mr. Lynch and 60 for Mr. Chalmers. I saw the votes counted, and know that to be the fact and correct. These were all straight party tickets, and I saw only one scratched ticket, which voted for Weaver for President and General Chalmers for Congress.

Cross-examined by Col. W. A. PERCY:

I left the house as soon as the voting was over. The box was sent in on Wednesday, the day after the election. I don't think all the papers connected with the election were put in the box. My papers were left out. I had my tally-sheet. All the papers connected with the inspectors were, I presume, put in the box. I saw the box closed immediately after the vote was counted. The counting was executed as quickly as the votes could be counted. Mr. Andrew Jackson closed the box, but all the rest of the officers cleared out as soon as the counting was done. There was no one present, besides myself, but Mr. Andrew Jackson and Clark Dancy. We stayed by the box. Clark Dancy and myself had the custody of the box during the night before it was sent into Greenville. Immediately after the closing of the polls Mr. Andrew Jackson took possession of the box, and gave Clark Dancy the key. The box was locked. We separated when the polls closed, but me and Dancy were together. Mr. Jackson, in about thirty minutes, called Dancy back and gave him the box. Dancy returned the key to Mr. Jackson. Dancy and myself kept the box all that night and Mr. Jackson kept the key.

Re-examined by Hon. J. S. MORRIS:

Neither myself nor Clark Dancy had the box and key both at one time. Mr. Jackson is a white man, and supposed to be a Democrat. I don't know what Clark Dancy is—he is a colored man, and supposed to be a Democrat.

JOHN JONES.

F. VALLIANT,

*Mayor of Greenville and  
ex-officio Justice of the Peace and Notary Public.*

JANUARY 12, 1881.

Fourth witness.

FRANK B. COOPER, being first sworn, states:

My name is Frank B. Cooper; I am 30 years of age; I am a school teacher by occupation. I reside in the city of Greenville, Washington County, where I have lived three years. I have lived in the State of Mississippi for the last ten years. I was United States supervisor,

and served as such at Robb and Stone precinct, in this county, at the late Congressional and Presidential election. There were 471 ballots cast at that precinct, but there was not a fair count. In the first place, the colored people, or in other words the Republicans, voted an open ticket, solidly Republican from bottom to top, and I, to my personal knowledge, counted 297 of that kind of votes which went into the box. I stood right there and saw them go in. There were not that many, however, returned the next day. There were only 175 straight Republican tickets returned, the rest being Republican Presidential tickets with a Democratic tail; by which I mean that, instead of having a Republican candidate for Congress, they had a Democratic candidate. The election was conducted fairly up to the close of the polls; every man, I think, and am certain, voted just what he wanted, both white and colored. The polls closed at six o'clock, according to law. At the time they closed, I, as United States supervisor, asked that we should proceed with the count. This was at first, however, delayed; and the reason assigned for not proceeding with the count was that there was no fire. The inspectors assigned this reason, which was correct in fact, for there was no fire. It was then proposed that we should go up to Sam Harris's store, about half a mile away from the polling-place, as nearly as I can recollect. I objected to moving the box, but they finally took it anyhow. I was right with it, right by the side of it all the way. When we got up to the store, they delayed their counting until 15 minutes after ten o'clock that night. They then proceeded to count. Mr. Sam Harris, one of the inspectors, said he was sick, and could not read a ballot; he went off to bed. Harrison Gillespie, another one of them, could not read; he is illiterate; could not read at all. That left Mr. Robb, Mr. J. H. Robb, I think his name is, to read the ballots. They counted an even one hundred ballots. These ballots stood, 76 straight Republican tickets and 24 straight Democratic tickets.

I should have stated that before they began to count Mr. Robb went down home and stayed upwards of an hour. They went on to count, and it seemed as if they did not want to count. They counted till 15 minutes after eleven. Mr. Robb was much indisposed to count; he said he wouldn't count unless he had some help. I spoke to Mr. Robb, saying, "Harrison Gillespie here can't read. In the first place, he has no business here if he cannot read. Let us put some one in his place, and have some one to help count." They did not do it. They then proposed again to quit for that night, and finish the count the next day. I objected again, but it was finally said again I had no authority to object. I read them the law; but they took the ballot-box over my protest. The question was then raised as to who would take that ballot-box and have custody of it during the night. I suggested that they let Harrison Gillespie have the box. He is a colored man like myself, and I thought it was nearer my place to go with him than it was to go to the white man's house. None of the white men made any objection to that; but Harrison Gillespie positively refused to take the box, or have anything to do with it. He said he was not going to have it in his custody. I then proposed to leave the box right there with Mr. Harris, and I would stay with it. It seemed like they did not wish to have it that way. Finally, Mr. Robb got up and said, "Well, I will assume the authority to take the box." He gave the key into the hands of a young man who was clerking for Mr. Harris, after locking the box.

Mr. Joe Robb took the box up and went off with it. I never saw the box any more until ten o'clock the next day, when it was brought back to the voting-place, at ten o'clock in the forenoon, by Mr. Robb. That day the count was finished. When the count was complete, Mr. Lynch received out of the count on that day 99 votes, and Mr. Chalmers received enough out of the ballots, in addition to his 24, to carry him up to 295.

I know the votes counted on the day subsequent to the election were not the votes which had been put into the box on the day of election. I will not state this as to all the votes, but as to our part of them, that is the Republican part. The day before we had voted in the rain, it rained very heavily, and the colored people, or the Republicans, were jammed together for three or four hours. It rained right down on them, and most every one of them got wet. They carried the tickets in their hands, and many of them got crumpled badly and many of them were torn. I sent a suggestion out to them to open the tickets, when they went to vote, to see that they were not torn, and to prevent their being torn by the inspectors. The tickets that I noticed the next day, instead of being in that fix from the wet, were all nice, new, and straight. Another thing I noticed was this: When I went to vote, my ticket went in about the middle, I voted a ticket that had Garfield for President, and Arthur for Vice-President printed at the top, and Gen. Chalmers' name for Congress at the bottom, and I, in the presence of a great many persons, scratched Mr. Chalmers' name off, and inserted the name of John R. Lynch. If that ticket has ever been counted, I never saw it, and I examined every ticket in the box that was counted. I am satisfied from the character of the election, and from the amount of interest manifested by the Republicans, that if the vote had been counted that night, as could easily have been done, it would have shown that we had polled nearly four to the Democrats' one. In counting tickets the night of the election, they looked for mixed tickets, but found none that night, though they rooted about in the box for them. The next morning, however, they were found to be very plentiful. The names of the inspectors of election at that precinct were Joseph H. Robb, Samuel Harris, and Harrison Gillespie, colored, all of whom voted the Democratic ticket. I don't know that any Republicans were appointed inspectors of that election. I know there was an effort made to have some appointed. There was a consultation with Mr. Pearce, chairman of the Republican executive committee. He sent in Mr. J. H. Foster's name, who is a Republican, but he did not serve. I do not know whether the appointment was tendered to him or not. I had no conversation with the commissioners with respect to the appointment of inspectors, either then or afterwards. I am acquainted with Rev. S. Archer, who was one of the commissioners of election for Washington County. He is also superintendent of education. I was a school-teacher, but am not now.

Q. Were you an applicant for re-employment as school-teacher since the election?

(Objected to by counsel for contestee as irrelevant.)

A. I was an applicant for the principalship of the Greenville school, No. 2, a position I have had for three years. I did not get it. I do not think there was any reason given for the refusal. There was a reason asked, but no reply was made. I had a conversation with Mr. Archer on the subject of my employment as a school-teacher in the

county. In that conversation I learned that I could not be employed as a school-teacher, not because of any personal feelings on the part of Mr. Archer, whom I always regarded as my friend in matters pertaining to education, but because my political course had been such as to render me objectionable to those who had the appointments of teachers at their disposal. That was the substance of the conversation, nothing personal, but saying that the sentiment of the country was against employing me in schools.

Cross-examined by Col. W. A. PERCY:

Q. Did not Mr. Archer say to you, substantially, that the sentiment of the country was against employing politicians as school-teachers, and that you had become a politician was the reason he did not employ you?—A. I think that is just about it. I was appointed a supervisor of election at the recommendation of the Republican executive committee, not from any solicitation on my part, for I did not want the appointment. That committee knew that I was a thorough-going Republican. I did not send out an order on the day of election to the voters in my precinct to vote an open ticket, but it was my suggestion to them to do so. There was only one object that I could have—the better way of telling how they voted. If a man was afraid to let anyone see his ballot I should not consider him much of a man. My object was, so that I could be able to count the Republican tickets as they went into the box. A great many stood there all the time and did the same as I did in this respect. I started to keep a tally-list of the open Republican tickets that were voted, but there would be confusion as to names—men's names who were entitled to vote, and of course they looked for me to get up and look for their names in the poll-book. You understand the position I occupied with regard to my people and my appointment. I did the best I could to keep count. I was engaged in examining the poll-book when a question would arise about a voter's name; supervising the election, seeing my people had a fair chance to vote; and, in the various duties pertaining to my position, found myself unable, for that reason, to keep a tally-sheet of the open Republican tickets voted, and kept count of them as best as I could. I am positive I counted 297 tickets, straight Republican, just as certain as I am that there is a God in heaven—if I did not, there is no God. I did not get each of these 297 tickets in my hand, but, as I stated before, the tickets were wet, and the man, if he had no previous instructions about voting an open ticket, would naturally have opened his ticket to see it had not got so wet as to tear off part of the paper before it went into the box for their own protection.

Q. Did you take any of these 297 Republican tickets in your hand?—A. I started to take the tickets into my hand and it was objected to, and I, as a matter of course, desisted to do so any further, and stood right by the box where they came in. These tickets were handed by the voter to the inspector, and by him placed in the voting-box. The principal thing which I noticed as the difference between the tickets of the two parties was the large type in which the word ticket was printed on the head of the Democratic ticket; but the only observation I made of the open tickets was to see whether the name of John R Lynch was there. When these tickets were handed to the inspector, he immediately placed them in the ballot-box, but the day was so cold, and they were so clumsy with their fingers, that the inspector would

naturally assist them in folding. There was a table about two feet wide between the inspector receiving the tickets and myself. I did not get more than two feet from him. It was a very bad, rainy day; there was a considerable press and jam about the polls, and voters were voting as fast as they could, and the inspector, as fast as he could, depositing these votes in the box. The inspector did not hold these tickets up to me to read. I don't know whether the voters took any special care in handing in their tickets to hold them right side up or not so that I could read them, but I saw the names at the bottom of the ticket. I should say, as my opinion, that the great majority of the voters voting an open ticket there that day were illiterate men, who could not read. I don't know particularly whether they wanted me to read it, but the ticket was handed open to see that it was not torn. The voters handed the tickets in open, but without regard, as to me, as to whether the tickets were upside down or sideways or cross-ways.

Q. Can you say positively that at an election held in this way, with polls crowded as you have stated, the voters eager to vote, the inspector taking the ticket from the voter, folding it and placing it at once in the box, the votes being handed in as you have described, without reference as to the face of the ticket towards you, that you were able distinctly to read the name of Lynch on 297 tickets voted that way; or are you not stating so positively that Lynch's name was on those 297 tickets from the belief that you entertain that the men who voted those tickets were Republicans voting an open ticket under your desire? In other words, don't you make your positive statement on this point from the fact that you counted 297 open tickets voted, and not that you saw the name of Lynch on each one of these 297 tickets?—A. I state positively that I saw Lynch's name on 297 tickets.

F. B. COOPER.

F. VALLIANT,

*Mayor of Greenville and  
ex-officio Justice of the Peace and Notary Public.*

Proceedings adjourned until Thursday, the 13th day of January, 1881, at the hour of 10 a. m.

By order.

F. VALLIANT,

*Mayor of Greenville, ex-officio Justice of the Peace and Notary  
Public in and for the county of Washington, State of Mississippi.*

FRANK B. COOPER recalled January 13, 1881.

Re-examined:

The key of the ballot-box was given to a young man who clerks for Mr. Sam. Harris to give to Mr. Harris, who was sick and had retired. I know the young man's name, but I cannot recall it. I know he is Mr. Harris's clerk. Mr. Harris said he was sick, and went to bed about an hour before the polls closed. The young man to whom the key was given for Mr. Harris was not in any way connected with the election, and was not an officer of elections. He was a voter and voted that day. He was a Jew. The ballot-box was not sealed that night. The ballots were put in the bottom of the box, and the poll-book was put right on top of them. I asked to have the box sealed, but they said they did not see any use in that, and they did not do it, giving no

reason for their refusal. The books and all would fill the box a little over half way up. Being asked the size of the poll-book, witness pointed to a book on the table as about the size, which, being measured, was found to be  $7\frac{1}{2}$  inches by 12 inches. The book would very nearly cover the surface of the bottom of the box. That book would probably prevent the ballots from falling out of the hole. I think it would require much jostling to shake the ballots out. The key-hole was not sealed.

Cross-examined by Gen. S. W. FERGUSON:

I saw the box when it was opened, and there were ballots on the top of the book. There were a few, but they were riding and jostling about. As I said before, the book did not entirely cover the bottom of the box as to surface. There were about twenty ballots on the top of the book; so I think, but I did not make an actual count.

F. B. COOPER.

F. VALLIANT,  
*Mayor of Greenville and*  
*ex-officio Justice of the Peace and Notary Public.*

JANUARY 13, 1881.

Fifth witness.

NOAH COWAN, being first sworn, states:

My name is Noah Cowan; I am 28 years old; I am a school-teacher by occupation, and live in Greenville, Washington County, where I have resided almost all my days. I came here when I was five years old. I was one of the board of registration in Washington County in 1879. They are now called commissioners. I was recommended for that appointment in 1879 by the Republican executive committee of the county. At the last election, in 1880, I was also recommended again by the Republican executive committee of the county for appointment as commissioner of election. I did not get the appointment. There were no reasons assigned to me why I was not appointed. I had a conversation with Mr. Finley upon the subject, and he told me they thought I did not care anything for the appointment, and had Mr. Coffee put in. I was one of the United States supervisors of election at the late November election. In that capacity I arrived at the court-house, in the city of Greenville, between seven and eight o'clock on the day of election. None of the officers of election were on the ground. At about quarter after eight o'clock, Mr. C. H. Smith, who was United States supervisor of election on the Democratic side, came, and he and I waited around, and we wanted to know the reason why the inspectors did not come, for it was time the polls were opened. About nine o'clock, Mr. Smith went off to hunt them up. They were inspectors of election at that precinct, and also commissioners of election for the county—the same men. After these officers arrived, the polls were opened at ten o'clock in the morning, as nearly as I can remember. The reason why they were not opened earlier was because some of the clerks of election failed to act that morning. After the polls were opened, the election continued till six o'clock in the evening, and was conducted as fairly as ever I saw one. I stood over the box, and saw nearly every vote placed in the box, and no vote was



substituted. At six o'clock in the evening the polls closed. After the polls were closed, Mr. Archer asked whether we should proceed to count or not, and then the inspectors agreed to postpone the count until the next day by taking a vote, which stood two to one. Mr. Coffee voted against the postponement. He was in favor of counting that night. At the same time I called the attention of the inspectors of election to section 2017, and also section 2019, of the United States election laws, as furnished me as United States supervisor of election. I also file herewith, as part of my testimony, the circulars marked Exhibits A and B, respectively, and both of them verified by my signature written thereon.

EXHIBIT A.—NOAH COWAN.—F. VALLIANT, *Mayor of Greenville and ex-off. J. P. and Notary Public.*

United States circuit courts for the southern district of Mississippi.

OFFICE CHIEF SUPERVISOR OF ELECTIONS,  
*Jackson, Miss.*

*To U. S. Supervisors of Elections:*

The within extracts from the Revised Statutes of the United States, regarding elections for Representatives in Congress, and defining your authority and duty as supervisor of election thereat, are published for your information and direction.

Cordial and harmonious co-operation with your associate supervisor of election in the discharge of your duty, and courtesy toward the State officials, are enjoined.

All violations of the law with respect to the elective franchise affecting the result of the election, or concerning the performance of your duties, should be promptly reported to this office, under oath, as required by law.

Special instructions will be given from time to time, as occasion may demand.

JAMES M. MCKEE,  
*Chief Supervisor of Elections.*

UNITED STATES STATUTES.

*Race, color, or previous condition not to affect the right to the performance of any prerequisite to the right to vote.*

SECTION 2005. When, under the authority of the constitution or laws of any State, or the laws of any Territory, any act is required to be done as a prerequisite or qualification for voting, and by such constitution or laws persons or officers are charged with the duty of furnishing to citizens an opportunity to perform such prerequisite, or to become qualified to vote, every such person and officer shall give to all citizens of the United States the same and equal opportunity to perform such prerequisite, and to become qualified to vote.

*Penalty for refusing to give full effect to preceding section.*

SECTION 2006. Every person or officer charged with the duty specified in the preceding section, who refuses or knowingly omits to give

full effect to that section, shall forfeit the sum of five hundred dollars to the party aggrieved by such refusal or omission, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just.

*What shall entitle a person to vote.*

SECTION 2007. Whenever, under the authority of the constitution or laws of any State, or the laws of any Territory, any act is required to be done by a citizen as a prerequisite to qualify or entitle him to vote, the offer of such citizen to perform the act required to be done shall, if it fail to be carried into execution by reason of the wrongful act or omission of the person or officer charged with the duty of receiving or permitting such performance, or offer to perform, or acting thereon, be deemed and held as a performance in law of such act; and the person so offering and failing to vote, being otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had in fact performed such act.

*Penalty for unlawfully hindering, &c., a person from voting.*

SECTION 2009. Every officer or other person, having powers or duties of an official character to discharge under any of the provisions of this Title [THE ELECTIVE FRANCHISE] who by threats or any unlawful means hinders, delays, prevents, or obstructs, or combines and confederates with others to hinder, delay, prevent, or obstruct any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall forfeit the sum of five hundred dollars to the person aggrieved thereby, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just.

*Attendance at elections.*

SECTION 2017. The supervisors of election are authorized and required to attend at all times and places for holding elections of Representatives or Delegates in Congress, and for counting the votes cast at such elections: \* \* \* to be and remain where the ballot-boxes are kept at all times after the polls are open until every vote cast at such time and place has been counted the canvass of all votes wholly completed, and the proper and requisite certificates or returns made, whether the certificates or returns be required under any law of the United States, or any State, Territory, or municipal law, and personally inspect and scrutinize, from time to time, and at all times, on the day of election, the manner in which the voting is done, and the way and method in which the poll-books, registry-lists, and tallies or check-books, whether the same are required by any law of the United States, or any State, territorial or municipal law, are kept.

*When molested.*

SECTION 2020. When in any election district or voting precinct in any city or town, for which there have been appointed supervisors of

election for any election at which a Representative or Delegate in Congress is voted for, the supervisors of election are not allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hinderance, molestation, violence, or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law, the supervisors of election shall make prompt report, under oath, within ten days after the day of election to the officer who, in accordance with the provisions of section two thousand and twenty-five, has been designated as the chief supervisor of the judicial district in which the city or town wherein they served, acts, of the manner and means by which they were not so allowed to fully and freely exercise and discharge the duties and obligations required and imposed herein. And upon receiving any such report, the chief supervisor, acting both in such capacity and officially as a commissioner of the circuit court, shall forthwith examine into all the facts; and he shall have the power to subpoena and compel the attendance before him of any witness, and to administer oaths and take testimony in respect to the charges made; and prior to the assembling of the Congress for which any such Representative or Delegate was voted for, he shall file with the clerk of the House of Representatives all the evidence by him taken, all information by him obtained, and all reports to him made.

*Interfering with supervisors of election.*

SECTION 5522. Every person, whether with or without any authority, power, or process, or pretended authority, power or process, of any State, Territory, or municipality, who obstructs, hinders, assaults, or by bribery, solicitation, or otherwise, interferes with or prevents the supervisors of election, or either of them, \* \* \* in the performance of any duty required of them, or either of them, or which he or they, or either of them, may be authorized to perform by any law of the United States, in the execution of process or otherwise, or who by any of the means before mentioned hinders or prevents the free attendance and presence at such places of registration, or at such polls of election, or full and free access and egress to and from any such place of registration, or poll of election, or in going to and from any such place of registration or election or canvass of votes, or of making any returns or certificates thereof, may be had, or who molests, interferes with, removes, or ejects from any such place of registration or poll of election, or of canvassing votes cast thereat, or of making return or certificates thereof; any supervisor of election, \* \* \* or who threatens, or attempts, or offers so to do. \* \* \* shall be punished by imprisonment not more than two years, or by a fine of not more than three thousand dollars, or by both such fine and imprisonment, and shall pay the costs of prosecution.

*Certain supervisors not to make arrests, &c.*

SECTION 2029. The supervisors of election appointed for any county or parish in any Congressional district, at the instance of ten citizens, as provided in section two thousand and eleven, shall have no authority to make arrests, or to perform other duties than to be in the immediate presence of the officers holding the election, and to witness all their proceedings, including the counting of the votes and the making of a return thereof.

*Pay of supervisors.*

SECTION 2031. \* \* \* No compensation shall be allowed, in any case, to supervisors of election, except to those appointed in cities or towns of twenty thousand or more inhabitants. \* \* \*

*Fraudulent voting, &c., at elections for Representatives in Congress.*

SECTION 5511. If, at any election for Representative or Delegate in Congress, any person knowingly personates and votes, or attempts to vote, in the name of any other person, whether living, dead, or fictitious; or votes more than once at the same election for any candidate for the same office; or votes at a place where he may not be lawfully entitled to vote; or votes without having a lawful right to vote; or does any unlawful act to secure an opportunity to vote for himself, or any other person; or by force, threat, intimidation, bribery, reward, or offer thereof, unlawfully prevents any qualified voter of any State, or of any Territory, from freely exercising the right of suffrage, or by any such means induces any voter to refuse to exercise such right, or compels, or induces, by any such means, any officer of an election in any such State or Territory to receive a vote from a person not legally qualified or entitled to vote; or interferes in any manner with any officer of such election in the discharge of his duties; or by any such means, or other unlawful means, induces any officer of an election or officer whose duty it is to ascertain, announce or declare the result of any such election, or give or make any certificate, document, or evidence in relation thereto, to violate or refuse to comply with his duty or any law regulating the same; or knowingly receives the vote of any person not entitled to vote, or refuses to receive the vote of any person entitled to vote, or aids, counsels, procures, or advises any such voter, person, or officer to do any act hereby made a crime, or omit to do any duty, the omission of which is hereby made a crime, or attempt to do so, he shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than three years, or by both, and shall pay the costs of the prosecution.

*Violation of duty by officers of election.*

SECTION 5515. Every officer of an election at which any Representative or Delegate is voted for, whether such officer of election be appointed or created by or under any law or authority of the United States, or by or under any State, territorial, district, or municipal law or authority, who neglects or refuses to perform any duty in regard to such election required of him by any law of the United States, or of any State or Territory thereof; or who violates any duty so imposed; or who knowingly does any acts thereby unauthorized, with intent to affect any such election, or the result thereof, or who fraudulently makes any false certificate of the result of such election in regard to such Representative or Delegate; or who withholds, conceals, or destroys any certificate of record so required by law respecting the election of any such Representative or Delegate; or who neglects or refuses to make and return such certificate as required by law; or who aids, counsels, procures, or advises any voter, person, or officer to do any act by this or any of the preceding sections made a crime, or to

omit any duty, the omission of which is by this or any of such sections made a crime, or attempted to do so, shall be punished as prescribed in section fifty-five hundred and ten. [Shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than one year or both.—*Section 5510.*]

## INSTRUCTIONS TO SUPERVISORS.

SIR: As supervisor, under the laws of the United States, of the election to be held on the second day of November next, you will observe the following instructions:

You shall be promptly present at the polling-place to which you are assigned by eight o'clock in the morning on the day of election, and see whether the polls are opened at nine o'clock, as required by law, and you will report any failure to do so, and the names of the persons causing such failure.

Under the election law enacted by the last legislature, the election is required to be held by three inspectors, to be appointed by the commissioners of election, provided for in said law, but should said commissioners fail to appoint the inspectors for any voting precinct, or should the inspectors appointed fail to act at the time appointed, then any three qualified electors may act as inspectors. Should some of the inspectors duly appointed be present, they may appoint some person to fill the vacancy caused by any who may be absent. Before the opening of the polls the inspectors should appoint two clerks, and all should be sworn to faithfully perform their duties at such election according to law.

The oath may be administered by any officer present competent to administer oaths, or any one of the inspectors may administer the oath to the others.

You will take your position inside the polling-place by the ballot-box and the election officers, so that you can witness all their proceedings; and you will occupy such position as will, in your judgment, best enable you to scrutinize the manner of conducting the election. From the time the polls are opened until they are closed, you will carefully scrutinize all the proceedings, so as to see whether the election is conducted according to law; that the ballots are promptly received and placed in the ballot-box; and that other ballots are not fraudulently substituted for them, or placed in the box, not having been voted; that the clerks promptly take down on the poll-list the name of every person voting.

The law allows only two challengers, of good conduct and behavior, selected by each party, but no other persons, except the election officers and the person voting, shall be allowed within thirty feet of the box, and the voter shall approach the box from one direction and depart in another, as nearly opposite as convenient. It is part of your duty to see whether the challenging is done properly, with honest intentions, and not for the purpose of delaying, embarrassing, or intimidating the voter.

You will report, under oath, the names of all persons who wilfully disregard the laws of the State, or of the United States, in this respect, in order that proceedings may be had against them.

When the polls are closed, which should be promptly at six o'clock in the afternoon, you will carefully observe if the ballots are honestly

and correctly counted, taking the best position for the purpose, to satisfy your mind, and enable you to make a correct and certified return of the result.

See whether the statement of the result of the count is properly made out; that when the inspectors number the ballot and read it aloud, that it be correctly taken down by the clerk; that the statement of the result is certified and signed by the inspectors and clerks; and that the poll-book, tally-lists, list of voters, ballot-boxes, and ballots shall be lawfully kept until lawfully delivered to the commissioners of election.

The State law provides that the failure to distribute to the voting precincts the poll-books containing the names of voters in alphabetical order, or the ballot-boxes, shall not prevent the election, but the inspectors may proceed without the books or boxes, and provide some substitute for the ballot-box, and conform as nearly as possible to the law.

The law requires that the ballots, &c., shall be delivered to the commissioners of election by twelve o'clock noon of the second day after the election, so that it is of the utmost importance that you witness the count and the making the certified statement of the result of election at the time of counting the vote at the box. See whether these certified returns are correct and report under oath to this office any hindrance by any person to your careful performance of this duty.

Your duty does not end until the canvass of votes cast at your box is completed and the returns made. Therefore you may, if you deem it necessary, accompany the returns until they are delivered into the hands of the commissioners of election, at the court-house. Here you will probably find some other United States supervisor to relieve you; but should you not you may remain with the returns and witness the final count, and so scrutinize the proceedings as to enable you to report whether the certificates of the result are properly and promptly made out and declared.

Every violation of the election laws by the officers thereof, whether State or National, is a violation of the laws of the United States, in an election where members of Congress are voted for, and you will carefully note and report the same to me, should any occur, without delay.

Also, if any other persons attempt to hinder or intimidate voters or create disturbances, prevent counting or returning of the votes, you will carefully note and report the same.

Accompanying these instructions is a copy of the United States laws under which you derive your authority. No supervisor while in the performance of any duty authorized by law, will allow himself to be interfered with or prevented from discharging his duties, whether such interference or prevention be attempted either with or without power, warrant or process from any State authority whatever. He is amenable to National authority only.

United States supervisors are sworn officers, subject to penalties for neglect or breach of duty. The greatest care should be taken that every duty shall be honestly and impartially executed.

No supervisor should be deterred by threats or violence from the faithful performance of duty. While firm in the discharge of duty, he should do nothing offensively, and at all times should remember that the object of the law under which he holds his office, is to preserve the purity of the election with justness and fairness to all.

You will note in writing full particulars of fraud or attempted fraud or violation of law, with the names of witnesses, &c. You will also report the names of all persons whose votes are refused, giving the reasons alleged therefor. Also, all ballots rejected or thrown out, with the reasons for so doing, and names of the persons voted for on the rejected ballot. These reports are to be made *under oath* to the chief supervisor within ten days after election.

You will also forward to the chief supervisor, upon blanks furnished for the purpose, your return of the votes cast at your box. The returns should be made immediately upon completion of the count and forwarded by first mail.

JAMES M. MCKEE,  
*Chief Supervisor.*

To NOAH COWAN,  
*Supervisor Washington County Court-House precinct.*

EXHIBIT B.—NOAH COWAN.

*Election Laws of the United States.*

[Revised Statutes of the U. S., pp. 354, 355, 356, 357, 358, 1076, and 1077.]

SEC. 2007. Whenever, under the authority of the Constitution or laws of any State, or the laws of any Territory, any act is required to be done by a citizen as a prerequisite to qualify or entitle him to vote, the offer of such citizen to perform the act required to be done, shall, if it fail to be carried into execution by reason of the wrongful act or omission of the person or officer charged with the duty of receiving or permitting such performance or offer to perform, or acting thereon, be deemed and held in law as a performance of such act; and the person so offering and failing to vote, and being otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had in fact performed such act.

SEC. 2008. Every judge, inspector, or other officer of election whose duty it is to receive, count, certify, register, report, or give effect to the vote of such citizen, who wrongfully refuses or omits to receive, count, certify, register, report, or give effect to the vote of such citizen upon the presentation by him of his affidavit, stating such offer and the time and place thereof, and the name of the officer or person whose duty it was to act thereon, and that he was wrongfully prevented by such person or officer from performing such act, shall forfeit the sum of five hundred dollars to the party aggrieved by such refusal or omission, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just.

SEC. 2009. Every officer or other person, having power or duties of an official character to discharge under any of the provisions of this title, who by threats, or any unlawful means, hinders, delays, prevents, or obstructs or combines and confederates with others to hinder, delay, prevent, or obstruct any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall forfeit the sum of five hundred dollars to the person aggrieved thereby, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just.

SEC. 2011. Whenever any city or town having upwards of twenty thousand inhabitants, there are two citizens thereof, or whenever, in any county or parish, in any Congressional district, there are ten citizens thereof, of good standing, who, prior to any registration of voters for an election for Representative or Delegate in the Congress of the United States, or prior to any election at which a Representative or Delegate in Congress is to be voted for, may make known, in writing, to the judge of the circuit court of the United States for the circuit wherein such city or town, county or parish, is situated, their desire to have such registration, or such election, or both, guarded and scrutinized, the judge, within not less than ten days prior to the registration, if one there be, or, if no registration be required, within not less than ten days prior to the election, shall open the circuit court at the most convenient point in the circuit.

SEC. 2012. The court, when so opened by the judge, shall proceed to appoint and commission from day to day and from time to time, and under the hand of the judge, and under the seal of the court, for each election district or voting precinct in such city or town, or for such election district or voting precinct in the Congressional district, as may have applied in the manner hereinbefore prescribed, and to revoke, change, or renew such appointment from time to time, two citizens, residents of the city or town, or of the election district, or voting precinct, in the county or parish, who shall be of different political parties, and able to read and write the English language, and who shall be known and designated as supervisors of election.

SEC. 2016. The supervisors of election so appointed are authorized and required to attend at all times and places fixed for the registration of voters, who, being registered, would be entitled to vote for a Representative or Delegate in Congress, and to challenge any person offering to register; to attend at all times and places when the names of registered voters may be marked for challenge, and to cause such names registered as they may deem proper to be so marked; to make, where registered, the lists or either of them provided for in section two thousand and twenty-six, and verify the same; and upon any occasion, and at any time when in attendance upon the duty herein prescribed, to personally inspect and scrutinize such registry, and for purpose of identification to affix their signature to each page of the original list, and of each copy of any such list of registered voters at such times upon each day when any name may be received, entered, or registered, and in such manner as will, in their judgment, detect and expose the improper or wrongful removal therefrom, or addition thereto, of any name.

SEC. 2017. The supervisors of election are authorized and required to attend at all times and places for holding election of Representatives or Delegates in Congress, and for counting the votes cast at such elections, to challenge any vote offered by any person whose legal qualifications the supervisors, or either of them, may doubt; to be and remain where the ballot-boxes are kept at all times after the polls are open until every vote cast at such time and place has been counted, the canvass of all votes polled wholly completed, and the proper and requisite certificates or returns made, whether the certificates or returns be required under any law of the United States, or any State, territorial, or municipal law, and to personally inspect and scrutinize, from time to time, and at all times on the day of election, the manner



in which the voting is done, and the way and method in which the poll-books, registry-lists, and tallies, or check-books, whether the same are required by any law of the United States, or any State, territorial, or municipal law, are kept.

SEC. 2018. To the end that each candidate for the office of Representative or Delegate in Congress may obtain the benefit of every vote for him cast, the supervisors of election are, and each of them is, required to personally scrutinize, count, and canvass each ballot in their election district or voting precinct, cast whatever may be the indorsement on the ballot, or in whatever box it may have been placed or be found; to make and forward to the officer who in accordance with the provisions of section two thousand and twenty-five has been designated as the chief supervisor of the judicial district in which the city or town wherein they may serve, acts; such certificates and returns of all such ballots as such officer may direct and require, and to attach to the registry-list, and any and all copies thereof, and to any certificate, statement, or return whether the same, or any part or portion thereof, be required by any law of the United States, or of any State, territorial, or municipal law, any statement touching the truth or fairness of the election and canvass, which the supervisors of the election, or either of them, may desire to make or attach or which should properly and honestly be made or attached, in order that the facts may become known.

SEC. 2019. The better to enable the supervisors of election to discharge their duties, they are authorized and directed in their respective election districts or voting precincts on the day of registration, on the day when registered voters may be marked to be challenged, and on the day of election, to take, occupy, and remain in such position, from time to time, whether before or behind the ballot-boxes, as will in their judgment, best enable them to see each person offering himself for registration, or offering to vote, and as will best conduce to their scrutinizing the manner in which the registration or voting is being conducted; and at the closing of the polls for the reception of votes, they are required to place themselves in such position, in relation to the ballot-boxes, for the purpose of engaging in the work of canvassing the ballots, as will enable them to fully perform the duties in respect to such canvass provided herein, and shall there remain until every duty in respect to such canvass, certificates, returns, and statements has been wholly completed.

SEC. 2020. When in any election district or voting precinct, in any city or town, for which there have been appointed supervisors of election for any election at which a Representative or Delegate in Congress is voted for, the supervisors of election are not allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hindrance, molestation, violence, or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law, the supervisors of election shall make prompt report under oath, within ten days after the day of election, to the officer who, in accordance with the provisions of section two thousand and twenty-five, has been designated as the chief supervisor of the judicial district in which the city or town wherein they served, acts, of the manner and means by which they were not so allowed to fully and freely exercise and discharge the duties and obligations required and imposed herein, and upon receiving any such report, the chief supervisor, acting both in such capacity and

officially as a commissioner of the circuit court, shall forthwith examine into all the facts; and he shall have power to subpoena and compel the attendance before him of any witness, and to administer oaths and take testimony in respect to the charges made; and, prior to the assembling of Congress for which any such Representative or Delegate was voted for, he shall file with the clerk of the House of Representatives all the evidence, all information by him obtained, and all reports to him made.

SEC. 2029. The supervisors of election, appointed for any county or parish in any Congressional district, at the instance of ten citizens, as provided in section two thousand and eleven, shall have no authority to make arrests, or to perform other duties than to be in the immediate presence of the officers holding the election, and to witness all their proceedings, including the counting of the votes and the making of a return thereof.

SEC. 5521. If any person be appointed a supervisor of election or a special deputy marshal under the provisions of title "The Elective Franchise," and has taken the oath of office as such supervisor of election or such special deputy marshal, and thereafter neglects or refuses, without good and lawful excuse, to perform and discharge fully the duties, obligations and requirements of such office until the expiration of the term for which he was appointed, he shall not only be subject to removal from office with loss of all pay or emoluments, but shall be punished by imprisonment for not less than six months nor more than one year, or by a fine of not less than two hundred dollars and not more than five hundred dollars, or by both fine and imprisonment, and shall pay the costs of prosecution.

SEC. 5522. Every person, whether with or without any authority, power or process, or pretended authority, power or process, of any State, Territory or municipality, who obstructs, hinders, assaults, or by bribery, solicitation, or otherwise, interferes with or prevents the supervisors of election, or either of them, or the marshal or his general or special deputies, or either of them, in the performance of any duty required of them, or either of them, or which her or they, or either of them, may be authorized to perform by any law of the United States, in the execution of process, or otherwise, or who by any of the means before mentioned, hinders or prevents the free attendance and presence at such places of registration or at such polls of election, or full and free access and egress to and from any such place of registration or poll of election, or in going to and from any such place of registration or poll of election, or to and from any room, where any such registration or election or canvass of votes or of making any returns or certificates thereof, may be had, or who molests, interferes with, removes or rejects from any such place of registration or poll of election, of canvassing votes cast thereat, or of making returns or certificates thereof, any supervisor of election, the marshal, or his special or general deputies, or either of them, or who threatens, or attempts or for so to do, or refuses or neglects to aid and assist any supervisor of election, or the marshal, or his general or special deputies, or either of them, in the performance of his or their duties, when required by him or them, or either of them, to give such aid and assistance, shall be liable to instant arrest without process, and shall be punished, by imprisonment not more than two years, or by a fine not more than three thousand dollars, and by both such fine and imprisonment, and shall pay the cost of prosecution.

After I presented the laws, Mr. Archer and myself read them over together. After that they took the first vote upon the postponement of the count until the next day; and after I had presented the law I stated also that, according to my understanding of the law, I should be with the box, or in the presence of the box, from the time the polls opened and closed until every vote was counted and canvassed. I also stated that, as a supervisor, I was a mere witness of the proceedings of the election. The inspectors agreed that they would not count that night by a second vote which stood three. Mr. Coffee voted with them upon this occasion. I have stated that the inspectors took two votes as to postponement. The first vote was two to one; the second was a unanimous vote. When, at the last vote, they agreed not to count until the next day, I remarked to them that it was "all right;" it was in their power to so do. I made my objections and stated them to the inspectors. I mean by saying it was "all right" that I just gave it up. I could do nothing else. Then they agreed that they would place the box in the vault of the chancery clerk's office, and that Mr. Coffee would take charge of the key. The next morning, about ten o'clock, they proceeded to count, and after counting the votes the result was 506 for Mr. Chalmers and 121 for Mr. Lynch. I did not go up there after the counting. This is my statement.

Q. What do you know about the votes as they went into the box?—

A. I just state as I did in my report to the chief supervisor. I saw the votes cast go into the box. I know how many votes the clerks and inspectors returned. I noticed the votes were put in fairly, but I did not know how many votes were put in for each candidate. The box was away from my presence and sight, after I had protested against it, for about thirteen hours. Mr. J. M. Lee, as one of the commissioners, and also one of the inspectors, took the box away and carried it into the chancery clerk's office.

Cross-examined by Gen. S. W. FERGUSSON:

No voter was deprived of the privilege of voting by reason of the delay in opening the polls on the morning of the day of election. They all had an opportunity of voting during the day. From about ten minutes or a quarter to six we could have received 50 or 60 votes if there had been any one there to vote. I know it was ten o'clock before the polls were opened by Mr. MacGrath's watch, which I saw at that time. I was in the room in which the election had been held when the box was put in the vault. There was a door between the two rooms. I did not follow the box when it was put in the vault. No one prevented me from so doing. I might have done so if I had chosen. I don't know whether the box was locked when it was put in the vault. I did not try to find out or see whether it was locked or not at that time, because, after the refusal to count the vote, I paid very little attention to the matter, or what was going on. The inspectors took a vote, and elected Mr. Lee to place the box in the vault and Mr. Coffee to take the key. I know the key was turned in the lock in the morning. I saw that the box was empty, and saw it relocked. The box was not opened during the day. I saw it locked in the morning, and it was not opened during the day up to six o'clock in the evening, when the polls were closed. It might have been unlocked without my seeing it after six o'clock. I don't know that the box was locked when it left my presence. Mr. J. C. Coffee had the key of the box. The box was sealed with a strip of paper and a little mucilage placed over the key-

hole, and also over the hole where the ballots were passed in. This was about a quarter past six o'clock, and was before the box was taken out of my presence. I don't know whether the box was unlocked. I could not see everything. I saw everything from the time the polls were opened until six o'clock. After that I did not notice much, but I did notice when the box went out after they put the seal on it. I did not see it unlocked. I was right there when the vault was opened the next morning. It was sealed then and locked. Mr. Coffee had the key of the box, but not the key of the vault, which works with some kind of a combination. Mr. Magrath had the key of the chancery clerk's office; he stayed there. I don't know whether the key of the chancery clerk's office was given to Mr. Coffee. It was not given to Mr. John Lee. I am positive that Mr. Lee took the box out of the room and placed it in the vault. I am not mistaken when I say that it was Mr. Lee, and not Mr. Coffee, who put the box in the vault. Mr. Archer remarked that Mr. Lee would place the box in the vault and Mr. Coffee take charge of the key. I state now positively that I did not go into the chancery clerk's office while the box was being put into the vault. Mr. Lee came right out again when he had taken the box in, and closed the door of the vault, and then we all went off together. I heard the door of the vault bang in shutting it. I never noticed whether there were two sets of doors to that vault, though I have been up there a good deal, but I heard one of the doors shut. I don't remember whether the door of the vault was open when I got there the next morning, but I do not know whether the box was taken out. I am not certain that I saw Mr. J. M. Lee unlock the vault and take the box out in my presence. It might have been so, but I am not certain that the vault was opened that morning in my presence. I am certain I saw the box taken out of the vault, but whether the vault was open I do not know.

Re-examined by Mr. JOHN R. LYNCH:

I did state that the commissioners of election for the county were the inspectors of election at the Court-house. They were Democrats. Mr. Archer and J. M. Lee are Democrats, but Mr. Coffee is a stranger here; he has been taken to be a Democrat, and I know him to be a Democrat. He is a negro, like myself.

Cross-examined by Gen. S. W. FERGUSSON:

The only way I know Mr. Coffee to be a Democrat is the way he voted. He voted a straight Democratic ticket on the 2d of November, 1880. He and I happened to be there together. I saw his ticket, and saw him vote it. I saw it when he folded it. Of course I did not let him know that I was noticing his ticket. I did that on the sly. I am not certain, but I think Mr. Coffee has not been here two years; he has been here for more than one year, but not over two years. A man can become acquainted in a community in about a month, but in politics he cannot. He has got to be here one or two elections before he ceases to be a stranger.

NOAH COWAN.

F. VALLIANT,

*Mayor of Greenville and ex-off. J. P. and Notary Public.*

And I do hereby certify that the above-named foregoing witnesses, to wit, namely, A. G. Pearce, Stephenson Archer, John Jones, Frank B. Cooper, and Noah Cowan, testified as above written down for them respectively; that I myself caused the same to be written down; that

the same has been carefully read over to them in my hearing and in their hearing, and that they, and each of them, signed the same in my presence; and now I am about to seal up and send the said depositions, with the exhibits thereto, to the Clerk of the honorable House of Representatives, to be read in evidence in trial of the above-stated contest. And I do further certify that I am not related to either of the above-named parties; that I am not counsel for either of them, and that I am entirely indifferent and impartial to the two parties.

Given under my hand at the city of Greenville, in the county of Washington, this fourteenth day of January, in the year of our Lord 1881.

F. VALLIANT,  
*Mayor of Greenville and ex-officio Justice of the Peace and Notary  
 Public in and for the county of Washington, State of Mississippi.*

EXHIBIT D—Continued.—JOHN R. LYNCH'S TESTIMONY AT VICKSBURG.

*United States supervisor's return of votes cast for Representatives in Congress from the sixth Congressional district of the State of Mississippi, at Kienstras store, Dead Man's Bend precinct, in the county of Adams, on the 2d day of November, 1880.*

Names of candidates.	No. of votes as returned by inspectors.	No. of votes—U. S. supervisor's return.
John R. Lynch .....	85	35
Jas. R. Chalmers .....	15	15
Total Congressional vote .....	100	100

The undersigned, supervisor of election appointed by the circuit court of the United States, hereby certifies that the foregoing return is true and correct.

Witness my hand at Kienstras store, Miss., this 2d day of November, 1880.

L. N. BAKER, *Supervisor.*  
 JAMES BIGGS, *Supervisor.*

To JAMES M. MCKEE,  
*Chief Supervisor of Elections, Jackson, Miss.*

*United States supervisor's return of votes cast for Representatives in Congress from the sixth Congressional district of the State of Mississippi, at the Palestine precinct, in the county of Adams, on the 2d day of November, 1880.*

Names of candidates.	No. of votes as returned by inspectors.	No. of votes—U. S. supervisor's return.
Jno. R. Lynch .....	270	231
James R. Chalmers .....	17	17
Total Congressional vote .....	287	.....

The undersigned, supervisor of election appointed by the circuit court of the United States, hereby certifies that the foregoing return is true and correct.

Witness my hand at Natchez, Miss., this 4th day of November, 1880.

LENNOX SCOTT,

*Supervisor.*

To JAMES M. MCKEE,

*Chief Supervisor of Elections, Jackson, Miss.*

HON. JAMES M. MCKEE, *Jackson, Miss.*

DEAR SIR: In regard to the election at the Palestine precinct, in Adams County, I will say that the election was conducted fairly, and there was no irregularity except a difference of twenty-nine votes received by Mr. Lynch. I am satisfied that the tally-sheet kept by me is correct. I cannot account for the excess of twenty-nine votes for Mr. Lynch, but my opinion is that they were dropped in the box either accidentally after the box had been opened and the count proceeded with, as the box remained in my sight and presence from the time the first vote was polled until the last one was counted. To this I can testify, if necessary.

LENNOX SCOTT.

NATCHEZ, MISS., *November 5, 1880.*

JAMES M. MCKEE, Esq.

DEAR SIR: In submitting this my report with regard to the manner in which the election was conducted at the Court-house precinct, in this (Adams) county, I feel it to be my duty to make a statement and explanation for your information. The election was conducted unfairly, and, in my opinion, unlawfully. The whole number of voters registered in the precinct is 1,003—579 colored and 424 whites. The whole number of votes polled was 418—248 for Chalmers (Dem.) for Congress and 170 for John R. Lynch, (Rep.) During the early part of the day, the white men and Democrats rushed in ahead of the colored men, and I am of the opinion that not less than 30 white men had voted before a colored man could get access to the poll. The colored men were not disposed to make serious efforts to get in ahead of the whites, supposing, as they did, that the election would be conducted as heretofore, and that every man would have an opportunity to cast his vote during the day; but in this they were disappointed. The challengers that had been appointed in the interest of the Democratic party delayed, prevented, and obstructed the voting, so that it was impossible for the voters to get an opportunity to cast their votes. Two persons were appointed to act as challengers by the Democrats, and these challengers would kill time by asking every voter all kinds of unnecessary and unauthorized questions. When one challenger would get through with the voter, he would then turn him over to the other challenger, who would ask substantially the same questions. The voter was placed in a position similar to that in which a witness is placed when he is on the witness-stand in a court of justice. During the early part of the day—in fact, until three o'clock in the afternoon—not more than eight or ten votes were polled in one hour. After three o'clock in the afternoon the challengers ceased to ask so many questions, but allowed the voting to proceed quite rapidly. More votes were polled during the last three hours than had been polled during the previous six hours. The challengers made no distinction on account of color or politics in

challenging voters. White men and Democrats who were personally known to these challengers to be legally-qualified voters were required to answer the same foolish and unnecessary questions that colored men were required to answer. I am confident that this whole proceeding was the result of a collusion or conspiracy between these officers and the Democratic executive committee of the county to prevent Republicans from casting their votes. The election was a disgraceful farce and burlesque on popular suffrage. The reason why so many more Democratic than Republican votes were polled is because every facility was allowed white men and Democrats to get to the polls, while every imaginable obstruction was thrown in the way of colored men and Republicans. It is true the inspectors decided during the day, in order to give a semblance of fairness to their action, to allow one white and one colored man to enter the building alternately, but this was not done until the Democrats were far ahead, and even then the rule was not strictly adhered to; but even if the rule had been strictly adhered to, it would not have compensated for the outrage that was authorized and tolerated by them in allowing so much time to be taken up in asking nonsensical questions as to render it impossible to poll one-half of the votes in the precinct. When the polls closed not less than two hundred Republicans were standing at the door, anxiously awaiting for an opportunity to cast their votes.

Respectfully, yours,

CLARENCE G. JOHNSTON,  
*United States Supervisor.*

*United States supervisor's return of votes cast for Representatives in Congress from the sixth Congressional district of the State of Mississippi, at Court-house precinct, in the county of Adams, on the 2d day of November, 1880.*

Names of candidates.	No. of votes as returned by inspectors.	No. of votes—U. S. supervisor's return.
Winfield Scott Hancock, for President, Democrat.....	248 votes.	248 votes.
William H. English, for Vice-President.....	248 "	248 "
James R. Chalmers, for Congress, sixth district.....	248 "	248 "
James A. Garfield, for President, Republican.....	170 "	170 "
Chester A. Arthur, for Vice-President.....	170 "	170 "
John R. Lynch, for Congress, sixth district.....	170 "	170 "
Total Congressional vote.....		

The undersigned, supervisor of election appointed by the circuit court of the United States, hereby certifies that the foregoing return is true and correct.

Witness my hand at Natchez, Miss., this fifth day of November, 1880.

CLARENCE G. JOHNSTON,  
*Supervisor.*

To JAMES M. MCKEE,  
*Chief Supervisor of Elections, Jackson, Miss.*

NATCHEZ, MISS., Nov. 5, 1880.

JAMES M. MCKEE, Esq., *Jackson, Miss.*

DEAR SIR: I submit herewith my report giving the result of the election held at Jefferson Hotel precinct, in this (Adams) county, and

beg leave to submit the following statement in connection therewith. I regret to be compelled to report that the election was a complete farce from beginning to end. The whole number of votes registered in the precinct is 891—551 colored and 340 whites. The whole number of votes polled was 486—294 Democratic and 192 Republican. The election was held in a building that was heretofore used as a hotel. It was arranged that the voters should enter at the back door and go out at the front door. In order to get to the back door or entrance it was arranged that the voters should go through an alley into the back yard and wait their turn for admission to the building; but an officer had been placed at the head of the alley who prevented the voters from getting into the yard until between eleven and twelve o'clock in the day. During all this time white men and Democrats were allowed to enter the building through the private residences that were on each side and in the rear of the building where the election was being held. I am satisfied that up to eleven o'clock not more than three colored men were permitted to vote. In spite of this unfairness on the part of the election inspectors, every man could have voted before six o'clock but for the wilful and intentional delay on the part of the election inspectors in the discharge of their duties. The registration-books were so arranged that the names of voters could be easily found, and the votes could have been polled with great rapidity, but the officer who had the book in charge pretended that it was with great difficulty that he could find the names of voters on the poll-book. This action was intended, in my opinion, for no other purpose than to kill time, and thus make it utterly impossible for all the voters to get an opportunity to cast their votes. I am satisfied that this conduct was the result of a collusion or conspiracy that was entered into between these officers and the Democratic executive committee of the county to prevent the Republicans from getting free access to the polls that they might cast their ballots. When the polls closed at six o'clock in the evening no less than two hundred colored men and Republicans were in the neighborhood of the polling-place who had been thus unlawfully deprived of their right to vote, to say nothing of a large number who had been waiting nearly all day, and had returned to their homes in disgust.

Very respectfully, &c.,

WILSON WOOD,  
*U. S. Supervisor for Jefferson Hotel precinct,  
Adams County, Mississippi.*

*United States supervisor's return of votes cast for Representatives in Congress from the sixth Congressional district of the State of Mississippi, at Jefferson Hotel precinct, in the county of Adams, on the 2d day of November, 1880.*

Names of candidates.	No. of votes as returned by inspectors.	No. of votes—U. S. supervisor's return.
John R. Lynch .....	192	192
James R. Chalmers .....	294	294
Total Congressional vote .....	486	486



The undersigned, supervisor of election appointed by the circuit court of the United States, hereby certifies that the foregoing return is true and correct.

Witness my hand at Natchez, Miss., this 4th day of November, 1880.  
 WILSON WOOD,  
*Supervisor.*

To JAMES M. MCKEE,  
*Chief Supervisor of Elections, Jackson, Miss.*

NATCHEZ, MISS., November 5, 1880.

JAMES M. MCKEE, *Jackson, Miss.*

DEAR SIR: In submitting my report relative to the manner in which the election was conducted at the Pine Ridge precinct, I desire to say that the election was conducted during the day with reasonable fairness. Every voter in the precinct who desired to vote was allowed to do so. But when the polls closed at six o'clock in the evening, instead of proceeding with the count, as required by law, the election inspectors positively refused to count the vote until next morning. One of the inspectors said he was sick, and another said he could not see well enough to count at night. After they decided that they would not count the votes until next morning, I then insisted on my right as United States supervisor to have the ballot-box in my sight and presence until the votes were counted. This was not allowed, and, contrary to my wishes and against my protest, the box was taken by Mr. E. B. Foster, one of the election inspectors, to his private residence, and was retained in his possession until next morning. According to the count next morning, General Chalmers, the Democratic candidate for Congress, received 141 votes, and John R. Lynch, the Republican candidate, received 138 votes. While I cannot positively swear as to how each man voted, yet, as I live in the precinct, and have an intimate acquaintance with the voters of the precinct, and as I know their political sentiments, feelings, and wishes, I have no hesitation in asserting it as my candid opinion that General Chalmers did not poll over fifty votes in the precinct. I am confident that, had the votes been counted when the polls closed in the evening, it would have been ascertained that General Chalmers received a smaller number of votes than what I am willing to concede to him. The whole number of votes registered in the precinct is 358—314 colored and 44 whites. The whole number of votes polled 279.

ALEXANDER JOHNSON.

*United States supervisor's return of votes cast for Representatives in Congress from the sixth [district] Congressional district of the State of Mississippi, at Pine Ridge precinct, in the county of Adams, on the 2d day of November, 1880.*

Names of candidates.	No. of votes as returned by inspectors.	No. of votes—U. S. supervisor's return.
John R. Lynch .....	138	229
James R. Chalmers .....	141	50
Total Congressional vote .....	279	279

The undersigned, supervisor of election, appointed by the circuit court of the United States, hereby certifies that the foregoing return is true and correct.

Witness my hand, at Pine Ridge, Miss., this the 3d day of November, 1880.

ALEXANDER JOHNSON,  
*Supervisor.*

To JAMES M. MCKEE,  
*Chief Supervisor of Elections, Jackson, Miss.*

WASHINGTON PRECINCT, ADAMS COUNTY, MISSISSIPPI,  
*November 4, 1880.*

JAMES M. MCKEE, Esq.,  
*Jackson, Miss.*

DEAR SIR: In connection with the statement of the votes polled at the Washington precinct for Presidential electors and Representatives in Congress from the sixth Congressional district, I desire to submit the following explanation for your information. The polls were not opened until almost forty-five minutes after nine o'clock. The Democratic challengers so obstructed and delayed the voting, by asking the voters all kinds of unnecessary questions, as to render it utterly impossible for all the voters of the district to cast their votes. In spite of this unnecessary delay, the election inspectors took a recess for dinner, and the polls were closed about forty-five minutes for that purpose. When the polls were closed at six o'clock in the evening there were not less than two hundred voters, nearly all of whom were Republicans, had failed to cast their votes, although they were present, and were anxious to vote, and could have done so but for the obstruction and delay as above stated. The whole number of voters registered in the precinct is about six hundred and twenty-two, about eighty-five of that number being white men. The whole number of votes polled was three hundred and fifty-seven, about thirty-four of that number being white men. While I cannot positively swear as to how each voter voted, yet from my acquaintance with the voters, and my knowledge of the sentiments and feelings of the voters, as well as from personal and positive knowledge as to many of them, I do not hesitate to express it as my candid opinion and judgment that not less than three hundred votes were polled for Garfield and Arthur electors and for John R. Lynch for Congress. After the polls were closed in the evening, instead of proceeding with the count, as the law directs, they counted only three votes, and then adjourned until next morning. After the adjournment had been carried, against my protest, I insisted upon the key-hole being sealed, and that the box should be allowed to remain in my sight and presence. They refused to seal the key-hole, and took the box out of my sight and presence, and refused to allow me to be in the room where it was. When the box was returned the next morning, and the votes counted, it was then demonstrated that Chalmers (Democrat) had 264 and Lynch (Republican) 98. I am satisfied that the Lynch tickets were taken out of the box during the night and Chalmers tickets put in their stead.

CHAS. W. MINOR,  
*United States Supervisor.*

*United States supervisor's return of votes cast for Representatives in Congress from the sixth Congressional district of the State of Mississippi, at the Washington precinct, in the county of Adams, on the 2d day of November, 1880.*

Names of candidates.	No. of votes as returned by inspectors.	No. of votes—U. S. supervisor's return.
John R. Lynch.....	98	About 300
James R. Chalmers.....	264	Not more than 57
Total Congressional vote.....	362	

The undersigned, supervisor of election appointed by the circuit court of the United States, hereby certifies that the foregoing return is true and correct.

Witness my hand at Natchez, Miss., this 4th day of November, 1880.  
CHAS. W. MINOR, *Supervisor.*

To JAMES M. MCKEE,  
*Chief Supervisor of Elections, Jackson, Miss.*

*United States supervisor's return of votes cast for Representatives in Congress from the sixth Congressional district of the State of Mississippi, at Grand Gulf precinct, in the county of Claiborne, on the 2d day of November, 1880.*

Names of candidates.	No. of votes as returned by inspectors.	No. of votes—U. S. supervisor's return.
W. S. Hancock.....	95	
James A. Garfield.....	69	79
Wm. H. English.....	95	
Chester A. Arthur.....	69	79
John R. Lynch.....	69	79
James R. Chalmers.....	79	
Total Congressional vote.....		

The undersigned, supervisor of election appointed by the circuit court of the United States, hereby certifies that the foregoing return is true and correct.

Witness my hand at Grand Gulf, Miss., this 4th day of November, 1880.

J. T. CHATMAN, *Supervisor.*

To JAMES M. MCKEE,  
*Chief Supervisor of Elections, Jackson, Miss.*

The election at Grand Gulf, Mississippi, held on the 2d day of November, A. D. 1880, was not conducted in accordance with the several laws, because tickets bearing *bearing* black marks, made for the purpose of identification, were extensively used. After the voting was over, and the polls closed, the ballot-box was carried away, against *against* the protest of the Federal supervisor, to a house at least one-

fourth mile from the voting-place, where it was retained until the next morning, (the 3rd ult.) The State election officers ignored the supervisor's authority. I was told by one of them that he did not recognize me as an election officer. I kept a tally-sheet, with the result as shown in the enclosed report.

Very respectfully, &c.,

J. D. CHATMAN.

*United States supervisor's return of votes cast for Representatives in Congress from the sixth (6) Congressional district of the State of Mississippi, at Dunbarton or First precinct, in the county of Issaquena, on the 2d day of November, 1880.*

Names of candidates.	Number of votes— as returned by in- spectors.	Number of votes— U. S. supervisor's return.
James R. Chalmers.....	(26) twenty-six ...	(26) twenty-six.
John R. Lynch.....	(47) forty-seven ...	(47) forty-seven.
Total Congressional vote .....		73

The undersigned, supervisor of election appointed by the circuit court of the United States, hereby certifies that the foregoing return is true and correct.

Witness my hand at Dunbarton, Mississippi, this 2d day of November, 1880.

R. W. HOUSTON, *Supervisor.*

To JAMES M. MCKEE,

*Chief Supervisor of Elections, Jackson, Miss.*

(Indorsed on back:)

At least two hundred and fifty more Republican votes would have been polled in district No. 1, but there was not a Republican ticket to be had in the district.

*United States supervisor's return of votes cast for Representatives in Congress from the sixth Congressional district of the State of Mississippi, at Dunbarton or First precinct, in the county of Issaquena, on the 2d day of November, 1880.*

Names of candidates.	Number of votes— as returned by inspectors.	Number of votes— U. S. supervisor's return.
James R. Chalmers.....	(26) twenty-six ...	Twenty-six.
John R. Lynch.....	(47) forty-seven ...	Forty-seven.
Total Congressional vote .....	(73) seventy-three.	Seventy-three.

The undersigned, supervisor of election appointed by the circuit court of the United States, hereby certifies that the foregoing return is true and correct.

Witness my hand at Dunbarton, Miss., this 2nd day of November, 1880.

WM. PURNELL, *Supervisor.*

To JAMES M. MCKEE,

*Chief Supervisor of Elections, Jackson, Miss.*

*United States supervisor's return of votes cast for Representatives in Congress from the sixth Congressional district of the State of Mississippi, at Hays Landing precinct, in the county of ———, on the 2d day of November, 1880.*

Names of candidates.	Number of votes— as returned by inspectors.	Number of votes— U. S. supervisor's return.
Jas. R. Chalmers .....	Twenty-four .. 24	Twenty-four ... 24
John R. Lynch .....	Thirty-nine ... 39	Thirty-nine .... 39
M. K. Mister .....		
Total Congressional vote .....	63	63

The undersigned, supervisor of election appointed by the circuit court of the United States, hereby certifies that the foregoing return is true and correct.

Witness my hand at Hays precinct, Miss., this 2d day of November, 1880.

BEN. J. GRIGSBY, *Supervisor.*

To JAMES M. MCKEE,  
*Chief Supervisor of Elections, Jackson, Miss.*

There were ten votes polled at this precinct of persons from the steamer Canary No. 2, claiming the right to vote as marines, and three votes rejected whose names were not on the poll-book. The election was fairly conducted, and no disturbance of any kind.

BEN. J. GRIGSBY, *Supervisor.*

*United States supervisor's return of votes cast for Representatives in Congress from the sixth Congressional district of the State of Mississippi, at Hays Landing precinct, in the county of Issaquena, on the 2d day of November, 1880.*

Names of candidates.	Number of votes— as returned by inspectors.	Number of votes— U. S. supervisor's return.
James R. Chalmers .....	Twenty-four .. 24	Twenty-four ... 24
John R. Lynch .....	Thirty-nine ... 39	Thirty-nine .... 39
Total Congressional vote .....	63	63

The undersigned, supervisor of election appointed by the circuit court of the United States, hereby certifies that the foregoing return is true and correct.

Witness my hand at Hays Landing, Miss., this 2d day of November, 1880.

N. L. NORWOOD, *Supervisor.*

To JAMES M. MCKEE,  
*Chief Supervisor of Elections, Jackson, Miss.*

There were ten votes polled at this precinct of persons from the steamer Canary No. 2, claiming the right to vote as mariners; and three votes were rejected whose names were not on the poll-book. The election was fairly conducted, and no disturbance of any kind.

N. L. NORWOOD, *Supervisor.*

*United States supervisor's return of votes cast for Representatives in Congress from the sixth Congressional district of the State of Mississippi, at Ben Lomond precinct, in the county of Issaquena, on the 2d day of November, 1880.*

Names of candidates.	No. of votes as returned by inspectors.	No. of votes—U. S. supervisor's return.
Jno. R. Lynch.....	332	
Jas. R. Chalmers.....	20	
Total Congressional vote.....	352	

The undersigned, supervisor of election appointed by the circuit court of the United States, hereby certifies that the foregoing return is true and correct.

Witness my hand at Ben Lomond, Miss., this 2d day of November, 1880.

S. L. McTEER, *Supervisor.*

To JAMES M. MCKEE,  
*Chief Supervisor of Elections, Jackson, Miss.*

The tally enclosed compares with the number of ballots in box and the names on poll-book voted; the other tally-sheet does not tally, owing to a mistake on the part of the clerk in tallying. His tally-sheet not being wide enough to tally, therefore he got behind. But ours is correct.

Yours, S. L. McTEER, *Sup'r.*

I suppose this is correct, to the best of my ability. If you wish any further information, send me another letter. I have a minute of the entire proceedings of the election, from the first to the last act.

Yours, &c., McTEER, *Sup'r.*

*United States supervisor's return of votes cast for Representatives in Congress from the sixth (6th) Congressional district of the State of Mississippi, at Ben Lomond precinct, in the county of Issaquena, on the 2d day of November, 1880.*

Names of candidates.	No. of votes as returned by inspectors.	No. of votes—U. S. supervisor's return.
Jas. R. Chalmers.....	20	
John R. Lynch.....	332	
Total Congressional vote.....	352	

The undersigned, supervisor of election appointed by the circuit court of the United States, hereby certifies that the foregoing return is true and correct.

Witness my hand at Ben Lomond, Miss., this 3d day of November, 1880.

R. B. PHIPPS, *Supervisor.*

To JAMES M. MCKEE,  
*Chief Supervisor of Election, Jackson, Miss.*

The tally enclosed corresponds with the number of box and the names on poll-books voted. The other tally-sheet does not tally; caused by mistake on the clerk's part in tallying.

Very respectfully,

R. B. PHIPPS.

*United States supervisor's return of votes cast for Representatives in Congress from the sixth Congressional district of the State of Mississippi, at Mayersville precinct, in the county of Issaquena, on the 2d day of November, 1880.*

Names of candidates.	No. of votes as returned by inspectors.	No. of votes—U. S. supervisor's return.
John R. Lynch.....	333	333
Jas. A. Chalmers.....	59	59
Scattering.....	1	1
<b>Total Congressional vote.....</b>	<b>393</b>	<b>393</b>

The undersigned, supervisor of election appointed by the circuit court of the United States, hereby certifies that the foregoing return is true and correct.

Witness my hand at \_\_\_\_\_, Miss., this \_\_\_\_\_ day of November, 1880.  
 \_\_\_\_\_, *Supervisor.*

To JAMES M. MCKEE,  
*Chief Supervisor of Elections, Jackson, Miss.*

HON. J. M. MCKEE.

DEAR SIR: I witnessed the election at Mayersville. The count of votes at my precinct was all correct. There were few instances of Democrats and Republicans not being allowed to vote because their names did not appear on the registration-books. The vote of the county as certified to by inspectors and clerks was as follows:

	No. 1.	No. 2.	No. 3.	No. 5.
John R. Lynch.....	47	38	329	371
J. R. Chalmers.....	26	23	20	45

Including my district, the total vote stands: Lynch, 1,118; Chalmers, 173. Commissioners refused to count any of the votes except at county seat, where they were stationed. They gave, as their reason for so doing, that clerks of election failed to send lists of the persons voting. They claim to act under the law of the State in throwing out the vote of the other precincts. I can say, in regard to the vote in the 5th and 3d districts, that the vote as returned by inspectors and clerks, and agreed in by United States supervisor, did not agree with the number of tickets in the box. The boxes were kept in the clerk's office on the night of the third. This was only one of the grounds for not counting those boxes. The seal over the hole of the box from the 3d district was broken on the morning of the fourth, and 18 votes too many found in the box. There were 48 more in the box from the 5th than inspectors, clerks, and supervisors return. I report these things because

other United States supervisors agree with inspector, and the other supervisor at the county seat, Mayersville, will probably not report these irregularities.

I remain yours, respectfully,

W. E. MALLISON.

*United States supervisor's return of votes cast for Representatives in Congress from the (6th) sixth Congressional district of the State of Mississippi, at Mayersville, fourth district precinct, in the county of Issaquena, on the 2d day of November, 1880.*

Names of candidates.	Number of votes as returned by inspectors.	Number of votes—U. S. supervisor's return.
John R. Lynch, Republican . . . 339	Three hundred and thirty-three.	Three hundred and thirty-three.
James R. Chalmers, Democrat . . . 59	Fifty-nine, (59) . . . . .	Fifty-nine.
E. Jeffords . . . . . 1	One . . . . .	One.

(Note on the other side.)

Total Congressional vote according to tally-sheets, three hundred and ninety-three votes.

The undersigned, supervisor of election appointed by the circuit court of the United States, hereby certifies that the foregoing return is true and correct.

Witness my hand at Mayersville, Miss., this the 4th day of November, 1880.

A. J. FINCH, *Supervisor.*

To JAMES M. MCKEE,

*Chief Supervisor of Elections, Jackson, Miss.*

NOTE.—There were (4) four ballots in the box when the vote was counted that were not accounted for on the list kept by the clerk and commissioners of election. The tally-sheets of the commissioners of election and the tally-sheets of the supervisors all agreed. The (4) four votes over the number voted were thrown out and not counted. And three ballots were found in the ballot-box that did not conform to the law—one over width, ( $2\frac{1}{2}$  inches,) and one ballot less than  $2\frac{1}{4}$  wide. Three were thrown out. There was one vote challenged, John Grant, for having been in the penitentiary, but afterwards exhibited his pardon or honorable discharge from the governor of the State of Mississippi.

THE STATE OF MISSISSIPPI, }  
County of Hinds, } ss:

I, James M. McKee, chief supervisor of elections, southern district of the State of Mississippi, do hereby certify that the foregoing papers are true and correct copies of the original returns made by the supervisors of the Dunbarton, Hays Landing, Ben Lomond, and Mayersville precincts, in the county of Issaquena, State aforesaid, which said original returns were filed by me according to law.

And I further certify that the returns made by Republican and Democratic supervisors of the five precincts of said county of Issaquena, respectively, agree in the statement of the result.

Witness my hand, at Jackson, in the county of Hinds aforesaid, this — day of November, A. D. 1880.

JAS. M. MCKEE,

*Chief Supervisor of Elections for the Southern District of Mississippi.*



SKIPWITH'S LADG., MISS., November 6, 1880.

Hon. JAMES M. MCKEE.

DEAR SIR: Enclose of report you will find full particulars of the election at the Skipwith's poll, was held at the precise time according to law, peaceable and quietly. Revised Code 1880, section 136. I recite you to the law upon which the Skipwith poll was thrown out. Read as follows: "That the clerks of the election should take down in writing all the names of each person voted on a separate sheet, or take a separate list of all the votes cast at the polls." There was but two (2) clerks assigned to the duty as clerks, and one check-off on the poll-book and the other the register-book. And upon failing to send up a separate list with the tally-sheet, the poll was thrown out.

A. J. FIELDS, *Supervisor.*

SKIPWITH'S LDG., Nov. 3, 1880.

Hon. JAMES M. MCKEE.

SIR: I was notified by Mr. Richard Griggs to attend the polls on the second day of November as United States supervisor of election at the Skipwith district, No. 5, of Issaquena County, State of Mississippi. I attended and acted as said supervisor, but Richard Griggs failed to deliver to me the instruction of blank report that you sent me. I received my tally-sheet only, and I keep tally of the number of votes polled for Jno. R. Lynch, and also for James B. Chalmers; but by not receiving my blank report and instruction from Mr. Richard Griggs, I am unable to make my report.

Your obedient servant,

M. G. BENNETT.

*United States supervisor's return of votes cast for Representatives in Congress from the sixth Congressional district of the State of Mississippi, at Skipwith's precinct, in the county of Issaquena, on the 2d day of November, 1880.*

Names of candidates.	No. of votes as returned by inspectors.	No. of votes—U. S. supervisor's return.
John R. Lynch .....	371	371
James R. Chalmers .....	45	45
Total Congressional vote .....	416	

The undersigned, supervisor of election appointed by the circuit court of the United States, hereby certifies that the foregoing return is true and correct.

Witness my hand at Skipwith's Landing, Miss., this 6th day of November, 1880.

A. J. FIELDS, *Supervisor.*

To JAMES M. MCKEE,

*Chief Supervisor of Elections, Jackson, Miss.*

*United States supervisor's return of votes cast for Representatives in Congress from the sixth Congressional district of the State of Mississippi, at Rodney precinct, in the county of Jefferson, on the 2d day of November, 1880.*

Names of candidates.	No. of votes as returned by inspectors.	No. of votes—U. S. supervisor's return.
James R. Chalmers.....	92	92
John R. Lynch.....	247	247
Total Congressional vote.....	339	339

The undersigned, supervisor of election appointed by the circuit court of the United States, hereby certifies that the foregoing return is true and correct.

Witness my hand at Rodney, Miss., this 2d day of November, 1880.

JAS. H. BERNISS, *Supervisor.*

To JAMES M. MCKEE,  
*Chief Supervisor of Elections, Jackson, Miss.*

The election was conducted fairly, and in accordance with the laws. No disturbance of any kind.

J. H. BERNISS, *U. S. Supervisor.*

*United States supervisor's return of votes cast for Representatives in Congress from the ——— Congressional district of the State of Mississippi, at Rodney precinct, in the county of Jefferson, on the 2d day of November, 1880.*

Names of candidates.	No. of votes as returned by inspectors.	No. of votes—U. S. supervisor's return.
James R. Chalmers.....	92	92
John R. Lynch.....	247	247
Total Congressional vote.....		

The undersigned, supervisor of election appointed by the circuit court of the United States, hereby certifies that the foregoing return is true and correct.

Witness my hand at Rodney, Miss., this 2d day of November, 1880.

HENRY BLUE, *Supervisor.*

To JAMES M. MCKEE,  
*Chief Supervisor of Elections, Jackson, Miss.*

The election was conducted fairly, in accordance with the laws; no disturbance of any kind.

HENRY BLUE.

*United States supervisor's return of votes cast for Representatives in Congress from the 6th Congressional district of the State of Mississippi, at Lake Washington precinct, in the county of Washington, on the 2d day of November, 1880.*

Names of candidates.	Number of votes as returned by inspectors.	No. of votes—U. S. supervisor's return.
James R. Chalmers.....	(229) two hundred and twenty-nine.....	229
Jno. R. Lynch.....	(112) one hundred and twelve.....	112
Total Congressional vote.....		341

The undersigned, supervisor of election appointed by the circuit court of the United States, hereby certifies that the foregoing return is true and correct.

Witness my hand at Lake Washington, Miss., this 2nd day of November, 1880.

D. F. ERWIN, *Supervisor.*  
 DAVID LEE, *Supervisor.*

To JAMES M. MCKEE,  
*Chief Supervisor of Elections, Jackson, Miss.*

*United States supervisor's return of votes cast for Representatives in Congress from the sixth Congressional district of the State of Mississippi, at Refuge precinct, in the county of Washington, on the 2d day of November, 1880.*

Names of candidates.	No. of votes as returned by inspectors.	No. of votes—U. S. supervisor's return.
James A. Garfield.....	157	
Chester A. Arthur.....	157	
Jno. R. Lynch.....	99	
Winfield S. Hancock.....	10	
William H. English.....	10	
James R. Chalmers.....	67	
Total Congressional vote.....	166	

The undersigned, supervisor of election appointed by the circuit court of the United States, hereby certifies that the foregoing return is true and correct.

Witness my hand at Refuge, Miss., this the 2nd day of November, 1880.

JERRY M. PHILLIPS, *Supervisor.*  
 R. B. SCOTT, *Supervisor.*

To JAMES M. MCKEE,  
*Chief Supervisor of Elections, Jackson, Miss.*

A D D E N D A .

[NOTE.—Supervisors will note on the back of this return a brief memoranda of any irregularities in the conduct of the election. This in addition to any extended report which they may deem necessary, in order that all facts regarding the truth or fairness of the election and canvass may be made known.]

*United States supervisor's return of votes cast for President of the United States and Representatives in Congress from the 6th Congressional district of the State of Mississippi, at Friar's Point precinct, in Coahoma County, on the 2d day of November, 1880.*

Names of candidates.	No. of votes as returned by commissioners of election.	No. of votes—U. S. supervisor's return.
John R. Lynch, for Congress .....	352	352
Garfield Presidential electors .....	364	364

I hereby certify that the foregoing return is correct and true.  
Witness my hand this 6th day of November, 1880.

D. F. ALCORN,  
*U. S. Supervisor of Election.*

To O. DAVIS,  
*Chief Supervisor of Election, Holly Springs, Miss.*

Send to me immediately after the count is completed.

*United States supervisor's return of votes cast for President of the United States and Representatives in Congress from the 6th Congressional district of the State of Mississippi, at Friar's Point precinct, in Coahoma County, on the 2d day of November, 1880.*

Names of candidates.	No. of votes as returned by commissioners of election.	No. of votes—U. S. supervisor's return.
J. R. Chalmers, for Congress .....	225	225
J. R. Lynch, for Congress .....	352	352
Garfield Presidential electors .....	364	364
Hancock Presidential electors .....	209	209

I hereby certify that the foregoing return is correct and true.  
Witness my hand this 8th day of November, 1880.

A. M. SUDDOTH,  
*U. S. Supervisor of Election.*

To O. DAVIS,  
*Chief Supervisor of Election, Holly Springs, Miss.*

*United States supervisor's return of votes cast for President of the United States and Representatives in Congress from the 6th Congressional district of the State of Mississippi, at Jonestown precinct, in Coahoma County, on the 2d day of November, 1880.*

Names of candidates.	No. of votes as returned by commissioners of election.	No. of votes—U. S. supervisor's return.
J. R. Lynch, for Congress.....	351	351
J. R. Chalmers, for Congress.....	71	71
Garfield Presidential electors.....		356
Hancock Presidential electors.....		66

I hereby certify that the foregoing return is correct and true.  
Witness my hand this 6th day of November, 1880.

G. W. WISE,  
*U. S. Supervisor of Election.*

To O. DAVIS,  
*Chief Supervisor of Election, Holly Springs, Miss.*

*United States supervisor's return of votes cast for President of the United States and Representatives in Congress from the 6th Congressional district of the State of Mississippi, at Jonestown precinct, in Coahoma County, on the 2d day of November, 1880.*

Names of candidates.	No. of votes as returned by commissioners of election.	No. of votes—U. S. supervisor's return.
James R. Chalmers, for Congress.....	71	71
John R. Lynch, for Congress.....	351	351
Garfield Presidential electors: T. L. Jordan, 4; J. T. Settle, 356; M. K. Mister, 356; R. H. Montgomery, 356; R. H. Cury, 356; C. W. Clery, 356; Wm. R. Spears, 356; R. W. Flornoy, 356; J. M. Binn, 357.		
Hancock Presidential electors: F. G. Berry, 66; C. R. Neilson, 66; C. B. Mitchell, 66; Thos. Spight, 66; Wm. Price, 66; Wm. H. Louse, 66; Robt. Miller, 66; Jo. Hirsh, 66.		

We hereby certify that the foregoing return is correct and true.  
Witness our hands this 2d day of November, 1880.

T. L. POTTS, *U. S. Supervisor of Election.*  
G. W. WISE,       *do. do. do.*

To O. DAVIS,  
*Chief Supervisor of Election, Holly Springs, Miss.*

*United States supervisor's return of votes cast for President of the United States and Representatives in Congress from the 6th Congressional district of the State of Mississippi, at Clarksdale precinct, in Coahoma County, on the 2d day of November, 1880.*

Names of candidates.	No. of votes as returned by commissioners of election.	No. of votes—U. S. supervisor's return.
John R. Lynch, for Congress.....		307
James R. Chalmers, for Congress.....		117
Garfield Presidential electors.....		312
Hancock Presidential electors.....		111

I hereby certify that the foregoing return is correct and true.  
 Witness my hand this 4th day of November, 1880.

JAMES A. BERRY,  
*U. S. Supervisor of Election.*

To O. DAVIS,  
*Chief Supervisor of Election, Holly Springs, Miss.*

*United States supervisor's return of votes cast for President of the United States and Representatives in Congress from the 6th Congressional district of the State of Mississippi, at Dublin precinct, in Coahoma County, on the 2d day of November, 1880.*

Names of candidates.	No. of votes as returned by commissioners of election.	No. of votes—U. S. supervisor's return.
J. R. Lynch, for Congress .....	70	70
J. R. Chalmers, for Congress .....	63	63
Garfield Presidential electors.....	70	70
Hancock Presidential electors.....	62	62

I hereby certify that the foregoing return is correct and true.  
 Witness my hand this 2d day of November, 1880.

PATSEY MURPHY,  
*U. S. Supervisor of Election.*

To O. DAVIS,  
*Chief Supervisor of Election, Holly Springs, Miss.*

*United States supervisor's return of votes cast for President of the United States and Representatives in Congress from the 6th Congressional district of the State of Mississippi, at Sunflower precinct, in Coahoma County, on the 2d day of November, 1880.*

Names of candidates.	No. of votes as returned by commissioners of election.	No. of votes—U. S. supervisor's return.
John R. Lynch, for Congress.....		32
J. R. Chalmers, for Congress .....		77
Garfield Presidential electors.....		33
Hancock Presidential electors.....		75

I hereby certify that the foregoing return is correct and true.  
 Witness my hand this 3d day of November, 1880.

JEFF. CONNELL,  
*U. S. Supervisor of Election.*

To O. DAVIS,  
*Chief Supervisor of Election, Holly Springs, Miss.*

UNITED STATES OF AMERICA,  
*Northern District of Mississippi:*

I, Orlando Davis, chief supervisor of elections in and for the district aforesaid, do hereby certify that the foregoing seven sheets, and like number of pages, contain a true copy of all the returns made to me, and now on file in my office, of the elections for President of the

United States and Representatives in Congress for the sixth Congressional district of this State, at the election therefor held in Coahoma County, in said State, on November 2, 1880.

Witness my hand, having no official seal, this 13th day of September, 1881.

ORLANDO DAVIS,  
*Chief Supervisor of Elections, Northern District of Mississippi.*

(Indorsed:)

No. 1.—Papers in contested-election case of Lynch vs. Chalmers for Representative in the 47th Congress from the 6th District of Mississippi.

DECEMBER 21, 1881.

Referred to the Committee on Elections.  
Filed January 4, '82.

N. S. PAUL,  
*Clerk to Committee on Elections.*

*Testimony on part of Hon. Jas. R. Chalmers in contested election with Hon. Jno. R. Lynch for seat in the 47th Congress of United States from 6th Congressional district of Mississippi, taken before Laz. Lindsay, notary public in Vicksburg, Miss., in March, 1881.*

In the matter of the contest by Jno. R. Lynch against Jas. R. Chalmers of election as Representative in the 47th Congress of the United States from the 6th Congressional district of Mississippi.

To Hon. JOHN R. LYNCH, contestant,  
or Hon. J. S. MORRIS, his attorney:

Take notice that on Saturday, the fifth day of March, A. D. 1881, at Vicksburg, Mississippi, before Laz. Lindsay, a notary public in and for the county of Warren, State aforesaid, I shall, by agent or attorney, proceed to take testimony in my own behalf upon the contest aforesaid, by deposition of the witnesses whose names and places of residence are as follows, to wit:

Names.	Residences.
H. M. Marshall . . . . .	Warren County.
Andy O'Connor . . . . .	Vicksburg.
Andy J. Conklin . . . . .	"
Jake Foewinkle . . . . .	"
J. S. Horan . . . . .	"
Sam. Coleman . . . . .	"
Chas. E. Wright . . . . .	"
A. L. Pierce . . . . .	"
Ed. Coleman . . . . .	near Bovina, Warren County.
Jake White . . . . .	" " " "
Lewis Collins . . . . .	" " " "
Henry Byrd . . . . .	" " " "

You can attend and cross-examine, if you see proper so to do.

JAS. R. CHALMERS.  
By M. MARSHALL, *Attorney.*

On behalf of John R. Lynch, the contestant, I hereby accept service of the within notice, agree that said officer may take the same, and waive proof of his official character, at Vicksburg, Miss., March 2, 1881.

Served the within notice on J. S. Morris (attorney for J. R. Lynch, the contestant) personally, by handing him a duplicate of said within notice, this 2d day of March, 1881.

JOHN X. FOLEY.

STATE OF MISSISSIPPI, }  
Warren County, } ss:

Personally appeared before me, Laz. Lindsay, a notary public in and for the county and State aforesaid, John X. Foley, who made oath that he served the within notice personally upon the within-named J. S. Morris, on the 2d day of March, A. D. 1881, at Vicksburg, Miss., and delivered to him a duplicate of the same.

JOHN X. FOLEY.

Subscribed and sworn to before me, at Vicksburg, Miss., this 4th day of March, A. D. 1881.

LAZ. LINDSAY,  
*Notary Public, Vicksburg, Miss.*

In the matter of the contest by John R. Lynch against James R. Chalmers, of election as Representative in the 47th Congress of the United States from the 6th Congressional district of Mississippi.

UNITED STATES OF AMERICA, }  
State of Mississippi, City of Vicksburg. }

I, Laz. Lindsay, a duly and legally commissioned and qualified notary public for the city of Vicksburg, in said county and State, do hereby certify, that in accordance with the notice hereto annexed in the above-named case, I issued subpoenas for the witnesses therein named to appear before me at my office in said city and State, on Saturday, March 5, 1881, at ten o'clock a. m. of said day, and proceedings were commenced as follows:

Present: Hon. Martin Marshall, counsel for Mr. Chalmers; Hon. J. S. Morris, counsel for Mr. Lynch.

The first witness sworn was JACOB VOEWINKLE, who deposes and says:

Question 1. (By Hon. M. MARSHALL, counsel for Gen. Jas. R. Chalmers.) What is your name, age and residence?—Answer. My name is Jacob Voewinkle; I am 39 years of age; and residence, Vicksburg, Mississippi.

Q. 2. Were you present at any of the polls in Warren county, Miss., on the day of the election for Presidential electors, and member of Congress, last November? If yes, at which poll, and how long did you remain there?—A. Yes, I was present; I was inspector at the fourth-ward poll, in Vicksburg; and remained there all day, and until ten o'clock p. m.

Q. 3. Did you, or not, examine the Democratic and the Republican tickets voted there that day?—A. Yes, I examined those tickets voted there that day.



Q. 4. State whether or not there were upon the Republican tickets any marks or devices by which they could be known or distinguished; if yea, what were they?—A. Yes, there were marks on the Republican tickets. I could tell them from the backs by holding them up to the light. All that I examined could be told in that way. The marks were two straight lines with an o in the middle called monkey dashes, and also straight dashes.

Q. 5. Could or not those tickets be known or distinguished by those marks without reading the words printed on them?—A. Yes, they could.

Cross-examined by Hon. J. S. MORRIS, counsel for Hon. J. R. LYNCH:

First cross-question. Could you distinguish them without holding them up in the light?—A. I don't think I could, but I could tell them from the back by holding them up in the light. I saw one that night in the room folded up, and could see the dash through it by examining closely. It might have been because it was worn by handling.

Re-examined by Hon. MARTIN MARSHALL, counsel for General CHALMERS:

Q. Do you know that that ticket had been worn by handling?—A. I cannot say.

Re-cross-examined by Hon. J. S. MORRIS, counsel for Mr. LYNCH:

Q. You said something just now, in answer to last question for Mr. Chalmers, about your not knowing whether the folded ticket of which you have spoken had been fixed or not. Do you know whether that folded ticket had been fixed so as to make the dash visible from the back or not?

(Mr. Marshall, counsel for Mr. Chalmers, here enters his objection, for the reason that the counsel for Mr. Lynch has no right to re-cross-examine the witness.)

A. I don't know; I do know that one genuine ticket was folded up, and the inspectors were looking at it, and I looked at it.

JACOB VOEINKLE.

Sworn to and subscribed before me, this 5th day of March, 1881.

[SEAL.]

LAZ. LINDSAY,  
*Notary Public, Vicksburg, Miss.*

ANDY O'CONNOR was next introduced, who, being by me first duly sworn, deposes as follows:

Question 1. (By Mr. MARSHALL, counsel for Mr. CHALMERS.) What is your name, age, and your residence?—Answer. My name is Andy O'Connor; am 43 years old in August, and reside in Vicksburg, Miss.

Q. 2. Were you or not present at any of the polls in Warren County, Miss., on the day of election last November for Presidential electors and member of Congress? If yea, at which poll, and how long did you remain there?—A. I was present at the second-ward poll in Vicksburg, Warren County, Miss., on that day, and was acting as United States supervisor.

Q. 3. Did you or not examine the Democratic and the Republican tickets voted there that day?—A. I did frequently examine those tickets.

Q. 4. Were there upon the Republican tickets any marks or devices by which they could be known or distinguished? If yea, what were they?—A. There were three or more marks on those tickets by which they could be distinguished by a child who had never learned the alphabet.

Q. 5. Could or not those tickets be known or distinguished by these marks without reading the words printed on them?—A. They could from the back.

Q. 6. Do you know whether or not there was a tally kept there that day by the Republicans, as the voting was going on, as of the votes for Lynch?—A. There was.

Cross-examined by Judge MORRIS:

Q. Was the marks you speak of printed on the face or on the back of the ticket?—A. On the face.

A. O'CONNOR.

Sworn to and subscribed before me, this 5th day of March, 1881.

[SEAL.]

LAZ. LINDSAY,  
*Notary Public.*

J. S. HORAN, being next called, and by me first duly sworn, deposes as follows:

Question 1. (By Mr. MARSHALL, counsel for Mr. CHALMERS.) What is your name, your age, and residence?—Answer. My name is J. S. Horan; I am 44 years of age, and reside in Vicksburg, Miss.

Q. 2. Were you at any poll in Warren County, Mississippi, on the day of the last November election for electors and member of Congress. If so, at what precinct, and how long?—A. I was a judge at that election; in the fourth ward, in Vicksburg, on that day, and was at the polls all day, and until the votes were counted that night.

Q. 3. Did you examine the Democratic and the Republican tickets voted there that day?—A. I did, sir.

Q. 4. Were there any marks or devices on the Republican tickets by which they could be known or distinguished?—A. There were printer's dashes on them; whether you can call them marks or devices I cannot say.

Q. 5. Did you or not see any negroes selecting tickets from the piles on the table there that day to vote? If so, state how they did it?—A. The piles of tickets, both Democratic and Republican, were lying on the table, and I saw the negroes selecting their tickets—not only the negroes, but everybody selected their tickets. The voters usually come in and would take up a ticket. If one did not suit him he would take up another, as the case might be. I don't know that there was any particular manner of doing it; I don't know whether or not he could read; he would take up one, and if that did not suit he would take another.

Q. 6. Did not many of the negroes select the Republican ticket as soon as they took it up? Did they stop and appear to read it, or to recognize it at a glance?

(This question was objected to by counsel for Mr. Lynch as leading.)

A. I have seen them come in and pick up a Democratic ticket, and immediately lay it down and pick up a Republican ticket and vote it.

Whether they read that ticket, or knew it by the heading, I can't say; they did not appear to stop and read it; they laid it down immediately.

Q. 7. Could, or not, those Republican tickets be easily recognized by those dashes, or marks?—A. They could.

J. S. HORAN.

Sworn to and subscribed before me, this 5th day of March, 1881.

[SEAL.]

LAZ. LINDSAY,

*Notary Public.*

ANDREW J. CONKLIN, being next produced, and by me first duly sworn, deposes and says:

Question 1. (By Mr. MARSHALL, counsel for Mr. CHALMERS.) What is your name, age, and place of residence?—Answer. My name is Andrew J. Conklin; I am 45 years of age, and reside in Vicksburg, Miss.

Q. 2. Were you, or not, present at any poll in Warren County, Miss., at the last November election for electors and member of Congress? If yea, at what precinct, and for how long?—A. I was at the 4th ward in Vicksburg, as United States supervisor, all day during the hours of election, and until the counting was over at night, and until the issue between Dr. Walker, on the Republican side, and Messrs. Horan and Voewinkle, on the other, was settled, which was about twelve o'clock.

Q. 3. Did you examine the Democratic and Republican tickets voted there that day?—A. Yes.

Q. 4. Were there any marks or devices upon the Republican tickets by which they could be known or distinguished? If so, what were they, and were they, or not, distinguished by the voters by these marks?—A. Yes, there was something you could tell; there were several of my Republican friends who would go to the table, and take a ticket from each of the Democratic and Republican piles; I queried at the time why they did not take a ticket off the Republican pile; they would take those tickets, and fold them in the form in which they would vote them; they would fold these without looking at the face of them, but would look at them on the outside—the back, and then throw away one of the tickets, and deposit the other in the ballot-box. Knowing the law about the width of the tickets, I supposed there might be a difference in the width by which they recognized the ticket. I had a rule, and I measured the width of both tickets, and found they became within the limits of the law in width; I scrutinized both tickets, and supposed there must have been something else than the width by which they could tell the ticket in another way than looking at the face of it. I told Mr. Marshall of it, and asked him why it was they could recognize these tickets so readily from the back. Before that I had examined them, several at a time, or a number altogether; but when Mr. Marshall handed me a single one, and asked me to look at the back of it, I recognized the trouble; I could see the print of the dashes which showed through the ticket from the back. I examined several of the Democratic tickets, and found no printer's dashes, nor other marks on them.

Q. 5. Those Republican tickets, then, could be readily distinguished when folded for voting by the marks, or dashes, showing on the back through the paper?

(Question objected to by counsel for Mr. Lynch as leading.)

A. Those that I saw.

Cross-examined by Hon. J. S. MORRIS, counsel for Mr. LYNCH:

Q. 1. Was the Mr. Marshall you speak of there then, the counsel now here engaged, and Gen. Chalmers' law partner?—A. Yes, sir.

Q. 2. When you say your Republican friends, do you mean that you are a Republican, or are you a Democrat?—A. I am a Democrat, and was the Democratic supervisor at that election.

Q. 3. Are you the same A. J. Conklin who was several times during the last six or eight years a Democratic candidate for office?—A. I was a Democratic candidate one time, and since then a scrub candidate, sometimes elected and sometimes defeated.

Q. 4. Can you name any of your Republican friends, or anybody else, who voted a Lynch ticket, guided in the choice of the ticket by the dashes to which you have referred? If so, please do so.—A. No sir, I cannot; there were some, but I have forgotten who they were.

Q. 5. Do you know of your own knowledge, or by any means, whether the persons whom you call your Republican friends recognized any tickets by dashes or other marks? If so, name them.—A. I could not say that; there was at the time of voting something by which they could recognize them; I don't know unless it was the printer's dashes; they took the tickets off the piles, and withdrew a few steps from the box; did not look at the face, because I watched them, that being a query with me, and folded them, and voted one of the folded tickets. I can not now mention the name of any person who did this. This is all I know about the recognition of the dashes.

A. J. CONKLIN.

Sworn to and subscribed before me, March 5, 1881.

[SEAL.]

LAZ. LINDSAY,  
*Notary Public.*

Further proceedings herein adjourned until 11 o'clock a. m., Monday, March 7, 1881, to be continued under same notice and at same place.

[SEAL.]

LAZ. LINDSAY,  
*Notary Public.*

No witness appearing, adjourned until to-morrow at 11 a. m., Tuesday, March 8, 1881.

On which day, JACOB WHITE appeared at my office, and, after being by me first duly sworn, deposes and says:

Question 1. (By Mr. MARSHALL, counsel for General CHALMERS.) What is your name, age, and residence?—Answer. My name is Jacob White; I am about 26 years old; reside near Bovina, Warren County, Mississippi.

Q. 2. Were you at any poll in Warren County, Miss., at the last November election? If so, at which poll, and for how long?—A. I was at Bovina, Warren County, Miss., from the time the polls opened until closed.

Q. 3. Did you examine the Democratic and Republican tickets? If you did, state [if] there was any marks upon the Republican ticket by which it could be known or distinguished.—A. I did examine both tickets, and, at the suggestion of some one, I noticed on the Republican ticket the printer's dashes, which was not on the Democratic ticket; this was after the polls closed.

Q. 4. Could or not that ticket be easily recognized by the marks or dashes?—A. It could, after attention was called to it, be recognized very easily.

Q. 5. (By Mr. MARSHALL.) You are a colored man; which party have you always belonged to?—A. To the Republican party.

JACOB WHITE.

Sworn to and subscribed before me, March 8, 1881.

[SEAL.]

LAZ. LINDSAY,  
*Notary Public.*

Adjourned until to-morrow morning, Wednesday, March 9, 1881, at 11 o'clock a. m.

LAZ. LINDSAY,  
*Notary Public.*

WEDNESDAY, *March 9, 1881.*

CHAS. E. WRIGHT, being produced and by me first duly sworn, deposes and says:

Question 1. (By Mr. MARSHALL, counsel for General CHALMERS.) You have testified that Jas. R. Chalmers owed the Herald office a bill ever since 1876; what is the amount of that bill? File an itemized copy from the Herald's books with your answer of the original entries.—Answer. I did say that Chalmers owed the Herald office a bill since 1876; the amount of the bill can be found by reference to the books of the Herald Company; I do not keep the books; Mr. Rogers, one of the proprietors, can furnish the itemized account; I cannot.

(Objected to as irrelevant.)

Q. 2. You said there was some special service rendered in connection with these tickets charged for in that bill, rendered by you for him, which delicacy prevented you from speaking of. I have his instructions to ask you to tell what that service was, and how it was rendered? Did he order the tickets?—A. The service required was, that the Herald Company should make the fac simile of the Republican ticket voted in 1876, putting on that ticket the name of General J. R. Chalmers for Congress. To do this, Mr. Rogers had to go to New Orleans and have a plate made; which was done; and the tickets were made at General Chalmers' order.

Q. 3. Did he tell you to do it, or did he ever hear of it from you until after the election? Did you not make the claim for the first time since that election in 1876?—A. He (Chalmers) told me to do it after a long conference on the corner of Washington and Clay streets in Vicksburg. This claim was made against General Chalmers at the time, and he instructed the Herald Company to make bills of the amount and send the bills for payment to different individuals in several of the counties of the district; he (Chalmers) at the same time saying that he would pay the bills if the parties to whom they were sent did not pay them.

C. E. WRIGHT.

Sworn to and subscribed before me, March 9, 1881.

[SEAL.]

LAZ. LINDSAY,  
*Notary Public.*

(Hon. J. S. MORRIS, counsel for Mr. LYNCH, appeared, and, after reading the foregoing depositions of Jacob White and Chas. E. Wright, esq., waived cross-examination.)

Adjourned until to-morrow morning at 11 o'clock a. m.

LAZ. LINDSAY,  
*Notary Public.*

MARCH 10, 1881.

HORACE M. MARSHALL, being called and by me first duly sworn, deposes and says:

Question 1. (By counsel for General CHALMERS.) What is your name, age, and residence?—Answer. My name is Horace M. Marshall; I am about 27 years old, and reside in Warren City, Mississippi.

Q. 2. Were you at any poll in Warren County, Miss., at the last November election? If so, which poll, and for how long?—A. I was at Pryor's Church, second district, in Warren County, Miss. I was one of the judges; was there at the opening of the polls, and remained until the close; was only out of the room a few minutes; and I brought the box to the Court-house.

Q. 3. Did you examine the Democratic and Republican tickets? If you did, state whether there was any marks on the Republican ticket by which it could be known or distinguished?—A. I did examine both tickets, and on the Republican tickets there were marks by which they could be distinguished from the Democratic ticket, and I called attention before the voting commenced to Mr. McGee, one of the other judges at that poll that day, to the marks on the Republican ticket, and I told him those tickets were illegal, and did not correspond with the requirements of the law, and I showed him the law. He then referred those tickets to Capt. J. W. Bourne, United States inspector, or supervisor, who was there at the time. Captain Bourne said those tickets were all right. Those same tickets were voted at that poll that day, and before the voting commenced I announced publicly, as one of the judges, that I would not count them as legal. In making out the certificate, two of the judges, Wm. Hartman and myself, stated that all of the Republican tickets were not counted as votes in consequence of the dashes and other marks on them, by which they could be distinguished.

Q. 4. Did or not the Republican officers or challengers at the polls keep a tally of the votes for Lynch, and announce the state of the vote when the polls closed and before the votes were counted? A. Yes; Captain Bourne kept a tally, and at the close of the polls announced the result, which, when the votes were counted, hit the exact result, or nearly so.

H. M. MARSHALL.

Sworn to and subscribed before me, March 10, 1881.

[SEAL.]

LAZ. LINDSAY,  
*Notary Public.*

A. L. PIERCE, being next produced and by me first duly sworn, deposes and says:

Question 1. (By counsel for General CHALMERS.) What is your name, age, and residence?—Answer. My name is A. L. Pierce; I am 44 years of age; reside in Vicksburg, Mississippi.

Q. 2. What party do you belong to and vote with?—A. To the Radical party.

Q. 3. Did you or not, before the election, call the attention of the Republican leaders or managers to the marks on the ticket voted last November in this county, and tell them that it was illegal, or would not do, or something of that kind?—A. I do not recollect of doing so. I did not see the Republican ticket until after it was being voted, and then I remarked there was a difference between the two tickets.

Q. 4. Did you not tell General Chalmers that you had done so?  
 A. I never did so.

A. L. PIERCE.

Sworn to and subscribed before me, March 10, 1881.

[SEAL.]

LAZ. LINDSAY,  
*Notary Public.*

In my absence from my office for a short time, Hon. J. S. MORRIS called and left the following memorandum to be incorporated in the record:

“Half-past one o’clock p. m., March 10, 1881, counsel for contestant appeared at commissioner’s office—commissioner being absent, and no person in office—and objects to all of the above testimony, because he was absent when same was taken, and not notified of time and place of taking same.

“J. S. MORRIS,  
*“For Lynch.”*”

The witnesses and attorneys attended so irregularly that I could not always have them present at one and same time.

LAZ. LINDSAY,  
*Notary Public.*

UNITED STATES OF AMERICA,  
*State of Mississippi, City of Vicksburg,* } ss:

I, Laz. Lindsay, notary public as aforesaid, do hereby certify that the foregoing pages contained the true testimony as given by the witnesses therein named; that the same was written down by me, said notary, in the presence of said witnesses, and after having been by me carefully read over to them, were by said witnesses respectively signed by them in my presence on the days and date therein named.

In witness whereof I hereto set my hand and affix my official seal at my office, in said city and State, on the 10th day of March, 1881.

[SEAL.]

LAZ. LINDSAY,  
*Notary Public.*

Notaries fee .....	15 00
Special officers for summoning witnesses .....	6 25
Attendance and mileage claimed by four witnesses from Bovina .....	8 00
	\$29 25
	\$29 25

Paid by Gen. Jas. R. Chalmers.

LAZ. LINDSAY,  
*Notary Public.*

No. 5.

In the matter of the contest by Jno. R. Lynch against Jas. R. Chalmers, of election as Representative in the 47th Congress of the United States from the 6th Congressional district of the State of Mississippi.

To the Hon. JOHN R. LYNCH, contestant, or Hon. J. S. MORRIS, his attorney:

Take notice, that on Saturday, the fifth day of March, 1881, at Greenville, Washington County, Mississippi, before Frank Valliant, mayor of the town of Greenville, Miss., and ex-officio notary public in said county of Washington, State of Mississippi, I shall, by attorney, proceed to take testimony in my behalf by depositions of the witnesses whose names and places of residences are as follows, to wit:

Names.	Residence.
James Stone .....	near Glenora, Washington County, Miss.
Harrison Gillaspie .....	“ “ “
Merritt Williams .....	“ “ “
S. Harris .....	“ “ “
Maurice Rosenstock .....	“ “ “
C. Brumbley .....	“ “ “

At said time and place you can attend and cross-examine said witnesses, if you see proper to do so.

JAS. R. CHALMERS.  
By M. MARSHALL, *Attorney.*

On behalf of the contestant, Hon John R. Lynch, I hereby accept service of the above notice; agree that said depositions may be taken before said officer, and waive proof of the official character of said officer.

J. R. LYNCH.

VICKSBURG, *Feb'y* 26, 1881.

Question for J. H. CHALMERS, contestee:

State, in narrative form, your age and residence, and how long you have resided there; whether you were present at the Stone and Robb precinct on the day of the last general election, in which J. R. Chalmers and John Lynch were opposing candidates for the House of Representatives of the United States; in what capacity you were present and acted; whether you saw all the votes cast; how long you remained at the polls; and how many tickets, at the outside estimate, were voted as open ballots; how were the other tickets handed in by the voters, open or folded; and state whether it was possible for yourself or any one else who was present to have seen who was voted for in the tickets so voted. Did you see one Cooper, United States supervisor at the precinct? Where was he standing during the voting, and what part did he take in it? Was it possible for him to have seen how the voters voted, or to have read any of the tickets? If so, how many at the outside?

M. MARSHALL,  
PERCY & YERGER,  
*Attorneys for Chalmers.*

Cross-interrogatories:

1. At what time in the day did you commence your duty as challenger? At what time did you leave the polls, and were you continuously present?

2. In what capacity did Cooper act during that election, and what place did he occupy principally, relative to the ballot-box?



3. Give the names of the judges of the election, of all the challengers, and of all the election supervisors. State their politics and color.

4. State at what time the vote was counted, and what was done with the box from the time when the votes were cast until the counting commenced; that is, in whose custody it was until counted and reported at Greenville.

5. Were the votes counted immediately after closing of the polls? If not, where was it placed, in whose custody, and the color and politics of the custodians.

6. Was, or not, that election fairly conducted? And if not, state any circumstances relative to that in your knowledge.

J. R. YERGER,

*For J. R. Lynch.*

JAMES STONE sworn :

I am 43 years of age; reside in district No. 2, Washington County, Miss.; have lived in the county and State 16 years; was present at Robb and Stone's precinct on the day of the last general election, in which J. R. Chalmers and J. R. Lynch were opposing candidates for the House of Representatives of the United States; acted in the capacity of challenger for the Democratic party. I was present at the polls during the whole day, and saw all the votes cast. I saw twelve or fifteen open ballots voted; there may have been as many as twenty, but not more. All of the others were handed in folded up, and it was impossible for myself or any one else present to know for whom they were cast. I saw Cooper, United States supervisor, at the precinct; he was standing or sitting on one side of the ballot-box opposite the inspector who received the ballots and deposited same in the box. It was impossible for him to have seen for whom the ballots were cast, except, probably, a few of those which were open.

JAMES STONE.

Answer to cross-interrogatories:

1. Soon after the polls were open, about 9 o'clock, I was.

2. As United States supervisor. He sat on one side of the ballot-box, opposite the inspector who received the ballots; part of the time he stood instead of sat.

3. The judges were J. H. Robb, Sam. Harris, Harrison Glosbie—the two first white men, the latter colored. The two first are Democrats; I don't know the politics of the third. I was the only challenger, and am a white man and a Democrat.

4. The vote was commenced to be counted in an hour or two after the polls were closed. I was in charge of all the inspectors, or judges, supervisors, and all. They were all present—that is, from the time the polls were closed until opened for counting. When the counting for the night was closed, I know nothing of the ballot-box until it was delivered in Greenville.

5. I have answered this question in the former question.

6. Fairly conducted, so far as I have any knowledge.

And further this deponent saith not.

JAMES STONE.

1. Give the names and politics of the judges of the election at the box you have spoken of, and their color.

2. Make the same answer as to the inspectors of the election, and all the officers and challengers and persons managing the same.

3. Who were the clerks of the election? Who indorsed the poll-books as voted when each voter voted; and who took the tickets from the box at the time of the counting?

4. Who wrote down and kept the tallies?

5. Who examined the tickets as they were taken from the box; and, in fact, were or not they examined at all?

6. At what time in the evening did the counting commence—how soon after the polls closed?

7. Where was the box kept, and in whose especial custody, from the closing of the polls until the counting commenced?

8. Was the counting finished that night?

9. If not finished, then, what was done with the box; who had the charge and custody of the same; and why was it not finished?

10. Who was present in the room at and during the counting?

11. If there were any colored persons judges or clerks, state their names, their politics, how they voted.

12. State whether or not they can read or write fluently, or at all.

13. Were all the judges present during the counting?

14. At what time was the result of the election at your box declared, and state what box it was.

15. Do you know that the counting and general management of the election at that box was fairly and honestly conducted?

16. Was it in fact honestly done or not?

17. If you answer disclaiming knowledge, now state your religion and conscientious belief on the subject.

(Objected to for incompetency by counsel for contestee.)

18. State the reasons for this belief.

19. If you know anything else relative to the honesty of this election, or dishonesty connected with it, state it.

20. Was not that box removed from the voting precinct to the store of Sam. Harris before the counting was begun?

21. State at what place the counting commenced; how many votes were counted at that place, and what was the general political result there.

22. Where was the counting finished?

23. Did not the judges of the election remove the box from the voting precinct to store of Sam. Harris, then get supper, then commence counting, and then adjourn from that store that night?

24. At what time in the night did the counting commence; at what time did the adjournment take place; where was it closed, and how long after this adjournment?

25. Who then took the box in charge? Was it sealed? When the adjournment took place was not Lynch ahead?

26. Was, or not, that box stuffed? Do you not know it? Do you not believe it?

27. Was not that box removed, and that adjournment made to effect that purpose, of stuffing it, and is not that your belief?

(Objected to for incompetency by counsel for contestee.)

28. Was, or not, this removal of the box, and adjournment of the counting, against the earnest protestation of F. B. Cooper, and was he not one of the United States supervisors?

29. After the counting was begun, and partly before it was finished,

did not Joseph Robb, one of the judges, take the ballot-box into his sole and exclusive possession, and so have the control of it in the night?

30. Was, or not, that box sealed when Robb took it in charge, and who had the key of it.

31. What is the politics and the color of Mr. Robb?

32. Do you know whether or not the votes in this ballot-box were changed or tampered with?

J. R. & W. YERGER,  
*Attorneys for J. R. Lynch.*

I am 24 years old; resided in district No. 2, Washington County, Mississippi, four years; was present at the Robb and Stone precinct on the day of the last general election; acted in the capacity of clerk. I was present at the polls during the whole day, and saw all the votes cast. I saw about 15 open ballots; all of the others were handed folded, and it was impossible for myself or any one else to know for whom they were cast. I saw Cooper, United States supervisor, at the precinct; he was sitting on one side of the ballot-box. It was impossible for him to have seen for whom the ballots were cast.

MORRIS ROSENSTOCK.

Answers to cross-interrogatories:

1. Harrison Gillaspie (colored), and J. H. Robb (white), and Sam. Harris, and cannot say as to their politics.
2. Cooper (colored) and Merritt Williams (white) were United States inspectors.
3. Morris Rosenstock and J. C. Brumley, the clerks; the judges.
4. The clerks.
5. They were examined by the judges and the inspectors.
6. The counting commenced about 8 o'clock in the evening, and the polls were closed at 6 o'clock.
7. At Sam'l Harris's store, in the custody of Cooper and Gillaspie.
8. No.
9. J. H. Robb was the custodian of the box; one of the judges got sick.
10. The officers and citizens.
11. One judge, Harrison Gillaspie; don't know his politics, nor how he voted.
12. Do not know.
13. Yes.
14. About 12 o'clock next day after the election of the Robb and Stone precinct.
15. Yes, to the best of my knowledge.
16. Yes, to the best of my knowledge.
17. That everything were fair and honestly done.
18. For I have noticed closed.
19. Nothing else.
20. Yes.
21. The counting commenced at Harris's store, and don't know how many tickets were for either party; do not know the political result.
22. At the voting-place.
23. Yes.

24. It commenced about 8 o'clock that night, and adjourned about 11 o'clock; it was closed at Robb and Stone precinct about 12 o'clock, noon, the day after the election.

25. J. H. Robb took the box and Harris the key; don't know who was ahead.

26. I don't believe it was.

27. No.

28. Mr. Williams and Cooper consented to continue and the removing of the box. Cooper was a United States supervisor.

29. He took into his possession; don't know.

30. It was not sealed, but locked; J. H. Robb had the box and Harris the key.

31. He is white; don't know his politics.

32. Don't know; don't believe they was.

MORRIS ROSENSTOCK.

I am 34 years of age; reside at Glenora store since 1878; was present at Robb's and Stone's precinct at the last general election. I acted as clerk at said election; was present at the polls during the whole day; and saw all the votes cast. I saw twelve or fifteen opened votes; the others were handed folded, and it was impossible for myself or any else to see for whom they were cast. I saw Cooper, U. S. supervisor, at the precinct; he was sitting at one side of the ballot-box, opposing the inspector, who received the ballots and deposited same in the box. It was impossible for him to have seen for whom the ballots were cast, except probably a few of those which were opened.

J. C. BRUMLEY.

Answers to cross-interrogatories:

1. Harrison Gelaspie (colored), J. H. Robb (white), Sam. Harris (white); can't say as to their politics.

2. Cooper (colored), Merritt Williams (white), were U. S. inspectors.

3. Morris Rosenstock and J. C. Brumley were clerks; the clerks indorsed the poll-book and the judges took the tickets from the box.

4. The clerks.

5. They were examined by the judges and inspectors.

6. The counting commenced about 8 o'clock p. m.; the polls were closed at 6 o'clock.

7. At Sam Harris's store, by Cooper and Harrison Gelaspie.

8. No.

9. J. H. Robb took charge of the box; one of the judges was sick.

10. Officers and citizens.

11. The judge, Harrison Gelaspie; don't know his politics.

12. I cannot read or write at all.

13. They were.

14. About twelve, the day after the election; Robb and Stone precinct.

15. The best of my knowledge, it was.

16. The best of my knowledge, it was.

17. I believe that everything was conducted fairly and honestly.

18. Because I was there and noticed closely.

19. Nothing else.

20. It was.

21. At Sam Harris's store, and don't know how many votes were counted that night; don't know the result of those that were counted.

22. At the voting-place.
23. They did.
24. About eight o'clock, and adjourned about eleven; closed at Robb & Stone's precinct at about twelve o'clock the day after the election.
25. J. H. Robb took possession of the box; Sam. Harris the key; don't know who was ahead.
26. I don't know whether it was or not, don't believe it was.
27. No.
28. Merritt Williams and Cooper wanted the counting continued, but owing to the sickness of one of the judges they consented to close. Cooper was U. S. supervisor.
29. He took it in his possession.
30. It was not sealed, but locked; Sam. Harris had the key.
31. White; don't know his politics.
32. Don't believe there were.

J. C. BRUMLEY.

Interrogatory 1. I am forty years old, and reside at Longwood plantation, county of Washington, State of Mississippi. Have resided there since eighteen hundred and sixty-four. Was present at Stone and Robb's store on the day of said election. Was appointed by Judge Hill, supervisor and commissioner of said election. Saw all the votes cast, except during a period of from three to five minutes, when I was out the room; was at the polls all day. There could not have been over ten or fifteen tickets voted open, or loosely unfolded in the hand. The tickets, with the exception of those mentioned above, were handed in folded. It was a rainy and cold day, and most of them (the tickets) were handed from the voter's pocket. It was impossible for any one to see who was voted for. I saw one Cooper, United States supervisor, at the precinct. He was sitting some ten or twelve feet from the voters. He seemed to be not very much interested, and it was impossible for him or any of us to have seen how the voters voted, or to have read any of the tickets, except, probably, a few of those that were open.

MERRITT WILLIAMS.

Answers to cross-interrogatories:

1. Harrison Giles pie (colored), J. H. Robb (white), and Sam Harris (white); can't say as to their politics.
2. Cooper (colored), Merritt Williams (white); can not say as to politics.
3. Morris Resinstock and Carlton Brumley were clerks; the clerks indorsed the poll-books when voted, and the judges took the box when they were being counted.
4. The clerks.
5. They were examined, and examined by the judges and supervisors.
6. The polls were closed at 6 o'clock, and soon after, the counting commenced.
7. Cooper, supervisor, and Harrison Giles pie were in charge of the box while the rest of us went to supper in the adjoining room.
8. The counting was not finished that night.
9. One of the judges, Mr. Robb, had charge of the box, and another judge, Mr. Harris, had the key. The counting was not finished on account of the sickness of one of the judges, and we had all day been in a cold room, and had to sit there that night.
11. Mis. 12—17

10. All the officers of the election and many citizens.

11. One of the judges was colored (Harrison Gilespie). I do not know his politics, and did not see how he voted.

12. I do not know.

13. Yes.

14. About eleven o'clock the day after the election. Robb's Store precinct.

15. It was, so far as I could see or judge.

16. It was, so far as my knowledge of it goes.

17. I know it was fair, as far as I could see, and I watched very closely.

18. Answered in the one to cross-interrogatory 17.

19. I know nothing else.

20. Yes.

21. At Sam Harris's store. How many votes were counted at that place I do not know. I recollect Garfield was ahead, but I do not know as to the others.

22. The counting was finished at the voting-place next morning, Mr. Harris not wanting us to occupy his store.

23. Yes.

24. About 8 o'clock or a little sooner. The adjournment took place about 10 or 11 o'clock that night. The counting was closed at the voting-place, a short distance off, about 11 o'clock next morning.

25. Answered in part to cross-interrogatory 9 and in part to cross-interrogatory 21.

26. No; it was not stuffed, to my knowledge or belief.

27. No; it was removed, for reasons stated above.

28. F. B. Cooper and myself both wanted the counting to go on, but one of the judges being sick and another not being able to read and write, we consented to the adjournment.

29. When the adjournment took place, Robb took charge of the ballot-box, and Harris had the key to keep during the night.

30. The box was not sealed, but was locked and Harris had the key.

31. Color, white; think he is a Democrat, but could not swear positively to that.

32. I do not think they were.

MERRITT WILLIAMS.

I, F. Valliant, mayor of the city of Greenville, Miss., and *ex-officio* justice of the peace, do hereby certify that pursuant to the annexed notice, James Stone, one of the witnesses named in said notice, appeared before me in my office, in said town of Greenville, on the 5th day of March, 1881, and at the same time and place, appeared the contestant, J. R. Lynch, by his counsel, J. R. Yerger, and the contestee, J. R. Chalmers, by his counsel, Percy & Yerger; and said witness having been first duly sworn to answer the truth, the whole truth, and nothing but the truth, to the questions propounded to him, the interrogatory for said Chalmers and the cross-interrogatories for said Lynch, which are annexed to said Stone's deposition, were then stated, reduced to writing in my presence by their respective counsel, and propounded to said witness, and his answers thereto as they herein appear were reduced to writing by him in my presence and by him signed. The examination of the other witnesses was then, by consent of counsel for both parties, adjourned by me until 10 o'clock a. m. of Monday,

the 7th day of March, at which time and at the same place, the witnesses named in said notice, Merritt Williams, C. Brumley, and Morris Rosenstock, with the respective counsel for both parties, appeared, and said witnesses being first duly sworn by me, true answers to make to all questions propounded to them, the same interrogatory herewith annexed to said Stone's deposition was propounded to each of said witnesses by counsel for contestee and the cross-interrogatories herewith annexed to deposition of Morris Rosenstock, were propounded to said witnesses respectively by counsel for contestant, and said witnesses then and there, in my presence, each reduced his answers to writing and signed the same; all of which questions and answers are hereto and herewith annexed. Given under my hand this 8th day of March, A. D. 1881.

F. VALLIANT,

*Mayor and ex-officio Justice of the Peace and ex-officio Notary Public.*

In the matter of the contest between General James R. Chalmers and Hon. John R. Lynch in relation to the election had in November, 1880, in the sixth Congressional district of the State of Mississippi.

Personally appeared before me this day, 12th March, 1881, Henry C. Myers and Charles Winkley, witnesses for General James R. Chalmers; and also appeared Frank Johnston, esq., counsel and attorney for said Chalmers, and Hon. H. R. Ware, counsel and attorney for Mr. John R. Lynch; and thereupon said witnesses were by me duly sworn in due form of law true answers to make to all interrogatories and cross-interrogatories propounded to them, and to testify the whole truth touching the matters inquired of.

And said MYERS, being first examined, deposes and testifies as follows:

Interrogatory 1. State your name, age, and present official position. Do you know Mr. John R. Lynch?

Answer. My name is Henry C. Myers; my age is 33; am secretary of state of the State of Mississippi. I am acquainted with Mr. John R. Lynch.

Interrogatory 2. If you had a conversation with John R. Lynch since the election in the sixth Congressional district of this State last fall in regard to said election, or the election tickets used by Mr. Lynch or his friends in said election, please state substantially what was said, where it occurred, and who was present.

Answer. I had a conversation with Mr. Lynch in the office of secretary of state some time during the month of November, 1880. My assistant, Mr. D. P. Porter, was present. I can't call to mind the presence of any other person, but perhaps there may have been. Mr. Lynch was speaking of the throwing out of certain votes cast for him in the county of Warren on account of certain alleged marks or devices. The conversation turned upon the place where he had his tickets (that were distributed in the sixth Congressional district) printed. He said he had them all printed at the same office; that they were all printed alike. I remarked that I had understood him to say to Mr. Porter a day or two previous that he had his tickets printed at two different offices. He replied that I misunderstood him; that they were all printed at the same office. He said that the tickets cast for him in the other counties of the sixth district were similar to those cast in the county of Warren.

Cross-interrogatory 1. You state that Lynch said that his tickets were all printed alike. Do you mean that Lynch meant to indicate that he had critically examined all of his tickets, and from such examination found them in all respects similar, or did he simply imply that they were, according to his understanding and knowledge, of the same character?

Answer. My understanding was that his tickets were all printed at the same office, and were alike. I did not understand that he critically examined all of his tickets to see that they were alike.

Cross-interrogatory 2. Do you, or not, know that it is usual for the State executive committees of the respective counties to print the tickets for the Presidential electors upon which they place the name of the candidate for Congress, and thus might it not have been that some of the tickets voted may have been printed without the knowledge of Lynch?

Answer. It is customary for executive committees to have tickets printed for their respective counties, but in this instance Mr. Lynch informed me he had his own tickets printed. I was also informed by Mr. Hill, chairman of the State Republican executive committee, that Mr. Lynch had his own tickets printed.

Cross-interrogatory 3. You allude to certain "marks or devices" on certain tickets of Lynch, voted in Warren County. Have you critically examined said alleged "marks and devices," and can you say that they are such? But instead, are they, or not, only the usual printer's dashes which are found in newspapers, and such as have ordinarily been found on tickets at elections?

Answer. I have seen one of the tickets, but never made a critical examination thereof, hence I cannot say whether it contained "marks or devices" or not.

Cross-interrogatory 4. Do you, or not, know, or is it not your understanding, that in the counties of Issaquena and Tunica, that the tickets generally voted for James R. Chalmers had on them precisely the same "marks of designation" complained of on the Lynch tickets, and yet is it not a fact, according to your understanding, that these tickets were counted for General Chalmers?

Answer. I have understood that the tickets cast for James R. Chalmers in the county of Issaquena contained similar marks or lines to those cast for John R. Lynch in Warren County, but have never seen one of said tickets. My understanding is, they were all counted, or nearly all. I have never heard what character of tickets were cast for General Chalmers in the county of Tunica.

And further deponent saith not.

HENRY C. MYERS.

And said CHARLES WINKLEY, being duly sworn, testifies and deposes as follows:

Interrogatory 1. State your name, age, occupation, and residence.

Answer. Charles Winkley; 55 years; general job printer; Jackson, Mississippi.

Interrogatory 2. Could Mr. John R. Lynch have procured last fall, in Jackson, election tickets printed in conformity with the Mississippi Code of 1880; were such tickets printed in Jackson; by whom printed; and at what price per thousand?

Answer. He could have procured them; they were printed in Jack-



son; I printed them. I printed tickets at from sixty cents to one dollar per thousand, according to the number ordered.

Cross-interrogatory 1. In answer to interrogatory 2, you state that Lynch could have had tickets printed in Jackson in conformity to the statute. Do you mean by this to say that the tickets rejected in Warren County were not in conformity to the statute?

Answer. I do not.

Cross-interrogatory 2. Are you a practical printer, and have you critically examined the "marks," so-called, on the tickets of Lynch, rejected from Warren County. If so, were not these only the usual printer's dashes, to be found generally in newspaper articles and upon tickets generally?

Answer. I am a practical printer; I have not critically examined the tickets, but the dashes used are such as any printer of taste would either put in or leave out, according as he wanted to lengthen or shorten the ticket to suit the paper, or otherwise.

Cross-interrogatory 3. If you were called upon generally to print tickets, without any special instructions, is it likely that you would have printed the tickets similar to those complained of and rejected from Warren County?

Answer. I might or might not, just as it might have seemed to strike me at the time.

And further deponent saith not.

CHARLES WINKLEY.

I, James M. McKee, clerk of the circuit court of the United States for the southern district of Mississippi, hereby certify that the examination of said witnesses, Henry C. Myers and Charles Winkley, was had before me at my office in Jackson, Mississippi, being the office of the clerk of said court, on March 12, 1881, at 10 a. m.; that the interrogatories were written out by Frank Johnston, attorney for Chalmers, and the cross-interrogatories were written out by Mr. H. R. Ware, counsel for Lynch; and that the answers were written out by the said witnesses respectively; and this mode was pursued by agreement of said attorneys; that the questions, cross-questions, and all answers to same, were read over, approved, and signed and sworn to by said witnesses respectively, before me and in my presence.

Given under my hand and seal of court this the 12th day of March, 1881, at Jackson, Mississippi.

[SEAL.]

JAS. M. MCKEE, *Clerk.*

As the duly-authorized counsel for Hon. John R. Lynch, I waive formal notice of the taking of the foregoing two depositions of Henry C. Myers and Charles Winkley; the depositions to have the same effect as if a formal notice had been duly executed or served on me.

H. R. WARE,  
*Counsel for Jno. R. Lynch.*

MARCH 12, 1881.

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LYNCH vs. CHALMERS.

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TESTIMONY

IN THE CONTESTED ELECTION CASE OF

JOHN R. LYNCH vs. JAMES R. CHALMERS,

FROM THE SIXTH CONGRESSIONAL DISTRICT OF MISSISSIPPI.

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DECEMBER 28, 1881.—Ordered to be printed.

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*Contestee's exception to the additional testimony filed by contestant.*

JOHN R. LYNCH, CONTESTANT, }  
vs. }  
JAMES R. CHALMERS, CONTESTEE. }

The contestee comes in proper person and excepts to so much of Exhibit D, filed as additional testimony in this case, and appearing from page 225 to page 243, inclusive, of the Record:

1. Because there is no such officer as chief supervisor of elections for either the northern or southern district of Mississippi known to the laws of the United States and authorized to make such reports.

2. Because there is no law authorizing the supervisors of elections to make any reports of the election in any district outside of a city of twenty thousand inhabitants.

3. Because these pretended reports are not signed by both of the pretended supervisors at each precinct.

4. Because there is no evidence that the parties signing these reports as supervisors were, in fact, appointed United States supervisors of elections.

5. Because there is no evidence that the parties whose names appear to be signed to said reports actually signed the same.

6. Because the pretended reports were not presented as an exhibit to contestant's deposition when taken, and were gathered up by contestant and filed here long after the time for taking testimony in this case.

7. Because the pretended certificate of Orlando Davis appears on its face to have been signed September 13, 1881, long after the time for taking testimony in this case.

8. Because said papers appear on their face to be filed with the Clerk of the House of Representatives only on the 21st of December, 1881, long after the time for taking testimony in this case, and do not appear to have been transmitted by any authorized officer of law.

JAS. R. CHALMERS,  
*Contestee.*



LYNCH vs. CHALMERS.

TESTIMONY

IN THE CONTESTED ELECTION CASE OF

JOHN R. LYNCH vs. JAMES R. CHALMERS,

FROM THE SIXTH CONGRESSIONAL DISTRICT OF MISSISSIPPI.

MARCH 2, 1882.—Ordered to be printed.

[NOTE.—Supervisors will note on the back of this return a brief memoranda of any irregularities in the conduct of the election. This in addition to any extended report which they may deem necessary in order that all facts regarding the truth or fairness of the election and canvass may be made known.]

*U. S. supervisor's return of votes cast for President of the United States and Representatives in Congress from the 6th Congressional district of the State of Mississippi, at Bolivar precinct, in Bolivar County, on the 2d day of November, 1880.*

Names of candidates.	Number of votes as returned by commissioners of election.	Number of votes (U. S. supervisor's return).
John R. Lynch, for Congress.....	311	311
_____, for Congress.....		
_____, for Congress.....		
Garfield Presidential electors.....	311	311
Hancock Presidential electors.....	45	45
Weaver Presidential electors.....		

I hereby certify that the foregoing return is correct and true.

Witness my hand this 4th day of November, 1880.

I. H. BUFFORD,  
*U. S. Supervisor of Election.*

To O. DAVIS,  
*Chief Supervisor of Election, Holly Springs, Miss.*

☞ Send to me immediately after the count is completed.

I have to report the conduct of E. P. Miller, one of the inspectors of election. He ordered me out of the room in which the election was being held, and made threats of doing me bodily harm if I did not go. Otherwise, we had a quiet and peaceable election.

I. H. BUFFORD,  
*U. S. Supervisor of Election.*


*U. S. supervisor's return of votes cast for President of the United States and Representatives in Congress from the 6th Congressional district of the State of Mississippi, at Glencoe precinct, in Bolivar County, on the 2d day of November, 1880.*

Names of candidates.	Number of votes as returned by commissioners of election.	Number of votes, U. S. supervisor's return.
John R. Lynch, for Congress .....		231
James R. Chalmers, for Congress .....		27
....., for Congress .....		
Garfield Presidential electors .....		231
Hancock Presidential electors .....		27
Weaver Presidential electors .....		

I hereby certify that the foregoing return is correct and true. Witness my hand this 3rd day of November, 1880.

E. E. CARRINGTON,  
*U. S. Supervisor of Election.*

To O. DAVIS,  
*Chief Supervisor of Election, Holly Springs, Miss.*

 Send to me immediately after the count is completed.

*Mr. O. Davis:*

I received my commission on the 1st day of Nov. The polls were not opened until 10 o'clock. Everything went on quiet; 39 names of the regular vote did not appear on the poll-book, which created no little dissatisfaction.

NOTE.—The polls were closed at 6 o'clock. The inspectors began to count and counted 95 votes, and adjourned to finish on the next morning. On the morning of the 3rd we waited until 12 o'clock. On the appearance of the two inspectors, H. C. Gwinnet and John Burns, failed to come to count votes. One of them claimed sick; so I proceeded to count with one inspector and the clerk, and two witnesses.

Yours, respectfully,

E. E. CARRINGTON,  
*U. S. Supervisor of Election, Glencoe Precinct.*

*U. S. supervisor's return of votes cast for President of the United States and Representatives in Congress from the — Congressional district of the State of Mississippi, at Australia precinct, in Bolivar County, on the 2d day of November, 1880.*

Names of candidates.	Number of votes as returned by commissioners of election.	Number of votes, U. S. supervisor's return.
John R. Lynch, for Congress .....	192	192
James R. Chalmers, for Congress .....	30	30
....., for Congress .....		
Garfield Presidential electors .....	192	192
Hancock Presidential electors .....	30	30
Weaver Presidential electors .....		



I hereby certify that the foregoing return is correct and true.  
Witness my hand this 2nd day of November, 1880.

L. O. REYNOLDS,  
*U. S. Supervisor of Election.*

To O. DAVIS,  
*Chief Supervisor of Election, Holly Springs, Miss.*

Send to me immediately after the count is completed.

UNITED STATES OF AMERICA,  
*Northern District of Mississippi :*

I, Orlando Davis, chief supervisor of elections in and for the district aforesaid, do hereby certify that the three sheets annexed hereto contain a true copy of the reports made to me, and now on file in my office, of the supervisors of election for the precincts of Bolivar, Glencoe, and Australia, in Bolivar County, Mississippi, of the general election held in said county for electors for President, and for Representative in Congress for the 6th Congressional district in said State, on November 2nd, 1880.

In testimony whereof I have hereunto set my hand, having no official seal, this 10th day of February, 1882.

ORLANDO DAVIS,  
*Chief Supervisor of Elections, Northern District of Mississippi.*

United States district court, northern district of Mississippi.

Proceedings had in the district court of the United States for the northern district of Mississippi, begun and held for its December term, A. D. 1880, at the court-house, in Oxford, Miss., on, to wit, the 9 day of Dec., 1880, and days subsequent thereto, in the following cause:

District court of the United States of America, for the northern district of Mississippi.

At a stated term of the district court of the United States of America for the northern district of Mississippi begun and held at the city of Oxford, within and for the district aforesaid, on the first Monday of December, A. D. 1880.

NORTHERN DISTRICT OF MISSISSIPPI, *ss :*

December term, A. D. 1880.

The grand jurors of the United States of America, within and for the northern district aforesaid, duly summoned, tried, impaneled, sworn, and charged to inquire in and for the body of said district, at the term aforesaid, in the name and by the authority of the United States of America, upon their oaths do present and find that M. B. Collins, Warren Mathews, and Joseph E. Monroe, late of said district, on the 2d day of November, A. D. 1880, in the northern district aforesaid, and within the jurisdiction of this court, were then and there commissioners of election for the county of Coahoma, acting under and by authority of the laws of the State of Mississippi, and then and there an election was held for Representative in the Congress of the United States for the 6th Congressional district of the State of Mississippi; and then and there they, the said M. B. Collins, Warren Mathews, Joseph E. Monroe, acting as commissioners by the authority aforesaid, willfully, fraudulently, and unlawfully neglected and refused to perform a duty required of

them by the laws of the State of Mississippi, in this, to wit: They willfully and fraudulently neglected and refused to transmit to the secretary of state, within ten days from the day of said election, to be filed in his office, a statement of the whole number of votes given in said county of Coahoma for each candidate voted for in said county for the office of Representative in the Congress of the United States at said election, with intent to effect said election or the result thereof, contrary to the form of the statute and against the peace and dignity of the United States of America.

G. C. CHANDLER,  
*U. S. Attorney.*

"No prosecutor."  
A true bill:

J. E. BALLARD,  
*Foreman of the Grand Jury.*

Filed and entered Dec. 9th, A. D. 1880.

G. R. HILL, *Clerk.*

And afterwards, to wit, on the 21st day of December, 1880, the same being a day of said term, a judgment was had in the foregoing case, which is in the words & figures following, to wit:

UNITED STATES	}	1765.
<i>vs.</i>		
M. B. COLLINS, WARREN MATHIEWS, JOE E. Monroe.		

Came the district attorney on the part of the United States into open court, and came also the defendants in proper person, and thereupon said defendants come and say that they deny, now and at all times, all manner of guilt as charged in the indictment against them, but are unwilling further to contend with the United States, and submit themselves to the mercy of the court. It is therefore considered by the court that the said defendants pay a fine of one dollar each and the costs of this prosecution, for which let execution issue.

UNITED STATES OF AMERICA,  
*Northern District of Mississippi:*

I, G. R. Hill, clerk of the district court of the United States for said district, do hereby certify that the paper hereto attached is a full, true, perfect, and correct copy of the bill of indictment & the judgment thereon in said court as the same now appears of record and upon the file in my office, in the following cause, to wit, United States *vs.* M. B. Collins, Warren Mathews, & Joe E. Monroe; & I further certify that the fines & costs in said case have been paid.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at office, at Oxford, this the 2 day of Feb'y, A. D. 1882.  
[SEAL.]

G. R. HILL, *Clerk.*

(Indorsed:) No. 1765. District court of the United States, northern district of Mississippi. United States *vs.* M. B. Collins *et als.* Transcript.

Papers in contested election case of Lynch *vs.* Chalmers. Sixth dist. of Miss. Feb'y 20, 1882. Referred to the Committee on Elections. Filed Feb'y 21, '82. N. S. Paul, clk Com. on Elec's.

LYNCH vs. CHALMERS.

TESTIMONY

IN THE CONTESTED ELECTION CASE OF

JOHN R. LYNCH vs. JAMES R. CHALMERS,

FROM THE SIXTH CONGRESSIONAL DISTRICT OF MISSISSIPPI.

MARCH 7, 1882.—Ordered to be printed.

RECORDS OF THE OFFICE OF CHIEF SUPERVISOR OF ELECTIONS FOR THE NORTHERN DISTRICT OF MISSISSIPPI FOR THE COUNTIES OF BOLIVAR AND COAHOMA, IN THE SIXTH CONGRESSIONAL DISTRICT OF SAID STATE.

*Petition of citizens of Bolivar County for the appointment of supervisors of election.*

To the Hon. R. A. HILL,  
*Judge of the United States District Court  
for the Northern District of Mississippi :*

SIR: The undersigned, citizens of good standing, residents and voters of Bolivar County, in the 6th Congressional district of Mississippi, respectfully make known to your honor that they desire to have the registration of voters, and the election for Representative in Congress of the United States, to be held on the 2d day of November, 1880, both guarded and scrutinized as provided by the laws of the United States, and that for that purpose that supervisors of election be appointed by your honor.

October 1, 1880.

PERRY PEYTON.  
P. WINCHESTER.  
THOMAS DENNEY.  
JAMES WINTERS.  
S. A. JAMES.  
E. STORM.  
WESLEY KIRK.  
L. C. REYNOLDS.  
WILLIAM PEEK.

G. W. GAYLES.  
RILEY ROLLER.  
SAM'L JACKSON.  
SAM'L COX.  
CHARLES SCHORBUSHIER.  
WM. MILLER.  
VANN FLEMMING.  
R. I. ROBISON.  
WM. BELL.

*Supervisors appointed for Bolivar County, Miss., Oct. 7th, 1880.*

*Australia.*—L. C. Reynolds, W. R. Sheppard.  
*Elliott's Store.*—R. D. Smith, J. G. McGeehee.  
*Concordia.*—W. A. Johnson, J. H. Stafford.  
*Holmes' Lake.*—William Peek, Ike Shelby.  
*Terrene.*—G. M. Williams, Jo. Porter.  
*Beulah.*—C. W. Turner, C. T. Christmas.  
*Rosedale.*—Wm. L. Lowe, O. G. McGuire.  
*Grange Hall.*—J. T. Moore, Geo. A. Walton.  
*Jones' Bayou.*—A. J. Collins.  
*Hullum's Ferry.*—E. W. Deering.  
*Bolivar Landing.*—J. H. Bufford, C. J. Cassity.  
*Glencoe.*—E. E. Carrington, J. G. Yeiser.  
*Tupper's Store.*—L. R. Williams, F. M. Acree.

*Petition of citizens of Coahoma County for appointment of supervisors.*

To Hon. R. A. HILL,

*Judge of the United States Court  
 for the Northern District of Mississippi:*

We, the undersigned, citizens of Coahoma County, Mississippi, desiring to have the registration and election held on Nov. 2d, 1880, for Representative to Congress, in said county of Coahoma, scrutinized and guarded, respectfully request that supervisors of election for that purpose be appointed by your honor.

Oct. 2, 1880.

J. E. ROGERS.

J. W. CROWLEY.

W. H. ALLEN.

H. J. SANDERSON.

W. C. ROSS.

D. S. MONROE.

O. E. REYNOLDS.

GEO. BRODIE.

W. A. ALCORN.

D. F. ALCORN.

*Supervisors appointed for Coahoma County, Oct. 9th, 1880.*

*Red Bud.*—H. Mask, John E. Barbee.  
*Friar's Point.*—D. F. Alcorn, A. M. Suddoth.  
*Jonestown.*—Geo. W. Wise, L. Potts.  
*Clarksdale.*—Jas. A. Berry, R. E. Bobo.  
*Dublin.*—Patsey Murphy, Sam Cheairs.  
*Sunflower.*—B. C. Springfield, Jeff. Cornell.  
*Halbertson.*—S. B. Campbell, Henry Wall.

*Copy of the oath required and taken by each of the foregoing supervisors,  
 before entering on the duties of his office.*

## OATH OF OFFICE OF SUPERVISOR OF ELECTION.

(To be taken and subscribed before a U. S. commissioner, or before any State or municipal officer authorized to administer oaths.)

I, ————, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation, or purpose of evasion; and that I will well and faithfully discharge the duties of

the office of supervisor of election, upon which I am about to enter. So help me God.

Sworn to and subscribed before me this — day of —, 1880.

N. B.—This oath, when taken, subscribed and certified, must be returned to O. Davis, chief supervisor, Holly Springs, Miss.

THE UNITED STATES OF AMERICA,  
*Northern District of Mississippi :*

I, Orlando Davis, chief supervisor of elections in and for the district aforesaid, do hereby certify that the foregoing six pages is a true copy from the records now remaining in my office, of the petitions of citizens of Bolivar and Coahoma Counties, in said State, for the appointment of supervisors of election for said counties, and of the appointment of supervisors in pursuance of such petitions, and of the oath taken by said supervisors before entering on the discharge of their duties as such supervisors.

In witness whereof I have hereunto set my hand, having no official seal, this 1st day of March, 1882.

ORLANDO DAVIS,  
*Chief Supervisor of Elections for the Northern District of Mississippi.*

To the honorable judge of the circuit court of the United States for the fifth judicial circuit.

The undersigned, citizens of good standing, residents of the county of Issaquena, in the sixth Congressional district of the State of Mississippi, respectfully make known to your honor that they desire to have the registration of voters and election for Representatives in Congress of the United States for said Congressional district in said county, to be held on the 2nd day of November next, both guarded and scrutinized as provided by the laws of the United States, and ask the appointment of the following-named supervisors of election :

- Supervisors' dist. No. 1.—R. W. Houston, Republican.
- “ “ No. 1.—Wm. Purnell, Democrat.
- “ “ No. 2.—Benj. Grigsby, Republican.
- “ “ No. 2.—N. L. Norwood, Democrat.
- “ “ No. 3.—Sam McTier, Republican.
- “ “ No. 3.—R. B. Phillips, Democrat.
- “ “ No. 4.—Wm. Mollison, Republican.
- “ “ No. 4.—A. J. Finch, Democrat.
- “ “ No. 5.—M. G. Bennett, Republican.
- “ “ No. 5.—A. J. Fields, Democrat.

All of the above reside in the districts opposite their names, and can read and write.

And as in duty bound will ever pray.  
Respectfully, &c.,

- |                 |                    |
|-----------------|--------------------|
| RICHARD GRIGGS. | FRANK W. ANDERSON. |
| SAMUEL BLAND.   | D. H. McCUL.       |
| W. A. HEARD.    | W. S. INGRAM.      |
| J. R. KIRKWOOD. | E. JEFFORDS.       |
| B. N. MILLER.   | D. W. PRESSILL.    |

(Indorsed:) Issaquena County. Pet. for supervisors. Filed October 5th, 1880, & originals mailed to judge same day. J. M. McKee, chief supervisor.

STATE OF MISSISSIPPI,  
Washington County :

GREENVILLE,  
Sept. 30th, 1880.

To the honorable judge of the circuit court of the United States for the  
5th judicial district.

The undersigned, citizens of good standing, residents of the county of Washington, in the 6th Congressional district of the State of Mississippi, respectfully makes known to your honor that they desire to have the registration of voters, and election for Representatives in Congress of the U. S. for said Congressional district in said county, to be held on the 2nd of November next, guarded and scrutinized as provided by the laws of the United States:

CHAS. W. CLARKE.  
GILBERT HORTON.  
F. H. HUGHES.  
H. H. HANWAY.  
J. H. CARR.  
JNO. TURNER.  
NOAH COWAN.

A. G. PIERCE, *Ch'n Ex. Com.*  
F. B. COOPER.  
J. T. TATEM.  
JAS. TIMBROUGH.  
M. R.  
ROBT J. TAYLOR.  
W. H. HARRIS.

(Indorsed :) Washington County. Pet. for supervisor. Filed Oct. 13th, 1880. Original mailed to judge Oct. 22nd, 1880. J. M. McKee, chief supervvisor.

ADAMS COUNTY, MISSISSIPPI,  
Sept. 10th, 1880.

To the honorable judge of the circuit court of the United States for the  
fifth judicial circuit.

The undersigned, citizens of good standing, residents of the county of Adams, in the sixth Congressional district of the State of Mississippi, respectfully make known to your honor that they desire to have the registration of voters and election for Representatives in Congress of the United States for said Congressional district in said county, to be held on the second day of November next, both guarded and scrutinized as provided by the laws of the United States:

ROBT W. FITZHUGH.  
Rev. B. C. GRANDERSON.  
E. H. FITZHUGH.  
ANSELM NEWBERGER.  
LOUIS J. WINSTON.

ALLISON H. FOSTER.  
WM. MCCAREY.  
H. C. GRIFFIN.  
WM. NOONAN.  
JAMES DICKSON.

(Indorsed :) Adams County. Petition to have election guarded and scrutinized. Filed Oct. 9th, 1880, and original sent to judge U. S. cir. court same day. J. M. McKee, chief supervisor.

UNITED STATES OF AMERICA,  
*Northern district of Ga., ss :*

I, A. E. Buck, clerk of the United States circuit court, in and for the northern district of Georgia, do hereby certify that the following and annexed writing is a true, correct, and complete copy of the original order appointing supervisors of election for Mississippi, of record in my office.

In testimony whereof I hereunto set my hand and the seal of the said circuit court, this, the 12 day of October, A. D. 1880.

[L. S.]

A. E. BUCK,  
*Clerk.*

*Order appointing supervisors for the county of Adams, State of Mississippi.*

In re: appointment of supervisors of election.

It appearing to the court that petitions for the appointment of supervisors of election to act at the election for Representatives in the 47th Congress for the County of Adams, within the southern district of Mississippi, have been presented in due form of law to James M. McKee, chief supervisor of elections for the southern district of Mississippi, and by him filed in the clerk's office of this court, together with his reports thereon recommending the appointments: It is therefore ordered by the court that the following-named persons be, and they are hereby, appointed supervisors as aforesaid, and authorized and required to discharge all the duties and clothed with all the powers in respect to the elections within the said several precincts prescribed and conferred by the laws of the United States, to wit:

*For precinct court-house.*—Clarence G. Johnston, Republican; F. M. Koenber, Democrat.

*For precinct Beverly.*—Jacob Simms, Republican; Henry L. Metcalf, Democrat.

*For precinct Palestine.*—Lennox Scott, Republican; Samuel W. Stanton, Democrat.

*For precinct Washington.*—Charles W. Minor, Republican; Sam'l L. Winston, Democrat.

*For precinct Pine Ridge.*—Alexander Johnson, Republican; Jacob Thornsburg, Democrat.

*For precinct Jefferson Hotel.*—Wilson Wood, Republican; Charles E. Evans, Democrat.

*For precinct Dead Man's Bend.*—James Biggs, Republican; Lewis N. Baker, Democrat.

*For precinct Kingston.*—Leroy L. Brown, Republican; Charles G. Fowler, Democrat.

In open court this October 13th, 1880.

(Indorsed:) Circuit court United States, northern district of Georgia.  
In re: appointment of supervisors of elections. Order appointing supervisors for the county of Adams, State of Mississippi. Rec'd & filed Oct. 18th, 1880. J. M. McKee, ch'f supervisor.

UNITED STATES OF AMERICA,  
*Northern District of Ga., ss:*

I, A. E. Buck, clerk of the United States circuit court in and for the northern district of Georgia, do hereby certify that the following and annexed order of appointment of supervisors of election (writing) is a true, correct, and complete copy of the original remaining of record in my office.

In testimony whereof I hereunto set my hand and the seal of the said circuit court, at Atlanta, Ga., this 9th day of October, A. D. 1880.

[L. S.]

A. E. BUCK, *Clerk.*

*Order appointing supervisors for the County of Issaquena, State of Mississippi.*

In re: appointment of supervisors of election.

It appearing to the court that a petition for the appointment of supervisors of election to act at the election for Representatives in the 47th

Congress for the County of Issaquena, within the district of Mississippi, has been presented in due form of law to James M. McKee, chief supervisor of elections for the district of Mississippi, and by him filed in the clerk's of this court, together with his report thereon recommending the appointments:

It is therefore ordered by the court that the following-named persons be, and they are hereby, appointed supervisors as aforesaid, and are authorized and required to discharge all the duties, and are clothed with all the powers in respect to the elections within the said several precincts prescribed and conferred by the laws of the United States, to wit:

*For precinct Dunbarton.*—R. W. Houston, Republican; William Purnell, Democrat.

*For precinct Hays Landing.*—Benjamin Grigsby, Republican; N. L. Norwood, Democrat.

*For precinct Ben Lomond.*—S. L. McTier, Republican; R. B. Phillips, Democrat.

*For precinct Mayersville.*—W. E. Mollison, Republican; A. J. Finch, Democrat.

*For precinct Skipwith.*—M. G. Bennett, Republican; A. J. Fields, Democrat.

In open court, this October 8th, 1880.

(Indorsed:) Circuit court United States, northern district of Georgia. In re: appointment of supervisors of election. Order appointing supervisors for the county of Issaquena, Mississippi. Filed Oct. 12th, 1880, J. M. McKee, chief supervisor.

UNITED STATES OF AMERICA,  
*Northern District of Ga., ss:*

I, A. E. Buck, clerk of the United States circuit court in and for the northern district, do hereby certify that the following and annexed order of appointment of supervisors of election for the southern district of Mississippi (writing) is a true, correct, and complete copy of the original on file and remaining of record in my office.

In testimony whereof I hereunto set my hand and the seal of the said court, at Atlanta, Geo., this the 6th day of November, A. D. 1880.

[L. S.]

A. E. BUCK.

*Order appointing supervisors for the counties of Washington and Jefferson, State of Mississippi.*

In re: appointment of supervisors of election.

It appearing to the court that petitions for the appointment of supervisors for election to act at the election for Representative in the 47th Congress, for the counties of Washington and Jefferson, within the southern district of Mississippi, have been presented in due form of law to J. M. McKee, chief supervisor of elections for the southern district of Mississippi, and by him filed in the clerk's office of the court, together with his reports thereon recommending the appointments.

It is therefore ordered by the court that the following-named persons be and they are hereby appointed supervisors as aforesaid, and authorized and required so discharge all the duties, and clothed with all the powers, in respect to the election within the said several precincts, prescribed and conferred by the laws of the United States, to-wit:



## WASHINGTON COUNTY.

*For precinct Lake Washington.*—David Lee, Republican; Victor Ervine, Democrat.

*For precinct Leota.*—M. M. Deterly, Republican; B. F. Worthington, Democrat.

*For precinct Rabb & X.*—F. B. Cooper, Republican; M. Williams, Democrat.

*For precinct Refuge.*—Jerry Phillips, Republican; B. B. Scott, Democrat.

*For precinct Engine-House.*—James Kimbrough, Republican; W. A. Everman, Democrat.

*For precinct Court-House.*—Noah Cowan, Republican; C. H. Smith, Democrat.

*For precinct Stoneville.*—John Jones, Republican; Owen Stone, Democrat.

*For precinct Arcola.*—J. M. Broadnax, Republican; Frank Aldrich, Dem.

*For precinct Westburg.*—Andrew Hill, Republican; J. T. Casey, Democrat.

*For precinct Burtonia.*—Lee Hall, jr., Republican; H. C. Morris, Democrat.

## JEFFERSON COUNTY.

*For precinct Bethesda.*—H. H. Traevillian, Republican; A. Woods, Democrat.

In open court Oct. 25, 1880.

(Indorsed:) Circuit court United States, northern district of Georgia. In re: appointment of supervisors of election. Order appointing sup'rs for the counties of Washington and Jefferson, State of Mississippi. Filed Nov. 24, 1880. J. M. McKee, cl'k.

*Oath of office.*

I, \_\_\_\_\_, do solemnly swear that I will support the Constitution of the United States, and that I will honestly and faithfully perform all the duties which may be required of me by law, as supervisor of elections, under the laws of the United States. So help me God.

Sworn to and subscribed before me on this \_\_\_\_\_ day of \_\_\_\_\_, 1880, at \_\_\_\_\_, Mississippi.

THE UNITED STATES OF AMERICA,  
*Southern District of Mississippi, ss:*

I, James M. McKee, chief supervisor of elections for said district, do hereby certify that the foregoing and annexed writings are true, correct, and complete copies of the petitions for supervision, and of the certified transcripts of the orders appointing supervisors of election in the counties therein named; and that said orders show the names of all the supervisors of election appointed to act at the election held on the second day of November, 1880, in said counties.

And I hereby further certify that the foregoing form of oath of office is a true, correct, and exact copy of the oath of office subscribed to by,

and administered to, each of the supervisors of election appointed and named in the foregoing and annexed copies of orders of appointment.

In witness whereof I have hereunto set my hand, at the city of Jackson, in said district, this 27th day of February, A. D. 1882.

JAS. M. MCKEE,

*Chief Supervisor of Elections for the Southern District of Mississippi.*

(Indorsed:) Papers in contested election case of Lynch vs. Chalmers, 6th dist. of Miss., M'ch 6, 1882, referred to the Committee on Elections. Filed M'ch 7, '82, N. S. Paul, clk Comm. Elec.

LYNCH vs. CHALMERS.

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TESTIMONY

IN THE CONTESTED ELECTION CASE OF

JOHN R. LYNCH vs. JAMES R. CHALMERS,

FROM THE SIXTH CONGRESSIONAL DISTRICT OF MISSISSIPPI.

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MARCH 13, 1882.—Ordered to be printed.

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UNITED STATES DISTRICT COURT,  
*Northern District of Mississippi:*

Proceedings had in the circuit court of the United States for the northern District of Mississippi, begun and held in Oxford, Miss., on, to wit, the 4th day of October, 1880, and days subsequent thereto, as follows:

Be it remembered that on this the 4th day of October, A. D. 1880, the circuit court of the United States in and for the northern district of the State of Mississippi, at the town of Oxford, was convened according to law, under Title XXVI of the Revised Statutes of the United States, by order of the judge thereof. Present the Hon. R. A. Hill, judge, sole, presiding, and George R. Hill, clerk.

OCTOBER 12, A. D. 1880.

It is ordered by the court that the following-named persons be and they are hereby appointed supervisors of election for Representatives in Congress, to be held on the first Tuesday in November next, in and for the counties following, to wit, and that a commission do issue to each:

*Bolivar County, October 21, 1880.*

235. L. C. Reynolds, R., Australia precinct.
236. W. R. Shepperd, D., Australia precinct.
237. R. D. Smith, R., Elletts precinct.
238. J. G. McGehee, D., Elletts precinct.
239. William Peeks, R., Holmes Lake precinct.
240. Ike Sheely, D., Holmes Lake precinct.
241. W. A. Johnson, R., Concordia precinct.
242. J. H. Stafford, D., Concordia precinct.
243. G. M. Williams, R., Terrene precinct.
244. Jo Porter, D., Terrene precinct.
245. C. W. Turner, R., Beulah precinct.
246. C. T. Christmas, D., Beulah precinct.

- 247. J. T. Moore, R., Grange Hall precinct.
- 248. Geo. A. Walton, D., Grange Hall precinct.
- 249. William L. Lowe, R., Rosedale precinct.
- 250. O. G. McGuire, D., Rosedale precinct.
- 251. J. H. Bufford, R., Bolivar Landing precinct.
- 252. A. J. Cassity, D., Bolivar Landing precinct.
- 253. E. E. Carrington, R., Glencoe precinct.
- 254. J. G. Yerger, D., Glencoe precinct.
- 255. L. R. Williams, R., Ripper's Store precinct.
- 256. F. M. Acree, D., Ripper's Store precinct.

*Coahoma County, October 21, 1880.*

- 257. Henry Mask, R., Red Bud precinct.
- 258. John R. Barbee, D., Red Bud precinct.
- 259. D. L. Alcorn, R., Friar's Point precinct.
- 260. A. M. Suddath, D., Friar's Point precinct.
- 261. George W. Wise, R., Jonestown precinct.
- 262. T. L. Putts, D., Jonestown precinct.
- 263. James A. Berry, R., Clarksdale precinct.
- 264. R. E. Boho, D., Clarksdale precinct.
- 265. P. Murphy, R., Dublin precinct.
- 266. Sam Cheers, D., Dublin precinct.
- 267. B. C. Springfield, R., Sunflower precinct.
- 268. Jeff Cornell, D., Sunflower precinct.
- 269. S. B. Campbell, R., Hulberton precinct.
- 270. Henry Wall, D., Hulberton precinct.

UNITED STATES OF AMERICA,

*Northern District of Mississippi, ss:*

I, George R. Hill, clerk of the district court of the United States for the northern district of Mississippi, a court exercising circuit court jurisdiction, hereby certify that the foregoing pages contain a true and perfect copy from the minutes of said court of the order appointing and the names of the several supervisors of election appointed for the national election held in November, 1880, for the counties of Bolivar and Coahoma, in said district, and I further certify that a commission under the hand and seal of the court issued to each of said supervisors.

In testimony whereof I hereunto set my hand and affix the seal of said court, at my office in Oxford, in the said district, on this the 7th day of March, 1882.

G. R. HILL, *Clerk.*

Upon the minutes of the district court of the United States for the northern district of Mississippi, on the 2d day of July, A. D. 1880, the same being a day of the June term of said court in said year, the following entry appears:

"It appearing to the court that Sam C. Lane, former chief supervisor of election in and for the northern district of the State of Mississippi, has tendered his resignation, and it has been accepted, and it further appearing that Hon. Olando Davis, of Holly Springs, in said district, is an applicant for the position, and has been recommended, and is altogether suitable, it is therefore considered and so ordered by the court that Olando Davis be, and he hereby is, appointed chief supervisor of election in and for the northern district of the State of Mississippi."

I, G. R. Hill, clerk of the district court of the United States for the northern district of Mississippi, do hereby certify that the foregoing is a true and complete copy of the original order, as the same appears of record and on the files in said court.

Witness my hand and the seal of said court at Oxford, Miss., this the 7th day of March, 1882.

[SEAL.]

G. R. HILL, *Clerk.*

*Southern District of Mississippi, ss :*

In the circuit court of the United States for said district, at a term thereof, begun and held pursuant to law at Jackson, in said district, on the 3d day of May, A. D. 1880: Present and presiding the honorable W. B. Woods, the circuit judge, the following order was made and entered of record, to wit :

“Ordered, that James M. McKee be, and he is hereby, appointed chief supervisor of elections for the southern district of Mississippi, pursuant to the several acts of Congress in such case made and provided.”

The above is a true copy from the record of an order made by the said court on the 25th day of May, A. D. 1880.

Witness my hand and the seal of said court this 7th day of March; A. D. 1882.

[SEAL.]

JAS. M. MCKEE,  
*Clk. U. S. Circuit Court, So. Dist. of Mississippi.*