

SMALLS vs. TILLMAN.

TESTIMONY AND PAPERS

IN THE CONTESTED ELECTION CASE OF

ROBERT SMALLS vs. GEORGE D. TILLMAN

FROM THE FIFTH CONGRESSIONAL DISTRICT OF SOUTH CAROLINA.

DECEMBER 30, 1881.—Ordered to be printed.

No. 1.

*Notice of contest.*

BEAUFORT, S. C., November —, —.

Hon. G. D. TILLMAN,  
*Edgefield, S. C.:*

SIR: You are hereby notified that I will contest your right to a seat in the Forty-seventh Congress of the United States as a member of the House of Representatives from the fifth district of South Carolina, for the following reasons:

1st. That at various polling precincts, to wit: Graham's, Barnwell C. H., Eluhardt's Mill, and Fenall's Store, in the county of Barnwell; Aiken, Graniteville, Summerhill, Page, and Hankinson's Store, and Jordan's Mill, in the county of Aiken; Horse Pen, Snyder's Cross Roads, Ridgeville, Ravenel's, and George's Station, in the county of Colleton; Brunson, Brighton, Black Creek, People's, Stafford's Cross Roads, and Harris Cross Roads, in the county of Hampton, the vote actually cast for me was larger, and the vote actually cast for you was smaller than appears on the face of the returns made by the managers of elections at the voting precincts aforesaid; that the difference between the vote as actually cast and the vote as returned by the managers aforesaid arises from the fact that at each of the aforesaid polls numerous ballots bearing your name for Congress were fraudulently placed in the ballot-box for the purpose of creating an excess of votes over voters, and thereby compelling the managers to draw out and destroy the excess of ballots thus created, in order to reduce the number of ballots in the box to the number of names on the poll-list; that in drawing out of the box at each poll the excess of ballots fraudulently created, as aforesaid numerous ballots bearing my name for Congress, and which had been legally voted, were drawn out and destroyed and in their place was counted a corresponding number of ballots with your name for Congress thereon which had not been legally voted; wherefore to the vote returned for me by the managers

of elections at each of the polls aforesaid should be added the ballots bearing my name which were drawn out and destroyed, and from the vote returned for you at each of the polls aforesaid should be deducted a corresponding number.

2d. That at Edgefield Court House precinct, the court-house in which the poll was held was taken possession of by a large number of your partisans and supporters, armed with guns and pistols, wearing red shirts, and acting in your interest, who held possession of the said polling place during the night before and the day of the election, and the windows and door-ways of the houses in the vicinity of the said poll were filled with your partisans and supporters wearing red shirts and bearing arms and acting in your interest, and men mounted on horses, armed with pistols and guns, who were your partisans and supporters, and acting in your interest, rode through the streets of the town of Edgefield C. H., and in the vicinity of the said poll, discharging said arms, intimidating and terrorizing my friends and supporters, preventing them from casting their ballots for me as they desired and intended to do.

3d. That at Aiken Court House large numbers of your partisans and supporters, acting in your interest, planted a loaded cannon near to and covering the polling place, and with threats of violence and display of fire-arms intimidating and terrorizing my friends and supporters, and preventing them from casting their votes for me as they desired and intended to do.

4th. That in the counties of Aiken, Edgefield, and Hampton, and at each and every polling precinct in said counties, and at the precincts of Allendale, Barnwell C. H., Buford's Bridge, Elko, Williston, Bamberg, Millett, Bobbins, Fenall's Store, and Midway, in the county of Barnwell, for several days before and during the day of election large numbers of my friends and supporters were, by intimidation and violence, prevented by your partisans and supporters, acting in your interest, from casting their votes for me on the day of the election as they desired and intended to do, and compelling many of my friends and supporters to cast their votes for you, when in truth they intended and desired to cast their votes for me.

5th. That in the county of Hampton on the night preceding the day of election your supporters and partisans, acting in your interest, rode up and down discharging fire-arms, and with great noises and threats intimidated and terrorized large numbers of my friends and supporters, causing them to remain at home on the day of the election and refrain from voting for me, as they desired and intended to do, and compelling many of my friends and supporters to cast their votes for you, when in truth they intended and desired to cast their votes for me.

6th. That your partisans and supporters, acting in your interest, by threats and violence at or near the polling precinct of "Beach Branch," in Hampton County, compelling my friends and supporters to give up the Republican tickets for the said precinct which bore on them my name for Congress, and my friends and supporters were compelled thereby to refrain from voting for me, as they had desired and intended to do.

7th. That at each and every polling precinct in the county of Edgefield, and the precincts of Aiken, Lowtown Wells, Kneese's Mill, and Creed's Store, in Aiken County, and Allendale, Williston, Baldock, Barnwell, Buford's Bridge, Elko, and Midway, in Barnwell County, and at various other precincts in the counties composing the 5th Congressional district of South Carolina, the United States supervisors of election



representing the Republican party were, by threats and violence, driven from the polls, prevented from keeping poll-lists, and denied admission to the polling places, and thereby preventing the said supervisors from supervising the election at said polls, so far as the Presidential electors and member of Congress were concerned.

8th. That at the voting precinct of Allendale, in Barnwell County, the Republican supervisor was driven away from the precinct by armed partisans and supporters of yours, acting in your interest, and large numbers of my friends and supporters desiring and intending to cast their votes for me were driven away from the poll, and prevented from voting by your partisans and supporters, who were armed and acting in your interest.

9th. That at the voting precinct of Red Hills and Cheatham's Store, in Edgefield County, the polls were not opened at the time prescribed by law, and many voters desiring and intending to cast their votes for me were prevented from doing so by reason of the failure to open the polls at the time prescribed by law.

10th. That at Aiken C. H., in the county of Aiken, George's Station, in the county of Colleton, and at various other precincts in said Congressional district, large numbers of legal voters who desired and intended to vote for me were prevented by the managers of election, and by your partisans and supporters acting in your interest, from voting, by requiring of the said voters that they prove their right to vote, and their identification, by proofs to be furnished by your partisans and supporters acting in your interest.

11th. That at the voting precinct of Williston, in Barnwell County, the Republican supervisor was ejected from the polling place, and by violence and intimidation on the part of your friends and supporters, acting in your interest, compelled to sign as correct a return to the chief supervisor, of which he had no knowledge of the truth or falsity.

12th. That at the polling precinct of George's Station, in Colleton County, the managers of election being your partisans and supporters, and acting in your interest, pretending to open the poll at the usual place for voting at said George's Station, opened a poll at another and new place about one-fourth of a mile away from the usual polling place at said George's Station, and thereby receiving large numbers of illegal votes for you, and preventing large numbers of persons, desiring and intending to cast their votes for me, from voting.

13th. That at the polling precinct of Sumnerville, Gloversville, and Delamar's Cross Roads, in Colleton County, the managers of election, being your partisans and supporters, and acting in your interest, failed and refused to open the polls at the said polling precincts, and thereby prevented large numbers of my friends and supporters at each poll, to wit: Sumnerville, 700; Delamar's Cross Roads, 300; and Gloversville, 800, intending and desiring to cast their votes for me, from voting.

14th. That at the polling precinct of Jacksonboro', in Colleton County, the managers of election, being your partisans and supporters, and acting in your interest, refused at about one o'clock on the day of election to receive the votes of my friends and supporters, intending, desiring, and offering to vote tickets upon which was my name for Congress, and failed and refused to count and return the votes cast at said precinct, thereby depriving and taking from me 1,200 votes.

15th. That large numbers of illegal votes were cast for you at each and every precinct in the counties of Aiken, Edgefield, Hampton, and with the exception of the precinct of Blackville, the county of Barnwell, by repeaters, minors, and non-residents.

16th. That the number of votes counted by the managers of election in the counties of Aiken, Barnwell, Edgefield, and Hampton, exceeds the number of legal voters in the said counties, as shown by the United States census of 1880, although thousands of voters desiring and intending to vote for me were prevented from voting.

*Answer to notice of contest.*

WASHINGTON, D. C.,  
January 7, 1881.

Hon. ROBT. SMALLS,  
*Beaufort, S. C.:*

SIR: In answer to the notice which you served upon me on the 13th December ult., to the effect that you will contest my right to a seat in the next Congress, as a Representative from the 5th district of South Carolina—

1. I traverse and deny every allegation of fraud or intimidation charged against my political friends and supporters in each and all of the sixteen grounds or specifications upon which you base your notice of contest.

2. So far from my friends and followers having engaged in intimidation at or near the Lawtonville precinct, in Hampton Co., on the day of election, I charge that your friends and supporters were the only men engaged in that sort of thing on that day at or near the town of Lawtonville, and that they were your friends and supporters who killed Richard Colsten, a white man, on the day of election, near said Lawtonville precinct, because he was a Democrat and had voted for me.

3. I further charge that your political friends and followers, with a design to defeat me and elect you, indulged in wholesale intimidation to deter Democrats from voting for me, and to try to make them vote by compulsion for you at the Blackville precinct, and at other precincts in Barnwell County before the election and at the election, and that to such an extent did your partisans carry their intimidation and bitter persecution of Democrats that shortly after the election they wantonly killed Frederick, a colored man, of said county, because he wore a red shirt, and was a Democrat, and had voted the Democratic ticket at the late election.

4. I further charge that your political friends and sympathizers, at several different precincts in each and every county of the Congressional district, either practiced or attempted to practice every conceivable kind of intimidation, physical, religious, moral, and otherwise toward my supporters, both before the election and on the day of election to prevent them from voting for me, and since the election to punish them for having voted for me, and especially do I make this charge against your political adherents in the whole county of Beaufort.

G. D. TILLMAN.

— I hereby certify that the within testimony is that taken by me in behalf of the contestant, in the contested election case of Smalls vs. Tillman for a seat in the Forty-seventh Congress from the fifth district of South Carolina.

[L. S.]

E. A. BRABHAM,  
*Notary Public for South Carolina.*

*Testimony in behalf of contestant.*

## BEACH BRANCH, HAMPTON COUNTY.

STATE OF SOUTH CAROLINA,  
*Hampton County :*

BRUNSON, *January 21, 1881.*

Contested election for seat in the Forty-seventh Congress.

ROBERT SMALLS }  
*against*  
 G. D. TILLMAN. }

Personally appeared FRANK SAXSON, who, being sworn, deposes and says :

By Mr. COLLINS, for contestant :

Question. State your name, age, occupation, and residence.—Answer. My name is Frank Saxson ; my age, 27 ; am a farmer, and live on Beach Branch.

Q. Where were you on the day of the last general election ?—A. At Beach Branch poll.

Q. What was your official position at Beach Branch, if any, on that day ?—A. A United States supervisor of election.

Q. Was the poll opened at that precinct ?—A. Yes.

Q. At what hour was the poll opened ?—A. At 6 o'clock.

Q. Was you there at that time ?—A. Yes.

Q. At what place was the poll opened ?—A. In Mr. Gifford's store.

Q. Is that the usual place of voting ?—A. Yes.

Q. Was the election peaceful and quiet ?—A. No.

Q. Was you allowed to discharge your duty as supervisor peacefully and quietly without hinderance or obstruction ?—A. No.

Q. State in what manner, then, you were prevented from doing so.—A. The managers of the election refused to allow me to act as supervisor without going first to a trial-justice and be sworn.

Q. Had you been sworn ; and, if so, before whom ?—A. Yes ; before E. A. Rrabham.

Q. And you say you did not act as supervisor ?—A. No.

Q. Did you go into the house where the poll was kept ?—A. Yes. But when I told them that I had been sworn already, and that I would not go to the trial-justice to be sworn again they ordered me out of the house.

Q. Did you make any attempt to remain in the building ?—A. Yes ; I did not go out until I saw that they were going to put me out by force.

Q. Who were the managers of election ?—A. Richard Johnson, John Griner, and Dr. W. T. Breland.

Q. How did you know that they would put you out ?—A. They said they would do it if I did not go out. Mr. Johnson said that I was allowed to act as supervisor he would not act as manager, and they stopped the election, and seemed to be in the act of preparing to put me out. I was afraid that if I did not go out they would hurt me.

Q. Was any Republican ballots cast at that poll on that day ?—A. No.

Q. Why ?—A. One reason is, after I was put out we had no one to

represent the Republican party at the box; and another reason is, the Democrats ran the messengers down on the road, who had been sent to the Republican county chairman for tickets, and took all the tickets from them.

Q. Where was the Republican county chairman?—A. At Brunson.

Q. How far is Brunson from Beach Branch?—A. About eight miles.

Q. What time in the day was it when you sent for tickets?—A. Near 7 o'clock in the morning.

Q. What time did they return?—A. About 9 o'clock.

Q. Did the men who were sent for tickets walk?—A. No; they rode horseback.

Q. Who were the messengers sent for tickets?—A. Wilson McTeer, Govan Brooks, Toney Moss, and Edmund Riley.

Q. Were the managers white men or colored men?—A. They were all white.

Q. Were they Republicans or Democrats?—A. They were all Democrats.

Q. Was there any other United States supervisor there besides yourself?—A. Yes; there was another.

Q. Was this other supervisor permitted to remain in the house where the box was?—A. Yes.

Q. Was he white or colored?—A. White.

Q. Was there any objection raised by the managers to his serving as supervisor?—A. No.

Q. How long did you remain at the poll?—A. Until about 1 o'clock in the afternoon.

Q. As supervisor of election, did you report this matter to the chief supervisor?—A. Yes.

Q. How many Republican voters were there at the poll when you sent for ballots?—A. One hundred or more.

Q. When the messengers returned without the ballots what did the Republicans do?—A. Some of them returned home about 12 o'clock, and the others left about 1.

Q. Did they all leave before you?—A. They did.

Q. Did any colored men vote the Democratic ticket at that poll?—A. Yes; five, namely, I. D. Jones, Munday Jackson, Joe Steel, Sumpter Elmore, and the other man's name I don't remember.

Q. Do those colored men live in Beach Branch precinct?—A. Yes.

Q. Did they vote the Democratic ticket before?—A. Yes; they always vote that ticket.

Q. How long have you been living in that precinct?—A. All my life.

Q. How many votes has there usually been polled at that precinct?—A. About 250, of whom about 75 were Democrats, and the remainder Republican.

Q. How is it that the vote was small in 1876?—A. The Republican voters were not organized that year, and some of them went to Lawtonville, and some to Brunson to vote, and there was a poll open at Matthews's Bluff that year, which is about 7 miles from Beach Branch, and which has not been opened since. We were organized into clubs in the last election better than we have ever been since reconstruction. We had two clubs, the Beach Branch and Matthews's Bluff clubs. I am president of the Beach Branch club, which has 110 members, all legal voters.

Q. Do you know that the members of your club voted at any other

poll that day?—A. I know many of them did not. I do not know what all of them did.

FRANK SAXSON.

Sworn to and subscribed before me this the — day of January, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

(Mr. Tillman was not represented by counsel or otherwise.)

STATE OF SOUTH CAROLINA,  
*Hampton County :*

BRUNSON, *January 21, 1881.*

Contested election for seat in the Forty-seventh Congress.

Personally appeared WILLIAM WRIGHT, who, being sworn, deposes and says:

By Mr. COLLINS, for contestant :

Question. What is your name, age, occupation, and residence?—Answer. My name is William Wright; my age is 27 years; I am a farmer, and live on Sander's plantation, in Beach Branch precinct.

Q. How long have you been living there?—A. Two years.

Q. Where was you on the day of the last general election?—A. At Beach Branch poll.

Q. Were you there all day?—A. I was there from the time the poll was opened until about 1 o'clock.

Q. Did you vote there?—A. No.

Q. Did any Republicans vote there?—A. None, to my knowledge.

Q. If any had voted there would you have known it?—A. Of course I would. If any had voted I would have seen them.

Q. Why did you not vote there on that day?—A. Because there were no Republican ballots there.

Q. Is that the reason why no other Republican voted there?—A. Yes.

Q. How many Republican voters were there?—A. More than 100.

Q. How many supervisors were at that poll?—A. Two.

Q. Were they Republicans or Democrats?—A. One was Republican, and the other a Democrat.

Q. Did they both remain at the box?—A. The Democratic supervisor did, but the Republican supervisor did not.

Q. Why did not the Republican supervisor remain at the box?—A. Because the managers of the election would not allow him to remain.

Q. What did the managers say to him?—A. They asked the Republican supervisor to show his authority. He did so. Then they asked him if he had been sworn. He told them that he had. They asked him who swore him. He told them that Mr. Brabham had sworn him. Then they said that he must go to Mr. Fitts, and be sworn again.

Q. How far does Mr. Fitts live from the poll?—A. Two or three miles.

Q. Did the Republican supervisor go to be sworn again?—A. No.

Q. What did they do then?—A. They told him that he must get out of the house.

Q. What else did they say?—A. Dr. Breland said that the Repub-

lican supervisor's commission was all right, but Mr. Griner and Mr. Johnson said that it was not, and that he should not sit in the house.

Q. Do you think that the managers would have done anything to the supervisor if he had not gone out?—A. Yes.

Q. Why do you think so?—A. Because they had stopped everything and folded up their papers and started to put him out.

Q. Were the managers Democrats or were they Republicans?—A. They were all white Democrats.

Q. Are there any Republican clubs in Beach Branch precinct?—A. Yes.

Q. Do you belong to a club?—A. Yes.

Q. How many members are in your club?—A. One hundred and ten, and we all went to Beach Branch that morning to vote.

Q. What ticket did you go to vote?—A. The Republican ticket, with Smalls on it for Congress.

WM. WRIGHT.

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

[L. S.]

E. A. BRABHAM,

*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,  
*Hampton County:*

BRUNSON, *January 21, 1881.*

Contested election for seat in the Forty-seventh Congress.

Personally appeared WILSON McTEER, who, being duly sworn, deposes and says:

By Mr. COLLINS, counsel for contestant:

Question. State your name, age, occupation, and residence?—A. My name is Wilson McTeer; age, 40 next February; I am a farmer, and live on my own place of 40 acres near Beach Branch.

Q. How long have you been living there?—A. All my life.

Q. Where were you on the 2d of November, the day of the last general election?—A. Beach Branch poll.

Q. What time of day did you go there?—A. About 5 o'clock in the morning.

Q. Did you go alone?—A. No.

Q. Who went with you?—A. The Beach Branch Club of which I am a member, and a part of the Matthews Bluff Club.

Q. What did you do when you got to the poll?—A. We waited till about 7 o'clock, and when we found that there were no Republican tickets there, Frank Saxson, the president of our club, directed me to take three other men with me and go to Brunson in a hurry and tell Mr. Brabham, the Republican county chairman, to send him some tickets. I took Govan Brooks, Toney Moss, and Edmund Riley, and we went to Brunson and got a package of about 1,200 tickets from Mr. Brabham and started back to Beach Branch. We rode very fast. When we had got about three miles from Brunson, and at what is known as the Hammock place, John Glover, a Democrat, overtook us, and ran his horse by us and turned the horse across the road ahead of us and said, "Close up." Then eight other Democrats rode up to us with sticks and pistols in their hands and said, "Halt, you sons of

bitches, and give us those tickets. If you don't give them up we will blow your d——d brains out."

Q. Did you give the tickets up?—A. I did not have the tickets myself, but they seized hold on me, and was searching my pockets for the tickets. While they were searching me for the tickets, one of them said, "There is the son of a bitch that has them." Then they went to Govan Brooks. One of them held a pistol to his breast and one held a club over his head while others put their hands into his pockets and took the tickets out.

Q. How were those Democrats dressed?—A. They were all dressed in red shirts except one who wore a red beau.

Q. What did they say after they had taken the tickets?—A. They told us to go and not let them catch us back that way again or they would kill us.

Q. Do you know who those Democrats were?—A. Yes; some of them.

Q. Give the names of those you know?—A. Perry Lynes, John Glover, Billy Bronson, and Thad. Bronson.

Q. Where do those whose names you have called live?—A. In and near to Brunson.

Q. How did the Democrats know that you had gone for tickets?—A. We told several parties at Brunson that we had come after tickets for Beach Branch.

Q. What time of day did they overtake you?—A. About 8 o'clock or half past 8 in the morning.

Q. Did any of the members of your club vote the Democratic ticket?—A. No.

Q. Did any colored man vote the Democratic ticket at Beach Branch?—A. Yes, five.

Q. Do you know who were the candidates on those tickets that were taken from you?—A. Yes; they had James A. Garfield and Chester A. Arthur for President and Vice-President of the United States, and Robert Smalls for Congress.

The witness was handed a Republican ballot, a copy of which is hereto attached, which he recognized as a correct copy of those taken from him.

## UNION REPUBLICAN TICKET.

[Wood-cut of Abraham Lincoln.]

For President:

JAMES A. GARFIELD.

For Vice-President.

CHESTER A. ARTHUR.

For Presidential Electors:

At Large—T. B. JOHNSON.

At Large—A. S. WALLACE.

First District—W. A. HAYNE.

Second District—E. A. WEBSTER.

Third District—THOS. N. TOLBERT.

Fourth District—WILSON COOK.

Fifth District—B. P. CHATFIELD.

For Member 47 Congress 5th Dist. S. C.

ROBERT SMALLS.

For Representatives:

A. S. BASCOMB.

JACOB S. GANTT.

E. M. GLOVER.

For School Commissioner:

E. A. BRABHAM.

Judge of Probate:

THOS. FARR.

For Coroner:

GEO. F. LAWTON.

Q. Did you or any member of your club vote at Beach Branch that day?—A. No.

Q. Why?—A. Because we could not get any tickets.

Q. How were the Democrats dressed?—A. In red shirts.

WILSON + McTEER.  
his mark.

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

[L. S.]

E. A. BRABHAM,

Notary Public, South Carolina.

STATE OF SOUTH CAROLINA,

Hampton County:

BRUNSON, January 21, 1881.

Contested election for seat in the Forty-seventh Congress.

ROBERT SMALLS }  
against  
G. D. TILLMAN. }

Personally appeared Govan Brooks, who, being sworn, deposes and says:

By Mr. COLLINS, for contestant:

Question. Give your name, age, occupation, and residence?—An-



swer. My name is Govan Brooks; my age is 25 years; I am a farmer, and I live at Beach Branch.

Q. How long have you been living there?—A. Twelve years.

Q. Where were you on the 2d day of November last?—A. At Beach Branch election poll.

Q. What time did you go there?—A. I went there about 5 o'clock in the morning.

Q. Why did you go there so early?—A. Because the Democrats had said that if they caught any Republicans going to the poll that day they were going to give them hell, and our club had met the evening before and agreed that we all should meet during the night and go to the poll together.

Q. Did you have any Republican ballots at the poll when you got there?—A. No.

Q. What did you do?—A. Mr. Saxson told Wilson McTeer to get three other men and go to Brunson and tell Mr. Brabham to send us some tickets. Wilson McTeer called upon me as one to go with him, and we went to Brunson in a hurry and got the tickets, and when we were on our way back a crowd of Democrats overtook us in the road and stopped us. Then they told us to give up those tickets that we had; they drew their pistols and clubs on us. One of them, Mr. Billy Bronson, pointed a pistol to my breast and one held a stick over my head, two others took hold of me and took the tickets out of my pocket. They told me that if I did not give them the tickets they would blow my damned brains out.

Q. How many were in the crowd?—A. Nine.

Q. Do you personally know any of the men that were in that crowd of Democrats?—A. Yes. I know Mr. Billy Bronson well. I lived with him nine months not long ago, and I know Thad. Bronson, his brother, and Mr. Perry Lynes, who lives in Brunson, and John Glover, who lives about a mile from Brunson. Billy Bronson took hold of me first.

Q. What did you do after the tickets were taken from you?—A. Went on to Beach Branch to let the club know that the Democrats had taken the tickets from us.

Q. Did you find the members of your club waiting for tickets when you got back?—A. Yes.

Q. Did any of them vote there?—A. No.

Q. Why?—A. Because we could not get any more tickets.

Q. Do you know any of the names that were on the tickets that were taken from you?—A. Yes.

Q. Call some of the names.—A. Garfield and Arthur for President and Vice-President of the United States, and Robert Smalls for Congress.

Q. Do you know why your club did not have tickets before that day?—A. No. Mr. Brabham said that he had sent tickets for that poll, but we did not get them, and he gave a large package of tickets.

Q. Do you know that any colored man voted the Democratic ticket at Beach Branch on that day, the 2d of November last?—A. Yes; I saw three vote that ticket there.

Q. Did they ever vote the Democratic ticket before?—A. Yes; they have voted that ever since I have known them.

Q. Did all the Republican voters leave the poll before you?—A. Some did and the rest left with me.

Q. What time was it when you left?—A. It was after 12 o'clock.

Q. How many Republicans were there in the crowd that left with you and did not vote?—A. Something over a hundred.

Q. How was the Democrats dressed that voted at that poll while you were there ?—A. They were dressed in red shirts.

Q. Were there any shooting done in the neighborhood during the election ?—A. On the night before the election there were a great deal of shooting in the neighborhood where I live.

Q. What effect did this shooting have upon the people ?—A. It made everybody feel fearful, and some Republicans were so frightened that they would not go to the poll to vote. I felt afraid myself, and would not have went to the poll myself if the club had left me.

his  
GOVAN + BROOKS.  
mark.

Sworn to and subscribed before me this the — day January, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,  
*Hampton County :*

BRUNSON, *January 21, 1881.*

Personally appeared EDMUND RILEY, who, being sworn, deposes and says :

By Mr. COLLINS, for contestant :

Question. State your name, age, occupation, and residence.—Answer. My name is Edmund Riley ; my age 23 ; I am a farmer, and live in Beach Branch.

Q. How long have you been living there ?—A. Several years.

Q. Where were you on the 2d day of November last, the day of the last general election ?—A. I was at Beach Branch.

Q. What time did you go to the poll that morning ?—A. I went with my club, about an hour before the poll was opened.

Q. What time did the poll open ?—A. At 6 o'clock.

Q. How many members were there in your club ?—A. One hundred and ten.

Q. Did all the members go to the poll together ?—A. Yes.

Q. Did you all commence voting as soon as the poll opened ?—A. No.

Q. Why not ?—A. We expected to find some one at the poll with tickets, but we did not meet the tickets there as we expected.

Q. What kind of tickets did you expect to meet there ?—A. We expected to meet Republican tickets from Mr. Brabham, our county chairman.

Q. Did you get any tickets that day ?—A. We went to Mr. Brabham, at Brunson, for tickets ; he gave us some tickets, but when we got about half way from Brunson to Beach Branch a crowd of Democrats, who followed us from Brunson, overtook us and took the tickets from us.

Q. How did they take the tickets from you ?—A. They rode up to us, and ordered us to halt ; they pointed pistols at us, and told us that we must give up those tickets.

Q. Did they threaten to do anything to you if you did not give them up ?—A. They said they would blow our damned brains out if we did not give them.

Q. Did you give them up?—A. We had to allow them to take the tickets, because there were nine of them, and every one of them had pistols and sticks, and there were but four of us, and not one of us had a pistol or stick or any other weapon.

Q. What did you do after the tickets were taken from you?—A. We went on to Beach Branch, staid there a while, and went away.

Q. Do all the colored men in your neighborhood belong to your club?—A. I think there is four or five who do not belong to our club.

Q. Did any colored men vote the Democratic ticket at Beach Branch?—A. Yes; but very few; less than ever have before. The colored men were never more united than they were in this election, and I never saw anybody so badly cheated and defrauded as we have been in this election.

Q. Why were you so united in this election?—A. We were determined that Garfield and Smalls should be elected if it lay in our power to do it.

his  
EDMUND + RILEY.  
mark.

Sworn to before me this 21st day January, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,  
*Hampton County:*

BRUNSON, *January 22, 1881.*

Contested election for seat in the Forty-seventh Congress.

ROBERT SMALLS }  
*against* }  
G. D. TILLMAN. }

Personally appeared HECTOR LOADHOLTS, who, being sworn, deposes and says:

By Mr. COLLINS, for contestant:

Question. State your name, age, occupation, and residence?—Answer. My name is Hector Loadholts; 68 years old; am a farmer, and live 10 miles from Brunson.

Q. How long have you been living in this (Hampton) county?—A. Nearly all my life.

Q. Where did you vote in the last general election?—A. I did not vote anywhere.

Q. Why?—A. I came to Brunson with Smalls's ticket in my pocket, and intended to vote it if I could vote at all, but when I went into the house where some one told me the box was, a crowd of white men met me with clubs in their hands. They took hold of me. They pulled and jerked me about, and they showed me a red ticket and told me that I must vote it. While they were reading the names on the ticket, I got away from them and got out of there as I could, and left for home.

Q. Why did you leave for home?—A. Because if I had staid there and not voted that ticket that they were reading to me, they would

have given me the very devil with those sticks they had, just like they did here in 1878.

his  
HECTOR + LOADHOLTS.  
mark.

Sworn to before me this 22d of January, 1881.

[SEAL.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,  
*Hampton County :*

BRUNSON, *January 22, 1881.*

Contested election for seat in the Forty-seventh Congress.

Personally appeared AARON SMITH, who, being sworn, deposes and says :

By Mr. COLLINS, for contestant :

Question. State your name, age, occupation, and residence ?—Answer. My name is Aaron Smith ; 50 years old ; am a carpenter, and live in Brunson.

Q. How long have you been living here ?—A. Eight years.

Q. Where you on the 2d day of November, the day of the last general election ?—A. I was here in Brunson.

Q. Did you vote here ?—A. Yes.

Q. What ticket did you vote ?—A. The Republican ticket.

Q. Did you have a peaceful and quiet election ?—A. No.

Q. What kind of election did you have ?—A. The worse election I ever saw in my life.

Q. Why do you say that it was worse you ever saw ?—A. Because on the night before the election the Democrats gathered here (from God knows where) until there must have been hundreds of them here, and they hoop and hollowed and shot off 'guns and something that sounded like a cannon all night ; they kept such a noise and kept coming to Mr. Brabham's house and calling him and trying to get him out of his house, and kept threatening to break into his house, that none of us could sleep a wink that night.

Q. Did you hear them say that they were going into Mr. Brabham's house ?—A. No, but some men came from the depot where they gathered, and told us that they were coming to go into Mr. Brabham's house.

Q. Were those men that came from the depot and told you that the Democrats were coming Democrats or were they Republicans ?—A. They were Democrats.

Q. Can you give the names of any of them ?—A. Yes ; John Hencley and John Glover.

Q. Did the Democrats come to Mr. Brabham's house ?—A. Yes ; two or three times.

Q. Why did they want to trouble Mr. Brabham ?—A. I don't know ; unless it was because he was the Republican county chairman for this county.

Q. Did these things make you afraid ?—A. Yes ; very much so. We felt like we were in the midst of a bloody war all the time. Some Republicans would not go to the poll to vote.

Q. Were you allowed to go to the poll and vote ?—A. Some got there

and voted; some went and could not get to vote, and some were afraid to risk it, and did not all.

Q. Were any of these men who did not get to vote Democrats?—A. No; they were all Republicans.

Q. Did the Democrats all vote?—A. Yes.

AARON <sup>his</sup> + SMITH.  
mark.

Sworn to and subscribed before me this the 22d day of January, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

BARNWELL COURT HOUSE, Jan. 31, 1881.

ROBERT SMALLS }  
vs. } Contested election.  
G. D. TILLMAN. }

Pursuant to notice, contestant proceeded to take testimony at Barnwell Court House; the contestant being represented by W. N. Taft, attorney; the contestee not being present and unrepresented.

*Deposition of Mingo Barker.*

STATE OF SOUTH CAROLINA,  
*Barnwell County:*

Personally appeared MINGO BARKER, who, being sworn, deposes and says:

I am 48 years old; live at Barker's Mill; occupation, farmer.

Question. Did you go to Barker's Mill on the day of the last general election for the purpose of voting?—A. I did.

Q. Did you vote?—A. No.

Q. Why not?—A. Because I was unable to get to the box, being prevented by the Democrats.

Q. At what time did you get to the poll?—A. I got to there about 8 o'clock a. m.

Q. Where was the poll held?—A. The poll was held in the house of Scott Shaw.

Q. Was the poll open when you arrived?—A. No, sir.

Q. At what time did the poll open?—A. About half-past 8 o'clock a. m.

Q. Were there many persons present?—A. Crowds of them.

Q. Who were the managers of election?—A. Frank Creach, Mr. Verdeer, and William Prester. Miles Loadholts was clerk.

Q. Were they Republicans or Democrats?—A. All were Republicans.

Q. What was the position of the ballot-box?—A. Inside a room a short distance from the door.

Q. Could the box be seen from the outside?—A. No.

Q. Why not?—A. Because both door ways were crowded by Democrats, who would not permit Republicans to go inside or to see the ballot-box.

Q. How long did you remain at the poll?—A. Until about 4 o'clock p. m.

Q. Did you vote at any place that day?—A. No, sir.

Q. Were Republicans allowed to vote at that poll?—A. No, sir.

Q. How many Republicans did you see at this poll who tried to vote the Republican ticket and were prevented by the Democrats?—A. About 350.

Q. For whom did you intend and desire to vote for member of Congress?—A. Robert Smalls.

Q. For whom did the other Republicans desire to vote for member of Congress?—A. Robert Smalls.

Q. Did the Republican supervisor stay at that poll during the day?—A. Yes, sir.

Q. Were there many Republicans at the poll in the morning when you got there?—A. Yes.

Q. Did they stay there all day?—A. They did until about 4 o'clock p. m., and finding they could not vote went home.

Q. Did you hear any Democrat say if the Republicans would vote the Democratic ticket they would be permitted to vote?—A. This was said by Dave Norris and Ben Mirick, friends of Mr. Tillman.

Q. Were any men present armed and in uniform?—A. Nearly every Democrat had on a red shirt and one or more pistols.

Q. Was there any violence or threats of violence during the day?—A. In addition to pistols many were armed with clubs, threatening that unless we voted for Tillman we should not vote at all.

Q. Did any colored men vote?—A. Three or four voted the Democratic ticket.

Q. As far as you know, are the colored people in your section Republicans or Democrats?—A. They are Republicans.

Q. In your section, are there as many colored Democrats as there were in 1876?—A. No.

his  
MINGO + BARKER.  
mark.

Sworn to and subscribed before me this the 31st of January, 1881.

[L. s.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared JACK BARKER, one of the witnesses for contestant, says:

My name is Jack Barker; my age, 51; residence, Sycamore, Barnwell County; occupation, laborer.

Question. Did you attempt to vote at Barker's Mill at the last general election; and, if so, who did you desire to vote for for Congress?—Answer. I did; for Robert Smalls for Congress.

Q. Why did you not vote?—A. I went to the poll at 6.30 a. m., but the poll did not open until about 8.30. It was opened in a room of the residence of Scott Shaw, and it was impossible to see the box or the conduct of the election from the outside, and no Republicans were permitted to go in the room; the doorways were filled with Democrats, armed with pistols and clubs, who were uniformed in red shirts, and who prevented Republicans from approaching the ballot-box. Dave Norris and Ben. Myrick, Democrats and supporters of Mr. Tillman, threatened the Republicans and said that unless they voted the Democratic ticket they should not vote at all. The Republicans remained at the poll until about 4 p. m., and, finding their votes would not be received, went home without voting. If permitted to vote, they would have voted for Robert Smalls for Congress. The managers of election were Democrats.

Q. Are the colored people in your section Republicans or Democrats?  
—A. With the exception of three they are all Republicans.

his  
JACK + BARKER.  
mark.

Sworn to and subscribed before me this the 31st of January, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,  
*Barnwell County:*

BARNWELL, *January 31, 1881.*

ROBERT SMALLS }  
vs. }  
G. D. TILLMAN. }

Contested election for seat in Forty-seventh Congress.

Personally appeared CHESTER CAVES, witness for contestant, who, being sworn, testifies:

My name is Chester F. Caves; age, 23; residence, Barnwell County; occupation, farmer.

Question. Were you a supervisor in the last general election; and, if so, where?—Answer. I was supervisor at Barker's Mill.

Q. What time did you get to the poll on the morning of election?—A. Before 6 o'clock.

Q. Did the poll open at 6 o'clock?—A. It did not open until 8.30.

Q. Were there many people at the poll at 6 o'clock?—A. Yes; a large crowd; mostly Republicans.

Q. Where was the poll held?—A. The poll was held in the private house, about 250 yards from the usual polling place; the box was in a room back from the doorway.

Q. Was the doorway crowded, and when?—A. When the box was opened the Democrats crowded the doorway, making the room dark.

Q. Were Republicans permitted to enter and vote?—A. No.

Q. How were they prevented?—A. By the Democrats, who were armed with pistols and clubs, wearing red shirts. I saw a gun also.

Q. Did you remain all day at the poll?—A. I did not. At 4 p. m., finding that the Republicans could not vote, I left, as did all the Republicans.

Q. Did you vote?—A. I did not. As I found that the Republicans were prevented from voting; I thought it would be no use to vote at that poll.

Q. Who would you have voted for if the Republicans had been permitted to vote?—A. For Robert Smalls, as all the other Republicans would have done.

Q. Did you vote at all?—A. I did not.

Q. How many Republicans were prevented from voting at that poll?—A. About 350.

Q. Are you familiar with the colored people of Barnwell County?—A. I am, having been born and raised here.

Q. Are they Republicans or Democrats?—A. They are Republicans.

Q. Do many of them vote the Democratic ticket?—A. A few do, but the most of them votes the Republican ticket.

Q. How many votes were cast at that poll at the time you left ?—A. One hundred and forty-six by my poll-list ; the managers' poll-list showed 17 more names than my list ; the Democratic supervisor kept no list.

Q. Did you take the name of every man who voted ?—A. I did.

Q. Do you know of any intimidation or violence during or preceding the election by Democrats ?—A. I do. On the Thursday night before the election a mounted party came to my house and attempted to call me out, but I refused to go. They said that if they heard any more threats they would come back again, but I must look out for Tuesday anyhow. I heard of a great many parties riding around the county threatening the people.

Q. Did you see Dave Norris, Ben. Myrie, and the managers vote ?—A. Yes ; they all voted the Democratic ticket with the name of G. D. Tillman on it for Congress.

Q. Were the Republicans who were at the poll intimidated by the show made by the Democrats ?—A. They were. I heard a great many say that if they attempted to vote the Republican ticket they would be killed. They made several attempts to vote, but meeting with resistance, they abstained from voting.

C. F. CAVES.

Sworn to and subscribed before me this, the 31st of January, 1881.  
[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,  
*Barnwell County :*

BARNWELL, *January 31st, 1881.*

ROBERT SMALLS }  
*vs.*  
G. D. TILLMAN. }

Contested election for seat in the Forty-seventh Congress.

Personally appeared JAMES McMILLAN, witness for contestant, who, being sworn, says :

My name is James McMillan ; age, 31 ; occupation, farmer ; residence, Barnwell County.

Question. Did you go to Barker's Mill on the day of election for the purpose of voting, and did you vote ?—A. I went to the poll at 6 a. m., but the poll did not open until 8.30 a. m. ; remained until about 4 p. m., being unable to vote, as the Democrats in uniform, armed with clubs and pistols, barred the way, and prevented the Republicans from voting ; we all went home and did not vote at all. Dave Norris and Ben. Myrie, active Democrats, told the people that if they would vote the Democratic ticket, they would be permitted to do so, but they would not be allowed to vote the Republican ticket. The Republicans being afraid of violence if they persisted in voting as they desired, finally went home without voting.

Q. Who was the Democratic candidate for Congress ?—A. Mr. Tillman.

his  
JAMES + McMILLAN.  
mark.



Sworn to and subscribed before me this, the 31st day of January, 1881.

[L. s.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

BARNWELL COURT HOUSE, *January 31, 1881.*

Personally appeared FELIX HAYES, a witness for contestant, being sworn, says:

My name is Felix Hayes; my age, 38; occupation farmer, and lives in Barnwell County.

Question. Did you go to Barker's Mill, on the day of the last general election to vote?—Answer. I did.

Q. Did you vote?—A. I did not.

Q. Why?—A. I went to the poll about 6 a. m., and found that no poll was opened. The poll opened about half past 8, but I was prevented from voting by the Democrats, who were armed with pistols and clubs, wearing red shirts, and threatening the Republicans. I would have voted for Robert Smalls for Congress, if I had been permitted to vote.

Q. Were many Republicans prevented from voting that day?—A. About three hundred and fifty.

his  
FELIX + HAYES.  
mark.

Sworn to and subscribed before me this the 31st day of January, 1881.

[L. s.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

• BARNWELL, *January 31, 1881.*

Personally appeared ROBERT BRADLEY, witness for contestant, being sworn, says:

My name is J. R. Bradley; age 24; residence, Allendale; occupation, farming.

Question. Did you go to Barker's Mill on the day of election to vote, and if you did not vote, state why?—Answer. I went to the poll about 6 a. m., and staid untill 4 p. m. I did not vote, as a large number of Democrats were present in uniform, armed with pistols and clubs, and who prevented any one from voting the Republican ticket; had I been permitted to vote I would have voted for Robert Smalls for Congress, as would the other Republicans who were prevented from voting, numbering about three hundred and fifty.

J. R. BRADLEY.

Sworn to and subscribed before me this the 31st day of January, 1881.

[L. s.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,  
*Barnwell County:*

BARNWELL, *January 31, 1881.*

ROBT SMALLS }  
vs. }  
G. D. TILLMAN. }

Contested election for seat in the Forty-seventh Congress.

Personally appeared SYLAS CAYES, witness for contestant, who being sworn, says:

My name is Syllas Caves; age 30; residence Barnwell County, occupation farmer.

Question. Did you go to Barker's Mill on the day of the last general election to vote?—Answer. I did, at about 6.30 a. m.

Q. Did you vote?—A. No.

Q. Who did you intend to vote for for Congress?—A. Gen. Rob't Smalls.

Q. Why did you not vote?—A. There were so many Democrats present, uniformed in red shirts, and armed with pistols and sticks, and acting in such a threatening manner, and crowded the entrance to the polling places that it was impossible for us to vote. I went away with the crowd of Republicans, numbering about three hundred and fifty, who like myself were unable, through threats and fear, to vote the Republican ticket.

Q. Did any Democrats threaten the voters at this poll?—A. I heard quite a number who were on the steps blocking the way to the polls say, "By God, you shan't vote, unless you vote the Democratic ticket, as we are voting." Some of the red-shirts were preventing Republicans from coming within the yard of the house in which the poll was, saying that "they'd be d——d if niggers should vote there."

Q. Do you know of any intimidation before the election?—A. It was a common thing a short time before the election for the Democrats to ride up and down at night, making the night hideous with noises and curses to intimidate the Republicans of the county. During the week prior to the election they visited my house twice. The first time I was not at home. The second time they came I left my house and took to the woods, fearing they would kill me because of my politics. They fired pistols nightly for the purpose of striking ——— in the hearts of the colored people. All the Republicans were terrorized, they never having heard or seen such things before.

SILAS CAVE.

Sworn to and subscribed before me this the 31st of January, 1881.

[L. S.]

E. A. BRABHAM,

*Notary Public, South Carolina.*

BARNWELL COURT HOUSE,

*January (February) 1st, 1881.*

ROBERT SMALLS }  
vs.  
G. D. TILLMAN. }

Contested election.

Pursuant to adjournment, met at 1 o'clock.

Personally appeared A. J. SINGLETARY, a witness for contestant, who, being sworn, deposes and says :

My name is A. J. Singletary; age, 36; occupation, farmer, and lives in Barnwell County.

Question. Were you at Beldock poll on the day of the last general election?—Answer. I was.

Q. What time did you get there?—A. The sun was about half hour high.

Q. Was the poll opened when you arrived?—A. Yes.

Q. Were there many people around the poll; and, if so, what were

they doing?—A. There were about one hundred Democrats, most of whom were uniformed in red shirts, carrying clubs and pistols.

Q. Where was the poll held?—A. In a small dwelling-house.

Q. Where was the box?—A. About 5 feet from the door.

Q. Who were the managers?—A. There were so many around the table that I could not tell where the managers were. Mr. Owens was one.

Q. Was Mr. Owens a Democrat?—A. A Democrat.

Q. Did you vote?—A. Yes.

Q. Did the voting proceed quietly?—A. Very quietly, awhile.

Q. Were the Republicans permitted to vote?—A. They were; except a good many were objected to on the ground that they were not of age, many of whom are 23 to 27 years old.

Q. Did you see any prevented from voting who you know were entitled to vote?—A. I do.

Q. How many do you know of?—A. To my own knowledge, 4; and there are more whose names I cannot call—some 15 or 20.

Q. Give the names of the 4?—A. Duncan Miller, Alfred Gantt, Warren Hickson, Jacob Johnson; all residents of Beldock precinct.

Q. Were these men who were prevented from voting, Democrats or Republicans?—A. All who I saw rejected, attempted to vote the Republican ticket, with Smalls on it for Congress.

Q. Do you know of violence or intimidation at or before the election against the Republicans?—A. There was riding up and down in the neighborhood by the Democrats several nights before the election; beginning on Thursday, continuing Friday and Saturday night; who were shooting, cursing, and making a great deal of noise.

Q. What was the object of all this, and what was the effect on the Republican voters?—A. They said it was to keep the Republicans from voting.

Q. They said so?—A. The Democrats—I heard them say so.

Q. What was the effect on the Republican voters?—A. Some of them did not vote.

Q. Do you know of any persons who were allowed to vote who were not old enough?—A. I know of some young white boys who said that they were not old enough to work the road and did not work.

Q. Were any Democrats prevented from voting by the managers?—A. I saw none; I saw 17 Democrats wearing red shirts get off the train, rush up and vote the Democratic ticket, and then got on the train and went off; the train remained there about 20 minutes. They were not residents of that precinct; I knew only one of them, whose name was Joe Bates, who does not usually vote at Beldock; late in the afternoon a crowd came from Red Oak, who said they came to help out the Democratic ticket.

Q. Did you stay at the poll all day?—A. I did, until about 4 p. m.

Q. Did you see a Democratic ticket that day; and, if so, whose name was on it for Congress?—A. G. D. Tillman.

Cross-examined by J. W. HOLMES, Esq.:

Q. How far do you live from Beldock?—A. Four miles.

Q. Did you march there with your club?—A. Yes.

Q. How many members were in your club?—A. One hundred and seventy-four; there were 58 more.

Q. Were the Democrats generally armed with clubs and pistols?—A. Over half of them were.

Q. The Democratic uniform was red shirts?—A. Yes.

Q. What disturbance occurred on that day?—A. One between one colored Democrat and two colored Republicans.

Q. Do you know that some of those whose votes were rejected were old enough to vote?—A. I know by their having to pay taxes and what their parents say, and one of them has been indicted for breaking a contract, and his age is proved to be 23.

Q. Do you know that the riding, &c., was done to intimidate the Republicans?—A. They said that they were going to keep every d—d Republican from the poll, and was going to give them hell.

Q. Who said so?—A. The Democrats.

Q. Did you hear them say so?—A. I did.

Q. Mention the names of some.—A. T. J. Steed, Robt. Armstrong, William Walker and many others.

Q. How long was this before the election?—A. Two or three nights.

Q. Did they say so to you, or to other Republicans?—A. They said it in the crowd among themselves.

Q. When you heard these expressions did you see them?—A. I saw them; I was among them.

Q. How many members were there in your club?—A. Over two hundred.

Q. Did the most of your club attend the election?—A. They did.

Q. Were any prevented from voting except those who were rejected on account of age?—A. Not that I know of.

Redirect :

Q. Did any colored man vote the Democratic ticket?—A. But two or three.

Q. Are the colored people in your section Republicans or Democrats?—A. They are all Republicans.

A. J. SINGLETARY.

Sworn to and subscribed before me this the 1st day of February, 1881.

[L.S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared WILLIAM FOGLER, who, being sworn, deposes and says :

My name is William Fogler; my age is 42; occupation, farmer; residence, Beldock.

Question. Were you present at the election, at Beldock precinct, at the last general election?—Answer. I was.

Q. What time did you get there?—A. About 7 a. m.

Q. Who were the managers at that poll?—A. Mr. C. F. Calhoun, Henry Bennett, Frank Owens; W. B. Calhoun was clerk—all Democrats.

Q. How many Republicans voted there that day?—A. Two hundred and fifty went in with the club and all voted the Republican, except 3.

Q. Did any more Republicans vote there?—A. Yes; between sixty and seventy more?

Q. Did you count them?—A. Yes.

Q. How do you know they voted the Republican ticket?—A. Because I stood by the bull-pen and saw them go to the box with a Republican ticket in their hand and put it in the box.

Q. Were any Republicans prevented from voting?—A. I saw 3.

Q. Were there many Democrats around the poll?—A. There were about one hundred there all day.

Q. Did the Republicans have free access to the poll?—A. They did not; the Democrats had a bull-pen made and had three men, Allen Lee, Press, Chavis, Bob Harden in uniform, with pistols in their breast and clubs in their hands, preventing the Republicans from going in more than one at a time. The Democrats would go in two and three and more at once, and one time as high as 17.

Q. Were there many Democrats in the room where the poll was held?—A. Yes.

Q. How did they get in?—A. They went in at the front and out at the back door.

Q. Were there many Republicans inside?—A. No; but one; the supervisor.

Q. Did he keep a poll-list?—A. No. W. B. Calhoun said there was no law for two supervisors.

(Objected to by Mr. Holmes.)

Q. Do you know of your own knowledge that 300 men voted the Republican ticket?—A. They certainly did, with Robert Smalls on them for Congress.

Q. State what you know of any person voting the Democratic ticket who was not entitled to vote.—A. There were several; one was Loney Calhoun and Millege Middleton; both of them were boys.

Q. Did any people from other precincts vote there?—A. Yes; Joe Bates, Gabe Nobles, and Johnnie Cato, and a large crowd with him from Red Oak voted there. The first two was from Millett's precinct, with fifteen others.

Q. How did these men vote?—A. They voted the Democratic ticket.

Q. Tell us about the entrance to the poll.—A. A railing was erected in front of the door about ten feet high. The guards kept the people outside of that rail, the object being to keep the voters out—Republican voters.

Q. Did the managers or clerk have on red shirts?—A. They all had on red shirts.

Q. Was there any intimidation or violence before the election?—A. There was. The Democrats was riding and shooting from about three nights before the election until the election.

Q. Did you see any of them?—A. Yes; I saw them one night when they started out. I heard the shooting. It was general through that section. It was done to frighten the Republicans.

Cross-examined by Mr. HOLMES:

Q. Why did the managers refuse to let these three Republicans vote?—A. They said they were not old enough.

Q. How far was this railing from the door?—A. About three feet.

Q. How long was the house in which the poll was held?—A. About twenty feet. The railing was about fourteen feet long.

Q. Did the voters pass in through one end of this railing and out at the other?—A. No; they went out at the back door.

Q. Did these guards wear badges?—A. No.

Q. Were they State constables?—A. No, nor peace officers.

his  
WILLIAM + FOGLER.  
mark.

Sworn to and subscribed before me this the 1st day of February, 1881.  
[L. S.] E. A. BRABHAM.

Personally appeared CAROLINA HOPKINS, a witness for contestant, who, being sworn, deposes and says :

My name, Carolina Hopkins; age, 52; occupation, carpenter; residence, Beldock.

Question. Were you at the election at Beldock on the day of the last general election?—Answer. I was; I got there about 7 p. m.

Q. Did you know the managers there?—A. I did; they are all Democrats.

Q. Do you know how many Republicans voted there that day?—A. Two hundred and fifty marched up to the poll, and they all voted but three. I saw them put their tickets in the box; a great many others voted, about fifty.

Q. Were the Democrats in uniform and armed?—A. They were, down to the smallest boy.

Q. Did the Republicans have free access to the poll?—A. No; but the Democrats had.

Q. Did any colored man vote the Democratic ticket?—A. I saw four or five in red shirts.

Q. How did colored people vote?—A. They all voted the Republican ticket.

Q. Are there as many colored Democrats there as there was in '76?—A. No; those that were Democrats in '76 are now the strongest Republicans.

Q. Do you know the colored people in Barnwell County pretty well?—A. I do.

Q. Was there any intimidation or violence before the election?—A. Yes; it was general. Saturday before the election they came to my house, and discharged their guns and pistols. This was about 3 a. m. They went through that section shooting, &c., three nights before the election; they went to Alex. Gill's house, who was vice-president of our club, and left a coffin cut from a paste-board box, and wrote on it: "Alex. Gill: If you don't quit your ways and join the Democracy you shall be in the clay in a few days."

Q. Why did they go to your house?—A. I am the president of the club and precinct chairman.

Q. If the vote had been counted as cast would that poll have gone Republican?—A. It would have gone Republican. C. F. Calhoun, one of the managers, said to me during the day of election that "You are giving us the devil in the voting, but we will give you the devil in the count."

Cross-examined by Mr. HOLMES:

Q. Do you know who threw that coffin in Gill's yard?—A. No.

Q. Do you live on a public road?—A. On a road that is traveled by the public.

Q. Did you know who was riding about and shooting at night?—A. It was the Democrats. They told me that they intended to keep as many from the poll as they could.

bis  
C. H. + HOPKINS.  
mark.

Sworn to and subscribed before me this 1st day of February, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared J. A. CONNELLY, who, being sworn, deposes and says:

My name John A. Connelly; age 45; occupation farmer; residence Buford's Bridge.

Question. Were you at the election at Buford's Bridge on the day of the election?—A. I was; got there at half-past 5 a. m.; was there when the poll opened, but could not get in.

Q. Who were the managers?—A. Dr. Kirkland, James M. Brabham, and H. J. Kearse, all Democrats.

Q. Did you see the box when the poll was opened?—A. No; the Democrats refused to let me in until 6.30.

Q. Were any Republican in the house when the poll was opened?—A. No.

Q. Where was the poll held?—A. In a house used as a Masonic hall.

Q. How was the box situated?—A. The box was inside of the house in front of the door, but the door was closed. A man was kept at the door to let the voters pass. Two men, one in uniform, barred the rear door with sticks. Democrats were admitted and voted, and now and then a Republican, if the Republican obtained permission from the Democrats. After the Democrats passed through and voted they returned to the rear door and blocked it up.

Q. Did all the Republicans vote?—A. No. The Democrats, armed with pistols, swords, knives, guns, and hatchets drawn on the Republicans, were uniformed in red shirts, and intimidated the Republicans.

Q. How many Republicans voted?—A. Nineteen colored men voted the Republican ticket.

Q. Were there many colored men there who tried to vote and could not?—A. Three hundred and eleven went away without voting.

Q. Why did they not vote?—A. The Democrats would not let them, and they were afraid of being killed.

Q. How do you know that there were 311 who could not vote?—A. I went off about ninety yards from the poll, and with the assistance of 4 other men took the names of them.

Q. Do you know the names of these 311 men?—A. I do. I have a list of their names. (The witness handed the list, Exhibit B.)

Q. Was there any disturbance at the poll?—A. There was. A row took place about 15 minutes after 11 a. m. I saw men trying to shoot and strike the Republicans. The Republicans went off and did not return. I heard Mr. Frank Hogg say that the d—d niggers should not vote.

Q. Did the Democrats at that precinct, by their action, prevent the Republicans from voting as they desired?—A. They did.

Q. These 311 men, did they say how they wanted to vote?—A. I told those who intended to vote the Republican ticket and who could not vote to give me their names; 311 did so, all colored.

Q. After you had taken their names what did they do?—A. They went home.

Q. Did any of them vote that day?—A. I staid there until 3 o'clock and none of them had voted.

Q. From what you saw was it safe for men to vote the Republican ticket at that poll?—A. It was not, for it was repeatedly said by Democrats that the d—d Republicans should not vote there; and that this was a white man's country and niggers should not vote in it.

Q. Whose name was on the tickets at that poll for Congress?—A. Tillman on the Democratic, and Robert Smalls on the Republican.

Q. Was there any violence and intimidation at that precinct before

the election?—A. Yes. About a week before the election they, the Democrats, rode around my house saying that John Connelly, a d——d radical negro lives in that house. They rode near my house several nights and discharged pistols and guns.

Q. Do you know how many Democrats voted at that poll?—A. No.

Q. Did any Democrats come to that precinct from other precincts?—

A. They did. I saw 15 in one crowd from Ehrhardt's.

Q. Are the colored people in your section Republicans or Democrats?

—A. They are Republicans with the exception of 2.

Q. Are there more colored Democrats now than there were in 1876?—

A. There are less.

Q. Do you know of any persons voting the Democratic ticket who were not entitled to vote?—A. I know of one. Ishmael Kirkland, who was not of age.

Q. If the voters at your poll had been permitted to vote as they wished would the majority have been for the Republican ticket or the Democratic?—A. For the Republican, because there were more than twice as many Republican voters there than Democratic voters.

Cross-examined by Mr. HOLMES:

Q. Did the two white men who guarded the rear door wear badges?—A. No; I did not see any.

Q. Do you know whether they were State constables or peace officers?—A. I do not.

Q. When Republicans attempted to enter this rear door were they forbidden?—A. They were.

Q. Is not fox-hunting a popular amusement in your section?—A. Generally so.

Q. What is the suitable season for fox-hunting?—A. Fall and winter.

Q. How many Republicans did you see attempt to vote and could not?—A. I saw a good many. I saw two early in the morning.

Q. How many did you say voted more than once?—A. I did not say any voted more than once.

Q. Is it not probable that after you left the poll others voted?—A. They may have.

Q. At what time was this list of 311 taken?—A. A little before the disturbance, and just after I heard Mr. Hogg say the d——d niggers should not vote.

Q. What language did you use when you told the men to get into line?—A. I told them to follow me up the hill; that I saw that we could not get the chance to vote here; that I was instructed to take the name of every Republican who could not vote; and they got in line, and four other men assisted me in taking their names.

Q. How many of these names did you write down yourself?—A. I wrote 35. The balance were written by my assistants.

Q. Can you give the names of the 35?—A. No, unless I had the sheet I wrote on.

Q. How many of these 311 that informed you that they tried to vote and could not?—A. I don't remember the number.

Q. How many democrats did you see armed there that day?—A. Nearly all were armed. I only saw three, or a very few, who were not armed.

Q. How many Republicans did you see armed?—A. I saw three with pistols.

Q. How long have you lived in that township?—A. Forty-five years.



Q. Do you know all the citizens, white and colored ?—A. I do.

JNO. A. CONNELLY.

Sworn to and subscribed before me this the 1st of February, 1881.

[L. S.]

E. A. BRABHAM,

*Notary Public, South Carolina.*

Personally appeared RICHARD WALKER, a witness for contestant, who, being sworn, deposes and says :

My name is Richard Walker ; age, 22 ; occupation, farmer ; lives in Buford's Bridge precinct.

Question. Did you go to the Buford's precinct on the morning of the election to vote ?—Answer. I did.

Q. Did you vote ?—A. I did not.

Q. Why not ?—A. I went to try to vote, and the Democrats said I must stand back ; that this was a white man's election, and that no d—d Radical should vote here to-day.

Q. Was you afraid they would kill you ?—A. Yes ; I was afraid to go in.

Q. Did you vote at all ?—A. No ; not at all.

Q. What ticket would you have voted ?—A. I would have voted the Republican ticket, with Robert Smalls on it for Congress.

Q. Did you give anybody your name as not being able to vote ?—A. I did ; to John Connelly.

Q. Did other Republicans fail to vote for the same reason ?—A. Yes ; there were more than 300 that did not vote, and gave their names to Mr. Connelly and four others who were helping him.

Q. Were the Republicans intimidated ?—A. Yes.

Q. Did you see many Democrats in red shirts and armed ?—A. They were armed with pistols and clubs, wearing red shirts and cursing and making much noise.

Q. Did the people who gave their names to Connelly and others, go from the poll without voting ?—A. Yes.

Cross-examined by Mr. HOLMES :

Q. Did any one threaten to kill you ?—A. They told me and others to stand back, that no d—d niggers should vote, but did not threaten to kill me personally.

Q. Did any person attempt to injure you ?—A. Dave Williams shoved me back and told some others to knock me back, and I got back out of the door.

Q. How many persons did you see attempt to vote and fail ?—A. I saw over 200 try to vote.

Q. What time did you leave ?—A. About 3 or 4 p. m.

Q. Did these men who were guarding the door have on badges ?—A. No ; Hicks had a star pinned on his coat.

his  
RICHARD + WALKER.  
mark.

Sworn to and subscribed before me this the 1st of February, 1881.

[L. S.]

E. A. BRABHAM,

*Notary Public, South Carolina.*

Personally appeared JAMES WILLIAMS, who, being sworn, deposes and says :

My name is James Williams ; age, 27 ; residence, Buford's Bridge ; occupation, farmer.

Question. Did you go to Buford's Bridge on the day of election and did you vote; and, if not, why?—Answer. I went to the poll, but did not vote, because I did not have a chance to vote without getting into a row. I tried to vote, but the Democrats had the door barred and had pistols and guns, and said that this was a white man's country, and niggers should not vote there.

Q. Were you afraid of violence if you had persisted in trying to vote?—A. Yes, sir.

Q. Were there many Republicans present who refrained from voting for the same reason that you did?—A. Yes; more than 200.

Q. Did anybody take your names as not having voted, and who?—A. Yes; Mr. John Connelly.

Q. Did he take the others' names?—A. Yes.

Q. For whom would you have voted for Congress?—A. Mr. Smalls.

Q. For whom would the others have voted?—A. They had the Republican ticket, with Robert Smalls on them for Congress.

Q. Did you vote anywhere that day?—A. No.

Q. Were the Republicans intimidated at that poll?—A. Yes.

Q. Was there much noise and confusion by the Democrats at that poll?—A. Yes.

Q. Are the colored men in that locality Republicans or Democrats?—A. They are Republicans.

Q. Are there many colored Democrats in your locality?—A. No; not as many as in '76.

Q. If there had been a fair election, who would have had a majority at that poll?—A. The Republicans.

Cross-examined:

Q. Did any person attempt or threaten to injure you on that day?—A. Not me, individually.

Q. How many persons did you see prevented from voting?—A. Don't know exactly, but saw a great many.

Q. Did the Republicans make much noise on that day?—A. No; not much.

Q. Did they come to the poll separately, or in a body?—A. They came in a body.

JAMES <sup>his</sup> + WILLIAMS.  
mark.

Sworn to and subscribed before me this the 1st day of February, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Adjourned till 9 o'clock a. m. to-morrow.

STATE OF SOUTH CAROLINA,  
*Barnwell County:*

Pursuant to adjournment, met at 9 a. m.

ROBERT SMALLS )  
*vs.*  
G. D. TILLMAN. )

W. N. Taft, for contestant; J. W. Holmes, for contestee.

D. COOPER, being sworn, says:

My name is David Cooper; age, 45; residence, in Barnwell County.

Question. Where were you on the day of election ?—Answer. Ferril's Store.

Q. Do you know Barney Brown, Mike Carter, Daniel Rodt, and Metty Morris ?—A. I do.

Q. Where do they live ?—A. Barney Brown lives at Brown's Mill; Mike Carter lives near there; Daniel Rodt and M. Morris live in Fish-pond township.

Q. Did you see these men vote at the election at Ferril's Store ?—A. I did.

Q. Did you see what ticket they voted ?—A. I saw them get a ticket from the managers and vote it.

Q. Was the ticket they got from the managers a Democratic ticket ?—A. Don't know.

Q. Are these four men Republicans or Democrats ?—A. They are Democrats. I am certain they are.

Q. How long did you remain at the poll ?—A. I staid all day, with the exception of about two and one-half hours.

Q. Are you certain that you saw these men get their tickets from the managers and vote ?—A. I am.

Q. Who were the managers ?—A. Jake Hunter, Jeff Stokes, and James Hamilton, all Democrats.

Q. Did you see Ephraim Provo there ?—A. Yes; he sat by the box; don't know whether he was manager or not.

Cross-examined by Mr. HOLMES :

Q. What time did you reach the poll ?—A. About fifteen minutes before sunrise.

Q. Do you know what ticket these men voted ?—A. I do; they voted the Democratic ticket.

Redirect by General TAFT :

Q. You say that you could tell a Democratic from a Republican ticket ?—A. One was red and the other was blue; the Republicans were blue and Democratic was red.

Q. Was there any difference in the paper ?—A. Yes.

Recross by Mr. HOLMES :

Q. What was the color—was the ticket those four men voted ?—A. I could not tell exactly.

Q. Did you see the printing on the tickets ?—A. Yes.

his  
DAVID + COOPER.  
mark.

Sworn to and subscribed before me this the 2d day of February, 1881.  
[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared ISAAC BELCHER, who, being duly sworn, says :  
My name is Isaac Belcher; age 43; occupation farmer; lives in Fish Pond.

Question. Were you at Midway poll on the day of the election ?—Answer. Yes.

Q. Did you stay there all day ?—A. Yes; I was door-keeper, appointed by the managers.

Q. Do you know Barney Brown, Mike Carter, Dan'l Melty Morris ?—A. Yes.

Q. Where do they live?—A. Brown and Carter live at Brown's Mill, Rodt and Morris live in Fishpond Township.

Q. Did these men vote at Midway poll that day?—A. Yes; I saw them vote.

Q. What ticket did they vote?—A. The Democratic ticket.

Q. How do you know this?—A. A pile of Democratic tickets lying on the table by the managers and these men came in and took one and voted it, each.

Q. Were the managers at this poll Democrats?—A. All Democrats.

Q. Are you sure that they put the same ticket in the box that they took from the table?—A. Yes.

Cross-examined by Mr. HOLMES :

Q. Are you sure that they put the same tickets in the box that they took from the table?—A. Yes.

Q. How did these men vote?—A. They came in two at a time; I took away the stick and let them pass; they took the tickets from the table and deposited them in the box.

Q. How far was the box from the door?—A. About three feet.

Q. Were these men between you and the box?—A. They were.

Q. How far is it from Ferril's Store to Midway?—A. I don't know exactly.

Q. Why were you appointed door-minder?—A. To keep too many from going in at once.

Q. Are you a Democrat or a Republican?—A. Republican.

Q. Did you see the ballots when these men put them in the box?—A. I saw them.

his  
ISAAC + BELCHER.  
mark.

Sworn to and subscribed before me the 2d of February, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared STEPHEN MONTGOMERY, who, being sworn, says :

My name is Stephen Montgomery; age 35; residence Fish Pond; occupation farmer.

Question. Were you at Midway on the day of election?—Answer. Yes.

Q. Did you remain all day?—A. Yes.

Q. Do you know Barney Brown, Daniel Rodt, Mike Carter, and Metty Morris; did you see them vote at Midway that day?—A. Yes.

Q. What ticket did they vote?—A. The Democratic ticket.

Q. How do you know this?—A. The Democratic was red, and was piled up on the table by the managers, and they got them off the table and voted.

Q. Were there any Republican tickets on the table?—A. None, sir.

Q. Are you sure they put these tickets in the box?—A. Yes; I am sure of it.

STEPHEN MONTGOMERY.

Sworn to and subscribed before me this the 2d day of February, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared C. BLAKE, who, being sworn, says:

My name is Charles Blake; age 28; occupation farmer; residence Bull Pond.

Question. Were you at Allendale on the day of election?—Answer. I was; from 4 a. m. until 6 p. m.

Q. Did you vote?—A. No. I went with the intention to vote the Republican ticket with Robert Smalls on it for Congress. When I got to the door the place was crowded with Democrats. They asked me how I wanted to vote. I told them the Republican ticket. They shoved us off the platform, and said, "You can't vote that ticket here to-day."

Q. Did you vote at all that day?—A. I did not.

Q. Who shoved you off the platform?—A. The crowd of Democrats that were on the platform.

Q. Were you unable to get to the ballot-box?—A. I was.

Q. Were there any other Republicans prevented from voting?—A. There were 246 in my club, and about 250 more, who were prevented from voting there that day.

Q. What ticket did they desire to vote?—A. The Republican ticket, with Robert Smalls on it for Congress.

Q. Did any Republicans vote there that day?—A. I was there all day and did not see any Republicans vote. They said that if we would vote the Democratic ticket we could vote, but we could not vote the ticket with Smalls on it for Congress.

Q. Who were the managers at that poll? I don't mean the supervisors.—A. I don't know the names of the managers.

Q. Who was the Republican supervisor?—A. Mr. Lewis Rivers.

Q. What time did the poll open?—A. At 6 o'clock, I think.

Q. Did the managers open the ballot-box?—A. I do not know.

Q. Where was the poll held?—A. In Fitt's old store; inside.

Q. Did you at any time see the ballot-box?—A. No. I could not get close enough to see it.

Q. Were there many Democrats present?—A. Yes.

Q. Were they armed?—A. I saw a few arms.

Q. About how many Democrats were on the piazza keeping the Republicans back from the box?—A. About 230 were around the poll keeping them back.

Q. Why did not the Republicans force their way to the poll and vote?—A. Because we were afraid to do so, as it would have caused a riot.

Q. Were you afraid of being killed if you persisted to vote?—A. We were afraid that if we persisted in voting the law would be broken.

Q. Were there any State constables there?—A. No.

Q. Were there more Republicans present than Democrats?—A. Yes; there was.

Q. Is that a Republican or Democratic poll?—A. It is one of the strongest Republican polls in Barnwell County.

Q. If there had been a fair and free election who would have obtained a majority at that poll?—A. The Republicans.

Q. Are there more colored than white men who usually vote at that poll?—A. There are more colored; many more.

Q. Are the colored men in your section Republicans or Democrats?—A. They are Republicans.

Q. Are there as many colored Democrats around Allendale as there were in '76?—A. No, sir.

Q. Do you know the colored people around Allendale?—A. Yes.

Q. Are they Republicans or Democrats?—A. They are Republicans.

Q. Is it true that the colored people of Barnwell County are so well

satisfied with the Democratic State government that the most of them, or any considerable number of them have joined the Democratic party ?—A. No, sir.

Cross-examined by Mr. HOLMES :

Q. How many persons went with you to Allendale?—A. Two hundred and forty-six.

Q. How did you go?—A. We just walked along together.

Q. Were they Republicans or Democrats?—A. Republicans.

Q. Were any of them armed with guns, pistols, or clubs?—A. No.

Q. How many persons were there when you reached the poll?—A. A large number.

Q. Were they Democrats or Republicans?—A. Both; but mostly Republicans.

Q. Were any persons in the piazza of the store where the box was at that time?—A. Yes; the piazza was filled with Democrats.

Q. Were any of the Republicans in uniform?—A. No; not one.

Q. How many Republicans were thrown off the platform by Democrats?—A. A good many. I saw eight.

Q. Were they thrown off because they were Republicans?—A. Yes; the Democrats, they did it for that reason.

Q. How many Democrats were thrown off by Republicans?—A. Not one.

Q. How large was this piazza?—A. About 15 by 6 or 8 feet wide.

Q. Where were the Democrats stationed who kept the Republicans back?—A. Around the piazza.

Q. Did any Democrat threaten to injure you?—A. One Democrat drew his pistol on a crowd of us.

Q. How many colored Democrats are there in Allendale?—A. Only one that I know of.

Q. Did you see any colored men wearing red shirts on that day?—A. None.

Q. Which party carried the election at Allendale in '76?—A. The Republicans.

Q. Which carried it in '78?—A. I don't know.

Q. When those Republicans were thrown off the platform, was it because they were Republicans or were they in private difficulties?—A. Because they were Republicans; they were not in private difficulties.

Q. Were they thrown off intentionally?—A. They were.

Q. Did your club camp near the poll on the night before the election?—A. No.

Redirect:

Q. Did you see Rivers, the Republicans' supervisor?—A. I did.

Q. Did he remain at the poll all day?—A. Yes.

his  
CHARLES + BLAKE.  
mark.

Sworn to and subscribed before me this the 2nd day of February, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared JEFFREY FROST, who, being sworn, deposes and says:

My name is Jeffrey Frost; age 28; occupation farmer; lives in Allendale.

Question. Were you at Allendale on the day of election?—A. Yes.

Q. Did you vote?—A. No; I could not get to the poll. I went to the poll two or three times, and the Democrats asked me how I intended to vote. I told them I wanted to vote the Republican ticket, and they said that I could not vote that ticket there that day, and shoved me off the piazza.

Q. How many other Republicans were prevented from voting in the same way?—A. About three hundred that I know of.

Q. Were there many Democrats on and around the piazza?—A. Yes; a crowd of them.

Q. If the Republicans had persisted in trying to vote, do you think there would have been trouble?—A. Yes.

Cross-examination by Mr. HOLMES:

Q. Why do you think there would have been trouble?—A. Because those who did go through the door the Democrats spat upon and kicked them.

Q. Did any one attempt to injure you?—A. Not individually.

Q. How many Democrats are there in your section?—A. I don't know of any.

Q. Did you tell the Democrats that you wanted to vote for Smalls?—A. Yes; and Garfield.

Q. Do you know if any Republicans voted there that day?—A. No.

JEFFREY FROST.

Sworn to and subscribed before me this the 2d of February, 1881.

[L. S.]

E. A. BRABHAM,

*Notary Public, South Carolina.*

Personally appeared CHARLES GARDENER, a witness for contestant, who, being sworn, deposes and says:

My name is Charles Gardener; age 45; occupation, farmer; live in Allendale.

Question. Were you there on the day of election?—Answer. Yes.

Q. Did you vote?—A. I tried to vote, and the Democrats asked me what ticket I wanted to vote, and when I told them I was going to vote for Garfield and Smalls, they said I could not vote that ticket. They tried to get me to give them my ticket. I would not, and they shoved me off the platform.

Q. About how many werewith you wanting to vote same ticket?—A. I tried to vote twice; about two hundred and fifty.

Q. Was there much confusion at the poll?—A. A great deal by the Democrats.

Q. Did you see any Republicans vote?—A. I was there until 6 p. m., and did not see any vote.

Q. Did these 250 or 300 people want to vote the Republican ticket?—A. Yes; they all had their tickets in their hands.

Cross-examination by Mr. HOLMES:

Q. Did all the Republicans go to the poll in a body?—A. Yes; they all stood together.

Q. At what time was it?—A. About 12 or 1 o'clock.

Q. Was there any noise among the Republicans?—A. None.

Q. How many pistols did you see drawn on Republicans?—A. One in particular.

Q. The Republicans were quiet all day?—A. Yes.

H. MIS. 20—3

Q. How many Republicans did you see with clubs?—A. None.

Q. Did any one threaten to hurt you?—A. No; unless I insisted on voting.

Q. Did the Democrats have clubs or walking-sticks?—A. Clubs, sir.

Q. If you had persisted in voting, was it your belief, and the belief of the other Republicans, that a riot would have followed?—A. I am as certain of it as I am of having my hand.

Q. You say that nobody threatened you personally?—A. No, sir.

Q. Were you forcibly ejected from the piazza by violence?—A. Yes; 3 or 4 Democrats put their hands on me, and pushed me out.

Q. Were any other Republicans ejected by violence?—A. Yes; some were kicked out, and some were thrown out.

his  
CHARLES + GARDENER.  
mark.

Sworn to and subscribed before me this the 2d day of February, 1881.  
[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared WILLIAM GREEN, a witness for contestant who, being sworn, deposes and says:

My name is William Green; age 37; live in Allendale; occupation, laborer.

Question. Did you go to Allendale on the day of election to vote?—

Answer. I did, but did not vote, because the Democrats stood in the piazza and would not let us in. I distributed about 300 tickets, and went on the piazza to vote. I was thrown off, and some who went with me were beaten and thrown off. I tried about a half a dozen times to vote, and was violently ejected each time by Democrats who had pistols and clubs in their hands.

Q. Did you see any Democrats with pistols and clubs?—A. I saw about half a dozen at the door with pistols. I know the names of three of them.

Q. Have you the ticket that you attempted to vote?—A. Yes, this is it.

EXHIBIT A.—E. A. B.

## UNION REPUBLICAN TICKET.

(Wood-cut of Abraham Lincoln.)

For President:

JAMES A. GARFIELD.

For Vice-President:

CHESTER A. ARTHUR.

For Presidential electors:

At Large—T. B. JOHNSON.

At Large—A. S. WALLACE.

First District—W. A. HAYNE.

Second District—E. A. WEBSTER.

Third District—THOS. N. TOLBERT.

Fourth District—WILSON COOK.

Fifth District—B. P. CHATFIELD.

For Member 47th Congress 5th Dist. S. C.

ROBERT SMALLS.



Q. Is it a Republican or Democratic?—A. A Republican ticket.

Q. Was there any other Republican ticket there that day?—A. No.

Q. Whose name was on that ticket for Congress?—A. Robert Smalls's.

Q. Why did not the Republicans vote at that poll?—A. Because we could not; without creating a row, and——.

Cross-examined by Mr. HOLMES:

Q. When did you make your first attempt to vote?—A. About 12 o'clock.

Q. Why did you wait till then?—A. Mr. Rivers asked us to wait till then, so the Democrats could vote first.

Q. Was it agreed then that the Democrats should vote in the morning and the Republicans in the afternoon?—A. Yes.

Q. How many Democrats had voted till 12 o'clock?—A. Don't know; they voted all day. They promised to give us time to vote, but they did not do it.

Q. Are you well acquainted with the Democrats you saw with pistols?—A. I was, with two of them.

Q. Is it their habit to carry pistols?—A. Yes.

Q. Did they carry clubs, or walking-sticks?—A. The clubs were too large for walking-sticks.

Q. What time did the Republicans leave the poll?—A. About 6 p. m.

Q. When the Republicans came up to vote, did they come in a body?—A. Yes; Mr. Rivers called them up, and said that there was room for them to vote; but the Democrats on the piazza would not permit them to enter.

Q. Did the Democrats say that you could vote after 12 o'clock?—A. Mr. Rivers told us to wait on them until then.

Q. At 12 o'clock, did any Republicans push their way in?—A. Yes; but they were knocked down and beaten by the Democrats.

WILLIAM <sup>his</sup> + GREEN.  
mark.

Sworn to and subscribed before me this the 2d day of February, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared F. A. BLACKWOOD, being sworn, says:

My name, is F. A. Blackwood; age, 35; occupation, planter; residence, Buford's Bridge.

Question. Were you at Buford's Bridge on the day of the last general election?—Answer. I was.

Q. What capacity?—A. United States supervisor.

Q. What time did you get to the poll?—A. Between 8 and 9 o'clock.

Q. Where was the ballot placed?—A. In the room of the Masonic Hall.

Q. How was the voting conducted?—A. I remained there but a short time, and very few voted then.

Q. Why did you go away?—A. Because the chairman of the board said that he would not recognize me as supervisor, and so few were allowed to vote, I did not see any reason to remain.

Q. Were Republicans permitted to vote without molestation?—A. No. There were such a crowd in the doorway keeping it closed, and

a guard at the door; they allowed one at a time to pass through, and just occasionally a Republican.

Q. Was the poll and the voting public?—A. No, sir.

Q. How long was this room?—A. About fifty feet; and the voters had to pass clear through it.

Q. Were any parties permitted to enter the room without Democratic consent?—A. I think not.

Q. Were the managers Republicans or Democrats?—A. Democrats.

Q. Were the Democrats who were around the poll in uniform, and had arms?—A. Nearly all of them wore red shirts, and a great many of them had arms.

Q. Was it possible for the Republicans to vote as they desired at that poll?—A. No.

Q. Do you know of any persons desiring to vote and could not?—A. Yes; 325 to 340.

Q. How do you know that?—A. I saw the crowd, and I saw a list of their names.

Q. For whom did they intend to vote for Congress?—A. For Smalls.

Q. Was the election free and fair at Buford's Bridge precinct?—A. No; it was not.

Q. Had it been a free and fair election who would have had a majority at that poll, Tillman or Smalls?—A. Smalls.

Q. How many votes would Smalls have received, in your opinion, if the election had been fair?—A. Over three hundred.

Q. Are the colored men in that section all Republicans?—A. They are.

Q. Do you know of any violence in that neighborhood?—A. Some riding around.

Q. Do you know the names of any of these men who could not vote?—A. Yes; a good many. Elias Ryans, John Connelly, Jacob Fost, Cape Rice, Jeff Rice, and others.

Cross-examined by Mr. HOLMES:

Q. Were you the Republican supervisor?—A. Yes.

Q. How long had the poll been opened when you reached it?—A. About two hours.

Q. Was the ballot-box near the front or rear door?—A. Front door.

Q. Which voted the most rapidly while you were there?—A. Democrats.

Q. Could you, as supervisor, have remained in that room?—A. I suppose I could.

Q. Who was the guard at the door?—A. Frank Priester and Mr. Bennett at one time, and they were relieved.

Q. Were those State constables?—A. No.

Q. Did you see any Republicans refused admission to vote?—A. I did, by the door-keepers.

Q. Were the Republicans armed?—A. No.

Q. How many persons do you know did not or could not vote?—A. Three hundred and twenty-five or more.

Q. How do you know this?—A. I know it because I saw them going home, and heard say that they could not vote.

Q. Is it considered safe for a white man to be a Republican in your section?—A. If he is a pretty brave man.

Q. Do you know of any Democrat being intimidated by Republicans?—A. No.

Q. Do you know where a Republican club camped the night before the election?—A. No.

Q. You say that the Democrats were grouped around the door; where were the Republicans?—A. Standing about in the old field.

F. A. BLACKWOOD.

Sworn to and subscribed before me this 2d of February, 1881.

[L. S.]

E. A. BRABHAM.

CONNELLY recalled.

Question. Was there a list of Republicans who did not vote made?—

Answer. Yes; I have the list.

Q. How many names on this list?—A. Three hundred and eleven. One sheet is lost. There were 335 in all.

(List of names submitted in evidence.)

Contestee objects to the introduction of the list, marked Exhibit B, because the witness Connelly testifies that he only wrote some 35 names, and there is no evidence to prove the correctness of the list made out by his assistants, and that 24 names written by Connelly are not on the list.)

Q. These names you say were taken in your presence?—A. They were, and after the names were taken down the list was called over in my presence, and each man answered to his name.

JNO. A. CONNELLY.

Sworn to and subscribed before me this the 2d day of February, 1881.

[L. S.]

E. A. BRABHAM,

*Notary Public, South Carolina.*

Personally appeared JOHN ANDERSON, a witness for contestant, who, being sworn, deposes and says:

My name is John Anderson; age, 65; live in Barnwell village; occupation, laborer.

Question. Did you go to the Barnwell precinct on the day of election to vote?—Answer. I went to the poll, but they had so much fuss and shooting that I was afraid that I would be killed, and I came away without voting.

Q. Did you vote at all?—A. No.

Q. Who did the shooting?—A. Democrats, with red shirts on.

Q. When the firing took place, what did the people do?—A. I saw them running in every direction, and I ran too.

Q. What ticket was you going to vote?—A. The Republican ticket.

Cross:

Q. What time of day did the shooting commence?—A. About 3 o'clock.

Q. How long did it continue?—A. From 3 o'clock till night.

Q. Where was the poll?—A. In the court-house.

Q. Were you in sight?—A. Yes; the firing was between me and the court-house; and the persons firing were on horses all around the court-house.

Q. Could you not have voted after the shooting?—A. No.

Q. Did you go back?—A. No.

his  
JOHN + ANDERSON.  
mark.

Sworn to and subscribed before me this the 2d day of February, 1881.

[L. S.]

E. A. BRABHAM,

*Notary Public, South Carolina.*

Adjourned to meet at 10 o'clock to-morrow morning at Blackville.

STATE OF SOUTH CAROLINA,  
*Barnwell County :*

BLACKVILLE, *February 3, 1881.*

Pursuant to adjournment, met at 10 a. m.

ROBT. SMALLS }  
*vs.* } Contested election.  
 G. D. TILLMAN. }

(Gen. Taft for contestant; J. W. Holmes for contestee.)

Personally appeared C. C. ROBINSON, who, being sworn, deposes and says:

My name is C. C. Robinson; age, 25; occupation, school-teacher; residence, Midway.

Question. Were you at Ferril's Store on the day of the last election ?

—Answer. I was, as United States supervisor.

Q. What time did you get to the poll ?—A. About 5 30 a. m.

Q. What time did the poll open ?—A. About 6 a. m.

Q. Did you see the box opened ?—A. I did.

Q. Were you present until the final count of the votes ?—A. I was.

Q. Is that your signature ? (The report of the supervisor from Ferril's Store being handed the witness.)—A. It is.

Q. Is that the report you made to the chief supervisor ?—A. It is.

Q. Did the number of ballots in the box correspond with the number of names on the poll-list ?—A. They did not; the ballots in the box exceeded the number of names on the poll-list by 22.

Q. How was this excess drawn out ?—A. The manager looked in the box and drew out the excess.

Q. The manager was not blindfolded ?—A. He was not.

Q. How many Republican votes were drawn out ?—A. Twenty-two.

Q. Were there any ballots found in the box inclosed in other ballots ?—A. There were 18.

Q. What was the character of these ballots ?—A. One Republican and 17 Democratic.

Q. Were the managers Republicans or Democrats ?—A. All Democrats.

Q. Did you see each Republican cast his vote there that day ?—A. Yes.

Q. Can you tell how this excess was created ?—A. Yes; the managers said that the ballots found folded together were regularly voted, and unfolded and counted them in the total number of votes cast, and when the excess was found to be 22, the managers drew out 22 Republican ballots.

Q. Do you know how many Republicans voted at that poll ?—A. Can't say positively.

Q. Did the managers open the box during the election and take out any votes ?—A. At the close of the poll, and before the ballots were counted, the managers opened the box and took out a Republican ballot, saying that a voter had voted the Republican ticket who should not have voted; the ballot was destroyed, and not counted.

Cross-examined by Mr. HOLMES:

Q. You state that 1 Republican and 17 Democratic ballots were found containing other ballots. How many did the Democratic ballots contain ?—A. Twenty-two.

Q. How many of these Democratic ballots contained 3?—A. Cannot tell.

Q. How many contained 2?—A. Cannot tell.

Q. How many contained one?—A. Don't know that.

Q. Was the manager who drew the excess of ballots able to distinguish Republican from Democratic ballots?—A. He was.

Q. How could he tell?—A. He could see them, and the Republican ticket had a large picture on them.

Q. At the time these ballots were drawn, were they folded or not?—A. They were unfolded.

Q. Did the managers count the ballots to see if they corresponded with the names on the poll-list?—A. No; they unfolded them first.

Q. Did you agree with the managers that these ballots got together after being voted?—A. No.

Q. Did you agree with the managers in drawing out and not counting the vote of the voter who they said had no right to vote?—A. No.

Q. Why did the managers withdraw that vote?—A. They said that he had been in the penitentiary.

C. C. ROBINSON.

Sworn to and subscribed before me this the 3d of February, 1881.

[L. S.]

E. A. BRABHAM.

Personally appeared CALVIN BROWN, a witness for contestant, who being sworn, deposes and says:

My name is Calvin Brown; age, 29; occupation, carpenter; residence, Williston.

Question. Were you at Williston precinct on the day of election?—Answer. Yes.

Q. What were you doing there?—A. Giving out tickets and taking the names of Republican voters.

Q. Did you see how many Republicans voted there that day?—A. Yes.

Q. How many names did you take down?—A. Three hundred and forty-four.

Q. Did you see these men vote?—A. Myself, Edmund Carrie, and Orsmus Kelly saw them when they voted.

Q. How far from ballot-box did you stand?—A. About fifteen feet.

Q. Could you see each voter and his ticket that he voted?—A. Yes.

Q. Were the Republican and Democratic tickets alike?—A. They were not.

Q. What was there on the Republican ticket that you could distinguish it?—A. There was a picture of Abe Lincoln on the Republican ticket.

Q. Who was the supervisor at that poll?—A. G. W. Gantt.

Q. Did he stay there all day?—A. No, he did not.

Q. Was he there when the vote was counted?—A. Yes.

Q. Do you know why he left?—A. Mr. John D. Brown, a marshal, ordered him out. He objected to any supervisor being around the box. It was his house where the poll was held.

Q. Did you hear him order the supervisors?—A. Yes, he told me that he had received a dispatch from Judge Bryan that no supervisor had a right to be around the poll.

Q. Is Brown the sergeant-at-arms of the house of representatives?—A. Yes.

Q. Was Brown claiming to be and acting as an officer of any kind that day?—A. Yes.

Q. Did he have on a badge?—A. Yes.

Q. When Brown told them to go out, did he request them to go out?—A. He said, "I will allow no supervisor to be in the house"; that he had received a dispatch from Judge Bryan not to allow any supervisor inside the poll.

Q. Where did the supervisor remain during the day?—A. Beside the pailing, about 15 feet from the poll.

Q. How many colored men voted the Democratic ticket there that day?—A. But one that I know of.

Q. Are there many Democrats in your locality?—A. No; they are scarce.

Q. Were there more colored men at that poll on that day than white?—A. A great many more.

Q. You took the names of how many?—A. Three hundred and forty-four. They all got tickets from me.

Q. From your knowledge of the people in your locality, do you believe that you know the politics of the people there?—A. Yes; I do.

Cross-examined by Mr. HOLMES:

Q. Where was the ballot-box at Williston?—A. In Mr. Brown's store, about three feet inside the door.

Q. What was your position during that day?—A. In front of the door, 15 feet distant.

Q. When persons went to vote were they between you and the ballot-box?—A. No.

Q. Could you, at that distance, distinguish a Republican from a Democratic ballot?—A. Yes.

Q. You had some sign by which you could tell?—A. Yes.

Q. What was that sign?—A. I don't care to tell.

Q. Could you, from your distance, see every Republican ballot cast?—A. I did not say that I saw them.

Q. Were the Republican ballots folded when they deposited them?—A. Yes.

Q. Were the Democratic ballots folded?—A. I never noticed Democratic tickets.

Q. Could you tell the difference in a folded Democratic and a folded Republican ticket 15 feet distance?—A. Yes.

Q. How could you tell?—A. I could tell from the difference in the paper on which they were printed; the Democratic ticket was smooth, and the Republican was coarse and rough.

Q. At what time did you take the list of Republicans?—A. Commenced about 8 a. m., and ended about 6 p. m.

Q. Did you take these names as they voted?—A. As they voted.

Q. Are you satisfied that all these persons whose names you took voted the Republican ticket?—A. I am.

Q. Were not some of these persons formerly Democrats?—A. Yes; but very few.

Q. Was it considered disgraceful for a colored man to be a Democrat in your neighborhood?—A. Yes; among Republicans.

Q. Did they stand as well in your churches?—A. I don't know, not being a church member.

Q. Has not abusive language been used towards colored Democrats by colored Republicans?—A. I do not know.

Q. Is it not probable that some of the persons whose names were on your list voted the Democratic ticket at the last election?—A. No.

Q. Did it not require considerable courage in a colored man to come out openly and join the Democrats?—A. I don't know.

Q. Was there a colored Democratic club in Williston?—A. Not that I know of.

Q. What kind of a badge did J. D. Brown wear?—A. If I am not mistaken, it was a blue-ribbon, but don't remember.

Q. Did you hear Mr. Brown positively order the supervisors from the poll?—A. Yes.

Q. What authority did he say he had for this?—A. He said he had a dispatch from Judge Bryan.

Q. Did these 344 names whom you took reside in that precinct?—A. Yes.

Q. What is the greatest distance any of them came?—A. I do not know.

Q. Were you personally acquainted with all these persons' names you took?—A. No; I am with the most of them.

Q. Do you know that they all are Republicans?—A. I believe that they are; they voted that ticket.

Q. Could any of those men have voted the Democratic ticket without your knowing it?—A. Not in the way we voted.

Redirect:

Q. Is a white man thought as much of in this neighborhood if he is a Republican as if he was a Democrat?—A. Not by a great deal; he is considered a turncoat.

CALVIN BROWN.

Sworn to and subscribed before me this the 3d of February, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared Rev. E. J. SNETTEN, who, being sworn, deposes and says:

My name is E. J. Snetten; age, 59; residence, Blackville; occupation, minister of the gospel.

Question. Were you at Elko precinct on the day of the last election?

—Answer. I was, as United States supervisor.

Q. Were you there when the polls opened?—A. I was.

Q. Did the managers open the ballot-box?—A. They did.

Q. Where was the poll held?—A. In the depot.

Q. What was the position of the ballot-box and the approach to it?

—A. The box was placed in the opening of the door.

Q. Was there any railing or anything to keep people out?—A. There was a pen in front of the door 4 by 6 feet, giving space enough for one man to enter at a time.

Q. Were the managers Republicans?—A. No; they were all Democrats.

Q. Did you remain at your post all day?—A. I did not; at the opening of the poll I requested to enter the house where the poll was, but was refused admission by one of the managers who said that the managers were all honest, and said that I must go into that pen; I went into the pen and started to keep a poll-list. Soon after some came up to vote and whispered their names; when I asked them for their names, the managers told them not to give their names, as I had no right to take them. This happened a great many times, and I was unable to get the names of voters; these were Democratic voters; there was a great deal of cursing and loud noise by the Democrats; one Dimond made many threats and cursed me, saying that some boys would be up here

to-day to see into those big eyes. Many of them were under the influence of whisky; there was a man standing beside me who brandished a large revolver, and I thought that he was going to shoot me; I heard some yelling, and a crowd of about 25 men rode up with red shirts on, and this man said, "Here are the boys that will see in Snetten's big eyes;" they dismounted and crowded the poll, and the pen in which I was was torn apart, and fearing personal injury I took my things and left the poll.

Q. Were you afraid to stay there?—A. I really was; it would not have been safe.

Q. What time was this?—A. About 8.45 a. m.

Q. How many Republicans had voted at that time?—A. Not more than 3; I think.

Q. How many Democrats?—A. About 40 or 50.

Q. Why more Democrats than Republicans?—A. The Democrats were making so much noise that the Republicans were afraid to go up to the poll to vote.

Q. Was the election free and fair at that poll?—A. No.

Q. About how many Republicans were present at that time?—A. Thirty or 40.

Q. Why did not more Republicans vote?—A. They were subjected to such harassing questions, and so much trouble that they could not vote, and they went away without voting; I went away from the poll because I was satisfied that it was not free and fair, and because of the treatment I received.

Q. Did the managers give you every facility for discharging your duty as supervisor?—A. They did not; but obstructed and hindered me from doing so?

Q. Did the Democratic supervisor keep a poll-list?—A. He did not.

Q. Whose name was on the Republican ticket at that precinct for Congress?—A. Robert Smalls's.

Q. Do you know the colored people of Barnwell, well?—A. Yes; to a great extent.

Q. What are the politics of the colored people of Barnwell County?—A. Republican.

Q. Did you see much drinking of whisky at the poll?—A. Yes.

Cross-examined by Mr. HOLMES:

Q. What was the size of the room in which the poll was held?—A. Don't know exactly; there were no windows to the building.

Q. Could you not have seen the box better from this pen than if you had been inside?—A. No.

Q. Did Mr. Dimond seem to be in earnest when cursing you?—A. I thought he was not at first, but was convinced afterward that he was.

Q. Was you convinced that he was in earnest because some other men came up and tore down the pen?

Q. Did any one threaten or attempt to injure you on that day?—A. Not directly.

Q. Was the pen purposely broken?—A. It was.

Q. At what time did you leave Elko?—A. About 9 a. m.

Q. Did you see any votes refused?—A. One, an alleged minor, and the other an alleged convict, both of whom took the oath that they were entitled to vote.

Q. Did you see any Democratic votes refused?—A. Not one.

Q. Do you know that those whose votes were rejected wanted to vote the Republican ticket?—A. I saw the tickets in their hands unfolded.



Q. When the pen was torn down how was the man with the pistol standing?—A. With his back to me, with his hand on his pistol.

Q. How many times did the Democrats say that you would not be hurt?—A. Only once.

Q. What percentage of the colored people in Barnwell County are Democratic?—A. A very small percentage.

Q. Have many colored people who are not Democrats at heart voted the Democratic ticket?—A. No.

Q. Does it injure the colored man's standing in the church to join the Democratic party?—A. No.

Redirect:

Q. You are a minister?—A. Yes.

Q. Would a member of your church be ostracized for being a Democrat?—A. No.

Q. Is it the custom in your church to respect one whose convictions are honest whether political or religious?—A. Yes, sir; of course.

Q. Do you know any Democratic colored people who belong to the church?—A. No.

E. J. SNETTEN.

Sworn to and subscribed before me this the 3d day of February, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared M. G. YOUNG, a witness for contestant, who, being sworn, desposes and says:

My name is M. G. Young; age, 28; occupation, farmer; residence, Midway.

Question. Were you at Ferril's Store on the day of the last election?—Answer. I was.

Q. Were you present when the polls closed, and did you see the managers count the votes?—A. Yes.

Q. Do you know how many ballots came out of the box with more than one in them?—A. Seventeen

Q. What kind of ballots were they?—A. Democratic.

Q. Were there any Republican ballots so folded?—A. Yes; one.

Q. Did the managers compare the number of ballots in box before they ascertained for whom they were cast?—A. They opened them all and counted them all and then compared them with the names on the poll-list; then they destroyed the excess of 22 ballots.

Q. How were the 22 ballots drawn out?—A. One of the managers looked in the box, picked out 22 Republican ballots and destroyed them.

Q. Whose name did the Republican ticket have on it for Congress?—A. Robert Smalls's.

Cross-examined by Mr. HOMLES:

Q. Did the managers select Republican ballots?—A. He picked them out; can't say he selected.

Q. Did you see him take from the box and put back any tickets while withdrawing the excess?—A. No.

Redirect:

Q. Was the manager blindfolded?—A. No.

M. G. YOUNG.

Sworn to and subscribed before me this the 3d day of February, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared WILLIAM ROWLAND, a witness for contestant, who, being sworn, deposes and says:

My name is William Rowland; age, 35; occupation, farmer; residence, Barnwell County.

Question. Were you at Elko on the day of the last general election?

—Answer. Yes; I got there about sunrise, and left about 10 a. m.

Q. Did you see any Democrats in uniform there that day?—A. Yes.

Q. Was there much noise and confusion there that day?—A. A great deal.

Q. Was there any disturbance there?—A. The stand in front of the poll was broken down; there was drinking and cursing, and when the company of mounted red-shirters rode up, Mr. Dimond said to the Republican supervisor that he had better get out of the way, for that if he did not, that the crowd would put him up.

Q. You say a company came up?—A. Yes. I believe Captain Wise was in command of them.

Q. Did the Republicans vote freely?—A. They did up to the time the disturbance began, when they came away, and the poll was left entirely to the Democrats.

Q. Were the Republicans afraid of violence at that poll?—A. They said they were.

Cross-examined by Mr. HOLMES:

Q. Was there any noise among the Republicans?—A. No; they were very quiet.

Q. Was there any disturbance besides breaking down the supervisors' stand?—A. No.

Q. Was the stand broken down while the supervisors were in it?—A. Yes.

Q. When Mr. Dimond advised the Republican supervisor to leave, did he seem to be joking, or warning?—A. He seemed to be warning him.

Q. How long did you stay after the stand was broken down?—A. About half an hour.

Q. Did all the Republicans leave Elko at the same time?—A. They all left about the same time.

Q. If this disturbance had not occurred, would you have remained in Elko all day?—A. I would.

Q. When did you return to Elko?—A. About two or three days after.

Q. Do you know if any Republicans voted there after you left?—A. I do not.

Q. Is Mr. Wise known as Captain Wise?—A. Yes; since '78.

Q. Were the men with him his neighbors?—A. A good many of them was.

Q. Did those who were not live in the same direction as he from Elko?—A. I do not know.

Q. Did they ride into Elko as neighbors generally do?—A. They rode two and two, in company form.

Q. Were any threats or attempts made to injure you on that day?—A. No.

Q. The only cause of your fear was the breaking down of the stand?—A. The breaking down of the stand and action of the crowd.

Q. Was the stand broken down intentionally, or by accident?—A. Intentionally.

W. W. ROLAND.

Sworn to and subscribed before me this the 3rd day of February, 1881.

[L. S.]

E. A. BRABHAM,  
Notary Public, South Carolina.

Personally appeared ALLEN P. PATTERSON :

Age, 22; in Barnwell County ; occupation, farmer.

Q. Were you at Elko precinct on the day of the election ?—A. Yes.

Q. Did you stay there all day ?—A. No.

Q. Why did you leave ?—A. A company of Democrats came from towards Blackville ; they dismounted and crowded the poll, threatening the Republican supervisor ; tore down a pen in front of the poll ; they were drunk, and created great alarm among the Republicans, causing them to leave the poll for fear of being hurt.

Q. Did you hear any of the managers say anything about the voting ?—A. Mr. Nixon, the chairman of the board of managers, said that "D—d if the Republicans would get many votes there that day."

Q. Were there many Democrats in red shirts, and armed ?—A. Yes ; about half of them wore red shirts, and a few had pistols.

Q. Did many Republicans go away without voting ?—A. Yes.

Q. From the way the Democrats acted did you have reason to believe that the Republicans could cast their votes without fear ?—A. No.

Q. Did you see the Republican supervisor there that day ?—A. Yes.

Q. Did you hear any threats made to him ?—A. Yes, when the company rode up, the Democrats all hollowed, "Hide out ; hide out Republicans."

Q. Was there a great noise and confusion there that day ?—A. Yes.

Cross-examined by Mr. HOLMES :

Q. What time did you get to the poll ?—A. Before the sun rise.

Q. What time was it when Nixon said that he would be d—d if the Republicans got many votes there that day ?—A. About 8 o'clock a. m.

Q. Had many Republicans voted ?—A. Don't know how many. Not over twenty.

Q. How many Democrats had voted ?—A. About thirty or forty, I think.

Q. What was the name of the company that rode up to the poll ?—A. The Healing Springs Democratic Club company.

Q. Did any Republicans remain in Elko when you left ?—A. No, I think they all left.

Q. When did you get back to Elko ?—A. Just before sundown on the same day.

Q. Were any Republicans about the poll when you got back ?—A. No.

Q. Was it not common for Democrats when riding into Elko to say, "Hide out, Republicans?"—A. No.

Q. How many Republicans were there when the poll first opened ?—A. About five or six.

Q. Did not a good many Republicans go to Elko with the intention of going on to Blackville to vote ?—A. No, they intended to vote there.

Q. Did not the most of those who did not vote at Elko come on to Blackville and vote ?—A. Yes.

Q. Don't the Republicans like to vote at Blackville better than any other place ?—A. I do not know.

Q. When Snetter was told to hide out, was there much laughter among the Democrats ?—A. No.

Redirect :

Q. Do you know that the Republicans who came to the poll after you left voted ?—A. I do not.

ALLEN P. <sup>his</sup> PATTERSON,  
mark.

Sworn to and subscribed before me this 3rd day of February, 1881.  
[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared D. PATTERSON; sworn.

My name is Dan'l Patterson, age 54; occupation, farmer; residence, Barnwell County.

Question. Were you at Elko precinct on the day of election ?—Answer. Yes.

Q. Did you see many Democrats there in red shirts and armed ?—A. A great many with red shirts and some with pistols.

Q. Did you see a company ride up to the poll called the Healing Springs Democratic Club ?—A. Yes.

Q. Were many of the Democrats around the poll that day drinking and cursing ?—A. Yes.

Q. Were the Republicans afraid because of the conduct of the Democrats to stay there that day ?—A. They said they were. I was.

Q. Did you hear either of the managers say how many Republicans would be polled there that day ?—A. I heard Mr. Nixon say that there would be d——d few Republican votes polled there that day.

Q. Were there loud cursing and yelling there by the Democrats ?—A. Yes. When the company came up they all yelled and cursed.

Q. Was this for the purpose of alarming the Republicans ?—A. It was.

Q. Were the managers or any of them arrested for their conduct on election day ?—A. I think they have been.

Q. Did you make an affidavit before United States Commissioner Nixon, about their action on election day ?—A. Yes.

Q. Where did you live on the day of the election ?—A. I was living in Elko.

Q. Why did you move away ?—A. Because I heard of threats that was made against me by Mr. Nixon. I was afraid to stay there.

Q. Have any Democrats done anything to you because of making that affidavit ?—A. They arrested me and put me in the guard-house. After they turned me out, Mr. Nixon met me and said, "You said, you d——d prosecuting son of a bitch, you ought to have had your throat cut five years ago," drawing his pistol out at the time, and struck me side of my head with it twice. Mr. Hamp. Hare came up and struck me in the mouth with his fist.

Q. Was this done because you made the affidavit ?—A. Yes.

Cross-examined by Mr. HOLMES :

Q. How many persons came up in the Healing Springs club ?—A. About twenty-five.

Q. Did you see any drunken Republicans there that day ?—A. No.

Q. What conduct of the Democrats made you afraid ?—A. Their drinking and rioting.

Q. When Nixon said that the Republicans would get few votes, did he say it boastingly, or threateningly ?—A. Boastingly.

Q. Is it not customary for both political parties in this State to give

a noisy greeting to considerable bodies of voters of their own party as they come to the poll?—A. Never knew them to do that.

Q. Did you say that Gerald and Nixon was arrested for their conduct on election day?—A. Yes.

Q. For hindering the United States supervisor, Snetter, from attending to his business?—A. Yes.

Q. What was the date of your first personal difficulty with Nixon?—A. I don't remember; a short time after the election.

Q. Did that first difficulty occur when you were placed in the guard-house, by order of Captain Hare?—A. Yes.

Q. What office did Captain Hare hold?—A. Intendent of the town of Elko.

Q. On what charge were you put in the guard-house?—A. They said I shot off a gun against the town ordinance.

Q. Were you sober on that occasion?—A. Yes.

Q. Did you, while in the guard-house, speak of Nixon in abusive language?—A. No.

Q. Did you speak of him as a d——d son of bitch at that time?—A. I did not.

Q. When Nixon met and struck you, did he say that he had been told that you had called him a d——d son of a bitch?—A. No.

Q. Was this difficulty on account of politics?—A. On account of politics, he said.

Q. Had you ever had any difficulty with him before?—A. No.

Q. Did you vote at Elko?—A. Yes.

Q. How many Republicans left there without voting?—A. I cannot say.

Q. Did the Republicans leave Elko because they were being out-voted by the Democrats?—A. No.

Q. Did not a good many Republicans come to Elko with the intention of coming to Blackville to vote?—A. No; those who came to Elko intended to vote there.

Q. Were not the Republicans dispirited by finding themselves in the minority at Elko?—A. No.

his  
DANIEL + PATTERSON.  
mark.

Sworn to and subscribed before me this the 3d day of February, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,  
*Barnwell County:*

BLACKVILL, *February 4th, 1881.*

ROBT SMALLS }  
vs. } Contested election.  
G. D. TILLMAN. }

Pursuant to adjournment, met at 10 p. m.

General Taft for contestant, Major Holmes for contestee.

Personally appeared FRANK WASHINGTON, who, being sworn, deposes and says:

My name is Frank Washington; age 33; occupation, farmer.

Question. Were you at Graham's precinct on the day of the last election?—Answer. Yes; I was there all day.

Q. Was the election quiet and orderly?—A. It was until the train came down from Augusta, which brought a crowd of Democrats armed with pistols, who made a great deal of noise, cursing and yelling, and crowded the poll, and all of them went in and voted; some of them voted three and four times; I stood close by and saw them, and am certain I saw one man vote four times.

Q. Could the managers see these men voting more than once?—A. They certainly could.

Q. Were the managers Republicans?—A. All Democrats.

Q. Did these men vote more than once before they left the box?—A. Yes.

Q. Was this crowd Republicans or Democrats?—A. All Democrats; did not see any others vote more than once.

Q. Was there much noise?—A. Yes; this crowd made a great deal of noise and beat three colored men.

Q. Why were these men, colored, beaten?—A. They started a quarrel by asking the colored men how they had voted; they had pistols, and boasted that they had balls in them to change into some d—d nigger that day.

Q. Did the Democrats show any other violence?—A. Not much.

Q. Did the Republican supervisor stay there all day?—A. He left about half an hour before the poll closed.

Q. Why did he go away?—A. He said that he was really afraid to stay; that he thought his life was in danger; after he came out he told me that he had been cut by some one; as he came out he fell to the ground and his coat and pants was cut; it appeared to be very dangerous there that day, and a Republican had to be very courageous to go there to vote.

Q. Did you see any Democrats come from any other poll and vote there?—A. Yes; some from Blackville, some from Williston, some from Barnwell Court House, some from Bamberg, and some from Buford's Bridge, and they all voted there.

Q. Were there more Democrats who voted there than Republicans?—A. No; there were more Republicans.

Q. Are there as many colored Democrats around Graham as there were in '76?—A. Nothing like as many; they have all turned back to the Republican party.

Q. When you came to the poll, was there any disturbance?—A. I don't know of any till the train came.

Q. Do you remember Adler having a fuss with any colored men?—A. Yes; Ben. Ard had a fuss with some one, and told Sam. Inabinet to get his musket and shoot through the d—d niggers; myself and others interfered and stopped the row.

Q. Who generally has the majority at that poll?—A. The Republicans, largely.

Q. Do you know of any colored Democrats voting the Republican ticket this time?—A. Yes; the president and vice-president of the only colored Democratic club that was ever organized in the precinct voted the Republican ticket this time.

Cross-examined by Mr. HOLMES:

Question. Was there any disturbance there before the arrival of the 10 o'clock train?—A. No.

Q. At what time did that crowd who came down on the train leave there?—A. They left on the return train about half past 1 p. m.

Q. Was there any disturbance after they left?—A. No.

Q. What were the politics of the three men who were beaten?—A.

Two were Republicans; one a Democrat, who had interfered in behalf of a colored Republican.

Q. Were they beaten because of their politics?—A. I am not certain.

Q. Could you see the ballot-box?—A. Yes.

Q. How many men did you see vote more than once?—A. About fifteen.

Q. Were any colored men beaten because they were Republicans?—A. One was. A Democrat asked him how he had voted, and the colored man told him he had voted the Republican ticket. The Democrat asked him who he was going to look to now for his support. The colored man replied that he would look to himself. The Democrat then said, "You must not talk so d——d sauey," and struck him.

Q. Were these three men beaten before they had voted?—A. One Republican had voted—don't know as to the others.

Q. Did the Republican supervisor have good ground for leaving for fear of his life, in your opinion?—A. I don't know.

Q. Did the Republicans at Graham's vote as they chose?—A. Some of them went away because they were afraid to vote, and did not vote at all.

Q. How many went off without voting?—A. I don't know.

Q. Was there enough disturbance there to scare a man of ordinary courage?—A. Yes.

Q. Did the good Democrats around Graham's take any part in the riot?—A. No; they tried to preserve the peace.

Q. How far was Adler from the poll when he told Inabinet to shoot the d——d niggers?—A. Thirty or forty yards.

Q. Was the difficulty political or personal?—A. Don't know.

Q. What are Adler's politics?—A. Don't know—he says he voted the Democratic ticket.

Q. Are there many colored Democrats in the neighborhood of Graham's?—A. No.

Q. Other things being equal, are the colored Democrats respected as much as colored Republicans?—A. Yes. If they were not we would be as bad as the Democrats.

Q. If you were to go over to the Democrats, would you be as favorably regarded among the colored people as you are?—A. No.

Redirect:

Q. Is it a fact that the most worthless of the colored people are the only ones who join the Democratic party?—A. Yes.

Q. Is it safe for a white man to be a Republican in your section?—A. No. A white man can't be a Republican there.

Q. From the surrounded poll, did not it seem prudent for the supervisor to leave when he did?—A. Yes; it appeared so from what he said.

Recross:

Q. Do you know that the supervisor's coat was cut?—A. I don't know it, but he said so at the time.

Q. When the supervisor fell, was he thrown by Democrats?—A. I don't know, of my own knowledge, as I did not see him when he fell.

Q. What time did they get through voting?—A. I don't know; I left before the poll was closed.

T. M. WASHINGTON.

Sworn to and subscribed before me this the 5th of February, 1881.  
[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared FRED. NIX, Jr., a witness for contestant, who, being sworn, deposes and says:

My name is Frederic Nix, jr.; my age, 30; occupation, postmaster; residence, Blackville.

Question. What connection did you have with Republican party in the last campaign?—Answer. I was county chairman.

Q. Did you take an active part in the election?—A. I did.

Q. Was a thorough canvass made in this county by the Republican party?—A. Yes; as well as could be under the circumstances. In a portion of this county the Republicans could not hold political meetings, that is, on the line of the Port Royal Railroad and around where the Ellenton riot was in 1876, because of threats and fear of violence.

Q. How many polling precincts are in that section?—A. Five.

Q. Is it a notorious fact that Republican meetings cannot be held in that portion of the county?—A. Yes; Robbins precinct is near the scene of the Ellenton riot.

Q. Were many colored people killed during that riot?—A. Yes.

Q. Prior to 1876, was Robbins precinct a Republican or Democratic precinct?—A. Almost solid Republican.

Q. What has been the state of feeling among the Republicans in that portion of the county since the Ellenton riot?—A. It is impossible for a Republican to think, speak, or act as he pleases.

Q. Does this feeling pervade the other precincts in that locality?—A. It does through Milletts, Mixon Mills, where the riot extended in 1876.

Q. How about the precincts of Allendale, Baldock, and Barker's Mill?—A. The feeling is about the same so far as holding political meetings and voting.

Q. Is it possible to have a free and fair election at the precincts named?—A. Not by any means.

Q. Is this the case at any other precincts?—A. Nearly as bad as Williston, Elko, and Buford's Bridge.

Q. Is it a notorious fact that colored men are not permitted to hold Republican meetings in these localities and vote the Republican ticket?—A. Yes.

Q. After the Ellenton riot, what was the feeling among the colored people?—A. Why, they were just as wild as deers; you could not get to one of them if he did not know who you was; I experienced this myself.

Q. At the precincts named is the majority of the voters Republican or Democrat?—A. At Allendale, Baldock, Milletts, and Robbins they are Republican by a large majority; Allendale usually gave eleven to twelve hundred majority; Milletts, two to three hundred; Robbins, about three hundred Republicans, and fifty to seventy-five Democrats; Barker's Mill about evenly divided; Mixon's Mill about even; Buford's Bridge over two hundred Republican majority, *i. e.*, when elections were free and fair.

Q. When was this system of terror inaugurated?—A. In the campaign of 1876.

Q. What name was given to it?—A. It was generally known as the shot-gun policy.

Q. Was it generally carried out in this county?—A. Yes.



Q. Has it been continued in the campaigns since?—A. Yes.

Q. Do you know, if it was a fact that it was openly asserted throughout the county that it was no use for the Republicans to run a ticket, for the Democrats had the machinery of election, and would elect their ticket anyhow?—A. Yes; it was generally known throughout the county. Members of the Democratic executive committee so told me.

Q. Have you been an active Republican in Barnwell County long?—A. For the last eight or nine years.

Q. And do you know the most of the voters of this county?—A. I do.

Q. Did the Republican executive committee suggest the names of persons to act as supervisors at the various polling precincts?—A. Yes; for all the precincts; but could get no one to act at Milletts and Robbins for fear of their lives.

Q. Did all those appointed serve?—A. All but the one at Bamberg; who would not serve because I and him were not on good terms.

Q. Do you know why there were no Republican votes cast at Milletts and Robbins?—A. Because Republicans are afraid to go there to vote.

Q. Was the fear general that the election at the precincts along the Port Royal Railroad would not be fair, and that the Republicans would be counted out?—A. Yes.

Q. What methods were made use of to compel the colored people to vote the Democratic ticket, or not vote at all?—A. Refusing to rent lands, threats not to give them advances upon which to plant their crops, or to hire them, or to allow them to live on their places.

Q. Was this general?—A. Yes.

Q. Did all these things tend to prevent colored men from working for the success of the Republican ticket and from voting as they chose?—A. Yes; to a very great extent.

Q. Were many complaints made to you, as chairman of the county, by colored men of these threats?—A. They were numerous.

Q. Was this plan of coercion openly advocated by the Democratic press of this State, or the county?—A. I don't remember.

Q. Was it openly advocated in Barnwell County?—A. It was.

Q. Whose name was on the Republican ticket of Barnwell County for Congress?—A. Robert Smalls.

Q. Did the Republicans scratch him from the ticket at all?—A. Not to my knowledge.

Q. Was the entire ticket warmly supported by Republicans?—A. It was.

Q. Are the colored men of Barnwell Republicans or Democrats, and are there as many colored Democrats as there were in '76?—A. They are Republicans, and there are less colored Democrats than there were in '76.

Q. Do you know why there are less colored Democrats now than in 1876?—A. They were dissatisfied with the treatment of the Democrats, and therefore became Republicans again.

Q. Can a colored man vote the Democratic ticket without fear of violence in this county?—A. They can; perfectly.

Q. If there had been a free ballot and a fair count in Barnwell County who would have had the majority for Congress?—A. Robert Smalls; of seventeen or eighteen hundred.

Q. Since 1874 has there been a free ballot and fair count in Barnwell County?—A. No; there has not.

Q. Is it a notorious fact that the Democrats of Barnwell County and of this Congressional district openly declared, through the newspa-

pers and otherwise, that, come what will, they will never permit the Republicans to get control?—A. I have heard it in this county, and have seen it in the papers.

Q. Is there anything farther that you would like to state in regard to the recent election?—A. The executive committee of the county met and directed me to ask the governor to appoint one Republican on the board of county election commissioners.

Q. To what political party did the commissioners belong?—A. To the Democratic party.

Q. To what political party did the managers belong?—A. To the Democratic party. I wrote to Gilbert Hogg, the colored man, who was one of the commissioners of election, and asked him to see that the Republicans had one manager for each precinct, and furnished him a list of names. I met him before and after the election, and he informed me the first time that he thought the Republicans would be given one of the managers; they were already appointed, but I am satisfied that Hogg was not aware of it. After the election Hogg informed me that the board had met and made the appointments without notifying him of the meeting, and that the managers were appointed without his knowledge, and that the first time he met with them as a board was after the election. All the managers were Democrats.

Q. Was it generally known, just preceding the election, that the Democrats were attempting to intimidate the Republicans in that portion of the county lying near the Port Royal road?—A. They rode by night, and visited the houses of leading colored men, making threats and warning Republicans not to attend Republican meetings, and discharging from employment such as would attend.

Q. Were the Democrats called out to attend Republican meetings in this county?—A. Yes; through the newspapers they were instructed to come out to a man.

Adjourned till 9 o'clock to-morrow.

Pursuant to adjournment, met at 9 o'clock.

Cross-examined by Mr. HOLMES:

Q. Did you hear of any white people being killed in the Ellenton riot?—A. Yes; one.

Q. Did you hear of any trains being wrecked during the riot?—A. No.

Q. Did you hear of any property of Democrats being destroyed by incendiary fires then?—A. I did not.

Q. As Republican county chairman did you give your earnest support to Robert Smalls as candidate for Congress?—A. I did.

Q. Did you personally direct the campaign of the Republican party?—A. Yes; as county chairman, together with the county executive committee.

Q. Did you call Republican meetings on the line of the P. R. R. R?—A. Only one local meeting, just before the day of election.

Q. At what point?—A. Baldock.

Q. Did any Democrats attend it?—A. I did not reach it; did not mean to go when I called it.

Q. Did you call meetings at any other point?—A. At no other point, except at Blackville.

Q. Did you visit that section of the county lying on the P. R. R. R?—A. I did; by night.

Q. Have not many persons emigrated to Beaufort from that section

after the election of 1876?—A. Yes; a great many of the leaders of the colored people about Robbins were compelled to leave.

Q. Were any attempts made to hold public Republican meetings in that section of the county?—A. None except local meetings, which was held at night.

Q. Were they held at night for the convenience of the members of the party or for precaution?—A. They were held at night to keep the Democrats from knowing of them. The day would have suited better.

Q. Has any considerable number of Republicans in that section of the county become Democrats?—A. Not to my knowledge.

Q. By whom was the term "shot-gun policy" applied to the Democratic tactics in 1876?—A. By the Democrats.

Q. Where, when, and by whom were threats made by Democrats to make no advances, rent no lands, and give no employment to colored persons who should vote the Republican ticket?—A. It was general over the county. I know of several instances; one here in Blackville, some in Williston, Great Cypress, Graham's, and other townships, where threats were made and persons discharged for attending Republican meetings, &c.

Q. By whom were these threats made?—A. By almost every Democrat.

Q. How many Republicans attended the Republican demonstration at Blackville?—A. About 5,000 or 6,000; every precinct and club in the county were represented.

How many of these came from the Port Royal R. R. section?—A. A great many.

Q. Did they come by day or night?—A. Both day and night.

Q. Do you know that intimidation of Republicans was practiced, of your own knowledge, on the Port Royal R. R. section?—A. I know it by reports.

Q. By whom was it asserted that it was no use for Republicans to run a ticket, because the Democrats had the counting machinery?—A. By Democrats.

Q. As Republican county chairman, did you not use every legitimate means to secure the success of your ticket?—A. I did.

Q. How many Democrats attended the Republican meeting at Blackville?—A. Not a great many.

Q. How was the nomination of the Republican ticket made last year?—A. By the county executive committee.

Q. Is this the usual way?—A. Yes; since '76; that is, in 1878 and 1880.

Q. Did the ticket as nominated give general satisfaction?—A. Yes.

Q. Was the aid of the colored churches invoked in behalf of the Republican party?—A. Not to my knowledge.

Q. Do you know any instances in which colored persons were socially ostracised or deprived of church privileges because of their affiliation with the Democratic party?—A. None at all.

Q. Other things being equal, is a colored Democrat considered as respectable and treated as kindly by the people of his race as a colored Republican?—A. Yes.

Q. Did you as Republican county chairman appoint any person or persons to whom the members of your party were required to report for whom they voted?—A. No.

Q. Do you know of any parties reporting how they voted to a colored man, who was sitting in the building next east of this on the day of election?—A. No.

Q. Were the names of all persons who received Republican tickets on the day of election before they voted recorded as voting the Republican ticket?—A. Very nearly all of them.

Q. At how many election precincts was this done?—A. It was done more thoroughly at Blackville and Midway; partially done at all precincts where they were allowed to do so.

Q. Were not these lists considered rolls of honor?—A. No; it was done for the purpose of knowing who and how many voted the Republican ticket.

Q. Did these persons who received Republican tickets make affidavit that they would vote them?—A. No.

Q. Were not Republican precinct chairmen required to report to the county chairman how many members of their several clubs voted the Republican ticket?—A. No.

FREDERICK NIX, JR.

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

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared L. J. RICKENBACKER, a witness for contestant, who, being sworn, deposes and says:

My name is L. J. Rickenbacker; age 25; residence Midway; and occupation teacher.

Question. Were you at Graham's precinct at the last election?—Answer. Yes.

Q. Were you there all day?—A. I left about 6 p. m.

Q. Were the managers at that precinct Republican?—A. No; all Democrats.

Q. Was everything quiet and peaceable that day?—A. It was, until between 11 and 12 o'clock, when the Augusta train came down bringing a crowd on it, who started a row which continued until the Charleston train arrived, which was one and a half or two hours after the arrival of the Augusta train; I saw several men who had been struck in the row, with pistols and sticks; a good deal of noise and confusion was kept up all the balance of the day; about three or four hundred men came down on the Augusta train; they said they came from Blackville, Barnsville, Williston, and other places; they did not live in Graham's precinct.

Q. Did you keep a poll-list?—A. Yes.

Q. Did it correspond with the one kept by the managers?—A. Yes.

Q. Where was the poll held?—A. In a small house.

Q. Where was the box situated?—A. On a counter.

Q. Could the people come up and vote freely?—A. I did not see any one kept out.

Q. Did you see anyone vote there who was not old enough?—A. Yes; four or five.

Q. Did the men who came on the Augusta train vote there?—A. They did.

Q. Did any men come from anywhere else and vote?—A. No.

Q. Why did you leave at 6 o'clock p. m.?—A. At 6 o'clock I had occasion to go outside the building, and in going out the door the Democrats violently assaulted me at the door armed with sticks, knives, and pistols, who threatened to kill me; I was struck with a stick but managed to

escape, and I was afraid to return to the poll; they had been threatening me all the evening and were very violent; the Republicans were driven back by a large number of mounted men, who was strangers; they said they were from Elko, and voted at this poll.

Q. Were the Republicans intimidated?—A. They were; I heard many threats, that if they voted the Republican ticket, they might as well go back home and bundle up.

Q. After you left, did the Democrats have it all their own way?—A. They did; no one being there to represent the Republican party.

Cross-examined by Mr. HOLMES:

Q. Did you see the Augusta train when it came?—A. Yes; I was three or four feet from the door; don't know how many cars were on the train; didn't notice; did not notice the length, suppose it was the usual length.

Q. What is the usual length?—A. Three or four cars besides the baggage and express.

Q. Was that train on that morning large enough to bring three or four hundred men?—A. Yes.

Q. How many persons usually vote in one hour at that poll?—A. Don't know.

Q. Was the oath administered to every voter there that day?—A. Yes.

Q. When the oath is administered to every voter, how many can vote in an hour?—A. Don't know.

Q. How many of these men who came on the Augusta train voted before the arrival of the Charleston train?—A. Don't know.

Q. How many went back on the Charleston train?—A. Don't know.

Q. Were any Republicans prevented from voting there that day?—A. Don't know how many, but quite a number was prevented from voting.

Q. Was open access preserved during the day to the box?—A. They could come up, but they had to pass through a crowd.

Q. What threats were made, and by whom?—A. The threats were, that those who voted the Republican ticket had to bundle up and leave their homes.

Q. How far from the poll did this row occur?—A. Between ten or fifteen yards.

Q. Between whom was the row?—A. I saw several colored men whom I took to be Republicans struck by white men, whom I took to be Democrats.

Q. Do you know the people of Graham's?—A. I know the most of them.

Q. Did anybody try to shoot you?—A. Pistols were drawn on me just before I left by persons unknown to me.

Q. Did anybody try to cut you?—A. Knives were drawn on me at the same time when the pistols were drawn, and I was struck.

Q. Did they cut you?—A. No.

Q. Did they cut your clothes?—A. No.

Q. Were you thrown off the platform?—A. No.

Redirect.

Q. Did you think that your coat or pants were cut?—A. I thought I was cut myself, but don't remember telling any one so at the time; one man who had hold of me and who had a knife, fell to the ground when I jerked myself away from him.

L. J. RICKENBACKER.

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

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared J. S. RICKENBACKER, a witness for contestant, who, being sworn, deposes and says:

My name is J. S. Rickenbacker; age, 28; occupation, teacher; and live in Midway.

Question. Were you at Mixon Mill on the day of election?—Answer. I was; as supervisor.

Q. Did you stay all day?—A. I did.

Q. Where is Mixon's Mill?—A. In the western part of Barnwell County, near the P. R. R. R.

Q. Was everything peaceable and quiet during the day?—A. About half past 3 there was a great deal of disturbance around the house; outside.

Q. Were the Republicans permitted to vote as they pleased?—A. They had free access to the poll.

Q. Were there many Democrats there that day?—A. A good many were there, near half of whom were in red shirts and armed with pistols.

Q. Was there any shooting there that day?—A. Yes; any quantity by the red shirts, who rode up in a crowd and shot off. The first time this was done was about half past 11 o'clock. When they found everything quiet they fired their pistols and rode off. This happened again about half past 2 and at 4.

Q. Did they live in that vicinity?—A. No.

Q. Did you go off from the poll?—A. Once.

Q. Were the managers Republicans or Democrats?—A. They were Democrats.

Q. Did you keep a poll-list?—A. I did not. The managers would not allow me nor the Democratic supervisor to keep a poll-list. They showed me instructions that they said came from Judge Bryan, which said that the supervisor was not required to keep a poll-list. After I came out of the house and got a piece off five pistol shots were fired at me, one of which struck me on my boot-heel.

(Contestee gave notice of an objection, for which this space was left, but up to the time of sending this testimony to Washington has not presented it.—E. A. B.)

*Later.*—Notice received. Contestee, by counsel, objects to the introduction of evidence and examination of witnesses as to Mixon's Mill precinct, on the ground that said precinct was not specifically mentioned in notice of contestant served on contestee.

Cross-examination by Mr. HOLMES:

Q. At what time did these Democrats fire their pistols?—A. Eleven a. m., when they were going away.

Q. How far were they from the polls?—A. About 75 yards.

Q. Were Republicans permitted to vote there as they chose?—A. They had free access to the box.

Q. Were you fired at by Republicans or Democrats?—A. The parties were unknown.

J. S. RICKENBACKER.

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

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared G. W. GANTT, a witness for contestant, who, being sworn, deposes and says:

My name is G. Washington Gantt; age, 27; occupation, farmer; live at Midway.

Question. Were you at Williston on the day of election as supervisor?—Answer. Yes.

Q. Did you keep a poll-list?—A. No; I started to do so, but was arrested by J. D. Brown, who claimed to be an officer, with a badge on, and put out of the house.

Q. Was it possible for you to keep any check on the managers without keeping a poll-list?—A. No.

Q. Did the number of names on the managers' poll-list correspond with the number of ballots in the box?—A. No; there were nine more names than ballots.

Q. What caused this?—A. I could not tell.

Q. Did you see any one taking the names of Republicans as they voted?—A. I did; I saw Calvin Brown.

Q. Did any parties vote there who did not belong there?—A. Some Democrats from Blackville voted there.

Q. On being ordered out by Brown, why did you go?—A. He claimed to be a marshal, and had on a badge, and I considered that I was compelled to obey him.

Q. Were any Democrats there in uniform?—A. Yes; in red shirts.

Cross-examination by Mr. HOLMES:

Q. Were you present when the poll was opened?—A. Got there about half past 7.

Q. What did you say when Mr. Brown asked you what authority you had to take names?—A. I showed him my instructions as supervisor.

Q. Did you have your commission?—A. No; I had misplaced it.

Q. Did any disturbance happen there during the day?—A. Not until that night.

Q. Where did you go after you left the house?—A. Went on the outside. This was about 10 a. m.

Q. Did you stay with Calvin Brown the balance of the day?—A. No.

Q. Did you see him during the day?—A. I did.

Q. Where was he stationed?—A. He did not stay in any one place, but about in front of the house.

Q. Was Calvin Brown in full sight of the ballot-box all day?—A. Don't know, but after Republicans had voted they reported to him.

Q. Did each Republican come to him and report personally after they had voted?—A. I think so.

Q. Did you see any Republicans prevented from voting there that day?—A. I saw some turned off.

Q. How many?—A. About ten or fifteen.

Q. Were they afterwards allowed to vote?—A. Some were; six or seven.

Q. Why were they kept from voting?—A. On various grounds; under age, non-residence, &c.

Q. Were there any secret signs given to Calvin Brown by Republicans when they voted?—A. I do not know.

Q. How far am I from you now?—A. About 15 feet.

Q. I hold two tickets in my hand, one a Democratic and one a Republican ticket. Can you tell the difference in them?—A. No; as they are both white.

Q. Could any person tell on that day the difference?—A. Yes; they could. The Democrats had some yellow tickets.

Q. But when both tickets were the same color could any one tell?—  
A. They could not.

Q. Were you a candidate in the last election; and, if so, for what office?—A. Yes; for member of the legislature.

Q. Was the Rev. E. J. Snetter also a candidate?—A. Yes; for the legislature.

Q. Was Mr. F. A. Blackwood a candidate?—A. Yes; for probate judge.

Q. Did you witness the count of the votes at Williston?—A. I did.

Q. Did you regard it fair?—A. Yes.

Q. What was the disturbance at night?—A. I heard some white men say to the colored men that "if you don't get out of here we will knock you out."

Q. Did you see any active violence?—A. I did not.

Q. Were you kindly treated there?—A. Yes; except when Mr. Brown put me out of the house.

Q. Did you, as supervisor, make a return to the chief supervisor?—  
A. Yes.

Redirect:

Q. Is this room dark or light?—A. It is a little dark.

Q. Was the room at the poll dark?—A. It was lighter than this.

G. W. GANTT.

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

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared BEN. GIFFORD, a witness for contestant, who, being sworn, deposes and says:

My name is Benj. Gifford; age, 51; occupation, farmer; live at Bennet Springs.

Question. Did you go to Red Oak on election day to vote?—Answer. I did; and on my way to the poll I met some men armed about half a mile from the poll, as we were going to poll to vote; we met about 18 white men who shot among or over us, and the colored men scattered like partridges, and some of them never did come back.

Q. Do you know any Republicans being prevented from voting?—A. A. Yes; a great many.

Q. How?—A. The Democrats rode around the neighborhood on the night before the election. Some of them came to my house and broke my door down and told me that if I went ten steps out of my house the next morning they would shoot me like they did Simon P. Coker.

Q. Do you live near Millett?—A. Yes; about three miles from there.

Q. How far do you live from Red Oak; why did you go to Red Oak instead of Millett?—A. Because I wanted to vote the Republican ticket, and the Democrats said no Republican ticket should be voted at Millett, and that they would shoot every man who voted the Republican ticket at Millett.

Q. Do the Democrats keep their word when they say they will kill you over there?—A. They killed a good many there in '76.

Q. Are you a Republican?—A. Yes.

Q. Did you know Jeff Williams, Henry Ingraham, Simon Coker, Geo. Tutts, Bill Tutts, Bas Dunbar, Ed. Dublin, Sam Wilkins, Alex.



Evans, Peter Graham, Andrew Smith, and Lewis Robinson?—A. I did; I knew them well.

Q. Did they vote the Republican ticket this time?—A. No; they were killed in '76. Andrew Smith was killed at church. Jeff Williams was taken from a cotton field and killed. Alex. Evans was killed in a house near Pen Branch. Henry Ingraham was killed in a cotton patch. Simon Coker was killed at Ellenton, being carried first from Robbins precinct. George Tutts was put upon a stump and shot; so was Bill Tutts. Bas Dunbar was killed at the upper Three Runs. Ed. Dublin was killed near Mr. Turner's. Sam Wilkins was taken out of his father's house near Pen Branch and killed. Peter Graham, who was sick, was called to his door and shot. Andrew Smith was killed at church of Lower Runs. Paris Robbins was killed in the swamp. Paul Kelsey, a blacksmith at Ellenton, had two sons killed near Mr. W. G. Dix's.

Q. Where did these people live?—A. In my neighborhood.

Q. Were they Republicans?—A. Yes.

Q. Where did these men generally vote?—A. At Ellenton, Milletts, and Robbins. Four of them were not voters, being boys.

Q. What effect has this had on the votes in your section?—A. They are afraid to vote.

Q. Was this fear and terror quite general among the Republicans in the last election over there?—A. Yes.

Q. At Robbins precinct do the Republicans believe they could go to the poll and vote with perfect freedom and safety?—A. They do not; they would if they could.

Q. How about Millett?—A. The same way.

Q. Are the colored people in your section Republicans or Democrats?—A. All Republicans but a few.

Q. Are there more Republicans around there than Democrats?—A. Yes.

Q. Then why did the Democrats get more votes than the Republicans?—A. Because the colored people are afraid to vote the Republican ticket there. The night before the election the Democrats came in my yard and threatened to kill me if I went to Red Oak to vote. These threats were generally made to others.

Q. Did this same feeling of terror pervade all the Republicans in your section?—A. It did.

Q. Do you know of any Republicans who were driven off and could not vote?—A. A large number were coming from Robbins and Milletts to vote at Red Oak, and shots were fired by Democrats, and the Republicans ran away and did not vote.

Q. How many?—A. I saw eight or nine.

Q. What time of day was this?—A. About 7 o'clock.

Q. Have any Republicans told you that they were afraid to go to those polls to vote?—A. Yes; some six others told me so.

(Contestee, by counsel, objects to the introduction of evidence and examination of Ben. Gifford, Tom Roberts, and John Woodward as to the election at Red Oak precinct, because no notice has been served upon him by contestant; that contestee's claim to seat in the next Congress would be disputed because of any irregularities or intimidation at said Red Oak polling precinct.)

Cross-examined by Mr. HOLMES:

Q. Where do you generally vote?—A. At Millett.

Q. Why did you vote at Red Oak the last election?—A. Because

there was so much fuss at Millett in '76, and there had never been any trouble at Red Oak.

Q. Have the Democrats about Millett and Robbins ever killed any colored people?—A. (The witness declines to tell.)

Q. Do you know who killed Auff Williams?—A. No.

Q. Who killed Henry Ingraham?—A. Don't know who killed him, but white men killed him; nor Bill Tutts, nor Bass Dunbar, nor Ed. Dublin. Sam Wilkins—I refuse to tell who killed him. I heard Wilkins's father and mother say who killed him. Don't know who killed Alex. Evans, Peter Graham, Andrew Smith, the Kesley boys, nor Paris Robinson.

Q. Did you hear of any white men being killed during the Ellenton riot?—A. Yes; Mr. Robert Williams and others at Seuffleboro'.

Q. Were any trains wrecked on the Port Royal Railroad, during the Ellenton riot, by the Republicans?—A. Heard that a train was wrecked, but did not hear that Republicans did it.

Q. Did you ever hear that James Patterson, acting sheriff of Barnwell County and a Republican, while proceeding to the scene of the Ellenton riot under instructions from Judge P. L. Wiggins, also a Republican, was shot and dangerously wounded?—A. I know he was shot, because I handed him water on the next day. But Mr. Patterson was a Democrat.

Q. How many men went with you to Red Oak on the day of the last election?—A. Don't know, but think there were more than a thousand were there.

Q. How many went away without voting?—A. Can't say positively. About nine ran away when we were on our way to the poll. Some of them never came back. At least two of them came back. The larger part of them remained after I left. All who went back with me voted—some 25 or 30.

Q. Did you ever hear of any property of Democrats being destroyed by fire during the time of the Ellenton riot?—A. I heard that Mr. Bailey's mill got burnt, but don't know how.

Q. When the eighteen Democrats fired on your crowd did they shoot at you or over you?—A. They shot over us.

Q. Were Republicans allowed to vote as they chose at Red Oak?—A. While I was there they voted very well.

Redirect:

Q. Were the murders that you have spoken of committed during the campaign of 1876?—A. Yes.

Q. Is it the belief of the Republicans in that section that those men were killed by Democrats and because of their politics?—A. Yes.

Q. Don't the colored people believe that Simon P. Coker was killed because he was a leading Republican?—A. Yes.

Recross:

Q. Are the two parties on friendly terms?—A. I can't tell you. I hear of nothing now.

Q. Do you know by whom S. P. Coker was killed, by Carolinians or by strangers?—A. No.

Redirect:

Q. Is it the belief that S. P. Coker was killed by Democrats?—A. Yes; they believe it.

his  
BENJ. + GIFFORD.  
mark.

Sworn to and subscribed before me this the 5th day of Feb'y, 1881.  
[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared T. ROBERTS, a witness for contestant, who, being sworn, deposes and says:

My name is Thomas Roberts; live at Bennet Springs; occupation, farmer; age, 34.

Question. In what polling precinct do you live?—Answer. Millett.

Q. Did you go to Millett at the last general election to vote?—A. No; I wanted to go there, but it was rumored that if the Republicans went there to vote they would be killed, and I started to Red Oak; but about half a mile from the poll a party of men met us in the road and fired over our heads, and the Republicans scattered. About a mile from there, on another road, another party of Democrats met us and fired off their pistols. We became alarmed and ran away home. I did not vote that day, but I intended to vote the straight Republican ticket. I slept out in the woods for nearly a week for fear of being killed. The colored people was very much alarmed in that neighborhood. There were many others in the party when the firing took place, and many were afraid to leave home and go to the poll.

Cross-examined by Mr. HOLMES:

Q. By whom were these threats made against Republicans?—A. I don't know; don't know the names of them.

THOMAS <sup>his</sup> + ROBERTS.  
mark.

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

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared JOHN WOODWARD, a witness for contestant, who, being sworn, deposes and says:

My name is John Woodward; live at Bennet Springs; age, 25; occupation, farmer.

Question. What is the nearest polling place to where you live?—Answer. Millett.

Q. Did you vote there?—A. I was afraid to go there.

Q. Why?—A. Because of threats to kill any Republican who went there to vote. I started to Red Oak, and a half mile from the poll were met by a party (16) of mounted Democrats who fired their pistols over us, and our party broke and ran away. I went home but slept in the woods for three or four nights. We had not got over the Ellenton riot, and could stand to see them toat "them guns." The colored people were much scared in the neighborhood. I was going to vote the straight Republican ticket. I know of about eight Republicans who ran off and did not vote. They would have voted the Republican ticket.

Cross-examined by Mr. HOLMES:

By whom were these reports, that the Republicans would be killed if they voted the Republican ticket at Millett's?—A. By the Democrats?

Q. How do you know that it was started by them?—A. I know it because they put out the report.

Q. Did any Democrats tell you that if you voted the Republican ticket you would be killed?—A. No.

Q. Who told you so?—A. A Democrat; but I won't call any names.

Q. Were you not directed, by the chairman of your club, to cast your vote at Red Oak?—A. Yes.

Q. Was that the reason why you went to Red Oak?—A. Yes; I was obliged to go where I was sent, after we could not go to Millett.

Q. Were not all the members of your club directed to go to Red Oak, by the chairman of your club?—A. Yes; after we could not get to the other poll.

Q. Do not members of your club always obey the chairman?—A. Not always.

Q. If the chairman of your club had told you to go to Millett, would you not have gone?—A. No.

Q. Have you ever been at Millett in an election before this?—A. Yes; 4 years ago.

Q. Was there any trouble there then?—A. Yes.

Q. Is that the reason you did not want to go back there?—A. Yes.

Q. Where did you vote 2 years ago?—A. Nowhere.

JOHN <sup>his</sup> + WOODWARD,  
mark.

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

[SEAL.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared Rev. L. RIVERS, a witness for contestant, who, being duly sworn deposes and says:

My name is Lewis Rivers; age, 37; occupation, minister; residence, Midway.

Question. Were you at Allendale precinct on the day of election?—

Answer. I was; as United States supervisor.

Q. Was everything peaceable and quiet there?—No.

Q. What time did you get to the poll?—A. At 6 o'clock. I saw the box opened.

Q. Where was the poll held, and how was it situated?—A. It was in an old store on the corner near the rear door, the voters going in and out the front; the box was about thirty or forty feet from the front door.

Q. Did the voters have free access to the poll?—A. The Democratic party kept a crowd at the door, obstructing the front door, and compelled colored men to show their tickets, and when it was found they had Republican tickets they would close the door and prevent them from entering.

Q. Did you keep a poll-list?—A. I started to keep one, but saw that it was impossible to keep one correctly, and I stopped about 1 p. m.

Q. Did the managers give you every facility to discharge your duty?—A. They did. The reason I was unable to keep an accurate poll-list was because the Republicans were prevented from coming into the poll to vote, and I was compelled to leave the box in order to try and make a way for the Republicans to get in. I could not attend to this and keep a poll-list at the same time. When I went to the door and asked that the way be cleared it was done, but as soon as I returned to the box, the passage was closed again; it was the same as before. This continued until about 1 o'clock, when the Republicans went away

toward's Barker's Mill precinct, as they could not get into the poll at Allendale. They returned to Allendale about 3 or 4 o'clock and said that they had been to Barker's Mill and could not vote there.

The same process of obstructing the poll was continued all day.

Q. How many Republicans voted at Allendale that day?—A. Thirty-six Republican votes were counted and over seven hundred democratic.

Q. Do these figures represent one vote for each voter at that precinct?—A. I don't think they did. I noticed, in counting the votes, several ballots were folded together. I don't think that 700 Democrats voted there.

Q. Were you asked to sign a poll list and return that night?—A. I was, by the Democrats, but refused. Quite a number of Democrats came to my house, about 1 o'clock that night, and demanded that I should get up and sign the list. I refused. They cursed and threatened to break down my door. I still refused. They shot around the house, alarming my family. The next night they did the same thing. I concluded it best for my safety to leave and stay away for awhile. I remained away for several weeks.

Q. How many Republicans were prevented from voting there?—A. Between three and four hundred who would have voted for Robert Smalls.

Cross-examined by Mr. HOLMES:

Q. What is your occupation?—A. Clergy of the Methodist Episcopal church; stationed at Allendale last year.

Q. In acting as supervisor, was you acting in the interest of fair election, or the interest of the Republican party?—A. A fair election.

Q. Was there a proposition to let the Democrats vote first, then the Republicans?—A. I don't know anything about it. There was some such proposition made by Dr. O. Gilvey, but not accepted by the Republicans.

Q. Do you know, of your own knowledge, that the colored people were requested to show their tickets, and were crowded back when it was found that they had Republican tickets?—A. Yes.

Q. How many persons were engaged in obstruction?—A. They were innumerable.

Q. How long have you been stationed there?—A. Three years.

Q. Did not Captain Riley and other Democrats make way for Republicans to get to the poll to vote?—A. They did on several occasions, but could not keep the way open long enough for any number to get in.

Q. Did prominent Democrats try to get an opportunity for Republicans to vote?—A. Some few did.

Q. How many men left at 1 o'clock for Barker's mill?—A. About twenty-five; the rest went home.

Q. How far from Allendale to Barker's?—A. About seven miles.

Q. What time did these men return?—A. Some time in afternoon; an hour or two before the closing of the polls.

Q. Was the aid of the church invoked in behalf of Republican party?—A. No.

Q. Did a good many colored people vote the Democratic ticket there?—A. A good many; they were compelled to do so or leave home.

Q. When did you see these strange men coming across the Savannah River?—A. Monday evening before the election.

Q. Do the colored Democrats stand as well socially as Republicans?—A. They do; certainly.

Q. What proportion of the colored people voted the Democratic ticket?—A. A majority of those who voted there; they were compelled to.

Q. Why?—A. Because they had to do so or leave their homes.

Q. Could you identify any of the parties who came to your house and demanded that you sign the list?—A. No.

Q. When the Republicans left the poll did not you and Dr. Storey call them back?—A. A few.

Q. Did they refuse to come?—A. They replied that they had been knocked down long enough.

Q. You say a majority of the colored men who voted there that day voted the Democratic ticket?—A. Fully two hundred; but I am satisfied they did not do so of their own free will. At least twenty-four boys voted the Democratic ticket. I did not object because I was afraid to do so.

Q. What proportion of the Democrats who were present did not live in that locality?—A. At least two hundred. About one-half of the Democrats present were armed. There was a great deal of noise around the poll and the colored people were intimidated.

Q. Could Republican meetings have been safely held at Allendale?—A. No; the Democrats would break them up.

LEWIS RIVERS.

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

[L. S.]

E. A. BRABHAM,  
*Notary Public.*

Personally appeared GILBERT HOGG, a witness for contestant, who, being sworn, says:

My name is Gilbert Hogg; age, 48; occupation, farmer; and live in Barnwell.

Question. Were you appointed a commissioner of the recent election?—A. I was, for Barnwell County, and qualified.

Q. Who was chairman of the board?—A. Dr. Fost.

Q. At what meeting was he elected?—A. Don't know.

Q. Were you ever notified of a meeting of the board for the purpose of organizing?—A. No.

Q. Did you have any communication with Dr. Faust about calling a meeting of the board?—A. I wrote to him and asked him when the board would meet. He replied that he would let me know three weeks before the election, which would be time enough.

Q. Did he or the other commissioners notify you of a meeting for the purpose of organization, or to appoint the managers of election?—A. They did not. The first notice that I received was three days before the election, to meet on the day of the election at Barnwell.

Q. Did you meet the commissioners at any time before the election?—A. I did not; the first time I met them was after the election.

Q. Were you consulted about the appointment of managers of election for Barnwell County?—A. I was not, nor did I know who the managers were.

Q. When did you first know who the managers of election were, and how did you know?—A. I never did know who the managers were, except at Barnwell and Blackville, and these I saw acting on the day of election.

Q. Did you have any conversation with leading Democrats of this

county as to the reason of your not receiving any notice of the meetings of the board?—A. I did, with Dr. Lartigue; I asked him why I did not receive any notice. He said that he had asked the governor to remove me, because it was reported that I was a Democrat; therefore, they would not notify me.

Q. Was there any conversation between yourself and he told you that you were a Democrat?—A. Yes.

Q. Have you a letter from Dr. Lartigue?—A. Yes; I received it through the post-office on the 5th of September. I cannot read writing.

Q. Are you sure this is the note you received then?—A. I am.

(The letter signed by Dr. Lartigue, dated September 3, 1880, and marked Exhibit C, placed in evidence.)

Q. Who was Dr. Lartigue?—A. He was county chairman of the Democratic party, and was the candidate of the Democrats for State senator at the election.

Q. Did the Republicans ask for the appointment of managers to represent them at any of the polls in this county?—A. Mr. Nix, the Republican county chairman, asked for the appointment of one manager at each poll, and gave me a list of names who were recommended. None of them were appointed.

Q. You met with the commissioners as a board of canvassers after the election?—A. Yes.

Q. Was there any conversation in the board about the number of votes that had been cast in Barnwell County?—A. There was. It was said by the commissioners that there were more votes cast than there were voters in the county. The clerk wanted to know what was to be done about it. I asked what was to be done about it, and it was decided that we should count the votes as returned, and that it was not our fault that there was an excess. There were some mistakes in the poll-list, and the commissioners said that they could not fix it. I don't remember what was the excess of the votes of the county, but it was two thousand or more.

Cross-examined by Mr. HOLMES:

Q. Were you at Williston on the day of election?—A. No.

Q. Were you appointed a commissioner as Republican?—A. Yes.

Q. Was the receipt of your commission delayed because it was reported that you were a Democrat?—A. It was so reported to me by Dr. Faust, chairman of board of commissioners, and Dr. Lartigue, chairman for the county.

Q. How did you receive your commission?—A. It was handed me at Barnwell.

Q. At what time did you file your oath in the clerk's office?—A. About the 8th of September.

Q. When you informed Dr. Lartigue that you was a Republican, what did he say?—A. He said that he did not know that, but it was all right anyway.

Q. Did Dr. Lartigue tell you that he had written to the governor, asking him to appoint Handy Wright in your place, because you were reported to be a Democrat?—A. He did.

Q. What reply did he say he received from the governor?—A. He said that the governor had replied that I had been recommended to him as a Republican, and that it was too late to make the change, and that I must serve.

Q. Did he say this was the cause of the delay in your notice?—A. He

did say that this was the cause of the delay in my receiving my commission.

Q. Which one of the commissioners stated, when you met to count the votes, that the number of votes exceeded the number of voters?—A. Dr. Faust.

Q. How many votes were returned?—A. Something over eight thousand.

Q. Do you know the number of legal voters in the county?—A. I do not.

Q. Did you and the other commissioners agree as to the manner of counting the votes and making the returns?—A. We did.

Q. Did either of the commissioners desire to make any changes in the returns?—A. No.

Q. By whom was it suggested that certain errors in certain poll-lists could be fixed?—A. By Mr. Graham, the clerk.

Q. To what party did Mr. Graham belong?—A. Don't know; he has been a Republican, but has since claimed to be a Democrat.

Redirect:

Q. From what you know of the election did the Republicans have a fair chance to poll their votes, and to have them counted as cast?—A. I cannot say, except as Blackville and Barnwell, for a part of the day at Barnwell it was all right; from what I have heard, there was not, on the line of the Port Royal Railroad.

Q. Did you attend any Republican meetings during the campaign?—A. Yes. Two local meetings at Williston, which were held at night. I don't consider, from what I hear, it was safe for Republicans to have held a meeting at Robbins. And at Williston I do not think the county chairman of the Republicans could have held a meeting with absolute safety.

Recross by Mr. HOLMES:

Q. At what time are Republican club meetings generally held?—A. At night; for the convenience of members of the club.

Q. Have the Democrats ever interfered with these meetings at Williston?—A. No.

Q. If General Taft, as a leading Republican, were to go to Williston, would he be treated kindly?—A. Yes; I think so.

Q. Do you know whether any attempts were made to hold Republican meetings on the line of the Port Royal Railroad?—A. No; don't know.

Q. Were you ever chairman of the Republican club?—A. Yes.

Q. Have you ever held any office under the Democratic government?—A. Yes; as laborer in the house of representatives.

his  
G. H. + HOGG.  
mark.

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

[L. s.]

E. A. BRABHAM.

Personally appeared D. R. ROUSE, a witness for contestant, who, being sworn, deposes and says:

My name is D. R. Rouse; age, 28; occupation, teacher; residence, Aiken County.

Question. Were you a resident of this county on the 2d day of No-



ember last?—Answer. I was; voted at Aiken poll; was supervisor at that precinct.

Q. Was there a disturbance at that poll on the day of election?—A. There was. Some of the voters were hindered in voting by being pushed aside by other voters, Democrats, who told them to stand aside, and said that, "When we get ready for you to come in you can come in." They were ordered by one of the managers to stop pushing these voters, who were Republicans; and let them vote. I also said that when one voter got through he had a right to get out of the way and let others vote. But those who were shoving and pushing the voters about refused to stop it and continued to do so, saying that the coons must stand aside until they (the Democrats) said that they could come in. There was a book which was called the register used there that day by the Democrats; that book was supposed to contain the names of the voters of Aiken County, and any Republican whose name could not be found in that book, and who could not be located by some Democrat, was not allowed to vote, or was challenged by those who had the book, many of whom were not allowed to vote. Some 50 or more were rejected.

Q. Were white voters subjected to this same treatment?—A. No; not a Democrat was challenged or rejected.

Q. You spoke of there being a register book used on that day. Do you know if there is a registration law in South Carolina?—A. There is none to my knowledge.

Q. Do you know if there was any demonstration on that day by the firing of pistols, guns, or cannon?—A. On the morning of the election a cannon was fired in western direction from where I live about half-past four o'clock a. m. to half-past five a. m., which cannon I saw in the town of Aiken, standing about 40 yards from where the poll was held. I saw the cannon on the day after the election. The reason that I did not see the cannon on the day of election is that a barricade was constructed in front of the poll and between the poll and where I saw the cannon.

Q. Were the voters regularly sworn before depositing their ballots?—A. When Democrats would come up the managers would say, "Hold up your hands," and on several occasions I noticed that only four men would hold up their hands but five would vote. One of the men who had that register book asked a Republican if he was going to vote that dirty ticket. He answered that he intended to vote the ticket he held in his hand, which was a Republican ticket. The Democrat then said that, "I have done a great many things for you, but if you vote that ticket I shall never forget you for it, and will never do anything for you again." The Republican answered that he could not help it; he thought it safest to vote the Republican ticket. I saw Democrats vote all day who I thought not entitled to vote, and did not challenge them because I thought it unsafe for me to do so.

Q. How did your poll-list agree with that of the managers?—A. I did not keep a poll-list.

Q. Why?—A. The reason I did not I asked for conveniences to keep one, and the managers answered that they had made arrangements for the Democratic supervisor, and the Republicans had a right to make arrangements for me. There were about 36 more ballots in the box than names on the managers' list, which was destroyed. There were some ballots found with more than one folded within the same. There were no Republican ballots found with more than one in the same.

Cross-examined :

Q. Was there, to your knowledge, a ballot cast that day by a man who was not sworn ?—A. At times when they would be sworn in, crowds of four or five, one would not hold up his hand, but would vote.

Q. Did you complain of this to the managers ?—A. I told the managers that there was some irregularity there; they asked me what it was; I told them that they had sworn four and five had voted; they replied that they and I would look after that hereafter.

Q. Did you complain more than once ?—A. Yes; several times.

Q. Did you complain as much as four or five times ?—A. I did, either directly or indirectly, when I did not do so directly it was because I was afraid.

Q. Who was the parties who principally held this book of register ?—A. D. S. Henderson, W. W. Williams, J. C. Hutson, A. P. Brown, and G. W. Croft. (The witness declined to give these names because, said he, he was afraid to do so, but was pressed to do so by attorney.)

Q. Did you attempt to carry any table in the room for your convenience ?—A. No.

Q. Were you hindered or intimidated in any way from doing your duty as supervisor on that day ?—A. Yes.

Q. State what violence or intimidation was used towards you.—A. There was no direct violence, but there was remarks made which caused me to fear to press for an opportunity to carry out my duty as supervisor. I don't remember the exact words of the remarks, and they were not made directly to me, but they were made in such a way that I understood them to be meant for me. Such remarks as "We are going to look out for Democrats, and the Republicans must for you."

D. R. ROUSE.

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

[L. S.]

E. A. BRABHAM,  
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA,  
Aiken County :

AIKEN, S. C., February 7, 1881.

ROBERT SMALLS }  
vs. } Contested election.  
G. D. TILLMAN. }

A. H. Ezekiel for contestant, W. W. Williams for contestee.

Pursuant to adjournment met 12 o'clock, m.

Personally appeared L. L. THOMPSON who, being sworn, deposes and says:

My name is Logan L. Thompson; age, 48; occupation, farmer; and live in Aiken County.

Question. Were you in Aiken County on the 2d day of November last ?—Answer. Yes.

Q. Did you vote on that day ?—A. Yes; at Hutto's precinct.

Q. Do you know of any party or parties coming from any other poll to Hutto's to vote ?—A. Yes.

Q. About how many ?—A. Eighteen.

Q. Do you know any of their names?—A. Yes; some. John A. Cook, Henry Jumper, John Black, Emanuel Gavin. There were several whose names I do not know.

Q. Where do these men live?—A. In Jordan's precinct.

Cross-examined :

Q. Were you at Hutto's in any other capacity than that of a voter ?  
—A. I was there distributing tickets.

Q. How far do you live from Hutto's ?—A. About 13 miles.

Q. Do you know where balance of these 18 men live ?—A. Not all of them. Some of the 18 men did not vote, and some were strangers to me.

Redirect :

Q. What ticket did these men vote ?—A. The Democratic ticket.

L. L. THOMPSON.

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

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared L. W. JAMES, a witness for contestant, who, being sworn, deposes and says :

My name is L. W. James; age, 31; occupation, school-teacher; live in Aiken County.

Question. Where were you on the 2d day of November last ?—Answer. At Jordan's Mill.

Q. In what capacity, if any ?—A. United States supervisor.

Q. Did you discharge your duty as such without any hinderance ?—A. No; the managers objected to my being in the room where the poll was opened, and I went out. After this they allowed me to go into the room.

Q. How did your poll-list agree with that of the other supervisors and the managers' poll-list ?—A. The other supervisors' and the managers' poll-list was 12 ahead of mine at 12 o'clock; at the close of the poll my list was 321, and theirs was 348, as near as I can remember.

Q. Were you threatened on that day ?—A. Yes; by the clerk of the board of managers. When we compared our poll-list I disputed the correctness of his, and he drew his knife, and after some threats by him on account of my disputing his list I agreed to put 12 names on my list to make it agree with his. During the afternoon I discovered one of the managers putting tickets in the box under the arm of another, and saw the clerk at the same time writing down names on the poll-list. I then found how the 12 names got on the managers' poll-list in the morning that I did not have on mine.

Q. How did the managers' list compare with the ballots in the box ?  
—A. There was an excess of 21 or 22 ballots in the box.

Q. How did your list compare with the ballots ?—A. There was about 50 ballots in the box over the number of names on my poll-list.

Q. Did a number of men ride up to that poll wearing red shirts ?—A. Yes; among whom were John Cook, Larkin Garvin.

Q. Did they vote ?—A. Yes.

Q. In what direction did they go after voting ?—A. Towards Hutto's precinct.

Q. Was the election quiet and peaceful ?—A. Don't know how it was outside, but it was quiet inside.

Q. Were any persons rejected by the managers?—A. Yes; two colored men.

Q. Do you know their politics?—A. Yes; they were Republicans.

Q. Of what political party were the managers?—A. All Democrats.

Q. Who was the Republican candidate for Congress?—A. Robert Smalls.

Cross-examined :

Q. What time did you arrive at the poll?—A. Five o'clock and thirty minutes a. m.

Q. About what time did you leave the room?—A. Just before the poll was opened.

Q. While outside did your friends put up a scaffold?—A. Yes.

Q. At the window, from this scaffold, you took names of voters?—A. Yes.

Q. How long were you outside?—A. Five or 10 minutes.

Q. Did you get the name of every man who voted that day?—A. Yes; at that poll.

Q. Did every colored man besides those two, who you say were rejected, vote?—A. Yes; all that came in to the box.

Q. Do you remember for what cause these two men were challenged?—A. Yes; under age.

Q. Were you under the impression when you agreed to make your poll-list agree with the other supervisors that you might have made a mistake?—A. No; I was not.

Q. Give me the name of the manager you saw stuffing the box.—A. J. C. Courtney.

Q. Did he put more than one ballot in the box?—A. Yes.

Q. Were you at the examination of Mr. Courtney on Saturday before the United States commissioner?

(The attorney for contestant objects to this question on the ground of irrelevancy.)

A. Yes.

Q. Was not Mr. Courtney discharged?

(Attorney for contestant objects.)

A. Yes.

Q. Of your own knowledge are there not a large number of people in Aiken County of the name of Cook?—A. Yes; but not of John Cook.

Q. You say John Cook voted at Jordan's Mill; was it J. W. Cook or J. A. Cook?—A. J. A. Cook.

Q. Are you personally acquainted with him?—A. Yes.

Q. Where does he live?—A. I do not know exactly.

Q. Was this not a personal quarrel between you and the clerk when he drew his knife on you?—A. No; I denied that his list was correct.

Q. Was the poll closed?

Redirect :

Q. Was every voter regularly sworn before he was allowed to deposit his ballot?—A. No.

Q. State the manner in which the voting was conducted.—A. A crowd of four or five would come up together to vote, and as the managers would commence to swear them, two or three among them, who had voted before, would take their hands down. On several occasions I called the attention of the managers to this, they would make them hold their hands up again.

Q. Did those so dropping their hands deposit their ballots at the

same time ?—A. Yes ; after calling the managers attention to this several times, I got tired and quit.

Recross :

Q. Of your own knowledge, did any one man vote at this box who was not sworn ?—A. Yes.

Q. Why was it that these men refused to be sworn and put down their hands ?—A. Because they had already voted.

Q. Do I understand you to say that men voted who were not sworn at all ?—A. Yes.

Re-redirect :

Q. State what happened after the poll was closed, and what cause, if any, the clerk had for drawing a pistol on you.—A. After counting the ballots an excess was found, and one of the managers commenced drawing it out to destroy it. He would take up a Democratic ballot and as soon as he discovered that he had a Democratic ballot he would drop it back and get a Republican ballot before he would destroy it. To this I objected. He continued to do this ; and all that he drew out was Republican ballots. Then we commenced to count. In counting we differed as to the number of votes that belonged to Smalls. I told him he was wrong. He jumped up and said that he would not allow me to dispute his word. He drew his pistol and said that if I disputed his word he would shoot me. After a while the fuss calmed by Mr. Salley keeping him off me. They then asked me how many votes I claimed. I told him I claimed 116 after those that were destroyed. They then said that it would take all night to count over, but afterwards they counted over and gave me 113 for Robert Smalls. I then left.

Q. Did you report these facts, as supervisor ?—A. Yes.

L. W. JAMES.

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

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared J. C. KITCHING, a witness for contestant, who, being sworn, says :

My name is J. C. Kitching ; age, 22 ; occupation, farmer ; lives at Orangeburg.

Question. Where were you on the 2d day of November last ?—Answer. At Jordon's precinct.

Q. Did you vote there ?—A. Yes.

Q. Was or was there not anything of violence or intimidation practiced upon the voters ?—A. Paul Gibson stood by the door of the poll with a gun in his hand, and told the Republicans not to crowd the door ; that his company had to come in to vote.

Q. Was it a military company ?—A. I don't know.

Q. Who is Paul Gibson, and what was his politics ?—A. He was a Democratic voter.

Q. Was there any fraud or intimidation at that poll ?—A. In counting the vote, U. Corbit said to L. W. James, "You son-of-a-bitch, do you dispute my word," drawing his knife, and N. W. Salley pulled him down. This was because of a dispute over the count.

Q. Do you know whether or not a body of mounted men, wearing red shirts, came to that poll and voted ?—A. Yes.

Q. Did you know any of them ?—A. Yes ; J. A. Cook, Dock Abels, and Halley Starnes, also Larking Garvin.

Q. After voting, in what direction did they go?—A. Towards Hutto's precinct.

Q. Do you know if each voter was sworn before he was allowed to vote?—A. Four or five voters came up at once to vote, among whom would be some who had voted already. Our supervisor would call the attention of the managers to the fact that some of them had voted; the managers did not pay attention to him.

Cross-examined:

Q. How many times during the day did this you have just stated occur?—A. Three times to my knowledge.

Q. Give me the names of those who had voted already?—A. Dunk Wielks, A. Gunter are the only ones whose names I know.

Q. Was this not a personal dispute between U. Corbit and James?—A. No.

Q. Were you there all day?—A. Yes.

Q. Was there a Republican voter, during the day, prevented from casting his ballot on account of intimidation and violence?—A. None that I know of.

Q. So far as you know, did not every Republican cast his ballot, excepting those two who you say were challenged?—A. Yes.

Q. Are you well acquainted with Mr. John A. Cook?—A. Yes.

Q. Where does he live?—A. About one mile from Davis's Bridge, in Aiken County.

J. C. KITCHING.

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

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared W. S. SALLEY, a witness for contestant, who being sworn, deposes and says:

My name is W. S. Salley; age, 27; occupation, farmer; live in Aiken County.

Question. Where did you vote on the 2d day of November last?—Answer. At Jordon's Mill.

Q. Was there any violence or intimidation practiced upon voters there that day?—A. None that I saw.

Q. Was there any disturbance of any kind? and, if so, state what.—A. None during the time of voting that I saw.

Q. State how the voters were sworn.—A. While the voters were being sworn some of them would take their hands down and would not be sworn, but would vote. Mr. James, the Republican supervisor, called the attention of the managers to this several times.

Q. Did you or did you not see a number of men come to that poll wearing red shirts and vote there?—A. I did. They voted and went from there towards Hutto's poll.

Q. Did you recognize any of them?—A. Yes; John Cook, Larking Garvin, and Doc. Abels; those are all that I knew.

Q. To what political party do they belong?—A. To the Democratic.

Q. Was there a candidate on the Republican ticket there for Congress?—A. Yes; Robert Smalls.

Q. Were you present at the counting of the votes?—A. Yes.

Q. What transpired there then?—A. In counting the vote Mr. James, the Republican supervisor, and Uriah Corbit differed in the count. They counted over a time or two and still disagreed. Mr. Courtney

one of the managers, asked James to sign his return, and James refused, stating that he did not agree with the count. Mr. Corbit rose and said to Mr. James, "Do you dispute my list, you son-of-a-bitch. I won't allow you to dispute my count." He drew his knife. Dr. Smalley caught him by his arm and pulled him down on his seat, and told him to keep quiet.

Cross-examined :

Q. Did not this crowd of men you spoke of live in the neighborhood of Jordan's Mill?—A. Yes.

Q. Was not this the nearest poll to where they lived?—A. I think so.

Q. When the knife was drawn by Corbit had not the voting ceased and the polls closed?—A. Yes.

Q. Was there a colored man or a Republican prevented from voting that day, to your knowledge, on account of violence or intimidation?—A. None.

W. S. SALY.

Sworn to and subscribed before me this 8th day of February, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared ALEX. WILLIAMS, a witness for contestant, who' being sworn, deposes and says :

My name is Alex. Williams; age, 30; residence, Aiken; occupation, shoemaker.

Question. Where were you on the 2d day of November last?—Answer. At Creed's Store.

Q. What position did you hold, if any, on that day?—A. United States supervisor.

Q. What were the duties of supervisor?—A. To keep a list of those who voted, and to look over the conduct of the election, if I understand it.

(The above question objected to.)

Q. Did you keep a list?—A. I did.

Q. What time did you arrive at the poll?—A. Between 4 and 5 a. m.

Q. Do you know the law as regards the opening and closing of the polls?

(Also objected to.)

A. I do. The law says that the poll must be opened at 6 a. m. and be closed at 6 p. m.

Q. Did you discharge the duties of supervisor to the closing of the polls?—A. I did not.

Q. Why?—A. About 5 o'clock p. m. the Democrats begun shooting at and knocking some colored men, and then came running in the house where I was. I asked one of the managers if it was safe for me to stay there. He said, no; he thought it was best for me to get out of the way. The crowd came in saying, "Kill the d—d niggers, for they have no business here; run them out." I then squeezed through the crowd and got out. Mr. Kreps, the manager who advised me to leave, was, when I left, walking about in the room where the box was with a double-barrel gun under his arm.

Q. Were there many colored people around the poll?—A. Not more than thirty or thirty-five. One was prevented from voting, a colored man.

Q. Who was candidate for Congress on the Republican ticket?—A. Robert Smalls.

Cross-examined:

Q. Was everything quiet at that poll until you left?—A. No.

Q. Was there a row before this?—A. No; but there were cursing and shooting, and so forth.

Q. Did these colored Republicans vote there that day?—A. I think they all voted, excepting the one challenged.

Q. Do you remember for what cause this man was challenged?—A. Yes; when he was told to hold up his right hand to be sworn he held up his left.

Q. Was not this a small polling place, and had not the crowd pretty well all voted before this riot?—A. Not very many persons there, but they were voting nearly all day.

Q. In what kind of a building was the poll held?—A. In a small school-house.

Q. How far from the school-house did this row commence?—A. About five or six steps.

Q. Do you know the origin of the fuss?—A. I do not.

Q. Do you know of any Republican voter being prevented from voting by riot or intimidation?—A. None that I know of.

ALEXANDER WILLIAMS.

Sworn to and subscribed before me this the 8th day of February, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,  
*Aiken County:*

AIKEN, *February 9, 1881.*

ROBERT SMALLS  
*vs.*  
GEORGE D. TILLMAN. }

Contested election.

A. H. Ezekiel for contestant; W. W. Williams for contestee.

Personally appeared ISAAC JOHNSON, a witness for contestant, who, being sworn, deposes and says:

My name is Isaac Johnson; age, 35; occupation, farmer; residence, Aiken County.

Q. Where were you on the 2d day of November last?—A. At Kneee's Mill precinct.

Q. Do you know how many Republican votes were polled there that day?—A. Fifty.

Q. Were any Republican voters rejected?—A. Two.

Q. Was there any violence or intimidation practiced there that day?—A. Yes; all went on very well till 11 o'clock. Very few white men had voted up to that time. Then a crowd came up hooping and hallooing and shooting, who said they came from Johnston's, in Edgefield County, mounted and wearing red shirts. They voted and left, saying that they were going to Holtson Cross Roads, in Edgefield, and that they were coming back to Kneee's, and when they came "these d——d niggers would have to leave here." After they left another crowd of 76 mounted men, some wearing red shirts, who hallooed and cursed around, and one of the managers told them to hold on; that a crowd would be



here directly from the cross-roads. One of this crowd asked "What have you been doing with these d——d niggers here all day?" "You have had nothing but boys here all day, but men have come." This last crowd remained awhile, and the first crowd came back whooping and hallooing. Then they crowded into the poll. I went to see what was going to be done. One of the Democrats ordered me out, and I refused to go. He called the State's marshal, who ordered me out in a threatening manner, with a large club in his hand. I went out. I then went to a crack in the wall of the house. One of the men, a Democrat, walked up to the box and said, "I want to vote," and asked to see the different tickets, and the managers told him that they had no Radical tickets, but that there was a negro outside with a blue coat on who had. He then began rumbling among the papers on the table. He caught hold of Peter Waggiels's poll-list and tore it up. Mr. Waggiels was the Republican supervisor. After this D. W. Johnson, a Republican, who had been keeping a list of Republicans who voted; they asked Johnson if he had a list. Johnson said yes. They asked Johnson to show his list. Johnson handed the Democrat his list. On receiving Johnson's list the Democrat handed it to another Democrat, who looked into the book in which the list was written and tore out all the pages containing the list.

Q. You say that fifty Republicans voted the Republican ticket there that day.—A. Yes; I gave out the tickets and went with each voter to the box and saw him put it in the box.

Q. What were the politics of the managers at that poll?—A. All Democrats.

Q. Who was the candidate on the Republican ticket for Congress?—A. Robert Smalls.

Q. At the close of the polls how many Republican votes were counted?—A. I was not there at the count; the Democrats ran me off before the votes were counted.

Cross-examined by Mr. WILLIAMS:

Q. Were not the two Republican voters regularly challenged before they were prevented from voting?—A. One of the managers, Mr. John Stephens, told one of the men that he could not vote as he had been in the penitentiary, that he had got sick and it was thought he would die and not be here to bother us, the election, and the governor turned him out and told the other that he was not old enough; he said to one of them that you can vote in that jug, pointing to a jug sitting in the corner.

Q. How many was in this first crowd that came from Edgefield?—A. About twelve or fifteen.

Q. Did you know any of them?—A. Yes; John Lott, John Holson, Bill Holson, James Holson, Pike Holson, and Moses Cogbon; the others I did not know.

Q. Do these men live in Edgefield?—A. I don't know where some of them live, but I know that Pike Holson live, in Edgfield, if Ridge Springs are in Edgefield.

Q. Do you know where the balance of the crowd live?—A. No.

Q. How long did they stay?—A. An hour or an hour and a half.

Q. Had the most of the colored men voted up to that time?—A. Yes.

Q. Did many colored men come on the ground after that?—A. Not many, ten or fifteen.

Q. Did any colored Republicans come to the polls from 6 to 11 p. m?  
—A. Yes; they kept coming all-day.

Q. Did you know any of this other crowd of seventy-six men?—A. I knew Colonel Sawyer, and John I. Cullum.

Q. When this crowd of seventy-six arrived how many white men were there on the ground?—A. There were about-fifteen or twenty there when this crowd-came.

Q. Who is the old man who made the remark that "This is a white man's country, and we intend to rule it"?—A. Caleb Wadkins; the same man who took the list from Waggiels and tore it up.

Q. About what time did this first crowd return?—A. About 12 or 1 o'clock.

Q. Was this the same crowd that had been there and went off about 11 o'clock?—A. Yes; with others with them who were not there the first time.

A. Did not Waggiels hand his list to some one to look at?—A. No; It was lying on the table and Mr. Wadkins snatched it from there.

Q. Were you in the room when it was snatched from Waggiels?—A. No; it was a log-house, the cracks not filled, and I was outside looking through a crack.

Q. Did this occur immediately after this crowd arrived?—A. Yes.

Q. How many colored men were on the ground when this took place?  
—A. Not many. I am not certain as to the number, but there might not have been more than five or six.

Q. To whom did D. W. Johnson hand his list?—A. To John Lott.

Q. Was D. W. Johnson there in any other capacity than a voter?—A. He was there to keep a list of all who voted the Republican ticket.

Q. Was he appointed to do this by the State, or United States?—A. I don't know who appointed him to do it. I think it came from the general supervisor.

Q. Did you leave there with Waggiels?—A. Yes. After I saw that it was dangerous to remain, I left and advised him to go with me.

Q. How long was it after Waggiels's list was torn up before you left?  
—A. About one and a half or two hours.

Q. How many of you left there together?—A. Five.

Q. Was there any colored man prevented from voting?—A. None but the two I mentioned first.

Redirect:

Q. Did you leave the poll of your own free will and accord?—A. No.

Q. What seemed to be the general disposition of the white men toward keeping the peace?—A. There was only one white man there who did anything for peace.

Q. What are the politics of the white men in your section?—A. Democratic.

Q. You say that Robert Smalls was the Republican candidate for Congress? Do you know of any person or persons desiring to vote for Smalls who were refused? and, if so, state why.—A. Yes. A white man—he scratched his ticket, and some one reported it to the managers, and they would not let him put it in the box.

Recross:

Q. Did this man vote at all?—A. Yes; don't know his name. I heard him say, "D——d Tillman; I won't vote for him." He then went off and scratched his ticket, and some one said that he had scratched

off Tillman and put on Smalls. Thereupon this ticket was refused, and a ticket (Democratic) was taken from the table and given to him.

Q. Do you know if Smalls's name was put on his when he scratched off Tillman?—A. I do not know.

Q. Did he not give as his reason for not voting Tillman, that he would not vote for a lawyer?—A. Yes; that and other reasons.

ISAAC JOHNSON.

Sworn to and subscribed before me this the 9th day February, 1881.

[L. S.]

E. A. BRABHAM,

*Notary Public, South Carolina.*

Personally appeared A. HOLMES, a witness for contestant, who, being sworn, deposes and says:

My name is Amos Holmes; age, 21; residence, Aiken.

Question. Were you in Aiken County on the 2d day of November last?—Answer. Yes; at Kneece's Mill precinct.

Q. Did you vote there?—A. Yes.

Q. Did you see a number of men ride up to that poll that day?—A. Yes. I saw about twelve or fifteen ride up there about 11 o'clock a. m.

Q. Did they say where they had come from?—A. Yes; they said that they came from Johnston's Depot in Edgefield County.

Q. Did they, or any of them, vote at Kneece's poll?—A. Yes.

Q. Was there any display or firing of fire-arms?—A. Yes; by Democrats.

Q. Did these men remain there?—A. They remained about 1½ or 2 hours; they then left, saying that they were going to Holson's Cross Roads.

Q. Did they come back?—A. Yes; they came when it was time to count the votes, and brought others with them.

Q. Did any other men come up there on horseback?—A. Yes.

Q. Do you know Peter Waggiels?—A. Yes.

Q. Did you see him on that day?—A. Yes; I went with him to the poll.

Q. In what capacity was he there?—A. United States supervisor.

Q. Did he keep a poll-list?—A. Yes.

Q. From what time, and to what time did he keep this list?—A. From 6 a. m. to about half-past eleven o'clock a. m.

Q. Why did he not keep it longer?—A. I was not there when he stopped keeping the list, and don't know why he stopped; I went off, and when I came back I saw them leaving; they walked off as if they were afraid.

Q. How long did you remain at the poll?—A. I remained until they finished counting the votes.

Q. Do you know how many Republican votes were cast, and how many counted?

(Question objected to on the ground that the record is the correct proof.)

A. Yes; There were 50 cast; the managers counted 50, but burnt up 33, and left 17 in the box, and said that was enough for the d—d blue-coat party.

Q. Who was the candidate for Congress on the Republican ticket?—A. Robert Smalls.

Q. Do you know of any person or persons who, desiring to vote for Mr. Smalls, was prevented from so doing?—A. No.

Q. What seemed to be the disposition of the white men for peace?—A. They had no peace, except a little while in the morning; then a

crowd came and yelled, and shot, and they inquired for Peter Waggiels and Isaac Johnson, saying that they were going to kill them; some of the Democrats told them that Waggiels was gone; one of them walked up to me and said a few words about a bucket I had, and asked me if I had voted; I told him I had; he asked me if I had voted right; I told him I did; he said it was all right, and left me; after they got through counting they left.

Q. Do you know the politics of the managers?—A. They were Democrats.

Cross :

Q. What township do you live in?—A. Aiken.

Q. In what year were you born?—A. In June, 1859, am told.

R. Was it half-past eleven when you left the poll to get dinner?—A. Yes.

Q. How long were you gone?—A. About two or three hours or more.

Q. How far did you have to go from the poll to get dinner?—A. About one mile.

Q. Was this crowd that had gone to Edgefield there when you returned?—A. No; but came shortly after.

Q. Did you know any of them?—A. Yes; Jack Bates, Pike Holson, John Lott, Johnnie Holson, and John Winfield, with others, some of whom had double-barrel guns when they came back in the afternoon.

Q. About how many white men were there when you got back from dinner?—A. I think there were seventy-five or eighty.

Q. Who went off with Waggiels?—A. D. W. John, Isaac Johnson, and two others.

Q. About how long after this did the crowd come back?—A. About sundown.

Q. Were you inside the room when the votes were counted?—A. I was right at the door, and the box was near the door; I remained there until they completed the count and left with the box.

Q. How do you know that 50 Republican votes were cast?—A. I saw them voted and saw them counted.

Q. How many Democratic votes were cast there?—A. Don't know.

Q. How do you know the managers were Democratic?—A. I know they were, and Mr. Stephens as good as told me he was a Democrat.

AMOS HOLMES.

Sworn to and subscribed before me this the 9th day of February, 1881.

[L. S.]

E. A. BRABHAM,  
Notary Public, South Carolina.

Personally appeared N. J. PARKER, a witness for contestant, who, being sworn, deposes and says :

My name is Nalder John Parker; age, 34; occupation, farmer; live in Aiken County.

Question. Where were you on the 2d day of last November?—Answer. At Fountain Academy, part of the day.

Q. Did you vote there?—A. Yes.

Q. What time in the day did you arrive at, and what time did you leave the poll?—A. I got there before sunrise and left between the hours of 1 and 2 p. m.

Q. State what transpired during your stay at the poll.—A. Some time after 12 m. a crowd of young men, who were there for the purpose

of voting, were lying down ; there was a crowd of men down the road, on horses ; they came riding up until they got opposite the poll. I knew two or three of the men in the crowd—Mr. Lest. Courtney, Beau-regard Courtney ; the former, having a double-barrel gun in his hand, halloed, "Hide out, you God d——d black sons of bitches, for I am come." Several of us Republicans were lying down, and some said that we had better get up ; that they would ride over us. I said I thought not, and I did not get up. Mr. Courtney rode his horse over me. They all dismounted in front of the polls, and some of them voted. We all got up and went near the poll. After Lest. Courtney had voted he turned around to the crowd of colored men with his double gun in his hand, cocked, and said to a colored man, "Hello, Ell." Ell said, "Hello, Mr. Courtney." Mr. Courtney answered, "God d——n you, don't you hello to me ; when you speak to a white man pull your God d——d hat ; if you don't I'll blow your God d——d brains out." Ell started to speak to Mr. Courtney, and I stopped him. At this time Captain Bill Jordan, the Democratic nominee for clerk of court, came up and carried him away. Then this crowd of Democrats went into the room, and halloed and cursed awhile and came out. Mr. Courtney came out, cocked his gun, cursed us. I left them there and went a little way for a drink of water. On my return I saw the crowd of colored men, some fifty or sixty, running from the poll. When I got up to the poll I saw Mr. Courtney striking the colored men with a gun. Some other white men had pistols in their hands, and said to the colored men, "You d——d niggers, if you don't leave here we will blow your God d——d brains out." They followed the colored men as they ran, and threw knots at them and beat them over the head. Mr. Courtney struck one colored man in the mouth and caused it to bleed. After the colored men left, the crowd of white men went to Henry Peterson's house and asked him if he had anything they could get to feed their horses. Mr. Peterson told them he had nothing that he could spare.

Q. Did you go off with the crowd of colored men?—A. Yes. We stopped against Peterson's house and consulted whether to go back to the poll or not. By this time Hoyt Jordan, who had on a badge and acted as marshal, asked what was the matter. From one to another began telling him what had happened. Mr. Bill Jordan came up and told us to go back to the poll and vote ; that the trouble was all over. Some of them started back on Capt. Bill Jordan's word. Mr. Hoyt Jordan called me to him and advised me to take my men, meaning the Republicans, and go home. He had said before that we had better not go back to the poll—if we did there would be trouble, and that if one man was killed there that day many would be killed. We did not go back.

Q. Why did not you and your friends go back?—A. I was afraid to go back myself and the others so expressed themselves.

Q. Had all in your crowd voted?—A. No. Some of them said they did not want to go home because they had not voted. They all went home.

Q. Who was the Republican candidate for Congress?—A. Robert Smalls.

Q. Was there any person or persons prevented from voting by violence and intimidation?—A. Only those I have already mentioned.

Q. To what political party did these white men belong?—A. The Democratic party.

Q. To what party did the managers belong?—A. The Democratic party.

Cross :

Q. Did you vote that day ?—A. I did.

Q. Was there or not a large crowd there that morning before that crowd came ?—A. When I first arrived there were about 8 or 10. The crowd kept growing larger during the morning.

Q. About how many men were there at 12 m. ?—A. About 45 or 50 colored men and 25 or 30 white men.

Q. Was it not a very easy matter for any one to vote there during the morning ?—A. Yes ; it was possible to vote until this crowd came from towards Aiken.

Q. Had the majority of these white men voted ?—A. I think they had. Some of them were voting at the time.

Q. Was not the crowd larger at this time than at any other time during the morning ?—A. I believe it was.

Q. Were Ell and Mr. Courtney at any time quarreling before you told him to hush and not say anything to Mr. Courtney ?—A. No. Ell was not ; but Mr. Courtney was cursing Ell.

Q. How many colored men do you know had not voted when they left ?—A. I don't know how many, but I heard 3 or 4, or more, say that they did not want to go home as they had not voted.

Q. Had Mr. Hoyt Jordan got to the poll when he met the crowd ?—A. No ; I don't think so.

Q. When he asked what was the matter, was he not told that there had been a row ?—A. Yes.

Q. He then advised you to take your friends home ? Was it a possible thing for every colored man to have voted before 12 o'clock ?—A. I don't know.

(The contestee by his counsel objects to the entire testimony of Nelda Parker, as no notice was given of contest of Fountain Academy precinct in the original notice of contest.)

NALDER JOHN PARKER.

Sworn to and subscribed before me this the 9th day of February, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

JAMES F. CHESTNUT sworn :

Age, 25 ; occupation, merchant ; residence, Aiken.

Question. Where were you on the 2d day of November last ?—Answer. At Graniteville.

Q. In what capacity were you there ?—A. United States supervisor of election.

Q. Did you keep a poll-list as such ?—A. I did.

Q. Did you ever compare your list with that of the Democratic supervisor ?—A. Yes.

Q. Did they agree ?—A. They did not. My list contained 632 ; Democratic supervisor, 692 ; manager's list, 712 names.

Q. Is this your signature (the witness was handed his report made to the chief supervisor) ?—A. Yes.

Q. Did or did not the number of names on the poll-list exceed the number of ballots counted ?—A. Yes.

Q. Who was the candidate on the Republican ticket for Congress ?—A. Robert Smalls.

## Cross-examination by Mr. WILLIAMS:

Q. How long have you lived in Aiken County?—A. About five and a half months.

Q. Where did you reside previously?—A. In Florida.

Q. What was the number of names?—A. I don't remember, but there were less than 712, and more than 694, I think.

Q. Were there not a goodly number of ballots without the name of the candidate for Congress and electors polled that day?—A. I don't remember.

Q. Was there any ticket voted for State and county officers with the name of Congressional candidate and electors left off?—A. There was some tickets voted with some names cut off, but don't remember if the Congressman was cut off or not.

Q. Under your instructions do you make any other report than this to the chief supervisor?—A. I wrote him a letter in submitting my report.

Q. If such report was made what was the nature of it?—A. I told him that I did not sign the Democratic supervisor's report, because my report was not entered on my blank, and I did not like to sign his report and not have his signature to mine, and I thought it best not to be too hasty. Since then I have not seen him.

Q. From the two reports of supervisors, what is the disparity of votes for Congress?—A. On my report, 486 Tillman; 203 Smalls. Holly's report, 488 Tillman; 203 Smalls.

Q. Is there no way by which you can arrive at the number of votes that were in the box or near to it?—A. I can't arrive at the number.

Q. Your report gives 686 votes for Congressman and that there were between 694 and 712 votes in the box. Was there not necessarily votes cast with Congressmen left off?—A. There was.

Q. From your position during the entire day might not votes have been cast and you not got the names?—A. No; not from my position.

Q. What time did you get to the poll?—A. A few minutes before 6 a. m.

## Redirect:

Q. Did you or not make a separate and distinct report to the chief supervisor from the one handed you in this examination and offered as a part of your testimony?—A. Yes.

(Contestee by counsel objects to this.)

Q. State your reasons for such report.—A. They asked me to account for the discrepancy in the three poll-lists, and my answer was that I could not in any other way than that there were names placed on the poll-list.

JAS. F. CHESTNUT.

Sworn to and subscribed before me this the 8th day of February, 1881.

[L. S.]

E. A. BRABHAM,  
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA,  
Edgefield County:

TRENTON, *February 18, 1881.*

ROBT. SMALLS, }  
    *vs.* } Contested election.  
G. D. TILLMAN. }

Met pursuant to notice at 9.45 a. m.

A. H. Ezekiel for contestant, Betis & Wardlaw for contestee.

Personally appeared NATHAN SULLIVAN, witness for contestant, who, being sworn, deposes and says:

My name is Nathan Sullivan; my age 23; occupation farmer; and live in Edgefield County.

Question. How long have you lived in Edgefield County?—Answer.—All my life, at Landrum's Store.

Are you generally acquainted with the citizens of that precinct?—A. I am.

Q. Where were you on the 2d day of November last, the day of the general election?—A. At Landrum's Store.

Q. In what capacity, if any?—A. A United States supervisor for the Republican party.

Q. Did you keep a poll-list?—A. I did until about 4 p. m.

Q. Why did you not keep it longer?—A. It was taken from me.

Q. By whom?—A. The Democrats.

Q. Did they assign any reason for taking your poll-list?—A. They did not.

Q. Were any colored persons driven away from that poll by violence or intimidation?

(Question objected to on the ground that it is a leading question.)

A. Not until in the afternoon, after they had voted; some of the Democrats said that they had no business there, and that they must go home. They went and did not return.

Q. State the manner in which the voters were generally sworn.—A. They sworn first one at a time, and then two, and afterwards six at once.

Q. Were all the voters sworn this way, without regard to race or color?—A. Yes.

Q. Did you see many strangers vote there?—A. Yes; a good many.

Q. Do you know where they came from?—A. No.

Q. Was there a display of fire-arms around the poll; if so, by whom?—A. Yes; there were a good many by the Democrats; a few by the Republicans.

Q. Was there any firing of fire-arms?—A. Yes; in the evening, there was a great deal by the Democrats.

Q. Were any other persons allowed in the poll besides the two supervisors, the managers and their clerk?—A. Yes.

Q. To what party did these others belong?—A. To the Democratic party.

Q. Were you present at the counting of the votes?—A. I was.

Q. How did the ballots in the box compare with the names on the poll-list?—A. There were more ballots in the box than names on the poll-list—about 76 more.

Q. What was done with this excess?—A. They were drawn out.



Q. In what manner were they drawn?—A. One of the managers pulled his hat over his face and drew them out, one at a time.

Q. What number of Republican and Democratic ballots were drawn?—A. They were not counted separately.

Q. How did the supervisors' list compare with the managers' list?—A. I don't think there was much difference in the Democratic supervisor's list and that of the managers.

Q. What were the politics of the managers?—A. They were Democrats.

Q. Who was the Republican candidate for Congress?—A. Robert Smalls.

Q. Were any colored men prevented from voting by violence or intimidation?

(Question objected to by counsel for contestee, on the ground that it is a leading question.)

A. Yes; one.

Q. Do you know the number of votes polled at Landrum's Store?—

A. Three hundred and fifty-one or sixty.

Q. Were these mostly Republicans or Democratic votes?—A. A majority Republicans.

Cross-examined by Mr. BETIS:

Q. Who appointed you supervisor?—A. The United States.

Q. How do you know?—A. I had a credential.

Q. Who signed them?—A. Chief supervisor.

Q. What is his name?—A. I don't remember, but I think his name was Samuel Poiner.

Q. Where did you get your papers?—A. From Edgefield.

Q. Who gave them to you?—A. The county chairman of the Republican party.

Q. What was your duties as supervisor?—A. To construe the election and keep a poll-list, and to report to the chief supervisor.

Q. How were you going to report?—A. Through the county chairman.

Q. Were you going to report to anybody else?—A. To the United States supervisor.

Q. How were you going to report to the State?—A. As I am reporting now.

Q. Are you reporting to the State now?—A. I don't see how I should answer that question.

Q. What were you going to do with your poll-list?—A. I was going to return it to the county chairman of the Republican party.

Q. You said your duty was to construe the election. What did you mean by the word construe?—A. To examine closely and to look into it closely.

Q. How many were there in the party who took your poll-list?—A. About thirty-five.

Q. Did they all take it?—A. One of them took it.

Q. Then you mean to say that a Democrat took your poll-list and not Democrats?—A. Yes; a Democrat of the thirty-five.

Q. Is there any badge by which you could tell a Democrat from a Republican?—A. No; there was no badge. I told by the way they voted and what I heard them say.

Q. Do you know the man who took your poll-list from you?—A. Yes.

Q. How do you know he is a Democrat?—A. I heard him say so.

Q. How do you know that there were more Republican than Democratic votes polled there?—A. Because there were more Republican voters than Democratic.

Q. Did you see the votes counted?—A. Yes.

Q. About how many Democratic and how many Republican votes were counted?—A. I don't know. Don't know whether there were more Republican than Democratic votes in the box or not.

Q. About how many Republicans were there that day?—A. About four hundred, I think.

Q. You said that after voting the Democrats told the Republicans that they had better go home?—A. Yes; some had voted.

A. About how many Democrats were there that day?—A. About one hundred and sixty.

Q. Did you stay where the ballot-box was all day?—A. Not all day.

Q. It was also your duty to overlook the crowd and see if they kept quiet?—A. As far as I could. I went out several times to see about my poll-list.

Q. Did you know every one of that four hundred Republicans there that day personally?—A. I did not.

Q. About how many did you know?—A. About two hundred and forty.

Q. How do you know, then, that the other one hundred and sixty were not Democrats?—A. They had taken Republican ballots.

Q. Did you issue those ballots?—A. No; I had two men to do it.

Q. Do you know of your own knowledge that those two men issued them?—A. Yes.

Q. Did you see them issue them to each one of the four hundred men?—A. I saw them issue the most of them, and I saw some of the others vote the ticket.

Q. How do you know that these men voted the Republican instead of the Democratic ticket?—A. I knew the ticket.

Q. Did you examine their tickets?—A. No; but I knew the paper.

Q. Were not both of the tickets white?—A. One kind of Democratic ticket was red and the Republicans were white only.

Q. Did you see every ticket put in the box?—A. Yes; I saw them all up to the time that I had to go out to look for my poll-list.

Q. Was not the shooting you spoke of in your direct examination commenced by Republicans assaulting a colored Democrat?—A. It was not.

Q. Did you stay there during the time of shooting?—A. Yes.

Q. Did you see every man who fired a pistol or gun?—A. No.

Q. Did you see the first shots fired?—A. I did not.

Q. How do you know, then, that they were fired by Democrats and not by Republicans?—A. There were no Republicans there. The Democrats were in the lane to keep the Republicans away, and I heard a Democrat say, "Here is some Republicans in the field." He then fired. This was the beginning of the shooting and while the voting was going on.

Q. Did this shooting take place after 6 o'clock?—A. It did not; it was after 4.

Redirect:

Q. When you say you were going to report to the county chairman, did you not mean to say to the chief supervisor?

(Objected to on the ground of leading the witness.)

A. Yes; I meant that I was going to report to the chief supervisor.

N. W. SULLIVAN.

Sworn to and subscribed before me this the 18th day of February, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared WILLIS GOMILLON, who, being sworn, deposes and says :

My name is Willis Gomillion ; age, 22 ; occupation, farmer ; and live in Edgefield.

Q. Were you in Edgefield on the 2d day of November last ?—A. Yes.

Q. Were you at any particular precinct ; and, if so, in what capacity ?—A. At Johnston's precinct, as a supervisor for the Republican party.

Q. Did you discharge your duty as supervisor ?—A. Yes ; until about 2.30 p. m.

Q. Why did you not continue to act ?—A. I was seized by a red-shirter, who said to me, " God damn you, go down from here." There being no protection for me, I went down and did not return, because I was afraid to do so.

Q. Afraid of what ?—A. I was afraid that the Democrats would hurt me. After I went down and got about thirty or forty yards, I was overtaken by the same gentleman and two others who requested me to stop, and told me to come back and go with them. I asked them where ; they said, " On our side." I declined. About that time I was surrounded by red-shirters ; I don't know how many. Some of them said that they would assure me that I would not be hurt—" Come and go back." I then discovered or saw Anthony Miles lying dead a few steps off, and I thought that I had better get away.

Q. How came he dead ?—A. He was shot by someone just above his eye with a ball.

Q. Before you left the poll, what seemed to be the disposition of the Democrats, or those wearing red shirts, for peace and quiet ?—A. Right around the poll where I could see was peaceable, but outside I could hear the reports of guns and pistols.

Q. After you came out of the poll, did you see any guns and pistols ?—A. Not after, but saw some before around the poll.

Q. Where, and in whose possession ?—A. A great many in the hands of Democrats, and one or two in the possession of Republicans.

Q. What was the consequence of all this disturbance ?—A. The colored people all left.

Q. Did they vote before leaving ?—A. About twenty-five or thirty voted ; the others did not.

Q. Were any other persons in the room besides the two supervisors, the managers, and their clerk ?—A. Yes ; red-shirters.

Q. Do you know the politics of the managers ?—A. They are said to be Democrats.

Q. Were you in position to see the voting all the time ?—A. Yes.

Q. Was more than one sworn at a time ?—A. Not that I remember.

Q. To what political party did these men wearing red shirts belong ?—A. To the Democratic party.

Q. Are there many colored Democrats around that precinct ?—A. I think there were about ten or fifteen.

Q. You spoke of a great many colored men leaving the poll without voting ; were they Democrats or Republicans ?—A. They claimed to be Republicans in my presence.

Q. Had these men remained at the poll and voted, what ticket would they have voted ?

(Question objected to, as it is only a matter of opinion and leading.)

A. I know of 200 or more of them taking the Republican ticket.

Q. Who was the Republican candidate for Congress ?—A. Robert Smalls.

Cross-examined by E. W. BETIS, Jr.:

Q. When did you learn to read and write ?—A. Principally in 1879 and 1880. I can read print very well, but can't read writing as well.

Q. Can you write rapidly ?—No.

Q. Who appointed you supervisor ?—A. The United States.

Q. What were your duties as supervisor ?—A. To guard and scrutinize the election, and see that there was no fraud.

Q. What else were you to do ?—A. To make a report.

Q. Who were you to report to ?—A. Samuel T. Poinceer, chief supervisor.

Q. What were you going to do with your poll-list ?—A. Turn it over to the Republican county chairman.

WILLIS GOMILLIOWN.

Sworn to and subscribed before me this the 18th day of February, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared BUTLER BURT, who, being sworn, deposes and says:

My name is Butler Burt; age, 22; occupation, farmer; live at Pleasant Cross; in Edgefield County.

Question. Where were you on the 2d day of November last ?—Answer. At Johnston's.

Q. Did you vote there ?—A. I did not.

Q. State why.—A. Because I was rejected from the box.

Q. On what grounds ?—A. Because I saw no way to get to the box. The Democrats was standing in front of the box; one said to me, "Stand back, you colored people, and I will insure you that you shall vote here to-day," then I gave back, and the Democrats began to ride up and down the streets on horses, waving clubs, pistols, and some swords; then I got back on the other side of another house and remained until about 12 m. Then I went to the depot and sat down, after which I heard discharges of guns and pistols. All the colored people with myself ran into a field opposite the poll; when the firing ceased I returned, and found Anthony Miles lying on the street dead. I staid about five minutes, and seeing no chance to vote, and hearing the Democrats say that all these d——d niggers shall not vote here to-day, I thought that there was no use for me to stay any longer.

Q. Did you leave alone ?—A. No; four or five went along with me.

Q. Had they voted ?—A. They said not.

Q. Who was the candidate on the Republican ticket for Congress ?—A. Robert Smalls.

Q. Would you have voted for Smalls had you the opportunity ?—A. I would.

Cross-examined by Mr. BETIS, Jr.:

Q. Do you know that man who said, "All of these d——d niggers shall not vote here to-day ?"—A. I do not.

Q. Did you hear more than one say so ?—A. No.

BUTLER BURT.

Sworn to and subscribed before me this the 18th day of February, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared JOHN HAMMOND, who being sworn, deposes and says :

My name is John Hammond; age, 42; occupation, preacher; residence, Johnston's.

Question. Were you in Edgefield County on the 2d day of November last, if so, at what place?—A. Yes. At Johnston precinct, for the purpose of voting.

Q. Did you vote?—A. No.

Q. Why not?—A. Because I could not get into the room where the box was, the door was crowded by Democrats all day, and I could not get in.

Q. Was there any disturbance of any kind at Johnston's?—A. A shooting riot took place there about 11 o'clock a. m.

Q. Who started and done this shooting?—A. The white men. One man was killed (colored man).

Q. Did this killing have a tendency to drive any voters from the polls?

(This question objected to on the ground of its being leading.)

- A. The colored people ran off from the poll.

Q. Did they return?—A. A very few came back to see about the man who was shot.

Q. Do you know of any colored men leaving the poll without voting, of your own knowledge?—A. Don't know how many left, but I think that there were as many as 700 or 800 who left.

Q. Are you generally acquainted with the colored people in this section?—A. Yes; I was born and has lived in this section all my life.

Q. What are their politics?—A. Republicans. Now and then you will find one Democrat.

Q. Who was the candidate on the Republican ticket for Congress?—A. Robert Smalls.

Q. Had you not been prevented would you have voted for Smalls?—A. Certainly I would.

Q. Are you generally acquainted with the white people around Johnston's?—A. Yes.

Q. What are their politics?—A. Democratic.

Q. What were the politics of the managers of that poll?—A. Democratic.

Q. Did they permit other persons in the room in which the poll was held?—A. No.

By Mr. BETIS:

Q. How do you know that all the white people who live in that vicinity are Democrats?—A. I know it by their saying so themselves.

Q. Did you hear every white man say that he was a Democrat?—A. Yes; at one time or another.

Q. Do you know every one of the seven or eight hundred men who left there without voting that day?—A. No.

Q. About how many did you know?—A. I cannot tell how many, but I knew about three or four hundred. I went there with a crowd of one hundred and thirty that I know.

Q. How do you know that the others were Republicans?—A. They went there in Republican clubs, and said they were Republicans.

Q. Did you speak to all of these men?—A. No.

Q. Then they did not tell you they were Republicans?—A. The head of their clubs told me so.

Q. Did any of those seven or eight hundred come there without being in a club?—A. No.

Q. What did they have in their hands?—A. They had walking sticks; some of them as large as a chair round.

Q. Were not most of the sticks freshly cut. I suppose they cut some coming along the road; we generally carry sticks.

Q. Did you see the shooting when it commenced?—A. Yes.

Q. Did you see every shot fired?—A. No, sir.

Q. How do you know that the Republicans did not fire any?—A. If they fired any, I did not see it.

Q. What did you do when the firing commenced?—A. I ran in between two stores.

Q. About how many shots were fired after you went between the two stores?—A. Very few; not as much as ten.

Q. How near were they together when firing commenced?—A. About two paces.

Q. You say you left about 1 p. m. Do you know who came back after you left?—A. No.

Q. Then how do you know that none of these seven or eight hundred men came back?—A. They say that they did not go back. Some of them never stopped running till they got home.

Q. Have you seen all of them since then?—A. I have seen the greater part of them.

Q. Did you take the trouble to ask each one if he went back?—A. If I did not take the trouble to ask them, they took the trouble to tell me.

Q. You don't say, then, that every one told you that he did not return?—A. No.

Q. How do you know that none of them went back?—A. I don't know that not one went back.

Redirect:

Q. Is it not the custom of the country to cut sticks in traveling?—A. Yes; they generally carry walking-sticks.

JOHN HAMMOND.

Sworn to and subscribed before me this the 19th day of February, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,  
*Hampton County:*

BRUNSON'S, *January 24th, 1881.*

Contested election for seat in the Forty-seventh Congress.

ROBERT SMALLS }  
    *against* }  
G. D. TILLMAN. }

Pursuant to adjournment met Monday morning at 10 o'clock.

Inquiry was made of Mr. D. C. Webb, who was supposed to know, if

any one was in town to represent Mr. Tillman, and who answered that Mr. Tillman might have some one here during the day, but that he had no one at present.

Mr. Webb is a lawyer and had made some inquiry about the matter on yesterday.

Personally appeared BENJ. HALFORD, who being sworn, deposes and says :

By Mr. COLLINS for contestant :

Question. State your name, age, occupation, and residence ?—Answer. My name is Benjamin Halford ; age, 27 ; occupation, carpenter ; residence, Brunson's.

Q. Where were you on the day of the last general election ?—A. I was at Brunson's precinct.

Q. Did you vote on that day, and if so, what ticket did you vote ?—A. I voted the Republican ticket.

Q. Who had the Republican tickets on that day for distribution ?—A. I had them.

Q. Did you meet with any trouble in the distribution of your tickets ; if so, state what ?—A. I was standing in front of the house in which the ballot-box was, about five steps from the door, with about four hundred ballots in my hand. Mr. James Mulligan, one of the State's marshals walked up to me and told me to give him those tickets I had. I refused to give them to him. He then said that he was authorized to take them, and put his hand in my pocket to take them out. I put my hand in my pocket at the same time and caught the tickets and held them tightly. I told him that if he wanted to see them I would give him as many as he wanted, but he insisted that he must have them all, and kept pulling them, and trying to tear them out of my hands. After he had torn the ends off some of them he held on to them and called to the men standing around to hand him a knife. Mr. J. Chisolm Youmans stepped up to him and handed him (Mr. Mulligan) a knife. After he (Mulligan) got the knife he said, "Now I'll cut your d——d throat." I told him to cut it and then he could get the tickets. He then cut the tickets in two. I had hold of each end of the tickets and he cut them in the middle between my hands. Dr. Wyman, a Democrat, who was standing near by and saw it all, said to Mr. Mulligan, "You have done that wrong. He offered you as many of the tickets as you wanted, and you should not have cut them." Mulligan then left me and I said a few words about what he had done, and Mr. Chisolm Youmans ordered me to shut up, and said that he would make me shut up, putting his hand in his pocket at the same time to pull out something, but the crowd rushed up to him and stopped him.

Q. What kind of tickets were those Mr. Mulligan cut up in your hands ?—A. They were headed Union Republican ticket, and had Garfield on it for President of the United States, and Robert Smalls for Congress.

Q. Who are Youmans and Mulligan, Democrats or Republicans ?—A. They are both Democrats.

Q. Did you vote before or after this ?—A. I voted after this.

Q. Had you made any attempt to vote before this ?—A. Yes ; I attempted to vote early in the morning, but was objected to on the ground that I was a straggling Radical, and should not vote.

Q. Are Mr. Mulligan and Youmans white or colored ?—A. Both white.

Q. How were the Democrats dressed on that day ?—A. They wore red shirts.

Q. Were they armed?—A. Most of them were, with pistols and clubs.

Q. Was the election quiet, or otherwise?—A. It was not at all quiet.

Q. Was there any disturbance, any threats made, on the day of election or the night previous to the election?—A. There was some threats made during the day. When I attempted to vote in the morning some white men threatened to put me out, and did shove me against the window, breaking out the sash. After I went up to vote again Mr. Mathews objected, and said that I was not old enough. I began to tell him my age, and Major Causey said that I must not begin any hard talk, or he would soften me d—d quick. I told him that I was not talking hard—that loud enough to be heard. I then went out.

Q. Were you trying to vote during all this trouble?—A. Yes.

Q. Were there any guns or pistols fired there during the day of election?—A. Not just at the ballot-box, but was a little way off.

Q. Do you know that any were intimidated so as to prevent them from voting on that day?—A. I believe all voted who came to the box.

Q. Were you standing at the poll all day?—A. I was about there all day.

Q. Were there a large number of Republicans who voted here on that day?—A. Not a great many; something less than a hundred, to best of my knowledge.

Q. Were you present at the counting of the votes?—A. No; I left about sundown.

Cross-examined by Mr. MURPHY, for contestee:

Q. How do you know that Mr. Mulligan was a State's marshal?—A. He claimed to be, and had on a piece of ribbon with printed letters on it.

Q. When you speak of Major Causey do you mean W. J. Causey?—A. Yes.

Q. Are you certain that he used the words attributed to him—"D—d quick"?—A. Yes.

Q. Were not the Republicans armed?—A. None that I know of.

Q. The tickets being torn, did it prevent any Republicans from voting?—A. Mr. Causey went and got a ticket for me to vote. I had no more tickets. Mr. Causey said that I must go with him and he would see that I voted, and asked Mr. Brabham if he had any tickets, and he gave him one. Mr. Causey got a Republican ticket for me.

Q. Did you vote the Republican ticket without being molested?—A. I then did.

Q. Were any Republicans prevented from voting by reason of these tickets being destroyed?—A. None that I know of. The most of them had voted before. But there were no more tickets at the poll that I know of.

Q. How long had you been living at Brunson's?—A. I had been living near Brunson's one year the summer before the election.

Cross-examined by Mr. COLLINS:

Q. Is Mr. Causey a Democrat?—A. Yes; he is a Democrat.

BENJ. HALFORD.

Sworn to and subscribed before me this 24th day of January, 1881.  
[L. S.]

E. A. BRABHAM,  
Notary Public, South Carolina.



STATE OF SOUTH CAROLINA,  
Hampton County :

BRUNSON, *January 24, 1881.*

Contested election for seat in the Forty-seventh Congress.

ROBERT SMALLS }  
vs.  
G. D. TILLMAN. }

Personally appeared BENJ. E. TAYLOR, who, being sworn, deposes and says :

By J. W. COLLINS for contestant :

Question. State your residence ?—Answer. Stafford's Cross Roads.

Q. Your occupation ?—A. Am farmer.

Q. Your age ?—A. Am 44 years old.

Q. Where were you day of last election ?—A. Stafford's Cross Roads.

Q. Did you vote that day ?—A. Yes.

Q. What ticket ?—A. Republican ticket.

Q. Did you hold any public position ?—A. I was supervisor.

Q. Did you meet with any trouble in your duty ?—A. Yes ; the box was opened, and I was there to examine and see it was opened decently.

Q. Was you inside the building ?—A. Was not.

Q. Why was you not inside ?—A. Poll was opened in a gin-house that belonged to C. H. Wilcox, place was in charge of Henry Holcome, the manager, and one had poll-list ; went inside house with the box and set it there and closed the door by putting box in door, thus preventing my going inside.

Q. Was there another supervisor ?—A. Yes.

Q. Was he inside ?—A. No ; he was outside.

Q. Go on ; state the trouble.—A. I saw by my instructions that supervisor should keep a poll-list ; saw the door was obstructed, and so asked to be allowed to go inside, so that I could have some place to keep the poll-list. The question was asked me by the manager what I wanted to keep a poll-list for, and at time that question was asked Mr. Bobby Causey asked me what I wanted to keep one for. "Who are you, any way, and what right have you to keep a list." And I told him that according to my instructions I had to keep one. Then he wanted me to show my authority. I then showed him my instructions and my credentials. Then he asked me if I was sworn. I said, "Yes." Then he wanted to see it, and I showed him my oath, sworn before Mr. Roberts.

Q. What office does Roberts hold ?—A. He is trial justice. Causey then stopped questioning. Mr. Wm. C. Johnson sat on the end of scaffold, outside, and by the edge of the box, so I had no place to keep poll-list on, and after that he said he didn't see any reason why I should keep a poll-list, as Mr. Thomas Causey, the other supervisor, did not keep a poll-list. I then felt uneasy about it on account of my oath, but I stood there and saw all who did vote. Soon after, as I stood there, up came Mr. Henry Holcome, and got on the scaffold, which was about 4 feet long and 6 feet wide, and 10 or 11 feet from the ground, and said to the manager, "This place is mine, and scaffold is weak, so I don't want but four men on the scaffold at a time. The two super-

visors can stay on the scaffold or two of the four." After, he came to me, as I stood at one end of it, and said I had better go down, as some man might come from down the road, and play drunk and raise hell, and knock me off the scaffold. I asked him why, and he said he didn't know why, but that he might do it. He then went down the scaffold, and went round the fire, and began picking a quarrel with some of the men; that this country belonged to them, the whites, and that they fought the Indian away, and that they had the best right; that this country belonged to them. He said many more things, but I had to attend to my business, as the colored and white were voting pretty brief in that space of time. He, after that, came up on scaffold again, and told me again that I had better get off the scaffold and go down; that somebody was going to knock me down. He went down again; that made the third time, picking a quarrel again with them. When he came up again the third time, and spoke in my face, saying he had got a beaver to put a hole through that day; that he was good for three. He had at the time his revolver in his hand, and presented it to my stomach; it was not cocked. He went down again, and W. C. Johnson spoke to the marshal, and said he must take care of him; that he was drunk, but I didn't see that he was drunk, as he spoke sensibly. He went on picking a quarrel, had same pistol in his hand, and seemed very unruly. Marshal tried to get Mr. Ellis to take him in yard, and Ellis did, and he was there about half an hour; then some men got him in buggy and carried him off. After that Mr. Stokes seemed to be quarreling with the people; was little way off, but anyhow seemed to want to raise a row with them, but no harm was done. People didn't seem to mind him. After that they took him in buggy and carried him off. Balance of day things were peaceable till election was over.

Q. Was Mr. Holcome, who presented the pistol, a Democrat or Republican?—A. Is a Democrat.

Q. How was the Democrats dressed that day?—A. Were dressed in red shirts.

Q. Did his presenting that pistol interfere with your doing your duty and intimidate you?—A. Yes; it did.

Q. Did it prevent you from doing your full duty?—A. Yes; it did during that time, and they were voting very briefly then.

Q. Were you present from the opening to the closing of polls, all day?—A. I was.

Q. About how many colored men voted at that poll that day?—A. About 60.

Q. Were you there at the count?—A. Yes.

Q. Do you know how many colored votes were found that were counted?—A. There were 22 Republican votes that were counted.

Q. Do you know how many colored people voted the Democratic ticket that day?—A. I know good many that voted it, old-time free people, but don't know how many.

Q. What was the difference between the Democratic and Republican tickets voted that day?—A. Republican ticket was white, Democratic ticket was red.

Q. Can you tell how many white tickets were voted?—A. Can't tell; after I did not keep poll-list; could not tell.

Q. Were you allowed to keep a poll-list?—A. No; I was not allowed to keep one.

Q. Did the colored people mostly vote the Republican ticket?—A. We had a club and all of them voted Republican ticket.

Q. How many was there in your club?—A. We had 37 in our club,

besides we had old people that did not belong in our club who came out and voted with us.

Q. Did you see any folded tickets?—A. Yes; saw one ticket that was torn in two that was headed with Garfield for President, and in that was a red ticket, and they destroyed both.

Q. Was that all you saw?—A. Yes; saw one other with two red tickets folded in it, all three were Democrat tickets.

Q. Did you stand where you could see the votes as they were counted?—A. Yes.

Q. Did they count more tickets than they had on the poll-list?—A. The poll-list was what I was anxious to see, but I didn't see the poll-list at all.

Q. Did you try to see it?—A. I tried to see it but they wouldn't show it to me; I did call for it but they wouldn't show it to me; they told me; if I wanted to see the poll-list I must go to Mr. Causey after he got home and he would show it to me.

Q. Were any ballots destroyed before they were counted?—A. No.

Q. Did you see any tickets torn up or destroyed before the counting?—A. Did not; of the three that were folded two were torn up and one counted.

#### Cross-examination:

Q. Is Wm. C. Johnson a Democrat?—A. Yes.

Q. Was Mr. Holcome and Stokes taken away by Democrats?—A. Yes.

Q. Did the Democrats endeavor to stop the fuss or anything that intimidated?—A. The marshal; yes, sir.

Q. Did the Democrats endeavor to prevent anything being done that would intimidate?—A. Yes.

Q. Could you not have kept a poll-list if you had wanted to?—A. No, I could not where I was.

Q. Did you try where you was?—A. I did not trouble to try after I could not get in.

#### Direct:

Q. Was there any table on the platform so you could keep a poll-list?—A. No, there was not; no place where I could keep a list; had to get down on the ground, as there was so many people crowding around I was in danger of getting knocked off.

Q. Did you make any report to the chief supervisor?—A. Yes; reported to Mr. Brabham. I reported there was 241 Democratic and 22 Republican votes after the count. I intended to make my report through Mr. Brabham to the chief supervisor.

Q. Did you make any report to any one else but Mr. Brabham?—A. No.

Q. Did you make your report to the chief supervisor in Charleston through Mr. Brabham?—A. Yes; I did.

Q. Did you or did you not in that report state that there was 60 Republican votes cast and only 22 counted?—A. Yes.

Q. Did you mean when you said 60 Republican votes cast that 60 colored men voted Republican tickets?—A. Yes.

#### Cross:

Q. You meant by your report that 60 colored men voted?—A. Yes.

Q. Do you know of your own knowledge that all the colored men voted Republican tickets?—A. Yes, they all voted; yes, they voted the Republican ticket.

Q. How do you know they all voted the Republican ticket?—A. I saw them all have the Republican ticket in their hand, and they marched up with it and voted.

Q. Did you not state in your direct examination that there were some colored men who voted that were Democrats?—A. Yes.

Q. Did they vote Republican tickets?—A. No; I meant that all the Republicans voted the Republican ticket, and all the Democrats voted the Democratic ticket.

Q. Did you keep a list of all who voted the Republican ticket?—A. No.

Q. How then did you know how many voted the Republican ticket?—A. They were all strong men, and always did vote the Republican ticket, and were in our club, and said they would vote that ticket or die.

Q. You judge then that they did vote the Republican ticket, because they said they were going to?—A. Yes.

B. E. TAYLOR.

Sworn to and subscribed before me this 24th day of January, 1881.

[L. S.]

E. A. BRABHAM,

*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,  
*Hampton County:*

BRUNSON'S, *January 24th, 1881.*

Contested election for seat in the Forty-seventh Congress.

Personally appeared WILLIAM PRIESTER, who, being sworn, deposes and says:

By Mr. COLLINS, for contestant:

Question. State your name, age, residence, and occupation.—Answer. Wm. M. Priester; 22 years of age; live in Brunson precinct; and am a farmer by occupation.

Q. Where did you vote at last general election?—At Brunson.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Was there much noise or disturbance there the night before the election, or on the day of election?—A. Yes; was a good deal of disturbance that night and on the morning of election. When we were going up to the election the morning of the election the Democratic party hollered out in the house where they were voting: "Close up, close up"; and got right in the store and in the piazza, and wouldn't let us go in; wouldn't let us go in under two hours. When they did let us get in the men in the piazza crowded up, and those inside crowded up against us and held us together about fifteen minutes, and wouldn't let us go in; two Republicans went off; couldn't vote. Smart Lightsey and Irving Lightsey were the two. Captain John Lightsey, who I thought was a marshal, had on his badge, says to us Republicans, "Hold on men till the storm gets over; then you shall go in and vote"; then we went in and voted. Directly after my father, a one-legged man, came up and went in to vote, and they flung and beat him about until it laid him up sick for a fortnight; still he voted a Republican ticket.

Q. Was there any shooting of guns or pistols the night previous to the election?—A. No; there was only the firing of anvils.

Q. Was there any intimidating?—A. Yes; the firing of the anvil that night made some go out, and they did not come in again till way next day, after some of us from in here went out and told them to come along in and vote.

WM. PRIESTER.

Sworn to and subscribed before me this the 24th, 1881.

[L. S.]

E. A. BRABHAM,  
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA,  
Hampton County:

BRUNSON'S, January 25, 1881.

Met 11 o'clock a. m. pursuant to adjournment.

Contested election for seat in the Forty-seventh Congress.

Personally appeared MOSES TERRY, who, being sworn, deposes and says:

Question. What is your name, age, occupation, and residence?—

Answer. My name is Moses Terry; reside in Brunson precinct; am 44 years old; and am a farmer.

Q. How long have you lived here?—A. Ever since reconstruction.

Q. Did you vote at the last general election; and, if so, what ticket?

—A. I did, and voted the Republican ticket.

Q. Who was distributing tickets on that day?—A. Ben. Attwood.

Q. Were they Republican tickets?—A. They were; General Garfield for President and General Smalls for Congress.

Q. Was he the only one distributing tickets that day?—A. He was the only one distributing Republican tickets, and had there been any other distributing them I should have seen it.

Q. Was there any attempt made to take these tickets from him?—A. There was; Mr. Mulligan stepped up to him and asked him to let him see the tickets. Attwood told him he would give him as many as he wanted, but Mulligan said to him, "I have authority to take them all," and run his hand down in Attwood's pocket and drew out the tickets. As he did so Attwood caught the end of the tickets in his hand. He then called for a knife, and Chisolm Yeomans gave him a knife, and he cut them in two; that is, Mulligan cut them in two, and said to Attwood, "If you don't mind I will cut your throat." So Attwood left him at that.

Q. Did Attwood get any more tickets after that?—A. No; I staid until after sundown, and he got none during the time I staid.

Q. About what hour in the day did this occur?—A. Near as I can come at it, was twelve o'clock m.

Q. Was election on that day a quiet one?—A. No; it was not.

Q. State what the disturbance was.—A. It was shooting and hollering, and busting up an old anvil that they had as a cannon.

Q. Did the shooting and hallooing prevent any from voting?—A. I think it did; I think it scared some away.

Q. Do you know of any that were scared away?—A. I don't; only I know that some who came in town to vote didn't, because of the row they were kicking up in the house; they went away without voting.

Q. What was the row you spoke of?—A. Well, the white men in the house were shouting and kicking about and shaking their clubs; that when I turned away after having voted I was kicked.

Q. Did you see any Republicans that were struck during this fuss ?  
—A. No, sir.

Q. Did you have any trouble in voting ; if so, by whom ?—A. I tried three times to get in ; the fourth time I forced myself in and voted ; it was the young white men, Democrats, that were crowding the door so that I could not get in.

Q. Was anything said to you ?—A. Yes ; Mr. Yeomans said, as I was going to vote, "What ticket are you going to vote ?" I told him the Republican ticket. He said, "Let's see it ?" When I showed it to him he said, "Give it to me," and he would give me another. I told him I wouldn't do it.

Q. Was anything said to intimidate you ?—A. Nothing.

Cross-examination :

Q. Did you state in direct examination some were frightened away from the polls ?—A. Said some were frightened out of the house.

Q. Did these afterwards come back and vote ?—A. They did not.

Q. How many were so frightened away ?—A. There were some five or six that did not go in there and vote.

Q. What were their names ?—A. Hecter Loadholt, Anderson Priester, Jacob Terry, Simon Myers, and I don't know the others' names.

Q. How many others whose names you don't know ?—A. There was two others whose names I don't know.

Q. Describe those two men—colored or white ?—A. Colored men.

Q. Give a brief description of them ?—A. I never take notice of every one I see ; know they were colored.

Q. Do you recollect their dress ?—A. I don't.

Q. Would you know them again if you saw them ?—A. Don't know ; was raised here, but go about but very little. Men who live three miles from here I do not know more than a cat.

Q. Would you have known them again that day if you had seen them ?—A. Don't know. If I had seen your face one would know you again.

Q. Do you say on your oath that those men did not vote that day ?—A. Yes ; they did not vote that day.

Q. Do you say upon your oath that if these men had voted that day they would have voted the Republican ticket ?—A. Yes ; I do.

Direct examination :

Q. Were you at the polls all day ?—A. Was not there until an hour after sunrise ; after that was there all day.

Q. Was anything said to you to make you afraid ?—A. Only when Mr. Yeomans said what he did ; then I was scared, as I knew if I said anything what I would get, as I did the kick anyhow.

his  
MOSES + TERRY.  
mark.

Sworn to and subscribed before me this the 25th day of January, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,  
*Hampton County :*

Contested election for seat in Forty-seventh Congress.

ROBERT SMALLS }  
*vs.*  
 G. D. TILLMAN. }

BRUNSON'S, *January 25, 1881.*

Personally appeared MARCH WILLIAMS, who, being sworn, deposes and says :

By Mr. COLLINS, for contestant :

Question. What is your name, age, occupation, and place of residence?—Answer. My name is March Williams; am 32 years old; am farmer, and reside in Brunson township.

Q. How far do you live from Brunson polling precinct?—A. Five miles.

Q. Where were you last election day?—A. I was at Brunson polling place.

Q. Did you vote the Republican ticket that day?—A. Yes, sir.

Q. Who was giving out tickets on that day?—A. Ben Alford.

Q. Were those tickets taken from him; if so, by whom?—A. Jim Mulligan.

Q. How did he take them?—A. Ben Alford was standing about four feet, I judge, from piazza; Jim Mulligan stepped up to him and said, "Let me see those tickets." He answered, "I will let you see as many as you want," and then jerked his hand in his pocket, and at that time Jim Mulligan caught one end of the ticket and hollered for some one to give him a knife, and Chisolm Yeomans handed him a knife, and Mulligan cut the tickets in two, and Mr. Mulligan said to him, "If you don't mind I will cut your throat." Ben Alford began to go off, and said something to Mulligan; then Chisolm Yeomans said "Shut up," and made an attempt to go towards Alford to knock him or something, when some of the men got around him and stopped him, and carried him off.

Q. Was Mr. Alford the only one giving out Republican tickets that day?—A. Was the only one I know of.

Q. Did he get any more tickets that day?—A. I did not see him get any more.

Q. Was Jim Mulligan and Chisolm Yeomans Democrats?—A. They were Democrats.

Q. What time of day did this trouble take place?—A. Near as I can come at, it was about 12 o'clock m.

Q. Did you have any trouble, or others, in voting that day?—A. I did not, but I knew of three or four others that objection was made to their voting.

Q. Why did they object?—A. They said two of them wasn't old enough, and of the other two they said of one that he didn't live in this county, and that the other was convicted before trial justice, and so could not vote here.

Q. Do you know the names of these voters?—A. Yes, sir; one was Benny Young, Bob Brooker, Simon Meyers, and Isaac Thompson; also Benny Young and Bob Brooker they said were too young, and also said

Brooker didn't live in the county. They both claimed they were twenty-one year before last.

Q. Do you know that Ben Brooker lives in this county?—A. Yes, sir; I know he lives in this county. He lives not quite five miles from Brunson Station; has been living there for the last six years.

Q. Do you know of any others who went away without voting that day?—A. No, sir.

Q. Was there any other trouble that day?—A. There was a good deal of whooping and noise inside the house and on the piazza that day, and knocking on the side of the house with clubs that day.

Q. How were the Democrats dressed that day, and were they armed?—A. They had on red shirts, and I saw two with pistols in their pockets that day; but I saw no guns, only pistols and clubs.

Q. Did you see anybody struck?—A. No, sir.

Q. What effect did this noise and the clubs have, if any?—A. It made them afraid.

Cross-examination:

Q. Do you say you know where Brooker lived?—A. Yes, sir.

Q. Does he live on his place or some other man's?—A. He lives on Edward Baker's place.

Q. Was not the objection to Young and Brooker that they were under age?—A. The only objection to Young was they said he was too young; Brooker they said was too young and lived out of the county.

Q. What was the objection to Simon Myers?—A. They said he was convicted before trial justice, but I did not hear what he was convicted for.

Q. What was the objection to Isaac Thompson?—A. Said he didn't live in this county.

Q. Did either of them afterwards vote?—A. No.

Q. What ticket would they have voted?—A. They all were going to vote the Republican ticket.

Q. Did all of the Democrats wear red shirts day of election?—A. Not all of them.

Q. Did half of them wear red shirts?—A. I think a little over half.

Direct:

Q. Do you know if Isaac Thompson lived in the county?—A. I did not know whether he lived in the county or not.

Q. Were you at the polls all day?—A. Until about an hour of the sun that evening.

his  
MARCH + WILLIAMS.  
mark.

Sworn to and subscribed before me this the 25th of January, 1881.  
[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,  
*Hampton County:*

BRUNSON, *January 25, 1881.*

Contested election for seat in the Forty-seventh Congress.

Personally appeared before me ISAAC THOMPSON, who, being duly sworn, deposes and says:



Question. What is your name, age, occupation, and place of residence?—A. My name is Isaac Thompson; was 48 years old 11th day of May last; am a farmer; my residence is at Brunson precinct.

Q. How far is your residence from Brunson precinct?—A. About 3 or  $3\frac{1}{2}$  miles.

Q. How long have you lived where you are living now?—A. About two months.

Q. Where were you living at 2d day of November last?—A. Was living in Hampton County, at Lawtonville.

Q. Where were you on election day?—A. Was at Brunson's, where I thought I belonged.

Q. Did you vote on that day?—A. No, sir.

Q. State why you didn't vote.—A. Reason that I didn't vote here that day was that previous to that had been working for a short time at Barnwell County, and they objected to my voting here simply because they said my residence was in Barnwell County. I told them my residence was not in Barnwell County; that I had only been working for a few months there. I told them that when the assessor came round I would not even assess myself, as I didn't intend to stay in that county; that I assessed in this county and paid tax in this county. They told me if I would cut off Smalls' name for Congress I might vote; throw away the ticket that has Smalls's name on it, and go with me and vote my ticket and you can vote it. I told them I would not do it; that I could vote for General Smalls as well as I could vote for any of their party.

Q. Who was it that objected to your voting?—A. Chisolm Yeoman and John Lightsey and Mr. William Causey, who struck me three times and shoved me out the house.

Q. Did you vote that day?—A. No, sir; I did not vote that day. I wanted to vote the Republican ticket, and said that if I could not vote the ticket I wanted to I would not vote at all. About twenty said to me that if I would vote their ticket I could vote.

Cross-examination:

Q. How long did you live in Barnwell County?—A. I hired to work five months, but did not work quite so long. I never did move my family there.

Q. Were you working at Barnwell day of election?—A. I was working at Barnwell that day.

Q. Were Yeomans, Lightsey, or Causey, or either of them, managers of election on that day?—A. I don't know whether they were managers or not.

his  
ISAAC + THOMPSON.  
mark.

Sworn to and subscribed before me this the 25th day of January, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

SOUTH CAROLINA,  
*Hampton County:*

BRUNSON, January 25, 1881.

Contested election for seat in the Forty-seventh Congress.

Personally appeared before me BENJ. R. LEWIS, who, being duly sworn, deposes and says, to wit:

By J. W. COLLINS, Esq., attorney :

Question. What is your name, age, occupation, and place of residence ?—Answer. My name is Benjamin R. Lewis ; age 33 years ; am planter ; place of residence about five miles from Brunson.

Q. What position did you occupy the day of election ?—A. Was one of the managers at Brunson precinct.

Q. Was you present while ballots were being counted day of election ?—A. Yes ; all the time, I think.

Q. Did you find any ballots folded together ?—A. Yes, sir.

Q. Were they Democrat or Republican ?—A. Were Democratic, I am certain. If Republican I don't remember it.

Q. Do you remember of seeing any Republican ballots folded ?—A. It strikes me I saw one, but would not be certain.

Q. What did you do with these folded ballots ? Were they counted ?—A. No, sir ; in no instance were they counted, I think.

Q. What was done with them ?—A. It strikes me we threw them in the fire ; at any rate they were destroyed.

Q. In counting to ascertain if ballots agreed with poll-list, were Democratic and Republican ballots counted separate ?—A. No, sir ; were all counted together all the time ; at no time did we count them separate until the final count.

Q. Did you find the whole number of ballots to exceed the names on the poll-list ?—A. Yes, sir ; we did.

Q. What was done with the excess ?—A. They were drawn out. I drew them out myself.

Q. What was the excess ?—A. I will not be certain, but think the excess was about two hundred and thirty-two (232).

Q. Were those drawn out openly so that any one could see them ?—A. No, sir ; no one could see them. I did not see all of them myself.

Q. How did you manage to draw them out without being seen ?—A. Well, I can't hardly tell you. Was from our peculiar position ; in fact did not intend to have it done openly. We began first to do it openly then looked up the law and concluded it was not legal to have it done openly. I sat on the bed and tore them up between my knees ; many of them I did not see myself. I did not mean that any one should see the nature of the ballots ; was done openly, except no one could see the nature of the ballots.

Q. What was the color of the Democratic ballots, and were they on thin paper ?—A. Color was pink, and ballots were on pretty thin paper.

Q. Were they smaller and thinner paper than the Republican ballots ?—A. They were thinner, and, I think, smaller.

Q. Do you think you could tell the Democratic ballots from the Republican by the feeling of the ballots ?—A. Not always, could sometimes ; it was more from the peculiar manner in which the Republican ballots were folded that I could tell them from the feeling when in my hands.

Q. Want to ask you once more if the Democratic ballots were not counted separate first counting before the Republican ?—A. I feel positive in my own mind that they were not ; if they were it has slipped my mind. We counted them out twice one by one to see if the number of votes agreed with the number of names on the poll-list. When we first began counting some one said they thought they saw Mr. Williams, manager, put in some that were double, so we put them all back and commenced counting them over very carefully, and found the ballots that were double, but never found any more after that.

Q. When you made your final count, how many Republican votes did you find?—A. About nineteen, I think.

Q. How many Democratic votes did you find?—A. You are too hard for me; think was something over 300.

Q. Are you a Democrat or Republican?—A. I am a Democrat; voted that ticket.

No cross-examination.

BENJ. R. LEWIS.

Sworn to and subscribed before me this the 25th, 1881.  
[L. S.] E. A. BRABHAM,

*Notary Public.*

SOUTH CAROLINA,  
*Hampton County :*

BRUNSON, *January 26, 1881.*

Contested election for seat in the Forty-seventh Congress.

ROBERT SMALLS }  
vs. }  
G. D. TILLMAN. }

J. W. Collins, attorney.

Personally appeared before me L. F. BRUNSON, who being duly sworn, deposes and says, to wit:

Question. What is your name, age, occupation, and where is your place of residence?—Answer. L. F. Brunson; my age is twenty-six; my occupation that of merchant, and reside at Brunson.

Q. Where were you at last election?—A. Was at Brunson precinct.

Q. Did you hold official position; and, if so, what was it?—A. I was supervisor.

Q. Which party did you represent?—A. The Democratic.

Q. Were you present at the official counting of the ballots?—A. Was not present all the time; all the time excepting a few minutes.

Q. Do you know the number of ballots counted at the first count?—A. Do not remember exactly; but it was something over five hundred (500).

Q. What was the excess of ballots over the names on the poll-list?—A. I cannot say exactly; but think it was near two hundred (200).

Q. What was done with this excess?—A. One of the managers drew them out and tore them up as he drew them out.

Q. After having drawn out this excess, did they count the ballots over again—those remaining after the excess was destroyed?—A. Yes, sir.

Q. How many Republican ballots were there then, and how many Democratic?—A. There was nineteen (19) Republican, and three hundred and thirty-seven Democratic ballots.

Q. Was this counting done publicly?—A. Yes, sir; we did object when they crowded in the room too much; but the room was about full.

Q. Were any of the Republicans present?—A. I don't think there were more than two present; E. A. Brabham, Republican supervisor, and Golliar Smart being the ones.

Q. Did you see any tickets folded together; if so, what kind of tickets were they?—A. Yes; they were Democratic tickets.

Q. Did you see these folded tickets in the box?—A. No; saw them when the manager was taking them out from one box and putting them in another.

Q. Was this folded ballot seen immediately after the opening of the ballot-box?—A. Yes; I think in about twenty minutes after the opening of the ballot-box.

Q. Do you know of more than two being folded together in any instance?—A. Yes; I know that in one or two instances I saw that there was three ballots folded together.

No cross-examination, Mr. Murphy being present.

L. F. BRUNSON.

Sworn to and subscribed before me this the 26th day of January, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,  
*Hampton County:*

BRUNSON, *January 26, 1881.*

Contested election for seat in the Forty-seventh Congress.

ROBERT SMALLS }  
                  *vs.* }  
G. D. TILLMAN. }

J. W. Collins, attorney for contestant.

Personally appeared before me JOHN A. BROWN, who, being duly sworn, deposes and says, to wit:

Question. What is your name, age, occupation, and where your place of residence?—Answer. Name is John A. Brown; my age is 31 years; am a laborer; and I live at Almeda.

Q. Is Almeda in Hampton County?—A. Yes, sir.

Q. How long have you lived at Almeda?—A. Have lived there one year.

Q. Where did you live before that time?—A. I lived near Hampton Court House.

Q. Where were you the 2d of November last, day of election?—A. Was at Varnsville.

Q. What did you go to Varnsville for on that day?—A. I went to vote.

Q. How far is Varnsville from Almeda?—A. Two miles.

Q. Is there any voting precinct at Almeda?—A. No, sir.

Q. Were there many people that went from Almeda to Varnsville that day for the purpose of voting?—A. Yes, sir; I think about five hundred and fifty.

Q. About how many of this number that went have you reason to believe are Republicans?—A. Every one of them.

Q. When you say Almeda, do you mean just the place Almeda or the neighborhood also?—A. I mean Almeda, and the neighborhood of it.

Q. Have you any Republican organizations down in that neighborhood?—A. Yes, sir; we have.

Q. What is the name of those organizations ?—A. Well, it is Republican Club.

Q. How many clubs have you ?—A. We have one, sir.

Q. Are you a member of that club ?—A. Yes, sir.

Q. How many members ?—A. Suppose about two hundred, sir.

Q. Did all of this club go up together from Almeda to Varnsville, the voting precinct ?—A. Yes, sir.

Q. When this club got up to Varnsville could they all of them vote without any hinderance ?—A. No, sir.

Q. Please state in what manner were they prevented by any person or persons from voting.—A. They were prevented in this way : Some for stealing, some on the ground that they wa'n't old enough, and some for grand larceny ; myself was objected to.

Q. When you say they were objected to for stealing, was it for stealing on that day or some other day ?—A. It was for stealing some other day ; some else time ; but the Democrats told me that if I voted their ticket I could vote, but if not I cannot vote.

Q. Were any of the Democratic or Republican voters at the polls armed ?—A. I saw some of the Democrats armed with pistols, but don't know their names.

Q. How were these men dressed ?—A. They had on red shirts.

Q. All of the Democrats have on red shirts or part of them ?—A. Only about twenty-five had them on, I think.

Q. Were any threats of violence, made by these men that were armed with pistols and had on red shirts, made ?—A. Yes, sir ; by one.

Q. If you know the man's name state it, and what he did.—A. I do not personally know his name ; only saw him walk up and ask this young man if he intend voting, and the young man said yes. He then asked him what way he intend voting, as he was objected to already. The man said he intended voting the Republican ticket ; then this Democrat said, " If you intend voting for Robert Smalls you can't vote here to-day ; but if you vote for Tillman you can vote." The colored man told him before he would vote for Tillman he would die and go to hell. Then the row started. Whilst the row was about to start, the Democratic marshal called on Mr. Gannt, the Republican supervisor, to stop the row.

Q. Who started this row ?—A. The white man. The white man said he belonged to Captain Lightsey's company ; had been down on Monday before the election to kill a parcel of you Almeda Republicans, and to-day they intended to have a row out of us and finish them.

Q. Were anybody hurt out of this row you speak of ?—A. No, sir ; there was too big a crowd.

Q. Were any of them down to Almeda that Monday ?—A. Yes, sir.

Q. State what they did on the Monday there previous to election.—A. Well, they came in there Monday and commenced hurrahing and firing through the street, and went on out to Mr. Holmes's plantation.

Q. How long did these men who were hurrahing and shooting remain about Almeda ?—A. They were there about twenty-five minutes, riding about and round in a circle, and shooting their pistols up in the air.

Q. How were these men all dressed that were riding about ?—A. They were a company of red shirts.

Q. Do you know whether your club of 200 men all voted at Varnsville election day ?—A. No, sir ; all didn't vote.

Q. About how many did not vote ?—A. Think 5 or 6 did not vote ; don't know their names ; know I am one.

Q. You say you were objected to on the ground that you had stolen?—A. Yes.

Q. Were you ever tried for stealing?—A. Yes, sir; before a trial-justice.

Q. Please state the result of that trial before the trial-justice, and when it was.—A. I think it was about 6 years ago. I was charged with stealing a hog; was brought before trial-justice court, and found guilty; was simply the trial-justice; was no jury, and would not grant me one.

Q. Did you ask for a jury, as the law of this State allows you to do?—A. Yes; but trial-justice said he had no time for a jury, and would not grant me one; my costs was \$10, and I paid it.

Q. When you went to vote did you know that this crime charged against you would not disfranchise you?—A. Yes; I knew it would not disfranchise me from voting.

Q. You stated that about 550 went up to vote, but your club had about 200 in it. Now, where did the other 350 men live?—A. They lived on Mr. Holmes's land; all of us pretty much live on his land, but all are Republicans.

Q. Do you know about how much land Mr. Holmes owns?—A. He owns about 11,000 acres of land.

Q. Do you know if the riding about of the red shirts the day before election frightened any away, so that they didn't go to the election?—A. No; they turned out more to see what all the shooting was about.

Q. What time did you leave the poll on election day?—A. I left about 5½ o'clock p. m.; got to polls about 7 o'clock a. m.

Q. Did you see any one of the Democrats vote that day that you believe were under age?—A. I did; I saw some vote that I know were not of age.

Q. Do you know the names of any of them?—A. No, sir; I know their face, but cannot call their names; simply know they were boys; they were white, all but one, who was colored, and lived across the swamp.

Q. Did you see any objection made that day to any Democrats voting?—A. No, sir; I did not.

#### Cross-examination:

Q. Were not these challenges made by Democrats who were not managers?—A. Yes; they were done by Democrats who were outside by the window.

Q. No challenges were made by the managers were there?—A. Not that I saw.

Q. Do you know J. E. Simmons?—A. Yes, sir.

Q. Do you know if the friends of Simmons were a good deal dissatisfied that his name was not on the Republican ticket?—A. The friends were not dissatisfied at it; he was the one.

Q. Did it not create a good deal of dissatisfaction that his name was not on the ticket?—A. It did at first, until I (Brown) told them how it was.

Q. Did not the Republicans go to the polls armed?—A. No; they did not go armed.

JOHN A. BROWN.

Sworn to and subscribed before me this 26th day of January, 1881.

[L. S.]

E. A. BRABHAM,  
Notary Public, South Carolina.

SOUTH CAROLINA,  
*Hampton County :*

BRUNSON, *January 26, 1881.*

Contested election for seat in the Forty-seventh Congress.

ROBERT SMALLS }  
                  *vs.* }  
G. D. TILLMAN. }

J. W. Collins, attorney for contestant.

Personally appeared before me J. W. C. JOINER, who, being duly sworn, deposes and says, to wit :

Question. What is your name, your age, your occupation, and where do you reside ?—Answer. My name is J. W. C. Joiner ; my age is 23 ; am farmer ; and live near McNeill's, in Hampton County.

Q. Where were you the day of the last general election ?—A. Was at Peeples poll.

Q. Was you there from the opening to the closing of polls ?—A. Yes ; was there all day.

Q. Do you know the names of any who voted there more than once that day ?—A. One was Atticus Yeoman, Tatmas Zahlor, Oliver Nixon, Ed. Nixon, Bill Bruler, Mark Nettles, Bill Alley, Dick Lightsey, also are the ones that I saw vote at Peeples poll that day ; I saw them vote myself.

Q. What ticket did they vote ?—A. They voted the Democratic ticket.

Q. How do you know they voted twice ?—A. They came right from Early Branch and voted at Peeples, and there are witnesses who saw them vote at Early Branch.

Q. Do these persons live at Early Branch ?—A. No, sir ; nor do they work there ; some live at Salkehatchie, and others at different parts of the neighborhood.

Cross-examination :

Q. How long have you known these persons ?—A. Well, some of them have been mostly raised up with me.

Q. How do you know they voted the Democratic ticket ?—A. Know it by their appearance, and by the red shirts they had on.

Direct :

Q. What was the difference in the color of the Republican tickets and the Democratic ?—A. The Republican tickets were white, and the Democratic tickets were red, kind of dim, and glazed.

Q. Were you near enough to the polls to see the kind of ticket they put in ?—A. No, not right at the poll ; suppose I was about twelve feet off.

Q. Did you see whether they had the red or white tickets in their hands when they went up ?—A. Yes ; they had the red tickets in their hands.

Cross :

Q. Do you say you saw each of these men go to the poll with a red ticket in his hand ?—A. Yes ; I saw each go with red ticket in his hand to the poll.

Q. Did they come in a body, and all vote at one time ?—A. Yes, they all came in one parade there.

Direct:

Q. After they had voted, did they all go away then in a body?—A. Yes; they all went together in a body, shooting.

J. W. C. JOINER.

Sworn to and subscribed before me this the 26th day of January, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

SOUTH CAROLINA,  
*Hampton County :*

BRUNSON, *January 26, 1881.*

Contested election for seat in the Forty-seventh Congress.

ROBERT SMALLS }  
                  *vs.* }  
G. D. TILLMAN. }

J. W. Collins, attorney for contestant.

Personally appeared before me GEO. WASHINGTON, who, being duly sworn, deposes and says, to wit :

Question. What is your name, your age, your occupation, and your place of residence?—Answer. My name is Geo. Washington; I am 26 years old, I think; am shoemaker; and live near Altman's Station, in Hampton County.

Q. Where were you the day of last general election?—A. Was at Peeples poll.

Q. Were you there all day?—A. Was there all day, from 5 a. m. to time poll was closed.

Q. Did you stand near so you could see the voting most of the time, all day?—A. Yes; stood about six feet off all day where I could see the voting.

Q. Do you know of any one who voted more than once that day?—A. Yes, sir; can call names of a few of them—Dick Lightsey was one, also Bill Braceley, Tatmas Zahlor, Eugene Gregory, were all the others that I saw.

Q. What ticket did they vote?—A. They voted Democratic ticket, far as I could see; had it in their hand.

Q. How do you know they voted twice that day?—A. Because they came up from Early Branch, whooping and firing their pistols, and jumped off their horses and said, "Come boys let's go and vote."

Q. What other reason have you to think they voted elsewhere?—A. I don't know, sir; they came up from Early Branch and their actions made me think so; I did not hear them say so.

Q. After having voted, did they return to Early Branch?—A. They went right back towards Early Branch.

No cross-examination.

his  
GEO. + WASHINGTON.  
mark.

Sworn to and subscribed before this the 26th day of January, 1881.  
[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*



SOUTH CAROLINA,  
Beaufort County:

BRUNSON, *January 26, 1881.*

Contested election for a seat in the Forty-seventh Congress.

ROBERT SMALLS }  
vs.  
G. D. TILLMAN. }

J. W. Collins, attorney for contestant.

Personally appeared before me MOSES BROWN, who, being duly sworn, deposes and says, to wit:

Question. What is your name, your age, your occupation, and your place of residence?—Answer. My name is Moses Brown; my age is 35 years; am a laborer; and live at Early Branch.

Q. Where were you at day of election?—A. Was at Early Branch poll.

Q. Was you there all day?—A. Yes, sir; was there all day.

Q. Did you see a body of men riding up to the polls that day?—A. Yes, sir; I suppose some twenty-five men would come riding up on their horses that day, firing their pistols off; when they came up they would ride around awhile firing off their pistols, and then they got down and voted; after that some of them remained and some got on their horses firing their pistols, and went off as if they were going to Peeples poll again.

Q. Did they come from the direction of Peeples poll?—A. Yes; came from right that side.

Q. How far is Peeples' to Early Branch?—A. I suppose, from my judgment, it is about three and a half miles.

Q. Can you give the names of any of those who came in this body?—A. Yes; can give the names of some of them; there was Robert Nixon, Oliver Nixon, Miles Nixon, Rube Nixon, Ed Nixon, Willy Taylor, Mark Nettles, Bill Bruler, Tom Gregory, Eugene Gregory, Bill Allen (colored fellow), Guinney Wilcox, Branford Bruler, and, I believe that is about all I did see.

Q. What ticket did they vote?—A. They voted the Democratic ticket every bit.

Q. Were you standing near the polls that day?—A. Yes; all day till about three o'clock. I suppose I should have staid longer, but this party got up a row: I was standing near the window and Tom Williamson was sitting in the window; Mr. Koth came around and asked where Tom Williamson was; said he wanted to vote, when Williamson said they have done vote; he then called Williamson a damned son-of-a-bitch, and after he spoke those words he (Koth) went off to his brother-in-law and they stood up and talked awhile; shortly after he went off his brother-in-law came back and mashed Williamson in the chest and knocked him across the head with a club; suppose if it had not been for Captain Steidmeyer and Colonel Stakes they would have killed him; there was about six men fastened to that one man; Sawers, I believe, is the brother-in-law who struck Williamson; then after it came night he got into a row with Peter Chisolm, an old man; it was Bill Bruler and Will Taylor who knocked Chisolm, and as to the talk when night came the Republican party had to leave every bit, had to, because they just kept a perfect bar-room right through all day; they had

whisky by the gallon there; at night when they were going to count the votes they said every damned rogueish Republican son-of-a-bitch had got to leave; then they went in and locked the doors, and would not let a man go in except the supervisor of the Republican party, that is, none of the Republican party except the supervisor; they would let their men go in and none of us; they came out and took him by the arm and carried him in and when he came out he was asleep; he remained in and was probably there five minutes, and he had not sat down outside ten minutes before he was asleep; I went in and they gave me a drink and I have not been asleep from the whisky I drank since; they had him go in again in the evening; two men came and carried him in when he did not want to go in, and when he got in that time he never did wake up to know when the votes was counted.

Q. How many colored people were at the poll that day?—A. Well, as near as I can tell there was 150.

Q. Was this Williamson a Republican?—Y. Yes, sir; that was the reason they done him so; Peter Chisolm was a Republican, and those who attacked him were Democrats, and I believe that if the Republican supervisors hadn't give up, lost his rights, he would have been a dead man; I know he would.

Q. You say that there was a hundred and fifty colored there that day at the time, or was there more than that during the day?—A. I mean that I think that about that number voted there that day; the heaviest part vote elsewheres, as the people are afraid to go to that poll to vote.

Q. Were you and the Republicans frightened that day by their actions, so as to be afraid to vote?—A. Yes, sir; we were afraid of being shot down; there was three white men that stood by the window and they continued to vote off and on all day.

Q. Did you know them?—A. I knew one of them, Laurine Ihley, and he was finally shoved away by one of the managers who came out and told him he should vote no more that day, that he had voted enough already; all three were Democrats.

Q. Did you see any others vote more than once?—A. Yes; only don't know their names; they came from over Gillisonville way; I saw them wind up two or three ballots at a time and stuff them in the box; there was not a Democratic nigger nor white man that didn't have a No. 32 pistol with him.

Q. Are there many Democratic colored people that way?—A. Well, there is not more than three or four at the outside, and they ain't worth anything to anybody, as they will steal from you and everybody.

Q. Is there any Republican club in that vicinity?—A. There is only one club there, and we have 85 in that; same club I belong to. There is one at Almeda that has, I believe, about 100 members, and there is one at Early Branch.

Q. I understand you to say that at the counting of the ballots it was done with closed doors?—A. It was, and the door was locked.

Q. Was there any Republican members in the building after it was locked, when counting was done?—A. No, sir; not a one, only the supervisor.

#### Cross-examination:

Q. You stated, in your direct examination, that three men stood at the poll and voted all day continuously?—A. I did.

Q. How do you know that they were Democrats?—A. Why there were a great difference in the Democratic and the Republican tickets.

The Democratic tickets were red and the Republican was white, and they had the red ticket.

Q. Then you was standing near the poll all day?—A. Yes; I was standing right by the window all day.

Q. How was it, then, that you saw the difficulty with this colored and these white men?—A. The difficulty was not more than five steps from the window.

Q. Were all the Republicans driven away before the votes were counted?—A. Of course; they had to go away or be beaten with clubs.

Q. Did you remain until the votes were counted?—A. No; I had to leave. A white man came to me and told me that I had better leave.

Q. What time did you leave?—A. About 7 o'clock.

Q. Who was it that told you that you had better leave?—A. Mark Nettles, a white man and a Democrat.

Q. Where did you go?—A. I went home.

Q. How far do you live from the poll?—A. I suppose about 200 yards.

Q. Did you go into your house and remain there?—A. Yes; I remained there the balance of the night.

Q. What was the Republican supervisor's name?—A. Frank McCants.

Q. What time was it that McCants took this drink that stupified him?—A. About 4 o'clock in the evening.

Q. Who gave him this drink?—A. I can't say; he was taken into the room.

Q. Who took him into the room?—A. Mr. Thomas Gregory and another man whom I did not know.

Q. How long was it after he took this drink before he became stupefied or went to sleep?—A. Not more than ten minutes; and you could not wake him or get any sense into him.

Q. Did he continue in that condition until the vote was counted?—A. Yes.

Q. How did he manage to sign the supervisors' report?—A. I did not know when he signed it; they may have waited until after he came to, and then made him sign it.

Q. He then was not in a condition to sign the report when the vote was counted?—A. No; he was not.

Q. What time was it when they finished counting the vote?—A. I cannot tell that; I was not there.

Q. How, then, do you know that he was not in a condition to sign the report?—A. I left him stretched out, drunk, and heard him and others say that he remained so.

Q. Then your knowledge is based on hearsay?—A. He acknowledged it himself.

Q. These things, then, are not based on your own knowledge, as far as what occurred after 7 o'clock?—A. No; but I saw part of it with my own eyes.

Q. If you went home at 7 o'clock, how do you know that there were no Republicans present during the count?—A. I was about the last man of Republicans who left the poll.

his  
MOSES + BROWN.  
mark.

Sworn to and subscribed before me this the 26th day of January, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

SOUTH CAROLINA,  
*Beaufort County:*

BRUNSON, *January 26, 1881.*

Contested election for a seat in the Forty-seventh Congress.

ROBERT SMALLS }  
vs. }  
G. D. TILLMAN. }

J. W. Collins, attorney for contestant.

Personally appeared before me ALEX SMITH, who, being sworn, deposes and says, to wit:

Question. What is your name, age, your occupation, and your place of residence?—Answer. Alex Smith; my age is 27 years; am a farmer, and live about four miles from Early Branch, in Hampton County.

Q. Where were you at the last general election?—A. I was at Peoples poll.

Q. Were you there near the polls all day?—A. I was, sir, from about 8 o'clock a. m. until night.

Q. Did you, the day of election, see any one vote at this precinct more than once?—A. I did, sir; I saw, I suppose, the sum of twenty-five men come riding, shouting, and shooting from Early Branch way; they got down from their horses and went and voted; got on their horses then and away they went towards Early Branch. In the evening they came riding back on their horses, got off them, and went and voted again—same men; three of them I was acquainted with; they mounted their horses and went off towards Early Branch again, shooting and hollering.

Q. Give the names of the three you remember.—A. George Deloach, Oliver Nixon, and Ed Nixon were all those I knew of the party.

Q. Did all of these men vote that evening when they came back again?—A. They all went up, but I know that these three men voted because I know them, but can't say as for the rest.

Q. Did they vote the Democratic ticket both times?—A. They did, sir, both times.

Q. Were you present when the poll closed, or when count was made?—A. I staid until they were about closing poll, when the men were out cutting poles and clubs, when one white man, a Democrat, came to me and said to me, "Friend, you had better leave; if you don't, you will get hurt;" so I left.

Q. Were you frightened, and others, away?—A. Yes; I was, and so were others, after they had been firing over our heads all day and riding their horses so we had to get up against the fence to keep out of their way; and as they were cutting clubs, we thought it best to get away before getting hurt.

Cross-examination:

Q. Who was it that told you that you had better get away before getting hurt?—A. It was a white man, a Democrat, who told me; and I don't feel at liberty to tell.

Q. Do you refuse to give the name?—A. I don't like to tell, but if I

must, it was Ramsey, who stays down at Jessey Nixon's, near Early Branch.

his  
ALEX + SMITH.  
mark.

Sworn to and subscribed before me this 26th day of January, A. D. 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

SOUTH CAROLINA,  
*Beaufort County:*

BRUNSON, *January 26, 1881.*

Contested election for seat in the Forty-seventh Congress.

ROBERT SMALLS }  
vs. }  
G. D. TILLMAN. }

J. W. Collins, attorney for contestant.

Personally appeared before me OLIVER BROWN, who, being duly sworn, deposes and says, to wit:

Question. What is your name, your age, your occupation, and your place of residence?—Answer. My name is Oliver Brown; am 24 years old; am engineer; and I live at Early Branch.

Q. Where was you the day of last election?—A. Was at Early Branch precinct polls.

Q. Were you there all day?—A. Yes; was there from 6 o'clock till about half after 5 p. m.

Q. Do you know of any one who voted there more than once?—A. Yes; I know Ginney Wilcox, Bill Allen, Atticus Yeomans, Willy Taylor, Ed Nixon, Tadas Zhlar, and Oliver Nixon voted twice.

Q. Was you where you could see them?—A. Yes; I was where I could see them vote twice.

Q. Did they all come together?—A. Yes; they came in a crowd, all with red shirts on; came hollering and shooting. After they first got there in the morning they got off their horses and went and voted, then got on their horses and went off towards Peeple's poll; they returned in the evening about half after 4; when they rode up they were shooting; when they came back second time only saw Ginney Wilcox vote then. When they came back in the evening they all went in the room and took a drink, and then came out and raised the row. After they raised the row Mr. Koth came to me and said, "Oliver, by God, you would make a damn pretty coffin, wouldn't you? By God, you better hide out from here." He then went to my brother and said, "Come on and vote; all your brothers are damned rascals." Then I walked off from him; and then Eugene Gregory came and cussed me, a damn son-of-a-bitch, and said if we didn't leave there he would be damned if they didn't kill every damned Republican that remained on the hill. Then McCant, the supervisor, was drunk, and I went to wake him up. Then they told me I had better let him alone.

Q. What hour in the day was it when the supervisor was drunk?—A. Was about 9 a. m. when he first got drunk; then, about 12 m., he

got so he could attend some to his business; then, about 4, they carried him in; four Democrats got hold of him and carried him in; don't know their names; gave him a drink, and then he came out again, and went to sleep again drunk; he was in that condition when I left, which was about half-after 4 p. m. Eugene Gregory and Mr. Koth and his brother-in-law were those who were making the trouble. All these mounted men who voted at Early Branch were Democrats.

Q. Did the threats made by the Democrats make you go away earlier than you would?—A. Yes; I went away earlier than I would, and did not come back again that night.

Q. Do you think the Republicans were made afraid by the Democrats?—A. Yes, every one of them; they got away from there, every one of them.

Cross-examination:

Q. Did you vote on the day of the general election?—A. Yes, sir.

Q. Did all the Republicans vote; was any of them intimidated?—A. There wasn't but one of them that I know of that was prevented from voting; none but one was intimidated from voting that I know of.

Q. Who was this one?—A. Was Marion Riley.

Q. Was he challenged at the polls for cause?—A. There was lots of them challenged. He was challenged but I don't know what they done it for.

Q. Did you state, in your direct examination, they were Democrats who gave Mc. whisky?—A. Yes; they were Democrats.

Q. Do you know these gentlemen—know their names?—A. I only know one of them. His name was Eugene Gregory.

Q. How do you know these other persons were Democrats?—A. Because I see them vote.

Q. Did you see them vote after or before they took McCant in to give him the whisky?—A. I saw them vote before.

Q. Do you say it on your oath that these men were Democrats?—A. Yes; I do say they were Democrats on my oath.

OLIVER BROWN.

Sworn to and subscribed before me this the 26th day of January, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

SOUTH CAROLINA,  
*Beaufort County:*

BRUNSON, *January 28, 1881.*

ROBERT SMALLS }  
vs. }  
G. D. TILLMAN. }

Contest for seat in the Forty-Seventh Congress.

J. W. Collins, attorney for contestant.

Personally appeared before me, BEN. SHEPPARD, who, being duly sworn, deposes and says, to wit:

Question. What is your name, your age, your occupation, and where your place of residence?—Answer. Ben. Sheppard is my name; my age

is 54 years ; am a farmer ; and I live at Dr. Ramsey's place, Lawtonville township, in Hampton County.

Q. How long have you lived there ?—A. Was born and raised there.

Q. Where were you at the last election ?—A. Was at the Lawtonville precinct.

Q. Was it a quiet election that day ?—A. No, sir ; they commenced a row there I suppose, near as I can come at it, about 8 o'clock a. m. ; they kept quiet down for awhile, for about one and one-half hour, then started row again ; then things went on until about 4 o'clock p. m., when they started it again. They threatened to fight the Republican party for voting ; they rebuked us by every blaspheming they could think of ; they were armed, every Democrat, most that I seen had from one to two pistols ; then in the evening, at 4 o'clock, they rid off a piece and came back and rid right in among the Republican party with swords and clubs ; then we tried to get out of the way, and in trying to get out of the way shot among us. I myself got six balls in me at that time, and another man, named Adam Patterson, got shot. He and I were carried home in a wagon together.

Q. Did you see any one cut or struck ?—A. Yes ; I saw one man get cut with a sword, and two got struck with a club.

Q. When they shot at you what did they say ?—A. When they shot me I was getting away.

Q. What did they say when they came up ?—A. As they came up they said, "You God damned son-of-a-bitch," and struck a man standing behind me ; at that time I got behind a tree ; we, the Republican party, were all peaceable and quiet at the time.

Q. Were you all quiet through the day ?—A. Yes, we were all quiet through the day.

Q. Where was the polls kept ?—A. In Mr. Peeple's store, in the upper story. We had to go up staircase from outside.

Q. Was the box inside of building ?—A. The box was right at the door.

Q. Who was the Republican supervisor that day at that poll ?—A. Edmond Glover.

Q. Was he inside the building during the entire day ?—A. Yes ; he was inside the entire day.

Q. Did you see any one else struck or hurt that day ?—A. No, sir ; did not see anybody else.

Q. Were the Republicans badly frightened by their shooting and ways that day ?—A. Yes, sir ; they were badly frightened, and scattered and run away like frightened cows.

Q. Were they frightened and intimidated so that some did not vote ?—A. Yes ; I believe several of them did not vote in consequence.

Q. How long did you remain at polls that day ?—A. I got at polls about half past 5 and remained until they got to shooting, which was about 4 o'clock in the evening.

Q. Did the other Republicans leave at about the same time ?—A. The other Republicans left at same time.

Q. Why did they all leave at that time ?—A. Because they all got so excited, so frightened that they had to leave ; frightened from the shooting.

Q. Did the supervisor leave at the same time ?—A. He was compelled to leave.

Q. Why was he compelled to leave ?—A. I saw him down in the yard,

but I had to run off to escape with my life; I mean the Republican supervisor.

Q. You said the Republican supervisor was there all day; explain what you meant.—A. I meant that the Republican supervisor was there all day up to the time we all had to run away.

Q. Did you say you were shot?—A. Yes; I was shot six times; have five balls in me now; one ball went through my left thigh, one lodged in my left leg below the knee, two lodged in my right thigh, one lodged in my back, and one in my left lower arm. I now show you the scar on my left arm which was made by the ball entering there.

Q. Who fired these shots?—A. Well, there were so many men there, and I was running. I can name three men that were in the crowd that were doing the shooting, to wit: Jimbo Box, Mr. John Thomas, and Mr. Bob Daily. John Thomas had a double-barrel gun.

Q. What did the others have that were doing the shooting?—A. Jimbo Box had a rifle—a sixteen shooter.

Q. Was this firing all by the Democrats?—A. Yes; it was all done by the Democrats.

Q. Was any of the Republicans armed?—A. No, sir; did not see any armed; not a one.

Q. Have you a Republican club at Lawtonville?—A. Yes, sir.

Q. How many does it number?—A. I don't remember; we have No. 1 club.

Q. How many clubs are there there?—A. We have two clubs; I don't know how many members there are in our club?

Q. Do you know how many Republicans were there at the poll; was there a large party of men there?—A. I don't know how many were there; but there was a large crowd there.

Q. Did you see at the polls any colored Democrats?—A. Yes, I did.

Q. How many were there, do you think?—A. I think there were about half a dozen colored Democrats that voted; there may have been more.

Q. How were the Democrats dressed that day?—A. The Democrats were dressed different from the Republicans; some had on red shirts, and some had red flannel on their hats.

#### Cross-examination:

Q. Did you vote the Republican ticket on day of election?—A. Yes, sir; I don't vote anything else.

Q. Were any Republicans intimidated and prevented from voting on the day of election?—A. Yes, sir; some were prevented from voting by that row.

Q. How many?—A. I don't know how many, but I know of two.

Q. What are their names?—A. Two preachers that were intimidated; one's name was Tom Jones, and the other was Paul Johnson.

Q. How do you know they were intimidated?—A. I know it by their speaking; they said they wanted to vote, but that they would not go, as they knew there would be a row.

Q. Then they did not go to the polls on the day of election at all?—A. No; they did not go at all.

Q. Did they make that statement to you before the election?—A. It was after the election; they said it would create animosity if they went, and that they were preachers of the gospel, and so they did not go.

Q. Then they were not prevented from going by the row?—A. They didn't go, as they were expecting the row.



Q. Were they intimidated by the row so that they did not go?—A. No, sir; they could not be intimidated, because they were not there.

Direct :

Q. On the night previous, and on the morning before the opening of the polls, was there any disturbance? If so, state what it was.—A. No, sir; not any disturbance that night that I know of. In the morning, after we got there, some one fired a pistol twice.

Q. What time in the morning was the first disturbance?—A. It was about 8 o'clock that the first disturbance occurred.

Q. Was not that first disturbance sufficient to frighten and keep away some from the polls?—A. I should think that it was; that any weak-hearted people that did not dare to stand up for their rights, should think that it would be sufficient.

his  
BENJ. + SHEPPARD.  
mark.

Sworn to and subscribed before me this the 28th day of January, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,  
*Hampton County :*

BRUNSON, *January 28, 1881.*

Contested election for seat in the Forty-seventh Congress.

ROBERT SMALLS }  
vs. }  
G. D. TILLMAN. }

Personally appeared ERASMUS BLACK, who, being sworn, deposes and says :

Question. State your name, age, occupation, and residence?—Answer. Erasmus Black; age, 28; occupation, laborer; live at Lawtonville; at John Lawton's place, three miles from Lawtonville.

Q. Were you at Lawtonville precinct on the 2d day of last November, the day of the election?—A. Yes.

Q. What did you go there for?—A. To vote the Republican ticket.

Q. Was everything quiet and peaceful there during that day?—A. No.

Q. State then what occurred there to prevent it from being peaceful?—A. That morning when we went there the Democrats started a row to keep us from voting by threatening and cursing us for d——d sons of bitches, and said they come to kill us out that day, and that they were going to fill up a ditch with us. The rows continued until 4 o'clock that evening; and then the shooting began. They cut us with swords and beat us with clubs. One cut me in the head with a sword. Then we ran and they shot us with pistols and guns.

Q. Do you know of any persons being shot on that day?—A. Yes. Ben. Sheppard, Adam Patterson, Archey Taylor.

Q. About how many men were running from the poll?—A. About one hundred men were running in every direction.

Q. Were there many Republicans at that poll during the day?—A. About two or three hundred.

Q. Do you know that all the Republicans left the poll when this shooting began?—A. Yes; all but one or two.

Q. Do you know whether or not any Republicans were at the poll during the counting of the vote?—A. No.

Q. Did you vote that day?—A. Yes; I voted.

Q. What ticket did you vote?—A. The Republican ticket.

Q. Do you know the names of any of the candidates on that ticket?—A. Yes; I know three of them. Garfield and Arthur, and General Smalls.

Q. When you went up to vote could you see in the room where the managers were?—A. Yes.

Q. Do you remember how many persons you saw in that room?—A. A good many were in there.

Q. Do you remember seeing any Republican in there?—A. None but the supervisor.

Q. Do you know the name of that supervisor?—A. Edmund Glover.

Q. Do you know whether or not he remained in the room all day from 6 o'clock a. m. till 6 o'clock p. m.?—A. No; he remained there 'till the row commenced—4 o'clock in the evening.

Q. Do you know whether or not he returned after coming out of the room at 4 o'clock?—A. No. I saw two of the Democrats leading him down. The Democrats were dressed in red shirts. I saw them leading him down the steps.

Q. How do you know that he did not return?—A. After they led him down the steps he went across the field and took to the swamps to save his life.

Q. Did this number of Republicans, that you say was there, vote?—A. Yes, sir; they were voting until the row commenced.

Q. Did Glover live in Lawtonville precinct before the election?—A. Yes.

Q. What was he doing there?—A. He was teaching a public school.

Q. Do you know that he lives at the same place?—A. He does not live there now.

Q. Do you know what has become of him?—A. No.

Q. Were there any threats and intimidation in that precinct during the day and night previous to the election?—A. Yes; there was shooting and hallooing all the night previous to the election.

Q. By what party was this shooting, &c?—A. By the Democratic party.

Q. How many Republican clubs are there in Lawtonville precinct?—A. Two.

Q. Are you a member of any club?—A. Yes.

Q. What is the number of your club?—A. Our club is about one hundred strong.

Q. Do you know of many colored men affiliating with the Democratic party?—A. Yes; a good many.

Q. About how many?—A. About a half dozen.

Q. Do you know whether these were free before the war?—A. Some were free before the war, and some since.

Cross-examined:

Q. You say that the Democrats started a row to keep you from voting; how do you know that?—A. Because they said so.

Q. How many were in the party of Republicans that you were in?—A. Two or three hundred.

Q. Who first started this row?—A. The Democrats; if they had not started there would not have been any.

Q. What became of this large number of Republicans if there were only one hundred when the row began?—A. Some went away when they voted.

Q. How were the Republican party dressed that day?—A. The same as we are now.

Q. Did they carry sticks or razors with them?—A. No.

Q. When you went into the room to vote that day, who were with you?—A. Frankie Brown, a Republican.

Q. Was Glover, the supervisor, in the room?—A. Yes.

Q. How far from the door was the box?—A. About five or six feet.

Q. How many Republicans do you think voted there that day of the two or three hundred that you say were there?—A. Nearly all of them voted before the row began.

Q. You all voted in the same box?—A. Yes.

Q. Do you not know, of your own knowledge, that Glover asked the aid of the white men when the row began?—A. I don't; when the row began Glover was upstairs.

Q. Was there any shooting in the supervisor's room?—A. No.

Q. What was the names of the two Democrats that were leading Glover down?—A. I don't know them.

Q. Why did you take them to be Democrats?—A. Because they were white men, and dressed in red shirts.

Q. Did they have hold of Glover?—A. One on each arm.

Q. Were they violent toward him while they were leading?—A. Yes; they seemed to be forcing him down the steps.

Q. Did you see any of them strike Glover?—A. No.

Q. Why, then, did you say that he ran for his life across the swamp?—A. Because they were cursing him all day, and if he had not run they would have shot him like they did us.

Q. Were the Republicans quiet and peaceful the night before election?—A. Yes.

Q. Did you see the two or three hundred Republicans the night before the election?—A. No.

Q. How, then, do you know that they were peaceful and quiet?—A. I did not hear them shooting and hollowing.

Q. How do you know that it was Democrats that was shooting the night before?—A. Because I saw and heard them.

Q. And you can tell a Democrat's voice from a Republican's?—A. I saw them.

Q. How many did you see?—A. About 50.

Q. How, then, do you know that they were Democrats that were shooting and whooping?—A. Because I saw them ride by my house in the road.

Q. Was it a dark night or moonlight?—A. It was not a moonlight night, but was a little cloudy.

Q. And yet you could see that they were Democrats?—A. I could see, because I came out of my house and looked at them.

Redirect:

Q. When you went up to vote did you have to go into the room?—A. I just had to enter the door; the table was just inside the door.

Q. How many persons were inside in front of the table?—A. Can't say exactly, but there was about 10 or 15.

Q. Where was Mr. Glover, the supervisor?—A. In front, on one side.

Q. Do you know where the Democratic supervisor was?—A. In front, on the other side.

Q. Among this 10 or 15 persons in the room was any of them Republicans?—A. No, excepting Glover, the supervisor.

Q. How many did you see behind the table?—A. Ten or fifteen.

Q. Do I understand you to say that there were ten or fifteen behind and ten or fifteen in front of the table?—A. Yes.

Q. Were any of these men behind the table, to your knowledge, Republicans?—A. No.

his  
ERASMUS + BLACK.  
mark.

Sworn to and subscribed before me this the 23th day of January, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

SOUTH CAROLINA,  
*Beaufort County:*

BRUNSON, *January 28, 1881.*

• Contest for seat in the Forty-seventh Congress.

ROBERT SMALLS, CONTESTANT, }  
  *vs.* }  
G. D. TILLMAN. }

Personally appeared before me LUCIUS BARNES, who, being duly sworn, deposes and says, to wit:

Question. What is your name, your age, your occupation, and where is your place of residence?—Answer. My name is Lucius Barnes; my age is 33 years; I live four miles from Lawtonville, Lawtonville Township; and am a laborer.

Q. How long have you lived in Lawtonville Township?—A. Where I live now I was born and raised.

Q. Where were you the 2d day of last November, the day of last election?—A. I was at Lawtonville.

Q. What did you go to Lawtonville for that day?—A. I went there to vote the Republican ticket.

Q. How many of you went together?—A. I never took any particular notice, but I think about one hundred went along with me.

Q. Did you all have your tickets as you went along, or did you get them after you got there?—A. We got them after we got there.

Q. What was the color of the tickets that you got?—A. The tickets were white and were printed; think they had an eagle on them.

Q. Was it an eagle or a man's head?—A. I think it was an eagle, but it might have been a man's head.

Q. Would you know the ticket if you were to see another one like it?—A. I think I would.

Q. Was the ticket you voted like that [showing the regular Republican ticket, and ticket put in as evidence]?—A. Yes, sir; that is like the ticket that I voted; that is not an eagle, but a man's head.

Q. Do you recollect any of the names that were on the ticket you voted?—A. Yes, sir; General Garfield's name, and General Arthur's and Robert Smalls's names were on the ticket.

Q. Was the election at Lawtonville precinct a quiet and peaceful election?—A. No, sir; it was not.

Q. Did you see any of the Democrat tickets on the day of election?—A. No; I did not.

Q. State what occurred at the Lawtonville precinct that day.—A. When we were going to the poll that morning they commenced cursing us, sons of bitches, saying what they were going to do with us that day, and after that the Democrats made a line to be divided; said we must stay on one side and the Democrats on the other, and we done so rather than have any fuss, but the Democrats would keep coming over on our side, and keep cussing us, and knocked some of the men, and told us if we didn't leave there they were going to play hell with us that day; so we never left right off, but made up a little fire and stood around there until about 4 o'clock, and then, rather the horse cavalry, went up the road and came back, and commenced knocking and shooting and cutting, and stabbed me in the temple with a sword, and then we had to leff. They told us if we did not leff they would kill us. Adam Patterson was one that got shot, and Archie Taylor and Benjamin Shepard got shot.

Q. About how many men were in this company of cavalry that went up the road?—A. As near as I can come at it, there was about fifty men.

Q. How long were they gone up the road before they came back?—A. Not very long. They made signs. They had two men in the graveyard who were shooting at pine burrs, and the other one was at the other fork of the road, and when they commenced shooting the other men came up and commenced cutting and knocking and shooting.

Q. When they commenced cutting and shooting what did this crowd that was in the ring do?—A. They had to run.

Q. Was you stabbed while running or while standing?—A. Before they run I jumped round a tree, and they first cut Mr. Black, and then stabbed me. Then I ran off, and by the time I got home it was night. I ran off through the woods.

Q. Did all these people have to run?—A. Every bit had to run—had to leave.

Q. When the Democrats made this line, and the Republicans separated from the Democrats, about how many Republicans were on their side of the line?—A. Was 300, as near as I can come at it.

Q. Do you know whether all these men that were across the line had voted?—A. No; I don't know; they said that as fast as they voted they must cross back across the line again.

Q. Do you know whether half or the greater part of them had voted?—A. I think the greater part of them had voted.

Q. About how many Democrats were on the other side of the line?—A. I think there was about 150 men.

Q. Did you see any colored men on that side?—A. I saw but three colored men on that side the line.

Q. When you went up in the room to vote, did you see any colored men there except the supervisor?—A. I saw none there except the supervisor.

Q. Do you know of any Republican that was up there except the supervisor?—A. I do not.

Q. Do you know why there was not any Republicans in that room except the supervisor?—A. I do not.

Q. Do you know whether Mr. Glover, the supervisor, remained there till after they counted the vote?—A. No, he did not remain; I saw two

men leading him down, and he had to run, because they commenced the shooting.

Q. Was there any disturbance on the day or night previous to the election?—A. They said that night to us that if we went to Lawtonville Tuesday to vote they would kill us, and were going to make a ditch to bury us in.

Q. Will you explain who said this?—A. I don't know; there was so many men passing by, and I didn't know them—Monday evening they went by and camped at Lawtonville.

Q. Were these men that went by on foot or on horseback?—A. They were on foot, in wagons, and on horseback.

Q. Were these men white, and how were they dressed?—A. Some men had red shirts on, some had red flannel on their horses tails, and some had it on their hats.

Cross-examination :

Q. Did the Democrats vote there that day without any tickets?—A. I suppose they had tickets, but didn't see any.

Q. How far was that line made by the Democrats from the polls?—A. Was by Wilcox store.

Q. What time was that line drawn?—A. Was drawn a little after daylight.

Q. The Democrats told you if you voted they would kill you?—A. They said so Monday night.

Q. Was it in the morning that the Democrats drew the line and told you to go or they would kill you?—A. Yes; was in the morning after daylight.

Q. And you said there was 150 Democrats on their side and 300 Republicans on your side?—A. Yes, sir.

Q. You did not leave there from a little after daylight till 4 in the evening?—A. Yes; from little after daylight until 4 in the evening.

Q. Was there none of the Republicans around?—A. None around.

Q. When did you go on the line?—A. We went on the line soon as we voted.

Q. Then these 300 across the line had voted?—A. No, sir. I said all had not voted, but just as soon as they voted they went across the line. I said all had not voted.

Q. Where was you when you saw these sentinals by the grave-yard?—A. I was by the fire where they put us across the line; it was near the poll.

Q. How do you know they were Democrats?—A. Well, I suppose I ought to know they were Democrats. I don't know their names.

Q. How far was you from the man at fork of road?—A. He was near by, near so I could see them.

Q. What did these men do?—A. The one at fork of road shot and came back.

Q. How long after he came to where the two were before the cavalry came?—A. By the time he began to shoot they began coming in on the other road.

Q. How many men in this cavalry?—A. Was about fifty men; I did not see any colored men among them.

Q. Colored men were on foot?—A. One that I saw came up in wagon, and one rode on his mule.

Q. Did you see any one strike Glover?—A. Not as I know of.

Q. Don't you know Glover got scared and left of his own accord?—A. I don't think Glover left of his own accord, I know he would not.

Q. Were those men who were leading him down using any violence?—

A. Did not see them use violence, heard them tell him to escape for his life.

Q. Who were these two men?—A. I don't know them, they were white men and Democrats.

Q. Were those men you saw riding down that evening all white men?—A. They were all white men, excusing those three I told you.

Q. How do you know they camped at Lawtonville that night?—A. Because they went that way and told us they were going to.

Q. Don't you know that they were men who went there for convenience to vote next day?—A. They were men, some of them, from right where I live; my settlement.

Q. The Democrats were all that did the shooting the night before?—A. They were all I saw.

Q. Saw no Republicans firing; were the Republicans all peaceable that day?—A. Yes, sir.

Redirect:

Q. You stated that a line was drawn, that the Republicans were all on one side and the Democrats all on the other?—A. Yes, sir.

Q. Were there any Republicans across the line before they voted?—A. They went across the line after they had voted and not before.

Q. Then this line was made a little after daylight?—A. Yes.

Q. How far, the distance between the place of voting and the store where the line was?—A. It was about two tasks.

Q. How many tasks to an acre?—A. Four tasks.

LUCIUS <sup>his</sup> + BARNES.  
mark.

Sworn to and subscribed before me this the 28th day of January, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,  
*Hampton County:*

BRUNSON *January 28, 1881.*

Contested election for seat in the Forty-seventh Congress.

ROBERT SMALLS }  
vs.  
G. D. TILLMAN. }

Personally appeared ALBERT HUNTER, who, being sworn, deposes and says:

Question. State your name, age, occupation, and residence.—Answer. My name is Albert Hunter; age, 52; occupation, farmer; live in Lawtonville Township.

Q. How long have you lived in Lawtonville Township?—A. Thirty years.

Q. Where were you on the 2d day of November last, the day of the last election?—A. At Lawtonville.

Q. How far is Lawtonville from where you live?—A. Three miles.

Q. What did you go to Lawtonville for on that day?—A. To vote the Republican ticket.

Q. What time of day did you get to the poll?—A. About fifteen minutes before 5 o'clock in the morning.

Q. Was there any line drawn to separate the Republicans from the Democrats?—A. Yes; there was a line drawn.

Q. About what time of day was it drawn?—A. About fifteen minutes before 5 o'clock it was drawn, and they halted us there to keep us from going to the poll.

Q. About how far is it from the end of this line to the house where you went to vote?—A. About two tasks.

Q. Was it on the same side of the road that the house was?—A. The line was across the road.

Q. What kind of line was it?—A. A line was made by stationing men to see that no one came across.

Q. You were in this line before you voted?—A. Yes.

Q. Where did you go after you voted?—A. Went back over the line again.

Q. About how many were in this line when it was first made in the morning?—A. I think it was about five hundred.

Q. All of these were Republicans in this line?—A. All were Republicans.

Q. Did the Democrats have any line on the other side?—A. No.

Q. There was no line to keep the Democrats in?—A. No.

Q. Was there a row at that poll on that day?—A. Yes.

Q. What time of day was it?—A. It was about 4 o'clock in the evening.

Q. About how many Republicans were in this line when this row commenced?—About one hundred and fifty.

Q. Did all these men that were in this line in the morning vote?—A. Cannot tell whether they all voted or not.

Q. Did you vote?—A. Yes.

Q. Tell us what kind of row it was that was raised at 4 o'clock in afternoon?—A. We were sitting around a fire. Two men went in the rear of us to a graveyard. About fifty men went down the road on horses. Two came opposite us where we were sitting at the fire. The two that went to the graveyard then commenced shooting. By the time they started to shoot the horsemen came back. When they got back they charged in on us, and tried to run over us with their horses, knocking us with clubs, chopping us with swords, until they got us scattered from around the trees. When they got us scattered from around the trees and we commenced to run they commenced to shoot us.

Q. How many men got shot?—A. Three that I know of.

Q. Do you know the names of these three men?—A. Ben. Sheppard, Adam Patterson, and Archer Taylor.

Q. When you got up to vote, did you see any Republicans in the room where the voting was going on?—A. None but the supervisor.

Q. Did that supervisor remain in that room until the votes were counted that night?—A. No; he was there until the fuss commenced.

Q. Did you see anything of him during this fuss?—A. I saw two white men lead him down the road.

Q. Have you seen anything of him since?—A. No.

Q. Did any one attempt to prevent you from voting when you went up to vote?—A. No.

Q. Is not Lawtonville a large Republican settlement?—A. It is a large Republican settlement.



Q. How many Republican clubs in that settlement that go to Lawtonville to vote?—A. Two.

Q. Do you know of any threats or any shooting of guns by the Democratic party on the night previous to the election?—A. They said when they passed my house that they were going on to Lawtonville, and that d——d Republicans could come on there; that they were going to fill up a ditch with them.

Q. Was there any shooting of guns?—A. Yes; they were shooting guns and pistols along the road and hollowing all the time.

Q. What time was it when they passed your house?—A. On Monday, in the afternoon, about sundown.

Cross-examined :

Q. Do you know the names of any of these parties who passed your house?—A. I do not.

ALBERT <sup>his</sup> + HUNTER.  
mark.

Sworn to and subscribed before me this the 28th day of January, 1881.

E. A. BRABHAM,  
*Notary Public, South Carolina.*

SOUTH CAROLINA,  
*Hampton County :*

BRUNSON, *January 28, 1881.*

Contested election case for a seat in the Forty-seventh Congress.

ROBERT SMALLS, }  
*vs.* }  
G. D. TILLMAN. }

Personally appeared before me J. S. GANTT, who, being sworn, deposes and says, to wit:

Question. What is your name, your age, your occupation, and what your place of residence?—Answer. My name is J. S. Gantt; my age is 29 years; I am a farmer, and live at Hampton Court House.

Q. Where were you on the day of election, the 2d of November?—A. Was at Varnsville.

Q. What was you doing there that day?—A. Was acting as supervisor at that polling precinct for the Republican party.

Q. Did you remain there during the day?—A. I remained there during the day till the vote was done counted.

Q. Do you know the number of votes said to have been cast there that day?—A. By my memory, I think the whole number of votes cast was 500 and odd.

Q. Do you remember the number of names on the poll-list kept by the managers?—A. I am not sure, but think the number of names on the poll-list was also 500 and odd.

Q. Was there any more ballots cast than there were names on the poll-list?—A. Yes, sir.

Q. Do you remember how many more ballots cast than there were names on the poll-list?—A. There were either two hundred and twenty-nine, or two hundred and thirty more ballots than there were names on the poll-list.

Q. Did you see the ballots that were in excess of the poll-list drawn out?—A. Yes, sir; I did.

Q. What was done with these ballots when they were drawn out?—A. They were thrown in the fire, but I saw them before they were thrown in the fire.

Q. Do you remember the number of ballots that was drawn out from the excess that were Republican?—A. I remember there was (160) one hundred and sixty Republican ballots out of the 229 or 230.

Q. Do you remember the number of Democratic ballots that were found with one or more folded with the same?—A. Eighty, or eighty-eight.

Q. How many Republican ballots were found with more than one folded within the same?—A. There was two only.

Q. Was there any difference between the Democratic and the Republican ballots?—A. There was a right smart difference.

Q. Please state the difference?—A. The color of the Republican ballot was white, and the Democratic ballot was red. The Democrat ballot was more finer and thinner they could be distinguished in the dark; in the night, by the difference.

Cross-examination:

Q. Were not the excess of ballots taken from box without seeing them?—A. The one who was counting them, taking them out, never looked at them.

Q. Were not these ballots on being taken out thrown immediately in the fire?—A. They were thrown in the fire-place, and one of the managers told me to throw them in the fire. I did not throw them in one by one, some I threw in singly; others were in a pile; a pile here and a pile there.

Q. How then, do you know the exact number of Republican ballots that were thrown out?—A. I know, as I counted them, as they were drawn out.

J. S. GANTT.

Sworn to and subscribed before me this 28th day of January, 1881.

[SEAL.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

[Duplicate.]

EXHIBIT B.—E. A. B.

BUFORD'S BRIDGE.

*List of names could not vote.*

A. Reed.  
C. Orrs.  
Bassett Williams.  
Henry Williams.  
E. R. Ayer.  
James Williams.  
Rich'd Walker.  
Smart Miley.  
Sam. Charles.  
Cape Priester.  
A. B. Utter.

Baffer Glover.  
Charley Glover, jr.  
S. Adams.  
P. K. Kearse.  
Wm. Sanders, jr.  
Nero Bointon.  
Prince Williams.  
Peter Hay.  
Wes. Sease.  
Dick Carter.  
John Carter.

Nelson Copeland.  
Dave Thomas.  
Charles Kearse, sr.  
Fred. Bowers.  
Chance Priester.  
Jas. Bowers.  
Alfred Williams.  
Aaron Miley.  
August Moye.  
Pompy Brown.  
Mott Priester.

John Caves.  
Sam'l Boininton.  
A. F. Hiers.  
P. Priester.  
President Orrs.  
Friday Folk.  
S. Stephens.  
Cato Black.  
Rob't Blake.  
Wm. Priecher.  
John Jackson.  
S. Smith.  
W. Smith.  
E. Roberts.  
David Thompson.  
Alex. Bointon.  
I. S. McPherson.  
Steve McMillan.  
Tom Hays.

Eli Sanders.  
Harley Franklin.  
John Williams.  
Paul Sanders.  
P. J. James.  
Peter Alman.  
Rob't Counts.  
Romeo Black.  
I. S. Rivers.  
Lwis Jenkins.  
Joseph Priester.  
Rob't Smith.  
Handy Shepard.  
Munro Orrs.  
Geo. Brant.  
Wesley Kirkland.  
Med. Williams.  
K. R. Slater.  
Richard Deloach.

B. H. Harvey.  
Hordee Platts.  
Lee Willis.  
Jeff. McMillan.  
Wallace Hayes.  
Bram. Williams.  
Andrew Priester, sr.  
Charles Ray.  
Frank Deloach.  
J. W. Williams.  
M. J. Green.  
Calvin Withersbee.  
Stephen Raysor.  
Jos. Bowers.  
Hampton Simmons(wit.)  
Paul Dickinson, sr.  
Jack Kirkland.  
John A. Connelly (wit.)  
Perry Moyr.

Done by committee 2d day of Nov., 1880, consisting of the following-named persons :

E. R. AYER.  
J. T. ORR.  
EVANS ALLEN.  
G. L. BLACK.  
J. A. CONNELLY, *Ch'r.*

Cory Fields.  
Barney Myrick.  
J. Blake.  
A. Smith.  
Tom Kirkland.  
Simon Smith.  
Jack Sanders.  
Don. Dickinson.  
Lon Dickinson.  
Bill Moyr, (wit.)  
Jos. Myers.  
Henry Folk.  
Peter Dickinson.  
Handy Williams, sr.,  
(wit.)  
Boston Boynton.  
Erwin Brabham.  
Jeff. Rice.  
G. H. Ritter.  
S. W. Harley (wit.)  
Cain Moyr.  
Peter Boynton.  
Abram Roberts.  
Sam. Myrick.  
Johnson Hoover.  
Jake Faust (wit.)  
Paul Bradley.  
Manuel Harley.  
Isaac Anderson, jr.

T. Daniels, sr.  
David Kearse.  
Abram Aucrum.  
Wm. Aucrum.  
Boston Brabham.  
Wash. Moyr.  
Charlie Brabham.  
S. M. Smith.  
M. S. Smith.  
Alex. Washington.  
B. M. Moody.  
A. M. Moody.  
Nelson Glover.  
Harry Draper.  
John Spells.  
P. D. Draper.  
Arthur Howell.  
Dan. Howel.  
Ben. Dicks.  
Samuel Kirkland, jr.  
August Ayer, sr.  
Cade Rice.  
Henry Buland.  
Samuel Copeland.  
James Kirkland.  
James Franklin.  
R. Carter, sr.  
M. J. Orrs.  
Sad Harley.

Cato Williams.  
Jas. Kearse, jr.  
Jas. Henderson.  
Parris Brunson.  
Smart Myrick.  
Miles Boynton.  
Wiley Kirkland.  
Phrampton Crawford.  
Gilbert Kearse.  
Preston Kearse.  
Whas Romio.  
Sam. Richard.  
Sam. Williams.  
Jerry Priester.  
A. Smith.  
Abram Orr.  
B. Q. Wroton.  
Calvin Johnson.  
George Taylor.  
Wiley Simmons.  
Charles Barker, sr.  
Charles Barker, jr.  
Perry Brabham.  
Samson Hiers.  
Frank Dicks.  
A. Dublin.  
S. R. Roberts.  
S. D. Dublin.  
J. C. Crawford.

|                    |                     |                      |
|--------------------|---------------------|----------------------|
| Allick Kirkland.   | Thos. Raysor.       | Sam. Crawford.       |
| Jacob Bryant.      | J. T. Orrs.         | Elias Ryen.          |
| Allen Moore.       | Jack Boynton.       | Scott Nimmons.       |
| John Grayson.      | Austin Taylor.      | Taylor Nimmons.      |
| I. S. Smith.       | Henry Patterson.    | June Stromen.        |
| Lawrence Barker.   | Preston Moyr.       | Brittan Daniels.     |
| G. H. Creech.      | July Patterson.     | Wash Williams.       |
| Robert Cave.       | Handy Priester, jr. | J. O. Grant.         |
| Charles Deloach.   | Boss Copeland.      | Wm. Joiner.          |
| Prince Kirkland.   | John Henderson.     | G. R. Williams.      |
| Tobey Fitts.       | R. B. Lawton.       | Cape Brabham.        |
| G. W. Washington.  | Frank Copeland, jr. | Ransom Orr.          |
| O. G. Mayer.       | Andrew Raysor.      | Austin Kirkland.     |
| M. T. Mayer.       | Jack Walker.        | A. Brabham, sr.      |
| L. Dorch.          | Louis Smith.        | Ostan Talor.         |
| F. Carter.         | Paul Walker.        | D. H. Homes.         |
| Ephraim Bowers.    | Jos. Faust.         | Henry Paterson.      |
| A. Miller.         | Jerry Franklin.     | Preston Moye.        |
| S. Warner.         | Harry Priester.     | July Paterson.       |
| Major Ayer.        | Josiah Creech.      | Handy Prester.       |
| Abel Allen.        | W. E. Dickinson.    | John Coplond.        |
| Preston Williams.  | Med. Williams.      | Cato Williams.       |
| Jacob Buland.      | Ben. Ellis.         | James Kearle.        |
| Joe Hogg.          | Stephney Sanders.   | James Henderson.     |
| Griffin Williams.  | Perry Jones.        | Paris Branson.       |
| Chas. Hiers.       | Tom Roberts.        | Smart Mirike, sr.    |
| Martin Buland.     | Frank Braxton.      | Miles Varn.          |
| Jos. Williams, sr. | Arter Dickinson.    | Wiley Kirkand.       |
| Moses Walker, jr.  | Fred. Alfred.       | Framton Croford.     |
| Willis Washington. | Friday Bamberg.     | Gilbert Kearse.      |
| Aaron Moyr.        | Scott Halverd.      | Preston Kearse.      |
| Calvin Moover.     | York Flemings.      | R. Washington Ramio. |
| Natt. Walker.      | Nelson Adams.       | Samuel Richard.      |
| Jas. Brabham, jr.  | Peter Grant.        | Sam. Williams.       |
| Conelius Brabham.  | Mack Adams.         | Cape Orr.            |
| D. H. Thomas.      | Daniel Odom.        | Henry W'ms, jr.      |
| Smart Priester.    | Amous Patterson.    | Basset W'ms.         |
| Adam Moore.        | Lewis Brant.        | Tony B., sr.         |
| Calvin Folk.       | Henry Kearse, jr.   | Wesly Grms.          |
| Thos. McLay.       | Nelson Kearse, jr.  | Char. Glover.        |
| Adam McMillian.    | Rufis Buland.       | Jno. K., sr.         |
| Wm. Roberts.       | J. L. Black. (wit.) | F. Deloch.           |
| Peter Sanders.     | A. Patterson, sr.   | Alfred Williams.     |
| Joe Harley.        | H. T. Taylor.       | August Williams.     |
| Dick Aucrum.       | Jesse Roberts.      | Samul Kirkland.      |
| Thos. Brant.       | Wm. Spellman.       | August Ayer.         |
| Paul Platts.       | Geo. Brabham.       | Martin Ritter, jr.   |
| T. M. Wald.        | A. Patterson, jr.   | Cade Rice.           |
| Moses Priester.    | Miles Bowers.       | Henry Brealand.      |
| Toney Buland.      | O. W. Rivers.       | Samuel Copland.      |
| Jas. Priester.     | Abram Brabham, jr.  | James Kirkland.      |
| Lawton Kearse.     | W. M. Blake, sr.    | Jim Frankland.       |
| R. B. Anderson.    | I. S. Bryant.       | Richard Carter.      |
| Henry Heyard.      | Brookie Kirkland.   | Emanuel Orr.         |
| Edward MuFurson.   | Samuel Walker.      | Sad. Harley.         |
| Isaac McFurson.    | Frank Scott.        |                      |

Aaron Williams, sr.  
 Stephney Hiers.  
 Hal Stolk.  
 Wesley Platts.  
 P. J. James.  
 Peter Neman.  
 Robert Camp.  
 Romeo Black.  
 Isaac Rivers.  
 Lewis Jinkings.  
 Joseph Preston.  
 Robert Smith.  
 Handy Shepard.

Thos. Taylor.  
 Jos. Allen.  
 Anderson Roberts.  
 I. S. Anderson.  
 Monro Orrs.  
 George Prast.  
 Wesley Kirkland.  
 Miners Millird.  
 K. R. Slater.  
 Richard Delooch.  
 R. Preston.  
 T. Nelson Copeland.  
 David Thomas.

Temus Razer.  
 James Orr.  
 Jack Bointon.  
 Charles Kinse.  
 Ned Bownel.  
 Chance Preston.  
 Jim Bowmel.  
 Moses Sanders.  
 A. D. Dublin.  
 G. W. Kirkland.

*Republican votes.*

Cyrus Fields.  
 E. R. Ayer.  
 James Williams.  
 Richard Walker.  
 Smart Marrit, jr., x.  
 Sam Charles.  
 Capt. Preston.  
 A. B. Uter.  
 John Corse.  
 Samuel Bointon.  
 A. F. Fitt.  
 Saul Prester.  
 P. Orrs.  
 Friday Falks.  
 Steve Stephen.  
 Catto Black.  
 Robert Blake.  
 Williams Preacher.  
 John Jackson.  
 Stiper Smith, jr.  
 Limas Robant.  
 David Thomson.  
 Alic Bointon.  
 Andy McMillian.  
 Isaac Mericon.  
 Stephe McMillian.  
 Momas Hays.  
 Bover Glover.  
 Samson Adams.  
 P. K. Corse.  
 C. B. Brabham, x.  
 William Sanders.  
 Naro Bointon.  
 Prince Williams.  
 Peter Hog.  
 Wesley Seast.  
 Dick Carter.  
 John Carter.

Eddy Sanders.  
 H. Frankling.  
 John Miller.  
 Paul Sanders.  
 Wash Williams.  
 Jo Grant.  
 Henry Prester.  
 Andrew Razor.  
 Fred Grimes.  
 Jake Walker.  
 Luis Smith.  
 James Fort.  
 Jerry Frankling.  
 Harry Prester.  
 J. Seociker Creth.  
 Wesley Dickenson.  
 Medacus Williams.  
 Ben Ellis.  
 Stepny Sanders.  
 Perry Jones.  
 Tom Roberts.  
 Frank Braxton.  
 Arther Dickenson.  
 Fred Alfred.  
 Jerry Prester.  
 Stofferd Smith.  
 Abram Orr.  
 B. V. Oroton.  
 Calvin Johnson.  
 George Toler.  
 Williard Simons.  
 Charlie Barker.  
 P. Marek.  
 Samson Hyvers.  
 Frank Dix.  
 Albert Doblin.  
 D. R. Roberts.  
 S. D. Draten.

S. S. Walton.  
 J. C. Crofert.  
 Samuel Crofert.  
 Elias Rion.  
 Scot Nimons.  
 Taler Nimons.  
 George Troddy.  
 Britton Daniels.  
 Wash Moyer.  
 S. M. Smith.  
 M. S. Smith.  
 Elick Washinton.  
 B. M. Mardy.  
 A. M. Moody.  
 Nelson Glover.  
 Harry Draper.  
 June Stromell.  
 Jan Spell.  
 P. D. Draper.  
 Arther Flamel.  
 Ben Dix.  
 Bill Kirkland.  
 Tobe Fits.  
 George Washinton.  
 M. F. Moyer.  
 O. J. Moyer.  
 Linkon Douth.  
 Frank Carter.  
 Efrom Ryley.  
 Richard Delath.  
 Aron Myez.  
 William Bradley.  
 Basset Williams.  
 Johnson Kirkland.  
 Paul Dickemore.  
 Scot Holud.  
 Isaac Grimes.

J. A. Bamburg.  
Jack Haywood.  
Andrew Razer.

York Fleming.  
Nelson Adam.

Potter Grant.  
Mel. K. Adams.

|    |    |    |    |    |     |
|----|----|----|----|----|-----|
| v  | v  | v  | v  | v  | v   |
| v  | v  | v  | v  | v  | v   |
| v  | v  | v  | v  | v  | v   |
| v  | v  | v  | v  | v  | v   |
| v  | v  | v  | v  | v  | v   |
| v  | v  | v  | v  | v  | v   |
| v  | v  | v  | v  | v  | v   |
| v  | v  | v  | v  | v  | v   |
| v  | v  | v  | v  | v  | v   |
|    |    | v  |    |    | v   |
| —  | —  | —  | —  | —  | —   |
| 40 | 40 | 45 | 40 | 40 | 45  |
|    |    |    |    |    | 45  |
|    |    |    |    |    | 40  |
|    |    |    |    |    | 40  |
|    |    |    |    |    | 45  |
| v  | v  |    |    |    | 40  |
| v  | v  |    |    |    | 40  |
|    |    |    |    |    | —   |
| v  |    |    |    |    | 315 |
| v  |    |    |    |    | 319 |
| v  |    |    |    |    | 321 |
| v  |    |    |    |    | 5   |

Daniel Adam.  
S. S. Gortor.  
James Green.  
Amos Peterson.  
Lewis Brant.  
Henry Kearn.  
Nelson Kearn.  
Bristoe Smith.  
R. Breland.  
A. Peterson.  
Jessey Rabbs.  
Wm. S. Pellmor.  
George Brabham.  
Miles Barnes.  
O. W. Prince.  
A. Brabham.  
Wm. Blake.  
O. S. B. Briant.  
Brox Kirkland.  
Samuel Walker.  
Frank Scott.  
Thos. Taylor.  
Jim Allen.  
Anderson Roberts.  
Kelly Joiner.  
G. R. William.  
Capars Brabham.  
Austan Kirkland.  
Thom. Redet.  
Cary Field.

Welsley, Wm.  
Jeff Rice.  
I. H. Potter.  
S. W. Harley.  
C. Mays.  
Peter Boynton.  
Abraham, Rob't.  
Sam Myreck.  
Johnson, Hoover  
I. Faust.  
Paul Bradley.  
Mam, Harly.  
J. Isaac Anderson.  
Ellic Kirkland.  
Jacob Bryant, x.  
Allen More.  
Jno. Grearson, x.  
I. S. Smith.  
Gorone Barker.  
G. Hireach.  
Robt. Cave.  
Charles Deloch.  
Thomas Dane.  
David Kease.  
Abram Hukorn.  
York Flenner.  
Nelson Odam.  
Boston Brabham.  
Mack Adams.  
Ab. C. Miller.

Jim Brabham.  
Calneian Brabham.  
David Thomas.  
Smat Priester.  
Adam Marr.  
Calvin Fulk.  
Farm McCay.  
Adan McMillan.  
William Roberts.  
Petter Sanders.  
Fae Harley.  
Dick Auken.  
Thomas Brant.  
F. P. Plates.  
T. M. Weald.  
Moses Priester.  
Toney Brelon.  
Jeam Priester.  
Lawton Kierse.  
B. B. Anderson.  
Romer Hayaad.  
Edward McPhirson.  
Isaac McPherson.  
A. A. McWilliam.  
[Stop here—289.]  
Hal. Stalke.  
Wesly Plates.  
John Henderson.  
R. B. Ivertton.  
Frank Ceplin.

|                  |                    |                     |
|------------------|--------------------|---------------------|
| J. Blake.        | Sam Warner.        | Pompy Brown.        |
| Dr. A. Smith.    | Walker Eyear.      | Mart Priester.      |
| I. Kirkland.     | Abler Allen.       | B. H. Hanny.        |
| Simon Smith.     | Preston Williams.  | Harde Plates.       |
| Jack Sanders.    | Charley Barker.    | Henry Haywood.      |
| S. K. Halm.      | Jacob Breler.      | Lee Willis.         |
| David Dickenson. | Fal. Hagg.         | Jefferson McMillan. |
| Jans Myers.      | Girbin Williams.   | Wallie Hays.        |
| Henry Falk.      | Charles Hiers.     | Bran. Williams.     |
| Peter Dickinson. | Matter Breler.     | Andrew Priester.    |
| Handy Wices.     | Laure Williams.    | Charley Ray.        |
| B. Boynton.      | Moses Walker.      | Frank Delacer.      |
| Irvin Brabham.   | Willis Washington. | J. W. Williams.     |
| G. R. Williams.  | Aaron May.         | J. M. Green.        |
| Addam More.      | Calvin May.        | Calvin Weatherbee.  |
| Amort Morgan.    | Bill May.          | Stephen Raffer      |
| Andrew Razer.    | Nat. Walker.       | Jim Bowers.         |

(Indorsed :) Exhibit B. Barnwell. Page 40.

*Report of the election held at Varnsville precinct, Hampton County, State of South Carolina, November 2d, 1880.*

We, the undersigned, U. S. supervisors of elections at Varnsville polling precinct, Hampton County, in the State of South Carolina, submit the following report of the election held November 2d at said poll:

The poll was opened at 6 o'clock, a. m., and closed at 6 o'clock, p. m.

The number of names on the poll-list kept by the managers of election was 589.

The number of names on the poll-list kept by Supervisor J. S. Gantt was 496.

The number of names on the poll-list kept by Supervisor Owen Duke was 585.

The number of Republican ballots found with one or more Republican ballots folded within the same was two (2).

The number of Democratic ballots found with one or more Democratic ballots within the same was 80.

The number of ballots drawn out of the ballot-box and destroyed by the managers of elections, because of the excess of votes over names on the poll-list, was 229.

Of which 160 ballots bore the names of the Republican candidates.

Of which 69 " " " Democratic candidates.

The whole number of votes counted by the managers of elections for member of Congress was 588.

Of which 459 were counted for G. D. Tillman.

Of which 129 " " Robert Smalls.

The whole number of votes counted by the managers of elections for Presidential electors was 589.

Of which 459 votes were counted for John L. Manning.

|   |     |   |   |                    |
|---|-----|---|---|--------------------|
| " | 459 | " | " | Wm. Elliott.       |
| " | 459 | " | " | E. W. Morse.       |
| " | 459 | " | " | Samuel Dibble.     |
| " | 459 | " | " | J. S. Murray.      |
| " | 459 | " | " | Cadwallader Jones. |
| " | 459 | " | " | G. W. Croft.       |
| " | 132 | " | " | T. R. Johnson.     |

|   |     |   |   |                   |
|---|-----|---|---|-------------------|
| " | 132 | " | " | A. S. Wallace.    |
| " | 132 | " | " | W. A. Hayne.      |
| " | 132 | " | " | E. A. Webster.    |
| " | 132 | " | " | Thos. P. Tolbert. |
| " | 132 | " | " | Wilson Cook.      |
| " | 132 | " | " | B. P. Chatfield.  |

At this poll the Democrats voted 3 and 4 tickets together, which caused a large excess. When this was drawn out and destroyed the Republicans lost about 160 votes. The managers allowed a good many boys to vote the Democratic ticket.

J. S. GANTT,  
*Supervisor.*

NOTE.—If the two supervisors at each poll agree in all particulars they will sign the report of each other. If there is any disagreement as to the proper figures to be inserted in the various blank spaces, each supervisor will simply sign his own report. Any additional facts and circumstances occurring in connection with the election and the counting of the votes, must be submitted in a written report, especially where there may be any fraud in the management of the election or in the counting of the votes.

SAMUEL T. POINIER,  
*Chief Supervisor.*

(Indorsed:) Return, Hampton, Varnsville precinct, J. S. Gantt.

No. 2.

*Deposition of D. Bing.*

AIKEN, S. C., *February 11th, 1881.*

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Aiken County:*

D. BING, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. How old are you?—Answer. I am 40 years of age.

Q. Where do you live?—A. In Low Town.

Q. What is your occupation?—A. Farming.

Q. Were you at Low Town Wells on the day of the last election?—

A. Yes, sir.

Q. Did you stay there all day?—A. No, sir.

Q. Did you vote?—A. No, sir.

Q. Did you vote at all at that election?—A. No, sir.

Q. Why not?—A. I went to Low Town, and before I got a chance to vote there, they wanted some one to carry some tickets down to Silverton, and I thought I would have a chance to vote there, but could not.

Q. Why couldn't you vote?—A. Because the white people had driven all the colored people off; they said there were no tickets there; I told them I had tickets; they said there was no manager there to take



charge of them; I told them to go to Low Town; I met some white people coming up the road, and as we were coming to Low Town, they met these black people, and they ran them off. I heard not all of them got to Low Town at all.

Q. You met a party of colored men that were going to Silverton?—A. Yes, sir, and told them to go to Low Town.

Q. Did you go back to Low Town Wells?—A. Not to the poll. There was not a colored man there; they had run them off.

Q. Did you meet them on the road?—A. Yes, sir.

Q. Coming from Low Town?—A. Yes, sir; I saw a colored man that they had struck in the head; his shirt was bloody.

Q. Who struck him?—A. The white men.

Q. You did not go to Low Town Wells?—A. No, sir; not when I came back. I went on, because they said they had run them off.

Q. From what you heard were you then afraid to go there?—A. I was not afraid to go there, but I did not see it was necessary to go there, after I seen they had run them off, and beat them up.

Q. What kind of tickets were you taking to Silverton?—A. The Republican tickets.

Q. Did that ticket have Robert Smalls's name on it for Congress?—A. Yes, sir.

Q. What ticket would you have voted had you voted?—A. I should have voted that ticket.

Q. With Robert Smalls's name on it?—A. Yes, sir.

Q. What kind of ticket would the other colored men have voted?—A. The same ticket.

Q. Did you know these men?—A. Yes, sir.

Q. Do you know them to be Republicans?—A. Yes, sir.

Q. Did you hear any firing?—A. Yes, sir.

Q. At Low Town?—A. Yes, sir.

Q. Did they shoot before you went away?—A. No, sir.

Q. At the time you left Low Town, there had been no disturbance?—A. No, sir.

Q. On your way back you heard the firing at Low Town?—A. Yes, sir; I saw a man that had been struck in the head; he was struck one place, but I disremember where it was, but the blood ran down his breast.

Q. Were there many Republicans that you met coming away from Low Town?—A. I met a good many.

Q. Did many say they had not voted?—A. Several said so.

Cross-examination by W. W. WILLIAMS, counsel for contestee:

Q. What time did you leave Low Town?—A. About 8 o'clock.

Q. What time did you get to Low Town that morning?—A. About 7 o'clock, and staid there about an hour.

Q. Were there many people there at Low Town Wells when you got there?—A. A great many.

Q. Were there many when you left?—A. A great many.

Q. Could you have voted, if you had tried, at Low Town that morning?—A. I did not try; I had not got in to vote.

Q. How far from Silverton did you meet this crowd of people?—A. About two miles.

Q. You did not go to Silverton that day?—A. I passed by there.

Q. Were you going to some other poll when you passed there?—A. No, sir; I was not going to any other poll.

Q. What time of day did you pass there?—A. When I passed there it was between 10 and 11 o'clock.

Q. You did not stop?—A. No, sir.

Q. Then you did not turn back with this crowd of colored men you met two miles from there?—A. I met them as I was coming.

Q. You did not turn back with them?—A. They did not go to the poll at all.

Q. You only know it from what they told you; you don't know it as a fact?—A. I know it as a fact; I met them close from where they were turned back.

Q. At the time you got back and met this crowd, they were coming from Low Town?—A. When I met them it was after 11 o'clock.

Q. How far is it from Silverton to Low Town?—A. About six miles.

Q. Were you riding or afoot?—A. I was riding.

Q. When you passed Silverton about 10 or 11 o'clock, how far did you go before you were coming back and met these men?—A. I went around and was coming back and met these men.

Q. Were there any colored men at Silverton when you passed there?—A. Only one. He voted the Democratic ticket; so they said.

Q. You don't know he did?—A. No, sir; no more than what he told me; he told me so himself.

Q. Did you go home after you met this crowd coming from Low Town, 12 o'clock?—A. Yes, sir.

Q. When you came back from Silverton, I understood you to say, you were not afraid to go back to Low Town?—A. I seen it was no use.

Q. Were you afraid to go there or not?—A. I was not afraid, but I seen there was no use to go. They had run all from there that were there; I knew I could not vote if the rest could not.

Q. Do you know of their being run off only from what they said?—A. Only from what they said.

Q. How far do you live from Low Town Wells?—A. I lived, then, not more than a quarter of a mile—three or four hundred yards.

*Deposition of George Washington.*

AIKEN, S. C., February 11, 1881.

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

*Aiken County:*

GEORGE WASHINGTON, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. How old are you?—Answer. I am 54 years old.

Q. Where do you live?—A. I live at Tower Taylor's place, in Aiken County.

Q. What is your occupation?—A. Farming.

Q. Were you at Low Town Wells on the day of election?—A. Yes, sir.

Q. Did you stay there all day?—A. No, sir; I could not stay there.

Q. Why not?—A. They were just shooting and running us off there, and we had nothing.

Q. Who were shooting them and running them off?—A. The white men.

Q. Democrats or Republicans ?—A. Democrats.

Q. Were there many Democrats there that day ?—A. There was right smart, but not very many in the morning up to between 9 and 10 o'clock; they came there from every side, and before they got to the poll they commenced shooting and hollooming, and said if we did not get away from there they were going to shoot every damn negro there.

Q. Were there many Democrats that did this ?—A. It looked like a dozen was there, but five and six would come riding up there with their guns and pistols on.

Q. Any dressed in red shirts ?—A. About two.

Q. What time of day was this ?—A. Between 9 and 10 o'clock.

Q. Were many of these Democrats armed ?—A. Some had pistols.

Q. Did many have pistols ?—A. Yes, sir.

Q. Did they fire them ?—A. They commenced before 11 o'clock, and kept it up all day.

Q. And kept it up all day ?—A. Yes, sir; until night.

Q. Did the Republican supervisor stay there all day ?—A. No, sir; they had slipped him off and carried him to my house.

Q. He did go to your house ?—A. Yes, sir; he went to my house.

Q. What time in the day did he come to your house ?—A. About 12 o'clock.

Q. Were you at your house then ?—A. Yes, sir.

Q. Did you go to the poll after that ?—A. I went in the morning, and when they commenced shooting I ran off.

Q. Did all the Republicans leave that day ?—A. They had to leave.

Q. Could the Republicans go to the poll and vote as they chose without molestation ?—A. All that went in the morning they voted very well, until the crowd of white Democrats came; they commenced shooting and whipping some over their faces with their whips; then everything had to leave. We had nothing but our hands.

Q. Is Low Town Wells anywhere by Ellenton ?—A. As near as I can guess, between twelve and thirteen miles from Ellenton.

Q. Where did these Democrats come from that did this shooting; did they belong around there, or come from somewhere else ?—A. A little way off from there, about five or six miles.

Q. From which way ?—A. Towards Ellenton.

Q. Do you know of any colored men that did not vote that day ?—A. Yes, sir.

Q. Many ?—A. Yes, sir; I knew some of them that came from the other poll making to that poll, and they were turned back.

Q. Did you see them ?—A. Yes, sir.

Q. What time was this ?—A. Between 10 and 11 o'clock.

Q. Did you meet them, or see them at the poll ?—A. They had to come by my house to go to the Low Town poll.

Q. How far is your house from the poll ?—A. About a mile.

Q. They had to pass your house to go to the poll ?—A. They had to pass the field where I was working.

Q. Did they go to the poll ?—A. No, sir; I told them there was danger at the poll, where I was.

Q. Did they turn back ?—A. They stopped there awhile, and then went off.

Q. Many of them ?—A. About twenty.

Q. Did you see any more that day ?—A. More or less, they were passing all day, and said they had not a chance to vote.

Q. Did these men scatter and go home ?—A. Yes, sir.

Q. Was it safe for the Republicans to stay there when this shooting was going on at the poll?—A. I don't think so; it was not safe for me.

Q. Do you know the colored men in and around your neighborhood, well?—A. I know some of them.

Q. Do you know most of the colored people around there?—A. Yes, sir.

Q. Are they Democrats or Republicans?—A. Republicans.

Q. Are there many colored Democrats around there?—A. I don't know but one that was a Democrat, that was a Republican in the last campaign.

Cross-examination by W. W. WILLIAMS, Esq., counsel for contestee:

Q. You know the country around Low Town Wells well?—A. Yes, sir.

Q. How long have you been living there?—A. About two years.

Q. You know the country around Low Town Wells?—A. Yes, sir.

Q. At whose place was the poll held that day?—A. At Hans Johnson's.

Q. On the big road just above the well?—A. Yes, sir; I was the one that handed the tickets for the Republicans.

Q. You know Gus. Berry?—A. Yes, sir; he is the school-teacher for us Republicans.

Q. Was he not the supervisor there that day?—A. Yes, sir.

Q. The Republican supervisor?—A. Yes, sir.

Q. Is not the whole country around Low Town composed of farms and plantations?—A. Yes, sir; nothing but farms and plantations.

Q. Is there any creeks or branches around Johnson's house?—A. No, sir; all bottoms.

Q. Is it not a fact that the whole is plantations through old Moses Parton's?—A. Yes, sir.

Q. All open country?—A. Yes, sir.

Q. Is there any swamp nearer than Mr. Saxsey's?—A. No, sir.

Q. Hollow Creek on one side, and the well on the other?—A. Yes, sir.

Q. Either one of those are four or five miles off?—A. Yes, sir.

Q. Berry Cox is the man that came to your house?—A. Yes, sir; Berry Cox was one, and another one from here, I cannot call his name.

Q. Spell?—A. Yes, sir; Spell, he got one of my settlement men to ride him home that night.

Q. In which direction did you leave the poll, towards Aiken, or in the opposite direction?—A. In the opposite direction, about a mile.

Q. What time did Spell come to your house?—A. About 11 o'clock.

Q. He staid there until night?—A. After dark.

Q. And rode your mule home?—A. No, sir; he rode one of my neighbor's mules, and I had to come and hunt for the mule.

Q. Did you see any white men going up to Low Town before this crowd you described about 10 or 11 o'clock that made a noise?—A. Some were always there.

Q. How many was in that crowd that came there about 10 or 11 o'clock?—A. Five or six.

Q. How many white men were around the pole then, ten or fifteen?—A. There was right smart of whites and colored mixed together. Some of the party that I seen took their horses off, and whispered together; after that these men came up and all had to leave.

Q. Was any colored men shot at that poll?—A. No, sir.

Q. Did you see this one hundred colored men that they ran into the swamp there?—A. It was woods.

Q. Don't you know the fact that there is not a strip of woods within a quarter of mile of Hans Johnson's house?—A. Yes, sir; nearer than that.

Q. In front of it or to the rear?—A. Near the poll there is a patch of woods; you just step out of the house and you will be in a little patch of woods.

Q. It is a little thin patch, a piece of pine woods?—A. A old pine field once.

Q. How many colored men left when you did?—A. About fifteen.

Q. How many did you leave there?—A. I left about one hundred; but some of them beat me home and I started before them.

Q. Don't you know that this crowd that came by your house had voted at Silverton, and had come to Low Town to vote again?—A. The colored men don't do such as that; the white men will do that, but there was not but a single vote cast by a colored man.

Q. Were you at Silverton that day?—A. No, sir.

Q. Then you don't know it?—A. I saw some of them that came right to my fence.

Q. You advised these men not to go to the poll that came to your house?—A. Yes, sir.

Q. And they did not go from what you told them?—A. Yes, sir.

Q. Did you see any guns and rifles with the white men?—A. I did not see but one gun, but several had pistols.

Q. You did not see any colored clubs right about there?—A. No, sir.

Q. What was the biggest crowd of white men you saw together?—A. I saw about twelve. I don't know what came up there after I left.

In reply, by W. N. TAFT, Esq., counsel for contestant:

Q. Was the firing kept up all day?—A. Yes, sir.

Q. Is it a low piece of ground about there?—A. It is a bottom.

Q. Swamp?—A. No, sir.

Q. It is a bottom?—A. No, sir; when it rains it holds water a little while in the bottom; it is a woods.

Q. But it holds water after it rains?—A. Yes, sir.

Q. You said in answer to Mr. Williams you had the Republican tickets?—A. Yes, sir.

Q. What did you do with the tickets after that?—A. I carried them home.

Q. What did you do with them?—A. Some are at my house now.

Q. Did you take them with you or leave them at the poll?—A. I left some there, and some I carried home to my house.

Q. Who was this other man had the tickets?—A. D. Bing.

Q. (By Mr. WILLIAMS.) Did you have all the tickets that were on the ground?—A. No, sir. D. Bing was the distributor.

Q. (By same.) He was the distributor?—A. Yes, sir; he did not have them all; part he had to carry to Silverton.

*Deposition of William Trowell.*AIKEN, S. C., *February 11th, 1881.*

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

*Aiken County :*

WILLIAM TROWELL, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. How old are you?—Answer. I am 55 years of age.

Q. Where do you live?—A. I live about four miles from Montmorenci, on a place called Shaves Branch.

Q. What is your occupation?—A. Farming.

Q. Did you go to Windsor polling precinct on the day of the last election?—A. Yes, sir.

Q. What time did you get there?—A. Between 10 and 11 o'clock when I got there.

Q. Did you vote?—A. No, sir.

Q. Why not?—A. Well, there was no tickets there.

Q. Did you see any other men there who wanted to vote and could not vote because there were no tickets there?—A. I seen nine men there besides myself, and asked them if they had voted, and they said they had not, because they could not get any tickets.

Q. What ticket did you want to vote?—A. The Republican ticket, if I voted at all.

Q. Straight?—A. Straight, right through.

Q. Did these men tell you what ticket they wanted to vote?—A. They said they wanted to vote the Republican ticket. Some I knew, and some I did not.

Cross-examination by W. W. WILLIAMS, Esq., counsel for contestee:

Q. How long did you stay?—A. I don't suppose I staid more than half an hour.

Q. How long had General Piper been gone when you got there?—A. I did not see him that day until night.

Q. You did not go off at nine with him?—A. No, sir.

Q. Your name is William Trowell?—A. If you get Bill Trowell you won't get me.

Q. Did you go off with General Piper that day?—A. No, sir; I did not.

Q. The reason you did not vote you had no ticket?—A. I had no ticket.

Q. Do you know whether there were any Republican votes cast there or not?—A. I don't know one word about it.

Q. You don't know whether they voted before or after?—A. I don't know; I did not see it.

In reply, by W. N. TAFT, Esq., counsel for contestant:

Q. Have you a son named William Piper?—A. Yes, sir—going on 26 years old. He was with him.

Q. Did you hear while at the poll that the Republican ticket-distributor had been driven off?—A. Yes, sir; I heard that there; that was the only way I heard it.

(Objected to by counsel for contestee.)

*Deposition of Chadwick Quattlebaum*AIKEN, S. C., *February 13th, 1881.*

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Aiken County.*

CHADWICK QUATTLEBAUM, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. How old are you?—Answer. I am 34 years of age.

Q. Where do you live?—I stay on the other side of Shaw's Creek, on Mr. Bryan's place.

Q. What do you do for a living?—A. Farming in Shaw's township.

Q. Were you at Fountain Academy on the day of election?—A. Yes, sir.

Q. Was everything quiet and peaceable there?—A. No, sir.

Q. What occurred that was not peaceable and quiet?—A. Well, there was crowd came from Aiken whooping and hallooing and shooting off their guns.

Q. Democrats or Republicans?—A. Democrats whooping and hallooing, and said "God damn us, they wanted us to leave; that children had been there in former days, but there were men there now, and that, God damn us, they wanted us to leave."

Q. Did they have any guns?—A. They had guns, and one or two had pistols. Some had them in their coats and hands.

Q. One or two parties?—A. Yes, sir.

Q. Did they make any noise?—A. All the noise men could make.

Q. Make any threats?—A. All the threats they could.

Q. Who made the threats?—A. The Democrats.

Q. What did they say?—A. The damn negroes must leave.

Q. Were there many Republicans around the poll?—A. Right smart.

Q. Many Democrats around the poll?—A. Right smart, but everything was quiet until that crowd came.

Q. How many were in that crowd that came from Aiken?—A. Eighteen or twenty.

Q. Were they on horseback?—A. Yes, sir; the great part were on horseback, and some in buggies.

Q. What effect did this have on the Republicans?—A. It had a heap.

Q. What did the Republicans do?—A. They had to get away. Lester Courtenay had a double-barrel gun; he said "helloo, El., if you don't hurrah and hurry from here I will bore your damn eyes out, or burst them out."

Q. Who was El.?—A. Elijah Roberson.

Q. Did most of these Democrats that came from Aiken have pistols?—A. Most of them, I think all had them.

Q. Most of them engaged in those threats towards the colored people?—A. Yes, sir.

Q. Who did they draw their pistols on?—A. A colored man.

Q. Did the colored people remain there?—A. They gave ground; after that he picked up a chunk and threw it; I think it was Bob Courtenay that threw it.

Q. Did the colored people go away?—A. They went off.

Q. All of them?—A. Yes, sir.

Q. They left the poll entirely?—A. Yes, sir.

Q. Was anybody left at the poll except the Democrats?—A. Nobody else; it was dangerous to be there.

Q. Had all of them voted?—A. Some of them said they had not voted.

Q. Did those men go away with the others?—A. Yes, sir.

Q. Do you know whether they voted or not?—A. I don't think they did, because they left.

Q. What time of day was it when the crowd came from Aiken?—A. Between 12 and 1 o'clock.

Q. Did you leave because it was unsafe, or because you were going to leave any how?—A. I thought it was unsafe; they told us we had to leave.

Q. Did things look squally around the polls?—A. As squally as things could; it look like a man's death stood there.

Cross-examination by W. W. WILLIAMS, Esq., counsel for contestee:

Q. Do you know Nelder Parker?—A. Yes, sir.

Q. Was he there that day?—A. Yes, sir.

Q. Did you leave about the time he did?—A. Yes, sir.

Q. You left together?—A. We came part of the way together.

Q. You left the ground together?—A. Yes, sir.

Q. Were you there when Mr. Haut Jordan came up from Aiken?—A. Yes, sir.

Q. Did you see him show his badge?—A. No, sir; I did not see his badge, but he said he was a State officer.

Q. How far was this from the poll?—A. In front of the poll, when he first said so to me in my presence; when he made that suggestion the body of men had left.

Q. Where were they?—A. They had gone over to Henry Peterson's crib to feed their horses.

Q. Were you there with this crowd to Henry Peterson's?—A. No, sir; I went up to the Two-Knott road.

Q. How near were you to these colored men that Mr. Jordan spoke to?—A. Joseph Hill came to me and said to me Mr. Jordan said when he was coming from Aiken he saw a man over by Henry Peterson's house with a gun, and if he brings that gun to the poll there will be trouble, and for him to go and tell him not to come to the poll. I was away from the poll; I was standing in the big road.

Q. How far is the corner of the fence from Peterson's house?—A. About five feet.

Q. Did you go to Peterson's house where these colored men were?—A. No, sir.

Q. Did you see a colored man with a gun?—A. I think, as well as I can remember, I saw one.

Q. Did you see any more?—A. Not that I remember.

Q. Did you talk with Mr. Jordan before or after he had been to Peterson's house?—A. He never spoke to me.

Q. Did you hear Mr. Jordan tell any colored men if they went there with guns there would be trouble?

(All the testimony in relation to the conversation about the gun objected to by counsel for contestant on the ground that it is hearsay.)

A. I never heard; not that I remember.

Q. Did you vote?—A. Yes, sir; I voted.



Q. Could you name any colored man that you know that did not vote?—A. No, sir; because they were men that I did not know. There was a crowd that came up the road just as this crowd came up; they were out there by the fire when the disturbance sot in, or just before it started.

Q. Well, I understand you to say you saw one white man with a gun and one colored man with a gun?—A. Yes, sir.

Q. Those are all the guns you saw?—A. This colored man's gun was over in his house.

Q. Was this at Peterson's house?—A. Yes, sir.

Q. At Peterson's house you saw one gun?—A. Yes, sir; it was between the road and his house.

Q. You are certain you only saw one gun there amongst the colored men?—A. That is all I remember seeing.

Q. Have you any idea how far this man was from you with the gun?—A. No, sir.

Q. Was it Peterson?—A. I don't know who had the gun; I remember seeing some one having a gun, but I don't know who it was.

Q. Was there more than one man when you met this colored man, or was he alone?—A. I think he was just about alone to himself when I met him.

Q. Did you, at any time just before you left, see a crowd of men in Peterson's field or by his house?—A. After they ran from the poll they came over there.

Q. Were they with you or at Peterson's house?—A. They came over there and said the crowd of men were coming to Peterson's house.

Q. Did these men assemble where you were or over to Peterson's house?—A. Part of them were in the field and some were in the road.

Q. While there in the field, or in the road with this crowd, did Mr. Haut Jordan come up and talk to them?—A. He was there when I got there.

Q. Did you see him at all there at the corner of the fence?—A. Yes, sir.

Q. Did you hear Mr. Jordan advise this crowd not to go to the poll with guns or there would be trouble?—A. No, sir.

Q. Did you hear Mr. Bill Jordan tell them to go back to the poll?—A. He said come back, everything is quiet, we have got Lije off; some one said there is Lije standing up there now.

Q. Did not the crowd of colored men say, "no, we are going home"?—A. They said we have been beat up, and while we are away it is best for us to stay away, we have been run away, the ground has been made a puddle in blood; to go there and be run off the second time, we think it is best to stay away.

Q. Did not Mr. Haut Jordan ask if every man in the crowd had voted?—A. I did not hear him.

Q. You did hear the crowd answer, that we had all voted?—A. No, sir; I did not.

Q. Did you hear Mr. Haut Jordan tell them, if they had voted to go home, they had no further business there?—A. No, sir; I did not hear that either.

In reply, by W. N. TAFT, Esq., counsel for contestant:

Q. You say there was lots of people on the ground, or on the hill there that day?—A. The men was great there that day.

Q. Was El. a Republican?—A. Yes, sir; he voted the Republican ticket.

Q. Who was he struck by?—A. Lije Courtenay.

Q. What did he strike him with?—A. With his fist.

Q. When was that?—A. When the fuss commenced.

Q. Any one else hurt there that day?—A. He struck another man and raised a knot on his head, and he struck two more men with his gun.

Q. What did he strike these men for?—A. Nothing under the heavens, that I know; they had not opened their mouths to him.

Q. Did he say anything when he struck them?—A. "God damn radical sons of bitches."

*Deposition of General Piper.*

AIKEN, S. C., February 11, 1881.

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

*Aiken County:*

General PIPER, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows, in reference to questions propounded by contestant:

Question. How old are you?—Answer. I am 22 years of age.

Q. Where do you reside?—A. About three miles from Aiken.

Q. What is your occupation?—A. Farming.

Q. Were you at Windsor polling precinct on the day of the last election?—A. Yes, sir.

Q. Were you there all day?—A. No, sir.

Q. What were you doing there?—A. I was sent there as ticket clerk.

Q. For what party?—A. The Republican party.

Q. Distributing tickets for the Republican party?—A. Yes, sir; I was the ticket clerk.

Q. You were giving out tickets?—A. I was keeping an account of the tickets voted on the Republican side.

Q. You staid there all day?—A. No, sir.

Q. Why did you leave?—A. This man John Goss—

Q. Is he a Democrat or Republican?—A. A Democrat. He came up and asked me why I was there taking the names. I told him I was appointed by the chairman of the Republican party to see how many men voted the Republican ticket. He said, "To see how many damn rascals like you there are," and he made a grab at my book. In that time another man came up and he knocked me in the mouth. He asked me if I wanted his stick. I told him no, and he struck the man with tickets; with that he jammed me with his pistol.

Q. How many pistols did you see?—A. Five or six.

Q. Did they gather around the ticket distributor too?—A. Yes, sir; me and the ticket distributor were together, and there was about 100 around us.

Q. Democrats, you say?—A. Yes, sir.

Q. Did many of them have pistols or guns?—A. I did not see any guns; I saw several pistols.

Q. Any of them have red shirts on?—A. Yes.

Q. Was there much noise there that day?—A. There was right smart of whooping.

A. Any threats?—A. Right smart.

Q. Did they threaten you individually?—A. This man Goss told me if I did not leave I would be killed.

Q. Did anybody threaten this ticket distributor?—A. Yes, sir; they said they would kill him.

Q. Did he get away?—A. Yes, sir.

Q. Did you go away?—A. Yes, sir.

Q. You were afraid to stay?—A. Yes, sir.

Q. Was there anybody left to distribute the tickets there?—A. No, sir.

Q. Was the object of these parties in threatening you and the ticket distributor to prevent the Republican ticket from being voted and properly counted at that poll?—A. Yes, sir; I thought so.

Q. Was this attack principally against you and the ticket distributor?—A. Yes, sir.

Q. So that if Republicans came there they could not get a Republican ticket?—A. Yes, sir.

Q. Whose name was on your ticket for Congress?—A. Robert Smalls.

Cross-examination by W. W. WILLIAMS, Esq., counsel for contestee:..

Q. What time were you driven off?—A. About 9 o'clock.

Q. Who left with you?—A. Gabriel Johnson and William Trowell, jr.

Q. How many colored men were there during the morning up to the time you left?—A. There were 15 voted up to the time——

Q. You left?—A. Yes, sir.

Q. Who was the ticket distributor for the Republican party there?—A. Gabriel Johnson.

Q. Who was the Republican supervisor there?—A. There was no Republican supervisor there.

Q. Who was this that struck Gabriel Johnson?—A. John Goss.

Q. You say he hit you?—A. Yes, sir; he struck me with his pistol.

Q. Why?—A. Because I was there, I suppose, distributing tickets; that is all I thought he did it for, or taking a hand.

Q. You can swear that no Republican tickets were left on the ground?—A. Yes, sir; I can swear that.

Q. You can swear that none were left on the ground?—A. Yes, sir.

Q. You can swear that there were none voted after you left?—A. Yes, sir.

Q. How are you enabled to arrive at this information?—A. I had the tickets with me. I had all the tickets that were carried there.

Q. Were there not other tickets in Aiken County like this?—A. They were, but they were not there.

Q. After 9 o'clock?—A. I can swear there were none voted there after I left. There was none there to vote.

Q. Did you leave the colored men on the hill when you left?—A. I left three when I left.

Q. You left three when you left?—A. I was taking their names when the riot commenced, when John Goss drew his pistol on me. They did not vote.

Q. You left at 9 o'clock and never went back that day?—A. No, sir.

Q. And yet you can swear there was not a Republican ticket voted after you left?—A. Yes, sir.

Q. Were there any Democratic tickets voted after you left?—A. I don't know.

Q. Did you go to any other poll that day?—A. No, sir.

*Deposition of C. F. Holland.*

AIKEN, S. C., *February 11th*, 1881.

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Aiken County:*

C. F. HOLLAND, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. State your age.—Answer. I am 24.

Q. Where do you live?—A. In Montmorenci, Millbrook Township.

Q. Your occupation?—A. I am teaching school in the winter, and farm in the summer.

Q. Were you a supervisor at Montmorenci polling precinct at the last election?—A. I was.

Q. Did you serve?—A. Yes, sir.

Q. Were you present all day?—A. Yes, sir.

Q. From the opening of the poll to the close?—A. Yes, sir.

Q. Did you remain to the count of the votes?—A. Yes, sir.

Q. Is that your signature [handing paper]?—A. Yes, sir.

Q. What is that paper?—A. That is my report.

Q. For whom?—A. Samuel T. Poinier, chief supervisor.

Q. The report of the election?—A. Yes, sir.

Q. How many people voted there that day?—A. One hundred and seventy-two.

Q. Did you keep a poll-list?—A. Yes, sir.

Q. Did you put down the name of every man that voted?—A. Yes, sir.

Q. Are you certain of that?—A. Yes, sir.

Q. How many names did the managers have on their poll-list?—A. One hundred and eighty-seven.

Q. Did they count 187 votes?—A. Yes, sir.

Q. Are you certain that no more than 172 persons voted?—A. Yes, sir, I am certain.

Q. Were the managers Republicans or Democrats?—A. Democrats.

Q. And the clerk?—A. There was no clerk; one of the managers acted as clerk, which is all the same.

Cross-examination by W. W. WILLIAMS, Esq., counsel for contestee:

Q. How many names were on the other supervisor's list?—A. On the other supervisor's list, none; none was kept by him; he kept no poll-list.

Q. What hour did you get to the poll?—A. About a quarter to six.

Q. You staid there all day?—A. All day.

Q. Until the votes were counted?—A. Yes, sir.

Q. Did you make any other report to the chief supervisor besides this?—A. Yes, sir; I made another report.

Q. What was it?—A. Assigning my reasons for not signing the Democratic supervisor's report.

Q. What was the excess of votes in the box over the names on the

managers' list?—A. A. I have forgotten, unless I look at my poll-list.

Q. Did you see the votes counted at night—superintend the counting?—A. Yes, sir.

Q. Were there any votes in that box with the names of candidates for Congress left off, either Democratic or Republican candidates?—A. There were some on the Republican ticket.

Q. Were there any tickets voted for State officers on which the names of members for Congress were left off?—A. Yes, sir, there were.

Q. Some for Congressman left off?—A. Yes, sir; the name was printed but they erased it, and voted with that man's name left off.

Q. Was it not possible that you might have escaped the names of voters that day?—A. No, sir; it is not possible.

Q. Did you never leave the room during the entire day from the time the voting commenced until the votes were counted?—A. No, sir.

Q. About what hour in the night did they finish counting the votes?—A. I don't remember.

Q. About what hour?—A. When they finished I was ready to make this report; I think it was about 8 o'clock; I was ready when they concluded the count.

Q. I understood you that you staid there from 6 o'clock until 8 o'clock?—A. No, sir; you understood me to say that I arrived about a quarter to six.

Q. What time did you arrive there?—A. I arrived there about ten minutes to six, but I did not get into the poll until a quarter to six.

Q. You staid in that room from ten minutes to six until about 8 o'clock that night?—A. Yes, sir.

(The entire testimony objected to by counsel for contestee on the ground that no notice had been given that the box at Montmorenci precinct would be contested.)

In reply, by W. N. TAFT, Esq., counsel for contestee:

Q. Did the managers allow any persons to vote for electors alone?—A. Yes, sir.

Q. Without voting any of the rest of the ticket?—A. Yes, sir.

Q. Do you know how many?—A. No, sir; I cannot tell how many. The train arrived up there from Orangeburg, and they allowed several of those employed on the train to vote. They decided they could vote for electors and nobody else as they were out of the district.

Q. (By Mr. WILLIAMS.) These men were properly sworn by the managers?—A. Yes, sir.

*Deposition of J. H. Holland.*

AIKEN, S. C., February 11, 1881.

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
Aiken County:

J. H. HOLLAND, a witness of legal age, produced by contestant upon

due notice to contestee, deposes as follows in reference to questions propounded by contestant :

Question. What is your age ?—Answer. About 34.

Q. Where do you live ?—A. I live in Aiken County, about two miles from this town.

Q. What is your occupation ?—A. Storekeeper.

Q. Were you at the meeting at Ellenton on the Saturday preceding the last general election ?—A. Yes, sir.

Q. Who was that meeting called by ?—A. By the Republican chairman of the county.

Q. Did that meeting pass off quietly without interruption from the Democrats ?—A. No, sir.

Q. Was it cut short or broken off in any way ?—A. I spoke first and spoke at length, after which Mr. Chatfield spoke and he was cut short.

Q. In what way ?—A. He was molested while speaking.

Q. By whom ?—A. Democrats.

Q. What did they do ?—A. They cursed him and cross-questioned him, and made an attempt to pull the wagon from under us; of course they did not catch hold. They said "Boys come forward and pull the wagon off," and Mr. Bardeen was present and he spoke to them, and they stopped the first time; they made the attempt several times, but did not pull it off; they were cursing him, and I apprehended danger, and I told him to stop.

Q. Because of these threats and disturbance on the part of the Democrats ?—A. Yes, sir; and he stopped.

Q. What authority did you have ?—A. In what way ?

Q. In any way you held any position in the party ?—A. I was deputy chairman.

Q. Were you the leading man there that day of the Republicans ?—A. Yes, sir.

Q. Was that the reason you told him, because you were in authority—party authority ?—A. Yes, sir.

Q. Did he stop ?—A. Yes, sir; within eight or ten minutes he concluded his speech.

Q. Was the noise and confusion great ?—A. Very great; Mr. Chatfield got down off the stand of the wagon and he was surrounded by the Democrats; they said a great deal, but there was so much noise I could not hear.

Q. After the meeting adjourned did they still use threats, or make a noise ?—A. Not as much as they did at first.

Q. Did they say anything to Mr. Chatfield ?—A. After the meeting ?

Q. Yes, sir.—A. After the meeting Mr. Chatfield was gathered about once or twice. I did not hear them say anything to him after the meeting as to threats; after the meeting adjourned they treated him pretty well to my judgment.

Q. Was the abuse addressed to Mr. Chatfield while he was speaking because of a personal feeling against him and Dr. Bardeen, or because Mr. Chatfield was making a Republican speech ?

(Objected to by counsel for contestee.)

A. Well, they said whilst he was speaking, that he kept a hotel in Aiken, and charged them so much for board, and now he was down there making a Republican speech.

Q. From what you heard, and from what you saw, was it against him because he was a Republican ?—A. They said he was making a Republican speech.

Q. Did they use any threats against any other Republican present ?

—A. Yes, sir.

Q. Who ?—A. They used some against me.

Q. Did they use any violence ?—A. They cursed me.

Q. Did they do anything else ?—A. They said if I did not leave there that my life would be taken.

Q. Did anybody lay hands on you ?—A. Yes, sir.

Q. What did they do ?—A. About half past 4 o'clock in the afternoon I went to the depot to get my ticket to come back to Aiken—to come home; when I went to the depot I met up with Mr. Chatfield and Bardeen; that time the crowd of white men rode up and cursed me; I then walked in to get my ticket; after I got in they crowded in around me; while I was talking to the gentleman they grabbed me by both lappels of the coat and struck me; the first lick they struck me was in the eye, and that closed that eye; they asked me if I wanted another lick in the other eye, I said no; they then struck me on the breast several times, and over the head and body; that time Capt. Bush, a member of the legislature now, he walked in and made them let me alone; I walked out, and another gentleman he kicked me as I passed out; when I walked down the steps they said I had better leave, and if I left they would let me alone, but God damn if I should stay there any longer; I started off, and they headed me on the next side; I walked to Mr. Chatfield and said, "You and Mr. Bardeen standing here, and they are about to kill me."

Q. Did they do anything to harm you ?—A. No, sir; I walked off and got amongst the crowd and escaped and left.

Q. Why did they do this to you particularly ?—A. I don't know; they said I had made a Republican speech, and their advice to me was to keep from down there making speeches.

Q. Who gave this advice ?—A. A gentleman.

Q. Democrat or Republican ?—A. Democrat.

Q. Were you appointed a supervisor for Miles Mill ?—A. Yes, sir.

Q. Did you receive your appointment before you went to that meeting ?—A. About eight days before the election.

Q. Did you go to Miles Mill on the day of election ?—A. No, sir.

Q. Why not ?—A. I was sick from the walk and from the beating; I walked from Ellenton to Aiken; I was sick and could not go out.

Q. How did you go to Ellenton ?—A. I went on the train.

Q. Why did you not return on the train ?—A. I went to the depot to get my ticket, and they ran me off from there; I apprehended danger.

Q. Were you afraid to come back on the train ?—A. Yes, sir.

Q. How far is it ?—A. About forty miles.

Q. You mean forty miles from here, or the way you come ?—A. The way I came.

Q. You came through the swamp ?—A. Swamp and woods.

Q. You say you were struck in the eye, and about the head ?—A. Yes, sir.

Q. Was your eye closed up ?—A. Yes, sir.

Q. From the quantity of beating you received, and the walk you took, you were not able to attend the election at Miles Mill ?—A. No, sir; I was not able at all.

Cross-examination by W. W. WILLIAMS, Esq., counsel for contestee:

Q. Did you have a pretty good crowd ?—A. Yes, sir.

Q. How many people do you suppose were there present?—A. Between two and three hundred.

Q. Did you leave before this crowd dispersed?—A. Yes, sir.

Q. You left Bardeen and Chatfield there?—A. Yes, sir.

Q. How long did Mr. Chatfield speak?—A. I do not know.

Q. About how long?—A. About fifteen minutes.

Q. Did you tell him he was in danger and he had better stop?—A. I told him I thought there was danger and he had better stop.

Q. I asked you if you told him that there was danger for him, and he had better stop?—A. I did not say in particular to him, but that there was danger and he had better stop. I thought by stopping the speaking that the row, &c., whooping, and holloaing would cease.

Q. How many white men were there?—A. Seventy-five, or one hundred.

Q. From what you know of Mr. Chatfield, is he a scary or timid man?—A. I don't know. I don't think so.

Q. Did he stop speaking from what you said to him, under your advice to him?—A. I really think he stopped upon my advice, because he said he would stop quickly.

Q. You said, in your direct examination, you had authority to stop him from speaking; was it merely advising him to stop, or was it an order as chairman of the meeting?—A. It was an order.

Q. How long had Mr. Chatfield been speaking when you ordered him to stop?—A. About seven or eight minutes.

Q. Who was it that committed this assault and battery on you?—A. I don't know the persons.

Q. You don't know any of them?—A. I know who were present; part of the gentlemen.

Q. But you don't know who committed the assault?—A. No, sir; the first lick I received was in the eye, but the balance I don't know who did it.

Q. How long were you laid up by reason of your trip to Ellenton and back?—A. About five days.

Q. What time did you arrive at home?—A. I was about two days and a night on the road.

Q. That would necessarily throw it to Monday evening your getting home?—A. Yes, sir.

Q. Was it dark when you got home?—A. No, sir; it was not dark when I got home.

Q. About how high was the sun?—A. Sun was down.

Q. You say this abuse was not directed to Mr. Chatfield and Mr. Bardeen for personal reasons?—A. I did not call Mr. Bardeen's name at all.

Q. Do you know whether or not the people of that community have any bitter feeling against Mr. Bardeen?—A. I don't know.

Q. Have you not lived a great deal in that section of the country?—A. I was raised about fourteen miles from Ellenton.

Q. I will say in the last eight or ten years?—A. No, sir; ten years and past I lived within ten miles of Ellenton; that is as near as I have been in my life.

Q. Where are you keeping store now?—A. Down town in Aiken.

Q. Did you have a physician attending you while you were sick from this Ellenton trip?—A. No, sir.

Q. Were you in the town of Aiken during the day of election?—A. I was in here in the evening about 5 o'clock; from 4 to 5 o'clock.



Q. Who did you stay with Saturday night after this trouble?—A. I did not stay with any one; I staid by myself in the woods.

Q. Who did you stay with Sunday night?—A. An old lady by the name of Martha Weathersby.

Q. You say they treated Mr. Chatfield pretty well; didn't they treat Mr. Bardeen pretty well after the meeting was over?—A. I did not see them treat Mr. Bardeen badly any time in the day.

Q. Was not the cursing and abuse that day confined principally to Mr. Chatfield and Bardeen?—A. No, sir; I received my full share, and more than any man at the meeting.

Q. Was it not easy to have ascertained who threatened your life at Ellenton that day; you know nearly everybody down there?—A. I don't know who threatened it.

In reply, by W. N. TAFT, Esq., counsel-for contestant:

Q. Were they Democrats or Republicans?—A. They were Democrats.

By Mr. WILLIAMS:

Q. How do you know they were Democrats?—A. They said they were.

Q. Were there any personal threats against Mr. Bardeen?—A. I did not hear any made.

*Deposition of E. R. Bardeen.*

AIKEN, S. C., February 11th, 1881.

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

*Aiken County:*

E. R. BARDEEN, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. What is you age?—Answer. I am 47.

Q. What is your residence?—A. Aiken.

Q. What is your occupation?—A. I am a farmer at present.

Q. On the Saturday before the last general election did you attend a meeting at Ellenton?—A. Yes, sir.

Q. Who called that meeting, the Republicans or Democrats?—A. The Republicans, I suppose.

Q. For what purpose?—A. For the purpose of discussing the national question.

Q. Who attended it besides yourself on the part of the Republicans?—A. B. P. Chatfield; I went down with him.

Q. Any other white Republicans?—A. There was none.

Q. Mr. Chatfield and yourself were the only white Republicans present?—A. Yes, sir.

Q. Was it called as a Republican meeting?—A. Yes, sir; I so understood it.

Q. Did any Democrats attend that meeting that day?—A. I suppose they were Democrats; yes, sir.

Q. Was the meeting quiet and orderly, and were you permitted to carry on your meeting undisturbed?—A. It commenced very quietly.

Q. Did the Democrats by threats or other means hinder or disturb you in anywise in carrying on your meeting?—A. Yes, sir.

Q. State what they did to prevent you?—A. When the meeting first commenced I was some distance from the stand, or wagon, where the speaker stood, Mr. Chatfield. When I heard questions put, they were very quiet. He was speaking quietly. The meeting was quiet. I suppose about five minutes after I got there some young man rode up on horseback furiously and yelling outrageously; that is, he rode up towards the stand. I stepped in front of the horse and held up my hand, and he stopped. I had not on my badge as marshal. I put one hand in my pocket. He said, "I have one." I said, "No you have not," and put my badge on, and said, "Keep quiet and let Mr. Chatfield proceed." This man did quiet down, apparently. Soon after some other parties rode up—about ten men on horseback.

Q. In that party?—A. Yes, sir; another party in a short time rode up, and they cursed me and Mr. Chatfield for everything they could think of; the great complaint was that we did not let them know we were going to have the meeting there.

Q. Let the Democrats know?—A. Yes, sir.

Q. Why did they want to be informed?—A. I don't know; that continued until Mr. Chatfield, more or less, got through, or quit speaking.

Q. Did they make use of many threats?—A. What do you mean; personal threats?

Q. Personal or general threats at the meeting.—A. You mean personal assault?

Q. No; I mean by cursing?—A. No; they made no threats to kill us. They called us damn sons of bitches.

Q. During the time the meeting was going on?—A. Yes, sir; all the time.

Q. Did they abuse the Republicans in general terms or special terms?—A. No; it was mostly directed towards Mr. Chatfield and myself.

Q. Why was the abuse directed against Mr. Chatfield and yourself?—A. Mr. Chatfield was the speaker, and I was there as marshal countenancing the thing.

Q. Did this meeting break up?—A. No, sir; he cut his speech short.

Q. Did he cut his speech short on account of the action of these people?—A. Yes, sir; these white people—Democrats.

Q. Was this meeting held near the scene of the Ellenton riot in 1876?—A. Yes, sir; it was right in the neighborhood, right in the village. The Ellenton riot took place some little distance from the village; it was in that section.

Q. Are you well acquainted in that section?—A. Yes, sir; I am considerably so.

Q. What effect did the Ellenton riot have on the colored Republicans living in that section, and what has been the effect since that?—A. The temporary effect was very bad, but I don't know that it is now. The colored people there are quite as well to do as in any part in the county.

Q. I don't mean that. I mean the effect of killing men in that neighborhood. Has it not the effect of making them timid?—A. Yes, sir; I think it has. I am not positive about that; it is only an opinion.

Q. From what you saw there that day, could Republican meetings be held in that section of the county without molestation?—A. I think not.

Q. Is Mr. Chatfield a Republican of Aiken?—A. Yes, sir.

Q. What is his business?—A. A hotel-keeper.

Q. President of the Aiken Hotel and Highland Park Hotel Company?  
—A. Yes, sir.

Q. Is Mr. Chatfield a man of some property?—A. Yes, sir.

Q. A man of good character and standing?—A. Yes, sir.

Q. Has Mr. Chatfield ever held any public position in South Carolina, or political position?—A. No, sir; he was nominated for Presidential elector, but never held any political position.

Q. Was it because of Mr. Chatfield's personal standing in Aiken County, that he was abused that day?—A. No, sir; I don't think it was; I think it was because he was a Republican.

Q. Is it not a fact that Mr. Chatfield personally stands very high in Aiken County?—A. Yes, sir.

Q. And elsewhere in the State as far as you know?—A. Yes, sir.

Q. Were there any candidates on the Republican ticket except those for electors and member of Congress?—A. Not that I know of.

Q. Was this meeting for the purpose of advocating any others?—A. No, sir; not as I understood it.

Q. Before the meeting of the Republican State convention to nominate electors, did you with others sign an address to the people of Aiken County, or the State?—A. Yes, sir.

Q. Who was that address signed by?—A. B. P. Chatfield, J. F. McLaughlin, James Powell, Robert Powell, P. G. Rockwell.

Q. Any others?—A. And myself; I think those are all; there might have been more, but I don't remember.

Q. Mr. Chatfield, you have already told what he was; is he in Aiken now?—A. No, he is not.

Q. Gone away permanently, or temporarily?—A. Temporarily.

Q. Doctor Rockwell?—A. He resides here.

Q. J. F. McLaughlin?—A. He resides here.

Q. James Powell?—A. He resides here.

Q. Robert Powell?—A. He resides here.

Q. Are these white or colored men?—A. All white men.

Q. Pretty well known?—A. Yes, sir.

Q. In general good standing?—A. I think so.

Q. Do they stand well amongst the citizens of Aiken independent of politics?—A. Yes, sir; pretty well.

Q. What was the object of this address?—A. It was to present our views as to nominating a State and county ticket.

Q. What was the policy?—A. It was to present our views why they should not put any county ticket in the field, and obviate any difficulty.

Q. And run a national ticket?—A. Yes, sir; leaving anybody free to do what they might personally wish; we wanted to create the impression that there was no use for a State ticket.

Q. For what reasons?—A. To prevent any difficulty.

Q. Were you afraid if there was a State or county ticket put in the field there would be violence or opposition?—A. We wanted to prevent anything of the kind.

Q. Had there been any trouble of the kind in the State?—A. Yes, sir.

Q. You wanted to prevent it?—A. Yes, sir.

Q. Were you gentlemen very active to bring about that result?—A. Yes, sir; Mr. Chatfield was very active.

Q. What part did Mr. Chatfield take?—A. He went to the State convention.

Q. Had he been to any conventions before?—A. No, sir; never.

Q. Did he not go there with the avowed purpose of advocating that result?—A. Yes, sir.

Q. Did not Mr. Chatfield's presence there have a great effect to bring about that result?—A. I think so.

Q. It is a fact he went to the State convention?—A. Yes, sir.

Q. It is an avowed fact that he did make that stand in the convention, and that the State convention did not nominate any Stateticket?—A. Certainly.

Q. Is it not a fact that there was no county ticket nominated in this county?—A. Yes, sir; so far as I know.

Q. Did the failure or refusal to nominate State and county officers, and run a national ticket only have the result you anticipated?—A. No; it did not.

Q. Did you hear any firing at Aiken on the morning of the election?—A. I did.

Q. What kind of firing was it?—A. I think it was a cannon.

Q. How many times did you hear it fire?—A. I cannot say more than once.

Q. You heard it fired?—A. Yes, sir.

Q. What direction was it?—A. Towards the poll.

Q. Did you see the cannon that day?—A. I did.

Q. Where was it?—A. In the street, opening towards the poll.

Cross-examination by W. W. WILLIAMS, Esq., counsel for contestee:

Q. By whom was this meeting called at Ellenton?—A. I think it was called by the county chairman; I am not positive; I heard so any ways.

Q. The Republican county chairman?—A. Yes, sir; I did not see any hand-bill or anything of that kind.

Q. Where was your meeting held?—A. In the street of Ellenton, on the banks of the mail road; I suppose the street extends there.

Q. It was near the depot?—A. Yes, sir; near.

Q. The Port Royal Railroad runs through Ellenton?—A. Yes, sir.

Q. Were you in the habit of attending political meetings as United States marshal during last summer?—A. That was the only one I attended as United States marshal; O, no; I attended two, one in this town, and one there; I didn't go there to use any authority as United States marshal.

Question. In what capacity were you at Ellenton that day, as a canvasser or United States marshal?—A. As marshal; I did not advocate any measures.

Q. During the Ellenton riot, or just after, didn't you arrest a great many Democrats in that part of the county, as United States marshal?—A. Yes, sir.

Q. When you presented your badge of authority, what effect did it have on the crowd?—A. Very little; this first man quieted down.

Q. He did so?—A. Yes, sir; this one man.

Q. Did you have occasion to call it into requisition, or to show it?—A. I kept it on my coat.

Q. Did you have occasion to call the attention of the crowd to it personally?—A. I commanded them to keep quiet; I don't think I told them I was a United States marshal, or called their attention to it. I had my badge on my coat; they all knew I was marshal.

Q. Are you not generally known to the Democrats of that part of the county?—A. I think I am.

Q. Ellenton is a small town—several stores?—A. Yes, sir; a small town.

Q. How do you know that Mr. Chatfield's speech was shortened?—A. I think he told me so; I think he said he cut it short.

Q. At what time did you and Mr. Chatfield arrive at Ellenton?—A. Pretty early.

Q. When did you leave?—A. Here?

Q. There?—A. Well, I should think before 5 o'clock; I cannot remember exactly the time; it was just before night, perhaps as late as five; about five, I should think.

Q. Did the abuse that Mr. Chatfield and yourself received that day prevent any man on that ground from voting for Robert Smalls?—A. I don't know. I don't see how I could answer that question, except by giving an expression of opinion I might.

Q. Did it have the effect of hurrying Mr. Chatfield and yourself off from Ellenton?—A. No, sir.

Q. Did it have the effect of dispersing your crowd or hearers?—A. I think it did.

Q. You think it did?—A. Yes, sir.

Q. This abuse I am speaking of?—A. Yes, sir.

Q. At what time were they dispersed by this abuse?—A. I should think about two o'clock, as near as I can remember. You mean about what time it broke up?

Q. Yes.—A. About two o'clock.

Q. Were there other speakers besides Chatfield?—A. No, sir—yes; I think Mr. Holland made some remarks; he was in the wagon, but I was not near enough to hear what he was saying.

Q. About what hour was Mr. Chatfield's speech ended?—A. I should think about 2 o'clock.

Q. Did the crowd disperse before Mr. Chatfield finished speaking?—A. Some did, to a considerable extent; some of them stopped about.

Q. In this address that you have alluded to, was not the purport, as expressed therein, to gain advocates to the National Republican party, as expressed in the document itself?—A. Yes, sir; I think it was.

Q. Do you not know that Mr. Chatfield's opinion, as expressed publicly, in regard to the State affairs was that he believed it best for all parties that they remain in the hands of the Democrats, the parties now in possession?

(Objected to by contestant on the ground of not being competent.)

A. That is his opinion; that is his policy.

Q. Of your knowledge was this not the policy of the majority of the signers to this address?—A. I think it was.

Q. Was it not the decision of this body of gentlemen signing this address, or a majority of them, that it was best for them as property owners in this county that no opposition should be made to the Democratic State ticket?—A. I don't think that question ever came up in that light.

Q. You said that it was your opinion that it was through Mr. Chatfield's influence that no State ticket was made by the Republican party?—A. That is my opinion.

Q. In great part?—A. Yes, sir.

Q. Do you not know that it was the desire of a majority of the Republican leaders that no ticket should be made?—A. I think that it was so.

Q. No State or county ticket?—A. Yes, sir.

In reply by W. N. TAFT, Esq., counsel for contestant:

Q. Did not the address spoken of state that if a State and county ticket was put in the field that it would meet with such an opposition that would make it impossible to elect the National ticket, or something to that effect?—A. That idea was not quite embodied there.

Q. Was not that the tone of the address?—A. The tone of the address was that it would be better for the colored people if we did not nominate a county ticket.

Q. Did not the address state that the gentlemen signing it would assist in the carrying out of the policy embraced in the address, leaving to each man to act as he chose as to State and county matters?—A. I think it was.

Q. Was there an attempt by the address to coerce or bind any individual as to his policy or conduct in regard to the State or county ticket?—A. No, sir.

Q. Distinctly left them free?—A. Yes, sir.

(The address was here put in evidence and marked Exhibit —.)

Q. So far as the county of Aiken was concerned was the policy laid down by the address followed?—A. Yes, sir.

(Testimony relating to the Ellenton riot objected to by counsel for contestee.)

#### EXHIBIT.

[Advertisement.]

#### *To the Public:*

We, citizens of South Carolina, recognizing the ever admitted fact of honest difference of opinion on political questions, that it is impossible as well as impracticable for all of the people constituting the State to think alike on questions of public duties and interests; that this government, from its formation, has been regulated and controlled by two great political parties; that the two are necessary, each holding the other in check, each compelling the other to act within the lines of equity and justice.

The great bulwark of this Republican government is the idea instilled into our minds from childhood to manhood, that the will of a majority of the people, expressed legally and freely at the ballot-box, is the law of the land. This established fact reasonably requires submission and obedience to the laws made by legislators who are servants of our own choosing.

We believe that our government of the United States is the grandest, strongest and best on the globe, and that its strength and perpetuity, its salvation even, depends on a free and honest vote of the people.

That it behooves all political parties, of whatever name or principles, to enforce by example and precept the sacredness and honesty of this the people's voice, regardless of party strife and feeling or any other cause arising from difference of opinion. The watchword of every American citizen should be, the ballot-box must be kept *pure*. If the people of this country, or any of the States, should sanction a departure from this the great American idea upon which the superstructure of the Republic of the United States rests, they will soon lose confidence in each other as individual citizens—as members of society—as organized municipalities, and as States, which are the component parts of the nation. Such a course will inevitably sap the foundation of the government, causing its glorious superstructure to fall.

Believing that the great national party of the people of this country, which has always defended these fundamental principles and which has selected at the present time Garfield and Arthur as their standard-bearers for the ensuing campaign, and constituted them the exponents of its policy and principles; also holding that the success of the party by the election of its nominees to the highest position in the gift of the American people is necessary for the welfare and safety of the Republic, we, therefore, in accordance with these convictions, propose to organize an association of citizen-voters, with the earnest purpose and determination to use all honorable and fair means to secure the election of those distinguished citizens.

We propose to limit the efforts and influence of this organization—during the coming campaign—to the election of strictly national officers; to wit, President and Vice-President of the United States, and member of Congress from this district, leaving it optional with individual members of the organization to vote or work for or against the election of such candidates for State or county officers as may be now, or hereafter may come, before the people, asking them for their suffrages.

Reserving to each individual member the right to oppose his vote to dishonesty or incompetency in any candidate whomsoever, or belonging to whichever political party, we pledge ourselves as members of this organization, to use our influence and our votes in behalf of the National Republican party in the election of Garfield and Arthur, thus contributing our strength as individual citizens of the continuance and permanent establishment of the simple yet sublime principles upon which “the government for the people and by the people” rests.

We invite all patriotic citizens, without distinction of nativity, race, color, or previous party alliance, to join us in this, which we believe to be the common cause of the people.

We urge and invite you to join us in the efforts for the purpose of counteracting the baneful influence of organized political parties who are opposing the principles herein stated.

J. F. McLAUGHLIN,  
B. P. CHATFIELD,  
JAMES POWELL,  
P. G. ROCKWELL,  
E. R. BARDEEN,  
ROBERT POWELL.

*Deposition of J. P. Spells.*

AIKEN, S. C., February 10th, 1881.

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Aiken County:*

J. P. SPELLS, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. What is your age?—Answer. I am 61.

Q. Where do you live?—A. I live at Mr. William Walker's place.

Q. In this county ?—A. Yes, sir.

Q. What is your occupation ?—A. I am farming.

Q. Were you at Low Town, Wells' precinct, at the last general election ?—A. Yes, sir.

Q. At what time did you get there ?—A. I got there I suppose at or after 6 o'clock.

Q. Were you present when the poll opened ?—A. Yes, sir ; I got there as they were coming up to the poll with the ballot-box.

Q. Did they open the box before the voting commenced ?—A. Yes, sir ; they opened the box publicly.

Q. Did you remain all day at the poll ?—A. No, sir.

Q. What time did you leave ?—A. About the hour of nine.

Q. Why did you leave ?—A. Well, sir, the violence that was used there ; there came a crowd of men from Silvertown, and as they came up they rushed in among the Republican voters which were at the poll at the time, charging amongst them with their horses, and shooting amongst them with their guns, and knocking some down ; that time the men broke for the swamp, this red shirt crowd followed them to the swamp. Two colored voters that took tickets to vote, as they were coming to put them in the box, two white fellows snatched the tickets from them. This crowd came back and asked what negro fellows were they at the poll ; some said to the others, "It is the Radical supervisor ; let's take him out and kill him." One said, "So do ;" another in the same crowd said, "Don't do that ;" they said "Yes, let's kill him, jerk him out." They then commenced advancing into the house. At the time George Taylor, he said, "What is your name ?" I said, "J. P. Spell." He said, "You have authority to come to this poll, but if you want to save your life I will guard you through this crowd so they will not kill you." Another man came up and said, "My name is Hans Johnson." He said, "Walk between the two and I will take you up to my house, and I will convey you off from the poll, and will show you where you can make your escape, and then you can make your escape back to Aiken in the night." I did so. As I was coming off I met a crowd of Republican voters that had been assaulted by the same crowd, and one opened his bosom and showed me a big gash in his bosom. That was the reason I could not stay there from morning to night, from their advancing upon me in the house, and from threats.

Q. Was Mr. Taylor and Johnson Democrats ?—A. Yes, sir.

Q. Did you keep a poll-list ?—A. No, sir.

Q. Why not ?—A. When I went into the house they had a little table about two feet long. I asked them, "Gentlemen, please make room for me so I can write." They said, "You cannot write here ; if you want to write you will have to make up your place at the corner of the house." I said, "I cannot see anything that passes there." They said, "There is no room here for you at this table." I had the poll-list, and I undertook to write the names, but it was so limber I could not do it, as I had no-where to set it on. I asked some colored men to get me a table, and they said they didn't live close there.

Q. You asked them to get a table and they could not do it ?—A. No, sir.

Q. Because you could not get a place to write did you stop keeping the poll-list ?—A. Yes, sir.

Q. Who were these men that assaulted these Republicans and drove them away ; were they Republicans ; what were their politics ?—A. The Democratic Red Shirt Rifle Clubs from Silvertown. I heard one white gentleman say it was the Silvertown crowd.



Q. Were there many of them there Democrats?—A. I might guess about two hundred in the crowd.

Q. That came over from Silverton?—A. Yes, sir.

Q. They were a large crowd?—A. Yes, sir.

Q. Were there many Democrats there besides these?—A. Yes, sir; about seventy or seventy-five; they came and met them.

Q. What time in the morning did this shooting commence?—A. About 9 o'clock.

Q. Had there been any disturbance before that?—A. No, sir; the shooting commenced by these men around the house.

Q. What time did that shooting commence?—A. That was just before 9 o'clock when this crowd at the house commenced shooting. Then I saw the crowd coming up shooting, and that was the crowd that ran the Republican voters from the poll.

Q. Who were these men that made threats against you?—A. They were Democrats.

Q. Were there many Republicans driven from the polls?—A. At that time there was about one hundred that ran off to the swamp.

Q. Had any of them not voted?—A. There were a good many that had voted and a good many that had not voted. A great many had gone home, but there was about one hundred there at that time.

Q. Were there many of these Democrats in red shirts?—A. There were some in red shirts, but not all.

Q. Were there a good many?—A. Yes, sir.

Q. Did you see a good many with guns?—A. There was not one that did not have a shot-gun or pistol or something.

Q. Did many of them have rifles?—A. They were about equal; some had guns and some rifles.

Q. Were many mounted on horseback?—A. Every one that came up was mounted.

Q. When you went away did you leave these men at the poll?—A. Yes, sir.

Q. Were there many Republicans there?—A. No, sir. When I left they all had left.

Q. This was 9 o'clock in the morning?—A. About as near as I can come to it, I allowed it was 9 o'clock.

Q. You say you met some men going to the poll?—A. Yes, sir; as I was coming off.

Q. Republicans?—A. Yes, sir; I told them there was no use for them to go there, as they did not allow me to stay there.

Q. Did they go to the poll?—A. No, sir.

Q. How many men did you meet?—A. There were twenty-five or thirty in the crowd that I met.

Q. Was there many threats against Republicans there at that poll?—A. Yes, sir; there was a great deal. The threats that were made was by this crowd that ran the crowd to the swamp, but the most threats were made against me.

Q. Then after 9 o'clock in the morning this mob from Silverton took charge of the polls, and the Republicans all left, and they had control of the poll after they left?—A. Yes, sir; all the Republicans left.

Q. Did you return to the poll that day again?—A. No, sir.

Cross-examination by W. W. WILLIAMS, Esq., counsel for contestee :

Q. In what capacity were you at Low Town; what was your position there?—A. Supervisor.

Q. Have you got your commission as such?—A. Not with me. I left

it home; I didn't know my duties until I met James, and he told me what was my duty after he overtook me, but I did not go back to the house and get it, as I did not know what would be required.

Q. In what sort of building was the box placed for voting?—A. In a little poll-house.

Q. How far from the well?—A. I didn't take notice of the well at all.

Q. How far from the swamp?—A. About two hundred yards, I suppose.

Q. In which direction was the swamp, towards Aiken or in the opposite direction?—A. The opposite direction.

Q. From here?—A. Yes, sir.

Q. About how many men, white and colored, were there, when this crowd came up from Silverton?—A. I suppose there was about seventy-five white and about one hundred colored.

Q. Did you see these people go into the swamp?—A. Yes, sir; I was standing opposite the door and saw them when they were going from the poll, and this crowd pursued them there before they returned to the house.

Q. About how far from the poll did you meet this crowd?—A. About a half mile. This Republican crowd you mean?

Q. You advised them to go back?—A. I told them there was no use for them to go to the poll, as they would not allow me to stay there, and that they had threatened to kill me, and they had run me and my ticket clerk, and there were no Republican tickets there. I knew there were Republican tickets there, and there was no use for them to go.

Q. As I understand you, upon your statements and advice, these colored men, these twenty-five or thirty, they turned back?—A. They turned back; they did not go to the poll.

Q. Were there any white men with you when you met them?—A. No, sir.

Q. Did you see this crowd getting into a disturbance with any white men, this twenty-five or thirty?—A. No, sir.

Q. Was this not a quiet crowd you met, who, upon your representations, went back?—A. A quiet crowd.

Q. So far as you know, did that crowd know what you knew had been going on at the poll, except what you told them?—A. Yes, sir; they told me this same crowd had met them, and one of the men opened his bosom and showed me where one of the men had cut him in the breast.

Q. That is not what I mean; did these men know what had occurred at the box except what you told them?—A. No, sir; I don't suppose they did.

Q. Had you voted before you left?—A. Yes, sir.

Q. You received no bodily injury yourself; they didn't harm you?—A. No, sir; none didn't hit me; only by the threats.

Q. Have you ever made any report to the chief supervisor?—A. Yes, sir.

In reply, by W. N. TAFT, Esq., counsel for contestant:

Q. Did one of this party that you met in the road show you his breast?—A. Yes, sir.

Q. What did you see?—A. I saw a great gash on his breast, and blood running out of it.

Q. How far is Low Town Wells from Ellenton?—A. I don't know; I sent some ballots to Silverton, and they told me it was ten miles.

Q. Is Ellenton in that part of the county?—A. They tell me it is; but I am a perfect stranger there, and don't know anything about it.

Q. (By Mr. WILLIAMS.) In what direction were you from Low Town when this man showed you his breast?—A. Towards Aiken.

Q. (By same.) From which direction did these two hundred men come?—A. I don't know.

Q. As regards Aiken; what direction did these two hundred men come from?—A. When I seen this crowd coming up I was in the house, but they came to the front side of the door next to Aiken, when I saw them; it was on the right-hand side as you go into the building, that they came up.

*Deposition of S. A. Smith.*

AIKEN, S. C., *February 10, 1881.*

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Aiken County:*

S. A. SMITH, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. Where do you live?—Answer. I reside in Aiken.

Q. Your age?—A. I am 26.

Q. Your occupation?—A. I am a teacher.

Q. Were you at Summerhill precinct on the day of the last election?—A. I was.

Q. In what capacity?—A. As a United States supervisor.

Q. Were you there all day?—A. I was.

Q. Until the votes were officially counted?—A. Yes, sir.

Q. Did you keep a poll-list?—A. Yes, sir.

Q. Did the other supervisor keep a poll-list?—A. Yes, sir.

Q. Did the managers keep a poll-list?—A. Yes, sir.

Q. Did the number of names on the poll-list correspond with the number of ballots in the box when they were counted?—A. No, sir.

Q. What difference was there?—A. There were 61 votes in excess in the box.

Q. Over the poll-list?—A. Yes, sir.

Q. What was done with this excess?—A. They were drawn out.

Q. By the managers?—A. By the clerk of the managers.

Q. Was he blindfolded?—A. Yes, sir.

Q. How did he take them from the box?—A. With his right hand; picked them out.

Q. Did he pick them just as they came?—A. No, sir.

Q. How then did he pick them?—A. He felt about for them.

Q. Felt about the box?—A. Yes, sir.

Q. Did he feel about in the box as if he was trying to feel for a peculiar kind of ticket or certain kind of ticket; was that his manner?—A. I suppose he did, because he would make a remark.

Q. What was his remark?—A. I don't remember the words he made use of, but the words implied that he would be disappointed if he didn't get a Republican ticket.

Q. Did he pick them from the top also ?—A. No, sir.

Q. Where did he take them from ?—A. He felt about in the box, sometimes near the bottom.

Q. Did he consume much time in drawing these tickets ?—A. Well, yes, sir ; quite a while.

Q. Did he consume longer time than was actually necessary to draw out the number indiscriminately ?—A. Yes, sir.

Q. How long did it take to draw out the excess of 61 ballots ?—A. I could not say.

Q. Was there any difference in the quality of paper that the Republican tickets were printed on and the Democratic ?—A. I think there was.

Q. What was the difference ?—A. The Republican tickets were on soft, rough paper.

Q. On what kind of paper were the Democratic tickets ?—A. It was a smoother but a stiffer paper.

Q. How many Republican ballots were drawn out ?—A. Fifty-eight.

Q. How many Democratic ?—A. Three.

Q. How did the Republicans come up to the polls with their tickets ?—A. They would come with them open mostly.

Q. How did the Democratic voters come up with their tickets ?—A. They didn't come ; their tickets were lying on the box ; some came up with folded tickets, and others got them off the table.

Q. Did many Democratic voters come with their tickets folded ?—A. Yes, sir.

Q. Did you notice the Republican voters coming up to the box particularly that day ; could you see how they voted ; whether they had more than one ticket or not ?—A. Yes, sir.

Q. You could ?—A. Yes, sir.

Q. Was this excess created by the Republican voters ?—A. I do not think it was.

Q. Why do you not think it was ?—A. Because about the number of Republican votes I had an idea of, and about that number was found in the box.

Q. Could you tell how the men voted during the day ?—A. Yes, sir.

Q. And you say about the number of Republican voters that voted there that day that number of Republican votes were found in the box when the box was opened ?—A. Yes, sir.

Cross-examination by W. W. WILLIAMS, Esq., counsel for contestee :

Q. Who was the clerk of the board of managers at that precinct ?—A. I don't know him by name, but I can tell you what position he held here one time ; he was an assistant to Mr. Ransom, the ex-treasurer of this county ; I think Mr. Adams he was called.

Q. In what position were you standing to this box when these tickets in excess were being drawn from it ?—A. The table stood before the window, and I stood in front of the table, and the box was opened, and they counted the votes.

Q. Near the box ?—A. Yes, sir.

Q. Was the box opened or the lid merely raised when these tickets were drawn out ?—A. The box was opened entirely.

Q. Could you see the man's hand drawing them all the time ?—A. Yes, sir ; except when he would put his hand clear to the bottom to get a ticket.

Q. Was there any difference in the size of these tickets ?—A. There was a difference in the length.

Q. Are you prepared to say any Republican voted more than one ticket there that day?—A. No, sir.

Q. Can you say that any Democrat voted more than one ticket that day?—A. No, sir.

Q. Do you know as a fact that any colored men voted the Democratic ticket?—A. Yes, sir.

Q. You know that they did?—A. Yes, sir.

*Deposition of E. M. Brayton.*

AIKEN, S. C., February 8, 1881.

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

*Aiken County :*

E. M. BRAYTON, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. What is your name?—Answer. E. M. Brayton.

Q. Your age?—A. I am 36 years of age.

Q. What is your occupation?—A. I am a lawyer by profession; and am collector of internal revenue.

Q. Your residence?—A. I am stationed in Columbia, S. C.

Q. Where do you claim as your residence?—A. I claim Aiken, S. C.

Q. Were you present at the last general election in the town of Aiken?—A. I was during a portion of the day.

Q. What time did you arrive?—A. I arrived here on the 9 o'clock train in the morning.

Q. Did you go to the poll on that morning, and at what time?—A. I went immediately from the depot as near the poll as the crowd collected there would allow me.

Q. Were there many people around the poll at that time?—A. A large crowd of people.

Q. Democrats and Republicans?—A. Yes, sir.

Q. Were there many white men at the poll?—A. Yes, sir; a large number of whites were gathered around the poll.

Q. Did you see many of them in uniform at any place that day?—A. I saw several, both standing in the crowd and on horseback.

Q. Did you go to the poll soon after arriving in the town?—A. I came immediately from the depot as near the poll as the crowd heaped by it would allow. I stood at the outer edge of the crowd waiting for an opportunity to arrive when I could get nearer to the poll than I was.

Q. Why you could not get nearer the poll, you say?—A. On account of the crowd of people that pressed up to vote. I had not voted up to that time.

Q. On your way to the poll did you meet many people?—A. Yes, sir; coming from the train I heard there had been a difficulty here, and in passing up from the depot to the poll I met a number of colored men coming from the poll. They seemed to be excited. They said they were afraid to remain longer. I made running inquiries as to how it was. Learning that some of them had not voted, I advised them to go back, all was quiet, and there would be no trouble. Some did return, and

when I got to the neighborhood of the poll there was quite a crowd of these people following behind me.

Q. Who were these people?—A. Colored Republicans.

Q. Did they appear to be alarmed?—A. They appeared to be a great deal excited.

Q. What time of day was this?—A. About 9 o'clock. I saw that there was a riot going on in Aiken.

Q. About how many people were around the poll when you arrived there?—A. I think there must have been a crowd of 800 people, mostly in the square, white and black.

Q. Everything quiet and peaceable?—A. No, sir; everything was turbulent and noisy, and had a riotous appearance. What seemed to me unusual was the appearance of a mounted cannon facing the poll.

Q. How far away?—A. About seventy-five feet from the poll; two-thirds of the way across the street from the poll was in a line with the cannon. There was a collection of white people standing by the cannon on the other side, and they were pretty thickly massed between that and the poll.

Q. Did any of these people standing around the cannon appear to have charge of it?—A. Not at that time.

Q. What building, or office, was this cannon stationed near or in front of?—A. In front of lawyer Henderson's. It was almost in a direct line between that office and the poll.

Q. Did you remain about the poll long?—A. Yes, sir; I remained, without going away, I should judge, about one hour and a half; and having a little business elsewhere in the town I went off about three-quarters of an hour and returned.

Q. How long did you remain then?—A. I remained then perhaps for another hour and a half and then went to dinner.

Q. Did you go back the third time?—A. I did.

Q. How long did you remain?—A. About three-quarters of an hour, until the time the train was ready to start.

Q. What was the appearance of the poll when you were there?—A. During all the time there was a boisterous, turbulent crowd, cursing, threatening, and brandishing weapons.

Q. Both Republicans and Democrats?—A. No, sir; the Republicans were very quiet and orderly; these were Democrats; there was a particular time when they seemed to be specially excited; that was on my return to the poll, from the time when I first went off; I came back to the poll on the opposite side of the street from the poll; as I got abreast, of the cannon facing Lawyer Henderson's office, there were a crowd of white men, and they commenced cajoling and talking abusively; as I passed on the noise increased; the general attention of the crowd seemed to be directed to me. After that there arose a scream and shout towards me, and as I approached near the corner of the poll the crowd appeared to be surging towards me, and as I reached the corner it looked as if I was going to be surrounded by the crowd—a crowd of these people.

Q. Democrats?—A. Democrats; coming up at the same time there were several white men who appeared from their badges as if they were acting as peace-officers. I walked nearer the poll, probably going about 30 feet from the corner, then I stopped; a crowd came running to me, and among them a good many colored people—Republicans—who I presumed had come in a friendly spirit, for the purpose of giving me protection if it was needed, for it certainly looked as if it threatened to result in violence and trouble. I saw a good many of these white

men with weapons in their hands, and they were indulging in threats and jeers.

Q. Against whom?—A. Particularly and generally against me, I think—the sheriff also up to that time, and begged and pleaded with the crowd to go back, and he kept close to me for the purpose, apparently, of protecting me if there was danger. That condition of affairs continued for half an hour or three-quarters of an hour, I should judge; it appeared during all that time that trouble was imminent; these various threats could be heard from these men as to what ought to be done with me.

Q. Give some of the threats, if you please?—A. Well, it is not easy to recall the precise language that was used.

Q. Well, the substance?—A. The substance was that I was a scoundrel, and that I had come here for the purpose of stirring up strife amongst the people, and I ought to be run out of town. One man would say he wanted a lock of my hair, and another would suggest to clip off a part of my ear, and such abusive language.

Q. Did you go to the poll to vote?—A. I did, about 2 o'clock; I had been waiting there for an opportunity to get access to the poll where I could vote; I saw no apparent diminution of the crowd at that time; I had observed through the passage, or what was intended for the exit of voters, that there was occasionally, or frequently, voters coming in for the purpose of voting; and the other end, which was intended for the voters to go in to vote, that there was a large mass of people waiting there for an opportunity to vote. I had not been able to find a chance of reaching the poll, so I spoke to the sheriff and told him that I was anxious to leave by the train, and asked him if it was not possible for him to clear the way so I could cast my vote. He said, "O, certainly, you come with me, and I will get you a place." He cleared the way through the crowd, and carried me to the end intended for the exit of the voters to the poll.

Q. Did you have any further trouble in getting to the poll, or voting?—A. No further trouble, except while I stood at the poll I could hear this abusive language from the crowd that stood on the outside of the barricade, using the ordinary sort of political abuse that is customary in this country, and when I left to go away from the poll there was a general whoop and jeer accompanied with repetitions of this violent cursing and abuse that I have mentioned before.

Q. How long did this thing last?—A. As long as I remained; and during that entire time it appeared that an outbreak was imminent at any time.

Q. On the part of whom?—A. The white people; they seemed bent upon bringing on trouble and riotous conduct generally.

Q. Why were you abused in this way; what had you done?—A. Nothing, that I am aware of.

Q. What were you about to do?—A. I came here for the purpose of voting.

Q. Voting for whom?—A. Voting for the Republican ticket, which consisted of the Presidential electors, and candidate for Congress.

Q. Was this known to the crowd?—A. I have no doubt of its being known; I had always been known here as a Republican.

Q. An active Republican?—A. Yes, sir; I had always been an active Republican; I had previously (three weeks before that time) come here as one of the Republican speakers at the joint political meeting which had been held; I had spoken here.

Q. You were well known in the town of Aiken?—A. I was well known; I had been a resident of the town for a number of years.

Q. Were you looked upon as a prominent Republican in the State; who canvassed the State?—A. I should judge I was, from the part I took in the campaign, and from the position I held.

Q. Was not these threats made for some personal motive?—A. It could not be; the great body of people that I saw gathered there were perfect strangers to me; the hostility was not altogether directed to me, I seemed to be the center of the outbreak which I spoke of; but during the entire time I remained at the poll I was at all times anxious, for the white people had gathered at that poll for the purpose of creating fear and alarm, and intimidating the colored voters; I knew from experience the methods that had been adopted in portions of the State, that I was well aware of the purpose which it was intended to accomplish by actions which were taking place that day.

Q. How was the approach to the poll arranged?—A. The ballot-box was placed near the window of a small building on the principal street, and in front was arranged a barricade, probably fifteen feet long and about ten feet high, placed within two feet of the building, so close that it was almost a squeeze for two ordinary-sized men to pass each other in that passage-way.

Q. Which end did they go in at?—A. The end designed for the voters to go in was at the northern end.

Q. And the exit was at the south end?—A. Yes, sir; at the north end was gathered this large mass of colored people waiting to vote, and that crowd remained and seemed to me to be undiminished while I was at the poll.

Q. Did many vote while you were there?—A. I was not near enough to the poll to see who did, and who did not vote; but judging from those who came out, and from the size of the crowd continuing, and the complaints of the people that they were unable to vote, I should judge that very few voted while I was there.

Q. Did all the voters pass in at the northern end?—A. No, sir; I saw several passing in at the other end, and it seemed to be the general understanding that whenever white people wanted to vote that they would be taken in that end intended for the exit and allowed to vote; while that was going on of course the colored people would be blocked up in the passage-way and their voting discontinued. It was understood the large bulk of white people had voted early in the day.

Q. Did you see any white men vote while you were at the poll?—A. No, sir; you could not see them vote.

Q. Did you see them pass in?—A. Yes, sir.

Q. Which end did they pass in?—A. At the exit end.

Q. See any pass in the other end?—A. I saw some white people close to the barricade, but they seemed to be there for the purpose of making trouble and creating confusion.

Q. Was this barricade made so that voters who desired could see the ballot-box?—A. No, sir; it was made about breast high.

Q. So as to prevent any one from seeing?—A. So as to prevent any one from seeing.

Q. Were the managers of election Democrats or Republicans?—A. I know from general reputation they were Democrats. There was only one of the managers whom I recognized, and he was chairman of the board, but there is no doubt they were Democrats.

Q. Did you see any Republican acting as manager?—A. I did not.

Q. Did the Republicans have a chance to vote freely and as they



chose at that precinct?—A. No, sir; they did not. They were not only prevented from voting by the means adopted to delay them, but the violence and intimidation that was going on outside of the poll had a very natural tendency to check them from voting.

Q. Did the Republicans seem to be without fear?—A. No, sir; I cannot say they were without fear; I cannot see how any man could upon such an occasion as that, be without fear. I am very candid to confess that I was not without fear. I will say this, that the colored people acted with great moderation and firmness, and while it seemed to be their purpose to do nothing that would excite a disturbance, there was a general understanding amongst them that they would not be driven away from the exercise of their rights by the riotous conduct of the Democrats, who were gathered about that poll.

Q. Were many questions asked you, or the other voters, when you went to vote?—A. Yes, sir; there was gathered in this passage several persons who acted as challengers—Democrats—and from what I was able to observe myself, and from the reports that were brought to me by those about the poll who could overhear and see what was going on, there is no question that those challengers were there for the purpose of impeding the casting of the Republican vote.

Q. When Republican voters attempted to vote, were any unnecessary questions asked them, for the evident purpose of delay?—A. As I have said before, I was not near enough, and could not get near enough, to that poll to overhear the questions that were asked, and can only state what they were from the general report.

Q. Give the general report.—A. It was well understood among the Republicans there who were waiting to vote that they were being obstructed and prevented from the exercise of their rights by law, by all manner of questions being asked them that would consume time.

Q. What questions were asked of you?—A. I was asked where I had my washing done, where my family's washing was done, and where my family was living. There were not very many questions asked of me, I being so well known here; but there was considerable time taken up by consultation among the board of managers, and the arguments addressed to them by the challengers who were present there.

Q. From the general conduct of the managers and the persons around the poll, did the Republicans have the same opportunity to deposit their ballots as the Democrats had?—A. No, sir; I can hardly conceive a more unfair and partisan election than I witnessed upon that occasion. I know, from the manner of the managers and the challengers, and of those who stood within the room at the time I attempted to vote, that there was a hostility and objection to everything existing on the part of those who seemed in charge of election affairs. During the time that I attempted to vote there were questions propounded or suggestions by those outside—sometimes those inside the polling place who did not appear to have any official connection with the election; and there was an insolent, bitter, violent tone and look upon the part of all of those that I saw about the ballot-box.

Q. Were there any persons inside the poll other than the managers and clerk?—A. Yes, sir.

Q. How many?—A. I saw quite a number in there.

Q. Were they Republicans or Democrats?—A. I did not see but one Republican in there, and he was a supervisor.

Q. Are you pretty well acquainted in Aiken County?—A. I don't consider my acquaintance throughout the county as being intimate. I

came to Aiken in 1870, and have represented the county of Aiken in the legislature.

Q. Do you know the people around the town of Aiken well?—A. I do.

Q. Both the white and colored people?—A. Yes, sir.

Q. Do you know them sufficiently well to state the politics of the white and colored people?—A. Yes, sir; I think I can speak without any doubt on that point.

Q. What politics are the white people generally?—A. The politics of the white people are generally Democratic. There are a few white people in and about Aiken who have come from the North since the war who are Republicans. I don't now recall a Southern white man in the town who is a Republican.

Q. What are the politics of the colored people?—A. The colored people are as generally Republican as the white people are Democrats.

Q. Are there many of them, that have their free will, that vote the Democratic ticket?—A. I don't believe there are any colored people who, if they voted from their free will and were not influenced by selfish considerations, who would not vote the Republican ticket.

Q. Excluding those are there many?—A. And there are but few of them. I should not think their number would exceed twenty.

Q. What percentage of the colored vote of Aiken County would be?—A. I should judge about one per cent. And those colored people who do affiliate with the Democracy are, generally, those who are not of the better class of people.

Q. Do you know how many colored people were around the poll that day who were anxious to vote the Republican ticket?—A. I should judge there must have been between four and five hundred; the colored people whom I saw there waiting to vote, I have no doubt that they wished to vote the Republican ticket.

Q. About how many people made complaints to you about voting, and about the trouble?—A. Why they were general complaints of the people gathered about there in the crowd, of their inability to vote; it is hard for me to estimate the number.

Q. At the time you left the poll, and at the rate the votes were being received, could all the Republican voters have cast their votes before 6 o'clock?—A. Not at the rate at which the votes were being received they could not. Had there been a willingness on the part of the managers of election to have facilitated the voting, I have no doubt that they all would have voted.

Q. Did you hear any complaints about the Democrats being armed around the poll anywhere?—A. I did.

Q. Were these complaints general?—A. They were general.

Q. Among whom?—A. Among the colored voters; among the Republicans. And I know the complaints were well founded.

Q. Has Aiken precinct generally been a Republican or Democratic precinct?—A. Generally been a Republican precinct.

Q. By what proportion?—A. About two Republican to one Democrat.

Q. If the election had been free and fair at Aiken, do you believe that it would have been Republican at this last election?—A. I do.

Cross-examination by W. W. WILLIAMS, esq., counsel for contestee:

Q. About how many hours were you in Aiken during the day of election?—A. About five hours and a half.

Q. About how much of this time were you on the streets in the neighborhood of the poll?—A. Between three and four hours.

Q. When you arrived there in the morning, which seemed to be in the preponderance, or which were greatest in numbers, the whites or blacks?—A. Immediately around the poll the colored people seemed to predominate.

Q. You testified to seeing several men in uniforms; what was the description of these uniforms?—A. The ordinary Democratic red shirt.

Q. Were you in sight of the poll at any time during the day, except when you went to vote—immediately in sight of the box?—A. Not immediately in sight; I had a sidelong view of the—what took place in front of the poll.

Q. During the time you were in the streets, were you not near the poll always?—A. I should judge that while I remained standing I was about fifty feet from the polling place. That was as near as I could approach without passing through the crowd.

Q. What I mean is, during those four or five hours you were in the crowd?—A. I was on the outskirts of the crowd, about fifty feet from the poll, I should judge.

Q. Is not your knowledge of the colored people being prevented from voting based more upon what you heard than what you saw?—A. I don't know that it was based more on that. Both sources of information were transpiring about me the same time. It is hard to designate from which source I got the most of my knowledge.

Q. Was this knowledge that the white men seemed to be permitted to vote at the exit end gathered from what you heard or from what you saw?—A. My knowledge on that point, I should say, was based more upon what I heard than what I saw; but what I witnessed confirmed the reports that I heard.

Q. From the time you arrived until you left was there not a number of colored men in and around the entrance of this barricade continuously?—A. There was a crowd that massed there, stretching far out into the street.

Q. You said the Republicans did not seem to be without fear. Were there not more Republicans in the street near the poll during the time you were here than Democrats?—A. More in number, there were.

Q. Was there any collision between the voters during the time you were here?—A. I don't think during the time I was in town there was any actual collision.

Q. Outside of threats, was there any actual violence done to yourself?—A. There was no actual laying of hands upon me; accompanying the threats were—

Q. I mean outside the threats you have given in your direct examination?—A. There were shaking of fists and gesticulating with sticks in the hands; I don't know of anything else.

Q. You say those vituperations seemed to be specially directed to yourself. Were there not other white Republicans in the town that day?—A. There were; there were only a very few white Republicans in the neighborhood of the poll, probably four or five. The violence and threats towards me seemed specially to arise when I returned to the poll and was crossing the street; then the crowd surged towards me, when the peace officer came up and tried to keep them back. I remained standing conspicuously there and saw more that was directed towards me than towards others.

Q. How long have you been living in Columbia?—A. I have been in

Columbia since the early part of 1877; when I was appointed to office there then my official duties required me to be there.

Q. What hour did you leave Aiken?—A. I left Aiken about half past two p. m.

(Counsel for contestee objects to so much of testimony as relates to what witness heard, his impressions deduced from those hearsay statements, and complaints made generally and his belief founded thereon.)

In reply by W. N. TAFT, Esq., counsel for contestant:

Q. Did you see any peace officers around the poll that day?—A. I did.

Q. How did they act?—A. They acted in my case, and others which I witnessed, as if they were desirous of preventing any actual outbreak, but had no real wish or desire to prevent the general disorder and bad conduct which was taking place around the poll.

Q. They seemed to act as if they wanted to prevent actual violence?—A. Yes, sir; nothing else.

Q. Did you see any around you when these people were abusing you in the way they did?—A. When the crowd surged around me they hastened up, the sheriff and others among them, and asked the crowd to keep back and do me no harm. It didn't seem to me as though they had any wish to disperse those who were acting riotously, and threatening, and engaging in their lawless conduct, simply to prevent actual violence and any violent outbreak.

*Deposition of James Major.*

AIKEN, S. C., February 8, 1881.

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Aiken County:*

JAMES MAJOR, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. What is your name?—Answer. James Major.

Q. What is your age?—A. I am 57 years of age.

Q. What is your occupation?—A. I am a painter.

Q. Where do you live?—A. In Aiken.

Q. Were you at the poll in Aiken on the day of the last election?—A. Yes, sir.

Q. What time did you get there?—A. I got there, I suppose, about a quarter before 6 or half past 5 o'clock.

Q. Was the poll open then?—A. No, sir; it was not opened as I know of.

Q. Did it open soon after?—A. It was some good while after it was opened when I found it out, but I don't know when it opened.

Q. Were there many people at the poll when you got there?—A. Yes, sir; there were a good many, and about 100 came up with me.

Q. Were they Democrats or Republicans, or both?—A. Well, there were a few Democrats around there; what I mean is, that there was a majority of Republicans there; there was a crowd, but there were few to the body of Republicans at the poll that time.

Q. Did you vote that day?—A. Yes, sir; I voted.

Q. About what hour?—A. I could not exactly state; I think I voted along about 8 or 9 o'clock.

Q. Had many Republicans voted at that time?—A. From the beginning they were blocked; they could not get in.

Q. Did many of them vote or not?—A. No, sir.

Q. How was the approach to the poll—was it open?—A. No, sir; it was not open.

Q. How did you get up to the ballot-box to vote?—A. I went through the end.

Q. Which end?—A. I went in the south end.

Q. And voted there?—A. Yes, sir.

Q. How did you come to go in that end?—A. Well, I was special deputy marshal around on the back end; on the other end it was so crowded I could not get through there, and I staid there on this end, where I could see in the box; when the voting got slack there, I went in and cast my vote.

Q. Then you stationed yourself at the south end of the barricade?—A. Yes, sir.

Q. Did you station yourself there when the poll first opened?—A. Well, I walked around up in the crowd. No, sir; I did not.

Q. About what time did you station yourself there?—A. I could not say what time exactly.

Q. Was it half past six, or half past seven, or about when?—A. Along about half past six.

Q. And staid there how long?—A. Sometimes I staid there one hour, and two hours at a time, except some one called me off.

Q. Did you stay there most of the day?—A. I staid there all day, except when I was called off, or any excitement commenced.

Q. Did you stay there from about half past six until the time you voted?—A. Yes, sir.

Q. Were the people allowed to vote freely up to that time?—A. No, sir.

Q. Why not?—A. They barred them from coming in with a stick.

Q. Who did?—A. The Democrats did, they had both entrance places barred with a stick, and they would not allow them in, except every fifteen or twenty minutes they would allow them to come in.

Q. Allow how many in?—A. Some six.

Q. Were the white men and the colored men allowed to come in indiscriminately?—A. No, sir.

Q. State how they were admitted.—A. The colored people all was packed on that end where they said they had to come in; they were strong from the entrance, packed one upon another up to the poll, and the Democrats had a stick across; at this end where I said they had two men with two sticks across the door, and they let them in. They said no one could come in there. After a while they brought up a white man and said he was a sick man, let him go through that way. I had a good many sick men too, I sent off and brought up my sick men, and they said, they can't go in here. Finally, all the whites crowded the poll to get in this way.

Q. Which end are you speaking of?—A. The whites went through the south end.

Q. All the white people?—A. Pretty much all; if the colored men went up those in the crowd were cutting them up with knives; they got the people so excited with their cutting them up with knives. I went in there when the crowd was thin.

Q. Did the most of the white voters come in from the south side?—  
A. Yes, sir.

Q. And the colored people were kept at the north end?—A. Yes, sir.

Q. Would the managers of election let the white men in while the colored people were waiting on the north side to vote?—A. Yes, sir; they staid there until the poll closed, at 6 o'clock.

Q. Did the managers say the colored voters must come in from the north side?—A. I don't know what the managers said.

Q. Did the men say so?—A. They said they must go around on the north end, and the white people on the south end.

Q. Did they say the colored people must go on the north side?—A. They said "Go around yonder where the negroes are, for you cannot come in here." I was marshal and the supervisor sent for me, and they would not let me in there. I said to the gentleman, "You won't let me in here; according to my instructions I am to pass in to see everything goes on right." He said, "You go before." There were two men standing in the alley-way, and he said, "Don't let him pass," and as I got near them they squeezed me up and would not let me pass; I had to come back. I came to this gentleman and said, "Mr. Henderson, you told me I could go in and then gave orders to the men I could not pass." He said, "Go where the negroes are going in."

Q. Had there many white men voted at 9 o'clock in the morning?—  
A. Yes, sir; right smart had voted.

Q. Had there many colored men voted at that time?—A. Not a great deal; there were more white voters than colored, because they commenced to blockade them from the jump, and they kept them barred out until the poll closed. At 6 o'clock in the evening they were standing there.

Q. Could you see the box from where you stood?—A. No, sir.

Q. Could you see the voter when he went up to the box and voted?—  
A. Yes, sir; from where I was standing.

Q. Were there many questions asked of the voters when they went to vote?—A. Yes, sir; the colored voters. I did not hear the questions exactly asked, but they kept them there some time.

Q. Were the white voters detained at the box?—A. No, sir.

Q. Could you hear the questions asked by the managers?—A. I could not hear.

Q. When the poll closed, were there many voters who had not voted?—  
A. Yes, sir.

Q. Why had they not voted?—A. Because they were afraid.

Q. For no other reason than because they were kept out and could not get in?—A. Yes, sir.

Q. Were there many people there at the close of the poll who desired to vote, and could not vote for no reason than because they were not admitted in to the box?—A. Yes, sir.

Q. Were there any white men prevented from voting?—A. No, sir; none were prevented.

Q. Did all the white men who came to vote that day get a chance to vote?—A. Yes, sir; got too much chance.

Q. Did the colored people get a chance?—A. No, sir.

Q. Was everything peaceable and quiet at the poll and around the poll that day?—A. No, sir; by no means.

Q. Had disturbances taken place around there that day?—A. About 7 or 8 o'clock; not very early in the morning.

Q. About what time was it?—A. It commenced about 10 or 11 o'clock.

Q. What was that disturbance?—A. Well, cutting the people, and knocking the people, and throwing pepper in their eyes, and then that big gun being opened on us, and they ran out and caught up their guns, and they arrested some men because they hallooed "Hurrah for Garfield." Some of the men were coming to the poll, and these men at the poll met them, and hallooed "Hurrah for Garfield," and the Democrats arrested them.

Q. Were some Republicans at the poll that day cut?—A. Yes, sir; until the doctor had to attend them.

Q. Who were the men that were cut?—A. Sam Harvey was cut very badly, and one named J. J.—I don't remember his other name—he was also cut. Some were stuck in the back, some in the thigh, and some sliced all about. This old man they liked to cut his breast open.

Q. Did you see any of these men who were cut?—A. Yes, sir.

Q. You spoke of pepper being thrown in men's eyes. Whose eyes was it thrown in, Democrats or Republicans?—A. Republican's eyes.

Q. Who did the cutting?—A. The Democrats.

Q. Who threw the pepper?—A. The Democrats.

Q. Where was this gun planted?—A. Right opposite the polls, opposite D. S. Henderson's office.

Q. Did you see any men in charge of the gun during the day, or handling it?—A. Yes, sir.

Q. Democrats or Republicans?—A. Democrats; Republicans ain't got anything to do with that.

Q. Did you see any men with guns in their hands?—A. Yes, sir.

Q. Where?—A. Right at the office of Mr. D. S. Henderson; there they ran and got them.

Q. How do you know they were there?—A. I saw them run in and get them and come out.

Q. How many; ten, fifteen, or a thousand?—A. I suppose about twenty.

Q. What did they do with their guns?—A. They formed in line.

Q. By the cannon?—A. Yes, sir.

Q. Who was in command of them?—A. I don't know the commander, I just seen them, I don't know who commanded them, but I know them every one.

Q. You say these guns were in Mr. Henderson's office?—A. Yes, sir.

Q. The cannon was planted in front of his office, too?—A. Yes, sir.

Q. Who is Mr. D. S. Henderson?—A. He is a lawyer.

Q. Was he a candidate for anything?—A. Yes, sir; for State senator.

Q. Do you know of any Republicans being alarmed at any of these disturbances, and going away from the poll?—A. Yes, sir; a good many.

Q. What was the feeling among the Republicans at the poll, was it a feeling of being safe, or alarm generally?—A. We were all very much alarmed; we were afraid they would open fire on us.

Q. Why were you afraid they would open fire on you?—A. They were there pointing on us; and we did not know what they would do.

Q. Did these men with the guns stay there all day?—A. No, sir; as soon as they would hear a little stir they would run for the guns.

Q. They got the guns twice that day?—A. Yes, sir.

Q. This office is immediately across from the poll?—A. Yes, sir; immediately across from the poll.

Q. Were there many Republicans at the poll when it closed waiting to put their votes in?—A. Yes, sir.

Q. About how many?—A. About three hundred, I think.

Q. They were waiting?—A. Yes, sir; from the way they were packed I should judge so.

Q. There was a large crowd?—A. Yes, sir.

Q. And you think there were about three hundred that were not able to get their votes in?—A. Yes, sir.

Q. Who were they going to vote for for Congress?—A. Robert Smalls.

Q. Was any other person named on the Republican ticket for Congress besides Robert Smalls?—A. No, sir; not on our ticket.

Q. If these men had the chance to vote would they have voted the entire Republican ticket?—A. Yes, sir; they were going to vote the entire Republican ticket.

Q. Were there many men that voted at that poll that were Democrats, who did not belong to Aiken?—A. A number of them.

Q. Where from?—A. I suppose they might be from the county, but they were strangers to me.

Q. You know the people of Aiken well?—A. O, yes, sir.

Q. Do you know of anybody coming from other precincts, or outside the county and voting at Aiken on that day?—A. No, sir.

Q. Though you saw men who were strangers?—A. Yes, sir.

Q. Were there many strangers that voted there that day?—A. I believe they were strangers; I have seen them back and forwards about here, but I don't know them.

Q. Was there any firing of guns, or cannon, or pistols during the night before the election, or the day of election?—A. The day of election the cannon was fired.

Q. What time?—A. Along between three and four; I was in bed when I heard it.

Q. Shoot many times?—A. I never heard it but that one time.

Q. Heard any other firing?—A. No, sir; they did not fire any that day, after I heard it that morning.

Q. Did you see many men, Democrats, around the poll that day with arms?—A. Yes, sir.

Q. What kind of arms?—A. Pistols and guns.

Q. Many?—A. Every one had their pistols.

Q. Sec many knives?—A. I did not see but one man have a knife in his hand, and that was the one I thought cut the old man Sam.

Q. Did you see or hear any threats from Democrats towards Republicans?—A. Yes, sir.

Q. What kind of threats?—A. They said if we did so and so they would blow us into atoms, and Louis Cluff told me once that if we did not mind we would see hell here.

Q. Was any threats made by the Republicans?—A. No, sir.

Q. Was this threatening general around the poll?—A. Yes, sir; we had to stand as still as a mouse.

Q. Did the Republicans use any violence towards the Democrats that day?—A. Not a God's bit.

Q. Are the colored people in and around Aiken Republicans or Democrats generally?—A. The majority around Aiken are Republicans.

Q. Are there many colored Democrats around Aiken?—A. Not a great many. There has been some trifling ones, but they all changed this last election.

Q. Are there as many colored Democrats now as there were in 1876?—A. No, sir; some they would call trifling fellows may be Democrats.

Q. If the men were allowed to vote as they chose which ticket would



they vote, Republican or Democratic?—A. Republican, the majority of them.

Cross-examination by W. W. WILLIAMS, Esq., counsel for contestee:

Q. When you got to the poll, the majority of the people were colored people?—A. Yes, sir.

Q. Were you present to see these disturbances when this cutting took place?—A. Yes, sir.

Q. You saw the cutting of these colored men that you mentioned—Sam. Harvey and others?—A. Yes, sir; as soon as they cut them in the crowd they ran out.

Q. You saw them afterwards?—A. Just as they ran out of the crowd. I did not see when they plunged the knife in them. I saw Weather-foot with a knife, but I don't know whether he cut him.

Q. You are not prepared to say he cut him, unless you saw him?—A. No, sir; I am not.

Q. You are prepared to say you did not see him cut?—A. No, sir.

Q. You don't know what the difficulty was when the cutting took place?—A. They cut them because they went in there to vote.

Q. How do you know that?—A. Because I was afraid I would get cut myself.

Q. Because you were afraid that was the reason Harvey was cut?—A. No; he was cut in the crowd because he was pressing to get in.

Q. Was anybody cut before you voted?—A. I voted first before this cutting took place.

Q. Do you know yourself of the difficulty between these men when the cutting took place?—A. Yes, sir; I know.

Q. State what was the difficulty between them?—A. Because they were standing up there to get in to vote, and they cut them to make them leave that place.

Q. This you know to be the truth?—A. I know it to be the truth; that was all the reason, because they were standing perfectly still doing nothing.

Q. Was there during the day a colored man let in at this exit end of the barricade who was too sick to vote?—A. Yes, sir.

Q. About how many?—A. I could not say exactly how many, but I know two or three slipped in that end.

Q. But was there not some who were sick that they let in that end?—A. After they cut Uncle Sam so bad they let him in.

Q. You know any other?—A. No, sir; no other. I think John Holson; he was sick, and he went in that way.

Q. You carried some sick people there, and they were refused?—A. I disremember who they were, but I called for some sick. I will tell you who was one that went in, one old man named Greenhiver; he was one of the sick that I tried to get in there.

Q. Did any white voters go in at the north end to vote?—A. Well, I don't know, they could have gone in if they wanted to. Yes, sir; some went in that way; I seen two or three go in that way.

Q. You were at the south end of this barricade all day; couldn't you have seen white men coming out, if they had gone through the northern end to vote?—A. I was in a position to see everything that was done, and I seen it.

Q. About how many, during the day, went in the northern side and came out at your end?—A. I could not tell.

Q. Was there twenty?—A. I could not tell you.

Q. Was there as many as that?—A. I cannot tell you.

Q. Were there any more than two or three?—A. I could not tell you exactly, but I seen two or three; there might have been more, but they were there in the crowd; they were mixing up so, coming in cursing, I got excited and could not tell what they all did.

Q. Was this cannon in position when you first came up?—A. Yes, sir.

Q. You know who carried it there?—A. No, sir.

Q. Was it loaded?—A. Well, I don't know that.

Q. Was there a gun or pistol fired in or about the poll that day from the time it was opened?—A. I did not hear it.

Q. You said about nine or ten or more Republicans were arrested for hallooing, "Hurrah for Garfield"; give their names.—A. It was Sam. Arrington; the other men that went down to meet that crowd, two in the crowd were arrested; that was all the arrests made at that time; I know they have two of them arrested for riot.

Q. Did you see Arrington arrested; were you near him?—A. I did not see him no more than when he was going down to meet that crowd, and when they arrested Arrington I seen him coming up; but the crowd was so large I could not see who they had arrested; when they halloed "Hurrah for Garfield," I then heard it was Arrington.

Q. Did you hear this, or know it as a fact?—A. I know it as a fact, because he did not do nothing but halloo; and I know that was all he was arrested for.

Q. Do you know that he resisted an officer who had a prisoner under arrest?—A. No, sir; I don't know that; I seen them when they put him in the guard-house, but I did not know he resisted an officer.

Q. You stated there were a great many Democratic strangers here that day?—A. I said strangers to me.

Q. Were not a great many of these colored Republicans strangers to you in town that day?—A. No, sir; I know them well.

Q. Did they, or a majority of them, live in or around Aiken precinct?—A. A great many live right around Aiken precinct, and a good many live in the country.

Q. But they live far off?—A. Not so far off they could not get here.

Q. Were there not a number of colored people who live in other parts of the county who voted over here?—A. Oh, yes, sir; they could not vote other places in the county, and they came here because they thought it was more peaceable, and they found it as rough as anywhere else.

Q. You say there were 300 that did not vote?—A. Over that.

Q. Are you willing to testify that they did not vote during the day?—A. I will; that a great many that were standing at that poll when it closed that did not vote, and I will swear to it.

Q. Could not a number of these men have voted elsewhere in this county during the day that were here that night?—A. No, sir; they did not have time, they did not have no horse to ride about, from the time they came here, they staid here until after the poll was closed.

Q. These three hundred men and over, were they from Aiken precinct, or from other parts of the county?—A. They were from Aiken, and some were from Miles's Mill.

Q. Were not the majority from Miles's Mill, and other precincts outside of the county?—A. Those that came from Miles's Mill were out of Aiken.

Q. Was not a majority of those 300 from other precincts outside of Aiken precinct?—A. I did not notice among that pile to see who were from Aiken, and who were not.

Q. You have sworn they were from Aiken?—A. I don't know where they were from. I know a great many, some that were not from Edgefield, and they were from Edgefield.

Q. Were these three hundred men and over, who did not vote on that day, from Aiken precinct?—A. No, sir; I told you some were from Miles's Mill that they objected to, and would not let vote.

Q. Was any of them from Aiken precinct?—A. Yes, sir.

Q. About how many?—A. I can tell you for certain about what I know had no right here, there were about twenty or thirty that I know had no right here in Aiken precinct; they did not vote; I can be certain of them.

Q. Were these twenty or thirty refused by reason of challenge?—A. Some were refused by challenge, and some were refused, I forget now what was the reason, and some could not get in of those I told you; and after that cutting was going on there, they said they were afraid of their life. Some that I gave the tickets to, returned the tickets to me, and said they were afraid to vote.

Q. You say there was no violence by the Republicans?—A. No, sir.

Q. Do you know that the high sheriff of the county was struck by a Republican?—A. I heard so, but I don't know it. I heard that the man that they said did strike him he struck him, and he did not know it.

Q. Do you know of that violence or not?—A. I don't know that he knocked the sheriff at all.

Q. I have got you down as testifying that every Democrat had a pistol on that day.—A. Nearly every one that I saw; some were too poor to buy one; nearly all that I saw, they had them flourishing about so you could not help from seeing them.

Q. No one fired that you knew of?—A. I never heard one fired.

In reply, by W. N. TART, Esq., counsel for contestee:

Q. You said, in answer to some questions of Mr. Williams, that there were some men from Miles's Mill and other portions of the county that came here to vote the Republican ticket?—A. Yes, sir.

Q. They were refused by the managers?—A. Yes, sir.

Q. Why were they refused?—A. Some were refused; they said they must go and get some one to recommend them; that they came from Edgefield; some were refused because they could not find their names on the census book.

Q. That was the reasons given by the managers?—A. Yes, sir.

Q. Did you see any of these men that the managers claimed came from Edgefield?—A. Yes, sir; a good many.

Q. You know any of them?—A. I know them all.

Q. Did they live in Edgefield?—A. No, sir; they live in that part they cut off from Edgefield to make Aiken County.

Q. About how many of these men they claimed came from Edgefield?—A. A good crowd.

Q. They never voted at all?—A. Some, but I did not get their names.

Q. About how many, five, ten, fifteen, or twenty?—A. Over twenty that they claimed lived in Edgefield County.

Q. And they were going to vote the Republican ticket?—A. Yes, sir; they came for that purpose.

Q. Did the men from Miles's Mill come here to vote in 1878?—A. Yes, sir.

Q. Did they come in 1876?—A. Nearly every election they came here to vote.

Q. You spoke about the men coming here because they were afraid of trouble?—A. Yes, sir.

Q. Where did they come from?—A. From the Runs, because I said they were afraid to go to the polls there.

(Counsel for contestee objects to the testimony of this witness on the same grounds as the testimony of the witness E. M. Brayton.)

*Deposition of George Washington Short.*

AIKEN, S. C., February 8, 1881.

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Aiken County:*

GEORGE WASHINGTON SHORT, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. State your name, age, residence, and occupation?—Answer. George Washington Short is my name; I reside in Aiken town; I am 51 years of age; and by occupation, woodsawyer, through the town.

Q. Were you in Aiken on the 2d day of November last, the day of the general election?—A. I was.

Q. Do you know of any violent demonstration, such as the firing of cannon, pistols, or the display of knives?—A. I know this; just about good daylight the last cannon was fired.

Q. How many times did you hear the cannon fire?—A. Just between 5 and 6 in the morning, to my recollection, the cannon was fired six times.

Q. Were you at the polls during any part of the day?—A. I was there all day.

Q. State all that occurred?—A. About 8 o'clock there was a crowd; the streets was full as it could stand with them, of colored Republicans. Between 7 and 8 Mr. Gloster Harlin, the chairman, he commenced issuing the tickets and taking names.

Q. Who is Gloster Harlin?—A. He is the Republican chairman of Aiken County. He commenced taking the names and issuing the tickets, and as they got the tickets they would fall in rotation in line, to get up to the ballot-box, to cast their tickets, and about between 9 and 10, while they were crowding the poll, there was a string that was about fifty feet in length standing three and four deep, and about between 9 and 10 they were crowding to the poll, when Mr. Chris. Klatte came from Mr. Henderson's office across the street and walked up to the north end of the poll and thrust up his hands and said get back from here; stand back.

Q. Who was he talking to?—A. The colored voters, the Republican voters; and when he joined them Mr. Thomas Wingard and Alfred Holly came from the court-house; immediately Mr. Goldis rushed right in amongst the crowd with a drawn pistol up and said "Get back, you damn sons of bitches, we will rule this country; get back! get back!" and they rushed them back to Messrs. Loops' & Ludiken's corner. At the time while that was going on I threw my eyes over the street and there was a military company with guns.

Q. Bayonets fixed ?—A. Yes, sir ; and cannon fixed.

Q. Cannon bearing on anything ?—A. Yes, sir ; bearing upon the colored voters. so if it was fired it would have cut them down ; at that hour Mr. Walker said, "Back! back! you are all damn fools, you are damn sons of bitches, I can whip a half-dozen of you," with his pistol in his hand ; after that everything wore off quiet ; that was the time old Sam got cut by John J. Weatherfoot.

Q. You saw that ?—A. I saw that ; another fellow was cut in the thigh ; I don't know his name ; I cannot call his name personally, but to my knowing, there was three cut ; it sort of quieted down then for awhile until about between 2 and 3 o'clock, then this same crowd coming from Miles's Mill to vote, coming by Mr. Henderson's house they made a yell—hurrahed for Garfield ; as they came down this Sam. Arrington, he went to march them to the poll, who is in jail now ; Mr. Walker said there goes that damn blue-gut son of a bitch, we will get him ; and when they came up to the poll four deep there was a man, I won't say exactly Mr. Cobbs, he was on a sorrel horse that Mr. Grant has now ; he rode into the crowd with a drawn pistol.

Q. Who did he draw it on ; what kind of man ?—A. A colored man.

Q. Republican ?—A. Yes, sir ; as he done that Mr. Clement Davis ran up and caught his hand, and said put up that pistol, that won't do, I am an officer of the day ; Sheriff Harley and him and Mr. Wicker arrested John Weeks, they said he struck him, but I never saw a lick pass ; they put him in prison, and when they came back they laid hands on Sam. Arrington, and struck him a lick over the head with a club, and was hauling him to the guard-house ; his wife was standing by the guard-house by a table, and she ran and hung around his neck, and they took them both and carried them, and put them in the guard-house ; then Angus Brown, who was clerk of court, ran into the crowd with a double-barrel gun ; upon that, Elias Goodin, and Mr. Harlin's son Span, ran in the crowd with a navy pistol, and said you damn son's of bitches.

Q. Who were they speaking to, the colored voters ?—A. Yes, sir ; they then fell out again. I saw Lon. Cutner go and move the cannon more in a position upon us. I looked upon him and saw when he done it. The whites were crowding down on the colored with guns and pistols in their hands. Mr. Hanlin said I want to talk with them, and he went then in the alley-way of Loops & Ludiken, and said we want peace and quiet ; the remark was made by us that we came here for peace, and we wanted to vote, and go home ; but they would not let them vote ; instead the poll was crowded all day by white men in order to keep the colored men out. I stood awhile in the morning at the south end, and looked and made my remarks to them to put those polls back the same place where they were ; that they had raised the riot before, and it must be your intention to do something wrong again, and Mr. Kline said you better leave here. I said I am not troubling you, I am standing on the street. While I was standing there a vote was snatched from one of our voters by Thomas Moss, and the colored man ran in there after him, and Mr. Kline up with his foot and said get out here, you son of a bitch. D. A. Henderson led him to the door by the throat, and as he went out the door he kicked him. I remember seeing gentlemen of this town vote as high as five times, and I can name them name by name.

Q. Were these men who were armed with guns and fixed bayonets Republicans or Democrats ?—A. Democrats.

Q. Do you know where they got these guns from, where they were before they brought them in the street ?—A. When the military com-

pany used to drill they carried their guns home, but that morning they came out of Mr. Henderson's office.

Q. About how many of them?—A. Twenty-five or thirty.

Q. How many tickets were there in the field?—A. There were only the Republican ticket, and Democratic ticket, that is two.

Q. Who was the Republican candidate on the Republican ticket for Congress?—A. Robert Smalls.

Q. What seemed to be the feeling of the colored people as regards this display of arms, the firing of cannon, and threats in general?—A. They said it looked very wrong, that they thought they should have some protection.

Q. Were they afraid?—A. Some ran off, and never came back; some four hundred went off and never came back.

Q. Do you know any colored persons leaving the poll without voting?—A. To call them by name, I could not say.

Q. To the best of your knowledge did any of them leave?—A. Yes, sir; a great many, I know myself I did not get up there until dusk; I said I meant to cast my vote before going; I did not want to stay, but I said I would try again to get there; I recollect the men that were standing at the north end of the poll, Spann Mathews was one, where the colored voters came in, and to my recollection the next man was this young man walking around here, Wade Betterson, were standing at the poll with sticks across, when we did cross we slipped under two at a time, and when we straightened up, we straightened up between two sticks. When these men went up to vote there were men there that asked them if they could vote; when I went up to vote Mr. Kline said ain't you Jacob Jenkins, I said, no, sir; my name is George Washington Short. They generally call me Jacob, for short, I suppose it is a too great honor to give me my ex-name.

Q. Were there any other persons inside the room excepting the managers and supervisors?—A. As far as I could see, I saw a good many standing in the room when I cast my vote.

Q. Behind the table?—A. Yes, sir; but to say who they were, I did not pay any attention to them. I saw them standing in the room.

Cross-examination by W. W. WILLIAMS, Esq., counsel for contestee.

Q. Were you in the streets all day?—A. In the streets all day.

Q. Was not the crowd pretty well all day, pretty well mixed Democrats and Republicans together?—A. No, sir.

Q. Was there not all day a great many Democrats in and around this barricade?—A. Yes, sir; there were a good many round, but the Republicans and Democrats stood separate.

Q. Can you recall any time during the day that there were not a good many Democrats around this box?—A. If I was to say it was not, I might say what was not so.

Q. Was there any time that there was not?—A. I cannot recall no part of the day that there was not a crowd.

Q. They were around there all day?—A. All day.

Q. Was not the Republicans around this box from the time it opened until it closed?—A. They were there as a fact, trying to get in.

Q. At what time of the day did that four hundred men leave, that never came back?—A. At the same time when the first riot rose, when the guns were turned on them and pistols, to the best of my knowledge, there were two hundred that went off that time and did not vote.

Q. When did the other two hundred leave?—A. At the second riot,

which took place between 2 and 3 o'clock in the evening—in the afternoon like.

Q. Were not the colored people very noisy in their parade around Main street on several occasions during the day of election?—A. Yes, sir.

Q. Did not some two or three hundred, or possibly more, march up Main street as far as Mr. D. S. Henderson's house, threatening and screaming, and came with a rush to the poll?—A. In the morning, that is, before the poll was opened, before Gloster Harlan came with the votes, it was pretty quiet; and Sam. Arrington said, "Let's walk up to the Lyceum Hall, where the court is held now," and we came down the street by Mr. Henderson's house, and as we got by Messrs. Loops & Ludiken's, that was the time Gloster Harlan was issuing the tickets at the poll.

Q. Did this crowd make any noise at all?—A. They said hurrah for Garfield, as the Democrats came down hallooing hurrah for Hancock. That is customary during election day.

Q. Did you make an effort to get to the poll early in the morning?—A. I did not make an effort, because I saw the poll was too crowded. I waited for my chance, and looked at other things going on.

Q. Then it is a fact you did not attempt to get there until late in the evening?—A. Until late in the evening. That was my chance to get there then.

Q. If that cannon had been loaded and fired at any time during the day, would it not necessarily have killed as many white men as colored?—A. No, sir.

Q. What was the fuss between Harvey and Weatherfoot when the former was cut?—A. There was no fuss between them; no more than when that riot started, when Mr. Claude said get back; it was in getting out he got cut.

Q. Did not the colored people on that day make as much noise as the whites?—A. I don't deny that; of course they were hallooing for which men they were voting for; the Democrats hallooed hurrah for Hancock, and the Radicals hallooed hurrah for Garfield; the Democrats wanted to stop the Radicals from that, and that was what caused the riot.

*Deposition of Samuel Harvey.*

AIKEN, S. C., February 8, 1881.

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Aiken County:*

SAMUEL HARVEY, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. Where do you live?—Answer. Not very far over in the old field.

Q. What is your age?—A. I am about 70.

Q. Did you go to the poll in Aiken on the morning of the election to vote?—A. I went in the evening; I tried in the morning, but I got cut before I got there.

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Q. Where were you when you got cut?—A. I was standing holding on the barricade.

Q. Trying to get a chance to vote?—A. Yes, sir.

Q. What time was this?—A. That was in the morning.

Q. What hour?—A. I don't know what hour.

Q. Seven, eight, or nine o'clock?—A. It was after seven.

Q. Was it eight?—A. Between eight and nine o'clock.

Q. What happened?—A. I got cut by a man, though I don't know who cut me.

Q. How was it done?—A. He came to get in through the crowd of people.

Q. What sort of a man?—A. A white man, that had got around to me in coming round; I was standing with my face turned from the poll?

Q. And you got cut where?—A. In the right breast.

Q. Did you have that coat on when you were cut?—A. Yes, sir [showing cut in his coat a little over an inch long].

Q. Has the wound healed up?—A. Yes, sir; the doctor put a plaster on it and it got well.

Q. Can you show us the wound without taking your coat off?—A. Here it is [showing wound on right breast near the collar-bone].

Q. Were you creating any disturbance at the time?—A. I never said anything after they cut me.

Q. Was the colored people creating any disturbance?—A. No, sir; they were standing there quiet.

Q. Had there been any disturbance around?—A. Not with the colored people.

Cross-examination by W. W. WILLIAMS, Esq., counsel for contestee:

Q. Did you go back and vote?—A. I went back in the evening.

*Deposition of Moses Johnson.*

AIKEN, S. C., February 8, 1881.

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

*Aiken County:*

MOSES JOHNSON, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. What is your age?—Answer. I am 55 years of age.

Q. Where do you live?—A. In Aiken County, about two miles from here.

Q. What is your occupation?—A. Farming.

Q. Did you come to the polls on election day for the purpose of voting?—A. Yes, sir.

Q. When did you come?—A. About 7 o'clock.

Q. How long did you remain?—A. Until 6 o'clock.

Q. Did you vote?—A. No, sir.

Q. Why not?—A. I did not have the chance.

Q. Why didn't you have the chance?—A. Because it was so crowded after the excitement in the morning from the cutting of this old gentle-



man; there were about fifteen or twenty steps back coming up to the poll; people pressing up; and so many people were cut, I did not vote.

Q. Why not?—A. I came up to where the white people voted—where they went in—and could not get in.

Q. Did you try to get in the poll to vote?—A. Yes, sir.

Q. How many times?—A. About a half dozen times.

Q. Did you stay there until the poll closed?—A. Yes, sir.

Q. And you could not vote at all?—A. No, sir; I could not.

Q. Were there many others that could not vote?—A. Yes, sir.

Q. How many?—A. I could not mention the number.

Q. What ticket were you going to vote?—A. The straight Republican ticket.

Cross-examination by W. W. WILLIAMS, Esq., counsel for contestee:

Q. You got there at seven in the morning?—A. Yes, sir; I had the time.

Q. If you had taken your position in the line at 7 o'clock in the morning, would it not have come your turn before six in the evening?—A. I stood in the line, I was not in this press, because I could not get to the poll. I tried to get in where the white people went in to vote, and it was crowded with white people; and I asked Mr. Henderson if I could get in to vote there. He said, "You cannot get here now, but we will try to make a chance for you after awhile." After awhile I came back and spoke to him again, and he said, "You cannot get a chance; you will have to come back after awhile," and I kept going until I could not vote at all, and then they commenced to throw pepper in the men's eyes.

Q. Was not that line formed on the north end of Loops & Ludiken's bar-room in the morning, and if you had retained your position in that line, and staid there, would you not have been able to vote?—A. No, sir.

Q. You state then you could not vote?—A. Yes, sir.

Redirect examination by W. N. TAFT, Esq., counsel for contestant:

Q. You said pepper was thrown there that day?—A. Yes, sir; thrown down.

Q. In the same building where the poll was held?—A. Yes, sir; it was thrown down from up above close to where the box was.

Q. Was it thrown amongst the Republicans or Democrats?—A. The Republicans.

Q. Were there any Democrats there?—A. No, sir.

Q. You spoke to Mr. Williams about some place where the white men voted; did the white men have one way and the colored another?—A. Yes, sir.

Q. Were any white men prevented from voting that day?—A. No, sir.

Recross-examination by W. W. WILLIAMS, Esq., counsel for contestee:

Q. This pepper was thrown from up above?—A. Yes, sir.

Q. There are rooms over the one in which the poll was held?—A. Yes, sir.

Q. The pepper was thrown inside of this barricade?—A. Yes, sir; it fell around about the poll.

Q. Was any thrown on you?—A. No, sir.

Q. Did you see any thrown?—A. No, sir; I heard the excitement, I did not see the pepper.

Q. How do you know it was pepper?—A. I saw the men wiping their eyes.

Q. How do you know it came from above?—A. They said it came down, I did not see it. I was not in the press, I was outside.

Q. What you know about the pepper, is it what you saw, or what was told you?—A. Yes, sir; it didn't get me.

In reply, by W. N. TAFT, Esq., counsel for contestant:

Q. Did you see many men wiping their eyes?—A. Yes, sir.

Q. Were there many men wiping their eyes around there?—A. Yes, sir.

*Deposition of George Knight.*

AIKEN, S. C., February 8, 1881.

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH-CAROLINA,  
*Aiken County:*

GEORGE KNIGHT, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. What is your age?—Answer. Between 40 and 50.

Q. You don't know exactly how old you are?—A. No, sir; I am over 40 years of age.

Q. Where do you live?—A. Down at Millbrook, ten miles from here.

Q. What is your occupation; what do you do for a living?—A. I got a crop; I am a farmer.

Q. Did you come to Aiken on the day of the last election for the purpose of voting?—A. Yes, sir.

Q. Did you vote?—A. No, sir.

Q. Why did you not vote?—A. I came soon in the morning, and it was so crowded we could not get in, and the white folks raised a sort of disturbance, and in the evening when I went to vote there were some persons standing at the window and they threw some Cayenne pepper in my eye.

Q. What ticket were you going to vote?—A. The Republican ticket.

Q. Straight?—A. Yes, sir; the straight ticket.

Q. You tried hard later to get in?—A. Yes, sir; and could not.

Cross-examination by W. W. WILLIAMS, Esq., counsel for contestee:

Q. About what time of day was this pepper thrown in your eye?—A. About 2 o'clock.

Q. By whom?—A. I don't know who did it; I did not see after they threw the pepper in my eye, it just blinded me, I had to get lard and rub it in my eye for a day or so before I could get it out.

Q. Where were you standing?—A. We were trying to squeeze to get in to vote.

Q. How far from the barricade?—A. By the steps opposite the door going upstairs.

Q. No other stairs but that at the end of the barricade?—A. No, sir; some one said look out, when the pepper struck me blind.

Q. This was just at the end of the barricade as you came in?—A. Yes, sir.

Q. Were there not some three or four white men standing at the end of the barricade?—A. No, sir; they threw it in from the door.

Q. Were there any white men at that barricade?—A. No, sir; there might have been, but I did not notice them.

Q. If they had been there you would have seen them?—A. Yes, sir; there were so many crowded there.

Q. Were there many colored people around there?—A. They were crowded together; they were packed tight together.

Q. But you don't know whether there were any white men there or not?—A. There were not any standing near me.

*Deposition of Jack Robinson.*

AIKEN, S. C., February 8, 1881.

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

JACK ROBINSON, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. What is your age?—Answer. I am between 65 and 70.

Q. Where do you live?—A. I live here in Aiken.

Q. What is your occupation?—A. I am doing little or nothing, but by occupation I am a carpenter.

Q. Did you go to the poll in Aiken on the morning of the election for the purpose of voting?—A. Yes, sir.

Q. What time did you get there?—A. About five minutes before seven when I got to the poll.

Q. How long did you stay there?—A. Until 1 o'clock.

Q. Did you vote?—A. No, sir.

Q. Why not?—A. Because I could not get in at that time.

Q. Were you there in the evening at 6 o'clock?—A. I staid there until 1 o'clock, and went to my house and got something to eat.

Q. Did you come to the poll after you went away?—A. Yes, sir.

Q. When did you get back?—A. I did not stay to the house more than three quarters of an hour.

Q. Did you go back to the poll?—A. Yes, sir.

Q. Did you stay there until 6 o'clock?—A. Yes, sir.

Q. Did you vote?—A. No, sir.

Q. Why not?—A. The line was fixed from Messrs. Loops & Ludi-ken's corner; I walked in between and I stood up until I got close to the barricade; I counted it was eight deep.

Q. Did get a chance to get in the poll and vote?—A. No, sir; there were two Democrats keeping the people back.

Q. What ticket were you going to vote?—A. The Republican ticket.

Q. The straight Republican ticket?—A. Yes, sir.

Q. Were there many others that did not get a chance to vote?—A. A great many.

Q. Did you see or hear of any throwing of pepper at the poll?—A. Yes, sir.

Q. Did you see many men rubbing their eyes—Republicans?—A. Yes, sir.

Q. Did you see any guns around there that day?—A. Yes, sir.

Q. Hear the cannon?—A. Yes, sir.

Cross-examination by W. W. WILLIAMS, Esq., counsel for contestee:

Q. Did you attempt to vote when you got there, at 7 o'clock in the morning?—A. Yes, sir; I tried.

Q. What was the extent of your effort?—A. From five minutes to seven, and I stood there until 1 o'clock and tried to get in, and I could not.

Q. Stood where?—A. Walking up following the crowd; I went off at 1 o'clock and had been gone not more than twenty-five minutes and came back.

Q. If you had staid where you were in the morning, and had not gone off, would you not have got to the poll?—A. At 6 o'clock I would have been further off than I was when I got there. When I came back the men that I left there were not nigh there. I was trying to get in; I was making my steps as near to the poll as I could.

Q. Were you in that line continuously from seven to one?—A. Yes, sir; the reason I came out was, I was kind of sick.

Q. You never left it during the morning?—A. No, sir; I stood right there.

Q. When you entered the line you stood there until the poll closed?—A. Yes; sir; until the poll closed. When I stepped out from the poll it was when the pepper was thrown, they threw it before I got that far.

*Deposition of L. B. Coker.*

AIKEN, S. C., February 8, 1881.

In the matter of the contest between Robert Smalls, contestant, against J. D. Gillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Aiken County:*

L. B. COKER, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. State your age.—Answer. I am 21 years of age.

Q. Where do you live?—A. In Aiken County.

Q. In what part?—A. Near the line, in the northern part of the county.

Q. What is your occupation?—A. Teaching school and farming.

Q. Were you at Creed's Store election precinct on the day of the last election?—A. Yes, sir.

Q. Were you there all day?—A. No, sir; I was not there all day.

Q. What time in the day did you get there?—A. About eight o'clock that morning.

Q. Did you see Aleck Williams, the United States supervisor, there that day?—A. Yes, sir; I saw him.

Q. You saw him keeping any poll-list?—A. He was keeping his poll-list when I got there.

Q. Was everything quiet at that precinct all day?—A. No, sir; not all day. I was there until about two or three o'clock, when they commenced cursing and hallooing around, and that continued until between

four and five o'clock in the evening. The riot did not commence until between four and five o'clock.

Q. There was a fuss?—A. Yes, sir; there was.

Q. Tell us about it. What time did it commence?—A. Between four and five o'clock. Mr. Low, the manager, did not answer; Mr. John Cantway answered in his place. He told me he saw what was done.

Q. Did anybody knock you?—A. Mr. Cantway.

Q. Is he a Democrat or Republican?—A. A Democrat.

Q. What did he do?—A. I jerked his hand up, and he jerked his pistol out, and five or six ran up and said, "Shoot him! Shoot him!"

Q. Were any pistols discharged there?—A. Yes, sir.

Q. How many?—A. Only one.

Q. Any striking with fists or sticks?—A. One man was struck.

Q. Did this difficulty create much of a fuss around the poll?—A. A great deal.

Q. What was the effect of it?—A. It drove us from the poll. There was not but four of us, and this man.

Q. Which man?—A. The supervisor. The Democrats said, "Let's go in and take that damn son-of-a-bitch out," alluding to the Republican supervisor.

Q. What did he do?—A. I don't know what he did.

Q. Did he stay in the poll?—A. I don't know; I made my escape as soon as I could, and I left.

Q. What became of the other Republicans that were there?—A. They ran away before I did.

Q. Do you know whether the Republican supervisor left the poll or not?—A. I do not.

Q. Things looked pretty squally around there then?—A. Yes, sir.

Q. Was the poll left in charge of the poll entirely?—A. No, sir; I left the supervisor there when me and the four men went away.

Q. Were the managers of election at that precinct Republicans or Democrats?—A. Democrats.

Q. All of them?—A. Yes, sir.

Cross-examination by W. W. WILLIAMS, Esq., counsel for contestee.

Q. About what time in the day did you vote?—A. About ten minutes after eight. I got there about eight, and voted 10 minutes after I got there.

Q. Had these other four colored men voted?—A. Yes, sir. I don't know; they said they voted. They had voted before I got there. I got there very late.

Q. Were the colored men permitted to vote that day as they desired?—A. Yes, sir; all but one.

Q. He was challenged?—A. Yes, sir.

Q. That one was regularly challenged?—A. Yes, sir.

Q. And they refused his vote?—A. Yes, sir.

Q. Had not everybody at the close pretty well voted up to 5 o'clock?—A. Yes, sir; they all had pretty well voted.

Q. Is it not a small polling place anyway?—A. I don't know; there were no more than thirty-five or thirty-six Republicans there.

Q. How many, would you judge, of white men?—A. I could not say, because I was not there soon in the morning.

*Deposition of Peter Waggiels.*

AIKEN, S. C., February 8, 1881.

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
Aiken County :

PETER WAGGIELS, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant :

Question. What is your age ?—Answer. I am about 32.

Q. What is your occupation ?—A. I am a waiter.

Q. Your residence ?—A. Aiken County.

Q. At the court-house ?—A. Yes, sir.

Q. Were you present at Kneece's Mill on the day of the last general election ; and, if so, in what capacity ?—A. I was at Kneece's Mill as a United States supervisor.

Q. Were you present at 6 o'clock in the morning ?—A. I was.

Q. Was the poll opened at 6 o'clock ?—A. A little after six ; about ten or fifteen minutes after six, as near as I can recollect.

Q. Did the managers open the box and show you the inside of it ?—A. Yes, sir ; on my demand they did.

Q. Did the managers keep a poll-list ?—A. They did.

Q. Did you keep a poll-list ?—A. Yes, sir.

Q. Did the Democratic supervisor keep a poll-list ?—A. He did not.

Q. Were you present when the poll closed ?—A. I was not.

Q. Why not ?—A. I was prevented.

Q. Prevented how ?—A. My poll-list was taken away, and I was driven from the poll.

Q. What time in the day did this happen ?—A. About twenty minutes to four.

Q. Up to that time had everything been quiet and orderly ?—A. There was whooping, and hallooing and shooting all day.

Q. Much of it ?—A. Occasionally there would be the firing of a pistol.

Q. In the morning when you arrived at the poll were there many voters there ?—A. Yes, sir ; I was one of the first there.

Q. When the poll opened were there many voters there ?—A. Yes, sir ; about twenty-two or twenty-three colored men I judged to be there.

Q. Any Democrats there ?—A. The managers and the supervisor.

Q. Any others ?—A. No others.

Q. Were the managers Republicans or Democrats ?—A. Democrats.

Q. All of them ?—A. Yes, sir ; all of them.

Q. Did they object to your keeping a poll-list ?—A. They did not.

Q. You say there was a great deal of shooting and hallooing that day ; what time did this begin ?—A. That shooting was not regular.

Q. When did the first begin ?—A. Between nine and ten o'clock.

Q. In the morning ?—A. Yes, sir.

Q. Was it kept up continually, or at intervals during the day ?—A. At intervals, occasionally.

Q. Were there many Democrats present at any one time that day at the poll ?—A. Yes, sir.

Q. How many, generally ?—A. About thirty-five or forty.

Q. Were any of them in uniform—I mean with red shirts on ?—A. Yes, sir.

Q. All of them ?—A. Not all ; the largest portion.

Q. Were many of them armed that you could see ?—A. No, sir ; the best part I could not see whether they had pistols on or not.

Q. Many of them ?—A. Yes, sir ; a good many, but not all,

Q. Where was the poll held ?—A. In a blacksmith-shop, near the mill-dam.

Q. Where was the box stationed ?—A. The box was on a table inside the blacksmith-shop.

Q. How far inside the door ?—A. Two or three feet.

Q. Right inside the door ?—A. Yes, sir.

Q. Near the door ?—A. Yes, sir ; the box was far enough inside so people would have to go inside.

Q. Were the voters permitted to pass into the poll freely without molestation during the day ?—A. We made the arrangement that nobody should come in except the voters, and that was kept up until the latter part of the day, when the colored people were prevented from coming in, and the whites remained.

Q. Were there many white men there at any one time at the poll ?—A. Ten or fifteen.

Q. And the colored men were kept out ?—A. Yes, sir ; all except me ; no one was permitted but myself inside.

Q. Was any distinction made in the swearing or voting of white men and colored men ?—A. The oath was administered to the colored men very promptly ; also to the whites. Some of the whites refused to take their hats off to take the oath, but they were sworn by the managers.

Q. Was that an oversight, or simply a refusal ?—A. Simply a refusal ; probably it might have been an oversight.

Q. Anything else you noticed about the swearing ?—A. No, sir.

Q. Now, about the depositing of the ballots ; did the managers give every man a free chance to vote that day, up to the time you left ?—A. Yes, sir.

Q. You spoke of shooting and hallooing ; who did this ?—A. They were white men.

Q. Democrats or Republicans ?—A. They were supposed to be Democrats ; I judged them to be.

Q. What was the cause of it ; what did the Republicans do to cause it ?—A. Nothing that I know of.

Q. What was the shooting for ?—A. These men were riding from one poll to the other. When they would come in squads they would yell and holloa and shoot their pistols. The poll I was at was between two polls.

Q. They would pass from your poll and go to the others ?—A. Yes, sir.

Q. What effect did this shooting and holloaing have upon the voters ; did it make them alarmed or afraid ?—A. Not that I know of.

Q. Did the shooting create a terror in the minds of the voters ?—A. I don't know.

Q. At what time in the day did you leave the poll ?—A. About twenty minutes to four.

Q. Why did you leave, that is, what occurred to drive you away ?—A. I was ordered away, and my poll-list taken away and torn up.

Q. By whom ?—A. A party of white men.

Q. Democrats or Republicans?—A. Democrats.

Q. What did they say when they told you to leave?—A. They gave me twenty minutes to leave.

Q. What alternative did they give you?—A. That or one of the men to take me and throw me in the mill-pond.

Q. Would they have done that?—A. They would have except that an old white gentleman took my part; I forget his name.

Q. Did things look squally when you left?—A. Yes, sir; they did.

Q. At the time you speak of, were there many Democrats at the poll?—A. Yes, sir; about thirty-five.

Q. Were they very violent towards you and others?—A. They were holloaing at me, &c., laughing.

Q. Were you afraid if you had staid there that these threats would have been carried into execution?—A. I believe they would.

Q. Then to save yourself from bodily injury you were compelled to leave the poll, and your poll-list was taken away from you?—A. Yes, sir; taken away and torn up.

Q. How was your poll-list taken away from you?—A. I was writing on the table, and some men came in and took the poll-list from me. One of the men took the poll-list and tore it in half, and the other snatched it from him. They went out of the door, and took the book from the colored man who was keeping the tally outside.

Q. Were many colored men there when you left?—A. The majority of the colored men had left; there were about two when I left.

Q. The Democrats were left in full possession of the poll after having destroyed your poll-list?—A. Yes, sir.

Q. Do you know the exact time when you left?—A. Yes, sir.

Q. What time was it?—A. Twenty minutes to four.

Q. Had many men voted at that poll up to the time you left?—A. I knew the exact number.

Q. Is that your signature (handing report to witness)?—A. I believe it is.

Q. Don't you know whether it is or not?—A. No, sir; I don't know it is.

Q. You cannot recognize your own signature?—A. No, sir.

Q. Look at the figures on top; perhaps you may see something you may recognize.—A. Yes, sir.

Q. Did you make a report to the chief supervisor?—A. Yes, sir.

Q. Is that your report (handing report)?—A. I guess so.

Q. Can't you tell whether it is or not?—A. Yes, sir; I think I signed that.

Q. What was the number of votes at the time you left?—A. One hundred and twenty.

Q. You are sure of that?—A. Yes, sir.

(Report was here put in evidence and marked Exhibit .)

Q. At the time you left were there many people present who had not then voted?—A. All voted who were there excepting two or three colored men, and they left before voting.

Q. Did they leave because of the row?—A. Yes, sir; I judge so.

Q. Was there anybody present during the day that threatened that he would shoot the first Republican that attempted to vote?—A. I did not hear any one say so.

Q. Look at this memorandum of yours and refresh your memory, and then I will ask you the same question. (Handing memorandum to witness.)

Q. Now, I will ask you that same question over again. Did anybody



threaten to shoot the first Republican that attempted to vote there that day?—A. I believe they did.

Q. Where was he from?—A. From Edgefield County.

Q. A Democrat?—A. Yes, sir.

Q. Were there many men there from Edgefield that day?—A. Yes, sir.

Q. Did any of them vote?—A. I think they did.

Q. Do you know how many?—A. No, sir.

Q. Can you give an estimate?—A. I think there were seven or eight.

Q. What ticket did they vote, Democratic or Republican?—A. I did not see their tickets.

Q. Any of them have red shirts on?—A. They all had red shirts on.

Q. From Edgefield, they all had red shirts on?—A. Yes, sir.

Q. Do you know of any repeating at that poll?—A. I could not swear to that only as an idea, as my opinion.

Q. Do you know of any persons voting the Democratic ticket at that poll except these men from Edgefield, who had no right to vote from any other county or outside the State?—A. No, sir.

Q. Was there general intimidation there that day?—A. Yes, sir.

Q. In what did it consist?—A. In firing of pistols and using threats.

Q. Did you hear any threats used?—A. Yes, sir.

Q. What were they?—A. Men were threatened to be discharged from their farms if they voted the Republican ticket. The Democratic ticket was offered to them, and they refused it, and they threatened to turn them from their farms.

Q. Any threats of violence?—A. None more than I have mentioned.

Q. Did you see any colored men vote the Democratic ticket because of these threats?—A. No, sir; I did not.

Cross-examination by W. W. WILLIAMS, Esq., counsel for contestee:

Q. You say there were twenty-two or twenty-three colored men there when the poll opened that morning; did they vote?—A. They did.

Q. Do you remember about how many colored votes were polled there that day?—A. Up to the time I left there were 49 colored votes.

Q. Was every colored man that came to the poll permitted to vote?—A. No, sir; some were objected to.

Q. Had the most of them voted and left that were there during the morning at the time you left the poll?—A. Oh, yes, sir; but colored people were coming there all day up to the time I left, occasionally voting and leaving.

Q. How do you know these seven or eight men were from Edgefield?—A. I know them.

Q. You know they resided in Edgefield County?—A. Yes, sir; and also colored men were around there that knew they lived in Edgefield County. They lived at Ridge Springs.

Q. Do you know how far the county line runs from Ridge Springs?—A. I don't know how far it runs.

Q. You say these gentlemen were from Ridge Springs?—A. Yes, sir; if the county line ran out there these men would be living in Aiken County.

Q. Do you know of any colored men or Republicans being prevented from voting by intimidation or violence up to the time of your leaving?—A. Not that I know of; of course, there were threats made, but the men would vote anyhow.

Q. Is it not a fact that there were very few colored men there after

2 o'clock?—A. No; there were not so very few; there were 10 or 12 there; after dinner probably more, but after 3 o'clock there were not many.

Q. How long had these two men been there that left with you?—A. They had been there all day from the opening of the poll.

Q. Did they or not vote before 2 o'clock?—A. Yes, sir; they voted before 2 o'clock.

Q. Is it at all strange before and at elections to see Democrats in red shirts?—A. It is not anything strange to me for the last two or three years.

*Deposition of E. L. Anderson.*

AIKEN, S. C., February 8, 1881.

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Aiken County :*

E. L. ANDERSON, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. What is your age?—A. Answer. I am 31 years of age.

Q. Residence?—A. Aiken.

Q. Town of Aiken?—A. Yes, sir.

Q. Were you present at Page & Hankerson's store on the day of the last general election?—A. Yes, sir.

Q. In what capacity?—A. As United States supervisor.

Q. Were you present when the poll was opened?—A. I was.

Q. When did you get there?—A. I guess it was about half-past 6.

Q. Were there many people at the poll when you arrived?—A. There were a tolerable fair number there.

Q. What do you call a tolerable fair number?—A. I guess there were about 100 there, as near as I can judge particularly.

Q. Were there many Republicans present?—A. That I could not tell; there were not a great many colored there.

Q. Were there many white men present?—A. Yes, sir; a good many.

Q. Did you see any Democrats present that day with red shirts?—A. Yes, sir; most that were down there.

Q. Were most of the Democrats there that day with red shirts?—A. Yes, sir.

Q. Did you see any Democrats there with arms?—A. Yes, sir; there were.

Q. Did you see any guns?—A. Some were there on horseback with guns.

Q. Was there any shooting at or near that poll?—A. I was in a room, about the size of this, and there was considerable shooting done during the morning.

Q. Near the house?—A. Yes, sir.

Q. During the day?—A. Yes, sir.

Q. Who was this shooting done by?—A. By some white fellows.

Q. Democrats?—A. Yes, sir.

Q. Was there any intimidation or threats made by Democrats at that poll during the day?—A. You may take it for intimidation, the general way they cursed the Republicans up generally.

Q. Any threats?—A. I don't know.

Q. I ask you if they were made generally?—A. What they would do?

Q. What they would do?—A. I heard them say they could come here and do it, but up to Edgesfield they beat them and shoot them like hell.

Q. What was the object of this shooting?—A. If I went there as a voter, it was done for the purpose of making timid people keep from voting.

Q. A man that was afraid of shot-guns and pistols, would he be apt to keep away from there that day?—A. I think so.

Q. Did the Democratic supervisor keep a poll-list?—A. Yes, sir.

Q. Did you keep one?—A. Yes, sir.

Q. Did the managers keep one?—A. Yes, sir.

Q. Did the poll-list of the Democratic supervisor correspond with that of the managers and yours?—A. Yes, sir; all of our poll-lists corresponded.

Q. How do you say yours corresponded when you did not get there until quarter past 6?—A. After I got there, it looked like a body of men had voted, and I copied off the names from the two poll-lists.

Q. And the poll-lists tallied?—A. All three lists tallied.

Q. Did the ballots in the box correspond with the number of names on the poll-list?—A. No, sir; the excess was 26, I think.

Q. Look at that paper [handing report]. Whose signature is that at the bottom?—A. It is mine.

Q. What is that paper?—A. This is the report of the election at Page and Hankerson's store.

Q. Is it your report?—A. No, sir; this is Mr. Hammond's report.

Q. What is that [handing report]?—A. That is mine.

Q. Are they not both your reports; you signed both of them?—A. Yes, sir; I signed both of them.

(The report was here put in evidence, and marked Exhibit .)

Q. What was the excess of ballots in the box?—A. Twenty-six.

Q. Were there any Republican ballots found in the box with others folded inside?—A. No, sir; there was none.

Q. Were there any Democratic ballots?—A. Yes, sir.

Q. How many?—A. Seven.

Q. What was done with the ballots inside?—A. They were laid out.

Q. Destroyed?—A. Yes, sir.

Q. All seven, or only the ones inside?—A. I think we adopted this rule: when those ballots were laid out they were not counted at all; I think that was the way we managed it.

Q. Didn't they count one of each number, and destroy the others?—A. I wouldn't be positive on that point.

Q. Of those there were 26 in excess?—A. Yes, sir.

Q. Can you account for this excess?—A. No; I cannot account for it.

Q. How many Republican ballots were drawn out?—A. Seven.

Q. How many Democratic?—A. Nineteen.

Q. How were these ballots drawn out?—A. They placed a pocket-handkerchief over a hat, and, I think, the chairman of the board of managers of election, he drew them out. We put all the ballots in the hat.

Q. You say one of the managers was blindfolded?—A. No, sir; he turned his head and drew them.

Q. You are certain they were not returned to the box first and then drawn out?—A. No, sir; they were drawn out of the hat.

Q. Did you see any parties vote there that day who did not live in that election precinct or near about?—A. I don't know about that.

Q. Was every man who offered to vote permitted to do so?—A. Yes, sir.

Q. Every one?—A. There came a colored man there, and when the lot of white men rushed up, and one man said, "Get off my foot," and the managers said, "If that man wants to vote let him vote."

Q. Were those managers Republicans or Democrats?—A. I took it for granted they were Democrats.

Q. Did you see them vote?—A. I saw one of them vote.

Q. Do you know of any Republicans being appointed managers in Aiken County?—A. Managers of election?

Q. Yes.—A. Not to my knowledge.

Q. You spoke of Democrats crowding the door and pushing men out. Did this occur more than once?—A. Yes, sir; two or three times.

Q. What effect did that have on the voters?—A. Some of the colored men got tired of it. One of the white men came in and told the managers, and they said, "Let them vote as they choose."

Q. Did you hear of anybody being whipped?—A. Yes, sir.

Q. When did you hear of it?—A. That day.

(Objected to by counsel for contestee.)

Q. Did this firing and the noise that was going on that day have any effect on the voters?—A. Not that I know of; but if I judge them by myself, it had some effect on me.

Q. Did it have a tendency to keep timid men away?—A. Yes, sir; it struck me in that way; it had a tendency that way.

Cross-examination by W. W. WILLIAMS, Esq., counsel for contestee:

Q. About what time in the morning did this shooting commence?—

A. I won't be positive about the hour. I got there at quarter past 6 and it occurred after I got there—pretty early in the morning—before noon.

Q. In what kind of building was your box that you polled your votes in that day?—A. The box was in a store; I judge it was a store.

Q. Was the box inside the door?—A. Inside; yes, sir.

Q. With a piazza or porch in front of it?—A. No, sir.

Q. There were two stores there?—A. Yes, sir; this was the smallest.

Q. Were you not in this room attending to your duties the entire day?—A. Yes, sir; I was there the whole entire day.

Q. In this room?—A. Yes, sir; except when I went out to obey the call of nature.

Q. You say this firing was to the left of the building?—A. To the left; from the position I held inside, I took it to be the left.

Q. Could you see the shooting?—A. No, sir; it was on the outside. I could not see it.

Q. Did you see any men at all firing guns or pistols on that day?—A. Some were firing pistols; I did not hear any firing of guns.

Q. Did I understand you to say that when they first commenced firing on the left of the building you did not hear it?—A. No, sir; I was inside of the building.

Q. How do you know it was done by Democrats, if you did not see it?—A. Well, I saw the men coming back putting the pistols up; they

came past the door by me ; some were in the act of putting their pistols in their pockets.

Q. Then it is from reasoning, you say, that it was so, not from what you saw ?—A. It was from what I saw afterwards.

Q. That is from what you judged ?—A. Yes, sir ; of course.

Q. Do you know whether or not any colored men voted the Democratic ticket that day ?—A. Yes, sir.

Q. Did they or did they not ?—A. Some of them.

Q. Do you not know that there are a great many colored men that always vote it at that box ?—A. I don't know ; this is the first time I was down there.

Q. Did all the colored men vote except the one instance that you said was not permitted to vote ?—A. After they got in they voted. The greatest trouble was getting in there ; it was a small, contracted place, and after they got in there they voted.

Q. Are you prepared to say any Republicans or colored men were prevented or hindered from voting the ticket from intimidation or violence that day ?—A. I cannot say from my own personal knowledge. One colored man came there and said he came just now to vote, and that after he got the ticket from the Republican ticket distributor, and when he came to vote he was asked where his ticket was, and he said some of the white men took his ticket from him, and the managers told him to get another ticket and vote.

Q. You did not seem to be certain about this hat, was it the hat or box this excess of 26 tickets were drawn from ?—A. My impression is it was a hat.

Redirect examination by W. N. TAFT, Esq., counsel for contestant.

Q. Did you see any arms in the polling place ?—A. I did not see any until the polls closed.

Q. You see any then ?—A. Yes, sir ; one gentleman came in there with a double-barrel shot gun.

Q. Did he remain there ?—A. He came in once or twice that day.

Recross-examination by W. W. WILLIAMS, Esq., counsel for contestee :

Q. You say this gun was brought in after the poll closed ?—A. No, sir ; I said I did not see any until after the polls were closed, then I suppose two, three, or four came in there with guns. After the poll was closed I did not see any stored in the house.

*Deposition of E. S. Green.*

AIKEN, S. C., February 8, 1881.

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Aiken County :*

E. S. GREEN, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by contestant :

Question. State your age ?—Answer. I am 21 years of age.

Q. Your residence ?—A. Aiken County.

Q. When were you 21?—A. Sixth of last May.

Q. When were you born?—A. May 6th, 1859.

Q. Can you read and write?—A. Yes, sir.

Q. Did you go to Page and Hankerson's store for the purpose of voting?—A. No, sir; I went there as a deputy clerk.

Q. Did you vote?—A. No, sir.

Q. Did you intend to vote?—A. Yes, sir.

Q. What ticket did you intend to vote?—A. The Republican ticket.

Q. Whose name on it for Congress?—A. Robert Smalls'.

Q. Did you vote?—A. No, sir.

Q. Why not?—A. They told me I was not of age.

Q. Who told you you were not of age?—A. Those white fellows down there.

Q. Did they prevent you?—A. They told me it was no use to go in there, I was not of age, and I did not care to insist to go in there.

Q. What were they doing?—A. Shooting and hallooing.

Q. What did they do with you afterwards?—A. They whipped me.

Q. What did they do with you when they said you could not vote?—A. They turned my head and said I could not vote.

Q. Why didn't you go up and put you vote in, anyway?—A. There was a crowd there, and I did not care to insist upon it.

Q. Were you afraid to do so?—A. Yes, sir.

Q. Were you afraid to do so because of the shooting and threats around there?—A. Yes, sir.

Q. What were you doing there?—A. I was taking names down there. They made me stop.

Q. How did they make you stop?—A. They said I should not take any more names, and I put the book up. Then a colored man came over and said I had better go to his house, as they were cursing and hallooing so around there, until that crowd left.

Q. Did you go to his house?—A. No, sir.

Q. Why not?—A. I was not there more than five minutes, when they carried me out in the woods and made four or five more hold pistols over me; and then they cut a switch and whipped me.

Q. Whipped you badly?—A. Yes, sir.

Q. Bring any blood?—A. Yes, sir.

Q. What did they whip you for; did they say?—A. Because I went there to take names.

Q. For the Republicans?—A. Yes, sir.

Q. Do you know any of these parties that did it?—A. No, sir.

Q. Were they all white men?—A. Yes, sir.

*Deposition of George Vallentine.*

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

GEORGE VALLENTINE, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

EDGEFIELD COURT HOUSE, S. C.,  
*February 16th, 1881.*

Question. What is your age?—Answer. I am 22 years of age.

Q. Where do you reside?—A. I live at Mt. Willing.

Q. Were you at Mt. Willing on the day of the last election?—

A. Yes, sir; I was there.

Q. In what capacity?—A. As U. S. supervisor.

Q. What time did you get to the poll?—A. The sun was a quarter of an hour high.

Q. Was the poll opened when you arrived?—A. Yes, sir.

Q. Were there many people about the poll then?—A. Yes, sir.

Q. Democrats or Republicans?—A. There was some of both.

Q. Was everything quiet then?—A. Yes, sir.

Q. Did you go inside the poll at that time?—A. Yes, sir.

Q. Where was the poll held?—A. In a small office on the ground floor.

Q. Where was the box placed?—A. On the table about the middle of the room.

Q. How large a room was it?—A. twelve feet long by 8 or 9 feet wide.

Q. Did the managers tell you how long the poll had been opened, or how many people had voted?—A. No, sir.

Q. Did you keep a poll-list?—A. No, sir.

Q. Were the voters allowed to come into the poll, and pass out freely?—A. No, sir.

Q. How was the entrance to the room arranged?—A. There was one door.

Q. Was that door free?—A. The red shirts stood around the door with clubs and pistols keeping the crowd back, and letting them come in 6 at a time.

Q. Was any discrimination made between the voters in admitting them?—A. The Republicans were kept back and the Democrats admitted.

Q. Were any Democrats kept back?—A. Every now and then if a crowd of Democrats tried to get in, and if the house was full they would keep them back.

Q. Were many persons inside the house during the day?—A. Yes, sir.

Q. To what political party did these persons belong?—A. The Democratic party.

Q. Were any Republicans there?—A. None but myself, except when they came in to vote.

Q. Did any attempt to remain in the house after voting?—A. No, sir.

Q. Were the managers Republicans or Democrats?—A. All Democrats.

Q. Did you remain all day?—A. No, sir.

Q. Why not?—A. When the row took place I got out.

Q. What time was this?—A. Between two and three o'clock.

Q. What caused the row?—A. There came up a crowd of Democrats and commenced beating the colored people with clubs and sticks, and one pistol was fired; after the first pistol was fired there was a great deal of shooting, and the colored people ran home.

Q. Did all the colored people go away?—A. There was about a dozen staid around there until sundown, knocking around.

Q. How many went away at the time you did?—A. About 180 or 190.

Q. Why did you not remain?—A. Because I was afraid they were going to kill me.

Q. Did you go away or did you leave before or after the firing?—A. I went at the time of firing.

Q. Had all been quiet up to that time?—A. No, sir; pretty much quiet up to that time, except the Democrats were acting as if they were going to fight each other.

Q. Were any colored people assaulted or abused, or threatened by the Democrats before the row?—A. No, sir.

Q. Did you hear any threats towards anybody before the row began?—A. No, sir.

Q. Were any men present at or around the poll that day wearing uniforms?—A. No, sir.

Q. Were any persons uniformed in red shirts?—A. Yes, sir.

Q. Many?—A. Yes, sir; right smart of them.

Q. You answered no to the first question "Were any persons present wearing uniforms"; and "yes" to the question "Were any persons present uniformed in red shirts"; what do you mean?—A. I meant in red shirts, and no other style.

Q. Why did these men wear red shirts?—A. Because they were Democrats.

Q. Do Democrats generally in Edgefield County on public political occasions wear red shirts?—A. Yes, sir.

Q. Did you see any persons with pistols or guns that day?—A. Yes, sir.

Q. Republicans or Democrats?—A. Democrats.

Q. Many?—A. About three guns and pistols.

Q. Were the Republicans armed at that poll?—A. I saw three or four have pistols.

Q. Did many of the Democrats have pistols?—A. Yes, sir.

Q. About how many had pistols?—A. Pretty near all of them had pistols.

Q. Were any persons inside the polls with arms?—A. Yes, sir; with pistols.

Q. Democrats or Republicans?—A. Democrats.

Q. Had all the men who left the poll during the row voted?—A. No, sir.

Q. Do you know how many did not vote?—A. No, sir.

Q. Did any white men leave who had not voted?—A. No, sir.

Q. Do you know how many colored men had voted at this time?—A. No, sir.

Q. What ticket did these men who left the poll intend to vote?—A. Republican ticket.

Q. How do you know?—A. Because I saw a great many of the tickets they carried with them.

Q. Whose name was on the Republican ticket for Congress?—A. Small's.

Q. Why did not you and the others return to the poll?—A. Because they said they came there intending to kill the negroes.

Q. Who do you mean by they?—A. Some one in the crowd.

Q. Was he a Democrat or Republican?—A. A Democrat.

Q. Had there been any firing before the day of the election in that neighborhood?—A. No, sir.

Q. Did any colored men vote the Democratic ticket?—A. Yes, sir; two.

Q. No more than two?—A. There was three; I think of one more.



Q. Was this all?—A. Yes, sir, as far as I know.

Q. Could you tell how the people voted?—A. Yes, sir; I could.

Q. How could you tell?—A. Because the Democrats had a red and a white ticket. The Republicans had a white ticket, which was something stouter than the Democratic ticket.

Q. Was the difference in the tickets such that in your position you could tell what ticket a person voted?—A. Yes, sir; I could.

Cross-examination by B. W. BETTIS, jr., counsel for contestee:

Q. In what capacity were you acting on the day of election?—A. As supervisor.

Q. What were your duties as supervisor?—A. To keep a poll-list, and nothing else.

Q. Who appointed you supervisor?—A. I don't know who appointed me.

Q. How do you know you were appointed?—A. Because I received my credentials, and was told I was appointed.

Q. Who told you?—A. Samps Pope.

Q. What were the nature of your credentials?—A. I disremember what the nature of them were.

Q. Who signed the credentials?—A. I disremember whose name was signed.

Q. Was there any window in front of the house where the poll was held?—A. There were two, and they were both open.

Q. Did every white man you saw that day have on a red shirt?—A. No, sir.

H. How many white men did you see having on red shirts?—A. About forty or fifty had on red shirts.

Q. Did any colored men have on red shirts?—A. No, sir.

Q. Did any colored men there have on blue shirts?—A. No, sir.

Q. Did you see every ticket that was put in the box that day?—A. No, sir; some were put in there before I got there.

Q. How do you know then that only three colored men voted the Democratic ticket?—A. I know that I only saw three vote the Democratic ticket, and I don't know if any voted it before I got there or after I left.

Q. Did you see every ticket that was put in that box while you were there?—A. No, sir.

Q. How do you know then that only three colored men voted the Democratic ticket while you were there?—A. I saw all the tickets the colored people put in the box while I was there.

Q. Did you see all the tickets that the white voters put in?—A. No, sir.

Q. How do you know that some of the white people did not vote the Republican ticket?—A. No, sir; I don't know what ticket the white people voted altogether, but saw some of their tickets.

Q. Then you don't know that all the white people voted the Democratic ticket?—A. No, sir.

Q. Did you see all the tickets that the red shirts voted?—A. No, sir; I did not see all.

Q. Then you don't know what ticket all the men wearing red shirts voted?—A. No, sir.

Q. Did you see all the tickets that the party had who left the poll?—A. No, sir; I did not see all.

Q. Then you do not know whether all were Democratic or Republican?—A. I know the ones I saw were Republican.

Q. How many did you see ?—A. About 15 or 20.

Q. And you say there were about two hundred in the party ?—A. Yes, sir ; colored people.

Q. How far were the parties from the house when the row took place ?—A. About fifteen or twenty feet from the house.

Q. Who were the parties next to the house ?—A. The Democratic party.

Q. How long had they been there when the row took place ?—A. They had been there all day, passing to and fro.

Q. You say a party of Democrats came up and attacked the colored people ; from what direction did they come ?—A. From an easterly direction.

Q. How far were they from the polls when you saw them approaching ?—A. They were thirty or forty yards.

Q. How many were they ?—A. About four or five.

Q. You said just now that the party of Democrats who attacked the colored voters had been standing in front of the polls all day ; now you say when you first saw the party that attacked them, they were thirty or forty yards off, coming from an easterly direction ; explain what you mean by the two statements ?—A. I did not mean that the party who were standing there all day attacked them, but the party that came up.

Q. How far was the house from the road ?—A. Thirty or forty yards.

Q. In coming from the road, did they approach the house towards the corner of it, or did they come up in front of it ?—A. Towards the corner.

Q. Whereabouts did the row commence ?—A. Right in front of the door.

Q. Between the colored voters and the door ?—A. Yes, sir.

Q. Did the five men that came up mingle with the Democrats before the row, or not ?—A. No, sir ; they came up and attacked the colored people immediately.

Q. Did you see either of those five men when they voted that day ?—A. No, sir.

Q. They said they were going to kill the damn negroes ?—A. Yes, sir.

Q. Did you hear them say anything else ?—A. No, sir.

Q. Did you ever have any conversation with either of those five men about the election previous to that row, or since ?—A. No, sir.

Q. How do you know that the party who made the attack were Democrats ?—A. They had on red shirts.

Q. How do you know the party attacked were Republicans ?—Because I saw fifteen or twenty of the tickets of that party.

Q. Did you know anything about the rest of the party who were attacked ?—A. Only a portion who had voted, and I saw their tickets when they voted.

Q. You do not mean to say that all of the one hundred and eighty or one hundred and ninety men who left there, after the row had not voted ?—A. I mean to say some of them had voted, and some had not.

Q. Were there any there whom you know had not voted, except those whose tickets you saw ?—A. No, not of my own knowledge.

Q. How do you know those fifteen or twenty whose tickets you saw had not voted ?—A. I did not see them come in and vote.

Q. Could they not have voted at another place that day ?—A. I don't know.

Q. Did you see the first pistol fired?—A. No, sir.

Q. Do you know whether a Democrat or Republican fired it?—A. No, sir.

Q. Did you see the first blow struck?—A. No, sir.

Q. How do you know these five men made the attack, or these other men attacked them?—A. Because I saw the five men charging on them, in front of the door.

Q. While in the house could you see at the corner of the house where they came up?—A. No, sir.

Q. You say the shooting was commenced at the corner; how do you know then who made the attack?—A. I did not see them when they made the first attack.

Q. Was there any window on the side of the house from which the five men approached?—A. Yes, sir.

Q. When you first saw these five men, thirty or forty yards from the house, did you watch them until they got to the house?—A. I did not watch them at all, after I first saw them, until they got in front of the house.

Q. Were there any colored men standing at the corner of the house?—A. I don't know.

Q. You said a few moments ago that a blow was struck, then a pistol fired, then there was shooting generally; where was the first blow struck?—A. The first I saw was in front of the door.

Q. Do you know whether any other blow was struck before that?—A. No, sir; not that I seen.

Q. You said a few moments ago when these five men got to the corner of the house a pistol was fired?—A. Yes, sir.

Q. You have also said that blows were struck before the pistol fired?—A. Only from what I heard.

Q. If blows were struck and a pistol fired before you saw anything of the row, how do you know who started the row?—A. I only know from hearsay; I only saw a blow struck in front of the door.

Q. Which way did you go when the shooting became general?—A. I went out of the east window.

Q. Could you see in front of the house after you got out of the window?—A. No, sir.

Q. What length of time intervened between the first shot until the firing became general?—A. A sufficient length of time to count four or five.

Q. If the firing commenced generally soon after the first shot was fired, and you left as soon as the firing commenced generally, how did you have time to see blows struck in front of the house?—A. Because I saw them.

Q. You said that all the white men who were there that day voted?—A. I don't think I said that.

Q. You said that none of the white men left there without voting that day; now tell me how you know that?—A. Because they came there and voted.

Q. You mean to say that all the men you saw there that day had voted?—A. All that I saw come in there and voted.

Q. Do you mean to say that all of the white men who were near the house voted that day?—A. There may have been some there that I did not see vote.

Q. You say about a dozen colored men remained there until about sundown?—A. Yes, sir.

Q. How do you know who remained there if you left?—A. Soon after I left I came back to a house within 50 yards of the poll.

Redirect examination by W. N. TAFT, Esq. :

Q. In the crowd of colored men who left the poll, were there any that you know had not voted?—A. Yes, sir.

Q. Did you know any of them personally?—A. Yes, sir.

Q. In addition to seeing their tickets, is there any other way by which you know they had not voted?—A. Yes, sir; they did not come into the poll while I was there.

GEORGE VALLENTINE.

— Sworn to before me this 16th day of February, A. D. 1881.

E. H. HOGARTH,  
Notary Public, S. C.

JOHN T. GASTOR, *Intendant*.

*Deposition of Andrew Long.*

EDGEFIELD COURT HOUSE, S. C., *February 16, 1881.*

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Charleston County:*

ANDREW LONG, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant :

Question. What is your name, age, residence, and occupation?—Answer. Andrew Long; I am 30 years of age, and live in Huiet's township; I am a farmer.

Q. Were you present at Perry's Cross Roads precinct at the last election?—A. I was.

Q. What time did you get to the poll?—A. Eight o'clock in the morning.

Q. Were there many people about the poll?—A. A good many.

Q. Were there many Democrats around the poll?—A. A good many.

Q. Could you distinguish any of the Democrats by the dress they wore?—A. No, sir; I could not.

Q. Did you see anybody there in red shirts?—A. Yes, sir.

Q. Who were they?—A. They called themselves Democrats.

Q. Do Republicans wear red shirts?—A. No, sir.

Q. Were there any persons present that you could tell belonged to either the Democratic or Republican party by the shirts they wore?—A. I could not.

Q. How could you tell the Democrats from the Republicans?—A. I knew by their calling themselves Democrats, and wearing red shirts.

Q. Did you see any Republicans wearing any uniform?—A. Only their every-day dress.

Q. Did you see any persons at the poll with pistols or guns?—A. I saw Democrats with pistols.

Q. About how many?—A. I did not see more than eight or ten at a time.

Q. About how many Democrats were at the poll when you arrived?—A. About one hundred Democrats, I suppose.

Q. Did many of them have pistols that you saw after you arrived ?—  
A. Yes, sir.

Q. Where was the poll held ?—A. In a house in front of Mrs. Perry's gate.

Q. Where was the box stationed ?—A. I never seen the box.

Q. Did you see the managers of election at the box ?—A. I don't know who they were.

Q. Was all quiet around the poll on your arrival ?—A. When I got there it was.

Q. Did you vote ?—A. No, sir.

Q. Why not ?—A. There was a man that got on his horse and charged up to the door, and punched me with his pistol.

Q. Anything else done to you ?—A. Not to me.

Q. What did you do then ?—A. I went home.

Q. Was that the only person that did anything at the poll that day ?—A. I did not see anything more done.

Q. What did you do to him ?—A. Nothing.

Q. Why did he punch you with his pistol ?—A. I cannot tell.

Q. What time was this ?—A. About a half hour after I got there.

Q. If only this one man assaulted you, why did you go home ?—A. Because I did not feel disposed to be imposed upon.

Q. Did the man say anything when he did this ?—A. He said, "Didn't you say so ?"

Q. Was he a Republican or Democrat ?—A. He called himself a Democrat.

Q. Why could you not see the box ?—A. I did not go near the box until the time I was punched by this man with the pistol.

Q. Was anybody assisting him ?—A. There were men walking behind him.

Q. How many ?—A. Perhaps four or five.

Q. What ticket did you go there to vote ?—A. The Republican ticket.

Q. The straight Republican ticket ?—A. Yes, sir.

Cross-examination by F. H. WARDLAW, counsel for contestee :

Q. What time did you say you got to the poll in the morning ?—A. Eight o'clock.

Q. You said you could not tell whether a man was a Democrat or Republican by the dress he wore ?—A. I said they were Democrats by having on red shirts.

Q. How many men did you see when you arrived there that morning with red shirts on ?—A. About one hundred.

Q. Did you see any men with blue shirts on ?—A. If I did, I did not notice them.

Q. You say you did not see the box at all ; could you not have seen it if you had gone near enough to have voted ?—A. Yes, sir.

Q. Did you attempt to vote that day ?—A. No, sir.

Q. You say a man punched you with a pistol ; why did he do so ?—A. I could not tell.

Q. You gave him no cause to punch you with his pistol ?—A. None at all.

Q. How many men did you see with pistols that day ?—A. About eight or ten.

Q. Did they have their pistols buckled around them, or where did they have them ?—A. Some were around them, and some had them in their hands.

Q. Was it not customary for all Edgefield men, both white and col-

ored, to carry pistols, before the passage of the late act of the legislature prohibiting it?—A. I don't know.

Q. Did you see any of the Republicans armed with pistols or clubs, that day?—A. Some of them had walking-sticks.

Redirect examination by W. N. TAFT, Esq.:

Q. Were these walking-sticks large or small?—A. About the common size; the same as old men walk with.

ANDREW <sup>his</sup> + LONG.  
mark.

Sworn to before me this 16th February, A. D. 1881.

E. H. HOGARTH,  
Notary Public, South Carolina.

JOHN T. GASTON, *Intendant*.

*Deposition of Wesley Long.*

EDGEFIELD COURT HOUSE, S. C., *February 16, 1881.*

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

WESLEY LONG, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. What is your age, residence, and occupation?—Answer. I am 33 years of age; reside in Huiet's Township; I am a farmer.

Q. Did you go to Perry's Cross Roads precinct at the last election?—A. I did.

Q. What time did you get there?—A. About 8 o'clock.

Q. How many people were there?—A. About 150.

Q. Were any of them in red shirts?—A. Yes, sir.

Q. Many?—A. Yes, sir; a good many.

Q. Democrats or Republicans?—A. They were Democrats.

Q. Were any of these armed?—A. Yes, sir.

Q. How many pistols or guns did you see?—A. No guns, but fifteen or twenty pistols.

Q. Did you see the Republican supervisor there that day?—A. Yes, sir.

Q. Where was he?—A. He was outside of the building.

Q. What was he doing?—A. He was trying to serve, but the Democrats would not let him.

Q. Were the managers willing for him to serve?—A. No, sir.

Q. How do you know?—A. They said there could not be any Republican supervisor there to act that day.

Q. Were the managers Democrats or Republicans?—A. Democrats.

Q. How do you know?—A. I don't know whether all three were Democrats or not.

Q. Do you know their names?—A. Not in full.

Q. Do you know either of them?—A. One of them; he was a Democrat; the other two I did not know.

Q. Did you vote?—A. Yes, sir.

Q. Do you know of any men who went there to vote at that precinct who did not vote?—A. Yes, sir.

Q. How many?—A. Some fifteen or twenty.

Q. Why did they not vote?—A. The red-shirts or Democrats crowded the poll so that they could not vote.

Q. What did they do?—A. They got across the door and would not let the Republicans go in.

Q. How did they prevent them?—A. They crowded across the door with their horses and would not let the Republicans go in.

Q. Was there any violence or threats by any one that day?—A. The Democrats threatened to strike the Republicans, and said they should not stay there.

Q. How long did this continue?—A. I don't know; I did not stay long after the threats were made.

Q. Did the Republicans remain at the polls?—A. I could not tell you; I left soon after the threats were made.

Q. How do you know these men did not vote?—A. I went there with them and went away with them.

Q. Why did they leave the poll?—A. It looked as if the Democrats were going to knock down the Republicans, and we got away for fear they might come upon us.

Q. Did anybody show any pistols at this time?—A. The Democrats showed a great many of them.

Q. Did they use or attempt to use them?—A. They acted as if they were going to.

Q. Why were these threats and actions made by the Democrats?—A. They said they intended to carry the election, and that the Republicans should not get to the poll.

Q. Do you know of any other men who did not vote that day?—A. No, sir.

Q. About what time did you leave?—A. About half-past 8 o'clock.

Q. Did you see the tickets that these men that left the poll were going to vote?—A. No, sir.

Q. Do you know what ticket they were going to vote?—A. No, sir; they said they were going to vote the Republican ticket.

Q. Did you know them all?—A. Some ten or twelve.

Q. Were they Republicans or Democrats?—A. They said they were Republicans, and they generally voted the Republican ticket.

Q. Was there any firing around the poll?—A. Not while I was there.

Q. When your party left, did the other Republicans remain there?—A. Some seven or eight remained.

Q. Could Republicans vote freely and without fear at this precinct?—A. No, sir; they could not do it.

Q. Could Democrats?—A. Yes, sir.

Cross-examination by F. H. WARDLAW, counsel for contestee:

Q. What time did you vote that morning?—A. About a quarter after eight.

Q. Did you have any difficulty in voting?—A. After I got to the door I had no trouble in voting.

Q. Did you hear any one tell this Republican supervisor he should not serve?—A. Yes, sir.

Q. Who did you hear tell him so?—A. I heard one of the managers at the box tell him they were not going to allow any supervisor there.

Q. Do you know who the manager was?—A. I don't know his name.

Q. How do you know he was a manager?—A. He was there, and he said he was a manager.

Q. How near were you to the poll when you heard this remark of the manager?—A. Out of doors about twenty yards.

Q. Did he say it in a loud tone?—A. He said it in an ordinary tone.

Q. Where was the manager?—A. He was out about twenty yards from the poll.

Q. What was he doing twenty yards from the poll, and he a manager?—A. The supervisor asked him to step out; he wanted to talk with him.

Q. You say the Democrats threatened to strike the Republicans if they did not get away from there?—A. Yes, sir.

Q. What threats did they make?—A. They told them if they did not get away from there they would frail them out.

Q. How do you know the men that made those threats were Democrats?—A. Because they had on red shirts.

Q. You never saw anybody else wear red shirts except Democrats?—A. I have seen them wear them as undershirts, but not outside.

Q. Do the Republicans have any uniforms to designate them?—A. No, sir; not in my part of the country; I don't know what they have off.

Q. Did you see any men there that day with blue shirts?—A. No, sir.

Q. You said there were about fifteen or twenty men left there who did not vote?—A. Yes, sir.

Q. How do you know they did not vote?—A. They told me they did not vote, and I did not see them vote.

Q. Did they try to vote?—A. I don't know whether they did or not.

Q. You say you did not see the tickets those men were going to vote. How then do you know they generally voted the Republican ticket?—A. They live in the same settlement I do, and we usually went to the poll together, and they voted the Republican ticket.

Q. Did you always see those fifteen or twenty deposit their tickets in the box, and know that they were Republican tickets?—A. We always went together, and they told me that was the way they voted, but I did not see their votes.

Q. You said the Democrats had a good many pistols. How many did you see?—A. Twenty-five or thirty, I reckon.

Q. Did you see the Republicans with any pistols or clubs?—A. I saw some old men with walking-canes.

Q. You never saw any young men with sticks?—A. No, sir.

Q. Do you know who the men were that you saw with pistols?—A. I don't know anything about them.

Q. Those men live in your section—neighborhood?—A. I cannot tell you where they live; if they do I never seen them before.

Q. You said the Republicans could not vote there without fear. How do you know that?—A. Because the Democrats were presenting pistols toward the Republicans.

Q. You said awhile ago that the Democrats voted without fear. How do you know that?—A. There was no one preventing them from voting.

Q. You said the Democrats said they intended to carry the election, and that the Republicans should not vote. Did you hear that?—A. Yes, sir.



Q. Who did you hear say so?—A. I prefer not to give names.

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WESLEY + LONG.  
mark.

Sworn to before me this 16th of February, A. D. 1881.

E. H. HOGARTH,  
*Notary Public, South Carolina.*

JOHN T. GASTON, *Intendant.*

*Deposition of Pink Webb.*

EDGEFIELD COURT HOUSE, S. C., *February 16, 1881.*

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee; for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

PINK WEBB, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows, in reference to questions propounded by contestant:

Question. What is your age, residence, and occupation?—Answer. I am 39 years of age; and reside in Huie's Township; and am a farmer.

Q. Were you at Perry's Cross Roads precinct, on the day of the last election?—A. Yes, sir.

Q. What time did you get to the poll?—A. I got there about eight o'clock.

Q. How long did you remain?—A. Until about one o'clock.

Q. Did you vote?—A. Yes, sir; I voted.

Q. Do you know of any that did not vote?—A. No, sir; I did not see any that did not vote.

Q. Did you see any persons there with red shirts on?—A. Yes, sir.

Q. How many?—A. About thirty.

Q. Were they Republicans or Democrats?—A. According to the dress they had on, they were Democrats; I went by their dress.

Q. Did you see any armed men there?—A. I saw some pistols.

Q. About how many?—A. I saw some eight or ten.

Q. Who had them?—A. I did not know the men; they were Democrats.

Q. Did you see any Republicans with arms?—A. No, sir; I did not see any.

Q. Where was the box placed?—A. In a little house called the grog-shop.

Q. Where did it sit?—A. A short distance from the door.

Q. How many doors to the house?—A. One.

Q. How many windows?—A. One.

Q. Were there many men inside the room?—A. There were not many; a small number.

Q. When you voted were there any Republicans in the room?—A. There were; three were sworn with me.

Q. Any others?—A. Not at the time I voted.

Q. Any Democrats?—A. Yes, sir; about six or seven.

Q. Did any Republicans remain in the room after voting?—A. No, sir; they did not stay.

Q. Did any Democrats other than the managers?—A. Yes, sir; sometimes there would be two or three.

Q. Did you see the Republican supervisor in the room?—A. I seen him in the door.

Q. Did he act as supervisor?—A. No, sir; he did not act.

Q. Do you know why?—A. No, sir; I don't know why he did not act.

Q. Did you hear any threats, or know of any violence or attempted violence at the poll that day?—A. No, sir; I did not hear any threats; I saw one man knock off one hat with a pistol.

Q. Why did he do this?—A. I don't know, unless he was drinking. It appeared from his actions that he had been drinking.

Q. Did the voters have free access to the poll?—A. No, sir; they could not do that.

Q. What prevented them?—A. That gentleman prevented them by running his horse across the door.

Q. Did he say anything at this time?—A. No, sir; he did not make any threats.

Q. Was he a Republican or a Democrat?—A. He was a Democrat.

Q. Did any other Democrats act in that way?—A. No, sir.

Q. Where did these men carry their pistols?—A. Strapped around them, outside of their shirts.

Q. Do you know if any Republicans were intimidated that day?—A. When that gentleman charged up on his horse a good many went away, and a good many of those came back and voted.

Q. To what party did the men who went away belong?—A. They belonged to the Republican party.

Q. Did they all come back?—A. I don't know whether they did or not.

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PINK + WEBB.  
mark.

Sworn to before me this 16th February, A. D. 1881.

E. H. HOGARTH,  
*Notary Public, South Carolina.*

JOHN T. GASTON, *Intendant.*

*Deposition of Bristow J. Yeldell.*

EDGEFIELD COURT-HOUSE, S. C., *February 16, 1881.*

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

BRISTOW YELDELL, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. State your age, residence, and occupation.—Answer. Age, 27; residence, Moss Township; I am a farmer.

Q. Were you at Cheatham's Store precinct at the last election?—A. Yes, sir.

Q. In what capacity?—A. As United States supervisor.

Q. Were you present when the polls opened?—A. I was.

Q. Did you act as supervisor that day ?—A. No, sir.

Q. Did you see the box opened by the managers before the voting commenced ?—A. I did not.

Q. Why not ?—A. Because the Democrats were fighting a sham battle on the piazza, and I was afraid to go to the box.

Q. Did you go into the poll at all ?—A. I did not.

Q. Being supervisor, why did you not ?—A. I was objected to coming in by one of the managers.

Q. Did you stay at the poll all day ?—A. I did not.

Q. Did you see the votes counted ?—A. I did not.

Q. How many people were at the poll when it opened —A. About one hundred Republicans and about twenty-five or thirty Democrats.

Q. Did the polls open at 6 o'clock ?—A. They did not.

Q. What time did they open ?—A. About quarter after 7 o'clock.

Q. How long after sunrise ?—A. About one hour and a quarter.

Q. Was there any one present wearing uniforms ?—A. Yes, sir.

Q. To what political party did they belong ?—A. The Democratic party.

Q. Did any of these men have arms ?—A. Yes, sir.

Q. About how many ?—A. About twenty.

Q. Who were the parties that were having the sham fight on the piazza ; those with red shirts or without ?—A. Those with red shirts and those without.

Q. In this fight were any arms used ?—A. Yes, sir.

Q. If so, how, and what ?—A. They had pistols and clubs, and brandished them at each other, striking on a box and making a great noise.

Q. Why did you leave the poll ?—A. A Democrat demanded my commission, and I handed it to him, and he returned it, saying he be damned if I should supervise there that day.

Q. Did he or others do or say anything further to you ?—A. With the manager, he was the only one.

Q. Did you then leave the poll ?—A. Shortly after that I did.

Q. About what hour ?—A. About eight o'clock.

Q. Did you vote ?—A. I did not.

Q. Why not ?—A. I could not get to the box without being run over by the Democrats, who were fighting a sham battle.

Q. Did any more Democrats arrive before you left ?—A. No, sir.

Q. Did any other Republicans go away ?—A. Yes, sir.

Q. About how many ?—A. About one hundred.

Q. Why did they go ?—A. Because they could not vote ; for the same reason that I did.

Q. For whom did you intend to vote for Congress ?—A. Robert Smalls.

Q. Whose name was on the Republican ticket at that poll for Congress ?—A. Robert Smalls.

Q. Was there any violence or threats used by the Democrats toward Republicans that day ; if so, what ?—A. Yes ; they shot at a Republican, and ran him off.

Q. Did the parties who fired say anything ?—A. I don't know.

Q. Do you know if any Republicans voted at that poll that day ?—A. I don't know.

Q. Did you vote at all that day ?—A. I did not.

Cross-examination by B. W. BETTIS, Jr., counsel for contestee :

Q. Are you an ordinary laborer, or upon what scale do you farm ?—

A. I rent about twenty-seven or twenty-eight acres of land every year, and make what I can on it.

Q. Can you read and write?—A. Yes, sir.

Q. When did you learn how?—A. I commenced about seven years ago, and am still trying.

Q. During the seven years have you been doing anything else or been farming, besides learning to read and write?—A. I have been farming.

Q. How long have you been going to school—what portion of those seven years did you go to school?—A. I did not go to school none during those seven years.

Q. How did you learn to read and write?—A. I worked all day, and studied at night.

Q. Who appointed you a supervisor?—A. Samuel T. Poinier, United States supervisor.

Q. What were your duties as United States supervisor?—A. My duty was to keep a poll-list, and scrutinize the box, and to keep a memorandum of all the riots and proceedings during the day.

Q. What were you going to do with your poll-list, and so on, after the election was over?—A. I was going to deliver it to the commissioners of elections.

Q. Who were the commissioners of elections?—A. Mr. Lynch, and Mr. Nicholson, and Mr. Lee.

Q. Did you see any Democrats at the poll when you reached it that did not have red shirts on?—A. Yes, sir.

Q. How many?—A. About three; there may be more.

Q. How do you know they were Democrats?—A. I know this, that all white men in this portion of the country are Democrats.

Q. How do you know that?—A. Because all the white people that speak to me in this portion of the country ask me to vote the Democratic ticket.

Q. What was the name of the man that asked you for your credentials?—A. I don't care to call his name.

Q. How do you know that the one hundred men that left with you that day were all Republicans?—A. Because they had Republican tickets.

Q. Did you examine their all of tickets, the whole one hundred?—A. Yes, sir; every one of them.

Q. Do you know if any of them went to another polling precinct or not?—A. Not as I know of.

Q. Do you know where they went to?—A. I don't know where all of them went.

Redirect examination by W. N. TAFT, Esq.:

Q. Do you know where any of them went to?—A. Some of them went with me back to the poll in another crowd of about one hundred and eighty; and we remained there for one hour, and then this shooting took place and we went home, and I saw several of them at their homes as I passed.

Q. Did this crowd of 180 also go?—A. Yes, sir.

B. J. YELDELL.

Sworn to before me this 16th February, A. D. 1881.

E. H. HOGARTH,  
Notary Public, South Carolina.

JOHN T. GASTON, *Intendant*.

*Deposition of W. T. Tillman.*EDGEFIELD COURT HOUSE, S. C., *February 16, 1881.*

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

W. T. TILLMAN, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. State your age, residence, and occupation?—Answer. I am 31 years of age; and reside in Pickens Township; and I am a farmer.

Q. Were you at Meeting Street polling precinct at the last election?—A. I was.

Q. In what capacity?—A. I was a United States supervisor of elections.

Q. Were you present when the poll opened?—A. I was.

Q. What hour did it open?—A. About 6 o'clock.

Q. Did you see the box opened?—A. No, sir.

Q. Did you act as supervisor?—A. No, sir.

Q. Why not?—A. I was prevented by the Democrats; they struck me with a stick, and asked me what was my business there; I told them I was United States supervisor; one said, "What does the United States know about you?" He said then, "God damn you, you will smell hell here before night." While waiting for the poll to open, a Democrat snatched my hat off and hung it up. I put it on; he snatched it off again, saying, "I hung it up; let it stay, or the first thing you know your head will be hanging there." He went out of the room and returned with a club, apparently a piece of fence rail, and struck me twice with it, and I retreated under the stairway, and he then struck me over the head. The clerk asked me to come outside with him. I did so, and while there the poll opened; a Democrat snatched my papers from me, and I saw them no more.

Q. How many Democrats were around the poll at that time?—A. About forty or forty-five.

Q. About how many Republicans?—A. There were none.

Q. Were any of the Democrats in red shirts?—A. Yes, sir.

Q. Many of them?—A. All except three or four.

Q. Any of them have arms?—A. Yes, sir; there was about twenty-five or thirty pistols that I saw.

Q. See any guns?—A. No, sir.

Q. Did you hear any threats besides those you related?—A. No, sir.

Q. Did you vote?—A. Yes, sir.

Q. Do you know of any Republicans going to that poll and could not vote?—A. When my papers were taken away I was struck three times over the head, and being advised afterwards by friendly Democrats to leave, I did so. I returned twice but receiving abuse from the same man, I left the poll; about a mile away, I met about one hundred and seventy-five or one hundred and eighty Republicans, I told them of my treatment; we went to the poll and found it surrounded by red shirters,

and the Republicans finding that the Republican supervisor was not permitted to act, would not vote and left the poll.

Cross-examination by B. W. BETTIS, Jr., counsel for contestee:

Q. How long have you been a freeman?—A. About fifteen or sixteen years.

Q. Can you read and write?—A. Yes, sir.

Q. How long have you known how?—A. I began to learn in 1869.

Q. What else have you been doing since that time?—A. Farming, principally.

Q. Did you go to school any portion of the time?—A. During the 10 years, I have been to school about six months.

Q. Who appointed you supervisor?—A. It was done by the United States general supervisor, but I don't know his name.

Q. How did you know you were appointed by him?—A. I saw my credentials.

Q. What did they require you to do?—A. To supervise the election held at Meeting Street poll, and to see that everything was done fairly and squarely.

Q. What do you mean by the word supervise?—A. To oversee and scrutinize.

Q. Who were you going to oversee, and what were you going to scrutinize?—A. The voters at the election.

Q. What were your duties after the poll closed?—A. I was to hold the poll-list that I was to keep.

Q. How long were you to hold it?—A. Until I returned it to the commissioners of elections.

Q. How were you to return it to the commissioners of election; by what means?—A. I was to bring it.

Q. Tell me the name of that man who treated you so badly?—A. Jim Coleman.

Q. What time did you leave the poll?—A. About half after seven o'clock.

W. T. TILLMAN.

Sworn to before me this 16th February, A. D. 1881.

E. H. HOGARTH,  
Notary Public, South Carolina.

JOHN T. GASTON, *Intendant*.

*Deposition of W. E. Lynch.*

EDGEFIELD COURT HOUSE, S. C., *February 17, 1881.*

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

W. E. LYNCH, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by contestant.

Question. What is your age, residence, and your occupation?—Answer. I am 29 years of age; residence, Edgefield Court House; occupation, druggist.

Q. Did you hold any official position in relation to the late election ?

—A. I was one of the commissioners of election for Edgefield County.

Q. Did you qualify and serve ?—A. Yes, sir.

Q. Who were the other commissioners ?—A. B. E. Nicholson and A. J. Lee.

Q. Did they serve ?—A. Yes, sir.

Q. In making your selection of managers for the different precincts, was there any rule or understanding as to the class or kind of persons who should be appointed ?—A. There was none.

Q. To what political parties did the managers belong ?—A. They were mostly Democrats.

Q. Were any Republicans appointed ?—A. I don't know; not that I know of.

Q. Did or did not the board of commissioners as far as possible select Democrats for managers ?—A. Yes, sir; they did.

Q. Acting as a board of county canvassers did the commissioners canvass and return all the returns or ballots from each and every precinct in the county ?—A. They did not.

Q. How many, and what polls were not canvassed ?—A. There were five, Etheridge's Store, Perry's Cross Roads, Coleman's Cross Roads, Caughman's Store, and Liberty Hill.

Q. Why were these polls not counted ?—A. On account of irregularities.

Q. In what did these irregularities consist ?—A. The managers failed to make any returns, or send any poll-list.

Q. Were the ballots counted in those boxes ?—A. No, sir; not by the board of county canvassers.

Q. Do you know how many ballots these boxes or either of them contained ?—A. No, sir.

Q. Did you see the boxes opened ?—A. Yes, sir.

Q. What was the appearance of these boxes when opened ?—A. There was nothing in them but ballots; one was full; the others were partially filled.

Q. Under what law did the board act in rejecting these polls ?—A. I don't know what law, but we were advised that we had nothing to go on.

Q. Who gave this advice ?—A. I don't remember now.

Q. Were they Democrats or Republicans who gave this advice ?—A. Democrats.

Q. Can you tell the total amount of votes canvassed by the board ?—A. I don't remember now.

Q. Was there any conversation between the members of the board in relation to these boxes before rejecting them ?—A. Yes, sir.

Q. Was there any other reason given by either of the members of the board why these boxes should be rejected ?—A. None besides the irregularities.

Q. Was anything said about the vote of the county being too large, or large ?—A. Nothing was said about it.

Q. How did the vote of the county as canvassed by your board correspond with the vote of previous elections in this county ?—A. I don't know.

Q. Where were you on the day of election ?—A. I was here.

Q. What party do you belong to ?—A. The Democratic.

W. E. LYNCH.

Sworn to before me this 17th February, A. D. 1881.

E. H. HOGARTH,  
Notary Public, South Carolina.

JOHN T. GASTON, *Intendant*.

*Deposition of Andrew J. Lee.*

EDGEFIELD COURT HOUSE, S. C., *February 17th, 1881.*

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

ANDREW J. LEE, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by contestant :

Question. State your age, residence, and occupation ?—Answer. I am 36 years of age ; reside in Edgefield County ; occupation, farmer.

Q. Did you hold any official position at the late election ; and, if so, what ?—A. I was one of the commissioners of election for Edgefield County.

Q. From what political parties were the managers of election appointed ?—A. The Democratic.

Q. Were any Republicans appointed ?—None that I know of.

Q. At the canvassing of the votes by the commissioners were any polls not canvassed ?—A. Yes, sir ; five were not counted. I don't remember the names of the polls.

Q. Why were they rejected ?—A. Because they were not returned according to law.

Q. Was there any other reason assigned by either of the commissioners, or any person, in the presence of the board ?—A. None at all.

Q. When the boxes were opened (these 5) what was their appearance ?—A. Some did not have the returns in them, and one did not have anything but ballots in it—one was nearly full, and the others about half full.

Q. Do you know of any law for acting as the board acted ?—A. I don't know where to find it, but I read it several times, and we acted the way I understood it.

Q. Did any person tell you that you must reject these polls because it was the law ?—A. No, sir.

Q. Where, and in what, did you read this law ?—A. I read it in a little pamphlet furnished the commissioners.

Q. Have you got a copy of that pamphlet ?—A. No, sir.

Q. How do you know that that was the law and not simply a document issued by an irresponsible person ?—A. I don't know.

Q. Why do you say then it is the law ?—A. Because it read like the law I had read several years ago.

Q. Are you a Republican or Democrat ?—A. I am a Republican.

Q. Where were you on the day of election ?—A. I was in the village.

Q. Was the board requested by any one, to appoint as manager, any person who was a Republican ?—A. No, sir.

Q. Were you requested to do so ?—A. I was, by some Republicans.

Q. Did you mention this matter to the board ?—A. I did not, be-



cause I thought it was the Republican executive committee's business to consult the board about it.

Q. In appointing the managers did you name any of them?—A. I made some suggestions of names.

Q. Were these names Republicans or Democrats?—A. All Democrats.

Q. Were you appointed as a Republican or Democrat?—A. As a Republican.

Q. Then being appointed as a Republican why did you not suggest the names of some Republicans?—A. I spoke to the county chairman, and he gave me no advice.

Q. Did you or not know of any Republicans whose names you could have suggested as managers of election?—A. I knew some around the village, and some two or three others; I don't know whether they would have served or not.

Q. Did you take the pains to find out?—A. I did not.

Q. What ticket did you vote at the last election?—A. I did not vote at all.

Q. What ticket did you vote in 1878?—A. Did not vote.

Q. In 1876?—A. Voted the Republican ticket.

Q. Why did you not vote at the last election?—A. Because the generality of the Republicans did not vote, and I did not want to vote after they left.

Q. Was not your Republicanism strong enough to cause you to vote?—A. Oh, yes, sir; but I did not think it would do any good, but I was invited to vote that evening.

Q. Why did the Republicans not vote?—A. The place was crowded that morning with Democrats.

Q. Could they have got to the polls?—A. They could not have got there until the Democrats got away.

Q. Were there many Republicans present?—A. I thought there was about two thousand here that morning.

Q. Did many of them go away without voting?—A. The greater number, nearly all.

Q. How many voted at Edgefield poll?—A. I don't remember, but very few, though.

Q. Where was the poll held?—A. I don't know.

Q. Did you attempt to go into the poll?—A. No, sir; I did not.

Q. Were any men present in uniform, or red shirts?—A. There were some red shirts.

Q. Many?—A. About half the number of the Democrats in the village that morning were in red shirts.

Q. About how many Democrats were in the village?—A. About three or four hundred.

Q. Did you see any arms that day?—A. I did not.

Q. Were there many Democrats on the steps of the court-house?—A. A good many; about as many as could pass about.

Q. What were they doing there?—A. They were going up and down the steps.

Q. Did many of them remain on the steps or porch long?—A. Some were leaning on the banisters, some on the porch, but I don't know how long they staid.

Q. Are you sure that you saw no man with a gun, a pistol, or a weapon of any kind during the day of election?—A. I saw some with sticks; I don't recollect seeing any guns or pistols.

Q. Did you see any body of men assembled at Masonic Hall that day?—A. I saw some men in the hall.

Q. Did you see them, or any of them, have arms?—A. No.

Q. Did the Republicans have a chance to go into the poll, and vote freely, and without molestation?—A. I don't think they did.

(Objected to.)

Q. Why not?—A. Because the polling place was filled with Democrats, and I did not see any chance for the colored people to vote.

Q. Were you in town the night before election?—A. I was.

Q. Did you see any mounted men ride through or around the town that night?—A. I did see a number of mounted men, in a body, riding through the town.

Q. Did you hear any firing that night, much or little?—A. I heard several shots fired.

A. J. LEE.

Sworn to before me this 17th February, A. D. 1881.

E. H. HOGARTH,  
*Notary Public, South Carolina.*

JOHN T. GASTON, *Intendant.*

In the matter of the contest between Robert Smalls, contestant, and G. D. Tilman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

RICHMOND MOBLEY, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

*Deposition of Richmond Mobley.*

EDGEFIELD COURT HOUSE, S. C., *February 17, 1881.*

Question. State your age, residence, and occupation.—Answer. I am 36 years of age; residence, Dean's Township; occupation, farmer.

Q. Were you present at Richardsonville; and, if so, in what capacity on the day of the last election?—A. I was; as United States supervisor.

Q. Were you present when the polls opened?—A. I was.

Q. Was the box opened by the managers before the voting began?—A. It was.

Q. Did you keep a poll-list?—A. Yes, sir.

Q. All day?—A. I did not keep it myself, but my clerk kept it for me.

Q. Were you inside the poll all day?—A. No, sir.

Q. Who was your clerk?—A. Willie Hazel.

Q. A Republican or a Democrat?—A. I suppose a Democrat; he calls himself so.

Q. How did you come to appoint him clerk?—A. On arriving at the poll I asked for somebody to act as clerk for me, and I appointed Willie Hazel. Before the poll opened some of the managers said that the room was not the place for a supervisor, saying, "Richmond, you had better go out"; and I went out.

Q. After going outside, did you have a position so that you could see the box and the managers' poll-list at all times during the day?—A. Until about half past one or two I did.

Q. At this time what happened to prevent you?—A. A crowd of thirty-five or forty men, in red shirts, rode up to the poll singing, and I was compelled to leave, by them, my position. They remained from fifteen to thirty minutes, some singing and some hallooing.

Q. Did you take your position and remain there during the rest of the day?—A. Yes, sir; I did.

Q. Did you see every name entered on the managers' poll-list?—A. I did not see them entered on there.

Q. Did all the voters have a chance to vote freely and without molestation at that poll?—A. As far as I saw, they did.

Q. Were there many men present at any time with red shirts?—A. Yes, sir; I seen a good many with red shirts.

Q. Did you see any persons with arms?—A. I saw a great many pistols, but no guns.

Q. Who had them?—A. Democrats.

Q. Did you hear of any threats of violence or see any violence whatever that day?—A. None.

Q. Did you hear any fire-arms discharged that day?—A. None.

Q. Did any one molest you that day?—A. No, sir; with the exception of a man snatching my papers out of my pocket. I caught hold of them, and he said, "God damn you, let go of them;" I then let loose. He kept the papers, and I have not seen them since.

Q. Did you see the votes counted?—A. I did.

Q. Did the poll-list and ballots tally?

(Objected to on the ground of being secondary evidence.)

A. No, sir.

Q. What difference was there?—A. To the best of my judgment there were seven more names on the poll-list than ballots in the box.

Q. What was done about this by the managers?—A. I don't know.

Q. Do you know if everybody who came there to vote voted that day?—A. They did, to the best of my knowledge.

Q. Where did the crowd of thirty-five or forty red shirts come from?

—A. I don't know.

Q. Do they belong at or near that precinct?—A. I did not know them.

Q. Do you know the people living in that vicinity?—A. Tolerably well.

Q. Did you know any of this party?—A. I did not.

Q. Did you hear any of them say where they came from?—A. No, sir.

Q. Were any Republicans inside the poll during the day?—A. No, sir.

Q. Were any other persons besides the managers inside the room during the day?—A. The Democrats passed in and out all day.

Q. Where did your clerk remain?—A. Inside the room.

Q. Were any objections made to his remaining there?—A. None at all.

Q. Would you have remained in the room had no objections been made?—A. Yes, sir.

Q. Why did you not remain there anyhow?—A. Because I felt if I did not go there would be a bad feeling about it.

Q. Was there any other reason why you did not go?—A. No, sir; no other.

Q. Why were you afraid of this bad feeling?—A. I was there with the Democrats, and I felt if I did not do that way I could not stay there.

Q. Did you hear of any threats being made against you?—A. I heard of them, but they were not made in my presence.

Q. Being a Republican supervisor why did you select a Democrat for clerk?—A. On my arrival I intended to keep the poll-list myself, failing to find a competent Republican to do so; and being placed outside I got this Democrat to act as my clerk.

Q. Do you know, of your own knowledge, if the poll-list was correctly kept?—A. No, sir; I do not.

Q. In the count of the votes were you in such a position as to see every ballot and every name on the ballots?—A. I think I could.

Q. Could you see in your position whether the names on the ballots were properly taken down by the managers, and credited to the candidates for whom they were cast?—A. No, sir; I could not see that.

Q. Then can you say whether a correct return was made by the managers?—A. A correct return was made as far as I could see.

Q. If you could not see the names on each ticket credited to the candidates on each ticket, can you say positively, of your own knowledge, that a correct return was made by the managers?—A. There was, to the best of my ability.

Q. Did you see the managers' return?—A. Yes, sir.

Q. How do you know it was correct?—A. If I see a man doing a thing I know it is correct as far as I see.

Q. Did you see the managers credit to each and every candidate every vote from every ticket that came from the box?—A. I did not see that.

Q. Then how do you know that every vote received by every candidate, and counted for him was embraced in the managers' return?—A. I don't know it.

Cross-examination by B. W. BETTIS, Jr., counsel for contestee:

Q. When they were counting the votes, did you not see the clerks keeping a tally?—A. Yes, sir; I seen that.

Q. You could look on the paper of the clerks and see whether they put a tally to the proper place or not?—A. Yes, sir; I could have seen it.

Q. If you had wanted to, could you not have looked at any vote the managers took out of the box?—A. Yes, sir.

Q. You could have kept a memorandum of the votes if you wanted to?—A. Yes, sir.

Q. Did you not select a Democrat to keep your poll-list because you thought he was more competent than yourself?—A. I suggested that I wanted a clerk to act for me that day; of course, my reason for selecting Mr. Hazel was because he was more competent to keep the poll-list than myself.

Q. You said, on your direct examination, that none of the Republicans were in the room where the poll was held during the day; do you mean by that to say that any one was prevented from going into the room where the poll was held who had a right to vote?—A. No, sir.

Q. Who do you call Republicans, and who Democrats?—A. I call men in my country Democrats who wear red shirts; generally those that vote the Republican ticket I call Republicans.

Q. How do you know, of your own knowledge, who votes Republican tickets, and who votes Democratic tickets, so that you can say one body of men are Republicans, and another body Democrats?—A. By seeing them vote and seeing the men's names on it.

Q. Do you usually examine people's tickets before they vote?—A. Of my color I do, where I live, at my polling place.

Q. Did you examine them on the day of the last election before they voted them?—A. Some few I did.

Q. When was it you ever examined them generally?—A. On election day.

Q. Are you the monitor of that precinct?—A. No, sir.

Redirect examination by W. N. TAFT, Esq. :

Q. You say you appointed a Democrat as clerk for you because he was more competent than yourself; did you or not do this in the first instance before objection was made to your remaining in the poll?

(Objected to as leading.)

A. Yes, sir; before that, because he was more competent, and I could not get a Republican.

Q. Were you competent or not to keep the poll-list?—A. I did not think I could write fast enough for them to poll.

Q. Had you remained inside would you have kept a poll-list?—A. If I had remained inside and could not have got any one I would have tried to.

RICHMOND MOBLEY.

Sworn to before me this 17th February, A. D. 1881.

E. H. HOGARTH,  
*Notary Public, South Carolina.*

JOHN T. GASTON,  
*Intendant.*

*Deposition of Dave Graham.*

EDGEFIELD, COURT HOUSE, S. C., *February 17, 1881.*

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

DAVE GRAHAM, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant :

Question. State your age, residence, and occupation.—Answer. I am 45 years of age, and reside on Little Saluda River, Edgefield County; occupation, farmer.

Q. Were you present at Mt. Willing polling precinct the day of the last election?—A. Yes, sir.

Q. Did you vote?—A. No, sir.

Q. Why not?—A. The poll was crowded when I got there; I staid there until 2 o'clock expecting to vote; about that time a crowd of Democrats came up and told us to leave, and we got away, and I went home.

Q. Were these Democrats mounted or not?—A. On horses.

Q. How were they dressed?—A. Some had on citizens' clothes, and some had on red shirts.

Q. What did they say to you?—A. They said, "You damn negroes, get away from here."

Q. You say firing commenced?—A. Yes; about a minute after this was said.

Q. Were many shots fired?—A. A good many.

Q. Did any others leave who had not voted?—A. Yes; all the Republicans left.

Q. Did anybody remain at the polls?—A. When I left all the colored people had gone except two or three; and a good many Democrats.

Q. How many Republicans left before you did?—A. About seventy-five.

Q. Had all these voted?—A. No, sir.

Q. What ticket were you going to vote?—A. Republican ticket; a mixed ticket.

Q. Where is the ticket?—A. Here it is (handing ticket).

Q. Is this the ticket you went there to poll?—A. Yes, sir.

(Ticket was here put in evidence and marked Exhibit A.)

Q. What ticket did the other colored people who went away intend to vote?—A. Three told me they intended to vote the Republican ticket.

Q. Why were these men run away?—A. I don't know why it was.

Q. Are the colored people around that neighborhood Republicans or Democrats?—A. Republicans.

(Objected to.)

Cross-examination by F. H. WARDLAW, counsel for contestee:

Q. Do you know of any colored men in that neighborhood who voted the Democratic ticket?—A. I know of some who said they done it.

Q. You don't know that all those colored men who left the poll intended to vote the Republican ticket?—A. No, sir.

Q. Did not those colored men who voted the Democratic ticket live in your neighborhood?—A. Yes, sir.

Q. Then can you say that all the colored men in your neighborhood are Republicans?—A. Most of them are.

Q. Did you know the men who came up and told you to leave?—A. No, sir.

Q. You say a good many Republicans left?—A. Yes, sir.

Q. Had not some of them voted?—A. Yes, sir.

Q. Do you mean to say that 75 left who had, and who had not voted, or 75 in all?—A. I think 25 had voted and 50 had not.

Q. Did you go back to the poll after you left?—A. No, sir.

Q. Did you attempt to vote?—A. Yes, sir; I tried to get in the door a time or two, but the door was so crowded I could not get in.

DAVID GRAHAM.

Sworn to before me this 17th February, A. D. 1881.

E. H. HOGARTH,  
*Notary Public, South Carolina.*

JOHN T. GASTON, *Intendant.*

EXHIBIT A.—E. H. H.—I. T. G.—J. T. G.

**UNION REPUBLICAN TICKET.**

(Wood-cut of Abraham Lincoln.)

For President:

JAMES A. GARFIELD.

For Vice-President:

• CHESTER A. ARTHUR.

For Presidential Electors:

At Large—T. B. JOHNSTON.

At Large—A. S. WALLACE.

First District—W. A. HAYNE.

Second District—E. A. WEBSTER.

Third District—THOS. N. TOLBERT.

Fourth District—WILSON COOK.

Fifth District—B. P. CHATFIELD.

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For Member 47th Congress 5th Dist. S. C.

ROBERT SMALLS.

For Solicitor:

JOHN F. HOBBS.

For Senator:

HUGH A. SHAW.

For House of Representatives:

JOHN C. SHEPPARD.

PHILIP B. WATERS.

CHARLES LINDSAY.

DAVID HARRIS, Jr.

ISHAM RAIFORD.

For Sheriff:

MIKE J. WATSON.

For Judge of Probate:

JAMES D. WATSON.

For School Commissioner:

HENRY C MITCHELL.

For County Commissioners:

JOHN Q. COGBIN.

JOHN M. JONES.

AMBROSE CARTLEDGE.

For Coroner:

BURREL B. YELDELL.

For Treasurer:

WM. D. JENNINGS, Sr.

For Auditor:

FREDERICK BLACKWELL.

*Deposition of Louis W. Collins.*

EDGEFIELD COURT HOUSE, S. C., *February 17, 1881.*

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

LOUIS COLLINS, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by contestant :

Question. State your age, residence, and occupation.—Answer. I am 24 years of age; and reside in Moss Township; occupation, farmer.

Q. Were you at Tolbert's Store precinct at the last election; if so, in what capacity?—A. I was; as supervisor.

Q. What time did you arrive at the poll?—A. About 7 o'clock.

Q. Was the voting then going on?—A. Yes, sir.

Q. Why did you not get there when the poll opened?—A. I went to the wrong place.

Q. Did you go inside the poll?—A. I went in when I first got there.

Q. Did you remain?—A. No, sir.

Q. Why not?—A. Some one said it was not my place; after that I went out.

Q. Who said this?—A. A Democrat.

Q. Was this all said?—A. All said to me.

Q. Being a supervisor, why did you not remain anyway?—A. He said this was his special property, and for me to get out; that my place was not inside the house, it was outside the door.

Q. Did he say why this was his special property?—A. No, sir; he did not say.

Q. It being a public place, and you being a public officer, why still did you not remain?—A. My reason for not staying was because I was afraid he might hurt me if I did not go out.

Q. Did you keep a poll-list?—A. No, sir.

Q. Why not?—A. Because around the box was so crowded I had no place to keep it.

Q. Where was the box placed?—A. In front of the door; about two feet from the door.

Q. Were there any persons in the poll other than the managers?—A. Yes, sir.

Q. Who were they?—A. The Democratic party.

Q. Were there any Republicans there?—A. No, sir.

Q. Did all the voters have an opportunity to cast their votes freely and without molestation from any one?—A. No, sir.

(Objected to as witness' opinion.)

Q. In what way were they hindered or obstructed?—A. The door was crowded by the Democrats so as they could not get in, and they would not let the Republicans come in. This lasted from 8 o'clock in the morning until 3.

Q. What effect did this have on the Republican voters?—A. They staid until about three o'clock, and then they went away.

Q. Did any Republicans vote at all?—A. Yes, sir.

Q. About how many?—A. About twenty-five.

Q. How many went away without voting?—A. About one hundred and fifty.



Q. Were there many Republicans at the poll when you arrived?—A. Yes, sir.

Q. Did any of these go away without voting?—A. I don't know.

Q. About how many Democrats voted, up to 3 o'clock?—A. I don't know but about forty or fifty.

Q. Why did the voting go on so slowly?—A. Because those that were there kept the box crowded, and there were no more whites present.

Q. Were there any men present in red shirts?—A. Yes, sir.

Q. Of which party?—A. Democratic.

Q. Were any men present who were armed?—A. Yes, sir; I saw nine or ten pistols.

Q. Who had them?—A. Democrats.

Q. Did you stay until the poll closed and see the votes counted?—A. No, sir.

Q. Why not?—A. I thought it was after six; then I left.

Cross-examination by F. H. WARDLAW, counsel for contestee:

Q. Who was it that told you to get out?—A. Some of the Democrats; one of them.

Q. Do you know his name?—A. No, sir.

Q. Did you attempt to go back in there afterwards?—A. No, sir.

Q. Did you attempt to keep a poll-list?—A. Yes, sir.

Q. Did you see any men dressed in uniforms or blue shirts other than those with red shirts?—A. No, sir.

Q. Did you see any Republicans armed that day?—A. No, sir.

Q. Clubs, pistols; or guns?—A. I saw them have sticks.

Q. Do you know that those 150 men left there without voting?—A. I know they did not vote there.

Q. Did you see every man that voted?—A. After I got there I did.

Q. To what party do you belong?—A. Republican.

Q. Can you tell a Democrat from a Republican?—A. Only by what they say.

Q. Did each and every one of that 150 men that left tell you they were Republicans?—A. The greatest number of them did.

Q. How do you know the rest of those men were Republicans?—A. I don't know it at all.

Q. Did any colored men in your county vote the Democratic ticket?—A. No, sir.

Q. Did you see each and every one of the tickets voted by the colored men of your neighborhood?—A. Yes, sir.

Q. Where did you see those tickets?—A. At the polling place.

Q. I understood you to say you saw the tickets of those that voted?—A. Yes, sir.

Q. Did you see the tickets of those men who did not vote?—A. No, sir; not all of them.

Q. Then, how do you know that some of those men did not go to another poll and vote the Democratic ticket?—A. I don't know at all.

Q. Did you examine the tickets of the colored men that voted there that day?—A. Yes, sir.

Q. Were you a United States supervisor there that day?—A. Yes, sir.

Q. Is it one of the duties of a supervisor to examine the tickets of those who go to vote?—A. I don't know whether it was or not; but those who voted required me to do so.

Q. You say you were required to examine these votes?—A. Yes, sir.

Q. Was it not a prearranged affair or understanding that you were

to examine the votes of the colored men before you went there?—A. No, sir.

Q. You say you were required to do it; why were you required to do so?—A. Because they would walk up and ask me, and I would tell them.

Q. Could those voters read their ballots?—A. Those that asked me said they could not.

Q. Was there any other Republican who could read besides yourself?—A. I don't know whether there was or not.

Q. Can you read and write?—A. A little.

Q. When did you learn?—A. About five or six years ago.

Q. How long did you go to school?—A. In the five years I went about six or seven months.

Q. Who appointed you supervisor?—A. I was appointed by the chief supervisor, so I was informed by Mr. Cain.

Q. You say you don't know who the chief supervisor was?—A. I did know, but I have forgotten it.

Q. What are the duties of a supervisor?—A. My duty was to go there and keep a poll-list of all those who voted, and those who did not.

Q. You said in your testimony that you were to keep a poll-list?—A. Yes, sir.

Q. What were you to do with it?—A. Turn it over to the chief managers of elections.

Q. Who were the chief managers of election?—A. Mr. Lynch and Mr. Lee; I forget the other one.

Q. How were you going to turn it over?—A. Bring it, and give it to them.

Q. What were you to do after the poll closed?—A. Stay and see the votes counted.

Q. What were to be done with the votes after they were counted?—A. Brought and delivered to the managers.

Q. How were they to be delivered to them?—A. They were to be brought in the box.

Q. How was the box to be fixed?—A. Closed up and brought on.

Q. By you?—A. No, sir; not by me.

Q. What were some of the other duties of supervisor?—A. I don't know of any others, except those I have called.

Q. Did you have to sign any papers as supervisor?—A. I had, provided I staid there and saw all the votes counted.

Q. What were you to do with those papers after they were signed?—A. I was to bring them and deliver them to the chief manager.

Q. You said about twenty-five men voted and the others did not; how do you account for this?—A. They voted before such a large crowd of Democrats got there.

Q. Do you consider forty or fifty a large crowd?—A. Yes, sir; I do.

Q. Did all those 150 men stay there until 6 o'clock that evening?—A. No, sir.

Q. About what time did they leave?—A. Left about three o'clock.

(Contestant objects to all questions and answers relating to the duties of managers and the custody of the box, they being irrelevant and matters fixed by law.)

L. W. COLLINS.

Sworn to before me this 17th February, A. D. 1881.

E. H. HOGARTH,  
*Notary Public, South Carolina.*

*Deposition of Anderson Carter.*EDGEFIELD COURT HOUSE, S. C., *February 17, 1881.*JOHN T. GASTON, *Intendant.*

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

ANDERSON CARTER, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by contestant :

Question. State your age, residence, and occupation.—Answer. I am 30 years of age; and reside in Wise Township; and occupation, wheelwright.

Q. Were you at Red Hill precinct on the day of the last election?—A. I was, as a United States supervisor.

Q. What time did you get there?—A. Quarter before six in the morning.

Q. What time did the poll open?—A. I could not tell; I was not there.

Q. Was the poll opened at 6 o'clock?—A. No, sir; it was not.

Q. How long did you remain there?—A. I was there until half-past six.

Q. What caused you to go away?—A. Mr. Ben Glanton, one of the managers, told me I could not serve; as I did not have my oath with me I could not serve. I then showed Mr. Glanton my commission. A party of white men came up and one of them snatched my papers from me and tore one up, and drew back his fist saying, "God damn you, if you don't like it you need not take it," the others said, "You had better leave here mighty quick, and not be seen any more here to-day, or we will put a light hole through you."

Q. What did you do then?—A. I came off and went home.

Q. Was anything else done to you?—A. That is all.

Q. Was this said in a friendly or threatening manner?—A. A threatening manner.

Q. Why did you not still remain?—A. I was afraid of being shot to death.

Q. Were you Republican or Democratic supervisor?—A. Republican.

Q. Did you vote that day?—A. I did not.

Q. Why not?—A. I was 'fraid to stay there.

Q. Why were these threats made against you?—A. I could not tell you.

Q. How many Democrats were about the poll at this time?—A. About seventy-five or one hundred.

Q. Any of them have red shirts on?—A. Yes, sir; a good many of them.

Q. How many persons around the poll with arms did you see?—A. Twenty-five or thirty with pistols.

Q. Of which party?—A. They were white men; some had on red shirts.

Q. Were there many Republicans around the poll at the time you were there?—A. There was only one besides myself, who went with me.

Q. Did he leave too?—A. Yes, sir; I and he came off together.

Q. This you say was half-past 6. How do you know the poll was not open?—A. I went inside and looked at the clock, and asked the clerk in store if the managers had not come, and he said no; and it was half-past 6 when I saw Mr. Glanton.

Q. Do you know when the poll did open?—A. No, sir.

Q. If the poll had opened at 6 o'clock, would you and the other Republican have voted?—A. It was our intention to have voted.

Q. What ticket did you intend to vote?—A. Republican ticket.

Q. For whom did you intend to vote for Congress?—A. Robert Smalls.

Cross-examination by F. H. WARDLAW, counsel for contestee:

Q. Do you know whether Mr. Glanton was a supervisor or manager?—A. No, sir; but I think he was a manager, but I am not certain.

Q. You say it was quarter of 6 when you got to the poll?—A. Yes, sir.

Q. Have you got a watch?—A. No, sir; I have not.

Q. How do you know it was quarter to 6?—A. By looking at the clock.

Q. What clock?—A. The clock in Red Hill store, the place where they intended to vote.

Q. Do you know if that clock was well regulated and kept correct time?—A. No, sir; I do not.

Q. Did that clock regulate the time of the neighborhood?—A. I do not know.

Q. You don't know, then, whether the managers were to be regulated by that clock or not?—A. No, sir; I don't know.

Q. I believe you said there were only two Republicans at the box?—A. That was all I thought were Republicans.

Q. You say a crowd of men came up there, and one of them took one of your papers and tore it up?—A. Yes, sir.

Q. Did you know any of them?—A. No, sir; I did not.

Q. You don't know whether those men were Democrats or not?—A. No, sir; I do not know.

Q. You don't know whether those seventy-five or one hundred men you saw at the poll when you arrived were Democrats or not?—A. No, sir; I don't know.

A. CARTER.

Sworn to before me this 17th February, A. D. 1881.

E. H. HOGARTH,  
Notary Public, South Carolina.

JOHN T. GASTON, *Intendant*.

*Deposition of Paris Simkins.*

EDGEFIELD COURT HOUSE, S. C., February 18, 1881.

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
Edgefield County:

PARIS SINKINS, a witness of legal age, produced by contestant, upon

due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. State your age, residence, and occupation?—Answer. I am 32 years of age; residence Edgefield Court House; occupation farmer.

Q. Were you present in the town of Edgefield on the night before the last election?—A. I was.

Q. Did anything unusual occur during that night?—A. Something certainly very unusual for this community; there were quite a number of armed men in the town of Edgefield, who paraded up and down the streets, all mounted, firing off their pistols, and yelling in the most hideous manner. I was on the street myself, and desired to get back to my home, but was afraid to go back on the front street, as I came, for fear that I might be shot; not that I had done anything to be shot for, but that, knowing I was regarded as a leader of the Republicans in the county, it was because of this position that I was apprehensive of danger.

Q. How long did this firing continue?—A. It continued almost incessantly for five or ten minutes.

Q. What was the object of it?—A. It occurred to me the object was to effectually intimidate the Republicans of this community; at any rate I would say that I was very much affected by it.

(Objected to.)

Q. Were these men in bodies, or singly?—A. They moved in a solid body generally.

Q. Did any one appear to be in command?—A. They were evidently commanded by some one, because I could hear the orders given.

Q. About how large was this body?—A. I would judge there were between three and four hundred men.

Q. Was this before or after dark?—A. Just after dark.

Q. Could you distinguish their faces, or clothing?—A. I could not their faces; but could see by the flashing of the pistols that some had on red shirts.

Q. Do you know if these men resided in the town of Edgefield?—A. They were all strangers to me.

Q. Were you present at or near the poll in Edgefield Court House on the day of election?—A. I was.

Q. State what time you arrived at the poll, how long you remained, and all that occurred there, or in the vicinity, that you saw or heard during the day.—A. I arrived near the poll about 7 o'clock. I then understood that the box for depositing the ballots was up in the court-house; the entrance to where the box was was densely packed by Democrats, who kept their positions, which rendered it utterly impossible for me, or any other Republican, to go in and vote without precipitating a riot or row in trying to elbow his way through the crowd. I heard such words as these; "Boys, hold your positions;" "Stand firm." I also saw several Democrats on the ground pitching rocks or brickbats up to the other Democrats who were in the porch of the court-house; of course they caught them, and held them in their hands; there appeared to be an imaginary line drawn just in front of the court-house down on the ground; there were Democrats who walked up and down this line, and as the Republicans would come towards the court-house they were told just here not to go any further. I noticed this matter with peculiar interest; there appeared to be an officer in charge of this line; the officer, who I allude to, was dressed in a very peculiar suit of clothes. I have no recollection of ever seeing such a suit before. As the Republicans came into town it seemed to cause quite a

stir among the Democrats in and around the polling place. I saw quite a number of Democrats rendezvousing in Masonic Hall; they carried their guns or rifles with them; they did not go up in a body, but went two and three together; several times during the morning there seemed to be some excitement; then I could see some of these men who were in the hall rush to the windows in menacing attitude. I then left the vicinity of the box, and urged other Republicans to leave also, as I was sure they could not have a fair expression at the ballot-box of their choice from what I had seen; they did leave without voting. As near as I can estimate there were between eighteen and twenty-five hundred Republicans who came to this box to vote, but left without doing so for the reasons that I have already given.

Q. About how many Democrats did you see at or in the vicinity of the poll?—A. I think there were about sixty or seventy-five on the court-house steps and up in the porch together; these places were crowded to their utmost capacity, there were a few on the ground just in front of the court house who seemed to be on picket duty; there were also Democrats at the Masonic Hall, as I have stated before; the number I don't know; constantly however there would come into town a company of mounted Democrats. I cannot say how many came in during the day.

Q. Were any of the Democrats in uniform?—A. I saw quite a number with red shirts on.

Q. Was the poll held on the ground floor or the story above of the court-house?—A. The poll was held on the upper story.

Q. Were any persons on the steps or porch with arms in their hands?—A. No; I saw no one with arms, on the steps or porch, in their hands. I saw them have their pistols buckled around them. I would go on to say right here, and at one time I saw a young man, a Democrat, draw his pistol out and start in the direction of some Republicans who were just in front of the court-house, as if he saw some one that he intended to get into a collision with, or a difficulty; but just at this time he was arrested in his progress by members of his own party laying hands upon him, saying "Don't do that," "Don't do that;" they all returned back to the court-house steps.

Q. Was there any firing in the town that day?—A. There was some firing about three hundred yards from the polling place; Democrats firing as they would gallop in and out of town, on the lower edge of the main street.

Q. Did any leading Republican besides yourself advise the Republicans to go home and leave the poll?—A. Yes, sir. Lawrence Cain did for one. David Harris who was on the ticket for the legislature, did so also.

Q. What position in the Republican party did Lawrence Cain hold?—A. He was chairman of the Republican party of the county.

Q. Whose name was on the Republican ticket for Congress?—A. Robert Smalls'.

Q. Were any meetings held in this county in advocacy of the Republican candidates for Presidential electors and Congress?—A. There were several, but they had to be secretly called. In order that I might be understood, I would say that the Republicans called a meeting at Edgefield Court House on a day mentioned; at the time they intended this notice to be public, because they knew the Democrats would turn out in force and disturb or break the meeting up entirely; but at the same time a private understanding among themselves that they would

not have the meeting on the day that they had publicly fixed on, but called it one day earlier; they had their meeting quietly and peaceably. The very next day, the day they had publicly fixed on, there came into town three or four Democratic clubs, armed and mounted; one club did not know that they had been so badly deceived by the Republicans, and went to the place where they were to hold their meeting. I was on the street that day, and heard some of them say that "The Radicals have outgeneraled us to-day, but we will make it all right on the day of the election." I know that the Democrats on this day called a meeting after the clubs arrived in town, and speeches were made to satisfy these men who had been so disappointed. I was standing where I could hear a portion of some of the speeches, and I heard one prominent Democrat say, in alluding to the meeting which the Republicans had just held the day before, that they never would again allow the Radicals (or negroes) to hold any more political meetings in the county, and especially at the court-house; he urged as follows: to carry out his advice at all hazards. This is the substance of what I heard him say.

(Contestee objects to that portion of the evidence which relates to the holding of Republican meetings prior to the election, and which relates to political speeches of Democrats prior to the election, on the ground that contestee received no notice that evidence would be taken in regard thereto, or that his seat would be contested on account thereof.)

Notice of the Republican meeting appeared in the Edgefield Advertiser, stating that the Radicals were to have a meeting on the day that the Democratic clubs came into town. I would state, also, in regard to the number of Republican voters that were here on the day of election, that the Edgefield Advertiser stated it to be about 2,000.

(Testimony in regard to what Edgefield Advertiser stated objected to, on the ground that it is secondary evidence.)

Q. What was thought by the leaders of the Republicans of this county about holding public political meetings?

(Objected to.)

A. They regarded it as being unwise and detrimental to the interest of the party to hold their meetings publicly, for the reason that the Democrats would turn out en masse and disturb or break up the meetings entirely, which would certainly have the effect of demoralizing and disorganizing our men; this result we intended to avert by holding our meetings secretly.

Q. When were the Republican meetings held, and where?—A. There were but very few held anywhere. I have attended several at Edgefield Court House, and one about twelve miles from the court-house, which was held in the woods.

Q. Were these meetings held in the day?—A. The meetings that I have referred to were held in the day.

Q. Was there anything like an organization of the Republican voters in the county; and, if so, how did it compare with the organization at previous elections?—A. The Republican party of the county was thoroughly organized; not so well organized since the election of 1876.

Q. How did the Republicans conduct themselves on the day of election?—A. Discreetly and soberly.

Cross-examination by B. W. BETTIS, jr., counsel for contestee:

Q. Did you ever hold office in South Carolina as a Republican?—A. I did.

Q. When were you first elected to office as a Republican ?—A. I think I was elected first to the legislature in November, 1870.

Q. How often were you re-elected to that position ?—A. Once.

Q. Did you fill any office after your second term as a legislator expired ?—A. I did not.

Q. Have you ever held any office since ?—A. I have not.

Q. When did your second term as a legislator expire ?—A. In 1876.

Q. You said you were familiar with the programme of the Republicans before the election in regard thereto, did you not ?—A. I stated in substance that I understood it.

Q. Was it not the plan of the Republican party to meet in large parties the night before, and go to the polls the next morning together on the day of election ?—A. It was not.

Q. Did you see the Republicans come in Edgefield Village on the morning of the election ?—A. I did.

Q. What did they have in their hands ?—A. Some of them had sticks and some of them did not have anything.

Q. Describe the sticks they had in their hands ?—A. The sticks that I saw were not all alike ; some were the size of ordinary walking-sticks, and some of them were unusually large, though they walked with them as walking-sticks.

Q. Did you see any sticks in the hands of Republicans that were only about a foot and a half to two feet in length, and from about one-half to two inches in diameter ?—A. Really, I cannot say I did ; there may have been some who had the sticks you speak of, but I have no recollection of seeing them.

Q. Did you see any sticks in the hands of Republicans on the day of election that presented the appearance of clubs rather than walking-canes ?—A. I can only say, in reply to that question, as I have said before, that some of the sticks were ordinary walking-sticks, while others were unusually large for walking-sticks.

Q. Did the Republicans come into town on the morning of the election in organized bodies, or not ?—A. Some of them came in clubs—clubs known as Garfield clubs—while others came alone.

Q. Did not the great majority of the members who came in clubs have clubs in their hands ?—A. I think the majority of them had sticks of some kind.

Q. Did you see a half dozen Republicans who came in clubs that did not have clubs in their hands ?—A. A great many of them had nothing in their hands at all.

Q. About what proportion ?—A. As near as I can approximate it I would say about one-fourth.

Q. Had no clubs in their hands ?—A. Yes, sir.

Q. By what badge could you distinguish a Republican from a Democrat on the day of election ?—A. The Republicans would stay pretty generally together, and the Democrats did the same thing.

Q. How do you know there were not Republicans in the crowd that you thought were Democrats ?—A. Because they were all white men and wore the red shirt, the genuine badge of Democracy, and all of them seemed to be very urgent about the interest of the Democratic party ; and, as a further circumstance to corroborate my opinion, I would say that the Republican candidates did not get over twenty votes at this box.

Q. Did you canvass the votes at this box ?—A. No, sir ; but I heard the result of the election declared officially from the court-house, if I mistake not.



Q. Are you certain every man you saw in the crowd of Democrats wore red shirts?—A. No, sir; they all did not wear red shirts.

Q. Then how did you know that those who did not have on red shirts were not Republicans?—A. By the interest they invariably manifested for the success of the election of the candidates on the Democratic ticket.

Q. How do you know that there were not some Democrats in the crowd that you thought were Republicans?—A. I knew by their general deportment and their party affiliations.

Q. Do you mean to say that you knew the general deportment and party affiliations of each and every individual in the crowd of 2,000 men, whom you thought Republicans, of your own knowledge?—A. I would say there were men in the crowd that probably I never saw before that day, but from their conduct and party affiliations on the day of the election they were Republicans, every one of them.

Q. Was not the street in front of the polling precinct very much crowded by this party of 2,000 men whom you thought to be Republicans?—A. There is a public park in front of the court-house, or nearly so, which was considerably crowded with colored Republicans.

Q. Were not these 2,000 men, whom you thought to be Republicans, closely crowded together in a body?—A. They were necessarily crowded for the want of space.

Q. About what time of day did you leave the vicinity of the polling precinct?—A. Between 10 and 11 o'clock.

Q. What time did you reach there?—A. A little before 7 o'clock.

Q. Did the crowd of 2,000 men, who you supposed to be Republicans, disperse before you left?—A. It was partly through my advice that they dispersed. As they did so I accompanied the greater majority of them away.

Q. Within the space of four hours could you judge of the deportment, conduct, and party affiliations of each and every individual of 2,000 men closely packed together, so that you could judge and know, of your own knowledge, their political opinions, for whom they intended to vote, or to what political party they belonged?—A. I would say that during all this time I could not see them all at once, but so far as my observation went, the position they occupied, and the interest they manifested for the success of the Republican ticket, that they were Republicans and intended to vote the Republican ticket.

Q. Could not a Democrat have stood in that position which that body of men occupied?—A. Certainly he could.

Q. Did not Democrats have equal rights and privileges to stand there as Republicans?—A. Most assuredly they had.

Q. Did you see each and every individual of that party of 2,000 men manifest any interest in any way on the day of the last election?—A. I would say that the fact of their turning out to vote, every one of them, manifested what occurs to me a strong desire for the success of the Republican ticket.

Q. Did you see them make any other manifestations on the day of election by which you could judge that each and every one of them were Republicans?—A. I did not, as to all of them.

Adjourned, at 11.54, to meet 18th inst. at 12.5 a. m.

Convened at 12.15 a. m., 18th inst.

Cross-examination continued of Paris Simpkins, by B. W. BETTIS, Jr., counsel for contestee:

Q. Then you do not know that each and every one of the 2,000

men here on the day of election were Republicans?—A. I only know by their general conduct that they were Republicans. Some of them I did not know personally.

Q. Did you observe the general conduct of each and every one of those 2,000 men?—A. I did not, only to the extent of their party associations and the positions they occupied.

Q. You said they were necessarily packed closely together. Could you observe the party associations of each and every one of the party of 2,000 men closely packed together?—A. In reply I answer that it has been the invariable practice or custom, so far as my observation has gone, that on election days, the Democrats would congregate together, and the Republicans would do likewise, and at no time have I seen this custom violated, and hence I say that the 2,000 men referred to were certainly on the side that the Republicans occupied; as to my observing minutely the general conduct of every one of those men, I did not do so.

Q. Then you do not know from the general conduct, and party affiliations of each and every one of those men, that each and every one were Republicans?—A. From their party affiliations I would judge them to be Republicans; there may be a few exceptions, as I could not observe them all at once.

Q. Then there might have been one or two Democrats among them? A. Possibly so; but I think it very improbable.

Q. You only think so; you do not know of your own knowledge that it was improbable?—A. That is what I say.

Q. Might there not have been a half dozen Democrats in that crowd?—A. It is possible that there might have been; I would state that they were all colored men, and it is something that I have never seen yet for a colored Democrat to go among a crowd of colored Republicans on the day of election, and behave himself quietly and gentlemanly without its being detected, as that class of men are usually boisterous and turbulent toward their colored friends.

Q. Could there not be colored Democrats and you not know it simply by seeing them?—A. That is very likely.

Q. Then might there not have been more than a half dozen Democrats in that crowd of 2,000 men that you formerly spoke of?—A. I judged them from their past conduct. I would say there were not, though it is possible that I am mistaken.

Q. About how many in the crowd of 2,000 that you remember to have been acquainted with personally?—A. I can't possibly approximate it. I know nearly all of their faces, but their names I do not know; that is, all of them.

Q. About how many of the crowd whose names you knew?—A. I saw quite a number that I knew personally; as to the number I won't say.

Q. Was there a hundred?—A. I knew at least 100 by name, and probably more.

Q. Do you think you saw as many as 500 whom you were acquainted with personally?—A. I don't think I knew the names of that many. I know their faces when I see them, and don't think that there are a dozen in the county who do not know me.

Q. If you don't think there were 500 whom you knew personally how could you judge from the past conduct of the remainder of the 2,000 that they were Republicans?—A. When I speak of past conduct I did not mean the past conduct of the particular Republicans who were

here on the last election day individually, but that I alluded to them as Republican voters taken as a whole.

Q. You mean to say you took them for Republicans because they demeaned themselves as Republicans generally do on election day?—A. I do; and further, because I knew the leaders of some of the clubs that were in the crowd.

Q. How many men were on the hill when you got to the polls on the morning of the election?—A. Several hundred; I suppose three or four hundred.

Q. You said you knew from the conduct of Republicans generally, and from the fact that you knew some of the leaders of clubs here on election day that the 2,000 men were Republicans; tell me the difference of conduct between Democrats and Republicans?—A. The only distinction that I can draw is that the Democrats usually wear the red shirt, and further, they are all white men, usually mounted, and the most of them generally armed, and always in charge of the ballot-box, and they generally congregate together; while the Republicans are colored men, with but very few exceptions, and they usually stick together.

Q. Could there not be colored Democrats and you not know it?—A. There might be, as I have previously stated.

Q. Then you cannot always tell from a man's color whether he is a Democrat or Republican?—A. Not always, but we can generally come pretty near it, in this part of the country.

Q. If you cannot always tell, you can only judge; it is only a matter of opinion, is it not?—A. I come to my conclusions in judging this matter by the facts and circumstances which I have already enumerated. It is only a matter of opinion, based upon facts and circumstances.

Q. Do you know of any facts and circumstances surrounding any one of these 2,000 men which might not have been the same in regard to a Democrat?—A. I do. I know the fact that these Republican voters alluded to were standing together with their leaders. I know the fact that when their leaders requested them to return to their homes, because they could not exercise freely the elective franchise, they obeyed. I know the fact that they were prevented from thus exercising their rights by the Democrats; therefore I say that it was impossible for the Democrats to have been similarly situated.

Q. In answer to the above question, you say that it was impossible for a Democrat to have been surrounded by the facts and circumstances that surrounded each and every one of that 2,000 men on that day, do you?—A. I do say it was a matter of impossibility.

Q. Then not one of that 2,000 men could possibly have been a Democrat?—A. I say this, if there was one in the whole crowd who desired to vote the Democratic ticket on that day I am satisfied he could have done so if he had made his intentions known to the white Democrats.

Q. Do you know that there was not one of that 2,000 men that voted of your own knowledge; can you swear not one of them voted?—A. I would not pretend to swear that not one of them voted.

Q. Can you swear positively how many of them did vote?—A. I cannot say definitely; but I am sure only a very few voted here at all; and if they voted anywheres else I have no means of knowing.

Q. You say a majority of them followed you, when you advised them not to stay; were those the first who left?—A. They did not follow me particularly, but they went to their homes or left the town; when they commenced leaving it was but a very short time before all of them left.

Q. Did all the Republican voters leave the place by 11 o'clock?—A. I don't think they all got away by 11 o'clock; in fact they staid in the lower edge of town, a number of them, to see if arrangements could be made so that they could vote, but when they found it was useless to try further they left the town.

Q. Did all the Republican voters leave the immediate vicinity of the poll by 11 o'clock?—A. There may have been a few straggling ones remaining near the polls, but the bulk of them had left.

Q. After you left the polls, how do you know what took place there?—A. I concluded that I would make another effort to vote myself. I went near the poll intending to go on and vote, but from the attitude of the Democrats at the polling-place I decided in my own mind that it would be unsafe for me to persist further to vote.

Q. What time of day was it you attempted to vote the second time?—A. About 1 or 2 o'clock. I would say that no one told me I should not vote, but from the gestures and the conduct of the Democrats at the polling place I was afraid of having some bodily injury done me if I attempted to push my way through the crowd.

Q. Where did you go to when you left the second time?—A. I left the immediate vicinity of the box, and staid a portion of the day at my mother's house and a portion at my own house.

Q. After you left the immediate vicinity of the box, how did you know who went up and voted and who did not?—A. That I cannot tell.

Q. How do you know whether or not any of the 2,000 men that you formerly spoke of came back and voted?—A. I don't know; but if they did, any number of them, I certainly would have found it out.

Q. Have you taken the trouble to try and find out whether they did or not?—A. I took the trouble to ask one of the supervisors if any number came back and voted or voted during the day.

Q. Were not the parties you saw rendezvousing at the Masonic Hall boys and not men?—A. There may have been a few half-grown boys in the party, but I am sure there were men there also.

Q. In your direct examination you said you saw sentinels walking in front of the Republicans; about how many were there?—A. I saw a few men, probably ten or twelve, walking backwards and forwards in front of the court-house.

Q. Did the man whom you thought to be an officer in charge of this line wear arms of any kind?—A. I don't recollect seeing him with any arms; it occurs to me that he either had a sword or sash around his uniform that he had on; I am not positive which.

Q. How far were you from these men, walking like sentinels?—A. I suppose about twenty-five yards.

Q. Back or to the side of them?—A. Left oblique from the men.

Q. How many brickbats and rocks did you see pitched up to parties on the porch of the court-house?—A. I did not count them; I suppose about eight or ten.

P. SIMKINS.

Sworn to before me this 18th February, A. D. 1881.

E. H. HOGARTH,  
*Notary Public, South Carolina.*

JOHN T. GASTON, *Intendant*.

*Deposition of Harry Oliphant.*

EDGEFIELD COURT-HOUSE, S. C., *February 18, 1881.*

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States :

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

HARRY OLIPHANT, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant :

Question. State your age, residence, and your occupation.—Answer. I am 23 years of age; reside in Moss township; occupation, farming.

Q. Were you at Cheatham's Store precinct on the day of the last election?—A. Yes, sir.

Q. Did you vote?—A. No, sir.

Q. Why not?—A. I was run away by the Democrats, who fired at me.

Q. How many shots were fired at you?—A. Three.

Q. Did you see the parties who fired at you?—A. I did.

Q. What time of day was this?—A. Between 12 and 1 o'clock.

Q. What ticket did you intend to vote?—A. The Republican.

Q. Were any other Republicans driven off at the same time?—A. No, sir.

Q. Besides those three shots was there any more firing that you heard?—A. No, sir.

Cross-examination by F. H. WARDLAW, counsel for contestee:

Q. Why was it that these shots were fired at you and no other Republican?—A. I do not know.

Q. Are you a prominent man in your party in your neighborhood?—A. I am.

Q. What position do you hold in your party?—A. I don't hold none, only I vote the Republican ticket.

Q. What makes you, then, a prominent man in your party?—A. I misunderstood the question; I am not a leader.

Q. Can you read or write?—A. No, sir.

Q. Do you know the name or names of the parties who fired at you?—A. I do.

Q. Were they more than one?—A. No, sir.

Q. Just fired at you without your doing anything to him at all?—A. Yes, sir.

Q. What did he fire at you with?—A. A pistol, as far as I know.

Q. Did you see him when he fired at you?—A. I did.

Q. Then, could you not have seen what he fired at you with?—A. I could if I had my mind on nothing but it.

Q. Is it not usual for a man when he is fired at, and he looking at the person who fires, to have his mind on it?

(Objected to by contestant on the ground of irrelevancy, and as seeking opinions, not facts.)

A. I having my mind on running to save my life I did not see what he fired at me with.

Q. Did you not say you were looking at him when he fired at you?—  
A. I did not say so.

Q. Then, as you did not see the shots fired, how do you know they were fired at you?—A. Because there was not but that one man after me in an open old field.

his  
HARRY + OLIPHANT,  
mark.

Sworn to before me this 18th February, A. D. 1881.

E. H. HOGARTH,  
*Notary Public, South Carolina.*

JOHN T. GASTON, *Intendant.*

*Deposition of Norman Youngblood.*

EDGEFIELD COURT HOUSE, S. C., *February 18, 1881.*

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

NORMAN YOUNGBLOOD, a witness of legal age, produced by contestant, upon due notice to contestee deposes as follows in reference to questions propounded by contestant :

Question. State your age, residence, and occupation.—Answer. I am 28 years of age; reside in Edgefield County, and am a farmer.

Q. Were you at Edgefield Court House precinct on the day of the last election?—A. Yes, sir.

Q. At what time did you arrive?—A. Between daylight and sunup.

Q. How long did you remain?—A. Between three and four o'clock.

Q. Were you in town the evening before the election?—A. I was; it was good dark before I left.

Q. Do you know anything of a body of armed and mounted men riding through the town the night before the election?—A. I saw a crowd of mounted men ride through the town, but could not see if they were armed or not. About four o'clock of the same evening I met another crowd going away from the town; these men were mounted, and I saw several pistols under their coats as they were going on, and some hanging on the saddles; they returned to town about a half hour before sunset.

Q. How were these men dressed?—A. They had on red shirts, many of them, as much as I could see in the night; those in the day all had on red shirts that I saw.

Q. How many were in the party leaving town?—A. Sixteen of them I met.

Q. How many in the party after dark?—A. About the same number.

Q. At the time the polls opened were there many people at or near the poll?—A. I think there were four or five white men slept in the poll; they appeared like they staid there all night?

Q. Were there many in front of the poll when it opened?—A. I don't know when the poll opened.

Q. At any time during the morning were there many people within the vicinity of the polls?—A. Yes, sir; about sunup.

Q. When were there most people about the poll?—A. About 9 o'clock.

Q. How many people were there at this time?—A. I think from twenty-five to twenty-seven hundred, I should judge; around the park and stores were covered with them, and in the park, too.

Q. What part of this crowd were Republicans and what part Democrats?—A. About two thousand five hundred Republicans and one hundred and fifty Democrats.

Q. How were the Republicans dressed?—A. In ordinary clothes.

Q. And the Democrats?—A. About one-third in red shirts, and one in a calico shirt, and the rest were dressed in ordinary clothing.

Q. Did you see any arms about the poll; if so, who had them, and what were they?—A. Yes, sir; I seen some there; one was a double-barrel shot-gun on the court-house, and a sixteen-shooter under the porch, and I saw four pistols in men's hands, and the best quantity of the Democrats had pistols on them, and I saw two more shot-guns on the streets, and I saw two or three dozen of Remington rifles.

Q. Who had these arms?—A. White people; and Democrats had these guns and pistols.

Q. Did the Republicans have arms?—A. Yes, sir; I seen two pistols.

Q. Did you vote?—A. No, sir.

Q. Why not?—A. There was a line drawn before the steps in front of the poll; a crowd of Democrats were on the steps clogging them up. A man with a calico suit on was in front of the steps and whenever a colored man would try to vote he would tell him to stand back; he could not vote yet. The white people pushed through the crowd and got in to the poll.

Q. Were any persons assisting this man to keep the colored people away?—A. A great many white men were in front of him, standing on the ground, who would also tell the colored people to stand back; they could not vote yet.

Q. Why did you not press through the crowd anyway and vote?—A. I was trying to keep peace, and the sheriff told me that we could go together in the evening and vote.

Q. Did you vote in the evening?—A. No, sir; the reason I did not vote the largest number or most all, to a small number, left. Then the white people would halloo and ask them why don't they come on and vote. When they got to a small number they would take a few colored and carry them up and vote them. Then the door would be in the same condition as it was before. I did not vote, because the larger number of colored people had gone away before voting.

Q. Were these colored men friends of yours?—A. They designed to vote the same way I intended to.

Q. What ticket did you intend to vote?—A. The Republican ticket, with Robert Smalls' name on it for Congress.

Q. About how many went away without voting?—A. They all went away to about twenty-five.

Q. Did any Democrats go away without voting?—A. I did not see any.

Q. Did you see any men with arms at or in Masonic Hall?—A. About two or three dozen men came out of a store on Park Row with guns and went into Masonic Hall and into Mr. Bob Mims' gallery.

Q. Did you see any men with guns at any windows or doors of any of the stores or buildings near the poll?—A. I saw some in Masonic Hall windows and in Mr. Bob Mims' picture gallery.

Q. What time did the Republicans leave?—A. They began leaving about 11 o'clock and kept on going in squads of three or four hundred until three or four o'clock.

Cross-examination by F. H. WARDLAW, counsel for contestee:

Q. You said you met a crowd the evening before the election as you were going out, and you said that crowd came back. How do you know it?—A. Because I knew some of them.

Q. Did you know each and every one of them?—A. No, sir.

Q. Then, you don't know that each and every one of them came back?—A. I know the same number came back, and I knew some among the number.

Q. Did you count them as they came back?—A. I did not.

Q. How do you know the same number came back?—A. They looked like it.

Q. Then you don't know the same number came back?—A. No more than by looks. I didn't count them.

Q. You said you saw several pistols under their coats; how could you see them under their coats?—A. By their faces being to me and their coats being open I could see them.

Q. You said there were four or five white men slept in the poll; how do you know they slept there?—A. Because I seen some of them as I passed the door putting on their coats. It being too soon for the polls to be opened, I took it for granted they staid there all night.

Q. Then you don't know of your personal knowledge that they slept there that night?—A. No more than what I have before stated.

Q. Did you see them asleep there?—A. No, sir.

Q. Have you had much experience in estimating crowds of people?—A. I never have of people, but I have of other things.

Q. You say the Republicans were dressed in citizens' clothes; were not some of them in blue shirts or had blue ribbons fastened about them?—A. I seen two with blue shirts on, but they were not voters. I know them personally.

Q. How then do you know they were Republicans if they were not voters?—A. I did not know they were Republicans, but they were under age.

Q. You say you saw a double-barrel shot-gun on the steps; was it in the hands of any one?—A. Yes, sir.

Q. You say you saw two or three dozen Remington rifles; how do you know they were Remington rifles?—A. Because they looked like the same guns the colored people had drilling with during the reign of Scott and Moses that were taken away from them.

Q. How far were you from these men with the rifles?—A. About twenty-five or thirty yards.

Q. Can you tell the make of a gun twenty-five or thirty yards off?—A. I can tell the make of one of those rifles.

Q. Did you see any Republicans armed that day?—A. Yes, sir; I seen some of them there.

Q. What were they armed with?—A. The best quantity had sticks. I seen two pistols with them, but I don't know how many more.

Q. You say there was a man walking up and down in front of the steps; do you know whether he was a State constable or not?—A. He was not.

Q. You say you were trying to keep the peace that day; were you a peace officer?—A. Yes, sir.

Q. You say you did not vote; could you not have voted in the after-



noon if you desired to?—A. I could if I had a mind to go through men that I thought would not interfere with me.

Q. You say that the steps were crowded with white men; did you not hear those men ask the colored people why they did not come up and vote?—A. I did; I heard some of them.

Q. You say all the Republicans left without voting except about twenty-five; did you see each and every man who voted?—A. Yes, sir; I saw each of the 25 colored men.

Q. Do you know of your personal knowledge that only 25 colored men voted here that day?—A. From the time I was here I do.

Q. Then you don't know how many voted after you left?—A. No, sir.

Q. Are there not some colored men in this county Democrats?—A. I know of one who votes the Democratic ticket, but I don't know whether he is a Democrat or a Republican.

Q. When a man votes the Democratic ticket, is it not customary to call him a Democrat?—A. It is when you don't hear him say other things.

Q. Can you tell the difference between a Republican and a Democrat?—A. Yes, sir.

Q. What is the difference?—A. Because when the Democrats hold their meetings they are together, and the Republicans the same.

Q. Then if you saw a crowd of men together then you would not know whether they were Democrats or Republicans?—A. Not without I knew the result of the meeting.

Q. Suppose the result of the meeting was a big thing, what would you call them, Democrats or Republicans?—A. I could not tell until I heard what the meeting was.

Q. Suppose the meeting was called to discuss internal improvement, would it be a Democratic or Republican meeting?

(Objected to as having no bearing whatever or relation to the contest.)

A. It depends upon what the principle would be.

Q. When you see a crowd of men congregated together, how can you tell whether they are Democrats or Republicans?—A. I could not tell unless I know what they were crowded there for. A crowd sometimes get together drinking.

Q. Suppose you saw a crowd of men congregated together for the purpose of voting, how could you tell whether they were Democrats or Republicans?—A. I could not unless I seen their tickets, and knew what their principle was.

Q. Can you read and write?—A. Some.

Q. How long did you go to school?—A. I was taught by my white people at home part of three years.

Q. Did you see the tickets of each and every one of those 2,500 men?—A. No, sir; I did not see them all.

Q. Then you don't know how they were going to vote?—A. No more than by what I heard them say.

Q. Did you hear each and every one of those 2,500 men say how they were going to vote?—A. No, sir; I did not hear them.

Q. You, then, don't know that each and every one of that 2,500 men were going to vote the Republican ticket?—A. No, sir; no more than what I heard them say when they were going off.

Q. You don't know that those men did not go and vote somewhere else?—A. No, sir; I don't know what they did after they left.

Q. You say you saw no Democrats go away without voting. Do you

know that all the Democrats you saw here that day voted?—A. No, sir.

Q. Do you know or not whether the Masonic Hall is the armory of the company here?—A. I don't know.

Q. You never seen them drilling in the hall?—A. I heard of them drilling there, but never saw them.

Redirect examination by W. N. TAFT :

Q. On your cross-examination you said in answer to a question, "Could you have voted in the afternoon?" that you "could if you had a mind to go through men that you thought would not interfere with you." What do you mean by this?—A. If I had been sure men like the citizens here in Edgefield Court House were up there, and all the men like them, I would have went up and voted; and as objection had been made to the Republicans, and they were compelled to stand back, and seeing the angry people on the steps that I did not know, I would not go up.

his  
NORMAN + YOUNGBLOOD.  
mark.

Sworn to before me this 18th February, A. D. 1881.

E. H. HOGARTH,  
*Notary Public, South Carolina.*

JOHN T. GASTON,  
*Intendant.*

*Deposition of Lawrence Cain.*

EDGEFIELD COURT HOUSE, S. C., *February 18, 1881.*

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

LAWRENCE CAIN, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant.

Question. State your age, residence, and occupation.—Answer. My age is 37; I reside at Edgefield Court House, and I am now engaged in the mercantile business.

Q. During the political campaign preceding the recent election did you hold any party position; if so, what?—A. I was chairman of the Republican party for Edgefield County.

Q. Do you know of the organization of your party throughout the entire county; and how was the party organization as compared with previous campaigns?—A. I do, as it was organized by my direction and under my supervision; as to previous elections, I considered my party more thoroughly organized and more determined to vote than it ever was.

Q. Were public mass meetings called by you to advocate the Republican candidate for Congress, and Presidential electors?—A. During the last campaign, I deemed it inexpedient to hold any mass meetings in the county. I held three or four meetings which were made up

of precinct chairmen alone, and most of those meetings were held in a somewhat private way.

Q. Why did you deem it inexpedient to hold public meetings?—A. At the first one of the meetings alluded to above, which was held at a school-house about a quarter of a mile from the court-house, about one dozen or fifteen Democrats came in. They remained there until we adjourned, apparently to learn what we were doing. When we adjourned that meeting, we fixed a day to meet there again. Before leaving there, some of the precinct chairmen came to me and told me they heard some of the Democrats say that several of the rifle clubs would be present at the day fixed, dressed in red shirts, and that they would see that we held no meeting there. Believing this report to be true, after I had adjourned the meeting, I called all the precinct chairmen to me privately and told them that we would change, as this information had reached me; that we would hold our meeting one day sooner than I had announced. To this they all agreed. At the time fixed the precinct chairmen came in and we held our meeting. There were but few Democrats at this meeting, because, as I believe, up to two hours before we convened they knew nothing about it. On the next day, the day on which I had announced publicly the meeting would be held, our town was filled with rifle clubs and red shirters mounted on horses. I staid at home myself that day, as I thought it inadvisable for me to put in an appearance; but from the place I lived I could see these men riding into town. I learned from a great many of my friends on the day alluded to above that I was cursed and threatened by these men, and believing this to be so, I thought it unwise to hold public meetings.

Q. Could Republicans hold public meetings without fear or molestation in this county?

(Objected to as a matter of opinion, except as to himself.)

A. As to myself, I was afraid to hold public meetings, and was told by prominent Republicans that they thought a public or mass meeting would be treated by the Democrats as they were in 1876. It was well known that our mass meeting on the 12th of August, 1876, was broken up by the Democrats, and we held no other mass meeting during that campaign, except one, which was attended by a United States commissioner and several United States marshals. When the last meeting referred to was held, there were six or seven companies of United States troops in the town.

Q. In what way were the Republicans organized?—A. They were organized into Garfield and Arthur clubs. I had about forty-eight of these clubs in the county ranging in numbers from twenty-five to two hundred in each club. These clubs were all over the county, having been organized by the precinct chairmen by my direction.

Q. Have you any means of knowing how many Republicans belonged to and acted with these clubs?—A. I have, as a list from each club was brought me by the precinct chairman.

Q. Did you attend any of these clubs?—A. I did; I attended about five of them.

Q. From the party organizations and your sources of information, and your knowledge of the voters of Edgefield County, what result did you have reason to expect on the day of election?

(Objected to.)

A. I had reason to expect a great Republican triumph, as a great many Democrats had told me previous to the election that every man would be allowed to vote, and that there would be a fair count. This

was my belief before the appointment of managers by the commissioners of election; but when they met and appointed all Democrats, thereby giving the Republicans no representation on the boards of managers, my opinion became somewhat changed.

Q. Was there anything in the numerical strength of the two parties that caused you to expect the Republicans to carry the county?—A. I had no means of knowing the numerical strength of the Democratic party except what was furnished by the census of 1880, by the enumerators; that census shows that the colored men were about two thousand in majority, and colored men in Edgefield County are Republicans, and I am satisfied if they had been allowed to vote untrammelled, there would have been a larger Republican vote polled in Edgefield in 1880 than was polled at any previous election.

(The latter part of answer objected to as matter of opinion.)

Q. Were you in the town of Edgefield on the night before the election?—A. I was.

Q. Did anything unusual happen that night; if so, what?—A. I came in town when the sun was about a half hour high; at that time, and until I left town, about eight o'clock, white men dressed in red shirts mounted on horses and mules came in from two or three directions; some had guns, and some pistols; about dark quite a number of these men took possession of the court-house; soon after they went in I heard the firing of pistols and guns from the verandah of the court-house steps; when this took place, I thought it was advisable for me to go home, and did so.

Q. Were you in town on the day of election?—A. I was.

Q. Were the voters allowed to cast their ballots freely and without molestation from any one; and, if not, how, and by whom, were they prevented?—A. If a voter was known to be a Democrat, he had no trouble whatever in getting to the poll; but up to 21 minutes after 8 o'clock, not a Republican vote had been polled; why I am so precise about the time, I met General Butler near the court-house steps, and complained to him about Republicans being kept from voting; he said, "It was early yet, and that every man would get to vote." I told him the Democratic party had been voting all the morning, and pulled out my watch and showed him what time it was; he looked at his watch, and he, too, was 21 minutes after 8.

Q. Did you see any arms anywhere near the poll that day?—A. Yes, sir; I saw quite a number of pistols in the hands of red shirters while voting was going on, and from the porch of the court-house and windows of the Masonic Hall, the piazza of the printing office, from the store door now occupied by the joint stock company, and on the streets were quite a number of white men with guns and pistols in their hands; most of those men had on red shirts.

Q. Do you know of any persons who did not or could not vote that day; if so, how were they prevented?—A. Quite a number of Republicans, myself among them, went near the court-house in order to get to vote; when within about five or six yards of the court-house steps I had been shown a line that had been drawn; the red shirters were on the court-house side of the line, and quite a number of colored men were on the other side. I walked up to the line to see if they would let me cross, but was told by a red shirter who appeared to be a sentinel to stand back, I went back about twenty-five or thirty yards, and remained there for a couple of hours watching the progress of the election; during this period about six or eight colored men went up, three at a time; seeing they staid up there so long, I timed three of them,

and they staid up there 20 minutes by my watch. About 12 o'clock a row took place between a white man and a colored man, and believing that I could not vote there with safety, and seeing too, that one of the colored men who had been up had all his coat cut with knives, I left there and returned no more during the day. I did not vote.

Q. How many Republicans were at the polling-place at any time while you were there?—A. I approximated them at about two thousand.

(Objected to.)

Q. Did they all vote?—A. They did not.

Q. For what reason?—A. For the same reason that I have given.

(Objected to.)

Q. Did they remain until you left?—A. The greater portion did.

Q. Did they remain all day?—A. Just before and up to the time I left there were very few left in the vicinity of the polling-place.

Q. How has the vote usually been between the two parties at Edgefield court house?

(Objected to as not the best evidence.)

A. Prior to 1876 the Republican vote ranged from eight to nine hundred, and the Democratic vote from two hundred and fifty to three hundred.

Q. How came it that so many Republicans were in town for the purpose of voting?—A. As I understood it, it was because they were very generally of the opinion they could vote here with more safety than at the county precincts.

Q. What do you mean by vote "with more safety"?—A. I mean to say that they did not think they would be subjected to as much bodily danger.

(Objected to as hearsay.)

Q. How did you obtain this information?—A. Quite a number of Republicans asked me prior to the election as to whether they should vote at the nearest precincts to their homes or come to the court-house. I told them I would very much prefer they would vote at their own precincts. Most of them would tell me they did not think they could do so with safety. I told a great many of such if they could not vote there with safety they had better come to the court-house, as I thought we would be allowed to vote.

(Objected to as hearsay.)

Q. Did those 2,000 Republicans vote that day at this precinct?—A. From what I could see there did not more than eight or nine of them vote.

Q. Why did they not press forward and go up to the ballot-box anyway?—A. The reason we did not persist in our right to vote was that there was an armed foe in front of us, and we felt satisfied it would cause a difficulty.

Q. How many polling-places are there in the town?—A. Only one.

Q. Has there been more than one?—A. At the two preceding elections, prior to 1878, there were two.

Q. By whom was the number reduced?—A. By the Democratic party.

Cross-examination by F. H. WARDLAW, counsel for contestee:

Q. You say at that second meeting at the school-house there were a few Democrats. Were they not there by the invitation of yourself and other prominent Republicans?—A. As to what other prominent Republicans did I don't know. I wrote a note myself to Mr. James T.

Bacon, editor of the Edgefield Advertiser, stating that we had changed the time for holding our meeting, and that we would meet that day at 11 o'clock. I did invite Mr. Bacon to be present; he is the only one I invited.

Q. How many rifle clubs do you know of in Edgefield County?—A. As to giving the numbers or their names, I can't do it.

Q. These Garfield and Arthur clubs that you speak of, rifle clubs?—A. They never have been so considered or termed so by any one to my knowledge.

Q. How many Garfield clubs did you say were in the county?—A. There are about forty-seven or forty-eight.

Q. Averaging about how many to the club?—A. They range from twenty-five to two hundred.

Q. Do you know how many had 200 in them?—A. Two.

Q. You say you derived your information as to the number of colored voters in Edgefield County from the census?—A. I don't remember saying that.

Q. You said you derived your information from the census that there was a colored majority of 2,000?—A. Yes, sir.

Q. Do you remember the number of colored voters and the number of white voters in Edgefield County?—A. To the best of my recollection the census showed 34 and a fraction of a hundred of white men, and 54 and a fraction of colored men; 3,400 and a fraction of colored men, and 5,400 and a fraction of colored men.

Q. You say the census gave that many voters?—A. According to my recollection.

Q. On the contrary, did not the census say that many white males, and that many colored males, instead of that many white voters, and that many colored voters?—A. Of my own knowledge, I cannot speak; but the information I had as to their relative numbers I got from Mr. Mr. W. D. Rhame, who told me he had been employed to revise the the census returns in order to find out the strength of the two parties; the first information I had about it was, I saw it in the newspapers, and I showed it to him, and he said he did the work.

Q. Then you derived your information from Mr. Rhame, and not from the census?—A. I have never examined the census returns.

Q. Did you, as the Republican county chairman for Edgefield County, ask the commissioners of election to appoint Republicans upon the boards of managers?—A. I did ask Mr. Lee, one of the commissioners, to insist upon the appointment of one Republican manager at each polling precinct; I never did meet the board of commissioners and make such a request.

Q. Did you give Mr. Lee, the commissioner, the names of the Republicans you desired to be appointed as managers at the different precincts?—A. I did not, from the fact that Mr. Lee told me at the time, that while he might make the request, he didn't think it would amount to anything; it was my intention to furnish names, after learning from him as to whether he could get them appointed.

Q. How did you know that you could not get them appointed without making the effort?—A. The lesson that was taught us on that point in 1878, I thought was sufficient.

Q. Were you county chairman in 1878?—A. Yes, sir.

Q. Did you then make the application for Republican managers, and were refused?—A. We did make the application, and to the best of my recollection were refused.

Q. You are not certain upon that point, are you?—A. I think I can speak positive.

Q. Previous to 1874, where there two precincts in this town?—A. I cannot speak positively about that. I would state at the elections of 1870 and 1872, I was not in the town.

Q. Had not those two boxes been established here by the Republicans?—A. They were to my best recollection.

Q. You said that white men took possession of the court-house, the night before the election, and that you heard guns and pistols from the porch. Where were you when you heard these guns and pistols?—A. When they first commenced firing, I was near Mr. Clisby's store; I left immediately for home, but could hear the firing while passing through the street, and after leaving the street.

Q. Did you see the firing?—A. I could see the flash from the pistols as they fired.

Q. Do you know that those flashes were from the court-house porch?—A. Yes, sir; I know it.

Q. Do you know how long those men remained in possession of the court-house?—A. I can only state, I left them in there that night when I went home, and the next morning when I reached the court-house, the steps were still crowded with white men with red shirts on, and it remained in that condition until 12 o'clock, at which time I left.

Q. What time did you arrive at the poll the morning of the election?—A. I was in the village between daylight and sunrise, but did not go the poll until about seven o'clock.

Q. The evening before the election, you said that you saw mounted men with guns and pistols; what sort of guns were they, and how many?—A. I cannot state positively, but I thought they were Winchester rifles.

Q. How many?—A. I don't know.

Q. Do you know any of those men that had rifles?—A. I don't know that I did.

Q. Can you tell what party of colored men or Republicans were assembled or encamped, the night previous to the election, near Mrs. Huie's cross-roads?—A. I cannot. I heard the day of the election that some men had assembled there the night before, and made inquiries to find out who they were, but could not ascertain.

Q. What Republican clubs were ordered to assemble at this box?—A. I do not know that any of the clubs at all were ordered to assemble here.

Q. Did you not, as chairman of the Republicans of this county, order different delegations from each club to assemble here?—A. I did not; on the contrary I advised them to vote at their nearest precincts, where they could do so with safety.

Q. By virtue of your office as county chairman, are you not a member of the executive committee of the Republican party?—A. I am.

Q. Did not the county executive committee order different delegations from each club to assemble here on the day of election?—A. Not to my knowledge.

Q. Were not the Republican voters of the county instructed to *en masse* themselves at three or four boxes?—A. Not to my knowledge.

Q. Did you not on the night previous to the election know that Republicans were encamped in and around this town, more especially upon the road or roads leading from Trenton to Edgefield Court House and from Trenton to Huie's cross-roads?—A. I did not.

Q. Do you mean to say that you, as county chairman, were ignorant of the intention of the Republicans, or colored people to assemble near the village of Edgefield, armed with clubs and pistols, and to march into the village on the day of election, at or near daylight?—A. Most positively I was ignorant of that. I advised a number not to come to the court-house until after daylight, because I was afraid they would be interfered with going along the road at night.

Q. Did you not on the morning of the election bring in or march up with a large body of colored men or Republicans, armed with pistols and clubs, shouting and yelling as they marched to the polls?—A. I brought no one down with me when I came, except my brother-in-law when I reached the village, and from that time until near 7 o'clock the main street was crowded with Republicans. I fell into line about that hour and went near the court-house, not with any particular club or set of men. As to these men being armed with pistols and clubs, I did see a number of sticks that I regarded as walking-sticks, but not clubs. I don't remember seeing a pistol in the hands of but one Republican that day. There was some hallooing amongst the Republicans, which I regarded as a mere response to the terrible yelling from the Democratic side.

Q. Did not two crowds of Republicans, armed with pistols and clubs, headed each by a man on horseback, urging them forward, they yelling hideously, march towards the poll?—A. I will state again I saw no Republicans that day with a pistol save one. The sticks they had in their hands were ordinary size, and I regarded them as walking-sticks. I remember only one crowd that had a man on horseback with it; and as to their yelling, this is the time they gave the responsive yells alluded to above.

Q. Do you not know that every street leading into town on the night previous to the election was guarded by Republican sentinels who halted most persons as they passed or halted them before they would allow them to pass?—A. I will state first I do not.

Q. Do you not know on the night previous to the election, near O. L. Dobson's residence, about a mile and a quarter or a mile and a half from town, that a party of Democrats were fired into by Republicans. These Democrats went to you that night for protection?—A. In the first place I will state I do not know that any Democrats were fired on by Republicans. About 4 o'clock on the morning of the election three Democrats came to my house and called me up and asked me whether or not I knew anything about colored men being assembled at this place. I told them that I did not. I do not remember that these men asked for my protection. I do not know that they told me they were officers of the peace, and they wanted me to assist in keeping the peace. One of them told me if a difficulty did take place I would be the first man picked out, and said that four white men were riding along the road leading to Colonel Huie's to the village, and they were halted and fired upon, ten shots being fired. I asked them if anybody was hurt, and they said no.

Q. You said there was an imaginary line drawn in front of the court-house and a man who seemed to be a sentinel was walking up and down; do you know who that man was?—A. I do not remember stating that there was an imaginary line. I do remember stating that there was a real line. I do not know who the man was.

Q. Did you know the managers of election at this box personally?—A. I suppose I did. I don't remember now who they were. I know



that two of those first published in the paper as managers declined to serve.

Q. Was this man who told you to stand back one of the managers?—A. I don't think so.

Q. Do you know if that man had any authority to tell you to stand back?—A. He spoke like a man of authority, and from the number of armed men with him, and between him and the polling place, I took it for granted that I had better obey his mandate, whether he was acting with authority or not.

Q. Do you not know that that man was drunk?—A. I do not, but from the positive way he gave his orders I would think just to the contrary.

Q. Was it not the *Radical programme* to take possession forcibly of this polling precinct?—A. Not that I know of.

Q. Was not the manner in which they approached the polls calculated to produce that impression upon the Democrats?—A. I cannot state whether it would produce that impression. I don't know that I saw half of the Republicans here when they approached the poll.

Q. Then, as you did not see all the Republicans as they approached the polls, you can't tell how many of them voted, can you?—A. From the time that I reached the town up to the time I went to the polling place, men would come to me every five or ten minutes and tell me that no colored men had been allowed to vote, so I went up and tried to vote myself. This is the time I met the sentinel walking the line, and he told me to stand back. For a long time I stood around there and saw no colored men go up at all, until about twenty-one minutes after eight, then I saw the men I have mentioned go up. I cannot state positively how many voted.

Q. How many colored men were in town that day in or near the polling precinct?—A. I estimated them at about 2,000. I made this estimate from observation.

Q. How many of them were Republicans?—A. Just about 2,000 of them.

Q. Are there any colored Democrats in this county?—A. Not a one; most every one that claims to be a Democrat has been to me and told me how he stands, and some of them have told me even that I knew where they were getting their bread and butter from.

Q. Do you know of your own knowledge where they are getting their bread and butter from?—A. I do not.

Q. Can you give me the names of the parties who went to you and told you how they stood?—A. I can name some of them, but I decline to do so.

Q. Did you know that each and every one of the 2,000 colored voters would vote the Republican ticket?—A. Left untramed, I would be willing to swear they would.

Q. Do you know that all or each and every one of the colored men who left this precinct without voting did not vote at some other precinct in the county?—A. I do not.

Q. Did not General Butler, after these Republicans started off and previous thereto, go to you and invite you to come up and bring your followers to vote?—A. I don't remember General Butler coming to me that day. I sought an interview with him two or three times myself, and went to him, but at neither of these interviews did he invite me and my followers to come up and vote.

Q. Were you invited to come forward and vote by any Democrat?—A. Not to my recollection.

Q. Did you not hear any Democrats tell the Republican voters to come forward and vote?—A. I did not hear anything of the kind; when I went to General Butler early in the morning, at my first interview, he said to me, and a crowd of Republicans that were with me, “You must have patience; it is early in the day yet, and he believed that every man would have a chance to vote.”

Q. You said you saw some Republican voters go up and vote, and that they were in the house or polling precinct twenty minutes; do you know whether or not they remained in the house any time after voting?—A. I do not remember stating that I saw Republicans go up and vote. I stated I saw them go up in the court-house to vote, and timed three of them, and found they staid twenty minutes. As to whether they remained after voting I do not know, except what one of them told me, that notwithstanding his staying up there so long he was not allowed to vote.

Q. Were not the Republican voters assembled in a crowd of from one to two thousand in numbers in front of the court-house steps in a noisy and demonstrative manner?—A. They were assembled there, but as to their being noisy, I don't recollect their being so much so, except in these responsive yells which I have testified to before. I saw no demonstration on their part that was calculated, in my opinion, to create any excitement.

Q. Did you not see Republican voters, as they were going out of town, firing off their pistols, or hear the reports of the pistols?—A. As I stated before, I did not see a pistol in the hands of but one Republican that day. I did hear the reports of fire-arms several times during the day, but was of the opinion that those fire-arms were in the hands of the Democrats I saw with pistols and guns.

Q. Do you not know, as a matter of fact, that nearly every one of the colored or Republican voters of this county carried pistols, or did previous to the recent act of the legislature prohibiting the carrying of concealed weapons?—A. I do not know it as a fact, but I believe most of those who were able to buy one would do so.

Q. Did you not state that you were not in town the day after the second meeting of the precinct chairmen at the school-house? Then how do you know the town was filled with rifle clubs and red shirts?—A. I did state I was not in town the day referred to, but stated at the same time I could see these men riding in from where I lived.

Q. How far do you live, or did you then live, from the court-house?—A. Within one mile; about two chains.

LAWRENCE CAIN.

Sworn to before me this 18th Feb'y, A. D. 1881.

E. H. HOGARTH,  
Notary Public, South Carolina.

JOHN T. GASTON, *Intendant*.

*Deposition of Jesse Jones.*

EDGEFIELD COURT HOUSE, S. C., February 19, 1881.

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Edgefield County*.

JESSE JONES, a witness of legal age, produced by contestant, upon

due notice to contestee, deposes as follows in reference to questions propounded by contestant :

Question. State your age, residence, and occupation.—Answer. I am 28 years of age ; reside in Edgefield Court House, and am a farmer.

Q. Were you at Edgefield polling precinct on the day of the last election ; if so, in what capacity ?—A. I was, as United States supervisor.

Q. Did you serve ?—A. Yes, sir.

Q. At what time did the poll open ?—A. At 6 o'clock, a. m.

Q. Did you see the box opened prior to the voting ?—A. I did.

Q. Was anything in it ?—A. There was not.

Q. Where was the box placed ?—A. Inside of the court house, in the court-room, within the railing, about fifteen feet from the door ; there is a passage-way about four feet long from the porch door to the court-room door.

Q. How wide is the porch ?—A. About four or five feet wide.

Q. When the poll opened, how many people, and to what parties did they belong, who were inside in the polling place, other than the managers, clerk, and supervisors ?—A. When the poll opened there were no others inside the rail ; but about twenty or twenty-five in the room ; all Democrats.

Q. At what time did you arrive at the poll ?—A. About half past 4 o'clock.

Q. Were any persons in the court-house then, on that floor ?—A. Yes, sir.

Q. Do you know how many, and who they were ?—A. I suppose about one hundred were in there ; all Democrats.

Q. When the poll opened were there any persons in the room where the box was in uniforms of any kind, or with arms of any description ?—A. There was, Democrats with red shirts ; I suppose about ten or fifteen with arms, and about forty or fifty with red shirts on ; some had double-barrel shot-guns, some pistols.

Q. Were any persons within the rail with uniforms ?—A. No, sir.

Q. Were any persons within the rail who had arms ?—A. There were arms inside the rail, leaning in the prisoners' box, about a foot from the ballot-box.

Q. What kind were they ; and to whom did they belong ?—A. There were three double-barrel shot-guns ; I cannot say who they belonged to.

Q. How long did these guns remain there ?—A. I suppose about two or three hours.

Q. Who removed them ?—A. I saw some gentlemen come in and take them out.

Q. Do you know who caused their removal ?—A. It was caused by some man who drew a pistol on the street, raising a row ; they were taken out by parties who were in the room.

Q. Were the parties who took them out election officers ?—A. Yes, sir.

Q. What officers were they ?—A. The Democratic supervisor.

Q. Do you know if either of these guns belonged to, or was in custody of, either of the managers, or the clerk ?—A. I cannot say.

Q. How many doors between the porch and the ballot-box ?—A. Two.

Q. Were these doors kept open all day ?—A. The outside door was a double door, each of which was about a foot and a half wide, only one side of which was open ; the other side was closed ; the inside one was a gate to the railing, which was kept open.

Q. Did you keep a poll-list ?—A. No, sir.

Q. Why not?—A. I did not think it was safe for me to do so.

Q. Why did you think it unsafe?—A. Because if they saw me keeping a poll-list, I don't think they would have allowed me to stay there at all, as I was told by Democrats that if I attempted to make a report I would not be allowed to act as supervisor.

(Objected to.)

Q. Can you say how many voters voted that day?—A. About seven hundred and sixty-three or seven hundred and sixty-nine.

Q. How many colored men voted?—A. About fifteen.

Q. How many Republican votes were counted by the managers?—A. Eleven.

Q. Did all the voters have free access to the poll?—A. They did not, because one side of the front door was barred, and the Democrats stood on the porch with pistols and said no damn negroes should vote there.

Q. How long did this continue?—A. It continued until about 4 o'clock in the afternoon.

Q. Did this in any way prevent any voters from approaching the ballot-box and voting?—A. It did; Republicans.

Q. How then did the eleven Republican votes get into the box?—A. They came up to the door which was barred across with two bars, and the managers said let in one colored man and one white man. They would let in one colored man and three white men until that number fifteen was exhausted. No more colored men would or could come in.

Q. What time did they commence letting the colored men in, in this way?—A. About 9 o'clock.

Q. Had any persons voted before this?—A. Oh, yes, sir.

Q. About how many?—A. About thirty-five or forty whites.

Q. Why did the voting proceed so slowly?—A. I can't tell.

Q. Were there many Republicans around the poll attempting to get into the poll?—A. Yes, sir; a great many.

Q. About how many?—A. I suppose about two thousand.

Q. From the action of the men on the steps and porch within the court-room, and the officers of election, could these men have deposited their ballots had they seen fit to do so?—A. They could not.

Q. Did the Democrats in the room without the rail remain there long?—A. Yes, sir; until about 11 o'clock.

Q. What were they doing there all this time?—A. Standing there doing nothing.

Q. Was the way from the outside door to the ballot-box clear?—A. No, sir.

Q. How was it obstructed?—A. The little passage-way was obstructed by men standing there filling up the passage-way, keeping the people from passing; there were from twenty to thirty doing this.

Q. Did the large number of Republicans, who were near the polls, remain all day?—A. No, sir.

Q. Did any colored men come up there and vote the Democratic ticket?—A. Yes, sir.

Q. Did they meet with the same obstruction that colored men voting the Republican ticket did?—A. No, sir.

Q. State what distinction was made between them.—A. They were escorted there by Democrats, and when they got inside one of them wanted to vote the Republican ticket, and a Democrat said to him you must stick to your bargain; he said he would not do it, and started out; he brought him back, and he voted the Democratic ticket. Those who voted the Democratic ticket were escorted to the poll by Democrats, and the Republicans, the doors were barred against them.

Q. Did colored men or white men who desired to vote the Democratic ticket, have any trouble in getting to the ballot-box?—A. They did not.

Q. Did you see any persons with arms near the poll other than those on the steps or porch of the court-house?—A. I saw a large crowd in the picture gallery and the Masonic hall with arms.

Q. What kind of arms?—A. They were Remington rifles and double-barrel shot-guns.

Q. Were any of these parties in uniform?—A. Some of them were in red shirts.

Q. How many names were on the managers' poll-list?

(Objected to as secondary evidence.)

A. I don't know.

Q. Do you know if the number of names on the poll-list and the number of ballots in the box corresponded?—A. They did not.

Q. In what way did they disagree?—A. There were fifteen ballots in the box in excess of the poll-list.

Q. How was this excess disposed of?—A. One of the managers was blindfolded and drew out the excess of ballots from the box.

Q. How many Republican and how many Democratic ballots were drawn out?—A. I don't know.

Q. Did you see the ballots after being drawn?—A. Yes, sir.

Q. Did you examine them?—A. Yes, sir.

Q. Then how is it you don't remember?—A. I don't remember the number.

Q. Were any Republican ballots drawn out?—A. Yes, sir; but I don't remember how many.

Q. How many colored men voted the Democratic ticket?—A. I know they did not exceed seven.

Q. How do you know this?—A. I took it down on a list when they came in to vote; because I saw their tickets.

Q. Was it peaceable and quiet all day at the poll, and did you see any evidence of violence?—A. It was not; I saw pistols drawn by Democrats on Republicans, and I saw Democrats picking up large brick-bats and saying, "If you damn negroes attempt to come up to vote you will catch these" [referring to the bricks they had in their hands].

Q. Do you know of any ballots being cast on that day by persons who were minors, non-residents of the county, or by persons who had already voted once?—A. I know of no minors; I do know of non-residents voting, and I know of parties voting more than once.

Q. How do you know they were non-residents?—A. I know them well; I know where one lives in Georgia, and I know of a great many who voted more than once; they came up and voted and would sit around the room, and come up and vote again.

Q. Did any vote more than twice?—A. Yes, sir.

Q. More than three times?—A. Yes, sir.

Q. More than four times?—A. Yes, sir.

Q. More than five times?—A. Yes, sir.

Q. More than six times?—A. Yes, sir.

Q. More than seven times?—A. Yes, sir.

Q. More than eight times?—A. No, sir; not more than eight times.

Q. Did these persons vote under their own names each time?—A. No, sir.

Q. Was anything said by them or the managers when they came up

to vote after the first time?—A. Yes, sir; not by them, but the managers; they laughed and said they were “tricks.”

Q. Did the repeaters say anything themselves?—A. No, sir; they would simply come up and vote in other men’s names, and step aside and stand in the door.

Q. Did you know any of these men?—A. Yes, sir; some of them.

Q. Were you in town the night before the election?—A. Yes, sir.

Q. Do you know of any armed or mounted men coming into or riding through the town that night?—A. Yes, sir.

Q. State what you know about them.—A. They came in on horse-back firing off their pistols and hallooing.

Q. What time was this?—A. In the early part of the night.

Q. Can you say about how many there were, and how they were dressed?—A. I could only see from the flashes of the pistols that some of them had on red shirts, I suppose about thirty-five in all.

Q. Did all the colored men that came up to the poll on election day vote?—A. They did not.

Q. Do you know of any colored men, or Republicans, who could not vote at this precinct, or any other, in the county of Edgefield at the last election?—A. Yes, sir.

Q. Many?—A. Yes, sir; a large number.

Q. How do you know this?—A. Because as notary public for South Carolina I have taken a large number of affidavits of those who came to this and other precincts and returned home without voting.

(The three preceding questions and answers objected to as hearsay evidence.)

Q. Are you a regularly-commissioned notary public?—A. Yes, sir.

Q. By whom is your commission signed?—A. Governor Moses.

Q. How were these affidavits obtained?—A. I would go to the clubs, and they would meet, and I would take the affidavits of all parties who came to this polling place and others who swore they were prevented from voting by violence and intimidation.

Q. Were these parties sworn by yourself personally, and did they sign in your presence?—A. Yes, sir.

Q. Have you all of those affidavits here?—A. No, sir; I have some of them.

Q. Can you produce them all?—A. I can.

Cross-examination by F. H. WARDLAW, counsel for contestee:

Q. You say there is a passage from the court-house door to the door opening into the court-room; are there two doors between the porch and the court-room?—A. There is one door from the porch into the court-room, and inside a railing and gate.

Q. Was not the polls held where they have always been heretofore, at this precinct?—A. Since 1876 it was; prior to that I don’t think it was.

Q. Was it previous to 1876 held at any place other than it was at this last election?—A. I remember that it was held in the piazza of the Ryan Hotel.

Q. Previous to 1876 were there not two boxes in Edgefield village, one at the court-house, and the other at what was then known as the treasurer’s office at the Ryan Hotel?—A. I think previous to 1876 one was kept at the Ryan Hotel, and the other at the door of the place now occupied by Mr. Gaston, or the next door, formerly occupied by Mr. Maloy.

Q. Did not the Republicans in 1876 change the two boxes here from

Ryan Hotel and Gaston's store, to the court-house and Macedonia school-house?—A. The Republicans changed the box from the Ryan Hotel to Macedonia school-house; the other box was carried up into the court-house in 1876, against the express will of the majority of the Republican managers and commissioners.

Q. Did not the Republican commissioners of 1876 order the box to be removed from Gaston's store to the court-house?—A. They did not.

Q. Did you not testify between Smalls and Tillman in 1876, that you, as one of the commissioners of election, ordered the box to be held under the court-house porch or portico?—A. I did.

Q. You say the door of entrance from the court-house to the porch was a double door, each of which was only one and a half feet wide; do you not know that those doors are wider than that?—A. I do not know; I said about.

Q. You say you were told if you kept a poll-list you would not be allowed to act as supervisor; who told you so?—A. I decline to answer that, but he is a Democrat.

Q. Did either one of the managers tell you so?—A. They did not.

Q. Did any Democrat tell you so, who had authority at the box?—A. No, sir.

Q. What part of the court-house in polling precinct were you on the day of election?—A. Inside the railing.

Q. Could you see from your position inside the railing what occurred in the street?—A. I could some portions of the street.

Q. Could you see from your position inside the railing, one of the doors of entrance being closed, the court-house steps and that portion of the street directly in front of the steps?—A. I could.

Q. Was it one of your duties as United States supervisor to inspect the tickets of the voters?—A. I do not know of any law requiring me to inspect the tickets until the poll was closed and they proceeded to count.

Q. You say the colored voters, or the Republican voters, could not have voted on account of the action of the officers of election; whom do you mean by officers of election?—A. I meant to say the action of the men on the steps, and the character of the men in the court-room; and with the arms around the polling place it was impossible for the Republicans to vote; I mean by officers the managers.

Q. What was the conduct or actions of the managers of election which prevented the Republican voters from voting?—A. Their prevention consisted in having bars across the doors of entrance.

Q. Did you not say that the managers of election said that one colored man and one white man could come in together and vote?—A. I did, but it was not done.

Q. What distance is the court-house, where the polling precinct was, from the Masonic hall?—A. About forty yards, I think.

Q. What direction did the court-house face?—A. East.

Q. What direction does the Masonic hall face, or its door?—A. North.

Q. Looking from the door of the court-house from your position, could you see the Masonic hall?—A. No, sir; not through the door.

Q. Could you see from your position in the court-house, and tell with what guns the men were armed in the Masonic hall?—A. I had no stationed position; I could see into the hall, and could see the guns, and could see the men that had them, and could tell what kind of guns they were.

Q. Were you a member of the county executive committee of the Republican party in 1880?—A. I was not.

Q. You say you kept no poll-list, but the votes in the box exceeded the names on the poll-list by 15; how do you know that?—A. I knew that the poll-list kept by the Democratic clerk was correct. I know it by looking at the poll-list after the poll was closed, and we were about to proceed to count.

Q. You detected the excess, then, when they proceeded to count?—A. Yes, yes; after they had finished counting.

Q. You say you saw pistols drawn by Democrats on Republicans; where did you see that?—A. On the corner, in Mr. Cobb's store, from the right-hand window of the court-house.

Q. You say you saw these pistols drawn near Cobb's store from the right window, and these arms and men in the Masonic Hall from the left window, did it not keep you so busy looking for guns from the left window, and pistols from the right window, as to prevent you from seeing who voted, and who did not?—A. Did not, the voting was so slow that the clerk and managers had all chances to see what was going on right, left, and in front of them.

Q. What are the legal hours for holding the poll open?—A. From 6 a. m. to 6 p. m.

Q. You say there were 763 or 769 votes polled?—A. I think so, about that number.

Q. That would be at the rate of sixty to the hour, an average of sixty votes to the hour?—A. I suppose so.

Q. Do you regard sixty votes to the hour, or one vote to the minute, as very slow voting?—A. I would.

Q. You say you saw Democrats picking up bricks and saying, you damn negroes, if you come up here to vote you will catch these [referring to the bricks]?—A. Yes, sir.

Q. Where did you see that?—A. I saw it at the right-hand corner of the court-house near General Gary's office.

Q. Is General Gary's office in front of the court-house?—A. No, sir.

Q. You say you saw one non-resident, a man from Georgia, whom you knew where to vote?—A. Yes, sir.

Q. Who was he?—A. Bob Sullivan.

Q. Is he a white man or colored man?—A. A white man.

Q. Did you as supervisor object to Mr. Sullivan's voting?—A. I did not.

Q. Did you object to these repeaters voting more than once?—A. No, sir.

Q. You say the managers when these repeaters came up to vote more than once laughed, and said they were "tricks," are you certain the managers said so?—A. One of the managers did.

Q. Can you tell which one of the managers did?—A. I can, but I decline to do so.

Q. In what part of town were you on the night before the election?—A. I was several places.

Q. Tell me some?—A. I was in Mr. Gaston's store part of the time, in the road leading to Trenton, and part of the time on the square.

Q. You say there were a great many colored men who left here without voting, do you know they did not vote at any other precinct in the county?—A. No, sir.

Q. Did you see a crowd of colored men that went up Main street to the polls?—A. I did.



Q. Did not those men go up in a noisy and turbulent manner, densely packed together?—A. They did not.

Q. Were not the colored men here that day armed with pistols and clubs?—A. Some few of them had walking sticks; and I saw one pistol, I think.

Q. Did not the noisy and threatening attitude of the Republican voters cause the demonstration from the white men in the Masonic Hall and picture gallery?—A. I did not see any threatening attitude or noisy action on the part of the Republicans that would justify the conduct of the white men or Democrats in the Masonic Hall or picture gallery.

Q. Did you see the Republican voters as they were leaving the polling precinct?—A. I saw some of them leaving.

Q. Did you not see a display of pistols by the colored people as they were leaving town?—A. I did not.

Q. Did you not hear the reports of their pistols?—A. I did not.

Q. As they left the town, going down Main street?—A. I did not.

Q. Has any one prompted you since you have been on the stand to-day, in regard to what you were to testify to?—A. They did not, and I don't think they would have the impudence to do it.

Q. Did not the crowd of colored men or voters who went up Main street, headed by a leader on horseback, go up to the poll yelling and shouting?—A. I did not see it.

Q. Do you not know that on the night previous to the election that the roads leading to Edgefield Court House, more particularly those leading from Trenton to Edgefield Court House, one from Trenton, leading to Huie's cross-roads, and from Trenton to Johnston's, were occupied, or large bodies of colored men were encamped upon them?—A. I do not.

Q. Did you make a return as supervisor?—A. I did not.

Q. You did not sign that the election passed off quietly, and that the return or returns were correct?—A. I did not.

Redirect examination, by W. N. TAFT:

Q. Can, or not, the Masonic Hall and the picture gallery be seen from the windows of the court-room?—A. They can.

JESSE JONES.

Sworn to before me this 19th Feb'y, A. D. 1881.

E. H. HOGARTH,  
*Notary Public, South Carolina.*

JOHN T. GASTON, *Intendant.*

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

I, E. H. Hogarth, a notary public, in and for the State of South Carolina, do hereby certify that the foregoing depositions of George Valantine, Andrew Long, Wesley Long, Pink Webb, Bristow J. Yeldell, W. S. Tillman, W. E. Lynch, Andrew J. Lee, Richmond Mobley, Dave Graham, Louis Collins, Anderson Carter, Paris Simkins, Harry Oliphant, Norman Youngblood, Lawrence Cain, and Jesse Jones, were taken by me pursuant to notice of contestant, and in accordance with the provisions of law, at Edgefield Court House, county and State aforesaid, on the 16th, 17th, 18th, and 19th days of February, A. D. 1881, the contestant being represented by his attorney, W. N. Taft, esq., and the contestee being represented by his attorneys, F. W. Wardlaw and B. W. Bettis, jr., esquires.

(Given under my hand and seal this 19th day of February, A. D. 1881.

[SEAL.]

E. H. HOGARTH,  
Notary Public, South Carolina.

No. 3.

THE STATE OF SOUTH CAROLINA,  
County of Aiken :

|                               |   |
|-------------------------------|---|
| ROBERT SMALLS, CONTESTANT,    | } |
| <i>vs.</i>                    |   |
| GEORGE D. TILLMAN, CONTESTEE. | } |

To the Hon. ROBERT SMALLS:

You are hereby notified that I will examine the following witnesses, all of whom reside in Aiken County, relative to and touching the matters and things set forth in my answer to your notice of contest of my right to a seat in the Congress of the United States, to which you claim to have been elected at the November election of 1880, for the fifth Congressional district of South Carolina, and in reply to the matters and things set forth in said notice of contest, and to evidence produced by you, before W. W. Williams, judge of probate of the said county of Aiken, in the town hall of Aiken, in said county and State, on the 22d day of March, A. D. 1881, at 10 o'clock a. m., and will continue from day to day, until the same be completed:

D. S. Henderson, James Aldrich, T. H. Hayne, M. T. Holley, Luther Holley, R. S. Agnus, J. T. Wingard, Jeff Garey, Ephriam Smith, E. P. Henderson, J. L. Courtney, John Garey, J. E. Crosland, Major Samuels, William Stevens, John Stevens, E. E. Sawyer, John M. Lott, T. S. Williams, Henry Kneeece, Jas. Kneeece, Cal. Courtney, John Jeffcoat, J. M. Price, D. H. Sally, Uriah Corbitt, J. H. Eidsen, L. E. Lott, A. S. Courtney, Joe Cullum, E. S. Hammond, Tom Page, A. J. McElmurrey, M. C. Hammond, H. H. Jordan, W. M. Jordan, Ed. Seigler, Ed. Somers, C. A. Senn, Joe Harigal, J. L. Quinby, Albert Holly, Alex Jones, Henry Getzen, Sam Adams, Geo. Walker, T. W. Keenan, Basil Reeves, Daul. Jackson, I. N. Eubanks, E. B. Tyler, J. M. Tyler, Charles Mathis, R. J. Wade, J. J. Woodward, Lazarus Posy, O. C. Jordan.

March 8, 1881.

G. D. TILLMAN, *Contestee*,  
Per G. W. CROFT, *Attorney*.

(Indorsed :) Served March 14, 1881.

*Smalls's notice of contest.*

BEAUFORT, S. C., November 22, 1880.

To Hon. G. D. TILLMAN, Edgefield, S. C.:

SIR: You are hereby notified that I will contest your right to a seat in the Forty-seventh Congress of the United States as a member of the House of Representatives from the fifth district of South Carolina for the following reasons:

1st. That at the following voting precincts, to wit: Graham's, Barnwell Court House, Eberhart's Mill, and Fenall's Store, in the county of Barnwell; Aiken, Graniteville, Summerhill, Page and Hankinson's Store,

and Jordan's Mill, Aiken County; Horse Pen, Snyder's Cross Roads, Ridgeville, Ravenel's, and George's Station, in Colleton County; Brunson, Brighton, Black Creek, Peebles, Stafford's Cross Roads, and Hennis's Cross Roads, in Hampton County, the vote actually cast for me was larger, and the vote actually cast for you was smaller than appears on the face of the returns made by the managers of elections at the voting precincts aforesaid; that the difference between the votes as actually cast and the votes as returned as aforesaid by the managers, arises from the fact that at each of the aforesaid polls numerous ballots, bearing your name for Congress, were fraudulently placed in the ballot-box for the purpose of creating an excess of votes over voters, and thereby compelling the managers to draw out and destroy the excess of ballots thus created in order to reduce the number of ballots in the box to the number of names on the poll-list; that in drawing out of the box at each poll the excess of ballots fraudulently created, as aforesaid, numerous ballots bearing my name for Congress, and which had been legally voted, were drawn out and destroyed, and in their place was counted a corresponding number of ballots with your name for Congress thereon, which had not been legally voted, wherefore to the vote returned for me by the managers of elections at each of the polls aforesaid, should be added the ballots bearing my name which were drawn out and destroyed, and from the vote returned for you at each of the polls aforesaid should be deducted a corresponding number.

2d. That at Edgefield Court House precinct, the court-house, in which the poll was held, was taken possession of by a large number of your partisans and supporters, armed with guns and pistols, wearing red shirts, and acting in your interest, who held possession of the said polling place during the night before and the day of the election, and the windows and doorways of the houses in the vicinity of the said poll were filled with your partisans and supporters, wearing red shirts and bearing arms, and acting in your interest; and your partisans, mounted on horses, armed with guns and pistols, and acting in your interest, rode through the streets of the town of Edgefield Court House, and in the vicinity of the said poll, discharging said arms, intimidating and terrorizing my friends and supporters, and preventing them from casting their ballots for me, as they desired and intended to do.

3d. That at Aiken Court House large numbers of your partisans and supporters, acting in your interest, planted a loaded cannon near to and covering the polling place, and with threats of violence and display of fire-arms, intimidated and terrorized my friends and supporters, and prevented them from casting their votes for me as they desired and intended to do.

4th. That in the counties of Aiken, Edgefield, and Hampton, and at each and every polling precinct in said counties, and at the precincts of Allendale, Barnwell Court House, Buford's Bridge, Elko, Williston, Bamberg, Millett, Robbins, Fenall's Store, and Midway, in the county of Barnwell, for several days before and during the day of the election, large numbers of my friends and supporters were, by intimidation and violence, prevented, by your partisans and supporters, acting in your interest, from casting their votes for me on the day of the election, as they desired and intended to do, and many of my friends and supporters, although intending and desiring to cast their votes for me, were compelled by such intimidation and violence to cast their votes for you.

5th. That in the county of Hampton, on the night preceding the day of the election, your supporters and partisans, acting in your interest, rode up and down, discharging fire-arms, and with great noises and

threats intimidated and terrorized my friends and supporters, causing them to remain at home on the day of the election and refrain from voting for me, as they desired and intended to do, and compelling many of my friends and supporters to cast their votes for you, when in truth they intended and desired to cast their votes for me.

6th. That your partisans and supporters, acting in your interest, by threats and violence at or near the polling precinct of Beech Branch, in Hampton County, compelled my supporters and friends to give up the Republican tickets for the said precinct, which bore on them my name for Congress, and my friends and supporters were compelled thereby to refrain from voting for me, as they had desired and intended to do.

7th. That each and every polling precinct in the county of Edgefield, and the precincts of Aiken, Low Town Wells, Kneese's Mill, and Creed's Store, in Aiken County, and Allendale, Williston, Baldock, Barnwell, Buford's Bridge, Elko, and Midway, in Barnwell County, and at various other precincts in the said Congressional district, the United States supervisors of election, representing the Republican party, were, by threats and violence, driven from the polls, prevented from keeping poll-lists, and denied permission to enter the polling places, thereby preventing them from supervising the election of said polls.

8th. That at the voting precinct of Allendale, in Barnwell County, the Republican supervisor was driven away from the voting precinct by armed partisans and supporters of yours, acting in your interest, and large numbers of my friends and supporters, desiring and intending to cast their ballots for me, were driven away from the poll and prevented from voting by your partisans and supporters who were armed and acting in your interest.

9th. That at the voting precincts of Red Hill and Cheatham's Store, in Edgefield County, the polls were not opened at the time fixed by law, and many voters intending and desiring to cast their votes for me were prevented from doing so by reason of the failure to open the polls at the time prescribed by law.

10th. That at Aiken, in the county of Aiken, George's Station, in Colleton County, and at various other precincts in said Congressional district, large numbers of legal voters who desired and intended to cast their votes for me, were prevented by the managers of election, who were your partisans and supporters, from voting, by requiring of the said voters that they prove their right to vote, and their identification, by proofs to be furnished by your partisans and supporters acting in your interest.

11th. That at the voting precinct of Williston, in Barnwell County, the Republican supervisor was ejected from the polling place, and by violence on the part of your friends and supporters, acting in your interest, compelled to sign, as correct, a return to the chief supervisor, of which he had no knowledge of the truth or falsity.

12th. That at the polling precinct of George's Station, in Colleton County, the managers of election, being your partisans and supporters, and acting in your interest, pretending to open the poll at the usual place for voting at said George's Station, opened a poll at another and new place about one-fourth of a mile away from the usual polling place at said George's Station, and thereby receiving large numbers of illegal votes for you, and preventing large numbers of persons, intending and desiring to cast their votes for me, from voting.

13th. That at the polling precincts of Summerville, Gloversville, and Delamar's Cross Roads, in Colleton County, the managers of election

being your friends and supporters, and acting in your interest, failed and refused to open the polls at the said polling precincts, and thereby prevented large numbers of my friends and supporters at each poll, to wit, Summerville, 700; Gloversville, 800; Delamar's Cross Roads, 300, intending and desiring to vote for me, from voting.

14th. That at the polling precinct of Jacksonboro', in Colleton County, the managers of election being your partisans and supporters, and acting in your interest, refused at about 1 o'clock on the day of election to receive the votes of my friends and supporters, intending, desiring, and offering to cast their votes for me, and failed and refused to count and return the votes cast at said precinct, thereby depriving and taking from me 1,200 votes.

15th. That large numbers of illegal votes were cast for you at each and every precinct in the counties of Aiken, Edgefield, Hampton, and with the exception of the precinct of Blackville, the county of Barnwell, by repeaters, minors, and non-residents.

16th. That the number of votes counted by the managers of election in the counties of Aiken, Barnwell, Edgefield, and Hampton, exceeds the number of legal voters in said counties, as shown by the United States Census of 1880, although thousands of legal voters desiring and intending to vote for me, were prevented from voting.

ROBERT SMALLS.

*Answer.*

WASHINGTON, D. C., *January 7th, 1881.*

Hon. ROBT. SMALLS.

*Beaufort, S. C. :*

SIR : In answer to the notice which you served upon me on the 13th December ult., to the effect that you will contest my right to a seat in the next Congress as a Representative from the 5th district of South Carolina :

1. I traverse and deny every allegation of fraud or intimidation charged against my political friends and supporters in each and all the sixteen grounds or specifications upon which you base your notice of contest.

2. So far from my friends and followers having engaged in intimidation at or near the Lawtonville precinct, in Hampton Co., on the day of election, I charge that your friends and supporters were the only men engaged in that sort of thing on that day at or near the town of Lawtonville, and that they were your friends and supporters who killed Richard Calson, a white man, on the day of election, near said Lawtonville precinct, because he was a Democrat and had voted for me.

3. I further charge that your political friends and supporters, with a design to defeat me and elect you, indulged in wholesale intimidation to deter Democrats from voting for me, and to try to make them vote by compulsion for you at the Blackville precinct and at other precincts in Barnwell Co. before the election and at the election, and that to such an extent did your partisans carry their intimidation and bitter persecution of Democrats that shortly after the election they wantonly killed Frederick, a colored man of said co., because he wore a red shirt, was a Democrat, and had voted the Democratic ticket at the late election.

4. I further charge that your political friends and sympathizers at several different precincts in each and every county of the Congressional district, either practiced or attempted to practice every conceivable

kind of intimidation, physical, religious, moral, and otherwise, toward my supporters both before the election and on the day of election, to prevent them from voting for me, and since the election to punish them for having voted for me, and especially do I make this charge against your political adherents in the whole county of Beaufort.

G. D. TILLMAN.

*Subpoena in contested election.*

THE STATE OF SOUTH CAROLINA,  
*County of Aiken :*

The State of South Carolina, to L. E. Lott, A. S. Courtney, Joe Cullum, I. N. Eubanks, E. B. Tyler J. E. Tyler, Charles Mostris, Hansford Johnson, Cal. Courtney, John Jeffcoat, J. M. Price, D. H. Sully, W. S. Corbitt, J. H. Eidsin.

You, and each of you, are hereby required and firmly enjoined that, all business being laid aside, and all excuses ceasing, you do, in your proper person, appear before the judge of the court of probate to be holden at Aiken, for the county of Aiken, on the 22d day of March next, then and there to certify the truth according to your knowledge, in a certain case now pending, to be tried between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in Forty-seventh Congress for the fifth Congressional district South Carolina, and on the part and behalf of the contestee.

Herein fail not, on the pain of the forfeiture of ten pounds proclamation money, as well as the consequences that may fall thereon.

Witness, W. W. Williams, esquire, judge of the said court, at Aiken, the 18th day of March, in the year of our Lord one thousand eight hundred and eighty-one, and in the one hundred and fifth year of the sovereignty and Independence of the United States of America.

[SEAL.]

W. W. WILLIAMS.

*Judge Probate. A. C.*

G. W. CROFT,  
*Attorney for Contestee.*

*Testimony.*

ROBERT SMALLS, CONTESTANT, )  
vs. )  
G. D. TILLMAN, CONTESTEE. )

JOHN M. TYLER sworn, says :

Age 30 years ; farmer, and reside in Aiken County.

Question. Did you attend last general election; and, if so, what poll?

—Answer. I did, at Low Town Wells.

Q. At what hour did you arrive ?—A. About 8 o'clock a. m.

Q. Did you carry anything with you, and, if so, what ?—A. Captain Croft, county chairman Democratic party, sent me tickets, which I carried to polls.

Q. Was there any Democratic tickets there before you carried those ?

—A. No; there had been no tickets cast, as I had them.

Q. Did you find many voters there when you arrived ?—A. Between one hundred and fifty and two hundred.

A. Was majority colored or white ?—A. Of this crowd from one-half to one dozen were white, balance colored.

Q. Were the managers receiving votes when you arrived?—A. They were, and the polls were monopolized by colored voters.

Q. How long did you stay?—A. Till about ten or half past.

Q. Till the time you left, was there any disposition, or effort, or attempt made, to hinder anybody from voting at that poll?—A. There was not.

Q. Was there at the time you left, sufficient number of white men to intimidate the crowd of colored men there?—A. There was not enough at the time I left, the most of the white and colored men had finished voting and left.

Q. How far is the nearest swamp to that place?—A. Four or five miles; seven or eight to any dense swamp.

Q. During the time you were there did you see any colored men run into a swamp?—A. No, sir; if anything of the kind had occurred I would have seen it.

Q. Was there anything done to endanger the life of any voter?—A. There was not.

Q. J. P. Spell has sworn that there was a rifle club, 200 men, that came from Silverton. Did you see them?—A. I did not. I saw six or eight men. Nothing of the kind occurred. The colored men were voting when I got there, and continued till they left.

Q. He has further sworn that you, Doc. Tyler, advised him to go away, or they would kill him; is this so?—A. When those few men came from Silverton everything was quiet, and Spells seemed excited; he asked me to take him off, and I told him I would, but there was no danger. I took him out through the crowd with Doré, and I asked Johnson to walk with me a piece, and they went through Johnson's gate and left.

Q. Did not Mr. Hause Johnson and Joe Stallings advise him to stay?—A. I did.

#### Cross-examination:

Q. Do you remember how many votes had been polled when you arrived?—A. About 150 or 200.

Q. Most of those votes were colored, were they?—A. They were.

Q. When you left how many had been polled?—A. About 150 or 200 colored votes had been polled when I left. I distributed tickets, and a few voted Democratic tickets. A majority of colored men had voted before I got there; they voted at least two hours after I got there, and all voted who wished to.

Q. When you came up and distributed your tickets were they voted?—A. When they got a chance they did, but the poll was crowded by colored.

Q. No effort was made to force the colored men away, was there?—A. No.

Q. What ticket did colored men vote?—A. Majority voted Republican ticket, and few Democratic.

Q. How many colored men voted Democratic ticket?—A. I don't know; several; I can't say how many.

Q. Did not almost all the colored people vote Republican tickets?—A. To best my knowledge seventh-eighths of colored voted Republican ticket.

Q. How many colored men do you know voted Democratic tickets?—A. Alexander Bell, and I gave several others tickets that I did not know.

Q. You live near there, do you not?—A. About five miles.

Q. You say you saw no violence or intimidation?—A. I did not.

Q. Was there any disturbance the night before calculated to frighten people?—A. I know of none.

Q. Do you know whether or not there were any proceedings that day to terrify or frighten voters?—A. I do not.

Q. Did you find the colored voters under excitement?—A. No, sir.

Q. You testified that Spells was excited?—A. I testified that Spells was excited—he was the only one; he was supervisor—Republican.

Q. Did those men from Silverton come mounted?—A. They did.

Q. Were they armed?—A. A few had guns.

Q. No other weapons?—A. No.

Q. Were they disorderly?—A. No.

Q. Did they ride their horses into the crowd?—A. They rode up and hitched their horses after dismounting. I saw nothing to frighten and alarm colored people.

Q. Who was clerk?—A. Mr. Gardner.

Q. Do you know politics of managers?—A. Democratic.

Q. Do you know if Spells was permitted to act in his official capacity?—A. There was no interference with him.

Q. If you saw nothing to alarm any one, how happened it that you aided Spells?—A. He asked me, and I went with him.

Q. Did Doré seem to be afraid?—A. They were the only two colored men at poll then, and when Spell left he went with him.

Q. Did colored men leave in a body?—A. They left unexpectedly to me; a majority before the Silverton men came.

Q. Was there any quarreling or fighting?—A. None.

Q. Did you hear any guns night before election?—A. None.

Q. Then I understand you to swear that it was a fair and peaceable election that day?—A. It was.

Q. Did you see any tissue tickets?—A. I did not.

Q. How many kinds did you have?—A. Only one.

Q. Were these Silverton men dressed as citizens?—A. Yes.

Redirect :

Q. Is it customary for ten or fifteen men to run off one hundred and fifty or two hundred?—A. No; I never heard of such a thing. I gave Alex. Bell his ticket and voted with him.

Q. Was anything said by Republican voters when Bell voted?—A. When I arrived the colored men asked me to see our tickets, and they said if a colored man voted that ticket they would whip him—one of these was Ferdinand Stallings.

Q. Do you know George Washington of that part of the county?—A. I know him.

Q. Do you know his general reputation for veracity?—A. He is looked upon as being very unreliable.

Q. From what you know of him by his general reputation, would you believe him on his oath?—A. I would not.

Re-examined :

Q. Has this George Washington been much in politics?—A. Yes.

Q. Is not your bad opinion based on his politics?—A. He is a bad man.

Q. Is not this your opinion of all colored Republicans?—A. No; I know some to be all right financially and politically.



Q. You have no prejudice against colored men on account of their politics?—A. No.

JOHN M. TYLER.

Sworn to and subscribed before me this 22d March, A. D. 1881.

W. W. WILLIAMS,  
*Judge Probate, Aiken County.*

HANSFORD JOHNSON sworn, says:

Thirty-two years old; farmer; reside in Aiken County.

Question. How much property do you own in this county?—Answer. About \$3,000 in realty.

Q. What poll, if any, did you attend at last general election?—A. Low Town Wells; arrived at 6 o'clock in morning.

Q. Were you there when the polls opened?—A. Yes.

Q. Were there many voters there then?—A. Yes; mostly colored; very few whites.

Q. What proportion?—A. Five or six white men and one hundred and fifty or one hundred and seventy-five colored men; some of them camped at polls. I live right there.

A. Were they quiet or boisterous?—A. They were tolerably quiet. They were very independent and did as they pleased. I furnished house for polls, as there was no other, and I tried to keep them outside polls in order to protect some cotton seed in there, but they crowded till they all voted.

Q. Did these colored men all vote and leave without molestation?—A. I think they did.

Q. Was there anything done to prevent the free exercise of voting that day by Democrats to Republicans?—A. None that I know of. I was a manager.

Q. What party did the voting for first four hours in morning?—A. The colored; they voted without intercession or hindrance.

Q. About what hour did the colored people get through voting?—A. About as quick as 150 to 200 people could vote—three men would vote at a time, and took about 2 minutes to vote. They had control of polls up to time of finishing.

Q. Was there anything done to prevent a single Republican vote from being polled that day?—A. There was not that I knew; all voted as they wished.

Q. When the colored people finished the whites voted?—A. Yes.

Q. Was anything done to prevent supervisor from filling his duties as an officer that day, or was he hindered or prevented from keeping poll-list?—A. No, sir.

Q. Was he refused admittance to the room?—A. No. He came in the room and staid there while at the poll.

Q. Did he stay all day?—A. No; he left about 10 o'clock.

Q. Was there any cause for his leaving?—A. No; I had as much cause to leave as he did.

Q. Did you advise him to stay?—A. I did.

Q. Did you see any body of men that came from Silverton?—A. About six to ten men came.

Q. Did you see about 200 come from Silverton?—A. No; there was no such number; a few came in the morning, and about three or four in the afternoon.

Q. Spell has testified that a rifle company of 200 men came from Silverton to Low Town that day; is this true or false?—A. It is false.

Q. Have you not a good many colored Democrats in your part of the county?—A. Yes; a good many. Some voted the ticket I did not know.

Q. Did you see anything done to prevent any man casting his vote for Smalls for Congress?

Q. How far is it to the nearest swamp from the poll?—A. It is four miles to the nearest branch.

Q. Do you know the general reputation of George Washington in that community for veracity; and, if so, what is it?—A. I do; and it is bad.

Q. From his reputation would you believe him on oath?—A. I would not.

Cross-examination:

Q. How many votes were polled that day?—A. I do not recollect; I think, though, between 300 and 400.

Q. Was there any votes in the box in excess of the poll-list?—A. No, sir.

Q. There were no tickets thrown out?—A. No.

Q. How many white men voted there?—A. Over 200 Democratic votes and near 200 Republican votes.

Q. Did most of the Democrats voting live in that precinct?—A. I think so; a good many I do not know.

Q. Is the white and colored population about equally divided?—A. I don't know.

Q. Was there not about as many colored votes as white?—A. It was pretty well divided; up to 10 o'clock very few had voted Democratic tickets, and after 10 very few colored men voted.

Q. Do you know anything of Spell's leaving?—A. I knew nothing of Spell's excitement till he told me to go with him. I advised him to stay, that there was no danger, and that I was going to stay. I advised him to stay because he asked me to carry him off. I was inside. I saw very few white men around. I think there were more colored men around than whites. Almost every colored man had a pistol.

Q. Was there any firing of pistols the night before?—A. Not that I know; I was out late, too.

Q. You testify that so far as you know there was nothing to prevent voting, and that the election was fair and honest?—A. That is what I testify.

Q. Did you see Dore, and did he seem excited?—A. I saw him; he was the main one that wanted to leave. If he was frightened I did not know it. They seemed to be restless after the colored people had all voted and left. I did not see the colored people leave; I think they left pretty well when they had all voted. After they had gone the clerk and supervisor wanted to go, but there were no threats against them. They asked to be conducted off. I went with them, and gave each of them a drink and told them to go back. These were the only ones that seemed to be alarmed.

Q. Did these Silverton men vote there?—A. I do not think they did.

Q. When you carried these men off was there whooping by the crowd?—A. No, sir; this was about as peaceable as any election I ever was at.

Q. Did you reject any votes?—A. I objected to one on account of his age, but he voted anyway.

Q. Were many challenged?—A. Not a great many.

Q. Have you a rifle club near there?—A. No, sir.

H. JOHNSON.

Sworn to and subscribed before me March 22, 1881.

W. W. WILLIAMS,  
*Judge Probate.*

JOSEPH E. STALLINGS, sworn, says:

I am 22 years; am a farmer; reside in Aiken County.

Question. Did you attend last general election, and where?—Answer. Low Town Wells; got there between 9 and 10 o'clock; everything was quiet when I got there.

Q. Was voting going on when you got there?—A. No, sir; most of the colored people had voted and gone home; very few there.

Q. Did you stay the balance of day?—A. Yes; till sundown.

Q. Was anything done to prevent the colored men there from voting after you arrived?—A. No, sir; and if there had been, I would have seen it.

Q. Did you see supervisor (Republican) when he left?—A. Yes; and I advised him to stay; told him there was no danger; there was nothing done that would put a reasonable man in fear, and prevent him from doing his duty.

Q. Did you see any body of men come from Silverton?—A. About eight or ten.

Q. Was there a body of 200 that came from Silverton to your poll that day?—A. No; that is false.

Q. Was there any colored men run into any swamp that day?—A. No, sir.

Q. Did you see any colored or white man refused his vote, or who was not allowed to cast his vote free and untrammelled?—A. I did not.

Q. Was it not, as far as you were able to judge, a peaceable and quiet election?—A. Yes, sir.

Q. Do you know George Washington; and, if so, his general character for veracity; and what is it?—A. I do; it is bad.

Q. From his character would you believe him on oath?—A. I would not.

Cross-examination:

Q. Did you meet many colored men leaving on your way to poll?—A. No, sir; very few.

Q. Did those you did meet appear to be alarmed?—A. No, sir.

Q. Was there anything done that day calculated to frighten colored people?—A. No, sir.

Q. Was there any shooting of guns and other uproar day before election?—A. No; if so I did not hear it.

Q. Did the supervisor and clerk who left the polls give any reason for doing so?—A. None; I advised them to stay.

Q. Did they say why they were leaving?—A. No; they asked Tyler to go off with them and he and Johnson went.

Q. Did you see many armed men that day?—A. No.

Q. Do you remember the usual vote of that poll?—A. I do not.

Q. From your knowledge what is the relative vote of that township?—A. I don't think there is much difference.

Q. Was there any excitement and boisterous noise when those Silverton men came?—A. No, sir; they were perfectly quiet.

Q. Did any colored voters come back after 10 o'clock?—A. Some, and they voted.

Q. Did you see any men vote who lived in another precinct?—A. No, sir.

Q. Do you know of any intimidation that took place just before election?—A. No, sir.

Q. Do you know any colored Democrats in that precinct?—A. One or two, there may be more.

Q. Was there any deputy marshals there?—A. No, sir.

Q. Was there any public political meetings in that neighborhood given before election?—A. No, sir.

Q. Do most of the white voters belong to the club?—A. We have no clubs.

Q. Has George Washington been a pretty active Republican?—A. Yes; since I have known him.

Q. Did you ever hear him charged with any offense?—A. No.

Q. Is he not obnoxious to the people there and would they not like to be rid of him?—A. Yes, sir; I would, I know.

Q. Why would you not believe him on oath?—A. Because I know him.

Q. Do you know of any offense that he could be prosecuted for?—A. Yes, he has taken things that do not belong to him.

Q. If he did not take an active part in politics would he be thought of in this way?—A. I do not think politics has anything to do with it; if he was a Democrat it would be the same; he is not very decent in his behavior.

Q. Did you hear none of the colored men complaining about the manner of conducting things?—A. No, sir.

JOE E. STALLINGS.

Sworn to before me March 22, 1881.

W. W. WILLIAMS,  
*Judge Probate.*

S. F. CULLUM, sworn, says:

Forty years old; farmer by occupation and reside in Aiken County.

Question. At what poll were you at last general election?—Answer. At Kneecce's Mill; got there about daylight; went alone.

Q. How many Democrats were there when you arrived?—A. Two got there about the same time as I did.

Q. How many colored men were there?—A. There was a large crowd; don't know how many.

Q. Was you a manager?—A. Yes, sir.

Q. Were the polls opened at 6 o'clock?—A. Yes; exactly at 6, and voting commenced immediately.

Q. Was there a Republican supervisor there?—A. Yes, sir. I don't know his name.

Q. Was the box opened before any ballots were cast and shown to the crowd?—A. Yes, it was opened and shown to everybody.

Q. Who did voting at the commencement?—A. Colored men voted at first; they occupied the polls some time, voting as fast as they could; all the negro votes were cast before the white men got there to vote.

Q. Was there anything done to prevent or hinder anyone voting for any particular person?—A. Not that I know of.

Q. Was there any violence, threats, or anything done to prevent any man casting his vote for Smalls for Congress?—A. Nothing at all.

Q. Was there any shooting of guns or pistols near the polls that day?—A. None at all near the polls.

Q. Was the right of suffrage freely exercised that day by every one?—A. It was.

Q. Did the Republican supervisor have free access to the room?—A. He did.

Q. Was anything done to prevent his performing his duties ?—A. No.

Q. Was anything done to drive him from the poll ?—A. Nothing at all ; he was in room with me and I would have seen it.

Q. Were the polls kept open till 6 o'clock in the evening ?—A. Yes.

Cross-examination :

Q. What was the relative vote at that poll ?—A. Don't remember.

Q. When the colored people left did they go in groups or singly ?—

A. I did not know, as I was in the room attending to my business.

Q. You say they left of their own accord ?—A. Yes ; so far as I know.

Q. How do you know they left of their own accord ?—A. Because men usually leave a place when they please.

Q. Do you swear that they left of their own accord ?—A. I do.

Q. From your position could you scrutinize the crowd outside ?—A. No ; but if there had been a noise I could have heard it.

Q. In what numbers did white people come to the polls ?—A. I don't know.

Q. Did you see any arms ?—A. I saw none at all.

Q. Were there not guns in the room where the polls were kept ?—A. No ; there was not ; I am satisfied of that.

Q. Was there not a disturbance of some kind between the managers, clerk, and the Republican supervisor ?—A. There was not.

Q. Was there not a discrepancy between the clerk's list and the supervisors ?—A. There was not.

Q. Where was the supervisor (Republican) about four o'clock ?—A. I don't know ; a colored supervisor left there in the afternoon of his own accord.

Q. What means have you of knowing he left of his own accord ?—A. Because I heard no disturbance outside.

Q. Will you swear that he was not driven away from the polls ?—A. I have already sworn that he was not driven away.

Q. Explain the circumstances of the taking away his poll-list ?—A. He gave it up.

Q. Where was the Republican supervisor when the votes were counted ?—A. He had left.

Q. Was there more names in the box than names on the list ?—A. Yes.

Q. What was done with the excess ?—A. A man was blindfolded and drew them out.

Q. What was the number of excess ?—A. I do not recollect.

Q. Was there any difference between the two tickets ?—A. I do not know, as I had no Republican ticket ; some were larger than others.

Q. Could you distinguish the difference in feeling ?—A. I do not know about that.

Q. How many Republican and how many Democratic tickets were drawn out ?—A. I do not recollect.

Q. Were there more Republican votes than Democratic destroyed ?—A. I do not know.

Q. You have testified that there was no shooting and hallooing. Now refresh your memory and see if you do not remember.—A. I do not remember any shooting ; if there was a pistol or gun on the ground I did not see it.

Q. Did you remain in the room all day ?—A. I did.

Q. Never left it ?—A. Possibly for a few minutes.

Q. What are your politics, and the other managers ?—A. I am a Democrat ; I do not know how others voted, I voted a Democrat ticket.

Q. From the difference in ticket, in size, could you not have told how the other managers voted ?—A. /I paid no particular attention how they voted.

Q. How many rifle clubs in vicinity of Kneece's Mill ?—A. None to my knowledge, nor are there any military companies.

Q. Did any parties come to polls with red shirts ?—A. I saw four or five red shirts there; they were white men.

Q. Are not the white people in your neighborhood generally Democrats ?—A. They are.

Reply :

Q. Is it a very unusual thing during the past five years to see a man with a red shirt on ?—A. It is a very common thing.

Recross-examination :

Q. Is it customary to see white men wearing shirts other than on public days ?—A. They wear them sometimes to barbecues, and to public meetings, those who have money to buy them.

S. H. CULLUM,

Sworn to before me March 23d, 1881.

W. W. WILLIAMS,  
*Judge Probate, Aiken County.*

JOHN H. QUATTLEBAUM, sworn, says :

I am 44 years old; farmer by occupation, and reside in Aiken County.

Question. At what poll did you attend last general election ?—Answer. At Kneece's Mill; got there about 9 o'clock.

Q. When you got there did you find much of a crowd ?—A. Not much.

Q. What party was the largest; white or colored ?—A. They were about the same.

Q. Was the voting going on ?—A. Yes.

Q. How long did you remain there ?—A. Staid until 12 or 1 o'clock; went home and came back about 2 o'clock.

Q. Was there anything done while you were there to prevent anyone's voting as he chose ?—A. No, sir.

Q. Was there any violence or threats used to anyone to prevent his voting as he pleased ?—A. No, sir.

Q. Was any party run away from the polls while you were there on account of his political opinions ?—A. No, sir.

Q. Was anything done to intimidate any reasonable man on that day ?—A. No, sir.

Q. Was there any hallooing, yelling, or shooting of pistols around the box, or in hearing thereof ?—A. I heard one pistol.

Q. By whom was it fired ?—A. I don't know.

Q. Did you hear any expressions used at the time the pistol was fired ?—A. Some of the men said that that colored man had fired his pistol as he went off.

Q. Did you see any white men in that direction when that pistol was fired ?—A. No, sir.

Q. Was that the only shooting there that day ?—A. Yes, sir.

Q. Were there any threats used ?—A. No, sir.

Q. Is Kneece's in a village or in the country ?—A. It is in the country.

Q. Did you see any such body of men as seventy-five or eighty ride to the polls at one time ?—A. No, sir; I saw, I think, eight or ten voters come up.

Q. How did the colored people leave, in a body or in squads?—A. I did not notice. Some had gone before I got there.

Q. Has it not been the custom in that section of country for the voters to go in bodies from twenty-five to fifty?—A. Yes, sir.

Q. Do not neighborhoods usually club together and go to the polls?—A. I do not know. I know they usually come to the polls in large numbers.

Q. I will read charge made against Kneece's Mill, and want you to state whether it is true or not. (Reads charge.) I ask as to Kneece's Mill; were the supervisors representing the Republican party driven from the polls by threats and violence and prevented from keeping poll-lists?—A. Not to my knowledge.

Q. You saw or heard no disturbance or difficulty on account of politics at that poll?—A. I heard a word or two between a white man and a colored man.

Q. What were those words?—A. I do not recollect the exact words. I was outside. A white man asked a colored man to let him see something. He handed him a little book. Another white man jerked it out of his hand.

Q. Did this have anything to do with the supervisors not keeping a poll-list?—A. Not that I know of. This was not the supervisor, it was Dave Johnson.

Q. Do you know who the supervisor was at that poll?—A. I do not know the man. Some one told me it was Peter Waggeils. I heard him called Peter Waggeils.

#### Cross-examination:

Q. How long have you resided in this county?—A. Since it was formed a county.

Q. Are you generally acquainted with the colored people in the neighborhood of Kneece's Mill?—A. Yes, sir.

Q. Can you give the name of the colored man who is said to have fired the pistol?—A. No, sir; he was not from our section, I think. I judged him to be a boy.

Q. Was the Republican supervisor there when you arrived?—A. Yes, sir.

Q. Was he there when you left for dinner?—A. Yes.

Q. Was he there when you got back from dinner?—A. I think so. I did not go into the house. I saw him there.

Q. Was he there at the counting of the vote?—A. I did not see him.

Q. If he had been there would you not have seen him?—A. I suppose so.

Q. About what time was this memorandum book taken?—A. In the afternoon after I got back from dinner; don't know exact hour.

Q. How near was you to these men?—A. Perhaps ten or fifteen steps; near a road.

Q. What was done with the book after snatching it?—A. I do not know. It was given back to him, I suppose. I do not positively know that it was returned.

Q. Was there a disturbance at the poll this day?—A. There was some confusion in the house. I do not know what it was.

Q. Immediately after this disturbance in the house, did you not see Peter Waggeils come out of the house?—A. Yes; some time after I did, and I went to him.

Q. Did he ask you to protect him, or any one in the crowd?—A. He did not to my knowledge.

Q. Did you see Waggiels talking with any one before you approached him?—A. I did.

Q. Did you hear any of the conversation?—A. I heard him ask the man if he could be hurt if he went off. I won't be positive, but this is what I believe he asked him. I do not recollect answer, but think the man told him he did not think so, but there was no use of his leaving; he would not be hurt.

Q. Did Waggiels seem excited?—A. He seemed confused at times.

Q. At that time did Waggiels have any papers?—A. Yes; they were looking at a paper.

Q. What kind of paper?—A. I took it to be a paper with writing; I took it to be his commission.

Q. Did he go back in house after that?—A. Not that I saw.

Q. All this occurred after you got back from dinner?—A. Yes.

Q. At what hour did Waggiels leave?—A. I cannot say. I saw a man going off, not hurriedly; I thought it was Waggiels.

Q. Were these eight or ten men you speak of armed?—A. No; I saw no arms that day.

Q. How many colored men were at the counting of the votes?—A. I saw none.

Q. Did not all these colored men leave of your own knowledge from fear?

—A. No; they were not frightened; some talked with me, and they did not apprehend any danger.

Q. Did you see any arms in the room?—A. No, sir; I do not recollect of seeing a gun or pistol that day.

Q. What was your object in remaining all day at polls?—A. I had nothing else to do.

Q. Are there more colored than white voters in that section?—A. No, sir; more whites; very few colored men.

Redirect:

Q. You stated that the colored people were not afraid; was there anything to make them afraid?—A. No; there was nothing that I saw.

JOHN H. QUATTLEBAUM.

Sworn to before me March 23, 1881.

W. W. WILLIAMS,  
*Judge Probate, Aiken County.*

WILLIAM STEVENS, sworn, says:

Am 65 years old; farmer; also county commissioner of this county; and reside in Aiken County.

Question. Where were you at last general election?—Answer. At Kneeee's Mill; arrived about 7 o'clock.

Q. Did you find voting going on?—A. Everything was going on peaceably.

Q. About how long did you stay?—A. About three or four hours.

Q. Did you return after hearing; if so, how long were you gone?—A. Yes; I left and was gone two hours.

Q. When you returned, how long did you stay?—A. Till about 2 or 3 o'clock.

Q. During the whole time you was there, did you see anything done to hinder or prevent anyone's voting as he chose?—A. No, sir; every one voted as he pleased.



Q. When you got there in the morning which was larger in numbers?—A. There were more colored men.

Q. When you left, was the voting proceeding as before?—A. Yes; I saw men, both white and colored, come and vote and leave.

Q. Did you see any armed bodies approach the poll that day?—A. No, sir; I never saw a gun or pistol there during the day.

Q. As far as you know, was that election as peaceable and quiet as elections usually are?—A. As quiet and peaceable as any I ever saw.

Q. Did you vote there?—A. I did.

Q. When you voted, did you find the managers and supervisors attending to their duties?—A. I did; everything going on smooth.

Q. Did you hear any word or see anything done that would prevent a reasonable man by fear from voting?—A. I did not.

Q. Would you say that the charge of threats, violence, and intimidation to prevent voters from freely casting their votes was true or not?—A. I would say I saw nothing to intimidate or prevent any man voting.

Cross-examined:

Q. What are your politics?—A. A Democrat.

Q. Were you a candidate at the last election on the Democratic ticket?—A. I was.

Redirect:

Q. Has there ever been any protest or contest as to your election?—A. No, sir.

Q. You are now exercising the functions of your office by virtue of your election then and by votes cast at Kneeee's Mill?—A. Yes, sir.

Q. From the fact of your having been elected to this office by Democrats, would this prevent your testifying to anything else than the truth?—A. No, sir.

(Counsel for contestant objects to the three last questions and their answers on the ground of irrelevancy.)

WILLIAM STEVENS.

Sworn to and subscribed before me March 23, 1881.

W. W. WILLIAMS,  
*Judge Probate, Aiken County.*

J. P. CULLAM, sworn, says:

Am 35 years old; a farmer; and reside in Aiken County.

Question. Did you attend the last general election, and when?—

Answer. I did; was at Creed's store; arrived about day-break or a little before; was there when polls were opened.

Q. Did you stay there all day?—A. I did.

Q. Was there a Republican supervisor there?—A. There was; his name was Williams.

Q. Did he have free access to the place of voting?—A. He did.

Q. Was there anything done to prevent, hinder, or obstruct him in the performance of his duties?—A. There was not.

Q. What was the relative strength of the two parties there?—A. I cannot say exactly; there were about twenty-five colored men.

Q. Were they there early in the morning?—A. They were.

Q. Did they vote?—A. Yes, sir.

Q. Was there anything done on that day to prevent anyone from voting for whom he chose?—A. No, sir.

Q. Was there any votes rejected?—A. Only one by managers; I was a manager; I knew he was an idiot, as he had lived there several years.

Q. Was there any man rejected on account of holding up the left hand instead of the right?—A. This was the only one. No one was not rejected for this.

Q. Do you know of any one else beside the one just mentioned who came to that poll to vote and was not allowed to?—A. No, sir.

Q. Was there any threats or violence used to prevent any man from voting?—A. None at all.

Q. Was there a difficulty there that day?—A. There was a little difficulty in the evening between John Gunter and one Coker.

Q. Had that difficulty anything to do with the election?—A. No, sir.

Q. Did it interfere with the proceeding of the election in any way?—A. No, sir.

Q. Where did it occur?—A. Off from the house a little way.

Q. Did Gunter or Coker hold any official position there that day?—A. None; it was simply a quarrel between two citizens.

Q. Was there anything done on that day to deter the Republican supervisor from attending to his duties?—A. Nothing.

Cross-examined :

Q. Do you know the cause of this difficulty?—A. I was inside of house and saw there was a difficulty up and several men interfere, and heard a pistol fire. I don't know whether it was accident or no. Gunter is a white man; Coker is colored.

Q. Did not Coker leave after this fuss?—A. He left sometime between then and night; I saw him after the fuss.

Q. Did he not leave on account of threats and violence used against him?—A. I do not think so; I heard none towards him.

Q. Did not this difficulty cause all the colored men to leave?—A. I cannot say they left between then and night.

Q. About what time did this occur?—A. I cannot say exactly; the sun was about an hour high.

Q. Did you receive a colored vote after the fuss?—A. I don't think so; they had all voted early in the morning. The supervisor was the last to vote, and he voted about noon.

Q. Could not threats have been made without your knowledge?—A. I did not see anything of the kind; they might off from the house.

Q. Could not threats have been made near the house without your knowledge?—A. I don't think so.

Q. Was not more than one white voter sworn at a time?—A. Yes; at times three or four.

Q. What seemed to be the general disposition of the whites?—A. They seemed to desire to keep order. I saw one gun, the marshal, and a few pistols. I cannot say who; both white and colored.

Q. Did you see any swords or sabers?—A. No.

Q. Did the Republican supervisor remain till the votes were counted?—A. No.

Q. Why not?—A. I do not know; he left just before dark; sun about half hour high. He first asked me to go out with him, and I told him I could not; I must stay at box; he then asked Moyer, who went with him, and he never came back again.

Q. Please state what occurred; what caused him to ask you if there was any danger.—A. It was after this little riot, and he asked me if there was any danger.

Q. Was not Williams threatened in your presence with violence if he did not leave the polls?—A. No, he was not.

Q. Was there not a disturbance in the room in which the poll was kept?—A. No, sir.

Q. Were there threats?—A. No, sir.

Q. How did the votes in box compare with list?—A. More votes in box than names on list.

Q. What was done with excess?—A. A man drew them out; it was dark and I held the hat.

Q. Where did you hold the hat?—A. On counter; it was in school-room. We first counted votes until we found we had too many and then drew excess out of hat.

Q. Did not the law, as manager, require you to have them returned to box and then draw them out?—A. I don't remember how my instructions read.

Q. What was the number of excess?—A. I forget the number.

Q. How many Republican and how many Democratic votes were drawn?—A. I cannot tell that either; I have forgotten.

Q. Were there more Democratic or Republican destroyed?—A. More Democratic votes.

Q. As manager of election, did you receive, directly or indirectly, instructions other than those from South Carolina to govern you that day?—A. Not that I remember.

Q. Did you receive other instructions from anyone?—A. Not that I remember.

Q. What are your politics and those of the other managers and clerk?—A. We all voted the Democratic ticket.

Q. Were there any Republicans in the room during the counting of votes?—A. I do not think so.

Redirect:

Q. Was there anything done to prevent Republicans from being there?—A. Nothing.

Q. Do you know of anything done outside to prevent them?—A. I know there was not.

J. P. CULLAM.

Sworn to before me March 23d, 1881.

W. W. WILLIAMS,  
*Judge Probate, Aiken County.*

A. S. COURTNEY, sworn, says:

I am 53 years old; a farmer by occupation; reside in Aiken County.

Question. Did you attend last general election, and where?—Answer. I did; at Creed's store; got there about seven o'clock; voting was going on and everything was peaceable and quiet.

Q. How long did you stay?—A. All day.

Q. Were you Democratic supervisor?—A. Yes.

Q. Was anything done to prevent or hinder any man from voting as he chose?—A. Nothing, sir.

Q. Was there any man refused his vote who was entitled to it?—A. No; only one vote rejected; he was an idiot; any man who did not vote it was his own fault.

Q. Was anything done to prevent the Republican supervisor from attending to his duties?—A. No, sir.

Q. Between whom was the fuss?—A. Between Gunter and Coker; it was near a fire which the colored people had built.

Q. Had the colored people all voted before this?—A. Yes; none of them had offered to vote for hours.

Q. Was there any threats made to this supervisor to make him leave?  
—A. No, sir.

Cross-examined:

Q. Could not threats have been made to the supervisor without your knowledge?—A. I do not think so, for I was in the house near him, and I assisted him with his list, as I kept none.

Q. What was the cause of the fuss?—A. I do not know the origin of it.

A. S. COURTNEY.

Sworn to before me March 23, 1881.

W. W. WILLIAMS,  
*Judge Probate, Aiken County.*

JAMES L. QUINBY, sworn, says:

I am 29 years old; bookkeeper; and reside in Graniteville, S. C.

Question. Were you clerk at last general election at Graniteville box?  
—Answer. I was.

Q. How many votes were polled there?—A. Six hundred and ninety-one votes polled for Congress.

Q. Were there more names on list than votes in box?—A. There was more votes in box than names on poll-list at start; in making return there appeared more names on list than votes.

Q. How did this occur?—A. In counting votes first time, every time more than one vote was found together they would throw out all over and above one; I remarked to manager that this was large poll, and so many votes in the box they would naturally fall together; after counting we found we had thrown out names to such extent as to make the names on list more than votes left.

Q. How did Chestnut, the Republican supervisor, succeed?—A. He got behind early in the day and came to me to get the count; I assisted him for awhile, and finding I could not do it, told him I could assist him no further.

Q. Then he was dependent on you for his list?—A. It seems so.

Q. You kept your list as they voted?—A. Yes, sir; as well as I could.

Q. Is there any other way that this mistake could occur other than you have explained?—A. I do not know of any other.

Cross-examined:

Q. Was there a Democratic supervisor?—A. There was.

Q. How did your list compare with his?—A. I do not remember; about same.

Q. On first count how many votes were in box?—A. I did keep tally, but the one I have was the official count at last, I think, though something more than twenty.

Q. Then you reduced the ballots in the box to compare with poll-list?—A. In counting, as I said, the votes for first time, when more than one vote was together, all were thrown out but one; these thrown out were not counted.

Q. Then, after throwing out these votes, how did the list compare with votes?—A. I do not remember the difference, but there were more names on list than votes in box.

Q. How many ballots were found in bunches?—A. I do not remember, as I before said, something over twenty thrown out.

JAS. L. QUINBY.

Sworn to before me March 23, 1881.

W. W. WILLIAMS,  
*Judge Probate.*

ALVY J. JONES, sworn, says:

Am about thirty-two years old; merchant by occupation; reside in Graniteville, Aiken County, South Carolina.

Question. Did you hold any official position at Graniteville at last general election?—Answer. Yes; I was manager.

Q. State when you went to the polls and how long you staid.—A. I was there a few minutes before time to open poll, and remained all day till votes were counted and returns signed.

Q. Did you see the ballots counted?—A. I did.

Q. It is charged in the evidence of the contestant that there were more names on the list than ballots in the box. Please state the facts connected with this matter.—A. There were more ballots in the box than names on the list; but in counting the first time we found votes together, and when this occurred we would throw out all but one.

Q. How many ballots were thrown out by you?—A. Twenty-nine, thirty, or thirty-one.

Q. Were some of those ballots Republican and some Democratic?—A. Yes, sir.

Q. Can you recollect now how many ballots were left in the box and the number of names on list?—A. I do not remember exactly, but there were some over seven hundred on list, and about twelve less in number in box; that is, after throwing out the thirty ballots.

Q. Might not this discrepancy have occurred by your throwing out these ballots on first count?—A. Yes, sir; this is the only way that I can account for it; in fact the supervisor called my attention to this at the time of first count, so did Mr. Quinby. I did the counting.

Q. Did you see Chesnut keeping his list?—A. Yes; he was just to the left of box, a few feet; he got behind two or three times in morning, and he called on our clerk to correct his list.

Q. Is this not quite a large poll?—A. Yes, sir; one of the largest in the county; they have polled near a thousand there.

Q. When men came to vote explain how they were sworn.—A. We would swear several together at one time; we swore as many as ten; this was the highest number.

Q. At times it required expert writing to get names?—A. It did; at this time we had to keep them there some time to get their names.

Q. Who was clerk of managers?—A. Jas. L. Quinby, bookkeeper.

Q. Please state if he is a quick writer.—A. He is remarkably so; he is a very efficient man in this line, quicker and faster than Chesnut—Chesnut is a colored man.

Q. Who was Democratic supervisor?—A. A. L. Holly.

Q. Who was it that told you he thought you were throwing out too many tickets?—A. Holly.

Q. Did his list tally with clerk's?—A. I do not remember.

Cross-examination:

Q. When polls first opened, were there a great many present?—A. About—not a great many, but they soon commenced to come; they kept us busy until 12 o'clock.

Q. How was it after twelve?—A. It was not so heavy after twelve, the people having voted and left. We were busy when factory turned out between twelve and one.

Q. After 1 o'clock did vote slacken?—A. A little; it was not so brisk as forenoon; there was some voting till close.

Q. Was there enough voting to keep managers busy in the after-

noon?—At times we were idle for a few minutes, if more voters had been there they could have voted I suppose.

Q. Was it the policy of managers to facilitate voting?—A. We let them vote as they came up. We wanted all to vote with as little delay, and we gave every one a fair chance, and wanted them to vote. I was particular to keep both tickets there.

Q. What party were managers of election?—A. Democratic; so was clerk.

Q. How came you, at close of polls, to throw out any of the ballots?—A. We thought they were voted together, and those were my instructions, as I understood them from law.

Q. Did you get any instructions from any political source?—A. No, sir; Chesnut first suggested that we throw out the tickets together. I had no other instructions than those sent in box, which was the printed law.

Q. Do you remember the most ballots found in one batch?—A. I do not remember; I think though we found three or four together at one time only.

Q. Have you any idea, or did you detect any one voting more than one ballot at a time?—A. I did not.

Q. Do you know of any person who voted more than once?—A. I do not think there was any one; if so, I did not know it.

Q. Do you remember at what time the supervisor compared his list with clerk?—A. It was in morning, perhaps, two or three hours after box was opened; this occurred several times.

Q. Did you examine these ballots together; and, if so, what kind were they?—A. We did, of both parties; I do not now remember how many of each. More of Democrats discarded, I think.

Q. When you found, after discarding, that poll-list exceeded ballots, did you put any back?—A. No, sir; it stood just in that way; we did nothing to correct it.

Redirect:

Q. What was the usual number of tickets together?—A. Two was the usual number together.

Q. At Graniteville there is a large factory—how many voters in that factory?—A. I do not know; there are about six hundred operatives.

Q. What proportion of this are men?—A. I cannot say; it would be guess work; there are a large number of voters of the number; they usually vote at noon, and at that time they keep us busy. It was in morning, before noon, that Chesnut compared list, and he did not after dinner.

Q. If you had listened to Holly and Quinby and not thrown out those votes, which they believed and said were not voted double, the list would not have contained more names than ballots?—A. No, sir; this would not have occurred had we done as they wished.

Recross examination:

Q. Did clerk and Democratic supervisor list agree?—A. I do not remember.

Q. Did Republican supervisor object to voting being too fast for him?—A. No; only twice or thrice he asked us to wait on him.

A. J. JONES.

Sworn to before me March 24, 1881.

W. W. WILLIAMS,  
Judge Probate.

E. S. HAMMOND, sworn, says:

Am 46 years old; am farmer by occupation, and reside in Aiken County.

Question. At what poll were you at last general election?—Answer. At Hankinson & Page's store.

Q. Did you hold any official position that day?—A. As a trial justice, the law requiring my presence. I got there an hour and half before polls opened, and remained the entire day very near the poll, until the poll closed, and the Republican supervisor accompanied me home, and staid with me that night.

Q. What was the conduct of the election there that day?—A. In the main very peaceable and quiet.

Q. Did you see any colored people vote Democratic tickets that day?—A. Yes, sir; the most of them voted the Democratic ticket.

Q. Ed Anderson says that there was shooting going on to prevent colored people from voting.—A. It was busy season, and, as the colored people manifested very little interest in the election, when I arrived there were but a few Democratic negroes. Up to half an hour after polls were opened I do not remember to have seen but four negroes who were supposed to be Republicans. Can give the names of these if desired. I understand they voted the Republican ticket. About half an hour after poll opened four more came up—strangers to me—and in a few minutes after one produced a paper saying that he was appointed supervisor, and handed it to me. I read it and handed it to managers. He was invited in, took his seat, and spent the day. Ten or fifteen minutes later another of these strangers handed me a paper—his appointment as United States marshal—which was also submitted to managers, &c. A merriment sprang up that this had played out; but if he would behave himself and raise no row he need expect none from other sources. We demanded him to show his badge, and concealed under one or two coats, in the recesses of his vest, he showed some small ribbon, and buttoned up again. He also—the marshal—produced a package of Republican tickets, and then a small, slick-headed lad of a fellow took out a note-book and pencil, and they commenced to deal out these tickets to all—I got one myself—the lad industriously taking names of all who took tickets. One of the officers of our Democratic club protested against this proceeding; that the position, attitude, and behavior on part of this United States marshal and his secretary was calculated to raise a disturbance, as it appeared part of a premeditated plan to charge fraud upon the box. That known Democrats, who had already voted, were receiving his tickets, and they would expect to see their names turn up afterward as having voted Republican. After a discussion, somewhat animated, for the lad was very obstinate, the marshal seemed to take in the position and to concur in the view and ceased his proceeding. He was offered every facility to form a correct estimate of the actual vote. A short time after I missed these parties, the marshal and the lad, for they were gone. Somewhat later in the day 8 or 9 o'clock, a disturbance arose; parties came to vote by squads, and there would be pressure at the polls, at other times no one would be at the polls, for our voting was not over two-thirds of the usual vote polled that day. In one of these pressures a white citizen and wealthy man in facing poll was pressed back from steps and stepped on toes of a sensitive young white man who thought it was done to insult him, when he exclaimed, "I do not care how rich you are, you cannot mash my toes," and struck him. Each drew a pistol, and several shots were ex-

changed. One ball, I was informed, grazing the ear of this sensitive young man. I immediately got between the parties; called on bystanders to assist me in keeping the peace; seized one of the parties who was in the act of firing; the other was seized by other parties, and the matter ceased in both being arrested. I remember no other shooting on the ground until about 11 p. m. o'clock, when all were retiring from the polls, when there was a general firing and hurrahing; whites and blacks both participating. This was after the close of the polls at night. This I will say has been the custom for years in our section. When the Republicans were in power it was the same.

Q. Was there any shooting at any parties, or any shooting done to prevent parties from voting?—A. No, sir; no shooting except what I have mentioned. Both these men were Democrats who fired at each other.

Q. Edward Anderson testified that the shooting intimidated voters, is this so?—A. I do not think so.

Q. Did Edward Anderson express himself to you as to the election; and, if so, what did he say?—A. He said that the officers of the election had treated him with utmost courtesy; that his poll-list corresponded exactly with that of Democratic supervisor and that of managers, and that as far as he could see in the house remaining at the polls, that it was altogether fair. I think each supervisor signed the other's report.

Q. Was anybody prevented from voting from any cause?—A. I was there all day and I saw nothing to prevent anyone voting.

Q. It is stated that one man was prevented from voting; is this so?—A. I remember that this lad Green, I think his name is, a very pert fellow, of insulting manners, entirely different from marshal and supervisor, when questioned as to his eligibility to vote, was challenged as to his age, as being a minor. No one would take him, from appearance, to be over 18; whites and blacks both agreed that he was not of age; proof was demanded of his age, and he could not produce it and he left. This challenge was outside, not at box. I never saw him go to box.

Q. It has been stated by Anderson that the excess of votes were 26; 19 Democratic drawn out, and 7 Republican; do you remember this?—A. I did not see it; heard remark that managers were bad drawers.

Q. Did every man have a free right to vote there?—A. I had but two hands and one tenant, and exerted myself to carry them and failed. Every man voted as he saw fit. I saw nothing wrong.

#### Cross-examination:

Q. Do you remember the vote of the poll?—A. About five hundred, I think, the Democrats had a considerable majority.

Q. Was the vote as large as usual?—A. Not as large as usual, the white vote; but was nearly as large as usual; Republican was not. The leading Republicans did not come out; said they could not support the Democratic ticket, and did not care to vote the Republican.

Q. Do you know if any stringent measures were used to prevent colored men from voting the Republican ticket?—A. Nothing but electioneering.

Q. Does the colored man usually vote the Republican ticket without jeopardizing himself and his interest?—A. There is always a promise made to stand by those who support our ticket; but when it comes to test the matter, we employ both alike; a preference, of course, is given to those who support our ticket, but a Republican is not refused employment on account of politics.

Q. Generally is there nothing that approaches nearer intimidation



than a promise to employ those who vote the Democratic ticket?—A. Nothing at all to any reasonable man.

Q. Has there, to your knowledge, ever been between the planters of that section any agreement that work would not be given to those who did not vote with them?—A. Nothing of the sort in the last election. Two or three years ago, subsequent to the election, such measures were discussed, and perhaps in a small way practiced, and since it has been abandoned. It cannot be carried out, because both planter and laborer know that it will not be carried out. It has no effect in the world on voting.

Q. Has not that poll heretofore been a strong Republican poll?—A. During Republican supremacy they had. Since then they have not. They collapsed, and do not attend meetings even. Am satisfied I turned several votes.

Q. Was there any Republican meeting held in your section during the last canvass?—A. None that I know of.

Q. Could a meeting have been held without interruption?—A. Yes, in decent hours.

Q. Would the white citizens of that section permit a Republican meeting to be held without interference?—A. Yes, sir; they would likely attend without interference.

Q. Was there any interference on the day of election with Republicans voting?—A. None that I know of.

Q. In your testimony you said when the marshal and lad came up that the marshal seemed to take in the situation. What did you mean?—A. I mean that he understood that a fraud on our box was premeditated, some one remarking that he would take the names of those to whom we gave tickets, making it appear that these men had voted the Republican ticket.

Q. Was there any evidence in taking down these names to whom tickets were distributed that a fraud was premeditated or any lawful purpose?—A. Of direct, positive evidence, none. Circumstantial evidence that the election would be contested, rumors to that effect, and the fact of a marshal not empowered to be there, a self-assuming officer, and the precedent of controversy heretofore in elections; the general charge throughout the Republican press, led us to suspect that this was a movement to throw out our box.

Q. Did this clerk issuing tickets seek to discover how men voted who took tickets?—A. From all apparent to us he seemed to believe that every man who took a ticket of him voted the Republican ticket. I do not know further.

Q. Did he endeavor to get a position near the poll, that he could see how they voted?—A. He took a position near the door, but from his position he could not see how a man voted.

Q. Could he safely have continued doing that?—A. I think he might; but we had some newly-converted Democrats, colored, who were formerly Republicans, who were more zealous than others; they might have stopped him.

Q. In your judgment could he have continued without breach of peace?—A. It might have been done by a decent man. This insolent boy, by his conduct, might have caused it to stop.

Q. Did you believe a fraudulent purpose was contemplated?—A. I do, certainly.

Q. When this marshal and lad left did they take tickets?—A. I do not know. I saw none after they left. The Democratic tickets gave out also.

Q. Were many there in other than citizens' dress?—A. Very few in red shirts.

Q. Were there any armed?—A. None exposed.

Q. Do you know of any violence done to Green?—A. None at all.

Q. Did he leave from fright?—A. No, sir; no fright about him.

Q. Do you know if tickets were taken from these men by Democrats?—A. No, sir; I do not think they were. The supervisors' return shows that Green did not go to poll to offer to vote.

E. S. HAMMOND.

Sworn to before me March 24, 1881.

W. W. WILLIAMS,  
*Judge Probate, Aiken County.*

B. T. PAGE sworn, says:

I am 30 years old; a farmer; reside in Aiken County.

Question. Did you hold any official position at Page and Hankinson's Store at the last general election?—Answer. Yes; I was chairman of the board of managers.

Q. What was the conduct of the election at that poll?—A. Quiet, orderly, and peaceful.

Q. Was anything done which prevented any one from voting?—A. Nothing.

Q. Did you hear any gun shots or pistol reports on that day?—A. I heard two or three pistol shots and saw the firing; it was done by Dunbar Lamar and Wm. Hill in a personal difficulty; they shot at each other. Order was soon restored, and there was no other disturbance or shooting until that night after the election was over and declared.

Q. It appears 26 votes were drawn out; how many Republicans and how many Democrats?—A. Nineteen Democrats and seven Republicans. I did the drawing. I was not blindfolded, but I could not see in the box. The tickets were well shaken, and I drew without seeing in the box; had my head turned and lid of box closed down.

Q. Were any people armed there?—A. I saw no arms.

Q. Did you hear any threats to keep anybody from voting?—A. Nothing of the kind. I made it known publicly from the door that every man should vote who wanted, even went out and got some colored men to vote, who said they did not care to vote. I deny that any threats prevented any one from voting.

Q. Did you hear Anderson express himself about election?—A. I gave him dinner and something to drink, and he told me that he never saw a more fair election in his life. He voted Democratic ticket freely and of his own accord.

Cross-examination:

Q. You say Anderson drank?—A. Yes; water.

Q. Did he vote the Democratic ticket by mistake, you think?—A. He asked for it, and showed it to the crowd.

Q. Was no constraint or influence used?—A. No; he was not even asked to vote it.

Q. How did they come in to vote?—A. From one to five, and were sworn that way.

Q. Who was in there besides officers?—A. No one at all.

Q. Were challengers inside?—A. No; outside by the door.

Q. Do you know anything of Republican tickets being carried off?—A. I knew nothing of this.

Q. Were there any double tickets voted?—A. Yes, a few; I cannot say how many; two the most I found together.

Q. What was done in such case?—A. I threw them out till the votes were counted. If both same kind, threw out one and kept one. Had law before me and followed it.

Q. Were there any Republican tickets after these two men left?—A. I do not know when they left; Republican votes were cast till late in evening, in fact most were then cast.

Q. Did you hear much shooting?—A. Only what I have described.

Q. Was any shooting general night before election?—A. No.

B. T. PAGE.

Sworn to before me March 24, 1881.

W. W. WILLIAMS,  
*Judge Probate, Aiken County.*

H. H. JORDAN sworn, says:

Thirty-three years old; stable-keeper; reside in Aiken, S. C.

Question. Were you at any time at or near the Fountain Academy precinct at last general election?—Answer. Yes; I arrived there about four o'clock in the afternoon. As I was going there from Aiken I saw in a little field near there, this side of the poll, a crowd of colored men—I suppose about ten or twelve. They seemed very much excited; had their guns, the most of them, and were talking very loud. I stopped and called them up to me, and asked what was the matter. They answered there had been a row at the polls; they had come for their guns; they were going back to fight it out. I told them they must not do it, and they insisted on going, and I told them they must not, for if they did, some of them would get hurt; that if they must go, I would go with them, and they should have no trouble.

Q. Why did you guarantee this to them?—A. I was a State constable; and told them they could go back and have my protection. They said they had all voted, but did not desire to be run off from the polls. I said they had not been run off, but I would go back and protect them.

Q. Did you go to the polls yourself?—A. Yes, sir; and voted.

Q. Was everything quiet?—A. All was quiet. This party was about two hundred yards from the polls. They appeared to be ready to march to the polls; and in my capacity as a peace officer I stopped them. I told them if they went back with those guns some of them would be hurt. They were talking pretty loud.

Q. Did you meet Wm. Jordan at polls?—A. Yes, sir.

Cross-examination:

Q. The man you saw running across the field, was he of this party?—A. I suppose he was, from the appearance of this crowd. I naturally supposed that he was going to some houses after help.

Q. At polls did you see any guns?—A. Yes, Courtney had a gun; only one I saw.

Q. As a peace officer, did you say anything to him?—A. I sent him home right away.

Q. Were you at Aiken, and did you see any guns here?—A. Yes, sir; at one time I saw several guns.

Q. Were these men at Aiken somewhat excited?—A. Yes, sir; they seemed so.

Q. Did you order those people to disperse?—A. No; the sheriff and other officers were here over me, and I thought it was not my duty. I

did see other guns here. I did not see anybody here trying to fight, but these men at Fountain Academy were ready to go into it.

Q. If these had been white men would you have stopped them?—A. I suppose I would have done so.

Q. What did these men say had happened?—A. They said there had been a row, and that they had come for their guns, and would go back and fight it out. They did not tell me they had been run off.

Q. Are you sure they said they had voted?—A. Yes; I am sure, for I put the question plain, and they said they had voted.

Q. How many arms did you see?—A. About five were armed.

Q. How long did you remain at poll?—A. Not long; I merely voted, and sent these men home. As I said, everything was quiet.

Q. Did you see many colored men there?—A. Yes; about twenty. They broke up and left while I was there.

Q. Did you see any of them vote?—A. No; but I swear they could have voted had they desired.

Reply:

Q. I understand you to say that you did not see the men here with guns?—A. I think I was out of town; but having heard so much of it, and having read of it, I cannot say whether I saw them here with guns or no.

Rècross examined:

Q. Did you see any colored people here with guns?—A. No; I saw some with pistols and hatchets.

H. H. JORDAN.

Sworn to before me March 24, 1881.

W. W. WILLIAMS,  
*Judge Probate.*

M. C. HAMMOND sworn, says:

Am 21 years old; attorney at law; and reside in Aiken, S. C.

Question. What official position did you hold at Page and Hankinson's Store day of last general election?—Answer. United States supervisor of election. Was there from time polls opened till they closed at night.

Q. Was there anything done on that day to prevent any one from voting?—A. Nothing that I saw or had any knowledge of.

Q. Were you in the room with the managers and the other supervisor?—A. Yes, sir; most of the time. One or other of the supervisors was in the room all day.

Q. Was any threats made that would prevent any one from voting?—A. No, sir. There was a fuss between two Democrats. There was a drunken man that wanted to shoot into the room where we were.

Q. Was this difficulty entirely personal?—A. Yes, sir. One man stepping on another's foot was the cause.

Q. Did you hear any shooting, other than this difficulty?—A. I do not recollect anything till in afternoon.

Q. As a matter of fact, did that shooting prevent any one from voting?—A. No, sir; it certainly did not just at the time, for over a hundred Republican votes were cast just after.

Q. From all appearances, was anybody frightened?—A. No, sir. I saw two Democratic negroes ride a Republican on a rail; but this was to create fun.

Q. Did you hear Edward Anderson express himself after the election?—A. I did. He said it was the fairest election he ever saw.

Q. How many rejected?—A. Only two.

Q. Did this man, Ed. S. Green, offer to vote at all?—A. No, sir; he did not offer to vote at all.

Q. Green claims that some one whipped him. Do you know of this near the polls?—A. It did not occur near the polls, to my knowledge. I heard report of it next morning, that it occurred on his way to Aiken. There was no violence done to any one near the poll.

Q. How were the excess of tickets drawn?—A. It was done as law directs; he could not see in box; there were 19 Democratic tickets drawn out and 7 Republican.

Q. How did negroes vote?—A. Most of them voted Democratic ticket.

Cross-examination:

Q. Was Mr. Page blindfolded?—A. I do not think so. He turned his back and drew them out.

Q. Were you near when deputy marshal and Green arrived?—A. I do not know anything about them; I was inside house all day.

Q. Did you see them on the grounds?—A. I did not.

Q. Do you know how they came to leave?—A. I do not, nor when they left.

Q. Do you know if any tickets were left after they went off?—A. I saw over a hundred tickets, Republican, voted after they had gone.

Q. Where were you when you heard of Green's being whipped?—A. On my way to Aiken, next day, I think.

Q. Did you hear anything else before you arrived at Aiken, about Green's flight?—A. I heard Anderson say something about it when speaking with some one else in the crowd.

M. C. HAMMOND.

Sworn to before me March 24, 1881.

W. W. WILLIAMS,  
*Judge Probate.*

W. M. JORDAN sworn, says:

Am 39 years old; clerk of court; reside in Aiken.

Question. Did you go to Fountain Academy on day of last general election, and how long did you stay?—Answer. I went before the polls opened, and staid till they closed, with an interval, perhaps, of one and a half hours.

Q. Do you know Neldo Porker?—A. Very well.

Q. Did you see any disturbance at or near the polls that day; and, if so, what was it?—A. Les. Courtney galloped up in front of the house, and a colored man said, "Hello." Les. Courtney said, "Who are you halloing at"; and he replied, "To you, Courtney." I think the colored boy was named Johnson.

Q. Did you see any people with guns that day?—A. Yes; Les. Courtney had a gun; and I saw one after poll.

Q. Did you see any one near the poll with guns?—A. Yes; I saw Henry Peterson, Mingo Peterson, and Henry Merritt, and a colored man who lives on Croft's place; I do not know his name; all four of these are colored men; they were just across the bottom from the poll going to the poll when I met them; I advised them to go back; they said they were going to have the row out. In the mean time I saw

Hort Jordan getting Courtney off; I then tried to get them to go to the poll.

Q. Do you know whether they had voted or not?—A. I do; I know they had voted, for I was interested in the election, being a candidate myself; there was not one to vote; our tally-sheet was with theirs to a vote.

Q. How far were these people from the poll when you met them?—A. About one hundred yards; they seemed excited.

Q. You say Jordan, Hort, got Courtney off?—A. Yes.

Q. When was it Hort was talking to these men?—A. After that. I suppose he came over thereafter that. I am satisfied they did not want to vote; for all had voted.

Cross-examination:

Q. At what time of day was this you saw these men?—A. In afternoon.

Q. How long after difficulty between Courtney and Johnson?—A. Shortly after.

Q. Was any one else interested in this fuss?—A. No one but Courtney; he had a fuss with two colored men.

Q. Did Courtney threaten to use his gun?—A. I do not remember, for there was some excitement, and I took gun from him.

Q. How long was Courtney there?—A. Not very long.

Q. How long from time of difficulty till you saw Hort?—A. I cannot say at what hour I saw Hort.

Q. Were there many colored people there at time of difficulty?—A. Fifty or sixty.

Q. What was effect of row; did it disperse crowd?—A. Part went off, part went for their guns, for they came with them; they had been there before.

Q. Did you see any other difficulty there that day?—A. Do not recollect any other.

Q. Was there any interference with voting of colored people?—A. None in the world; they voted as they chose.

Reply:

Q. Please state whether you consider these fusses personal or not.—A. Entirely so, no one else interfered, except to stop it; there was nothing political in it at all.

W. M. JORDAN.

Sworn to before me March 24, 1881.

W. W. WILLIAMS,  
*Probate Judge.*

D. S. HENDERSON sworn, says:

Age, 31 years old; attorney at law; reside in Aiken.

Question. Where were you on the day of last general election?—Answer. At this poll, Aiken.

Q. Did you remain here during the day of election?—A. With exception of half an hour, I was at or about the poll the entire day from four or five in the morning till the close of count at night.

Q. It is charged, Mr. Henderson, by several persons that the Republican voters were prevented by frivolous questions from voting. Please state if this is so; also, please state the conduct of the election that day?—A. I will say this: The Republicans had made no open nomination of a county ticket, and it was not known till the morning of elec-

tion, and for some time after voting had commenced, that no Republican ticket for county officers was being voted. For several days previous to the election reports were rife in the community, and were brought to the attention of those in charge of the Democratic organization, that it was the intention of Mr. Chatfield and the Republican leaders to bring the colored voters from Edgefield County especially, and vote them here in Aiken. That rumor was discussed among us all, and believed, and it was very much feared that such an influx of illegal voters would cause trouble at this poll. On the morning of the election I was at the poll, and inside of the building just as the poll was being opened; managers were J. E. Crosland, Robert Bonyer, and T. W. Coward; clerk was A. W. Oakley; Republican supervisor, Daniel Rouse; Democratic supervisor, James A. Mosely. At the time the poll was opened I heard the managers say to Rouse to take his seat at the table at such position as he chose; there was plenty of room. Rouse answered he preferred to stand where he could see the clerk. The most of the time I saw him he was near and to the right of the clerk, where he could see everything that was done; also the clerk's list. He was treated during the day in the most courteous manner, so far as I saw, all day. I never saw him away from there all day. I saw United States Marshal Bardeen several times inside the room, without let or hindrance. I was there most of the time, and challenged a great many voters myself. If Rouse made any objection any one's voting, or any objection to the manner of voting, or to illegal voting, or to the manner of swearing voters, I never heard it.

Q. State right here the manner of swearing voters.—A. Several men would come up, and then three or four of them would be sworn and voted, and I saw no distinction in this between Democrats and Republicans; two and three and four would be sworn; no man voted without being sworn, to my knowledge. I was there most of the time, and would have seen it had it been done. Being satisfied that a great many were on ground from Edgefield, we took precaution to get copies of census book of this county from clerk's office; these were prepared by revisors that we had previously heard of their coming; and the mode of challenging was, when a man came up we did not know, this book was referred to as evidence of where he lived; he was asked from what township he was from, and we would see if his name was on the census book; if his name was not there, inquiry was then made whether he could prove that he lived in the county, or whether he could bring anybody to prove that he resided in the county; in other words, this book was not taken as conclusive evidence. Rouse said he thought that a fair way, and said he had no objection; this was the United States census, taken last year. If it was shown, either by white or colored witnesses, that the party challenged lived in the county, though his name did not appear on the census book, he was allowed to vote. I remember several instances in which Rouse identified parties as living in the county, and though his name did not appear on the census book, he voted. Many men who were challenged, when asked where they lived, answered in Edgefield County, and of course were rejected.

Q. Please tell of process of voting; arrangements made therefor to keep order.—A. It was thought best, to keep everything regular and orderly, to make a passage-way to pass through a barricade; this has been the custom for years here. It was taught the Democrats by Republicans. In 1876 a barricade was used by Republicans, built by Marshal Bardeen's orders, in shape of an elbow, and when a voter went in he could not be seen until he came out; and before '76—I saw barricades used in 1874; one was here. This barricade was made for

convenience of voters, and to preserve order at the poll; to keep poll from being crowded.

Q. State whether there was entrance and exit to barricade.—A. There was; and State constables duly commissioned, and with their badges on, to protect all, and see that they voted. Early in the morning, about 7 o'clock, I heard some colored people say that they did not believe they were going to be allowed to vote, and I went into crowd with several others and talked to their leaders, and told them that every man entitled to should vote. We were determined to see this done, but no one not a resident of county should be allowed to vote. They agreed that we were right in keeping order, and the men commenced to file in their proper place at entrance end; and I remember notably of speaking to Gloster Holland on the subject.

Q. James Major, in his evidence, has stated that this barricade was made to keep colored men from voting, and to allow Democrats to vote; state if this be so.—A. That was not the purpose at all, nor the practice. Colored and whites came in at entrance; that was the proper place for all.

Q. How long have you resided here?—A. Since 1872.

Q. How long have you known Mr. E. M. Brayton?—A. He was here when I came; once resided here and practiced law.

Q. When did Mr. Brayton leave here?—A. Shortly after 1876.

Q. Are you certain that he has not lived in Aiken for past year or so?—A. I am; he has not lived here for three years; he lives in Columbia; he has had no residence here since 1876. Mr. Brayton's vote was challenged here in the last election because he had not resided here for more than a year. He was questioned as to where he lives, and his business was, and on his answering he was rejected.

Q. State whether or not there was a large crowd of negroes here that day or not.—A. An unusually large crowd from Silverton, Miles' Mill, Langley, Beech Island, Runs Chalk Beds, near Bath, who could easily have voted at their homes. There were precincts at Langley, Schutz, Low Town, near Miles's Mill, at Beech Island, and Silverton. There were plenty from Edgefield also.

Q. It has been stated by James Major that at close of polls over or about five hundred were not allowed to vote.—A. That is a lie. There was an unusual crowd flocked here from other parts, and those who at evening had not voted were not more than seventy-five or one hundred.

Q. Had these colored voters gone to their own precincts would there not have been time enough for everybody to vote, white and black?—A. Yes, sir; a great deal of time was taken up by men from other parts. I do not think that any election previous to this, that the polls closed before all had voted. A great deal of time was taken up in finding out residence of those challenged and not entitled to vote here.

Q. Some complaint is made of the historic red shirts; did you see any other colored shirts?—A. I saw a good many colored men have on blue shirts. I will say that I have seen whole companies come here from Edgefield, dressed in blue shirts.

Q. It has been said a loaded cannon was pointed at the polls, and was put there by Democrats to intimidate colored voters?—A. That cannon was brought to Aiken for a public celebration, some time—short while previous to election; it was carried to depot before election to return to Augusta; and it was from some cause not sent by railroad company, they not having car suitable just then; on night before election there was a meeting in town; a procession, &c.; and some of the young



men of the town, brought it up town and fired it off, and it was left there. Besides that cannon there was another not fifty yards from it, which has been often used on public occasion, and just as formidable as the other, which has been there for several elections; and is there now in the street not over seventy-five yards from where the polls were held; as far as the cannon from Augusta being loaded, I know that no such thing as grape, ball, or buck-shot, were about it; there was not even any powder with it; it was not loaded, for men were using the stuff in it all day; and I will say right here that it is all foolishness to say that this cannon was pointed on Republican voters at the polls, for there was all the time more white men in the crowd than negroes, and in the room there were more Democrats than Republicans.

Q. As a matter of fact do you not know that no man was frightened, white or black, by that cannon?—A. No one was frightened by it; I was in crowd all day, and saw no one show any uneasiness about it.

Q. James Major has charged that your office was filled with guns that day; answer if this is so?—A. There were no guns in my office during that day.

Q. Did you see any arms on that day; if so, state the necessity therefor?—A. Early in the day a procession of colored men headed by Sam. Arrington, and John Weeks, and composed chiefly of colored men of this town who had been around the poll and who had gone off and came back formed in this procession—appeared at Wessels's corner—they came down the street in a very threatening and boisterous manner and in a very threatening manner approached the polls; this was about —— o'clock. The sheriff, who was a peace officer, went to persuade these parties not to make a row but to keep peace, he had a parley with them and was struck; since that time most of these parties who struck the sheriff have been arrested, true bill found for riot against them, and suit now pending; after the sheriff was struck there was a great excitement and this crowd came right on and it was thought that they intended to attack the polls; they were marching right on toward it and then it was that the State constables armed themselves and appeared in the street to protect the poll and to keep the peace. If there were any arms out before I never saw them; as soon as the necessity was over the arms were taken from the street and not a shot was fired. The arms used by constables they had in the office below me in the same building. I say they were put there from the rumors that the Edgefield men were coming to take the poll, and they were put there to be ready if any contingency should arise.

Q. Were you in the crowd at and near the poll?—A. Yes; all day.

Q. Did you see any red pepper thrown?—A. No, sir; none struck me.

#### Cross-examined:

Q. You are regarded as one of the managing Democrats in the county, are you not?—A. I am State senator, member executive committee, and generally take part in management of matters.

Q. From your position and standing you exercise authority in conduct of elections, do you not?—A. So far as management of my own party, my advice is sometimes taken.

Q. Were you instrumental in arranging the manner of this election?—A. As to barricade it was put there by the chairman of commissioners of election—there was no party consultation as to the collection of arms; it was done by these officers (State.) It was not a party arrangement; I gave no advice as to the collection of arms.

Q. Who owned these arms?—A. The parties themselves—these constables owned them.

Q. Have you a military company here?—A. Yes, sir.

Q. Were these guns of this company?—A. Some of them were, I suppose; so far as I know the constables were not appointed according to their political faith. White and colored and men from the county were also, they were Democrats, I suppose, as the United States marshals was to be Republican.

Q. Do you believe there was a well-grounded apprehension that there would be such an influx of voters from Edgefield as you speak of?—A. I do; before the elections previous to this we generally knew what would be the ticket of Republicans, and it was believed a county ticket would spring on us at the last moment and defeat us by these votes; this was the rumor.

Q. Were you given any assurances from any source by Republicans that no county ticket would be run, as was entitled to consideration and belief?—A. I heard that Chatfield was opposed to a county ticket, but I did not believe that he could control his party; I thought this was used as a blind and believed this up to the night before election.

Q. Had you apprehension that there would be a Republican State ticket?—A. No.

Q. Do you know if there was a Republican county ticket in Edgefield?—A. I do not know.

Q. Was there any special reason, within your knowledge, why the Republican voters should come here from Edgefield to vote?—A. No; except to supplement the Republican vote here.

Q. Have you ever before adopted just such measures as at last election?—A. The barricade has been used before. The guns were simply used to keep the peace. Trouble was anticipated, and the men were ready for any emergency.

Q. As a matter of fact, do you believe that the guns were put there to keep the peace, or were they put there to terrify voters?—A. I believe, emphatically, that they were there to preserve the peace, and to be used only if the peace was broken, and not for the purpose of intimidating or terrifying voters.

Q. If brought into use, do you know or believe whether it was intended for them to be used merely to keep the peace, or to overawe Republicans?—A. I believe they would have been used, if necessity occurred, to preserve the peace against whoever had broken it, irrespective of party.

Q. Was it generally known by the Democrats that those guns were stored in that office?—A. I cannot say generally; it was known to some.

Q. Was it known to Republicans?—A. That I do not know.

Q. Do you know how they were placed there?—A. I do not know when they were placed there.

Q. What I mean was—was it done clandestinely and to be kept from others?—A. No, sir; it was openly done; no purpose or attempt to conceal.

Q. What time was the cannon fired?—A. I cannot say; I heard it, perhaps, after midnight.

Q. Do you know whether it was fired by instructions of leading Democrats?—A. I do not know, nor do I think so.

Q. Did you hear it stated during the day of election that it was loaded?—A. I did not.

Q. Did you hear any colored men say that it was loaded?—A. I heard no one say it was loaded; in fact, I believe they knew it was not.

Q. Was any effort made to take that cannon away?—A. No.

Q. Has there not, as a matter of history, been a general outcry by the Democrats as to arms at the polls?—A. I think and believe that it is the policy and purpose of the Democratic party that elections should not be interfered with by the military, but a peace officer should always be firm and ready to preserve the peace.

Q. Would it have tended to preserve the peace if Republicans had had arms stored near the polls?—A. It would not if they had not been peace officers. If they had been peace officers they would have tendency to keep peace.

Q. How many challengers had you?—A. I do not know; when I got tired Croft took charge; there were only three or four.

Q. Was the object of those challengers to prevent unlawful votes being cast, or to impede and obstruct Republicans in voting?—A. The object was to prevent illegal votes being cast; the effect was that a good many illegal votes were prevented from being cast; it was not to prevent Republicans from voting.

Q. Do you testify that challengers did not pursue the course they did in making challenges to delay voting by Republicans?—A. I say the course pursued was to prevent illegal votes being cast, and not to prevent Republicans, simply as Republicans, from voting.

Q. Was it not the policy and purpose of those challengers to delay Republican voters?—A. It was not.

Q. Do you know of any voters being challenged when it was known they had a right to vote?—A. I do not.

Q. Did you not challenge voters whom you knew to be legal voters?—A. Emphatically, I did not.

Q. Did you challenge the vote of Philip Jenkins?—A. I do not remember. If so, I had good ground to do so.

Q. I understand you did because he was a minor?—A. That is a lie; I know him to be of age.

Q. Did you challenge any voters for being minors that you did not believe minors?—A. No; I did not.

Q. Was the effect of those challenges to impede voting?—A. It took some time.

Q. Was there a large number?—A. I cannot say for the number there.

Q. Was there more than usual?—A. I do not think so.

Q. Upon what ground did you challenge my vote?

(Question put by Mr. E. M. BRAYTON, counsel for Smalls.)

I challenged your vote because I honestly believed that you were not entitled to vote at this box according to law, not having been a resident of this county for sixty days next preceding said election; and, because, at the time you offered yourself as a voter, you and your family were residents of the city of Columbia, in this State; and this you admitted when questioned at the ballot-box.

Q. What official position do I hold?—A. Internal revenue collector.

Q. Do you know where the duties require me to reside, or do you know where the general office is located?—A. Your office is in Columbia.

Q. When I offered to vote, did I claim that this was my legal voting place?—A. You so claimed, but admitted that you and family lived in Columbia.

Q. Do you claim or hold, that a man cannot live in one place and

have a legal vote in another?—A. I say that in order to be entitled to a vote in a locality, his place of habitual living must have been there sixty days next previous to the election.

Q. Did I claim when my vote was challenged that this was not only my legal residence, but that I paid my poll-tax in this county?—A. You so claimed, but at same time admitted that you and family resided in Columbia.

Q. Did you know whether or not that my poll-tax was paid in this county?—A. I do not.

Q. Did you make an effort to find out?—A. No, sir.

Q. Was my vote, in spite of your challenge, insisted on by me?—A. I think you claimed that you had a right to vote; after due consideration the managers declined your offer to vote.

Q. As to this red pepper business, do you know if it was thrown?—A. I do not; heard nothing of it till some time after election?

Q. This barricade was arranged for men to pass in at one end and out at the other; was this kept up, or was not general discrimination made in favor of whites?—A. The men who were sick, both white and black, were allowed in at exit end; discrimination was not made particularly in favor of white men.

Q. In your judgment, how many people voted coming in at exit end?—A. I cannot tell; I do not remember.

Q. Was it not the understanding that any Democrat could vote in that way?—A. No, sir.

Q. Was there a large crowd of voters waiting to vote throughout time polls were open?—A. Yes, sir.

Q. About how many were present seeking to vote at time of close?—A. About seventy-five or one hundred.

Q. Have you any knowledge whether any considerable number had left polls during the progress of the election, becoming tired of waiting, &c.?—A. I know of no such men.

Q. Was it the policy and purpose of those having charge of the election to facilitate or delay voting?—A. As far as I know the purpose and policy of those in charge was to facilitate all legal voters in casting their votes, and to prevent all illegal voters from voting.

Q. What was width of street?—A. One hundred and fifty feet.

Q. Was it thickly crowded all day?—A. Yes, sir.

Q. Did you observe much violence and lawless conduct by this crowd on the street?—A. The only violence I saw was when the sheriff was struck; not other violence or fights that I saw.

Q. Did you see many drunken men?—A. Yes; both white and black; to no great extent.

Q. Did you see many armed?—A. Yes; I saw white men armed and colored men armed.

Q. Did you see many white men with pistols exposed?—A. I saw white men with pistols on.

Q. Did you carry a pistol conspicuously?—A. I had on one; I did not hide; always carry it on election day.

Q. Did you observe on that day threatening and violent conduct by white people calculated to intimidate voters?—A. I did not; saw the row I spoke of when sheriff was struck.

Q. Was voting engaged in fairly without danger to one's person?—A. I think any man entitled to vote that day could have done so without fear to his person.

Q. Could a white Republican vote that day without abuse or insult?—A. Oh, yes; I saw several vote.

Q. Do you know whether prominent Republicans were generally abused and cursed?—A. I do not.

Q. Do you know whether there was a considerable number of white people present in the crowd who by their conduct had a tendency to intimidate voters?—A. I do not.

Q. Were you present when colored men were cut?—A. I did not know that they were cut until I heard so; I know nothing of this.

Q. Is it the general report in this community that colored men were cut near the poll?—A. No, sir; I heard of a man's being cut; I do not know him or who cut him.

Q. Did you see Sam. Harvy carried to the drug store?—A. I did not.

Q. Were you present at Democratic caucus or meeting night before election?—A. I do not remember.

Q. Was it decided at any such meeting that these guns should be placed in this office?—A. No such thing occurred; the constables carried the guns there.

Q. At any Democratic meeting held previous to election did you hear G. D. Tillman say that this election must be carried at all hazards?—A. No, sir; I never heard him say anything of the kind.

Redirect:

Q. What was the effect on the crowd of rioters that day, the guns being produced?—A. I believe, sir, that if the State constables had not armed themselves and appeared on the street we would have had a serious row.

D. S. HENDERSON.

Sworn to before me March 25th, 1881.

W. W. WILLIAMS,  
*Judge Probate Aiken County.*

JAMES E. CROSSLAND sworn, says:

Age 56 years; occupation, civil engineer, and reside in Aiken.

Question. Did you hold any official position at this precinct at last general election?—Answer. Yes, sir; I was chairman of board of managers.

Q. Will you describe the manner in which you conducted that election, and particularly the manner of swearing the voters?—A. We conducted the election in the usual way by opening the polls at 6 o'clock, required the voters to take the usual oath which we administered, swore as many as four or five at a time, and rarely that many; sometimes two or three at once, according as they presented themselves. We then required them to deposit ballot in box and taking down the names as they voted.

Q. D. R. Rouse, Republican supervisor, has sworn that as many as four would be sworn and five would vote; did this occur and did he make complaint of anything like this?—A. Not a single instance came under my observation that day; Rouse never complained of anything during the day as irregular.

Q. He, Rouse, has also sworn that he was prevented from exercising his duties as supervisor in that room; is this so?—A. Rouse came into the room where the poll was to be held some time before they were opened, announced himself as Republican supervisor; had writing material in his hand; we waited together with our watches compared with each other until 6 o'clock arrived, when we opened the poll, our time agreed, also so did we that it was time to open poll. He asked for a

table; I told him we had but one, which was a long one, and that there was room enough for all.

Q. Was he given room at that table; and did he select a place?—A. He was offered room there, and assigned to a place, but insisted on having a separate table. I told him that was best I could do, and told him that there was a large bench that he could use. I told him on his refusal to come to table or use bench, that was the best I could do for him. In course of fifteen minutes, still standing near table, every courtesy having been extended to him that we knew of, he said, "I will withdraw." I told him I had nothing to do with that, but I did not see the slightest necessity for it. He asked me to open the door for him. I did so, and he went out. In about twenty minutes he knocked at door again. On finding him at door let him in, and Bardeen, United States marshal came in with him. He was received with same courtesies as at first, and took position near clerk of board, and staid there all day; he did not leave the room again that I know of; was not interfered with in any way.

Q. Did he remain until the votes were counted, returns made, and election declared?—A. He did, and was sitting near me when I drew excess of votes.

Q. How long had voting been going on in the morning before he left the room?—A. Not more than fifteen or twenty minutes.

Q. James Major has stated that the Republican voters were prevented from coming in to vote, and that Democrats were allowed in freely; state if this be so or not?—A. During most of day I administered oath to voters, occasionally one of the other managers would take my place; but while I was on duty there was a continuous stream of voters coming in at entrance end and going out at exit end. As far as I could see there was no discrimination made.

Q. Did the managers adopt any rule that discriminated in favor of any class of voters against another?—A. They did not; the managers did not object to the vote of any man unless the same was challenged; they then heard objection and decided to best of their ability.

Q. How long have you resided in the territory embraced in the present county of Aiken?—A. About thirty-five years.

Q. Have you not surveyed in great many portions of the county?—A. Yes, sir.

Q. Have you planted in Aiken County; and, if so, how long, and in what locality?—A. I have planted since 1852, on the Upper Three Rivers, near line in lower part of county; in Beech Island, in Millbrook, and Aiken townships.

Q. Have you then not had occasion to become acquainted with the negroes in that part of the county?—A. I know a great many of them in that part.

Q. Did you not see a great many negroes here that day that reside in those remote sections of the county?—A. Yes, sir; I saw some from various remote parts of the county.

Q. Did you not see some there from Edgefield?—A. I heard at least three acknowledge at the poll that they were from Edgefield County; strangers to me.

Q. Do you not know the locality of the various voting precincts in the county?—A. Yes, sir; a great many of them.

Q. Were not a good many colored people here who lived much further from this poll than others in the county?—A. Yes; a great many.

Q. Was not the crowd at the poll and the consequent exclusion of a

few at the close due to this unusual influx from other remote sections of the county?—A. I think so beyond doubt.

Q. Had these colored people remained and voted at the precincts in their neighborhood would not every white and colored man here have had ample opportunity to vote?—A. Yes; hours before the polls closed they would have finished. This was the largest vote ever polled here.

Q. Do you not know that a considerable number of the Republican voters reside in the vicinity of Langley and Silverton precinct?—A. Yes, sir.

Q. Can you state how many Republican votes were polled at Langley and Silverton?—A. Not a one at either poll. James Powell, a northern man and supervisor at Langley voted Democratic ticket, all but Garfield. Said he could not stand Smalls.

Q. It is said that at this precinct the managers suffered to be done acts to facilitate Democrats in voting, and to retard or delay Republicans from voting. State if this is so.—A. It is not so. The managers treated all alike; took them as they came and voted them.

Q. Did you see any Republicans with pepper in their eyes, or any that claimed to have pepper in their eyes?—A. No, sir.

Cross-examined :

Q. Were there or not a large crowd of white men also from the county?—A. No, sir; there were a good many couriers reporting the news of election that came during the day; these came from near townships.

Q. How did the people generally vote that day; did the white people vote the Democratic and the colored the Republican ticket?—A. There was a large number of votes polled and the managers were kept very busy for several hours in the morning. I administered the oath and was kept very busy. Could not tell always how the party voted but I was astonished to see by the ballots and their saying so the large amount of colored men who voted the Democratic ticket.

Q. In your judgment how was the vote divided?—A. I think there were more white than colored voters here.

Q. About how many more?—A. I cannot say with accuracy, but if you insist I will try and make a proximate. Would say on a basis of 1,100—700 Democrat and 400 Republican.

Q. Are there any such number as 700 white voters in this precinct?—A. I cannot say. This is the first time I ever had anything to do with an election here.

Q. How is this precinct usually?—A. I do not know, but can say that years ago, in 1874, and before it was Republican, since '76 has been Democratic.

Q. In view of the fact that 700 white votes were cast, then how is it that the colored vote is charged with the delay on that day?—A. I do not know that I am prepared to answer, as I took those who came first to vote; one reason is that early in the morning the colored people did not vote, but the whites did for several hours; a constant stream of white voters for three hours came in and voted. About nine the colored voters commenced to come in.

Q. I understood you to say that no discrimination occurred?—A. I so said; none that I saw.

Q. How long have you been voting here?—A. In 1872 and '74, and then I voted in 1876 at Boyd's Store, also here in 1878.

Q. Do you know of any reason that the white people should have

voted any more this year than any other, in absence of State or county tickets ?—A. A great anxiety to secure the election of South Carolina for our Presidential candidate.

Q. Was there any reasonable doubt how the State would go in Presidential canvass ?—A. I had grave doubts.

Q. Can you account for the vote being larger at this box last election than ever before ?—A. I can say that the Democratic ticket is getting more popular.

Q. Do you know the character of the voters, of those at the close of the polls who had failed to vote, I mean politically ?—A. I do not know; they were outside and I inside.

Q. Do you know of any white men who claimed that they had not voted at the close of the polls ?—A. I did not know any, or any colored; all who presented themselves at poll and who were entitled to voted.

Q. Did you examine box when you opened poll ?—A. I did, and showed it to all, especially Rouse.

Q. Did clerk keep poll-list ?—A. He did.

Q. Do you know that every one whose name was on that poll-list voted ?—A. Yes; so far as I know.

Q. Do you know of any names on that list who did not vote ?—A. I did not.

Q. Upon taking ballots from box did you find two or more together ?—A. Yes; in a few instances.

Q. Do you remember how many ?—A. No; I do not recollect; don't think over three (3), and when this occurred a manager would hold them up to supervisor and marshal to assist us in deciding if they were voted together at one time. Bardeen said they were evidently voted in, and they were thrown out; at another time he did not think so and they were not thrown out.

Q. How many excess ?—A. Forty-six; and twenty-three (23) of each kind drawn out. I was not blindfolded and the box was to my side and my head turned away; I could not see. This was done in public before marshal and Republican supervisor.

Q. When voters were challenged, and you sustained ground of challenge, did you refuse to let the person vote when he insisted on his right to vote ?—A. Certainly; when we thought he had no right to vote even though he insisted on it.

Q. Upon what authority did you refuse his vote ?—A. By authority of law, as I conceived it.

Q. Was it the purpose of the managers of this election to facilitate or retard parties from voting ?—A. To facilitate.

Q. So far as you know was that election honestly and fairly conducted and declared ?—A. Yes.

Reply :

Q. You say, in making your estimate of 700 and 400 in the votes, you mean to make it Democrat and Republican votes ?—A. I so meant; in fact, saw a dozen at time of colored men vote Democratic ticket. I could not tell for certain if more whites votes were at this box than colored, but I think so.

JAS. E. CROSLAND.

Sworn to before me March 25th, 1881.

W. W. WILLIAMS,  
*Judge Probate, Aiken County.*

G. W. Croft appeared for Tillman and E. M. Brayton for Smalls.



W. S. CORBITT, sworn, says:

Age, 49 years old; occupation, a farmer, and reside in Aiken County.

Question. Did you hold any official position at Jordan's Mill precinct; and, if so, what, at last general election?—Answer. Clerk of board of managers.

Q. Did you remain from opening of polls till votes were counted and returns made and election declared?—A. I remained till some time about 12 or 1 o'clock; no voting was going on and we went to dinner. I suppose I was absent for half an hour; was there all day with this exception.

Q. Do you know S. W. James, United States supervisor there?—A. Yes; I know him.

Q. He has stated that he was refused admission to the room that day. Is this so?—A. It is positively false.

Q. Did he have access to that room, and did he remain in there all the time?—A. He did have access, and remained in there all the time he wished to.

Q. He has stated that on one occasion he disputed the correctness of your list, and that you cursed him and drew a knife and pistol on him. Is this so?—A. No; it is a lie; I never drew a knife or pistol on him; I have not worn a pistol for years; have no pistol-pocket; I had no pistol on me to draw.

Q. He said he corrected his list from yours about 12 o'clock. Is this so?—A. He did not.

Q. He also stated that the ballot-box was stuffed by Mr. J. C. Courtney. Were you near enough to see if this was done; and, if so, was it done?—A. I was near the box and never saw Courtney do anything of the kind.

Q. Was that election, as far as you know, peaceable and fair?—A. It was.

Q. Were you present when excess of votes was drawn out?—A. I was, but I do not remember how many were drawn.

Q. James has testified that when excess was drawn nothing but Republican votes were drawn. Is this so?—A. No; he lies; Democratic votes were also drawn out.

Q. At the time James charged you with drawing your pistol and knife, he says you advanced toward him. Is this so?—A. No; I jumped from my chair when he disputed my word, and told him I would not even allow a white man dispute my word, let alone a damned nigger, but I did not draw a knife or pistol.

Q. Was he polite or rude in his manner there to you?—A. He was very rude indeed.

Q. James charges his list was correct and yours wrong. Are you satisfied that your list contained names as they voted?—A. I am; I took names down as each man voted—as the manager called names.

Q. He has also charged that the managers allowed some men to vote who were not sworn. Is this so?—A. Every man who voted there was sworn; Courtney administered the oath to all.

Q. Did the managers allow all men to vote as they saw proper?—A. They did; every man voted as he saw fit; no obstruction.

Q. At what hour did the poll open?—A. About 6 o'clock, the hour appointed. We opened, I think, by a darkey's watch—Lewis Johnson, his name—he was a colored man, and we went by his time. The officers of election were all there.

Q. Was James present when the poll opened?—A. He was.

Q. Was he there when poll closed?—A. He was; or, at least, about

that time. When the votes were counted he was there but when we wanted him to sign the report he was gone.

Q. Did James leave the poll from time of opening till close?—A. He went out of the house a few times, but I paid no attention to it. At one time I remember his being out. He went out and in just as he pleased.

Q. How many times did you leave?—A. I went to dinner; at one time I went out to corner of house to take a drink, and at another time stepped out for a moment.

Q. How, then, can you say that James's list was not correct and yours was?—A. Mine was correct and his did not tally with mine. I was close by and would know if any were polled.

Q. How far from poll to Mr. Jordan's, where you got dinner?—A. About three hundred yards.

Q. Could not voters have voted during your absence at dinner?—A. They could have voted; yes.

Q. If votes had been polled during your absence, could not they have voted without you getting their names?—A. Yes; but the chairman kept memorandum for me. I do not remember if any votes were polled then; very little voting going on at that time.

Q. How many times did James dispute your word?—A. He disputed my word in regard to my poll-list.

Q. State manner of drawing excess.—A. A manager was blind-folded and would draw out votes one at a time till the excess were drawn.

Q. Was there a difference between the Democratic ticket and Republican ticket, as to size?—A. I cannot say; I never saw one till after count.

Q. You say you made several efforts to see one; was this at the poll?—A. No; it was asked of several colored men I knew, to show me ticket, and they would not do it.

Q. What was the general disposition of white people for peace?—A. Everything was quiet. I heard of a little fuss; that was off from the poll.

Q. Did you know who were the parties?—A. I did not know.

Q. What have you heard since about this fuss?—A. John H. and others, colored—Wes. Sully, Dick Pope, have been arrested for riot on that day, and brought to Aiken, and a true bill found against them.

Q. Were not these men, who were arrested by State authority, witnesses before United States commissioner to testify as to election?—A. I do not think so; no, they were not.

Q. Have these men been convicted?—A. They have not been tried yet.

Q. Were there any colored voters challenged?—A. I think there was a colored voter and one or two whites.

Q. Were there not more colored voters challenged than white?—A. I do not remember.

Q. What were politics of managers and clerk?—A. They were Democrats.

Q. Did you see any person with guns and pistols that day?—A. Before election I saw Paul Gibson with a gun; he said he was going to shoot ducks; he put it in room, he said, till he got ready to start; had shot-pouch and flask. I saw one gun at night; a colored man had it outside by fire; he was putting a cap on it. I—

Q. How many guns in room?—A. Only one—Paul Gibson's.

Q. Did you see any pistols on ground, or in room?—A. I never saw any.

Q. Did you not see a number of men mounted, wearing red shirts, ride up to polls, firing guns?—A. No; I did not.

Q. Did you see any men with red shirts?—A. One or two, I think.

Q. Do you live in that vicinity?—A. I do.

Q. Do you generally know colored men?—A. Pretty well.

Q. Can you give me name of colored man who had gun?—A. I do not remember who it was.

Q. Were any other persons except the officers of election, allowed in the room?—A. Yes; there were several others; we tried to keep out crowd; was but five in there at any time.

Q. Was any colored men besides James, in there?—A. During the voting there was no one in there but officers; at counting, they brought in colored man, Henry Johnson, to see count.

Q. State greatest number of colored men at one time?—A. About one hundred, I suppose.

Q. Were any colored men besides James and Johnson in room when votes were counted?—A. I do not think so.

Q. Could not Mr. Courtney have placed ballots in box, while you were at window?—A. I suppose so.

Reply:

Q. I understand you to say there was no obstruction, and every man voted as he chose?—A. I so answer.

Q. You were asked if the parties were tried for riot; do you not know that it was put off at their request.—A. It was put off at their request.

Q. Was not this disturbance charged brought about by the colored people?—A. It was.

Recross examination:

Q. What means have you of knowing that this was brought about by colored people?—A. All I know is by report.

W. S. CORBITT.

Sworn to before me, March 26, 1881.

W. W. WILLIAMS,  
*Judge Probate, Aiken County.*

D. C. COURTNEY, sworn, says:

Age, 29 years old; occupation, farmer; and reside in Aiken County.

Question. Did you hold any official position at Jordan Mill precinct, at last general election; if so, what?—Answer. I was chairman board of managers.

Q. Were you at the box from opening to close?—A. I was, except when at dinner; at that time the other two members were.

Q. L. W. James, Republican supervisor, has charged you with stuffing the box at that poll; is that so, or not?—A. It is false; I voted but one ticket at last general election, nor did I put but the one ticket in the box.

Q. Were you brought up on that charge before United States commissioner Hutchinson?—A. I was, sir.

Q. After his inquiry into the charge, what disposition did he make of the matter?—A. He discharged me.

Q. What are his politics?—A. From repute, a Republican.

Q. Did W. S. Corbitt, your clerk, at any time draw a knife and pis-

tol upon L. W. James ?—A. He did not, sir. I know that he had no pistol; neither did he have a knife in his hand at any time.

Q. Did any one disturb or molest L. W. James in the discharge of his duty as U. S. supervisor ?—A. No disturb at all.

Q. Did he have free access to the box ?—A. He did.

Q. Was he at the box during the entire day ?—A. He came before the box was open, some ten to fifteen minutes, and remained there the entire time except when he went out at times as he pleased for a few minutes. I opened and closed the box according to law.

Q. James says that he was prevented from coming in the room where the box was kept, at some time in the morning; is this true ?—A. It is not true; he had free access to the box from the time it was opened until it was closed, and the votes counted and election declared.

Q. Was the election free, fair, and peaceable ?—A. It was as far as the election was concerned. There was a disturbance outside, but it was personal and had nothing to do with the election.

Q. Was every voter allowed the same right to vote without any distinction ?—A. He was.

Q. Was any one prevented from voting ?—A. None, except one who declined to take the prescribed oath, several persons saying that he was under age; he was a colored boy; colored men advised him not to take the oath; several others were objected, but, on taking the oath, they were allowed to vote.

Q. Was the list kept by W. S. Corbitt, the clerk, correct ?—A. It was correct, as far as I know.

Q. During the time that Corbitt was out of the room, who kept the list of voters ?—A. I kept the list and handed it to him as soon as he returned, and he put them on the official list.

Q. Did you see the disturbance ?—A. I saw it after it had commenced; I went out; it was a personal difficulty. I saw men standing on the bridge; cursing was going on. I went there, and Jack Martin said it seemed that some foolish colored and white men were about to raise a row, and learned that several colored men, called the Hunter Branch crowd, were trying to raise a row with Jas. Gunter. A colored man by name of Westly Kerby had a gun, a double-barrel shot-gun; he said his gun was not loaded, but, at that time, he put caps on it. I saw several other men, white and black, had pistols buckled around them, but none were drawn. Robt. Harley, a colored man, had two pistols. John Henderson and Pope, colored men, cursed and said, "We stand up to you." Trial Justice Williams commanded the peace, and said he would arrest any man, white or black, that disturbed the peace. Order was then preserved, and there was no further disturbance until after the box was closed, when James disputed Corbitt's list, and Corbitt said, "I don't allow a white man to dispute my word much less a damn negro." Corbitt had nothing in his hand but a pencil. Nothing was done. No blow was passed. I told them both to be quiet, and order was restored.

Q. What kind of tickets were drawn out in order to get rid of the excess ?—A. There were twenty-two, some Democrats and some Republicans.

Q. Did the disturbance of which you have spoken prevent any man from voting ?—A. It did not. No man was prevented from voting.

Cross-examination:

Q. Do you not know that there were more Republican votes challenged than Democrats ?—A. Not so many.

Q. Do you know whether James and Corbitt compared their lists?—A. I did not see it; the first I knew of it was in the United States court.

Q. In your direct testimony you said that Corbitt said, "If you dispute my word, I'll not answer." What else was said?—A. I answered, that as Corbitt said, "Do you dispute my word?" James answered, "I do." James arose and threw his hand behind him, and I, thinking James meant fight, interfered.

Q. Then you positively say that Corbitt did not exhibit a pistol that day?—A. I do. He had no pistol, to my certain knowledge.

Q. Do you not know that more Republican votes were thrown out than Democratic?—A. I cannot say. From the look of the ballots I judged both kinds were thrown out.

Q. How did the United States supervisor's list compare with the managers' and other supervisors'?—A. I cannot say there was any difference, though the Democratic supervisor had a clerk and could get names, but James did not, and went to the fire several times to warm, and left no one to get names for him.

Q. How did the Democratic supervisors' list compare with the managers'?—A. It was the same.

Q. You spoke of a row; was it across the bridge?—A. Yes; across the bridge on the hill, about one hundred yards from the poll.

Q. How many white and colored were in it?—A. I do not know. There was at least from three to five colored men to one white there. There might have been fifty to seventy-five colored men, and perhaps twenty-five white men. This is guess-work. A great many colored men voted the Democratic ticket openly.

Q. Had all these men voted who were engaged in this row?—A. I cannot say.

Q. Did you see any other arms besides the two pistols and the gun?—A. I do not know of any others, but saw a great many with new hickory sticks; others looked like they had pistols. These sticks were unusually large.

Q. Did you see arms in possession of white men in that row?—A. I did not at the time of the row.

Q. Did you see any arms in their possession after the row?—A. Saw a few pistols and no guns.

Q. Are you generally acquainted with colored people in that vicinity?—A. Yes, sir.

Q. Besides James Hardee and Wesley Kerby, name others who had arms.—A. I saw Joe Thompson and Dick Pope with pistols; also David Friday had one in his pocket; saw others, but cannot name them. This, though, was after the row.

Q. As a matter of fact, was not the white men more generally armed than the colored?—A. I saw more display made of arms by colored men. I had on one.

Q. What are the politics of white and the colored in your neighborhood?—A. White Democrats and colored are mixed; majority of colored are Republicans.

Q. What are the politics of the managers and clerk of that poll?—A. Democrats.

Q. How many times did James speak to you of stuffing the ballot-box?—A. He never spoke to me of this all day. He swore to a positive lie when he said so.

J. C. COURTNEY.

Sworn to before me March 26th, 1881.

W. W. WILLIAMS,  
*Judge Probate, Aiken County.*

JOHN T. JEFFCOAT, sworn, says:

Age, 27 years old; occupation, farmer; and reside in Aiken County.

Question. What official position, if any, did you hold at Jordan Mills precinct at last election?—Answer. Manager.

Q. James says that Courtney stuffed ballot-box, and you shielded box while he was so doing; is this so?—A. It is false.

Q. Did you remain there all day?—A. I was there all day except half hour at dinner.

Q. Did Corbitt any time draw a knife or pistol on James.?—A. He did not.

Q. Were you present at the time James disputed Corbitt's list?—A. I was; this was about the close of the count.

Q. You saw the occurrence?—A. Yes.

Q. You heard Courtney testify as to the occurrence; is that correct?—A. It is, I adopt Mr. Courtney's statement.

Q. James has charged that the managers prevented him from having access to the room and from performing his duties?—A. That is a lie; he had free access, and he was there all day, except when he stepped in and out as he pleased.

Q. Was every man allowed to vote free and as he pleased, irrespective of party and politics?—A. He was, sir.

Q. Was any man prevented from voting by disturbance or otherwise?—A. No, sir.

Q. Were you taken before U. S. commissioner; and, if, so, after examination before Commissioner Hutchinson, what was the result?—A. Yes; and I was discharged.

Q. Was this on the oath of James?—A. Yes.

Cross-examined:

Q. Was James in position to take list of names all day?—A. Yes, he was.

Q. Do you know whether any man voted before the row or not?—A. I know they did not.

Q. Of your own knowledge can you say that every man voted that day who was there to do so?—A. No. There were some few who were challenged.

Q. Do you know whether any man left or not?—A. I do not.

Q. Could men have left without your knowledge?—A. They might have left without my knowledge.

Q. Did you hear James speak to J. C. Courtney during the day concerning the stuffing of the ballot-box?—A. I did not.

Q. You state in your direct examination no man was refused his vote by violence or otherwise; what means have you of knowing this?—A. They were not prevented by any one near the polls from voting.

JOHN T. JEFFCOAT.

Sworn to before me March 26, 1881.

W. W. WILLIAMS,  
*Judge Probate, Aiken County.*

JOHN M. PRICE, sworn, says:

Age, 36 years old; occupation, a farmer, and reside in Aiken County.

Question. What official position did you hold at Jordan Mills precinct at last general election?—Answer. Manager.

Q. Were you there all day?—A. Yes; except at dinner, and at other times I went out for a minute; but a majority of the board remained.

Q. Did Corbitt at any time draw a pistol or knife on James?—A. He did not.

Q. James charges that Courtney stuffed the ballot-box; is this so?—A. It is not so.

Q. James charges that he was prevented from free access to room to discharge his duties?—A. He had access to room, and was treated very kindly, and allowed to bring in a man to assist him if he saw fit.

Q. State whether all voters were allowed free privilege of voting without exception?—A. Every one was allowed to vote freely; everything was quiet at poll; no man who had legal qualification was refused his vote.

Q. Was any man driven away or prevented from voting, so far as you know?—A. No, sir.

Q. Did you hear any complaint of that kind?—A. No, sir.

Cross-examined:

Q. You said James was allowed to bring in a man; did he bring one in?—A. He did at count; at first he refused in morning, said he would do his own writing; he brought Henry Johnson in to see count.

Q. As a matter of fact, were there not more Democratic votes drawn out than Republican?—A. I do not know; I did drawing, but was blind-folded and did not see them even after drawing; there were 22 in all.

Q. Do you know whether or not if all voted before the row?—A. I do not know.

Q. Of your own knowledge, did any men leave and not vote on account of this row?—A. No, sir.

Q. Are there not a greater number of colored men in the neighborhood of Jordan's Mill than whites?—A. No, sir; more white.

J. M. PRICE.

Sworn to before me March 26, 1881.

W. W. WILLIAMS,  
*Judge Probate, Aiken County.*

D. H. SULLY, sworn, says:

Age, 42 years old; occupation, a farmer, and reside in Aiken County.

Question. At what precinct did you vote at last election?—Answer. At Jordan's Mill.

Q. How long were you there?—A. From 7 in morning till 4 in afternoon.

Q. Did you see this disturbance which has been alluded to?—A. I did.

Q. How was it brought about?—A. I was on bridge, and saw white man and negro, I suppose one hundred yards off from me, cursing each other; I walked on toward them, and found them to be James Gunter, white man, and John H. Henderson, a colored man; as I walked up heard Henderson curse Gunter for damn lie; Gunter made for him, that is, told him he must not curse him, and Henderson stopped cursing Gunter, and crowd colored men gathered around Henderson, a good many having pistols; Dick Pope, Henderson, and others had pistols; I told Gunter and others to stand back and not to create any disturbance there; also went and told colored people not to have any row; everything quieted down, crowd separating, both sides cursing. The colored people gathered around Pope and Henderson, their leaders; Pope and Henderson then said, we will give them hell, God damn them;

I stepped to Pope, knowing him well, and said that we, the Democrats, did not want any disturbance, but if nothing else would do we could give them anything they wanted; at that time some of the good colored men of our neighborhood came to me and said they would quiet the row; in the mean time they continued to curse and gather in quite a number, about sixty or seventy-five; they then dispersed.

Q. Did that row cause any of those men to leave the place?—A. I do not think so; I asked some of my hands and others to go home as the white men had most all gone, and they staid; very few whites there.

Q. Judging from appearance of crowd was anybody intimidated by this row?—A. No, sir; at poll it was as quiet election as I ever saw—the only row above alluded to, and it was not near poll.

Q. Were you near poll all the time?—A. Most of time.

Q. As far as you could see were all parties allowed the same privilege of voting?—A. Yes, sir; they seemed very friendly all the time, too.

Q. Did or not a good many vote the Democratic ticket?—A. A good many did.

Q. You saw nothing there calculated to impeach the fairness of the election?—A. Nothing sir.

Q. Did you hear any complaint from any source that any one was run off from that poll?—A. No, sir; it was generally regretted by whites and blacks that this row occurred.

Cross-examination :

Q. About how many white and how many black in this crowd were at the row?—A. About twenty white and seventy-five colored.

Q. Of these fifty or seventy-five colored men, how many were armed that you saw?—A. About fifteen, I suppose, that I saw exposed.

Q. Of these twenty or twenty-five white men, how many were armed?—A. I saw one with pistol.

Q. What are the politics of the whites and of the colored in your vicinity?—A. The whites are Democrats, and colored are mixed.

Q. About what per cent. of the colored are Democrats?—A. I do not know. I saw good many vote Democratic ticket.

Q. Give me the name of every colored man who voted Democratic ticket?—A. Nimrod Sully, Lineas Johnson. I saw others vote. I do not remember their names.

Q. Are these men whose names you use in your employ?—One of them is.

Q. As a matter of fact was there not more white men than colored on the ground at time of this row?—A. No. Colored more by large odds.

Q. How soon after the row was there more white than colored?—A. At no time in afternoon—even at time of count.

D. H. SULLY.

Sworn before me March 26, 1881.

W. W. WILLIAMS,  
*Judge Probate, Aiken County.*

JAMES ALDRICH, sworn, says :

Age 30 years old; occupation, attorney-at-law and reside in Aiken.

Question. Were you present at last general election?—Answer. I was at the Aiken poll.

Q. Please give a narrative of events that day as to violence, &c., charged against Republican voters?—A. Somewhere between one and two hours before polls opened, I left home and came to my office, which



is on the same street and directly opposite to the poll. I remained at or near my office till short time before opening of poll; they were opened at usual time; the first thing that attracted my attention was seeing a considerable body of colored men coming up in company style, that is, they were in ranks and marching order; they marched down in front of polls and afterwards formed and by command marched off a piece and then approached the poll from an opposite direction from where I first saw them. Some one was in command. I do not know his name. I am not familiar with the colored people by names. I know them by their face, but a great many I do not know names of; this body of men were told of the order and arrangement made for voters. This company marched up to the entrance end of barricade and for awhile kept their position; the poll was located in a brick building occupied by Jordan; box at front window, about breast high to an ordinary man; the barricade in front was about twenty feet long, three or four feet from house. I was manager of election in 1876 under Republican administration and a barricade was made by them then longer than this, in fact I do not remember having witnessed an election since 1874, without this barricade. I stood near the polls during greater part of day, much of time stood near the exit end of barricade out of way of voters, but where I could see. The voters seemed inclined to crowd too fast at the entrance, and the State constable, I think, two, were placed at each end of barricade. The voters were allowed to come in, in number two to four at a time; white and colored came in together, Democrats and Republicans. I saw no discrimination attempted by any officer. As each batch came up they were sworn and voted, if legal voters. Sometimes a person would offer to vote and have his vote challenged; when it was challenged the party so challenging was required to give reason therefor; the managers would hear challenge. The United States authorities having recently taken the census, copies of same were procured; reference was made to those census returns as a source of evidence only. As I gathered from hearing discussion and what managers said that those returns were not conclusive with them, when some statement by voters of their residence did not tally with return, and some member of managers or either of supervisors stated of their own information they knew such person entitled to vote, he was allowed to do so; there was no exception to this rule so far as it came under my observation. I saw others offering to vote, whose votes, being challenged made statements as to residence which were not supported by the census returns, yet such persons were told by managers to get some one to substantiate their statements and bring such persons before the board to give their knowledge as to the facts. Several challenged voters left the polls and after awhile returned with some person who could substantiate their statements, and they were then allowed to vote. I have been a manager of election of this county and precinct at all since 1874, and at each and every of those elections I heard parties offering to vote challenged. At last election, different from none of the others in this respect as to discrimination between Democrats and Republicans, in that many Democrats, as it is charged, were allowed to approach the ballot-box from the exit end to vote, this is not true. I did see voters approach the box from the exit end, but such were Democrats and Republicans. Sick voters were allowed to enter there. I saw some ministers and very old people also go in that end. I probably saw some few others enter there—I do not remember why. This class was not large, though. I had no special right to know why they were allowed, as I had no authority over the election, and unless I heard reason made with application therefor I made no effort to dis-

cover. I heard a great many Democrats and Republicans told that they could not enter at exit end, and all voters were directed to go to the entrance. I was very uneasy and anxious all that morning, as for some time previous to election I had heard an expression of an apprehension of trouble on election day. The reasons for this apprehension seemed to be that the Republican or colored voters would be heavily massed at this box—that many colored men who had always voted at other boxes nearer their residences would come to this box. Another reason, it was generally reported, and so far as I could gather actually believed by many, that a large number of colored Republicans from Edgefield County would vote at this box. I had heard that the plan settled upon by Republicans was this: To make no fight for governor and other State officers, but to concentrate their strength upon the election of Presidential electors, members of Congress, and members of the general assembly; that if they could get a majority in general assembly it would be an easy matter to capture other offices and State departments; that to accomplish this purpose, Republicans would go from one county to another to vote. As a part of this plan Edgefield Republicans were to come here to vote. This fear that such would actually be the case was greatly increased because of the almost unlimited power which United States marshals and supervisors claimed to have in management of election, while the citizens here believed that such claim to power was without legal foundation, yet they knew of no remedy therefor until on morning of election the decision of the United States court on this subject was made known. There were more strange colored Republicans in Aiken on the day of election than I ever remember to have seen before at any other election at this poll. It was believed that the Edgefield voters had come. I myself saw a considerable number of colored men marching in columns of fours, approaching the town and the polls by the Edgefield road. They were in command of a colored man, who seemed to be giving orders. This company of men were yelling and screaming, and brandishing sticks as they approached the polls; and in this manner were marching to the polls. Their leader had on a blue uniform—blue shirt. As these men marched up they were met by peace officers. I heard a great many say, “Stand back! stand back! don’t crowd the polls. You will all have chance to vote. Take your position and go in in your regular turn.” This company pressed right on, the head of it then quite near the polls. Then I heard peremptory orders from the peace officers, that they must not crowd the polls in that manner. The excitement continued to grow. I saw men, white and colored, running, some away from the polls, and others up to the place where an altercation between the peace officers and this company seemed to be going on. I think then it was that I heard this officer in blue rallying in his crowd. A riot seemed imminent. Many of the peace officers acted with a calmness and a courage that I have seldom seen equaled. It seemed that all remonstrance had no effect on this company. I saw then several of the peace officers with guns in their hands. Such officers as had guns did not rush on this crowd, or company, but stood at some distance on the opposite side of the street, and appeared to be waiting developments. There were a good many peace officers, State constables—county officers, high sheriff and his deputies, and town officials. I believe that this appearance of State officers and others stopped the riot. I saw a demonstration somewhat similar to first, which happened later on in the day, in quelling which second disturbance the high sheriff was struck by a colored man and Republican. The excitement then was at a great height,

and some ten of peace officers gathered again with their guns; and the turmoil and fuss subsided. I heard no gun fired during the day. I saw no Democrat assault a Republican; saw very few men arrested. Put up three, I think. Polls were kept open the usual time. At close I saw a crowd of colored men—seventy-five or one hundred—at entrance. How many of these men had not voted I cannot say. Among them I saw colored men who had voted; so far as I could see the election was conducted after usual manner and custom.

Q. Something has been said of a cannon; do you know anything of this?—A. That cannon was brought over here some time previous to the election, for the purpose of firing salutes at a Democratic State meeting; the day candidates for State offices spoke here. It was to have gone back to Augusta, but for some reason the railroad did not carry it back; short of cars, or something of that kind. I saw it at depot just previous to election. Some procession had it shortly before election, it was brought from depot, and a salute was fired with it. It stood in the streets some time—for several days, I think—before election. I would state that near the place this cannon stood is another, in the street, belonging to Var M'Fitch, which he bought and gave to some young men of the town. It is now still in the street, and has been there for several years. I passed by the cannon; nobody seemed to control it; no ammunition that I heard of. If I remember correctly, in the morning some half-grown boys were sitting on it and playing with it, and I think they turned it toward the box; I told them to clear out.

Q. Were there not a great many white men in the crowd?—A. Yes; a great many white people, and they were between the colored people and cannon. The barricade run north and south; the voters approached at north end; the colored people gathered at northeast and Democrats at northwest; cannon was west of box; had it been fired to injure colored men before the charge, had it been loaded, it would have had to pass through this body of whites. If any colored man or Republican was afraid of that cannon, I never heard of it. No one was in charge of it at any time, and the only use I saw it put to was to use it as a seat by some persons who got tired.

Q. It has been charged that the colored men who vote the Democratic ticket are of the lower class of colored people; is this so?—A. It is not so; I know a good many personally; many of them belong to the same local club as myself; as a rule they are more intelligent than the mass; some of them may have the character of being turbulent somewhat, but this arises from the fact that the colored Republicans are very hostile towards them, and like to get a chance to beat them; they are, so far as industry is concerned; they labor for their living, and some of them have acquired property.

Cross-examined:

Q. Were you a candidate for any position at last election?—A. Was a candidate for re-election to lower house in State legislature, and was elected.

Q. Be kind enough to state how many white men were around the polls when this company of colored men were marched up.—A. The first body I saw approaching the poll was early in the morning; they came from a southerly direction; in number I would judge they were twice as many as there were white men at polls.

Q. Was the sheriff present on the arrival of these colored men; and, if so, what did he do?—A. He was not when the first body came up; he was sick, and did not get here until after breakfast, eight or nine o'clock.

Q. Did these colored men vote?—A. They did not immediately, because they did not leave their ranks. Afterwards I saw many of them vote. I cannot say they all voted, because I did not know them.

Q. Were any of their votes challenged; and, if so, by whom?—A. Votes were challenged during the day, but whether or not by any man who was in this first body I cannot say; votes were challenged by various parties; heard Mr. Croft and Mr. Henderson challenged some, and Mr. Crosland.

Q. Are these men, whose names you have just mentioned, Democrats or Republicans?—A. They are Democrats.

Q. What was the nature of the question generally propounded?—A. They generally challenged for, 1st, non-residence; 2d, a second attempt to vote; 3d, under age, and perhaps one or two for persons who lived at poor-house.

Q. Of your knowledge did Mr. Croft, Henderson, or others challenge any white voters besides E. M. Brayton?—A. I think there were some white men not allowed to vote who were under age. I will state that I was not in barricade much of the day, and would see challenges made, but did not know who did it always; to say that Henderson or Croft did it I cannot; though white men were challenged by Democrats.

Q. Do you know the politics of E. M. Brayton?—A. He is Republican, and an office-holder—United States revenue collector.

Q. Do you know where his headquarters are?—A. The general office is in Columbia. His headquarters, especially during election, is in the saddle, following up and pushing on the Republican campaign.

Q. Do you not know that Mr. Brayton's office requires his presence in Columbia?—A. I would think so, but I have frequently seen him away from there.

Q. Please state, if you know, the grounds on which Mr. Brayton was challenged.—A. Of my own knowledge cannot say; did not hear challenge made; have heard it was on ground of his not being a resident of this county.

Q. How long since Mr. Brayton left here?—A. About three or four years.

Q. Did you ever know him to vote here within that time?—A. No, sir.

Q. Did you see this census book?—A. Yes, sir.

Q. In whose possession was it?—A. I cannot say in whose possession it was; I saw it at polls on table, I think, or window-sill; I was called by some one to recognize some party applying to vote a colored man; I knew him, and he voted; just then some other was challenged, and I was asked to look in township return to see if his name appeared; I did not find his name; the voter said he could be identified, and he left the poll for that purpose; I cannot say that he came back; I left in a few moments myself; I think he voted, though. I heard him say so about fifteen minutes afterward.

Q. Is there a registration law in this State?—A. No, sir.

Q. Were not colored people required to prove residence by a white man when he was challenged?—A. No, sir; Rouse was supervisor, on his say some were accepted; other colored men would speak up of residence, also.

Q. Are you acquainted with James Major and Chris. Holley?—A. I know them.

Q. Did Major call your attention to the fact that he, Chris. Holley, had voted more than once on that day?—A. No, sir.

Q. Did any one call your attention to that fact?—A. No; I do not remember seeing Chris. Holly here that day.

Q. Was not the county of Aiken made part of Edgefield?—A. Yes, and of Barnwell, Orangeburg, and Lexington.

Q. Did not these colored men who you speak of as coming from Edgefield come from that section of this county originally in Edgefield.

Q. As I said, they came from that direction, but with the exception of a very few they were all strangers to me.

Q. Does not the Edgefield road leading into Aiken run into other precincts or portions of the county?—A. It runs through and to the northern portion of the county. I am not aware of any poll on that road.

Q. In case a person desired to come here who lived between Aiken and Edgefield how would they come?—A. Those living on the road, I suppose, would; but there are other roads leading in various directions.

Q. You spoke of white and colored men entering at exit end, in what proportion?—A. I cannot say; not many of either.

Q. Did you see more than one colored man?—A. Yes.

Q. More than ten?—A. I saw several; don't know how many.

Q. More than five?—A. My memory is not clear. I noticed this as I did anything else occurring that day; I would say more than five, though.

Q. Were there more than twenty?—A. I cannot say; I have given you as fair as I could.

Q. Of the number of colored men you saw enter exit end were they Republicans?—A. Yes; they were mostly Republicans.

Q. About how many whites entered at exit end?—A. I cannot say; there may have been ten, fifteen, or thirty; possibly more or possibly less; as compared with number that entered entrance end it was small. A reason had to be given for one's going in at exit end, sick, aged, and so forth.

Q. Were there less than 300?—A. Yes.

Q. Less than 150?—A. I don't think I saw more than fifty, if that many, enter at the exit end that day.

Q. What expression was it that led you to expect trouble on election day?—A. What I said heretofore in regard to the Republicans attempting to run voters from one county to another by Republicans, and that they would concentrate their votes at this box; that they would attempt to get the legislature. This was common rumor.

Q. Is it part of duties of United States marshals to drum up votes and concentrate them?—A. It is not a part of their legitimate duties, but I have seen Bardeen, the chief marshal, arrange them in line to vote. As a rule they are selected in this State on account of their partisanship. I did not see Bardeen do this at the last election. Bardeen was arranging line on morning of election till the decision of United States court above referred to arrived.

Q. Did you see any colored men armed? If so, with what?—A. I did; pistols, clubs, knives, sticks.

Q. Any guns?—A. Did not see any guns.

Q. Did you see these clubs, &c., drawn?—A. Yes.

Q. Give me names of some.—A. I cannot give names; when these two rows occurred saw colored people with sticks and knives in hand open.

Q. About how many pistols did you see?—A. Cannot say.

Q. Were they generally armed?—A. With sticks and clubs, they were.

Q. Did you see more than one colored man in blue uniform?—A. I noticed one who was conspicuous as a leader; do not distinctly remember of more.

Q. Did you see many white men in red shirts?—A. I did a few; not over ten or fifteen.

Q. Were they generally armed?—A. I saw some with pistols; how many I can't say.

Q. Were there more with pistols than without?—A. I am unable to answer.

Q. Has it not been the cry of the Democratic organs and the stump orators of that party against arms at the polls?—A. As I understand it, the policy and purpose of the Democracy is to prohibit United States soldiers and bayonets being around the polls. As to an individual carrying a pistol, that depends on statute laws and the inclination of the individual.

Q. Then do I understand you to say that the Democratic party countenanced the carrying arms to the polls that day?—A. Emphatically not; but the Democratic party cannot control the motive of an individual in such a matter.

Q. Has it been the custom heretofore or prior to 1876 for the Democrats to appear at polls with arms?—A. The Democratic party, so far as I know, have no custom in this matter; have always been a Democrat, and have never heard any such instructions to any man from our party.

Q. Were you armed at last election?—A. I had a pistol on my person.

Q. Do you positively say that the cannon was not returned to Augusta after the Democratic meeting referred to?—A. It was not to my knowledge. I saw it here frequently.

Q. How long before election did you see it at the depot?—A. I do not know; several weeks before election.

Q. How many days before election did you see it?—A. I think several days. I may be mistaken. When it was used it was generally left where last fired; its being near the polls was an accident. It was the intention to open the poll on another street, but this idea was abandoned day before election.

Q. You say this cannon was on the street for several days before election?—A. There was nothing to impress my mind about this cannon. I have seen it in several different places in town. I think it was for several weeks on a street that run in fifty feet of the polls. I saw it at the depot, and some little distance from the depot. This street runs by depot.

Q. About how many men comprised the constabulary force?—A. A considerable number; twenty or twenty-five.

Q. Were you one?—A. No.

Q. Please give me names of some.—A. G. W. Croft, W. W. Williams, E. P. Henderson, W. Q. Davis, several of the leading merchants, C. Klatte, J. L. Courtney, H. K. Jenkins, Daniel Crosland, T. H. Hayne, Til. Smith; these two last colored men. The men who were constables were prudent men, and of character, and men whose interests were identified with the town.

Q. Do you know how and by whom appointed?—A. The State constable-chief has the right, and that he appointed them. I saw commissions of some—each constable had on the regular badge.

Q. Where were these arms kept?—A. They were their own arms—guns.

Q. When they appeared to keep order, did they have bayonets?—A. No, sir; there were no bayonets when the constables had no accoutrements—simply guns.

Q. Were they loaded?—A. I cannot say—never heard that they were. The constables, while they kept the peace, the high sheriff was here also. The constables whom I saw with guns never approached any Republicans; remained on opposite side of the street.

Q. Do you know if the sheriff exhausted all means in his power before these men appeared?—A. The sheriff was commanding the peace and attempting to keep order when he was struck. I know of no means in his power to quell this disturbance, unless he resorted to force. The constabulary saw that the sheriff was in a position to be overpowered, and armed to prevent it.

Q. To what political party did these constables belong?—A. I am under the impression of both parties.

Q. Give me name of any constable who was not known as a Democrat.—A. As I had nothing to do with the appointment I did not know them, except as I saw by their badges.

Q. Were there any white Republicans on that force?—A. I do not know; I heard that men were appointed, and for reasons of their own would not act. I've heard of Republicans—

Q. Of your knowledge, was there a Republican, white or black, on this force?—A. If Mose Mines was on it, he is a Republican.

Q. Did you see Mose Mines?—A. I think I did; I may be mistaken.

Q. Were not most of these constables selected from a company known as the Palmetto Rifles?—A. The most of them were not. The Palmetto Rifles are gentlemen engaged in business in town; and if you select any man capable of any office, you would be sure to get some of them.

Q. Were you present at the Democratic caucus the night previous to election?—A. There was no caucus of Democratic party night before election. I was at a meeting of our Democratic club in town hall; saw colored men—Republicans, I think.

Reply:

Q. As a matter of fact, were the colored people intimidated by this cannon?—A. I have already testified that they were not. I saw colored people around it—people had access to it.

Q. Do you not know that Caesar Gurley, March Harrison and other colored Democrats who are land-owners—are a better class of citizens than Jim Major, George Washington Short, and Jack Robinson, who testified in this election case, and who are political pap-suckers?—A. They are certainly better citizens. James Major, George Washington Short, and Jack Robinson I have seldom seen at any work—never at steady work—so far as Major is concerned about elections is very busy, and election matters—George Washington Short saws a little wood occasionally. He loaf's most of his time. Jack Robinson—never saw him strike a lick of work in his life. In regard to colored Democrats, they are men of good habits, steady, and good workers, accumulating property, and enjoy the confidence in the community. Outside of colored Republican officers and office-seekers, the best way to make a Democrat of him is to help him get a little property—his interest as a property-holder generally leads him to ally himself politically with other property-holders.

Q. Have you ever heard of a thrifty, responsible, honest colored man charge that this cannon intimidated any man ?—A. No, sir.

Recross-examination :

Q. Concerning Major and Short, you spoke disparagingly of their characters ; do you know Major's occupation ?—A. Have heard him say he is a painter.

Q. Are painters, like other men engaged in business of laborious nature, liable to be continuously employed ?—A. They are liable to be continuously employed ; I know several painters here are continuously employed.

Q. Do you know if George Washington Short is crippled or not ?—A. He walks, walks with a stick—leg is crooked.

Q. What are their politics ?—A. They are rabid, radical Republicans.

JAMES ALDRICH.

Sworn to before me, March 28, 1881.

W. W. WILLIAMS,  
*Judge Probate, Aiken County.*

LAZARUS POSEY sworn, says :

Age, forty-five years old ; occupation, a mechanic ; and reside in Aiken County.

Q. Did you hold any official position at Montmorenci precinct ; and, if so, what ?—A. I was chairman of the board of managers ; we opened the box at 6 o'clock in the morning, and kept it open till 6 o'clock, and there was no noise or interruption in any way ; the vote was free, fair, and unobstructed.

Q. C. F. Holland, United States supervisor, has stated that while you managers returned 187 votes, there were, in fact, only 172 cast ; is this true or false ?—A. It is false.

Q. Was the return as made by the managers correct ; and did the men whose names you had vote there ?—A. They did ; our poll-list and the names as kept by the Democratic supervisor tallied ; we found two Republican tickets together, and we threw one of them away ; we found two Democratic tickets rolled up, and we threw one of them away ; this was done by consent of both the supervisors. We had about as many challenges from one side as the other ; two or three different times I asked Holland if he got names, and he answered no ; once while two colored men voted he failed to get names, and took them from our supervisor.

Q. Did Holland agree at the time of count that your list was correct ?—A. He did, although he had not as many names as we did ; he said he thought we were right, and then instanced the two occasions when he had failed to get the names ; he said as he did not get all the names that he had no right to change his, and that he would have to send in his return as it was. I asked him if he did not think that we had had a fair election, and he answered that we had.

Q. Did you notice at any time that he got behind ?—A. I did, several times.

Q. Is Holland a colored man, and is he not limited in his education ?—A. He is colored and very poorly educated ; a very poor pensman ; said often that he could not understand names.

LAZARUS POSEY.

Sworn to before me, March 28th, 1881.

W. W. WILLIAMS,  
*Judge Probate.*



T. W. KEENAN, sworn, says :

Age, forty-six years old ; occupation, a trial justice ; reside in Aiken County.

Question. Were you at Windsor on day of last general election ?—Answer. Yes.

Q. General Piper has testified in this case that he was driven from Windsor that day by white men, who put pistols in his face, &c. Is this so or not ?—A. I was at the upper end of Windsor and box at lower end. Piper came up to where I was, and I then understood that he was leaving. I asked what for ; some one said he had got mad, and was leaving with the tickets ; he had been asked to leave tickets, and he said he would not do this, but would carry them with him. I heard this was on account of a row with Goss. Goss came up and I asked him the cause of trouble.

Q. Did Piper say he had been struck ?—A. No, he did not say so. I felt it my duty as a trial justice to inquire into the matter, and Goss told me of the trouble. Goss is a resident of the State of Georgia ; he had not been here for some time. I did see Goss late in the afternoon with a pistol ; this was though a long while after Piper had gone ; this was the only pistol I saw all day, and I made it my business to see if any were on the ground ; there were not over twenty-five colored men on the ground all day. I never saw a more quiet day, especially at election—in fact, the most quiet election I ever saw ; no one would know of an election from what they could see in Windsor ; no drinking or anything of the kind. I heard several colored men urged to go and vote, but they declined to go, but this was their own personal choice ; said they did not desire to have any part in the election.

Q. Several Republicans have given as a reason, that there were no tickets ; is this so ?—A. No, sir. I offered to write tickets for them, so did several others but they did not seem to want to vote. I will say right here, that the feeling between the races in that neighborhood is unusually pleasant and uniform ; they agree and get on better together than in any section I know : the colored people are very much in the minority there ; very few of them indeed.

Cross-examination :

Q. Did you leave the poll at any time that day ?—A. Yes, I left the poll, but was in hearing and in sight all the time ; a small place is Windsor.

Q. Do you remember how many colored votes were polled ?—A. I do not ; somewhere about from twelve to twenty ; very few.

Q. How many Democratic votes polled ?—A. Over three hundred.

Q. How did vote of 1880 compare with vote of 1876 ?—A. I cannot say ; it may have been large in 1880 ; am not posted ; difference small though, I think.

Q. Was there a Republican supervisor there ?—A. No. It was supposed that Piper was at first, but we found out afterward that none was appointed for Windsor ; he did not discharge the duties of such officer.

Q. Did you see any white men with red shirts ?—A. I think there were three (3) there, and they were not armed, as I saw.

Q. These Republican tickets, that were voted, were they written or printed ?—A. Printed, I suppose.

Q. In about what proportion were voters challenged ?—A. There were a greater number of Democratic voters [challenged than Republicans.

Q. Any colored people present at the count?—A. I do not remember; there were colored people in Windsor at the time; the room was open, they could come in if they chose; there was plenty of room, no disposition to keep any one out; if you had been there, you would have thought it Sunday night, so far as to noise, &c.

Q. Of your own knowledge, could every colored man have voted there if he wished?—A. I state this to be a fact; perhaps a man might have been prevented from voting; such thing is possible, but I would have known it by now.

Q. Did Piper vote before he left?—A. I do not know.

Q. Did you ever hear that Republican tickets were taken away from Piper?—A. No, I did not; I heard that Piper refused to give them to colored people, and said this is not the place to vote.

Q. Are you generally acquainted with colored people in that vicinity?—A. Yes; I know by name every man in that township.

Q. What are their politics?—A. Divided, some Democrats, majority are Republicans.

Q. Did colored men vote Democratic ticket that day?—A. Yes, some, and a few who refused to vote, as they did not care to take part, so they said.

Q. Give the names of some colored men who voted the Democratic ticket?—A. Pink Jones, Simon Kitchen, Harry Corley—I am not sure this last voted at all—Joe Cadle, James Hutson; these are all that I remember who voted. There are others, but I cannot say that they voted.

Q. Where are they now?—A. Right at Windsor.

Q. What inducements, if any, were offered these men?—A. They never were induced by any one there; they voted it in 1876, and vote it now.

Q. Did you see any arms in possession of colored men?—A. As I said before, I only saw one pistol.

Q. Did you see any arms in the room where the voting was?—A. No.

Q. Was there a Democratic supervisor?—A. Yes.

Q. At the close of the polls, how did the names on the list compare with the ballots in the box?—A. They tallied. There was, perhaps, two or three doubled votes, and all were thrown out but one.

Q. What was the politics of the managers?—A. They are all Democrats, and so was their clerk.

Q. What are yours?—A. A Democrat.

T. W. KEENAN.

Sworn to before me, March 28, 1881.

W. W. WILLIAMS,  
*Judge Probate, A. C.*

JAS. T. WINGARD, sworn, says:

Age, 36 years old; occupation, town marshal of Aiken, and reside in Aiken.

Question. Were you at this precinct at the last general election?—Answer. Yes, sir.

Q. Did you hold any official position that day?—A. Town marshal.

Q. George Washington Short—do you know him?—A. Yes; I know him. He also goes by the name of Pompey.

Q. He states (Klatte) that between 9 and 10 o'clock was driving a string of Republican voters from the poll, and that you and Luther

Holly rushed from the guard-house with pistols and said, "Get back; we will rule this county," and drove us back to Loop's. Is this so?—A. No; it is false.

Q. He also says that you said, "You are all damn fools; I can whip a half dozen of you." Is this so?—A. No, sir. I tried to keep peace all day.

Q. State the object of your interference.—A. What he states never happened; in the morning, the first disturbance I saw was about 8.30 o'clock; I heard Mr. Jordan trying to keep peace, and I went to his assistance, and when I got out of guard-house saw several colored men rushing on a few whites; I got in where Jordan was and saw this crowd of colored men, some with sticks and some with knives. I told them that this would never do; we commanded and begged them both to get back and have no fuss. We succeeded in separating the two parties; after that we stood between them for a good while; we had good order. I saw in that crowd one white man draw a pistol and say, Mr. Wingard, I will stand by you. I told him to put it up or I would put him in the guard-house, and he put it up and walked off. About 2 o'clock, Mr. Luther Holly and myself was together, when we heard a great noise, and looking down street saw about one hundred colored men coming waving sticks, yelling and hollering. I said to Holly, that means a fuss; they are coming back to have a row. About that time I saw the sheriff and told him if we could stop that crowd it might prevent trouble. We started to them and got separated from him. Sheriff met them some little distance down the street. Sam. Arrington was ahead, first walking backward, and then turning waving his stick over his head. Those men I recognized as having been here all day, having gone off and coming back. They paid no attention to sheriff. I told him if he would assist to arrest Arrington it would stop a row; we first tried to persuade them; Arrington had got back into the crowd; in going I was ahead of sheriff, and heard a scuffle, looking back and saw sheriff and negro in a scuffle; the negro had hit him; I turned and assisted the sheriff in arresting him, and carried and locked him up. He, the sheriff, then went and arrested Sam. Arrington. The sheriff then went out, so did I; he went and talked with the crowd and begged them to keep quiet, and have no fuss; it then seemed as if Bob Hewitt had taken command; he acted as spokesman for the crowd; Hewitt told sheriff that he would try and keep order; everything then got quiet and the day passed quietly after that.

Q. What motives caused you to interfere?—A. To keep order and peace; I did everything in my power to keep peace; at times it was very exciting, brought about by Arrington and his crowd.

Q. James Major has sworn that men were arrested for hurrahing for Garfield; is this so?—A. It's a lie; he was too drunk to know what was going on. I will say that I could not vote till late in afternoon on account of crowd of colored men; some one got me in to vote or I could not have voted.

#### Cross-examined:

Q. Did you make any effort to vote before you voted?—A. I went to poll several times and saw I could not get in for crowd; I was afraid that I might be needed if I went in with the jam.

Q. Did you see other white men go in and vote?—A. Yes, I saw some, but they were jammed in by crowd.

Q. Do you know of any other white men who experienced this diffi-

culty in voting?—A. I am just stating what I saw; my attention was attracted by crowd outside to keep peace.

Q. Were you in a position to see everything that transpired?—A. Not everything; I was outside all time except when I voted.

Q. At what end did you vote?—A. At exit end.

Q. Did colored people surround that end?—A. Yes, and voted there; they let in two colored men when I voted; they were Republicans.

Q. Was there not a discrimination in favor of whites going in at that end?—Not that I know.

Q. Were you present when the vote of E. M. Brayton was challenged?—A. Do not think so; do not remember.

Q. Did you hear any white people use abusive language to Brayton that day?—A. No; I saw Brayton across street, and he, with Chatfield go off; a crowd was not far off of white men that caused me to go there; I heard nothing said to him; I saw no negroes with pistols; one was dropped in scuffle with sheriff; I do not know who dropped it.

Q. Were the white people armed?—A. Yes; I saw some with pistols.

Q. Did you see any white men with guns?—A. I saw the militia company, the Palmetto Rifles.

Q. Did you see a cannon?—A. Yes; the cannon was left here after some celebration.

Q. How long before election?—A. I do not know; think it was fired during that night.

Q. Was cannon there the evening before you went home?—A. I do not remember.

Q. Did you know where the polls were to be held before election?—A. I did hear in the brick building; cannot say how long before, perhaps a week or so; cannot say how long.

Q. Don't you know that the election was to have been held on Park avenue?—A. No, sir.

Q. Do you know origin of difficulty with sheriff and negro?—A. I do not.

Q. Did you know of any colored people who did not vote who desired to do so?—A. No, sir.

Q. Did you see many strange white people in town that day?—A. No; not many strangers of whites and blacks; I saw a good many strangers of colored people; I know the whites better; more strange colored than whites.

Q. When the Palmetto Rifles came out with their guns, did it not intimidate the negroes?—A. I never saw the men with guns nearer than 100 yards to fuss.

Q. Do you know where they got these guns?—A. No.

Q. Whose are these guns?—A. I do not know; suppose they are government guns.

Q. Did they have bayonets fixed?—A. I think they were sitting down; some in line. Some guns were stacked.

Q. How is it that the guns were stacked when they were brought there to quell the disturbance?—A. I did not say what they were brought for.

Q. Was that cannon loaded?—A. It was not, for I examined it.

Q. At what hour?—A. I do not recollect.

Q. Did you examine it again?—A. No; I said on two occasions two different parties put their cigars in the touch-hole, but it did not shoot. There were two cannons here that day.

Q. Where is that cannon now?—A. I do not know.

Q. Did you not see that cannon at the depot on day before election ?  
—A. I saw a cannon stand at the depot for a week or so. I pass there very often. I do not think I saw it there the day before the election. Saw one previous to this.

Q. Were you present at a Democratic meeting in this town when G. D. Tillman spoke ?—A. Only a little while.

Q. Did you hear him say to carry the election if you can fairly; and if not, at all hazards ?—A. I did not.

Q. Were you present at a Democratic caucus the evening before the election ?—A. No; I know nothing of it.

Q. Did you arrest any white men the day of the election ?—A. I did; two or three.

Q. How many colored ?—A. Three, I think.

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Reply :

Q. How far were you from those men with guns ?—A. I suppose between 50 and 100 yards.

Q. When these guns were out did the men wear the badge of State constables ?—A. Yes, sir; I saw the most with badges.

Q. You state that this was the militia company. Did you see the officers of the company in charge of them ?—A. No; I do not know that it was the militia company. Some of the company were there. But if you appoint any body of men here as constables, and select good men, you would be sure to get some of the company.

Q. Was it not a fact that these men with guns were seen in the height of excitement ?—A. Yes, sir; I saw them when we carried the man to the guard-house that struck the sheriff. I saw guns stacked, but never saw any bayonets.

Q. Do you not believe that the display of these guns tended to preserve order and prevent bloodshed ?—A. I do, sir.

Q. Were not colored people as well as white men immediately around the cannon all day ?—A. Yes; I saw colored people sitting on the carriage and looking down the muzzle.

JAMES T. WINGARD.

Sworn to before me, March 29th, 1881.

W. W. WILLIAMS,  
*Judge Probate.*

M. T. HOLLEY, sworn, says :

Age, fifty years old; occupation, high sheriff of Aiken County, and reside in Aiken.

Question. Were you here on the day of the last general election ?—  
Answer. Yes; got here about 8 o'clock.

Q. Was there a large crowd ?—A. Yes; a large crowd of colored people.

Q. All from this county ?—A. Good many of them I am satisfied were not from our county.

Q. Did you see any disturbance that day ? If so, give an account of it.  
—A. Between 1 and 3 o'clock I was near poll and heard a tremendous yelling on the main street where poll was, and soon after I saw a crowd of colored people coming, waving sticks in a very threatening manner, so much so that I went towards them and met them some one hundred yards from the polls; I went in front of this crowd and held

up my hand and motioned to keep quiet that I might talk with them; I stood there till they advanced so near that I had to get out of way or be hit with their sticks; I got out of their way and stood on side until part of the column had passed, still waving my hands to them, but they did not heed me; kept on towards the poll; I then started off in a fast gait to get again to the head of the column, where quite a crowd was waiting to vote; I got then near entrance to poll, and I saw that the whites were excited; so were the blacks; I told them I would preserve order, and I walked back into crowd and commenced to talk to them again, appealing to them to keep quiet, or they by their conduct would bring on bloodshed; in getting back some thirty yards I met up, with a colored man, John Moseley, who was extremely unruly, and as I had known him all my life, addressed him kindly, advising him to not to go on as he was doing, as it was unnecessary, and as the sworn peace officer I must keep it, upon which he raised his stick and flourished it over his head and said "I'll be God damned if I don't die right here." I said that is foolish, and I intended to preserve peace; wanted him to so understand; he then drew his stick, a very heavy hickory stick, in right hand, and with his left struck me in the breast; his drawing the stick over my head led me to think he intended to hit me with it; as he pushed me back with his left hand I caught hold of him; the crowd then surged upon us, not knowing what for; I drew my pistol, believing they intended to rescue him or assault me, but when I drew pistol and told crowd to stand back they got out of my way; about that time Mr. Wingard and others came to my assistance and we carried him to guard-house. After putting him up Mr. Wingard said we will have to put up Arrington to save a difficulty; he was in command of this riotous crowd, giving orders, &c. We took him and locked him up. That ended the disturbance for that day.

Q. The military company came to their assistance, did they not?—A. The State constables came out. I cannot say it was the militia company.

Q. Was everything quiet when this fuss occurred?—A. Before this, yes—for an election day.

Q. No one was prevented who chose to vote?—A. No; at time of difficulty the poll was occupied by colored people—a few whites probably.

Q. Were any threats made to others beside yourself?—A. They were very noisy; I could not hear before I got to them.

Q. Did you see cannon?—A. Yes; I saw it. No one seemed to have charge of it. There is another on street now very near; it has been there over two years.

Q. Did you hear any of them hurraing for Garfield?—A. O, yes; I heard them hurraing for all the candidates; no intimidation meant by that, though.

Q. Both parties continued to vote after difficulty?—A. Yes; both sides voted; nothing to prevent.

Cross-examination:

Q. What are your politics?—A. A Democrat.

Q. Were you a candidate for sheriff and elected?—A. Yes, sir.

Q. Were you sheriff before last election?—A. Yes; was re-elected.

Q. Weeks was taken, I suppose, for assault on an officer?—A. Yes, and to preserve order, from his conduct, I would have had to arrest him, and, unless at my request, he desisted from his course, I would have been compelled to arrest him anyway.

Q. Under the laws of the State is not the assault on an officer indictable?—A. Yes.

Q. Has Weeks ever been indicted?—A. Yes.

Q. With what result?—A. A true bill by grand jury, now in clerk's office. Now, I cannot say that his case for assault was sent to grand jury, but the warrant is still standing against him. There was a bill found against him for riot on that day; there are two cases against him, one for riot and one for assaulting an officer.

Q. What disposition was made of that case, when the true bill was found?—A. I cannot say; the case was continued.

Q. Did you see any parties cut on occasion of election?—A. I did not.

Q. Did you hear, on day of election, of any one being cut?—A. I heard of a man's being cut, but I don't know it was so.

Q. Did you make any attempt to discover if it was so?—A. I did not know where to look; no complaint was made to me.

Q. Do you now know that a colored man was taken to Dr. Wyman and had his wounds dressed?—A. I do not know anything of the kind.

Q. Did you see any red shirts?—A. A few.

Q. Did you see any colored men uniformed?—A. Yes; I saw one with a red shirt; Sam Arrington had on a blue shirt.

Q. You said there were a goodly number of colored men; do you know where they came from?—A. No; a great many who did not live in county. I know almost everybody, and saw some who were not of our county; I saw only one white man, Brayton, who did not reside in this county. There might have been some trouble here.

Q. Were there not several strange white men among the voters that day?—A. No, sir; not that I saw.

Q. Did you vote?—A. Yes.

Q. At what end of the barricade did you enter?—A. I was sick, and went in at the exit end; I also carried Brayton in that end to vote. I was known to be sick.

Q. Was Brayton sick?—A. No; he contended that he could not get in, and was in a hurry and large crowd at the entrance; I carried him to exit end, and the parties in charge let him in, and his vote was challenged at the box. I do not think he voted, but he went up to the box.

Q. Was not Mr. Brayton cursed and abused by white Democrats?—A. On one occasion only; he was around the polls all day while in town. A few persons were talking of him sneeringly; as soon as I discovered this, I walked up to them and told them to let Brayton alone, and they did so.

Q. What was the greatest number of colored people seen around the poll that day?—A. I suppose about 500.

Q. What was the greatest number of whites?—A. At no time was there as many whites; they would vote and go home.

Q. Were you present at the close?—A. Yes.

Q. Was it the purpose of the managers to facilitate or retard the voters?—A. I saw nothing that led me to believe but that every man had a fair show to vote.

Q. In about what proportion were challenges?—A. I cannot say; perhaps more by Democrats, as there were a large number of strangers here who were unknown; some from Edgefield.

Q. Were not colored voters so challenged required to locate themselves by some white man?—A. No, not that I know.

Q. What was the nature of the questions used to those challenged?—A. The usual question to challenges; question of age may have been asked, but the colored people do not know their ages generally.

Q. In event of questions not being answered, were they allowed to vote?—A. I know of no such case.

Q. At the close of the polls, how many colored people who had not voted?—A. I cannot say; there was a pretty good crowd, but I do not know whether they had voted or no.

Q. Of these 500 colored men, how many are Democrats?—A. From what they told me, about 100 colored men voted Democrat tickets; what they told me before election and the fact of their voting usually with us in 1876 and '78; these are men of character, and some of them acquiring property.

Q. Taking these 100 colored Democrats and the white Democrats, how many more were they than the Republicans?—A. I cannot say; the Democrats carried this poll.

Q. Where were these guns brought from?—A. From Crosland office, I think, 15 or 20 of them.

Q. Who owned them?—A. Partly by the Palmetto Rifles probably; I do not know this to be a fact whose they are.

Q. Did you see any colored man with revolver?—A. I did, but cannot give name, as there were so many strangers.

Q. Were the whites armed usually?—A. I do not think I saw over three visible outside of myself and marshals of town.

Q. Did you ever see this cannon at depot?—A. Yes, a few days before election, I think.

Q. Did you hear it fire night before election?—A. Yes, a few about 3 or 4 o'clock, none after daylight. I do not know who fired it.

Q. Do you know that it was not loaded?—A. I do; I saw a boy fooling with it, and he run the rammer down, and it was not loaded; this was in morning.

Q. Can you say it was not loaded after that?—A. It was not loaded. If it had been done I would have known it.

Q. Do you know where it is?—A. I do not.

Q. Do you know where it came from?—A. I do not.

Q. Were you at Aiken night before election?—A. No; was sick at home.

Q. Was not discrimination made over colored in favor of white men?—A. Not that I saw.

M. T. HOLLEY.

Sworn to before me March 29, 1881.

W. W. WILLIAMS,  
*Judge Probate, A. C.*

O. C. JORDAN, sworn, says:

Age, thirty-five years old; occupation, attorney at law; reside in Aiken.

Question. Were you an officer at last election?—Answer. I was chairman of board of commissioners of election, also a State constable, and I appointed, with the assistance of the board, all managers of election in the county.

Q. Was any disturbance on that day at this poll?—A. I came up town about five o'clock; waited till poll opened; saw managers open box at six o'clock; voting commenced; just about time polls opened I heard a tremendous yelling; looked up street and saw a body of colored men coming—eighty to one hundred; they were led by Sam Arring-



ton; they marched immediately by the box; Arrington in front with a stick in both hands, giving commands; they marched past the polls about seventy-five yards, and turned and came back; in front of polls commanded to halt, and did so by command of Arrington; I went to them, told them if they stood there it was no telling when they would vote, but to form at entrance, and they stood and parleyed; he counter-marched them around awhile, and then formed them at entrance; at that time somewhere between thirty and fifty white men were at the polls in front of them, and voting was going on. I saw nothing unusual or out of place until nine or ten o'clock; I think the pressure was so heavy on account of crowd; a disturbance got up about forty feet from entrance; I ran there and got in crowd; the colored people had knives and bludgeons, &c.; they were pressing forward and the whites had turned facing them; I got between them, first pushing one side back and then the other, begging them to stop; got whites back to right of entrance; town marshal was near me; the colored men were to left or next to the fence at entrance; I found that we could keep whites back; Arrington and Hewitt (Bob) in front of colored men; I found that I could not keep colored men back on account of pressure, and I saw that they were going to make advance; I kept pushing both sides back; they were facing each other at this time; Arrington planted himself and drew stick and said, "Follow me"; I then drew my pistol and told them to get back; the crowd did so; I went to Arrington and told him he would cause more good men (colored) to get killed than ought to be; Winguard walked up and Henderson said put him up. I said no, he has promised to keep quiet. I then asked them to get their place in line, and they formed next to the fence facing the entrance. I then thought all trouble over. After that everything was very quiet until I heard another yell, and ran out in the street where I could see, and almost a crowd coming down Main street, headed again by Arrington, commanding, with orders. If he had been locked up at 6 in the morning there would have been no trouble. At the polls there was still a large crowd, very dense, white and black. This crowd came on to about fifty yards of polls. When fuss was imminent, I again ran in. They were scuffling, the sheriff and town marshal, with a colored man. The crowd surged toward them. Govan had a large bludgeon, and I had known him all my life, and I snatched it from him, and asked, "What in the world are you doing?" he answered, "I am doing nothing." I said, "Stop, do not follow these officers." Emanuel drew a pistol and said, "Do not follow these officers." I got the crowd back and stopped them from advancing on the sheriff with the prisoner. I then went to the entrance of the polls; there were two or three drunken white men who persisted in blocking part of the alley-way. I pulled them out, and told the marshal to take them off. We carried them off from the crowd, and kept them off. Voting continued, and the pressure was great, and hard for any one to stay in the crowd. I saw white and colored men leave the crowd, could not stand the pressure. I stood there at the entrance over three hours to keep the entrance clear. Later some one said John Holstein is here, a colored man with consumption, and wants to vote. I went to the carriage-door and took him through the exit end, and told the parties there to keep the crowd out to let him in, as he was unable to go in at the entrance. They let us in and he voted directly. Sam Harvy was driven up in a cart, and said he had been cut, and has come back to vote. I took him in at the exit end, and he went in that side also and voted, a colored man. A drunken man was standing near the exit end and

used oaths about colored men being let in and not whites at the exit end. Chatfield, in a few minutes, walked up and said, "I can't stand to press in at the entrance, get me in to vote." He is a Republican, and the parties knowing him let him in at the exit end. They knew him as a respectable man. As he came out this drunken man cursed Chatfield. He, Chatfield, slapped me on the shoulder and said, "That man is crazy." I voted others at that end. I have four colored men at work with me. They all voted the Democratic ticket. As to the location of the polling place, the idea to change it to the place where it was held was not had until the day before the election. We had heard that all the Republicans voters would be massed here, and the place previously agreed on was on a side street, considered too narrow for the crowd expecting to be here, and the change was made to Main street as more fit for all purposes. I am fully satisfied had the colored people conducted themselves in a becoming manner there would have been no trouble at this poll.

Q. Did the trouble prevent any one from voting?—A. Not that I know.

Q. Could all have voted?—A. I do not know whether they could or not. It is very questionable in my mind whether the crowd here that day could have had their votes received by any three managers.

Q. Did you see cannon?—A. Yes; in street; people sitting on it; saw the sponge in it. I saw parties fooling with it all day. Confident it was not loaded.

Q. Did it intimidate anybody?—A. I heard them use this expression, "We are not afraid of their cannon and guns."

Cross-examination :

Q. State your politics, politics of other commissioners, and whether or not Democrats were or not appointed managers throughout the county.—A. I am a Democrat; one other commissioner a Democrat, and one a Republican. The managers were Democrats.

Q. About how long would it take a voter to vote?—A. Without any interference, I should judge, about half minute to forty-five seconds.

Q. You stated that it was impossible for all these men to have voted that day had they voted in thirty seconds to the man; could they not all have voted?—A. Yes; but my previous answer of thirty seconds to a man was based on a single man's voting, without molestation, but not on things as they existed on election day.

Q. At the close of the polls did you not hear a number of colored men complaining that they had not voted?—A. No, sir.

Q. At the time you drew your revolver on these colored men did you see any arms in their possession?—A. Nothing save sticks and knives, and I would not have drawn my pistol but that I thought it necessary to prevent disturbance.

Q. Did this demonstration on your part have the effect of quieting the colored people?—A. It did to the extent of stopping them from pressing on.

Q. Are you in the habit of carrying weapons?—A. Not now, nor before the concealed-weapons act.

Q. Explain why you carried arms on that day.—A. I held a commission as State constable on that day.

Q. Have you that commission now?—A. I have, sir; it is now at home in my house, and can be produced at any time.

Q. Are you a member of the Palmetto Rifles, a military organization of this town?—A. I am not. When the company was formed, in 1874, I held a commission in it, but resigned in 1877.

Q. Were the white people generally armed that day?—A. I am not able to say. In a few instances I saw white men with pistols.

Q. As a State constable had you a gun that day?—A. I did not, neither here nor at home.

Q. Did any of the State constables have guns?—A. I do not know. I saw the Palmetto Rifle Company have their guns.

Q. Are these guns the property of the State of South Carolina?—A. I presume they are.

Q. Can you say whether it was the purpose of the managers to facilitate or retard the progress of the election?—A. I cannot say.

O. C. JORDAN.

Sworn to before me March 29, 1881.

W. W. WILLIAMS,  
*Judge Probate, A. C.*

THOS. H. HAYNE, sworn, says:

Age 27 years, occupation a carpenter, and resides in Aiken County.

Question. Where were you on the day of the last general election?—

Answer. At Aiken poll, as a State constable.

Q. How did you act during the day; did you do anything wrong?—

A. I did not.

Q. Something has been said about your taking a ticket; is this so?—

A. No; a colored man, who said he lived in Edgefield, had a ticket, and I asked him to let me see it, and I told him as he could not vote here it would be of no use to him, and he left it with me.

Q. What are your politics?—A. A colored man, and a Democrat since 1875.

Q. What is the feeling of the colored people against you?—A. Not friendly on account of my political opinion.

Q. Did you do anything to disturb the peace or prevent any one from voting?—A. I did in fact carry two men in to the polls to vote; these were colored, and I did not try to influence them to vote.

Q. Did you feel safe that day?—A. I did not; they threatened me that if I voted the Democratic ticket they would club me; at time of row I did all I could to prevent it. No bloodshed to my knowledge.

Q. After the row was anything done to prevent parties from depositing ballots?—A. Nothing; it was impossible for all to vote here who were here. I heard some say they had not voted. I know I voted, and only once, although it has been reported I voted more than once.

Cross-examined:

Q. Do you know if any information was filed against you with commissioner of the United States for your conduct that day?—A. I was informed by D. Rouse that they attempted to do so, and he stopped.

Q. Do you remember being cursed by Allen May that day?—A. No; I remember once when he had a knife in his hand, and asked him to keep quiet.

Q. Do you remember that he spoke to you about the ticket you took away?—A. I do not remember; he might have done so after the old man came back for his ticket later in the day.

Q. Was it a Republican ticket or Democratic?—A. Republican ticket, I believe.

Q. Was Smalls' name on it for Congress?—A. I think so.

Q. Do you remember that Major Joseph came to you?—A. I remember major came to me and asked me why I took that ticket. I said he gave me the ticket.

Q. Do I understand you to say that this old man handed you the ticket?—A. He handed me the ticket, on my asking him to let me see it.

Q. Did you run off after he handed it to you?—A. No; I had no occasion to run off.

Q. Did you ever see this old man before or since the election?—A. No, sir; not that I know of. I will not positively say that I have not seen him since election.

Q. From whom did you receive your appointment as State constable?—A. From Alfred Rhett, chief State constable.

Q. Did you have a gun?—A. No.

Q. Did you see any guns?—A. Yes; some of the State constables had guns and pistols. Republicans had pistols and knives.

Q. Did you see the Palmetto Rifles with guns?—A. Some of these were State constables who had guns.

Q. Did you see any of this company with guns who were not State constables?—A. I cannot say who all were appointed, but I can say all the company were not there with guns.

Q. Were any other colored man besides yourself appointed a State constable?—A. Yes.

Q. How many?—A. One other.

Q. What was his politics?—A. A Democrat.

Q. All the State constables were Democrats, were they not?—A. I believe so.

Q. Give me names of colored men you saw with pistols?—A. I cannot give the names.

Q. How long have you lived in Aiken County?—A. Eighteen or nineteen years.

Q. Did you see E. M. Brayton that day?—A. Yes.

Q. How was he treated?—A. No worse than Republicans have treated me. They did curse him.

Q. Did you hear any other white Republican abused that day?—A. I do not remember.

Q. Did you see the cannon?—A. Yes; in the street; on this side the street.

Q. Do you know when it was placed there?—A. I do not.

Q. Did you see it there on day before election?—A. I do not remember to have seen it there day before election.

Q. Did you see it evening before the election there?—A. I do not think so.

Q. Did you see it fired on night before election?—A. No.

Q. Did you hear it fired on morning before election?—A. I do not remember.

Q. Where is it now?—A. I do not know; it is not in the street.

Q. How soon after election was it moved?—A. I do not know that.

T. H. HAYNE.

Sworn to before me March 29, 1881.

W. W. WILLIAMS,  
*Judge Probate, A. C.*

SOUTH CAROLINA,  
*Aiken County:*

I, W. W. Williams, judge of the court of probate in and for the said county and State, do hereby certify that I am the judge of said court duly qualified and commissioned, and that the same is a court of record

with a seal. I further certify that the foregoing testimony in the contested election cause between Robert Smalls, contestant, and G. D. Tillman, contestee, on the part and behalf of said contestee, was taken before me at the times mentioned in each deposition, in the presence of G. W. Croft, attorney for contestee, and Mr. Ezekiel, attorney for contestant; that their said testimony was read to each witness, who subscribed their names to same in presence of said attorneys.

In witness whereof I hereunto set my hand and the seal of said court of probate this 27th day of April, A. D. 1881.

[SEAL.]

W. W. WILLIAMS,  
*Judge Probate.*

STATE OF SOUTH CAROLINA,  
*Colleton County :*

Now, on the 17th day of March, A. D. 1881, comes B. Stokes, probate judge for the county of Colleton, and State of South Carolina, pursuant to a notice of G. D. Tillman, contestee, served upon Robert Smalls, contestant, the said B. Stokes residing in the fifth Congressional district of the State of South Carolina, and examined the following-named witnesses, and took the following testimony in the case of Robert Smalls against G. D. Tillman, in the matter of contest for a seat in the House of Representatives, Forty-seventh Congress, from the fifth Congressional district of the State of South Carolina :

Depositions taken at the court-house, Walterboro', Colleton County, the day and year above written, in the above-stated case, as follows:

Parties present, M. P. Howell, esq., and J. D. Edwards, of counsel for contestee, and Thos. H. Wheeler, esq., counsel for contestant. Contestee presents in evidence his notice of time and place of taking testimony at this point, service of which said notice was accepted by Thos. H. Wheeler, esq., counsel for contestant.

J. S. H. LANGDALE, sworn, says :

Question. Where do you live, in what county, and where were you on the 2d day of November last?—Answer. Colleton County, Berdien Township, six miles from Walterboro'; at Horse Pen precinct.

Q. Did you vote at that precinct?—A. Yes, sir.

Q. Can you state how the election was carried on?—A. As far as I saw, it was carried on as fairly and squarely, except I saw one man vote two tickets—a colored man.

Q. Were those Republican tickets?—A. They were Republican tickets.

Q. Are you acquainted with voters of Horse Pen precinct?—A. Are acquainted with the most of them.

Q. Was there a full vote of that precinct taken at the last election?—A. They were.

Q. Do you or not know of your own knowledge that a large number of votes were taken at that precinct from men who did not usually vote there?—A. I do, sir.

Q. Do you or not know where those voters came from?—A. I do not know, only from what the voters told me. It was said that some came from Maple Cane, and some from Centreville.

Q. Do you mean those that you have referred to as coming from Centreville and Maple Cane?—A. Yes, sir.

Q. Is Maple Cane a voting precinct in this county?—A. Yes, sir.

Q. Is Horse Pen the nearest precinct from Centreville?—A. I think it is.

Q. These voters that you have reference to had never voted at this precinct before, had they?—A. Not to my knowing.

Q. Were they colored or white?—A. Colored.

Q. Republicans or Democrats?—A. The most of them Republicans.

Q. You have always voted at the Horse Pen precinct?—A. Yes, sir; have always voted there.

Q. Is that a Republican or Democratic precinct?—A. It has always been a Democratic precinct.

Q. Was there a Democratic majority at the Horse Pen precinct at the last election?—A. There was.

Q. Do you recollect what the majority was?—A. I do not; there was a majority.

Cross-examined by T. H. WHEELER, Esq., counsel for contestant:

Q. Did you have any official connection with the election?—A. Not more than standing around and looking at the voters voting.

Q. About how many votes were polled there that day?—A. Something over two hundred; it might have been three hundred.

Q. Can you approximate the majority?—A. I cannot; I know that the Democrats had the majority.

Q. Can you tell whether it was larger or smaller than they usually have at that poll?—A. I cannot tell.

Q. Was there any poll at Centreville?—A. Heard the voters say there was none there.

Q. Do you not know now that there was no poll, either at Centreville or Maple Cane opened on the 2d day of November?—A. Heard some of the voters say that there was no poll opened at Centreville, and some others from Maple Cane say that they were afraid to vote there for fear that the poll was not legally opened.

Q. Have you not heard since that there was no poll at either place?—A. Heard it was opened at Maple Cane.

Q. Did you vote at Horse Pen, and if so, what ticket?—A. I voted at Horse Pen, and voted the Democratic ticket.

Q. Were you sworn that day?—A. I was.

Q. Do you know whether the Republican supervisor was prevented from taking the poll-list, and that the voters—Democratic voters—only gave the initials of their names?—A. He was not; the Democratic voters gave their full names.

Q. Were you in the room when the polling was going on?—A. I was.

Q. Do you know how many Republican ballots were destroyed that night by the managers?—A. I do not exactly know how many.

Q. Were there any?—A. There were a few; there were more votes than there were names.

Rebuttal:

Q. Were there any Democratic votes destroyed as well as Republicans?—A. There were.

J. S. H. LANGDALE.

Sworn to and subscribed before me this 17th March, A. D. 1881.

B. STOKES,

*Probate Judge, Colleton County, South Carolina.*

JAMES GIRARDEAU, a witness on the part of contestee, testified as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you

on the 2d day of November last?—Answer. In Walterboro', Colleton County; and was at the Walterboro' precinct on the 2d day of November last.

Q. Did you vote at the Walterboro' precinct?—A. I did.

Q. Do you know that the election at this precinct was conducted fairly?—A. It was.

Q. Do you know of any one that could not vote, or was refused the right to vote?—A. All that was entitled to vote, did vote.

Q. Did you see any attempt on the part of the Republican voters to prevent colore<sup>d</sup> men from voting the Democratic ticket?—A. I did.

Q. How long have you been in the Democratic party?—A. I joined the Democratic party during the campaign of 1880.

Q. Why did you leave the Republican party?—A. The reason why, I look upon W. F. Myers as the leader of the Republican party in Colleton County, and when he arrived to Walterboro' he stated to us that he could not support Robt. Smalls for Congress, and as our leader I listened to him, and after they had the convention they overruled him, and after that the delegates said they did not intend to support Smalls. Myers said he would not support Smalls; I said I would not support him, and I quit the party, and before doing so, I went to Mr. J. K. Terry, and had a talk with him about it, and he said he would not support him [objected to the latter clause by J. H. Wheeler, esq., as being irrelevant and hearsay] and then I went into the Democratic party.

Q. Do you know, of your own knowledge, that there was a great feeling against Smalls with the colored people in this county?—A. There was.

Q. What reason did your leader Myers give, and others give, for not supporting Smalls?—A. He was convicted of stealing.

Q. You had up to that time acted with the Republican party?—A. I have; so much so that whenever they were going to have a big meeting, speech, or anything, they would send me ahead to fix up things for them, to rally the people and to get them out.

Q. Did you canvass the county for the Democratic party after you quit the Republican party?—A. I did.

Q. Do you find a great many of the colored people willing to go with you and vote against Smalls?—A. I did.

Q. Who is Mr. Terry that you speak of; is he a prominent Republican in this county?—A. He is.

Q. You were at and around the polls during the entire day on the day of election?—A. I was.

Q. Where were you when the polls were opened in the morning of that day?—A. Right at the court-house.

Q. Do you know, of your own knowledge, that there were quite a number of colored men at the Democratic headquarters were waiting to vote, and did vote the Democratic ticket when the polls were opened?—A. I do.

Q. Then you quit the Republican party because Smalls was nominated for Congress, and had been convicted for stealing?—A. I did.

Q. Who is the county chairman of the Republican party?—A. They had elected Holmes here, and after they went to Columbia, I heard they elected Captain Shaffer.

Q. Did Captain Shaffer canvass the county in the interest of Smalls?—A. He did not.

Q. Did you ever hear Captain Shaffer say how he stood in respect to Smalls?—A. I never heard him say.

Q. Did you vote the Democratic ticket?—A. I did, and got a good many other colored persons to vote it.

Cross-examined by T. A. WHEELER, Esq., counsel for contestant:

Q. What ticket did you vote the election previous to the last?—A. Republican—the entire Republican ticket.

Q. Then you voted for Smalls the election previous?—A. I did.

Q. Had he not been convicted then?—A. I did not know until the objection was raised at the last election.

Q. Do you not know that Tillman was convicted of murder in Edgefield?—A. Do not know; never heard it yet.

Q. Will you swear that Mr. Terry did not vote for Robert Smalls at the last election?—A. I could not swear to that; I only go by what he says.

Q. Will you swear that Mr. Terry advised you not to vote for Robert Smalls at the last election?—A. No, sir; Mr. Terry never advised me not to vote for him, but he said he would not support him.

Q. How many colored men you got to vote with you that had always been Republicans?—A. A good many.

Q. How many?—A. I got a good many.

Q. Do you know the number?—A. I was not particular to count them, but I know I got a good many to vote the ticket.

Q. Did you get a dozen?—A. I got more than that.

Q. How many more?—A. I do not know how many more, but I know I got over a dozen.

Q. How do you know that you got over a dozen? you say you did not count them.—A. I know by the crowd that staid at the Democratic headquarters over night and marched to the polls next morning. I believe there was more than a dozen in Walterboro', besides those that came from the country, that voted the Democratic ticket.

Q. Did you get them all?—A. I got a good many of them.

Q. How many?—A. I do not know how many.

Q. How do you know that you got over a dozen?—A. I did not say that I got over a dozen, but over a dozen voted the Democratic ticket.

Q. Will you swear that W. F. Myers did not both work and vote for Robert Smalls after he was nominated?—A. I do not.

Q. You voted the entire Democratic ticket, did you not?—A. I did.

Q. At the last town election, for the town of Walterboro', did the Republicans or Democrats carry the election?

(Objected to by M. P. Howell, esq., as irrelevant.)

A. The Democrats.

Q. Were you or not made marshal of the town?—A. I was.

Q. When were you appointed or elected?—A. I do not remember.

Q. Was it not in last December?—A. I think it was.

In reply, by J. D. EDWARDS, Esq., of counsel for contestee:

Q. Do you not know that quite a number of Republicans scratched the name of Robert Smalls from their tickets?

(Objected to as not being new matter brought out by the cross-examination by T. H. Wheeler, counsel for contestant, and being the same questions in substance as that asked in the principal examination.)

A. I do.

Q. Are there not Republican members of the present town council?—A. Yes, sir.

JAMES <sup>his</sup> + GIRARDEAU.  
mark.



Sworn to and subscribed to before me this 17th March, A. D. 1881.  
[SEAL.]

B. STOKES,  
*Probate Judge, Colleton County, South Carolina.*

W. B. UTSEY, a witness for contestee, testified as follows, after being duly sworn :

Question. Where do you live, in what county, and where were you on the 2d day of November last ?—Answer. At George's Station, Colleton County, and was at the George's Station precinct on the 2d day of November last.

Q. Were you present when the polls were opened ?—A. I was.

Q. The voting and counting of votes were carried on according to law, was it not ?—A. It was.

Q. Where were the polls opened at ?—A. At Murray's old store, at the railroad.

Q. Where were the polls opened at in the campaign of 1878 ?—A. At the town hall.

Q. Do you not know that at the last four elections that they were not opened at the same place twice ?—A. They were opened at different places.

Q. Do you not know of your own knowledge that a large number of Republican voters marched to the polls in column, armed with clubs and other weapons, in a violent manner, and calculated to terrify the people ?—A. I do ; yes, sir ; I have seen them ; the first crowd came to the polls, came up in a run, yelling, brandishing clubs, and otherwise in a rowdy style.

Q. Do you not know on the morning of the election that a large number of Republican voters were going to the polls with guns and pistols, and that they were persuaded by a colored minister to leave their guns at home ?

(Objected to by T. H. Wheeler, esq., as leading.)

Q. I know that they did come with pistols, and heard that they were to come with loaded guns ; I do not know anything about their being persuaded by a preacher.

(Objected to the latter clause by T. H. Wheeler, esq., as being hearsay.)

Q. Everybody that offered to vote had an opportunity of doing so, did they not ?—A. They did.

Q. From the violent demonstrations made by the Republican voters, was not a conflict imminent ?

(Objected to by T. H. Wheeler, esq., as leading.)

A. It was.

Q. What, in your opinion, prevented the conflict at the polls on the day of election ?

(Objected to by T. H. Wheeler, esq., on the ground that testimony as to opinion is not admissible as testimony.)

A. If it had not been for W. F. Myers, the Republican county chairman, who spoke to the Republicans and went among them all day begging them to keep quiet and not raise a row, and the addresses made by W. W. Toomer, they would have had a row.

Q. Were you present when the polls closed ?—A. I was.

Q. Were you present during the counting of the votes ?—A. I was.

Q. During the counting of those votes, did the Republicans make a demonstration to destroy the votes ?

(Objected to by J. H. Wheeler, esq., as leading, and as indicating the answer sought.)

A. They made a rush towards the box, and I believe they intended to take it; and as they made the rush W. W. Toomer spoke to them, and they stopped.

(Objected to as witness testifying to mere matter of belief.)

Q. After the votes had been counted, were there more names in the box than there were upon the poll-list, and if so, how many?—A. There were; I don't remember the exact number; but there were about sixty.

Q. Were those votes placed back in the box, drawn out and destroyed?—A. They were.

Q. In destroying the excess of votes, were any Democratic votes destroyed?—A. They were.

Q. What was the Democratic majority at that precinct?—A. Over three hundred.

Q. Do you remember the Democratic majority at that precinct in 1878?—A. Not the exact number; but it was over two hundred.

Q. Do you not know that Hampton received a majority at that precinct in 1876?

(Objected to; irrelevant.)

A. I do.

Q. Then you say that the election at Georges Station precinct was conducted fairly, and that the Democrats had a majority of over three hundred?—A. To the best of my knowledge; yes, sir.

Q. Was the Republican supervisor obstructed or prevented from discharging his duty?—A. He was not.

Cross-examined by T. H. WHEELER, esq., counsel for contestant:

Q. Were you connected in any official way with the polling?—A. I was not.

Q. Were you or not a State's constable?—A. I was.

Q. How many State's constables were at the polls on that day?—A. I do not know.

Q. By whom were you appointed?—A. By Alfred Rhett, chief State's constable.

Q. Through whom did you get your appointment?—A. Through the Democratic county chairman.

Q. You speak of a body of Republicans coming to the polls in a boisterous and rowdy manner; at what time, and from where did they come?—A. About 10 minutes after six a. m. was the first body, and they came from the direction of the town; the next body came from Texas, a neighborhood known as such; one body from Reeves' Station, from that direction; they came at different times, and were all there before 9 o'clock a. m.

Q. Did not the Republicans complain about the location of the box, and charge that the same had been stuffed before they arrived there?—A. I heard nothing of it.

Q. Then you swear that the Republicans did not complain that the box was removed from the town hall, and that they did not charge the managers with having stuffed the box?—A. I did not hear them complain.

Q. Were you present during the whole day?—A. I was.

Q. Did not Mr. Myers so charge in his speech?—A. I did not hear him.

Q. Did you hear all that he said in the speech that you have just spoken of?—A. I did not.

Q. Was there any disturbance at the polls during the day?—A. There was no fighting.

Q. Are not Myers and Toomer both Republicans; one an influential man in the county, and the other in his section?—A. They claim to be Republicans; do not know how much influence they have.

Q. Did any Democrats have pistols there that day?—A. I suppose they did, some of them; I do not think I saw more than two or three in the depot.

Q. How many Republican pistols; that is, how many Republicans had pistols?—A. I saw a good many; I believe they all had them.

Q. You paid more attention to their pistols than you did to the other side?—A. I kept my eyes open for all of them.

Q. How many Republicans were present, if any, at the time of opening the polls?—A. I do not know.

Q. Were there any?—A. I know there was one; I saw him vote afterwards.

Q. How long afterwards?—A. About 39 minutes.

Q. Do you know his name?—A. Andrew Robinson.

Q. How many votes had been cast before the Republicans came to the box?—A. I do not know.

Q. Had any Republicans voted before this first party came?—A. I don't know.

Q. Which had the greater number of ballots destroyed in the excess of votes, the Republicans or the Democrats?—A. Republicans, I believe.

Q. Who drew the excess votes from the box?—A. One of the managers, I. J. Hutto.

Q. A Democrat or Republican?—A. Democrat.

Q. Did not the character of the paper upon which the ticket of each party was printed make them, by the sense of touch, easily distinguishable?—A. I do not know.

Rebuttal:

Q. You asked if you did not know that Toomer was an influential Republican; did you not know that he acted against the Republicans during the canvass of Green as a candidate for governor of South Carolina?

(Objected to as immaterial, leading, and not in answer to anything brought out as new matter by the cross-examination.)

A. I believe he did.

W. B. UTSEY.

Sworn to and subscribed before me this 17th March, A. D. 1881.

[SEAL.]

B. STOKES,

*Probate Judge, Colleton County, S. C.*

G. M. RUMPH, witness for contestee, testified as follows:

Question. Where do you live, in what county, and where were you on the second day of November last?—Answer. Georges Station; Colleton County; and was in the town of Georges on the 2d day of November last.

Q. Did you see any of the Republican voters armed with clubs and making violent demonstrations at or near the polls on election day?

(Objected to as leading.)

A. I did.

Q. State what you saw.—A. I saw a crowd that had collected at Conner's store, opposite the S. C. Railroad, about two hundred yards from the polls; saw them forming in line there; apparently they had a leader who directed their movements. Suddenly they came rushing towards the polls with clubs, ran down and tried to force their way

where the voting was going on, cursing and swearing; about two hundred in number. They came down and tried to force their way into the house where the polls were opened; they were kept back by the marshals, that is, from crowding in promiscuously. They remained outside cursing and swearing all the while.

Q. Were these demonstrations that you speak of calculated to terrify the people?—A. I should think so.

Q. Were the demonstrations of such a character as to prevent Republicans, or colored people from exercising that discretion that every man has a right to exercise in voting for whom he pleases?

(Objected to as indicating the answer sought.)

A. I believe that conduct was calculated to prevent some colored people from voting as they desired.

(Answer objected to upon the ground that it is a mere belief of the witness.)

Q. At what time did you arrive at the poll?—A. Do not know precisely; probably a quarter past 6 a. m.

Q. At what time was this demonstration on the part of the Republicans made?—A. At some time between 8 and 9 o'clock a. m.

Q. Did you remain at the polls until they were closed?—A. I did.

Q. Do you know of any one who was refused an opportunity to vote?—A. I do not know.

Q. How were the votes taken?—A. One white man and one colored man voted together.

Q. Did everybody vote that offered to vote—A. No.

Q. Why?—A. Some came on the train from above, who were parties recognized as living in Orangeburg County.

Q. Were they Republicans or Democrats?—A. They were colored people; supposed they were Republicans; that supposition was based upon the fact that men that were Republicans were trying to secure for them an opportunity to vote.

Q. Did you see them with tickets in their hands?—A. They had tickets in their hands.

Q. What were the color of those tickets?—A. They were white.

Q. What was the color of the Democratic tickets used at that precinct?—A. They were red.

Q. What was the color of the Republican tickets?—A. White.

Q. Were those the only parties that you refused the right to vote?—A. They were all I saw who were not allowed to vote.

Q. Were you present when the polls closed?—A. I was.

Q. Were you present when the votes were counted?—A. Yes.

Q. Did the number of votes in the box tally with the poll list?—A. I think not.

Q. Just state the excess.—A. There was an excess, probably, between one hundred and two hundred; I never charged my memory with the number, could not say really what it was just now.

Q. How were those votes destroyed?—A. Drawn promiscuously from the box; the box was covered, and the man drew them out as he came to them; drew and destroyed them.

Q. Were they drawn from the box?—A. Yes.

Q. Who drew them from the box?—A. One of the managers.

Q. Was he blindfolded, or was he turned with his back to the box? (Objected to as leading.)

A. There was a wrapper thrown over the box, and I think he drew them out with his face turned to the wall.

Q. Were any Democratic votes destroyed?—A. They were.

Q. Was the election at that precinct carried on and conducted in accordance with law?—A. It was.

Q. What was the Democratic majority at that precinct?—A. Something in the neighborhood of three hundred and fifty.

Q. Do you not know that George D. Tillman is very popular in that section of the county?—A. He was exceedingly popular.

Cross-examined by T. H. WHEELER, Esq., counsel for contestant:

Q. You were one of the Democratic managers at that precinct, were you not?—A. I was.

Q. You speak of parties coming on the train and offering to vote; by whom were their votes rejected?—A. By the managers.

Q. Were not all the managers Democratic?—A. I believe they were.

Q. Do you not know they were?—A. I do not know they were.

Q. Did you know any of those people that came on the train?—A. No, I did not. The other managers knew some of them.

Q. Do you know that of your own knowledge?—A. I believed them on their word; they said they did.

Q. Then you only knew what they said?—A. I only knew what they said; I had never seen any of those parties in the neighborhood before. They were strangers in that section.

Q. Did it need any suppositions based upon the action of Republicans to find out how these people would have voted when you could see the Republican tickets in their hands?—A. That some very prominent Republicans seemed to be very anxious for them to vote by trying to clear the way for them to get in.

Q. Was that the only reason you had for believing that they were Republicans?—A. From the general manifestation of sympathy in the behalf of the Republicans present I imagined they desired to vote the Republican ticket.

Q. Did you see them with any tickets in their hands?—A. I did.

Q. Were they Republican or Democratic tickets?—A. They were white tickets given to them by pronounced Republicans.

Q. Could you not then tell that they were Republicans from the tickets they had?—A. They were white tickets; I did not see the names of the men they were voted for.

Q. Then did I understand you to swear that you could not tell, from the tickets they had in their hands, what party they would have voted for?—A. I said they were white tickets which they had.

Q. Could you or not tell, from these white tickets, what party they would have voted for?—A. They were not sufficiently near me to read the names on the tickets.

Q. Could you or not tell from their appearance what kind of tickets they were; whether Democratic or Republican?—A. I believe they were Republican tickets.

Q. What was the alleged cause of the demonstration made by the Republicans you speak of from the railroad?—A. I did not hear any cause alleged at that time.

Q. Did the Republicans or not charge the managers with stuffing the ballot-box?

(Objected to as irrelevant. Counsel for contestant calls attention to notice of contest as to Georges' Station.)

A. I do not know.

Q. Then without reason or alleged cause upon their part the Republicans, some two hundred in number, made an apparent raid upon the

ballot-box ?—A. They came down cursing and swearing, with clubs, as I have stated before.

Q. What were they cursing and swearing about ; do you know ?—A. They were cursing the Democrats ; and some of the negroes at the railroad said the Greenville men were sworn men and if they did not have their way they would raise hell in Georges' Station that day.

Q. Were they not cursing the managers in particular ?—A. No.

Q. Which party had the greater number of ballots destroyed in the excess ?—A. I do not know.

Q. You signed the returns did you not ?—A. I believe I did.

Q. Don't you know you did ?—A. I think I did.

Q. Have you any knowledge of your doing so ?—A. I am under the impression that I signed the returns.

Q. Is it anything more than an impression ?—A. Yes ; I believe I signed the returns I said already.

Q. Do you or not remember whether you signed the returns or not ?—A. According to my belief, I signed the returns.

Q. Then you have no positive knowledge of it ?—A. I believe that I signed it as strongly as I believe anything.

Q. You speak of the popularity of Tillman ; among whom do you mean ?—A. Among the people generally.

Q. Do you know of any Republican that voted for him ?—A. I know of people who voted for him, both white and colored.

Q. Do you know of any Republican who voted for him ?—A. No.

GEO. M. RUMPH.

Sworn to and subscribed before me this 17th ———, A. D. 1881.

[SEAL.]

B. STOKES,

*Probate Judge, Colleton County, S. C.*

W. A. DRIFLE, a witness in behalf of contestee, testified as follows, after being duly sworn :

Question. Where do you live, in what county, and where were you on the 2d day of November last ?—Answer. Walterboro', Colleton County, and was at the Walterboro' polls on the 2d day of November last.

Q. At what time did you get to the polls, where were you during the day, and at what time did you leave the polls ?—A. Got to the polls a little before six a. m. ; was around the polls during the day ; and was in the room until the managers got through with counting the votes.

Q. How was the election conducted on the part of the Democrats that day ?—A. Quietly ; everything went off very peaceably with the Democrats.

Q. If any intimidation was practiced, state by which party, and give those instances that came under your personal observation ?—A. If there was an intimidation it was done by the Republicans—one instance of a colored man, that came under my own observation, when several colored Republicans crowded around him and told him that he should vote the Republican ticket. He voted the red ticket, which was the Democratic ticket ; after some tussling they were quieted down and the man was allowed to vote the red or Democratic ticket.

Q. Do you know or not if a large number of Republicans voted the Democratic ticket, wrapped in a piece of white paper, on account of the intimidation ?—A. Yes ; they did ; a great many of them voted in that way.

Q. Are you a colored man ?—A. Yes, sir.

Q. Were you not identified with the Republican party up to 1878, and were you not a prominent leader of that party in this county?—A. I was.

Q. What induced you to change your political opinions?  
(Objected to as immaterial.)

A. They had a meeting at the time that I was identified with the party, at which they passed resolutions reading me and Thos. D. Richardson out of the party and selected Myers as their leader; I then left the party.

Q. Did you accompany the Democratic canvassers in canvassing the county in the last election?—A. Yes.

Q. Are you not satisfied, from your personal knowledge of the Republicans in Colleton County, that the more intelligent of that party, and their followers, voted largely with the Democratic party in the last election?—A. They did.

Q. Have you not heard prominent leaders of the Republican party in Democratic meetings denounce Robert Smalls, since his nomination, as being unfit to serve as a Congressman, and that they would advise their Republican followers not to support him?

(Objected to as hearsay, irrelevant, and indicating the answer sought.)

A. I did hear a number of them. I first heard it at a public meeting at Hendersonville.

Q. Do you or not know if this advice as given by these Republican leaders was not followed in a large measure by the Republican voters?—A. I believe they did. I know that Smalls lost a good many votes at this polling precinct—Walterboro' precinct.

Q. From your knowledge of the voting strength of Gloverville and Jacksonboro', is it possible that Robert Smalls lost two thousand votes?—A. No, sir.

Q. In past elections can you give me the majority usually given at Jacksonboro' and Gloverville to the Republicans separately?—A. Yes, sir; I can give near to it. Gloverville gave a total vote of something over three hundred; Jacksonboro' hardly ever gave over a total vote of three hundred.

Q. Can you or not tell what the Republican majority was prior to 1878, at Gloverville?—A. Something over two hundred.

Q. What majority at Jacksonboro'?—A. Something over two hundred.

Q. Do you or not know that the more intelligent of the Republican party in Colleton County refused or did not vote for Robert Smalls for Congress?—A. The majority of them did not.

Q. At the closing of the polls at Walterboro' did not all the Republicans present acknowledge that it was a fair election?—A. They did at the time.

Q. Were you present or not when the commissioners of election canvassed the returns of the managers?—A. I was.

Q. Did you hear any Democrats enter any protest against the counting of any of the boxes?

(Objected to as secondary.)

A. I saw the protest against the Ravenel box.

Q. Was or not this protest made just before the Ravenel box was being canvassed?—A. There was a protest entered by Mr. Edwards.

Q. What was the result of the protest?

(Objected to for reasons stated above.)

A. The commissioners counted the box over the protest.

Q. Was this protest reduced to writing and filed with the commissioners?

(Objected to for reasons stated above.)

A. It was.

Q. State if you know when the protest made by the Republican party was entered; whether before or after the official declaration of the canvassers?

(Objected to for reasons stated above.)

A. It was after the official declaration.

Q. Were not colored Republicans socially, religiously, and otherwise ostracised, and intimidated from voting with the Democratic party?

(Objected to as leading.)

A. They were.

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

B. STOKES,

*Probate Judge of Colleton Co., S. C.*

FRIDAY MORNING, *March 18, 1881.*

Met pursuant to adjournment.

The cross-examination of Wm. A. Drifflé was made by T. H. WHEELER, Esq., counsel for contestant:

Question. How long have you been a Democrat?—Answer. I don't know. I expect I am about as good a Republican as those who claim to be.

Q. Do you not attend the Democratic meetings, make speeches for them, and vote their whole ticket?—A. Yes, sir.

Q. How then can you claim to be as good a Republican as anybody?

—A. I can vote any ticket I please and yet be a Republican.

Q. Then I understand you to say that a man can be a Republican, and yet vote the entire Democratic ticket, attend their caucuses and speak in their interest in their meetings?—A. Certainly, if they desire as a free citizen.

Q. I am not asking what a man can do as a free citizen; but can a man vote and work for the Democratic ticket and still be a Republican?

—A. Yes, they can.

Q. Were you not placed on the Democratic ticket as a member of the house of representatives in the place of a colored man who had been convicted for hog stealing?—A. I do not know anything about that; I did not attend the convention myself.

Q. Don't you know that you were not nominated by the convention?

—A. I don't think I was.

Q. Don't you know that you were not?—A. I could not swear positively, as I did not attend the convention.

Q. Don't you know that you were put on the ticket by the executive committee after the convention?—A. I don't know how I got there. I heard afterwards that I was on the ticket.

Q. Did you not leave the Republican party on account of your fear of indictment and prosecution for illegal and corrupt practices as a county commissioner of Colleton County?

(Objected to as irrelevant by M. P. Howell, esq., counsel for contestant.)

A. I did not. I have nothing to fear.

Q. Were you not indicted?—A. Yes.

Q. Were you not charged of having traveled 75 miles a day while



you were a member of the board of county commissioners?—A. I cannot tell what was charged, there were so many things. It might have been a thousand miles for all I know.

Q. Then you were pretty generally charged with being corrupt as a public officer?—A. I do not know anything about that.

Q. Did you not receive a contract from the county commissioners of Colleton County, Democratic in politics, shortly after your going over to that party?

(Objected to as irrelevant by M. P. Howell, esq., of counsel for contestee.)

A. I did not.

Q. You speak of Republicans ostracising those voting the Democratic ticket. Are you so ostracised?—A. I heard the talk going around, but I did not take any notice of it.

Q. Are you so ostracized?—A. I was abused in the same way the rest of them were, but I did not take any notice of it myself.

Q. You speak of prominent Republicans making speeches at Democratic meetings against Robert Smalls; name these prominent men.—A. I did not say that they made any public speech, but they said they would not support Smalls.

Q. Was that before or after the nomination?—A. It was during the canvass.

Q. I asked you, was it before or after the nomination of Smalls?—A. I do not know; it was during the county canvass.

Q. Have you not already sworn it was after?—A. I don't think I did. It was during the meeting at Hendersonville.

Q. Who were these prominent Republicans?—A. I know of one, L. D. Chavis, the preacher down there.

Q. Do you not know the others?—A. I know their faces when I see them.

Q. How long have you been identified with the politics of Colleton County?—A. Ever since the constitutional convention in 1868, and was a member of that convention, afterwards a member of the legislature, and county commissioner.

Q. And yet you do not know these very prominent and influential men?—A. I know them all by their faces, but I cannot call them by name.

Q. Does Chavis live in this county?—A. He does not now.

Q. Has he for over two years?—A. He was preaching down at White Hall.

Q. You speak of the intelligent portion of the colored people as voting with the Democratic party; don't you think the most intelligent men, colored men, belong to the Republican party?—A. No; I do not.

Q. Name some of the colored men in the county, among the most intelligent, who belong to the Democratic party.—A. Thomas D. Richardson for one, Robert King for another; I can't speak of them all by name.

Q. Do you know any more educated men by name, colored men, who voted the Democratic ticket?—A. I can't say around about the county, for I don't know how they voted.

Q. Is Richardson an educated man?—A. Common.

Q. Very common at that?—A. I don't know; he can read and write.

Q. Is King an educated man?—A. He can read and write about as the masses. I do not know of but one educated man, but one, and that is Myers, when you come down to education.

Q. Did you see any Republican ballots destroyed by the managers on the night of the election?—A. Yes, sir; I saw some destroyed.

Q. Which had the greater number destroyed, the Republicans or the Democrats?—A. I can't tell; some of both were destroyed; I do not know which had the greater number; there was such a crowd there I could not see.

Q. How many men voted the Democratic ticket wrapped up in a piece of white paper? and give me their names.—A. I can't tell how many, except two that I know—Strobhart and Williams.

Q. Can you tell me what their first names were?—A. I do not know; but one was Ansel Strobhart.

Rebuttal by M. P. HOWELL, Esq., of counsel for contestee:

Q. You were asked a great many questions about educated colored people; don't you know, or do you not know, that there is not one educated colored man in Colleton County?

(Objected to, as not being in answer to any new matter brought out by the cross-examination.)

A. There is none; Myers is somewhat an educated man, but he is not in the county.

Q. When you speak of intelligent colored people, do you not mean those who know what is best for their interest?

(Objected to as improper by T. H. Wheeler, esq., counsel, as improper in leading a witness; second, the introducing testimony foreign entirely to either the direct or cross examination.)

A. There is a difference between intelligence and education; a man may possess a certain amount of intelligence, and yet not be an educated man; that is the class of people I speak of.

Q. Do you or not know that a majority of the colored people of this county are unable to read the names upon the ticket that they vote?

(Objected to on the ground that it is improper to introduce testimony foreign to both principal and cross examination in rebuttal, and thus depriving contestant of his right of cross examination upon the facts brought out, the question and answer being new matter, by T. H. Wheeler, esq., counsel for contestant.)

A. Certainly, I do.

Q. You were asked a great many questions about your official character, and having been indicted; were you ever tried for any offense?—A. Was not tried by the jury, but had a hearing before the judge in court on those charges; the judge dismissed it.

(Counsel for contestant objects to the latter part of the answer on the ground that the best evidence of his discharge from indictment has not been produced.)

Q. Has that indictment ever been renewed against you?

(Objected to on the ground that it is not necessary to renew an indictment, the same holding good until the person so indicted is legally discharged.)

A. No, sir.

Q. Have you been living in the town of Walterborough ever since? (Objected to as being new matter, by counsel for contestant, and not in answer to any new matter brought out by the cross-examination.)

A. Certainly.

WM. A. DRIFFLE.

Sworn to and subscribed before me this 18th day of March, A. D. 1881.

[SEAL.]

B. STOKES,

*Probate Judge of Colleton County, South Carolina.*

JAMES A. ACKERMAN, a witness in behalf of contestee, testified as follows, after being duly sworn :

Question. Where do you live, in what county, and where were you on the 2d of November, A. D. 1880?—Answer. In Colleton County; Maple Cane; and was at the Maple Cane polls.

Q. What time did you arrive at the polls?—A. About sunrise.

Q. Did you remain at the polls the entire day, and until the polls were closed?—A. With the exception of about twenty minutes. I went off and took dinner with a neighbor close by.

Q. Was the election at that precinct conducted fairly, quietly, and according to law?—A. It was.

Q. Did a good number of colored people vote at that precinct that day?—A. Yes, sir.

Q. Are you acquainted with the Gloverville precinct, and the voters of said precinct?—A. Yes, sir; am acquainted with the people generally.

Q. How far is the Gloverville precinct from the Maple Cane precinct?—A. Not exceeding five miles.

Q. Do you know of your own knowledge that voters from the Gloverville precinct voted at the Maple Cane poll, at the last election?—A. I do.

Q. Were they Republican voters?—A. Yes, sir.

Q. Are you acquainted with the number of votes usually cast at the Gloverville precinct?—A. Very well acquainted with it.

Q. What is the usual number polled at that precinct?—A. About two hundred and fifty, not exceeding that.

Q. About how many colored and white compose this two hundred and fifty, judging from elections prior to the last?—A. The colored have a majority there.

Q. Can you say about what majority usually are at that precinct?—A. The election before this, I think they had a majority of about fifty, not exceeding fifty.

Q. Were the polls opened at the Gloverville precinct at the last election?—A. I was informed not.

Q. Do you know or can you approximate the number of voters from the Gloverville precinct, that voted at Maple Cane at this election?—A. I could not say positively, but I am satisfied there were at least thirty.

Q. If the Gloverville precinct had been opened, would not these voters have voted there?—A. They certainly would.

Q. Do you know of any voters of the Gloverville precinct, voting at any other precinct except Maple Cane?—A. Not to my immediate knowledge.

Q. Were you present when the votes were counted?—A. I was.

Q. Did the Democrats have a majority?—A. They did.

Q. What was the majority?—A. Thirty or thirty-odd, as well as I remember.

Q. After counting the ballots in the box, did they tally with poll list?—A. They did not.

Q. Were the excess of votes drawn out and destroyed according to law?—A. They were.

Q. Were any Democratic votes destroyed?—A. I did not see after they were taken out, and I understood there were some Democratic votes destroyed.

(Counsel for contestant objects to the latter part of the answer on the ground upon its being hearsay.)

Cross-examined by T. H. WHEELER, Esq., counsel for contestant :

Q. At what time did you arrive at the poll?—A. About sunrise.

Q. Before or after sunrise?—A. About sunrise.

Q. Were you one of the managers?—A. No, sir; I was not.

Q. How long after you got there were the polls opened?—A. As far as I know the polls were opened when I got there; I did not vote right away.

Q. Were you in any way connected with the election as an officer?—A. I don't remember.

Q. You are a Democrat, are you not?—A. I am.

Q. Who were present in the room at the time of the counting of the votes?—A. I don't know that I can give all the names, but I can give some of them; the managers, myself, supervisors, and good many Republicans and Democrats; the house was not so crowded, but there were a good many.

Q. How many votes were there in the box in excess of the poll-list?—A. As well as I remember there were thirty or thirty-odd; I disremember how many.

Q. Were you in the room at the time the ballots in excess were destroyed?—A. Was there when they were drawn out.

Q. How many Republican ballots were drawn out?—A. I could not say; don't know.

Q. Did they not form the majority of the excess?—A. I do not know.

Q. Did you see any Republican ballots drawn out?—A. Where I was sitting I could not distinguish one vote from another.

Q. Could you not tell their color?—A. I did not take close view enough to distinguish the color.

Q. About how large is the room?—A. I suppose about 16 by 20; perhaps a little larger.

Q. Do you hold any official position in this county; and, if so, what is it?—A. I hold a trial-justices' position.

Rebuttal:

Q. How long have you been trial-justice?—A. About ten years; first appointed by Orr; was out; and then appointed by Scott and Chamberlain; and then right on since up to this time.

J. A. ACKERMAN.

Sworn to and subscribed before me this 18th day of March, A. D. 1881.

[SEAL.]

B. STOKES,

*Probate Judge of Colleton Co., South Carolina.*

H. W. ACKERMAN, a witness in behalf of contestee, testified as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d November last?—Answer. Live in county of Colleton, Maple Cane, and was at the Maple Cane precinct on the 2d November last.

Q. In what capacity were you there?—A. Was a manager.

Q. Was the election at that precinct conducted fairly, quietly, and according to law?—A. It was.

Q. Do you know of your own knowledge that voters from the Gloverville precinct voted at that precinct at the last election?—A. I do.

Q. Do you know why they voted there?—A. I do not; was informed that the Gloverville poll was not opened.

Q. Can you state about how many from the Gloverville precinct voted at the Maple Cane poll?—A. About thirty or thirty-five; not less than thirty.

Q. Are you acquainted with the voters of the Gloverville precinct?—A. I am.

Q. What is the usual number of votes cast at the Gloverville precinct?—A. I can't say positively, but I think about two hundred and seventy-five.

Q. About how many of these are or have been Republicans?—A. The Republicans usually have a majority there; I can't say more than that.

Q. You know that there are a great many Democratic voters at that precinct, do you not?—A. Yes, sir.

Q. You were present, were you not, when the polls closed and the ballots counted?—A. I was.

Q. Did the number of votes in the box tally with the poll-list?—A. They did not.

Q. How many were in excess?—A. About twenty-seven, I think.

Q. Were they drawn from the box and destroyed according to law?—A. They were.

Q. Were any Democratic votes destroyed?—A. I do not know.

Q. How were they destroyed—the votes?

(Question withdrawn.)

Q. Did a large number of colored people vote at the Maple Cane precinct at the last election?—A. Yes, sir.

Cross-examined by T. H. WHEELER, Esq., counsel for contestant:

Q. How many Republican ballots were destroyed in the excess?—A. I do not know.

Q. Were there any?—A. I do not know.

Q. Did you see the ballots when they were drawn from the box?—A. I did not.

Q. You have stated that you were one of the managers, have you not; and, if so, did you sign the return made by the managers?—A. I did.

Q. Not having seen the votes drawn, how can you swear that it was legally done?—A. I drew them out.

Q. Could you not tell by the sense of touch a Republican from a Democratic ballot?—A. I could not.

Q. Was not the paper upon which these ballots were printed entirely different in their character—one, the Democratic ballot, being printed on very thin paper, and the other on paper much thicker?—A. I did not notice the difference at that time.

Q. Did you see any Democrats from the Gloverville precinct vote at Maple Cane?—A. I did.

Q. How many?—A. Five or six that I know of.

Q. Did or did not the most of the Democrats of Gloverville precinct vote at Maple Cane that day?—A. They did not.

H. W. ACKERMAN.

Sworn to and subscribed before me this 18th March, A. D. 1881.

[SEAL.]

B. STOKES,

*Probate Judge Colleton Co., S. C.*

Rev. B. G. PRICE, a witness for contestee, testified as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d day of November last?—Answer. Colleton County; Horse Pen precinct, and was at the Horse Pen polls on the 2d day of November last.

Q. What time did you arrive at the polls?—A. I think about 7 o'clock a. m.

Q. Did you remain at the polls until the votes were counted and the result declared by the managers?—A. I did.

Q. Do you know or not that a large number of voters, colored, came from Gloverville precinct and voted at the Horse Pen precinct?—A. The crowd at the poll said they heard that the voters at the Gloverville poll were coming; sometime afterwards five or six groups of strangers came to vote, who said to me they were from that precinct, and they voted.

Q. Do you not know that the Horse Pen precinct has always been Democratic?—A. It has of late years; I think, though, in former years it went Republican once or twice.

Q. Do you know why it went Republican those years?—A. It was because the Democrats did not vote at that precinct those years.

Q. Was there a Democratic majority at that precinct at the last election?—A. There was.

Q. Can you state what the majority was?—A. I cannot.

Q. Was the Republican supervisor of election at that precinct obstructed and prevented from discharging his duties?—A. He was not to my knowledge; it was about as peaceable election as ever I was at in my life.

Q. Did not the Republicans at that precinct express their satisfaction at the fairness of the election?—A. They did; some of them did. I heard no dissatisfaction expressed by any one until after the election, and there was a little said by little groups of men assembled around.

Cross-examined by T. H. WHEELER, Esq., counsel for contestant:

Q. How many Republican ballots were destroyed in the excess of ballots over the poll-list?—A. I do not know.

Q. Were any Democratic ballots destroyed?—A. I do not know.

Q. There were dissatisfactions expressed by some after declaration of managers, were there not?—A. There were; they said they did not see how it was; it was a strange thing to them that they were not ahead.

Q. How long had the polls been opened when you arrived?—A. I am not able to say.

Q. How many of these strangers who said they were from Gloverville and Maple Cane that voted at Horse Pen precinct?—A. There were some four or five groups—about fifteen or twenty altogether.

Q. You are a Democrat, are you not?—A. I am.

B. G. PRICE.

Sworn to and subscribed before me this 18th day of March, A. D. 1881.

[SEAL.]

B. STOKES,

*Probate Judge Colleton Co., S. C.*

CHARLES HIPP, a witness in behalf of contestee, testified as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d day of November last?—Answer. In Walterboro', Colleton County, and was at the Walterboro' precinct on the 2d of November last.

Q. Do you know Robert Smalls?—A. I do, sir.

Q. Was he a candidate in the last election for Congress?—A. He was.

Q. Did you hear any dissatisfaction expressed by the Republicans against Robert Smalls?—A. I did, sir.

Q. What was the alleged cause?—A. A number of them said that they would not vote for him because he was convicted.

Q. Do you know of any Republicans who refused to vote for Smalls?—A. Several of them; I saw them scratching him all around the court-house on the day of election.

Cross-examined by T. H. WHEELER, Esq., counsel for contestant:

Q. Give me the names of some of them.—A. Dan'l Hill, for one, said he would not vote for him; another man, named Ned Beagall, said he would not vote for him, and that he would not vote for Tillman neither.

Q. Were those the only two that you said you saw or heard?—A. I heard several; a great many all around the court-house.

Q. Can you give the names of any others?—A. I can not; I was very busy, and did not notice, but heard a good many say that they would not vote for him.

Q. Can you give the names of any that you say you saw scratching?—A. A man staying over at Georges' Station, named William Wellington, I saw scratching, and heard him say he would not vote for him to save his life.

Q. Name the man that you say you saw scratching at the window.—A. I saw a crowd of them scratching; one man at Mr. Edwards' window was scratching for the others.

Q. How was it, you were so busy that you could not see; how could you see around at Mr. Edwards' window?—A. I was at the back part of the court-house, and the crowd came around that way to the front of the court-house, and one was at the window scratching for a great many.

Q. Out of that large crowd you cannot name only three?—A. Three to my remembrance.

Q. Do you know of any more whose names you can call?—A. No, sir; I was so busy that I paid no attention.

Q. Who made you door-keeper?—A. The party.

Q. Which party?—A. Democratic party.

his  
CHARLES + HIPP.  
mark.

Sworn to and subscribed to before me this 18th day of March, A. D. 1881.

[SEAL.]

B. STOKES,  
*Probate Judge Colleton Co. S. C.*

A. S. BARNES, a witness in behalf of contestee, testifies as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d day of November last?—Answer. Walterboro', in Colleton County, and was at Walterboro' precinct on the 2d day of November last.

Q. Were you at and around the polls during the entire day?—A. I was.

Q. Was the election at this precinct conducted fairly, peaceably, and according to law?—A. It was, except William Paul made some threats.

Q. What were those threats?—A. Paul said that the election had to be carried on at this place fair, and if it was not he would have the ballot-box torn up and the ballots destroyed.

Q. Was that all you heard Paul say or any one else on the day of election?—A. I do not know that any one else said anything. The

polls were crowded, and I went to Paul to make arrangements as to how the voting should be carried on, and I proposed that a colored man and a white man should vote together. He said that he would not do it; "that we had possession of polls, and, by the eternal Gods, they intended to hold it or fight until the court hill was covered with blood."

Q. What was meant by the word "we" have possession of the polls?—A. The Republicans.

Q. Do you know of any one who was refused the right to vote at this precinct at the last election?—A. None except boys whom the managers decided were under age.

Q. Were not the polls idle some time before they closed?—A. Yes.

Q. Were you present when the polls closed and the ballots counted?—A. Yes.

Q. Did the number of ballots in the box tally with the poll-list?—A. They did not.

Q. What was the excess?—A. One hundred and forty-one.

Q. Did the managers destroy the excess of ballots found in the ballot-box according to law?—A. They did.

Q. What was the Democratic majority at this precinct?—A. Three hundred and sixty-three, I think.

Q. If the excess of votes destroyed had all been Republican votes, what would have been the Democratic majority?—A. Two hundred and twenty-two, the difference between 141 and 363.

Q. Do you employ a great many hands in your business?—A. Yes.

Q. Where do you get those hands from?—A. Principally from North Carolina.

Q. Did you have in your employment at the last election any men that were not qualified to vote at this precinct?—A. I did, according to the constitution of this State.

Q. Did any of those men offer and present themselves to vote at this precinct?—A. They did not. They were here. I got the election laws and gave them to read; about two-thirds of them could read. They read the law and acted for themselves.

Q. When any of your hands offered to vote and was challenged on the grounds that they had not been in the State and county long enough, did you not come forward and certify as to their right to vote?—A. I did in every case except one, and that one had been out of the county ninety days, and I protested against his voting, but he was allowed to vote.

Q. Did not the Democrats at this precinct provide an opportunity for every Republican to cast his vote?—A. They did.

Q. Do you not know that the Republicans attempted to crowd the polls and prevent the Democrats from casting their votes?—A. I thought so, and that was the reason I asked William Paul to allow one colored man and one white man to vote together.

Q. Do you not know that previous to this arrangement that it was impossible for a white man to get to the door where the ballots were being deposited in the box?

(Objected to as leading and on the ground that it is not in evidence that any arrangement was effected by counsel for contestant.)

A. I do, and almost impossible for themselves.

Q. Do you know of your own knowledge of any arrangement being effected by which one colored man and one white man were to vote together?—A. I do.



Q. Have you a great deal of dealings with the colored people or Republicans in this section of the county?—A. I have.

Q. Do you know Robert Smalls?—A. I know him when I see him.

Q. Was he a candidate for Congress in the Congressional district at the last election?

(Objected to as surplusage.)

A. Yes.

Q. Did you ever hear any dissatisfaction expressed by the Republican voters against Robert Smalls?—A. I have.

Q. What was the alleged cause of their dissatisfaction?—A. Fraud, and because he was convicted and sentenced to the penitentiary. They wanted W. F. Myers.

Cross-examined by T. H. WHEELER, Esq., counsel for contestant:

Q. Was W. F. Myers a candidate for Congress either before or after the nominating convention?—A. He was not afterwards, and I don't think he was before.

Q. Do you know of any Republican who refused to vote for Robert Smalls for Congress?—A. I knew some who said that they would not vote for him before the election, and said after the election that they did not vote for him. I don't think that they voted for Tillman. I am pretty certain they did not vote for them.

Q. What are their names?—A. They are too numerous to mention. Moore Lenon for one, and about two-thirds of my hands said they would not vote for him.

Q. Do you know how these men did vote?—A. I do not. They said before the election and afterwards that they would not and did not vote for Smalls.

Q. Do you believe that two-thirds of your hands refused to vote for Robert Smalls?—A. No, I do not. Not more than one-third.

Q. Do you employ hands exclusively from North Carolina?—A. No, principally from South Carolina.

Q. You hire such men as are suitable to your work, do you not?—A. I do. I go to North Carolina and hire sufficient number of hands to carry on my business. Some of them leave after they get out here, and I fill the vacancies with such hands as I can get here.

Q. What are your politics?—A. Democratic.

Q. Are you not the brother-in-law of the Democratic county chairman?—A. Yes, I am now.

Q. Did you hold any official position on the day of election?—A. I did not.

Rebuttal:

Q. Were you the brother-in-law of the Democratic county chairman at the last election?—A. I was.

A. S. BARNES.

Sworn to and subscribed to before me this 18th day of March, A. D. 1881.

[SEAL.]

B. STOKES,  
*Probate Judge, Colleton County, C. S.*

W. S. TEAGUE, a witness in behalf of contestee, testified as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d day of November last?—Answer. In Walterboro', Colleton County, and was at the Walterboro' poll on the 2d of November last.

Q. Do you know Robert Smalls?—A. Only by sight.

Q. Have you ever heard any dissatisfaction expressed by Republicans against Robert Smalls?—A. Yes; frequently.

Q. What was the alleged cause of their dissatisfaction?—A. That he was a bribe-taker and thief.

Cross-examination by T. H. WHEELER, Esq., counsel for contestant:

Q. Did you ever hear of Tillman being convicted of murder?

(Objected to on the part of the contestee on the ground that hearsay evidence is incompetent and inadmissible when the records can be produced.)

A. I heard that he began life with a homicide, not that he was convicted of murder.

Q. Do you know, of your own knowledge, of any man that voted the Republican ticket that refused to vote for Robert Smalls for Congress?—A. I know of one who said he would not—J. K. Terry.

Q. Do you know of any Democrats who said that they would not vote for Tillman before and after his nomination?—A. I know of one I supposed to be a Democrat who said he would vote for neither—he could not vote for Tillman and would not vote for Smalls.

Q. Is he not an influential citizen?—A. No.

Q. Does he hold any public position?—A. No; not as a county or State officer; a private citizen.

Rebuttal:

Q. Will you name the man that refused to vote for Tillman or Smalls?—A. I prefer not to.

(Witness refused to give the name; afterwards he said that that man was himself.)

W. S. TEAGUE.

Sworn to and subscribed to before me this 18th day of March, A. D. 1881.

[SEAL.]

B. STOKES,  
*Probate Judge, Colleton County, S C.*

SATURDAY, March 19, 1881.

Met at court-house at 4 o'clock p. m.

LEWIS E. PARLER, a witness in behalf of contestee, testified as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d of November last?—Answer. Near Georges Station, in Colleton County, and was at the Georges Station polls on the 2d of November last.

Q. Were you at the voting precinct on that day?—A. I was.

Q. Did you remain at the polls the entire day?—A. I did.

Q. Where there any demonstrations of violence at or near the polls by the Republicans on day of election?

(Objected to on the ground that the question asked is leading, and therefore improper.)

A. There was.

Q. Will you state what those demonstrations were?—A. About 10 o'clock a. m. I was at the polls and heard a tremendous yelling in the direction of Conner's store. I looked through the window and I saw a crowd I supposed to be in number about 100—colored men, known as the Greenville Republican Club—armed with sticks; every one I saw

had a club. They came up and rushed to the polls with such violence that the State constables appointed had to put a bar of wood across the door to keep them from breaking in on the polls.

Q. Were these demonstrations calculated to terrify the people and prevent a free exercise of opinion?

(Objected to on the ground of being leading, and therefore improper.)

A. They were; and would have prevented a free exercise of opinion had it not been for the State constables interfering as they did and showing to the people that they were going to protect them in their right to vote.

Q. Was the election conducted fairly and according to law at that precinct?—A. It was.

Q. Do you know of any one who was refused the right to vote?—A. There were some who were refused the right to vote on account of their not being citizens of our county. They were citizens of Orangeburg County, I believe.

Q. Were they Republicans or Democrats?—A. That I do not know.

Q. Were they white or colored people?—A. They were colored.

Q. Where did the managers open the polls at this last election?—A. At Murray's store.

Q. Where were the polls opened at the election in 1878?—A. town hall.

Q. Where were the polls opened at the election in 1876?—A. At Rumple's store.

Q. Where were the polls opened at the election in 1874?—A. Either at Bowyer & Rayser's or at Murray's store.

Q. Do you know, of your own knowledge, that the polls were never opened at the same place twice since the war?—A. I know that the polls were not opened twice at the same place since 1870, I don't think, with the exception of Murray's store. I don't know previous to that time.

Q. Have the polls ever been opened before or since the election of 1878 at the town hall?—A. No.

Q. Were you at the election precinct when it was held at the town hall in 1878?—A. I was.

Q. Did not a great inconvenience result from opening the polls at the town hall in 1878?

(Objected to as leading the witness.)

A. The town hall has but one entrance through which a voter could enter and return, and they crowded the polls so much until it was almost impossible for a voter to get in and deposit his vote, and when he had done this he had as hard work to get out; and on account of this inconvenience there were several who said they could not vote before the time expired.

Q. In opening the polls at Murray's old store were the conveniences better and affording an opportunity for everybody to cast their votes?

(Objected to on the ground of being leading.)

A. Decidedly so. Murray's old store has a door by which voters could enter and another by which they could go out without crowding each other, thereby enabling every voter to vote.

Q. Where and in what part of the town is Murray's store located?—A. Within 30 yards of S. C. Railroad depot.

Q. Were you present when the votes were counted?—A. I was.

Q. Did the number of votes in the ballot-box tally with the poll-list?—A. They did not.

Q. Were those votes placed back in the box and the excess drawn out and destroyed according to law?—A. They were, and admitted by all present that it was according to law.

Q. Were there any Democratic votes destroyed?—A. That question I can't answer; did not see the votes after they were drawn out.

Cross-examined by T. H. WHEELER, Esq., counsel for contestant:

Q. Did you hold any official position?—A. Was United States supervisor.

Q. Did you or not make a report to the chief supervisor in Charleston?—A. I did.

Q. What was the alleged cause of the demonstration on the railroad that you speak of?—A. I don't know their motive, unless, as they said, to carry the election by force, as they would do if by no other way.

Q. Did not the Republicans then charge the Democratic election officials with having stuffed the ballot-box before opening the polls?—A. I heard nothing of the sort until after the election was over and the election declared; some days afterwards heard some such talk.

Q. Then you swear that there was no dissatisfaction on the part of the Republicans as to the conduct of the Democratic election officers?—A. I say this, that the Republican voters and Democratic voters who had assembled at the guard-house—that is, the town hall—when they heard that the polls were opened at the railroad seemed to be dissatisfied, but when they arrived there and found that every man who presented himself, and had a right to do so according to law, did so, they seemed to be perfectly satisfied.

Q. Do you swear then that after their arrival that they made no complaint as to the conduct of the Democratic election officers?—A. If so, I did not hear it.

Q. This crowd you speak of with clubs, were they only prevented from taking possession of the polls by reason of the bar placed by the State constables?—A. I don't know that this bar, a line placed by the State's constables, kept them from it, but that, with the action of the State's constables, did so.

Q. Then you swear that the action of the State constables and the bar you speak of alone prevented this crowd from taking possession of the polls?—A. That is the only way by which we could prevent it, except by bloodshed, in my opinion.

Q. How many State constables were at the polls that day?—A. I don't know.

Q. About how many?—A. I don't know anything about it.

Q. Were there as many as six?—A. I suppose there were as many as six.

Q. Were there as many as a dozen?—A. I don't know.

Q. You were present during the whole day?—A. I don't remember of leaving the polls.

Q. You saw those constables during the day?—A. I saw the most of them.

Q. Was there anything to distinguish them from any one else?—A. I don't know there was; if there were I don't remember it now.

Q. Do you know of your own knowledge that the people of whom you spoke as coming from Orangeburg belonged in that county?—A. I don't know of my own knowledge.

L. E. PARLER.

Sworn to and subscribed before me this 19th day of March, A. D. 1881.

[SEAL.]

B. STOKES,  
*Probate Judge, Colleton, Colleton Co., S. C.*

Adjourned to 9 o'clock a. m., Monday morning, the 21st, ensuing.

[SEAL.]

B. STOKES,  
*Probate Judge, Colleton Co., S. C.*

Met pursuant to adjournment, Monday morning, March 21, 1881, at 9 o'clock a. m.

Present: B. Stokes, probate judge, and M. P. Howell, esq., for contestee, and T. H. Wheeler, esq., for contestant.

P. J. WILSON, in behalf of contestee, testified as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d day of November last?—Answer. Snook's Cross Roads, in Colleton County, and was at the Snook's Cross Roads precinct on the 2d day of November last.

Q. Were you at the polls the entire day?—A. I was at the polls from 6 o'clock a. m. to 6 p. m.

Q. Was the election at that precinct conducted fairly and according to law?—A. It was.

Q. Do you know of any one who was refused the right to vote?—A. Yes, sir; I do.

Q. On what grounds?—A. On the ground that they refused to take constitutional oath.

Q. Were everybody who were entitled to vote and brought themselves within the law permitted to do so?—A. Yes, sir.

Q. Were you present when the ballots were counted?—A. I was.

Q. Did the number of votes in the ballot-box tally with the poll-list?—A. No, sir.

Q. Was there an excess of votes?—A. There were an excess of votes—92.

Q. Were those votes placed back into the box and destroyed—excess destroyed according to law?—A. They were.

Q. Was there a Democratic majority at that precinct?—A. There was.

Q. In destroying the excess of votes were there any Democratic votes destroyed?—A. Yes, sir; 56.

Cross-examined by T. H. WHEELER, Esq., counsel for contestant:

Q. Did not a difficulty arise during the day between Smith, the Republican supervisor, and Mr. Padgett?

(Objected to on the ground not being an answer to anything brought in the direct examination.)

A. No, sir; there was no difficulty between Smith, the Republican supervisor, and Mr. Padgett that day.

Q. Did not the supervisor leave the polls during the early part of the day?—Smith left there about 11 o'clock, a. m. I think.

Q. Did or not the Republican voters at that precinct leave the vicinity of the polls before they were closed?—A. Some white men left and some colored men left; do not know whether they were Republicans or not.

Q. About how many colored men remained at the polls until they

were closed?—A. Two inside; the room was about 15 x 20 feet. I do not know how many were on the outside.

Q. Were you one of the managers at that precinct?—A. I was.

Q. You are a Democrat are you not?—A. I am.

P. J. WILSON.

Sworn to and subscribed to before me this 21st day of March, A. D. 1881.

[SEAL.]

B. STOKES,  
*Probate Judge, Colleton County, S. C.*

H. W. CARTER, a witness in behalf of contestee, testified as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2nd day of November last?—Answer. Live at Carter's Ford, Colleton County, and was at Carter's Ford precinct on the 2nd day of November last.

Q. Were you at the polls the entire day?—A. I was.

Q. Was the election at that precinct conducted fairly and according to law?—A. It was.

Q. Do you know any one who was refused the right to vote?—A. One only.

Q. On what grounds was that man refused the right to vote?—A. He had been convicted.

Q. Were you present when the polls closed?—A. I was.

Q. Were you present when the ballots were counted?—A. I was.

Q. After counting the number of ballots in the box and the names upon the poll-list did they tally?—A. They did.

Q. Was there a Democratic majority at that precinct?—A. Yes, sir.

Q. Do you know what the majority was?—A. I think seventy majority.

Q. Was the Republican supervisor obstructed and prevented from discharging his duties?—A. He was not.

Cross-examined by J. H. WHEELER, Esq., counsel for contestant:

Q. What did you regard as the supervisor's duty?

(Objected to on the ground that the witness is not here to prove the duties of the supervisor, and any testimony on that point inadmissible.)

A. I thought the supervisor knew his own duty. I understood his duty was to keep a poll-list.

Q. Were you one of the managers at that precinct?—A. I was.

Q. What are your politics?—A. Democratic.

H. W. CARTER.

Sworn to and subscribed before me this 21st day of March, A. D. 1881.

[SEAL.]

B. STOKES,  
*Probate Judge, Colleton County, S. C.*

P. C. HAYNER, a witness in behalf of contestee, testified as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2nd November last?—Answer. Warren Township, Colleton County, and was at Carter's Ford precinct on the 2nd day of November last.

Q. Were you at the polls the entire day?—A. I was.

Q. Was the election at that precinct conducted fairly and according to law?—A. It was.

Q. Was everybody, both Democratic and Republican, permitted to cast their votes?—A. All but one.

Q. Were you present when the ballots were counted?—A. I was.

Q. Did the number of ballots in the box tally with the poll-list?—A. Yes, they certainly did.

Q. Was the Republican supervisor permitted to be present and keep his poll-list?—A. He was.

Q. Did anybody interfere or undertake to obstruct him?—A. Not that I saw or heard.

Cross-examined by T. H. WHEELER, Esq., counsel for contestant:

Q. Were you one of the managers?—A. I was.

Q. What are your politics?—A. I am a Democrat

P. C. HAYNER.

Sworn to and subscribed before me this 21st day of March, A. D. 1881.

[SEAL.]

B. STOKES,

*Probate Judge, Colleton County, S. C.*

H. C. GLOVER, a witness in behalf of contestee, testified as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d day of November last?—Answer. Sheridan Township, Colleton County; and was at the Walterborough precinct on the 2d day of November last.

Q. Are you acquainted with the Gloverville precinct in this county?—A. Yes; intimately.

Q. Were the polls opened at said precinct at last election?—A. I don't know. I heard that they were not.

Q. What is the usual vote cast at that poll?—A. From 220 to 300; never over 300.

Q. What is the usual Democratic and Republican vote at that precinct?—A. At the last election, in 1878, I think the Republicans had about thirty-odd majority.

Cross-examined by T. H. WHEELER, Esq., counsel for contestant:

Q. Are you living in that polling precinct now?—A. I do.

Q. Has it not always been a Republican poll?—A. I think it has.

Q. What are your politics?—A. I have always voted with the Democrats.

H. C. GLOVER.

Sworn to and subscribed before me this 21st March, A. D. 1881.

[SEAL.]

B. STOKES,

*Probate Judge, Colleton County, S. C.*

B. G. WILLIS, a witness in behalf of contestee, testified as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d day of November last?—Answer. Round, Colleton County, and was at Maple Cane on the 2d day of November last.

Q. Are you acquainted with the Gloverville precinct?—A. Yes, sir.

Q. Was the polls opened at said precinct at the last election?—A. I do not know. I heard they were not.

Q. What is the usual vote cast at the Gloverville polls?—A. From 200 to 300 at the last election, in 1878. Two hundred and eighty-odd votes were polled at that poll.

Q. What is the usual Democratic and Republican vote at that poll?—A. The Republicans were always in the majority about ( $\frac{2}{3}$ ) two-thirds. The last election they were thirty-odd in majority;—about 38.

Q. Did any of the Republican voters from the Gloverville precinct vote at Maple Cane in the last election?—A. They did.

Q. About how many?—A. I hardly know; a good many of them.

B. G. WILLIS.

Sworn to and subscribed before me this 21st day of March, A. D. 1881.

[SEAL.]

B. STOKES,

*Probate Judge, Colleton County, S. C.*

W. E. CAPERS, a witness in behalf of contestee, testified as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d day of November last?—Answer. Jacksonborough, Colleton County, and was at the Jacksonborough precinct on the day of election.

Q. Were you present at the time the polls were opened?—A. Yes.

Q. Did the polls close before the hour of six p. m.; and, if so, from what cause?—A. It did at one o'clock p. m. The cause was that the box was full of ballots, the managers being unable to take or get any more into the box.

Q. Have you an idea how many persons voted up to the time the polls closed?—A. I would say six hundred.

Q. Do you know of your own knowledge whether any Democratic votes were deposited into the box before the polls were closed?—A. I would say that there were in the neighborhood of two hundred.

Q. Can you say that all other ballots besides what you mentioned as Democratic were Republican?—A. I cannot.

Q. Were the ballots counted by the managers?—A. They were not, having been decided by the managers and Republican supervisor that they had not the authority to open and count the same, as they were unable to keep the poll opened from the fact that it was full of ballots and so many hours specified by law. At the close of the polls at one o'clock p. m., the box was sealed in the presence of the managers and both supervisors, and turned over to the United States supervisors and one of managers at said precinct to be conveyed by them to the board at Walterboro'.

Q. Was it agreed upon by the Republican officials and Democratic officials of said precinct to close the polls?—A. It was by a written statement of the facts above testified to, and witnessed by two Republicans present, Robt. B. Glover and Jackson Grant.

Q. Was there any refusal on the part of the managers to receive votes?—A. There was not; on the contrary, every one was asked to deposit their votes that could, but they could not drive the votes with a stick into the box.

Cross-examined by T. H. WHEELER, Esq., counsel for contestant:

Q. Did Jackson Grant sign any statement whatever?—A. I think he did.

Q. Are you positive?—A. No; I am not.



Q. Did you see the statement before or after it was drawn up ?—A. I wrote it myself.

Q. Did you see it after it was signed ?—A. I did not.

Q. Then you could not know of your own knowledge who signed it ?  
—A. I know that the Republican United States supervisor and the managers signed it.

Q. What are your politics ?—A. Democratic.

W. E. CAPERS.

Sworn to and subscribed before me this 21st day of March, A. D. 1881.

[SEAL.]

B. STOKES,

*Probate Judge, Colleton County, South Carolina.*

J. H. CARROLL, a witness in behalf of contestee, testified as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d day of November last ?—Answer. Smoaks Cross Roads, in Colleton County, and was at the Smoaks Cross Roads precinct on the 2d day of November last.

Q. Did you remain at the polls the entire day ?—A. Yes, sir.

Q. Was the election at that precinct conducted fairly and according to law on that day ?—A. It was.

Q. Do you know of any one who was refused the right to vote ?—A. I think there was one or two.

Q. Why were they refused ?—A. Because they had been convicted of some offense ; stealing, I think, it was said.

Q. Were you present when the polls closed ?—A. I was.

Q. After the ballots had been counted did they tally with the poll-list ?—A. No, sir ; there was an excess of 92 votes.

Q. Were those ballots placed back into the box and destroyed according to law ?—A. They were.

Q. In destroying those ballots were there any Democratic ballots destroyed ?—A. Yes, sir ; 56, I think.

J. H. CARROLL.

Sworn to and subscribed before me March the 21st, A. D. 1881.

[SEAL.]

B. STOKES,

*Probate Judge, Colleton County, South Carolina.*

J. H. KNIGHT, a witness in behalf of contestee, testified as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d day of November last ?—Answer. Dorchester Township, Colleton County, and was at Ridgeville precinct in the morning of the 2d November last.

Q. Are you acquainted with the Summerville precinct ?—A. I am.

Q. What is the usual number of votes cast at that precinct ?—A. About seven hundred.

Q. How many of those voters white and how many colored ?—A. About 225 whites or 250 ; the balance colored.

Q. What was the Democratic majority at that precinct in the election of 1878 ?—A. I do not recollect exactly ; I think that it was about 140 or 240. I am not certain which.

Cross-examined by T. H. WHEELER, Esq., counsel for contestant :

Q. Were not ballots called tissue ballots used at the polls in the election in 1878 ?—A. Yes.

J. H. KNIGHT.

Sworn to and subscribed before me this the 21st March, A. D. 1881.  
[SEAL.]

B. STOKES,  
*Probate Judge, Colleton County, South Carolina.*

M. V. GRIFFIN, a witness in behalf of contestee, testified as follows, after being duly sworn :

Question. Where do you live, in what county, and where were you on the 2d day of November last ?—Answer. Jedburg Station, Colleton County, and was at Ridgville a part of the day on the 2d day of November last.

Q. Are you acquainted with Summerville precinct, in Colleton County ?—A. Yes, sir.

Q. What is the usual number of votes cast at said precinct ?—A. About seven hundred.

Q. Was there a Democratic majority at that precinct in 1878 ?—A. Yes, sir.

Q. Is there a large white vote taken at that precinct ?—A. Tolerable, sir.

Cross-examined by T. H. WHEELER, Esq., counsel for contestant :

Q. About how large is the white vote there ?—A. About two hundred and fifty.

Q. What time of the day were you at Ridgville ?—A. In the afternoon.  
M. V. GRIFFIN.

Sworn to and subscribed before me this 21st March, A. D. 1881.

B. STOKES,  
*Probate Judge, Colleton County, South Carolina.*

W. E. COPERS, a witness for contestee, recalled :

Question. Are you acquainted with the Delaman precinct ?—Answer. I am.

Q. What is the usual number of votes cast at that precinct ?—A. I think from one hundred and seventy-five to two hundred and twenty-five, according to previous returns from that poll.

Q. Is not Delaman's precinct a Democratic precinct ?—A. It has always been so regarded in past years.

Q. Are not a majority of voters of that precinct white ?—A. Yes.

Cross-examined by T. H. WHEELER, Esq., counsel for contestant :

Q. Do you know whether or not, at the last election, the voters at that precinct—the Democratic voters I mean—voted at any other poll ?—A. I do not know.

W. E. COPERS.

Sworn to and subscribed to before me this the 21st day of March, A. D. 1881.

[SEAL.] B. STOKES,  
*Probate Judge, Colleton County, South Carolina.*

STATE OF SOUTH CAROLINA,  
*Colleton County :*

In the case of Robert Smalls, contestant, against Hon. George D. Tillman, returned as a member of the Forty-seventh Congress from the fifth Congressional district of South Carolina, at an election held on the 2d day of November, 1880.

I certify that for and on the behalf of G. D. Tillman, esq., contestee

in the above-named case, I took, at Walterborough, the county seat of Colleton County, in the State of South Carolina, between the 17th and 21st days, inclusive, of March, both the first and last mentioned days included, the testimony of J. S. H. Langdale, James Girardeau, W. B. Utsey, George M. Rumph, William A. Driffle, J. A. Ackerman, H. W. Ackerman, B. G. Price, Charles Hipp, A. S. Barnes, W. S. Teague, L. E. Parler, P. J. Wilson, H. W. Carter, P. C. Hagan, H. C. Glover, B. G. Willis, W. E. Copers, J. H. Carroll, J. H. Knight, M. V. Griffin, and W. E. Copers, recalled, citizens of Colleton County, South Carolina; and also at the same time presented notice of time and place of taking testimony, marked with due service of the same; the whole comprising eighty-nine pages of legal-cap paper.

Witness my hand and seal of court this 22d day of March, A. D. 1881.

[SEAL.]

B. STOKES,

*Probate Judge of Colleton County, South Carolina.*

THE STATE OF SOUTH CAROLINA,  
*County of Colleton:*

ROBERT SMALLS, CONTESTANT, )

vs.

G. D. TILLMAN, CONTESTEE. )

We do hereby agree that after service of the original notice of time and place for examination of witnesses in the interest of either contestant or contestee, in said county, in the above-stated contest, that all witnesses called by either contestant or contestee may be examined without further notice, except in cases of final adjournments.

February 8, 1881.

M. P. HOWELL,

*Counsel for G. D. Tillman, Contestee.*

THOS. H. WHEELER,

*Counsel for Robert Smalls, Contestant.*

(Indorsed:) Agreement to take testimony.

BARNWELL COURT-HOUSE, *February 2, 1881.*

ROBERT SMALLS )  
vs. ) Contested election.  
G. D. TILLMAN. )

To Hon. G. D. TILLMAN, *Contestee:*

Take notice that I will examine the following-named witnesses, all of whom reside in Colleton County, relative to and touching the matters and things set forth in my notice to you that I would contest your right to a seat in the Congress of the United States, to which you claim to have been elected at the general election of November 2, 1880, for the fifth Congressional district of South Carolina, at Walterborough, in Colleton County, before E. D. Holmes, esq., notary public for South Carolina, commencing February 7, 1880, at 9 a. m., and will continue from day to day until said examination is completed: J. W. Grant, A. P. Washington, Robert Glover, A. Manigault, K. James Perkins, Sherman Smalls, Thomas Fields, A. R. Deas.

ROBT. SMALLS, *Contestant,*

Per W. N. TAFT, *Attorney.*

(Indorsed:) Notice to take testimony for contestant in Colleton County.

STATE OF SOUTH CAROLINA,  
Colleton County:

ROBERT SMALLS, CONTESTANT, }  
vs. }  
G. D. TILLMAN, CONTESTEE. }

To Hon. ROBERT SMALLS:

You are hereby notified that I will examine the following witnesses, all of whom reside in Colleton County, relative to and touching the matters and things set forth in my answer to your notice of contest of my right to a seat in the Congress of the United States, to which you claim to have been elected at the November election of 1880, for the fifth Congressional district of South Carolina, and in reply to matters and things set forth in said notice of contest and to evidence produced by you before E. D. Holmes, esq., notary public for the State and county aforesaid, at the following time and place, at the office of Ben. Stokes, esq., probate judge, in the town of Walterboro', in said State and county, on the 17th day of March, A. D. 1881, at 10 o'clock a. m., and will continue from day to day until the same be completed: W. E. Capers, J. W. Grace, T. M. Stokes, J. H. Knight, J. E. Mallards, J. W. Smith, Daniel Padgett, P. J. Hiers, J. R. Risher, L. E. Parker, T. O. McAlhane, G. M. Rumph, W. B. Utsey, G. M. Reeves, J. A. Ackerman, H. W. Ackerman, H. W. Carter, Abe Burnett, J. W. Fender, Johnathan Worrell, Jesse Du Boise, W. S. Godley, J. A. Lucas, and A. S. Barnes, and such other witnesses as you will be notified of from time to time.

G. D. TILLMAN,

*Contestee,*

Per M. P. HOWELL.

(Indorsed:) Notice to take testimony at Walterboro', Colleton County, S. C.

*Answer.*

WASHINGTON, D. C., *January 7, 1881.*

Hon. ROBT. SMALLS,  
*Beaufort, S. C.:*

SIR: In answer to the notice which you served upon me on the 13th December ult., to the effect that you will contest my right to a seat in the next Congress as a Representative from the 5th district of South Carolina:

1. I traverse and deny every allegation of fraud or intimidation charged against my political friends and supporters in each and all of the sixteen grounds or specifications upon which you base your notice of contest.

2. So far from my friends and followers having engaged in intimidation at or near the Lawtonville precinct in Hampton Co., on the day of election, I charge that your friends and supporters were the only men engaged in that sort of thing on that day at or near the town of Lawtonville, and that they were your friends and supporters who killed Richard Calson, a white man, on the day of election, near said Lawtonville precinct, because he was a Democrat and had voted for me.

3. I further charge that your political friends and supporters, with a design to defeat me and elect you, indulged in wholesale intimidation to deter Democrats from voting for me and to try to make them vote

by compulsion for you, at the Blackville precinct and at other precincts in Barnwell Co., before the election and at the election, and that to such an extent did your partisans carry their intimidation and bitter persecution of Democrats that shortly after the election they wantonly killed Frederick, a colored man, of said county, because he wore a red shirt, was a Democrat, and had voted the Democratic ticket at the late election.

4. I further charge that your political friends and sympathizers at several different precincts in each and every county of the Congressional district, either practiced or attempted to practice every conceivable kind of intimidation, physical, religious, moral, and otherwise toward my supporters both before the election and on the day of election to prevent them from voting for me, and since the election to punish them for having voted for me, and especially do I make this charge against your political adherents in the whole county of Beaufort,

G. D. TILLMAN.

(Indorsed :) Answer of Hon. G. D. Tillman.

THE STATE OF SOUTH CAROLINA,  
*County of Colleton :*

To Hon. G. D. TILLMAN, *Contestee :*

You are hereby notified that I will examine the following-named witnesses, all of whom reside in Colleton County, relative to and touching the matters and things set forth in my notice to you that I would contest your right to a seat in the Congress of the United States, to which you claim to have been elected at the November election in 1880, for the fifth Congressional district of the State of South Carolina, at Walterboro', in Colleton County, before Edward D. Holmes, notary public for South Carolina, commencing on the 8th day of February, 1881, at nine o'clock a. m., and will continue from day to day until such examination is completed: January Nesbet, Hampton Singleton, Samuel Clayton, and Adam Debois, and E. Martin, in addition to those of whom you have received notice.

ROBERT SMALLS,

*Contestant,*

Per THOS. H. WHEELER, *Att'y.*

THE STATE OF SOUTH CAROLINA,  
*Colleton County :*

To Hon. G. D. TILLMAN, *Contestee :*

You are hereby notified that I will examine the following-named witnesses, all of whom reside in Colleton County, relative to and touching the matters and things set forth in my notice to you that I would contest your right to a seat in the Congress of the United States to which you claim to have been elected at the November election in 1880, for the 5th Congressional district of the State of South Carolina, at Walterboro', in Colleton County, before Edward D. Holmes, notary public for South Carolina, commencing on the 8th day of February, 1881, and will continue from day to day until such examination is completed: W. A. Paul, Daniel Sanders, N. P. Campbell, P. S. Robertson, Dennis Rivers, G. W. McMillian, Daniel Hay, Henry Murdough, T. L. Martin, Stephen Broughton, T. C. Smith, H. C. Mosley, Andrew Ste-

phens, C. H. Farmer, N. P. Holmes, Timothy Bright, Emanuel Chisolm, A. Manigault, jr., Phillip Singleton, and Rob't Smalls.

ROB'T SMALLS, *Contestant*,  
Per THOS. H. WHEELER, *Att'y*.

No. 5.

BARNWELL COURT-HOUSE, *February 2nd, 1881.*

ROBERT SMALLS }  
vs. } Contested election.  
G. D. TILLMAN. }

To Hon. G. D. TILLMAN, *Contestee* :

Take notice that I will examine the following-named witnesses, all of whom reside in Colleton County, relative to and touching the matters and things set forth in my notice to you that I would contest your right to a seat in the Congress of the United States to which you claim to have elected at the general election of Nov. 2nd, 1880, for the 5th Cong. dist. of South Carolina, at Walterboro', in Colleton County, before E. D. Holmes, esq., notary public for South Carolina, commencing February the 7th, 1881, at 9 a. m., and will continue from day to day until such examination is completed: J. W. Grant, A. P. Washington, Rob't Glover, A. Manigault, K. James Perkins, Sherman Smalls, Thos. Fields, A. R. Deas.

ROB'T SMALLS, *Contestant*,  
Per W. N. TAFT, *Att'y*.

Personally appeared Geo. N. Efford, who says, on oath, that he served a copy of the within on Mr. J. W. Holmes, attorney for Hon. G. D. Tillman, contestee, at Barnwell C. H., on the 2nd day of Feb'y, 1881.

GEORGE N. EFFORD.

Sworn to and subscribed before me this the 2nd day of February, 1881.

E. A. BRABHAM,  
*Notary Public, S. C.*

THE STATE OF SOUTH CAROLINA,  
*Colleton County:*

To Hon. G. D. TILLMAN, *Contestee* :

You are hereby notified that I will examine the following-named witnesses, all of whom reside in Colleton County, relative to and touching the matters and things set forth in my notice to you that I would contest your right to a seat in the Congress of the United States, to which you claim to have been elected at the November election in 1880, for the 5th Congressional district of the State of South Carolina, at Walterboro', in Colleton County, before Edward D. Holmes, notary public for South Carolina, commencing on the 8th day February, 1881, at 9 a. m., and will continue from day to day until such examination is completed: W. A. Paul, Daniel Sanders, N. P. Campbell, P. S. Robertson, Dennis Rivers, G. W. McMillian, Daniel Hay, Henry Murdough, T. L. Martin, Stephin Broughton, T. C. Smith, H. C. Mosley, Andrew

Stephens, C. H. Farmer, A. P. Holmes, Timothy Bright, Emanuel Chisolm, A. Manigo, jr., Phillip Singleton, and Robert Smalls.

ROBERT SMALLS, *Contestant*,  
Per THOS. H. WHEELER, *Att'y*.

I accept service.

G. D. TILLMAN, *Contestee*,  
Per M. P. HOWELL, *Att'y*.

THE STATE OF SOUTH CAROLINA,  
*Colleton County:*

Now, on the 8th day of February, A. D. 1881, comes Edward D. Holmes, notary public for the State of South Carolina, pursuant to a notice of Robert Smalls, contestant, served upon G. D. Tillman, contestee, the said Edward D. Holmes, residing in the fifth Congressional district of the State of South Carolina, and examined the following-named witnesses, and takes the following testimony in the case of Robert Smalls against G. D. Tillman in the matter of contest for a seat in the House of Representatives, Forty-seventh Congress, from the fifth Congressional district of the State of South Carolina. Depositions taken at the Vogler House, Walterboro', Colleton County, the day and year above written, in the above-stated case, as follows:

Parties present, Thos. H. Wheeler, counsel for contestant, and M. P. Howell, counsel for contestee. Contestant presents in evidence his notice of time and place of taking testimony at this point, service of which said notice was accepted by M. P. Howell, esq., counsel for contestee.

ROBERT GLOVER, a witness in behalf of contestant in the matter of contest for a seat in the Forty-seventh Congress of the United States from the fifth Congressional district of South Carolina, testifies as follows, after being duly sworn:

Question. Where do you live?—Answer. At Jacksonboro', Colleton County, Fraser Township.

Q. Where were you on the 2d day of November, 1880?—A. At the polls at Jacksonboro'.

Q. What time did you go there and what time did you remain?—A. At half-past five o'clock a. m., and left there between two and three o'clock p. m.

Q. Did the polls close there that day; if so, at what time?—A. Yes; between twelve and one o'clock p. m.

Q. Had the people at the polls got through voting?—A. They had not.

Q. How many were they there not able to vote, as able as you can tell?—A. One hundred was right at the poll who could not vote.

Q. Had the people stopped coming to the poll?—A. They had not.

Q. Did you see them coming?—A. I did.

Q. In what direction, and how many do you think there were?—A. I looked toward the railroad toward Savannah; there were one hundred or more.

Q. From what you saw, how many votes did the Republicans lose at that poll?—A. —

Q. How did the closing of the polls effect those that were coming?—A. Those that came early in the morning, after they found that the box was closed, started back; and those that were coming and those in sight they turned them back.

Q. Which was the nearest poll that was open to Jacksonboro' that day?—A. Ravenell.

Q. How far is Ravenell from Jacksonboro'?—A. About thirteen miles; it is thirteen and a half miles from Jacksonboro'.

Q. You say that the polls were closed between twelve and one o'clock. Did the managers refuse after that time to receive any votes?—A. They did.

Q. What excuse did the managers give for closing the poll before the regular hour?—A. Because the box could not hold any more.

Q. How often have you voted at Jacksonboro'?—A. Ever since I was able to vote.

Q. Are you acquainted with the size of the box generally used there?—A. Yes, sir.

Q. Was the box used on the 2d day of November last the same size as the box usually used there?—A. A size smaller.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. You say that the managers refused to receive any more votes?—A. Yes, sir.

Q. In what way did they refuse to receive any more votes?—A. Because the box could not hold any more.

Q. Then it was not a refusal on the part of the managers, was it?—A. Unable to answer that.

Q. Were you at the polls the entire day?—A. I was.

Q. What time did you arrive at the polls?—A. Half-past five in the morning.

Q. Were you present when the polls were open?—A. I was.

Q. Did you see the managers open and expose the ballot-box?—A. I did.

Q. Were there any ballots in the ballot-box when the voting commenced?—A. There were none.

Q. How do you know that there were a hundred at the polls when the polls closed?—A. Because I knew the number of people that voted there.

Q. How many voted there?—A. Six hundred and eighteen, according to the poll-list.

Q. How many voters were there at the polls that day?—A. I am unable to answer.

Q. Then, how do you know how many people did not vote?—A. Because I know the number that generally vote there.

Q. How many people generally vote there?—A. Five hundred and fifty-eight.

Q. Who kept the poll list that day?—A. J. C. Wescoat.

Q. Did any one else keep a poll-list that day?—A. Yes, sir; A. P. Washington.

Q. Did the names on Wescoat's poll-list and Washington's poll-list tally?—A. Do not know if they were compared.

Q. How many names were there on the poll-list?—A. On Wescoat's poll-list there were 618.

Q. Did you count the number of men who did not vote?—A. I say I counted a hundred myself, and there was a good many others I did not know.

Q. How did you know which ones to count?—A. I counted those that did not vote.

Q. Will you name some of the men who did not vote?—A. I know one, July DeVeaux.



Q. You say the Republicans lost about two hundred votes there?—  
A. Yes, sir.

Q. How do you know that those that did not vote would have voted the Republican ticket?—A. Because they received the tickets from me.

Q. Who received the tickets from you that did not vote?—A. I am unable to answer that.

Q. What was the size of the ballot-box that the managers had on the day of election?—A. A size smaller than usual.

Q. How many ballots would that box hold?—A. I am unable to answer that.

Q. Did not the managers and supervisors of election, both Democrat and Republican, at Jacksonboro' precinct sign an instrument of writing that the election was conducted fairly, and that they could not proceed to count the votes after the box became so full that no more could be put into it?

(Objected to by Thos. H. Wheeler, counsel for contestant, on the ground that parole testimony to prove contents of a written instrument is admissible, the same being in existence.)

A. I have no knowledge of that.

Q. Did you see them sign an instrument of writing?—A. Signed that the box could not hold any more.

Q. Are you a Republican or Democrat?—A. I am a Republican.

Q. Did you vote at Jacksonboro' on the day of election?—A. Yes, sir.

Q. How many times did you vote that day?—A. I voted once, and voted one ticket.

Q. You speak of the poll-list containing 618 names. Do you know that from any examination you have made yourself?—A. I was told so by Grace, one of the managers.

ROBERT <sup>his</sup> + GLOVER.  
<sub>mark.</sub>

Sworn to before me this 8th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,  
*Notary Public, S. C.*

J. W. G. GRANT, a witness on behalf of contestant in the matter of contest for a seat in the Forty-seventh Congress of the United States, from the fifth Congressional district of South Carolina, testifies as follows, after being duly sworn:

Question. Where do you live, and in what county, and where were you on the 2d day of November last?—Answer. I live in Walterboro', Colleton County; was at Jacksonboro' on the 2d day of November last.

Q. What time did you arrive, and how long did you stay?—A. About 3 o'clock in the morning; I staid until sunset the following evening.

Q. Did the polls close that day; and, if so, at what time?—A. Yes; between the hours of 12 and 1 o'clock p. m.

Q. Had the people at the polls got through voting?—A. They had not.

Q. How many were there, as near as you can tell, who were unable to vote at the time of the closing of the polls?—A. I suppose one hundred or so.

Q. Were there many coming to the poll; did you see any coming; in what direction, and how many do you think there were?—A. I saw them coming from all quarters; I was in a position to see from all directions; at least one or two hundred.

Q. From what you saw, how many votes do you think the Republicans lost at that poll?—A. From one to four hundred.

Q. Which was the nearest poll opened to Jacksonboro'?—A. I think Ravenell.

Q. You say that the polls at Jacksonboro' were closed at 12 m.; did the managers refuse to receive any votes after that time?—A. Yes.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee;

Q. You say that the managers refused to receive any more votes after 12 m.?—A. Yes, sir.

Q. Could the managers have received any more votes into the box if they wanted to?—A. The box was full.

Q. Did not the managers receive votes as long as they could be stuffed in with a stick?—A. Yes, sir.

Q. How do you know that the Republicans lost from one to four hundred votes?—A. After the box was closed the voters came around, and were around several hours.

Q. How many were there there that did not vote?—A. I suppose from one to four hundred that did not vote.

Q. You can't come any nearer to the number than that?—A. I cannot say that there were more or that there were less; I am satisfied that four hundred is the least number.

Q. Name some of those that did not vote.—A. Ansel Manigault, Charles Cochran, and many others, whom I know when I see them.

Q. You live in the town of Walterboro', do you not?—A. Yes, sir.

Q. How far is it from Jacksonboro' to Walterboro'?—A. Eighteen miles.

(Question and answer withdrawn for the present.)

Q. Did Manigault and Cochran arrive at the polls before or after the box was filled with votes?—A. Just about the time the polls had closed.

Q. Could you say or swear whether those voters would have voted for Robert Smalls for Congress if they had been permitted to vote?—A. They would all have voted for Robert Smalls; they had an open ticket in their hands.

Q. Could you see each one of the men with the tickets in their hands?—A. I saw all that came up to me.

Q. Do you not know that a number of Republicans declared their intention not to support Robert Smalls, on account of his bad character and conviction?—A. Not a man.

Q. Did you not have a great deal of trouble in rallying the people in support of Smalls?

(Objected to, on the ground as being irrelevant and in answer to nothing brought out in the direct examination.)

A. No great deal.

Q. You are one of the Republican leaders in this county, are you not?—A. Yes; a small leader.

Q. How far is it from Jacksonboro' to Walterboro'?—A. Eighteen miles.

Q. Are you personally acquainted with the mass of voters of Jacksonboro' precinct?—A. I know a great many of the leading men.

Q. Is Jacksonboro' your voting precinct?—A. I generally vote at whatever poll I am at on election day.

Q. How came you at Jacksonboro' on the day of election?—A. I was sent there as an officer.

Q. What kind of officer?—A. United States deputy marshal.

Q. By whom?—A. Wallace or Bryan. I was regularly summoned.

Q. Did you act in the capacity of United States marshal?—A. I acted as a citizen.

Q. Did not the managers and supervisors of election at Jacksonboro' precinct, both Democrats and Republicans, agree and sign an instrument of writing stating that the election was fairly conducted, and they were forced to close the polls on account of the ballot-box being insufficient to hold any more ballots?

(Objected to on the ground that parol testimony is inadmissible to prove the contents of a written instrument, the same being in existence.)

A. Captain Grace, one of the managers, presented me a paper to sign, not knowing its contents refused to sign it; do not know whether the managers or supervisors signed it or not.

Q. Did you vote at Jacksonboro' on the day of election?—A. I did.

Q. Who is the leader of the Republican party of Colleton County?—

A. A. C. Shaffer.

Q. Do you not know that A. C. Shaffer, Republican leader, refused to support Robert Smalls for Congress?

(Objected to as being irrelevant.)

A. Mr. Shaffer has always spoken to me in favor of Robert Smalls.

Q. Do you know W. F. Myers?—A. I know him well.

Q. Is he not a prominent man in the Republican party of Colleton County?—A. Yes, sir.

Q. Did you, or did you not, hear Myers say that he would not support Smalls for Congress?

(Objected to as being irrelevant.)

A. Before the nominating convention he said another man was his choice, but after that he said he would do all he could for Smalls.

Q. Are you a Republican?—A. I am.

Q. Did you vote a Republican ticket?—A. Yes, sir.

J. W. G. GRANT.

Sworn to before me this 8th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,

*Notary Public, South Carolina.*

ANSEL MANIGAULT, a witness in behalf of the contestant in the matter of contest for a seat in the Forty-seventh Congress of the United States, from fifth the district of South Carolina, testifies as follows after being duly sworn:

Question. Where were you on the 2d day of November last, and where do you live?—Answer. Gloversville, in Colleton County; in the morning I was at Gloversville, waiting for the polls to be opened. I was there until half past seven in the morning, before any of the managers came, but one, one manager came and we staid there until nine o'clock a. m., when we started from the Gloversville poll to go to the Jacksonboro' poll.

Q. What time did you get to the Jacksonboro' poll?—A. Got there between eleven and twelve o'clock.

Q. How long did you stay at the Jacksonboro' poll?—A. I staid there until two o'clock p. m.

Q. What time did the polls close at the Jacksonboro' precinct?—A. Between the hours of twelve and one o'clock.

Q. Had all the people got through voting?—A. No, sir.

Q. Did the managers refuse to take any more votes after that time?—A. Yes, sir.

Q. Were there any on the ground who had no chance to vote at the closing of the polls ; if so, how many ?—A. Yes, sir ; a large crowd. I should judge about one hundred or more, at the polls.

Q. Did you see any coming ; if so, how many do you think there were ?—A. I judge that there were one hundred or more, coming from four sides of the road.

Q. Was the polls at Gloversville opened at all, on election day ?—A. It was not.

Q. Do you know the vote usually polled at Gloversville ; if so, what is the number ?—A. From three to four hundred.

Q. About how many Republican voters are usually polled there ?—A. About three hundred.

Q. About how many Democrat votes usually cast at Gloversville precinct ?—A. I have never known them to cast more than forty-three.

Q. How many Republican votes do you think were lost by the inexcusable neglect of the managers of the Gloversville poll in not opening the same, and the want of a proper box at Jacksonboro' precinct, and the closing of the polls at that place long before the hour, to wit, between the hours of one and two ?—A. About four hundred and seventy.

Q. Did you know the managers at the Gloversville poll ?—A. Yes, I was told who they were.

Q. What were their politics ?—A. Democrats.

Q. Did you know the managers at the Jacksonboro' poll ; and, if so, what were their politics ?—A. Yes, sir ; they were Democrats.

Q. Did you get a chance to vote that day ?—A. No, sir.

Q. Why ?—A. The polls were closed.

Q. Had the polls both at Jacksonboro' and Gloversville closed before you had an opportunity of voting ?—A. They were.

Cross-examined by J. D. EDWARDS, Esq., counsel for the contestee :

Q. How far do you live from Gloversville ?—A. About three miles and a half to the place of voting.

Q. How far is it from Gloversville to Jacksonboro' ?—A. Eleven miles and a half.

Q. At what hour did you leave Gloversville ?—A. I left Gloversville between the hours of 9 and 10 o'clock a. m.

Q. How long did it take you to reach Jacksonboro' ?—A. I do not know.

Q. At what hour did you reach Jacksonboro' ?—A. Between eleven and half past twelve.

Q. Were the polls closed when you reached there ?—A. No, sir.

Q. Did you offer to vote ?—A. I could not get up to the place.

Q. Did you ever offer to vote that day ?—A. I started to vote but could not get to the box.

Q. Why ?—A. The crowd was too heavy.

Q. Who informed you who the managers were at the Gloversville poll ?—A. Caesar Chisolm.

Q. What was the Republican majority at the Gloversville poll in 1878 and 1876 ?—A. Two hundred and sixty majority then, about ; as to 1876 I don't know.

Q. What is the reason that you didn't vote at Jacksonboro' ?—A. Because I could not get at the polls on account of the crowd.

Rebuttal:

Q. Was that the only reason ?

(Objected to on the ground that it is not new matter.)

A. If the polls had been kept opened I would have had an opportunity to vote.

Q. You say it is eleven and a half miles to Jacksonboro'; was that the nearest precinct opened?—A. Yes, sir.

his  
ANSEL + MANIGAULT.  
mark.

Sworn to before me this 8th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,  
*Notary Public, S. C.*

A. P. WASHINGTON, a witness in behalf of the contestant, testifies as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d day of November last?—Answer I live in Round O, Colleton County; I was at Jacksonboro' on the 2d day of November last.

Q. What time did you go to the polls, and how long did you remain there that day?—A. Before 6 o'clock in the morning, and remained until about sunset.

Q. Did the polls close that day; if so, at what time?—A. About a quarter after 1 o'clock p. m.

Q. Had the people at the polls got through voting; if not how many, as near as you can tell, were unable to vote at the closing of the polls?—A. They had not; I could not tell, because I was in the house keeping the poll-list.

Q. How many names were on your poll-list?—A. Six hundred and eighteen.

Q. Did you record the name of every man that voted?—A. I did, sir.

Q. Did your poll-list tally with that kept by the managers?—A. It did.

Q. Were the ballots counted by the managers on that day?—A. No, sir.

Q. The ballots cast was largely Republican, were they not?—A. Yes, sir.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. What position did you occupy or hold on election day?—A. United States supervisor.

Q. Did you remain in and at the polls during the time the votes were received?—A. I did.

Q. Did you take the name of each man voting on your list in your own handwriting?—A. I did.

Q. How many names did your poll-list contain?—A. Six hundred and eighteen.

Q. How do you know that the majority of the ballots cast at that precinct were Republican?—A. I knew from the color of the tickets.

Q. What is the usual vote of Jacksonboro'?—A. I can't tell.

Q. Is that your usual voting place?—A. No, sir.

Q. Can you tell how many men failed to get an opportunity to vote at Jacksonboro' on the day of election?—A. I could not tell.

Q. Did not the managers request all those who had not voted to come up and vote?—A. Not to my knowledge.

Q. Did or did you not sign an instrument of writing, as a representative of the Republican party, that the election was conducted fairly, and that the managers were compelled to close on account of the insuffi-

ciency of the box to hold any more ballots?—A. I did; that is, that the managers showed no disposition to allow any violation.

Q. Are you a Republican?—A. Yes.

Q. Did you vote at the last election?—A. I did.

Q. Can you name any one of your own knowledge, that did not vote? If so, name them.—A. July Jenkins, Albert Malone, Richard Young, John Myers, and others.

Q. What was the reason they did not vote?—A. The box was full before they got an opportunity to vote.

Q. Were you present when the polls opened?—A. I was.

Q. Was the box opened and exposed to those present?—A. It was not.

Q. Were there any votes in that box at the time the voting commenced?—A. None whatever.

Q. What was the size of the ballot-box?—A. It was smaller in size to any that I have ever seen at previous elections.

Q. Was the box smaller than the rest of them used in this election?—A. This box was no smaller than some of the boxes.

Q. Don't you know that these are the same boxes used for the last three or four elections?—A. I recognize some of them.

A. P. WASHINGTON.

Sworn to before me this 8th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,

*Notary Public, S. C.*

JAMES PERKINS, a witness on behalf of the contestant, testifies as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d day of November last?—Answer. I live in Round O, Colleton County; I was at Gloversville in the early part of the morning; I left Gloversville ten minutes past eight o'clock, a. m.; went to Jacksonboro' and remained there the balance of the day.

Q. Did the polls open at Gloversville that day?—A. No, sir.

Q. Did the polls close that day at Jacksonboro'; if so, at what time?—A. About half past eight o'clock.

Q. Had the people at that poll got through voting?—A. No, sir.

Q. How many were there, as near as you can tell, at the closing of the polls who were unable to vote?—A. About three hundred; they were coming in every direction.

Q. Did the managers refuse to receive any more votes after the closing of the polls?—A. Yes, sir.

Q. Did the failure of the managers to open the polls at Gloversville, and the closing of the polls at Jacksonboro' long before the hour, prevent any persons from voting; and if so, how many do you think?—A. About three hundred or more; there were so many crowded around that I did not count them.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. Why was it that you did not count those that did not vote?—A. I was not sent there to count them.

Q. Then you only judge from appearances how many that were there that did not vote?—A. I suppose there were three hundred or more.

Q. How do you know that some of those three or four hundred did not vote?—A. I saw a large majority of them with tickets in their hands.

Q. Could you swear how those people would have voted?—A. I could swear for a large majority of them.

Q. How could you swear to what a man was going to do?—A. I can only swear to what some of them told me.

Q. Is it your experience for men to do always what they tell you?—A. They seemed as though they intended to do it that day.

Q. Did you ever see a white man with a white ticket in his hands that day?—A. I did not see any white Democrats with white tickets in their hands.

Q. You say you left Gloversville five minutes past 8 o'clock a. m.?—A. No, sir; ten minutes.

Q. What time did you arrive at Jacksonboro?—A. About half-past 10, as near as I can judge.

Q. Did you have a watch?—A. I did not.

Q. Are you acquainted with all the colored people who voted at Jacksonboro precinct?—A. No, sir; I am acquainted with few.

Q. Do you know whether these voters were from Beaufort, Charleston, or Colleton County?—A. From Colleton County.

Q. How do you know that if you are not acquainted with the voters?—A. Because I saw them.

Q. Did you know them?—A. I knew some of them by name.

Q. Are you a Republican?—A. Yes, sir.

Q. Did you vote at Jacksonboro' on that day?—A. Yes, sir.

Q. Can you name any one that did not vote? If so, name them.—A. James Singleton, Kit McHaney, Billy Dawson, and others, to wit, Ansel Manigault, Carolina Smalls, Jubiler Van Dros, Smart Hamilton, and others whose names I am unable to remember.

Q. Do you know that they did not vote, from your own knowledge, or did they tell you so?—A. I met them on the road, and they told me so.

Q. What time of the day did you meet them on the road, and where were you going?—A. About three o'clock p. m., going back home.

Q. Where were they going?—A. They were going to the polls.

Q. Did they turn back with you, and not go to the polls?—A. Yes.

JAMES PERKINS.

Sworn to before me this 8th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,  
Notary Public, S. C.

Pursuant to adjournment, the commission met at 10 o'clock, Wednesday, February 9, 1881.

PHILIP SINGLETON, a witness in behalf of the contestant, testifies as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d day of November last?—Answer. I live in Round O, Colleton County; was at Gloversville poll awhile; after the polls were not opened made my way to Jacksonboro'.

Q. How long did you stay at the Gloversville poll, and at what time did you arrive at Jacksonboro' poll?—A. I remained about two hours; arrived at Jacksonboro' poll about 12 m.

Q. Did the polls close at Jacksonboro' precinct; and, if so, at what time?—A. I do not know; I cast my vote and came away.

Q. Did you go back to Gloversville?—A. I did not; I went back home.

Q. Do you know whether or not the poll at Gloversville was opened that day?—A. It was not opened at all.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. What time did you say you arrived at Jacksonboro' ?—A. About 12 o'clock m.

Q. Did you vote ?—A. Yes, sir.

Q. How long did you remain at the polls after you had voted ?—A. I did not stay very long after voting.

Q. Were the people still voting when you left ?—A. Yes.

Q. How far do you live from Gloversville poll ?—A. About five miles.

Q. What is the usual vote polled at the Gloversville poll ?—A. I cannot tell, but there is a large crowd ; about four hundred.

Q. You did not return from Jacksonboro' to Gloversville ?—A. No, sir ; I went home.

PHILIP SINGLETON.

Sworn to before me this 9th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,  
*Notary Public, S. C.*

EMANUEL M. CHISOLM, a witness in behalf of the contestant, testifies as follows, after being duly sworn :

Question. Where do you live, in what county, and where were you on the 2d day of November last ?—Answer. I live in Round O, Colleton County, and was at the Gloversville poll.

Q. In what capacity did you go to the Gloversville poll ?—A. I was supervisor.

Q. How long did you remain there ?—A. I remained there nearly all day.

Q. Was the poll opened at Gloversville during the day ?—A. No, sir.

Q. Did any of the managers come ; and, if so, what did they say ?—A. One came, and said that he received the box the night previous, and had no understanding about being a manager, and he threw the box down.

Q. Did the closing of the polls at Gloversville lose for Robert Smalls and the Republican ticket any votes ; and, if so, how many ?—A. Directly, I can only say five.

Q. What do you mean by directly and indirectly ?—A. My brother told me, as he was coming through Warren's place that he met about twenty or thirty persons coming to the Gloversville poll to vote, and after he told them that the polls were not opened, turned back, as it was too far to go to Jacksonboro'.

Q. Did any turn back from the Gloversville poll while you were there ?—A. Yes, sir ; five, that I know of.

Cross-examined by M. R. HOWELL, Esq., counsel for contestee:

Q. Then you know, of your own knowledge, that Smalls lost five votes ?—A. Yes, sir.

Q. How do you know that those five would have voted for Smalls ?—A. I know they would ; I know the people.

Q. Then you only knew from what was told you ?—A. I knew it by experience, and what they told me.

Q. Were you representing the Democrats or Republicans as supervisor on that day ?—A. Republicans.

Redirect :

Q. Did you vote on that day, and if not, why ?—A. I knew that the people would be coming all day, and I stopped to send them on to Jacksonboro' poll.



Cross-examined:

Q. How many voters came to Gloversville precinct that day to vote?  
—A. Very nearly all the people who generally vote there came; about four hundred.

Q. Did not a great many of those voters go to Maple Cane?—A. Yes, sir.

Q. Did not some of those voters go to Walterboro'?—A. I don't think so; some might have gone.

Q. Did not some of those voters go home and not vote at all?—A. None but the same five, and those that my brother said turned back.

Q. Do you know of your own knowledge that every man who came to the Gloversville precinct voted somewhere on the day of election?—A. I do not know.

E. M. CHISOLM.

Sworn to before me this 9th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,  
*Notary Public, South Carolina.*

ANSEL MANIGAULT, Jr., a witness in behalf of the contestant, testifies as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d day of November last?—Answer. Round O, Colleton County; at Gloversville; remained until between nine and ten o'clock a. m., then went to Jacksonboro'.

Q. Did the polls close at Jacksonboro', on that day; and, if so, at what time?—A. About 1 o'clock p. m.

Q. Had all the people got through voting at the time of the closing of the polls?—A. No, sir.

Q. Did the managers refuse to take any more votes after the closing of the polls?—A. After the box was full they said they could not vote any more.

Q. Were there many on the ground that had no opportunity to vote after the closing of the polls?—A. Yes, sir.

Q. Did any come to Jacksonboro' to vote who had no opportunity to vote?—A. Yes, sir.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. What time did you get to Jacksonboro'?—A. I could not say exactly.

Q. Did you get there at 12 m.?—A. I can't say.

Q. Was it sundown?—A. Before sundown.

Q. Did you vote?—A. Yes, sir.

Q. You say that there was a crowd around the polls that could not vote?—A. Yes, sir.

Q. How many were there around the polls that could not vote?—A. Between seventy and seventy-five.

Q. How do you know that 75 men could not vote?—A. Counted them; I counted some of them.

Q. How were you able to count those who had voted from those who had not?—A. I counted those that I knew.

Q. Do you know anybody that did not vote; if so, name them?—A. I can tell the names of some five or six: Kit McHoney, John Mock, Jacob Smalls, Hector Smalls, Joe Grant, Simmons Cameron, James Delgar.

Q. Do you know that of your own knowledge, or did some one tell you so?—A. No one told me.

Q. How do you know it?—A. I saw it.

Q. Are those whom you have just named voters of the Gloversville precinct?—A. Yes, sir.

Q. Did they go with you from Gloversville to Jacksonboro' precinct?—A. They did not go with me; I met them after my return after the polls had closed, and they turned back with me.

Q. What time of day was it when you met them?—A. After sundown.

Q. Can you swear that these men had not already voted at Maple Cane that day?—A. They did not vote at all that day.

Q. You do not know of your own knowledge that they did not vote?—A. From my own knowledge.

Q. How can you swear to such a fact when you did not see them until near sundown?—A. I know it from their own words.

Q. How many went in company with you from Gloversville to Jacksonboro'?—A. I don't know rightly; I can't answer certainly.

Q. Did two men go?—A. Yes; more than two.

Q. Did twenty go?—A. I don't know.

Q. Did three thousand go?—A. I don't know; I never counted them.

Q. Did not some of the voters of Gloversville go to Maple Cane precinct?—A. Some of them did.

Q. Did not some of the voters go to Walterboro'?—A. I can't say if they did; it is more than I can tell.

Q. Did not some of the voters leave Jacksonboro' and come to Walterboro' after the polls had closed?—A. I do not know.

Q. Were you not told by voters that they were coming from Jacksonboro' to Walterboro' precinct?—A. No.

Q. Do you know Robert Moorer?—A. Yes.

Q. Do you know whether he voted on election day or not?—A. I do not know; if he voted he voted at Maple Cane.

Q. Did you see Robert Moorer at Jacksonboro'?—A. No, sir.

Q. Do you know how many votes are generally polled at Gloversville precinct?—A. To the best of my knowledge, about four hundred.

his  
ANSEL + MANIGAULT, JR.  
mark.

Sworn to before me this 9th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,  
*Notary Public, South Carolina.*

ROBERT SMALLS, a witness in behalf of the contestant, testifies as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d day of November last?—Answer. Round O, Colleton County, at Gloversville until nine or ten o'clock, and then went to Jacksonboro'.

Q. Did the polls close at Jacksonboro' that day; if so, at what time?—A. Yes, sir; do not know what time.

Q. Was the polls at Gloversville opened at any time during that day?—A. No, sir.

his  
ROBERT + SMALLS.  
mark.

Sworn to before me this 9th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,  
*Notary Public, South Carolina.*

WILLIAM A. PAUL, a witness in behalf of the contestant, testified as follows, after being duly sworn :

Question. Where do you live, in what county, and where were you on the 2d day of November last?—Answer. I live in Walterboro', Colleton County, and was at Walterboro' poll on 2d of November last.

Q. Will you state what was done at the polls that day?—A. I was at the polls from the time it was opened at the usual hour. Everything went on very well until between 11 and 12 o'clock, at which time there was quite a crowd at the door where the ballot-box was situated; the voters found it somewhat difficult to deposit their votes.

(Objected by M. P. Howell, esq., on the ground that Walterboro' precinct was not mentioned in the notice of the contestant served upon the contestee, and that any evidence to Walterboro' precinct is inadmissible and should not be received.)

At that time there was a proposition offered by several persons interested in the election, that they vote white men at the room of the window, and that they vote the colored men at the door; and they found it difficult to arrange that matter until some time afterward. After which a proposition was agreed upon, and they succeeded in voting the colored men at the door, and the white men at the window. Then they would vote one white man and one colored man alternately. During the day they had a challenger at the polls on the part of the Democrats, but none on the part of the Republicans to my knowledge. When I found that there was no challenger on the part of the Republicans, I went in and took the liberty to act as challenger, and I found during the day that Mr. Howell, who acted as challenger on the part of the Democrats, would ask unnecessary questions as to where you live and how long have you lived in the State, and where their oaths were taken. They would state positively where they lived and how long they lived in the State, &c. When he was not satisfied with their oaths, which I thought was all that was necessary, he in several cases demanded that they should bring some one to certify that they did live in the State the prescribed time; and as a general thing it was carried out, and all who showed a disposition on the part of the Republicans to have a fair election, he would make threats as county chairman to have them put in jail, and ordered me, Paul, most especially, that if I did not keep quiet he would put me in jail, and I told him if he ever put Paul in jail that he would never put another Paul in jail. There were several voters whom the managers by Mr. Howell's advice did actually prevent at that time from voting on the ground that they were not of age, and that they were not a resident of the State, as they were men who recently came to the State as laborers on turpentine farm of which several were employed by Daniel Barns & Co. They were compelled to bring Mr. D. Barns to certify that they were citizens of the State before they could deposit their votes, and when he would state that they had been here the required time they voted, otherwise they did not. As near as I can judge, between the hours of four and five o'clock p. m. on election day, there was quite a contention as to the ballot of a white man, a Democratic voter between the managers and Mr. Howell, the challenger on the part of the Democrats, as regard to the legality of his vote, objecting to it on the ground that he had been convicted of cow-stealing, and this voter was detained some time, during which time Mr. Howell was required to show the managers the law. This voter was kept there between a half, three quarters or one hour awaiting the decision of the managers. After keeping him waiting that length of time, they pretended that they could not find the law, and they finally decided that he could vote

and he voted. During the detention of this voter there was quite a number of Republican voters at the door waiting to deposit their votes and could not do so until this matter was decided, and I am satisfied that it was done for the sole object of detaining the Republican voters, to which I called the attention of the managers and the challenged. I never saw a more daring fraud perpetrated on an intelligent community. At the opening of the ballot-box the managers found the box to contain one thousand and thirty-six ballots; at the closing of the polls the amount of the poll-list was eight hundred and ninety-five ballots; the excess found in the box was one hundred and forty-one according to my account. After the box was opened the managers were quite undecided as to how they would stir the votes up, and they were for some time devising a plan how they could mix them so as to take out the excess over the poll-list and to take out a majority of Republican ballots if possible, which they succeeded in doing; and I found after they had commenced to draw the ballots from the box when they would draw out two Democrat ballots and destroy them, they would draw out from five to six Republican ballots and destroy them also; and one of the managers was blindfolded who was required to draw the ballots, and turning his back to the table upon which the box was placed, the box being set into a large stick basket, the box not being able to hold the ballots after being thoroughly stirred, they then stirred the ballots into this basket, from which they drew the excess of the poll-list. The manager who was required to do the drawing deliberately passed the ballots through his hands; by so doing one ballot was easily distinguished from another; they succeeded nicely in carrying out their premeditated plan.

Q. You speak of Mr. Howell as chairman; what was he chairman of?—A. Chairman of the Democratic party of Colleton County.

Q. Did the managers seem to act upon his advice?—A. Pretty much so.

Q. Do you know the politics of the managers at the poll at Walterboro'?—A. Yes; Democratic to the extreme.

Q. Do you know the number of Republican ballots drawn out and destroyed?—A. I cannot state positively, but at least two-thirds of the excess.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. You say that there were arrangements made at mid-day that Democrats were to vote at the window and the Republicans at the door?—A. I did not say mid-day, but between 11 and 12 o'clock.

Q. Was it not further agreed that when one white man voted that one colored man should vote also?—A. Yes.

Q. Did not that arrangement seem to give satisfaction to both parties?—A. No; not at all; it was a compulsion; the managers actually refused to accept the votes otherwise.

Q. Was not that refusal on the part of the managers, if there was a refusal, on account of the large crowd pressing at the door?—A. The pretended refusal.

Q. Don't you know, of your own knowledge, that it was impossible for a man to get at the door at the time this arrangement was made?—A. I know, of my own knowledge, that the door was very much crowded, but do not know that it was so much so that the voters could not deposit their ballots.

Q. Where was the ballot-box located at the day of election?—A. In the clerk of court office, at the door on the inside.

Q. Did not that door open into the aisle of the court-house, near midway of the aisle?—A. Yes.

Q. Do you not know, from the left and right of this door, that the aisle of the court-house was packed so full of Republicans or colored men that it was impossible for a voter, after he had deposited his vote, to get out through the crowd?—A. I don't know anything of the kind, but do know that the voters found it difficult to get out after voting.

Q. Do you not know at that time of the day that there was an immense crowd of people around the polls?—A. I do, sir.

Q. Where were you during the day?—A. I was at the polls, Walterboro' precinct.

Q. Do you not know that everybody, both white and black, who offered to vote did vote?—A. I cannot state definitely.

Q. Were you not at the polls one hour before and remain until the polls closed?—A. I was.

Q. Do you not know that the polls were idle, and that nobody voted at the last hour?—A. I do.

Q. Then you know that everybody that offered to vote had an opportunity to do so before the polls were closed?—A. I don't know anything of the kind; at one time the managers were not receiving over thirty-five votes per hour.

Q. Do you know of any voter being at the polls offering to vote and did not vote on that day, and at the time of the closing of the polls?—A. I do know, of my own knowledge, that there were voters at the polls who were prevented from voting during the day.

Q. Will you name some of these parties who were refused an opportunity to vote?—A. I cannot name the parties, as I did not take their names.

Q. Can you tell me how many there were?—A. I cannot.

Q. Will you swear that any man was prohibited from voting?—A. Yes; I will swear that there were.

Q. Now, will you swear that those parties did not vote at the Walterboro' precinct?—A. No, I will not.

Q. Do you not know that there are three large turpentine farms in this community?—A. I do.

Q. Don't you know of your own knowledge that these turpentine farms are worked by men from North Carolina?—A. I don't know that they are worked by North Carolina men as a whole.

Q. Now don't you know that these farms are not worked by colored men from this county?—A. I don't know anything of the kind, as men are being employed every day.

Q. Are not these men working on turpentine farms, strangers to you?—A. Not all of them.

Q. How many of the turpentine men are you acquainted with?

(Objected to as being irrelevant.)

A. I am unable to say.

Q. Can't you approximate?

(Objected to as being irrelevant.)

A. I can not.

Q. Do you not know that these three farms employ about three hundred hands?—A. I am unable to state definitely.

Q. Were not a great many of the objections raised to the voters, on the ground that these men were from other counties and other States?—A. I cannot say that the objection were made on that account, as the challenger on the part of the Democrats objected to a good many that I knew to be from South Carolina, and they were not allowed to vote until gentlemen came up and said, "Yes, I know them," their oaths not being sufficient.

Q. Did you not represent the Republican party on the day of election as challenger, and did you not challenge voters whenever you saw proper?—A. I did, sir; but it had no effect.

Q. Did you not argue with the managers in favor of voting men from North Carolina, who offered to vote and objected to on the part of the Democrats?—A. I did so of those who were ready to take their oaths that they had resided a sufficient time to admit them to vote.

Q. You spoke of threats being made by M. P. Howell, against parties at the polls; will you name some of those parties that were threatened?—A. Neptune F. Pringle, and myself.

Q. What were those threats, and why were they made?—A. That if we did certain things, we would be put into jail; I am unable to say why they were made.

Q. What were those certain things if you did, you would be sent to jail?—A. One was, that I took upon myself to act as challenger; when I found there was no one to act in behalf of the Republicans, Mr. M. P. Howell, acting for the Democrats, grew angry because I interfered in acting as challenger; he then said, I had no authority to do so, and then said I would be sent to jail if I interfered again.

Q. Is that the only reason?—A. That is the only one I know of.

Q. Was that the same reason that the threat was made to Neptune F. Pringle?—A. That is not the same reason.

Q. What was the reason?—A. Before this proposition was made, that the white voters vote at the window, and the colored voters vote at the door, white men were found entering the election-room from the north end of the court-house, and voting; while the colored voters in the passage-way were ignored for a while. I found it out then; and Pringle and myself said if that was the case we would put our men through the window also, and we did so; and that was one of the causes why Mr. Howell threatened to send him to jail.

Q. Will you swear, because you asserted the right to challenge any votes, is the reason why M. P. Howell threatened to send Paul to jail, and the only reason?—A. First, I cannot say that it was the only one; I believe that was the reason.

Q. Were you sent to jail?—A. No; I was not sent to jail.

Q. Did M. P. Howell have any authority to send you to jail?—A. I don't know.

Q. Do you know whether M. P. Howell was an officer of the law at the time?—A. To my knowledge he was chairman of the board of election commissioners.

Q. Did or did you not continue to challenge voters whenever you saw proper?—A. I did; but was ordered several times to close my mouth.

Q. Did you do it?—A. I did not.

Q. Did you not threaten on the day of the election to tear up the ballot-box?—A. I did not; and no gentleman can swear to it.

Q. Were you present when the ballot-box was opened, after the polls had closed?—A. I was there.

Q. Did not the managers proceed, according to law, to count the ballots in the ballot-box?—A. Not until they had a great deal of talk over it before they proceeded according to law.

Q. Then they did proceed according to law, did they not?—A. Yes.

Q. After counting the number of ballots in the box, what was the excess?—A. According to my figures, 141.

Q. Did or did not the managers return all the ballots into the box, and draw therefrom and destroy the excess?—A. They did not, because

the box would not hold the loose ballots; the ballot-box and ballots were placed in a basket—the managers decided to place them there—and they were stirred, and the excess was drawn.

Q. Do you not know that the ballot-box was placed in the basket, and the ballots put into the box and packed down as long as one could be packed into the box, and piled upon top of the box, and that the basket was only used to prevent the scattering of the ballots, and that the manager who drew the excess drew them from the box in the basket?—A. They did place the box into the basket, as it was a matter of impossibility for the box to hold the ballots after they had been opened. The managers then undertook to stir the ballots in the box, and they found it was impossible to stir them in the box; therefore they finally agreed to empty the box of ballots into the basket, in which they stirred the ballots, and from the basket, and not the box, they drew the excess; for you could not see the box for the ballots.

Q. Did they empty the ballots out of the ballot-box into the basket and stir them up?—A. They did actually empty out of the ballot-box the ballots into the basket.

Q. What did the managers do with the ballot-box after emptying it?—A. After emptying the ballots out of the box they emptied them into the basket; they then allowed the box to remain in the basket, and stirred the ballots with their hands.

Q. Did they stir the ballots and box all up together in the basket?—A. No; there was plenty of room.

Q. Where was the box, under the ballots or upon top of the ballots? (Objected to as being immaterial.)

A. The box was in the bottom of the basket.

Q. Did the managers take the box and put it into the basket, under the ballots, after shaking them up?

(Objected to as being immaterial.)

A. The box continued in the basket.

Q. Are you a Republican?—A. I am.

Q. Were you on the Republican ticket at the last election?—A. I was.

Q. For what position?—A. For the legislature.

Redirect:

Q. Was the crowd spoken of in the aisle of the court house composed of Republicans, or was it composed of both Democrats and Republicans?—A. Consisted of both.

Q. Was M. P. Howell, the chairman of the Democratic party of Colleton County, also chairman of the commissioners of election of Colleton County?—A. Yes, sir?

WM. A. PAUL.

-Sworn to before me this 9th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,

*Notary Public South Carolina.*

Pursuant to adjournment the commissioners met at 10 o'clock Thursday, February 10, 1881. Present, Thomas H. Wheeler, esq., for contestant, and M. P. Howell, esq., for contestee.

DANIEL SANDERS, a witness in behalf of the contestant, testifies as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you

on the 2d day of November last?—Answer. I live in Walterboro', Colleton County; in Walterboro', at the polls, about 9 o'clock a. m.

Q. Will you please state what you saw there that day, and what you did yourself.—A. I saw a crowd gather there, trying to vote. At that time there was confusion about voting. Next was Mr. Howell; said that the Republicans were holding the door, and the Democrats could not get to vote. I then took him one side and talked with him, to make some arrangements by which both sides might be able to vote; we did make arrangements—the Republicans were to vote at the door and the Democrats were to go through the window. I staid there until about 10 o'clock a. m. I left there and went to the post-office; I came back in the afternoon, before the canvassing commenced; staid there until the votes were counted, after closing the polls. Then came the confusion about the votes; both Republicans and Democrats crowded around the box; the box was opened in the presence of all; the law was furnished the managers how they should proceed before counting votes; the box was so full that the ballots could not be mixed according to law. The box was set into a stick-basket; one of the managers tried to mix the votes in the box, and he failed to mix them, and then emptied the votes into the basket. Then the managers got confused how they would mix them; they stirred them up; they brought two-thirds of the tickets; as well as I could see, to the top were Republican tickets; then the manager commenced drawing; they drew for awhile from the top, and, as well as I could see, the manager sometimes would draw from the bottom. All this occurred after counting the number of ballots in the box; there was, to my recollection, 140 ballots in excess of the names on the poll-list; then the ballots were put back into the box—130 drawn out, to the best of my recollection. While drawing, or before drawing, they were stirred up again in the same basket; then one of the managers was blindfolded; he drew out about twenty Democratic ballots—would not be positive to that number—and the balance were Republican ballots.

Q. By going through the window that you speak of, did not the Democrats pass into the room where the polls were held?—A. They did.

Q. Was the chairman of the Democratic party in the room where the polls were being held?—A. He was, and I asked him to object to some white man that I did not think was old enough to vote, and he did object.

Q. Was the Democrat chairman also acting as challenger of the Democratic party where the polls were held?—A. To the best of my knowledge he was.

Q. Do you know or not whether he had on his coat a badge as State's constable?—A. I would not be positive that he had or not.

Q. Did you think that the excess votes had been drawn fairly, without prejudice, by the manager?—A. I could not say; but all, with the exception of twenty, all were Republican ballots.

Q. Could the manager detect one ticket from another without looking at them?—A. I think they could; I know that I could.

Q. What kind of box was used at the Walterboro' poll as to size?—A. Twelve by six box.

Q. Was it or was it not smaller than the one usually used here?—A. I could not say.

(M. P. Howell, esq., objects to the testimony of this witness on the ground that no notice was served on the contestee by the contestant that he would prove any irregularities at the Walterboro' precinct, and



that the testimony is therefore inadmissible, and should not be received.)

Cross-examined by J. D. EDWARDS, Esq., counsel for contestee:

Q. Are you a Republican?—A. Yes, sir.

Q. Were you allowed free access into that room that day?—A. I was.

Q. Were not prominent Republicans allowed the same access as Democrats that day for the purpose of challenging?—A. There was some dispute relative to Republicans coming into the window. Mr. Howell said, "You fellows must not come through that window."

Q. On what kind of paper was the Republican tickets printed?—A. On white paper.

Q. Do you not know that a large number of colored voters concealed their tickets by wrapping them in pieces of white paper, so as to create the impression that they were voting the Republican ticket?—A. I do not know that.

Q. Were you not told so?—A. Yes, sir; Edwards told me so.

Q. Do you not know that every one had voted at the closing of the polls, both white and colored?—A. I do not know.

Q. Were there not opportunity enough offered to any one to vote who had not during the day?—A. They got in one vote about five o'clock, and filibustered over him about half an hour, and there were about eight or ten then standing around to vote.

Q. Did not these eight or ten vote?—A. I do not know that of my own knowledge. I left.

Q. Were you present when the polls closed?—A. No; I arrived very soon afterwards, and before the managers opened the box.

Q. After that time did you hear any one complain that they had not voted?—A. I did.

Q. Do you know any person that did not vote? If so, name them.—A. I knew several that day that could not vote who wanted to vote. They were from North Carolina and had not been here long enough to vote; so the managers ruled.

Q. Were not these men engaged upon turpentine farms?—A. Captain Barnes said they were.

Q. Was Captain Barnes their employer?—A. He said he was.

Q. Do you not know that there was a strong feeling in the Republican party against voting for Smalls?—A. Not this election.

Q. Could the manager who drew the excess of votes out of the basket see those ballots?—A. He could not.

Q. How many times were these ballots shied?—A. They were shied every time he put his hand into the basket, by feeling them.

Q. By the use of that basket to hold the ballots could the result of the drawing been changed?—A. By drawing from the basket gave the manager greater access to the ballots.

Q. Was the counting of the ballots done fairly?—A. It was fair according to the number of votes therein.

Q. What was the Democrats' majority at this poll?—A. I do not remember.

Q. Was it more than the excess drawn out?—A. I do not know what the majority was.

Rebuttal:

Q. You speak of Mr. Edwards having told you that colored men claiming to be Republicans had voted red Democratic tickets, folded

in white paper. What, if any, official position does he hold?—A. County treasurer of Colleton County. He says he is a Democrat.

Q. By the managers ruling in the cases of the men that you spoke of, that were not allowed to vote by them, do you mean that the managers said that the men had not been in the State long enough, or do you mean to say that you knew they were not citizens?—A. I mean to say that the managers said they were not citizens.

DANIEL SANDERS.

Sworn to before me this 10th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,

*Notary Public, South Carolina.*

A. P. CAMPBELL, a witness in behalf of the contestant, testifies as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d day of November last?—Answer. I live four miles from Wal-terboro', in Colleton County; was at Bell's Cross Roads on the 2d day of November last.

Q. Were you there in any official capacity; and, if so, what?—A. I was supervisor.

Q. Were any attempts made there that day to either stuff the ballot-box or to vote more than one ticket?

(Object to this testimony on the ground that no irregularities were mentioned in the notice served upon the contestee by the contestant as to Bell's Cross Roads precinct, the same being inadmissible, and should not be received.)

A. Yes, sir.

Q. By whom?—A. By the Democrats, as a general thing.

Q. Was there any instances of Republicans attempting to vote more than one ticket; if so, how many?—A. Two instances.

Q. Were there any instances of the Democrats having two or more tickets folded together; if so, how many?—A. There were a great many; the number I am unable to answer.

Q. What was the number of votes in excess at the time of the closing of the polls?—A. Forty-three.

Q. Of that number how many Republican and how many Democrat votes were drawn out?—A. Thirty-one Republican and twelve Democrat.

Q. Did the Democrats have a majority at that poll after the count?—A. Yes.

Q. Did you apprehend any one attempting to stuff the ballot-box that day; and, if so, whom?—A. Yes; a man by the name of William Martin.

Q. Did you proceed against him in the United States court; and, if so, what disposition was made of it?—A. Yes, sir; and he was bound over to answer at the United States court.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. Did you detect any Republican attempting to cast more than one vote during the day?—A. I did not.

Q. After opening the box you found more than one Republican ballot folded together?—A. Yes, in two instances.

Q. What was the Democrat majority at that poll?—A. I do not remember.

Q. Can't you approximate?—A. If they had not of torn up the Republican votes the Democrats would then had no majority.

Q. What do you mean by tearing up the Republican votes?—A. The excess that was drawn out of the box.

Q. Do you not know of your own knowledge that the Democrat's majority was 100 or more?—A. I do not really know now; I do know that the Democrats usually have a majority at that poll.

Q. Do you know how many Republicans voted at that precinct on the day of election?—A. I do not; several Democrats did not vote at all.

Q. This man Martin that you speak of was the only Democrat voting more than one ticket that you know of?—A. Yes; the only one of my own knowledge; the Democrats must have voted them, because they were well stuffed in the box.

Q. How do you know that the excess was put in the box by Democrats?—A. They were all Democratic tickets packed together, except two.

Q. How could you tell the difference between the tickets put in legally and those found in the excess?—A. Because they were wrapped together.

Q. Did not the managers refuse to count and destroy all those found folded together?—A. They destroyed all except one; they counted one.

Q. Did you keep a poll-list as supervisor of the election?—A. Yes.

Q. Do you know, of your own knowledge, that there was a considerable feeling in the Republican party against Robert Smalls during the last election?—A. No, sir; there was more sentiment against Mr. Tillman; some of the Democrats would not vote for him.

Q. Will you name those Democrats?—A. Henry Crosby, James Bell.

Q. Did they vote at all?—A. Mr. Bell expressed his opinion that he would not vote, and said he would not have anything to do with such an election. Mr. Crosby voted for three persons on the ticket.

Q. The tickets alleged to have been voted by Martin were taken out and destroyed by the managers, were they not?—A. No, sir.

Q. Were they counted?—A. They were counted in the excess.

Q. Have you not already sworn that those tickets were taken in possession by you as supervisor as soon the box was opened, and that they are now in your possession?—A. I still swear to that.

Q. Then those tickets were not placed back into the box and drawn out by the managers as a part of the excess found to be in the box?—A. No, sir; they were not put back into the box.

Q. Then those tickets were not counted either for Smalls or Tillman?—A. They were not.

Q. Are you a Republican?—A. I am.

Q. Were you on the ticket at the last election as a candidate?—A. I was not.

Q. You have been on the Republican ticket?

(Objected to as being irrelevant.)

A. Yes.

Q. Everything went on peaceably and quietly at Bell's that day?—A. Yes.

Q. How many were in that bundle of tickets voted by Martin?—A. Nine.

Q. Were not all the tickets found in the box counted—bundles and all—counted that night by the managers?—A. When the ballots were found together, they took out one and destroyed the balance.

Q. They did not destroy the nine?—A. No, sir.

A. P. CAMPBELL.

Sworn to before me 10th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,  
*Notary Public, South Carolina.*

THOMAS L. MARTIN, a witness in behalf of contestant, testifies as follows, after being duly sworn :

Question. Where do you live ; in what county, and where were you on the 2d day of November last ?—Answer. I live in Walterboro', Colleton Co.; was at Snider's Cross Roads on the 2d day of November last.

Q. Was the polls opened there at the usual hour ?—A. I don't think it was. I staid about a quarter of a mile from the polls, and started at a quarter after five, and when I got there the managers had voted twenty-one persons.

Q. Then by your time the polls must have been opened before 6 o'clock ?—A. Yes.

Q. You were the Republican supervisor, were you not ?—A. Yes, sir.

Q. Did the managers swear the voters at that poll ?—A. They did not.

Q. Was there much disorder at the polls, and were there threats made against the Republicans ?—A. There was a great deal of disorder all day long caused by drunkenness. As to threats, they remarked that they could kill a Radical as easily as they could drink water; and they also threatened to throw me out, and did lay their hands upon me.

Q. Were you prevented from keeping a poll-list there that day ?—A. I was.

Q. Did you try to keep a poll-list ?—A. I did.

Q. How was the receiving of the ballots taken by the managers ? Did the voters vote one by one ?—A. They did not vote one by one only in one or two instances. Men would come up and see if there were many men around the polls. They would go off and collect a large crowd as possible. On two occasions they came in such large crowds that they made it impossible for me even to see the ballot-box. The men whom the managers knew, the clerk would take down their names without asking their names; but when I would ask, they would walk off. Some would give their names and some would not.

Q. Did you witness the count of the votes that evening ?—A. I did.

Q. Were there any cases of illegal voting, or voting of more than one ballot at one time ?—A. There was.

Q. Was there much of it on the part of the Democrats ?—A. Yes, sir.

Q. Can you tell how many Republican votes were destroyed by the managers that evening ?—A. One Republican.

Q. Were there any Democrat votes destroyed ?—A. Yes, sir.

Q. Not being able to keep a poll-list, and the almost constant disorder at the polls, and yourself being threatened and assaulted, did you have any correct way of knowing how many legal votes were cast at that poll that day ?—A. I did not; only when a lull took place I was allowed to copy the poll-list.

Q. What were the managers, Republicans or Democrats ?—A. Democrats.

Q. All of them ?—A. Yes, sir.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee.

Q. You were offered an opportunity by the clerk, you say, to copy the names of the voters from his poll-list to yours ?—A. Yes sir.

Q. How many Democrat votes were drawn out and destroyed by the managers after counting the votes?—A. I don't know.

Q. Can't you approximate?—A. I judge that there were destroyed as many as the poll-list called for.

Q. Do you not know that Snider's Cross Roads precinct has always been a Democratic precinct?—A. I do; but not so extensively as this time.

Q. You say that some one laid hands upon you and threatened to put you out of the room; will you name the person?—A. Just about 3 o'clock p. m., I missed from the polls John Trowell, J. J. Getsinger, and J. M. Benton, and just as we had started to count the votes, they came back stating that they had been to Walterboro', and also claiming that they had a letter from Major Howell telling the managers to put the marshal and myself out if we did not keep our mouths shut; that we had no authority to act; the managers proceeded to count the ballots; I objected to the way they started and the first thing I knew Getsinger and Trowell laid their hands upon me.

Q. Did they put you out?—A. No; they started to do it.

Q. You did remain in the room until the votes were counted?—A. I did; Mr. Curtis, acting clerk, told them that they had better let me alone or they would get in trouble.

Q. You say that a great many threats were made that day; can you state by whom those threats were made?—A. I can only state one man positively; L. B. Adams, a one-arm man.

Q. Was he drunk?—A. Pretty well; he had plenty of echoes that were not drunk.

Q. Did you read the letter that these men stated that they had from Major Howell?—A. I did not read it, but Jonathan Trowell did.

Q. Did you hear it read?—A. Yes; I did.

Q. Will you swear that that letter had anything in it pertaining to the United States supervisor?

(Objected to by Thos. H. Wheeler, esq., on the ground that parol testimony cannot be used to prove the contents of a written instrument, and because the witness does not swear that he read the letter, or that he had any knowledge of its contents except that which Jonathan Trowell imparted to him.)

A. Jonathan Trowell read the letter using this language, that if we did not keep our mouths, they must put the marshal and myself out, as we had no authority to act, and immediately these men were badged and proceeded to act upon the advice.

Q. What did they immediately proceed to do?—A. Put me out right there and then.

Q. Was that the time you had reference to the laying hands upon you?—A. Yes.

Q. Did you have a watch on the day of election?—A. I did not.

Q. Where did you stay the night previous to the election?—A. Pétér Boatright's.

Q. Did he have a time-piece?—A. He did; he had a clock.

Q. Do you know positively whether that clock keeps correct time or not?—A. I don't know positively, but I judge it does; it was the first time I have ever seen it.

Q. Is that your usual place of voting?—A. No, sir.

Q. Are you a Republican?—A. Yes, sir.

Q. Were you on the ticket as a candidate at the last election?—A. No, sir.

Q. Did you have a brother on the ticket at the last election for a position?

(Objected to as being immaterial.)

A. I did.

Q. For what position?—A. For county commissioner.

Rebuttal:

Q. Who is Major Howell, that you speak of?—A. He is the Democratic county chairman.

Q. Did these men show their badges before they came back from where they went?—A. They did not.

THOS. L. MARTIN.

Sworn to before me this 10th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,

*Notary Public, South Carolina.*

THOS. C. SMITH, a witness in behalf of the contestant, testifies as follows, after being duly sworn:

Question. Where do you live; in what county, and where were you on the 2d day of November last?—Answer. I live in Walterboro', Colleton County; was at Smoke's Cross Roads on the 2d day of November last.

Q. What time did you go there; how long did you remain; and, if you left, why did you leave?—A. I got there half-past 5 o'clock a. m., and left about 3 o'clock p. m. I left in fear of my life from violent threats that were used against me as supervisor, claiming that I had no right there, saying that I was only there to interfere with their election and have men reported to the United States court.

Q. Did the managers swear any of the voters while you were there at this precinct?—A. They swore, as near as I can get at it, three men that was objected to by the chairman of the managers. I told the chairman that he had no right to object to them.

Q. Were the rest of the voters sworn?—A. No, sir.

Q. Were these threats made by the supporters of Tillman and the Democratic ticket, or by Republicans?—A. They were made by the supporters of Tillman—the Democratic candidate.

Q. Were the managers Republican or Democrats?—A. Democrats.

Q. Then, you do not know, of your own knowledge, the number of votes legally cast at that poll?—A. No, sir.

Q. In consequence therefore of the violence and threats made there, were you or were you not prevented from keeping a proper poll-list, and from acting and performing your duty as United States supervisor?—A. I was.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. Did you not indict the managers and one Mr. Padget for obstructing and forcing you in the discharge of your duty to leave the polls before United States Commissioner Hutchinson?—A. I did.

Q. Do you not know, of your own knowledge, that Commissioner Hutchinson discharged the managers and Mr. Padget from any blame on the account of your leaving the polls?

(Objected to by Thos. H. Wheeler, esq., as being immaterial, and because it is not in answer to anything in the direct examination, and because there is no allegation that the managers were in fault as far as the violence and threats were concerned, and because the action of the commissioner is not proved.)

A. I do not; I know that the commissioner had the managers bound over, and discharged Mr. Padget.

Q. Did anybody lay their hands upon you the day of the election and prevent you from the discharge of your duties? If so, name them.

—A. In the morning one Waters took hold of me by the shoulder and said he could nip me in less time than it took to say it; at that time a razor dropped out of his pocket, and Mr. Williams, the Democratic supervisor, took him off, telling him that he was getting himself in trouble.

Q. When you left the polls, or the room where the voting was going on, did you leave yourself, or were you put out?—A. I left, because I was in a small room. Mr. Padget had got up a furious crowd, swearing that they would kill me, and there was no protection for me in that small room with the crowd.

Q. Do you not know, of your own knowledge, that Smoke's Cross Roads is a Democratic precinct?—A. No, sir; I don't.

Q. Did you ever know a Republican majority to be given at Smoke's Cross Roads?—A. I never knew whether the majority was Republican or Democrat.

Q. Is Smoke's Cross Roads your usual place of voting?—A. No.

Q. You live in Walterboro'; how far is Smoke's Cross Roads from Walterboro'?—A. I think about twenty-two miles.

Q. You went there in the interest of the Republican party, did you not?—A. I went there as United States supervisor for the Republican party.

Q. You were not there when the election was declared, were you?—A. No, sir.

Q. You know what the Democrats' majority was, of your own knowledge?—A. No, sir.

Q. The threats and mysterious looking crowd you speak of—was that in the room, or outside?—A. It was in the room and outside.

Q. You were given a proper place, or a place where you could see the voting carried on, by the managers, were you not, on that day?—A. I was.

THOS. C. SMITH.

Sworn to before me this 10th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,

*Notary Public, South Carolina.*

A. P. HOLMES, a witness in behalf of the contestant, testifies as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d day of November last?—A. I live on Ashapoo, Colleton County; I was at Green Pond polling precinct.

Q. Were you or were you not one of the commissioners of election during the last election?—A. I was.

Q. Of whom was that board composed?—A. M. P. Howell, H. D. Padget, and myself.

Q. Who was the chairman of that body?—A. M. P. Howell, esq.

Q. Was or was he not chairman of the Democratic party of Colleton County?—A. He was.

Q. Did that body appoint the managers at the last election?—A. They did.

Q. Was there any fairness exhibited by the majority of that board in the appointment of Republican managers?—A. I should not suppose

so, from the fact that they appointed all Democrats as managers, and would not allow a Republican manager to be appointed, at my suggestion, who was a representative on the board of that party.

Q. Did you at any time suggest names of responsible Republicans to be managers at the various precincts in the county?—A. I did. I suggested responsible persons for every polling precinct in the county, every one of which was voted down by the majority of the board.

Q. Who formed that majority?—A. M. P. Howell and H. D. Padget.

Q. How many managers were appointed at each poll?—A. Three, as the law required.

Q. Then the majority of the board of canvassers refused to allow the Republicans a single representative out of the three appointed at each polling precinct?—A. They did, under the most solemn protest of mine.

Q. Did the Republicans have a single representative in the whole county of Colleton at any precinct, save Green Pond, on the board of managers?—A. They did not; and that one was appointed at the suggestion of Dr. H. E. Bissel, who was not a member of the board of commissioners, but a candidate on the Democratic ticket for the legislature.

Q. Were not meetings held or appointments of managers made without your knowledge?—A. There was, at a subsequent meeting to the one at which they appointed managers.

Q. Was the attention of the commissioners called to their unjust treatment of the Republicans in the county?—A. In the appointment of managers there was.

Q. Can you give the names of the managers originally appointed by the commissioners?—A. I can; Maple Cane precinct, H. W. Agerman, W. J. Rhodes, and G. W. Reaves; Gloversville precinct, L. Sanders, A. V. Gloyer, and R. G. Willis; Green Pond, D. J. Chaplin, A. P. Williams, junior, R. S. Tarleton; on the night prior to the election O. P. Williams, junior, was removed, and S. G. Tent appointed in his place; Walterboro' precinct, C. G. Anderson, W. F. Bellinger, and E. N. F. Finken; changes were made also there the 1st of November, substituting W. S. Tye without notifying me; Delamar's Cross Roads, J. J. Bell, T. Rumph, Fred. Jaques; Ridgeville, John E. Goodwin, J. Varwadoar, Levi Owens; at a subsequent meeting Lewis Strobel, Charles E. Webster, L. F. N. Bishop for those first named; Hose Pond, E. D. Craven, C. C. Mentz, John Kennerdy; at a subsequent meeting J. R. Stokes was substituted for E. D. Craven, and B. S. Risher in the place of Kennerdy; Georges Station, W. S. Reaves, George Rumph, and W. E. Griffith; at a subsequent meeting Hutlo was appointed in the place of W. S. Reaves; Snider's Cross Roads precinct, Jacob Getsinger, H. W. Du Bois, and Watts Thompson; there were changes made at that poll, the names of whom I am not now positive, but these are not the managers that served on the day of election; Summerville, A. J. Smith, William Knight, and J. E. Mellord; Carter's Ford precinct, H. W. Carter, J. W. Fender, and Peter Higgin; Smoke's Cross Roads precinct, P. J. Wilson, J. H. Carroll, P. W. Strickling; Bell's Cross Roads, Robert Black, junior, B. F. Folk, W. S. Connerly; Jacksonboro, J. W. Grace, E. H. Hartman, T. C. Wescoat; Pritchard's Mill poll, L. B. Jones, W. N. Jones, and Jesse T. Jones; Ravannel, R. E. Elliott, B. B. Goodman, and W. A. Marshal.

Q. It was the duty of this board to furnish the managers of election with proper blanks and boxes, was it not?—A. It was.

Q. What kind of a box did they send to Jacksonboro' and other



strong Republican precincts, where large number of votes are usually polled?—A. They were all of a smaller size box, there being two sizes; though the box sent to Jacksonboro' would have been ample large enough to have held the votes of that polling precinct if the Gloversville polling precinct had not been closed; the next nearest voting place.

Q. How many polling precincts were not opened during the election day?—A. Three.

Q. Were or were they not usually strong Republican precincts?—A. Two usually give large Republican majorities; the third one a small Democratic majority.

Q. Did the commissioners of election canvass at all the votes of the Jacksonboro' precinct?—A. They did not.

Q. Then none of the votes cast for Robert Smalls at the Jacksonboro' precinct were counted for him by the commissioners?—A. They were not.

Q. Were there any polls where the managers failed to canvass any votes for Congressman; and, if so, at what polls?—A. The managers of election at Horse Pen poll made no returns for members of Congress to the board of canvassers; the whole number of votes cast at that poll was two hundred and seventy-six. On examination of the ballot-box, as presented to the board of canvassers, ballots were found in the box containing the name of Robert Smalls for Congress.

Q. Is not Jacksonboro' one of the strongest Republican precincts in the county?—A. It is among one of the strongest in the county.

Q. Was the Republican vote at Jacksonboro' largely increased at this election? If so, state the cause.—A. Gloversville polling precinct having been closed on election day, and the precinct at Adams' Run, Ashpoo, and Bennett's Point having been abolished, necessarily increased the votes at Jacksonboro'.

Q. Were they all Republican precincts?—A. They were all largely Republican precincts.

Q. Is Jacksonboro' the nearest point or the most convenient to the voters of those precincts you have named?—A. It is to some.

Q. Is it to most of them?—A. It is.

Q. Was the box sent to Jacksonboro' large enough to hold the votes at that point, increased as it was by the abolition of the polls named?—A. I think not.

Q. Was there from the organization of the board of canvassers until the closing of the so-called canvass of the legal votes of Colleton County the slightest disposition shown by that board for a fair and free election?—A. There was not the slightest disposition shown by the majority of the board to have a fair, free, and honest election; from the appointment of the managers to the canvassing of the returns everything indicated an unfair election and a dishonest count.

Q. Will you state, if you know, whether there were any irregularities as to any other precincts in the county?—A. There were slight irregularities at all the polls, but none prominent in regard to the election of Congressman.

Q. Of what did these irregularities consist?—A. They consisted in the managers making false returns in regards to Presidential electors and State and county officers.

Q. Then these irregularities at the various polls was the fault of the managers of whom they appointed, and who were Democrats in politics, were overlooked by the Democratic majority of the commissioners, while the Republican precinct at Jacksonboro' was thrown out on the alleged cause that the polls were closed before the regular hour, which

was caused by the commissioners of election having sent to that point a box inadequate to hold the votes?

Pursuant to adjournment, the commission met February 11, 1881, at 11 o'clock; present, Thomas H. Wheeler, esq., for contestant, M. P. Howell, esq., for contestee.

A. There was, notwithstanding I called the attention of the two commissioners of the irregularities before the canvassing of the returns.

Q. Was the knowledge of the numerous, and illegal, and unjust action of the various managers at the different precincts brought to the attention of the commissioners of election before the final canvass of the votes; and, if so, by what means? And was not the same entirely ignored save the acknowledgment of the receipt of the same by the majority of the Democratic board?—A. During the canvassing of the returns of the managers at every stage where irregularities were detected by me I called the attention of the other two commissioners to the same, and the many instances a vote was taken on it and decided by the usual majority of two not to go behind the returns of the managers, notwithstanding their knowledge of the false and fraudulent returns.

Q. Was there any communication given to that board citing numerous instances of fraud, irregularities, and unjust proceedings of the managers appointed by them?—A. There was a protest entered citing numerous instances of irregularities and frauds committed by the managers of various precincts, but the commissioners made no further disposition of the communication, accepting a copy to be forwarded to the State board of canvassers with their final statement.

(Objected to by M. P. Howell, esq., on the ground that parol testimony is inadmissible to prove the contents of a written instrument.)

Q. Then the commissioners acted with a full knowledge of the alleged fraudulent and illegal transactions of their managers of election?—A. They did.

Q. Did the commissioners attempt to investigate any of the alleged frauds in any of the precincts of the county?—A. They did not.

Q. Did they not ignore every charge and look over every irregularity and count every return made from the various Democratic polls of this county?—A. They did.

Q. Did they throw out any Republican polls; and, if so, which ones?—A. They refused to canvass the votes of Jacksonboro' precinct, which is a Republican poll.

Q. Did not the Republicans, even with the closing of the polls at Gloversville, Summerville, and Delama, have in your opinion a majority of the legal votes cast at the last election for Congressman?—A. I am of the opinion they had.

Q. In your opinion how was that result changed?—A. By the method adopted by the Democratic party of stuffing the ballot-boxes, and thereby causing more votes in the box than names on the poll-list, and in drawing out the ballots, reducing the number of votes to correspond with the poll-list; their tickets being of a tissue character by the sense of feeling they drew out Republican votes, leaving Democratic votes to be counted; in this manner honest votes that were cast were drawn out and destroyed, and Democratic votes that found their way into the box by fraud were counted instead.

Q. When the Democratic majority of the commissioners of election, their managers, and the Democratic voters, all supporters of Tillman

for Congress, turned by the method describe a Democratic minority into a Democratic majority of over six hundred?—A. They did.

Q. Had the polls been opened at the precincts of Gloversville, Summerville, and Delama and Jacksonboro' and the votes properly canvassed, what majority would Robert Smalls and the Republican party have had in this county?—A. If the above-named polls had been opened and a fair and honest election had and the returns honestly made, Robert Smalls would have had a majority in this county of between thirteen and fourteen hundred.

Q. How are the precincts in this county situated as regards the voting population?—A. In Democratic sections the polls are situated near each other, to facilitate the voting of the community; in Republican sections the polls are situated a great distance from each other, to the inconvenience of the voters.

Q. Did the majority of the people living in the section of the county where the polls were not opened on the day of the last election have an opportunity to go to other polls in their vicinity; and, if not, why?—A. I think not, from the fact that they were not aware of the closing of the polls until they arrived at the place of voting, many of whom lived at remote distances, and could not reach other voting places and return the same day.

Q. Did not the returns of the managers, notwithstanding the closing of the polls at various places, show a largely increased Democratic vote?—A. I cannot be positive about that, because I have never compared the votes of the last election with the votes of former years, before they adopted the method of closing Republican polls.

Q. Did the majority of the board of commissioners of election appear to act with any degree of fairness, take any measures to insure a fair count, or did they appear to act solely in the interest of their Democratic partisans, the friends of Tillman?—A. The majority of the board of commissioners seemed to have had in view one object, and that was the counting in of their candidate; their whole course of conduct was governed by that object.

Q. Then, Mr. Holmes, you were only nominally a member of that board?—A. That was all; and I so told them at the time.

Q. Then you found it impossible, by the reason of the action of the majority of that board, to obtain for the party you represented any representative on the boards of managers, or to do anything to insure a fair election or a fair count?—A. Yes.

Q. Since the election, has the chairman of that board of canvassers received any position; and, if so, what is it?—A. I am unable to say that he has received any position.

Q. Do you know, or not, whether he is clerk of the board of county commissioners?—A. He is, and has been for the last four or five years.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. You say that you were one of the members of the board of commissioners of election for Colleton County?—A. I was.

Q. Were you present at the organization of that board?—A. I was.

Q. Were you present at a meeting for the purpose of appointing managers?—A. I was.

Q. Were the managers appointed at that meeting?—A. They were appointed at that meeting.

Q. Are you acquainted with the law relative to the duties of that board?—A. I have a slight knowledge of the law as to the duties of the board.

Q. Does the law say that the managers shall be representatives of both parties, Republican and Democrat?—A. The wording of the law does not say so, but the spirit and intention of the law securing a free ballot and a fair count intend it, in my opinion.

Q. That is simply your construction of the law?—A. Not being a professional man, such is my construction of the law, where there are two political parties contending for the protection of their rights and against the infliction of a great wrong.

Q. Do you think there is a great political party, Republican I mean, in this State?

(Objected to by Thos. H. Wheeler, esq., as being immaterial and not referring in any way to the subject-matter.)

A. I have not to think anything about it, for I know numerically that the Republican party is the greatest in the State.

Q. Do you not know that the Republican party in convention assembled in the city of Columbia failed to put out any ticket on the ground that they had no material in the party that they could place before the people for their support?

(Objected to by Thos. H. Wheeler, esq., on the ground that surplusages have no direct or indirect connection with the subject-matter nor in answer to anything brought out in this investigation.)

A. I do not know that to have been the alleged reason; my information of their reason in not putting forth a ticket was to prevent a reign of terrorism against inoffensive Republicans all over the State like that of '76-'78.

## UNION REPUBLICAN TICKET.

(Wood cut of Abraham Lincoln.)

For President:

JAMES A. GARFIELD.

For Vice-President:

CHESTER A. ARTHUR.

For Presidential-Electors:

At Large—T. B. JOHNSTON.

At Large—A. S. WALLACE.

First District—W. A. HAYNE.

Second District—E. A. WEBSTER.

Third District—THOS. N. TOLBERT.

Fourth District—WILSON COOK.

Fifth District—B. P. CHATFIELD.

For member 47th Congress, 5th Dist, S. C.:

ROBERT SMALLS.

For Sheriff:

I. T. BROWN.

For Clerk of Court:

J. K. LINDER.

For Judge of Probate:

J. J. HOLFORD.

For School Commissioner :  
E. D. HOLMES.

For County Commissioners :  
A. R. DEAS.  
E. J. LIMEHOUSE.  
J. M. MARTIN.

For Representatives :  
W. A. PAUL.  
A. P. WASHINGTON.  
C. C. ROBINSON.  
ISAAC WININGHAM.  
EDWARD BENNETT.

For Coroner :  
JESSE JONES.

## THE DEMOCRATIC TICKET—1880.

### COLLETON COUNTY.

*For President,*  
WINFIELD S. HANCOCK.

*For Vice-President,*  
WILLIAM H. ENGLISH.

*Electors at Large,*  
JOHN L. MANNING, of Clarendon.  
WILLIAM ELLIOTT, of Beaufort.

*District Electors,*  
1st—E. W. MOISE, of Sumter.  
2d—SAMUEL DIBBLE, of Orangeburg.  
3d—J. S. MURRAY, of Anderson.  
4th—CADWALLADER JONES, of York.  
5th—G. W. CROFT, of Aiken.

*Governor,*  
JOHNSON HAGOOD.

*Lieutenant-Governor,*  
J. D. KENNEDY.

*Comptroller-General,*  
J. C. COIT.

*Secretary of State,*  
R. M. SIMS.

*Attorney-General,*  
LEROY F. YOUMANS.

*Superintendent of Education,*  
HUGH S. THOMPSON.

*Adjutant and Inspector-General,*  
ARTHUR M. MANIGAULT.

*State Treasurer,*  
JOHN PETER RICHARDSON.  
*Congress—Fifth Congressional District*  
G. D. TILLMAN.

*Solicitor—Second Judicial Circuit,*  
F. HAY GANTT.

*Representatives,*  
WM. A. DRIFFLE.  
J. D. C. PENDARVIS.  
J. W. COLSON.  
DR. H. E. BISSELL.  
J. M. HUMBERT.

*Clerk of Court,*  
EDWARD W. FRASER.

*Sheriff,*  
ROBERT BLACK.

*Probate Judge,*  
BENJAMIN STOKES.

*School Commissioner,*  
J. T. HIERS.

*Coroner,*  
JOSEPH K. RISHER.

*County Commissioners,*  
PAUL JENKINS.  
THOMAS R. WILLIAMS.  
J. HAMILTON KNIGHT.

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Constitutional Amendment relating to Homestead—Yes.

Q. At the meeting of the board of commissioners of election at the time managers were appointed was it not agreed to that the chairman of that board, M. P. Howell, should send out the boxes and statements for the returns to the various precincts throughout the county?—A. I think it was so agreed upon.

Q. Did you ever meet that board after that time and previous to the election?—A. I know of only one regular stated meeting of the board, which meeting I did not arrive in town in time to attend. I have attended two subsequent meetings and informal meetings previous to the election.

Q. At one of those meetings did you not take and correct the original list of managers upon your private book, with the names of those substituted and agreed upon at the time to act in the places of those who had informed us that they would not serve?—A. I have never seen the original list at any meetings subsequent to the first, at which they appointed managers. I took the names of those managers given me by Mr. Howell. Nor have I ever seen any communication prior to the election from persons who were originally appointed refusing to serve as managers.

Q. Were you not told by Mr. Howell that some of the managers refused to act?—A. I think I was told by Mr. Howell that some of the managers refused to act. Who they were I do not remember, without referring to my memorandum.

Q. Were you not present at the organization of the county board of canvassers subsequent to the election, for the purpose of canvassing and declaring the result of the election and were you not a member of that board?—A. I was.

Q. Did not the board proceed according to law to canvass the statements and returns of the managers?—A. The board proceeded to canvass the returns of the managers as the majority of the board construed the law.

Q. Did you, as a member of that board, object to the way in which the commissioners, or a majority of them, proceeded to canvass the votes?—A. I did; I objected to the canvassing of the Walterboro' precinct, where the statement of the managers gave a total number of the votes cast and returned of nine hundred and fifteen, whereas the managers' own poll-list called for eight hundred and ninety-five names of voters. I objected to the excess vote of twenty that has been reported. I objected to the returns of the managers made at Horse Pen of two hundred and seventy-six votes and returning no vote for Congressman from that poll, or Presidential electors, because on examination of the box the box was found to contain votes for the Republican Congressman and Presidential electors. Also, of Snider's Cross Roads the managers made no returns for Presidential electors, and on examination the ballot-box was found to have contained votes for the same. Ridgeville, in like manner; the managers failed to report a total number of votes cast, according to their instructions, and also failed to return any votes for Presidential electors, and on examination the box was found to have contained votes for the same. I objected to the manner in which the Jacksonboro' box was disposed of. I also objected to the George's Station returns, for reasons that the managers failed to return any votes for Presidential electors, and on examination the box was found to contain ballots for the same; also because the poll-list called for eleven hundred and sixty-two, and the statement of the managers was eleven hundred and sixty-six. These were some of the irregularities that caused me to object to some of the proceedings of the board.

Q. Did you raise these objections and call for a decision on them from the board, or did you simply take a note of them?—A. I raised the objections and had the decision of the board of two or three of the most prominent cases named, and they decided by the usual majority of two not to go behind the returns of the managers, after which I just called their attention in each instance, and made note of the irregularities.

Q. Do you not know that the additional number of names belonging to Walterboro' precinct was found to correspond with the managers' statement on a separate piece of paper, that had by some means or other got separated from the original returns?—A. I do not. I do know that they were not with the returns of the managers before the board of canvassers at the time of their final adjournment. I know that the clerk of the board of managers was called before the board of canvassers to explain the difference between their poll-list and their statement, and the clerk said he could not account for the discrepancy; and with that the board of canvassers decided to go on canvassing the statement.

Q. What was the Democratic majority at Walterboro' precinct?—A. I am not prepared to give that majority.

Q. Did not the Democrats have a large majority at the Walterboro' precinct?—A. Not being able to give the figures, I am unable to say.

Q. Can't you approximate?—A. I cannot approximate without some basis to approximate.

Q. Do you not know that the Democratic majority was over three hundred, as declared by the board of county canvassers?—A. I do not remember that majority now. In former elections their majority has been usually small, since the Democratic administration; prior to that time it has always been Republican.

Q. What was the Democrats' majority at this precinct in 1878?—A. I do not recollect their exact majority, as their tissue ballots in 1878 increased their voting population throughout the county.

Q. Can't you approximate?—A. It is rather difficult.

Q. The precinct always went Republican during the time the Republicans had the machinery in their hands, did it not?—A. It usually did before the induction of the tissue order.

Q. The only irregularity that you objected to at Horse Pen was that the managers failed to make any returns for Congressman and Presidential electors, was it not?—A. That was part of the reason.

Q. State your other reason.—A. I think one or two of the county officers that they failed to make any return for.

Q. Are you certain of that?—A. I feel somewhat certain.

Q. If the managers at Horse Pen precinct had made their return for Congressman, would not a majority of the votes been in favor of George D. Tillman?—A. I do not know that it would, they having made no returns.

Q. Do you not know that Horse Pen precinct has always been a Democrat precinct?—A. It has always given a small Democratic majority; I think something like eighteen or twenty.

Q. From the examination of the box, and votes in the Horse Pen box, did you find any ballots with the name of George D. Tillman?—A. I did not; but put my hand in the box and taken tickets with the name of Robert Smalls, and called the attention of Mr. Howell to the fact, though I suppose there were votes in the box for Mr. Tillman.

Q. Did the box have any Democrat votes in it?—A. I saw Democrat votes in the box, but did not examine the ballots.

Q. Then you only examined the Republican ballots?—A. Yes.

Q. Your objection to the Snider's Cross Roads box was that they made no returns for Presidential electors, was it not?—A. I think so.

Q. Did not the Snider's box contain a Democratic majority?—A. It may have. I did not keep a register of the majorities of the various polls, but simply noted their irregularities, as it was my duty to do.

Q. Do you not know of your own knowledge that the Snider's Cross Roads box did have a Democratic majority of over two hundred?—A. I do not know whether they did or not; my whole time was taken up in watching and noting irregularities.

Q. When the Jacksonboro' box was brought before the board and a vote taken as to what disposition was to be made of it, how did you vote?—A. To the best of my recollection, I voted in the affirmative.

Q. Do you mean by that that you voted that the votes in the box should be counted and declared as a part of the result of the election?—A. Yes.

Q. Do you not know of your own knowledge that you declined to vote in the matter?—A. Certainly not.

Q. Was there any objection brought before the board in reference to Ravennell box?



(Objected to by Thos. H. Wheeler, esq., on the ground that it is not in answer to anything brought out in the direct examination.)

A. There was a protest entered on the affidavit of Mr. Elliott, but it was dismissed by the decision of the board. I think that was the disposition.

Q. Was that box counted?—A. Yes.

Q. Did it have a Democrat or Republican majority?—A. I think it had a Republican majority; cannot be positive as to the exact number.

Q. Do you not know that there were more than three hundred Republican majority in that box?—A. I think there was, though it might be less.

Q. You say your objections to Ridgeville poll was that there was no return for Presidential electors, and also the total number of votes cast?—A. Yes.

Q. Did not the returns of the managers show the number of votes cast for each candidate?—A. They did, but not a total number of votes given at the polls for all the candidates, as the instructions required, and there were no votes credited to Presidential electors.

Q. Do you mean by that that there was no recapitulation of the votes cast for the various candidates?—A. I mean, in the first instance there was no total number of votes reported, as required by their instructions.

Q. Was there a Democrat majority at that poll?—A. I think a Democratic majority was reported.

Q. Do you not know that it was three hundred or more?—A. I do not know that it was, that poll having always been a Republican poll.

Q. Do you not know in the last election that the Democratic majority was over three hundred or more at Ridgeville precinct?—A. I do know that, with an honest election, there could not have been a Democratic majority.

Q. Was not that the declared majority by the Democratic board of county canvassers?—A. I am not prepared to answer whether it was or not.

Q. Do you not know whether it was about that number?—A. I cannot say; it might have been less.

Q. You know, however, that it was a large Democratic majority?—A. I do not know that it was a large Democratic majority.

Q. Did you sign a certificate as to the Democratic majority at that poll?—A. Not particularly at that poll.

Q. Are you avoiding these questions because you do not wish to state what the majority really was, or is it because you have forgotten?

(Objected to by Thomas H. Wheeler, esq., as being improper, the law presuming that all witnesses under oath testifying are telling the truth, and there being no evidence to the contrary as to the witness who is testifying.)

A. I avoid no question, and only testify to such knowledge as I have, other than those founded on opinion, and could not be persuaded from it.

Q. You say that the irregularities at Georgia Station precinct consisted of the Presidential electors, and a discrepancy in the managers' statement from the poll-list, did you not?—A. Yes.

Q. Then the discrepancy only consisted of six names, did it not?—A. Four.

Q. Was that discrepancy on the poll-list or the managers' statement; which contained the largest number?—A. The managers' statement, crediting four votes for candidates that were never cast.

Q. Did you count every name upon the poll-list, or did you take it from the number opposite the last name upon the list?—A. From an inspection of the poll-list I inferred that one of the two was correct, and as the law requires the managers to draw out the surplus votes in the box, reducing the same to the number of names on the poll-list, that the poll-list was correct.

Q. Did you count the names on that poll-list?—A. I did not.

Q. Then how do you know how many it contained?—A. I know it from the reason just above stated, that both could not have been correct, when one contained eleven hundred and sixty-six and the other eleven hundred and sixty-two names.

Q. Could you tell upon the inspection of a poll-list of eleven hundred and sixty-two names that there was a discrepancy of four without counting them?—A. I could, for the reason just stated.

Q. What were the reasons just stated? State them again.—A. If the managers' poll-list of 1,162, as they numbered each name, was correct, then their statement of 1,166 was incorrect, and if both were correct, the managers are more able to explain the difference than I.

Q. Can you swear which was correct, the poll-list or the statement?—A. I would not swear that either were correct, from the fact that the whole election affair seemed to have been conducted with a reckless disregard to the law.

Q. Then you can swear to no correct record of the election?—A. I cannot to such irregularities as I have knowledge of.

Q. Did you not, as a member of the board of county canvassers, after canvassing the statement and the returns made by the managers, sign a statement and certify to the result of said election, that the same was a correct statement and return of the managers, whereby it was declared that the Democrats had a majority of over six hundred?—A. I signed the certified statement of the canvassing and returns of the managers of election, as the majority of the board of county canvassers determined on.

Q. Did you protest against signing that return?—A. I did not think it necessary to protest against signing the return for the same, being immaterial.

Q. You spoke about filing a protest against the election, charging fraud and other things, did you not?—A. I did.

Q. Was it not the usual protest against elections?—A. I do not know that it was.

Q. Who was that protest filed by?—A. Charles H. Farmer, esq., representing the Republican party, I believe.

Q. In what capacity?—A. In the capacity of a lawyer.

Q. Was that protest filed before or after the signing the returns of election by the county canvassers?—A. I could not be positive whether it was after the canvassing, and just before the declaration of the election by the chairman of the board of canvassers.

Q. A copy was duly accepted by the board, was it not?—A. It was.

Q. How far is it from Gloversville precinct to Maple Cane?—A. About ten or twelve miles.

Q. How far to Jacksonboro?—A. About nine miles.

Q. How far to Walterboro?—A. Twelve miles, about.

Q. Do you know, of your own knowledge, where the voters of Gloversville voted on election day?—A. No.

Q. Do you know whether they voted at all or not?—A. Not of my own knowledge.

Q. Were you a member of the legislature in 1873 and 1874?

(Objected to as being immaterial, and in answer to nothing brought out in the principal examination.)

A. I was.

Q. What is your name?—A. A. P. Holmes.

Q. Were you a member from Colleton County?—A. I was.

Q. Are you the A. P. Holmes that is spoken of in the report of the joint investigating committee on public frauds of the election of the Hon. J. J. Patterson to the United States Senate, made to the general assembly of South Carolina at the regular session of 1877-'8, on pages 236 and 240, in the testimony of Jones, with having received \$200 in voting for the bill appropriating \$250,000 for the Republican Printing Company?

(Objected to by Thos. H. Wheeler, esq., on the ground that the witness is not compelled to answer any question affecting his character; second, that the witness could have no knowledge of said record, as the same is not in testimony; third, because said statement is indefinite and vague, and from the testimony of men who have acknowledged themselves as thieves, and because said report is only the ex parte statement of a Democratic smelling committee, and has no force either in law or in equity. Witness was warned by Thos. H. Wheeler, esq., as to his rights.)

A. Witness declines to answer the question.

Q. Are you a Republican?—A. I am.

Q. Did you support the Republican ticket in 1878?—A. I did not support the Republicans or Democrats as a whole in that election.

Q. Did you support the Republican ticket in 1880?—A. Yes.

Q. Were you on the ticket as a candidate?—A. No.

Q. Did you have a brother on that ticket as a candidate?—A. Yes.

Q. For what position?—A. School commissioner.

Q. What was his name?—A. E. D. Holmes.

Q. Is he the officer before whom this testimony is now being taken?—A. Yes.

A. P. HOLMES.

Sworn to before me this 11th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,

*Notary Public, South Carolina.*

SATURDAY, *February 12th*, 1881.

ELIJAH MARTIN, a witness on behalf of the contestant, testifies as follows, after being duly sworn:

Question. Where do live, and in what county, and where were you on the 2d day of last November?—A. I live in Round O, Colleton County, and was at Maple Cane precinct.

Q. What time did you get to the polls?—A. I went there about five o'clock in the morning.

Q. Was the polls at that place opened at the regular hour?—A. No, sir; it was not.

Q. About how long after the regular hour?—A. About one hour after the regular hour.

Q. Did many of the Republicans who were present at the regular hour leave the polls?—A. A large number left.

Q. Why did they leave?—A. Because they were afraid of losing their votes, as the polls were not opened at the usual hour.

Q. After the polls were closed, were any Republican ballots destroyed by the managers, and, if so, how many?—A. Twenty-six.

Q. Were there any Democrat votes destroyed by the managers; and, if so, how many?—A. One.

Q. Were the managers at that poll Democrats or Republicans?—A. Democrats.

M. P. Howell, esq., objects to this testimony on the ground that no irregularities are mentioned in the notice served by the contestant on the contestant the Maple Cane precinct.).

Cross-examined by M. P. HOWELL, esq., counsel for contestee:

Q. How do you know that you arrived at the polls at 5 o'clock a. m.?—A. Because they had a watch there.

Q. What time did the polls open?—A. About 7 o'clock.

Q. Why was it that the polls was not opened at 6 o'clock?—A. Because one of the managers was not there.

Q. You say that quite a number of voters left the precinct; if so, will you state the number?—A. I suppose about fifty or seventy-five.

Q. Where did they go?—A. I do not know where they went.

Q. Don't you know that those voters went to Horse Pen and to Walterboro'?—A. I cannot tell where they went; they left the polls.

Q. Did you vote?—A. Yes, sir.

Q. Did you or any one else of your own knowledge make any report of the irregularities at that precinct to the board of county canvassers? (Objected to as being immaterial.)

A. Not that I know of.

Q. Are you a Republican?—A. Yes, sir.

Q. Have you always been one?—A. I have always been one.

Q. The tickets that were destroyed by the managers were drawn out according to law, were they not?—A. I don't know. I suppose they were.

Q. How were they drawn out?—A. One manager drew out, putting his hand behind his back.

Q. Did he draw them from the box?—A. Yes, sir.

—ELIJAH MARTIN.

Sworn to before me this 12th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES.

*Notary Public, South Carolina.*

JANUARY NESBIT, a witness in behalf of the contestant, testifies as follows, after being duly sworn:

Question. Where do live, in what county, and where were you on the 2d day of November last?—Answer. I live in Round O, Colleton County, and was at the Maple Cane poll.

Q. Was the polls opened at that precinct at the regular hour? If not, what time was it opened?—A. The polls opened at 7 o'clock a. m.

Q. Do you know or not if any Republicans left that day before the polls were opened?—A. No, sir.

Q. After the polls were closed were any Republican ballots destroyed by the managers, and if so, how many?—A. Twenty-six.

Q. Were there any Democrat ballots destroyed, and if so, how many?—A. One.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. What time did you get to the polls that day?—A. I got there before 7 o'clock a. m.

Q. Did you stay there all day?—A. Yes, sir.

Q. Did you vote?—A. I did, sir.

Q. Were the tickets that were destroyed drawn out by one of the managers, as they usually do?—A. Yes.

JANUARY <sup>his</sup> + NESBIT.  
mark.

Sworn to before me this 12th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,

*Notary Public.*

HAMILTON SINGLETON, a witness in behalf of the contestant, testifies as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d day of November last?—Answer. I live in Glover Township, Colleton County, and was at Maple Cane precinct.

Q. Was the polls at that precinct opened at the regular hour?—A. I could not tell if it was opened at the regular hour or not.

Q. Do you know at what time it was opened?—A. I do not know.

Q. After the polls were closed were any Republican ballots destroyed by the managers, and if so, how many?—A. Twenty-six.

Q. Were there any Democrat ballots destroyed, and if so, how many?—A. One.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. Did you count the votes destroyed?—A. I did not have a chance to count them.

Q. Then how do you know that there were twenty-six destroyed?—A. I did not have a chance to count them, but others that could get to the door said there were twenty-six.

Q. Did you vote at Maple Cane precinct?—A. I did.

Q. Did you not vote the Democratic ticket?—A. No, sir; I voted the Republican ticket.

HAMILTON <sup>his</sup> + SINGLETON.  
mark.

Sworn to before me this 12th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,

*Notary Public, S. C.*

JACKSON W. G. GRANT, recalled, a witness in behalf of the contestant:

Question. Are you acquainted with the Republican and Democratic ballots used in the last election in this county?—Answer. Yes, sir.

Q. State whether or not these are the tickets (handing witness tickets used in the last election in this county for Congressmen and other officers).—A. This red ticket (witness handing the ticket over and counsel for contestant presenting the same as part of the evidence) is the Democratic ticket used at the last election in this county. This white ticket (witness handing the ticket over and counsel for contestant presenting the same as part of the evidence) is the Republican ticket used at the last election in this county.

Q. Could they easily be distinguished by the mere act of feeling them?—A. Yes, sir.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. Can you swear of your own knowledge that the kind of tickets that you have just presented were used at every precinct in Colleton

County at the last election?—A. Yes, sir; I saw them at the place I voted and saw them when they were canvassed.

Q. Can you swear that these are the kind of tickets that were drawn out and destroyed at every precinct in Colleton County?—A. Could not state that positively, because I was not at every precinct.

J. W. G. GRANT.

Sworn to before me this 12th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,  
*Notary Public, South Carolina.*

Pursuant to adjournment the commission met at 10 o'clock, Monday, February 14, 1881.—Present: Thos. H. Wheeler, esq., for contestant, and M. P. Howell, esq., for contestee.

DANIEL HAY, a witness in behalf of the contestant, testifies as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d day of November last?—Answer. I live in Broxton Township, Colleton County, and was at Preacher's poll on the 2d day of November last.

Q. Just state if there were any irregularities at that poll, and, if so, what were they?

(M. P. Howell, esq., object, to this testimony on the ground that no notice of any irregularities are mentioned in the notice served on the contestee by the contestant, to have occurred at Preacher's Mill precinct, and that the testimony should not be received.)

A. The first that was done, men voted there that day that were not entitled to vote; the next, that names appeared on the poll-list of men that had voted, that were dead; there were three Broxton names appearing on the poll-list, and there are but two in this county to my knowledge, and when we came to those names it raised a confusion, as we overhauled the poll-list of the supervisors, and there were thirteen more ballots of the Democratic tickets than there were names, but each of the poll-lists corresponded with the Republican ballots in the box.

Q. Was or was not the ballot-box stuffed; by that I mean were not Democratic ballots put in the box?—A. Yes; there were thirteen, and on that ground the supervisor failed to sign the report that there was a fair election.

Q. Do you know of anything else irregular?—A. There were men that voted from the Snider's poll that voted at Preacher's Mill; they voted at both places.

Q. Is Carter's Ford and Snider's the same place?—A. Yes, sir.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. You say that the ballot-box was stuffed by the Democrats that day?—A. I said that there were thirteen more tickets found in the box.

Q. Do you know who put those tickets into the box?—A. I do not, sir.

Q. How many names were found upon the poll-list after the polls were closed?—A. I do not recollect.

Q. What were you doing at the polls that day, in what capacity?—A. First, I am a legal voter of that precinct, and I am precinct chairman of that precinct, and I was there from beginning to the end.

Q. Did the supervisors, both Democrat and Republican, both keep a poll-list?—A. Yes, sir.

Q. Did these two poll-lists tally; did the same number appear upon the one as the other?—A. No, sir.

Q. What was the difference between the two?—A. I could not exactly tell the number.

Q. Did you not go there to assist in the management at that poll?—A. I did.

Q. Then what is the reason you don't know what occurred there?—A. So far as to tell you the exact number I cannot tell, because I did not take it down.

Q. After the polls had closed did the managers count the number of votes in the box?—A. Yes, sir.

Q. How many more names were there in the box, than on the poll-list?—A. Thirteen, as near as my recollection can tell.

Q. What did they do with those thirteen ballots; did the managers draw thirteen ballots out of the box?—A. Yes; they drew thirteen out.

Q. In what manner did they draw them out?—A. They put the ballots into a hat and one of the managers put his hand into the hat and drew out.

Q. Do you mean a hat or ballot-box?—A. He put them into the box.

Q. How many of those tickets that were destroyed were Democrat and how many Republican?—A. I don't know.

Q. What was the Democrats' majority at Preacher's Mill?—A. Something over one hundred.

Q. Do you know that these men are dead?—A. Yes, sir.

Q. Do you know that the names that were at that poll-list, were the names of the men that were dead?—A. There is not another family of Broxen in that precinct.

Q. Did you make any protest against the election to the board of canvassers?—A. No.

Q. Are you a Republican?—A. Yes.

his  
DANIEL + HAY.  
mark.

Sworn to before me this 12th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,  
*Notary Public, South Carolina.*

H. C. MOSBEY, a witness in behalf of the contestant, testifies as follows, after being duly sworn:

Question. Where do you live; in what county, and where were you on the 2d day of November last?—Answer. I live in Warren Township, Colleton County, and was at Smoaks Cross Roads on the day of election.

(M. P. Howell, esq., counsel for contestee, objects to this testimony on the ground that no notice was served upon the contestee by the contestant of irregularities at the Smoaks Cross Roads precinct.)

Q. Were the voters sworn at that precinct on the day of election?—A. No, sir; only those whom the managers objected to their votes.

Q. Was any stuffing of the ballot-box done that day by the Democrats?—A. Yes, sir.

Q. Was or was not the supervisor of that poll driven away, I mean the Republican supervisor, by the Democrats?—A. Yes, sir.

Q. Did you see Mr. Padget there that day; and, if so, what did you see him do?—A. Yes, sir; I saw him come there and vote one ticket, and then he went away; he then came back and stuffed in the box five tickets, and picked up the pen and broke it, after which he took the

inkstand and broke it, and he then kicked the supervisor, after which he drew his pistol on him and swore that he would kill him, and the managers had a little boy stuffing tickets into the box under his arm.

Then Mr. Padget was ahead of the violence that was committed at the polls that day?—A. Yes, sir.

Q. Did or did not the pen-staff and inkstand belong to the Republican supervisor, or being used by him?—A. Yes, sir.

Q. Mr. Padget was one of the commissioners of election, was he not?—A. Yes, sir.

Q. Did any Republican have any opportunity to see the count or know anything about it?—A. No, sir.

Q. Did the Republicans leave the polls before the closing of the same; and, if so, what was the cause?—A. The cause was that the things belonging to the supervisor was destroyed, and half of the tickets destroyed also.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. Did you vote at Smoaks Cross Roads precinct?—A. Yes, sir.

Q. Was it impossible for a Republican to get a ticket there?—A. Because the Democrats had torn up half of the tickets.

Q. How many Republicans vote at that poll?—A. I don't know, sir.

Q. How many tickets did you have at that poll?—A. I don't know.

Q. How many Republicans left that poll because they could not get a ticket? and name them.—A. I don't know.

Q. You can't name anybody?—A. I can; the supervisor, Smith.

Q. Now name that boy that was stuffing the box.—A. English Kennard.

Q. Under whose arm was he putting those tickets into the box?—A. James Carroll.

Q. Did you see it?—A. Yes, sir.

Q. Did you raise any objections to it?—A. Yes, sir.

Q. To whom?—A. The managers.

Q. How many tickets did that little boy put into the box?—A. I don't know how many he put into the box.

Q. How many more tickets were found in the box than there were names on the poll-list?—A. I don't know, sir.

Q. You say that Mr. Padget came in and voted one ticket; afterwards he came in and voted five tickets; if so, what Mr. Padget was it?—A. They call him Dunk Padget; he was a commissioner of election.

Q. How do you know that he voted five tickets?—A. I saw them.

Q. Did you count them?—A. Yes, sir.

Q. How did you count them?—A. First he took up three, afterwards he took up two and put them into the box.

Q. Did he fold those tickets?—A. He put them in any fashion.

Q. Did he pick them up from the table and put them into the box without folding them?—A. Yes, sir; he folded them up so as you could see three tickets.

Q. Were they Democratic tickets or Republican tickets?—A. Democrat tickets.

Q. How many tickets did you stuff into the box?—A. I never stuffed any, but I voted one.

Q. You say that Mr. Padget kicked the supervisor?—A. Yes, sir.

Q. Where did he kick him?—A. He kicked him on his left side.

Q. Has Mr. Padget been arrested for this offense?—A. I do not know.



Q. Were you ever brought before Commissioner Hutchinson as a witness?—A. Not in this case.

Q. In what case were you brought?—A. Only in the case that the managers did not swear in the voters.

Q. Don't you know that Smith has sworn that no one put their hands upon him on the day of election?—A. No, sir.

Q. What was the Democratic majority at Smoak's Cross Roads?—A. I don't know.

Q. Don't you know that there was a Democratic majority?—A. I can't tell.

Q. Were you there when the polls closed?—A. No, sir.

Q. What time did you leave?—A. About an hour to sun in the evening.

Q. Did you leave because you could not get a ticket to vote?—A. No, sir.

Q. Why did you leave?—A. I left because the election was broken up by Mr. Padget, and the tickets were all destroyed.

Q. Who destroyed those tickets?—A. Mr. Crosby.

Q. How did he destroy them?—A. He grabbed half of them off of the table and went along the road and tore them up.

Q. Were they all the tickets that were on the ground at that time?—A. We voted what he left on the table.

Q. And these were all the tickets on the ground at that time?—A. Yes, sir; and he took half of them off.

Q. You say that none of the Republicans were permitted to see the counting of the votes, did you not?—A. No, sir; I said I did not see.

Q. You did not stay to see the count, did you?—A. No, sir.

Q. You always vote at Smoaks Cross Roads?—A. Yes, sir.

Q. What is the usual vote taken at that poll?—A. I don't know.

Q. Don't you know that there are about as many white voters as colored at Smoaks Cross Roads?—A. No, sir.

Q. What do you know; do you know anything about it?—A. No, sir.

Q. Can you name anybody that did not vote on election day at Smoaks Cross Roads?—A. Yes, sir.

Q. Name them.—A. Joe Stokes, Moses Behling, Adam Simmons, Andrew Samuels; these are they whom I can remember.

Q. Do you know of your own knowledge why they did not vote?—A. Yes, sir.

Q. Why?—A. The managers objected to their votes.

Q. On what ground?—A. Because they were tried before the trial justice and found guilty.

Q. Of what?—A. Different kind of stealing; can't say what.

HENRY C. MOSBEY.

Sworn to before me this 14th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,

*Notary Public, S. C.*

P. S. ROBINSON, a witness in behalf of the contestant, testifies as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d day of November last?—Answer. In Warren Township, Colleton County. I was at Carter's Ford precinct on the 2d of November last.

Q. Were the voters sworn at that precinct that day?—A. They were not.

Q. Were you not the Republican supervisor at that poll?—A. I was.

Q. Were you able to keep a poll-list and keep the names of all the voters at that precinct?—A. I was not.

Q. Did you or any Republican have access to the box for half an hour after the closing of the polls at the count?—A. I did not.

Q. Then no Republican had an opportunity to see the box immediately after the closing of the polls?—A. They did not.

Q. Do you know whether David Walker, Christopher Carrol, Stephen McMillin voted that day at Carter's Ford?—A. I do not, of my own knowledge.

Q. Do you know of any other irregularities that day committed by the managers of election; if so, state them?—A. There were men to my own knowledge that voted stuffed tickets.

Q. Were these men Democrats or Republicans?—A. Democrats.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. Will you name those parties that voted stuffed tickets?—A. I will.

Q. Name them?—A. Calvin McKinsey, Levi Carter.

Q. How many tickets did they vote?—A. I am not able to tell how many they voted.

Q. How do you know that they did vote more than one ticket then?—A. Because I saw when they were called from the table, when ready to vote, and the bundle of tickets folded and given to him, and I watched closely until they put them into the box.

Q. You say you were not allowed access into the room when the votes were being counted?—A. I was not.

Q. Who prevented you?—A. I was prevented by one of the managers, Higgins and the deputy sheriff, Fender, and Carter, chief of the board of managers.

Q. In what way did they prevent you from witnessing the count?—A. They prevented me from going into the room; one of the managers stood on one side of the door, or rather in the door, with a stick, and the deputy sheriff in the same position, and said that they could not allow any one inside. I produced my authority as supervisor and called to the chairman of the board of managers, who failed to admit me in by saying that he had not law to that effect, and on those grounds he could not or would not admit me in.

Q. After some consultation with the managers as to who should witness the count, were you not invited by them to come in and see the votes counted?—A. I was.

Q. Did not they extend that invitation to you before they proceeded to count the votes?—A. I do not know.

Q. How long was it after the polls had closed did they commence canvassing the votes?—A. They proceeded at once to a secret room.

Q. Where did you go after the polls had closed?—A. I remained there.

Q. Did you not see that box opened?—A. I did not.

Q. Were you not invited to see it opened?—A. I was not.

Q. Have you not just stated that they invited you to come in and see the count?—A. They did after the space of forty-five or more minutes.

Q. Where were you at that time?—A. I was near the door.

Q. Who were you talking with?—A. Some part of the time with Higgins and Fender; the balance with Carter.

Q. Were not Carter, Higgins, and Fender managers at that precinct?—A. Two of them were.

Q. Where was that box and could you not see it?—A. It was in the room; I could see it a part of the time.

Q. Did a large crowd collect around the door and try to get admittance into the room?—A. There were not.

Q. So after they had extended an invitation to go into the room you did not go?—A. I would not.

Q. Did you stay there until the result was declared?—A. I did not.

Q. Did you vote at that poll?—A. I did.

Q. Were you sworn?—A. I was not.

Q. Did you know that the law required that you should be sworn?—A. I did.

Q. Did you ask the managers to swear you?—A. I did not ask them to administer the oath personally to me, but did ask them to administer it to all the voters.

Q. How far do you live from Carter's Ford precinct; can't you approximate?—A. Between eight and ten miles, I suppose.

Q. Is that the nearest polling precinct to where you live?—A. It is not.

Q. You were sent to that poll to represent the Republican party, were you not?—A. To represent the people.

Q. Did the people send you there?—A. I was commissioned and sent there by the circuit judge.

Q. Were you sent there as supervisor by the Democrats?—A. I was sent there as a Republican supervisor.

Q. Do you know what the Democratic majority was at that poll?—A. I do not.

Q. Are you a Republican?—A. I am.

P. S. ROBINSON.

Sworn to before me this 14th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,

*Notary Public, South Carolina.*

G. W. McMILLIN, a witness in behalf of the contestant, testifies as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d day of November last?—Answer. I live in Broxen Township, Colleton County, and was at Carter's Ford precinct on the 2d day of November last.

Q. Were the voters sworn at that poll?—A. They were not.

Q. Do you know whether or not Joe and David Walker, Stephen McMillin, and Christopher Calwell voted that day?—A. They did.

Q. Did or did not the managers keep the box in a room for over a half an hour without allowing any Republican to witness their action?—A. They did.

Q. Did the Democrats, or any of them, vote two or more tickets that day?—A. They did, sir.

Q. Then, by reason of the action of the managers, it was impossible for the Republicans to tell how many votes were cast, was it not?—A. It was.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. Did the managers exclude everybody from the room except Democrats when they commenced counting the votes and after?—A. After they went into the room they allowed no Republican in the room, as far as I could see.

Q. Did you go into that room?—A. I did not.

Q. Did anybody else go in there?—A. The Democrat managers went in.

Q. Did they shut the door behind them?—A. They did not, sir.

Q. Could you see in that room?—A. By looking through a narrow space between the men that were standing in the door, I could.

Q. Did those men stand in that door all the time until the votes were counted?—A. They stood there until they told the marshal and supervisor that they could not admit them in, and they left, and I left with them.

Q. Did you not hear the managers invite the supervisor to come in?—A. After they had been in there the space of half an hour, they did, after he had ordered his horse and buggy to go home.

Q. Was that invitation extended before the box was opened and before they had commenced to count the votes?—A. I could not tell you when they opened the box; the box was concealed in the room.

Q. Where did you vote that day?—A. At Carter's Ford precinct.

Q. Do you know that these men that you mentioned voted at any other precinct?—A. Not of my own knowledge.

Q. How many men did vote at Carter's Ford that day?—A. I am unable to tell you.

Q. Is that your nearest point of voting?—A. That is my nearest point; it is a new poll, just opened.

Q. Did you know everybody that did vote that day?—A. I did not, sir.

Q. Will you swear that no Republican was present when the box was opened, and that no Republican witnessed the counting of the votes, and saw what was done after the polls had closed?—A. I do not know of my own knowledge.

G. M. McMILLIN.

Sworn to before me this 14th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,

*Notary Public, S. C.*

D. R. RIVERS, a witness in behalf of the contestant, testifies as follows, after being duly sworn:

Question. Do you live in Colleton County?—Answer. I do, sir.

Q. At what poll were you on the 2d day of November last?—A. At Carter's Ford poll.

Q. Were the voters sworn at that poll that day by the managers?—A. They were not.

Q. Did the Democrats, or any of them, vote two or more tickets that day?—A. They did.

Q. Do you or not know that Joe and David Walker, Stephen McMillin, Christopher Calwell voted at Carter's Ford?—A. They did.

Q. Did the supervisor have any opportunity to see the canvass of the votes until long after the polls had closed?—A. He did not.

Q. Was any repeating done by the Democrats that day?—A. There was; that is, men voted at that poll that was said to have voted at other polls.

Q. Did the managers during the voting on that day refuse to allow the supervisor an opportunity to discharge his duty at the polls?—A. They did.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. In what way did they prevent him from discharging his duty?—

A. In the first place, they refused to give him the names of the voters; second, they were asked to swear the voters by the supervisor, and they refused to do that.

Q. Does the law require the managers to furnish the supervisors with the names of the voters?—A. It does.

Q. What do you know about it?—A. Not very much.

Q. Do you know of your own knowledge that anybody voted there that voted at another precinct, or do you know it from hearsay?—A. Only by what I heard.

Q. Could you name every man, white and black, who voted at that poll?—A. No, sir.

Q. How was it that you remembered that those persons named by you voted?—A. My attention was called to their going off, and parties saying that they had voted at another place.

Q. Did you see them put their ballots into the box?—A. I did, sir.

Q. Did they all vote together or separately?—A. They voted separately.

Q. What time did you leave the polls that evening?—A. After 6 o'clock.

Q. Did you leave before or after the supervisor?—A. I left with him.

Q. Do you know whether any Republican witnessed the canvass of that vote or not?—A. Not to my own knowledge.

D. R. RIVERS.

Sworn to before me this 14th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,

*Notary Public, S. C.*

W. W. TOOMER, a witness on behalf of the contestant, testifies as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d day of November last?—Answer. I live in George's Township, Colleton County, and was at George's Station on 2d day November last.

Q. At what time did you arrive at George's Station, and where did you go to find the poll?—A. I arrived here at 4 o'clock a. m., and came to the town hall, where the voting was held in 1878.

Q. You were the Republican supervisor, were you not?—A. I was.

Q. Did any of the officers of election come to that place; and, if so, who were they?—A. They did; George Rump, one of the managers, and S. E. Parler, supervisor of the Democrats.

Q. Do you know whether or not the manager brought a box with him?—A. George Rump had something under his coat, and came in the door and said, "Move out of the way." I took it to be a ballot-box; unable to say if it was or not.

Q. Did you at any time demand of the manager the opening of the polls; and, if so, at what time?—A. I did, at 6 o'clock a. m.

Q. What did he say?—A. He said that he could not open it without the rest of the managers were there; he stated that he was not the chairman.

Q. Was the polls opened at that place; if not, how far from that place?—A. About a half a mile from that place.

Q. How long was it after 6 o'clock before you knew where the polls were opened?—A. By my watch it was a quarter after 6 a. m.

Q. Did you leave the town hall and go where the polls were opened?—A. I did, immediately.

Q. When you arrived there how many votes did the managers claim to have received?—A. Seventy-five.

Q. Did you ask to see the ballot box and the names on the poll-list?—A. I did, but the managers refused to allow me to see them.

Q. Then they refused either to give you the names on the poll-list or to see the ballot-box?—A. They did.

Q. Is this a Republican or a Democratic poll; and if a Republican poll, by what majority is it generally carried?—A. Yes; about four hundred Republican.

Q. By what majority, if any, did the Democrats claim to have carried this poll?—A. I think about three hundred and sixty.

Q. Do you believe that the ballot box was stuffed before you arrived at the polls?—A. I do, sir.

Q. If the box had not been stuffed by Democratic ballots, and the votes properly canvassed, by how many majority would the Republicans have carried this poll?—A. They would have carried from three hundred and fifty to four hundred majority.

Q. Were there more ballots in the box even at the closing of the polls than there were names on the poll-list?—A. There were.

Q. Did the Democratic managers destroy any of the Republican ballots?—A. They did.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. Where were you born?—A. In Charleston, S. C.

Q. How long have you been in Colleton County?—A. About eleven or twelve years.

Q. What is your occupation?—A. School teacher and farmer.

Q. How old are you?—A. Twenty-nine.

Q. How many elections have you voted at?—A. I am unable to tell.

Q. Did you vote at this precinct in the last three elections?—A. I did, sir.

Q. Where were the polls held in the election held previous to the one in 1878?—A. It was held in Mr. Rump's store.

Q. How far from the town hall?—A. It might be a quarter of a mile.

Q. Where was the poll held the election before that?—A. Held at Murray's store, the place the last election was held.

Q. Where was the poll held in 1878?—A. At the town hall.

Q. Where was the election held in 1880?—A. At Murray's store.

Q. Then the polls at this place have never been held twice at the same place, have they?—A. They were held at the same place twice.

Q. When and where?—A. It was held at Murray's store 1874 and 1880.

Q. Have the polls ever been opened at the town hall prior or subsequent to 1878?—A. Not as I know of.

Q. Don't you know that the polls have never been opened but once at the town hall?—A. Not that I know of.

Q. Have you been voting at this precinct ever since you came here?—A. Yes, sir.

Q. Did you ever vote at the town hall more than once?—A. Not as I know of; I have not.

Q. Then why did you go to the town hall expecting the polls to be opened any more than any other place?—A. Because it was the seat of the township, and the election for 1878 was held here.

Q. Does the town hall belong to the county or does it belong to the town?—A. I know I think it belongs to the town.

Q. Can you swear, of your own knowledge, that the ballot-box was stuffed before you arrived at the polls?—A. I can't swear that it was stuffed, but I believed it was.

Q. Did you keep a poll-list?—A. I did.

Q. How many names were on your poll-list at the close of the election?—A. I don't remember; but I can send for it.

Q. Did you take the name of every voter after you arrived at the polls?—A. After my arrival I did.

Q. What did you do with that poll-list?—A. Sent it to the county chairman.

Q. Did you send the poll-list that you kept to the county chairman?—A. Copy of it.

Q. By whom?

(Objected to as being immaterial.)

A. W. F. Myers.

Q. Who is your county chairman?

(Objected to as being immaterial.)

A. A. C. Shaffer.

Q. Did the law direct you to send the poll-list kept by you as supervisor to the county chairman?

(Objected to as being immaterial, as witness said he sent a copy, and not original.)

A. I don't know whether the law does or not. I only sent a copy.

Q. What did you do with the original?—A. My clerk has it.

Q. What did the law direct you to do with your poll-list?—A. I have forgotten.

Q. Then you were appointed to act in a capacity that you knew nothing about, were you not?—A. I was not.

Q. Did you keep that poll-list, and take down every name in your own handwriting, or have a clerk?—A. I had a clerk.

Q. Then you can't swear whether that poll-list was correct or not?—A. After my arrival I can swear that it was correct.

Q. How can you swear that it was correct when you did not keep it?—A. Because I was there right by him.

Q. Did you see the clerk write every name from that poll and witness the writing of the names?—A. I did.

Q. Did you go out of the house any time that day?—A. Twice, fifteen seconds each time by my watch.

Q. Did you hold your watch in your hand and count the seconds?—A. I did.

Q. What did you go out for?—A. To urinate.

Q. Did you speak to anybody?—A. No; not as I know of.

Q. How many Republican ballots were destroyed?—A. I am unable to say.

Q. Were any Democratic ballots destroyed?—A. There were a few.

Q. How many?—A. I am unable to say.

Q. What was the Democratic majority at this precinct in 1878?—A. I think about four hundred. They had tissue ballots.

Q. What was Hampton's majority at this precinct in 1876?—A. Thirty-five.

Q. Did you support the Republican ticket in 1876?—A. I did, in part.

Q. Were you not a supporter of the Green movement in 1874?

(Objected to as being immaterial.)

A. I was.

Rebuttal :

Q. Had the town hall been built in 1876?—A. I don't think so.

W. W. TOOMER.

Sworn to before me this 14th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,

*Notary Public, South Carolina.*

J. H. HICKS, a witness on behalf of the contestant, testifies as follows, after being duly sworn :

Question. Do you live in Colleton County, and were you at George's Station on the 2d day of November last?—Answer. I live in Colleton County, and was at George's Station on the 2d day of November last.

Q. Where did you go to find the polls, and at what time did you go?—A. I went to the town hall about five o'clock in the morning.

Q. Had the previous election been held there?—A. The previous election had been held at the town hall.

Q. Did any of the officers of the election go to that place? Was the polls opened there; and, if not, how far from the town hall?—A. There were supervisors and one of the managers; the polls were not opened there; the election was held about half a mile from the town hall.

Q. How did you find out that they were voting at some other place?—A. By Joel Fraser, the marshal; he telling me that they were voting at Murray's store.

Q. What reason, if any, did the manager that was present at the town hall give for not opening the polls when demanded by the Republican supervisor?—A. He said he could not open it because the other managers were not present.

Q. Were you and the rest of the Republicans present led to believe by the action of the managers that the polls would be opened at the town hall?—A. We were.

Q. Do you know whether or not the town hall had been built in the election of 1876?—A. I think it was built the latter part of 1876.

Q. At what time did the Republicans reach the place where the polls were opened, and how many votes, if any, did the managers claim to have been received?—A. They reached there about half past six a. m., and the managers claimed that they had 75 votes.

Q. Did they allow either an inspection of the box or poll?—A. They said that they had no time to open the box now, and that they had no time to present their poll-list for inspection.

Q. Do you, or not, believe that the box was stuffed with Democratic ballots before the Republicans got there?—A. I believe that the box was stuffed.

Q. Were the majority of the people at the polls Republicans or Democrats?—A. Republicans.

Q. With a fair election and true count would the Democrats or Republicans have a majority at that poll?—A. That the Republican majority would at least been 175.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. What was the Democratic majority at this poll in 1878?—A. I do not know what it was.

Q. You know that the Democrats had a majority?—A. Yes; they did have a majority.

Q. Is this your permanent place of residence?—A. Yes.

Q. Could you swear of your own knowledge what kind of ticket every man deposited on the day of election?—A. No, sir.



Q. You say that you were led to believe that the polls would be opened at the town hall, did you not?—A. I did.

Q. In what way were you led to believe that?—A. By the supervisors and one of the managers being present.

Q. You mean to say that you were led to believe this on the morning of election by seeing the managers and supervisors at the town hall?—A. Yes.

Q. You could not swear of your own knowledge that any ballots were placed in the box, could you?—A. I could not.

J. H. HICKS.

Sworn to before me this 14th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,  
*Notary Public, South Carolina.*

J. Z. CROOK, a witness on behalf of the contestant, testifies as follows, after being duly sworn:

Question. Do you live in Colleton County, and were you at George's Station on the 2d day of November last?—Answer. I do, and was at George's Station.

Q. Did you go to the town hall at that place; were any of the officers of election there, and was the poll opened at that place, and, if not, how far from that place?—A. I went to the town hall; I found one manager there; the polls were not opened at the town hall; about a quarter of a mile from the town hall.

Q. Were you the supervisor's clerk; and, if so, did you keep a correct account of the names of those voting after your arrival at the place of voting?—A. I was, and kept a correct list.

Q. Did the managers refuse to give you the names of those who had voted before you arrived?—A. They did.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. Did you request or demand the managers to give you a list of the voters up to the time you arrived?—A. I demanded it of the clerk.

Q. Did you call the attention of the managers and ask them to let you see it?—A. I demanded it in their presence.

Q. In what capacity did you demand a copy of their poll-list?—A. I went there as a supervisor's clerk.

Q. Does the law provide a clerk for the United States supervisors?—A. It was embodied in the supervisor's authority that he should have one.

Q. Have you got that authority now?—A. I have not got it here, but think I have.

JOHN Z. CROOK.

Sworn to before me this 14th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,  
*Notary Public, S. C.*

Z. B. GRICE, a witness in behalf of the contestant, testifies as follows, after being duly sworn.

Question. Were you at George's Station on the 2d day of November last?—Answer. Yes, sir.

Q. Did you see George M. Rump that morning?—A. Yes, sir,

Q. Did or did he not have anything in his hand; and, if so, what was it?—A. He had a box under his coat.

Q. Where did he go?—A. He came to the town hall.

Q. How do you know that he came to the town hall?—A. Because I asked him if he was going down to open the polls, and he told me yes, and I followed him down there.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. What time in the morning did you see George Rump, and was it yet daylight?—A. It was not yet daylight.

Q. What kind of box did he have under his coat?—A. It was a box of a deep red color.

Q. How can you tell what color it was in the dark?—A. Because I was in arm reach of him.

Q. Did you put your hand on the box?—A. No, I had no right to do it.

Q. You followed him to the town hall?—A. I did.

Q. What did he do with the box?—A. He came into the room with it.

Q. Did you come in the door?—A. I did.

Q. Was there any light in the hall?—A. Yes, sir.

Q. Did you see the box after he got into the hall?—A. I did not see it after I got into the hall.

Q. Did you see him in the hall?—A. I did.

Q. Did he still have the box under his coat after he got into the hall?—A. I do not know, but do know that he had it when he entered the door.

Q. What was the size of the box?—A. One foot long, ten inches wide, according to my judgment.

Q. Was it possible that a man could conceal a box one foot long, ten inches wide under his coat?—A. It was possible.

Q. Is Mr. Rump a large or small man?—A. Not a very large man, medium size.

Z. B. GRICE.

Sworn to before me this 14th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,  
*Notary Public.*

Pursuant to adjournment, the commission met at 2 o'clock p. m., Tuesday, July 15, 1881. Present, Thos. H. Wheeler, esq., counsel for contestant, and M. P. Howell, esq., counsel for contestee:

JAMES W. WILKERSON, a witness in behalf of the contestant, testifies as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on 2d day of November last?—Answer. I live at Summerville, Colleton County, and was at Summerville precinct, on the 2d day of November last.

Q. Did the Republican voters at that precinct assemble at that poll on that day, for the purpose of voting?—A. They did.

Q. Did they have an opportunity at that precinct on that day to vote; and if not, why?—A. They had not an opportunity to vote; the majority of the managers were not there, and the polls were not opened.

Q. Did the Democratic voters of this precinct come to the polls to vote?—A. Some came.

Q. Were there few or many that came?—A. A few.

Q. Were there many Republicans there?—A. Yes, a great number, as many as usually vote at this poll.

Q. By reason of the failure of the managers to open the polls at this precinct, how many votes did the Republican party and Robert Smalls lose?—A. About seven hundred.

Q. You were the Republican supervisor at that precinct, were you not?—A. I was.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. What is the usual number of votes polled at this precinct?—A. Between nine and eleven hundred to the best of my knowledge.

Q. What was the Democratic majority at this poll in 1878?—A. I cannot tell.

Q. What was the Democratic vote in 1876?—A. I cannot tell.

Q. What was the Republican majority in 1874?—A. I cannot tell.

Q. Do you know how many voters came to Summerville on the day of the last election?—A. About seven hundred Republican voters came.

Q. Did you count them?—A. I did not, but they were counted by a gentleman.

Q. Can you swear how those men would have voted, had an opportunity been offered?—A. I believe they would have voted a Republican ticket.

Q. Your testimony on that point, then, is what you believe?—A. I can't swear how any man would vote, but it is my belief.

Q. Did any of the Republicans at this precinct vote at any other precinct?—A. I cannot tell, I was here at this poll.

Q. Did any of the white voters vote at any other precinct?—A. I cannot say.

Q. Do you know any colored voters that did not vote except yourself, that day?—A. Yes.

Q. Do you know of any white voters that did not vote at this poll?—A. I know some that did not vote.

Q. Did you remain at the place of voting all day?—A. Yes, from 6 a. m. until 6 p. m.

Q. Are you a Republican?—A. I am.

Q. Were you on the ticket for any position at the last election?—A. None whatever.

Q. Did you ever hold any position?—A. Engrossing clerk in the secretary of state's office.

Q. In what year or years?—A. During the administration of H. E. Hayne.

Redirect:

Q. You spoke of white voters staying around the polls; were they Republicans or Democrats?—A. A few of both.

JAS. W. WILKERSON.

Sworn to before me this 15th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,

*Notary Public, South Carolina.*

I. T. BROWN, a witness in behalf of the contestant, testifies as follows, after being duly sworn:

Question. Where do you live, in what county, and where were you on the 2d day of November last?—Answer. I live in Summerville, Colleton County; was at the town hall on the 2d day of November last.

Q. Was the polls open that day, at that precinct?—A. It was not.

Q. Did the Republican voters assemble at this precinct on that day, for the purpose of voting?—A. They did.

Q. Did they have an opportunity to vote that day; and, if not, why?—A. Because the polls were not opened.

Q. Did the Democratic voters come to this precinct to vote that day?—A. A few came here, but the rest went to Ridgville.

Q. Did any of the managers come?—A. One.

Q. How many Republican voters were there at this poll that did not vote on account of the polls having been closed at this place?—A. About seven hundred.

Q. Then Robert Smalls and the Republican ticket lost by the failure of the Democratic managers in not opening this poll 700 votes or more?—A. He did.

Q. Was the polls at Delama precinct opened that day?—A. I cannot speak positively, only from hearsay; the supervisor so informed me that it was not opened.

Q. It was generally known there that the poll was not opened, was it not?—A. It was.

Q. You speak of the Republicans and Robert Smalls having lost a large number of votes; did you have any means of ascertaining the number?—A. I kept a list until I got 576 names, when a telegram arrived from Mr. Jewell and we broke off parading.

Q. Have you ever been informed as to what time the bulk of the Democrats went to Ridgeville; and, if so, what time did they go?—A. From Knightsville and Sellestown they went to Ridgeville about 5 o'clock in the morning, and those that were here then left on the 10 o'clock train and went up.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. How do you know that there were 700 Republican voters at this precinct?—A. I counted them.

Q. How did you manage to count them?—A. The same as you would count anything else.

Q. Did you line them off?—A. I did.

Q. Do you mean to say that you made those 700 men stand in a line?—A. I mean to say I had them in a half a dozen lines.

Q. And there were 700 even?—A. There might have been one or two more, but that number was there.

Q. What is the usual number of votes cast at this precinct?—A. From 1,000 to 1,150.

Q. How many Republicans and how many Democrats?—A. Seven hundred and fifty Republican and one hundred and fifty to two hundred Democrats.

Q. You say about seven hundred and fifty Republican and one hundred and fifty to two hundred Democrats; who are the rest that make up the poll?—A. I said from 1,000 to 1,150. I have known 1,200 votes cast at this precinct.

Q. Can you swear what kind of ballots those 700 men would have voted?—A. I can swear before God and high Heaven how they would have voted.

Q. How can you take such an oath?—A. I can always take such an oath when I know my people.

Q. Are you personally acquainted with the 700 men at this poll?—A. Very nearly all.

Q. How do you know that the men left from Settletown and Knightsville at 5 o'clock a. m.?—A. From report.

Q. You say that you had men right there watching them; will you name those men?—A. I don't recollect their names at present.

Q. Then you did not expect to have any poll opened here?—A. I did not.

Q. Did you know that there was a poll opened at Ridgeville?—A. I heard that it was.

Q. How far is it from here to Ridgeville?—A. Nine miles.

Q. Then from your knowledge that no poll would be opened at this place and the information brought in by your couriers that the people were going to the Ridgeville precinct, could not the voters of this precinct have gone to Ridgeville and voted?

(Objected to by Thos. H. Wheeler, esq., as witness stated that it was his belief and opinion that there would be no poll at this place, and not his positive knowledge.)

Q. Few might have got there but not the majority.

Q. How far is Settletown and Knightsville from Summerville?—A. Three miles and a half.

Q. Is Ridgeville farther from Summerville than from Settletown and Knightsville?—A. Summerville is the farthest.

Q. How much further?—A. The difference cannot be great.

Q. How long have you lived in this county?—A. About thirty years.

Q. Are you a Republican?—A. I am.

Q. Have you always been a Republican?—A. I have not.

Q. Were you a candidate at the last election?—A. I was.

Q. For what position?—A. Sheriff.

Q. Were you elected?—A. I believe I was.

Q. Did you get your office?—A. No.

Q. How did you get on the Republican ticket?

(Objected to as being immaterial.)

A. I was put there by the committee.

Q. Were you second choice?

(Objected to as being immaterial.)

A. I don't know.

Q. When the Republican tickets appeared was your name on the tickets?

(Objected to as being immaterial.)

A. When I saw them it was.

Q. Was your name on the ticket printed or written?

(Objected to as being immaterial.)

A. Printed.

I. T. BROWN.

Sworn to before me this 15th day of February, A. D. 1881.

E. D. HOLMES,  
*Notary Public, South Carolina.*

HARDY BOWSER, a witness in behalf of the contestant, testifies as follows, after being duly sworn:

Question. Do you live in Colleton County, and were you at Summerville precinct on the 2d day of November last?—Answer. I live in Colleton County, and was at Summerville precinct on the 2d day of November last.

Q. Did you go there to vote; and, if so, what ticket?—A. Yes; the Republican ticket.

Q. Did you vote; and, if not, why?—A. No; the polls were not opened.

Q. Did Mr. Brown keep a list of those voters that were there that day who had no opportunity to vote, and did you not give him your name?—A. He did; and I gave Mr. Brown my name.

Q. Did the majority of the Democratic voters of this precinct come to this poll to vote that day?—A. They did not come to this precinct to vote.

Q. Is it not commonly known that they went to Ridgeville to vote?  
—A. Yes.

Q. Were there a large crowd of Republicans here that day?—A. Yes; a large crowd.

Q. Was the polls at Delama opened that day?—A. I think not; some persons came from there and said it was not opened.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. You know nothing of this of your own knowledge?—A. I know what I saw.

Q. Did you see any body vote at Ridgeville precinct?—A. No; I was not there.

Q. You could not swear, of your own knowledge, that any one voted at Ridgeville?—A. I can swear that a few went there, but cannot say that they voted.

Q. How do you know that they got there?—A. They went up on the train and came back on the train, so they must have went there.

Q. Then you do not know how many men from this precinct voted at the Ridgeville precinct, do you?—A. I cannot tell.

his  
HARDY + BOWSER.  
mark.

Sworn to before me this 15th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,  
*Notary Public, South Carolina.*

A. F. FISHBURNE, a witness in behalf of the contestant, testifies as follows, after being duly sworn:

Question. Do you live in Colleton County, and were you at the Summerville precinct on the 2d day of November last?—Answer. I live in Summerville, Colleton County, and was at Summerville precinct on the 2d day of November last.

Q. Did you go there to vote; and, if so, what ticket?—A. Yes; the Republican ticket.

Q. Did you vote?—A. I did not; the polls were not opened.

Q. Did Mr. Brown keep a list of the Republican voters; and, if so, did you give him your name?—A. He did keep a list and I gave him my name.

Q. Did the Democrats of this precinct go to this poll to vote?—A. A very few of them.

Q. Was there a large crowd of Republicans there?—A. There were.

Q. About how many?—A. Something like seven hundred.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. How do you know that there were 700 there?—A. Mr. Brown kept a list until he got up to five or six hundred and he counted them.

Q. Then you only know what Mr. Brown told you, do you not?—A. I was there from half past five in the morning until six in the afternoon. I was marshal for that precinct.

Q. Did you keep a poll-list?—A. I did not.

Q. Did you count the number of men at the polls?—A. I did, of a good many.

Q. You did not count them or keep a poll-list?—A. I did not, but to the best of my knowledge there were about seven hundred; I never saw a better turn out. They were all red-hot for Robert Smalls.

Q. You were not red-hot to go to Ridgeville, were you?—A. I was marshal and staid at the polls, according to instructions.

Q. What kind of marshal were you?—A. United States marshal.

Q. Who were you appointed by?—A. The authority came from the court. Judge Bryan signed it, and I was instructed to keep the peace.

Q. Did you act as United States marshal that day?—A. I did.

A. F. FISHBURNE.

Sworn to before me this 15th of February, A. D. 1881.

[L. S.]

E. D. HOLMES,

*Notary Public, South Carolina.*

CHARLES EDMONSTON, a witness in behalf of the contestant, testifies as follows, after being duly sworn :

Question. Do you live in Colleton County, and were you at the Summerville precinct on the 2d day of November last?—Answer. I live in Colleton County, and was at the Summerville precinct on 2d day of November last.

Q. Did you go there to vote, and, if so, what ticket?—A. Yes; the Republican ticket.

Q. Did you vote?—A. I did not vote on account of the polls not being opened.

Q. Did many of the Democrats go to that precinct to vote?—A. A few.

Q. Did Mr. Brown keep a list of the Republican voters that day and did you give him your name?—A. He did keep a list and I gave him my name.

CHARLES EDMONSTON.

Sworn to before me the 15th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,

*Notary Public, South Carolina.*

RICHARD PERRY, a witness in behalf of the contestant, testifies as follows, after being duly sworn :

Question. Do you live in Colleton County, and were you at the Summerville poll on the 2d day of November last?—Answer. I live in Colleton County, and was at the Summerville poll on the 2d day of November last.

Q. Did you go there to vote, and, if so, what ticket?—A. Yes; the Republican ticket.

Q. Did you vote?—A. No, sir; the polls were not opened.

Q. Did many of the Democrats go to that precinct?—A. A very few.

Q. Did Mr. Brown keep a list of the Republican voters that day, and, if so, did you give him your name?—A. He did, and I gave him my name.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee :

Q. Do you know whether Mr. Brown kept a correct list?—A. He kept a correct list from 6 o'clock a. m., and I gave him my name.

RICHARD <sup>his</sup> + PERRY.  
mark.

Sworn to before me this 15th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,

*Notary Public, South Carolina.*

RICHARD SINGLETON, a witness in behalf of the contestant, testified as follows, after being duly sworn :

Question. Do you live in Colleton County, and were you at the Summerville poll on the 2d day of November last ?—Answer. Yes ; and was at the Summerville poll on the 2d day of November last.

Q. Did you go there to vote ; and, if so, what ticket ?—A. Yes ; the Republican ticket.

Q. Did you vote ?—A. No, sir ; the polls were not opened.

Q. Did Mr. Brown keep a list of the Republican voters that day ; and, if so, did you give him your name ?—A. Yes ; and I gave him my name.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee :

Q. Do you know whether Mr. Brown kept a correct list or not ?—A. Yes, sir.

Q. How do you know it ?—A. Because he kept a list from the morning until evening, and I was there all day, except when I went to the railroad.

Q. Then you can't say that Mr. Brown took every name ?—A. Every name.

Q. Can you swear that he did ?—A. Yes, sir.

Q. How can you swear that Mr. Brown was doing when you were at the railroad ?—A. He took the list before I went to the railroad, after more came he took the balance.

Q. Will you swear that Mr. Brown did not take any names while you were away ?—A. No, sir.

Q. Then you only know from what Brown told you, do you not ?—A. I saw him keeping a list.

Q. You don't know whether it was correct or not, do you ?—A. No, sir.

his  
RICHARD + SINGLETON.  
mark.

Sworn to before me this 15th day of February, A. D. 1881.

E. D. HOLMES,  
*Notary Public, S. C.*

A. S. BLODGETT, a witness in behalf of the contestant, testifies as follows, after being duly sworn :

Question. Do you live in Colleton County and were you at Summerville precinct on the 2d day of November last ?—A. Answer. I live in Colleton County, and was at the polls on the 2d day of November last.

Q. Did you go there to vote ; and, if so, what ticket ?—A. Yes ; the Republican ticket.

Q. Did you vote ?—A. I did not, the polls not being opened.

Q. Did you give your name to Mr. Brown as one of the Republican voters who could not vote ?—A. I did.

Q. Was there a large crowd of Republicans there ?—A. Yes, sir.

Q. About how many ?—A. About seven hundred or more.

A. S. BLODGETT.

Sworn to before me this 15th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,  
*Notary Public, S. C.*

HAMILTON SMALLS, a witness in behalf of contestant, testified as follows, after being duly sworn :

Question. Do you live in Colleton County, and were you at the Summerville precinct on the 2d day of November last ?—Answer. Yes, sir.



Q. Did you go there to vote; and, if so, what ticket?—A. Yes; I went there to vote the Republican ticket.

Q. Did you vote?—A. No; because the polls were not opened.

Q. Did you give your name to Mr. Brown as one of the Republicans who could not vote?—A. I did, sir.

Q. Was there a large crowd of Republicans there?—A. As large a crowd as I have seen for some time.

his  
HAMILTON + SMALLS.  
mark.

Sworn to before me this 15th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,  
*Notary Public, S. C.*

A. C. RIVERS, a witness in behalf of the contestant, testifies as follows, after being duly sworn:

Question. Do you live in Colleton County, and were you at the Summerville precinct on the 2d day of November last?—Answer. I do; and was at Summerville precinct on the 2d day of November last.

Q. Did you go there to vote; and, if so, what ticket?—A. Yes; the Republican ticket.

Q. Did you vote?—A. No; the polls were not opened.

Q. Did you give Mr. Brown your name as one of the Republicans who could not vote?—A. I did, sir.

Q. Was there a large crowd of Republicans there?—A. Yes, sir; at the time I was there.

Q. About how many?—A. About six or seven hundred.

Cross-examined by M. P. HOWELL, Esq., counsel for contestee:

Q. How do you know that they were Republicans?—A. I judge them by their own words and from different elections.

Q. Do the people generally vote the same way at every election?—A. I can't say people change at different elections.

Q. Then your only reason for saying that they were Republicans was that they were colored men?—A. It is a hard reason for me to give to judge them by their color.

Q. If the polls had been opened and everybody voted, could you swear what the result would have been?—A. I don't know that I could.

Q. If the voters had desired to do so, could not they have gone to Ridgeville precinct?—A. Provided, sir, they knew it in time; Ridgeville is nine from Summerville; men could not have gone unless they had the money, and they could not foot it before the polls had closed.

Q. What was the Democratic majority in 1878?—A. I don't remember.

Q. What was the Republican majority in 1876?—A. I cannot tell.

A. C. RIVERS.

Sworn to before me this 15th day of February, A. D. 1881.

[L. S.]

E. D. HOLMES,  
*Notary Public, S. C.*

STATE OF SOUTH CAROLINA,  
*Colleton County:*

In the case of Robert Smalls, esqr., against G. D. Tillman, returned as a member of the Forty-seventh Congress from the fifth Congressional district of South Carolina, at an election held on the 2d day of

November, 1880, I certify that for and in behalf of Robert Smalls, contestant in the above-named case, I took, at Walterboro' (Vogler House), in Colleton County, between the 8th, 9th, 10th, 11th, and 12th days of February, 1881, inclusive, the testimony of Robert Glover, J. W. G. Grant, Ansel Maniagault, A. P. Washington, James Perkin, Philip Singleton, E. M. Chisolm, Ansel Maniagault, jr., Robert Smalls, Wm. A. Paul, Daniel Sanders, A. P. Campbell, Thos. L. Martin, Thos. C. Smith, A. P. Holmes, Elija Martin, January Nesbit, and Hamilton Singleton, citizens of Colleton County, in South Carolina; and at George's Station, in the town hall, on the 1st day of February, 1881, in said county and State, the following-named persons, to wit: Daniel Hay, Henry C. Mosley, P. S. Robertson, G. W. McMillin, D. R. Rivers, W. W. Toomer, J. H. Hicks, John Z. Crook, and Z. B. Gric; also, on the 15th day of February, 1881, at Limehouse's store, in Summerville, in the said county and State aforesaid, the following persons: Jas. W. Wilkinson, I. T. Brown, Handy Bowser, A. F. Fishburne, Charles Edmonston, Richard Perry, Richard Singleton, A. S. Blodgett, Hamilton Smalls, and A. C. Rivers, at the said time and places, was taken in evidence one hundred and seventy-eight pages of legal cap paper (testimony).

[L. S.]

EDWARD D. HOLMES,  
*Notary Public, So. Ca.*

No. 6.

BRUNSON, HAMPTON COUNTY,  
SOUTH CAROLINA, April 11, 1881.

ROBERT SMALLS }  
vs. }  
GEO. D. TILLMAN. }

Contested election for seat in the 47th Congress, from 5th district of South Carolina.

A. H. Ezekiel, for contestant.

Personally appeared DAN'L PLATTS, a witness for contestant, who, being sworn, deposes and says:

My name, D. L. Platts; age, 42; residence near Brunson; occupation, farmer.

Question. Do you know Geo. Bellinger?—Answer. Yes.

Q. Geo. Bellinger has testified that you was vice-president of a colored Democratic club of which he was president; is that true?—A. Yes; I was elected, but against my will, and I joined a Republican club and remained in that club during the election.

Q. Are you a colored man?—A. I am.

Q. Did you vote the Democratic ticket at the last general election?—A. I did not.

Cross-examined by Mr. MURPHY:

Q. Were you not elected vice-president of a colored Democratic club during the last election?—A. Yes; some time during the year of 1880; a good long while before the election.

Q. Have you since that time formally resigned that office?—A. No; I did not wish to act as such, and just quit.

Redirect by EZEKIEL:

Q. Did you qualify as vice-president of the colored Democratic club?—A. I did not.

Recross:

Q. Did you know that you were required to qualify?—A. No; but I did not make any objection.

D. L. PLATTS.

Sworn to and subscribed before me this 11th day of April, 1881.

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared THOMAS WILLIAMSON a witness, for contestant, who, being sworn, deposes and says:

My name is Thomas Williamson; age, 35; live at Yemassee; laborer.

Question. Where were you on the 2d day of November last?—Answer. At Early Branch.

Q. Do you know H. C. Koth?—A. I do.

Q. Did you see him on that day?—A. I did; at Early Branch.

Q. Mr. Koth has testified that he had a personal difficulty with you on that day; is that true?—A. He came to me and said to me, and said that he came to notify me that he was going to give me hell; I said to him that I thought that we had always been friendly; he said that I knew better; that I had arrested him in Radical times, and he was going to give me hell; his brother-in-law said that he was going to see him do it, and struck me as he said so; Bill Taylor came up and said that if they would tie me he would do the whipping; then Mr. Ihley struck me. Mr. Koth came up and said to some one, "Don't you hold Ihley," let him give him hell; Mr. Bill Breland came saying, "Kill the God d—d Radical son of a bitch," and they struck me so fast and heavy that I can't tell who all struck me.

Q. Previous to election did you and Mr. Koth have any difficulty or unpleasantness?—A. None whatever, and we met each other very often.

Q. Are you regarded as a prominent Republican in your neighborhood?—A. I am.

Q. Do you know T. F. Zahler?—A. I do.

Q. Did you see him at Early Branch on the day of election last, the 2d day of November?—A. I did.

Q. Zahler has sworn that he did not vote at Early Branch on that day; is that true, or false?—A. It is false I heard him sworn, and saw him vote.

Q. Do you know Plato Searson?—A. I do.

Q. Where does he live?—A. At Allendale, in Barnwell County.

Q. Did you see him vote at Early Branch?—A. I did.

(Mr. Murphy objects to this question and answer, as it is not in rebuttal to anything alleged.)

Q. Were Republicans driven away from the poll?—A. Yes; I was driven away, and heard others say they were.

Q. Was the election peaceable and orderly?—A. No; there was continued whooping and hollowing, and firing of pistols, and forcing men to vote against their will and desire.

Cross-examined by Mr. MURPHY, for contestee:

Q. What time did Zahler vote?—A. About 10 o'clock. He was the third man that voted after me.

Q. Who voted after you?—A. Koth and Ihley.

Q. Did Zahler vote after Ihley?—A. Yes.

Q. Who voted after Zahler?—A. I don't know. Some voted there

who I do not know, and who had no right to vote there, because they don't live in the precinct.

Q. How do you know they had no right to vote there?—A. They did not live in the community.

Q. Were they strangers to you?—A. Yes.

Q. Do you know every man in this county?—A. I am pretty well acquainted with the whole county.

Q. Do you know every man in this district?—A. No.

Q. What time did the difficulty occur between yourself and Mr. Koth?—A. About 5 o'clock p. m.

Q. Had you voted?—A. I had.

Q. Did any person hinder or prevent you from voting?—A. They did not.

Redirect:

Q. Was any one intimidated?—A. Not that I know of; but the Republicans were driven away and prevented from witnessing the count. (Mr. Murphy objects to the question and answer on the same grounds as the above objections.)

THOMAS <sup>his</sup> + WILLIAMSON.  
mark.

Sworn to and subscribed before me the 11th day of April, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared BAALAM WHITE, who, being duly sworn, deposes and says:

My name is Baalam White; age, 28; residence, Temassie.

Question. To what poll did you go in the last election?—Answer. Early Branch.

Q. Did you vote?—A. I did not.

Q. Why?—A. When I got there about half-past ten a. m., I saw but few people; but shortly I saw a crowd of twenty-five or thirty white men on horses coming. Mr. Elias McTeer came up and handed me a ticket to vote, and I opened it and found that there was three tickets folded together. When he handed me the ticket he started to the box and told me to "Come right on and vote," and when he looked back, I had the tickets open. He then asked me if I had no better sense than that. I told him that I had opened the ticket to see if it suited me. It seemed that he did not like it for me to open the ticket. I had always been voting the Democratic ticket; but went there that day to vote the straight Republican ticket; but when I saw that I would create so much ill-feeling by it I would not vote at all.

(Mr. Murphy objects to the examination of this witness on the ground that it is not in rebuttal of anything alleged.)

BAALAM <sup>his</sup> + WHITE.  
mark.

Sworn to and subscribed before me this the 11th day of April, 1881.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared E. A. BRABHAM, a witness for contestant, who, being sworn, deposes and says:

My name is Elijah A. Brabham; age, 33; occupation, wheelwright; live in Brunson, Hampton County.

By A. H. EZEKIEL, for contestant:

Question. Where were you on the 2d day of November last?—Answer. At Brunson election poll; acted as United States supervisor of election.

Q. Was the election quiet and orderly?—A. It was not. On the evening previous to the day of election several crowds of mounted red-shirters rode into the town of Brunson. Directly after dark they gathered around the depot of the Port Royal and Augusta Railway. They hooped and yelled. Hurrahed for Hancock, and cursed Garfield. They fired off guns and exploded powder under an anvil, which explosion sounded like a cannon, and was heard many miles from here. They kept up this shooting all night, and until near sunrise the next morning. I went to the poll at about daylight, and found a great many Democrats there, many of whom seemed to be under the influence of whisky, and seeming to have taken charge of the poll. It seemed to be the purpose of the Democrats to make as much show of violence and force as possible, but not to hurt any one; but when they got their men drunk for the purpose, they could not control them. They knew that the Republicans, having been run over with horses, beaten with sticks, and shot with pistols at this poll on election day in 1878, would be afraid to come to the poll if there was any disturbance about it. They kept threatening to come to my house, which is about one hundred and fifty or two hundred yards from the depot, "and break in on me." A prominent Democrat sent a colored man to my house with a message to me, saying that I had better go away from home; that those men at the depot had just agreed to come to my house after me, and that if they found me there they would injure or kill me. Two other Democrats came to my house, a few minutes after, and advised me to leave. I told them that I would go, but my family was here. I had no where to take them, and would stay with them if I got killed. Shortly after this a crowd came; called to my gate, and said that they wanted to see me. I refused to go out, and they left. A few minutes later another crowd came. They came in my yard, and knocked at my bed-room window, insisting that I should get up, that they wanted to see me. I refused to get up. They talked to each other a while, and left. I heard one say "Let's go in"; another said "No." After the poll opened the Democrats whom I found there early in the morning kept up a good deal of noise, appearing to be drunk, and behaved very disorderly.

The poll was held in a back room of an old store. The voters had to pass through this old store to get to poll. This old store was full of this disorderly crowd of Democrats nearly all day. No voter was allowed to enter without their consent. Whenever a Republican would appear to the door for entrance, they would crowd into the door, yell and jeer at him, and very often they would hold sticks across the door and would not allow the Republican to enter. In several instances Capt. John H. Lightsey had to order the door cleared before the Republicans could get in. These blocking the door were mostly by members of Captain Lightsey's red-shirt cavalry company. Captain Lightsey testifies that he came to the poll directly after midnight, and I think he brought his company with him.

After the Republican voter got into the room the Democrats would ask him all sorts of questions, thereby detaining him, worrying him so that several turned and went out and did not vote at all. I noticed one Republican who tried to press through and get to speak to the managers. As he got to the box several Democrats caught and tried to pull him back; he held on to something and they commenced beating him on

his head with clubs, and he turned and ran out. They would not allow more than one Republican to enter at the time, and it required considerable nerve to go in to the poll under the circumstances. Several Republicans turned back at the door, and some who entered was so worried that they came out before they got a chance to vote, and never returned.

Q. Was the election fair ?—A. It was not ; it was as unfair as it could possibly be. The commissioners and managers of election were all Democrats. I, as chairman of the Republican party, applied to the county election commissioner for one Republican on each board of three managers, but did not get one appointed. The Democrats voted two and more tickets folded together, thereby stuffing the box so that a very large excess had to be drawn out and destroyed, which gave them a chance to destroy nearly all the Republican ballots. After throwing out all the ballots that they were certain had been voted inside other ballots, they had 588 ballots against 350 names on the poll-list.

Q. George Bellinger has testified that he was president of a colored Democratic club of 107 members, is that true ?—A. No.

Q. What means have you, if any, for knowing it not to be true ?—A. There never was but one colored Democrat club organized in Hampton County, that club broke up during the campaign of '78. George Bellinger tried to revive it in 1880, but failed. I am an eye-witness to his efforts and failure. He held a meeting to elect officers and to elect delegates to the Democratic county convention. The officers he elected would not serve. Some of the delegates he had elected would not attend the convention. They had joined a Republican club.

(Mr. Murphy excepts to the foregoing questions and answers on the ground that they are not in rebuttal.)

E. A. BRABHAM.

Sworn to and subscribed before me this 12th day of April, 1881.

[L. S.]

A. B. ADDISON,  
*Notary Public, South Carolina.*

We certify that the above is the testimony taken by us on behalf of the contestant Robert Smalls.

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Sworn to before me this April 12, 1881.

[L. S.]

A. B. ADDISON,  
*Notary Public, South Carolina.*

No. 7.

SMALLS }  
v. }  
TILLMAN. }

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

In the matter of the contest between Robert Smalls and G. D. Tillman,  
for a seat in the Congress of the United States.

GEORGE VALENTINE, a witness of legal age, produced by contestant after due notice to contestee, deposes as follows to questions propounded to him :

Question. What is your age?—Answer. Age, 22; live at Mount Willing.

Q. Were you at Mount Willing on the day of the last election?—A. Yes, sir; I was there.

Q. In what capacity?—A. As United States supervisor.

Q. What time did you get to the polls?—A. The sun was about a quarter of an hour high.

Q. Was the poll opened when you arrived?—A. It was.

Q. Were there many people about the polls then?—A. Yes, sir.

Q. Democrats or Republicans?—A. Some of both.

Q. Was everything quiet then?—A. Yes, sir.

Q. Did you go inside of the poll at that time?—A. Yes, sir.

Q. Where was the poll held?—A. In a small office on the ground floor.

Q. Where was the box placed?—A. On the table, about the middle of the room.

Q. How large a room?—A. About twelve feet long, eight or nine feet wide.

Q. Did the managers tell you how long the polls had been open, or how many people had voted?—A. No, sir.

Q. Did you keep a poll-list?—A. No, sir.

Q. Were the voters allowed to come in to the poll and pass out freely?—A. No, sir.

Q. How was the entrance to the room arranged?—A. One door.

Q. Was that door free?—A. The red shirts were standing around, with clubs and pistols, keeping the crowd back, and letting them in six at the time.

Q. Was any discrimination made between the voters in admitting them?—A. Republicans were kept back, and the Democrats admitted.

Q. Were any Democrats kept back?—A. Every now and then, if a crowd of Democrats tried to get in, and if the house was full, they would keep them back.

Q. Were there many persons inside the house during the day?—A. Yes, sir.

Q. To what political party did these persons belong?—A. To the Democratic party.

Q. Were any Republicans there?—A. None but myself, except when they came in to vote.

Q. Did any attempt to remain after voting?—A. No, sir.

Q. Were the managers Republicans or Democrats?—A. Democrats.

Q. Did you remain all day?—A. No, sir.

Q. Why not?—A. A row took place, and I got out.

Q. What time was this?—A. About 2 or 3 o'clock.

Q. What caused the row?—A. A crowd of Democrats came up; commenced beating the colored people with clubs and sticks, and one pistol was fired; after that a great deal of shooting; then the colored people ran home.

Q. Did all the colored people run away?—A. There was about a dozen staid around there till sundown.

Q. How many went away at the time you did?—A. About one hundred and eighty or ninety.

Q. Why did you not remain?—A. Because I was afraid they were going to kill me.

Q. Did you go away before or after the firing?—A. I went at the time of the firing.

Q. Had all been quiet up to that time?—A. No, sir; pretty much quiet, except the Democrats, who were acting as if there were going to fight each other.

Q. Were any colored people assaulted, abused, or threatened, by the Democrats, before that time?—A. No, sir.

Q. Did you hear any threats toward anybody before the row began?—A. No, sir.

Q. Were any men present at or around the polls that day?—A. No, sir.

Q. Were any persons uniformed in red shirts?—A. Yes, sir.

Q. Many?—A. Yes, sir; right smart of them.

Q. You answered no to the first question, were there any persons present wearing uniforms, and yes to the question, were any persons present uniformed in red shirts; what do you mean?—A. I meant in red shirts, but no other style.

Q. Why did these men wear red shirts?—A. Because they were Democrats.

Q. Do Democrats generally in Edgefield County, on public political occasions, wear red shirts?—A. Yes, sir.

Q. Did you see any persons with pistols or guns that day?—A. Yes, sir.

Q. Republicans or Democrats?—A. Democrats; about three guns and pistols.

Q. Were the Republicans armed at that poll?—A. I saw three or four have pistols.

Q. Did many of the Democrats have pistols?—A. Yes, sir; nearly all of them.

Q. Were any persons inside the polls with arms?—A. Yes, sir.

Q. Democrats or Republicans?—A. Democrats.

Q. Had all the men who left the polls during the row voted?—A. No, sir.

Q. Do you know how many did not vote?—A. No, sir.

Q. Did any white men leave who had not voted?—A. No, sir.

Q. Do you know how many colored men had voted at this time?—A. No, sir.

Q. What ticket did these men who left the poll intend to vote?—A. Republican ticket.

Q. How do you know?—A. Because some of them showed me their tickets.

Q. Whose name was on the Republican ticket for Congress?—A. Smalls'.

Q. Why did not you and the others return to the polls?—A. Because they said they came there intending to kill the negroes.

Q. Who do you mean by they?—A. Some one in the crowd.

Q. Was it a Democrat or Republican?—A. Democrat.

Q. Had there been any firing before the day of the election in that neighborhood?—A. No, sir.

Q. Did any colored men vote the Democrat ticket?—A. Yes; two.

Q. No more?—A. Yes; three.

Q. Was this all?—A. Yes; as far as I know.

Q. Could you tell how the people voted?—A. Yes; I could.

Q. How could you tell?—A. Because the Democrats had a red and a white ticket; the Republicans had a white ticket, which was something stouter than the Democrat ticket.

Q. Was the difference in the tickets such that in your position you could tell what ticket a person voted?—A. I could.



Cross-examined by B. W. BETTIS, Jr., attorney for contestee:

Q. In what capacity were you acting on the day of election?—A. As supervisor.

Q. What were your duties as supervisor?—A. To keep a poll-list; nothing else.

Q. Who appointed you supervisor?—A. I don't know who appointed me.

Q. How do you know you were appointed?—A. Because I received my credentials, and was told I was appointed.

Q. Who told you?—A. Samps Pope.

Q. What were the nature of your credentials?—A. I disremember what the nature of them was.

Q. Who signed them?—A. I disremember whose name was signed.

Q. Was there any window in front of the house in which the polls were kept?—A. Yes; two; both open.

Q. Did every white man you saw there that day have on a red shirt?—A. No, sir.

Q. How many white men had on red shirts?—A. About forty or fifty had on red shirts.

Q. Did any colored men have on red shirts?—A. No, sir.

Q. Did any colored men there have on blue shirts?—A. No, sir.

Q. Did you see every ticket that was put in the box that day?—A. No, sir; some were put in the box before I got there.

Q. How do you know, then, that only three colored men voted the Democrat ticket?—A. I know that I only saw three vote the Democratic ticket, and don't know if any did before I got there or after I left.

Q. Did you see every ticket that was put in that box while you were there?—A. No, sir.

Q. How do you know that only three colored men voted the Democratic ticket while you were there?—A. I saw all the tickets the colored people put in while I was there.

Q. Did you see all the tickets the white voters put in?—A. No, sir.

Q. How do you know that some of the white people did not vote the Republican ticket?—A. I don't know what ticket the white people voted altogether, but saw some of their tickets.

Q. Then you don't know that all the white people voted the Democratic ticket?—A. No, sir.

Q. Did you see all the tickets the "red shirts" voted?—A. No, sir; I did not see all.

Q. Then you don't know what ticket all the men wearing red shirts voted?—A. No, sir.

Q. Did you see all the tickets that the party had who left the polls?—A. No, sir; I did not see all.

Q. Then you do not know whether all were Democrats or Republicans?—A. I know those that I saw were Republican.

Q. How many did you see?—A. About fifteen or twenty.

Q. You say there were about two hundred colored people in the party?—A. Yes, sir; about two hundred.

Q. How far were the parties from the house when the row took place?—A. About fifteen or twenty feet from the house.

Q. Who were the parties next to the house?—A. Democrat party.

Q. How long had they been there when the row took place?—A. They had been there all day, passing to and fro.

Q. You say a party of Democrats came up and attacked the colored

people; from what direction did they come?—A. From an easterly direction.

Q. How far were they from the polls when you saw them approaching?—A. They were thirty or forty yards.

Q. How many were they in the party?—A. About four or five.

Q. You said just now that a party of Democrats who attacked the colored voters had been standing in front of the polls all day, now you say when you first saw the party that attacked them they were thirty or forty yards off, coming from an easterly direction. Explain what you mean by the two statements.—A. I did not mean that the party who were standing there all day attacked them, but the party that came up.

Q. How far was the house from the road?—A. About thirty or forty yards.

Q. In coming from the road, did they approach the house towards the corner, or did they come up in front of it?—A. Towards the corner.

Q. Whereabouts did the row commence?—A. Right in front of the door.

Q. Between the colored voters and the door?—A. Yes, sir.

Q. Did the five men who came up mingle with the Democrats before the row, or not?—A. No, sir; they came up and attacked the colored people immediately.

Q. Did you see any one of those five men when they voted that day?—A. No, sir.

Q. They said they were going to kill the d——d negroes?—A. Yes, sir.

Q. Did you hear them say anything else?—A. No, sir.

Q. Did you ever have any conversation with either of those five men about the election previous to that row or since?—A. No, sir.

Q. How then do you know that the party who made the attack were Democrats?—A. They had on red shirts.

Q. How do you know that the party attacked were Republicans?—A. Because I saw fifteen or twenty of the tickets of that party.

Q. Did you know anything about the rest of the party who were attacked?—A. Only a portion who had voted, and I saw their tickets when they voted.

Q. You do not mean to say that all of the 190 men who left there after the row had not voted?—A. I mean to say some of them had voted and some had not.

Q. Were there any there whom you know had not voted, except those whose tickets you saw?—A. Not of my own knowledge.

Q. How do you know those fifteen or twenty, whose tickets you saw, had not voted?—A. I did not see them come in and vote.

Q. Could they not have voted at another place that day?—A. I do not know.

Q. Did you see the first pistol fired?—A. No, sir.

Q. Do you know whether a Democrat or Republican fired it?—A. No, sir.

Q. Did you see the first blow struck?—A. No, sir.

Q. How do you know these five men made the attack or those other men attacked them?—A. Because I saw the five men charging on them in front of the door.

Q. While in the house, could you see at the corner of the house where they came?—A. No, sir.

Q. You say the shooting commenced at the corner; how do you know

then who made the attack ?—A. I did not see them when they made the first attack.

Q. Was there any window on the side of the house from which the five men approached ?—A. Yes, sir.

Q. When you first saw the five men thirty or forty yards from the house, did you watch them until they got to the house ?—A. I did not watch them at all after I first saw them, until they got in front of the house.

Q. Were there any colored men standing at the corner of the house ?—A. I don't know.

Q. You said a few moments ago that a blow was struck, then a pistol was fired, and there was shooting generally ; when was the first blow struck ?—A. The first I saw was in front of door.

Q. Do you know whether any other blow was struck before that ?—A. Not that I saw.

Q. You said a few moments ago when these five men got to the corner of the house a pistol was fired ?—A. Yes, sir.

Q. You have also said, that blows was struck before the pistol fired ?—A. Only from what I heard.

Q. If blows were struck and a pistol fired before you saw anything of the row, how do you know who started the row ?—A. Only from hearsay ; I only saw a blow struck in front of door.

Q. Which way did you go when the shooting became general ?—A. I went out at east window.

Q. Could you see in front of house after you got out of window ?—A. No, sir.

Q. What length of time intervened between the first shot, until the firing became general ?—A. A sufficient length of time to count four or five.

Q. If the firing commenced generally soon after the first shot was fired and you left as soon as the firing commenced generally, how did you have time to see blows struck in front of the house ?—A. Because I saw them.

Q. You said that all the white men who were there that day voted.—A. I don't think I said that.

Q. You said that none of the white men left there without voting that day ; now tell me how you know that ?—A. Because they came there and voted.

Q. You mean to say that all the white men you saw there that day had voted ?—A. All I saw came in there and voted.

Q. Do you mean to say that all of the white men who were near the house voted ?—A. There may have been some there that I did not see vote.

Q. You say about a dozen colored people remained there until about sundown ?—A. Yes, sir.

Q. How do you know who remained there if you left ?—A. Soon after I left I came back to a house about fifty yards of the polls.

By W. N. TAFT, counsel for contestant :

Q. In the crowd of colored men who left the polls, were there any that you know had not voted ?—A. Yes.

Q. Did you know any of them personally ?—A. Yes.

Q. In addition to seeing their tickets, is there any other way by which you know they had not voted ?—A. Yes ; they did not come in to the polls while I was there.

GEORGE VALENTINE.

Sworn to before me this 16th day of February, 1881.

[SEAL.]

E. H. HOGARTH,  
*Notary Public, South Carolina.*

JOHN T. GASTON, *Intendant.*

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

In the matter of the contest between Robert Smalls and G. D. Tillman  
for a seat in the Congress of the United States.

ANDREW LONG, a witness of legal age, produced by contestant, after due notice to contestee, deposes as follows to questions propounded to him:

Question. What is your age, residence, and occupation?—Answer. Andrew Long; age, 30; live in Hunts Township, and am a farmer.

Q. Were you present at Perry's Cross Roads precinct at last election?  
—A. I was.

Q. What time did you get to the polls?—A. About 8 o'clock in the morning.

Q. Were there many people about the polls?—A. A good many.

Q. Were there many Democrats around the polls?—A. Good many.

Q. Could you distinguish any of the Democrats by the dress they wore?—A. Could not.

Q. Did you see anybody there in red shirts?—A. Yes, sir.

Q. Who were they?—A. Call themselves Democrats.

Q. Do Republicans wear red shirts?—A. No, sir.

Q. Were there any persons present that you could tell belonged to either Republican or Democratic parties by the shirt they wore?—A. I could not.

Q. How could you tell Democrats from Republicans?—A. I knew by their calling themselves Democrats, and wearing red shirts.

Q. Did you see any Republicans wearing any uniform?—A. Only their every-day dress.

Q. Did you see any person present at the polls with pistols or guns?  
—A. I saw Democrats with pistols.

Q. About how many?—A. Not more than eight or ten at the time.

Q. About how many Democrats were at the polls when you arrived?

—A. About one hundred Democrats, I suppose.

Q. Did many of them have pistols that you saw after you arrived?

—A. Yes, sir.

Q. Where was the poll held?—A. In a house in front of Mrs. Perry's gate.

Q. Where was the box stationed?—A. I never saw the box.

Q. Did you see the managers of election?—A. I did not know who they were.

Q. Was all quiet around the polls on your arrival?—A. When I got there it was.

Q. Did you vote?—A. No, sir.

Q. Why not?—A. Because a man got on his horse and charged up to the door and punched me with his pistol.

Q. Anything else?—A. No, sir.

Q. What did you do then?—A. I went home.

Q. Was that the only person that did anything at the polls that day?

—A. All that I saw.

Q. What did you do to him?—A. Nothing.

Q. Why did he punch you with a pistol?—A. I couldn't tell why he did it.

Q. What time was this?—A. About half an hour after I got there.

Q. If only this one man assaulted you why did you go home?—A. Because I did not feel disposed to be imposed upon.

Q. Did the man say anything when he did this?—A. He said "Didn't you say so."

Q. Was he a Republican or Democrat?—A. Called himself a Democrat.

Q. Why could you not see the box?—A. I did not go near the box until the time I was punched by this man with a pistol.

Q. Was anybody assisting him?—A. There were men walking behind him.

Q. How many?—A. Perhaps four or five.

Q. What ticket did you go there to vote?—A. Republican ticket.

Q. The straight Republican ticket?—A. Yes.

Cross-examination by F. H. WARDLAW, counsel for contestee :

Q. What time did you get to the poll in the morning?—A. About eight o'clock.

Q. You said you could not tell whether a man was a Democrat or Republican by the dress he wore.—A. I said they were Democrats by having on red shirts.

Q. How many men did you see when you arrived there that morning with red shirts on?—A. About one hundred.

Q. Did you see any men with blue shirts on?—A. If I did, I did not notice them.

Q. You say you did not see the box at all. Could you not have seen it if you had gone near enough to have voted?—A. Yes, sir.

Q. Did you attempt to vote that day?—A. No, sir.

Q. You said a man punched you with a pistol; why did he do so?—A. I could not tell.

Q. You gave him no cause to punch you with his pistol?—A. None at all.

Q. How many men did you see with pistols that day?—A. Eight or ten.

Q. Did they have those pistols buckled around them, or where did they have them?—A. Some buckled around and some in their hands.

Q. Was it not customary for all Edgefield men, both white and black, to carry pistols, before the late act of the legislature prohibiting it?—A. I don't know.

Q. Did you see any of the Republicans armed with pistols or clubs that day?—A. Some of them had walking-sticks.

Q. Were these walking-sticks large or small?—A. About the common size; same as old men walk with.

his  
ANDREW + LONG.  
mark.

Sworn to before me this 16th day of February, 1881.

[SEAL.]

E. H. HOGARTH,

Notary Public, South Carolina.

JOHN T. GASTON, *Intendant, E. V.*

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

In the matter of the contest between Robert Smalls and G. D. Tillman  
for a seat in the Congress of the United States.

WESTLY LONG, a witness of legal age, produced by contestant, after due notice to contestee, deposes as follows to questions propounded to him:

Question. State your age, residence, and occupation.—Answer. Thirty-three years of age; reside in Hunt's Township; am a farmer.

Q. Did you go to Perry's Cross Roads precinct at the last election?—A. I did.

Q. What time did you get there?—A. About 8 o'clock.

Q. How many people were there?—A. About 150.

Q. Were any of them in red shirts?—A. Yes, sir.

Q. Many?—A. Yes; a good many.

Q. Democrats or Republicans?—A. Democrats.

Q. Were any of these armed?—A. Yes, sir.

Q. How many pistols or guns did you see?—A. No guns, fifteen or twenty pistols.

Q. Did you see the Republican supervisor there that day?—A. Yes, sir.

Q. Where was he?—A. Outside of the building.

Q. What was he doing?—A. Trying to serve, but the Democrats would not let him.

Q. Were the managers willing for him to serve?—A. No, sir.

Q. How do you know?—A. They said there could be no Republican supervisor to act that day.

Q. Were the managers Democrats or Republicans?—A. Democrats.

Q. How do you know?—A. I don't know whether all three were Democrats or not.

Q. Do you know their names?—A. I know one of them; he was a Democrat. Other two I did not know.

Q. Did you vote?—A. Yes, sir.

Q. Do you know of any men who went there to vote and did not vote?—A. Yes, sir.

Q. How many?—A. Some fifteen or twenty.

Q. Why did they not vote?—A. The red-shirts or Democrats crowded the polls so that they could not vote.

Q. What did they do?—A. They got across the door and would not let the Republicans go in.

Q. How did they prevent them?—A. They crowded the door with their horses and would not let the Republicans go in.

Q. Was there any violence or threats by any one that day; if so, who by?—A. Democrats threatened to strike the Republicans and said they should not stay.

Q. How long did this continue?—A. I don't know. I did not stay long after the threats were made.

Q. Did the Republicans remain at the polls?—A. I could not tell; I left soon after the threats were made.

Q. How do you know these men did not vote?—A. I went there with them and went away with them.

Q. Why did they leave the polls?—A. It looked as if the Democrats were going to knocking down the Republicans, and we got away for fear it might come upon us.

Q. Did anybody show any pistols at this time?—A. Democrats showed a great many of them.

Q. Did they use them, or attempt to do so?—A. They acted as if they were going to.

Q. Why were these threats and actions made by the Democrats?—A. They said they were going to carry the election, and the Republicans should not get to the polls.

Q. Do you know of any other men who did not vote that day?—A. No, sir.

Q. At what time did you leave?—A. About half-past 8 o'clock.

Q. Did you see the ticket these men had who were going to vote?—A. No, sir.

Q. Do you know what ticket they were going to vote?—A. No, sir; they said they were going to vote the Republican ticket.

Q. Did you know them all?—A. No, sir; only ten or twelve.

Q. Were they Republicans or Democrats?—A. Said they were Republicans, and generally vote the Republican ticket.

Q. Was there any firing around the polls?—A. Not while I was there.

Q. When your party left, did the other Republicans remain there?—A. Some seven or eight remained.

Q. Could Republicans vote freely and without fear at this precinct?—A. No, sir.

Q. Could Democrats?—A. Yes, sir.

Cross-examined by F. H. WARDLAW, counsel for contestee :

Q. What time did you vote that morning?—A. About quarter after eight.

Q. Did you have any difficulty about voting?—A. After I got to the door I had no trouble in voting.

Q. Did you hear any one tell the Republican supervisor that he should not serve?—A. Yes, sir.

Q. Who did you hear tell him so?—A. One of the managers told him so.

Q. Do you know who the manager was?—A. I don't know his name.

Q. How do you know he was a manager?—A. He was there and said he was a manager.

Q. How near to the poll when you heard this remark of the manager?—A. About twenty yards.

Q. Did he say it in a loud tone?—A. He said it in an ordinary tone.

Q. Where was the manager?—A. About twenty yards from the polls.

Q. What was he doing about 20 yards from polls?—A. The supervisor asked him to step out, he wanted to talk with him.

Q. You say the Democrats threatened to strike the Republicans if they did not get away from there; what threats did they make?—A. They told them if they did not get away from there they would frail them out.

Q. How do you know these men that made those threats were Democrats?—A. Because they had on red shirts.

Q. Have you never seen any one except Democrats wear red shirts?—A. Wear them as undershirts, but not outside.

Q. Do the Republicans have any uniform to designate them?—A. No, sir; not in my part of the country; I don't know what they have off.

Q. Did you see any men there that day with blue shirts?—A. No, sir.

Q. You said there was about fifteen or twenty men who left there who did not vote?—A. Yes, sir.

Q. How do you know they did not vote?—A. They told me they did not vote.

Q. Did they try to vote?—A. I do not know whether they did or not.

Q. You say you did not see the tickets those men were going to vote; how then do you know they generally voted the Republican ticket?—A. They live in the same settlement I do, and usually went to polls together, and they voted Republican ticket.

Q. Did you always know those fifteen or twenty men deposit their tickets in the box, and know that they were Republican tickets?—A. We always went together, and they told me that was the way they voted; but I did not see their votes.

Q. You said the Democrats had a good many pistols; how many did you see?—A. Twenty-five or thirty, I reckon.

Q. Did you see any Republicans with pistols or clubs?—A. I saw some old men with walking canes.

Q. You never saw any young men with sticks?—A. No, sir.

Q. Do you know who the men were that you saw with pistols?—A. No, sir; I know nothing about them.

Q. Did those men live in your section?—A. I do not know, I never saw them before.

Q. You said that Republicans could not vote there without fear. How do you know that?—A. Because the Democrats were presenting pistols at us.

Q. You said the Democrats voted without fear. How do you know that?—A. There was no one preventing them from voting.

Q. You said the Democrats said they intended to carry the election; did you hear that?—A. Yes, sir.

Q. Who did you hear say so?—A. I prefer not to give names.

his  
WESTLY + LONG.  
mark.

Sworn to before me this 16th February, 1881.

[SEAL.]

E. H. HOGARTH,  
*Notary Public, South Carolina.*

JOHN T. GASTON, *Intendant, E. V.*

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

In the matter of the contest between Robert Smalls and G. D. Tillman  
for a seat in the Congress of the United States.

PINK WEBB, a witness of legal age, produced by contestant, after due notice to contestee, deposes as follows to questions propounded to him:

Question. What is your age, residence, and occupation?—Answer. Thirty-nine years old, and live in Hunt's Township; am a farmer.

Q. Were you at Perry Cross Roads precinct on the day of last election?—A. I was.

Q. At what time did you get to the polls?—A. About 8 o'clock.

Q. How long did you remain?—A. Until about 1 o'clock.



Q. Did you vote?—A. I did.

Q. Do you know of any person who did not vote?—A. I do not know of any person who did not vote.

Q. Did you see any persons there with red shirts on?—A. Yes, sir.

Q. How many?—A. About thirty.

Q. Were they Republicans or Democrats?—A. According to the dress they had on they were Democrats. I went by their dress.

Q. Did you see any armed men there?—A. I saw some pistols.

Q. About how many?—A. Eight or ten.

Q. Who had them?—A. I did not know the men; they were Democrats.

Q. Did you see any Republicans with arms?—A. No, sir.

Q. Where was the box placed?—A. In a little house called the grog-shop, a short distance from the door.

Q. How many doors and windows?—A. One each.

Q. Were there many men inside the room?—A. Not many; small number.

Q. When you voted were there any Republicans in the room?—A. There were; three were sworn with me.

Q. Any others?—A. Not at that time.

Q. Any Democrats?—A. Yes; six or seven.

Q. Did any Republicans stay in the room after voting?—A. No.

Q. Did any Democrats besides the managers remain in the room?—A. Yes; sometimes two or three.

Q. Did you see the Republican supervisor in the room?—A. I saw him in the door.

Q. Did he act as supervisor?—A. No, sir.

Q. Do you know why he did not act?—A. I do not know.

Q. Did you hear any threats or know of any violence or attempted violence there that day?—A. I saw one man knock off one hat with a pistol.

Q. Why did he do this?—A. He appeared from his action that he was drinking.

Q. Did the voters have free access to the poll?—A. No, sir.

Q. What prevented?—A. That man prevented by running his horse across the door.

Q. Did he say anything at this time?—A. No, sir; he made no threats.

Q. Was he a Republican or Democrat?—A. He was a Democrat.

Q. Did any other Democrat act in that way?—A. No, sir.

Q. Where did these men carry their pistols?—A. Strapped around them, outside of their shirts.

Q. Do you know if any Republicans were intimidated that day?—A. When that gentleman came charging up on his horse a good many of them went away, and a good many of those came back and voted.

Q. To what party did these men who went away and came back belong?—A. They belong to the Republican.

Q. Did they all come back?—A. I don't know.

his  
PINK + WEBB.  
mark.

Sworn to before me this 16th day of February, A. D. 1881.

[SEAL.]

E. H. HOGARTH.

Notary Public, South Carolina.

JOHN T. GASTON, *Intendant, E. V.*

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

In the matter of the contest between Robert Smalls and G. D. Tillman for a seat in the Congress of the United States.

BRISTER J. YELDELL, a witness of legal age, produced by contestant after due notice to contestee, deposes as follows to questions propounded to him.

Question. State your age, residence, and occupation.—Answer. Age, 27 ; residence, Moss Township ; occupation, farmer.

Q. Were you at Cheatham's Store precinct at the last election ?—A. Yes, sir.

Q. In what capacity ?—A. United States supervisor.

Q. Were you present when the polls opened ?—A. I was.

Q. Did you act as supervisor that day ?—A. No, sir.

Q. Did you see the box opened by the managers before the voting commenced ?—A. I did not.

Q. Why not ?—A. Democrats were fighting a sham battle on the porch and I was afraid to go to the box.

Q. Did you go into the poll at all ?—A. I did not.

Q. Being supervisor why did you not ?—A. One of the managers objected to my going in.

Q. Did you stay at the poll all day ?—A. I did not.

Q. Did you see the votes counted ?—A. I did not.

Q. How many people were at the poll when it opened ?—A. About one hundred Republicans and about twenty-five or thirty Democrats.

Q. Did the polls open at 6 o'clock ?—A. Did not.

Q. What time did they open ?—A. About quarter after seven.

Q. How long after sunrise ?—A. About one and a quarter hours after sunrise.

Q. Was there any one present wearing uniforms ?—A. Yes, sir.

Q. To what political party did they belong ?—A. To the Democratic party.

Q. Did any of these men have arms ?—A. Yes, sir.

Q. About how many ?—A. About twenty.

Q. Who were the parties that were having the sham fight on the piazza ; those with red shirts on or without ?—A. Those with red shirts on and those without.

Q. In this fight were any arms used ; if so, how, and what ?—A. They had pistols and clubs and brandished them at each other, striking on a box and making great noise.

Q. Why did you leave the polls ?—A. A Democrat demanded my commission, and I handed it to him and he returned it, saying "He'll be damned if I should supervise there that day."

Q. Did he or others do or say anything further to you that day ?—A. With the manager he was the only one.

Q. Did you then leave the poll ?—A. Shortly after that I did.

Q. About what hour ?—A. About 8 o'clock.

Q. Did you vote ?—A. I did not.

Q. Why not ?—A. I could not go to the box without being run over by the Democrats who were fighting a sham battle.

Q. Did any more Democrats arrive before you left ?—A. No, sir.

Q. Did any other Republicans go away beside yourself ?—A. Yes ; about one hundred.

Q. Why did they go?—A. Because they could not vote for the same reason that I did.

Q. For whom did you intend to vote for Congress?—A. Robert Smalls.

Q. Whose name was on the Republican ticket for Congress?—A. Robert Smalls.

Q. Was there any violence or threats used by the Democrats towards Republicans that day; if so, what?—A. Yes; they shot at a Republican, and run him off.

Q. Did the parties who fired say anything?—A. I don't know.

Q. Do you know if any Republicans voted at that box that day?—A. I don't know.

Q. Did you vote at all that day?—A. I did not.

Cross-examination by B. W. BETTES, Jr., counsel for contestee:

Q. Are you an ordinary laborer, or upon what scale do you farm?—

A. I rent land every year, about twenty-seven acres, and make what I can on it.

Q. Can you read and write?—A. Yes.

Q. When did you learn how?—A. I commenced about seven years ago, and am still learning.

Q. During the seven years, have you been farming and doing anything else besides learning to read and write?—A. I have been farming.

Q. What portion of those 7 years did you go to school?—A. None during those 7 years.

Q. How did you learn to read and write?—A. I worked all day and studied at night.

Q. Who appointed you a supervisor?—A. Samuel T. Poinier, United States supervisor.

Q. What were your duties as United States supervisor?—A. My duties was to keep a poll-list, and scrutinize the box, and keep an account of all the riots, and to keep a memorandum of the proceedings during the day.

Q. What were you going to do with your poll-list, &c., after the election was over?—A. I was going to deliver it to the commissioners of election.

Q. Who were the commissioners of the election?—A. Mr. Lynch, Mr. Nicholson, and Mr. Lee.

Q. Did you see any Democrats at the polls when you reached there who did not have red shirts on?—A. Yes, sir.

Q. How many?—A. About three; may be more.

Q. How do you know they were Democrats?—A. I knew this, that all white men in this portion of the country are Democrats.

Q. How do you know that?—A. All the white people in this portion of the county who spoke to me about election asked me to vote Democratic ticket.

Q. What was the name of the man who asked you for your credentials, and said "He would be damned if you supervised here?"—A. I don't care to take his name.

Q. How do you know that the 100 men who left there with you were all Republicans?—A. Because they had Republican tickets.

Q. Did you examine the tickets of the 100 men?—A. Yes, sir; every one of them.

Q. Do you know whether any of them went to another polling precinct that day, or not?—A. Not that I know.

Q. Do you know where they went to?—A. No, sir.

Redirect:

Q. Do you know where they went?—A. Some of them went with me back by the poll to another crowd of about one hundred and eighty, and remained there for about one hour, and then the shooting took place, then all went home, and I saw several of them at their homes as I passed.

Q. Did this crowd of 180 also go?—A. Yes, sir.

B. J. YELDELL.

Sworn to before me this 16th February, A. D. 1881.

[SEAL.]

E. H. HOGARTH,  
Notary Public, South Carolina.

JOHN T. GASTON, *Intendant, E. V.*

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

In the matter of the contest between Robert Smalls and G. D. Tillman  
for a seat in the Congress of the United States.

W. T. TILLMAN, a witness of legal age, produced by contestant, after due notice to contestee, deposes as follows to questions propounded to him :

Question: State your age, residence, and occupation.—Answer. Age, 31 ; reside in Pickens Township ; am a farmer.

Q. Were you at Meeting Street polling precinct at the last election ?  
—A. I was.

Q. In what capacity ?—A. I was a United States supervisor.

Q. Were you present when the poll opened ?—A. I was.

Q. What hour did it open ?—A. About 6 o'clock.

Q. Did you see the box opened ?—A. No, sir.

Q. Did you act as supervisor ?—A. No, sir.

Q. Why not ?—A. I was prevented by the Democratic party, who struck me with a stick and asked me what was my business there. I told them I was United States supervisor. One said, "What does the United States know about you?" He says, "God damn you ; you will smell hell here before night." While waiting for the poll to open a Democrat snatched my hat off and hung it up. I put it on ; he snatched it off again, saying, "I hung it up, let it stay or the first thing you know your head will be hanging there." He went out of room and returned with a club, apparently a piece of fence rail, and struck me twice with it, and I retreated under the stairway, and he then struck me over the head. The clerk of the board asked me to come outside with him. I did so, and while there the poll opened. A Democrat snatched my paper away from me, and I saw them no more.

Q. How many Democrats were around the poll at that time ?—A. About forty or forty-five.

Q. About how many Republicans ?—A. None.

Q. Any Democrats in red shirts ?—A. Yes.

Q. Many of them ?—A. All except three or four.

Q. Did any of them have arms ?—A. Yes ; about twenty-five or thirty had pistols.

Q. Did you hear any threats besides those related ?—A. No, sir.

Q. Did you vote ?—A. Yes, sir.

Q. Did you know of any Republicans going to that poll who did not vote ?—A. When my papers were taken away I was struck three times

over the head, and being advised afterwards by friendly Democrats to leave, I did so; I returned twice, but receiving abuse from this same man, I left the poll about one mile away; met about one hundred and seventy-five or one hundred and eighty Republicans; I told them of my treatment; we went to the poll and found it surrounded by red-shirts, and the Republicans finding that the Republican supervisor was not permitted to act, would not vote and left the poll.

Cross-examined by B. W. BETTIS, Jr., counsel for contestee:

Q. How long have you been free?—A. About fifteen years.

Q. Can you read and write?—A. Yes.

Q. How long have you known how?—A. Began to learn in 1861.

Q. What else have you been doing since that time?—A. Been farming principally.

Q. Did you go to school any portion of the time?—A. About six months during the ten years.

Q. Who appointed you United States supervisor?—A. I don't know his name.

Q. How do you know you were appointed by him?—A. I saw my credentials.

Q. What did they require you to do?—A. To supervise the election held at Meeting Street poll and see that everything was done fairly and squarely.

Q. What do you mean by the word supervise?—A. To oversee and scrutinize.

Q. Who are you going to oversee and what were you going to scrutinize?—A. The voters of the election.

Q. What were your duties after the poll closed?—A. My duty was to hold the poll-list; that I was to keep it.

Q. How long were you to hold it?—A. Until I returned it to the commissioners.

Q. How were you to return it to the commissioners of election?—A. I was to bring it.

Q. Tell me the name of the man who treated you so badly.—A. Jim Coleman.

Q. What time did you leave the polls?—A. About half past 7 o'clock.  
W. T. TILLMAN.

Sworn to before me this 16th of February, A. D. 1881.

[In S.]

E. H. HOGARTH,  
*Notary Public, South Carolina.*

JOHN T. GASTON, *Intendant, E. V.*

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

W. E. LYNCH, a witness of legal age, produced by contestant after due notice to contestee, deposes as follows to questions propounded to him:

Question. What is your age, occupation, and residence?—Answer. Age, 29; residence, Edgefield, C. H.; am a druggist.

Q. Did you hold any official position in relation to the late election?—A. I was one of the commissioners of election for Edgefield County.

Q. Did you qualify and serve?—A. Yes, sir.

Q. Who were the other commissioners?—A. B. E. Nicholson and A. J. Lee.

Q. Did they serve?—A. Yes, sir.

Q. In making your selection of managers for the different precincts was there any rule or understanding as to the class or kind of persons who should be appointed?—A. None.

Q. To what political parties did the managers belong?—A. Mostly Democrats.

Q. Were any Republicans appointed?—A. Not that I know of.

Q. Did or did not the board of commissioners as far as possible select Democrats for managers?—A. They did.

Q. Acting as a board of county canvassers, did the commissioners canvass and return all the returns or ballots from each and every precinct in the county?—A. They did not.

Q. How many and what polls were not canvassed?—A. They were five; Ethridge's Store, Perry's Cross Roads, Coleman's Cross Roads, Caughman's Store, Liberty Hill.

Q. Why were those polls not counted?—A. On account of irregularities.

Q. In what did those irregularities consist?—A. Managers failed to make a return or send any poll-list.

Q. Were these ballots counted by the board of county canvassers?—A. Not by the county board.

Q. Do you know how many ballots these boxes or either of them contained?—A. No, sir.

Q. Did you see the boxes opened?—A. I did.

Q. What was the appearance of these boxes when opened?—A. Nothing in them but ballots; one was full, others partially filled.

Q. Under what law did the board act in rejecting these polls?—A. I don't know what law; but we were advised that we had nothing to go on.

Q. Who gave you this advice?—A. I don't remember now.

Q. Were they Democrats or Republicans?—A. Democrats.

Q. Can you tell the total number of votes canvassed by the board?—A. Don't remember now.

Q. Was there any conversation between the members of the board in relation to these boxes before rejecting them?—A. Yes, sir.

Q. Was there any other reason given by either of the members of the board why these boxes should be rejected?—A. None besides irregularities.

Q. Was anything said about the vote of county being too large?—A. Nothing was said about it.

Q. How did the vote of the county as canvassed by your board correspond with the vote of previous elections in this county?—A. I don't know about previous election.

Q. Where were you on the day of election?—A. I was here.

Q. What party do you belong to?—A. Democrat.

W. E. LYNCH.

Sworn to before me this 17th day of Feb'y, A. D. 1881.

[SEAL.]

E. H. HOGARTH,

Notary Public, S. C.

JOHN T. GASTON, *Intendant*.

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

In the matter of the contest between Robert Smalls and G. D. Tillman  
 for a seat in the Congress of the United States.

ANDREW J. LEE, a witness of legal age, produced by contestant, after due notice to contestee, deposes as follows to questions propounded to him :

Question. State your age, your residence, and occupation.—Answer. Thirty-six years old ; live in Edgefield County, and am a farmer.

Q. Did you hold any official position at the late election, and, if so, what ?—A. I was one of the commissioners of election for Edgefield County.

Q. From what political party were the managers of election appointed ?—A. The Democratic.

Q. Were any Republicans appointed ?—A. None.

Q. At the canvassing of the votes by the commissioners, were any polls not canvassed ?—A. No, sir ; 5 were not counted ; don't remember the polls.

Q. Why were they rejected ?—A. Because they were not returned according to law.

Q. Was there any other reason assigned by either of the commissioners, or any person in the presence of board, why you should not count them ?—A. None at all.

Q. When these boxes were opened (5), what was their appearance ?—A. Some did not have their returns in them, and one had nothing but ballots in it ; one was nearly full ; the others about half full.

Q. Do you know of any law for acting as the board acted ?—A. I don't know where to find the law, but I read it several times, and we acted the way I understood it.

Q. Did any person tell you that you must reject these polls, because it was the law ?—A. No, sir.

Q. Where and in what did you read this law ?—A. I read it in a little pamphlet furnished the commissioners.

Q. Have you got a copy of that pamphlet ?—A. No, sir.

Q. How do you know that that was not simply a document issued by an irresponsible party ?—A. I don't know.

Q. Why do you say, then, it is the law ?—A. Because it read like the law I had several years ago.

Q. Are you a Republican or Democrat ?—A. I am a Republican.

Q. Where were you on the day of election ?—A. At Edgefield Village.

Q. Was the board requested by any one to appoint as manager any person who was a Republican ?—A. No, sir.

Q. Were you requested to do so ?—A. I was by some Republicans.

Q. Did you mention this matter to the board ?—A. I did not, as I thought it was the Republican executive committee business to consult the board about it.

Q. In appointing the managers, did you name any of them ?—A. I made some suggestion of names.

Q. Were these names Republicans or Democrats ?—A. All Democrats.

Q. Were you appointed as a Republican or Democrat ?—A. As a Republican.

Q. Then, being as a Republican, why did you not suggest the names of some Republicans?—A. I spoke to the county chairman, and he gave me no advice.

Q. Did you or not know of any Republicans whose names you could have suggested?—A. I knew some around the village, and some two or three others; I don't know whether they would have served or not.

Q. Did you take the pains to find out?—A. I did not.

Q. What ticket did you vote at the last election?—A. I did not vote.

Q. What ticket did you vote in 1878?—A. I did not vote.

Q. What in 1876?—A. The Republican.

Q. Why did you not vote at the last election?—A. Because the generality of the Republicans did not vote, and I did not want to after they all left.

Q. Was not your Republicanism strong enough to cause you to vote that day?—A. Yes, sir, but I did not think it would do any good. I was invited to vote that evening.

Q. Why did the Republicans not vote?—A. The place was crowded that morning by Democrats.

Q. Could they get to the polls?—A. Could not get there till the Democrats got away.

Q. Were there many Republicans present?—A. I thought about two thousand men that morning.

Q. Did many of them go away without voting?—A. The greater number; nearly all.

Q. How many voted at Edgefield poll?—A. I don't remember but very few.

Q. Where was the poll held?—A. I don't know.

Q. Did you attempt to go into the poll?—A. No, sir.

Q. Were any men present in uniform or red shirts?—A. Yes, sir; some red shirts.

Q. Many?—A. About half the number of Democrats that were in the village had on red shirts.

Q. About how many Democrats?—A. Three or four hundred.

Q. Did you see any arms that day?—A. I did not.

Q. Were any Democrats on the court-house steps?—A. Yes, sir; a good many; about as many as could pass about.

Q. What were they doing there?—A. They were going up and down the steps.

Q. Did any of them remain on steps or porch long?—A. Some were leaning on the banisters, some were on the porch; don't know how long they staid.

Q. Are you sure that you saw no man with a gun, a pistol, or a weapon of any kind during the day of the election?—A. I saw some with sticks, but don't recollect that I saw any with guns or pistols.

Q. Did you see any body of men assembled in Masonic Hall that day?—A. I saw some men in the hall.

Q. Did you see them, or any of them, have arms?—A. No.

Q. Did the Republicans have a chance to go into the poll and vote freely and without molestation?—A. I don't think they did.

(Objected to.)

Q. Why not?—A. Because the polling place was filled with Democrats, and did not see any chance for the colored people to vote.

Q. Were you in town the night before the election?—A. I was.

Q. Did you see any mounted men ride through or around the town that night?—A. I saw a number of men in a body riding through the town.



Q. Did you hear any firing that night?—A. I heard several shots fired.

A. J. LEE.

Sworn to before me this 17th February, A. D. 1881.

[SEAL.]

E. H. HOGARTH,  
Notary Public, South Carolina.

JOHN T. GASTON, *Intendant*.

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

In the matter of the contest between Robert Smalls and G. D. Tillman for a seat in the Congress of the United States.

RICHMOND MOBLEY, a witness of legal age, produced by contestant after due notice to contestee, deposes as follows to questions propounded to him:

Question. Your age, residence, and occupation?—Answer. Age, 36; Deans Township, and am a farmer.

Q. Were you present at Richardsonville on the day of the last election? If so, in what capacity?—A. I was United States supervisor.

Q. Were you present when the poll opened?—A. I was.

Q. Was the box opened by the managers before the voting began?—A. It was.

Q. Did you keep a poll-list?—A. Yes, sir.

Q. All day?—A. I did not keep it myself, but my clerk kept it for me.

Q. Were you inside the poll all day?—A. No, sir.

Q. Who was your clerk?—A. Willie Hazel.

Q. A Republican or Democrat?—A. I suppose a Democrat.

Q. How did you come to appoint him a clerk?—A. On arriving at the poll I asked for somebody to act as clerk for me, and I appointed Willie Hazel before the poll opened. Some of the managers said that was not the place for supervisor, saying "Richmond, you had better go out," and I went out.

Q. After going outside, did you have a position so that you could see the box and the managers' poll-list at all times during the day?—A. Until about half past 1 or 2, I did.

Q. At this time, what happened to prevent you?—A. A crowd of thirty-five or forty men in red shirts rode up to the poll singing, and I was compelled by them to leave my position. They remained from fifteen to thirty minutes, some singing and some hallooing.

Q. Did you take your position, and remain there during the rest of the day?—A. I did.

Q. Did you see every name entered on the managers' poll-list?—A. I did not.

Q. Did all the voters have a chance to vote freely and without molestation at that poll?—A. As far as I saw, they did.

Q. Were there many men present in red shirts?—A. Yes; I saw a good many in red shirts.

Q. Did you see any person with arms?—A. I saw a great many pistols, but no guns.

Q. Who had the pistols?—A. Democrats.

Q. Did you hear of any threats of violence, or see any violence whatever that day?—A. None.

Q. Did you hear any fire-arms discharged that day?—A. None.

Q. Did any one molest you that day?—A. No, sir; outside of a man snatching my papers out of my pocket. I caught hold of them; then he said, "Let go, God damn you." I let loose. He kept the papers, and I have not seen them since.

Q. Did you see the votes counted?—A. I did.

Q. Did the poll-list and ballots tally?

(Objected to as secondary evidence.)

A. No, sir.

Q. What was the difference?—A. In the best of my judgment there was seven more names on the poll-list than ballots in the box.

Q. What was done about this by the managers?—A. I don't know.

Q. Do you know if everybody who came there to vote voted that day?—A. They did, to the best of my knowledge.

Q. Where did the crowd of thirty-five or forty red shirts come from?—A. I don't know.

Q. Do they belong at or near that precinct?—A. I did not know them.

Q. Do you know the people living in that vicinity?—A. Tolerably well.

Q. Did you know any of this party?—A. I did not.

Q. Did you hear any of them say where they came from?—A. I did not.

Q. Were any Republicans inside the polls during the day?—A. No, sir.

Q. Were any other persons besides the managers inside of the poll-room during the day?—A. The Democrats passed in and out during the day.

Q. Where did your clerk remain?—A. Inside the room.

Q. Were any objections made to his remaining in the room?—A. None at all.

Q. Would you have remained in the room had no objection been made?—A. Yes.

Q. Why did you not remain anyhow?—A. Because I felt if I did not go there would be a bad feeling about it.

Q. Was there no other reason?—A. No other.

Q. Why was you afraid of this bad feeling?—A. I was there with the Democrats, and felt if I did not do that way I could not stay there.

Q. Did you hear of any threats being made against yourself?—A. I heard of them, but they were not made in my presence.

Q. Being a Republican supervisor, why did you select a Democrat for clerk?—A. On my arrival I intended to keep the poll-list myself, but after being outside I knew of no Republican competent to do so; I then got this Democrat to do so.

Q. Do you know of your own knowledge if the poll-list was correctly kept?—A. No, sir; I do not.

Q. In the count of the votes were you in such a position as to see every ballot and every name on the ballots?—A. I think I could.

Q. Could you see, in your position, whether the names on the ballots were properly taken down by the manager, and credited to the candidate for whom they were cast?—A. No, sir; I could not see that.

Q. Then can you say whether a correct return was made by the managers?—A. A correct return was made as far as I could see.

Q. If you could not see the names credited to the candidates on each ticket, can you say positively of your own knowledge that a correct return was made by the managers?—A. To the best of my best ability.

Q. Did you see the managers' return?—A. Yes, sir.

Q. How do you know it is correct?—A. If I see a man here doing anything I know it's correct as far as I see.

Q. Did you see the managers credit to each and every candidate every vote from every ticket that came from that box?—A. I did not see that.

Q. Then how do you know that every vote received by every candidate and counted for him was embraced in the managers' return?—A. I don't know it.

Cross-examination by B. W. BETTIS, Jr., counsel for contestee:

Q. When they counted the votes did you not see the clerk keeping tally?—A. Yes, sir.

Q. You could have looked on the paper of the clerk and seen whether they put tally on its proper place or not?—A. Yes, I could have seen them.

Q. If you had wanted to, could you have looked at any votes taken out of the box by the managers?—A. Yes, sir.

Q. You could have made a note of the vote if you desired, could you not?—A. Yes, sir.

Q. Did you not select a Democrat to keep your poll-list because you thought him more competent than yourself?—A. I suggested that I wanted one to act for me that day. Of course I selected Mr. Hazel because I thought him more competent to keep poll-list than myself.

Q. You said on your direct examination that none of the Republicans were in the room where the polls were during the day. Do you mean by that to say that any one was prevented from going into the poll and vote who had a right to vote?—A. No, sir.

Q. Who do you call Republicans and who Democrats?—A. I call men who wear red shirts Democrats. I call those who vote Republican ticket Republicans.

Q. How do you know of your own knowledge who votes Republican tickets and who votes Democratic tickets so that you can say one body of men are Republicans and another are Democrats?—A. By seeing the vote and seeing the men's names on it.

Q. Do you usually examine people's tickets before they vote?—A. Of my color I do where I live, at my polling place.

Q. Did you examine them on the day of the last election before they voted?—A. Some few I did.

Q. When was it that you ever examined them generally?—A. On the day of election.

Q. Are you the monitor of that precinct?—A. No, sir.

Redirect:

Q. You say you appointed a Democrat as clerk for you because he was more competent than yourself. Did you or not do this in the first instance before objection was made to your remaining at the poll?—A. Yes, sir; before that; because he was more competent and I could not get a Republican.

Q. Were you competent or not to keep a poll-list?—A. I did not think I could write quite fast enough for them to poll.

Q. Had you remained inside would you have kept a poll-list?—A. If I had remained inside and could not get one I would have tried to do so.

RICHMOND WOBBLEY.

Sworn to before me this 17th day February, A. D. 1881.

[SEAL.]

E. H. HOGARTH,  
Notary Public, South Carolina.

JOHN T. GASTON, *Intendant, E. V.*

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

In the matter of the contest between Robert Smalls and G. D. Tillman,  
 for a seat in the Congress of the United States.

DAVID GRAHAM, a witness of legal age, produced by contestant, after due notice to contestee, deposes as follows to questions propounded to him :

Question. State your age, residence, and occupation.—Answer. Age 45; reside on Little Saluda River, Edgefield County; occupation, farmer.

Q. Were you present at Mount Willing polling precinct on the day of last election?—A. Yes, sir.

Q. Did you vote?—A. No, sir.

Q. Why not?—A. The poll, when I got there I staid there till about 2 o'clock. About that time came up a crowd of Democrats and told us to leave, and we got away, and I went home.

Q. Were these Democrats mounted on horses?—A. They were.

Q. How were they dressed?—A. Some had on citizen's clothes, some red shirts.

Q. What did they say to you?—A. They said, "You damn niggers get away from here."

Q. You say that firing commenced?—A. Yes; about a minute after this was said.

Q. Were many shots fired?—A. Good many.

Q. Did any others leave who had not voted?—A. Yes; they all left, Republicans.

Q. Did anybody remain at the poll?—A. When I left all the colored had gone, except two or three, and a good many Democrats.

Q. How many Republicans left before you did?—A. About seventy-five.

Q. Had all of these voted?—A. No, sir.

Q. What ticket were you going to vote?—A. A Republican ticket; a mixed ticket.

Q. Where is the ticket?—A. Here it is [handing ticket].

Q. Is this the ticket you went there to poll?

(Ticket offered in evidence and marked Exhibit A.)

Q. What ticket did the other colored people, who went away, intend to vote?—A. I knew of 3 who told me they intended to vote the Republican ticket.

Q. Why were these men run away?—A. I don't know.

Q. Are the colored people around that neighborhood Republicans or Democrats?—A. Republicans.

(Objected to.)

Cross-examination by F. H. WARDLAW, counsel for contestee:

Q. Do you know of any colored men in that neighborhood who voted the Democratic ticket?—A. Yes, sir, I know some who said they did.

Q. You don't know that all the colored men who left the poll intended to vote the Republican ticket do you?—A. No, sir.

Q. Did not those colored men who voted the Democratic ticket live in your neighborhood?—A. Yes, sir.

Q. Then, how can you say that all the colored men in your neighborhood are Republicans?—A. Most all of them are.

Q. Did you know the men who came up and told you to leave?—A. No, sir.

Q. You say a good many Republicans left; had not some of them voted?—A. Yes, sir.

Q. Do you mean to say that 75 left who had not voted, or 75 not voted?—A. I think 25 had voted; 50 had not.

Q. Did you go back to the polls after you left?—A. No, sir.

Q. Did you attempt to vote?—A. Yes, sir; I did a time or two, but did not vote; they were crowded so I could not get in.

DAVID GRAHAM.

Sworn to before me this 17th day of February, 1881.

[SEAL.]

E. H. HOGARTH,

*Notary Public, South Carolina.*

JOHN T. GASTON, *Intendant, E. V.*

STATE OF SOUTH CAROLINA,

*Edgefield County:*

In the matter of the contest between Robert Smalls and G. D. Tillman, for a seat in the Congress of the United States.

LEWIS W. COLLINS, a witness of legal age, produced by contestant, after due notice to contestee, deposes as follows to questions propounded to him:

Question. State your age, residence, and occupation?—Answer. Age, 24; live in Moss Township; am a farmer.

Q. Were you at Talbert's Store precinct at the last election; if so, in what capacity?—A. As supervisor.

Q. What time did you arrive at poll?—A. Seven o'clock.

Q. Was the voting then going on?—A. Yes, sir.

Q. Why did you not get there when the poll opened?—A. I went to wrong place.

Q. Did you go inside the poll?—A. I did, when I first got there.

Q. Did you remain?—A. No sir.

Q. Why not?—A. Some one said it was not my place; I then went out.

Q. Who said this?—A. Democrat.

Q. Was this all that was said?—A. Yes; all that was said to me.

Q. Being a supervisor, why did you not remain anyhow?—A. He said this was his special property and this was not my place; get out; my place was outside the door.

Q. Did he say why this was his special property?—A. No; he did not.

Q. It being a public place and you a public officer, why did you not still remain?—A. My reasons for not staying was because I thought he might hurt me if I did not go.

Q. Did you keep a poll-list?—A. No, sir.

Q. Why not?—A. Because around the box was so crowded could not.

Q. Where was the box placed?—A. About two feet in front of door.

Q. Were there any persons in the poll other than the managers?—A. Yes, sir.

Q. Who were they?—A. Democrat party.

Q. Were there any Republicans there?—A. No, sir.

Q. Did all the voters have an opportunity to cast their votes freely and without molestation from any one?—A. No, sir.

(Objected as witness's opinion.)

Q. In what way were they hindered or obstructed?—A. The door was

crowded by Democrats who would not let the Republicans come in; this lasted from about 8 o'clock to 3.

Q. What effect did this have on the Republican voters?—A. They staid till about 3 o'clock, then left.

Q. Did any Republicans vote at all?—A. Yes, sir.

Q. About how many?—A. About twenty-five.

Q. How many went away without voting?—A. About one hundred and fifty.

Q. Were there many Republicans at the poll when you arrived?—A. Yes, sir.

Q. Did any of those go without voting?—A. I don't know.

Q. About how many Democrats voted up to 3 o'clock?—A. Forty or fifty.

Q. Why did the voting go on so slowly?—A. Because those who were there kept the box crowded and there were no more whites present.

Q. Were there any men present in red shirts?—A. Yes, sir.

Q. Of which party?—A. Democratic.

Q. Were any men present who were armed?—A. Yes; I saw about nine or ten pistols.

Q. Who had them?—A. Democrats.

Q. Did you stay until the polls closed and see the votes counted?—A. No, sir.

Q. Why not?—A. I staid till I thought it was after 6 o'clock, then I left.

Cross-examination by F. H. WARDLAW, counsel for contestee:

Q. Who was it that told you to get out?—A. Some of the Democrats; one of them; don't know his name.

Q. Did you attempt to go back in there afterwards?—A. No, sir.

Q. Did you attempt to keep a poll-list?—A. Yes, sir.

Q. Did you see any men dressed in uniform or blue shirts, or other than red shirts?—A. No, sir.

Q. Did you see any Republican armed that day with clubs, pistols, or guns?—A. No, sir; I saw them have sticks.

Q. Do you know that those 150 men left there without voting?—A. I know they did not vote there.

Q. Did you see every man that voted?—A. After I got there I did.

Q. To what party do you belong?—A. Republican.

Q. Can you tell a Democrat from a Republican?—A. Only by what they say.

Q. Did each and every one of that 150 men that left tell you they were Republicans?—A. Greater portion did.

Q. How do you know the rest of those men were Republicans?—A. I don't know it at all.

Q. Did any colored men in your county vote the Democratic ticket?—A. No, sir.

Q. Did you see each and every ticket voted by the colored men of your neighborhood?—A. Yes, sir.

Q. Where did you see those tickets?—A. At the polling place.

Q. I understood you to say you saw the tickets of those that voted?—A. Yes, sir.

Q. Did you see the tickets of those men who did not vote?—A. No, sir; not all of them.

Q. Then how do you know that some of those did not go to another poll and vote the Democratic ticket?—A. I don't know it at all.

Q. Did you examine the tickets of the colored men that voted there that day?—A. Yes, sir.

Q. Were you United States supervisor there that day?—A. Yes, sir.

Q. Is it one of the duties of supervisors to examine the tickets of those who go to vote?—A. I don't know whether it was or not; those who voted required me to do so.

Q. You say you were required to examine these votes?—A. Yes, sir.

Q. Was it not a prearranged affair or understanding that you were to examine votes of the colored men before you went there?—A. No, sir.

Q. You said you were required to do it. Why were you required to do so?—A. Because they would walk up and ask me to do so, and I would tell them.

Q. Could those voters read their ballots?—A. No, sir; they said they could not.

Q. Was there any other Republican there who could read beside yourself?—A. I don't know.

Q. Can you read and write?—A. A little.

Q. When did you learn?—A. About five or six years ago.

Q. How long did you go to school?—A. In the five years I went about six or seven months.

Q. Who appointed you supervisor?—A. I was informed by Mr. Cain that I was appointed United States supervisor.

Q. You say you don't know who appointed you?—A. No, sir; I did know his name, but have forgotten it.

Q. What are the duties of supervisor?—A. My duty was to go there and keep a poll-list of all who voted, and those who did not vote.

Q. You said in your testimony that you were to keep a poll-list. What were you to do with that poll-list?—A. I was to turn it over to the chief managers of election.

Q. Who were the chief managers of election?—A. Mr. Lynch, Mr. Lee, and I forgot the other name.

Q. How were you going to turn it over to the chief managers of election?—A. I was going to bring it and give it to them.

Q. What were you to do after the poll closed?—A. To stay and see the votes counted.

Q. What were to be done with votes after they were counted?—A. They were to be brought and delivered to the managers.

Q. How were they to be delivered?—A. Brought in the box.

Q. How is the box to be fixed?—A. It was to be closed up and brought on.

Q. By you?—A. Not by me.

Q. What was some of the other duties of supervisor?—A. I don't know of any other duties except them I called.

Q. Did you have to sign any papers?—A. Yes, sir; if I had staid there and saw the votes counted.

Q. What were you to do with those papers after they were signed?—A. I was to bring them and deliver them to the chief managers.

Q. You said about twenty-five men voted; how was it they voted and others did not?—A. They voted before such a large crowd of Democrats got there.

Q. Do you consider forty or fifty a large crowd?—A. I do.

Q. Did all those 150 men stay there until 6 o'clock that evening?—A. No, sir.

Q. About what time did they leave?—A. About 3 o'clock.

(Contestant objects to all questions and answers relating to duties of

managers, the custody of the box, they being irrelevant, and matters fixed by law.)

L. W. COLLINS.

Sworn to before me this 17th February, A. D. 1881.

[SEAL.]

E. H. HOGARTH,  
Notary Public, South Carolina.

JOHN T. GASTON, *Intendant E. V.*

STATE OF SOUTH CAROLINA,  
*County of Edgefield :*

In the matter of the contest between Robert Smalls and G. D. Tillman  
for a seat in the Congress of the United States.

ANDERSON CARTER, a witness of legal age, produced by contestant, after due notice to contestee, deposes as follows to questions propounded to him :

Question. State your age, residence, and occupation.—Answer. Thirty years old; reside in Wise Township; occupation, wheelwright.

Q. Were you at Red Hill polling precinct on the day of last election?—A. I was there as a United States supervisor.

Q. What time did you get there?—A. Quarter before 6 in the morning.

Q. What time did the polls open?—A. I could not tell what time they opened; I was not there.

Q. Was the polls opened at 6 o'clock?—A. No, sir.

Q. How long did you remain there?—A. Until half-past 6.

Q. What caused you to go away?—A. Mr. Ben. Glanton, one of the managers, told me I could not serve without my having my oath with me. I then showed Mr. Glanton my commission. A-party of white men came up. One of them snatched my paper from me and tore one up, and said, "God damn, if you don't like it you need not take it." Others said, "You had better leave, and that mighty quick, and not let me see you here any more to-day; if you do I will put a light hole through you." I then left.

Q. What did you do then?—A. I went home.

Q. Was anything else done to you?—A. That is all.

Q. Was this said in a friendly or threatening manner?—A. Threatening manner.

Q. Why did you not still remain?—A. I was afraid of being shot to death.

Q. Were you a Republican or Democratic supervisor?—A. Republican.

Q. Did you vote that day?—A. I did not.

Q. Why not?—A. I was afraid to stay there.

Q. Why were these threats made against you?—A. Could not tell.

Q. How many Democrats were about the polls?—A. About 75 or 100.

Q. Did any of them have red shirts on?—A. Yes, sir; good many.

Q. How many persons did you see around the polls with arms?—A. I saw 25 or 30 with pistols.

Q. Of which party?—A. They were white men. Some of them had on red shirts.

Q. Were there many Republicans around the poll?—A. There was but one other beside myself. We left together.

Q. This, you say, was half-past 6. How do you know the poll was



not opened?—A. I went inside and looked at the clock; and the clerk in store told me the manager had not come; and it was half-past 6 when I saw Mr. Glanton.

Q. Do you know when the poll did open?—A. No, sir.

Q. If the poll had been opened at 6 o'clock would you and the other Republicans have voted?—A. That was our intention.

Q. What ticket did you intend to vote?—A. Republican ticket.

Q. For whom did you intend to vote for Congress?—A. Robert Smalls.

Cross-examined by F. H. WARDLAW, counsel for contestee:

Q. Do you know whether Mr. Glanton was a manager or supervisor?—A. No, sir; but I think he was a manager.

Q. You say it was quarter before 6 when you got to the poll?—A. Yes, sir; it was quarter before 6.

Q. Have you a watch?—A. No, sir.

Q. How do you know it was quarter to 6?—A. I know by the clock at Red Hill store.

Q. Do you know that was well-regulated and kept correct time?—A. No, sir.

Q. Did that clock regulate the time of the neighborhood?—A. I don't know.

Q. You don't know, then, whether the managers were to be regulated by that clock or not?—A. I don't know.

Q. I believe you said there were but 2 Republicans at that box?—A. That was all I thought were Republicans.

Q. You say a crowd of men came up and one of them took one of your papers and tore it up?—A. Yes, sir.

Q. Did you know any of them?—A. No, sir.

Q. You don't know whether those men were Democrats or not, do you?—A. No, sir.

Q. You don't know whether those 75 or 100 men that were at the polls when you arrived were Democrats or not?—A. I do not.

A. CARTER.

Sworn to before me this 17th day of February, 1881.

[SEAL.]

E. H. HOGARTH,  
*Notary Public, South Carolina.*

JOHN T. GASTON, *Intendant, E. V.*

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

In the matter of the contest between Robert Smalls and G. D. Tillman,  
for a seat in the Congress of the United States.

PARIS SIMKINS, a witness of legal age, produced by contestant after due notice to contestee, deposes as follows to questions propounded to him:

Question. State your age, occupation, and residence.—Answer. Thirty-two; live at Edgefield Court House, and am a farmer.

Q. Were you in the town of Edgefield on the night before the last election?—A. I was.

Q. Did anything unusual occur during that night?—A. Something certainly very unusual for this community. There were quite a number of armed men in the town of Edgefield, who paraded up and down the streets, all mounted, firing off their pistols, yelling in the most hid-

eous manner. I was on the street myself, and desired to get back to my home, but was afraid to go back on the front street, as I came, for fear that I might be recognized and shot, not that I had done anything to be shot for, but knowing that I was regarded a leader of the Republicans of the county. It was because of this position that I was apprehensive of danger.

Q. How long did this firing continue?—A. It continued almost incessantly for five or ten minutes.

Q. What was the object of it?—A. It occurred to me the object was to effectually intimidate the Republicans of this community. At any rate, I would say that I was very much affected by it.

(Objected to.)

Q. Were these men in bodies or singly?—A. They generally moved in solid bodies.

Q. Did any one appear to be in command?—A. Yes, sir; they were evidently commanded by some one, because I could hear the orders given.

Q. About how large was this body?—A. I would judge that there were between three hundred and four hundred men.

—Q. Was this before or after dark?—A. Just after dark.

—Q. Could you distinguish them by their faces or clothing?—A. I could not by their faces, but by the flashes of pistols could tell that some had on red shirts.

Q. Do you know if these men resided in the town of Edgefield?—A. They were all strangers to me.

Q. Were you present at or near the poll in Edgefield Court House on the day of election?—A. I was.

Q. State what time you arrived at the poll, how long you remained, and all that occurred there or in the vicinity that you saw or heard during the day.—A. I arrived near the poll about 7 o'clock. I then understood that the box was up in the court-house. The entrance to where the box was was densely packed by Democrats, who kept their positions, which rendered it utterly impossible for me or any other Republican to go in and vote without precipitating a riot or row in trying to elbow his way through the crowd. I heard such words as these: "Boys, hold your positions"; "Stand firm." I also saw some Democrats on the ground pitching rocks or brickbats up to the other Democrats who were upon the porch of the court-house. Of course they caught them and held them. There appeared to be an imaginary line drawn just in front of the court-house down to the ground. There were Democrats who walked up and down this line, and as the Republicans would come toward the court-house they were told just here not to go any further. I noticed this matter with peculiar interest. There appeared to be an officer in charge of line. The officer who I allude to was dressed in a very peculiar suit of clothes. I have no recollection of ever seeing such a suit before. As the Republicans came into town it seemed to cause quite a stir among the Democrats in and around the polling-place. I saw quite a number of Democrats rendezvousing in Masonic Hall; they carried their guns or rifles with them. They did not go up in a body, but went two and three together. Several times during the morning there seemed to be some excitement; then I could see some of these men who were in the hall rush to the windows in a menacing attitude. I then left the vicinity of the box, and I urged other Republicans to leave also, as I was sure they could not have a fair expression at the ballot-box of their choice from what I had seen. They did leave without voting. As near as I can estimate there were

between eighteen and twenty-five hundred Republicans who came to this box to vote, but left without doing so, for the reasons I have already given.

Q. About how many Democrats did you see at or in the vicinity of the poll?—A. I think were about sixty or seventy-five on the court-house steps and upon the porch together. These places were crowded to their utmost capacity; there were a few on the ground, just in front of the court-house, who seemed to be on picket duty; there were also Democrats at Masonic Hall; the number I don't know; constantly, however, there would come into town a company of mounted Democrats; I can't say how many came in during the day.

Q. Were any of the Democrats in uniform?—A. Saw quite a number with red shirts on.

Q. Was the poll held on the ground-floor, or the story above, of the court-house?—A. The poll was held in the upper story.

Q. Were any persons on steps or porch with arms in their hands?—A. I saw no one with arms in their hands on the steps or porch. I saw them have their pistols buckled around them, and at one time I saw a young man, Democrat, draw his pistol out and start in the direction of some Republicans who were just in front of the court-house, as if he saw some one that he intended to get into a difficulty with, but just at this time he was arrested in his progress by members of his own party laying hands upon him, saying "Don't do that; don't do that." They all returned back to the court-house steps.

Q. Was there any firing in the town during that day?—A. There was some firing about three hundred yards from the polling-place—Democrats firing as they would gallop in and out of town on the lower edge of Main street.

Q. Did any leading Republican besides yourself advise the Republicans to go home and leave the polls?—A. Yes, sir; Laurence Cain did. David Harris, who was on the ticket for the legislature, did also.

Q. What position in the Republican party did Laurence Cain hold?—A. He was chairman of the Republican party of the county.

Q. Whose name was on the Republican ticket for Congress?—A. Robert Smalls.

Q. Were any meetings held in this county in advocacy of the Republican candidates for Presidential electors and Congress?—A. There were several, but they had to be secretly called. In order that I may be understood, I would say that the Republicans called a meeting at Edgesfield Court House on a day mentioned. At the time they intended this notice to be public, because they knew the Democrats would turn out in force and disturb or break the meeting up entirely, but, at the same time, a private understanding among themselves that they would not have the meeting on the day that they had publicly fixed on, but called it one day earlier. They had their meeting quietly and peaceably. Very next day; the day that was publicly fixed on, there came into town three or four Democratic clubs armed and mounted; one club did not know that they had been so badly deceived by the Republicans and went to the place where they were to hold their meeting. I was on the street that day and heard some of them say that the "Radicals had outgeneraled us to-day, but we'll make it all right on the day of the election." I know that the Democrats on this day called a meeting after their clubs arrived in town, and speeches were made to satisfy these men who had been so disappointed. I was standing where I could hear a portion of some of the speeches, and I heard one prominent Democrat say in alluding to the meeting which the Republicans had just

held the day before, that they never would again allow the Radicals (or negroes) to hold any more meetings (political) in the county, and especially at the court-house. He urged his followers to carry out his advice at all hazards. This is the substance of what I heard him say.

(Contestee objects to that portion of the evidence which relates to the holding of Republican meetings prior to the election, and which relates to political speeches of Democrats prior to the election, on the ground that contestee received no notice that evidence would be taken in regard thereto, or that his seat would be contested on account thereof.)

Notice of the Republican meeting appeared in the Edgefield Advertiser, stating that the Radicals were to have a meeting on the day that the Democrat clubs came into town. I would state, also, in regard to the number of Republican voters that were here on the day of election, that the Edgefield Advertiser stated it to be about two thousand.

(Testimony with regard to what the Edgefield Advertiser stated objected to on the ground that it is secondary evidence.)

Q. What was thought by the leaders of the Republicans in this county about holding public political meetings?

(Objected to.)

A. They regarded it as being unwise and detrimental to the interest of the party to hold their meetings publicly, for the reason that the Democrats would turn out *en masse* and disturb or break up the meetings entirely, which would certainly have the effect of demoralizing and disorganizing our men. This result we intended to avert by holding our meetings secretly.

Q. When were the Republican meetings held, and where?—A. There were but very few held anywhere. I have attended several at Edgefield Court House, and one about twelve miles from the court-house, which was held in the woods.

Q. Were these meetings held in the day?—A. The meetings that I have referred to were held in the day.

Q. Was there anything like an organization of the Republican voters in the county; and, if so, how did it compare with the organization at previous elections?—A. The Republican party of the county was thoroughly organized; not so well organized since the election of 1876.

Q. How did the Republicans conduct themselves on the day of election?—A. Discreetly and soberly.

Cross-examined by B. W. BETTIS, Jr., counsel for contestee:

Q. Did you ever hold office in South Carolina as a Republican?—A. I did, sir.

Q. When were you first elected to office as a Republican?—A. I think I was elected first to the legislature in November, 1870.

Q. How often were you re-elected to that position?—A. Once.

Q. Did you fill any office after your second term had expired?—A. I did not.

Q. Have you ever held any office since?—A. I have not.

Q. When did your second term as a legislator expire?—A. Eighteen hundred and seventy-six.

Q. You said that you were familiar with the programme of the Republican party with regard thereto, did you not?—A. I stated, in substance, that I understood it.

Q. Was it not the plan of the Republican party to meet in large bodies the night before and go to the polls the next morning together?—A. It was not.

Q. Did you see the Republicans come in the village of Edgefield on the morning of the election?—A. I did, sir.

Q. What did they have in their hands?—A. Some of them had sticks, some had nothing.

Q. Describe the sticks that they had in their hands?—A. The sticks that I saw were not all alike. Some were the size of ordinary walking-sticks, and some of them were unusually large, though they walked with them as walking-sticks.

Q. Did you see any sticks in the hands of the Republicans that were only a foot and a half or two feet in length and from one-half to two inches in diameter?—A. Really, I can't say that I did; there may have been some who had the sticks you speak of, but I have no recollection of seeing them.

Q. Did you see any sticks in the hands of Republicans on the day of election that presented the appearance of clubs rather than walking-canes?—A. I can only say, in reply to that question, as I have said before, that some of the sticks were ordinary walking-sticks, while some others were unusually large for walking-sticks.

Q. Did the Republicans come into town on the morning of the election in organized bodies, or not?—A. Some of them came in clubs known as Garfield clubs, while others came alone.

Q. Did not the great majority of the members who came in clubs have clubs in their hands?—A. I think the majority of them had sticks of some kind.

Q. Did you see a half dozen Republicans who came in clubs that did not have clubs in their hands?—A. A great many of them had nothing in their hands at all.

Q. About what proportion?—A. As near as I can approximate it, I would say about one-fourth.

Q. By what badge could you distinguish a Republican from a Democrat on the day of election?—A. The Republicans would stay pretty generally together, and the Democrats did the same thing.

Q. How do you know that there were not Republicans in the crowd that you thought were Democrats?—A. Because they were all white men, and wore the red shirt, the genuine badge of Democracy. All of them seemed to be very urgent about the interest of the Democratic party. And as further circumstance to corroborate my opinion, I would say that the Republican candidate did not get over twenty votes at this box.

Q. Did you canvass the votes at this box?—A. No, sir; but I heard the result of the election declared officially, if I mistake not.

Q. Are you certain that every man you saw in the crowd of Democrats wore red shirts?—A. No, sir; they all did not wear red shirts.

Q. Then how did you know that those who did not have on red shirts were not Republicans?—A. By the interest they invariably manifested for the success of the election of the candidate on the Democratic ticket.

Q. How do you know that there were not some Democrats in the crowd that you thought were Republicans?—A. I knew by their general deportment and their party affiliation.

Q. Do you mean to say that you knew the general deportment and party affiliations of each and every individual in the crowd of 2,000 men whom you thought Republicans of your own knowledge?—A. I would say there were men in the crowd that probably I never saw before that day; but from their conduct and party affiliations on the day of the election they were Republicans, every one of them.

Q. Was not the street in front of the polling precinct very much crowded by this party of 2,000 men whom you thought to be Republicans?—A. There is the public park in front of the court-house, which was considerably crowded with colored Republicans.

Q. Were not these 2,000 men whom you thought to be Republicans closely crowded together in a body?—A. They were necessarily crowded for the want of space.

Q. About what time of the day did you leave the vicinity of the polling precinct?—A. Between 10 and 11 o'clock.

Q. What time did you reach there?—A. A little before 7.

Q. Did the crowd of 2,000 men whom you supposed to be Republicans disperse before you left?—A. It was partly through my advice that they dispersed. As they did so, I accompanied the majority of them away.

Q. Within the space of four hours, could you judge of the deportment, conduct, and party affiliations of each and every individual of 2,000 men, closely packed together, so that you can judge and know of your own knowledge their political opinions, for whom they intended to vote, or to what political party they belong?—A. I would say that during all this time I could not see them all at once, but, so far as my observation went, and the position they occupied, and the interest they manifested for the success of the Republican ticket, that they were Republicans, and intended to vote the Republican ticket.

Q. Could not a Democrat have stood in that position which that body of men occupied?—A. He could.

Q. Did not Democrats have equal privileges and rights to stand there, the same as Republicans?—A. They had.

Q. Did you see each and every individual of that body of 2,000 men manifest any interest in any way on the day of the last election?—A. I would say that the fact of their turning out to vote, every one of them, manifest what occurs to me a strong desire for the success of the Republican ticket.

Q. Did you see them, each and every one of them, make any other manifestation on the day of election by which you could judge that each and every one of them were Republicans?—A. I did not as to all.

Adjourned at 11.54 to meet 18th instant, at 12.5 a. m.

Convened at 12.15 a. m., 18th inst. Cross-examination of P. SIMPKINS continued by B. W. BETTIS, Jr., counsel for contestee :

Question. Then you do not know that each and every one of the 2,000 men here on the day of election were Republicans?—Answer. I only know by their general conduct that they were Republicans. Some of them I did not know personally.

Q. Did you observe the general conduct of each and every one of these 2,000 men?—A. I did not; only to the extent of their party association and the positions they occupied.

Q. You said they were necessarily closely packed together; could you observe the party association of each and every one of those 2,000 men, closely packed together?—A. In reply I answer that it has been the invariable practice or custom, so far as my observation has gone, that on election days the Democrats would congregate together, and the Republicans would do likewise; and at no time have I seen this custom violated; hence I say that the 2,000 men referred to was certainly on the side that the Republicans occupied. As to my observing minutely the general conduct of every one of those men I did not do so.

Q. Then you do not know from the general conduct and party affilia-

tions of each and every one of those men, that each and every one were Republicans?—A. From their party affiliations, I would judge them to be Republicans; there may be a few exceptions, as I could not observe them all at once.

Q. Then there might have been one or two Democrats among them?—A. Possibly so; but I think very improbable.

Q. You only think so; you do not know, of your own knowledge, that it was improbable?—A. That is what I say.

Q. Might there not have been one-half dozen Democrats in that crowd?—A. It is possible there might have been; I would state that they were all colored men, and it's something that I have never seen yet for a colored Democrat to go among a crowd of colored Republicans on the day of election, and behave himself quietly and gentlemanly, without its being detected, as that class of men are usually boisterous and turbulent towards their colored friends.

Q. Could there not be colored Democrats and you not know it simply by seeing them?—A. Very likely.

Q. Then might there not have been more than one-half dozen Democrats in that crowd of 2,000 men you spoke of?—A. I judge them from their past conduct. I would say there was not, though it is possible that I am mistaken.

Q. About how many in the crowd of 2,000 you have been acquainted with personally?—A. I can't possibly approximate; I know nearly all of their faces, but their names I do not know, that is all of them.

Q. About how many of the crowd were there whose names you knew?—A. I saw quite a number that I knew; as to number I can't say.

Q. Was there 100?—A. I knew at least 100 by name.

Q. Do you think you saw as many as 500 you were acquainted with personally?—A. I don't think I knew the names of that many of them; knew their faces when I saw them, and don't think that there are a dozen in the county who do not know me.

Q. If you don't think there were 500 whom you knew personally, how could you judge from the past conduct of the remainder of the 2,000 that they were Republicans?—A. When I speak of past conduct, I did not mean the past conduct of the particular Republicans who were here on the day of last election individually, but that I alluded to them as Republican voters taken as a whole.

Q. You mean to say then that you took them for Republicans because they demeaned themselves as Republicans generally do on election day?—A. I do, and further because I knew the leaders of some of the clubs that were in the crowd.

Q. How many men were on the hill when you got to the polling precinct on the morning of election?—A. Several hundred, I suppose—three or four hundred.

Q. You said you knew, from the conduct of Republicans generally and from the fact that you knew some of the leaders of clubs here on election day, that the 2,000 men were Republicans. Tell me the difference in conduct of Democrats and Republicans.—A. The only line of distinction that I can draw is that the Democrats usually wear the red shirt; and further, all the white men are usually mounted, and the most of them are generally armed and always in charge of the ballot-box, and they generally congregate together, while the Republicans are colored men, with but very few exceptions, and they usually stick together.

Q. Could there not be colored Democrats and you not know?—A. There might be, as I have previously stated.

Q. Then you can't always tell by a man's color whether he is a Democrat or Republican?—A. Not always, but can generally come very near it in this part of the county.

Q. If you can't always tell, it's only a matter of opinion, is it not?—A. I come to my conclusions, in judging this matter, by the facts and circumstances which I have already enumerated; it is only a matter of opinion, based upon facts and circumstances.

Q. Do you know of any facts and circumstances surrounding any one of these 2,000 men, which might not have been the same with regard to a Democrat?—A. I do; I know the fact that these Republican voters alluded to were standing together with their leaders; I know the fact that when their leaders requested them to return to their homes because they could not exercise freely the elective franchise, they obeyed. I know the fact that they were prevented from thus exercising their rights by the Democrats; therefore I say that it was impossible for the Democrats to have been similarly situated.

Q. In answer to the above question, you say that it was impossible for a Democrat to have been surrounded by the facts and circumstances that surrounded each and every one of that 2,000 men on that day, do you?—A. I do say it was a matter of impossibility.

Q. Then not one of that 2,000 men could possibly have been a Democrat?—A. I say this: if there was one in the whole crowd who desired to vote the Democratic ticket on that day I am satisfied he could have done so if he had made his intention known to the white Democrats.

Q. Do you know that there was not one of that 2,000 men that did not vote; can you swear that not one of them voted?—A. I would not pretend to swear that not one of them voted.

Q. Can you swear positively how many did vote?—A. I can't say definitely, but I am sure only a very few voted here at all, and if they voted anywhere else I have no means of knowing it.

Q. You say a majority of them followed you when you advised them not to stay; are those the first who left?—A. They did not follow me particularly, but they went to their homes or left town. When they commenced leaving it was but a very short time before all of them left.

Q. Did all the Republican voters leave the place by 11 o'clock?—A. I don't think they all got away by 11 o'clock; in fact they staid in lower edge of town, a number of them, to see if arrangements could be made so they could vote, but when they found it was useless to try further they left the town.

Q. Did all the Republican voters leave the immediate vicinity of the polling precinct by 11 o'clock?—A. There may have been a few straggling ones remaining near the polls, but the bulk of them had left.

Q. After you left the polls, how do you know what took place then?—A. I concluded that I would make another effort to vote myself; I went near the polls intending to go on and vote, but from the attitude of the Democrats at the polling place I decided in my own mind that it would be unsafe for me to persist further to vote.

Q. What time of day was it you attempted to vote second time?—A. About 1 or 2 o'clock. I will say that no one told me that I should not vote, but from the gestures and the conduct of the Democrats at the polling place I was afraid of having some bodily injury done me if I attempted to push my way through the crowd.

Q. Where did you go to when you left the second time?—A. I left the immediate vicinity of the box and staid a portion of the day at my mother's house and a portion of the day at my own house.



Q. After you left the immediate vicinity of the box, how do you know who went up and voted and who did not?—A. That I can't tell.

Q. How do you know whether or not any of the 2,000 men that you formerly spoke of came back and voted?—A. I don't know, but if they did, any number of them, I certainly would have found it out.

Q. Have you taken the trouble to try to find out whether they did or not?—A. I took trouble to ask one of the supervisors if any number of them came back and voted or voted during—

Q. Were not the parties you saw rendezvousing at the hall boys instead of men?—A. There may have been a few half-grown boys in the party, but I am sure there were men there also.

Q. In your direct examination you said you saw sentinels walking in front of Republicans; about how many were there?—A. I saw probably ten or twelve, walking backward and forward in front of the court-house.

Q. Did the man who you thought to be an officer in charge of this line wear arms of any kind?—A. I don't recollect seeing him with any arms; it occurs to me that he either had on a sword or sash around him, around his uniform.

Q. How far were you from these men walking like sentinels?—A. I suppose about twenty-five yards.

Q. Back or side of them?—A. Left oblique from these men.

Q. How many brickbats and rocks did you see pitched up to the parties on the court-house porch?—A. I suppose eight or ten.

P. SIMKINS.

Sworn to before me 18th day of February, A. D. 1881.

[SEAL.]

E. H. HOGARTH,

*Notary Public, South Carolina.*

JOHN T. GASTON, *Intendant, E. V.*

In the matter of the contest between Robert Smalls and G. D. Tillman,  
for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

*County of Edgefield:*

HARRY OLIPHANT, a witness of legal age, being produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. State your age, your residence, and your occupation.—

Answer. Twenty-three years of age; reside in Moss Township, and am a farmer.

Q. Were you at Cheatham Store precinct on the day of last election?—A. I was.

Q. Did you vote?—A. No, sir.

Q. Why not?—A. I was runned away by the Democrats; they fired at me.

Q. How many shots were fired at you?—A. Three.

Q. Did you see the parties who fired at you?—A. I did, sir.

Q. What time of the day was this?—A. Between 12 and 1 o'clock.

Q. What ticket did you intend to vote?—A. Republican.

Q. Were any other Republicans driven off?—A. No, sir.

Q. Was there any more firing besides these three shots?—A. No, sir; I only heard three shots.

Cross-examination by F. H. WARDLAW, counsel for contestee :

Q. Why was it that these shots were fired at you and no other Republican?—A. I do not know.

Q. Are you a prominent man in your party in your neighborhood?—A. I am.

Q. What position do you hold in your party?—A. I don't hold none; I only vote the Republican ticket.

Q. What makes you, then, a prominent man in your party?—A. I misunderstood the question; I am not a leader.

Q. Can you read or write?—A. No, sir.

Q. Do you know the names of the parties who fired at you?—A. I do.

Q. Were there more than one?—A. No, sir.

Q. Just fired at you without you doing anything at all?—A. Yes, sir.

Q. What did he fire at you with?—A. Pistol, as far as I know.

Q. Did you see him when he fired at you?—A. Yes, sir.

Q. Then could you not have seen what he fired at you with?—A. I could if I had my mind on nothing but it.

Q. Is it not usual for a man when he is fired at, and he looking at the person who fires, to have his mind on it?

(Objected to as irrelevant by contestant; seeking opinions, not facts.)

A. I, having my mind on running to save my life, did not see what he fired at me with.

Q. Did you not say you were looking at him when he fired at you?—

A. I did not say so.

Q. Then, as you did not see the shots fired how do you know they were fired at you?—A. Because there was but that one man after me in an open old field.

HARRY <sup>his</sup> + OLIPHANT.  
mark.

Sworn to before me this 18th day of February, 1881.

[SEAL.]

E. H. HOGARTH,  
*Notary Public, South Carolina.*

JOHN T. GASTON, *Intendant.*

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

In the matter of the contest between Robert Smalls and G. D. Tillman  
for a seat in the Congress of the United States.

NORMAN YOUNGBLOOD, a witness of lawful age, produced by contestant after due notice to contestee, deposes as follows with reference to questions propounded to him:

Question. State your age, residence, and occupation.—Answer. Twenty-eight years old; Edgefield County; farmer.

Q. Were you at Edgefield Court House precinct on the day of the last election?—A. Yes, sir.

Q. At what time did you arrive?—A. Between daylight and sunup.

Q. How long did you remain?—A. Till between 3 and 4 o'clock.

Q. Were you in town the evening before the election?—A. I was; it was good dark before I left.

Q. Do you know anything of a body of armed and mounted men rid-

ing through the town the night before the election?—A. I saw a crowd of mounted men riding through the town, but could not tell if they were armed or not. About 4 o'clock the same evening I met another crowd going away from the town mounted, and I saw several pistols under their coats as they were going on, and some hanging on their saddles. They returned to town about half an hour before sunset.

Q. How were these men dressed?—A. They had on red shirts, as much as I could see in the night, a good number of them. Those in the day all had on red shirts that I saw.

Q. How many were in the party leaving town?—A. Sixteen I met.

Q. How many in the party after dark?—A. About the same number.

Q. At the time the polls opened were there many people at or near the polls?—A. I think about 40 or 50 white men slept in the poll; staid there all night.

Q. Were there many people in front of the poll when the poll opened?—A. I don't know when the poll opened.

Q. At any time during the morning were there many people in the vicinity of the poll?—A. Yes; about sunup.

Q. When were the most people about the polls?—A. About nine o'clock.

Q. How many people were there at this time?—A. From twenty-five to twenty seven hundred, I judge; around the park and stores were covered with them, and in the park.

Q. What part of this crowd were Republicans, and what part Democrats?—A. About twenty-five hundred Republicans and about one hundred and fifty Democrats.

Q. How were the Republicans dressed?—A. In ordinary clothes.

Q. And the Democrats?—A. About one-third in red shirts and one in a calico suit, and the rest were in citizens' clothing.

Q. Did you see any arms about the poll; if so, who had them, and what were they?—A. Yes, sir; a double-barreled shot-gun on the court-house steps, a sixteen-shooter under the porch; I saw 4 pistols in men's hands, and the best quantity of the Democrats had pistols on them; and I saw 2 more shot-guns on the street, and I saw two or three dozen Remington rifles.

Q. Who had these guns?—A. The people; the ones I take to be Democrats.

Q. Did the Republicans have arms?—A. Yes; I saw 2 pistols.

Q. Did you vote?—A. No, sir.

Q. Why not?—A. There was a line drawn across before the steps in front of the poll; crowd of Democrats were on the steps clogging them up, and a man with a calico suit on was in front of the steps, and whenever a colored man would try to vote he would tell them to stand back, you can't vote here; the white people pushed through the crowd and got into the polls.

Q. Were any persons assisting this man to keep the colored people away?—A. A good many white men were in front of him on the ground, who also would tell the colored people to stand back, you can't vote here yet.

Q. Why did you not press through the crowd any way, and go and vote?—A. I was trying to keep peace, and the sheriff told me that he and I could vote together later in the evening.

Q. Did you vote in the evening?—A. No, sir; the reason that I did not vote, the largest number left, and then the white people would call out "Why don't you come on and vote?" When they got down to a small number then they would take a few colored and carry them up and

vote them, then before the do. would be in the same condition as it was before; I did not vote because the larger number of colored people had gone away without voting.

Q. Were these colored men friends of yours?—A. They desired to vote the same way I intended to vote.

Q. What ticket did you intend to vote?—A. The Republican ticket, with Robert Smalls' name for Congress.

Q. About how many left without voting?—A. All but about 25.

Q. Did any Democrats go away without voting?—A. I did not see any.

Q. Did you see any men with arms at or in the Masonic Hall?—A. About two or three dozen men came out of the store on Park row with guns and went into Masonic Hall and in Mr. Robert Miner's gallery.

Q. Did you see any men with guns at any windows or doors of any of the stores or buildings near the polls?—A. I saw some in Masonic Hall windows, and in the picture gallery.

Q. What time did the Republicans leave?—A. They began leaving at 11 o'clock, and kept on going in squads of 300 to 400 until three or four o'clock.

Cross-examination by F. H. WARDLAW, counsel for contestee:

Q. You said you met a crowd as you were going out of town the evening before the election, and you said that crowd came back; how do you know that?—A. I knew them; some of them.

Q. Did you know each and every one of them?—A. No, sir.

Q. Then you don't know that each and every one of them came back?—A. I knew the same number came back, and I knew some among that number.

Q. Did you count them as they came back?—A. I did not.

Q. How do you know the same number came back?—A. They looked like it.

Q. Then you don't know the same number came back?—A. No more than by looks, I did not count them.

Q. You said you saw several pistols under their coats; how could you see them under their coats?—A. By their faces being to me and their coats being open I could see them.

Q. You said there were four or five white men who slept at the poll; how do you know that they slept there?—A. Because I saw some of them, as I passed the door, putting on their coats; it being too soon for the poll to open I took it for granted they staid there all night.

Q. Then, you don't know, of your own personal knowledge, that they slept there that night?—A. No more than what I have stated.

Q. Did you see them asleep there?—A. No, sir.

Q. Have you had much experience in estimating crowds of people?—A. I never had of people, but have in other things.

Q. You say the Republicans were dressed in citizens' clothes; were not some of them dressed in blue shirts, or had blue ribbons about them?—A. Saw 2 with blue shirts on, but they were not voters; I know them personally.

Q. How, then, do you know they were Republicans, if they were not voters?—A. I did not know they were Republicans, but know they were under age.

Q. You say you saw a double-barrel shot-gun on the steps; was it in the hand of any one?—A. Yes, sir.

Q. You say you saw two or three dozen Remington rifles; how do you know they were Remington rifles?—A. Because they looked like

the same guns the colored people had drilling with during reign of Scott and Moses that was taken away from them.

Q. How far were you from these men with the rifles?—A. About twenty-five or thirty yards.

Q. Can you tell the make of a gun twenty-five or thirty yards off?—A. I can tell the make of them rifles.

Q. Did you see any Republicans armed that day?—A. Yes; I seen some of them armed.

Q. What were they armed with?—A. The best quantity had sticks. I saw 2 pistols with them; I don't know how many more.

Q. You say there was a man walking up and down in front of the steps; do you know whether he was a State constable or not?—A. He was not.

Q. You were trying to keep the peace that day; were you a peace officer?—A. Yes, sir.

Q. You say you did not vote; could not you have voted in the evening if you had desired to do so?—A. I could if I had a been a mind to go through men who I thought would not interfere with me.

Q. You say at the steps were crowded with white men; did you not hear those men ask the colored people why they did not come up and vote?—A. I did hear some of them say so.

Q. You say all the Republicans left without voting, except about twenty-five; did you see each and every man who voted?—A. I saw each of the 25 colored men.

Q. Do you know of your own personal knowledge that only 25 colored men voted here that day?—A. From the time I was here I do.

Q. Then you don't know how many voted after you left?—A. No, sir.

Q. Are there not some colored men in this county Democrats?—A. I know of one who votes the Democrat's ticket, but I don't know whether he is a Democrat or Republican.

Q. When a man votes the Democratic ticket, is it customary to call him a Democrat?—A. It is when you don't hear him say other things.

Q. Can you tell the difference between a Democrat and a Republican?—A. Yes, sir.

Q. What is the difference?—A. Because when the Democrats hold their meeting they are together and the Republicans the same.

Q. Then, if you saw a crowd of men together holding a meeting you would not know whether they were Democrats or Republicans?—A. Not without I know the result of their meeting.

Q. Suppose the result of the meeting was a big thing, what would you call them then?—A. I could not tell until I heard what the meeting was.

Q. Suppose a meeting was called to discuss internal improvement, would it be a Republican or Democratic?

(Objected to as having no bearing whatever or relation to the contest.)

A. It depends upon what the principle of it the question would be.

Q. When you see a crowd of men congregated together how can you tell whether they are Democrats or Republicans?—A. I could not tell without I knew what they were there for. Sometimes men get together drinking.

Q. Suppose you saw a crowd of men congregated together for the purpose of voting; how could you tell whether they were Democrats or Republicans?—A. I could not unless I seen their ticket and knew what their principle was.

Q. Can you read and write?—A. Some.

Q. How long did you go to school?—A. I was taught by the white people at home about three years.

Q. Did you see the tickets of each and every one of those 2,500 men?—A. No, sir; not all.

Q. Then you did not know how they were going to vote?—A. Not only what I heard them say.

Q. Did you hear each and every one of that 2,500 men say how they were going to vote?—A. No, sir.

Q. You then don't know that each and every one of those 2,500 men were going to vote the Republican ticket?—A. No, sir; no more than what I heard them say as they passed off.

Q. You don't know those men did not go and vote somewhere else?—A. No, sir; I don't know what they did after they left.

Q. You say you saw no Democrats go away without voting. Do you know all the Democrats voted?—A. No, sir.

Q. Do you know or not whether the Masonic Hall is the armory of the company or not?—A. No, sir.

Q. You never seen them there, have you?—A. No, sir; but I have heard so.

Redirect:

Q. On your cross-examination you said, in answer to a question, "Could you have voted in the afternoon?" that you could if you had a mind to go through men that you thought would not interfere with you. What do you mean by this?—A. I had been sure men like the citizens here in Edgefield village were up there, and all the men like them, I would have gone up and voted. As objection had been made to the Republicans to stand back, and seeing the angry people on the steps that I did not know, I would not go up there.

his  
NORMAN + YOUNGBLOOD.  
mark.

Sworn to before me this 18th day of February, 1881.

[SEAL.]

E. H. HOGARTH,

*Notary Public, South Carolina.*

JOHN T. GASTON, *Intendant, E. V.*

STATE OF SOUTH CAROLINA,

*Edgefield County:*

In the matter of the contest between Robert Smalls and G. D. Tillman,  
for a seat in the Congress of the United States.

L. CAIN, a witness of legal age, produced by contestant, after due notice to contestee, deposes as follows with reference to questions propounded to him:

Question. State your age, residence, and occupation.—Answer. Thirty-seven; Edgefield Court-House; am now engaged in mercantile business.

Q. During the political campaign preceding the recent election did you hold any party position; if so, what?—A. I was county chairman of the Republican party of Edgefield County.

Q. Do you know of the organization of your party throughout the entire county, and how was the party organization as compared with previous campaigns?—A. I do; as it was organized by my direction and under my supervision. As to previous election, I considered my

party more thoroughly organized and more determined to vote than it ever was.

Q. Were public mass-meetings called by you to advocate the Republican candidates for Congress and Presidential electors?—A. During the last campaign I deemed it inexpedient to hold any mass-meetings in the county. I held three or four meetings which were made up of precinct chairmen alone, and most of those meetings were held in a somewhat private way.

Q. Why did you deem it inexpedient to hold public meetings?—A. At the first one of the meetings alluded to above, which was held at school-house one quarter mile from court-house, about twelve to fifteen Democrats came in. They remained there until we adjourned, apparently to learn what we were doing. When we adjourned that meeting we fixed a day to meet there again. Before some of the precinct chairmen came to me and told me he heard some of the Democrats say that several of the rifle clubs would be present at the day fixed dressed in red shirts; that they would see we held no meeting there. Believing this report to be true, after I had adjourned the meeting, I called all the precinct chairmen to me, privately, and informed them that we would change the time, as this information had reached me; that we would hold our meeting one day sooner than the time I had announced publicly. To this they all agreed. At the time fixed the precinct chairmen came in, and we held our meeting. There were but few Democrats at this meeting; because, as I believe, up to two hours before our meeting convened they knew nothing of it. On the next day, the day which I had announced publicly the meeting would be held, our town was filled with rifle clubs and red-shirters mounted on horses. I staid at home that day myself, as I thought it inadvisable to put in an appearance; but from the place I live I could see these men on horseback riding into town. I learned from a great many of my friends that on the day above mentioned I was cursed and threatened by some of these. Believing all this to be true I thought it unwise to hold public meetings.

Q. Could Republicans hold public meetings without fear or molestation in this county?

(Objected to as matter of opinion, except as to himself.)

A. As to myself I was afraid to hold public meetings, and was told by prominent Republicans that they thought a mass-meeting would be treated by Democrats just as they were in 1876. It is well known that our meeting on 12th of August, 1876, was broken up by the Democrats, and that we held no other mass-meeting during that campaign save one, which was attended by a United States commissioner and several United States marshals. When the last meeting was held there were six or seven companies of United States troops in the town.

Q. In what way were the Republicans organized during the last campaign?—A. They were organized into Garfield and Arthur clubs. I had about 48 of these clubs in the county, ranging in number from 25 to 200 in each club. These clubs were all over the county, having been organized by precinct chairmen by my direction.

Q. Have you any means of knowing how many Republicans belonged to and acted with these clubs?—A. I have, as a list from each club was brought me by the precinct chairman.

Q. Did you attend any of these clubs?—A. Yes, sir; I did; I attended about five of them.

Q. From the party organization and your sources of information and your knowledge of the voters of Edgefield County, what result did you have reason to expect on the day of the election?

—(Objected to.)

A. I had reason to expect a great Republican triumph, as a great many Democrats had told me previous to the election that every man would be allowed to vote, and that there would be a fair count; this was my belief before the appointment of managers by the commissioners of election, but when they met and appointed all Democrats, thereby giving Republicans no representation on the boards of managers, my opinion became somewhat changed.

Q. Was there anything in the numerical strength of the two parties which caused you to expect the Republicans to carry the county?—A. I had no means of knowing the numerical strength of the Democrat party, except what was furnished by the census of 1880; that census showed the colored men in Edgefield would be about 2,000 majority, and that colored men in Edgefield are Republican; and I am satisfied if they had been allowed to vote untrammelled, would have been a larger Republican vote polled in Edgefield in 1880 than was polled in any previous election.

(Objected to as a matter of opinion.)

Q. Were you in the town of Edgefield on the night before the election?—A. I was.

Q. Did anything unusual happen that night; if so, what?—A. I came in town about one-half hour by sun; at that time and until about 8 o'clock, white men dressed in red shirts and mounted came in from two or three directions; some had guns, some pistols; about dark quite a number of these men took possession of the court-house; soon after they went in I heard the firing of pistols and guns from the porch of the court-house; when this took place I thought it advisable for me to leave for home, and did so.

Q. Were you in town on the day of election?—A. I was.

Q. Were the voters allowed to cast their ballots freely and without molestation from any one; and, if not, how, and by whom were they prevented?—A. If a voter was known to be a Democrat he had no trouble whatever in getting to the polls, but up to 21 minutes after 8 o'clock not a Republican vote had been polled. Why I am so precise about the time, I met General Butler near the court-house steps and complained to him about Republicans being kept from voting, he said it was early yet, I suppose every man will get to vote. I told him the Democratic party had been voting all the morning. I then pulled out my watch and showed him what time it was; he looked at his watch and he too was 21 minutes past 8.

Q. Did you see any arms anywhere near the polls that day?—A. Yes; I saw quite a number of pistols in the hands of red-shirters while the voting was going on, and from the porch and windows of the Masonic hall, the piazza of the printing office, from the store door now occupied by the joint-stock company, and on the streets, were quite a number of white men with guns and pistols in their hands; most of these men had on red shirts.

Q. Do you know of any persons who did not or could not vote that day; if so, how were they prevented?—A. Quite a number of Republicans, myself among them, went near the court-house in order to get to vote; when within about five or six yards of the court-house steps, I was shown a line that had been drawn; the red-shirters were on the court-house side of the line and quite a number of colored were on the other side. I walked to the line to see if they would allow me to cross and was told by a red shirter, who appeared to be a sentinel, to stand back. I went back about 25 or 30 yards, and remained there for two



hours, I guess, watching the progress of the election; during this period about six or eight colored men went up, three at the time; seeing they staid up there so long, I timed three of them; they staid 20 minutes by the watch. About 12 o'clock a row took place between a white and colored man, and, believing that I could not vote there with safety, and seeing, too, that one of the colored men who had been up had his coat cut all to pieces with knives, I left there and returned no more during the day; I did not vote.

Q. How many Republicans were at the polls at any time while you were there?—A. Well, sir, I approximate them at 2,000.

(Objected to.)

A. Did they all vote?—A. They did not.

Q. For what reason?—A. For the same reason that I did not vote.

(Objected to.)

Q. Did they remain until you left?—A. The greater portion did.

Q. Did they remain all day?—A. When I left there were very few left in the vicinity of the polling place.

Q. How has it usually been between the two parties at Edgefield Court House?

(Objected to, as his evidence not being the best evidence.)

A. Prior to 1876, the Republican vote ranged from 800 to 900, while the Democratic from 250 to 300.

Q. How came it that so many Republicans were in town for the purpose of voting?—A. As I understand it, it was because they were very generally of the opinion they could vote here with more safety than they could at the county precincts.

Q. What do you mean by "vote with more safety"?—A. I mean to say they did not think they would be subjected to as much bodily danger.

(Objected to as hearsay.)

Q. How did you obtain this information?—A. Quite a number of Republicans asked me prior to the election as to whether they should vote at the nearest precinct to them, or should they come to the court-house. I told them I would very much prefer they would vote at their own precincts. Most of them would tell me they did not think they could do so with safety. I told a great many of such, that if they could not vote there with safety, they had better come to the court-house, as I thought that we would be allowed to vote here.

(Objected to as hearsay.)

Q. Did those 2,000 Republicans vote that day at this precinct?—A. From what I could see there did not more than 8 or 9 of them.

Q. Why did they not press forward and go up to the ballot-box anyway?—A. The reason we did not persist in our right to vote was, that there was an armed foe in front of us, and we felt satisfied it would cause a difficulty.

Q. How many polling places are there in the town?—A. Only one.

Q. Has there been more than one?—A. At the two preceding elections there were 2, prior to '78.

Q. By whom was the number reduced?—A. By the Democratic party.

Cross-examined by F. H. WARDLAW, counsel for contestee:

Q. You said at that second meeting at the school-house there were a few Democrats; were they not there by the invitation of yourself and other prominent Republicans?—A. As to what other prominent Republicans did, I don't know. I wrote a note myself to Mr. James T.

Bacon, the editor of the Edgefield Advertiser, stating that we had changed the time of holding the meeting, and that we would meet that day at 11 o'clock. I did invite Mr. Bacon to be present. He is the only one I invited.

Q. How many rifle clubs do you know of in Edgefield County?—A. As to giving the number or names, I can't do it.

Q. Are these Garfield and Arthur clubs you speak of, rifle clubs?—

A. They have never been so considered or termed so, by any one to my knowledge.

Q. How many Garfield and Arthur clubs did you say there were in the county?—About forty-seven or forty-eight.

Q. Averaging how many to the club?—A. From twenty-five to two hundred.

Q. How many had two hundred in them?—A. Two.

Q. You say you derived your information as to the number of colored voters in Edgefield County from the census?—A. I don't remember saying that.

Q. You said you derived your information from the census that there were a colored majority of about two thousand; do you remember the number of colored voters and the number of white voters in Edgefield County?—A. To the best of my recollection the census showed thirty-four hundred and a fraction of a hundred of white men, and fifty-four hundred and fraction of colored men.

Q. You say the census gave that many voters?—A. According to my recollection.

Q. On the contrary, did not the census say that many white males and that many colored males, instead of white voters or colored voters?—A. Of my own knowledge, I cannot speak; but the information that I had with regard to their relative number—who told me he had been employed to revise the census return in order to find out the strength of the two parties—the first information I had about it, I saw it in the newspaper; after that I was talking to W. D. Ramey about it, and he told me he did the work.

Q. Then you derived your information from Mr. Ramey and not from the census-book?—A. I have never examined the census returns.

Q. Did you, as the Republican county chairman of Edgefield County, ask the commissioners of election to appoint any Republicans upon the board of managers?—A. I did ask Mr. Lee, one of the commissioners, to insist upon one Republican manager at each polling precinct. I never did meet the board of commissioners and make such request.

Q. Did you give Mr. Lee, the commissioner, the names of the Republicans you desired to be appointed as managers at the different precincts?—A. I did not, from the fact that Mr. Lee told me at the time, while he might make the request, he (Lee) did not think it would amount to anything; it was my intention to furnish names after learning from him as to whether he could get them appointed.

Q. How did you know that you could not get them appointed without making the effort?—A. The lesson that was taught us on that point in 1878 I thought was sufficient.

Q. Were you county chairman in 1878?—A. I was.

Q. Did you then make the application for Republican managers and were refused?—A. We did make application, and to the best of my recollection were refused.

Q. You are not certain upon that point, are you?—A. I think I can speak positively.

Q. Previous to '74 were there two precincts in this town?—A. I am

not positive as to that; I would state that at the election of '70 and '72 I was not in the town.

Q. Had not those two boxes been established here by the Republicans?—A. They were, to my best recollection.

Q. You said that white men took possession of the court-house the night before the election, and soon after that you heard guns and pistols fired from the porch; where were you when you heard them?—A. When they first began firing I was near Mr. Olishy's store; I left immediately for home, but could hear the firing while passing through the street, and even after leaving the street.

Q. Did you see the firing?—A. I saw the flash from the pistols as they would fire.

Q. Do you know those flashes were from the court-house porch?—A. Yes, sir; I know it.

Q. How long did those men remain in possession of the court-house?—A. I can only state that I left them in there that night when I went home, and the next morning the porch and steps were still crowded with white men with red shirts on, and it remained in that condition until about 12 o'clock, at which time I left.

Q. What time did you arrive at the poll the morning of election?—A. I was in the village between daylight and sunrise, but did not go to the polls till about 7 o'clock.

Q. You said that on the evening before the election you saw mounted men with guns and pistols; what sort of guns and how many were they?—A. I can't state positively, but I thought they were Winchester rifles; as to number, I can't say.

Q. Do you know any men who had rifles?—A. I don't know that I did.

Q. Can you tell what clubs of colored men or Republican were assembled or encamped the night previous to the election near Mrs. Huie's Cross Roads?—A. I cannot; I heard the day of election that some men had assembled there that night, and made inquiry as to who they were but could not ascertain.

Q. What Republican clubs were ordered to assemble at this box?—A. I do not know that any of the clubs were ordered to assemble here.

Q. Did you not as county chairman of the Republican party order delegation from each club to assemble here?—A. I did not; on the contrary I advised them to vote at their nearest precincts whenever they thought they could do so with safety.

Q. By virtue of your office as county chairman, are you not a member of the county executive committee of the Republican party?—A. I am.

Q. Did not the county executive committee order delegation from the different clubs to assemble at Edgefield Court House on the day of election?—A. Not to my knowledge.

Q. Were not the Republican voters of the county instructed to en-mass themselves at three or four different boxes?—A. Not to my knowledge.

Q. Did you not know on the night previous to the election, the Republican clubs were encamped in and around this town, more especially upon the roads leading from Trenton to Edgefield Court House, and from Trenton to Huie's Cross Roads?—A. I did not.

Q. Do you mean to say that you as county chairman were ignorant of the intention of the Republicans or colored people to assemble near the village of Edgefield, armed with clubs and pistols, and to march into the village on the day of election at or near daylight?—A. Most positively I am ignorant of that. I advised quite a number not to come to the court-

house till after daylight, because I was afraid they would be interfered with going along the road in the night.

Q. Did you not on the morning of the election bring in or march up Main street with a large body of colored Republicans armed with pistols and clubs, shouting and yelling as they marched to the polls; did you not?—A. I brought no one to town with me when I came, except my brother-in-law; when I reached the village, from that time till near 7 o'clock the main street was crowded with colored Republicans. I fell into line and went near the court-house, not with any particular club or set of men. As to these men being armed with pistols and clubs I did see a number of sticks that I regarded as walking sticks, not clubs; I don't remember seeing a pistol in the hands of but one Republican that day; there was some hallooing which I regarded as a mere response to the terrible yelling of the Democratic side.

Q. Did not two crowds of Republicans armed with clubs and pistols, headed each by a man on horseback, urging them forward and they yelling hideously, march toward the poll?—A. I will state again, I saw no Republican on that day with a pistol save one; the sticks they had in their hands were ordinary size, and I regarded them as walking sticks; I remember but one crowd that had a man on horseback with it, and as to their yelling, this is the time they gave the responsive yell alluded to above.

Q. Do you not know that every street leading into town on the night previous to the election were guarded by Republican sentinels who halted most persons as they passed or halted them before they passed?—A. I do not.

\* Q. Do you not know that on the night previous to the election, near Oliver L. Dobson's residence, about  $1\frac{1}{4}$  miles from town, that a party of Democrats were fired into by Republicans; these Democrats went to you that night for protection?—A. In the first place I do not know that any Democrats were fired on by Republicans; about 4 o'clock on the morning of the election three Democrats came to my house and called me up, and asked me as to whether or not I knew anything about colored men being assembled at this place; I told them that I did not; I don't remember that these men asked for my protection; I do know they told me they were officers of the peace and that they wanted me to assist in keeping the peace; one of them told me that if a difficulty did take place I would be the first man picked out; they said that four white men were riding along the road leading from Colonel Huiet's to the village, and they were halted and fired upon, ten shots being fired; I asked if any person was hurt; they said not.

Q. You said that there was an imaginary line in front of the court-house, and a man who seemed to be sentinel was walking up and down; do you know who that man was?—A. I don't remember of stating that there was an imaginary line; there was a real line. I don't know who the man was.

Q. Did you know the managers of election at this box personally?—A. I suppose I did; I don't remember now who they were. I know that two of those who were first published as managers declined to serve.

Q. Was this man who told you to stand back one of the managers?—A. No, sir; I don't think.

Q. Do you know whether that man had any authority to tell you to stand back?—A. He spoke like a man of authority, and from the number of armed men with him and between him and the polling place I took it for granted that I had better obey his mandate, whether he was acting with authority or not.

Q. Do you not know that that man was drunk?—A. I do not; but from the positiveness with which he gave his orders I would think just to the contrary.

Q. Was it not the Radical programme to take possession forcibly of this polling precinct?—A. Not that I know.

Q. Was not the manner in which they approached the poll calculated to produce that impression upon the Democrats?—A. I cannot state whether it would produce that impression. I don't suppose I saw one-half of the Republicans when they approached the poll.

Q. Then as you did not see all the Republicans as they approached the poll you can't tell how many of them voted, can you?—A. From the time that I reached the town up to the time that I went to the polling place men would continually come to me and complain that no colored men had been allowed to vote. I went up and tried to vote myself; this is the time I met the sentinel walking the line and he told me to stand back. For a long time I stood around there, and I saw no colored men go up at all till about twenty-one minutes after 8. Then I saw those I have before mentioned go up. I cannot state positively how many voted.

Q. How many colored men did you say were in town that day in or near the polling precinct?—A. I estimated them about 2,000. I made this estimate from observation.

Q. How many of them were Republicans?—A. About 2,000.

Q. Are there any colored Democrats in this county?—A. Not one; most every one who claims to be a Democrat has been to me and told me how he stands; that some of them have told me that I know where they were getting their butter and bread from.

Q. Do you know of your own knowledge where they get their bread and butter from?—A. I do not.

Q. Can you give me the names of parties who went to you and told you how they stood?—A. I can name some of them, but I decline to do so.

Q. Did you know that each and every one of the two thousand colored voters would vote the Republican ticket?—A. Left untrammelled I would be willing to swear that they would.

Q. Do you know that all or that each and every one of the colored men who left this precinct without voting did not vote at some other precinct in the county?—A. I do not.

Q. Did not General Butler, after these Republicans started off, and previous thereto, go to you and invite you to come up and bring your followers to vote?—A. I don't remember General Butler coming to me that day. I sought an interview with him two or three times, and went to him that day myself, but at neither of these interviews did he invite me and my followers to come up and vote.

Q. Were you invited to come forward and vote by any Democrats?—A. Not that I recollect.

Q. Did you not hear any Democrats tell the Republican voters to come forward and vote?—A. I did not hear anything of the kind—the first interview that I had with General Butler, he said to me and a crowd of Republicans that were with me, "You must have patience, it is early in the day, yet"; and he believed that every man would have a chance to vote.

Q. You said you saw some Republican voters go up and vote, and that they were in the house or polling precinct 20 minutes. Do you know whether or not they remained in the house any time after voting?—A. I do remember stating that I saw Republicans go up and

vote. I stated that I saw them go in the court-house to vote—timed three of them, and found they staid 20 minutes, as to whether they remained after voting I do not know any more than what one of them told me. He said after staying up there so long he was not allowed to vote.

Q. Were not the Republican voters assembled in a crowd from one to two thousand in number in front of the court-house steps in a noisy and a demonstrative manner?—A. They were assembled there. As to their being noisy, I don't recollect that their being so much so, except these responsive yells that I have testified to before. I saw no demonstration on their part that was calculated in my opinion to create any excitement.

Q. Did you not see the Republican voters as they were going out of town firing off their pistols, or hear the reports of the pistols?—A. As I stated before, I did not see a pistol in the hands of but one Republican that day. I did hear the report of fire-arms several times during the day, but was of the opinion that those fire-arms were in the hands of Democrats I saw with pistol and guns.

Q. Do you not know as a matter of fact that nearly every one of the Republican voters of this county carry pistols, or did previous to the recent act of the legislature prohibiting the carrying of concealed weapons?—A. I do not know it as a fact, but I believe most of those who are able to buy one would do so.

Q. Did you not state that you were not in town the day after the second meeting of the precinct chairmen at the school-house; then how do you know the town was filled with rifle-clubs and red-shirts?—A. I did state that I was not in town the day referred to, but stated at the same time that I could see these men riding in from where I lived.

Q. How far did you then live from the court-house?—A. About two chains of being a mile.

LAWRENCE CAIN.

Sworn to before me this 18th February, A. D. 1881.

[SEAL.]

E. H. HOGARTH,

*Notary Public, South Carolina.*

JOHN T. GASTON, *Intendant, E. V.*

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

In the matter of the contest between Robert Smalls and G. D. Tillman  
for a seat in the Congress of the United States.

JESSE JONES, a witness of legal age, produced by contestant, after due notice to contestee, deposes as follows, to questions propounded to him :

Question. State your age, residence, and occupation?—Answer. Age, 28; live at Edgefield Court House, and am a farmer.

Q. Were you at Edgefield polling precinct on the day of last election; if so, in what capacity?—A. I was; as United States supervisor.

Q. Did you serve?—A. I did.

Q. At what time did the poll open?—A. Six o'clock, a. m.

Q. Did you see the box open prior to voting?—A. I did.

Q. Was there anything in it?—A. There was not.

Q. Where was the box placed?—A. Upstairs, in the court-room, within the railing; about fifteen feet from door; there is a passage-way about four feet long, from the porch door to the court-room door.

Q. How wide is the porch?—A. About four or five feet wide.

Q. When the poll opened, how many people, and to what parties did they belong; who were inside the polling places other than the managers, clerk, and supervisors?—A. When the poll opened there were no others inside the rail; about twenty or twenty-five inside the room; all Democrats.

Q. At what time did you arrive at the poll?—A. About half past four in the morning.

Q. Were any persons in the court house, then, on that floor?—A. Yes, sir.

Q. Do you know how many, and who they were?—A. I suppose about one hundred; all Democrats.

Q. When the poll opened, were there any persons in the room where the box was, in uniform of any kind, or with arms of any description?—A. There was, Democrats with red shirts; I suppose about ten or fifteen in number with arms; about forty or fifty with red shirts on; some double-barrel shot-guns, some pistols.

Q. Were any person within the rail with uniforms on, after poll opened?—A. No, sir.

Q. Were any persons within the rail who had arms?—A. There were arms inside the rail in the prisoner's dock, about one foot from the ballot-box.

Q. What kind were they, and to whom did they belong?—A. There were three double-barrel shot-guns; I cannot say to whom they belonged.

Q. How long did these guns remain there?—A. About two or three hours.

Q. Who removed them?—A. I saw some gentlemen come in and take them out.

Q. Do you know who caused their removal?—A. It was caused by some man on the streets raising a row by drawing a pistol, and they were taken out by parties who were in the room.

Q. Were the parties who took them out election officers?—A. Yes, sir.

Q. What officers were they?—A. Democratic supervisors.

Q. Do you know if either of these guns belonged to, or was in custody of either of the managers or the clerk?—A. I can't say.

Q. How many doors between the porch and the ballot-box?—A. Two doors.

Q. Were these doors kept opened all day?—A. Outside door was a double door, each of which was about one and a half feet wide; only side of door was open, the other was shut; the inside door was open; the inside one was a gate to the railing.

Q. Did you keep a poll-list?—A. No, sir.

Q. Why not?—A. I did not think it would be safe for me to do.

Q. Why did you think it unsafe?—A. Because, if they had seen me keeping a poll-list I would not have been allowed to stay there (objected to it as matter of opinion) as I was told by Democrats if I attempted to make a report, I would not be allowed to act as supervisor.

(Objected to.)

Q. Can you say how many voters voted that day?—A. About seven hundred and sixty-three or seven hundred and sixty-nine.

Q. How many colored men voted?—A. About fifteen.

Q. How many Republican votes counted by the managers?—A. Eleven.

Q. Did all the voters have free access to the polls?—A. Did not, because one side the front door was barred and the Democrats stood on the porch with pistols, and said that no damn negroes should vote there.

Q. How long did this continue?—A. It continued till 4 o'clock in the afternoon.

Q. Did this in any way prevent any voters from approaching the ballot-box and voting?—A. It did, Republicans.

Q. How, then, did the eleven Republican votes get into the box?—A. They came up to the door, which was barred across with two bars, and the managers said let in one colored man and one white. They would let in one colored man and three white until that number fifteen was exhausted. No more colored men would or could come in.

Q. What time did they commence letting the colored men in in this way?—A. About 9 o'clock.

Q. Had any persons voted before this?—A. Yes, sir.

Q. About how many?—A. About thirty-five or forty whites.

Q. Why did the voting proceed so slowly?—A. I can't tell why.

Q. Were there many Republicans around the poll attempting to get in to the poll?—A. Yes, sir; a great many.

Q. About how many?—A. Suppose about 2,000.

Q. From the action of the men on the steps and porch within the court-room, and the officers of election, could these men have deposited their ballots had they seen fit to do so?—A. Could not.

Q. Did the Democrats in the room without the rail remain there long?—A. Yes; till about 11 o'clock.

Q. What were they doing there all this time?—A. Just standing there in the way doing nothing.

Q. Was the way from the outside door to the ballot-box kept clear?—A. No, sir.

Q. How was it obstructed?—A. The little passage-way was obstructed by men standing there filling up the passage-way and keeping the people from passing; about from twenty to thirty doing this.

Q. Did the large number of Republicans who were near the polls remain?—A. No, sir.

Q. Did any colored men vote the Democratic ticket?—A. Yes, sir.

Q. Did they meet with the same obstruction that colored men voting the Republican ticket did?—A. No, sir.

Q. State what distinction was made between them.—A. They were escorted by Democrats, and when they got inside one of them wanted to vote the Republican ticket, and a Democrat said you must stick to your bargain; he said he would not do so, and started out; he brought him back, and he voted the Democratic ticket. Those who voted the Democratic ticket were escorted to the polls by Democrats; the Republican voters, the doors were barred against them.

Q. Did colored men or white men who desired to vote the Democratic ticket have any trouble in getting to ballot-box?—A. They did not.

Q. Did you see any persons with arms near the polls other than those on the steps or porch of the court-house?—A. I saw a large crowd in the picture gallery and the Masonic Hall, with arms.

Q. What kind of arms?—A. Remington rifles and double-barrel shot-guns.

Q. Were any of these parties in uniform?—A. Some of them were in red shirts.

Q. How many names were on the managers' poll-list?—A. I don't know.



(Objected to as being secondary evidence.)

Q. Do you know if the number of names on the poll-list, and the number of ballots in ballot-box corresponded?—A. Did not.

Q. In what way did they disagree?—A. There were 15 ballots in the box in excess of the poll-list.

Q. How was this excess disposed of?—A. One of the managers was blindfold and drew out the excess of ballots from the box.

Q. How many Republican and how many Democratic ballots were drawn out?—A. I don't know.

Q. Did you see the ballots after being drawn?—A. Yes, sir.

Q. Did you examine them?—A. Yes, sir.

Q. Then, how is it you don't know?—A. I don't remember the number.

Q. Were any Republican ballots drawn out?—A. Yes, sir; but don't remember how many.

Q. How many colored men voted the Democratic ticket?—A. I know they did not exceed seven.

Q. How do you know this?—A. I took a list; when they came in to vote I saw their tickets.

Q. Was it peaceable and quiet all day at the poll, and did you see any evidence of violence?—A. It was not; I saw pistols drawn by Democrats on Republicans; and I saw Democrats picking up large brickbats and saying, "If you damn negroes attempt to come up to vote you will catch these" (referring to the brick they had in their hands).

Q. Do you know of any ballots being cast on that day by persons who were minors, non-residents of the county, or by persons who had already voted once?—A. I know of no minors; I do know of non-residents voting, and I know of parties voting more than once.

Q. How do you know they were non-residents?—A. I know them well; and know where one lives in Georgia. I know of a great many who voted more than once; they came up and voted, and would sit around the room and would then come up and vote again.

Q. Did any vote more than twice?—A. Yes.

Q. More than three times?—A. Yes, sir.

Q. More than four times?—A. Yes, sir.

Q. More than five times?—A. Yes, sir.

Q. More than six times?—A. Yes, sir.

Q. More than seven times?—A. Yes, sir.

Q. More than eight times?—A. Not more than eight times.

Q. Did these persons vote under their own names each time?—A. No, sir.

Q. Was anything said by them or the managers when they came up to vote after the first time?—A. Not by them, but by the managers. They laughed and said they were tricks.

Q. Did the repeaters say anything themselves?—A. No, sir; they would simply come up and vote in other men's names and step aside.

Q. Did you know any of these men?—A. Yes; some of them.

Q. Were you in town the night before the election?—A. I was.

Q. Do you know of armed or mounted men coming into or riding through the town that night?—A. Yes, sir.

Q. State what you know about them.—A. They came in on horse-back firing off their pistols and hallooing.

Q. What time was this?—A. Early part of night.

Q. Can you say about how many, and how were they dressed?—A. I could only see from the flash of the pistols that some had on red shirts; they were in companies, I suppose thirty-five in number.

Q. Did all the colored men that came to the poll on election day vote ?  
—A. They did not.

Q. Do you know of any colored men or Republicans who could not vote at this precinct, or any other in the county of Edgefield, at the last election ?—A. Yes, sir.

Q. Many ?—A. Yes, sir ; large number.

Q. How do you know this ?—A. Because, as notary public of South Carolina, I have taken a large number of affidavits of persons who came to this and other precincts and returned home without voting. (The three preceding questions and answers are objected to as hearsay evidence.)

Q. Are you a regularly commissioned notary public ?—A. Yes, sir.

Q. By whom is your commission signed ?—A. Governor Moses.

Q. How were these affidavits obtained ?—A. I would go around to the clubs, and they would meet, and I would take there affidavits of all parties who came to this polling place, and others who swore that they were prevented from voting by violence and intimidation.

Q. Were these parties sworn by yourself, and did they sign in your presence ?—A. Yes, sir.

Q. Have you all those affidavits here ?—A. No, sir ; some of them.

Q. Can you produce them all ?—A. I can.

Cross-examination by F. H. WARDLAW, counsel for contestee :

Q. You say there is a passage from the court-house door to the door opening to the court-room ; are there two doors between this porch and the court-room ?—A. There is one door from the porch into the court-room, and inside a railing and a gate.

Q. Was not the polls held where they had always been heretofore at this precinct ?—A. Since '76 ; it was.

Q. Was it previous to 1876 held in any other place other than it was at this last election ?—A. I remember that it was held on the piazza of the Ryan Hotel.

Q. Previous to 1876, were there not two boxes in Edgefield Village, one at the court-house and the other at what was then known as the treasurer's office, at the Ryan Hotel ?—A. I think previous to 1876 one was kept at Ryan Hotel, and the others at the place now occupied by Mr. J. T. Gaston, or place formerly occupied by Mr. Malloy.

Q. Did not the Republicans in 1876 change the two boxes here from the Ryan Hotel and Gaston's store to the court-house and Macedonia school-house ?—A. The Republicans changed the box from the Ryan Hotel to Macedonia school-house ; the other box was carried to the court-house in '76 against the expressed will of a majority of the Republican managers and commissioners.

Q. Did not the Republican commissioner of 1876 order the box to be removed from Gaston's store to the court-house ?—A. They did not.

Q. Did you not testify in the contest between Smalls and Tillman that you, as one of the commissioners of election, ordered the box to be held under the court-house porch ?—A. I did.

Q. You say the door of entrance to the court-house from the porch was a double door, each of which is only  $1\frac{1}{2}$  feet wide ; do you not know those doors are wider than that ?—A. I do not know ; I said about that.

Q. You say you were told if you kept a poll-list you would not be allowed to act as supervisor ; who told you so ?—A. I decline to answer that ; but he is a Democrat.

Q. Did either one of the managers tell you so ?—A. Did not.

Q. Did any Democrat tell you so who had authority at the box?—A. No, sir.

Q. What part of the court-house or polling precinct were you in the day of election?—A. Inside the railing.

Q. Could you see from your position inside the railing what occurred in the street?—A. In some portions of street I could.

Q. Could you see from your position inside the railing, one of the doors of entrance being closed, the court-house steps and that portion of the street directly in front of steps?—A. I could.

Q. Was it one of your duties, as United States supervisor, to inspect the ticket of the voters?—A. I don't know of any law requiring me to inspect the ticket until the poll closes, and they proceed to count.

Q. You say the Republican voters could not have voted on account of the action of the officers of election; whom do you mean by officers of election?—A. I mean to say the action of the men on the steps, and the character of the men in the court-room, and with the arms around polling place, it was impossible for the Republicans to vote—I mean by officers the managers.

Q. What was the conduct or action of the managers of election which prevented the Republican voters from voting?—A. Their action was having bars across the entrance door.

Q. Did you not say that the managers of election said let one colored man and one white man come in together and vote?—A. I did, but it was not done.

Q. What distance is the court-house where the box was held from the Masonic Hall?—A. About forty yards.

Q. What direction did the court-house door face?—A. East.

Q. What direction does the Masonic Hall face?—A. North.

Q. Looking from the door of the court-house from your position, could you see the Masonic Hall?—A. Not through the door.

Q. Could you see from your position in the court-house and tell what guns the men were armed with in the Masonic Hall?—A. I had no stationed position; I could look from the windows of the court-house and see the men in Masonic Hall, and could tell what kind of guns they had.

Q. Were you a member of the county executive committee of the Republican party in 1880?—A. I was not.

Q. You say your poll-list—but the votes in the box exceeded the names on poll-list by 15; how do you know that?—A. I know the poll-list kept by the Democrat clerk was correct. I know it by looking on the poll-list after the polls were closed and we were about to proceed to count.

Q. You detected the excess, then, when you proceeded to count?—A. Yes, sir; after we had finished counting.

Q. You say you saw pistols drawn by Democrats on Republicans. Where did you see that?—A. On the corner near Mr. Cobb's store, from the right window of the court-house.

Q. You say you saw these pistols drawn near Cobb's store from the right window, and these arms in the hands of men in Masonic Hall from the left window. Did it not keep you so busy looking for guns from the left window, and pistols from the right window, as to prevent you from seeing who voted and who did not?—A. It did not; the voting was so slow that the clerk and managers had all chances to see what was going on in front, right and left.

Q. What are the legal hours of holding open polls?—A. From 6 a. m. to 6 p. m.

Q. You say there were 763 or 69 votes polled?—A. About that number.

Q. That would be about 60 votes per hour polled on an average?—A. I suppose so.

Q. Do you regard 60 votes to the hour, or one per minute, very slow voting?—A. I would.

Q. You say you saw Democrats picking up bricks and saying, "If you damn negroes come up here to vote you will catch these." (Referring to bricks.) Where did you see that?—A. I saw it at the right-hand corner of the court-house, near General Gary's office.

Q. Is General Gary's office in front of court-house door?—A. No, sir.

Q. You say you saw one non-resident, a man from Georgia, vote whom you know well. What was his name?—A. Bob Sullivan.

Q. Is he a white man or colored man?—A. A white man.

Q. Did you, as supervisor, object to Mr. Sullivan voting?—A. I did not.

Q. Did you object to these repeaters voting more than once?—A. No, sir.

Q. You say the managers, when those repeaters came up to vote more than once, laughed and said they were tricks. Are you certain the managers said so?—A. One of the managers did.

Q. Can you tell which one of the managers did?—A. I can, but decline to do so.

Q. What part of the town were you in the night before the election?—A. In several places.

Q. Tell me some of the places.—A. Part of time in Mr. Gaston's store, on the road leading to Trenton, and part of the time on the square.

Q. You say there were a great many colored men who left here without voting. Do you know that they did not vote at any other precinct in the county?—A. No, sir.

Q. Did you see a crowd of colored men, or crowds, that went up Main street, to the polls?—A. I did.

Q. Did not those men go up in a noisy and turbulent manner, densely packed together?—A. They did not.

Q. Were not the colored men who were here that day armed with pistols and clubs?—A. Some few of them had walking-sticks. I saw one pistol.

Q. Did not the noisy and threatening attitude of the Republican voters cause the demonstration from the white men in the Masonic Hall and picture gallery?—A. I did not see any threatening attitude or noisy action on the part of the Republicans that would justify the conduct of the Democrats in the Masonic Hall and the picture gallery.

Q. Did you see the Republican voters as they were leaving the polling-precinct?—A. I saw some of them leaving.

Q. Did you not see a display of pistols by the colored people as they were leaving town?—A. I did not, sir.

Q. Did you not hear the reports of their pistols?—A. I did not.

Q. As they left the town, going down Main street?—A. I did not.

Q. Has any one prompted you since you have been on the stand to-day as to what you were to testify to?—A. They did not, and I don't think they would have the impudence to do so.

Q. Did not the crowd who went up Main street, I mean Republicans, go up to the polls shouting and yelling, led by a man on horseback?—A. I did not see it.

Q. Do you not know that on the night before the election that the roads leading into town, and more particularly those leading from Trenton to Edgely, one from Trenton to Hunt's Cross Roads, and to Johnston's

Depot, that large bodies of colored men were encamped on them?—A. I do not.

Q. Did you make a return as supervisor?—A. I did not.

Q. You did not sign that the election passed off quietly, and that the return or returns were correct?—A. I did not.

Redirect examination by W. N. TAFT:

Q. Can or not the Masonic hall and the picture gallery be seen from the window of the court-room?—A. They can.

JESSE JONES.

Sworn to before me on 19th day of February, A. D. 1881.

[SEAL.]

E. H. HOGARTH,  
Notary Public, South Carolina.

JOHN T. GASTON, *Intendant, E. V.*

No. 8.

FIFTH CONGRESSIONAL DISTRICT.

| Counties.      | Names of candidates. |                |             |
|----------------|----------------------|----------------|-------------|
|                | George D. Tillman.   | Robert Smalls. | Scattering. |
| Colleton.....  | 3, 475               | 2, 776         | .....       |
| Beaufort.....  | 391                  | 5, 978         | 2           |
| Barnwell.....  | 5, 433               | 2, 445         | .....       |
| Edgefield..... | 6, 467               | 1, 046         | .....       |
| Aiken.....     | 4, 980               | 1, 467         | .....       |
| Hampton.....   | 2, 590               | 1, 575         | .....       |
|                | 23, 325              | 15, 287        | 2           |

STATE OF SOUTH CAROLINA,

*Office of Secretary of State:*

I, R. M. Sims, secretary of state, do hereby certify that the above is a true copy of the vote for Congress in the fifth Congressional district in said State, as returned by the county board of canvassers for the counties composing the fifth Congressional district, and which returns are now of record in this office.

Witness my hand and the seal of State, at Columbia, this 16th day of February, A. D. 1881.

[SEAL.]

R. M. SIMS,  
*Secretary of State.*

## BEAUFORT COUNTY.

| Vote for member of Congress.              |                |                |             |
|---|----------------|----------------|-------------|
|   | G. D. Tillman. | Robert Smalls. | Scattering. |
| Vote at Grahamville precinct .....        | 62             | 419            | .....       |
| Vote at Pocotaligo precinct .....         | 5              | 285            | .....       |
| Vote at Hardeeville precinct .....        | 68             | 139            | .....       |
| Vote at Ladies' Island precinct .....     | 3              | 253            | .....       |
| Vote at Gardner's Corner precinct .....   | 13             | 532            | .....       |
| Vote at Port Royal precinct .....         | 47             | 265            | .....       |
| Vote at Mitchelville precinct .....       | 2              | 507            | .....       |
| Vote at Beaufort precinct .....           | 82             | 642            | 2           |
| Vote at Brick Church precinct .....       | 8              | 966            | .....       |
| Vote at Grayhill precinct .....           | 3              | 504            | .....       |
| Vote at Bellinger Hill precinct .....     | 8              | 395            | .....       |
| Vote at Bluffton precinct .....           | 46             | 289            | .....       |
| Vote at Parris Island precinct .....      | 1              | 132            | .....       |
| Vote at Levy's Cross Roads precinct ..... | 27             | 426            | .....       |
| Vote at Chisholm's Landing precinct ..... | 16             | 224            | .....       |

*Number of names on poll-list.*

|                                   |     |
|-----------------------------------|-----|
| Chisholm's Landing precinct ..... | 243 |
| Gray's Hill precinct .....        | 508 |
| Bellinger Hill precinct .....     | 404 |
| Bluffton precinct .....           | 351 |
| Levy's Cross Roads precinct ..... | 432 |
| Beaufort precinct .....           | 746 |
| Brick Church precinct .....       | 974 |
| Grahamville precinct .....        | 481 |
| Pocotaligo precinct .....         | 290 |
| Hardeeville precinct .....        | 220 |
| Ladies' Island precinct .....     | 266 |
| Gardner's Corner precinct .....   | 545 |
| Port Royal precinct .....         | 316 |
| Mitchelville precinct .....       | 510 |

## STATE OF SOUTH CAROLINA,

*Office of Secretary of State:*

I, R. M. Sims, secretary of state, do hereby certify that the above is a true copy of the vote for Congressmen at the general election held November 2, 1880, in Beaufort County, with the number of names on the poll-lists, so far as returned to this office. And I do further certify that there are no other returns or poll-lists from any precinct, besides the above, on file in this office for Beaufort County.

Witness my hand and the seal of State, at Columbia, this 16th day of February, A. D. 1881, and in the 105th year of American Independence.

[SEAL.]

R. M. SIMS,  
Secretary of State.

## HAMPTON COUNTY.

| Vote for member of Congress.            | G. T. Tillman. | Robert Smalls. | Scattering. |
|---|----------------|----------------|-------------|
| At Early Branch precinct.....           | 316            | 87             | ....        |
| At Brighton precinct.....               | 11             | 195            | ....        |
| At Beech Branch precinct.....           | 120            |                | ....        |
| At Brunson precinct.....                | 336            | 19             | ....        |
| At Varnsville precinct.....             | 469            | 189            | ....        |
| At Lawtonville precinct.....            | 340            | 174            | ....        |
| At Peoples precinct.....                | 135            | 42             | ....        |
| At Gillisonville precinct.....          | 179            | 174            | ....        |
| At Stafford's Cross Roads precinct..... | 261            | 22             | ....        |
| At Lawton's Church precinct.....        | 5              | 256            | ....        |
| At Hennis Cross-Roads precinct.....     | 235            | 141            | ....        |
| At Nixville precinct.....               | 206            | 50             | ....        |

*Number of names on poll-list.*

|                                      |     |
|--------------------------------------|-----|
| Nixville precinct.....               | 256 |
| Early Branch precinct.....           | 403 |
| Beech Branch precinct.....           | 120 |
| Brunson precinct.....                | 356 |
| Lawtonville precinct.....            | 514 |
| Gillisonville precinct.....          | 341 |
| Hennis Cross Roads precinct.....     | 376 |
| Peoples precinct.....                | 178 |
| Stafford's Cross-Roads precinct..... | 284 |
| Lawton's Church precinct.....        | 263 |
| Name of precinct not given.....      | 567 |
| Name of precinct not given.....      | 229 |
| Name of precinct not given.....      | 209 |

## STATE OF SOUTH CAROLINA,

*Office of Secretary of State:*

I, R. M. Sims, secretary of state, do hereby certify that the above is a true copy of the vote for Congressmen at the general election held November 2, 1880, in Hampton County, with the number of names on the poll-lists so far as returned to this office; and I do further certify that there are no other returns or poll-lists from any precinct, besides the above, on file in this office for Hampton County.

Witness my hand and the seal of State, at Columbia, this 16th day of February, A. D. 1881, and in the 105th year of American Independence.

[SEAL.]

R. M. SIMS,  
*Secretary of State.*

## AIKEN COUNTY.

| Vote for member of Congress.                     | George G. Tillman. | Robert Smalls. | Scattering. |
|--|--------------------|----------------|-------------|
| Vote at Hutto precinct.....                      | 107                | 4              | .....       |
| Vote at Fountain Academy precinct.....           | 194                | 83             | .....       |
| Vote at Vacluse precinct.....                    | 250                | .....          | .....       |
| Vote at Windsor precinct.....                    | 396                | 10             | .....       |
| Vote at Langley precinct.....                    | 336                | .....          | .....       |
| Vote at Sally's Store precinct.....              | 90                 | 26             | .....       |
| Vote at Creed's Store precinct.....              | 231                | 16             | .....       |
| Vote at Hankerson and Page's Store precinct..... | 354                | 139            | .....       |
| Vote at Silvertown Academy precinct.....         | 225                | .....          | .....       |
| Vote at Montmorenci precinct.....                | 148                | 31             | .....       |
| Vote at Kneece's Mill precinct.....              | 277                | 17             | .....       |
| Vote at H. D. Ott's precinct.....                | 65                 | 14             | .....       |
| Vote at Low Town Wells precinct.....             | 225                | 193            | .....       |
| Vote at Graniteville precinct.....               | 488                | 203            | .....       |
| Vote at Miles's Mills precinct.....              | 117                | .....          | .....       |
| Vote at Jordan's Mills precinct.....             | 235                | 113            | .....       |
| Vote at Aiken precinct.....                      | 719                | 383            | .....       |
| Vote at Jones' Cross Roads precinct.....         | 272                | 26             | .....       |
| Vote at Sumeer Hill precinct.....                | 247                | 209            | .....       |

*Number of names on poll-lists.*

|                                    |        |
|------------------------------------|--------|
| Sumner Hill precinct.....          | 459    |
| Low Town Wells precinct.....       | 418    |
| Fountain Academy precinct.....     | 287    |
| Vacluse precinct.....              | 253    |
| Windsor precinct.....              | 406    |
| Langley precinct.....              | 337    |
| Sally's Store precinct.....        | 116    |
| Creed's precinct.....              | 247    |
| Hankerson and Page's precinct..... | 500    |
| Silvertown Academy precinct.....   | 225    |
| Montmorenci precinct.....          | 187    |
| Kneece's Mill precinct.....        | 294    |
| H. D. Ott's precinct.....          | 78     |
| Graniteville precinct.....         | 712    |
| Hutto's precinct.....              | 112    |
| Miles's Mill precinct.....         | 117    |
| Jones's Cross Roads precinct.....  | 290    |
| Jordan's Mills precinct.....       | 348    |
| Aiken precinct.....                | 1, 103 |

STATE OF SOUTH CAROLINA,

*Office of Secretary of State:*

I, R. M. Sims, secretary of state, do hereby certify that the above is a true copy of the vote for Congressmen at the general election held November 2, 1880, in Aiken County, with the number of names on the poll-lists as returned by the managers of the various precincts.

Witness my hand and the seal of State, at Columbia, this 16th day of February, A. D. 1881, and in the 105th year of American Independence.

[SEAL.]

R. M. SIMS,  
Secretary of State.



STATE OF SOUTH CAROLINA,  
*Office of Secretary of State :*

I, R. M. Sims, secretary of state, do hereby certify that there were no poll-lists or precinct returns of votes cast at general election held November 2, 1881, sent to this office from the counties of Edgefield, Barnwell, and Colleton, by the county canvassers of the various counties above named, or by the managers of the various precincts in said counties.

Witness my hand and the seal of state, at Columbia, this 16th day of February, A. D. 1881, and in the 105th year of American Independence.

[SEAL.]

R. M. SIMS,  
*Secretary of State.*

STATE OF SOUTH CAROLINA,  
*Fifth Congressional District :*

ROBERT SMALLS, CONTESTANT, }  
   *v.* }  
 G. D. TILLMAN, CONTESTEE. }

To Hon. G. D. TILLMAN, *Contestee :*

Please take notice that I will offer in evidence certified copies of election returns, together with poll-lists, for said district, for the election held on the second day of November, 1880, from the office of secretary of state for South Carolina.

ROBERT SMALLS,  
*Contestant,*  
 By A. H. EZEKIEL,  
*Of Counsel.*

Service of copy of within accepted this 2d day of April, 1881, at Allendale, S. C.

JNO. W. HOLMES,  
*Counsel for Contestee.*

ELECTION LAW.

SECTION 1. That the general elections in this State shall be held, pursuant to the constitution thereof, on the first Tuesday following the first Monday in November in every second year, and the same shall be conducted at the voting precincts fixed and designated by law in the various counties, cities, and towns of this State.

SEC. 2. Every male citizen of the United States, of the age of twenty-one years and upwards, not laboring under disabilities named in the constitution, without distinction of race, color or former condition, who shall have been a resident of the State for one year, and in the county in which he offers to vote for sixty days next preceding any general election, shall be entitled to vote: *Provided*, That no person while kept in any alms-house or asylum, or of unsound mind, or confined in any public prison, shall be allowed to vote.

SEC. 3. That for the purpose of carrying on such election it shall be the duty of the governor, at least sixty days prior to any such election, to appoint in and for each county three commissioners of election, whose duty it shall be to appoint three managers of election for each election precinct of the county for which they shall respectively be ap-

pointed. The said commissioners of election and said managers of election shall take and subscribe, before any officer authorized to administer oaths, the oath of office prescribed by section 30 of article II of the constitution, and the same shall be immediately filed, in each instance, in the office of the clerk of the county in which said commissioners and managers shall be appointed; and if there be no such clerk duly qualified by law, then in the office of the secretary of state.

SEC. 4. The managers are authorized to appoint a clerk to assist them in whatever duties may be required of them, who shall take the oath of office prescribed by section 30 of article II of the constitution before the chairman of the board of managers.

SEC. 5. The commissioners aforesaid, and the managers aforesaid, at their first meetings respectively, shall proceed to organize themselves as a board, by appointing one of their number chairman of the board; and such chairman, in each instance, shall be empowered to administer the necessary oaths.

SEC. 6. The polls shall be opened at such voting-places as are designated by law at six o'clock in the forenoon, and close at six o'clock in the afternoon of the day of election, and shall be kept open during these hours without intermission or adjournment, and the managers shall administer to each person offering to vote an oath that he is qualified to vote at this election, according to the constitution of this State, and that he has not voted during this election.

SEC. 7. The State constables, and other peace officers of each county, are required to be present during the whole time that the polls are kept open, and until the election is completed; and they shall prevent all interference with the managers, and see that there is no interruption of good order. If there should be more than one polling-place in any county, the State constable is empowered and directed to make such assignment of his deputies, and other peace officers, to such polling-places as may, in his judgment, best subserve the purposes of quiet and order.

SEC. 8. The voting shall be by ballot, which shall contain written or printed, or partly written and partly printed, the names of the persons voted for, and the offices to which such persons are intended to be chosen; and shall be so folded as to conceal the contents; and such ballot shall be deposited in a box to be constructed, kept and disposed of as hereinafter provided.

SEC. 9. There shall be one general ticket, on which shall be the names of the persons voted for as Representatives in Congress, and State, circuit and county officers.

SEC. 10. The commissioners of election shall provide one box for each election precinct. An opening shall be made in the lid of such box not larger than shall be sufficient for a single ballot to be inserted therein at one time, through which each ballot received shall be inserted by the person voting and by no other; each box shall be provided with a sufficient lock, and such box shall be publicly opened and inspected to see that it is empty and secure, and then locked just before the opening of the poll, and the keys returned to the managers, and shall not be opened during the election. Each box for such precinct shall be labeled as follows: "Congress," "State," "Circuit," and "County Officers."

SEC. 11. Each clerk of the poll shall keep a poll-list, which shall contain one column, headed "Names of Voters"; and the name of each elector voting shall be entered by the clerk in such column.

SEC. 12. At the close of the election the managers and clerk shall immediately proceed publicly to open the ballot-box and count the ballots therein, and continue such count without adjournment or interruption until the same is completed, and make such statement of the result thereof, and sign the same, as the nature of the election shall require. If, in counting, two or more like ballots shall be found folded together compactly, only one shall be counted and the other destroyed; but if they bear different names the same shall be destroyed and not counted. If more ballots shall be found on opening the box than there are names on the poll-list, all the ballots shall be returned to the box and thoroughly mixed together, and one of the managers or the clerk, without seeing the ballots, shall draw therefrom and immediately destroy as many ballots as there are in excess of the number of names on the poll-list. Within three days thereafter the chairman of the board of managers, or one of them, to be designated in writing by the board, shall deliver to the commissioners of election the poll-list, the boxes containing the ballots, and a written statement of the result of the election in his precinct.

SEC. 13. The returns of the election of governor and lieutenant-governor shall be sealed up by the managers of election in their respective counties, and transmitted by mail to the seat of government, directed to the secretary of state, who shall deliver them to the speaker of the house of representatives at the next ensuing session of the general assembly, and a duplicate of said returns shall be filed with the clerks of the courts of said counties, whose duty it shall be to forward to the secretary of state a certified copy thereof, upon being notified that the returns previously forwarded by mail have not been received at his office.

SEC. 14. The commissioners of election shall meet in some convenient place at the county seat within three days after the close of the election, and shall proceed to organize, and shall form the county board of canvassers.

SEC. 15. The county board of canvassers, so organized, shall meet in some convenient place at the county seat on the Tuesday next following the election, before one o'clock in the afternoon of that day. They may appoint some competent person as secretary. The chairman shall then proceed to administer the constitutional oath to each member of the board as canvassers; and shall administer the constitutional oath to the secretary, and the secretary shall administer to the chairman the same oath that he shall have administered to the other members of the board.

SEC. 16. They shall then proceed to canvass the statements of the result of the election made by the several boards of managers, and shall make such statements thereof as the nature of the election shall require within ten days after the time of their organization as a board of county canvassers; that is, within ten days after the meeting referred to in section 14 of these instructions.

SEC. 17. They shall make separate statements of the whole number of votes given in such county for Representatives in Congress, and separate statements of all other votes given for other officers; such statements shall contain the names of the persons for whom such votes were given, and the number of votes given for each, which shall be written out in words at full length.

SEC. 18. Duplicate statements shall be made and filed in the office of the clerk of the county; and if there be no such clerk duly qualified according to law, then in the office of the secretary of state.

SEC. 19. There shall be prepared by the commissioners three separate lists of each statement, besides the lists to be filed in the office of the county clerk or secretary of state; and each list shall be certified to as correct by the signatures of the commissioners subscribed to such certificate. And the chairman of the board shall immediately deposit in the nearest post-office, directed to the governor, secretary of state, and comptroller-general (the full postage paid), each, one of the certified copies of the statements and certificates of votes so prepared.

SEC. 20. After the final adjournment of the board of county canvassers, and within the time prescribed by law (to wit, immediately after their adjournment, and certainly within three days thereafter), the chairman of said board shall forward, addressed to the governor and secretary of state, by a messenger, the returns, poll-lists, any protest, and all papers appertaining to the election; the said messenger to be paid his actual expenses upon a certificate to be furnished him by the secretary of state.

SEC. 21. At the close of the election, and within three days after the day thereof, the chairman of the board of managers, or one of the managers, who may be designated by the board, shall deliver to the commissioners of election the poll-lists and the boxes containing the ballots.

N. B.—It is not necessary to send poll-lists to secretary of state.

#### CONTESTEE'S PAPERS.

*Answer.*

WASHINGTON, D. C., *January 7th, 1881.*

Hon. ROBT SMALLS, *Beaufort, S. C.:*

SIR: In answer to the notice which you served upon me on the 13th December, ult., to the effect that you will contest my right to a seat in the next Congress as a Representative from the 5th district of South Carolina:

1st. I traverse and deny every allegation of fraud or intimidation charged against my political friends and supporters, in each and all of the sixteen grounds or specifications upon which you base your notice of contest.

2d. So far from my friends and followers having engaged in intimidation at or near the Lawtonville precinct in Hampton County on the day of election, I charge that your friends and supporters were the only men engaged in that sort of thing on that day, at or near the town of Lawtonville, and that they were your friends and supporters who killed Richard Calson, a white man, on the day of election near Lawtonville precinct, because he was a Democrat and had voted for me.

3d. I further charge that your political friends and followers, with a design to defeat me and elect you, indulged in wholesale intimidation to deter Democrats from voting for me and to try to make them vote by compulsion for you at the Blackville precinct, and at other precincts in Barnwell County before the election and at the election, and that to such an extent did your partisans carry their intimidation and bitter persecution of Democrats, that shortly after the election they wantonly killed Frederick, a colored man of said county, because he wore a red shirt, was a Democrat, and had voted the Democratic ticket at the late election.

4th. I further charge that your political friends and sympathizers at

several different precincts in each and every county of the Congressional district, either practiced or attempted to practice, every conceivable intimidation, physical, religious, moral or otherwise toward my supporters both before the election and on the day of election to prevent them from voting, for me, and since the election to punish them for having voted for me, and more especially do I make this charge against your political adherents in the whole county of Beaufort.

L. D. TILLMAN.

*Notice of contest for seat in the Forty-seventh Congress of the United States.*

THE STATE OF SOUTH CAROLINA,  
*County of Hampton :*

ROBERT SMALLS, CONTESTANT, }  
vs. }  
GEO. D. TILLMAN, CONTESTEE. }

(The notice of contestant which is filed at this point is omitted. It will be found printed on p. — *ante*.)

(Indorsed :) Robert Smalls, contestant, vs. George D. Tillman, contestee. Notice of contest and answer of contestee.

No. 9.

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

ROBERT SMALLS, CONTESTANT, }  
vs. }  
G. D. TILLMAN, CONTESTEE, }

To Hon. ROBERT SMALLS :

You are hereby notified that I will examine the following witnesses, all of whom reside in Edgefield County, relative to and touching the matters and things set forth in my answer to your notice of contest of my right to a seat in the Congress of the United States, to which you claim to have been elected at the November election of 1880, for the fifth Congressional district of South Carolina, and in reply to matters and things set forth in said notice of contest, and to evidence produced by you, before John T. Gaston, intendant in and for the town of Edgefield, in the court-house building, in said county and State, on the 21st day of March, A. D. 1881, at 10 o'clock a. m.; and will continue from day to day until the same be completed :

G. W. Wise, John Reynolds, James P. Norris, D. R. Durrison, C. L. Woodward, S. S. Tompkins, M. C. Butler, Abram Jones, J. B. Norris, Julius Day, James P. Coleman, Augustus White, M. A. Markert, J. C. Sheppard, P. Simpkins, L. Cain, O. Sheppard, C. L. B. Marsh, O. T. Culbreath, Dr. W. E. Prescott, B. F. Glanton, J. B. Hill, James F. Fazier, D. C. Tompkins, R. S. Anderson, I. C. Strom, Lewis Jones, L. P. Jones, W. J. Griffin, E. J. Goggans, C. M. Burkhalter, R. A. Cochran, W. T. Hundley, Felix Lake, L. Charlton, J. A. Holland, John Brunson, J. R. Carwile, Wm. Lott, J. H. Gardner, W. D. Outzs, E. L.

Stevens, and W. T. Walton, and such other witnesses as you will be notified of from time to time.

G. D. TILLMAN, *Contestee*,  
By BETTIS & WARDLAW, *Att'ys.*

Service of the above notice accepted 14th March, A. D. 1881.

P. SIMPKINS.

In the matter of the contest between Robert Smalls and G. D. Tillman, for a seat in the Congress of the United States from the 5th Congressional district, South Carolina.

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

To G. W. Wise, John Reynolds, James P. Norris, D. R. Durrison, C. L. Woodward, S. S. Tompkins, M. O. Butler, Abram Jones, J. B. Norris, Julius Day, James P. Coleman, Augustus White, M. A. Markert, J. C. Sheppard, P. Simkins, L. Cain, O. Sheppard, C. L. B. Marsh, O. T. Culbreath, W. E. Prescott, B. F. Glanton, J. B. Hill, James Frazier, D. C. Tompkins, R. S. Anderson, J. C. Strom, Lewis Jones, L. P. Jones, W. J. Griffin, E. J. Goggans, C. M. Burkhalter, R. A. Cochran, Rev. W. T. Hundley, Felix Lake, L. Charlton, J. A. Holland, John Brunson, J. R. Carwile, Wm. Lott, Jerry H. Gardner W. D. Outzs, E. L. Stevens, and W. T. Walton :

You and each of you are hereby summoned to appear before me at Edgefield court-house, in said county and State, on the 21st day of March, A. D. 1881, and will continue to be in attendance at the court from day to day, at 9 o'clock, to be then and there examined under oath by me respecting the contest by Robert Smalls of the right of G. D. Tillman to a seat in the Congress of the United States.

You will not fail herein under the penalty of twenty dollars each.

Given under my hand and official seal this — March, A. D. 1881.

[SEAL.]

JOHN T. GASTON,  
*Intendant, E. V.*

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

I, John T. Gaston, intendant of the town of Edgefield, of Edgefield County, of the State of South Carolina, do hereby certify that the annexed depositions of D. R. Durrison, R. S. Anderson, John Brunson, O. T. Culbreath, James P. Norris, E. L. Stevens, W. T. Walton, Lewis Jones, G. W. Wise, William Lott, John R. Carwile, Jerry H. Gardner, R. A. Cochran, James A. Holland, L. Charlton, P. Simkins, L. Cain, C. L. Woodward, S. S. Tompkins, O. Sheppard, E. J. Goggans, were taken on the 22d, 23d, 24th, 25th, 28th, 29th, and 31st days of March, and on the 1st, 2d days of April, A. D. 1881, pursuant and in all things conformable to the attached notice, between the hours of 8 a. m. and 6 p. m. of said days, and that contestant and contestee were present at examination by counsel, and that the said witnesses, whose depositions are hereunto attached, and whose names are contained in said notice, were by me first duly sworn according to law to tell the truth, and nothing but the truth, touching the matter in controversy between the parties, and their examination and testimony, together with the questions propounded to them by the parties, and reduced to writing by me and in my presence, and in the presence of the attorneys for contestant—that is, all except the witnesses—and after being carefully read over to

witnesses, were by them attested, by signing their names or making their mark to their respective depositions in my presence.

Signed, sealed by me, this 2d day of April, A. D. 1881.

[SEAL.]

JOHN T. GASTON,  
*Intendant, E. V.*

In the matter of the contest between Robert Smalls and G. D. Tillman,  
for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

Pursuant to notice served on Robert Smalls, whereof due and legal service accepted by contestant in the above-stated cause, I convened the court to take testimony of witnesses above named in said notice above mentioned. Robert Smalls, contestant, represented by A. H. Ezekiel, of counsel, and G. D. Tillman, represented by F. H. Wardlaw, counsel for contestee.

The examination adjourned to meet in court-house building, on Tuesday, 22d day of March, A. D. 1881.

I hereby certify the foregoing are the proceedings had before me this 21st day of March, 1881.

JOHN T. GASTON,  
*Intendant E. V.*

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

In the matter of the contest between Robert Smalls and G. D. Tillman  
for a seat in the Congress of the United States.

Pursuant to adjournment, the examination is resumed at the court-house building, Edgefield County, South Carolina, at 10 o'clock a. m., March 22, 1881.

Present, F. H. Wardlaw, counsel for contestee; P. Simkins, counsel for contestant.

SOUTH CAROLINA,  
*Edgefield County:*

E. J. GOGGANS, a witness of legal age, produced by contestee, after notice being waived by P. Simpkins, counsel for contestant, deposes as follows in reference to questions propounded by contestant's counsel:

Question. State your age, residence, and occupation.—Answer. Age, 46; residence, Edgefield County; occupation, school-teacher.

Q. Were you at Mt. Willing precinct on the day of last election?—A. I was.

Q. In what capacity?—A. Manager.

Q. At what time were the polls opened?—A. As directed by law—6 o'clock.

Q. Were the polls held at the usual place?—A. Held at same place where polls were held under Republican administration.

Q. George Balentine, in his testimony, says the polls were held in a little office twelve feet long and eight or nine feet wide; that the box was in the middle of the room. State where the box was placed.—A. The office was larger than he (Balentine) represents; the table was far enough in the door for parties to pass in and vote and go around the table and out of the door they came in at; table not larger than three feet square.

Q. Were the voters allowed to come in and vote and pass out freely ?  
—A. They were. When the door became crowded, I, as a manager, instructed that six whites and six blacks should be allowed to vote at the time; and at one time thirty colored men voted, one after the other, without a single white man voting.

Q. Was any discrimination made between voters in admitting them ?  
—A. Not a bit.

Q. Were many persons inside the house during the day; or, in other words, were any persons beside the managers, clerk, and supervisors allowed to remain after voting ?—A. Was not.

Q. Did any attempt to remain after voting ?—A. Some whites and some blacks loitered around, and I told them to get out; they did so.

Q. Did you remain all day ?—A. I did.

Q. Did the election pass off quietly ?—A. It did up to a late hour in the evening, when a disturbance occurred outside. I went to the door and saw L. Clark, a colored man, fire his pistol at a man on horseback; he then retreated five or ten paces, and fired again at same man. I heard one shot previous to first one. I saw Lucius Clark fire. I don't know who it was fired by. He (Clark) admitted to me that he fired three shots.

Q. That, then, started the row ?—A. It did, in my judgment.

Q. George Balentine states, in his testimony, that there were Democrats inside of the polls with arms. Is that so ?—A. The managers were not armed. If any person had arms, they were private parties, and no exhibition was made of them.

Q. Were the Republicans armed that day ?—A. They were better armed than the Democrats; the Republicans were armed with pistols and clubs; no demonstration was made until the row occurred; then both parties made some demonstration. I saw as many as seven shots fired by Republicans at Democrats before the Democrats knew they were being fired at.

Q. Did any colored men vote the Democratic ticket ?—A. They did; I know that a great many more than two, as stated by Valentine, voted the Democratic ticket.

Q. Who was on the Democratic ticket for Congress ?—A. G. D. Tillman.

Q. How could you tell how the voters voted ?—A. I saw the voters come in and pick up the Democratic ticket off the table, fold them, and vote them. In several instances, the colored men would come to back window and get Democratic tickets instead of the Republican tickets, and I would take the Republican ticket and give them Democratic tickets at their request; then they would come in with them; six at a time would come and vote, and I have every reason to believe would vote the Democratic ticket.

Q. Did you see any Republicans in uniform ?—A. I did not.

Q. Describe the manner in which the Republicans approached the poll.—A. In a boisterous, confident, noisy, exultant manner, as if they felt numerically strong enough to overawe and control the Democrats.

Q. Were not good many Democrats intimidated by this boisterous manner of the Republicans ?—A. There were a great deal of uneasiness among the Democrats on account of the manner and bearing of the Republicans, and on account of the constant effort made by Republicans to crowd the door by which they broke down the portico of the poll.

Q. Was not the manner of the Republicans turbulent, noisy ?—A. Yes, sir.



Q. Were not the Democrats lead to believe by the turbulent manner in which the Republicans approached the polls, and the threats that they had heard that the Republicans intended to take forcible possession of poll?—A. A great many of them were lead so to believe.

Q. What were some of those threats that the Democrats had heard?—

A. I was told the evening before that Samps Pope said (who is a colored Republican) that they had plenty of ammunition and whisky, and that many a white man would eat his last supper that night. On the evening before Rev. M. M. Padgett and Mr. Barnes were riding along the road and came upon a party going toward the polls, about 10 o'clock at night, and heard them make use of such expressions as these: "Shoot them, yes, shoot them, or, we will have our own way." These parties were armed. They understood they meant Democrats.

(The above answer objected to by P. Simkins, counsel for contestant.)

Q. Did not the Republicans congregate at Mt. Willing polling precinct?—A. Yes, sir.

Q. Was it not the intention of the Republicans, so far as the Democrats could learn, to congregate their voters at three or four precincts in the county?—A. That was evidently their intention.

Q. From all the information that the Democrats could get, was it not the intention of the Republicans to carry the election by force and intimidation?—A. They were thoroughly organized, and that was their intention, as I believe, from the best information I could get.

Q. Do you not know that the Republicans bought up all the arms, ammunition, &c., they could get just previous to the election?—A. I have been informed they did, and have every reason to believe they did.

(Objected to.)

Q. Were not bodies of armed colored men encamped in and around the polling precinct of Mt. Willing, the night before the election?—A. They were congregated in the neighborhood of the poll, several bodies.

Q. Did not, on the day of election, at Mt. Willing precinct, every voter have an opportunity to cast his vote if he so desired?—A. Yes, sir.

Q. Was it not the policy of the Republicans, so far as the Democrats could derive that information from individual members of the Republican party, to go to the polls and take forcible possession of same, and if they could not do that, leave and say they would not vote at all?—A. It was. Samps Pope, colored Republican, avowed a few days before that such was the policy of the Republican party.

Q. Was not Samps Pope the leader of the Republicans in that section?—A. He was.

Q. Have not the Democrats always had a majority of the Mt. Willing precinct?—A. Yes, sir; always, even under Republican rule they had.

Q. Did you see any intimidation at Mt. Willing on the day of election, except that exercised by Republicans upon the Democrats, as before stated, which was the firing of the Republicans upon Democrats with pistols?—A. I did not, and as a manager took particular pains to assure them, and invited them to vote before and after the firing, and they stated to me that if they could not have it their way, and vote as they pleased, they would not vote at all, and one Republican, who seemed to be a leader, told them they should not vote. When I went to the well there were about thirty Republicans there, and at least half of them had their pistols in their hands. George Valentine staid

about fifty yards of the polls the greater portion of the evening, and I sent to him to come back to his post and attend to his duties and he refused to do.

Q. Was not the only shooting done that day, done by Republicans?—A. The first firing was done by Republicans; after the Democrats found they were firing at them, they returned the fire; no effort was made to fire on any party save the one from whence the fire came.

Q. Did you hear any Democrats tell the Republicans to leave, that they should not vote there that day?—A. I did not.

Q. If such an order had been given would you not have known it?—A. I certainly would; and such an order would have been contrary to my expressed wish and instructions.

Q. Are all the colored men in your neighborhood Republicans?—A. They are, with few exceptions; but quite a number of colored Republicans voted the Democrat ticket, because they were satisfied that the Democratic rule was better than the Republican rule they had been under. The statement made by George Valentine, that one hundred and eighty or one hundred and ninety persons left there without voting, is not correct. George Valentine came in about one hour after the poll opened; his papers were not properly executed, therefore he was incompetent to serve as a United States supervisor; B. J. Bauknight, the Democratic supervisor, claimed as much. I told him to let him alone; we had no objection to him acting; and he did act until he went off, and refused to come back when sent for; and I further assert, that he had not been in any danger before he left, and would not have been in any if he had come back.

Cross-examination by PARIS SIMPKINS, counsel for contestant:

Q. Was there a single Republican present at the opening of the polls, and was the box opened so that all persons could see that it was perfectly empty?—A. The lid of the box was slid down and off; the box was exhibited to all persons present; and the Republicans were around the house and in the yard, and could see the box as it was being exhibited; and if they did not they shut their eyes or turned their back, for it was publicly done; and the man who did it struck the bottom of the box two or three licks, to show that it was fairly done.

Q. Do you know the name of a single Republican, of your own knowledge, who witnessed this exhibition; if so, mention them?—A. I think I can mention two, who, to the best of my knowledge, did witness it; but don't know positively that they did: Jim Neal, Emanuel Clark; others there, I don't remember.

Q. Were you in the room all day where the polls were being kept?—A. I was; with the exception of a few moments on two occasions; one immediately after the polls were opened. I walked out into the yard immediately in front, and talked to Jim Neal, Bob Brooks, and a number of other Republicans, and told them the polls were opened, to go in and vote, and let us make time and record as many votes as possible before the crowd came in; Jim Neal went in at my solicitation, voted by himself, and came out by himself. The other time I was out during that row, in order to restore quiet; then it was I approached the party at the well, as I have before stated.

Q. You say the voters were allowed to vote without any obstruction or hindrance. Is it possible for you to tell what was being done and said outside of the house, while you were inside?—A. Not everything; but could tell a great deal that was being done and said in front of the door, because I made it a point to see the voters enter and go out; and

on more than at least half a dozen cases after the portico was broken down by a crowd of Republicans, the voters had to climb up an incline plane. I gave my hand to Republican voters and pulled them up into the house; and on as many as two occasions, when very old and decrepit Republicans voted, I not only pulled them in but made the crowd get away and let them down and out; in two instances when Republicans were being pushed up the incline plane they dropped their pistols, which was picked up by Democrats standing around and handed back to them; by this means I heard and saw a good deal that was done and said outside of the house.

Q. Then you cannot say that you saw everything that transpired there that day?—A. I could not say that.

Q. You say that when the row began your attention was attracted by loud talking and the firing of a pistol; do you know or not that this first shot that you heard fired was fired by a Democrat at L. Clark?—A. I don't know who it was fired by nor at whom it was fired, but am satisfied it was not fired at Lucius Clark.

Q. Well, then, the firing of Lucius Clark was without any provocation?—A. In so far as I know. When I jumped up from the table and got to the door Lucius was walking toward the fence, away from the poll a few paces, turned and fired; he then went on to the fence, turned around, and fired again; he then got over the fence and left, and immediately thereafter I saw five, if not more, Republicans gather behind the screw and fire a volley back at the crowd near the polls. In the mean time I saw a number of Republicans running across toward the screw with their pistols in their hands; one, while he was running, fired his pistol in the direction he was going. About that time the Democrats fired at the parties at the screw, and followed them down into the field, about seventy-five yards from screw, about one hundred and fifty yards from polling place.

Q. During all this shooting was there any one hit?—A. Not of my own knowledge.

Q. You say Lucius Clark said to you since the election he fired three shots; did he assign any reasons for doing so?—A. He said that he thought there were going to be a general row, and that he would take care of himself, and that a Democrat on horseback had like to have rode over him.

(Objected to as being irrelevant.)

Q. You say you saw colored men fire at least seven shots at a squad of Democrats, and that the Democrats, seeing what was going on, only returned the fire after they had been shot at seven times; do you really mean to say that?—A. I mean that they only fired at those who fired at them, and made no effort to fire at other Republicans who went off in a different direction, and only those who were fired at took up the fire at all.

Q. You say the Republicans came to the polls that morning yelling in an exultant manner; is it not a fact that going to the polls yelling and making a great noise was one of the plans fixed on by the Democrats to terrorize and intimidate colored Republicans?—A. No such plan fixed on then, and no intention of intimidating any person, and the row was as much a surprise to me as could possibly be to anybody, and the Democrats were evidently taken by surprise, or the parties who fired at them would never have gotten the distance they did before they fired.

Q. You seem to know something of the plans and intentions of the Republicans; do you not know it to be a fact that wearing the red

shirt and yelling around the polls are schemes resorted to by the Democrats for the purpose of intimidating Republicans and keeping them away from the polls?—A. The red shirt is an emblem of loyalty to good government, and worn by all Democratic voters as a badge of distinction, and not for the purpose of intimidating anybody. The yelling I take to be a sort of spontaneous outburst of enthusiasm, engendered by associating men together for the purpose of opposing Radical rule and upholding white supremacy.

Q. Then you would regard the yelling of white men at the polls on the day of election as a badge of loyalty, and the yelling of colored men as a badge of disloyalty?—A. Not that exactly. I regard the yelling of either one or the other as an evidence of loyalty to party; but there is a great deal in the manner in which it is done, and on that day the peculiar manner and bearing of the Republicans impressed me with the belief that if they had had moral and physical courage they would have attempted to have taken charge of the polls.

Q. The reason you were thus impressed, I presume, was that you never witnessed colored men coming to the polls yelling before?—A. No; I have seen that before; and I have seen many of these demonstrations made on days of elections, and large mass-meetings held at court-house and other places in the county.

Q. Did the Republicans make any effort to take possession of the polls of which you were a manager?—A. They made no immediate direct effort, but by their constant and persistent effort to press upon the poll they caused many to believe they intended to do so.

Q. You state that every Republican had ample opportunity to vote; what, then, was the necessity for them to make this persistent effort to go in to vote, and what prevented them from doing so?—A. The pressure was not the outgrowth of necessity, but of diabolical meanness; even those who had voted, as their turn came, continued to press around the poll, instead of retiring after voting as did the Democrats.

Q. Will you mention some of the names of parties who pressed at the poll after voting?—A. Jacob Rhinehart, Alec Southard.

Q. You say that it was diabolical meanness that caused these men to press their way toward the polls; is it possible for you to know what were the motives which actuated them on that occasion?—A. I draw my conclusions from what I saw and what I had heard, and from the fact that they were having a fair showing, and being constantly assured that they should have. While they were being treated with kindness and proper consideration, they still continued to press and to annoy, and there was not a shadow of reason for doing so.

Q. You say it was the intention of the Republicans to congregate their voters at three or four boxes; do you not know that there were large numbers of colored voters at every polling precinct in Edgefield County?—A. I believe that it was their intention to congregate at a few boxes and carry them by one means or another, and especially at Mount Willing, as it was a notorious fact that the Republican party had always been badly beaten at that precinct, and I know that there were very few colored men voted at Etheridge's box and Caughman's store, and the major portion of those who did vote at those boxes voted the Democratic ticket; indeed, I do not believe there was a single Republican vote cast at Caughman's store, and these Republican voters all came to Mount Willing.

Q. About what was the Democratic majority at Mount Willing in 1872?—A. I can only say several hundred.

Q. Was the majority in 1880 much larger than of 1872?—A. Don't think it was; it was not as large as in 1876.

Q. You can't say positively how many Republicans left Mount Willing on the day of election without voting?—A. Not positive; but do not believe that there were fifty who left without voting.

Q. Then, you cannot swear that there were not 150 who did not vote, as you did not count them?—A. Could not say positive; but, to the best of my knowledge and belief, there were not that many.

Q. You say it was the intention of the Republicans to carry the election by force and intimidation; do you believe that there is a single Republican leader in Edgefield County who would advise such a course, unless he was an idiot or a fool?—A. I do not believe that there has been, or is, a single Republican leader in Edgefield County who would not advise such a course if it were not for the natural instincts of fear which impel them to look for self-preservation.

Q. You say you did not hear any Democrats say to Republican voters they should not vote; could they not have said so and you not have heard it?—A. They could have said so, but I do not believe they did, for it was the evident intention that every one should be allowed to vote.

Q. Is Samps Pope regarded by the white people of your section of country as being the leader of the Republican party, or is Dave Graham regarded as the leader? You said in your direct testimony that more enmity is entertained for Dave Graham than any other Republican of that neighborhood.—A. Samps Pope is so taken and accepted, or was in the last campaign, especially in the absence of Dave Graham. Samp is looked upon as sorter henchman under Dave to do dirty work and big talking, while Dave keeps his cowardly carcass at a safe distance. As to the enmity that exists against Dave it is not of such a nature as to prompt anybody to hurt him, for he is looked upon by both parties as being played out.

Q. Did Samp Pope and Dave Graham both vote?—A. Samp did, Dave did not; Samp were advised by his Democrat friends to go home, for the reason that if any difficulty should occur he might be hurt on account of the reports that were out about what he said in regard to white men eating their last supper, whisky, ammunition, &c.; he took this advice and left for home about 10 o'clock in the morning.

Q. Do you know why George Valentine left the polling place?—A. I think he was impelled by cowardly fear or possibly a desire to break up the box, for he was in no danger.

Q. Do you not know that there are a great many colored Republicans who are desirous of voting to please their employers, and as a device to mislead said employers they usually go to them or their friends and get a Democratic ticket and go toward the poll with it folded as if they intended to deposit that particular ballot, when at same time they would have their Republican ticket and would deposit it in lieu of the Democratic ticket, hoping thereby to maintain friendly relations?

(Objected to.)

A. I know there are a great many colored men who are desirous of voting at all times with the Democrats, but that many of them are kept from doing so by intimidation on the part of Republicans, and even some of those who do and have voted with the Democrats on the sly, exchanging Republican tickets for Democratic tickets, and in some instances enjoining upon those who gave them the Democratic tickets not to expose them.

Q. How do you reconcile your present statement to the statement

made by you on your direct examination that all of the colored men in your community are Republicans with but few exceptions, and that a number of known Republicans voted the Democratic ticket, because as they alleged that they preferred Democratic supremacy?—A. I reconcile it upon the ground that they are desirous of serving the interest of those upon whom they depend for employment and support, and that while they are Republicans they are influenced by the Democrats with whom they live to vote the ticket which they are told has upon it the names who are the exponents of honesty and good government rather than to vote the Republican ticket, which in the past, with a very few exceptions, was the synonym of all that was dishonest, low, vile, mean and vulgar.

Redirect:

Q. Is not Dave Graham an ex-Republican office-holder of notorious dishonesty?—A. He is an ex-member of the legislature and notoriously dishonest.

Cross-examined by P. SIMPKINS:

Q. Do you know anything of your own knowledge against Dave Graham which would cause you to pronounce him a dishonest man? If so, state it.—A. I know that he was directly and indirectly connected with the perpetration of frauds while a member of the legislature, else all public reports are false. Besides, during McDevitt's time there was several checks issued, aggregating over one thousand dollars, for the building of bridges which never were built, and that during the investigation made of the public debt by Governor Bonham I came to this place, and by one single affidavit killed out about fifteen hundred dollars' worth of claims against the county for bridges which never had a shadow of foundation upon facts or honesty. I have every reason to believe Dave Graham was directly connected with the perpetration of the frauds against the county.

Q. Then what you know about Dave Graham in his legislative capacity is entirely from rumor and hearsay, and as to the checks which were issued against the county for the building of bridges, you do not know of your own knowledge that Dave Graham ever received into his own hands the checks spoken of by you, and you do not know that he presented the checks to the referee for proof; hence your information on this point is derived from others.—A. My opinion is founded upon public and published reports, as to his complicity with the bridge matters. I have no direct evidence against him, as the checks had been bought up in the name of another man, and they were reported to the referee as the property of another man, and can't say the check ever did go into Dave Graham's hands.

Q. Is not the credit of Dave Graham good?—A. He has property, and his credit is good.

E. J. GOGGANS.

Sworn and subscribed to before me this 22d day of March, A. D. 1881.

[SEAL.]

JOHN GASTON,  
Intendant, E. V.

Deposition of P. Simpkins, in the matter of contest of Robert Smalls, against G. D. Tillman, for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

*Edgefield County:*

P. SIMPKINS, a witness of legal age, produced by contestee on due notice to contestant, deposes as follows:

Question. State your age, residence, and occupation.—Answer. I am 32 years old; reside at Edgefield Court House, and am a farmer.

Q. Were you a member of the house of representatives the two terms commencing in November, 1872, State of South Carolina?—A. I was.

Q. Did you use this language before the joint investigating committee of South Carolina on public frauds, at the regular session of 1877 and '8:

*Testimony of P. Simpkins.*

ROOMS JOINT INVESTIGATING COMMITTEE,  
Columbia, S. C., October 18, 1872.

PARIS SIMPKINS sworn, says:

I am a resident of Edgefield County. Was a member of the house of representatives two terms, commencing November, 1872. I voted for the claim of Hardy Solomon, for \$125,000. Solomon claimed that it was justly due him, but nevertheless, if I would support the measure, that he would give me 200 after the claim was passed. Mr. Solomon offered me a certificate of deposit in his bank. I preferred to take the amount out of his store in groceries, and this was accepted by Mr. Solomon. From time to time I obtained goods from his store, and they were charged on the books as if I had purchased regularly. When I had gotten what I supposed the amount of \$200, but which turned out something over when the books were cashed up, the book were receipted in full and I paid no money, so that I received really a little over \$200. After the accounts were receipted in the store by Mr. Donelson, I went to Mr. Solomon's bank, and Solomon (or Zealy who was the clerk in the bank, made some entry in a book there. I do not know what kind of an entry it was, but I suppose that it was done for the purpose of showing that he had paid me what he promised.

P. SIMPKINS.

And did you use the language also in the following affidavit:

P. SIMPKINS sworn, says:

Solomon's claim No. 2, for \$20,000, I think this was a claim for supplies furnished to penitentiary. Before this claim was passed and even after (until the statement hereafter made), I thought it was a just one; when Hardy Solomon met me and said that claim of mine is now all right, referring to its passage by both houses; I have something over \$1,400 to divide equally between the committee on claims. Said that he had agreed to give that committee something, but no one else. I was not a member of that committee, but Solomon evidently took me to be one. He then made a little calculation and told me that the amount coming to each member was \$214, as near as I can recollect, which he paid me at his bank, thinking (as already stated) that I was a member of the committee on claims, I did not tell him to the contrary. Mr. Zealy counted me the money in Solomon's presence. Solomon then ordered Zealy to write a note for me to sign for the amount of money he had paid me, in order, as he explained to me, that it would be regarded as a kind of loan, and that he might keep his money matters straight. I objected to signing the note, when he replied that I never would be called on to pay it, and then it would serve, if anything should turn up, to protect both him and me. I then signed it upon the further assurance by Solomon that he was going to require all the other members to give him a similar note. Solomon has never demanded that money from me, and it is now among the assets of that bank. I spoke to Solomon about it since the failure of his bank. He told me that Melton was his lawyer, and that I should give myself no uneasiness about the note, for if it had to be paid he would pay it, and that I should not be troubled. He said also that he was sorry that I had not called his attention to it before he turned his assets over to the receiver, for in that event he would have reserved it out; but said again, give yourself no uneasiness, I will see that you do not have it to pay.

P. SIMPKINS.

A. I was arrested by a State constable at Edgefield Court House, and carried to Columbia, S. C. I found that there were a great many leading Republicans arrested in various parts of the State, charged with some offense while members of the legislature of South Carolina. I was carried while under arrest before what purported to be a committee on frauds. I was then told by members of that committee privately as well as publicly that it was the intention of the Democrats to consign the last one of the leading Republicans to the penitentiary, and that if I knew anything against Hardy Solomon and John J. Patterson that now was the time they wanted to know it. They said that if I could tell anything against either Patterson or Solomon, and the committee could be satisfied that what was told could be used as evidence, that then in that event the party so testifying would be granted full and free immunity, but if they could not tell anything which could be used as evidence against those parties, then I would have to go to jail and await my trial before the State courts. While I was in the room the constable who had charge of me was standing at the door awaiting the result of the investigation in obedience to the order of the committee. After I was told by the committee what they wanted, and knowing from what they had told me that unless I did tell something which could be used as evidence against Solomon and Patterson, that I would be sent to the penitentiary, whether I was guilty of any offense or not, I proceeded to make a statement under protest, hoping thereby to purchase my freedom, and escape the penitentiary. I did in my statement before that committee say something which I knew could be used as evidence against the parties whom the committee appeared so desirous of ascertaining something which would lead to their conviction. As to the statement attributed to me by the committee, I will say now that there never was a corrupt bargain or agreement between me and Mr. Solomon, or any one else. The statement claimed to have been made by me to my best recollection has been considerably changed and doctored up to suit the emergency. I was under duress at the time, and signed the paper handed me by the committee without ever reading it, my only object being the acquisition of my freedom. After I had signed this paper I was told by the committee that the paper that I had signed would never be used against me in any cause, as their only object was to go for Patterson and Solomon. I would have signed under the circumstances almost any kind of a document that might have been presented to me. I was advised by my friends that I had better concoct a story which would be satisfactory to the committee, and thereby secure my release from under arrest, or the probabilities were that I would be vigorously prosecuted by the Democrats, and sent to the penitentiary for party purposes if no other; the paper I signed was taken off aside and read by members of the committee, not in my hearing, however; then they returned to where I was, and said that that was satisfactory to them, and that they would order the constable to discharge me; the constable discharged me promptly after he was ordered to do so; the chairman of the committee gave me \$20 to pay my expenses, and said upon discharging me that if I was ever called upon to testify against either Solomon or Patterson that I must do so promptly, as they intended to prosecute those parties, Patterson particularly, as it was very desirous to have his seat vacated in the United States Senate. Any statement I may have signed implicating me in any manner was not true, but was only made with a view of rescuing myself, if possible, from out of the hands of a bitter and vindictive foe. I think I did vote for Mr. Solomon's claims, but I did so after carefully



examining into their validity and honesty, coming to the conclusion that these claims were just and due; there was no other alternative left me as a member of the legislature but to vote for their passage. I distinctly recollect that while these claims were on their passage, that the Democratic members of the house, or a majority of them, voted for them just as I did.

P. SIMKINS.

Sworn and subscribed to before me this 23rd day of March, A. D. 1881.

[SEAL.]

JOHN T. GASTON,  
Intendant, E. V.

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

Contested election for a seat in the Forty-seventh Congress.

ROBERT SMALLS, CONTESTANT, }  
  *vs.* }  
G. D. TILLMAN, CONTESTEE. }

O. T. CULBREATH, being duly sworn, says on oath :

By T. H. WARDLAW, counsel for contestee :

Question. State your age, residence, and occupation.—Answer. Age, 41; residence Edgefield County, and farmer. .

Q. Were you at Red Hill precinct on the day of the last election?—

A. I was.

Q. In what capacity?—A. As manager.

Q. At what time did the polls open that morning?—A. Exactly at 6 o'clock.

Q. Did you open and examine the box to see that it was all right, previous to voting?—A. Yes, sir; the box was in a window, it being hoisted; the lid was taken off the box, turned bottom uppermost, so all could see; after that the lid was replaced and the box stationed in the window, and kept there all day until 6 o'clock in the evening.

Q. Were there many persons in and about the polls when they opened?—A. About seventy-five; white and colored.

Q. Anderson Carter states in his testimony that he arrived at the polls one-quarter before 6 in the morning, and that the polls were not opened at 6 o'clock; is that so?—A. It is not; positively.

Q. Did the managers tell Carter that he could not serve as supervisor?—A. They did not; no managers spoke to him except myself.

Q. Were there many Republicans about the polls?—A. No, sir; at no time during the day.

Q. Was Mr. Ben. Glanton a manager?—A. He was a supervisor.

Q. Did any Republicans attempt to vote at that box that day?—A. They did not: a good many colored men came up to vote and said they wanted to vote for J. W. Talbert, who was a Democratic nominee for the legislature; they did not care anything about the balance.

Q. Did you see or hear of any violence offered Anderson Carter?—A. I did not.

Q. Who was on the Democratic ticket for Congress?—A. G. D. Tillman.

Q. Were all the voters who attempted to vote allowed to do so freely?  
—A. They were.

Q. Did you vote?—A. I voted for G. D. Tillman for Congress.

Q. At previous elections have there not been a good many Republican votes polled at Red Hill?—A. I have not been a manager before, and can't say; but have seen them there with their tickets, and I suppose they voted.

Q. As far as the Democratic party learned the intention of the Republican party, was it not their intention to mass their voters at three or four different boxes in the county?—A. I have on my plantation about twenty-three voters; they told me on the morning before the election that part was to go to Shaw's Mill, and part to Edgefield village; those who went to Shaw's Mill was to start Tuesday morning; which is seven miles from my house; those to village were to leave Monday, at 12 o'clock; and they did so.

Q. Do you not know that it is a notorious fact that the Republicans bought all the arms and ammunition they could, prior to the election and made threats that they would carry the election at all hazards?—A. It was; some of the voters received orders on Sunday to go to village; I told them to go to my box, and I would see that they voted.

Q. Was not Red Hill their nearest precinct?—A. It was.

Q. If they had gone there, could they have voted?—A. They could; some of them have been living with me fifteen years; and they would have gone there if they had not been afraid of the Republican leaders; that is my opinion.

Q. Anderson Carter says in his testimony that a party of men tore up one of his papers; if that had been the case, would you not have heard something of it as manager?—A. I think I would. I would like to state what passed between Glanton, Carter, and myself. I run a public mill and gin and my time governs the neighborhood; I got to the box 10 minutes before 6 o'clock. Carter was not there; the Democratic supervisor was not there; about 5 minutes before 6 o'clock Democratic supervisor came; I ask for the other supervisor, Carter. About 3 minutes before 6 o'clock, they told me there was a colored man in the other room; I went in to see him; Mr. Glanton, the Democratic supervisor, called him out on the piazza; he had some one with him, I supposed for a clerk; Mr. Glanton ask him to allow him (Glanton) to see his papers; he showed his papers except his oath—had none; Glanton then ask me would I receive him as supervisor without his oath as manager, but if he would come to Edgefield and get his oath and come back, we would take him. His clerk, or the man I supposed to be his clerk, says the gentleman is right; we have not got the right to act and that's fair, let's go.

Q. He then had never qualified as supervisor?—A. He did not.

Q. Did either you or Mr. Glanton offer any personal violence; or did you hear Mr. Glanton say God d—n you, you can't act here to-day?—A. I did not.

Q. If such language had been used, would you not have heard it?—A. I would.

Q. Carter says he left there because he thought he would be killed, could he not have voted if he had desired to do so?—A. He was treated as kind as I was and could have voted if he desired to do.

Q. What time did polls close?—A. Precisely at 6 o'clock.

Q. Was not the box sent up to the commissioners in accordance to law?—A. It was.

Q. Were not the votes counted publicly?—A. They were counted before everybody that were there; everything was done fairly and squarely at that box on that day; no intimidation whatever.

Cross-examined by P. SIMKINS, counsel for contestant :

Q. You say the polls opened exactly at 6 o'clock, will you please tell about how high the sun was ?—A. It was just about daybreak ; we opened by candle-light.

Q. Then it was so dark that you could not see everything that went on about the polls ?—A. There was a log heap of fire in the yard and lamps in the house burning.

Q. You say when the polls opened there were about seventy-five persons present, some white and some colored ; can you tell what proportion of them were colored ?—A. About twenty colored men voted by 8 o'clock in the morning.

Q. Do you mean to say that it was not  $\frac{1}{4}$  past 6 by your watch when A. Carter got there ; or do you mean by the clock kept in the store there ?—A. I was not regulated by any clock, but governed entirely by my own watch in opening and closing the polls.

Q. Do you know whether A. Carter had a watch or not ?—A. I do not.

Q. Is it not probable that it was  $\frac{1}{4}$  before 6 o'clock by some watches there that morning when the polls opened ?—A. I do not know ; I saw no watch except my own ; can say that there were none ; my watch regulated the managers that day.

Q. You say that there were at least twenty colored men who voted the Democratic ticket at your box that day ; were they Democrats or Republicans ?—A. I judge from the way they voted.

Q. Can you mention the names of any of the 20 men whom you say voted the Democratic ticket that day ?—A. Peter Holmes, Aaron Harris, and two men on Capt. Miner's place ; I remember the men, but do not their names.

Q. You say you declined to allow A. Carter to serve as supervisor, because he failed to produce his oath of office ; is it your understanding of the law that supervisors are to present their oath of office to the managers before they are allowed to serve ?—A. That is my understanding of the law.

Q. You say you agreed that Carter should serve if he would go to Edgefield Court House, and get his oath, and bring it back to Red Hill, and present it to the board of managers ; will you please tell about how far he would have been compelled to travel in making that trip, and about what time of the day he could have gotten back to Red Hill ?—A. Traveled about twenty-four miles ; and could have returned by 11 o'clock ; I saw him last about 3 minutes before 6 o'clock ; I don't know whether he was riding or walking.

Q. You say you were told that a colored man was in the adjoining room which proved to be Carter ; can you say who saw him there first, you or Mr. Ben. Glanton ?—A. I could not say.

Q. Then is it not possible that Mr. Glanton saw him before you got there and told him that he should not serve as supervisor ?—A. Glanton, Carter, and myself all walked out of store on piazza together, and I heard the conversation that passed among them.

Q. You say you could not see well without a light ; is it not probable that some one could have taken Carter's papers away from him without your seeing him ?—A. Carter was on the north side of the house by himself ; the crowd was near the box at the south side, and to the best of my belief they did not trouble him or his papers.

Q. You say you have seen Republicans at Red Hill with their tickets at previous election ; can you state whether you have seen any there since the election of 1876 ?—A. I can't state positively.

Q. How do you know it was the intention of the Republicans to assemble their voters at three or four boxes?—A. I had the negroes on my place to tell me they were ordered, some to Shaw's mill, and some to Edgefield, and to go on foot; and I know those on my place, ten in number, who owned mules walked; seven went to Shaw's mills, and sixteen or seventeen went to Edgefield.

Q. Will you mention the names of the men on your place who told you that the Republicans intended massing their voters at three or four boxes in the county, and from whom they received their orders?—A. None told me that; they only told me they were ordered up here; did not tell me by whom.

Q. You say the Republicans bought all the arms they could get just prior to the election, and that it was the understanding that they intended to carry the election at all hazards; will you please name some Republicans who so armed themselves, and from whom you derived your information as to what they intended to do in regard to carrying the election?—A. That was a general rumor throughout the country; I have no positive information as to this matter.

Q. After Carter left the immediate vicinity of the box, you can't say what was said or done to him of your own knowledge, can you?—A. I cannot; I saw no men coming from that way.

Q. Were there any Democrats there that day with red shirts on? (Objected to.)

A. None that I remember.

Q. Did you see any Democrats there that day armed with pistols?—A. I did not.

Q. Was there any hallooing or yelling there that day?—A. No more than usual at such places.

O. T. CULBREATH.

Sworn and subscribed to this 23d day of March, 1881.

[SEAL.]

JOHN T. GASTON,

*Intendant.*

LAURENCE CAIN, a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by attorney for contestee:

Question. Where do you reside, what is your age and occupation?—Answer. Age, 37; live in Edgefield village, and am a merchant.

Q. Were you a member of the legislature of South Carolina from 1868 to 1876, included?—A. I was.

Q. Did you use the following language before the joint investigating committee in Columbia, S. C., on 25th October, 1877:

When the \$90,000 furniture claims of J. B. Dennis was before the house of representatives, he took me into the speaker's room one day, and told me there was a little margin in it, and if I would support it and use my influence for it, he would give me \$150. It went on until the next session, and Dennis had given me nothing; and one day I met him near the State-house, and reminded him that he had not done as he promised me, and said, "Look here, I am hard up, and if you will give me \$50 will call it square." I got into his buggy with him, and we rode up to the Carolina National Bank, and he got the \$50 and gave it to me.

LAWRENCE CAIN.

And also the language in the following affidavit:

COLUMBIA, S. C., October 25, 1877.

LAURENCE CAIN, being sworn, says that he resides at Edgefield Court House, and is a farmer; was elected to the legislature in 1868, and served in the house and senate to-

gether until 1876, inclusive; I was a member of the senate committee on contingent accounts just before the close of the session at which \$10,000 was appropriated as the contingent for the senate; committee met, and among the accounts that were presented was one for Hardy Solomon for wines, liquors, cigars, &c., and one by B. F. Whittemore, for \$1,000 for rent of Patterson House, where he had boarded that winter, and also one by B. F. Whittemore for an account at Hardy Solomon against him for \$500 or \$600, for wood and set of harness, &c.; these accounts were, after a great deal of difficulty and quarreling, approved by the committee, and ordered paid; the approval and ordering paid was after the adjournment of the senate in the spring of 1875, either the day of the adjournment or within a day or two. After all the contingent accounts was settled, there remained of the appropriation \$10,000, a balance of enough to give each member of the committee who were present (seven in number), something over \$200 apiece; these certificates was made out in Woodruff's name; the seven senators were W. B. Nash, of Richland; W. R. Jervey, and S. E. Gaillard, of Charleston; J. M. Smith, of Barnwell; Dublin J. Walker, of Chester; J. H. White, of York, and myself.

LAURENCE CAIN.

And also the language embraced in the following affidavit:

COLUMBIA, S. C., October 25, 1877.

LAURENCE CAIN, being duly sworn, says that he is a resident of Edgefield County, and a farmer by occupation; that he was elected to the lower house of the general assembly in 1868, and served two terms, and was then elected to the senate and served one term, which ended in 1876. When the bill providing for the payment Hardy Solomon's claim came before the senate for consideration I moved to postpone the consideration of it. From this fact, Mr. Solomon thought that I was opposed to the bill and called me into his bank and showed me his papers and accounts and explained them all. Said that the Democrats were favorable to the measure and expressed surprise that the Republicans should oppose the measure, as he had done so much for the Republican party, and that he had sold the goods to the institution here but had done so from such times that he could afford to take care of his friends. I left after awhile without making any promise or other arrangement with him. A few days thereafter W. R. Jervey, then a senator, waited upon Mr. Solomon in reference to the bill in behalf of himself and other senators and reported that Mr. Solomon was willing to pay the party \$5,000 and no more. A short time thereafter I saw Mr. Solomon and he told me that a party of senators seem disposed to combine against him to defeat him, and he remarked that he would suffer defeat before he would accede to their terms and offered to give me \$1,500 to support his measure but no agreement was made at that time. Finally it was agreed that a party of us should receive for our support of the bill the sum of \$5,000. I received of that sum a little more than \$600. There were eight of us, myself, W. R. Jervey, W. E. Johnston, Moses Martin, J. W. White, C. D. Hayne, F. A. Clinton, and Dublin J. Walker. I am satisfied that these were the parties. This was paid to us by a certificate of deposit in his bank on which I got the money.

LAURENCE CAIN.

A. To best of my recollection there are some things contained in those statements above, which were not read to me when presented to me for my signature. I never read them myself but heard them read by the clerk of the committee. I'll state in explanation of my action before that committee, that I was met about six weeks before I was summoned before it by one of its members who questioned me very closely as to whether I could tell anything to that committee about the frauds committed against the State by John J. Patterson, John B. Dennis, F. L. Cardoza, and other leading Republicans. I told that member that I knew nothing that was material against those parties. He then said to me it is very probable that you will appear before that committee to tell what you do know. I asked him at the time would my expenses be borne by the State if summoned before that committee, and he told me yes. I then asked said member of the committee if he would do me the favor of writing for me when he needed me instead of having me arrested. I particularly urged him to do this because my wife was just about recovering from a very severe nervous attack which was brought on by the political excitement during the campaign of 1876. He promised me that he would do this. About two

weeks after this conversation I was written to by a friend of mine who was a member of the legislature same time that I was, urging me to come to see him; he wanted to see me on some particular business. I went to his house in obedience to his request; he told me that he had been before this committee and he was satisfied that they were going to summons me and he had written me in order to tell me how he had gotten out of it and to advise me to pursue the same course. He told me the committee was not after any of the natives of the State as far as he could learn except Cardoza and Smalls, but any evidence that would lead to the conviction of Patterson, John B. Dennis, and other carpet-baggers was what this committee wanted. I told him I knew nothing against those men that the committee would consider material, and therefore did not know what I would do. He said to me if I would notify him when summoned before the committee he would lend me all of the assistance he could. I promised him I would and this was the understanding when I left his home. In about one week after this time I was summoned before this committee by letter, and in accordance with the agreement this friend referred to met me in Columbia and about two hours before I appeared before the committee on the day referred to, I and this friend were in the lobby of the State-house trying to concoct a tale that we thought would be satisfactory to the committee. We reduced what I was to tell to writing, and when the chairman of the committee came in this writing was submitted to him by my friend. He decided that nothing that I could tell then would be sufficient to liberate me. Then I had a conference with the chairman myself, and he told me they wanted evidence against carpet-baggers and Cardoza, and what I told in that committee-room would be held perfectly sacred by that committee; never used against me nor the parties implicated; but if used at all would have to be told by me on the stand. Finding the tale we had agreed upon was considered immaterial by the chairman, we again went to work to fix up something else, and under this agreement I made several statements in order to purchase my liberty from this committee. At that time I had an invalid wife and five little children who were entirely dependent upon me for their support, and I would have signed almost anything rather than see them left alone with no one to care for them. In addition, I was advised by friends and a legal adviser to sign almost anything rather than to be subjected to imprisonment in the penitentiary. I was not only assured by the chairman, but by the whole committee, when before them, that the statement I made there would not be made public. After I had testified, the chairman of the committee followed me out of the committee-room into the lobby, and asked me if I had any Bonanza warrant or claims against the State. I told him that I had three or four hundred dollars' worth, I thought. He then said that it was very probable that I would have to give them to the committee, and if I was called on for them that I had better do so. I told him I would hate very badly to give up my claims; but of course, if the demand was made by the committee, I would do so. He then settled with me as a witness, and told me that I could go home.

Q. You were elected to the legislature as a Republican?—A. I was.

Cross-examined by P. SIMPKINS, counsel for contestant:

Q. What did you understand from the newspapers of the State and common rumor was the object of the Democratic party in having all the leading and influential Republicans arrested throughout the State just after they got the control of the State government and prior to your

testifying before the committee on frauds; was it not that their object was to incarcerate the leading Republicans on the slightest pretext in the penitentiary, and thereby deter and demoralize the masses in order to prevent them from ever again endeavoring to gain control of the State politically?

(Objected to on the ground that it is incompetent, because it is only a matter of opinion, and because it is not in reply to the direct examination, and because it was not brought out on the direct examination that these parties were arrested by Democrats, and that the witness is not competent to testify what the intention of the Democratic party was.)

A. My understanding was they intended to drive carpet-baggers and leading Republicans from the State; to convict and incarcerate those who had the moral courage to stay, and thereby break up the Republican party.

(Objected to as a matter of opinion.)

Q. What you stated before that committee, implicating yourself in the frauds against the State, was not true, if I understand you, but was made through fear of imprisonment, and with the further understanding that you were to be entirely exonerated?—A. The statements made by me were certainly made to exonerate myself, as I had been assured by the committee that any statement I made there would not be used against me. What I mean by exonerating myself was to free me from arrest and imprisonment.

Q. Since the committee have concluded their labor in taking such testimony as they could extort against leading Republicans, what do you find now from facts and circumstances to have been one of their principal objects; was it not to blacken the character and forever destroy the good name of those men in order to render them valueless and useless to their party as leaders?

(Objected to because the report of the committee shows for what purpose these affidavits were taken.)

A. My opinion is that that is their main object, from the fact that Democrats in this State, even to-day, never fail to use that testimony that was extorted on the stump or on the witness stand when they find one of the parties from whom it was extorted being used as a witness, or acting in any way to advance the cause of his party.

LAWRENCE CAIN.

Sworn and subscribed to before me this 24th March, A. D. 1881.

[SEAL.]

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

In the matter of the contest of Robert Smalls against G. D. Tillman for a seat in the Congress of the United States.

O. SHEPPARD, a witness of legal age, produced by contestee after due notice to contestant, deposes as follows to questions propounded to him:

Question. State your age, residence, and occupation?—Answer. Thirty-six years old; occupation, lawyer; reside at Edgefield village.

Q. Were you present on the day of last election at Edgefield Court House precinct?—A. I was.

Q. Do you know of any threats or intimidation on the day of last election; or of any violence committed by Republicans?—A. I was

here from the opening of the polls to the closing. I did not hear any threats, but will explain what I saw and heard. I was standing at the foot of court-house steps, which lead to the room in which the polls were held. About the time the crowd of colored people pressed up to the court-house steps, there was a tall young colored man whom I do not know. He looked up toward the court-house door and says, "They don't want to fight," in a sneering way. He meant the Democrats. I replied, "That I inferred from what he had said and from the demonstration I had seen that they came here to provoke a fight, and if that was what they wanted they could get it, but that I did not intend that he should be a party to it; that I would have him put in jail." Preston Blackwell, who was a constable, I told him to put him in jail on account of threatening manner and bulldozing style. Preston Blackwell started to him to do what I had asked him to do. I was trying to keep the peace. I think Norman Youngblood and others rushed up and said if I would not have him put in jail that they would see that he kept his mouth and not have any more trouble. I then told them that we did not want any fuss, and if they did not bring it on there would be none. I then told Preston Blackwell if they would keep him quiet not to put him in jail. They came up in very threatening attitude, waving their sticks and hallooing, hurraing, &c., and there was no demonstration at all on the part of the white people that would warrant such conduct on their part, and I certainly thought by their manner that they intended to provoke a riot. Our purpose was, if possible, to have a peaceable and quiet election; and a serious riot, and, I am apprehensive, bloodshed, was only avoided by the quiet and peaceable demeanor of the white people and their forbearance. I am satisfied from remarks I heard made by colored men that day, that they came here prepared, expected, and wanted a riot that day, and this serious affair was only avoided by the coolness and forbearance of the white people, for the whites generally are friends of the colored man, and want to keep peace with them, and live on peaceable terms, which we could do if it were not for their leaders. I saw no opposition on the part of any white people to anybody voting that day, and did not hear anybody object to any person voting on that day. Of course to have order and decency there were parties stationed at the door to let in parties to vote, but no discrimination was made that I saw; and I saw a good many colored men vote. I went up with them to show them that there was no discrimination. Wat. Cromer and Charley Holmes and others voted. I saw them; they are leading Republicans. When they started off, myself and others begged them to come back, stay, and vote, that there was plenty of time for all to vote. This was about 2 o'clock, I think.

Q. Was not the polling precinct in the same place that it was in 1876, where it was established by the Republicans?—A. It was.

Q. Did you see any arms among the Republicans?—A. I saw arms, but none drawn.

Q. Did you vote?—A. I did; voted for G. D. Tillman for Congress.

Q. Were not some of the Democrats intimidated by the manner in which the Republicans approached the polls?—A. I think they were. I think I saw men who were very apprehensive and uneasy about the consequences which would naturally result from a riot between two such bodies of men, and which was very imminent from the attitude of the Republicans at that time.

Q. As far as you were able to see, were not each and every one of the Republicans armed with clubs on that day?—A. I don't say I saw



every one of them ; but I saw a great many with clubs, not walking-sticks.

Q. Were you cognizant of the fact that large bodies of colored Republicans were encamped near and around the town of Edgefield ?—A. I only heard so.

Q. Has it not been the custom, so far as your experience goes, for colored Republicans to mass their voters at this box and take possession of it ?—A. Previous to 1878 there has been two boxes at Edgefield Court House, and it was the custom to mass a large proportion of their voters at this place.

Q. Was it not the intention of the Republican party, as far as their intention could be ascertained from individual members of their party, to mass their voters at two or three boxes in the county ?—A. I think it was, from what I heard.

(Objected to as matter of opinion.)

Q. Was it not a general report that the Republicans had bought up all the arms and ammunition they could get, and that threats that they had made reached the ears of the Democrats that the Republicans intended to carry the election at all hazards ?—A. I heard such rumors.

Q. Did you not, on the day of the election, see large bodies of Republicans armed with clubs and pistols, hallooing, yelling, led by a man on horseback, and come near the polls in a turbulent manner ?—A. I saw Mose Morton leading a large body of Republicans up near the poll. They were cheering, yelling, and in a turbulent manner they came as close as ten paces of the court-house steps where the polls were held.

Cross-examination by P. SIMKINS, counsel for contestant:

Q. Were you in the town of Edgefield on the night previous to the election ?—A. I was.

Q. Is it not a fact that large bodies of Democrats, mounted and armed with pistols, paraded through the streets of Edgefield ; and did they not fire off their pistols while thus parading, and were they not uniformed in red shirts ?—A. I saw a considerable number of Democrats the night before the election ; some had on red shirts, others did not. I can't say anything about the parading through the streets. If that had been done I think I would have seen it. I was on the streets and in town till about three o'clock in the morning. I heard no firing that I remember of.

Q. Do you not know that the polling precinct was taken possession of by the Democrats on the night previous to the election, and that they remained in possession of said precinct until the voting closed ?—

A. I do not know anything of the kind. The court-house is a public building, and is used by the public, and the voting was held in the court-house. The box, according to law, was opened at 6 o'clock and to be closed at 6 o'clock. Several white men came in town the night before the election and asked me where they could stay, and I told them they could stay in the court-house. I went to the clerk of the court, who is the custodian of the key, and got it myself, and they staid in the court-house in that way, without reference to its being the polling place. I think about 150 men were in the village ; not more than 50 men were in the court-house at any one time, to the best of my belief. I left for home about the time the polls closed, and before that most of the colored men had left, and therefore I do not know whether any one staid in the court-house on night of the day of election.

Q. You say there was a tall colored man standing in front of the court-house with other colored voters, who was quite turbulent, and

seemed to be anxious for a row ; that seeing the trouble that might arise you ordered his arrest, and that several colored men, rushed up to you and urged you not to have the party put in jail ; that they would take charge of and keep him quiet. Did those four colored men, who made this request of you, show any disposition to disregard your orders and to join in with this turbulent character in precipitating a riot ?—A. In the first place, I had no right to issue an order ; I was only anxious, as a public citizen, to see that peace should be preserved ; and besides, we wanted nothing but peace, and Mr. Blackwell, being a State constable, and I drawing the only inference that was possible under the circumstances, that he and his crowd came here for a row, I took that method of putting a stop to it, if possible, in order to preserve the peace. In my judgment, had it not been for that, his conduct would have precipitated a serious riot, in which numbers of lives would inevitably have been lost. These colored men who came to me and asked me not to have him arrested did not seem to be actuated by the same malice that he was, but I believe that they saw that we were prepared for them, and had it not been for that they would have been just as keen as he was. This is my opinion. I did not see those parties do any acts of violence, but they were in the same crowd with him ; he seemed to be a leader ; he was in front of the crowd, and had an outrageous, an awful large club, and seemed to be actuated by the utmost venom.

Q. You said in your direct testimony, if I mistake not, that there came into town on the day of the election large bodies of colored men ; will you please state about how many you think came into town that day ?—A. I suppose about twelve or fifteen hundred ; don't think more than twelve hundred ; I can't tell exactly.

Q. I suppose it was impossible for you to see all the colored men that were in town on the day of election, was it not ?—A. No, it was not ; but don't think I saw them all at one time.

Q. Then you can't say that all of them, or any considerable number of them, made violent demonstration or violated the law while they were in town ?—A. I say most emphatically that most of them were very violent and threatening in their demeanor ; but as to any specific violation of the law I can't say.

Q. Is it not true that there came into town constantly on the day of election mounted Democrats, uniformed in red shirts, and yelling as they would come toward the polls ?—A. Some of the Democrats had on red shirts, and most of the yelling, that I remember of, was in response to the yells and jeers of the Republicans ; as to the mounted Democrats, I don't remember of seeing many coming in that day.

Q. Do you not know it to be the truth, that coming to the polls on election days yelling and hallooing, in every conceivable manner was a precedent first established by the Democrats themselves as a means of terrorizing and intimidating Republican voters ?—A. I do not know anything of the kind.

Q. You stated that prior to the election of 1878 that there were two polling precincts in Edgefield Village, and that they were established by law passed by the Republicans when they were in power, and that, in your opinion, the Republicans always polled a large vote at said precinct ; will you please tell what party was in power when the law passed changing the election precinct, and fixing only one box for Edgefield Court House ; tell, also, if you can, why this law was changed.—A. That law was passed by the Republicans creating two boxes here, which, I think, was done for the purpose of enabling the voters to repeat, and that the law was changed by the Democrats for the identical purpose of keep-

ing the voters from repeating; I don't know this to be so, but I believe it.

Q. Do you not know it to be true that there were Democrats at Edgefield Court House on election last from various portions of Edgefield County?—A. Yes; and Republicans, too.

Q. Then the Democrats themselves assembled quite a number of their voters at the court-house box, as did also the Republicans?—A. Yes, sir.

Q. You have no positive knowledge that the Republicans intended to do any violence on election day, but only believed so from the demonstration made by them as stated by you in your direct testimony?—

A. Of course no one told me they intended to do any violence, but the inference was inevitable from their demonstrations.

Q. Can you tell about how many colored men voted at the court-house box at last election?—A. I cannot.

Q. Do you know the names of any Republicans who bought up arms just prior to the election, for the purpose of being armed on the day of the last election?—A. I do not know of my own knowledge, but it was a general rumor.

Q. Did you not see quite a number of Democrats with pistols at or near the polls during the progress of the last election?—A. During the election I was inside of the court-room, where the voting was being done, very little. When the colored people came up in that threatening way I was standing on the court-house steps, and when I and everybody else thought from their actions that they intended to ride roughshod over us, I did see several Democrats with pistols.

Q. Did you see any Democrats with guns assembled in Masonic Hall?—A. I don't know a single man in the hall, but I believe that there were men in there with guns, and that I think that they went there, after seeing this threatening manner of the Republicans, for the purpose of preserving the peace and preventing bloodshed.

Q. Will you please describe how it was possible for them to preserve the peace and prevent bloodshed while they were upstairs in the Masonic Hall?—A. They went there, and when the Republicans saw that they were in there, they desisted from making the attack, which I think they contemplated making before.

Q. Then the threatening and menacing attitude assumed by the Democrats in the hall deterred and intimidated the Republicans sufficiently, in your opinion, to cause them to desist from carrying out their preconcerted evil designs?—A. This attitude was not assumed until after the threatening demonstrations of the Republicans, and then, in my judgment, the presence of those men in that hall did prevent the carrying out their evil designs, and prevent bloodshed.

Q. Can you swear that at least 50 colored men voted at Edgefield Court-House precinct at the last election?—A. I have not examined the poll-list, and therefore have no means of knowing.

Q. You say you were on the court-house steps, and near the court-house until the polls closed; is it not possible for you to approximate about what number of colored men you saw going into the polls to vote?

—A. I went to my office several times, and to other places about the streets, and did not see the entrance to the poll all the time, and therefore could not approximate how many colored men voted.

O. SHEPPARD.

Sworn and subscribed to before me this 24th day of March, A. D. 1881.

[SEAL.]

JOHN T. GASTON,  
*Intendant, E. V.*

Adjourned to meet at 9 o'clock to-morrow morning.

In the matter of the contest of Robert Smalls against G. D. Tillman for a seat in the Congress of the United States.

R. S. ANDERSON, a witness of legal age, produced by contestee upon due notice to contestant, deposes as follows in reference to questions propounded by the attorney for contestee:

Question. What is your age, residence, and occupation?—Answer. Thirty-four years old; reside at Edgefield Court House, and occupation a grocery merchant.

Q. Were you present and voted on the 2d of November, 1880?—A. I was present at the poll and voted.

Q. For whom did you vote for Congress?—A. For G. D. Tillman.

Q. Were you not a manager of election at the Edgefield Court House precinct?—A. I was.

Q. How long have you lived in Edgefield Village?—A. Ten years last December.

Q. Previous to the Republican party coming into power did you ever know of two polling precincts in Edgefield Village?—A. I did not.

Q. Was any discrimination made by the managers in regard to the voters?—A. None whatever.

Q. Have you been manager of election before the last?—A. Have not.

Q. Do you believe the election at Edgefield polling precinct was a fair one at the last election?—A. I do.

(Objected to, on the ground as matter of opinion.)

Q. Do you know, as a manager of election at the Edgefield Court House precinct, that the election was conducted fairly, and that it was a fair election?—A. It was at the court-house.

Q. Were not the votes counted publicly, and the box sent up to the commissioners of election, in accordance with law?—A. It was.

Q. Was the polling precinct held at the usual place that it has always been held, and was it not held at the same place that it was under Republican administration?—A. It was.

Q. Do you know of any colored men voting the Democratic ticket on the day of the last election?—A. I know of a good many.

Q. Did you see the manner in which the Republican voters approached the poll that day?—A. I did; I was at the box, and heard hallooing and yelling down the street; I got up and went to the side window of court-house building; I looked down the street, and saw a large body of Republicans coming up the street towards the polling precinct, armed with clubs; they came up near the park, and near the court-house steps, and stopped; my attention was then called back to the box; I could not see what was going on in front of the court-house, as the door was crowded with parties coming to vote.

Q. Was not the turbulent manner in which the Republicans came up the street, yelling and brandishing their clubs, calculated to precipitate a row, and intimidate the Democrats?—A. It was.

Q. Did you see the Democrats with pistols?—A. I did not see any.

Q. Did you hear of any threats made by Republicans, previous to the

election, that they would carry the election at all hazard?—A. I heard of such threats.

Q. Was it not the general rumor that the Republicans had bought up all the pistols and ammunition, just prior to the election, they could get?—A. It was.

Q. Did not that fact, coupled with the threat that the Democrats had heard that the Republicans had made, produce the feeling of fear and intimidation on the part of the Democrats?—A. It did.

Q. Was it not the instructions of the Republican leaders, as far as those instructions could be ascertained from individual members of that party, for their voters to mass themselves at three or four polling precincts in the county?—A. It was.

Q. Was it not reported to the citizens of the town by reliable men, the night previous to the election, that large bodies of armed Republicans were encamped in and around the town, with their armed sentinels on the different roads, halting persons as they would attempt to pass by?—A. It was.

Q. Did you see, when you went to the window of the polling precinct, a man on horseback urging forward the body of Republicans that you saw coming up the street?—A. I did.

Q. Do you know who was the Democratic county chairman during the last election?—A. I do. D. R. Durisoe.

Q. Did you not, as manager, on the day of election, hear Mr. Durisoe urge the managers to be as expeditious as possible in taking the votes; as there would be a good many Republicans here that day to vote?—A. I did.

Q. Was not every facility under the circumstances afforded the voters to vote?—A. It was.

Q. Could not all the voters have voted if they had so desired?—A. They could, with ease.

Q. Do you know what time that day the Republicans left the polls?—A. Somewhere about 9 or 10 o'clock a. m.

Q. From that time until 6 o'clock that evening, when the polls closed, the vote was comparatively light, was it not?—A. It was.

Q. How did the managers instruct that the voters be admitted?—A. They instructed that three Democrats and three Republicans should be admitted at the time, and afterward five and six at the time.

Cross-examination by P. SIMKINS, counsel for contestant:

Q. Were you in the village of Edgfield on the night previous to the election?—A. I was.

Q. Did there not come into town, in the early part of the night previous to the election, a large body of Democrats, mounted and armed, uniformed in red shirts, and paraded through the village, yelling and firing off their pistols?—A. I did not see any large body; I saw a small squad come in on horseback. They rode around the park and some of them seemed to be lively, and fired one or two shots; suppose that was done by some man who was drunk. I saw no arms.

Q. About what time did you arrive at the polling precinct on the morning of the election?—A. I arrived there before 6 o'clock.

Q. About how many Democrats were there when you arrived?—A. Very few there when I got there.

Q. When you say the election was conducted fairly, you meant that so far as you could see while inside the court-house, as your business required your presence there all day?—A. Yes; I mean that it was conducted fairly. I heard of no unfair means, and so far as the voting was concerned it was conducted fairly.

Q. You say you know, of your certain knowledge, that a great many colored men voted the Democratic ticket; will you mention the names of as many as you can whom you saw vote the Democratic ticket at your box?—A. A great many came in and picked up tickets off the table and voted them. I can mention Mabin Griffin and George Norris.

Q. You say you saw a large number of Republicans come into town yelling; is it not also a fact that quite a number of Democrats came into town, mounted and wearing the red shirt, yelling as they would come towards the polls?—A. If so, I did not see them; I saw a small squad come in, I suppose about ten or fifteen in number, from the same direction this body of Republicans came from.

Q. There could have been others who came into town and you not know it, could there not?—A. I suppose they could.

Q. Did you not see some Democrats at the court-house box who came from remote parts of the county?—A. I saw parties here who did not live in the village. I can't say what part of the county they came from.

Q. You say three Republicans and three Democrats were admitted by the doorkeepers at a time, and that after a while five Democrats and five Republicans were admitted; will you tell about how many votes the Republican candidate received at this box?

(Objected to as not the highest evidence, as poll-list will show.)

A. They were not admitted all together, but alternately, three Democrats and three Republicans. When there were no Democrats at the door they would not wait for them, but would let in Republicans. I don't remember how many votes the Republicans got; the poll-list will show.

Q. Then you decline to say, as manager, about how many votes the Republican candidates received at your box?—A. I don't remember the exact number, but very few.

Q. Do you know, of your own knowledge, the names of any Republicans who purchased arms and ammunition, with a view of being armed on election day?—A. I do not, of my own knowledge; but it was general rumor that they were doing it.

Q. Did any individual member of the Republican party ever tell you that it was the intention of the Republicans to assemble their voters at three or four boxes in the county?—A. I can't say that they did.

Q. If there had been a body of Republicans armed in the town of Edgetfield on the night previous to the election, is it not probable that you would have known it?—A. I suppose so. I knew that they were within one and one-half miles of town in bodies, and if they had been in town I would have known it. They were scattered around town; good many that I saw. I knew it from reliable information.

Q. Is it not a fact that the entrance to your box was obstructed by Democrats uniformed in red shirts during the greater part of the day, if not all day?—A. It is not. The door was crowded by both parties making their way in to vote.

Q. Did you see armed Democrats assemble themselves at the Masonic Hall at any time during the day?—A. I did not see them assemble. I saw parties in the hall through windows, after this body of Republicans came up through the streets, and suppose they were there to preserve the peace, to keep this mob from running over the town.

Q. Will you explain how it was possible to preserve the peace by the assembling of these armed men up stairs in the Masonic Hall?—A. As was explained to me by some of those parties that was in the hall, they knew full well the Republicans could not stand the sight of fire-arms,

and that the Republicans had such an overwhelming majority, and but few white, they assembled there, thinking that the sight of those guns would deter them from making an attack, or getting up a riot. If such thing should happen they could use their arms effectually, and I have heard from several Republicans that the sight of those men in the hall were the only reason that a row was not gotten up here that day. I don't know their names. I have heard from at least twenty Republicans, while in my bar, say, if it had not been for them guns in the hall we would have taken that box that day.

Q. Then, in your opinion, and from what you know, the manifest display of fire-arms by the Democrats, while assembled at the hall, succeeded in intimidating the Republican voters who were here that day?

—A. I mean to say it prevented them from running rough-shod over the white men, and clubbing them to death with their billies, as they intended to do.

Q. Mr. Anderson, were you intimidated by the display of the violent conduct that you say you witnessed on the part of Republicans?—A. I was not the least intimidated, but apprehended trouble from them. When they came up the street with their clubs they looked to me as if they were coming here for a row, from the logs of wood or clubs they had in their hands.

Q. Do you not know that there were guns and ammunition stored away by the Democrats just previous to the election in the village of Edgefield, to be used, if necessary, on the day of election?—A. I do not know of a single load of ammunition stored away in the village of Edgefield.

Q. Do you know where those armed men, who were up in the hall, got their guns or rifles from?—A. I don't know. I don't know three men that were in the hall.

Q. Do you know by whose authority this armed band of men assembled themselves in the Masonic Hall?—A. I do not.

R. S. ANDERSON.

Sworn and subscribed to before me this 25th day of March, A. D. 1881.

[SEAL.]

JOHN T. GASTON,  
*Intendant, E. V.*

In the matter of the contest of Robert Smalls against G. D. Tillman for a seat in the Congress of the United States.

S. S. TOMPKINS, a witness of legal age, introduced by contestee after due notice to contestant, deposes as follows to questions propounded to him:

Question. State your age, residence, and occupation.—A. I am 61 years old; reside at Edgefield Court House; and am a lawyer by profession; now filling the office of master.

Q. Were you at Edgefield polling precinct on the day of last election?—A. I was.

Q. Did you vote, and whom did you vote for Congress?—A. I did; I voted for G. D. Tillman.

Q. Were you about the polls most of the day?—A. I was on and off the public square and at my office, about fifty yards of the public square, most of the day.

Q. Did you see the Republicans as they approached the poll that day; and, if you did, in what manner did they approach the polls?—

A. I saw a large crowd of colored men, I don't know whether they are Republicans or not, coming up the street in the direction of the polls, the most of them with bludgeons, not walking-sticks, in their hands, and held by the small end; there was nothing peculiar about their manner; they fell to the right and left as they came near the poll.

Q. Was not their manner turbulent and noisy as they came up?—A. There was no noise that made an impression on me; they had a more serious look, such a look as a man would assume when determined to do a thing or when he was disappointed; that was the impression on my mind.

Q. Did you ever vote at more than one polling precinct in the village of Edgefield until since the radicals came into power?—A. Not since 1841 has there been more than one precinct at the village of Edgefield, or within five miles of it at any election.

Q. Was not the polling precinct at the last election held at the same place that it has been held since the war?—A. With but one exception that I recollect, after the war and before 1872, there was an election held in Mr. Gaston's store, and the only entrance was the front door.

Q. Was not the intention of the Republican party, as far as that intention could be ascertained from individual members of that party, to mass their voters at three or four boxes in the county?—A. I know nothing about what their determination was, can only say there were an extraordinary large number of colored voters here that day, and a number of them lived nearer to other boxes.

Q. Was it not a general rumor that the Republicans had bought up all the arms and ammunition they could get some days previous to the election?—A. I heard the night before the election that a large number of colored people were encamped on the Columbia road, about two miles from town, and that they were armed; I heard nothing about the ammunition before the election, that I recollect.

Q. Why were the elections not held in the court-house previous to the war?—A. The general election before the war was always held during our fall term of court of common pleas.

Q. Was not the manner in which the Republicans came up the street the morning of the election calculated to precipitate a row?—A. I believe if there had been a casual difficulty between individuals there would have been a general row; it would have intimidated a timid Democrat or any peaceable man or Republican either.

Q. About what time did this crowd of colored people leave town?—A. About 11 or 12 o'clock; I don't mean they all left; after the crowd left those who did remain appeared to be relieved, and assumed a cheerful look; some of them were, from previous private conversation with them, I knew to be Democrats at heart or disaffected Republicans; they were cheerful after this crowd left, and I believe it arose from the fact that the pressure upon them to vote the Republican ticket was removed by the withdrawal of the crowd.

Q. Could not those voters who left, have voted if they had desired to do so?—A. I believe they could have done so, for the following reasons; just as I finished voting, Mr. Durisoe come in to the managers and said, "Hurry up for there are at least a thousand negroes here to vote, and if you don't hurry you will not get through before sundown." Mr. Durisoe is the Democratic county chairman. One colored man voted just before I did, and there was others on the portico, in the crowd. Mr. Durisoe went down in the crowd of colored people and begged them to go near the polls, that in a few minutes those at the polls would be through voting. I also saw Mr. Lewis Jones, sen., urging



parties to go up and vote. Mr. Lewis Jones was State constable that day, and a prominent man in the community. After seeing this effort on the part of Mr. Durisoe and Jones I went to my office, expecting nothing else but that every one would vote here who wished to on that day, and was surprised at seeing a large crowd leaving, and among them Paul Holloway, an intelligent and influential negro preacher, whom I know well. I accosted him and asked him where in the world are you going, Paul? He replied, I am going home. I replied to this, you can vote now; there were not twenty Democrats on the portico to vote, when I left. He replied to this laughingly, "Oh, I don't care about voting no how."

Q. Did you see any arms among the Republicans that day?—A. I don't believe I did see any arms that day.

Cross-examination by P. SIMKINS, counsel for contestant:

Q. Did you not see Democrats at Edgefield Court House, on the day of election, who lived in remote parts of the county?—A. I am satisfied I saw men here from ten to twelve miles, but can't recall their names.

Q. Did you not see mounted Democrats come into town, wearing red shirts, constantly during the day of the election?—A. I saw several small crowds come to town with Hancock and English shirts on, and a few red shirts on; I don't think I saw any crowd of more than six or eight that day mounted.

Q. Did you not hear Democrats yelling in the vicinity of the polls during the progress of the election?—A. I heard individual yells on different parts of the square; I never heard any in the immediate vicinity of the polls.

Q. You say you felt greatly relieved, as did other Democrats, when the main crowd of colored men left the town; do you not think that they acted prudent and wise by doing so?—A. You misunderstand my answer, as you will see by referring to it; whether they acted wisely or not depends upon the purpose for which they withdrew; that purpose I know nothing of.

Q. Did you entertain the opinion formed from anything you saw on the day of election, that the Republicans intended to take possession of the box, and to carry the election at all hazards?—A. From the serious appearance of the crowd that came up the street, coming in the direction of the polls, when they divided, some to the east of the portico, and holding their bludgeons by the small end, for a few minutes I was apprehensive that some such foolishness might be contemplated.

Q. Do you not know that there assembled an armed body of Democrats in Masonic hall, on the day of the election?—A. I did not see a single man in the hall or any other place armed that day. If I had not felt satisfied that there were plenty of arms for all the white men that were here that day, my wife and children would have had to have left this place in twenty minutes.]

S. S. TOMPKINS.

Sworn to before me this 25th March, A. D. 1881.

[SEAL.]

JOHN T. GASTON,  
Intendant, E. V.

Adjourned to meet at 9 o'clock to-morrow morning.

In the matter of the contest between Robert Smalls against G. D. Tillman, for a seat in the Congress of the United States.

C. L. WOODWARD, a witness of legal age, introduced by contestee, G. D. Tillman, after due notice to contestant, deposes as follows, to questions propounded to him:

Question. State your age, residence, and occupation.—Answer. Twenty-eight years old; am a lawyer; Edgefield village.

Q. Were you at the Edgefield Court House precinct, at the last election, in November, 1880?—A. I was.

Q. What time did you arrive at the polling precinct on the morning of the election? and state what occurred during the day and after that time.—A. I was awakened about one o'clock the night preceding the election by M. C. Butler, who had just returned in a buggy from Newbury Court House, who informed me as he passed Huiet's Cross Roads that there was a crowd of negroes assembled there which he estimated to be five hundred to one thousand; that I had better come down to the village and apprise the men here of the fact. I came on down and found a few men in one of the law offices here, and a few in the court-house. I went around to different stores and houses in the village and aroused the men who were sleeping in them. For several days prior to the election there had been rumors about the arming of the negroes; that pistols had been shipped to this county, and the information of the assembling of the crowd at Huiet's Cross Roads at that time of the night, caused apprehension that an attack was contemplated upon the village. After waking up these men, we all assembled in the court-house; I suppose from thirty to fifty. We did nothing for one or two hours; not liking to be without information of the movements of the crowd of negroes I have referred to, I had the meeting called to order and suggested that 4 men be appointed to go out and ascertain if possible the intention of the crowd assembled at Huiet's Cross Roads; Mr. Corly, Mr. Mitchell, Mr. Denny and myself were appointed, and we rode out in the direction of Huiet's Cross Roads. When we got within two hundred yards of the cross-roads we met seven or eight negroes; we stopped and questioned them; they pretended to have no knowledge of the meeting, but their answers were not satisfactory; our attention was then attracted by a camp-fire in the woods about two hundred yards to the left, at the same time we heard noisy demonstrations; I proposed to the party to ride up to the meeting peaceably, not apprehending that we would be attacked without warning. As we approached the meeting we heard noisy yells and cries as if they were being inflamed by the speaker who was haranguing them. We approached the place of meeting by a road leading off from main road in that direction; we had proceeded about twenty-five yards on this road when we heard the command, "Halt, God d——n you, halt!" We halted; and a few paces in front of us we saw a line of men elbow to elbow across the road, or about that close. The night was dark, but the outlines of the men were perceptible; in an instant a number of pistols fired, as we supposed at us. We turned and dashed back to the main road; the firing of the pistols still continued. This line of men were apparently about one hundred yards from the main body in the woods; the meeting in a moment became a perfect bedlam of noises; I heard curses and threatening speeches very loud. We sent one of our number in advance of us back to the village and came on back ourselves. When I got to General Butler's house, I stopped there fearing an attack might be made upon the house, and knowing that General Butler was unarmed. I remained there about one-half hour, and then rode on down to the

village. Willis Griffin, Daniel Brunson, and myself then rode out to the house of Lawrence Cain, who was the leader of the negroes of the county, and also the chairman of the Republican party, to see if we could ascertain from him the meaning or object of the demonstration out at Huie's Cross Roads. Upon arriving at his house we called to him, and after making ourselves known, he came out; he pretended ignorance of the meeting; we told him that this night attack by armed men barricading public roads, upon men riding quietly along the road, had caused and would cause great excitement among the white people; that from what we had experienced that night, and the rumors we had heard during the few days before, we feared that the negroes intended to precipitate a disturbance on the day of election; we told him that knowing his influence amongst the race, we had come to him in the interest of peace; that he had better send word to this meeting at cross-roads, and that he had better advise the negroes generally, not to come into the village the next morning in a turbulent and threatening manner, but that if they came in in a quiet, peaceable manner, we did not apprehend any trouble. He pretended to us that he was ignorant, not only of the meeting near Huie's Cross Roads, but that any of the colored people except those of the immediate vicinity, and those in the neighborhood of Antioch, were coming to the village to vote. We then went on to the village (I think two of the parties were State constables, appointed to keep peace on the day of the election); by this time it was about day-break; about or before sunrise a crowd of colored people, about five hundred strong, I would judge, came marching into the village in a column, about eight abreast, yelling and flourishing immense clubs, with which it seemed to me every one of them was armed; a number of white men were on the court-house steps, and those who were in the vicinity quickly assembled there; the colored men marched within ten or fifteen paces of the court-house steps; in a few minutes another crowd not quite so large came up from the same direction; they also were all armed with immense clubs, which they flourished as they advanced, at the same time yelling threateningly; in the course of one-half an hour the crowd of colored people in front of the polling-place had increased until it was variously estimated between fifteen hundred and two thousand; these men all came up in the manner of the first crowd, and came in by every road leading to the village; all were armed with clubs; there were about one hundred white men assembled on the steps, and during this time about twenty or twenty-five more had come up. The colored people by this time were all massed together on the square to the left of the park facing from the court-house, and the front line was within a very short distance of the steps. A negro with a fur cap on, who I was told afterwards was Mose Morton, placed himself at the head of this line, mounted; and with him at the head the whole mass marched to within five paces of the court-house steps. There were a few white men in the intervening space; if I recollect correctly, with one or two exceptions, they were State constables. About this time a crowd divided from the rear and marched around in a disorderly column of two or three abreast to the right of the park (as we faced them), and advanced up within a few feet of the jail yard, and the line was faced about towards the steps, and everything indicated that an attack was to be made upon the whites upon the steps, and it would, without doubt have occurred in my opinion, and a bloody riot would have been precipitated, had it not been for the careful conduct, but determined attitude of the white men upon the steps, the prompt and careful management of, I think, one-half a dozen State constables, and the conserv-

ative influence of a number of men composed, principally, of the militia company of the village, who had position in the Masonic Hall overlooking the public square. The crowd of colored men finally became convinced that their efforts to intimidate the white men had failed, and in a short while a large number of them withdrew in a body, and marched out of the village by the Columbia road, and by this time the hostile attitude of the parties had become relaxed, and the voting proceeded. The colored men were invited generally and individually to come forward and vote. Among others I went out through them and told them that they could not come here in the attitude which they had, without causing apprehension upon the part of the white people (I addressed myself to individuals); but matters now seemed to be quiet, and that they would all have time to vote. Most of them sullenly refused, as if acting under orders from a common source, that if they could not advance to the polls in a solid mass and have undisturbed possession of the polling place, they should not vote at all. The crowd of colored people gradually dwindled away; a number of them remained for some time, and together with the white people went up the steps of the court house to vote.

I do not think that all of the colored people could, together with the people who were there on that day, have voted, as it would have more than occupied the day in the taking of their votes; but if they had remained as they could have done, and voted without molestation, most of their votes could have been received.

Q. Were not a great many of these colored people minors?—A. I think there was; I know some minors amongst them.

Q. How far is General Butler's house from the polling precinct?—A. About one mile on the Columbia road.

Q. Where did you live at the time of the last election in November, 1880?—A. At General M. C. Butler's house.

Q. How far is Huit's Cross Roads from General Butler's, and is it on the same road?—A. About one mile beyond on the same road.

Q. Laurence Cain, Paris Simpkins and Norman Youngblood, in their testimony state that there was a man dressed in a peculiar costume who seemed to be a man in authority, walking a line as a sentinel in front of the court house. Will you please state how that man was dressed, and if he was not drunk, and acted without authority?—A. I have stated that there were several men in the space intervening between the court house steps and the front line of the colored people. I recollect that one of these men was dressed in a fantastic clownish costume, who was no doubt dressed in that manner under a spirit of fun. He was, so far as I know, without authority, and acted independently. There was no organization of the white people who were upon the court-house steps, but they were in apparent danger, and generally adopted the suggestions of the men of influence among them, and those of the State constables. Generals Gary and Butler were not present at the opening of the polls, but were sent for after the arrival of the throng of colored people, and after their arrival aided in keeping the peace.

Q. Describe the clubs you speak of as being in the hands of the colored people that day.—A. Most of them were of immense size, and were very formidable weapons; they were apparently freshly cut from the woods for the purpose.

Q. Were not some of these clubs too short for walking sticks and swung to their wrists by strings?—A. They were; a number of them.

Q. Were you not at or on the court house steps the greater part of the day on the day of election?—A. I was on the steps until the threatening

attitude of the colored people had been relaxed, and as long as there was danger of an attack from them. This, however, did not continue the greater part of the day.

Q. Did you see any Democrats armed with shot-guns or rifles on the court-house steps that day?—A. After the arrival of the colored people in the manner I have related, two or three gentlemen whose houses were close by, sent and got their shot-guns, and I think one of these was carried up the court-house steps. I think the other men who sent and obtained guns took their position in a store which overlooked the square.

Q. Lawrence Cain in his testimony says, the reason why the Republicans did not persist to our right to vote was that there was an armed foe in front of us, and if we persisted in our right it would cause a difficulty; did not all the Republicans who attempted to vote vote without molestation, and was there an armed foe in front of them?—A. I saw numbers of colored people go up the court-house steps for the purpose of voting, and saw none of them molested. If the white people upon the steps were armed their arms were not displayed. It was a habit then for most everybody to carry pistols.

Q. Did you vote on the day of the last election; if so, for whom did you vote?—A. I did; I voted for G. D. Tillman.

Q. Did you see a party of Democrats come into town on the evening before the election?—A. I have very slight recollection of what occurred the evening before the election.

Q. Do you know of any rifle clubs in Edgefield County?—A. I know of one military company—the Edgefield Rifles. They are a part of the militia of the State.

Cross-examination by P. SIMKINS, counsel for contestant:

Q. By whose authority did this armed company of Democrats assemble at Masonic Hall?—A. I don't know that there was any body of Democrats, and by whose authority the Democrats who were assembled there came, but know that it was the impression that an attempt would be made by the colored people to take possession of the polls.

Q. Do you know the object those men had in view by assembling at the hall with fire-arms?—A. I do not except that it was apparent from their conduct; their purpose was to keep the peace.

Q. Will you please state in what manner the peace could have been preserved by their assembling upstairs in the Masonic Hall?—A. The usual place of meeting of the Edgefield Rifles was in Masonic Hall, but this room was not the one occupied by them on that day, but they were assembled in the main hall of the building, from the windows of which they could command the whole of the public square, and I have no hesitation in saying had they not been present there that day a bloody riot would have been precipitated (in my opinion), which would have resulted from the evident purpose of the colored people to make an attack upon the white people who protected the polls from violence.

Q. Will you explain what you mean by saying the presence of these men prevented a riot?—A. I mean that had the colored people, armed and coming up in the manner as I have said, supposed that the only obstacle to their purpose to take violent possession of the polls was the presence of the few white men upon the steps, that they would have endeavored to have carried out their purpose, but were restrained from making the attempt by the wholesome influence of the militia company in the commanding position which they had, and if they had made the attempt it would certainly have been resisted and blood would have ensued.

Q. Then in your opinion the Republicans here on that day were effectually intimidated and terrorized by the presence of these armed men standing as they were in this elevated and commanding position?—A. I do not think so, but think that they were effectually prevented from carrying out their criminal purpose which I have indicated, and that they were perfectly at liberty to approach the polls and cast their ballots, and that they knew it.

Q. Is it not a fact that approaching the polls yelling in every conceivable manner was a precedent first established by the Democrats as one of the means of intimidating and alarming the Republicans?—A. If so, I am not aware of it.

Q. You say you saw colored men approaching the polls yelling, and from that fact among others you judged that it was their intention to take forcible possession of the polls; was it not because of the fact that you never saw colored men approaching the polls yelling before?—A. It was not, but as I have before stated it was the rumors which had been prevalent for several days before the election, that the colored people were being armed by arms shipped to them from some outside source, and coupled with the fact that they approached the polls in the aggressive and violent manner in which I have stated, and in apparently organized bodies, coming in by all the roads leading to the village, the night meetings before the election, and the attack with firearms upon citizens riding quietly along public roads.

Q. Did you not see Democrats who lived in remote parts of the county at the court-house box on the day of election?—A. I did.

Q. Did you not see companies of mounted Democrats wearing the red shirt constantly coming into town yelling on the day of the last election?—A. I recollect during the half hour in which I have said the colored people assembled, one body of twenty or twenty-five men on horseback ride up cheering and yelling, most of them wearing red shirts. I also recollect that, fearing the small force of white men present would be overcome if attacked by the mass in front of them, assistance was sent for to Trenton, and, I think, to Johnston, and at some time afterwards a body of men mounted, and most of them wearing red shirts, rode up, cheering and yelling, but by this time matters were upon a peaceable status; and there may have been one or two small bodies of men who came up that day.

Q. Do you not know that the Republican majority at the court-house box was always very large prior to the election of 1876?—A. I do not. I only came here in 1876.

Q. Do you not know that the Republicans, while in power, always appointed at least one Democratic manager of election for each polling precinct, and that the said manager almost invariably was elected as chairman of the board of managers, and that nearly in every instance the clerk of the board was a Democrat?—A. I know nothing of the facts as to the character of the appointment of the managers, as to the time stated, nor as to their organization.

Q. Since the Democrats got the control of the State government, have you ever known a single Republican to be appointed as manager of election at any precinct in the county?—A. I do not know positively, but my impression is that in 1878 one Republican was appointed at each. As to the last election, I don't remember what was the rule.

Q. You say after the bulk of colored men left the vicinity of the polls that the excitement was allayed and matters quieted down; do you not think that those men acted prudent and wise in leaving the town?—A. I think that they acted very imprudently, and under the blind con-

trol of their leaders, in approaching and entering the town in the violent manner in which they did, and that they acted prudently in desisting from the purpose which their appearance indicated, but think that if they had not acted under the control of their leaders, but had exercised some individual independence, and had remained and endeavored in a lawful manner to cast their votes that as many of those who were entitled to vote as the time permitted the managers to receive their ballots, could have done so without molestation.

Q. You say you observed quite a number of minors in this crowd of colored men; can you mention the names of any of those minors whom you say you saw, or did you judge them to be minors merely by their appearance?—A. I judged by their youthful appearance.

C. L. WOODWARD.

Sworn and subscribed to before me this 25th day of March, A. D. 1881.

[SEAL.]

JOHN T. GASTON,  
*Intendant E. V.*

Adjourned to meet on Monday, 28th day of March, A. D. 1881, at the Edgefield court-house building, South Carolina.

Met pursuant to adjournment at 10 o'clock a. m. March 28th, A. D. 1881.

Present, F. H. Wardlaw, counsel for contestee, and L. Cain, counsel for contestant.

L. CHARLTON, a witness of legal age, produced by contestee, after being duly sworn testifies as follows:

Question. State your age, residence, and occupation.—Answer. Age, 52; residence, Edgefield Court House, and occupation, a farmer.

Q. Were you present at the Edgefield Court House precinct on the day of last general election?—A. I was.

Q. Did you vote; and, if so, for whom did you vote for Congress?—A. I did vote, and voted for G. D. Tillman.

Q. Did you see the colored men as they approached the polls that day? And, if so, describe the manner in which they did.—A. I saw them as they came in to the polls. They came in companies on every road leading to the court-house. A few men on horseback—two or three, I think; I saw the remainder on foot, with clubs or sticks in their hands—freshly cut hickory sticks. Most of these I saw were yelling, hallooing, and, in a manner, threatening. When I came to polls I came along with a body of colored men, led by a man on horseback, with their clubs raised. When I arrived on the square one company came in from the south side of town, one from north side, and two companies from east side, and in from five to fifteen minutes the whole mass had rendezvoused on the public square.

Q. Was not the manner in which these colored men approached the polls calculated to precipitate a riot and to intimidate the Democrats?—A. Their manner was riotous and calculated to intimidate peaceable citizens.

Q. Was it not a general rumor that the Republicans, some days previous to the election, had bought up all the pistols and ammunitions they could get?—A. That was a general rumor that they had bought up all they could get at Johnston and at Trenton.

Q. Was it not the intention of the Republican party, as far as it was possible to ascertain that intention from individual members of their party, to mass their voters at two or three boxes and carry the election at all hazards?—A. I think it was. It had been their custom at previous elections to mass their voters at four or five boxes in the county, take possession of the boxes and hold them throughout the day. Edgefield precinct was one of those places.

Q. Was any discrimination shown by the managers in reference to the voters here the day of last election?—A. None. I voted with two or three colored men; they were sworn the same time I was. When I left the box one of the managers told me to say to the colored Republicans that they could all vote; for them to come up to the box four or six at the time. I told the colored voters on the public square they could vote by going to the polls four or six at the time. They expressed themselves as indifferent about voting. If they could not vote in their own way, they did not care to vote at all.

Q. In that crowd of colored people did you not notice a great many minors?—A. I think in the whole number that was on the square I should judge that there were 150, and perhaps more, that I took to be minors—boys under age.

Q. Could not all the voters have voted if they so desired?—A. I think they could; there was nothing that I saw to prevent it.

Q. Did not the citizens of the town receive reliable information the night before the election that large bodies of armed colored men were encamped around near the town?—A. They did have that information that colored men were occupying the various roads leading into the village in bodies.

Q. Did not the fact of these different companies of Republicans arriving at the polls by the different roads, within five to fifteen minutes of each other, tend to confirm the report that they were acting by concert and intended to take forcible possession of the polls?—A. It had that effect, and many believed that that was the purpose for which the demonstration was made.

Q. Did not the fact of the colored men leaving in large bodies about 10 o'clock and saying "if they could not vote altogether they would not vote at all," tend to confirm the rumor that it was the intention of the Republicans, if they could not take forcible possession of the boxes at the precincts at which they had massed their voters, to leave without voting and pretend that they were intimidated?—A. I think it confirmed the rumor; and the fact of their leaving was intended by them to make an argument that they were intimidated.

Q. Lawrence Cain says that he saw white men with guns and pistols in their hands on the piazza of the printing-office. Did you see any men there?—A. I did not. If they had been there, I think I would have seen them; I passed under the printing-office.

Q. Was not the voting conducted expeditiously?—A. I think it was, and that there was free access to polls all day, so far as I could see.

Q. Lawrence Cain testifies that if the Republicans had persisted in their right to vote it would have caused a difficulty; did you see or hear of any difficulty by their voting?—A. The right of the Republicans to vote was not denied, and that they had free access to the polls that day. I saw no difficulty that day.

Q. About how long, on an average, would it take a man to vote?—A. The oath is generally administered to four or five at the time; there was four voted when I did, and we were not there more than one or one and a half minutes.



Q. Lawrence Cain testifies that the voters staid up a long time at the polls, and that at one time three colored men went up and staid twenty minutes. Are you not positive that it would not take that long for them to have voted, and if they staid that long they must have staid at the precinct after voting?—A. It would not have taken them that long to vote.

Cross-examination by L. CAIN, counsel for contestant:

Q. You stated in your direct examination that there were two or three men leading these companies on horseback; was there a man on horseback to each company?—A. There was not; I did not observe a man to each company on horseback.

Q. Did you notice as to whether or not every one of the Republicans were armed with sticks or clubs?—A. Every one was not armed with sticks or clubs, but about two-thirds of them had clubs and sticks.

Q. Did you get any of these sticks or clubs into your hand that day?—A. I did not; there were two or three at my house the next day.

Q. You are quite sure, then, that these sticks and clubs that these men had were fresh-cut?—A. I saw a good many that was freshly-cut clubs; those I had in my hand were, I know.

Q. You were in the village the evening prior to the election, were you not?—A. I was.

Q. Will you state whether you saw any white men come in on horseback dressed in red shirts?—A. Yes; I saw some few.

Q. Did not these men come into town yelling and in quite a threatening attitude, and were they not armed with guns and pistols?—A. They came in clubs of ten or twelve, and cheered a little on the public square; they then scattered off, their horses put away. If any had guns or pistols, I saw none.

Q. Did you hear any alarm of fire-arms that evening on the streets or about the court-house?—A. I heard no fire-arms that evening after night. I heard some shots somewhere.

Q. Did you not see white men dressed in red shirts take possession of the court-house on the evening before the election?—A. I did not see them.

Q. About how many Democrats dressed in red shirts came into town that evening?—A. I do not know. Judging from the squads I saw, I suppose from 75 to 100 came in at different times.

Q. Did you see any colored companies come in on the evening previous to the election?—A. I did not.

Q. Do you know who took charge of the horses that night before the election?—A. I do not.

Q. About what time was it when you came up town with that body of colored men?—A. To my best recollection between 7 and 8 o'clock; the polls had been opened some time.

Q. Did not a great many white men come into town in companies on the day of election as well as colored men; were not these white men mounted and yelling as you stated the colored men were?—A. During the day several bodies of men, 10 or 12 together, came into the town; some would halloo and others would not.

Q. Did you notice any of these men being armed with guns or pistols?—A. I saw no guns in the hands of any of them; I saw no pistols.

Q. Did you see any white men dressed in red shirts armed with guns or pistols on the streets, in the Masonic Hall, or in the doors or piazzas facing the public square that day?—A. I saw none armed at any of the doors or windows except in the Masonic Hall. I saw a portion of the

Edgefield Village Rifle Club with arms going into Masonic Hall, none armed on the streets; I saw them come from the corner store and go into Masonic Hall; I saw no arms on the streets except that.

Q. Are you sure that all of those men that you saw go into Masonic Hall are residents of the village and belong to the club of which you speak?—A. I took some of them to be members of the club; others I did not know whether they were or not.

Q. You stated in your direct examination that there was a general rumor that colored men were buying up all the arms and ammunition they could get; did you ever have any of the Republicans to make this statement to you?—A. I heard it from no Republican but from white citizens of the county and from merchants of these towns, that I got my information.

Q. Do you know of your own knowledge of any purchases of arms or ammunition by colored Republicans just previous to the election?—A. I do not.

Q. All you know about the matter, then, is hearsay?—A. Yes; I received my information from others.

Q. Did you see any Republican at the court-house precinct on the day of last election that lived a great distance from the court-house that you know?—A. None that I was acquainted with.

Q. Did you see any Democrats here from the Dark Corner, a distance of 25 miles; from near Saluda River, 25 miles distant; from near Ridge Springs, a distance of 17 miles; or from the neighborhood of Shaw's Mill, a distance of 18 miles?—A. I saw some few white men here from Dark Corner; none from Saluda or Ridge or from Shaw's Mill that I remember.

Q. You saw no effort made by Republicans on the day of the election to take forcible possession of the court-house precinct, did you?—A. I saw no overt act to take it.

Q. You stated that two or three colored men voted at same time you did; do you remember their names?—A. I do not.

Q. How long did you remain in the court-house when you had voted?—A. I suppose from one to five minutes; came up, voted, and went down.

Q. When you voted were not the steps to the court-house, the porch to the court-house and the court-house crowded with white men dressed in red shirts, and were not some of these men armed with guns and pistols?—A. As I came to vote the steps to the court-house had some men on them, some dressed in red shirts, others were not; some on the portico and some in the court-room; I saw no armed men with guns or pistols as I passed in or out.

Q. Do you know the names of any of the Republicans who told you on the public square that they did not care to vote at all if they could not vote their own way?—A. I don't know.

Q. You stated you supposed that there were about one hundred and fifty minors on the square that day?—A. I thought so.

Q. You judge their ages from their external appearance?—A. I judge from their size and personal appearance.

Q. Did you return to the court-house after voting?—A. I came in the court-house about the poll closed, but was on the square all day.

Q. Can you state, then, of your own knowledge, that there was no discrimination on the part of the managers during that entire day, and that the election was conducted in the most expeditious manner?—A. I saw nor heard of any discrimination during the day, and nothing to

impede the voting ; I offered to come up with those parties to vote, but they declined to do so.

Q. Was it not possible for armed men to have been on the piazza of the printing-office that day and you not to have seen them ?—A. It was possible.

Redirect :

Q. You say you saw some men of the rifle club of this place going to the hall ; is not the rifle club of this town a part of the militia of this State ?—A. It is.

Q. Did you not see colored men in that crowd of colored men who lived at a distance from this place, and lived nearer other voting precincts, that day ?—A. I saw a great many here who lived nearer other precincts.

Q. Did not some of the Democrats have on Hancock and English shirts instead of red shirts ?—A. They did ; about half and half.

Q. Is not the red shirt the emblem of the Democracy of South Carolina ?—A. It is, and has been so since 1876.

L. CHARLTON.

Sworn and subscribed to before me this 28th day of March, A. D. 1881.

[SEAL.]

JOHN T. GASTON,  
*Intendant, E. V.*

In the matter of the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States.

LEWIS JONES, Sr., a witness of legal age, produced by contestee, deposes as follows to questions propounded to him :

Question. State your age, residence, and occupation.—Answer. Age, 67 ; residence, Edgefield ; and am a farmer.

Q. Were you present at Edgefield Court House precinct at the last general election ?—A. I was.

Q. Did you vote ; if so, for whom did you vote for Congress ?—A. I voted for G. D. Tillman for Congress.

Q. Did you see the crowd of colored men as they approached the polls that day ; and, if you did, describe the manner in which they approached the polls.—A. I got the appointment of State constable to act on that day for the purpose of keeping the peace and good order. Some time after the polls opened a large crowd of colored people came marching up to the court-house where the polls were kept, supposed to be about five hundred in number. They were marching in military order, armed with clubs, with a colored man at their head on horseback, seeming to be in command of the column. They came hallooing and yelling, flourishing their clubs, and making violent demonstrations. They marched up within fifteen or twenty steps of the court-house door and halted. I approached the crowd, asked them what they wanted. They replied that they wanted to vote. I told them they would be allowed to vote three at the time ; that they could not approach the polls in a mass that way ; that if they would vote alternately, three at the time, three colored and three white, they would be allowed to vote ; I would go with them myself and see that they were allowed to vote. Some few of them accepted the proposition, and began voting in that order, but in a short time they became impatient,

and said if they could not be allowed to all go to the polls at once they would not vote at all. I remonstrated with them, and told them that they ought not to come here to vote, they should have voted at their own precinct. They in a short time began dispersing in companies, moving off in the different roads leading to and from the court-house. In a short time there were but few of them left on the hill.

Q. Was there any discrimination shown by the managers that day towards voters?—A. Not that I saw; I was in the court-house very little.

Q. Was not the manner in which the colored people approached the polls calculated to precipitate a riot?—A. There was very serious apprehension that a riot would be precipitated by their manner, and there were some preparations made for it.

Q. Was it not the general rumor that the Republicans had bought up all the arms and ammunition they could get, just prior to the election?—A. There was a rumor just before the election that the colored people were buying cartridges, &c., very freely; the whites after they found this out they bought up some, too.

Q. Was it not a general rumor that the Republicans intended to mass their voters at two or three precincts in the county and carry the election at all hazards?—A. There was such a rumor.

Q. Had it not been the custom of Republicans to take possession of polling precinct and keep it during the day of election during the Radical régime?—A. I have known it to be the case at this box, and so crowd the polls that a white man could not get to polls at all.

Q. As far as you could see, did not all the voters have free access to the polls?—A. I don't think it would have been possible for all who were here to have voted during the time allowed by law for so doing.

Q. Were not a good many minors among that crowd of colored people?—A. I noticed some boys, apparently, but cannot say as to ages.

Q. Were not these colored voters from remote parts of the county?—A. I am sure that large proportion—in other words, a large majority of them were voters from distant precincts.

Q. Were not the citizens reliably informed that large bodies of colored men were encamped on the road leading to town?—A. It was so rumored, and particularly so as to Columbia road; they were encamped out near Hunt place.

Q. Did you see any armed men in the printing office piazza that day?—A. I did not see any over there.

Q. Do not some of the colored people of the county vote the Democratic ticket?—A. Yes, sir.

Q. As far as you know, the election here was conducted fairly and squarely?—A. It was so far as I know; I was about the polls very little.

Q. Did not the fact of the colored men leaving the polls tend to confirm the rumor that they intended to take forcible possession of the polls, and if they could not do so, then pretend that they were intimidated?—A. I can't say positively as to that; my impression that they intended to take possession of the box, and when they found they could not do that, then they dispersed and went to other boxes to vote.

Cross-examination by L. CAIN, counsel for contestant:

Q. Were you in the village on the evening previous to the election?—A. I think I was, but am not certain.

Q. Do you remember seeing white men mounted, dressed in red shirts, and riding into town in companies that evening?—A. I do re-

member seeing squads of men riding into town and out again that evening; some few had on red shirts.

Q. Were not some of these men armed, and was not the demonstration made by them in the way of yelling calculated to intimidate Republican voters?—A. As to the arms, I can't say that I saw any; but as to the yelling, there was some holloaing; can't say that the demonstration was calculated to intimidate any Republican voter; I think they have got used to that sort of a thing.

Q. Does it not come within your own knowledge that some of those parties who rode into town on the evening previous to the election took possession of the polling place that night, and did you not hear reports of fire-arms around about the court-house that evening?—A. It does not come within my knowledge; I went home just about night, and I don't remember that I heard any reports of fire-arms that night.

Q. You stated in your direct examination that a large crowd of colored people came marching up toward the court-house where the polls were kept, about 500 in number, and that these men were marching rather in military order, and were armed with clubs. Is it not a fact that a great many white men rode into town that day in companies armed with guns and pistols?—A. There were squads of white men who would pass through town and stop a little; I think I saw some pistols on some of them, saw no guns.

Q. You said in your direct examination that you told the colored men that they would be allowed to vote alternately?—A. I did tell them so.

Q. Can you state about what time of day they commenced voting in this way?—A. About 9 or 10 o'clock, it may have been earlier. Very soon after they marched up here.

Q. You offered to accompany them to the polls and see that they were allowed to vote; did you go with any of them?—A. I did; I went to the door where there was a guard whose duty it was to see that 3 be allowed to come in at the time; I went there with 3 squads, they became impatient, and said that it was too slow voting that way.

Q. Do you know the names of any of the parties who stated to you that if all the men could not vote at once, that they would not vote at all?—A. If I knew them then, I have forgotten their names now.

Q. You stated that there were colored men here from nearer other precincts than this one; can you name any of these parties?—A. I took no note of where they were from; I told them that if they had gone to their own precinct they could have voted without any trouble.

Q. Do you not remember seeing Democrats at the village precinct that day who came from the Dark Corner, a distance of 25 miles; from the Saluda section, a distance of 25 miles; from Ridge Springs, a distance of 17 miles, or from Shaw's Mills, a distance of 18 miles?—A. I think there were men here from most of those places, but don't remember who; I don't remember seeing anybody here from Shaw's Mills.

Q. Do you remember seeing on the day of election white men dressed in red shirts on the street, armed with guns or pistols, or in the Masonic Hall, or in any of the doors or windows fronting on the public square?—A. There was some few men on the streets on that day dressed in red shirts, and some of them may have had pistols; I don't remember about that; don't think any of them had guns. As that large crowd of colored men were approaching the public square, I myself ordered a remnant of the rifle company to rendezvous in Masonic Hall, and to take position in the windows fronting the public square; they had rifles. There were other men armed with guns, but few in number who took

position in the gallery occupied by Mr. Miners, this was done for the purpose of suppressing a riot; for it looked very much like a riot, it was a precautionary measure, I regarded it, and I think it had that effect.

Q. Did you order out the men that took possession of Miner's gallery?—A. I did not; I think they went there on their own accord.

Q. Can you state where these men got their guns from that took position in the gallery?—A. No, sir; I don't know.

Q. Among those who assembled themselves in Masonic Hall under your orders, were there not persons other than members of the rifle company?—A. I don't know; I don't know how many nor who they were up there.

Q. Do you know of any colored Republicans who bought arms or ammunition just previous to the election?—A. Not of my own knowledge; it was only a rumor.

Q. Can you state any time in the history of this county where the colored men took possession of the precinct, and that the Democrats could not vote?—A. I can't state the exact time, but I have known it to occur at this box; the colored people took possession and kept it all day.

Q. You only heard of colored men being encamped on the Columbia road, on no other; did you not?—A. I don't remember of hearing of their being encamped on any other road.

Redirect:

Q. Was not this military company one of the militia companies of the State?—A. It was.

LEWIS JONES.

Sworn and subscribed to before me this the 28th day of March, A. D. 1881.

[SEAL.]

JOHN T. GASTON,  
*Intendant, E. V.*

Adjourned to meet at 9 o'clock, 29th March, 1881.

STATE OF SOUTH CAROLINA,  
*County of Edgefield:*

Contested election for a seat in the Congress of the United States.

ROBT. SMALLS, CONTESTANT, }  
                                  *vs.* }  
G. D. TILLMAN, CONTESTEE. }

JAMES A. HOLLAND, a witness of lawful age, introduced by contestee upon due notice to contestant, deposes as follows to questions propounded to him:

Question. State your age, residence, and occupation?—Answer. Thirty years old; reside at or near Richardsonville, and am a farmer.

Q. Were you present at the last general election at the precinct at Richardsonville?—A. I was.

Q. In what capacity?—A. A manager.

Q. What time did polls open?—A. At 6 o'clock, the time required by law.

Q. Was not the election conducted fairly and squarely in every way?—A. It was, sir.

Q. Were the votes counted publicly, and the box sent up to the commissioners after the election according to law?—A. It was.

Q. Was there any discrimination in regard to the voters shown at all?—A. None at all.

Q. Each voter was allowed to come up and vote freely?—A. They were.

Q. There were two supervisors, were there not; if so, please state how they were situated?—A. One was on one side of the door and the other, and we permitted five whites and five blacks to vote alternately; that was agreed upon, and it was carried out all day.

Q. Did all the voters vote there that day?—A. Yes, sir; I don't think a single man left there without voting. We built a rail-pen in front of door where the box was situated, and permitted five white at one time, then five black, and so on all day.

Q. Did you see any Democrats with arms there that day?—A. No, sir.

Q. Did you see any Republicans armed there that day?—A. No, sir.

Q. Did you see the Republicans armed with clubs?—A. A good many of them had clubs; some come some distance from up on the river that did not belong to that precinct.

Q. Were not the colored people encamped the night before the election near the polls?—A. A good, large body were encamped near my house; came there early in the night, and staid there in a body until they went to polls next morning.

Q. Did you hear report of fire-arms during the night previous to the election?—A. I did, frequently through the night; sound like pistol shots.

Q. Did you not receive from reliable information that the Republicans intended to take forcible possession of the ballot-box at Richardsonville?—A. I did.

Q. Did not these facts of this large body of colored men being encamped near your house the night previous to the election, and firing at all times during the night, tend to confirm the information you had received in regard to the Republicans?—A. It did.

Q. Did you not receive this information with regard to the Republicans from a responsible and reliable Republican?—A. I did; he told me that they intended to destroy the box that day.

Q. Were not these threats which you and other Democrats had heard calculated to intimidate the Democrats?—A. It did; we did not know what they intended to do when they came; there were about fifteen or sixteen of the Democrats, and about two hundred of them; they came in a body.

Q. Was it not a general rumor that the Republicans intended to mass their voters at two or three boxes, and to take forcible possession of the polls?—A. I heard that several times, and heard that Richardsonville was one of the boxes.

Q. Richmond Mobley testifies that the poll list and the ballots in the box did not correspond, that there were more names on poll list than ballots in the box; will you please state how this occurred?—A. The Republican supervisor had a clerk, and the managers had a clerk, each on separate table, their list tallied; when the five Republicans came up to vote, the Republican supervisor would call out the names of voters, and the same thing with the Democratic supervisor, and my opinion is that some names were called and taken down, and the parties did not vote; or it might have occurred in the morning before the pen was built, for there was a considerable rush when the voting began. Some name may have been called and written twice.

Q. Did you vote, and, if so, for whom did you vote for Congress?—  
A. I voted for G. D. Tillman.

Q. Did you see any violence offered by Democrats to Republicans?—  
A. I did not.

Cross-examination by L. CAIN, counsel for contestant:

Q. The managers at this precinct at which you were a manager, stood inside the house did they not?—A. Had chairs and sat around the table just inside the door; one supervisor stood just outside of door on one side, and the other supervisor stood on the other side, just out at door.

Q. Where were your clerks seated?—A. Inside of the house, just in rear of table.

Q. Then I understand that the clerk that was employed by the Republican supervisor was inside of the house while the supervisor himself was outside?—A. The supervisor was just outside of the door; his clerk inside, just in front where he could see him all the time, not more than seven or eight feet from him, just in rear of the managers.

Q. Will you please state the name of the clerk that was employed by the Republican supervisor?—A. William Hasel.

Q. Is he a known Democrat or a Republican?—A. I suppose he is a Democrat.

Q. Was the clerk employed by the managers a Democrat, also?—A. He was.

Q. You stated that there were Republicans encamped near your house on the night before the election, and that you could see the camp-fire from your house; did you go down to this camp that night?—A. I went far enough to satisfy myself that they were Republicans.

Q. Did you see any Democrats on the evening previous to the election riding up and down the road near your place?—A. I did not.

Q. You stated that some of the colored men you saw there came from a distance, and that you knew some of them; can you give the names of some of those men?—A. I knew the faces of some of those men; have seen them at Chappel's Depot, about fifteen miles distant, and some lived near Ninety-Six; some had on haversacks, and I asked them what they had them on for; they said they had come some distance, and had camped out last night, and had brought their rations with them. I cannot give their names or plantation on which they live.

Q. Did you see any Democrats there that day from the Court House, Ridge Spring, Chappel's, Saluda section, or from Meeting street?—A. I don't know that I did; none that I knew; I was sitting inside and did not pay much attention to who voted outside.

Q. Are you willing to swear that there was no Democrats voted there that day that lived nearer to other boxes?—A. I do not remember that I saw any.

Q. How near to this polling precinct do you live and how long have you lived there?—A. One mile, and lived there 9 years.

Q. You stated in your direct examination that you received reliable information from an influential Republican that the Republicans intended to take forcible possession of that poll on the day of election; can you give the name of that Republican?—A. I could do it, but don't care to do it; he told me that that was talk in that squad that night, and he came to me about daybreak and told me they said they would have the box or kill the managers before they left.

Q. Was there any demonstration made on the part of the Republicans that morning, which tended to show that they intended to carry out



this alleged threat ?—A. I don't know that there was; I told them that morning that they should all have a fair square show and all could vote, and that I did not want them to tear up that box. I got up in the door and called this out so all could hear.

Q. As a manager, were you at all apprehensive that morning ?—A. I was.

Q. After the election who brought the box to the village ?—A. Myself and John McClellan, one of the other managers.

Q. Is it not a fact that you are aware of that the commissioners of election threw out the box of which you were a manager ?—A. Not that I know.

Q. You stated that there was a ticket in the box with General Gary's name on it for governor folded in another ticket, and that you destroyed that ticket ?—A. I did.

Q. Were there any other ticket folded together ?—A. None.

Q. There was no difficulty then that day ?—A. None that I know of.

Redirect :

Q. You state on your cross-examination that the clerk of the Republican supervisor was in the house and the Republican supervisor was outside. Did not the Democrat supervisor stand outside too, and the Democrat clerk inside also ?—A. There was no discrimination made by anybody towards either Republican or Democratic supervisor, one stood on one side of the box and the other on the other side.

Q. You say there was no demonstration made by the Republicans to take possession of the box. Did not the Republicans crowd around the box as they came up, and if it had not been for the address you made them showing that you were in possession of their intentions, did not their demeanor warrant you in believing that they intended to carry that threat into execution ?—A. I thought that they did ; that is why I made the address to them.

JAS. A. HOLLAND.

Sworn and subscribed to before me this 29th day of March, A. D. 1881.

[SEAL.]

JOHN T. GASTON,  
*Intendant E. V.*

THE STATE OF SOUTH CAROLINA,  
*Edgefield County :*

Contested election for a seat in the Congress of the United States.

ROBERT SMALLS, CONTESTANT, }  
  *vs.* }  
G. D. TILLMAN, CONTESTEE. }

R. A. COCHRAN, a witness of legal age, introduced by contestee upon due notice to contestant, deposes as follows to questions propounded to him :

Question. State your age, residence, and occupation.—Answer. 38 years old; reside near Rehoboth, Talbert Township; occupation, farmer.

Q. Were you present at the last general election at Talbert's Store precinct ?—A. I was.

Q. In what capacity ?—A. Chairman of the board of managers.

Q. Did you vote that day ; and, if so, for whom did you vote for Congress ?—A. I voted for the Hon. G. D. Tillman.

Q. Was there any discrimination shown by the managers towards the voters?—A. None whatever.

Q. Lewis Collins testifies that the Democrats would not let the Republicans go in and vote, and that this lasted from 8 o'clock in the morning till 3 o'clock in the afternoon; is that so?—A. It is not so; every man had free access to the ballot-box from 6 in the morning till 6 in the evening. Some time during the day the poll was crowded. I requested the State constable; J. H. Sanders, to back the crowd. All parties obeyed him, both Democrats and Republicans. At the time the polls were crowded I thought it expedient to divide the parties; admit three from each side; that is, three Republicans and three Democrats. I continued this mode until the polls were no longer crowded, admitting every one that was qualified to vote, without distinction to party.

Q. Did not all the voters who attempted to vote that day vote?—A. They did not, because they were legally disqualified.

Q. What was one of the qualifications?—A. Minors of both parties were rejected.

Q. Lewis Collins testifies that 150 Republicans went away from the polls without voting; is that so?—A. There were a number who left without voting. I, as chairman of the board of managers, inquired why they left without voting. The answer I received was that they were disappointed in the county ticket, and could not support it, and did not care to vote.

Q. Did you see any Republicans armed that day?—A. I did not.

Q. Did you see any Republicans armed with sticks?—A. I did not.

Q. Were the polls opened in accordance with law?—A. According to my judgment, they were.

Q. Were the votes counted publicly and the box sent up to commission, in accordance to law?—A. It was.

Q. Who were the other managers?—A. Dr. C. M. Burkhalter and S. C. Cartledge.

Q. Did you hear any one tell Lewis Collins to go outside; that he could not stay inside?—A. Lewis Collins's papers were irregular, but the managers agreed, and were glad for him to take charge and remain as supervisor, and invited him to do so.

Q. Did you see the Democrats with any pistols?—A. I did not.

Q. Did all the colored voters there that day belong to that precinct?—A. They did not; some of them live nearer other precincts than Talbert's Store, but elections are public, and every man has the right to go where he pleases to vote.

Q. Did the colored men, in large bodies, camp near your polls the night previous to the election?—A. A rumor reached me on the morning of the election that a large body of colored men were encamped about two miles from Talbert's Store.

Q. Was the election at your precinct conducted fairly and squarely, so far as you know?—A. So far as I know, it was.

Q. You have been a manager before?—A. I have been a manager for ten years, and the last election was as fair an election as any election could be; and any voter who did not vote it was his own fault, for there was no hinderance in any way, shape, or form. Louis Collins did not vote; and he was there for several hours when there was not a man at the box, and he was solicited so to do several times; he said he did not care to vote. Collins left the poll about 6 o'clock. I asked him to remain and see the votes counted, and make his return. He left of his own accord. There was no one there to disturb him. If he was dis-

turbed by word or deed that day, I did not hear it; and I was within three or four feet of him the entire day. I, with the other managers, proposed to be personally responsible to him for anything that might occur to him that day. I turned my back to attend to some other business, and he left. This was about 6 o'clock in the evening.

Q. Lewis Collins testifies the reason he did not keep a poll list was the polls were crowded so he could not do so?—A. This is not true, for he had possession of one end of the table the entire day.

Q. L. Collins testified that the door to the polls was crowded by Democrats and that the Republican voters were obstructed or hindered from voting?—A. This is not true, for the parties were sworn three at the time. I would make this statement, that the election at Talbert's Store on the last election was conducted fairly and squarely, and as a manager of eight years' standing ought to know.

Cross-examination by L. CAIN, counsel for Robert Smalls, contestant:

Q. All the managers at this precinct were Democrats, were they not?—A. Yes, sir.

Q. What time in the day was it when you began voting the two parties alternately?—A. About 11 o'clock.

Q. You stated in your direct examination that there were seven Republicans who live nearer other precincts than Talbert's Store; did the colored men outnumber the white men there that day?—A. They did not; a great many colored men voted the Democratic ticket there that day.

Q. What means have you of ascertaining how these men voted?—A. The Democratic votes lay on the table; these colored men came up to the table, take up ticket, fold it and vote it; put it in the box in the presence of every one; can't tell who they were. I can give the names of two, Toney Talbert and Jeff Talbert. I know faces but can't call names.

Q. About how many colored men were there that day?—A. Between one hundred and fifty and two hundred I judge.

Q. Were any votes polled there that day for Robert Smalls; and if so, how many?—A. Some; I don't know how many; record will show.

Q. Were there not white men as well as colored men there that day who lived nearer other precincts than Talbert?—A. There were.

Q. Up to 11 o'clock, the time they began voting alternately, had very many Republicans voted?—A. Had not; they had been there standing around one or two hours; the manager sent to them several times to come and vote, while the managers were doing nothing; the box was not crowded till about 11 o'clock; this crowd of colored people stood out about 50 yards from the polls till about 11 o'clock before attempting to vote. A large crowd of Democrats came up about that time, then these Republicans came up two and two to vote.

Q. You say that some Republicans left without voting; about what time in the day was that?—A. About 3 o'clock in the evening I judge.

Q. You state that there were minors from both parties who made application to vote, but were refused by the managers because of their ages; please state what means had the managers of ascertaining the ages of these parties?—A. Their votes being challenged, the chairman of the board of managers called for evidence among parties present; the board of managers decided by the evidence that was given them at the time.

Q. You stated that you had been a manager for eight or ten years; do you know of any law authorizing the managers to enter into an in-

vestigation of that kind?—A. Nothing but the common law; where a vote is challenged an investigation is the only way; the managers can decide whether the party be allowed to vote or not.

Q. You stated that some of the parties who left without voting said that they were disappointed in the county ticket, and for this reason they did not care to vote; can you name any of the parties who made this statement?—A. I cannot; I don't know them personally.

Q. Were any of the white men who were there dressed in red shirts?—A. I saw very few who had on red shirts.

Q. About how many persons were present when the vote was counted?—A. About twenty.

Q. You stated you heard no one tell Lewis Collins to leave there that day; as he did not reach there till about 8 o'clock, was it not possible for some parties to tell him to leave there when approaching the poll, and you not have heard them?—A. It was possible for that.

Q. You don't know of your own knowledge as to whether a body of colored men were encamped within two miles of the polls, the night previous to the election?—A. I do not.

Redirect:

Q. Under the election laws are not the managers made the sole judges of the qualification of voters?—A. That is my understanding.

Q. When a voter is challenged for cause are not the managers the sole judges?—A. That is my opinion of the law.

R. A. COCHRAN.

Sworn and subscribed to before me this 29th day of March, 1881.

[SEAL.]

JOHN F. GASTON,  
*Intendant, E. V.*

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

In the matter of the contest between Robert Smalls and G. D. Tillman,  
for a seat in the Congress of the United States.

D. R. DURISOE, a witness of lawful age, introduced by contestee upon due notice to contestant, deposes as follows:

Question. State your age, residence, and occupation?—Answer. Age, 49; residence, Edgefield County; occupation, farmer.

Q. How long have you lived in Edgefield?—A. Forty-nine years.

Q. During the last political campaign were you not chairman of the Democratic party of Edgefield County?—A. I was.

Q. Was your party well organized?—A. It was.

Q. State the policy of the campaign as regards peace and quietness?—A. Strictly a peace policy.

Q. As far as you know was not that policy carried out?—A. It was.

Q. How many voting precincts are there in Edgefield County?—A. Eighteen or nineteen.

Q. Were not the precinct at this place the same that it has been for a number of years?—A. Yes, sir; it has for the last three general elections.

Q. Previous to the coming into power of the Republican party, was there more than one precinct at this place?—A. No; the Republican party when they got into power established 2 precincts; this extra Republican box was established evidently for the perpetration of fraud,

and was abolished by the Democratic party for the purpose of suppressing fraud.

Q. Do you know of any acts of violence committed by the Democrats during the campaign against the Republicans?—A. I know of none; and don't think any was done, or else I would probably have heard of it.

Q. Are there not as many voting precincts now in the county as there ever was?—A. I am not certain about that.

Q. Are not those precincts in the county situated conveniently to the voters, so as to give them ample opportunity to vote at the precincts nearest to them?—A. I think so; that was the desire of the Democratic party.

Q. Was it not the intention of the Republican party, as far as that intention could be obtained from individual members of their party, to mass their voters at two or three boxes in the county, and take forcible possession of the same?—A. A rumor to that effect was communicated to the executive committee, but not much credence given thereto, supposing the Republicans would have better sense than to act in so foolish a manner.

Q. Had it not been the custom of the Republicans during the Republican régime to take possession of two or three boxes in the county, and hold possession of the same during the day to the exclusion of the Democratic voters?—A. They have had possession at this precinct when it was impossible for a Democrat to get to the polls until after the Republicans had left the polls.

Q. Was it not a general rumor that the colored voters had bought up all the ammunition they could some days previous to the election?—A. I was at this place on the day previous to the election, and heard that the colored people had bought up all the pistols, cartridges, lead, powder, and bullets they could find; on the same day I heard that a committee of gentlemen had waited on Mr. J. B. Norris, of Trenton, and requested him not to sell any more ammunition, guns, or pistols to the colored people, as it was generally known at Trenton that he had made considerable sale to them in the way of pistols and guns, ammunition, &c.

Q. Did not the citizens of Edgefield receive reliable information the night previous to the day of election that large bodies of Republicans were encamped on the various roads leading to town, and had their armed sentinels stationed on the road, and who would halt persons passing along the same, and on one particular road they fired on a party of gentlemen going along the same?—A. I was not living in the village at the time, and was not there on the night previous to the election, and therefore I am not prepared to answer of my own knowledge, but was informed very early the next morning, upon my arrival in the village, by the best and most reliable authority, that such was the case. I left home that morning a little before day, and on passing Simmon Ridge church, two miles this side of my house and three miles from town, about daybreak, about fifty yards from roadside, there was a large body of colored people assembled around a camp-fire talking loudly and jestingly. I passed on by; I had not gone over one hundred yards before I heard a tremendous shouting and hallooing, which seemed to come from another large body approaching this camp-fire from another direction. Upon my arrival at Mrs. Picken's horse-lot, I found congregated and awaiting on both sides of the public road some fifty or sixty colored men, most of them armed with clubs; those colored men were evidently waiting for the other party to come up; after my arrival in town they

came marching in in a very large body, and took a position between the court-house and the park.

Q. Were you present at the Edgefield polling precinct on the day of the last election; and, if you were, what time did you arrive at the polls?—A. I arrived at the polls a few minutes after 7 o'clock.

Q. Did you see the Republicans as they approached the polling precinct on the morning of the last election; and, if you did, describe the manner in which they did so?—A. I saw a large body of colored men marching up Main street, yelling, whooping, shouting, their leaders telling them to march up; they marched within about twenty paces of the court-house, and they were halted by their commander, a party on horseback. I saw another large company marching up by the court-house on Abbeville street, on around the square; they took their position in near Misor's gallery; another large body of men marching up in rear of the first body of men, and took their position in rear of that body; a great many in each of these companies were armed with short clubs. I saw a few with pistols buckled around them; they all seemed determined on some important mission, with hate and malice depicted in almost every countenance.

Q. Were not a good many boys in this crowd of Republicans?—A. I saw quite a number of boys between the ages of about 16 and 20 in each of the companies.

Q. Did not the fact of the Republicans approaching the polls yelling and waving their clubs tend to intimidate a good many Democratic voters?—A. We were all more or less apprehensive of trouble and danger, and forthwith I consulted with a number of gentlemen as to the propriety of sending for reinforcements, thinking that by increasing our numbers we could the better preserve the peace and keep down any difficulty between the parties. I then, immediately after this conference, sent messengers to Landrum's Store, Trenton, Johnston, and Cheatham's Store for detachments from their Democratic clubs to come to our prompt assistance. Before sending these messengers I met on the street near the court-house steps, and after the Republicans marched up and took their position, Capt. St. Julian Bland, and asked him to call his company together, and assemble at his armory forthwith, as I was fearful we were agoing to have trouble. He said he would do so, and started with a crowd in that direction.

Q. Did not the manner in which the Republicans approached the poll tend to confirm the rumor that they intended to en-masse their voters at two or three polling precincts and take forcible possession of the same?—A. It certainly did, and this impression was further strengthened by the report current on the streets that the Republicans were heard to say that morning in passing Mr. Brunson's residence near the polls that they intended taking possession of the box, let it cost what it may, and manage it as they d——n please.

Q. Was not the manner in which they approached the polls calculated to precipitate a bloody riot?—A. It undoubtedly was, and if the Democrats present had acted on the offensive as did the Republicans there would undoubtedly have been a bloody fight.

Q. Was it not the prudence and forbearance of the Democrats that prevented that riot?—A. Nothing but the urgent, persistent, and continued solicitation and advice of leading Democrats to abstain from all acts of violence on our part prevented a collision between the opposing parties.

Q. You said you requested Captain Bland to take his company up in the Masonic Hall (the armory); was not this company one of the

militia companies of the State, and did you not make that request after you saw that a riot was imminent, and was it not done solely as a cautionary measure, that is, to prevent a riot if possible, and if the riot could not be averted then they were to be used as a means to prevent this large body of infuriated negroes from committing any acts of vandalism?—A. I know that St. Julian Bland was captain of the Edgefield Rifles, and that the company was legally and lawfully commissioned and received into the State militia; and I further knew that it was his duty, when called upon, to aid in keeping the peace, and assist in putting down and quelling riots should any occur; and I therefore thought that by having him and his company in readiness at the company's armory to be called for if wanted, that said company's presence and influence would have material effect in bringing to a speedy end any riotous proceedings that might be inaugurated, and which looked so very probable at the time I requested him to assemble his company.

Q. Did you vote at last election?—A. I did.

Q. For whom did you vote?—A. G. D. Tillman.

Q. Is this not a similar ticket to one you voted?—A. It is.

(Ticket here offered in evidence marked Exhibit B.)

Q. Did you see or hear of any discrimination by the managers shown in regard to the voters?—A. None whatever. All who approached the polls or exhibited an inclination to vote or expressed a desire so to do, did so without let or hindrance, free and unmolested.

Q. What time did those Republicans leave the vicinity of the polls?—A. They commenced breaking off in squads about 9 o'clock, and by 10 o'clock most of them had left their position from the space occupied by them between the court-house and the park fence and between the court-house and Mimses' gallery, and many of them had left the public square.

Q. Did not you and other leading Democrats try to induce the Republicans to vote?—A. I did; several times I asked Republicans standing near the court-house steps if they wished to vote, and on their saying that they did I told them to go up and do so; and on three occasions I accompanied parties of three and four Republicans at the time up the steps and to the polls, when they voted free and unquestioned as to what party they were voting for; saw some of them voting the Republican ticket. After I dispatched the messengers previously spoken of I went through the public park, and meeting Republicans here and there every few steps, I urged them to be quiet and wait a time with patience and they would have no trouble in voting. Going on through and out of the park on the other side I met Col. L. Cain, chairman of the Republican party of Edgefield County, in rear of his party. He said he was glad to meet me, and that he hoped some arrangements could be made to the effect that Democrats could vote one hour and then Republicans one hour. I told him that the Democrats, inasmuch as they were around the polls, would not stand aside until they had voted; that they would be through voting in a very short while, and then the Republicans or those of them who were in the habit of voting here could do so; but that he had acted very wrong in massing so many colored voters at this place; that I was doubtful if all could vote during the day. I then asked him why those from Shaw's Creek section did not go to Trenton. He told me he was not aware that there was a box at Trenton. I told him that was an established precinct heretofore and had been duly advertised at this election. On leaving him I told him to get his men to wait patiently and vote; and

that in our executive committee in our estimate of the result of the election at the various precincts that we had conceded and counted this box as Republican, expecting them to poll a majority of the fifteen or sixteen hundred votes cast at this place.

Q. Were there not colored voters here from distant parts of the county who lived nearer other precincts than this?—A. Yes; a great many.

Q. Are there not more polling precincts in the county now than there were during the Radical régime?—A. Yes; under the Republican rule there were from sixteen to eighteen polling precincts, never over eighteen; now we have, I think, twenty precincts.

Q. Were not the precincts and the names of the managers at the various precincts duly published in the county papers?—A. Yes; for two successive weeks prior to the election.

Q. Did you not know the arrangement of the managers of this precinct, that from three to six Democrats should vote and then from three to six Republicans; that voters should alternate between the two parties?—A. Yes; such was the arrangement, and announcement to that effect was publicly proclaimed from the court-house steps.

Q. Did a good many colored men vote the Democratic ticket?—A. I don't know; but some have told me they voted the Democratic ticket.

Q. Did you see any armed men in the printing-office piazza, as L. Cain testifies?—A. I did not; and never heard that there were any there until I heard of L. Cain's testimony. I was on that side of the street and saw no one about the piazza with guns.

Q. George Balentine testifies that the Democratic ticket was a red and white one, is that so; but did not, on the contrary, the Democrats have both white tickets and red tickets, and was not the white ticket used for the purpose of allowing timid colored men to vote the Democratic ticket who were afraid to let the other colored people see them vote the regular red Democratic ticket?—A. The Democrats had a white ticket and red tickets; that is, two tickets—one white and one red. I don't think our white ticket was designed or intended to be used for that purpose, as indicated in the latter clause of the question.

Q. Did not this small squad of Democrats who came into the village on the day of election, do so at your urgent request?—A. They did; with the exception of one or two squads who passed through the village on their return home late in the evening.

Q. L. Cain P. Simkins testifies to a line being drawn in front of the court-house, and that a man dressed in fantastic costume, who seemed to be in authority, told the colored people to stand back; on the contrary, was not that man acting without any authority, and was he not under the influence of liquor?—A. It was impossible for any line to be drawn and observed any length of time, for the colored people most of the time they were present, were standing up near, and in close proximity to the court-house steps, so close indeed, that there would have been no room for a line to be drawn; the party to whom allusion was made as being dressed in a fantastic suit, walking to and fro through the crowd, was without authority in his club and without authority from the party, and at the time was strongly under the influence of whisky, and before 12 o'clock in the day, lying drunk by the park fence.

Q. What time did the colored people leave here that day?—A. The majority of them left the vicinity of the polls by or before 10 o'clock a. m.

Q. Could not most of these men if not all, have voted between that time and the time for closing the polls, if they had so desired?—A. If



they had wished to vote, would have remained, as they had been requested to do time and time again, four-fifths of them, if not all, could have voted before the closing of the polls.

Q. Do you not think the last election was a fair and square one?—A. It was the desire of the Democratic party that we should have a fair and square election; and so far as I saw or know, such was the case.

Cross-examination by P. SIMKINS, counsel for contestant:

Q. Do you not know that it was impossible for Republicans to hold mass meetings in the county of Edgefield during the last campaign, without being interfered with or disturbed by Democrats?—A. I don't think it was impossible; in the executive committee the propriety of attending Republican meetings or mass meetings, should any be held, was discussed, and it was decided that Democratic clubs should attend these meetings, not for the purpose of raising any disturbance or interfering with the meetings, but to be present and see what was being done thereat; to participate if allowed, in the political discussions of the day.

Q. Is it not a fact that after an announcement was made in the Edgefield Advertiser to the effect that the Republicans would hold a large mass meeting on a certain day just prior to the election in the village of Edgefield, that several Democratic clubs, mounted and uniformed in red shirts, came into town, and that at least one of said clubs actually went to the place where it was thought that the meeting would be held, before they found out that the Republicans had misled them as to the day of the meeting?—A. I was not present at Edgefield Court House on the day advertised for the Republican meeting, and therefore do not know anything of the occurrences that day.

Q. Did not speakers who were candidates on the Democratic ticket, advise when addressing Democrats on the stump, that they should attend Republican meetings, and even church meetings, and prevent the discussion of politics in any manner?

(Objected to, as having nothing to do with contest, by F. H. Wardlaw, counsel for G. D. Tillman.)

A. I don't think it possible for them to have been so imprudent and unwise to so advise, and don't think they did.

Q. Do you not know, or have you heard of Democrats attending the colored people's Baptist union meeting, on Saturday before the fifth Sunday in October last, and intimidating and interfering with some of the colored ministers, telling them if they allowed politics to be mooted then they would take them and hang them to the first tree?—A. I do not, of my own knowledge, nor have I heard of such proceedings on the part of Democrats at any union or other church meeting throughout the county.

Q. Is it not a fact that nearly all of the Democratic voters of the county were armed during the last election, and when there were individual members of a club who was unable to arm himself, that an assessment was made on the club to furnish said member with arms?—A. I am not prepared to answer in reference as to the manner in which Democratic voters generally were armed. Don't think any assessments were levied or called for to procure arms for any of them.

Q. You say you were informed after you arrived in town, on the day of election, that parties riding along the road were fired upon by Republicans; will you state, as accurately as you can, what you did hear in regard to that matter; who the parties were that were fired upon, where the colored men were located, when the firing took place, about

what time of night, and what were the circumstances which caused these Democrats to pass that way?—A. I heard that C. L. Woodward and others were fired upon at or near Huiet's Cross Roads; it was between midnight and day; it was a reconnoitering party who had heard that the colored people had congregated in a mass of some four or five hundred, and had encamped at or near Huiet's Cross Roads.

Q. Do you not know it to be true that large bodies of Democrats, mounted, armed, and uniformed in red shirts, came into the village of Edgefield the evening preceding the election and paraded through the streets, yelling and firing off their pistols to the terror and dismay of the Republicans in the immediate community, and that said Democrats came from distant parts of the county?—A. I do not.

Q. Have you not heard that there did come into the village of Edgefield Democrats, armed and mounted, on the evening preceding the election, and conduct themselves indicated in the manner referred to in the above question?

(Objected to as hearsay evidence by F. H. Wardlaw, counsel for contestee.)

A. I have not, from Democratic sources, but have read the sworn evidence of L. Cain and P. Simpkins, Republicans, to that effect.

Q. Did you not hear that there did come into the village of Edgefield, the evening before the election, mounted Democrats, and did you not hear that they paraded through the streets of Edgefield and yelled, and fired off their pistols?—A. Yes; I heard that mounted Democrats paraded through the streets, and that a few pistol-shots were fired, but not sufficient to create dismay or intimidate any one, and it was not so intended.

Q. Do you not know that the colored man whom you say you saw mounted and leading the Republican voters up to the polls on election day is named Moses Morton, who lived at that time in the village of Edgefield, and that he is in no manner whatever a leader among the Republicans?—A. I know his name is Moses Morton; do not know where he was then living, but on that occasion he was occupying the position that should have been, and is generally, occupied by a leader of his party.

Q. Are you sure it was malice and hate depicted in the countenances of the colored men whom you say you saw on election day, or was it a sad and serious exhibition of their feelings at being unkindly and illegally prevented from exercising their constitutional rights, the elective franchise?—A. I am satisfied it must have been malice and hate depicted in the countenances of many of them, or else they could not have looked so vicious and diabolical as they did when they came marching in.

Q. Is it not a fact that while Republicans were in power in South Carolina that they always appointed at least one Democratic manager for each election precinct in Edgefield County, and that said manager was invariably elected as chairman of the board of managers, and further is it not a fact that the clerks for the various precincts through the county were in nearly every instance chosen from the Democratic party?

(Objected to as not the highest evidence.)

A. I am not positive, but think there was generally one Democratic manager at each election precinct, and frequently said Democratic manager was elected chairman of the board of managers for his competency entitling him to that position; the clerks were generally Democratic.

Q. Is it not true that since the Democrats have got the control of the State government, that they have avoided or failed to appoint a single Republican manager of election in the county of Edgefield?—A. I don't remember as to the general election of 1878, but there were no Republican appointed manager of election at the general election of 1880, and have been informed that there was no request from the Republican party to have Republicans appointed as managers.

Q. Did you not say on the day of the last election, while in conversation with Republicans, that the Democrats did not intend to allow Republicans to vote at the court-house box, who lived at a greater distance than four miles from said box; and did not those men remonstrate with you as to the unfairness of that proposition on the ground that there were Democrats present who resided in various parts of the county, and no objection was urged to their voting?—A. I did say to L. Cain that he had acted very wrong in massing so many Republicans at this place that it would perhaps be impossible for all present to vote at this precinct during the day, and that those living within four or five miles of the village should have and would have the preference in voting. I have no recollection of talking with Republicans in reference to Democrats from other sections of the county.

Q. About how many boys did you see in the crowd of colored men on last election day; give the names of as many as you can, and state if you did not form your opinion as to their age, merely from their appearance and not from any positive information in your possession?—A. I don't know; but good many; don't know their names; formed my opinion from their general appearance.

Q. Is it not a fact that coming to the polls on election days yelling, armed, mounted, wearing the red shirt, and moving in bodies, are some of the schemes established by the Democrats to intimidate and overawe Republican voters?—A. It is frequently the custom of the Democratic clubs to ride to the polls in a body, and sometimes yelling; but it is not the established custom of the Democratic party to move in bodies to intimidate and overawe Republican voters.

Q. Is it not an occasional custom?

(Objected to on the ground that it has nothing to do with the contest of 1880 between Smalls and Tillman, and a further objection that its happening occasionally does not make it a custom.)

A. Democrats sometimes move in bodies, and they may do so with the view of intimidation, but I don't know that they do. The club of which I am a member have never turned out with that view.

Q. You say that you urged Republicans on the day of election to vote if they desired to do so, and that on three occasions you accompanied parties of three and four Republicans up the steps to the polls, and they voted; now then, as the poll-list shows that the Republican candidates only received about twelve or sixteen votes at this precinct, it would appear that only those Republicans whom you say you carried up the court-house steps for the purpose of voting were the only Republicans who had voted at the court-house box that day, would it not?—A. I did not say that they all voted the Republican ticket—some of them may have voted the Democratic ticket.

Q. You say that the Republicans established an extra box at the court-house, evidently for the purpose of committing fraud, and for that reason it was abolished by the Democrats; now, in your judgment, do you not know that it would subserve the interest of all parties, and especially this community, for the re-establishment of two boxes at this precinct, knowing, as you do, that this certainly is the largest polling

precinct in the county, and has been the largest ever since the war?—A. I think one box at this precinct is amply sufficient to meet the wants and convenience of voters residing in the vicinity thereof, if the Republicans would cease massing colored voters of the county, and let said voters remain and vote at the nearest precincts to which they respectively reside.

Q. Do you not believe that the assembling of armed Democrats in the Masonic Hall, up in Mr. Mimse's gallery, and in several store doors in the town, served to effectually intimidate and bulldoze the Republican voters who were here for the purpose of voting to the extent of causing them to leave the village before voting?—A. I do not, because some of their leaders and many of their voters were notified and urged to stay a short while longer, and they would have no difficulty in voting; they were so informed by leading Democrats.

Redirect:

Q. Had it not been the custom of Republicans to approach the polls in a noisy, yelling, demonstrative manner?—A. I do not know that it always has.

Q. Did they not do so on election day of 1880?—A. They did at this precinct.

Q. You were asked about arms in store doors; do you know anything of that sort?—A. I do not.

D. R. DURISOE.

Sworn and subscribed to before me this the 2d day of April, A. D. 1881.

[SEAL.]

JOHN T. GASTON,  
*Intendant, E. V.*

In the matter of the contest between Robt. Smalls and G. D. Tillman  
for a seat in the Congress of the United States.

ROBT. SMALLS, CONTESTANT, )  
  *vs.*  
G. D. TILLMAN, CONTESTEE. )

Dr. G. W. WISE, a witness of legal age, produced by contestee, after due notice to contestant, deposes as follows to questions propounded to him:

Question. State your age, residence, and occupation.—Answer. Trenton; age, 42; occupation, a practicing physician.

Q. Did you vote at the last general election, and for whom did you vote for Congress?—A. I did vote; I voted for G. D. Tillman.

Q. Did you receive an order from D. R. Durisoe, chairman of the Democratic party of Edgefield County, to bring your Democratic club to Edgefield Court House precinct, as the negroes were about to take possession of the polls?—A. An order was directed to the club at Trenton to bring as many men as possible to the Edgefield precinct, that the negroes were about to take possession of the poll at this place. Mr. Durisoe requested me to stay till 1 o'clock, that there was threats that the Republicans were going to charge the polls at that time. I left soon after 1 o'clock; the negroes were dispersing when I left.

Q. Did you not, after leaving the Edgefield precinct, go to Landrum's Store?—A. After I returned to Trenton there was a courier there from Landrum's Store with a request that we send some men down to Landrum's Store, that they were dreading a difficulty from the

colored; that some negro woman had come there dressed in a red shirt, and the negroes had abused, kicked, and knocked her about, and some of the white people had taken her part, and that they were apprehensive that this would bring on trouble.

Q. State what occurred at Landrum's Store after you arrived there.—A. When I arrived there found some colored men there; some two or three white men I thought were drinking and cursing around there, and I thought they might get into a difficulty. I then asked the colored men if they had voted. They said they had. I then suggested to them to go on home and not stay there, as they had voted and could do nothing else. The voting was about through with. We remained there, and about dark I heard a shot; I then inquired where it came from. We took it that it came from a Republican. I thought and suggested that nothing be done. Shortly after this there came a volley from under the hill, where we supposed the colored people were formed. There must have been thirty or forty shots. I am satisfied the shots came from the Republicans. It was in the dark. The whites returned the fire. Myself and others interfered and stopped the firing. This firing by Republicans was done without any cause. The counting was going on quietly inside the house. I have heard since that the Republicans said that the firing was done for the purpose of running the white people away from the poll, then the Republicans would take the box. The managers were apprehensive if the Trenton club left that the Republicans would take the box from them. I remained there one or two hours; while I was there some white men, who had heard of this firing, came up there, and they were fired into by the same party; the shots came from the same direction. That party began to return shot, and they were advised not to shoot; to reserve their fire; then, if the Republicans attempted to take the box, that would be time enough.

Q. Did you hear Nathaniel Sullivan that evening?—A. I saw a man ask Nathan to let him see his commission. He run his hand in his pocket and pulled out a paper. He said, "This is no commission." He then run his hand again into his pocket, pulled out another paper. Said also, that was no commission. He then asked him if he was keeping poll-list. Nathan said he did have one, but he did not know where it was.

Q. Did you hear the result of the election while there?—A. I think about three hundred and sixty votes were polled there that day.

Q. Nathan Sullivan testifies that there were 351 or 360 votes polled in all, and then he goes on to say that there were 400 Republican votes polled, and about 150 or 160 Democratic votes polled. Is not his first statement correct and his last one false?—A. My recollection is that there were 350 or 360 in all. I heard some one from the steps announce that there were about 350 or 360 votes polled, and that the Democrats were a little in the majority.

Q. Were there not very few colored votes polled at Trenton precinct, and are there not a great many colored people who live near your precinct?—A. There were very few polled there, and a great many live about that precinct. A crowd of more than a hundred colored people came up to Trenton precinct after they left Edgefield, and they were asked to vote there; they refused to do so.

Q. Was it not a general rumor in your town that the negroes were buying up all the arms and ammunition they could get just prior to the election?—A. It was. I heard that Boston Burt had been to Augusta a few days before, and had brought up a box of arms, and issued them

at his house, and the night we heard that these guns were issued we heard firing at his house.

Q. Was it not a general rumor that the Republicans intended to amass their voters at three or four precincts, and take forcible possession of the same?—A. That was the rumor, and by 9 o'clock the night before the election there was not a negro to be found on the plantations in the neighborhood, as a general thing.

Q. As far as you know, the election was fair and square?—A. As far as I know, it was.

Cross-examination by L. CAIN, counsel for contestant:

Q. About what time in the day was it when you received information that the Democrats at the court-house were apprehensive of danger?—A. About 9 o'clock; I think we got word twice.

Q. About how many men came with you in that company?—A. I think about fifteen started from Trenton, and some few fell in with us along the road, and there was not exceeding twenty-five when we arrived at the Edgefield precinct. This was not an organized company. The most of our men had gone to Johnston. We got a dispatch that there was some trouble down there.

Q. Were not most of these men who came with you, armed with guns and pistols, dressed in red shirts, and when they were coming up Main street were they not yelling, flourishing their pistols, and making a display which was calculated to terrorize and intimidate Republican voters?—A. There was not a gun in the crowd. If there was any pistols I did not see them; likely they had pistols on. They certainly ought to have them, if they had not. I had mine on. I heard that there was a riot here, and came prepared to quell it, if possible. There were very few red shirts. Don't think a single man who left Trenton with me had on red shirts; some few fell in, I think, had on red shirts. One man wanted to bring a gun, and I advised him not to do so, and he did not. No flourishing of pistols that I saw. I heard some hallooing or yelling. I don't know how easy Republican voters were intimidated. I don't think a little crowd like that would have intimidated me much.

Q. How many precincts did these twenty-five men who accompanied you visit that day besides Edgefield, Trenton, and Landrum's Store?—A. None that I know of, and not all of the same men who came here went to Landrum's Store, but others, who did not come to Edgefield, went to Landrum's.

Q. These men who accompanied you to Landrum's Store, armed with guns and pistols, and dressed in red shirts?—A. I did not see a gun or a pistol; there was no display of fire-arms at all. As to red shirts, I don't remember.

Q. About what time in the evening was it when you reached Landrum's Store?—A. About 4 o'clock.

Q. Were there many colored voters there at this time?—A. Not more than fifty voters there at this time.

Q. About how many white voters were there when you arrived?—A. I suppose a dozen.

Q. Did these colored voters remain there till the closing of the polls?—A. They left just before dark.

Q. While the counting of the votes were going on, do you know whether there were any colored men present or not?—A. There was one, I remember, came up about the time the poll closed; I don't know how long he staid.

Q. Can you state about how many white men were present while the counting was going on?—A. I suppose about fifty white men were there before this other party arrived, making perhaps about eighty; they heard that there had been some trouble, and they kept coming in one and two at the time, till there was from eighty to one hundred there.

Q. You stated that while one of these parties were coming in they were fired on, and that you were satisfied that the men who did the firing were colored men, did you find out by subsequent investigation or did you form an opinion as to that?—A. I was satisfied in my own mind that it was colored men, and subsequently I have found out that it was colored men.

Q. Were any of the parties who were fired on shot that night?—A. Only one mule got hit.

Q. You stated upon your arrival you found some white men there who were drinking, cursing, &c.; did these same men remain there until night?—A. I think they did; they seemed to be drinking; they thought they had been bulldozed by the negroes, who were greatly in the majority; we persuaded them to be quiet, and they did quiet down.

Q. You stated in your direct examination that you had since heard that some of the Republicans said that their object in firing that night was to make the whites leave the box so they could take possession of it. Can you give the names of any of the Republicans who made this statement?—A. I know the parties, know where they live, but do not recollect their names.

Q. All of the managers and the clerk at Landram's Store were Democrats, were they not?—A. I suppose so.

Q. Will you please give the name of that party who asked Nathaniel Sullivan for his commission?—A. Dr. Hugh Shaw asked him where his commission was, and he pulled out several papers, and none of them was his commission, and he last said he did not know where it was.

Q. Do you know of any negroes who bought up arms and ammunition just previous to the election?—A. Only from what I have heard; I heard the merchants say they sold all they had in their stores, and could have sold more, and that the colored people were buying.

Q. But did these merchants say that they had sold their arms and ammunition exclusively to colored men?—A. They merely said that the negroes had bought up all the pistols they had, and had bought a great deal of ammunition; they could have sold more pistols if they had had them.

Q. As to what you have testified to about Boston Burt going to Augusta and buying arms and issuing them just prior to the election, do you know anything of your own knowledge or is it hearsay?—A. Hearsay; and then hearing the firing at his house that night confirmed the rumor.

Redirect:

Q. The Democrats who voted at Landram's Store, left there after voting did they not?—A. I was told they had left; I did not find but few there.

Q. Did not the Republicans remain after voting?—A. Some of them remained there till about dark; most of them left about that time.

GEORGE W. WISE.

Sworn to before me this 31st day of March, A. D. 1881.

[SEAL.]

JOHN T. GASTON,  
Intendant, E. V.

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

In the matter of the contest of Robert Smalls against G. D. Tillman  
 for a seat in the Congress of the United States.

ROBERT SMALLS, CONTESTANT, }  
*vs.*  
 G. D. TILLMAN, CONTESTEE. }

JOHN BRUNSON, a witness of lawful age, produced by contestee upon due notice to contestant, deposes as follows :

Question. State your age, residence, and occupation.—Answer. Age, 46 ; occupation, a farmer ; reside in Edgefield County.

Q. Were you at Cheatham Store precinct on the day of the last general election ?—A. I was ; I arrived there about one hour by sun.

Q. Did you vote ; if so, for whom did you vote for Congress ?—A. I did vote, and voted for G. D. Tillman.

Q. Was there any discrimination shown at Cheatham's box by the managers ?—A. None that I know of.

Q. Did you see any acts of violence committed there that day ?—A. None at all.

Q. Harry Oliphant testifies to having been fired at about four or five hundred from the polls ; if he was fired at at all, it was not in the vicinity of the polls ?—A. If he was fired at at all, it was some three or four hundred yards from the polls ; perhaps further ; I heard pistol shots, one or two, and heard afterward that they were fired at Harry Oliphant.

Q. Was not that difficulty a personal one, and had nothing to do with the election ?—A. I don't know.

Q. Was it not a general rumor that the colored people were buying up all the arms and ammunition they could get just prior to the election ?—A. I never heard it.

Q. Was it not a general rumor that the Republicans were going to mass their voters at two or three boxes in the county, and take forcible possession of the polls ?—A. It was.

Q. Did not large bodies of armed colored men camp the night previous to the election in the neighborhood of your polling precinct ?—A. I heard that they were camped about one and one-half miles from the polls, at the Mines old place. J. B. Seigler told me that he saw camp fires where they were in camp the night previous to the election, and the rumor was that another large body of colored men were encamped on the other side of Turkey Creek, about one 1½ miles of the polls. These were known as the Liberty Hill precinct negroes.

Q. Were not a great many colored men at Cheatham Store precinct that lived nearer other precincts ?—A. There was a great many from nearer other precincts. Most of them had sticks. Saw no pistols.

Q. The election at your box was conducted fairly and squarely, as far as you know ?—A. As far as I know, it was.

Q. Did any colored men vote the Democratic ticket ?—A. Yes.

Q. Did not the fact of all these men—colored men—coming to Cheatham Store tend to confirm the rumor that the Republicans intended to mass their voters at two or three boxes, and to intimidate the Democrats ?—A. It did.



Cross-examination by L. CAIN, counsel for contestant :

Q. You say you arrived at the poll when the sun was about one hour high. How long did you remain before you left ?—A. I remained until about 1 o'clock ; then went to dinner ; then returned and remained till about the time the polls closed.

Q. Were you in or outside of the house when this firing took place at Harry Oliphant ?—A. I was outside of the house when the firing took place. I did not see who the firing was directed at.

Q. Did you know who the party was that did the shooting ?—A. Only what I have heard.

Q. Have you ever heard that Harry Oliphant and this party had a personal difficulty previous to that day ?—A. I never did.

Q. While you were at the polling-place that day was there any attempt on the part of the Republicans to take forcible possession of the polls ?—A. At one time I thought there was. When I arrived at the polls the colored people were about six hundred yards from the polls on each road leading to the polls. They then came up on each road, the Edgefield road, the Abbeville road, and the Ninety-six road. A body of colored men came up on the north side, within about ten steps of the polls. The body on the south side came up within twenty steps. They stood there a while, turned and left ; while they were there some one said, "They have all voted once. They have come back to vote again, and take possession of the box."

Q. At the time these parties marched up to the polling place was not the entrance thereto so densely crowded by Democrats that it was impossible for them to get near if they had desired to do so ?—A. There were not ten men between them and the box.

Q. They made no attempt while in this position to take possession of the box ?—A. They made no attempt.

Q. You stated in your direct examination that there were colored men there that lived nearer other precincts than to Cheatham Store. Was it not also a fact that there were white men who lived nearer to other precincts ?—A. There might have been eight or ten men there that did live nearer other precincts.

JOHN BRUNSON.

Subscribed and sworn to before me this 31st of March, A. D. 1881.

[SEAL.]

JOHN T. GASTON,

*Intendant, E. V.*

STATE OF SOUTH CAROLINA,

*Edgefield County :*

In the matter of the contest between Robert Smalls against G. D. Tillman for a seat in the Congress of the United States.

JAMES P. NORRIS, a witness of legal age, introduced by contestee, after due notice to contestant, deposes as follows :

Question. State your age, residence, and occupation.—Answer. Age; thirty-three ; residence, Elmwood, Blocker Township and am a farmer.

Q. Were you at Pleasant Lane polling precinct on the day of last general election ?—A. I was.

Q. In what capacity ?—A. Chairman of the board of managers.

Q. Was it not a general rumor that the Republicans intended to amass their voters at three or four precincts in the county and take forcible possession of same ?—A. I heard it as a rumor the day before the

election, and their manner on the day of election satisfied me that such was the fact.

Q. Was it not a general rumor that the colored people had bought up all the arms and ammunition they could get, some days previous to the election?—A. I heard that in connection with the rumor just stated.

Q. Had it not been the custom of the Republicans, during the Republican administration, to amass their voters at a few precincts, and take and hold possession of same during the days of election, to the exclusion of the Democratic voters?—A. It was, so far as my observation extended.

Q. Were any bodies of colored men encamped the night previous to the election in your neighborhood?—A. There was none at my box; a large body gathered near our box the morning of the election; did not come to that box, but went on to Meeting Street.

Q. Do not a great many colored people live in the neighborhood of your polling precinct?—A. They do.

Q. Did any vote there the day of election?—A. Only one, and that was at my own solicitation; I assured him, with a good many others, that they could vote there unmolested, and as they pleased.

Q. Did not the colored voters of your precinct leave it and go to some other precinct to vote?—A. They did, with the exception of two or three, who voted the Democratic ticket.

Q. Did not a good many colored voters go directly by your polls and go in the direction of Meeting Street precinct, even after they had been solicited to stop and vote there?—A. They did after being solicited by myself and others.

Q. You say you saw a large body of colored men that morning, and heard them yelling; did you see whether any of them were armed with clubs on that morning?—A. I did not see the large bodies spoken of, but heard them yelling, though; a good many who passed the box in squads had large clubs, as they passed, apparently freshly cut.

Q. There was no complaint made as to the legality of the election at your box, was there?—A. None that I heard of.

Q. Was the election a fair and square one, and done in accordance to law?—A. It was fair and square, and every requirement of the law was complied with.

Q. Did any of the colored men you saw pass your precinct that day have any arms?—A. I saw nothing but clubs.

Q. Describe the manner of the Republicans on the day of the last election which would go toward convincing you of the truth of these rumors.—A. One of *my little boys, my son*, the day before the election, came and told me that he was sitting on side of the road leading from Edgefield to Ninety, the road I live on a party of colored men stopped near where he was, and he overheard them giving instruction to meet at Mr. Lewis' store; (there is where the Meeting Street box was held), to beat the white men back, and they would carry things their own way. The same evening I saw two or three colored men going up the same road, in a very boisterous manner, yelling and hollooming, and running their horses against white men, on horseback, who had to get out of the way to keep from being run over. This party, I heard afterward, were distributing tickets. I saw some colored men returning from the Meeting Street box, who seemed to be very much disappointed at not carrying out their ends; their ends were, so far as I am able to ascertain, to take possession of the box.

(Objected to upon the grounds of its coming from a little boy who is unable to know of what he is speaking, and from the further fact that

a portion of the answer was suggested by the counsel on the other side.)

Q. How old is your little son?—A. Nine years old.

Q. Has he not usual intelligence of a boy of his age?—A. He has.

Q. Did he not see as well as hear those men?—A. He did.

Q. Did you need prompting by counsel to be able to answer the question objected to by counsel on the other side?—A. I have a mind sufficient to comprehend a direct question to answer it without prompting. I did not answer the question by prompting from counsel.

Q. Did you vote, and for whom did you vote for Congress?—A. I did vote for G. D. Tillman.

Cross-examination by L. CAIN, counsel for contestant :

Q. Were not all of the managers and the clerk of the Pleasant Lane precinct white men and Democrats?—A. They were.

Q. Can you give the name of a single individual who told you that it was the intention of the Republicans to amass their voters at two or three of the voting precincts, and take forcible possession of the same?—A. I stated that it was a rumor. I can't give any authority, only my little son, what was stated by him.

Q. There was no attempt on the part of the Republicans whom you saw passing the precinct of which you were a manager to interfere with the managers or the voting, was there?—A. None at my box. It seemed to me that they intended to congregate at Meeting Street.

Q. Do you know anything about what transpired at Meeting Street, except what you have heard from other parties?—A. I know that some of these colored men told me that they had been to Meeting Street.

Q. Can you give the name of any of the parties who gave you this information?—A. I can, but I decline to do so.

Q. You stated in your direct examination that you heard the rumor that colored men were buying up all the arms and ammunition they could get some days previous to the election. Can you give the name of a single individual who made these purchases, or the name of a single individual who sold arms or ammunition to Republican voters just previous to the election?—A. It only came to me as a rumor.

Q. You have stated that so far as your observation extended it had been the custom of the Republican, during the Republican administration to mass their voters at a few precincts and take and hold possession of the same during the day ; will you please state the election and the precinct where white Democrats could not or did not vote if they so desired during the Republican administration?—A. I will state that in 1872, at Pleasant Lane, it was difficult for a Democrat to vote without wedging his way through a crowd of colored voters, and rendering himself liable to insult, and saw a white man get himself into a difficulty with a colored voter on that account.

Q. Will you please state whether the man you refer to or any other white man had to leave there that day without voting if he so desired?—A. No ; he did not.

Q. Was not one of the managers at the election you refer to a Democrat?—A. I don't recollect.

Q. About how many Republicans were there that day?—A. Probably fifty during the day.

Q. Was there only one Republican vote polled there that day?—A. Only one.

Q. You stated that two or three colored men voted the Democratic

ticket that day; can you give the names of these parties?—A. I can, but decline to do so.

Q. Were not there a great many white men at that polling place that day who were not immediate residents of the neighborhood?—A. There were some there who were strangers to me.

Q. Did you see any that you knew lived nearer other precincts than Pleasant Lane?—A. I don't know that I did; some there who may have lived nearer Meeting, but very little.

Q. Is it not a fact, that came under your own observation, that there were white Democrats there that day dressed in red shirts, and armed with guns and pistols?—A. Yes; there was white men there dressed in red shirts and had pistols; saw no guns.

Q. Did your little son know the names of any of the men heard speaking about going to Mr. Lewis's store?—A. I do not know that he did.

Q. You stated in your direct examination that you saw two or three colored men riding along the same road that your little son saw them on, and that these men ran their horses against white men on horses; do you know who these men were?—A. I was some distance from the road and could not tell who they were.

Q. Can you give the names of the white men on horseback that they ran against?—A. I can; Capt. Tho. Dean and Willis Odom.

Q. Were you ever a manager of election before the one in 1880?—A. Never was.

J. P. NORRIS.

Sworn to before me this the 1st day of April, A. D. 1881.

[SEAL.]

JOHN T. GASTON,

*Intendant, E. V.*

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

In the matter of the contest between Robert Smalls and G. D. Tillman for a seat in the Congress of the United States.

JOHN R. CARWILE, a witness of lawful age, produced after due notice to contestant, deposes as follows to questions propounded to him:

Question. State your age, residence, and occupation.—Answer. Forty years old; reside, Johnston, Edgefield County, S. C.; occupation a farmer.

Q. Were you at Johnston the 2d of November, at the last general election?—A. I was.

Q. Were you at or near the polling precinct on that day?—A. I was at the polling place.

Q. In what capacity?—A. A manager.

Q. Prior to the election was there any rumor with regard to the colored Republican men buying up ammunition, &c.?—A. There was such a rumor.

Q. From the action of the Republicans on the day of the election did it not appear to be their programme to concentrate all their voters at certain precincts and take forcible possession of the same?—A. There was such a rumor previous to the election, and it was expected by the citizens of Johnston that there would be a large turmoil there.

Q. Did any difficulty at Johnston on the day of election?—A. Yes, sir.

Q. Was it a general political row, or what was the nature of the difficulty?—A. I did not see the difficulty, but from information that I received it was purely a personal altercation.

Q. Was there any guns fired?—A. Several.

Q. Who fired the first gun?—A. I can't say exactly. I understand that a colored man fired the first gun.

Q. Was anybody killed?—A. One colored man killed.

Q. What did he have about him when killed?—A. A flask of whisky, and a rock in each pocket.

Q. About what size were these rock?—A. Large enough to kill a man with.

Q. Are there any colored Democrats about Johnston?—A. Yes, some.

Q. Is it possible then for you to know the political opinion of all the colored people about Johnston?—A. It is not possible.

Q. Could any man who had not previously been acquainted with each and every of the colored voters who were at Johnston on that day know of his own knowledge the politics of each and every man there that day?—A. I do not think so.

Q. Did both colored and white men vote at that box on that day?—A. Yes, sir.

Q. You do not know the politics of the colored men who voted, of your own knowledge?—A. I do not.

Q. Did both colored and white men vote after this difficulty and prior, too?—A. Yes, sir.

Q. Do you remember whether Republican supervisor left the box?—A. Yes, sir.

Q. Did he leave any papers or books there?—A. He left a small pamphlet or book, which I have with me and here produce.

(Book introduced in evidence, marked Exhibit C, and hereto annexed.)

Q. Do you know the names of the parties written in this book?—A. I know some of them.

Q. Was these names written in this book when he left it on the table?—A. They were.

Q. Had the parties whose names were written in this book voted that day?—A. Some had, some had not.

Q. Does your name appear in that book?—A. Yes, sir.

Q. Had you voted at the time this book was left on the table of the managers by the Republican supervisor?—A. I had not.

Q. What are your politics, Mr. Carwile?—A. A Democrat.

Q. Are the parties whose names appear in this book white people or colored people, or both?—A. Both.

Q. Are there many names of white people in this book?—A. Good many.

Q. Do the names of Democrats and Republicans appear in this book promiscuously?—A. The names appear promiscuously. As to their politics, I don't know.

Q. Do you not know from your association with the white men whose names appear in that book that they are Democrats?—A. I know from my association that some of them are Democrats; do not know the politics of all of them.

Q. Do not the names of nearly all the white citizens of Johnston and its vicinity appear in this book?—A. Most of them do.

Q. Did you know the Republican supervisor who left this book

there?—A. I did not know him before that morning. He came up, gave us evidence of his appointment, and we allowed him to act.

Cross-examination by L. CAIN, counsel for contestant :

Q. Were not all of the managers and the clerk at Johnston precinct white men and Democrats?—A. They were.

Q. Can you give the names of any who circulated the rumor that the Republicans were buying up arms and ammunition just previous to the election?—A. I am not positive as to who told me, but think it was a merchant. I do not know the parties who made the purchases. I gave very little credence to the rumor.

Q. From the position you occupied at Johnston as manager, were you not shut off from seeing what transpired on the street?—A. While at the box I could not see what transpired, but I did, on various occasions, go out on the balcony and see, for I was very solicitous and anxious that peace should be preserved there that day.

Q. Did you happen to be on the balcony at the time the difficulty occurred between the white and colored man?—A. I was not.

Q. Do you know anything of this difficulty?—A. Not of my own knowledge.

Q. You saw no demonstration on the part of Republicans that day which led you to believe that they intended to take forcible possession of the polls?—A. They made no demonstration, except crowded around the polls, and, I think, can safely say that three-fourths of them were armed with clubs.

Q. Was not the place of the polling precinct elevated?—A. Yes; it was necessary for voters to ascend a flight of steps.

Q. Were any of the Republicans armed with pistols or guns that day?—A. I saw no guns, and but one pistol that day, which was in the hand of the Republican supervisor; think probably the Democratic supervisor had one.

Q. Do you remember seeing there that day white men dressed in red shirts, who came from west of the court-house about twelve or fifteen miles, or white men from nearer other precincts than Johnston precinct?—A. I saw white men in red shirts; as to the particular locality I cannot say; some were strangers to me.

Q. Please state the circumstance that caused you to believe who fired the first gun.—A. I was told so by several gentlemen; their impression was that a colored man fired the first gun.

Q. You stated that one colored man was killed; is it not a fact that another colored man who was wounded there has since died?—A. I have been informed that he was wounded and died afterward.

Q. Do you know of a single white man who was wounded that day?—A. I think Mr. Aughtry told me that his watch was struck with a pistol ball, and that saved his life.

Q. Did you see the rocks and flask of whisky that was taken off the dead man?—A. Yes; I saw them.

Q. Do you know, of your own knowledge, that there are Democrats at Johnston, or are you governed by hearsay?—A. I am governed by hearsay.

Q. About what time of the day was it when colored men voted at Johnston?—A. Most of them voted between 8 and 12 o'clock.

Q. The pamphlet you exhibit here as being left by the supervisor—are you sure that the names written therein were written by the supervisor?—A. I am not sure about that, but am sure that the names were in it when he left it on the table.

Q. You don't know what object the supervisor had in writing those names in that book, or having them written in there, do you?—A. I do not.

Redirect:

Q. You say that you went on this portico a number of times that day; did you see any pistols in the hands of men on horseback that day?—A. I did not.

Q. Could not Democrats and Republicans vote that day at that precinct without molestation?—A. They did.

Q. Describe generally the clubs which the colored people were armed with on that day.—A. Generally they were from 3½ to 4 feet long; in some instances they were used as walking-sticks, and some with sticks clinched in the middle; from the size and the number they did not appear to me to be walking-sticks.

JOHN R. CARWILE.

Sworn to before me this 1st day of April, A. D. 1881.

[SEAL.]

JOHN T. GASTON,  
*Intendant, E. V.*

JOHN R. CARWILE recalled:

Question. About how many colored voters were at Johnston precinct at any one time that day?—Answer. About three hundred and fifty to four hundred at any one time that day; not more.

Cross-examination by L. CAIN, counsel for contestee:

Q. About how many white men were there at any one time that day?—A. Do not think more than two hundred and fifty or three hundred.

JOHN R. CARWILE.

Sworn and subscribed to before me this 1st day of April, 1881.

[SEAL.]

JOHN T. GASTON,  
*Intendant.*

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

In the matter of the contest between Robert Smalls and G. D. Tillman,  
for a seat in the Congress of the United States.

WILLIAM LOTT, a witness of lawful age, produced by contestee after due notice to contestant, deposes as follows to questions propounded to him:

Question. State your age, residence, and occupation.—Answer. Forty-seven years of age; reside near Johnston, Edgefield County, South Carolina; occupation, a farmer.

Q. Were you at Johnston on the 2d of November, on the day of the last general election?—A. I was.

Q. Were you near the voting precinct?—A. I was on the street.

Q. Did you see any red shirters riding up and down the streets that day, flourishing pistols, swords, and displaying fire-arms generally?—A. I did not.

Q. Did you see any fire-arms displayed that day?—A. I did not.

Q. Did you see any violence or intimidation there that day?—A. I did not.

Q. Were you at that polling precinct the greater part of the day?—  
A. I was; I reached there before the polls were open, and left about the time they closed.

Q. From what you saw do you regard the election at that place fair?—A. I do.

Q. Can you tell the political opinion of a colored man without talking to him?—A. I cannot.

Q. Is it not the general impression around Johnston that some of the colored men are Democrats and some Republicans?—A. Some of them vote the Democratic ticket, but I do not know whether they are Democrats or not.

Q. Is it possible for any man to say how many colored men voted the Democratic ticket that day, and how many did not?—A. I don't believe it is.

Q. Describe the manner in which the colored voters at Johnston precinct on that day approached the poll?—A. Many of them came up in squads or organization; I saw no arms of no kind, but they had clubs in their hands—considerable portion of them; most of the clubs were not walking-sticks; they looked to be freshly cut, and above the size of walking-sticks.

Q. Do you know that previous to the election a rumor was circulated that the colored people were buying up ammunition, pistols, &c.?—A. May have heard such a rumor, but do not recollect.

Q. Was it not expected that the colored people would mass their voters at two or three precincts, and take forcible possession of the same?—A. Good many thought so, but I did not until the morning of the election.

Q. What are your politics, Mr. Lott?—A. Democrat.

Cross-examination by L. CAIN, counsel for contestant:

Q. In what part of the town were you when the shooting came off?—  
A. I was in the rear of the store, eating, and did not see anything of the difficulty. I got out as quick as I could, and the difficulty was over.

Q. Were there any white men there that day, dressed in red shirts, who lived nearer other precincts than to Johnston precinct?—A. There might have been, but I can't locate them.

Q. Did you see Captain Whites there that day?—A. I don't know him; if I ever saw him I don't know it.

Q. Do you know of your own knowledge as to whether any colored men voted the Democratic ticket at Johnston on the 2d of November last?—A. I do not.

Q. You saw no attempt on the part of Republicans to use the clubs which you have described, or any demonstration made by them on the 2d day of November last which caused you to believe they intended to take forcible possession of the polls at Johnston, did you?—A. I did; I looked upon those clubs as a clear demonstration, for they were not of the length or size of walking-sticks; I saw no use made of the clubs.

WILLIAM LOTT.

Sworn and subscribed to before me this the 1st day of April, A. D. 1881.

[SEAL.]

JOHN T. GASTON,  
Intendant, E. V.



WILLIAM LOTT recalled.

Question. About how many colored voters were at Johnston precinct at any time during the day of the last election?—Answer. About 300; don't think that there were more than that at any one time.

Cross-examination by L. CAIN, counsel for contestant:

Q. Is it not a fact that at Johnston depot, and within four or five miles around that station, that the colored people are very densely settled?—A. They are.

WILLIAM LOTT.

Sworn and subscribed to before me this 1st day of April, A. D. 1881.

[SEAL.]

JOHN T. GASTON,  
*Intendant.*

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

In the matter of the contest between Robert Smalls and G. D. Tillman,  
for a seat in the Congress of the United States.

JERRY H. GARDNER, a witness of lawful age, introduced by contestant after due notice to contestant, deposes as follows to questions propounded to him:

Question. State your age, residence and occupation?—Answer. 36 years old; reside Edgefield County, S. C.; and am a farmer.

Q. Were you present at Landran's Store precinct on the day of last general election?—A. I was on my way to Landran's precinct, about one mile from the precinct. Just about daylight, I passed a large body of colored men, supposed to be about two hundred and fifty to three hundred marching by twos. They were armed with clubs the most of them, some three or four outside of the ranks had walking-sticks, seemed to be in command from what I heard one say to the body, "close up," as if giving an order. I noticed one having an old bayonet fixed on an umbrella handle, directly after we got to the polls they came up in a body with sticks and clubs, crowded around the window facing the public road, and there were fifteen or twenty white men present at the time; the colored people had possession of the box till I left and I don't know how much longer. It was a very difficult matter for a white man to vote; the colored men would vote, then fall back one behind the other and still crowd the box for the purpose of crowding the white men out. Before I left Mr. George Turner come driving up with colored women in the wagon with him; she had on red shawl and red dress; the whites took it for granted that her husband was a Democrat and halloosed three cheers; she got out of the wagon on platform near the box, raised her hand and said "Three cheers for General Hancock." When she first came up the whites cheered and some of the black cheered too, but when she went forward and said "Three cheers for Hancock," one of the black men in the crowd said "She ought to be whipped or killed, a d—n Democratic bitch." There was a dwelling-house near by, and standing thereby was a colored woman said "Let her come out here and I'll whip her." Some of the whites spoke and said you have no right to whip, she can wear what she pleases and that they would protect her, no one could put their hands on her; she made some insulting reply to them and they told her to get away from there, she had no right there no how; this woman who left the gate came toward the white men as if to strike them; one of the parties pushed her back, she fell against the second party; she then fell to the

ground; the colored men that were near the store raised their clubs up in a striking position and said, "By God it was not right." Some Democrats pushed the white men back, and I pushed the colored men back; these two colored men knew me personally. About the time this occurred one black man sung out that "By God, this is a blackman's country and we intend to have it." I picked up a club that one of these colored men had dropped, supposed to be about four feet long and as large as a man's arm. The Rev. Alec Bettis, a colored man, their pastor, being near by, I said to him, "Mr. Bettis, are these the kind of walking-sticks that you allow your members to walk with." His answer was, "No, sir, it is wrong; these are not walking-sticks and I don't approve of any such thing." This was about 12 o'clock; the polls were still crowded by colored men, and we saw no chance to vote there; myself and others concluded to come to Edgefield to cast our vote, which we did. Edgefield is about eight miles. I spent some time at Edgefield. I returned to Landran's with part of the men that came to Edgefield with me and about one hundred yards this side of the store I saw about one hundred colored men standing near the road side. When I arrived at the store I found more white men there than was there when I left. Two colored men came in and voted after I returned; they remained there till after the polls were closed. It had been rumored that the colored men intended to take the box and bring it to Edgefield themselves. While they were counting out the votes about twenty-five or thirty white men mounted the horses to leave—thought the rumor false. I was standing in rear of the store while the votes were being counted. Just in rear of the store, about three hundred or four hundred yards, I heard a keen whistle, as if it was a signal—it started on the right and extended some distance to the left, as I faced the west. I saw Mr. Turner and told him what I heard. He said I had better tell Dr. G. W. Wise about it to see what he thought about it. Myself, and Mr. Turner and Dr. Wise went to the fence where I was when I first heard this noise. We listened and heard it again the second time. Dr. Wise said, "Gentlemen, you had better dismount, for I believe these colored people intend to take this box, and I think it advisable to stay here till these votes are counted. If you think best we will stop." The colored men said the Democrats had no right to take that box. They thought Nathan Sullivan, their United States supervisor, was the man to keep the box. Dr. Wise said, "Two of you go up the road and see what this whistling meant." I then got over the fence, went down to the left, and had not gone far till we heard a firing to the right; we went towards it. I supposed the firing was from the colored men decoying us, so that we might leave there so they could capture the box. It was a general fire all the way down the line—supposed to be blacks. Dr. Wise said "Stay and take charge of the box." I am satisfied that those who fired first were colored men.

Q. Are there any colored men in your part of the county who vote the Democratic ticket?

Cross-examination by L. CAIN, counsel for contestant:

Q. Can you give us the name of the man who had the bayonet fixed on the umbrella-stick and was marching in line with the two hundred and fifty or three hundred men you spoke of?—A. I can.

Q. About how many white men voted at Landran's store before 12 o'clock, the time you left for Edgefield Court House?—A. I can't tell; can't even approximate.

Q. About how many came to the court-house with you?—A. About eight or ten.

Q. Had any of these men who came with you to the court-house voted before leaving Landran's store?—A. I don't know.

Q. Can you give the name of the black man who was standing in the crowd and said, when this woman came up who was dressed in red, "She ought to be whipped, a God d——n Democratic bitch"?—A. I can give his name, but can't call it right now; I know where he lives.

Q. Do you know the name of the woman who was standing near Mr. Landran's dwelling, who said, "Send her out here, I can whip her"?—A. I can; Amanda Quarles.

Q. Can you give the names of the white men who pushed this woman back?—A. I cannot.

Q. Do you know the name of the man who said, "By God, this is a black man's country, and we intend to have it"?—A. Same who cursed the woman; he lived on Captain Spire's place last year, but don't know where he lives this year.

Q. I understood you to say that Dr. Wise sent out two men to see what this whistling meant, and did these parties ascertain as to whether this whistling was done by colored men?—A. They reported back that they were fired on and supposed that they were black men.

Q. But of your own knowledge, you don't know who done this firing?—A. I could not swear positively, but I have every reason to believe that they were Republicans.

J. H. GARDNER.

Sworn and subscribed to before me this 1st day of April, A. D. 1881.

[SEAL.]

JOHN T. GASTON,

*Intendant, E. V.*

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

In the matter of the contest between Robert Smalls and G. D. Tillman,  
for a seat in the Congress of the United States.

E. L. STEVENS, a witness of legal age, produced by contestee, after due notice to contestant, deposes as follows, to questions propounded to him:

Question. State your age, residence, and occupation.—Answer. Thirty-five years old; reside in Edgefield County, South Carolina; occupation, farmer.

Q. Were you present at the Meeting-street precinct at the last general election, and in what capacity?—A. I was a manager.

Q. What time were the polls open that morning?—A. At 6 o'clock in the morning.

Q. Did you see the colored men as they approached the polls that morning? and if you did, describe the manner in which they did.—A. I saw about one hundred and fifty or two hundred as they came up the road. They came yelling, hallooing, and, as far as I could see, every one had a club. They marched up in about 40 paces of the box. This Willis Tilman was in front of them as they came up. They formed a line, and I heard him say, "When I give the command, we will take possession of the box." Clark Simpkins was in the room; had just voted. I said to him, "Clark, you had better go out there and try and quiet those black men, and they can come up and vote if they want to;

no one will interrupt them." Some did come up and vote. The election was carried on quietly. The whites and blacks both had a jubilee, and nobody interfered with them.

Q. How many white men were present in the morning when these colored men first marched up?—A. I suppose about fifteen or twenty.

Q. Willis Tilman testifies that while he was in the room that a white man came in and hit him three licks with a fence-rail. Is that so; and if it had been so, would you not have seen it?—A. It is not so; it is a small room, and if it had been done, I would have seen it.

Q. If he was hit at all, he certainly was not hit inside of this room?—A. No, sir.

Q. Was it not a general rumor that the colored people were buying up all the arms they could get just prior to the election?—A. That was a general rumor. I don't know that it was so.

Q. Was it not a general rumor that the Republicans intended to amass their voters at three or four precincts and take forcible possession of the same?—A. It was.

Q. Had it not been the custom of the Republicans in the county, during the reign of the Republican party, to amass their voters at two or three precincts in the county and take forcible possession of the same, to the exclusion of the Democrat party?—A. It was.

Q. The manner in which these colored people approached the polls, and what you heard Willis Tilman say, did you not believe that they intended to carry that threat of taking the polls into execution?—A. I did. My reason was that there were two crowds, one from one direction and the other coming up at the same time. I heard Dr. Strong say there was a colored man there in charge of that squad who lived on my plantation. There were a great many there that I did not know, and I know very near all the colored men in that neighborhood. I have been a merchant up there.

Q. Was there any discrimination shown with regard to voters?—A. None at all.

Q. Could not all those colored men have voted at that precinct if they had desired to do so?—A. They could.

Q. Were there any boys among this crowd of colored people?—A. I could not say.

Q. Was not the election at your precinct a fair and square one, and was not everything done in accordance to law?—A. It was.

Cross-examination by P. SIMKINS, counsel for contestant:

Q. Did there not come to your box constantly during the day of the election mounted bodies of Democrats, wearing the red shirt, armed with pistols, and yelling as they would approach the polls?—A. No, sir.

Q. Were there any Democrats at your box with red shirts on and armed with pistols?—A. I can't say about the pistols, but some had on red shirts.

Q. Do you not know that the Democrats, in coming to your box, and constantly during the day, would yell and halloo with the view of intimidating the Republican voters?—A. I heard hallooming, but could not tell whether it was Radicals or Democrats.

Q. Will you mention the names of the boxes that you say the Republicans took forcible possession of during the Republican administration?—A. Edgefield Court House was one; Richardsonville, Coleman's Cross Roads, I believe was the main boxes.

Q. Do you mean to say that the Republican majorities at those boxes

was very much larger than that of the Democrats, or do you mean to say that it was impossible for the Democrats to vote at those boxes at all?—A. I mean to say that I was at Richardsonville, and the Republicans took possession of the box; and that they would permit a few white men to vote at the time; and that was the way I understood they done at these other boxes. I was not there.

Q. Can you mention the names of any Democrats who were ever prevented from voting at any box during the Republican administration?—A. I do not know that I can.

Q. You say that some of the colored men who came to your box were from a distance, and as an evidence of it Dr. Strom said that there was a negro in the crowd from his place. Was not Dr. Strom also from a distance?—A. He was.

Q. Did you not see other Democrats there who were from a distance?—A. Five or six came with Dr. Strom.

Q. Could there not have been overt acts on the part of Democrats at your box to intimidate and influence Republican voters, and not know anything about it?—A. It may have been done some distance off from the box.

Redirect:

Q. Are there any colored men who are Democrats in your neighborhood?—A. They voted the ticket—Democrat ticket, I mean.

Cross-examination by P. SIMKINS, counsel for contestant:

Q. About how many colored men voted the Democrat ticket at your box, and what were their names?—A. The colored men would come up and show their ticket, which would be folded, and say, "Here's a Democrat ticket." About 200 of them did this. I don't know whether it was a Democratic or not. Some of them I gave tickets to that would vote them right there. I saw them do it—Jack McKinny, Laurence Richardson, Giles Dorn, Joe Fraser.

E. L. STEVENS.

Sworn to before me, this the 2d day of April, A. D. 1881.

[SEAL.]

JOHN T. GASTON,  
*Intendant, E. V.*

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

In the matter of the contest between Robert Smalls and G. D. Tillman for a seat in the Congress of the United States.

W. T. WALTON, a witness of lawful age, produced by the contestee after due notice to contestant, deposes as follows to questions propounded to him:

Question. State your age, residence, and occupation.—Answer. Thirty-five years old; reside in Edgefield County, South Carolina; am a farmer.

Q. Were you present at the Meeting-street precinct on the day of last general election; if so, in what capacity?—A. I was there as a manager of box.

Q. Did you vote, and if you did, for whom did you vote?—A. I voted for G. D. Tillman.

Q. Was it not a general rumor that the colored people had bought up all the arms and ammunition they could get just before the election?—A. It was.

Q. Was it not a general rumor that the Republicans intended to amass their voters at three or four precincts and take forcible possession of same?—A. It was.

Q. Did you see the colored men as they approached the polls at Meeting Street precinct, and if you did, at last election, describe the manner in which they did?—A. They came hallooing, marching in column, Willis Tilman in front, with clubs in their hands; halted about thirty paces from the box, and at that time another squad was coming from another direction; the last squad was armed with pistols; one of the party told me so.

Q. Did you hear Willis Tilman make any remark to this crowd of colored people in reference to taking the box?—A. I did not hear him myself, but heard others say he did say so.

Q. Were these clubs that the colored men were armed with freshly cut?—A. They were, and looked very rough; they were too large for walking-sticks.

Q. Did you see any one come into the room where Willis Tilman was and strike him three times with a rail?—A. I did not.

Q. If they had done so, would you not have seen them?—A. I think I would.

Q. Was there any discrimination shown by the managers with regard to votes; I mean by that on account of race or party?—A. None.

Q. Did any colored men vote the Democratic ticket at your precinct?—A. They did.

Q. Was not the manner in which the Republicans approached the polling precinct calculated to confirm the rumor that they intended to take forcible possession of the same?—A. It was.

Q. Was not the manner in which the Republicans came up to vicinity of the polls calculated to intimidate Democratic voters?—A. It was, if they could have been intimidated.

Q. Were not all the voters allowed to vote who attempted to do so?—A. They were; the managers sent out for the parties to come in and vote and that they should not be interfered with.

Q. Was not the election a fair and square one, and the box sent up to commissioners in accordance to law?—A. It was.

Cross-examination by P. SIMKINS, counsel for contestant:

Q. About how many colored men voted the Democratic ticket at your box at the last election that you know of, of your own knowledge, and mention the names of as many as you can?—A. Several voted it; Jack McKenny, Joe Fraser, Laurence Richardson; others voted; came there and voted; I don't know who they were.

Q. About how many colored men voted at your box?—A. About two hundred, I think.

Q. About how many votes did the Republican candidate receive?—A. About sixty-three or four; think that is about what it was.

Q. Do you not know that colored Democrats are very few and scattering in your neighborhood, and is it not a fact that colored men who generally identify themselves with the Democratic party are known perfectly well by nearly all of the citizens of the neighborhood in which they live?—A. It is hard to tell when you do strike a Democratic negro or a Republican negro. They go to Democrats, they are Democrats—go to the Republicans, they are Republicans. When they want a favor they are Democrats, and when they don't they are not; but they always want favors.

Q. The Republicans were not turbulent and offensive at your box on

the day of election, were they?—A. I was in the room all day. If they were I did not see it.

W. T. WALTON.

Sworn to and subscribed before me this 2d day of April, A. D. 1881.

[SEAL.]

JOHN T. GASTON,  
*Intendant, E. V.*

O. SHEPPARD recalled.

By F. H. Wardlaw, counsel for contestee:

Question. Have you in your possession any of the clubs the negroes had on the day of last election at the Edgefield precinct?—Answer. I have in my possession a club that I got from a negro on that day. I saw him with it, but don't know how I got it. I saw the colored men have a great many clubs on that day that was much more frightful-looking than this one. (Club introduced in evidence, marked Exhibit D.) I don't know the name of the colored man from whom I got this club. I asked him for it to keep as a relic of the election of 1880.

O. SHEPPARD.

Sworn to before me this 2d day of April, A. D. 1881.

[SEAL.]

JOHN T. GASTON,  
*Intendant, E. V.*

No. 10.

HAMPTON COURT HOUSE, S. C., *March 21, 1881.*

THE STATE OF SOUTH CAROLINA,  
*County of Hampton:*

|                               |   |
|-------------------------------|---|
| ROBERT SMALLS, CONTESTANT,    | } |
| <i>vs.</i>                    |   |
| GEORGE D. TILLMAN, CONTESTEE. | } |

Contested election for a seat in the Forty-seventh Congress of the United States.

Personally appeared W. M. SIMMONS, who, being duly sworn, deposes and says:

By Mr. MURPHY, for contestee:

Question. State your name, age, occupation, and place of residence?—Answer. W. M. Simmons; hotel-keeper; 49; Brunson, S. C.

Q. Where were you on the day of last general election?—A. In Brunson, South Carolina.

Q. Was the election peaceable or otherwise?—A. I saw no disturbance whatever in way of fighting or otherwise.

Q. Were the Republicans allowed to cast their ballots without disturbance or intimidation?—A. They were.

Q. Where were you born?—A. In Columbia County, Pennsylvania.

Q. When did you come to this State?—A. I came to this State in 1863.

Q. What was your business?—A. I was an officer in United States Army.

Q. Did you come to this county as an officer?—A. I came to this county as commandant of a post at Crockettville, in said county.

Q. Where were you disbanded?—A. At Mount Pleasant, in this State.

Q. Did you return to this county after being disbanded?—A. Yes.

Cross-examined by Mr. COLLINS, for contestant:

Q. Was there not considerable noise in the form of shooting and firing off pistols at the depot on the night previous to the election?—

A. None in the corporation, but heard it a distance outside of the same.

Q. On the day of election were you near the polls all day?—A. Yes; I was near the polls all day, every half hour or so.

Q. Where were you when not at the polls?—A. At my house.

Q. What is the distance between your house and the polls?—A. About one hundred feet.

Q. Was not an anvil fired near the depot on the prior night to the election?—A. There was.

Q. Was not that firing continued all night?—A. No.

W. M. SIMMONS.

Sworn to and subscribed before me this 21st day of March, A. D. 1881.

[L. S.]

D. C. WEBB,

*Notary Public, South Carolina.*

[L. S.]

E. A. BRABHAM,

*Notary Public, South Carolina.*

Personally appeared T. W. BRACEY, who, being duly sworn, deposes and says:

By Mr. MURPHY, for contestee:

Question. State your name, age, occupation, and place of residence.

—Answer. T. W. Bracey; 44 years old; clerk; Brunson, S. C.

Q. Where were you on the day of last general election?—A. In Brunson, S. C.

Q. Were the election peaceable or otherwise?—A. Peaceable.

Q. Were the Republicans allowed to vote without intimidation or disturbance on that day?—A. Yes.

Q. What ticket did you vote on the day of last general election?—A. Democratic.

Q. Were any threats made against your person or property on the day of last general election?—A. None.

Q. Were any made after that time?—A. None.

Q. Did you meet with any loss after the election? And, if so, state what it was, and at what time.—A. My house was set on fire and burned on the night after the election.

Cross-examined:

Q. Were you at the polls all the time on the day of last general election?—A. Most of the day.

Q. How long were you absent therefrom?—A. About a quarter or half hour at the time.

Q. Did you hear any noise on the night previous to the election such as firing of guns or pistols?—A. Heard pistol firing outside of the incorporation.

Q. Was this noise kept up during the whole night?—A. It was not, as far as I know; some boys were shooting an anvil that night.

T. W. BRACEY.



Sworn to and subscribed before us this 21st day of March, A. D. 1881.

[L. S.]

D. C. WEBB,  
*Notary Public, South Carolina.*

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared R. H. McAVOY, who, being duly sworn, deposes and says:

By Mr. MURPHY, for contestee:

Question. State your name, age, occupation, and place of residence.  
—Answer. R. H. McAvoy; 52 years old; lumberman; Brunson, S. C.

Q. Where were you on the day of last general election?—A. In Brunson, S. C.

Q. Was the election peaceable or otherwise?—A. As peaceable as I ever saw.

Q. Were any Republicans intimidated or kept from voting on that day?—A. None whatever.

Cross-examined:

Q. Were you at the polls all day?—A. I was, with exception of about 15 minutes, when I went to dinner.

Q. Did you hear any unusual noise on night or morning previous to election?—A. Some during the night; none in the morning.

Q. What ticket did you vote?—A. Democratic.

R. H. McAVOY.

Sworn to and subscribed before us this 21st day of March, A. D. 1881.

[L. S.]

D. C. WEBB,  
*Notary Public, South Carolina.*

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared CAMERON RICHARDSON, who, being duly sworn, deposes and says:

By Mr. MURPHY, for contestee:

Question. State your name, age, occupation, and place of residence.  
Answer. Cameron G. Richardson; 25 years old; farmer; near Brunson, S. C.

Q. Where were you on the day of last general election?—A. At Brunson, S. C.

Q. Was the election peaceable or otherwise?—A. Peaceable.

Q. Did you have any talk with any colored man in relation to voting the Democratic ticket?—A. Yes.

Q. State what it was.—A. I asked him to vote the Democratic ticket and he first said he could not because he was afraid the Republicans would kill him, and then he said if I would say nothing about it he would vote the Democratic ticket.

Q. Did he take a Democratic ticket?—A. Yes.

Q. Do you know whether or not he voted the Democratic ticket?—  
A. I saw him vote that ticket.

Cross-examined:

Q. Do you know the name of this colored man?—A. I do not.

Q. Are you a native of this State?—A. I am.

C. G. RICHARDSON.

Sworn to and subscribed before us this 21st day of March, A. D. 1881.

[L. S.]

D. C. WEBB,  
*Notary Public, South Carolina.*

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared JACK ELLIS, who, being duly sworn, deposes and says :

By Mr. MURPHY, for contestee :

Question. State your name, age, occupation, and place of residence.

—Answer. Jack Ellis ; 48 years old ; farmer ; Brunson, S. C.

Q. Are you a Democrat or Republican ?—A. A Democrat.

Q. Did you vote on the day of the last general election ?—A. No ; I did not.

Q. Why did you not vote ?—A. I learned if I voted I might get a beating.

Q. Do you mean that you would be beaten by the Republicans if you voted the Democratic ticket ?—A. Yes.

Q. Are you a colored man ?—A. Yes.

Cross-examined :

Q. Did any one threaten to beat you if you voted the Democratic ticket ?—A. Yes ; but not in particular, to my face.

Q. Do you remember the name of any parties who said you would be beaten if you voted the Democratic ticket ?—A. No ; no one said it to my face.

Redirect :

Q. Was there any general threat by Republicans to beat the colored men who voted the Democratic ticket ?—A. None ; but against me.

his  
JACK + ELLIS.  
mark.

Sworn to and subscribed to before us this 21st day of March, A. D. 1881.

[L. S.]

D. C. WEBB,  
*Notary Public, South Carolina.*

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared JOHN A. LIGHTSY, who, being duly sworn, deposes and says :

By Mr. MURPHY, for contestee :

Question. State your name, age, occupation, and residence.—Answer. John A. Lightsy ; 52 years old ; farmer in Hampton County, State of South Carolina, near Brunson.

Q. Are you a Democrat or Republican ?—A. A Democrat.

Q. Where were you on the day of the last general election ?—A. At Brunson, S. C.

Q. Was the election peaceable or otherwise ?—A. As peaceable as I ever saw.

Q. Were the Republicans allowed to vote without hinderance or intimidation ?—A. Yes.

Q. Did you remain at the polls all day ?—A. Yes ; was there from 2

o'clock of the morning of the election till 4 o'clock next morning, being absent only for my meals.

No cross-examination.

JOHN A. LIGHTSY.

Sworn to and subscribed to before us this 21st day of March, A. D. 1881.

[L. S.]

[L. S.]

D. C. WEBB,  
*Notary Public, South Carolina.*  
E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared GEORGE BELLINGER, who, being duly sworn, deposes and says:

By Mr. MURPHY, for contestant:

Question. State your name, age, occupation, and residence.—Answer. George Bellinger; 39 years old; laborer; Brunson, South Carolina.

Q. Where were you on the day of the last general election?—A. In Brunson, South Carolina.

Q. Was the election peaceable, or otherwise?—A. Peaceable; no one disturbed me, and I voting as I saw fit, and having gone to the polls at 11 o'clock that day.

Q. Do you know whether or not there is a colored Democratic club at Brunson, South Carolina?—A. There is.

Q. How many members in that club?—A. The roll showed 107 members, but not that many voted at the last general election.

Q. Are you colored or white?—A. Colored.

Cross-examined:

Q. Were you a member of that Democratic club at the last general election?—A. Yes; I was the president of it.

Q. As president of said club, do you know that it numbered 107 members at the last general election?—A. Yes.

Q. Do you form your opinion from the list?—A. Yes.

Q. When was that list made up?—A. In the year 1878, at the election prior to the last.

Q. Who was president of said club at that time?—A. Ulmer Newton.

Q. When were you elected president?—A. Two or three months before the last general election.

Q. After your election did you call any meetings as president of said club?—A. Yes.

Q. What is the largest number you ever had at your meetings?—A. From twenty-five to thirty.

Q. Did that number answer to their names?—A. No; about twenty-two answered.

Q. What are the names of the other officers of the club?—A. Dan. Platts, I think, was elected vice-president, and Steve Snyder was another official, and Toby Price I think was treasurer.

Q. Do you remember who was the secretary?—A. No.

Q. Would you remember his name if you heard it?—A. Do not know, but think it was Franklin Hambury.

Q. Do you know who has the list of members of said Democratic club?—A. Allen Yancy.

Q. Is he the secretary?—A. Not since I have been president.

Q. What office did Allen Yancy hold at the time of the last general election?—A. None; except he was a member of said club.

Q. Are you positive as to the names of the officers of said club beside that of yourself?—A. Yes.

Q. Give the names.—A. Cannot give them without the list of the club.

his  
GEORGE + BELLINGER.  
mark.

Sworn to and subscribed to before us this 21st day of March, A. D. 1881.

[L. S.]

D. C. WEBB,  
*Notary Public, South Carolina.*

[L. S.]—

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Black Creek precinct, in Hampton County, State of South Carolina.

Personally appeared W. F. YOUNMANS, who, being duly sworn, deposes and says:

By Mr. MURPHY, for contestant:

Question. State your name, age, occupation, and residence.—Answer. W. F. Youmans; 27 years old; farmer; Black Creek, in Hampton County, South Carolina.

Q. Where were you on the day of the last general election?—A. At said Black Creek voting precinct.

Q. Do you know Frank Saxon?—A. Yes.

Q. Did you see him on the day of the last general election?—A. I saw him at Black Creek on that day.

Q. Did he come there with other persons, and, if so, with whom?—A. With the Beach Branch Republican Club, numbering one hundred or more.

Q. Did they vote without hindrance?—A. They did.

Q. Are there any colored Democrats in your vicinity?—A. Yes.

Q. Were the Republicans armed?—A. A great many of them were.

Cross-examined:

Q. With what were the Republicans armed?—A. With pistols and clubs.

Q. Was there any disturbance at the Black Creek voting place?—A. When the Beach Branch Republican Club came, some of them tried to vote more than one ticket, and that created a disturbance; the Republicans then tried to vote boys under age, too.

Q. Do you know of any Democrats who were prevented from voting on account of said disturbance?—A. No.

Q. Do you know why this body of men came from Beach Branch to vote at Black Creek?—A. No; except from what they said.

Redirect:

Q. Do you know of any colored Democrat who was prevented from voting the Democratic ticket at Black Creek?—A. I know one who said the Republicans were behind him, saying, "Damn it, put it in, put it in," and that he had to vote the Republican ticket.

Recross:

Q. Do you know his name?—A. Ephraim; but do not remember his

other name; but he lives at the Hammock place, in said State and county.

W. F. YOUMANS.

Sworn to and subscribed to before us this 21st day of March, A. D. 1881.

[L. S.]

D. C. WEBB,  
*Notary Public, South Carolina.*

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared M. O. YOUMANS, who, being duly sworn, deposes and says:

By Mr. MURPHY, for contestant:

Question. State your name, age, occupation, and residence.—Answer. M. O. Youmans; mechanic and civil engineer; residence, Black Creek, in Hampton County, South Carolina; age, 32.

Q. Where were you on the day of the last general election?—A. At Black Creek poll, in said State and county.

Q. Do you know Frank Saxon?—A. Yes.

Q. Did you see him on the day of the last general election; and, if so, where?—A. Yes; at said Black Creek.

Q. Did he come there with a company of men?—A. Yes; with about seventy-five or one hundred.

Q. Were they Republicans or Democrats?—A. Republicans.

Q. Were they or any of the Republicans armed that day?—A. Yes.

Q. Did you hear any Republicans make threats against any Democratic colored voters?—A. None in particular.

Q. Are there any colored Democrats in your neighborhood?—A. Yes.

Q. Were any fire-arms discharged by the Republicans at the polls before or after the polls had closed?—A. Yes; about the close of the polls they were discharged.

Q. Were there many of said discharges and much demonstration of that kind by the Republicans?—A. Yes.

Cross-examined:

Q. Was all the noise and demonstration made after the voting?—A. It began about the close of the polls.

Q. Where does Frank Saxon live, and near what precinct?—A. Near Beach Branch poll, which is the nearest voting place to his house.

M. O. YOUMANS.

Sworn to and subscribed to before us this 21st day of March, A. D. 1881.

[L. S.]

D. C. WEBB,  
*Notary Public, South Carolina.*

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Varnsville precinct, in Hampton County, State of South Carolina.

Personally appeared W. J. BENNETT, who, being duly sworn, deposes and says:

By Mr. MURPHY, for contestee:

Question. State your name, age, occupation, and residence.—Answer. W. J. Bennett; about 32 years old; farmer; near Varnville, South Carolina.

Q. Where were you on the day of the last general election?—A. After 11 o'clock on the morning of that day I was at Varnsville.

Q. Do you know whether or not the Republicans were armed on that day?—A. On going home that day I saw a good many Republicans ahead on the road going along.

Q. What did you see?—A. I saw several go out into the woods and, getting their guns, return to the road.

Q. What else did you see?

Cross-examined:

Q. Did you see any Republicans armed that day at the polls?—A. I saw a good many with clubs, but none with fire-arms, at the polls.

Q. Did you see any Republicans with fire-arms except on the road and in the woods?—A. No.

Q. Were they going to or from the polls?—A. Some were going to and some from the polls; the first I saw were at Mr. Hack's lumber-yard, about 200 or 300 yards from the polls.

Q. Could you tell which way they were going?—A. Some to and some from the polls.

Q. Did they fire off their guns while the polls were open?—A. No, except toward the latter part of the evening, and they fired off their guns as they were going home at night.

Redirect:

Q. Did it sound as if a great many guns were fired?—A. Like a great-many; and the firing was continuous for about a mile in length.

his  
W. J. + BENNETT.  
mark.

Sworn to and subscribed to before us this 21st day of March, A. D. 1881.

[L. S.]

D. C. WEBB,  
*Notary Public, South Carolina.*

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared J. M. GOODING, who, being duly sworn, deposes and says:

By Mr. MURPHY, for contestee:

Question. State your name, age, occupation, and residence.—Answer. J. M. Gooding; about thirty years old; farmer; Varnsville, South Carolina.

Q. Where were you on the day of the last general election?—A. At Varnsville, in South Carolina, Hampton County; went there about 11 o'clock.

Q. Did you see any Republicans armed on that day?—A. As I was returning home I saw a good many armed.

Q. Where did they get their arms from?—A. From the side of the road in the flats and bogs; the first I saw was at Mr. Hack's.

Q. Did you see any Republicans armed that day at the polls?—A. None, except with clubs.

Cross-examined:

Q. Was any disturbance made by the Republicans that day at the polls?—A. None that I saw; but I was not there long.

his  
J. M. + GOODING.  
mark.

Sworn to and subscribed to before us this 21st day of March, A. D. 1881.

[L. S.]

D. C. WEBB,  
*Notary Public, South Carolina.*

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared OWEN F. DUKE, who, being duly sworn, deposes and says:

By Mr. MURPHY, for contestee:

Question. State your name, age, occupation, and residence.—Answer. Owen F. Duke; aged 35 years; timber merchant; Varnsville, Hampton County, State of South Carolina.

Q. Where were you on day of the last general election?—A. I was at Varnsville, as United States supervisor of election.

Q. Was there an excess of ballots over the poll-list?—A. There was.

Q. What was done with that excess?—A. It was drawn out and thrown into the fire.

Q. Was it immediately thrown into the fire?—A. Yes; the same party who drew it out threw it into it.

Q. Was it possible for any person to know what names were on the ballots that were destroyed?—A. No.

Q. Was the name of Robert Smalls for Congress scratched on any of the ballots?—A. Yes.

Q. Do you know of any colored Democrats in your neighborhood?—A. There are.

Q. Are any of them members of the Democratic club?—A. Yes; several belong to the Democratic club in Varnsville.

Q. Are there not colored Democrats in that neighborhood who are not members of your club?—A. I do not know.

Cross-examined:

Q. Were you acting as Democratic supervisor at Varnsville?—A. Yes.

Q. Did you find any Democratic ballots with more than one ballot folded together?—A. Yes.

Q. Did you find any Republican ballots with one or more ballots folded together?—A. Yes.

Q. How many Republican ballots did you find folded together?—A. I do not know.

Q. Did you find more Democratic than Republican ballots folded together?—A. I found more Democratic.

Q. Do you remember the excess of votes over the names on the poll-list?—A. I do not.

Q. Did you make out and sign a report as supervisor?—A. Yes. (Report shown to witness.)

Q. What was the excess of votes in ballot-box over the names on poll-list?—A. Two hundred and twenty nine.

Q. Who drew that excess out?—A. Mr. Hammond, at first, and then Mr. McSweeney; Mr. Hammond being one of the managers, and Mr. McSweeney being the clerk.

Q. What was the difference between the papers on which the Republican and Democratic ballots were printed?—A. The Republican were shorter, broader, and on coarser kind of paper; the Democratic were longer, narrower, and finer kind of paper.

Q. How many Republican ballots with Robert Smalls' name on it were scratched?—A. I do not know.

Q. How many ballots did Robert Smalls run behind his ticket according to your report?—A. One. (The report being shown to witness.)

OWEN F. DUKE.

Sworn to and subscribed to before us this 21st day of March, A. D. 1881.

[L. S.]

[L. S.]

D. C. WEBB,  
*Notary Public, South Carolina.*  
E. A. BRABHAM,  
*Notary Public, South Carolina.*

### Second day of testimony.

Early Branch precinct, Hampton County, State of South Carolina.

Personally appeared AARON BROWN, who, being duly sworn, depose's and says:

By Mr. MURPHY, for contestee:

Question. State your name, age, occupation, and place of residence.—Answer. Aaron Brown; 36 years old; Early Branch, in South Carolina, Hampton County; laborer.

Q. Where were you on the day of the last general election?—A. At Early Branch, in said county and State.

Q. Are you a Democrat or Republican?—A. A Democrat.

Q. Did any of the Republicans threaten you on said day?—A. Yes.

Q. What did the Republicans say to you?—A. Some of them called me a thief and a rowdy.

Q. Did the Republicans threaten to do you any bodily injury if you voted the Democratic ticket?—A. Yes; one of them threatened to run into me for a battle if I voted the Democratic ticket.

Q. Are you a colored man?—A. Yes.

Cross-examined by Mr. COLLINS, for contestant:

Q. Who was it that offered to give you battle if you voted the Democratic ticket?—A. Joe Smith, my brother-in-law, was one of them.

Q. Did you vote the Democratic ticket?—A. Yes.

Q. Did any Republican offer to do you violence after or before you voted said ticket?—A. They would have done me injury if some of my party had not stopped them; they came right into me, and said my damned throat ought to be cut.

Q. Give the names of those who threatened to cut your throat?—A. Joe Smith, as I stated.

Q. Did any one besides Joe Smith make threats? And, if so, state their names.—A. Yes; my brother, Mose, was the only one.

<sup>his</sup>  
AARON + BROWN.  
<sup>mark.</sup>

Sworn to and subscribed before us this 22d day of March, A. D. 1881.

[L. S.]

[L. S.]

D. C. WEBB,  
*Notary Public, South Carolina.*  
E. A. BRABHAM,  
*Notary Public, South Carolina.*



Personally appeared ED. McTEER, who, being duly sworn, deposes and says :

By Mr. MURPHY, for contestee :

Question. State your name, age, occupation, and place of residence.  
—Answer. Ed. McTeer ; 23 years old ; laborer ; Early Branch, in Hampton County, South Carolina.

Q. Where were you on the day of the last general election ?—A. At Early Branch, in said State and county.

Q. Are you a Democrat or Republican ?—A. A Democrat.

Q. Did any of the Republicans threaten you on the day of the last general election ?—A. No.

Q. What ticket did you vote on that day ?—A. The Democratic.

Q. Are you a colored man ?—A. Yes.

Q. Were you put in any fear by the Republicans when they found you were going to vote the Democratic ticket ?—A. Yes ; I was scared, and did not go to the polls till in the afternoon.

Cross-examined by Mr. COLLINS for contestant :

Q. If the Republicans made no threats why were you scared to go to the polls ?—A. By a little fracas occurring on this side of the polls was why I did not go to the polls.

Q. How near the polls was said little fracas ?—A. About two hundred yards.

his  
ED. + McTEER.  
mark.

Sworn to and subscribed to before us this 22d day of March, A. D. 1881.

[L. S.]

D. O. WEBB,  
*Notary Public, South Carolina.*

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared THOMAS PRITCHARD, who, being duly sworn, deposes and says :

By Mr. MURPHY, for contestee :

Question. State your name, age, occupation, and place of residence.  
—Answer. Thomas Pritchard ; aged 48 ; Early Branch, in said State and county ; laborer.

Q. Are you a colored man ?—A. Yes.

Q. Are you a member of the Early Branch Democratic Club ?—A. Yes.

Q. Do you know whether or not there are many colored members of that club ?—A. Yes.

Q. Do you remember exactly how many ?—A. About thirty colored men are members of said club.

Q. Where were you on the day of the last general election ?—A. At said Early Branch.

Q. Did the Republicans make any threats against colored Democrats ?—A. Yes.

Q. Do you know McCants, who was one of the United States supervisors of election at Early Branch ?—A. Yes.

Q. Do you know whether or not he was under the influence of liquor on day of the last general election ?—A. Do not know, but he seemed to be drowsy.

Q. Did you see him drinking whisky on the morning before the election ?—A. I did.

Q. Was it his own whisky that he was drinking ?—A. Yes.

Cross-examined by Mr. COLLINS, for contestant :

Q. What did the Republicans threaten to do ?—A. The difficulty was with my son for having on a red shirt, and also with Aaron Brown and his brother.

Q. Did the Republicans threaten to do you or any colored Democrat harm for voting the Democratic ticket ?—A. Not myself, but Aaron Brown.

Q. What harm did they threaten Aaron Brown ?—A. I heard them say to him at the polls that he ought to be beaten to death.

Q. Are you acquainted with the colored members of the said Democratic club ?—A. With a good many of them.

Q. Give the names of a good many of them.—A. Thomas Simons, Yancey or Ginny Wilcox, Jack Haynes, Edward McTeer, Dan Jennings, June Davis, Bill Wright, Taylor Rice, Aaron Brown, Dan Jones, and several other names that I don't remember now.

Q. Were all these 30 members active members of the club at the time of the last general election ?—A. Yes.

Q. At what time in the day did you see McCants drinking whisky ?—A. About five o'clock on the morning of the election.

Q. Did you see him drink after that time ?—A. Not after he opened the polls.

Redirect :

Q. Might McCants not have drank whisky after the polls were opened without being seen by you ?—A. Yes.

his  
THOMAS + PRITCHARD.  
mark.

Sworn to and subscribed to before us this 22d day of March, A. D. 1881.

[L. S.]

D. C. WEBB,  
*Notary Public, South Carolina.*  
E. A. BRABHAM,  
*Notary Public, South Carolina.*

[L. S.]

MARION RILEY personally appeared, who, being duly sworn, deposes and says :

By Mr. MURPHY, for contestee :

Question. State your name, age, occupation, and place of residence.—  
Answer. Marion Riley ; 37 years old ; farmer ; near Early Branch, in South Carolina, Hampton County.

Q. Where were you on the day of the last general election ?—A. Part of the time at Peeples poll, and part of the time at Early Branch poll.

Q. Did you vote on that day ?—A. Yes ; at Early Branch.

Q. Did you vote just as you pleased ?—A. Yes.

his  
MARION + RILEY.  
mark.

Sworn to and subscribed to before us this 22d day of March, A. D. 1881.

[L. s.]

D. C. WEBB,  
*Notary Public, South Carolina.*

[L. s.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared JOHN S. BOYD, who, being duly sworn, deposes and says :

By Mr. MURPHY, for contestee :

Question. State your name, age, occupation, and place of residence.—

Answer. John S. Boyd; 46 years old; carpenter; Early Branch, in South Carolina, Hampton County.

Q. Where were you on the day of the last general election ?—A. At said Early Branch.

Q. Do you know McCants, who was one of the United States supervisors at said election precinct ?—A. I do.

Q. Did you see McCants on the night before the election ?—A. I did.

Q. Do you know whether or not McCants had any whisky on the night before the election ?—A. He did, for I drank with him.

Q. How often did you drink with him ?—A. I drank twice with him.

Q. Did you drink with him just before the polls were opened ?—A. I drank with him between 4 and 5 o'clock that morning.

Q. Was there any intimidation on the part of the Democrats at Early Branch ?—A. I saw none.

No cross-examination.

J. S. BOYD.

Sworn to and subscribed to before us this 22d day of March, A. D. 1881.

[L. s.]

D. C. WEBB,  
*Notary Public, South Carolina.*

[L. s.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared HENRY C. KOTH, who, being duly sworn, deposes and says :

By Mr. MURPHY, for contestee :

Question. State your name, age, occupation, and place of residence.—

—Answer. Henry C. Koth; farmer; 45 years old; near Early Branch, in Hampton County, State of South Carolina.

Q. Where were you on the day of the last general election ?—A. At Early Branch.

Q. Was there any intimidation on the part of the Democrats towards the Republicans ?—A. None that I saw.

Q. Did you have any words with Tom Williamson on that day ?—A. Yes.

Q. What time in the day was it ?—A. At or about the closing of the polls.

Q. Was it a personal or political matter between Williamson and yourself ?—A. Personal.

Q. Were the Republicans driven away from the polls when the polls were closed ?—A. Not as I saw.

Q. Were any of the Republicans present when the votes were counted ?—A. I do not know, because I was not present.

No cross-examination.

H. C. KOTH.

Sworn to and subscribed to before us this 22d day of March, A. D. 1881.

[L. S.]

D. C. WEBB,  
*Notary Public, South Carolina.*

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared W. L. IHLY, who, being duly sworn, deposes and says:

By Mr. MURPHY, for contestee:

Question. State your name, age, occupation, and place of residence.—Answer. W. L. Ihly; 33 years of age; farmer; near Early Branch, South Carolina.

Q. Where were you on the day of the last general election?—A. At Early Branch.

Q. It is charged that you voted more than once on that day; did you do so?—A. No.

Q. Was there any intimidation on the part of the Democrats on that day?—A. No.

Q. Were you present when the ballots were counted?—A. I was present on the platform, and passed back and forth, and saw them counting the ballots.

Q. Do you know whether or not the Republicans were hindered from seeing the counting of the ballots?—A. I saw several Republicans on the platform near where the counting was going on who could have witnessed the same, as I had no objections to any one going therein.

Cross-examined by Mr. COLLINS, for contestant:

Q. Did you see any Republicans inside when the count was going on?—A. None but the supervisor.

Q. Were there many Democrats inside when the count was going on?—A. A few.

Q. Was the door kept locked during the count?—A. I do not know.

Q. At what precinct did you vote?—A. At Early Branch, South Carolina.

Q. Were you at any other precinct during the day?—A. No.

W. L. IHLY.

Sworn to and subscribed to before us this 22d day of March, A. D. 1881.

[L. S.]

D. C. WEBB,  
*Notary Public, South Carolina.*

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared TATNAL ZAHLEK, who, being duly sworn, deposes and says:

By Mr. MURPHY, for contestee:

Question. State your name, age, occupation, and place of residence.—Answer. Tatnal Zahler; 19 years old; farmer; near Early Branch, South Carolina.

Q. It is charged that you voted on the day of the last general election at Early Branch and Peeples; is it so?—A. I did not vote at either place.

Q. Did you vote at all on that day?—A. No.

Cross-examined :

Q. Were you at Peeples on the day of the election ?—A. I was at Peeples and at Early Branch also.

Q. Did you say you were sent from Early Branch to Peeples ?—A. Yes.

Q. Why were you sent to Peeples ?—A. Some men there had been sent to the penitentiary for stealing hogs, and I was sent to the managers to stop them from voting.

Q. Did you go by yourself alone ?—A. Four men besides myself went also.

Q. Did any of those 4 men vote ?—A. None voted while I was there ; none went out of the public road of those who were with me.

Q. Did you return to Early Branch ?—A. Yes ; I went to one of my uncles, where I remained about one-half of an hour, and then I went on to Early Branch.

No cross-examination.

TATNAL ZÄHLER.

Sworn to and subscribed to before us this 22d day of March, A. D. 1881.

[L. S.]

D. C. WEBB,

*Notary Public, South Carolina.*

[L. S.]

E. A. BRABHAM,

*Notary Public, South Carolina.*

PHIL. JENNINGS personally appeared, and being duly sworn, deposes and says :

By Mr. MURPHY, for contestee :

Question. State you name, age, occupation, and place of residence.—Answer. Phil. Jennings ; 46 years old ; laborer ; Hampton Court House, South Carolina.

Q. Are you a colored man ?—A. Yes ; a black man.

Q. Are you a member of any church ?—A. I am a member of a Baptist church about one and a half miles from this place.

Q. Was any attempt made by the members of that church to keep you or any colored Democrats from voting the Democratic ticket ?—A. After the election they threatened to excommunicate from the church all colored persons who voted the Democratic ticket.

Q. Was there any general threat prior to the election of such excommunication ?—A. Yes ; there was a resolution to the effect that the members of the Republican club should have nothing to do with Democratic negroes socially or religiously, and this resolution was passed at a meeting of the Republican club near this place, to which I was invited, they knowing me to be a Democrat.

Cross-examined :

Q. What office do you hold in the church ?—A. I am one of the committee men.

Q. Do you hold the same office now ?—A. Yes.

Q. Do you know of any colored Democrat who was prevented from voting by the Republican members of your church on the ground of being a Democrat ?—A. I do not.

Q. Did the church, at any meeting, pass any resolution to turn out its members if they voted the Democratic ticket ?—A. The church did not, but a portion of the church did at a private house.

Q. Were you present at any of these meetings, and if so, who pre-

sided thereat?—A. I was present, and J. S. Gauff, president of the Republican club, presided.

his  
PHIL. + JENNINGS.  
mark.

Sworn to and subscribed to before us this 23d day of March, A. D. 1881.

[L. S.]

D. C. WEBB,  
*Notary Public, South Carolina.*

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

Personally appeared THOMAS DAVANT, who, being duly sworn, deposes and says:

By Mr. MURPHY, for contestee:

Question. State your name, age, occupation, and place of residence.

—Answer. Thomas Davant; 27 years old; laborer; Hampton Court House, South Carolina.

Q. Where were you on the day of the last general election?—A. At Varnville, South Carolina.

Q. What ticket did you vote?—A. The Republican ticket.

Q. What is your politics?—A. Democratic up to the last election.

Q. If you had exercised your own free will, would you have voted the Republican ticket?—A. No; I would have voted the Democratic ticket.

Q. Had the Republicans made any threats against colored men that voted the Democratic ticket, even to extent of whipping them if they voted the Democratic ticket?—A. The Republicans made these threats just after the election.

Q. Did they not make these threats just before the election?—A. I heard they had made such threats.

Q. Were not such threats made against you on the day of the election?—A. No.

Q. If you had not heard that such threats were made by your colored friends, would you have voted the Republican ticket?—A. No.

Cross-examined:

Q. Did you hear any colored Republicans make threats against any colored men to injure them, if they voted the Democratic ticket?—A. No.

Q. Were you afraid, from anything you heard, to vote the Democratic ticket?—A. No.

Redirect:

Q. If you had not heard of threats made by Republicans, and if you had exercised your own free will, would you not have voted the Democratic ticket?—A. If it had not been for threats that I heard, I would have voted the Democratic ticket.

Q. Do you know of any colored Democrats who have been harmed by colored Republicans because they voted the Democratic ticket?—A. No.

his  
THOMAS + DAVANT.  
mark.

Sworn to and subscribed to before us this 23d day of March, A. D. 1881.

[L. S.]

D. C. WEBB,  
*Notary Public, South Carolina.*

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

ROBERT SMALLS, CONTESTANT, }  
vs. }  
GEORGE D. TILLMAN, CONTESTEE. }

Contested election for seat in the Forty-seventh Congress, United States of America.

Lowtonville precinct, Hampton County, State of South Carolina.

Personally appeared JOSEPH V. MORRISON, jr., who, being duly sworn, deposes and says :

By Mr. MURPHY, for contestee :

Question. State your name, age, occupation, and place of residence.  
—Answer. Joseph V. Morrison, jr.; about thirty-six years old; planter; near Lowtonville, in said State.

Q. Where were you on the day of the last general election?—A. At said Lowtonville.

Q. Were the Republicans hindered from exercising the right of suffrage?—A. No.

Q. Were the Republicans freely allowed to vote, and how were they treated by the Democrats?—A. They were allowed to vote, and the Democrats encouraged them to vote. When after coming from home, just after daylight, I saw the Republicans in a mass of ———, and some of the leading citizens told them to come up and vote, and they came towards the polls and formed a line and voted two by two under instructions of their own men. They had possession of the polls until about two or three o'clock, hardly any white persons being at the polls. They voted in masses and very few scattering Republican votes were cast. They were allowed to vote freely, and the election was the most peaceable I ever saw, and witness voted at this poll for years. The most scared parties I saw were some colored men who voted the Democratic ticket. When I say peaceable I mean outside of the polls. In the afternoon there was a little fracas on the grounds outside of the polls. The large majority of Democratic votes were cast in the afternoon, and the Democrats kept away from the polls generally, and seemed to have no disposition but to keep away from the polls. The row was about two hundred yards or three hundred yards from the polls. The row began late in the day, near sundown. Witness was not in it, but saw, from a distance, not more than five or six white faces in it.

Q. Were any Republicans hindered from voting by this row?—A. No; both Republicans and Democrats had pretty much finished voting by this time.

Q. Did the Republican supervisor leave the polls before they were closed?—A. Yes; he left the polls and was asked by Democrats to return, which he did; but remained only a short time, as he said it was no use, as the Democrats were polling more votes than the Republicans.

Q. Did the Democrats offer to do him any violence, or offer, in any way, to intimidate him?—A. They did not. He was treated courteously,

the Democrats giving him breakfast the same as the others to whom breakfast was carried.

Q. Did he leave the polls of his own free will?—A. He did, and the Democrats wanted him to remain, and asked him to return, coming down stairs after him for the purpose.

Q. Did not the Democrats assure him that he would be protected and no violence would be offered him?—A. They did, but witness saw no occasion for said assurance.

Q. Are there many colored Democrats in this county?—A. Yes; lots of them.

Q. Do you know whether or not any of those colored men that were in that line in the morning voted the Democratic ticket?—A. Witness has reason to believe a great many did, as he saw one man with a piece of white paper wrapped around a Democratic ticket to make it resemble a Republican ticket, which Democratic ticket he said he was going to vote.

Q. Did you see any other colored men with Democratic tickets?—A. Yes; plenty of them, and I saw some of them when putting them into the box let everybody see them, to show that they were not afraid.

Q. Were not a great many of the colored Democrats afraid to let the Republicans see them vote the Democratic ticket?—A. A great many were, and a great many were not. The large majority were, and some voted the Democratic ticket and did not try to conceal it, but seemed to consider it an honor.

Q. Do you know of any colored man who voted the Democratic ticket but had hitherto voted the Republican?—A. Yes.

Q. Do you know whether or not he voted the Democratic ticket of his own free will?—A. He did.

Q. Did you know Isaac Colson in his life-time?—A. No.

Cross-examined by Mr. COLLINS, for contestant:

Q. Where were the polls held?—A. In the hall over Captain Edward Peeples's store.

Q. Were you present during the counting of the ballots?—A. No.

Q. Were these colored Democrats members of the Democratic club?—A. Some were, and some not. The large majority were not.

Q. Did this Republican supervisor leave before or after this row?—A. I do not know.

Q. Can you give the name of the colored man who had the ticket wrapped up in white paper?—A. I do not know his name.

Q. Can you give the name of the colored man who voted the Democratic ticket?—A. His name was Morgan Gordon.

Q. Can you give the names of any colored men who formerly acted with the Republican party, but who voted the Democratic ticket at the last election?—A. No; because I did not interest myself to ascertain.

JOS. V. MORRISON, JR.

Sworn to and subscribed to before us this 24th day of March, A. D. 1881.

[L. S.]

D. C. WEBB,  
*Notary Public, South Carolina.*

[L. S.]

E. A. ERABHAM,  
*Notary Public, South Carolina.*



Personally appeared B. W. SLOMAN, who, being duly sworn, deposes and says :

By Mr. MURPHY, for contestee :

Question. State your name, age, occupation, and place of residence.—Answer. B. W. Sloman ; 58 years old ; mechanic ; live at Lawtonville, South Carolina.

Q. Where were you on the day of the last general election ?—A. At Lawtonville, above named.

Q. Was there any attempt on the part of the Democrats to intimidate the Republicans on that day ?—A. There was not.

Q. Were the Republicans allowed to vote as they saw fit ?—A. They were ; when I came here about sunrise, about two hundred and fifty or three hundred colored persons were about Mr. Wilcox's store ; and Colonel Morrison went to them and told them to vote, and they went up the stairs to the polls and came down.

(Republicans changed in fourth line above, to colored persons ; the word Republicans being written through mistake, the witness saying colored persons.)

Q. Do you think there were three hundred persons in that crowd ?—A. There may have been less.

Q. Did the crowd seem larger than an ordinary military company ?—A. It did.

Q. Did you know Isaac Colson, in his life-time ?—A. I did.

Q. Was he at Lawtonville on the day of the last general election ?—A. He was.

Q. With what political party did he act ?—A. With the Democratic.

Q. Is Isaac Colson alive now ?—A. No.

Q. Did he die a natural death ?—A. He did not.

Q. What was the cause of his death ?—A. A gunshot wound.

Q. Do you know at what time and place he was shot ?—A. About dark ; on the 2d day of November, 1880, near Lawtonville.

Q. Was he leaving the polls for home at the time ?—A. He was.

Q. Have you any reason to know who shot him ?—A. Not of my personal knowledge ; only by general report. I was foreman of the jury of inquest over his body ; and the general report is that Isaac Colson was killed by a gunshot wound, inflicted by the hands of one John Williams, who ambushed him and shot him from the road ; the foregoing is my opinion, based on the testimony of the witnesses examined before the jury of inquest.

Q. Do you know whether or not there was a difficulty at Lawtonville on the morning of the election ?—A. There was a little fuss between one white man and a colored man, for cursing him, for a little time, but no serious row.

Q. Did the colored man begin this difficulty ?—A. Do not know ; but was told so.

Cross-examined by Mr. COLLINS, for contestant :

Q. Were you at the polls the entire day ?—A. I was about fifty yards from the polls.

Q. Did this body of colored men come up and vote in a body ?—A. Yes ; I suppose so, as they came up to the polls in a body.

Q. Were many Democratic ballots cast before this body of colored men came up to the polls ?—A. I do not know.

Q. Was any line drawn between Democrats and Republicans during the day ?—A. The Republicans drew a line near Wilcox's store, in the morning.

Q. Was this body of colored men within the Republican line?—A. The white and colored people were on both sides of line, but the bulk of the colored people were on the other side of the line from me.

Q. How do you know the Republicans drew a line?—A. I saw it myself; and the Republicans told me they drew it.

Redirect :

Q. When you speak of a body of two hundred and fifty or three hundred men, do you mean that number comprised all colored and white who were on the ground?—A. I meant the colored men; but there may not have been so many.

Q. When you say that the Democrats did not vote till after this body of colored men came up to the polls, did you mean that no Democrats had voted before that time?—A. I meant that the great bulk of the Democrats did not vote till after that time.

B. W. SLOMAN.

Sworn to and subscribed to before us this 24th day of March, A. D. 1881.

[L. S.]

D. C. WEBB,  
*Notary Public, South Carolina.*  
E. A. BRABHAM,  
*Notary Public, South Carolina.*

[L. S.]

South Carolina, Lawtonville, in Hampton County, said State.

Personally appeared Dr. W. T. BREELAND, who, being duly sworn, deposes and says:

By Mr. MURPHY, for contestee:

Question. State your name, age, occupation, and place of residence.—Answer. Dr. W. T. Breeland; 49 years old; physician; Beech Branch, in Hampton County, S. C., U. S. A.

Q. Where were you on the day of the last general election?—A. At said Beech Branch.

Q. What official position, if any, did you hold?—A. I was chairman of the board of managers of election.

Q. Do you know Frank Saxon?—A. Yes.

Q. What official position, if any, did he hold?—A. He claimed to be United States supervisor of election at said Beech Branch.

Q. Was he hindered from exercising the duties of his office?—A. He was not hindered from observing every vote deposited.

Q. State what occurred and what conversation was had between the managers of election and Frank Saxon.—A. After Saxon had taken his position for half an hour the question was raised by the other supervisor in regard to his legality to act as supervisor, he not having evidence to offer as to his taking the oath of office in that capacity, and as there was a difference of opinion among the managers, I asked Saxon to take a position where he could well observe the deposit of every ballot, and he took his position.

Q. Where was that position?—A. The ballot-box was at the window and I allowed him, for his position, one-half of the window, at the outside, the voters putting their votes through the window into the box.

Q. Did the other supervisor of election threaten to report the managers of election if they allowed Saxon to act as supervisor?—A. Yes; he threatened to report us, saying Saxon could not legally act without taking the oath of office.

Q. Did the managers forcibly eject Saxon from the house?—A. They did not.

Q. Did Saxon take this position outside of the window willingly?—A. Apparently so.

Q. From the position he was in at the window could Saxon see every ballot put in the box?—A. Yes.

Q. Could Saxon have kept a poll-list?—A. Yes; he did keep one as long as he remained.

Q. Did he leave of his own free will?—A. Yes.

Q. Did he assign any reason for leaving?—A. He said he did not suppose he would be of any service there as all the Republicans were going to Black Creek.

Cross-examined by Mr. COLLINS, for contestant:

Q. Did not Mr. Saxon show you his commission as supervisor and say he had been sworn in by a notary public?—A. He showed his appointment or commission, and said he had been sworn in by Mr. Brabham, but not till after some time did he say he had been sworn in by the notary public—I mean, on coming in, he showed his appointment or commission—and some time after, when the legality of his acting was questioned, he said he had been sworn by the notary public.

Q. Was Saxon allowed all the privileges of the other supervisors?—A. He was.

W. T. BREELAND, M. D.

Sworn to and subscribed to before us this 24th day of March, A. D. 1881.

[L. S.]

D. C. WEBB,  
*Notary Public, South Carolina.*

[L. S.]

E. A. BRABHAM,  
*Notary Public, South Carolina.*

THE STATE OF SOUTH CAROLINA,  
*County of Hampton :*

ROBERT SMALLS, CONTESTANT, }  
  *vs.* }  
GEORGE D. TILLMAN, CONTESTEE. }

We hereby certify that the testimony set out and inscribed upon the foregoing thirty-six (36) pages of legal-cap paper is the testimony taken before us on the 21st, 22d, 23d, and 24th days of March, A. D. 1881, inclusive, on behalf of the contestee. Whatever erasures therein made were made before the witnesses signed their names to their testimony in each instance.

In testimony whereof we have hereunto affixed our seals and subscribed our names this 25th day of March, 1881.

[L. S.]

D. C. WEBB,

[L. S.]

E. A. BRABHAM,

*Notaries Public, South Carolina.*

THE STATE OF SOUTH CAROLINA,  
*County of Hampton :*

I, W. J. Causey, clerk of the court of general sessions and common pleas of and for the county of Hampton, in the State of South Carolina, do hereby certify that D. C. Webb, esq., is a notary public for the State

In testimony whereof, I have hereunto set my hand and affixed the seal of my office, at Hampton Court House, S. C., this twenty-fifth day of March, in the year of our Lord one thousand eight hundred and eighty-one, and in the year of the Independence of the United States of America the one hundred and fifth.

W. J. CAUSEY,  
C. C. P. & G. S.

THE STATE OF SOUTH CAROLINA:

**EVIDENCE AND EXHIBITS IN BEHALF OF CONTESTEE.**

ROBERT SMALLS, CONTESTANT, }  
*vs.* }  
 G. D. TILLMAN, CONTESTEE. }

You are hereby notified that I will examine the following witnesses, all of whom reside in Barnwell County, relative to and touching the matters and things set forth in my answer to your notice of contest of my right to a seat in the Congress of the United States to which you claim to have been elected at the November election of 1880, for the fifth Congressional district of South Carolina, and in reply to matters and things set forth in said notice of contest, and to evidence produced by you before John D. Brown, esq., notary public for the State and county aforesaid, at the following times and places: At the office of James Thomson, esq., in the town of Blackville, in said State and county, on the 21st day of March, 1881, at 10 o'clock a. m. and will continue from day to day until the same be completed: L. B. Toole, G. W. B. Holman, James F. Savage, Andrew Corley, S. S. Owens, J. R. Hair, W. T. Walker, Joseph Wise, J. R. Boyce, J. R. Cooper, Joseph Guess, E. R. Hayes, Dr. C. I. Faust, G. B. Sartigen, S. Miller, H. W. Walker, J. R. Hamilton, J. B. Hunter, W. E. Prevost, G. E. Steadman, J. P. Steadman, J. P. Strobel, J. W. Holmes, Gilbert Faust, Chas. Hartzog, A. Armstrong, Jno. Hair, Wm. Wilson, and Stephen Bates. At the court-house building in Barnwell, in said State and county, on the 26th day of March, A. D. 1881, at 10 o'clock a. m., and will continue from day to day until the same be completed: W. H. Duncan, L. A. Ashby, O. C. Baxley, H. S. Baxley, B. F. Weathersbee, J. A. Drummond, Joseph O'Bannon, Alfred Aldrich, F. J. Breland, J. C. Miller, N. F. Kirkland, York Hogg, Dave Hick Williams, E. M. Sumpter, G. H. Bates, H. M. Myers, jr., E. W. Towne, Jeff Stokes, Arthur Rears, Willie Duncan, O. P. Baxley, J. W. Walker, J. J. Brabham. In the town of Allensdale, on the 31st day of March, A. D. 1881, at 10 o'clock, and will continue from day to day until the same be completed: G. H. Kirkland, I. L. Tobin,

William Priester, T. J. Deer, Miles Loadholt, C. F. Calhoun, F. I. Owens, H. J. Bennett, J. B. Bates, G. W. Morrall, F. H. Creech, T. O. Myers, T. M. Ashe, G. A. Rhodes, Elliott Estes, W. V. Hasell, E. B. Dunbar, and J. T. Groves, and such other witnesses as you will be notified of from time to time at either of said places.

G. D. TILLMAN, *Contestee*,  
Per J. W. HOLMES, *Attorney*.

(Indorsed :) Notice to take testimony at Blackville, Barnwell, and Allensdale. Served on Robert Small on the 14th day of March, A. D. 1881, by Moses Frasier of Beaufort.

STATE OF SOUTH CAROLINA:

ROBERT SMALLS, CONTESTANT, }  
*against* }  
 G. D. TILLMAN, CONTESTEE. }

Contested election, fifth Congressional district, South Carolina.

It is agreed that witnesses may be examined without giving the usual notice of one day.

March 22, 1881.

**JNO. W. HOLMES,**  
*Attorney for Contestee.*  
**ROBERT SMALLS.**

THE STATE OF SOUTH CAROLINA,  
Barnwell County:

In the contest between Robert Smalls, contestant, and G. D. Tillman, contestee, for a seat in the Congress of the United States, from the fifth Congressional district of South Carolina.

L. B. TOOLE, a witness of legal age, produced by contestee, upon due notice, and under the foregoing agreement, deposes as follows in reference to questions propounded by contestee :

Question. What is your name?—Answer. L. B. Toole.

Q. What is your age?—A. Thirty-eight years old.

Q. Residence?—Williston, Barnwell County.

Q Occupation?—A. Farmer.

Q. Where were you on the day of last election?—A. At Williston.

Q. At what time did you reach the polls?—A. At 6 o'clock a. m.

Q. Where were the polls held?—A. At Brown's store.

Q. Can you draw a diagram of the place?—A. Yes.

Diagram introduced ; marked Exhibit A.

Q. Is that the diagram?—A. Yes.

Q. What does the line A A represent ?—A. The screen made of plank in front of the side door.

Q. How long is that screen?—A. I think thirty or forty feet.

Q. How high?—A. Between five and six feet.

Q. How far from the store-house?—A. Between four and five feet.

X. Q. What on the diagram represents the ballot-box?—A. The mark

Q. Could a person standing fifteen feet in front of the door and ballot-box see the ballots as they were deposited in the ballot-box?—A. I don't think they could.

Q. Did you on the day of election see the United States supervisors outside of the building?—A. Yes.

Q. What conversation passed between you?—A. The principal conversation was between Gantt, the Republican supervisor. Gantt said to me that he thought he would leave, because Mr. Browne would not permit him to stay in the house, and that he could not discharge his official duty; I and Dr. W. W. Smith told him that we would get him a place as near the ballot-box as he desired; he went back with us, took his seat on the steps (marked G on the diagram) and said he was as near the polls as he desired to be; that he could see all that was necessary.

Q. Did you see Calvin Brown on that day?—Yes.

Q. Where was he?—A. Most of the time about the point E (marked on the diagram).

Q. How far is the point E from the point X, where the ballot-box was placed?—A. About sixty feet.

Q. Could Calvin Brown, from that position, tell whether voters were depositing in the ballot-box Democratic or Republican ballots?—A. Could not.

Q. Did you see on that day Edmund Carriere and Osmond Kelly?—A. I saw Edmund Carree and Orsamus Kelly.

Q. Where were they during the day?—A. As well as I remember, Kelly was nearer the railroad than Calvin Brown; Carree was by the fence in rear of the store near the supervisor.

Q. Could Kelly and Carree, from their position, tell whether voters were depositing Republican or Democratic ballots?—A. They could not.

Q. Mr. Toole, how far am I from you?—A. Fifteen feet.

Q. I hold a ticket in my hand; can you tell whether it is Democratic or Republican?—A. I cannot.

Q. How long did you remain at the polls?—A. Until they were closed.

Q. Was there any disturbance on that day?—A. None; the election was quiet and peaceable.

Q. Were any persons kept from voting on that day on account of their political opinions?—A. None.

Cross-examined by contestant:

Q. You stated you were at the polls from 6 a. m. to 6 p. m.?—A. Yes.

Q. What position did you hold on that day?—A. None.

Q. Were you inside of the room any portion of the day?—A. For a short while only at a time.

Q. Are you a member of any clubs at that place?—A. Yes; I am chairman of the Hancock Democratic Club.

Q. How many clubs at Williston?—A. Two Democratic clubs; don't know how many Republican clubs.

Q. How strong is your club?—A. Eighty odd, at the time of the election.

Q. Did you attend the former elections at Williston?—A. I did.

Q. Did you hold any position at the former elections?—A. None.

Q. How many colored men are members of your club?—A. None; there is an affiliated club.

Q. Do you know anything of this affiliated club?—A. None; except they sent delegates to the Democratic convention, representing one hundred men.

Q. Were you in the room at the time of the counting of the votes?—A. I was not.

Q. Do you know of any Republican being in the room at the time of the counting of the votes?—A. I was not present, and cannot tell.

Q. Was there much of a crowd at the polls at 6 o'clock?—A. There was not.

Q. Did you see Mr. Gantt and Holman on the day of election?—A. I did.

Q. Do you know what position they held?—A. They were supervisors.

Q. How many times did you go in the room during the day, where the polls was held?—A. Once or twice.

Q. Was Gantt and Holman in the room each time when you went in?—A. They were not at the time.

Q. Do you know of either of them being in the room that day?—A. I can't say.

Q. Was any complaint made on that day by Gantt, the supervisor, to you, that he was rejected from the room where the voting was going on?—A. No; he made no complaint to me; but I heard he was going to leave, and I went to him to know what was the matter; he stated that he could not get near the polls to discharge his duty as supervisor; I told him to come back, I would make a place for him so that he could see every vote deposited; he took his seat on the steps and expressed himself as being satisfied.

Q. How far is the steps from the ballot-box?—A. Ten or twelve feet.

Q. Do you know who were managers of the election?—A. I do; T. S. F. Weathersbee, N. H. Stansell, and M. F. Hair.

Q. Do you know the politics of these men?—A. They are Democrats.

Q. Do you know how many colored men voted the Democratic ticket on that day?—A. Great many.

Q. Did you see these colored men put the tickets in the box?—A. I did not see them all, I saw a good many.

Q. About how many?—A. I saw about one dozen; I am satisfied a great many more voted the Democratic ticket.

Q. This dozen you speak of who voted the Democratic ticket, voted when you was in the house?—A. No.

Q. How near was you when these men voted?—A. I was right at the door.

Q. Was there any difference in the color of the Republican and Democratic tickets?—A. There was.

Q. Was the difference so great that any one could tell at any distance when folded?—A. No.

Q. How do you know these dozen men voted the Democratic ticket?—A. Some of them asked me for the tickets, I gave it to them, and saw them put the tickets in the box.

Q. Can you give me the names of any of those men who you gave tickets to?—A. Jake Harris and Jim Thompson are the only two who asked me for tickets.

Q. Are these two men in your employment?—A. They were at the time.

Q. Do you know if these men are members of the Democratic club?—A. I do not know.

Q. Do you know if these men are Republicans or Democrats?—A. They are Democrats, or were at the time of the election.

Q. Do you know the number of Republican and Democratic votes polled at former elections?—A. I do not know.

Q. About what time during the day did you vote?—A. Early in the morning.

Q. Why did you remain at the poll all day?—A. I was interested in the election, and wanted my ticket to win, and every man to vote.

Q. When you say every man, do you mean of your party?—A. I meant all parties.

Q. Has your club any uniform?—A. No uniform.

Q. Do they wear red shirts?—A. Some do, and some do not. They had none on the day of the election.

L. B. TOOLE.

Sworn to before me this twenty-first day of March, 1881.

[SEAL.]

J. D. BROWNE, N. P.

STATE OF SOUTH CAROLINA,  
*Barnwell County:*

JOHN R. BOYCE, colored, a witness of legal age, produced by contestee upon due notice, and under the foregoing agreement, deposes as follows, in reference to questions propounded by contestee's counsel:

Question. What is your name?—Answer. John R. Boyce.

Q. What is your age?—A. Forty-one.

Q. Residence?—A. Williston, Barnwell County.

Q. Occupation?—A. Barber.

Q. Where were you on the 2d day of last November, at the time of the general election?—A. At Williston.

Q. What time did you reach the poll?—A. At 7 o'clock a. m.

Q. How long did you remain?—A. Till after 12.

Q. Did you on that day see Calvin Brown, Edmund Carree, and Orsamus Kelly?—A. I saw Kelly and Brown.

Q. Where were they?—A. Kelly was in front of the store distributing tickets. Brown was near box outside of the screen; he was talking.

Q. Could Brown from his position tell whether voters were depositing Republican or Democratic ballots?—A. I do not believe he could.

Q. Could Carree tell, from his position?—A. I did not see Carree.

Q. Could Kelly tell?—A. He was in front of the store distributing tickets; he could not tell.

Q. Were Kelly and Brown watching the voters?—A. I can't say they was.

Q. Do you think they were?—A. I do not.

Q. Do you know whether any colored men on that day voted the Democratic ticket secretly and professed publicly to have voted the Republican ticket?—A. I do.

Q. How many?—A. Two, to my certain knowledge.

Q. Can you mention their names?—A. I can. Calvin Kennedy and Alick Penn.

Q. Why did they say they voted the Republican ticket when they voted the Democratic ticket?—A. Because they said they would be discriminated by their own race.

Q. Did they tell you so?—A. They did.

Q. Did the Republicans approach the polls in procession?—A. They did.

Q. Were they armed with pistols, sticks, or clubs?—A. No.

Q. Were any colored women at or near the polls, on the day of the election?—A. Forty or fifty feet from the polls, at the market.



Q. Did they attempt to keep any colored men from voting the Democratic ticket?—A. If words meant anything, yes. Martha Lennard, came to me, asked if I was all right; I told her I was, always tried to be right; she said if she had her way she would break every Democratic nigger's head; other colored females used similar language.

Q. Was such language used before the election?—A. Yes.

Q. What ticket did you vote at the last election?—A. I voted a mixed ticket. I voted the Democratic State and county ticket. I voted for Garfield and Arthur. I scratched G. D. Tillman and Robert Smalls.

Q. Were you ever discriminated against on account of your political faith and conduct, and, if so, when and by whom?—A. Yes; by my own race; by Republicans, before, on, and after the last election.

Q. How?—A. My wife was persuaded to leave me on account of my political opinions. They refused to patronize me on account of my being a Democrat.

Q. Did not a great many more colored persons vote the Democratic ticket at Williston at the last election than the local Republican leaders believed?—A. Yes.

Q. Did Democrats at Williston in the last campaign interfere with the Republican meetings?—A. They did not.

Q. Would it have been safe for Mr. Wise, the Republican county chairman, to have called and attended a Republican meeting in the last campaign at Williston?—A. Yes.

Q. Was the election quiet and peaceable?—A. Yes.

Q. Was any one prevented from voting the Republican or Democratic ticket on the day of the election?—A. No.

Cross-examined, by contestant:

Q. Mr. Boyce, how far is your barber-shop from the polls?—A. One hundred and fifty yards.

Q. Were you at the polls all day?—A. No.

Q. How do you know no one was prevented from voting as he pleased?—A. Because I was not so far off but what I could see what occurred.

Q. Were you in your shop any time during the day?—A. No; I refused even to wait on customers.

Q. How far do you live from the polls?—A. Three squares and a half.

Q. Do you know how many feet in the squares?—A. Between seventy-five and eighty yards, front.

Q. Did you go home any time during the day of election?—A. I did not.

Q. What time did you go to the polls?—A. About seven o'clock a. m.

Q. Did you get your breakfast before you came to the polls?—A. I did not; had a fuss with my wife for not coming home during the day.

Q. You have stated you were not at the polls all day, nor at your shop, nor at your home; now tell me where you were?—A. I was at the market, near the polls.

Q. How far is the market from the polls?—A. Thirty or forty yards.

Q. When you left the polls at 12 o'clock did you go to the market-place?—A. I did.

Q. How long did you remain at the market-place?—A. Cannot say how long, but was going from the polls to the market-place the balance of the day.

Q. Are you a member of the Democratic club?—A. My name was put on the roll of the affiliated club without my consent.

Q. Did you ever attend any meetings of the club?—A. I did not.

Q. How many colored men did you say voted the Democratic ticket on that day?—A. Amos Cauley, Andrew Cauley, Berry Davis, Calvin Kennedy, Alick Penn, Austin Bunyan, Gilbert Willis, Jas. Savage, York Murthy. They voted the Democratic ticket, to my certain knowledge.

Q. How do you know by your own knowledge these men voted the Democratic ticket?—A. From their own acknowledgment.

Q. Did each one of these men come to you and inform you how they had voted?—A. Only through conversation with them and their being members of the affiliated club.

Q. You have stated about these nine who voted the Democratic ticket. Had you any conversation with the balance of the club?—A. No.

Q. Was this conversation with these nine men done at a meeting or casually; in a body or separately?—A. It was not done at any meeting.

Q. Did you attend the Democratic convention?—A. Yes.

Q. About how long were you known in your section as a Democrat?—A. I do not know how long; the people considered me so. I know that I have been very conservative.

Q. How many entertainments have you given at Williston since the people have considered you a Democrat?—A. Two.

Q. What kind of treatment did you receive at the first entertainment?—A. Like the last.

Q. Did you expect to be patronized by Republicans and Democrats?—A. I did.

Q. Were you patronized by both parties?—A. No; by Democrats only.

Q. Since you have been suspected of being a Democrat, have you and your family been invited to any entertainment, public or private?—A. Yes.

Q. At these entertainments, have you or your wife any cause to complain of the treatment on account of your being suspected of being a Democrat?—A. None whatsoever.

Q. Have you and your family attended a ball given by leading Republicans?—A. Yes.

Q. Do you have any reason to believe that you will not be invited to the next ball given by Republicans?—A. No.

Q. You stated in your direct examination that the Republicans came up to the polls in procession. About how many men were in the procession?—A. Between seventy-five and one hundred; the others was small crowds, between fifteen and twenty-five.

Q. How many others?—A. I cannot say.

Q. Were there more than two processions?—A. I can't say.

Q. Were the Democrats dressed in red shirts on the day of election?—A. No.

Q. You saw no Democrats on the day of election with red shirts on?—A. No.

Q. Do you know of any person being prevented from voting the Democratic ticket on the day of election?—A. No.

JOHN R. BOYCE.

Sworn to before me this 21st day of March, 1881, the last answer being changed from yes to no.

[SEAL.]

J. D. BROWNE, N. P.

STATE OF SOUTH CAROLINA,  
*Barnwell County:*

GEORGE W. B. HOLMAN, white, a witness of legal age, produced by contestee upon due notice and under the foregoing agreement, deposes as follows in reference to questions propounded by contestee's counsel:

Question. What is your name?—Answer. G. W. B. Holman.

Q. What is your age?—A. Fifty-three years.

Q. Residence?—A. Williston.

Q. Occupation?—A. Farmer.

Q. Where were you on the 2d day of last November, the time of the general election?—A. Williston.

Q. What time did you reach the polls?—A. Before 6 a. m.

Q. What position did you occupy on the day of election?—A. United States supervisor.

Q. Were you supervisor for the Democrats or Republican party?—A. Democratic party.

Q. Who was supervisor for the Republican party?—A. G. W. Gantt claimed to be.

Q. About what hour did Gantt report?—A. At 8.30 o'clock a. m., as well as I remember.

Q. Where were you when Gantt came up?—A. I was within five or ten paces of the box when Gantt came up and inside of the house.

Q. How long did you and Gantt remain together in the house?—A. About three-quarters of a hour.

Q. Did you go out of the house together?—A. Yes.

Q. Will you explain the circumstances of your going out of the house?—A. Mr. Brown came to me and asked me what I was doing there. I said I was United States supervisor. He asked me for my commission. I showed it to him. He read it and handed it back to me. He turned to Gantt and asked him for his commission. Gantt said he either lost or left his at home. Mr. Brown said, "By God, get out of this house." I left the house, followed by Gantt. Dr. Smith came to the door. About the time I got to the door he asked me, "What is the matter?" I said, "Mr. Brown ordered me out of the house." He said "What is the matter?" I said, "I do not know." I walked around the house, followed by Gantt, opposite the polls. Mr. Brown and Mr. Toole came to me, and Mr. Toole asked me, "What is the matter?" I told him I did not know what is the matter. Gantt said he believed he would go home. Mr. Toole said "Why?" He said he was United States supervisor. Mr. Toole asked Gantt, "What is the matter?" He said he did not know. He said he had been ordered out of the house by a gentleman; he did not know who it was. Gantt said he could not attend to his business he was sent to do. Mr. Toole asked him what position he would like to occupy. He said he wanted a place near to watch the polls. Mr. Toole said he should have it. Dr. Smith came up about that time and said we should have a place. He said he would send off and get a table and bench for one of them. He said he would put it near the polls. About that time I stepped back two or three steps to the stairs and sat down. Gantt came and sat down by my side. Mr. Toole came up and asked us if the position we occupied would do us. Gantt said he was as near as he wanted to be. Dr. Smith asked us if our position suited us. We both replied, "Yes." I spent the balance of the day in Gantt's company.

Q. Did the election proceed quietly?—A. It did, and as quiet election as I have ever seen.

Q. Did you remain until the closing of the polls and the counting of the ballots?—A. I did, and the election was declared.

Q. Did you and Gantt make your returns to the chief supervisor?—A. We did.

Q. Did you and he agree as to the fairness and freeness of the election?—A. We did.

Q. Did Gantt express himself as satisfied as to the fairness of the election?—A. He did.

Q. Were any persons prevented from voting on that day because of their politics?—A. No.

Q. Could a Republican vote as freely as a Democrat?—A. I saw no difference.

Q. Do you know whether any colored persons voted the Democratic ticket secretly?—A. I know it.

Q. How do you know it?—A. Because one or two came to me and asked me for a ticket apiece, and said to me to keep it a profound secret, for if his wife knew it she would quit him. That night I had no tickets, and asked for them from Burekhalter; he gave them two, one cut out of "The People," a paper published at Barnwell Court House. I identified it when the ballots was counted.

Q. Are you at liberty to name the parties?—A. I am not. I pledged my word not to say anything about it.

Q. Did you see Calvin Brown, Edmund Carree, and Osmus Kelly?—A. I did. I saw Calvin Brown from fifty feet to fifty yards; occasionally he came within twenty feet of the box. I never saw Osmus Kelly nearer than fifty to the box, except when he came to vote. Edmund Carree came and sat on the steps near by Gantt and myself for some length of time; from there he moved and sat near the palings.

Q. Did you see either of them taking down the names of voters?—A. I saw Calvin Brown between the house and railroad. I am certain one of the men who voted the Democratic ticket, the one cut from "The People," report to Calvin Brown.

Q. How far was he from the box when he reported?—A. About sixty feet when he went to Brown. Brown took his pencil and wrote something in his book.

Q. Did this man report to Brown before or after he voted?—A. After he voted.

Q. Did you see any other persons report to Brown?—A. I saw a good many; they reported after they voted.

Q. Could Calvin Brown, Edmund Carree, or Osmus Kelly, from the position they occupied, tell whether voters were depositing Republican or Democratic ballots?—A. No; they could not. I was sitting nearer, and I could not tell.

Q. Could a person standing fifteen feet from the ballot-box, in front of the door, near where the box was placed, tell whether voters were depositing Democratic or Republican ballots?—A. He could not.

Q. Why?—A. Because the screen was six feet high; perhaps higher.

Q. Have you any reason to believe that any considerable number of colored people voted the Democratic ticket secretly?—A. Yes.

Q. What is your reason?—A. Because I have heard them say so since the election; they said they had fooled Calvin Brown one time.

Q. What kind of tickets did Calvin Brown distribute?—A. I do not know.

Q. Is Calvin Brown a Democrat or Republican?—A. He is a strong Republican.

Q. Do you know whether any colored persons refused to vote for

General Smalls for Congress?—A. Yes; several told me so. One was James Savage; also John Boyer and Gilbert Hogg.

Q. Do you know the politics of these men?—A. Savage claims to be a Democrat; Hogg claims to be a Democrat. I do not know how Boyce stands; he claims to be a conservative.

Q. Do you know most of the planters in that vicinity?—A. Yes.

Q. Were threats made during the last campaign by merchants and farmers that no advances would be made, or lands rented, or employment given to colored persons voting the Republican ticket?—A. I have never heard of a single threat of that character being made; if they had been made, I would have heard them.

Q. During the last campaign did the Democrats interfere with the Republican meetings?—A. No.

Cross-examined by contestant:

Q. What position did Mr. Brown occupy at the election, if any?—A. He had a small, blue badge pinned on the coat; don't know what they called it; don't know what position he occupied.

Q. When he ordered you out of the room, did you, being a United States supervisor, go out without ascertaining his authority?—A. I did.

Q. Do you know whether Mr. Brown owned the building?—A. I don't know; it has always been called Brown's store; I judge it to be his.

Q. How far was the screen from the door where voters deposited their ballots?—A. Between four and five feet.

Q. How high was the screen?—A. I am six feet high; it was higher than I am.

Q. Did the screen go the whole length of the house?—A. Nearly the whole length; it was between thirty-five and forty feet long.

Q. What was the screen made of?—A. Plank.

Q. Were the boards close together?—A. Yes; except at bottom. No one could see through them.

Q. Was this screen put there for this special occasion?—A. Yes.

Q. How did men come in to vote?—A. They came in at one end, got on a box, voted, and went out at the other end.

Q. When they got up on this box could any one outside the screen see them?—A. They could see their shoulders, but could not see the ballot-box.

Q. Did the ballot-box set on a table just inside the door?—A. Yes; just far enough inside for a man to reach.

Q. Were you inside the room when Mr. Brown ordered you out?—A. Yes; in rear of the ballot-box.

Q. Was the steps on which you sat inside or outside the house?—A. On the outside; ten or twelve feet from the door.

Q. Were any persons, except the managers, allowed inside the room where the box was?—A. Yes; a few at a time. Mr. Brown went in several times. None were permitted to come within five feet of the box.

Q. Could you at any time of the day see the ballot placed in the box, so that you could tell what kind of a vote it was?—A. No; I could not. I could see them put in, but could not distinguish them.

Q. Did you, as supervisor on that day, keep a poll-list?—A. No.

Q. Do you know whether Mr. Gantt, the Republican supervisor, kept a poll-list?—A. He commenced; three hundred and three votes were polled before he got there. He did not continue to keep it. He was ordered out a half or three-quarters of an hour after he came in.

Q. Did not the law require you to keep a poll list?—A. I had no instructions to that effect.

Q. When the polls were closed were you permitted to go in and see the votes taken out of the box and counted?—A. Yes; Gantt and I both went in.

Q. The report you made up was taken from the managers' and clerk's poll-list?—A. Yes.

Q. Did you sign Gantt's report?—A. Yes; I signed his, and he signed mine.

Q. Is that your report (handing him supervisors' report, which was put in evidence)?—A. Yes.

Q. Were any ballots found in the box folded together, more than one within the same?—A. There were two Democratic and two Republican, containing two tickets each. They were folded separately, but each contained another ballot. There were also some bogus tickets.

Q. Did you make out your report yourself?—A. No; neither did Gantt.

Q. Do you know the politics of the managers of election at Williston?—A. Yes; they are Democrats.

Q. You stated that colored men told you that they were afraid to let it be known that they voted the Democratic ticket because of their wives leaving them?—A. Yes.

Q. Do you believe that any prominent Democrat could have come out in the last campaign and advocated the Republican ticket without being ostracized by his party and forsaken by his wife?—A. Don't think his wife would leave him, but his party would have ostracized him.

Q. All you state with regard to these men voting, except those two you saw voting, comes by hearsay?—A. These two men told me that they would be forsaken by their wives if it was known that they voted the Democratic ticket. I saw a good many others fold and place Democratic tickets in the box.

Q. Did you see these men fold their tickets and vote, from your position on the steps?—A. No; I was in the house.

Q. Before you were ordered out?—A. Yes.

Q. Did you see the procession of colored men come up to the polls?—A. Yes.

Q. About what time of day?—A. I think between 10 and 11 o'clock.

Q. Can you estimate the number?—A. I suppose between seventy-five and a hundred—may be a few over.

Q. Did any Republicans come up before?—A. A little procession of ten or fifteen before, and one of twenty or twenty-five afterward.

Q. What time did the last procession come up?—A. About 12 o'clock.

Q. Did you see any colored men armed in the procession?—A. Saw no fire-arms; saw some with cudgels.

Q. Did you see any Democrats—white men—armed?—A. I saw one, back a year from Texas; he had a belt filled with cartridges around him, and a pistol.

Redirect by JOHN W. HOLMES, attorney for contestee:

Q. Did you see any hostile demonstrations made by the man with the pistol?—A. None; he was as peaceable man as any I saw.

G. W. B. HALLMAN.

Sworn to before me, this 21st day of March, 1881.

[SEAL.]

J. D. BROWNE,  
*Notary Public.*

The examination is here adjourned to meet at 9 o'clock a. m., tomorrow, 22d instant.

[SEAL.]

J. D. BROWNE,  
*Notary Public.*

STATE OF SOUTH CAROLINA,

*Barnwell County:*

JOHN W. HOLMES, white, a witness of legal age, produced by contestee, upon due notice and under the foregoing agreement, deposes as follows in reference to questions propounded by contestee's associate counsel, James Thomson:

Question. Where do you live?—Answer. Barnwell Court House.

Q. Where did you reside on the 2d day of last November?—A. Williston.

Q. What is your occupation?—A. Editor and lawyer.

Q. Do you know who were the United States supervisors at Williston on that day?—A. G. W. B. Holman and G. W. Gantt.

Q. Did either one of these gentlemen approach you on that occasion; and for what purpose?—A. Yes; I was requested to prepare their reports of the election at Williston to the chief supervisor.

Q. Did you prepare the reports?—A. I did; the clerical work.

Q. Did you see them signed?—A. I did; to the best of my recollection they were signed in my presence.

Q. The reports placed in evidence and marked Exhibit B and C, are they the ones you prepared?—A. The report marked Exhibit B was prepared by me; every word written in it is in my handwriting, one figure completing that line. "The number of names on the poll-list kept by the managers of election was 88" 'or' is so indistinct that I cannot tell what it is. The erasure of the word 'none' and the substitution of the word 'one' was made by me. As to Exhibit C, the number 888 completing the line. "The number of names on the poll-list kept by the managers of election was 898"; is, I think, in my handwriting. The figures 888 are erased and the figures 898 substituted. The figures 898 was not made by me; the word "none," on the fifteenth line, which has been cancelled, was written by me; the word "five" which has been substituted; was not written by me.

Q. Do you know which report was Gantt and which was G. W. B. Holman?—A. I do not know.

Q. Were the erasures and interlineations that are not in your handwriting made before the reports were signed?—A. I cannot recollect positively, but I think they were not, because both reports were signed by the supervisors at the same.

Q. Were the erasures and interlineations that are in your handwriting made before the reports were signed?—A. They were.

Cross-examined by B. A. STRAKER, Esq., attorney for contestant:

Q. Where did you make these reports for the supervisors?—A. In the building where the election was held.

Q. When?—A. In the evening of the 2d day of November, after the closing of the polls.

Q. Did either of these supervisors or both keep a poll-list?—A. I do not know of my own knowledge.

Q. Were you not requested to make out two reports, one for each supervisor?—A. I was.

Q. Did you see them sign the reports?—A. I cannot swear positively that I did, but when the reports were completed they were delivered to them.

Q. Did you compare these reports one with the other after you made them out?—A. I cannot recollect that I did.

Q. Then, Mr. Holmes, you would not swear that what was contained in the one was contained in the other?—A. I could not without comparing them.

Q. From what data did you make out these reports?—A. They were furnished me.

Q. By whom?—A. I do not recollect by what person, but I was in the immediate neighborhood of the clerk, managers, and supervisors when they were furnished me.

Q. Do you know whether a colored or white person furnished the data?—A. I do not recollect.

Q. Do you recollect or know positively whether it was either of the supervisors?—A. I do not.

Q. Then these reports are but a bare copy of statements recited in them?—A. I do not understand the question sufficiently to answer them.

Q. Do you know of your own knowledge whether these statements are facts recited in these reports?—A. I was not present at the polls until some hours after opening. I did not assist in counting the votes, and therefore do not know how many votes were cast or how many any candidate received.

Q. Do you know anything more of the statements in these reports than having written them out from information received?—A. I know nothing more than I have stated.

Q. What present relation do you bear in reference to the taking of testimony?—A. I am attorney for contestee in Barnwell County.

Q. What are your politics?—A. Straightout Democratic.

Redirect examination :

Q. Did the supervisors indicate to you the sources from which you should get the data in making up their reports?—A. I do not remember.

J. W. HOLMES.

Sworn to before me this 22d day of March, 1881.

[SEAL.]

J. D. BROWNE,  
*Notary Public.*

STATE OF SOUTH CAROLINA,  
*Barnwell County :*

C. J. FAUST, white, a witness of legal age, produced by contestee, upon due notice and under the foregoing agreement, deposes as follows in reference to questions propounded by contestee's counsel :

Question. What is your name?—Answer. C. J. Faust.

Q. What is your age?—A. Fifty-five years.

Q. Occupation?—A. M. D. and planter.

Q. Residence?—A. Graham, Barnwell County.

Q. How long have you been a resident of Barnwell County?—A. All my life.

Q. Where were you on the day of the last election?—A. Some time at George's Creek ; some time at Graham's.



Q. How did you happen to be at both places?—A. I was practicing medicine.

Q. Where did you vote?—A. At George's Creek.

Q. Was the election quiet and peaceable at both places?—A. While I was there.

Q. What position did you occupy?—A. One of the commissioners of election.

Q. Who were the other commissioners?—A. Gen. L. A. Ashley and Gilbert Hogg.

Q. Who was chairman?—A. I was.

Q. Do you remember when you was appointed?—A. I do not remember the day.

Q. Did you receive your commission before the day of election?—A. Some time before the election.

Q. Do you know of your own knowledge whether the others received their commissions?—A. Yes, I handed them their commissions.

Q. Do you remember how long before the election the managers of election were appointed?—A. Don't remember.

Q. What commissioners were present when the managers were appointed?—A. General Ashley and myself.

Q. Did you notify the other commissioners of the time when the managers of election would be appointed?—A. I notified them by postal card.

Q. Do you remember how long before that meeting they were notified?—A. Some time before.

Q. Did General Ashley receive that notification?—A. He told me so, and met me.

Q. Would a postal card mailed by you at Graham's reach the post-office of General Ashley or Gilbert Hogg first?—A. It would reach Hogg's post-office first.

Q. How many meetings did the commissioners of election have before the election?—A. One.

Q. What were the politics of the managers of the last election in this county?—A. I cannot answer the question positively.

Q. Were the names of any persons furnished you for appointment as managers of election as Republicans?—A. None.

Q. Did any members of the Republican party request you to appoint Republicans as managers?—A. Did not, that I remember.

Q. Do you know whether any threats had been made by Democrats during the last campaign in your section of the county?—A. I heard none.

Q. Have colored persons who voted the Republican ticket at the last election been as freely employed as those who voted the Democratic ticket?—A. I have seen no difference.

Q. Have lands been rented as freely and advances made as freely?—A. I have seen no difference.

Q. Where were you on the night before the election?—A. At home.

Q. Did you observe anything unusual; and, if so, what?—A. Yes; I heard at a school-house and church a good deal of noise during the night until about daybreak, when it ceased.

Q. What was the character of the noise?—A. Firing of guns.

Q. Do you know by whom this noise was made?—A. No.

Q. Did you see on the day of election or previously any intimidation of either party?—A. No.

Cross-examined by D. A. STRAKER, attorney for contestant:

Q. When, after you received your commissions, did you hand them to the other commissioners?—A. I do not recollect.

Q. Will you state positively whether you handed the commissions to the commissioners in person, or whether you sent them by mail?—A. I think I delivered them in person.

Q. Do you remember on what day Gilbert Hogg was sworn in as one of the commissioners of election?—A. I could not say when either of us was; it can be ascertained by the records of the court.

Q. Do you remember whether Gilbert Hogg was present at the meeting when the managers of election were appointed?—A. No; he was not.

Q. Did all of the three commissioners act in the appointment of managers of election?—A. No.

Q. What was the politics of the board of commissioners of elections?—A. Do not know.

Q. Do you know positively whether Hogg received the notification of his appointment of commissioner of election?—A. I do not know.

Q. Do you swear of your own knowledge that Hogg received the notification of the meeting of commissioners of election by due course of mail?—A. I cannot.

Q. Were colored persons, Republicans, as freely and generally employed before the election as Democrats?—A. They were in my section.

Q. Do you conceive that the noise you heard at the church and school-house on the night before the election had any effect, pro or con, on the election next day?—A. I don't think it did.

Q. What are your politics?—A. I have generally been a Democrat.

Q. For how long have you been a commissioner of election in this county?—A. At the last two general elections.

Q. Were you asked during the last election by Republicans to appoint Republicans as managers of election?—A. I was not.

Q. Were you asked at any previous election to appoint Republicans as managers of election?

(Counsel for contestee objects to this question as irrelevant.)

A. I think I was, but don't think we did.

Q. Were you requested by Commissioner Hogg to appoint any Republicans at the recent election as managers of election?—A. I was not.

C. J. FAUST.

Sworn to before me this 22d day of March, A. D. 1881.

[SEAL.]

J. D. BROWNE,

*Notary Public.*

STATE OF SOUTH CAROLINA,

*Barnwell County:*

J. G. H. GUESS, white, a witness of legal age, produced by contestee, upon due notice and under the foregoing agreement, deposes as follows in reference to questions propounded by contestee's counsel:

Question. What is your name?—Answer. J. G. H. Guess.

Q. What is your age?—A. Forty-seven.

Q. Occupation?—A. Planter.

Q. Residence?—A. Graham's, Barnwell County.

Q. Where were you on the day of last election?—A. At Graham's.

Q. At what hour did you reach the polls?—A. At 5 o'clock a. m.

Q. How long did you remain?—A. I remained after the counting of the votes.

Q. Did the election proceed peaceably and quietly?—A. It was very quiet when the poll was opened; as the day grew older Republican processions marched in, having been in camp two or three miles from the town. From their noise and demonstration I thought we would be overrun there, and sent dispatches to Bamberg and Blackville, and asking for all available white men to come. There was a detachment came from Bamberg; a large number came on the down train; there was some disturbance forty or fifty yards from the polls between 3 persons; 2 persons were implicated, and the third was under the influence of liquor; when the down train came a crowd got off the train and rushed to the polls and voted; when the up-train came they got on board and left the town; at no time during the day the poll was obstructed; persons could vote at any time.

Q. What was the conduct of the Republican procession when they came in?—A. They came in quietly, but you could hear the noise before they reached the poll.

Q. How many were in the procession?—A. I did not count them.

Q. Were they armed?—A. Most of them with clubs; some large and some small.

Q. Were these disturbances sufficient to prevent any one from voting?—A. No.

Q. Was any person kept from voting on that day on account of their politics?—A. Not to my knowledge.

Q. Have Republicans been discriminated against in your section on account of their politics?—A. No.

Q. Have Democrats?—A. Colored Democrats have been discriminated against by colored Republicans.

Q. Can you give any instances of discrimination within your own knowledge?—A. I could not. I only speak from what I hear.

Q. Were you present at the closing of the poll?—A. I was.

Q. Do you know if United States supervisors were permitted to perform their duties on that day?—A. I do, of my own knowledge. They kept a poll-list and passed in and out several times.

Q. Which one of them went out?—A. Rickenbacker, the Republican supervisor, went out at least twice, and I think three times, and remained out at least half hour each time; but I did not consult my watch. Felder, the Democratic supervisor, also went in and out.

Q. Was everything quiet at the closing of the poll?—A. Yes; peace reigned supreme.

Q. Did the supervisors remain until after the closing of the poll and counting the votes?—A. A short time before the closing of the polls, Rickenbacker, the Republican supervisor, took his poll-list and went out and did not return, although we waited for him some time. When he went out on previous occasions he did not carry his poll-list.

Q. Did Rickenbacker have any apparent cause to apprehend personal danger?—A. None in the world.

Q. Was any violence offered to him during his attendance at the election?—A. None; either by word or deed.

Cross-examined by D. A. STRAKER, attorney for contestant:

Q. What official position did you occupy in the late general election?—A. None. I was chairman of the Graham's Democratic club.

Q. Was it as such that you telegraphed or dispatched to Bamberg and Blackville for men, under apprehension of the trouble you refer to?—A. Yes.

Q. About how many men came from Bamberg and Blackville to Graham's, in answer to your dispatch?—A. About seventy-five to one hundred men; can't exactly tell.

Q. About how many horsemen?—A. Not more than twenty.

Q. Were these men all armed?—A. If they had arms they had them concealed.

Q. What number of colored persons left the polls at the coming of these men from Bamberg and Blackville?—A. If any one left I have no knowledge of it.

Q. Did you dispatch for these men from Bamberg and Blackville from any circumstance that occurred on the day of election at the poll, or from information previously received?—A. From information previously received.

Q. Beyond that information, did any circumstance occur during the day which warranted you in sending for these men?—A. None; save an unusual number of Republicans assembling at that poll.

Q. What position did you occupy during the day at the poll?—A. I was not at any one stated position, but was rambling about.

Q. Was any complaint made in your hearing against the men from Bamberg and Blackville obstructing the Republican voters?—A. Not that I heard. The majority of Republicans had voted before the men from Blackville and Bamberg came.

Q. Where did the men coming from Bamberg and Blackville station themselves at the poll?—A. Nowhere.

Q. Did your dispatch by courier to the men inform them of your need?—A. Did not.

Q. Do you remember the language of your dispatch?—A. Send me all the available men.

Q. Were these men informed of what they were wanted for on their arrival at Graham's?—A. They previously knew.

Q. They having known what they were wanted for on their arrival, what did they do?—A. Nothing.

Q. On the arrival of these men, did the Republicans referred to still have their clubs in hand?—A. Yes; they retained them all day.

Q. Did they (the Republicans) continue the noise referred to as commenced in the morning?—A. No.

Q. Then was the information received all unfounded in fact?—A. Not entirely, the assembling in numbers the night previous was as we had heard.

Q. Did either of the supervisors at this poll have a clerk?—A. No.

Redirect-examination:

Q. What was the information you received that induced you to dispatch to Bamberg and Blackville for men?—A. That large number of men would assemble; which information I received several days before, and the very night previous to the election received information that they were assembling.

Q. Did you, from the information received, apprehend any disturbance of the peace on the day of election?—A. I did.

Q. Did the arrival of the men from Bamberg and Blackville contribute to the preservation of the peace?—A. I believe it did.

Q. Do you know of any instance where colored Democrats were either ostracized or threatened with ostracism in either social or church relations by colored Republicans?

(Counsel of contestant objects to the question on the ground that it is not in reply nor relevant.)

A. Yes; I know of one instance where a note was written resigning from a Sunday school because the superintendant was a Democrat.

(Counsel of contestant again objects on contents of a note being given orally, without proof of its loss or destruction.)

Q. Did you see and read that note?—A. Yes; I did, and am perfectly satisfied of its genuineness.

JOSEPH G. H. GUY.

Sworn to before me this 22d day of March, A. D. 1881.

[SEAL.]

J. D. BROWNE,  
Notary Public.

STATE OF SOUTH CAROLINA,

*Barnwell County :*

GILBERT FAUST, colored, a witness of legal age, produced by contestee upon due notice under the foregoing agreement, deposes as follows in reference to questions propounded by contestee's counsel.

Question. What is your name?—Answer. Gilbert Faust is my name.

Q. What is your age?—A. Am about 32 years old.

Q. What is your occupation?—A. I am a farmer.

Q. Where do you live?—A. Near Graham's, in this county.

Q. Where were you at the last general election?—A. At Graham's.

Q. How did the election proceed there?—A. I thought it proceeded very well.

Q. Were all persons present there able to vote if they chose?—A. Yes.

Q. How long did you remain?—A. I was there when the poll opened and was there about two hours after they closed.

Q. Do you know who were supervisors?—A. If I am not mistaken Mr. Liebman and Mr. Rickenbaker.

Q. Did they both remain as long as you did?—A. Mr. Liebman remained as long as I did, but Mr. Rickenbaker at the close of the polls went out and I did not see him any more.

Q. Did you see Mr. Rickenbaker when he went out of the house?—A. I did.

Q. How far were you from him?—A. I was on the other side of the street, which is said to be twenty feet wide, when Mr. Rickenbaker came out of the door.

Q. Will you describe how Mr. Rickenbaker came out of the house?—A. Some persons helped him down from the counter to the steps.

Q. Did any person offer him any violence?—A. I did not see any.

Q. If any person had offered to injure him could you have seen it?—A. There was nothing to prevent me from seeing it.

Q. Was there any row or disturbance when Mr. Rickenbaker came out of the house?—A. None at all; every thing was peaceable and quiet.

Q. What ticket did you vote?—A. I voted the Democratic ticket.

Q. Are you a Democrat, and how long have you been one?—A. Since the election before the last.

Q. What effect did your connection with the Democratic party have upon your relations with the Republicans?—A. They treated me coolly.

Q. Did they visit you as freely as before?—A. No, sir; because I was a Democrat.

Q. Did it have any effect on your church relations?—A. It did; I was treated with coolness.

Q. Will you state what members of the church said to you in connection with this matter?—A. Stephen and Emanuel Killingsworth, sons of Isam Killingsworth, a deacon of our church, spoke to me.

Q. What did they say to you?—A. That I was a Democrat, and had been a leader of the Republican party; and said that I ought to be turned out of the church for making the change; at that time I was a member of the Rome Baptist Sabbath school, and said that they did not expect to attend a Democratic Sabbath school any longer.

Q. Did any persons quit the Sabbath school because of your connection with it?—A. Some did; the school was 150 members strong, and they reduced it down to 60.

Q. Did you ever teach Democratic doctrines at that school?—A. No; we had no such doctrine.

Q. Of what church were you a member—A. Rome Baptist church; Graham's.

Cross-examined by Mr. D. A. STRAKER, counsel for contestant:

Q. How do you know you are 32 years old?—A. My old owners kept my age in a family Bible, and in 1865 I was 16 years old.

Q. How do you know that in 1865 you were 16 years old?—A. I only know it from what I was told.

Q. Can you read and write?—A. Can read mighty little, and can't write.

Q. Why can't you read and write?—A. Because my father and mother did not give it to me.

Q. Did your father and mother have the opportunity to give you an education; and if not, why not?

(Counsel for contestee objects, because the question is not in contradiction of anything elicited in the direct examination, and is therefore irrelevant.)

A. I do not know.

Q. Were your father and mother free born or slaves?

(Counsel for contestee objects, for reasons stated above.)

A. They were slaves.

Q. Could they, as slaves, have had the opportunity to do so?

(Counsel for contestee again objects, for the same reasons above stated.)

A. I don't know.

Q. Is slavery Democratic or Republican doctrine?

(Counsel for contestee objects, for reasons above stated.)

A. I don't know.

Q. You were asked by counsel if you taught Democratic doctrine in the Sunday school, and your answer was "No such doctrine." What then is Democratic doctrine?

(Counsel for contestee objects for former reasons.)

A. I don't know; we don't speak of it in our Sunday schools.

Q. Did you observe anything strange when you reached the polls?—A. Nothing; everything seemed lovely.

Q. Did any one offer you any personal violence at the polls during the day?—A. None at all.

Q. Were you not personally known to the Republicans as a Democrat?—A. I was.

Q. Did you see anything that occurred during the day that would warrant anybody in sending for help to preserve the peace?—A. After awhile it appeared so; it made me feel dubious, being a Democrat.

Q. When did this occur?—A. Between nine and ten; they came in pretty rushing.

Q. How long did this dubious appearance last?—A. Not more than an hour.

Q. About how many colored Democrats are there at that poll?—A. I don't know exactly; but there are a good many.

Q. Are you a member of the Democratic club of Graham's?—A. I am.

Q. How many colored Democrats have you ever met at the club?—A. Fifty or sixty.

Q. Can you give the names of five colored Democrats, and as many more as possible?

(Counsel for contestee objects because the question and answer is not in denial of anything elicited in direct examination.)

A. James Parlor, Spencer Barns, Marion Parlor, Gilbert Graham, Richard Grayson, Tom Rice, Nelson Davis, Richard Davis, Gyles Holman.

Q. At the house where the election was held, how high was the counter from the floor?—A. About three to four feet.

Q. Will you state the reason why it was that people helped Rickenbaker down from the counter?—A. Through general courtesy.

Q. How far were you from the door through which Rickenbaker came?—A. Not more than ten feet; I was on the pavement.

Q. Had the sun set, and was it dark?—A. Yes; it was deep dusk.

Q. Did not you say in the testimony before that you were twenty feet from the house when Rickenbaker came out of the door at the close of the polls?—A. Not at the close.

Q. Do you not know of your knowledge that the Democrats treat coolly and discontinue to visit Democrats who leave their ranks?—A. That I don't know.

his  
GILBERT + FAUST.  
mark.

Sworn to before me this 22d day of March, A. D. 1881.

[SEAL.]

J. D. BROWNE,  
*Notary Public.*

STATE OF SOUTH CAROLINA,  
*Barnwell County:*

CHARLES H. HARTZOG, white, a witness of legal age, produced by contestee upon due notice under the foregoing agreement, deposes as follows, in reference to questions propounded by contestee's counsel:

Question. What is your name?—Answer. C. H. Hartzog.

Q. What is your age?—A. Thirty years old.

Q. Where do you live?—A. Near Graham, Barnwell County.

Q. What is your occupation?—A. Farmer.

Q. Where were you at the last general election on the 2d November?—A. At Graham's.

Q. Were you there at the time of the closing of the poll?—A. Yes.

Q. Did you know who were supervisors on that day?—A. I do not of my own knowledge. I was told that Mr. Rickenbacker and Leibman were.

Q. Did you see Mr. Rickenbacker when he left the house at the time of the closing of the polls?—A. Yes.

Q. How near were you to him?—A. I was near enough to help him down off the counter.

Q. Did you see any one strike, or attempt to strike, cut, or attempt to cut; or attempt to shoot him?—A. No; I did not.

Q. If any one had attempted to injure him, could you have seen it?—A. Yes.

Q. Could any one have cut or struck him without you seeing it?—

A. I think not; because I was on one side helping him down.

Cross-examined by—D. A. STRAKER, attorney for contestee:

Q. What position did you occupy during the day to the polling place?—A. Up and down during the day.

Q. Did you during the day see Rickenbacker in the house?—A. I did.

Q. Do you of your own knowledge know whether any disturbance occurred between Rickenbacker and any other person in the house where the election was held on that day?—A. I do not.

Q. Since you was moving about, might not disturbances have arisen without your knowledge?—A. No; because I moved backwards and forward.

Q. Did you hear of Rickenbacker being cut at by any persons at the close of the polls?—A. I did not.

C. H. HARTZOG.

Sworn to before me this 22d day of March, A. D. 1881.

[SEAL.]

J. D. BROWNE,  
*Notary Public.*

The examination is adjourned to meet at 9 o'clock a. m. to-morrow, the 23d.

[SEAL.]

J. D. BROWN,  
*Notary Public.*

STATE OF SOUTH CAROLINA,

*Barnwell County:*

G. E. STEADMAN, white, a witness of legal age, produced by contestee, upon due notice, and under the foregoing agreement, deposes as follows in reference to the following questions propounded by counsel for contestee:

Question. What is your name?—Answer. George E. Steadman.

Q. What is your age?—A. Forty-four years.

Q. Occupation?—A. Merchant.

Q. Where do you reside?—A. Blackville.

Q. Where were you on the 2d day of last November at the general election?—A. At Blackville and Graham's.

Q. Where did you vote on that day?—A. At Graham's.

Q. Please describe how the ballot-box was placed on the day of the election.—A. In a small house one hundred yards from the railroad; in the house was a bench or counter across the door, the ballot-box resting on the counter; the managers and supervisors in the rear.

Q. How high was the counter from the floor?—A. About three feet.

Q. Did the house have any piazza?—A. No.

Q. How high was the house from the ground?—A. Two and a half feet.

Q. Was the counter near the door?—A. Room sufficient for voters to stand and vote.

Q. Could persons go from the outside into the house across the counter or come out conveniently?—A. Not without crossing this counter.



Q. Did those persons whom you saw coming in and going out across the counter receive any assistance?—A. I do not remember.

Q. Did you see many persons who live at Blackville at Graham's on that day?—A. Quite a number.

Cross-examined by D. A. STRAKER, attorney for contestant :

Q. About what was the size of this building in which the election was held?—A. A small building, about eight by ten.

Q. How frequently did you visit this house during your stay?—A. I went down on the morning train and returned on the up train, and was at and about the polls during my stay.

Q. Who were the persons within the building at any time you visited?—A. Leibman and a colored man whose name I do not know.

Q. What other persons?—A. J. A. Walker.

Q. Did you ever see as many as five behind the counter?—A. I do not remember seeing as many as five.

Q. Do you know, of your own knowledge, of any other opening to the building except by way through the front door across the counter?—A. I saw no one going in and out except in that way.

Q. About how many persons went from Blackville to Graham on that day?—A. About one hundred.

Q. Were there any persons bearing open arms among the hundred?—A. None.

Q. Of those hundred who went from Graham, did they go to vote?

--A. A great majority who went down voted.

Q. Did they all, as far as you remember, return on the next train?—

A. A great majority returned. The train was crowded returning as well as going. If any remained over I do not know it.

Q. What is the time between the two trains?—A. About two hours and a half.

Q. What is the distance between Blackville and Graham's?—A. Nine miles.

Q. What was the condition of the polls at Graham's when you arrived there?—A. A large number of voters in and around the polls—I mean in proximity to the polls.

Q. How long after your arrival there did you and persons from Blackville remain before voting?—A. Voted right away.

Q. Did you not find a large number of persons voting when you arrived?—A. I did not.

Q. Did you vote singly or in squads?—A. Each man voted one at a time.

Q. Was there not a large number of persons on that train on which you went who came from Williston and Elko?—A. Not more than eight or ten that I know of.

Q. Might not there have been more persons than you knew?—A. No large number.

Q. Do you remember of any disturbance at the polls from any of the persons from Williston and Elko?—A. None at the polls.

Q. How far from the polls?—A. Fifty to one hundred yards.

Q. Who were the persons engaged in the disturbance. Were they not both colored and white?—A. I do not know.

Q. Do you know the nature of the trouble?—A. I suppose it was caused from whisky.

Q. How far were you from the scene of trouble?—A. It happened on one side of the building and I was on the other.

Q. Do you not know that the trouble arose from the attempt to injure a Baptist minister, who was a colored man?—A. I do not know.

Q. Do you know if there was any provision made at the poll at Graham's whereby persons voting could return another way than the one they came to vote?—A. There were only steps leading to the one door and when a person voted they had to step aside to allow others to vote. There was plenty of room for persons to vote.

Q. What was the width of those steps?—A. About three feet or a little wider.

G. E. STEADMAN.

Sworn to before me this 23d day of March, A. D. 1881.

[SEAL.]

J. D. BROWNE, N. P.

The examination is here adjourned to meet at 9 o'clock a. m. to-morrow, the 24th.

[SEAL.]

J. D. BROWNE, N. P.

STATE OF SOUTH CAROLINA,

*Barnwell County :*

S. S. OWENS, white, a witness of legal age, produced by contestee upon due notice and under the foregoing agreement, deposes as follows in reference to questions propounded by contestee's counsel:

Question. Will you please state your name, age, residence, and occupation.—Answer. Samuel S. Owens; age, 42; Elko, Barnwell County; a farmer.

Q. Where were you on the last general election?—A. Elko.

Q. Did you see on that day, the United States supervisors of election?—A. I saw two men who were represented to be United States supervisors; B. O. Stansell and Mr. Snetter.

Q. How far were they situated from the ballot-box?—A. Two and a half or three feet.

Q. Were they in full sight of the ballot-box?—A. They were.

Q. How did the election proceed on that day?—A. Quietly.

Q. Were all persons present desiring to vote able to do so without molestation?—A. So far as I saw they were; one vote challenged on account of age; managers said he could vote if he would take the oath; he declined to take the oath.

Q. Did you see any violence offered to any person on that day?—A. None.

Q. Was any discrimination made by planters in your section against laborers on account of politics, either before or after the election?—A. Not to my knowledge.

Q. How long did you remain in the vicinity of the polls?—A. I was present before the opening of the polls until 7 o'clock; I went to breakfast and returned about 8 o'clock to the polls; I took the train about 10 o'clock for Blackville and returned about 1 o'clock; I remained at the polls a half an hour and went to my dinner and returned in three-quarters of an hour, and remained until the closing of the polls; I did not remain in the immediate vicinity of the box all the time, except during these absences; I was not more than 30 yards from the box at any time.

Q. Did you see any persons armed on that day?—A. I did not.

Q. From what you saw could persons vote regardless of politics, as they chose?—A. Yes.

Cross-examined by D. A. STRAKER, attorney for contestant:

Q. Where was the ballot-box situated at the Elko poll on the day of election?—A. In a little house near the railroad track.

Q. Were these men represented as United States supervisors within or without that house?—A. They were without.

Q. Did they, to your knowledge, keep a poll-list?—A. I do not know.

Q. From your statement in your direct examination, were you more than six hours at the polls all day?—A. Not more than seven.

Q. You were not then prepared to swear that the election proceeded quietly, or that no irregularities or violence took place at the poll save during your presence?—A. No; I am not prepared to swear.

Q. Your not being in the immediate vicinity of the box all the time, even when you was present, will you swear all persons desiring to vote were allowed to do so without hindrance?—A. When I was thirty yards away, I could not swear that persons desiring to vote were or were not hindered.

Q. Do you know of your own knowledge, whether or not at any time during the day or at the close of the polls a Republican ticket was taken from the box and destroyed by one of the managers of the election on the ground that the person voting it had no right to do so?—A. I do not.

S. S. OWENS.

Sworn to before me this 24th day of March, A. D. 1881

[SEAL.]

J. D. BROWNE, N. P.

STATE OF SOUTH CAROLINA,  
*Barnwell County:*

A. ARMSTRONG, white, a witness of legal age, produced by contestee upon due notice under the foregoing agreement, deposes as follows, in reference to questions propounded by contestee's counsel:

Question. Your name?—Answer. A. Armstrong.

Q. Age?—A. Fifty-three.

Q. Occupation?—A. Merchant.

Q. Residence?—A. Williston, Barnwell County.

Q. Where were you on the day of the last election?—A. At Williston.

Q. At what time did you reach the polls?—A. I was there before the opening; left previous to the opening, and returned immediately after.

Q. Do you know who were United States supervisors on the day of election?—A. Not of my own knowledge.

Q. Do you know who represented themselves to be?—A. G. W. B. Holman and Mr. Gantt.

Q. At what time did they reach the polls?—A. I left the polls about nine o'clock, they were not there at that time, so far as I know. I returned about ten o'clock and found them outside of the building in front of the polls.

Q. Were you present at the opening of the polls?—A. I was.

Q. Did you witness the counting of the votes?—A. I did; about one hour before the closing of the polls I and Calvin Brown were requested by one of the managers, Mr. Stansell, to assist in counting the votes. We consented and did assist. The number of ballots counted corresponded with the number of names reported to be on the poll-list, which I have never seen. Dr. Quattlebaum took the ballots from the box; in taking them out some of them were pinched together; they were laid aside until the count of those picked separately was completed; then

they were counted; there were four parcels of them; the four parcels contained nine ballots; I counted the ballots; as I counted them I handed them in parcels of one hundred to Calvin Brown; in the last parcels I cannot state how many. Brown said he had watched me closely and was satisfied with the count. There were two kinds of Democratic tickets, one white and one pink; one kind of Republican ticket, white; there was one single ballot purporting to be a Republican ticket voted; one white ticket, which corresponded in no particular with the genuine Republican ticket. There was one ballot cast in which the names of the Democratic nominees was erased and the Republican nominees inserted. While the count was being made the two so-called supervisors witnessed the count; they appeared to be satisfied with it and so expressed themselves. I reported to the managers who were in my immediate presence the result of the count.

Q. Were the ballots pinched together by Dr. Quattlebaum voted together or not?—A. I am of the opinion they were not.

Q. Were any ballots destroyed by the managers?—A. Two; one Republican and one Democrat.

Q. Why were they so destroyed?—A. In each instance two ballots was folded together.

Q. So far as you saw, were all persons able to vote without molestation or hinderance?—A. Except when the polls were crowded; there were five or six challenged who were permitted to vote.

Q. Do you know that any colored persons voted the Democratic ticket secretly?—A. I do not know of my own knowledge.

Q. Have you been informed by any colored people that they voted the Democratic ticket secretly?

(The counsel for contestant objects, on the ground that the question elicits an answer not within the knowledge of the witness.)

A. I have been so informed.

Q. Can you mention the names of the parties who informed you?—A. I will not, because it would bring them in discredit with many of their own people.

Q. Did you see any armed Democrats on the day of the election?—A. I did not.

Cross-examined by D. A. STRAKER, attorney for contestant:

Q. Were you present at the opening of the polls?—A. I was not.

Q. Who were the managers of the election at Williston?—A. N. H. Stansell, Mr. Hair, and Mr. Mixon, I think were the board.

Q. Do you know whether or not the persons representing themselves supervisors kept a poll-list?—A. They could not have done so.

Q. Why?—A. Because, for at least one-half of an hour during the the election, they were holding a conversation with me, about fifteen or twenty feet from the polls, during which time voting was going on.

Q. Do you know if they endeavored to keep a poll-list, and were prevented from doing so by any person or persons?—A. I do not.

Q. Did you ever see them inside of the house, at any time during the day of election?—A. Not until the closing of the polls.

Q. Were you inside of the house during the day, and for how long a time?—A. In the forenoon for a few minutes; I was afterwards refused admittance.

Q. How many persons at any time during the day did you see inside of that house?—A. I can't say.

Q. While you and others requested to count the votes what were the

managers doing?—A. Standing in the immediate vicinity of the ballot-box. I know Mr. Stansell was there and believe the others were.

Q. Not having seen the depositing of the ballots in the ballot-box, will you swear that the ballots found therein were legally cast?—A. No man can swear to that, except the managers and the parties casting the ballots.

Q. Not having seen each voter as he voted during that day, will you swear that the names recorded on the poll-list of the clerk of the managers of the election correspond with each vote cast?—A. No man can do that, except the managers, their clerk, and the parties voting.

Q. Did you occupy any official position at Williston poll on the day of the late general election?—A. I was called in by Mr. Stansell, one of the managers, to assist in the counting of the votes.

Q. Do you know of your own knowledge whether Dr. Quattlebaum held any official position at the late general election?—A. I do not; he was invited; I presume so.

A. Were these four parcels of ballots folded together of the same kind?—A. Do not know.

Q. Did not you in counting these ballots necessarily see of what kind they were?—A. I did not see the inside of the ballots.

Q. Were they of the same color; if not, of what color?—A. I think they were all white.

Q. Was it not a strange circumstance that ballots not voted together should have found themselves together in the box, and of the same color?—A. I see nothing strange in it.

Q. How do you account for not more than two or three ballots being picked up together from the box by accident?—A. I can't account for accidents.

Q. Do you know what party's tickets these were?—A. I do not.

Q. How did you ascertain that the two tickets folded together were Democratic ballots?—A. By reading and comparing them; in the same way that I ascertained that the two others were Republican tickets.

Q. Would not the revealing of a secret by a Republican confided to him by a Democrat bring him (the Democrat) in discredit with many of his own people?—A. It would; the fact of a white man voting the Republican ticket would not necessarily discredit him with the white people, but a colored man voting the Democratic ticket would be discredited by many of his color for doing so.

Q. Do you know, of your own knowledge, of any colored persons voting the Democratic ticket and being discredited by their own people for so doing, and give the nature of the discredit?—A. I know of my own knowledge that Stephney Riley, a highly respectable colored man living in Charleston, has been hooted at in the public streets for having affiliated himself with the Democratic party.

Q. Do you know, of your own knowledge, any white persons, Democrats, who, having affiliated with the Republican party, brought discredit on themselves by being socially ostracized and politically denounced?—A. I know of no white Democrats affiliated with the Republican party.

Q. Do you know of any white persons who have affiliated with the Republican party that have been socially ostracized, and have been politically denounced?—A. I know of none.

Q. Have you ever read in any Democratic organ in this State recommending social ostracism against white persons affiliating with the Republican party?—A. I have.

A. ARMSTRONG.

Sworn to before me this 24th day of March, A. D. 1881.

[SEAL.]

J. D. BROWNE,  
Notary Public.

STATE OF SOUTH CAROLINA,

*Barnwell County :*

J. M. HAIR, white, a witness of legal age, produced by contestee upon due notice, under the foregoing agreement, deposes as follows in reference to questions propounded by contestee's counsel:

Question. What is your name?—Answer. J. M. Hair.

Q. What is your age?—A. Forty-one years old.

Q. Where do you reside?—A. Williston, Barnwell County.

Q. What is your occupation?—A. Farmer.

Q. Where were you on the day of the last general election?—A. I was at Elko until the down passenger train came, about 10 o'clock.

Q. At what time did you reach the polls?—A. I think ten minutes after 6 o'clock.

Q. Draw a diagram of the house in which the election was held, and of the position of the supervisors, and such other surroundings as will illustrate the election fully.

(Witness draws diagram which, is put in evidence and marked Exhibit D.)

Q. On this diagram what does C-C represent?—A. Represent the house in which the election was held.

Q. What does A represent?—A. A represents the door where the ballot-box was.

Q. What does P-P represent?—A. The passage through which voters passed.

Q. What does B represent?—A. B represents stand fixed for supervisors.

Q. What were the dimensions of the stand marked B?—A. Four feet one way, and five or six the other.

Q. How broad was the passage marked P-P?—A. About two feet.

Q. Do you know who were supervisors of election on that day?—A. I do not know of my own knowledge.

Q. Do you know who were represented to be supervisors?—A. I don't know of my own knowledge.

Q. Do you know who occupied the stand marked B on that day?—A. A man named Dick Thomson, a man whom I was told named Snetter, and B. O. Stansell, a portion of the time; Messrs. Thomson and Snetter left the stand about 9 o'clock.

Q. How were these men located on the stand?—A. Mr. Snetter and Mr. Thomson occupied the west end.

Q. Were the parties in the stand in full view of the ballot-box; if so, how far from it?—A. They were in full view of the box, and four feet from it.

Q. Did you see Messrs. Snetter and Thomson when they left the box?—A. I did.

Q. Where were you about that time?—A. About four feet from them.

Q. Do you know why they left?—A. I do not.

Q. Did you see any cause for their leaving?—A. I did not.

Q. Did you hear any person threaten to injure them?—A. I did not.

Q. Did you see any person attempt to injure them?—A. I did not.

Q. Did you see any persons with weapons in their hands in their immediate neighborhood at the time they left?—A. Not to my recollection.

Q. Was the stand in which the persons, Messrs. Snetter and Thomson were placed torn down?—A. It was not; remained the several days after the election.

Q. Did you see any armed Democrats there on that day?—A. I did not see any arms during the day that I recollect; I saw some men at 10 o'clock at night, loading pistols.

Q. Was there any intimidation of voters of either party on that day?—A. Not to my knowledge.

Q. At the time Messrs. Thomson and Snetter left the stand, occupying the position that you did, could any violent language have been made towards them, or any attempts made to personally injure them, without your knowledge?—A. I don't think so.

Q. Do you know that any colored persons voted the Democratic ticket on that day?—A. I do.

Q. Was there much noise and confusion on that day?—A. Occasionally there was loud talking and a man would halloo once in a while.

Q. Was it sufficient to intimidate any one?—A. I don't think so.

Q. Was the election as quiet as elections usually are in this county?—A. It was, during the time I was there.

Q. Could Republicans and Democrats vote with equal freedom and safety?—A. I heard or saw nothing to prevent a man from doing so.

Q. Was there, before the election, or has there been since, any discrimination made by merchants or planters employing laborers against Republicans in your section?—A. Not to my knowledge.

Cross-examined by D. A. STRAKER, attorney for contestant:

Q. What is your politics?—A. At present I hardly know; I have been a Democrat.

Q. What time did you reach the poll at Elko?—A. I think ten minutes after 6 o'clock.

Q. At that time where was Mr. Stansell, the Democratic supervisor?—A. I don't recollect where he was.

Q. Did you see Mr. Snetter, the Republican supervisor, and where was he?—A. I saw a man sitting in the box assigned for the supervisors, with Dick Thompson, who I was told was Mr. Snetter.

Q. Did you, at any time during that day, see Mr. Stansell in the box with Mr. Snetter?—A. I think I did.

Q. At what time, and how long a time?—A. I can't say; I was passing back and forth.

Q. When you left Elko was Mr. Snetter there?—A. Not to my knowledge.

Q. Do you know whether Mr. Snetter kept, or attempted to keep, a poll-list by himself or by his clerk?—A. I saw Mr. Thompson writing and Mr. Snetter calling names to him; I think he did.

Q. For how long a time did you see him occupied in this way?—A. Two and a half or three hours.

Q. Did you see when he left that box, and did he ever return while you was present?—A. I saw him leave the box; he never returned, to my knowledge.

Q. How long were you present at or near that box during Mr. Snetter's stay?—A. I was not, at no time, one hundred feet from the box during his stay.

Q. Do you know, of your own knowledge, what caused Mr. Snetter to leave that box?—A. There was a rush of voters just before Mr. Snetter left; a portion of the lath—G G, Exhibit D—gave way; I don't know if that was the cause of his leaving.

Q. Do you know who made that rush?—A. I do not.

Q. Do you not know that two companies of men, led by Captains Wise and Cooper, made that rush—a great number of whom were armed?—A. I do not know.

Q. Were not these companies of men at the poll—mentioned there?—A. I saw a squad of twenty men come up at one time; I think one of the Wises in the squad.

Q. Was it not Capt. Joe. Wise?—A. I can't say.

Q. Was Capt. Joe. Wise at the poll during that day?—A. I think he was.

Q. From what you saw, did Mr. Snetter, Republican supervisor, leave the poll voluntarily?—A. I saw no compelling power; he must have left it voluntarily.

Q. Was the place B, marked in diagram Exhibit D, a box or railing?—A. There was a box, around which was a railing.

Q. About what was the dimension of the railings?—A. Four by five or six feet.

Q. From the diagram drawn by you, marked Exhibit D, did not the passage way, marked P P, and the railing, G G, separate this box from the house in which the ballot-box was placed, and the votes cast?—A. It did.

Q. How many persons voted together at one time?—A. One at a time.

Q. How many came up to the ballot-box at one time for the purpose of voting?—A. In the passage-way there was voters a large portion of the day.

Q. Then from your statement concerning the situation of the house, the passage-way and the supervisors' box, did not persons voting have to turn their backs to the United States supervisors?—A. Not necessarily compelled.

Q. How then did the majority of voters vote in reference to their position to the United States supervisors?—A. I think with their backs.

Q. From the position of the United States supervisors, as shown in your diagram, could he easily challenge voters even as a witness?—A. There was no reason why he could not challenge them with ease.

Q. Was there any other election officer, save the United States supervisors, placed outside of the house?—A. There was none outside except the supervisors, to my knowledge.

Q. When you left Elko at 10 o'clock for Graham's, who accompanied you?—A. There was several persons; I can't name them; a good many from Williston and Elko.

Q. Was there any disturbance from Elko to Graham's on the train, going or coming, by firing or shooting of pistols?—A. I heard the report of a few pistols on the way from Graham's to Elko.

Q. Do you think it impossible for any violence to have been offered Mr. Snetter, and you not have known it, while at the polls?—A. Not impossible; but I do not think improbable.

Q. Do you think it impossible or improbable, that the colored person to whom you gave Democratic tickets on that day, voted the Republican ticket?—A. Not impossible, but improbable.

Q. How many such colored men were they that you gave Democratic tickets to?—A. Three.

Q. Do you know, of your own knowledge, whether or not Daniel Patterson and Tay Wallace, colored Republicans, were not ill-treated since the election by Democrats on account of their adherence to their political opinion, and because of testimony given by them in the United States



commissioners' court at Barnwell, against alleged violators of the law?—A. I know nothing of it.

Q. How far is Graham's from Elko; and if there is any voting poll between them?—A. Fifteen miles from Elko to Graham's; and there is a poll at Blackville.

Redirect examination:

Q. Could you, from your position at the time Messrs. Snetter and Thomson left their stands, see voters as they voted?—A. I could.

Q. Did they have equal facilities for seeing voters vote?—A. Mr. Snetter had.

Q. Was the firing of the pistols on the train near any polling precinct while you were returning from Graham's?—A. One pistol was fired as the train rolled off from Blackville, and the others about two miles from Graham's. I do not know if the pistol fired at Blackville was fired by any person on the train.

Q. Could Daniel Patterson have remained the present year on the place occupied by him last year?—A. I was so informed by the lady who owned the place.

J. M. HAIR.

Sworn to before me this 24th day of March, A. D. 1881.

[SEAL.]

J. D. BROWNE.

J. R. COOPER sworn.

Question. What is your name?—Answer. J. R. Cooper.

Q. Age?—A. Thirty-five years old.

Q. Occupation?—A. Sewing-machine agent.

Q. Residence?—A. Blackville, Barnwell County.

Q. Where was you at the last general election?—A. I was at Elko, about one hour and a half after the rising of the sun.

Q. With whom did you go to Elko?—A. I left home accompanied by one person; others overtook at intervals on the road; when I reached Elko there was some twenty or thirty persons behind me, and a few in front.

Q. Were any colored persons in the crowd with you?—A. Perhaps six.

Q. To what political clubs did you and the persons with you belong?—A. Some belong to the Healing Springs club, and some to the Elko club.

Q. Did Capt. Jos. C. Wise enter Elko with you?—A. He was with me, and entered Elko with me.

Q. Did you, and those with you, enter Elko noisily or quietly?—A. When within about three hundred yards of the polls there was some hallooing by perhaps some six or more boys; I spoke to them and all was quiet afterwards.

Q. Did you, and those with you, approach the polls in a body or singly?—A. Not more than six at a time.

Q. Did they go up quietly or noisily?—A. There was no noise made after we entered the town.

Q. Did you see the stand marked B, on Exhibit D (witness shown diagram)?—A. I did.

Q. By whom was it occupied?—A. By Snetter and a young colored man whose name I do not know.

Q. Were they in full sight of the ballot-box?—A. Snetter was standing up when I went up, with his face within eighteen inches of the door where the ballot-box was. He remained standing most of the time I saw him.

Q. How far inside of the door was the ballot-box?—A. The ballot-box was not more than eight inches from the door; I think so.

Q. Were you present when Mr. Snetter left there?—A. I was standing on the ground at the northwest corner of stand marked B on the diagram.

Q. How far from Mr. Snetter?—A. I was about five or five and a half feet from him.

Q. Do you know why he left?—A. I do not.

Q. Did you hear any threats of personal violence to him?—A. I did not.

Q. If they had been made could you have heard them?—A. Very probable that I could.

Q. Did you see any person attempt to injure him?—A. I did not.

Q. Could any attempts to injure him have been made at that time without your knowledge?—A. Secret attempts could have been made, but public attempts could not.

Q. Could any person have drawn a fifteen-inch revolver and brandished it without your observing it?—A. It could not have been done on the north side of the stand on the ground below. I, being on the ground, could not tell what was going on on the east side of the stand. I heard no loud words or violence in that direction.

Q. Was the day a quiet or noisy one?—A. Remarkably quiet.

Q. Could Republicans and Democrats vote with equal freedom and facility?—A. I saw nothing to prevent.

Q. Was there much drunkenness?—A. I saw but two men under the influence of liquor.

Q. What was the conduct of those two men?—A. Like all drunken men, teasing every passer-by.

Q. Were they near the polls?—A. Forty or fifty yards from the polls.

Q. Did they interfere with the election at all?—A. Not that I saw.

Q. Did you see any armed Democrats there?—A. I did not see any arms at all during my stay.

Q. How many colored persons did you see in Elko at any time during the day?—A. Not more than thirty or forty at any time at the poll.

Q. Did any Republican on that day have any cause to apprehend personal danger from the Democrats because of his adhesion to his own party?—A. Not to my knowledge.

Q. Was there ample time for all persons to vote?—A. There was.

Q. Did you see any intimidation of voters on that day?—A. I did not.

Cross-examined by D. A. STRAKER, attorney for contestant:

Q. What is your politics?—A. I am a Democrat.

Q. When at the polls at Elko did you see Mr. J. M. Hair?—A. Saw him several times during the day, and spoke to him.

Q. What was the earliest time in the day that you saw Mr. Hair?—A. I think it was in the forenoon.

Q. If Mr. Hare had been at the Elko poll at ten minutes past six in morning would you not have seen him before noon?—A. In all probability I might not.

Q. In all probability might you not have met him?—A. It is as probable that I might have met him, as I might not have met him.

Q. What time was you at the poll when you say Mr. Snetter left?—A. Some time between 9 and 10 o'clock.

Q. If then, as Mr. Hare states he was there at the poll between 9 and 10 o'clock, at that time would you not have seen him?—A. He might

have been on the opposite side of the stand where the supervisors occupied.

Q. You then regard the stand occupied by the supervisors as a pen?  
—A. Four posts with a slat around the top.

Q. Were the six persons going up to the poll together, sworn together?  
—A. One at a time.

Q. You say Mr. Snetter's head was not more than 18 inches from the door through which persons went to vote; if persons were voting at that time in the space between the door and railing, could Mr. Snetter have seen them in their faces?—A. I stood sideways and voted through compulsion from my afflictions.

Q. Do you know of any other persons similarly situated that voted that way?—A. I do not.

Q. If, as you say, there was perfect freedom and complete room, what would be the natural position of every voter voting?—A. It would be left entirely to his discretion.

Q. From the position of the supervisors' box, and the voters voting coming up 6 at a time, and the ballot-box being 8 inches from the door, could the supervisor scrutinize the ballot whether they voted with their backs or their sides to him?—A. He could from the position he occupied with his head always near the voter's shoulders, stooping over their shoulders.

Q. Were you not president of a Democratic club in this county?—A. I have never in my life been one, but I am a member of a Democratic club.

Q. How high was this railing marked G G, in Exhibit D, in the diagram, from the ground?—A. About six feet, I think.

Q. How high was the platform before the house from the ground?—A. I could conveniently step up on it.

Q. Where was this stand or pen of the supervisors, on the ground or platform?—A. On the platform.

Q. Look at this diagram and state whether it is a correct drawing of the house and platform, railing, and stand where the election at Elko was held?—A. It is correct, except that there is no platform on the diagram.

Q. About what width was the platform?—A. Somewhere between 6 and 8 feet, I think.

JAS. R. COOPER.

Sworn to before me this 24th day of March, A. D. 1881.

[SEAL.]

J. D BROWNE,

*Notary Public.*

The examination is here adjourned to meet at 9 o'clock to-morrow, the 25th.

[SEAL.]

J. D. BROWNE,

*Notary Public.*

STATE OF SOUTH CAROLINA,  
*Barnwell County :*

WILLIAM WILSON, colored, a witness of legal age, produced by contestee, upon due notice under the foregoing agreement, deposes as follows, in reference to questions propounded by contestee's counsel :

Question. What is your name?—Answer. William Wilson.

Q. Where do you live?—A. Elko, Barnwell County.

Q. What is your age?—A. Forty years old.

Q. What is your occupation?—A. Farmer.

Q. Did you vote at the last election ?—A. I did not.

Q. Why did you not vote ?—A. The Republican party was apparently down upon me. They say in this way, "Who would bury you if you were to die; would the Democrats do it, or the Republicans?"

Q. Were any threats made by colored Republicans against colored persons voting the Democratic ticket ?—A. Not that I know of.

Q. If you had voted the Democratic ticket at the last general election would your standing among the colored people, have been injured.

(Counsel for contestant objects to the question, on the ground that it is hypothetical, and the answer must be one of opinion.)

A. It apparently would.

Q. Why do you think so ?

(The counsel for contestant objects to the question, on the ground that the answer must be one of opinion, since the question does not require the witness's knowledge of a fact.)

A. The argument showed it plainly to me. The Republican says, "How could you be a Democrat; that you would not be recognized by the Republican party, of your own color."

Q. Did colored Republicans in your presence say what should be done to colored persons voting the Democratic ticket ?—A. They did not.

Q. What ticket would you have voted at the last election, if you had voted ?—A. I would have voted the Democratic ticket.

Q. Did your expectations of unfriendly treatment from colored Republicans keep you from voting at the last election ?

(Counsel for contestant objects to the question, as leading.)

A. It did so.

Q. What unfriendly treatment did you expect ?—A. Not being recognized by my color.

Q. Are colored Democrats as well thought of in colored society in your section as colored Republicans ?—A. No.

Q. Do they stand as well in church relations ?—A. It seems that they are a little scorned.

Q. If a colored person, a member of the Republican party, were to forsake it at Elko, and join the Democratic party, would he lose standing among the colored people generally ?—A. He would gradually.

Q. Are you a member of the church; and, if so, what church ?—A. Massedonia Baptist Church, at Blackville.

Q. Have you ever been threatened with expulsion from that church if you voted the Democratic ticket ?—A. No.

Q. Has it ever been said in your presence that colored Democrats ought to be expelled from the church ?—A. No.

Q. Has it ever been said by colored Republicans in your presence that colored Democrats ought to be killed or not recognized ?

(The counsel for contestant objects to the question on the grounds of irrelevancy.)

A. It has been said in my presence.

Q. Would you then, if left to your own inclinations, have voted the Democratic ticket at the last election ?—A. I would.

Cross-examined by attorney for contestant :

Q. When you say you are a farmer do you own any land, or do you simply till the ground as a laborer ?—A. I simply till the ground; I own  $\frac{1}{2}$  of an acre, with two buildings on the land.

Q. You say that the Republican party was apparently down upon

you ; what do you mean by the word apparently?—A. I mean by the apparently, I see an object to go to or not to go to.

Q. You said, in your direct examination, that if you had voted the Democratic ticket your standing would have been injured among the colored people ; is that or is it not a mere matter of belief?—A. It is my belief.

Q. Have you received any unfriendly treatment since the election from any colored Republicans?—A. I have not.

Q. What position do you hold in the Baptist Church?—A. A member.

Q. Are colored Republicans as well thought of as colored Democrats by the white Democrats in your section?—A. Very hard for me to tell.

Q. Can a colored Republican, known as such, get employment from white Democrats generally, as readily as colored Democrats?—A. They can, so far as I know.

Q. Are not colored Republicans employed by white Democrats because they cannot get a sufficient number of colored Democrats?—A. I think that is the reason.

Q. If a white Democrat was to leave the Democratic party and join the Republican party would he have as good standing among white Democrats as he formerly had?—A. No ; they would not.

Q. By whom are you employed?—A. By W. T. Cave.

Q. What is his politics, if you know?—A. He is a Democrat.

Q. Are you under contract with him?—A. I am not.

Q. In what manner, then, are you employed by him?—A. By verbal arrangements. I work for one-third of the crop.

Q. Is he here to-day?—A. He is not.

Q. Have you had any conversation with him to-day in reference to testifying here?—A. I have not.

Redirect examination :

Q. In whose house do you live?—A. My own house.

Q. Have you ever known a white Democrat in your section of the county to join the Republican party?—A. I have not.

Q. Then is it a mere matter of opinion that a white Democrat so doing would lose standing among white Democrats?—A. It's my opinion.

Q. Do white Democrats in employing colored laborers ask them their politics?—A. Not that I know of.

WILLIAM WILSON.

Sworn to before me this 25th day of March, A. D. 1881.

[SEAL.]

J. D. BROWNE,  
*Notary Public.*

STATE OF SOUTH CAROLINA,  
*Barnwell County:*

STEPHEN BATES, colored, a witness of legal age, produced by contestee, upon notice under the foregoing agreement, deposes as follows to questions propounded by contestee's counsel :

Question. What is your name?—Answer. Stephen Bates.

Q. What is your age?—A. Twenty-three years old.

Q. Where do you live?—A. Elko, Barnwell County.

Q. What is your occupation?—A. Farmer.

Q. What is your politics?—A. Republican.

Q. Where were you at the last general election?—A. At Elko.

Q. How did the election proceed, quietly, on that day?—A. As far as I know, was quiet.

Q. Was there any intimidation of voters on that day?—A. Not that I know of.

Q. Could Republicans vote as freely as Democrats?—A. They could, so far as I saw.

Q. Is it generally known that you are a Republican in your section?—A. Yes.

Q. Can you, as a Republican, obtain employment from a white Democrat as readily as a colored Democrat?—A. Yes.

Q. Whenever white Democrats desire to employ you, if they have ever done so, do they ask if you are a Republican or a Democrat?—A. No.

Q. How long did you remain at the polls on the day of election at Elko?—A. From 6 to 12 o'clock m.

Q. While you were in Elko on that day was there sufficient noise or confusion near the polls to keep any person from voting?—A. Not that I could see.

Q. Are colored Republicans employed as freely by white Democrats as colored Democrats?—A. As far as I know.

Cross-examined by D. A. STRAKER, attorney for contestant:

Q. Where did you vote at the last general election?—A. At Elko.

Q. Who was present besides the managers of election and supervisors when you voted?—A. Capers Robinson, Richard Thompson.

Q. Are they Republicans or Democrats?—A. Republicans.

Q. What ticket did you vote?—A. Republican ticket.

Q. Did you vote for the Republican nominees, or was it changed?—A. No; I voted for the Republican nominees.

Q. What is your politics now?—A. Republican.

Q. Do you remember ever conversing with a Democrat and telling him you were a Democrat?—A. No.

Q. Have you not lately had conversations with a white Democrat about your politics?—A. No.

Q. What time did you vote at Elko?—A. Between sunrise and daylight.

Q. Where did you go after voting?—A. Nowhere.

Q. Who gave you your Republican ticket that you voted on that day?—A. Capers Robinson.

Q. You say you are generally known as a Republican. Do you speak openly in behalf of the Republican party?—A. I have no occasion. I have never yet.

Q. Then, how does anybody save yourself know that you are a Republican?—A. I was a Democrat before I voted at the last election. Since I voted I have heard them say that I was a Republican.

Q. How came you, being a Democrat before the last election, to vote a Republican ticket at that election?—A. It was just my notion.

Q. Do you still hold that notion?—A. Yes.

Q. What caused you to change your politics?—A. I thought it was right.

Q. Have you ever, in company with a colored Democrat, sought employment from a white Democrat and got it in preference?—A. No.

Q. Do you think you could get employment in preference to a colored Democrat?—A. I could not tell.

Q. By whom are you employed?—A. W. T. Cave.

Q. When did you begin service with him?—A. Eighteen hundred and eighty.

Q. Do you know, of your own knowledge, of any ill treatment of col-

ored persons by white Democrats because of their adherence to the Republican party?—A. No.

Q. Do you know, of your own knowledge, of any ill treatment by white Democrats to Daniel Patterson and Tay Wallace on account of their political opinions?—A. No.

Q. Did you see any squads of white Democrats from other polls at Elko on the day of the last general election?—A. I seen squads, but did not know where they were from.

Q. Did they have any arms?—A. Not that I seen.

Q. About how many in all?—A. About three or four.

Q. Who spoke to you about coming here to testify, and when?—A. To-day; B. O. Stansell.

Q. Is Mr. Stansell a Republican or Democrat?—A. Democrat, I think.

Q. Did you tell him you was once a Democrat but now a Republican?—A. No.

Q. What conversation did you have with him?—A. He told me that Mr. Holmes wanted to see me at Blackville.

Q. Is that all the conversation he had with you?—A. That was all, concerning this election.

Q. Did you know Mr. Holmes before reaching Blackville to-day?—A. Yes.

Q. Did you have any conversation with any person in reference to coming down here to-day?—A. Yes; with Fred Hutson (pointing to a colored man sitting behind him).

Q. What did he say to you?—A. He said Mr. Stansell wanted to see me.

Q. Did you, or did you not, have any conversation with your employer before coming here to testify?—A. I did not.

Q. Have you been served with a notice?—A. Only a verbal notice.

Q. You are then a volunteer witness?—A. I suppose so.

Redirect examination :

Q. Were any persons present when you voted at Elko besides Capers Robinson and Dick Thompson?—A. Yes.

Q. Have you ever concealed the fact that you are a Republican?—A. No.

Q. Have you ever told persons in private conversation that you are a Republican?—A. Yes.

STEPHEN BATES.

Sworn to before me this 25th day of March, A. D. 1881.

[SEAL.]

J. D. BROWNE,  
Notary Public.

STATE OF SOUTH CAROLINA,  
• Barnwell County :

Col. G. B. LARTIGUE, white, a witness of legal age, produced by contestee, upon due notice, under the foregoing agreement, deposes as follows in reference to questions propounded by contestee's counsel:

Question. What is your name?—Answer. G. B. Lartigue.

Q. What is your age?—A. Fifty-two years old.

Q. Residence?—A. Blackville, Barnwell County.

Q. Profession?—A. Physician.

Q. What relation, if any, did you sustain to the Democratic party of

Barnwell County prior to the last general election on the 2d day of November, 1880?—A. I was chairman of the Democratic executive committee of Barnwell County.

Q. What was the Democratic plan of campaign?—A. It was within the lines of law and order.

Q. Was it the policy of the Democratic party to intimidate Republican voters?

(Counsel for contestant objects to the question as leading.)

A. It was not, as far as I received instructions or issued them, nor do I know of that policy having been pursued.

Q. Were any Republican meetings in this county interfered with or broken up by Democrats in the last campaign—by white Democrats—because of their adherence to their party?—A. Not that I know of, or have heard of.

Q. Do you know of any instances in which colored Republicans have been proscribed by white Democrats because of their adherence to their party in the last campaign?—A. Not a single one.

Q. Is employment given by white Democrats to colored Republicans as readily as to colored Democrats?—A. As far as I know, it is. I have not employed, since the election, a colored Democrat that I know of. I never inquire their politics.

Q. How many colored voters were reported to you by Democratic club chairmen, in the last campaign, as enrolled in affiliated Democratic clubs?—A. Five months before the election thirteen hundred and seventy-two enrolled members were reported to me, and rolls of their names furnished.

(The answer objected by counsel for contestant, as being hearsay.)

Q. What instructions if any, were issued by you to Democratic club chairmen, with regard to securing for the Democratic nominees the votes of colored persons not enrolled in affiliated Democratic clubs?—A. They were instructed to appoint working committees to electioneer colored men independently of those on the affiliated rolls.

Q. Colonel, what is this (presenting a Democratic ticket which was introduced into evidence marked Exhibit E)?

Q. Who was the candidate of the Democratic party on that ticket for Congress of the 5th Congressional district of South Carolina?—A. George D. Tillman.

Cross-examined by D. A. STRAKER, attorney for contestant:

Q. What official position do you occupy in the Democratic party at present?—A. I am chairman of the county Democratic executive committee.

Q. Will you illustrate some of the plans of the campaign of the Democratic party of Barnwell County, which you characterized as within the lines of law and order?—A. The plan was to influence as many colored men to join our clubs and vote the Democratic ticket, at the same time instructing our clubs that the campaign was inside of the lines of law and order; that no laws would be violated and no disorder encouraged. After the affiliated club rules had been furnished, instructions were issued to secure the promises of as many colored voters of those who had not joined our clubs, and were afraid to identify themselves with our party openly.

Q. Was not the assembling of Democratic clubs in varied numbers, clothed in red shirts and instructed to attend Republican meetings and interfere to the end to break them up if possible, a portion of the Democratic plan of campaign in the county?—A. It was not. Special orders



had been given that they should do nothing of the kind. At Democratic demonstrations they were requested to wear the red shirts; at the only Republican demonstration of any consequence, the one held at Blackville, Democratic clubs were specially ordered not to attend; some individuals did come to the town that day. I advised numbers of them not to cross the railroad to that side where the Republican meeting was held. I made every effort to prevent every disturbance at their meeting at that day, nor do I know of any disturbance in the town, political or otherwise.

Q. Do you of your own knowledge know of the violation of these orders by any club?—A. Not by any clubs; individuals, as already stated, came to town on that day?

Q. Were you present at a Republican meeting held at Blackville, at any time in which the Democrats in large numbers interfered and broke up the meeting?—A. No.

Q. Do you know of any white Democrat who has been proscribed by his fellow white Democrats, either because of his independence of party politics or of his affiliation with the Republican party?—A. No, I do not.

Q. Have you that enrolled list of affiliated colored Democrats with the Democratic party in your possession?—A. I have some of the rolls, but are not sure that I have them all.

Q. Then as to your statement that 1372 were enrolled, is it a mere matter of recollection?—A. It is a matter of record recently examined by myself, embodied in a communication to the Democratic authorities in Columbia, based on the adding up of the rolls in my possession at that time.

Q. Will you give a copy of the enrolled names of colored Democrats which you stated to have received from the several Democratic clubs of this county?—A. In an answer to a previous question I stated that I have some of the rolls, but not sure that I have them all; at the same time do not feel that I am constrained to act as clerk or copyist for this commission; have no objections under process of law properly enforced to surrender papers or property at any time.

Q. Did you or not receive a communication, dated Columbia, October 12, 1880, from the chairman of the State executive committee, which reads as follows, in an order from the State Democratic executive committee on pages 18 and 19 of a pamphlet entitled "The Election of 1880 in South Carolina," issued by the Union Republican party? [Pamphlet shown to witness.]

(The counsel for contestee objects to and protests against the introduction of this evidence on the ground that it is the introduction of new evidence, and not in reply.)

A. It was impossible for me to have done so—to have received a communication, written October the 27th, on the 12th of October the same year. Moreover, I cannot give evidence as to the contents of a communication received about that time in comparison with a publication presented at this time, unless I had the so-called communication before me to compare with the publication.

Q. Do you not recollect of having received a like communication to the one shown you in printed document, marked Exhibit A, dated October 27, 1880?—A. I do not recollect of receiving any communication of that date.

Q. How, then, do you account for your statement a few moments ago that "it was impossible for me to have done so—to have received a communication, written October the 27th, on the 12th of October the same.

year?"—A. Not recognizing the fact that I am especially on trial for things supposed to have occurred, I will say that it was a physical impossibility to have received a communication fifteen days before it was written.

Q. Does not your answer, then, confess to have received a communication on the 27th of October?—A. Not being on the confessional stand, but simply giving evidence, I say no.

G. B. LATIGUE.

Sworn to before me this 25th day of March, A. D. 1881.

[SEAL.]

J. D. BROWNE, N. P.

STATE OF SOUTH CAROLINA,

*Barnwell County :*

J. P. STROBEL, white, a witness of legal age, produced by contestee upon due notice under the foregoing agreement, deposes as follows in reference to questions propounded by contestee's counsel :

Question. What is your name?—Answer. J. P. Strobel.

Q. Where do you reside?—A. Blackville.

Q. What is your age?—A. Thirty-one years old.

Q. What is your occupation?—A. Hotel-keeper.

Q. Where were you at the last general election?—A. At Blackville.

Q. How many white Democrats voted here on that day?—A. About sixty.

Q. How many usually voted here?—A. About four hundred.

Cross-examined by counsel for contestant, D. A. STRAKER:

Q. What official position did you occupy at the last general election?—A. I was chairman of the board of managers of election at Blackville.

Q. Did you have a clerk and did he keep a poll-list?—A. I am not positive whether I had a clerk or not; a poll-list was kept; at the close of the poll, by the counting of the votes, I ascertained that about sixty Democratic votes was cast; can't say if all was cast by white Democratic voters.

Q. What was the number of Republican ballots cast at Blackville?—A. About six hundred.

J. P. STROBEL.

Sworn to before me this 25th day of March, A. D. 1881.

[L. S.]

J. D. BROWNE,

*Notary Public.*

The examination is here adjourned to meet at 9½ o'clock, at Barnwell Court House, the 26th.

[L. S.]

J. D. BROWNE,

*Notary Public.*

STATE OF SOUTH CAROLINA,

*Barnwell County :*

N. F. KIRKLAND, white, a witness of legal age, produced to contestee upon due notice under the foregoing agreement, deposes as follows, in reference to questions propounded by contestee's counsel :

Question. What is your name?—Answer. N. F. Kirkland.

Q. What is your age?—A. Fifty years old.

Q. Where do you reside?—A. Buford's Bridge, Barnwell County.

Q. What is your occupation ?—A. Planter.

Q. Where were you at the last general election ?—A. I was a manager, at Buford's Bridge.

Q. Were you present at the opening of the polls ?—A. I was.

Q. Were any United States supervisors present at the opening of the poll ?—A. There were not. I had seen in the News and Courier that F. A. Blackwood was appointed supervisor for the Republican party. I called for him, and he was not present. H. C. Dickenson, the Democratic supervisor, came in a few minutes after we commenced voting. We opened the polls at 6 o'clock; exactly, half hour later. John A. Connely came in the house and said he was the Republican supervisor. I asked him if he had any commission; he presented a commission from Judge Bryan. I observed that a name had been scratched out, and John A. Connely inserted instead. I asked him who did it. He answered, "Ask Mr. Blackwood." I told him to supervise the election if he chose; that we had no objections, but that I did not recognize him as properly commissioned. He said that he desired to have nothing to do with the election, and left the house. About a half hour later Mr. Blackwood came in the house and said that the Republicans outside were not satisfied at not having a supervisor. I told him that was his fault and asked him who scratched out his name and inserted Connely. He said that he did it. I told him then that he could supervise the election and take any position he desired, but that he would not be recognized, as he had no commission; he remained in the house about one hour, and then went out.

Q. Is that commission in your possession ?—A. It is not.

Q. How did the election proceed ?—A. Very quietly up to between 9 and 10 o'clock.

Q. Was there at any time during that day sufficient noise to prevent any person from voting ?—A. Between 9 and 10 o'clock there was a great row outside of the house which lasted about five minutes.

Q. Was everything quiet afterwards ?—A. Some fifteen or twenty minutes I heard from three to six pistol shots about one hundred yards in the direction of the bridge from the poll in quick succession.

Q. Could every person present at Buford's Bridge on that day have voted as they chose if they had so desired ?—A. They could, but not all at the same minute.

Q. Was there ample time for all persons present to have voted ?—A. There were.

Q. Do you know why persons present went away without voting ?—A. I went out to dinner between 1 and 2 o'clock. While eating at the table of an old colored woman about thirty colored men gathered around the table I told them to come on and vote. They said they had orders to leave and not vote. I asked them what general issued the orders. They said no general that they knew of, but that was the order. I told them that it was four hours till the polls would close and I would guarantee every man a chance to vote. They still refused to vote.

Q. Did you ever ascertain who issued that order ?—A. About three weeks afterwards John Connely showed a note publicly at the bridge. The note was very short and said, "Come away, don't cast another vote," signed F. A. B., which Connely said was from Mr. Blackwood.

Q. Do white Democrats in your section give employment as readily to colored Republicans as to colored Democrats ?—A. They do, as a class.

Cross-examined by Contestee:

Q. How long have you lived at Buford's Bridge ?—A. All my life.

Q. Please give a description of the house and the situation of the ballot-box in the house where the voting was held on that day?—A. It was a house about 30 by 20 with a porch in front ten feet wide. I merely guess at the dimensions; a door at each end; one window on the side; the ballot-box was placed very near this window for the convenience of having good light.

Q. How far was this window from the door?—A. About 10 feet; the ballot-box was placed on a box or table near the window.

Q. Which one of these doors did the voters come in to vote?—A. The door on the east end which was the furthestest from the box.

Q. When they voted did they return to the same door or pass through the other door?—A. Passed through the other.

Q. Were these doors kept open all the time?—A. The door that they came in was open all the time. One door was kept closed, except when the voters passed out.

Q. Did you as chairman of the board of manager sappoint any one to attend these doors, or did the other managers appoint?—A. We had a committee to attend to these two doors to keep off the crowd; on former elections we had been very much crowded in the same building.

Q. Do you remember the names of that committee?—A. I do not remember all the names, but that they were all white.

Q. Did you or any of the managers receive any instructions from the chairman of the Democratic executive committee of this county in regard to the management of the election, calling your attention to section 12 of the law governing the same?—A. I did not; as I remember, but on hearing the circular read, I remember that we did receive it.

Q. Were those instructions carried out by the managers?—A. We carried out the law as far as we understood it.

Q. Do you remember who you received those instructions from?—A. I think I received it by mail, if you mean the circular.

Q. How many times did you go out of the house during the day?—A. Three times, breakfast, dinner, and during the riot.

Q. Which one of those doors was a flag hoisted?—A. If any, I did not see it.

Q. Could it be possible for any one to prevent any one coming in to the house and you not know it?—A. I think they could.

Q. At the close of the poll did the number of ballots in the box correspond with names on the poll-list kept by the managers or clerk?—A. There was five or six in excess.

N. F. KIRKLAND.

Sworn to before me this 26th day of March, A. D. 1881.

J. D. BROWNE,  
*Notary Public.*

STATE OF SOUTH CAROLINA,  
*Barnwell County :*

JOHN F. BREELAND, white, a witness of legal age, produced by contestee, upon due notice under the foregoing agreement, deposes as follows, in reference to questions propounded by contestee's counsel:

Question. What is your name?—Answer. John F. Breeland.

Q. What is your age?—A. Thirty-six years old.

Q. Where do you live?—A. Buford's Bridge.

Q. What is your occupation?—A. Planter.

Q. Where were you at the last general election?—A. Buford's Bridge.

Q. What position, if any, did you occupy on that day?—A. State constable.

Q. Did you see any row or disturbance on that day?—A. I did.

Q. Did you see it start?—A. I did.

Q. Was it caused by politics?—A. No.

Q. Did you see any armed persons on that day?—A. Yes.

Q. Were they Democrats or Republicans?—A. Democrats and Republicans.

Q. With what were these persons armed?—A. With clubs, pistols, and hatchets.

Q. Were there more armed Democrats than Republicans?—A. I do not know.

Q. Are colored Republicans employed as freely in your section as colored Democrats by white Democrats?—A. They are.

Q. How long did this row or disturbance last?—A. About five minutes; not longer than that.

Q. Do you know, of your own knowledge, who started the row?—A. I do not know.

Q. Did you, as State constable, attempt to stop the row?—A. I did.

Q. Did you receive any assistance; and, if so, from whom?—A. From both parties.

Cross-examined by ROBERT SMALLS, contestant:

Q. You stated that no distinction was made in the employment of Republicans or Democrats?—A. That is my statement.

Q. Can the farmers in your section cultivate the lands without employing colored Republicans?—A. They could in my immediate vicinity.

Q. Can they in the vicinity of Buford's Bridge, taking in the voting precinct?—A. As far as I know, they could not.

Q. Is not the Republicans of Barnwell County the laboring class, as a general thing?—A. That may be considered so.

Q. Were you the chief State constable at the election on that day?—A. There were two appointed, and I believe we were vested with equal authority.

Q. Was your attention called to a large crowd of mounted men riding up to the polls?—A. None went up to the polls.

Q. Was your attention ever called to a crowd riding up to the vicinity of the polls on that day?—A. Some eight or ten rode up and crossed the road and hitched their horses, I think seventy-five yards from the polls.

Q. In what manner was your attention called to these eight or ten men riding up, and hitching their horses, about seventy-five yards from the poll?—A. I do not remember.

Q. Do you remember of hearing the firing of arms about that time, or any other time during the day?—A. There was several pistol shots that day, but I do not remember that it was at that time.

Q. Are you a member of any political society?—A. Buford's Bridge Democratic Club.

Q. What position do you hold, if any?—A. No position.

Q. Did any of your club wear red shirts on the day of the election; and, if so, how many?—A. I do not know of any members of my club wearing them, I saw some few on the hill.

Q. Was the flag hoisted at the door belonging to your club?—A. No.

Q. Was there a flag on the door or building?—A. I do not know how the flag was placed.

Q. Do you know who hoisted that flag?—A. I do not.

Q. Do you know of any persons leaving the poll on that day without voting; and if so, whether white or colored?—A. A good many colored people left without voting.

Redirect examination :

Q. How many colored do you suppose left without voting?—A. I could not tell.

JNO. F. BRELAND.

Sworn to before me this 26th day of March, A. D. 1881.

[SEAL.]

J. D. BROWNE, N. P.

The examination is here adjourned to meet at 9 o'clock, a. m., Monday the 28th.

J. D. BROWNE, N. P.

STATE OF SOUTH CAROLINA,  
*Barnwell County :*

H. M. MYERS, white, a witness of legal age, produced by contestee upon due notice under the foregoing agreement, deposes as follows in reference to questions propounded by contestee's counsel :

Question. What is your name?—Answer. H. M. Myers, jr.

Q. What is your age?—A. Forty-seven years old.

Q. Where do you reside?—A. Barnwell Court House.

Q. What is your occupation?—A. Lawyer.

Q. Where were you at the last general election, on the 2d day of November?—A. At Barnwell Court House.

Q. What position did you occupy on the day of the last general election?—A. Chairman of the board of managers.

Q. Were you present all day?—A. Yes; from the opening of the polls to the completion of the counting of the votes.

Q. Will you please describe the place where the election was held?—A. In the sheriff's office, on the ground floor of the court-house. We placed a table before the door opening into the hall of the court-house; on that table the box was placed, about thirty-five feet from the front and rear doors of the court-house.

Q. How did the election proceed on that day?—A. As far as I know, the election was conducted in a quiet and peaceable manner.

Q. Did Republicans and Democrats have free access equally to the ballot-box?—A. I could not tell how any men voted. I saw no distinction, nor did I see any one trying to influence voters.

Q. Did the number of votes in the ballot-box correspond with the names on the poll-list kept by the managers?—A. They did.

Q. Was there any intimidation previous to the election?—A. To the best of my knowledge, there was no intimidation before, during, or after the election.

Q. Do you know who were the United States supervisors on that day?—A. Wesley Dickson, on the part of the Republicans, and Mr. Christie, on the part of the Democratic party.

Q. Did they remain in the room where the election was held all day?—A. To the best of my knowledge and belief, they did.

Q. Were they ever driven from that room on that day or before the completion of the count of the votes?—A. They were not; neither was there any attempt to drive them out.

Q. Were they prevented from keeping a poll-list?—A. They were not.

Q. Were any illegal votes cast at that election by minors, repeaters, or non-residents?—A. Not to my knowledge; every vote was sworn.

Q. Were any persons whatever offering to vote prevented by the managers from doing so?—A. None whatever.

Cross-examined by ROBERT SMALLS, contestant :

Q. Will you state the width of the passage-way of the court-house ?  
—A. Between 10 and 12 feet wide and 70 feet long.

Q. Was there much of a crowd in the passage-way during the day ?  
—A. Not much of a crowd, I don't think ; they were let in through the front door in squads.

Q. When they voted, did the voters pass out of the front door or back ?—A. I do not know.

Q. Do you know of any person or persons who were appointed to keep the voters from crowding the passage-way leading to the box, which was thirty-five feet from the main door ?—A. I do not know, but they had free access to the main entrance.

Q. Did you hear the firing of arms at any time during the day ?—A. Late in the afternoon, after the voting was very near over, I did ; some distance from the court-house and away from the crowd.

Q. Did you come out of the court-house when you heard the firing ?  
—A. I did, and walked in the direction of the firing, some two or three hundred yards on a back street, when it ceased and I returned, leaving two managers at the box and the supervisors.

Q. The firing on the back street late in the afternoon ; was it the only firing you heard during the day ?—A. I don't remember hearing any firing after I returned.

Q. Did you not hear any firing near the market, about one hundred yards from the court-house ?—A. I did not.

Q. Could there have been any disturbance outside of the court-house during the day and you have not known it ?—A. There could ; none of a public character in the immediate vicinity of the poll.

Q. As chairman of the board of managers, did you receive, or the other managers, a printed circular of any kind from the chairman of the Democratic party of this county, calling your attention to section 12 of the act for governing the election ?—A. I do not remember.

Redirect examination :

Q. About what time did you hear this firing ?—A. Between four and five in the afternoon.

Q. How long did the firing continue ?—A. Not exceeding fifteen minutes.

Q. Was the voting proceeding rapidly when this firing commenced ?  
—A. The voting was pretty well over with.

Q. Did the voting proceed at the same rate after the firing that it did just before ?—A. They went on voting as usual afterwards.

A. M. MYERS, JR.

Sworn to before me this 28th day of March, A. D. 1881.

STATE OF SOUTH CAROLINA,  
Barnwell County :

E. MENSER SUMTER, colored, a witness of legal age produced by contestee, upon due notice under the foregoing agreement, deposes as follows, in reference to questions propounded by contestee's counsel :

Question. What is your name ?—Answer. E. Menser Sumter.

Q. What is your age ?—A. Thirty-four years old.

Q. Where do you reside?—A. Barnwell Court House.

Q. What is your occupation?—A. A carpenter.

Q. Where were you at the last general election?—A. At Barnwell Court House.

Q. How long were you present?—A. During the day.

Q. How did the election proceed?—A. Quietly.

Q. Were Democrats and Republicans permitted to vote with equal freedom?—A. They were, so far as I know.

Q. Was there any intimidation of Republicans by Democrats, before, during, or after the late election?—A. Not to my personal knowledge.

Q. Could persons of either political party vote as they chose on that day?—A. I think so; do not know of any attempt to force anybody on either side.

Q. If a colored man, during the last campaign, had affiliated himself with the Democratic party, would his standing among people of his own race have been injured?—A. Not generally.

Cross-examined by ROBERT SMALLS, contestant:

Q. If any white man—that is, a Democrat, and a native of this State—had acted with the Republican party, would he be ostracized by the Democratic party of the county?—A. I think so.

Q. Do you know W. J. Mixon of this town?—A. Yes.

Q. Is he a white or colored man?—A. A white man.

Q. Is he a native or a carpet-bagger?—A. A scalawag.

Q. What is the meaning of a scalawag?—A. I don't know where the word originated, but is meant here by a white person who affiliates himself with the Republican party.

Q. Does Mr. Mixon affiliate himself with the Republican party?—A. I believe so.

Q. Do you know if Mr. Mixon is a native of this State or not?—A. I do not know. Mr. Mixon was here when I came to Barnwell.

Q. How long since you came to Barnwell?—A. About twenty-five years.

Q. What position, if any, does he hold?—A. United States commissioner.

Q. Do you know if he is in good standing with the Democratic party of this county?—A. I think not.

Q. What party do you affiliate with?—A. The Democratic party, for the last four years.

Q. Are you a colored or a white man?—A. A colored man.

Q. You stated that you were at the polls during the day of the last election?—A. I was not directly at the poll all day.

Q. Did you see or hear of any firing of arms on that day at or near the poll?—A. I saw none at the polls; about seventy-five or one hundred yards from the polls there was some firing of pistols.

Q. Do you know by whom these pistols were fired; by white or colored persons?—A. By both.

Q. Do you know the cause? If so, state it.—A. I do not know the cause.

Q. Did you see any Democrats dressed in red shirts on that day; and if so, how many?—A. I saw some come in during the afternoon; I do not know how many.

Q. Are you a member of the church?—A. Yes.

Q. Were you a member before you joined the Democratic party?—A. Yes.



Q. Has there been any attempt to turn you out of the church because you joined the Democratic party?—A. No.

Q. These men who came up in the afternoon you spoke of, were they on horseback or afoot?—A. On horseback.

Q. Were these men dressed in red shirts?—A. Yes.

Q. Were they the men that done the shooting that you spoke of?—A. I did not see any red shirts shoot, to the best of my knowledge; there was quite a crowd; some shooting in the crowd; shooting on both sides—white and colored.

Redirect examination:

Q. Do you know any decent white man, a native of this State, who affiliated with the Republican party, in this county, in the last campaign?—A. No.

Q. Do you know if Mr. W. J. Mixon is in good standing with the Republican party?—A. I do not.

Q. What is his general reputation in the Republican party?—A. I have understood that there was some dissatisfaction with him in the last campaign.

Q. Have you, since your affiliation with the Democratic party, preserved as agreeable relations with the members of your church as you enjoyed before you became a Democrat?—A. No.

Q. Was the disturbance caused by the firing on the day of the election sufficiently great or prolonged to prevent any person from voting?—A. I think every person voted who wanted to.

E. M. SUMTER.

Sworn to before me this 28th day of March, A. D. 1881.

[SEAL.]

J. D. BROWNE.

*Notary Public.*

STATE OF SOUTH CAROLINA,

*Barnwell County:*

E. W. TOWNE, white, a witness of legal age, produced by contestee, upon due notice, under the foregoing agreement, deposes as follows to questions propounded by contestee's counsel:

Question. What is your name?—Answer. E. W. Towne.

Q. What is your age?—A. Fifty-two years old.

Q. Where do you live?—A. Barnwell County.

Q. What is your occupation?—A. Farmer.

Q. Where were you at the last general election?—A. At Baldock.

Q. Were you there when the down train on the Port Royal Railroad train arrived?—A. I was.

Q. Do you know Capt. J. B. Bates?—A. I know him well.

Q. Did he come to Baldock on that train and vote at that box while the train was waiting?—A. He did not.

Q. Did the election proceed quietly?—A. I saw no trouble at all.

Q. Could Republicans vote as they chose?—A. It was first a white and then a colored man; there was no noise or disturbance or hinderance to keep any one from voting.

Cross-examined by ROBERT SMALLS, contestant:

Q. What position did you hold on that day?—A. I held none.

Q. Was Baldock the nearest voting precinct to where you live?—A. It was not; there was very little difference; I was visiting connections on the day before the election.

Q. Did you see Captain Bates on that day?—A. I did not.

Q. Did you see every one that got off the train at Baldock on that day?—A. I did not.

Q. Could it have been possible for Captain Bates to have been at Baldock on that day and you not see him?—A. I think not.

E. W. TOWNE.

Sworn to before me this 28th day of March, A. D. 1881.

[SEAL.]

J. D. BROWNE,

*Notary Public.*

STATE OF SOUTH CAROLINA,

*Barnwell County:*

Capt. JEFF. STOKES, a witness of legal age, produced by contestee, upon due notice under the foregoing agreement, deposes as follows to questions proposed by contestee's counsel:

Question. What is your name?—Answer. Jefferson Stokes.

Q. What is your age?—A. Fifty-one years old.

Q. Where do you reside?—A. Fish Pond Township, Barnwell County.

Q. What is your occupation?—A. Planter.

Q. Where were you on the last election?—A. At Farrell's Store from 6 a. m. until after the counting of the votes.

Q. What position, if any, did you occupy on that day?—A. Democratic supervisor.

Q. Was the election conducted quietly?—A. As quiet as any election I ever saw, so far as malicious conduct was concerned.

Q. Was there any intimidation by Democrats of Republicans either before or after the election?—A. None that I know of.

Q. Did the number of ballots in the box correspond with the managers' poll-list?—A. There was an excess of twenty-one or twenty-two votes.

Q. What did the managers do with these surplus votes?—A. The votes were first all counted, and the excess of votes were drawn out and destroyed.

Q. By whom and in what manner?—A. By one of the managers, Mr. J. B. Hunter. We had a very small lamp, which gave a very imperfect light; it was placed on the table by the side of the box; the box was higher than the lamp; the light could not shine into the box; Mr. Hunter stood on the opposite side of the box, facing the supervisors and looking at them most of the time; he drew the surplus tickets out one by one, put them behind his back, and tore them up.

Q. Could Mr. Hunter have selected Republican tickets while withdrawing the surplus?—A. I do not see any possible chance for him to have selected them by sight; the light was so imperfect that he could not have read them if he had looked into the box, from the fact that there was only about one hundred and forty-five votes in the box.

Q. Were any ballots found in the box folded in others?—A. Yes. Where two of the same kind was found together one of them was destroyed and the other counted; both Republican and Democratic tickets were found in this condition, folded together.

Q. Is Farrell's Store a Democratic or a Republican box?—A. The Democrats are in the majority.

Q. Did Republicans have the same facility for voting as Democrats?—A. The same.

Cross-examined by ROBERT SMALLS, contestant:

Q. How long have you resided at Farrell's Store precinct?—A. For 9 years.

Q. Will you give a description of the house in which the election was held?—A. About sixteen by twenty feet; the box was placed on a table at the front door, the door facing on the public road.

Q. Were there any barricades before the door?—A. None.

Q. Did you and the Republican supervisor remain in the house all day?—A. We remained there most of the day, except when called out necessarily. When one went out the other remained.

Q. Did you and Robinson agree as to the count?—A. I did not see his report after I gave him the notes to make his up, but he told me he was willing to sign my report.

Q. Did you sign his report, and did he sign yours?—A. It was not convenient for me to do so nor for him to sign mine, because we live some distance apart.

Q. How many Republican ballots were found in the box with more than one folded within the same?—A. I don't know; there were some.

Q. How many Democratic ballots were found in the box with more than one folded within the same?—A. I don't know.

Q. How many ballots were in the box in excess of the poll-list?—A. Twenty-one or twenty-two, as well as I can remember.

Q. Do you know the politics of the three managers at Farrel's Store precinct?—A. Democrats, I think.

Q. Were there any Republicans in the room besides the supervisor at any time during the day?—A. Mingo Young, who claimed to be a United States marshal.

Q. There being only one or two Democratic and Republican votes folded with more than one within the same, how do you account for the excess over the poll-list of 21?—A. I can't account for it. I did not receive the votes.

Q. Were any persons objected to voting on that day?—A. Objections was made to the counting of the vote of Mingo Young. There being no objections made before he voted, the vote was not counted.

Q. In what way was this vote of Mingo Young not counted?—A. It was taken out from among the other votes, he claiming he voted the Republican ticket.

Q. What was done with this Republican vote?—A. It was destroyed.

Q. Was there any difference between the Democratic and Republican ballots, so that they could be told one from the other?—A. I think there was a difference. The difference I am not able to describe.

Q. Did you see the ballots as they were drawn from the box? I mean the excess vote?—A. I did.

Q. Did you see how many Democrats and how many Republican ballots were drawn out of the box?—A. I could not tell.

Q. Is there a Democratic club at that precinct?—A. I think there is.

Q. Did you hear or see the firing of any arms at or near the polls on that day?—A. There was some firing near the polls on that day by some young men who were on horses. I feel satisfied in my own mind that it was not for any purpose to intimidate any one.

Q. Were these men white and Democrats, or Republicans?—A. They were Democrats, I think.

Q. You state that you are satisfied the firing was not done to intimidate any?—A. From their general appearance they had no malicious designs.

Q. Then you can tell from the appearance of persons in your section when they have malicious designs?—A. I don't claim to be able on all occasions to tell, but on that occasion I give it as my opinion as aforesaid.

Q. All of this is a matter of opinion, and not of your own knowledge?—A. It is an opinion based on the effect it had on the surroundings.

Q. Did you know what effect it had on the colored people?—A. They seemed to enjoy it.

Q. Did any of these men tell you that they enjoyed the sport?—A. No; they did not.

Q. Did you see any persons in red shirts on that day?—A. I do not remember seeing any one dressed in red shirts on that day.

Redirect examination :

Q. On what ground was the objections made to the counting of Young's vote?—A. Because he was a convict, and had been in the penitentiary, and was not entitled to vote.

Q. For what offense had he been convicted and sent to the penitentiary?—A. I do not know of my own knowledge.

Q. How far was the firing from the polls?—A. One hundred to one hundred and fifty yards.

Q. What time of day was the firing?—A. Late in the afternoon.

Q. Did any persons leave the polls on account of the firing?—A. Not to my knowledge.

Q. So far as you could see, were both white and colored persons on friendly terms while this firing was going on?—A. They was.

JEFFERSON STOKES.

Sworn to before me this 28th day of March, A. D. 1881.

J. D. BROWNE, N. P.

The examination is here adjourned to meet at 9 o'clock a. m. to-morrow, the 29th.

J. D. BROWNE, N. P.

STATE OF SOUTH CAROLINA,  
*Barnwell County :*

JAMES F. SAVAGE, colored, a witness of legal age, produced by contestee, upon due notice, under the foregoing agreement, deposes as follows in reference to questions propounded by contestee's counsel:

Question. What is your name?—Answer. James F. Savage.

Q. What is your age?—A. Thirty-six years old.

Q. Where do you reside?—A. Williston, Barnwell County.

Q. What is your occupation?—A. Trial-justice constable.

Q. Where were you at the last general election?—A. At Williston.

Q. Were you present at the counting of the votes?—A. I was.

Q. Do you know who was supervisors?—A. G. W. B. Holman and Gantt.

Q. Did you see them sign the returns to the chief supervisor?—A. I saw Mr. Gantt and Mr. Holman sign their names to what I thought a poll-list.

Q. Did each of them sign willingly?—A. They both seemed to sign it willingly.

Q. Was any compulsion used?—A. I saw none, and was there all the time.

Q. Do you know whether any colored persons voted the Democratic ticket secretly?—A. Several of them told me they voted the Democratic ticket secretly.

Q. How many of them?—A. I can't swear positively, but don't think less than twenty.

Q. Why did they vote it secretly?—A. They said that if it was known among the colored people they would not be recognized in any society, and it would affect them in their church relations.

Cross-examined by ROBERT SMALLS, contestant:

Q. How long have you lived at Williston?—A. Nine years.

Q. Have you ever been away during that time?—A. Yes; frequently.

Q. How long did you stay at any time?—A. Twelve days was the longest time I remained away, and then I went to Columbia.

Q. Did you live in any other portion of this county?—A. I lived in Blackville for five months, in 1866.

Q. Where were you born?—A. At Barnwell Court House, and lived here for eighteen years.

Q. What party do you affiliate with now?—A. Democratic party of Barnwell County.

Q. What church are you a member of?—A. No church.

Q. What church do these men belong to that told you they voted the Democratic ticket secretly?—A. Baptist and Methodist.

Q. Will you give me the names of those belonging to the Baptist Church?—A. I am unwilling, unless I am forced to do so by due process of law.

Q. Will you give me the names of those belonging to the Methodist Church?—A. I am unwilling to do so.

Q. In order that this kind of testimony may be contradicted or affirmed in the time allowed me, the contestant, to take testimony in rebuttal, I demand the names of these parties who confided to you their secrets in the manner of which they voted?—A. I still refuse to tell their names.

JAMES F. SAVAGE.

Sworn to before me this 28th day of March, A. D. 1881.

[SEAL.]

J. D. BROWNE,

*Notary Public.*

The examination is here adjourned to meet at 9 o'clock to-morrow, the 29th.

J. D. BROWNE,

*Notary Public.*

STATE OF SOUTH CAROLINA,  
*Barnwell County:*

ARTHUR KEARSE, colored, a witness of legal age, produced by contestee, upon due notice, under the foregoing agreement, deposes as follows in reference to questions propounded by contestee's counsel:

Question. What is your name?—Answer. Arthur Kears.

Q. What is your age?—A. Thirty-three years old.

Q. Where do you reside?—A. Three-mile Township, Barnwell County.

Q. What is your occupation?—A. Farmer.

Q. Where were you at the last general election?—A. At Buford's Bridge.

Q. What time did you reach the polls?—A. At 5 o'clock.

Q. How long did you stay?—A. Left one hour by sun in the afternoon.

Q. Where were you the night before the election?—A. At Ebenezer Church, the first part of the night.

Q. Who were with you?—A. Preston Kearse, John Connely, and Cain Maye went with me.

Q. Were any other persons there; and, if so, how many?—A. The temperance meeting which we went to attend was put off; a great many persons there; can't tell how many.

Q. Were they white or colored persons?—A. Colored persons.

Q. Were they Democrats or Republicans?—A. Republicans.

Q. Did they remain there all night?—A. Yes.

Q. Will you state how the Republicans came to the polls in the morning?—A. In a drill.

Q. Do you mean by that in the order of a military company?—A. Yes; they came up marching in twos, side by side.

Q. Were they armed?—A. They had no guns; they had pistols and sticks.

Q. Were their pistols concealed?—A. No.

Q. Will you describe their conduct during the day?—A. They came up within ten steps of the door, and asked Dr. Henry Kearse to let them vote ten at a time. Dr. Kearse told them he could not do that; they must vote one at a time, white or black. Afterwards they came up four at a time and attempted to go in the door. Dr. Kearse caught one of them by the arm and pulled him back twice, and said, "You must go in one at a time." When a third attempt was made Dr. Kearse knocked the person attempting to enter. He fell, and rose with a pistol in his hand. Several persons came up and said there must not be any difficulty; among them was Jake Sease and Butler Mack. Then other colored men ran up with pistols and sticks, yelling to help the man who had been knocked down. Dr. Kearse, John Breeland, Mr. Bennett, Frank Priester, with the help of some old men, stopped the row. After the row was stopped at the box they went down the road firing their pistols.

Q. Could Republicans vote as freely as Democrats at Buford's Bridge?—A. Yes; every man voted as he pleased.

Q. Do you know Ismeal Kirkland?—A. Yes.

—Q. How old is he?—A. Twenty-two years old.

Q. How long have you known him?—A. I have known him since the commencement of the late war.

Cross-examined by ROBERT SMALLS, contestant:

Q. How long have you lived at Buford's Bridge precinct?—A. Thirty-three years.

Q. Did you ever have any difficulty with any one in your section of any serious nature?—A. No.

Q. Were you ever charged with murder in this county?—A. No.

Q. What party do you affiliate with?—A. I vote the Democratic ticket.

ARTHUR KEARSE.

Sworn to before me this 29th day of March, A. D. 1881.

[SEAL.]

J. D. BROWNE,

Notary Public.

STATE OF SOUTH CAROLINA,  
*Barnwell County:*

W. H. DUNCAN, white, a witness of legal age, produced by contestee, upon due notice, under the foregoing agreement, deposes as follows to questions propounded by contestee's counsel:

Question. What is your name?—Answer. W. H. Duncan.

Q. What is your age?—A. Twenty years old.

Q. Where do you live?—A. Red Oak Township, Barnwell County.

Q. What is your occupation?—A. Farmer.

Q. Where were you at the general election in 1880?—A. I was at Red Oak nearly all day.

Q. How did the election proceed?—A. There was some noise, but no breach of the peace.

Q. Was there sufficient noise to prevent any one from voting?—A. No.

Q. Could Republicans and Democrats vote there without intimidation?—A. They did do it.

Q. Did you hear any firing during the day?—A. Yes; I heard a good many pistol-shots across the creek, some two or three hundred yards from the polls.

Q. Were any persons kept from voting?—A. No.

Q. About what time did this firing occur?—A. Between nine and ten in the morning.

Q. Did you see the firing?—A. I saw a good deal of it.

Q. How long did the firing continue?—A. Not more than ten minutes.

Q. By whom was these pistols fired, by white or colored?—A. I saw white men, who were nearer to me, shooting up in the air; could not see whether the colored were shooting or not.

Q. How were these colored men arranged?—A. They were in line on the left-hand side of the road, waving sticks above their heads, yelling.

Q. How many were in line?—A. About one hundred and fifty.

Q. Did they come up and vote?

Cross-examined by ROBERT SMALLS, contestant:

Q. About how many white men did you see on the other side of the creek?—A. About twenty or twenty-five.

Q. Do these men live in Red Oak Township?—A. No.

Q. Then these men you speak of did not live in Red Oak Township?—A. No; none of them lived in Red Oak Township. I believe I know every man in the township.

Q. Were these men mounted?—A. They were.

WILLIS H. DUNCAN.

Sworn to before me this 29th day of March, A. D. 1881.

[SEAL.]

STATE OF SOUTH CAROLINA,  
*Barnwell County:*

O. C. BAXLEY, white, a witness of legal age, produced by contestee, upon due notice, under the foregoing agreement, deposes as follows to questions propounded by contestee's counsel:

Question. What is your name?—Answer. O. C. Baxley.

Q. What is your age?—A. Thirty years old.

Q. What is your occupation?—A. Farmer.

Q. Where do you live?—A. Red Oak Township.

Q. Where were you at the last general election?—A. At Red Oak.

Q. How did the election proceed?—A. There was some little noise, but everything proceeded quietly.

Q. Could each and every person vote as they chose?—A. Yes; they did so.

Q. Did you see or hear of any firing of pistols on that day? and, if so, describe it.—A. I saw some white men firing pistols in the air, and some colored men waving pistols or sticks; I could not tell which.

Q. How far was this from the polls?—A. By the road, I think, three or four hundred yards.

Q. How many white men and how many colored men did you see when the firing was going on?—A. About ten or twelve white men, and about one hundred and fifty colored men.

Q. Did the white men shoot at the colored men?—A. What I saw shot in the air.

Q. Did these colored men, after the firing, come to the poll and vote?—A. Yes.

Q. Can a colored Republican in your section rent lands, obtain supplies or employment from white Democrats as readily as colored Democrats can?—A. They do.

Cross-examined by ROBERT SMALLS, contestant:

Q. How far were you from these men when this firing was going on?

—A. From one to two hundred yards.

Q. Do you know, of your own knowledge, these men did not fire at any one?—A. I don't know; they did not, as far as I saw.

Q. Is there a crossing at this creek where persons have to cross to vote?—A. Yes; there is a crossing.

Q. Was this firing near the crossing?—A. On the other side of the crossing.

Q. Were you on one side and they on the other side?—A. Both were on same side of the creek.

Q. Were you on the side of the creek where the polls was?—A. No; on the other side.

Q. Did these ten or twelve men you speak of cross the creek at any time, to your knowledge?—A. They did with me in going back to the polls.

Q. Did they stay around the poll to your knowledge?—A. I do not know.

Q. Do you remember seeing any of them dismounted?—A. No.

Q. How long have you lived at Red Oak?—A. About thirty years.

Q. You stated that you did not know any of these men; then they must be all strangers in the precinct?—A. They were strangers to me.

Q. You stated, in your direct examination, that colored Republicans were employed as readily as colored Democrats?—A. They are.

Q. Can Democrats get sufficient labor to cultivate their lands without the employment of Republicans?—A. I don't know that they could.

Q. Then this employment of colored Republicans is more from necessity than choice?—A. I do not know whether it is or not. I have never heard of any one being refused on account of being a Republican.

Q. Did you hold any position on the day of the election?—A. I did not.

Q. Did you witness the count of votes on that day?—A. I did not.

Q. Do you know any of these men who did the firing?—A. I did not know then.



Q. Were any of them dressed in red shirts?—A. I don't think any of them had red shirts on.

Q. Had you done voted and went on the other side of the creek?—A. I think I did.

Q. Was it necessary for you to go on the other side of the creek to go home?—A. No; and I did not go because I heard the firing.

Q. State what caused you to go on the other side of the creek.—A. To water my horse.—I heard the yelling and went to see how many colored persons there were.

Q. Do you know, of your own knowledge, that all of these colored men crossed the creek after the firing on the side where the voting was going on?—A. I do not know to my own knowledge.

O. C. BAXLEY.

Sworn to before me this 29th day of March, A. D. 1881.

[SEAL.]

STATE OF SOUTH CAROLINA,

*Barnwell County:*

J. W. WALKER, white, a witness of legal age produced by contestee, upon due notice under the foregoing agreement, deposes as follows in reference to questions propounded by contestee's counsel:

Question. What is your name?—Answer. John W. Walker.

Q. What is your age?—A. Thirty-eight years old.

Q. Where do you live?—A. Red Oak Township.

Q. What is your occupation?—A. Farmer.

Q. Where were you at the last general election?—A. At Red Oak poll.

Q. Where were you on the night before the election?—A. I live at Red Oak; I was sitting up with a sick man the night before the election; I heard so much noise and shooting that I went home between 12 and 1 o'clock at night; on my way home I saw in camp, about one-half mile from the polls, from fifty to one hundred colored persons who were making this noise; the noise continued all night; the next morning about sunrise they fell into line and advanced towards the polls yelling and shooting.

Q. What did you see the next morning?—A. I was standing on the hill about one hundred and fifty yards from the colored column; some of our men went down to the creek to water their horses; the colored people fired into them; the marshal went down and asked them what they wished; they said they wanted to vote; they were told they could do so; they advanced under the command of their officers in Army style, two deep, and formed in front of the poll and voted; they staid there until the votes were counted, about one hundred of them.

Q. Were many of these colored people armed?—A. Some fifteen or twenty had muskets; others had pistols and clubs.

Cross examined by ROBERT SMALL, contestant:

Q. About how many men of your party went down to the creek to water their horses?—A. Between seven and eight men.

Q. Did you go down to the creek with these men?—A. No; I was standing on the hill looking at them.

Q. About how many were left behind that did not go to water their horses?—A. I don't know.

Q. How long have you lived at Red Oak Township?—A. About one year.

Q. Are you well acquainted with the white and colored people in that section?—A. I am.

Q. Were any of these men fired into wounded?—A. No; I heard the shots fly over me.

Q. Do you know any of the parties who did this shooting?—A. I did not know them.

Q. Do you know of any steps being taken to find out who done the shooting?—A. I do not know.

Q. Did you hear any other firing during that day on that side of the creek, or anywhere near the polls?—A. I did not until after the closing of the polls; when they were going home they commenced to fire.

Q. Did you remain at the polls all day?—A. Yes; all day and night. I live there.

Q. Did you see any Democrats armed that day?—A. I did not; if they were armed they had them concealed.

Q. Are you a member of any club?—A. I am a member of a Democratic club.

Q. Did you hold any position on the day of election?—A. None.

Q. Did you go back that day to see how that sick man was getting?—A. I did not; until the next morning.

Q. What did these men do when they were fired into by these colored men you speak of?—A. They came running up the hill.

Q. Were these men who came running up the hill members of your club?—A. They were not.

Q. Do you know what club they belong to?—A. I do not.

Q. Do you know the men?—A. I do not.

his  
JOHN W. + WALKER.  
mark.

Sworn to before me this 29th day of March, A. D. 1881.

[SEAL.]

J. D. BROWNE,  
*Notary Public.*

STATE OF SOUTH CAROLINA,  
*Barnwell County :*

GEO. H. BATES, white, a witness of legal age, produced by contestee, upon due notice, under the foregoing agreement, deposes as follows in referenced to questions propounded by contestee's counsel :

Question. What is your name?—Answer. George H. Bates.

Q. What is your age?—A. Twenty-seven years old.

Q. Where do you reside?—A. Barnwell.

Q. What is your occupation?—A. Farmer.

Q. Where were you at the last general election?—A. At Mixson's Mill.

Q. What position, if any, did you hold on that day?—A. Democratic supervisor.

Q. Did you remain there all day?—A. Yes.

Q. Did Republicans have free access to the polls?—A. Yes.

Q. Did the day pass off quietly?—A. There was some noise but no violence.

Q. Was there sufficient noise to prevent any Democrats or Republicans from voting?—A. All who went there and wished to vote did so.

Q. Was there any knocking on the house where the poll was held?—A. There was; while the counting was going on.

Q. Did every person vote as he desired to do?—A. So far as I saw.

Q. Did the supervisor for the Republican party remain there all day?  
—A. Yes.

Q. Was any violence offered or done with him?—A. None that I saw.

Q. Did he say he was satisfied or dissatisfied with the conduct of the election in your presence?—A. I made out the returns of both supervisors, asked him to examine them, he declined to do so, saying he was satisfied. He stood at my back looking on while I was filling out the returns. As soon as he signed the returns he thanked the managers for their kindness to him throughout the day.

Q. Was there, in your section, either before, during, or after the election, any intimidation of Republicans by Democrats?—A. Not that I know of.

Q. Could colored Republicans in your section rent lands, obtain supplies and employment from white Democrats as readily as colored Democrats could?—A. So far as I know they could. There are few colored Democrats in my immediate neighborhood; in the lower part of the township there are more.

Cross-examined by ROBERT SMALLS, contestant:

Q. Did you keep a poll-list as supervisor on the day of election?—A. I did not.

Q. Then your report was taken from the managers' poll-list?—A. It was.

Q. At the close of the poll how did the poll-list of managers agree with ballots in the box?—A. I think there was a few more votes in the box than names on the poll-list.

Q. How did you account for this discrepancy?—A. I could not account for it, except there was two votes put in by one man.

Q. Did you, as supervisor, see the box opened and the votes counted?—A. I did.

Q. Did you see any votes folded more than one within the same at the opening of the box and counting of the votes?—A. There was a few; I do not know how many.

Q. Do you know if they were Democratic or Republican tickets so folded?—A. I don't remember.

Q. Could it have been possible for any one to have interfered with the Republican supervisor and you have not known it?—A. Yes.

Q. Did both of you remain in the room where the voting was going on during the day?—A. We did, with the exception of the time I went out to dinner.

Q. Did you see the box in the morning opened before voting commenced?—A. I did not.

Q. Do you keep a furnishing house?—A. No.

Q. Then how do you know that these houses make no distinction between Republicans and Democrats in their supplies?—A. Because, as a notary public, I have approved a good many liens for advances, principally for colored Republicans.

Q. Do you ask these men the question if they are Democrats or Republicans when they come before you to have their liens approved?—A. No; but, knowing the parties personally, I know them to be Republicans.

Q. Can the planters of your section cultivate their lands without the hiring of Republicans?—A. No.

Q. Then the employment of these colored Republicans is from necessity?—A. If they cultivate their lands they must employ them.

Q. Were you there when the voting commenced?—A. No.

Q. How many votes were polled when you arrived?—A. No.

Redirect examination:

Q. Could colored Republicans, in your section, or in the county generally, obtain, as a class, advances or employment, or rent lands, from white or colored Republicans?—A. I know of no Republican who makes advances or rents lands to any one.

GEO. H. BATES.

Sworn to before me this 29th day of March, A. D. 1881.

[SEAL.]

J. D. BROWNE,

*Notary Public.*

STATE OF SOUTH CAROLINA,

*Barnwell County:*

J. J. BRABHAM, white, a witness of legal age, produced by contestee, upon due notice, under the foregoing agreement, deposes as follows to questions propounded by contestee's counsel:

Question. What is your name?—Answer. J. J. Brabham.

Q. What is your age?—A. sixty-three years old.

Q. Where do you live?—A. Barnwell Court House.

Q. What is your occupation?—A. Clerk of the court of Barnwell County.

Q. Do you know Lewis Johnson, Sam Kirkland, jr., Albert Dublin, and Simon Smith?—A. I do.

Q. Are they white or colored men?—A. Colored men.

Q. Are they Democrats or Republicans?—A. I cannot say, of my own knowledge.

Q. Are there any papers or processes in your office respecting their conduct at the last general election?—A. Yes.

Q. What is the nature of the charge against them?—A. Riotous conduct on the day of election at Buford's Bridge.

Q. Is that the process (handing the paper to witness)?—A. It is a certified copy of the original in my office.

(Which paper is submitted in evidence by contestee, and is marked Exhibit E.)

Q. Was a true bill found against these parties by the grand jury?—A. There was.

Q. Have they ever been brought to trial?—A. No.

Q. Why not?—A. The solicitor gave as a reason that owing to the crowded condition of the jail, all persons under recognizance should have their cases continued until next term of court; these persons had given bail.

Cross-examined by ROBERT SMALLS, contestant:

Q. Do you know of any white persons in this county, known as Democrats, being arrested charged with violation of the election-laws?—A. I have been so informed.

Q. Do you know whether or not these men charged with riotous conduct at Buford's Bridge were arrested before or after white men were arrested for alleged violation of the election laws?—A. According to my information some white men had been arrested before, and some have been arrested since their arrest.

Q. Do you know these parties charged with riotous conduct at Buford's Bridge ever been arrested or charged with any crime in this country before?—A. Not to my knowledge.

J. J. BRABHAM.

Sworn to before me this 29th day of March, A. D. 1881.

[SEAL.]

J. D. BROWNE,  
*Notary Public.*

The examination is here adjourned to meet at Allendale, on Thursday the 31st, at 9 o'clock.

[SEAL.]

J. D. BROWNE,  
*Notary Public.*

STATE OF SOUTH CAROLINA,  
*Barnwell County :*

T. M. ASHE, white, a witness of legal age, produced by contestee, upon due notice, under the foregoing agreement, deposes as follows in reference to questions propounded by contestee's counsel :

Question. What is your name ?—Answer. T. M. Ashe.

Q. What is your age ?—A. forty-four years old.

Q. Where do you reside ?—A. Beldock Township.

Q. What is your occupation ?—A. Farmer.

Q. Where were you at the last general election ?—A. Beldock.

Q. How did the election proceed ?—A. The election proceeded quietly about three or four o'clock the managers called for all persons who had not voted to come in and vote.

Q. Will you please describe how all persons voted on that day ?—A. The election was held in a house about 15 by 20 feet. The ballot-box placed in the front door, which was about the middle of the house, a lattice work railing was in front of the house to prevent the crowding of the polls. Voters were admitted in crowds of three or four at a time to vote, by the State constable. They voted, passed through, and gave way to other voters.

Q. Were Republicans and Democrats allowed equal facility for voting on that day ?—A. Yes ; I saw no distinction.

Q. Was there in your section, either before, during, or after the last general election, any intimidation of Republicans by Democrats ?—A. I know of none.

Q. Do you know Captain J. B. Bates ?—A. I do.

Q. Did he vote at Baldock on the last general election ?—A. He was not there.

Cross-examined by ROBERT SMALLS, contestant :

Q. What time did you arrive at the polls on the morning of the election ?—A. About eight o'clock.

Q. What time did you leave ?—A. After the poll was closed.

Q. What position did you hold on that day ?—A. None.

Q. How many State constables were there on that day ?—A. I do not know ; did not count them.

Q. Do you know the three managers ?—A. Yes.

Q. Do you know their politics ?—A. Democrats.

Q. Were you inside of the house where the ballots were cast ?—A. Only when I went in to vote.

Q. How many persons were inside when you voted ?—A. Three managers and two supervisors.

Q. Could there have been any difficulty at Baldock on the day of the election and you not know it ?—A. There was no difficulty, except one colored man drunk—a Democrat—with a pistol. He was arrested immediately and disarmed by Democrats and State constables.

Q. After he behaved himself, was his pistol given back to him ?—A. Not that I saw.

Q. Could there have been any intimidation before, during, or after the election by Democrats to Republicans and you not know it?—A. No.

Q. Then, from your answer, you know the actions of all Democrats in your section?—A. I think I do.

Q. Did you see any one come on the down-train and get off at Baldock on that day?—A. I saw a good many that I knew.

Q. Did these parties who got off the train on that day belong to Baldock?—A. I am not sure that some of them did belong to Baldock.

Q. Did you see these parties who got off at Baldock vote on that day?—A. I did not.

Q. Did you see any of them go back on the train?—A. I am not certain.

Q. Do you remember seeing any of these parties that got off the train after the train had left?—A. I don't know that I did.

Q. Could it have been possible for any of these parties who have got off the train and have got back on the train to have voted and you have not known it?—A. I did not watch them to see if they voted or not.

Q. Do you know if the Republican supervisor remained at the polls until after the vote was counted?—A. I do not know if he did or not.

Q. Do you know whether or not all the constables were Democrats or not?—A. I do not know.

Q. Were they all white or colored men?—A. I do not know.

Redirect:

Q. How far from the ballot-box was the disturbance between the colored drunken Democrat and other parties?—A. Between seventy-five and one hundred yards.

Q. Did that interfere with the quietness of the election?—A. Not in the least.

T. M. ASHE.

Sworn to before me this 31st day of March, A. D. 1881.

[SEAL.]

J. D. BROWNE,  
Notary Public.

STATE OF SOUTH CAROLINA,  
Barnwell County:

G. A. RHODES, white, a witness of legal age, produced by contestee, upon due notice, under the foregoing agreement, deposes as follows in reference to questions propounded by contestee's counsel:

Question. What is your name?—Answer. George A. Rhodes.

Q. What is your age?—A. Twenty-nine years old.

Q. Where do you reside?—A. Baldock Township.

Q. What is your occupation?—A. Planter and merchant.

Q. Where were you at the last general election?—A. At Baldock.

Q. How did the election proceed?—A. As quietly as I have ever seen since the war.

Q. Were Republicans and Democrats allowed by the managers equal facilities for voting?—A. They were, as far as I saw.

Q. Were you present during the whole day?—A. From the opening to the closing of the polls.

Q. Did any colored persons vote the Democratic ticket on that day; and, if so, how many?—A. Yes; forty or fifty voted it early in the morning, and they continued to vote it at intervals during the day.

Q. Did you see, on that day, any indications of a purpose on the part

of the Republicans to capture the ballot-box?—A. Between 8 and 9 o'clock, as well as I can recollect the hour, between fifty and seventy-five colored Republicans, armed with clubs, marched up in a column of twos to the entrance of the building in which the ballot-box was placed, their leader, with his sleeves rolled up as if he meant business; they passed through the entrance one at a time and voted.

Q. With what kind of clubs were they armed?—A. I cannot describe them particularly; I do not think they were ordinary walking-sticks; they threw them away.

Q. Did you see any Democrats with arms on that day?—A. Not one. I staid in the room most of the day, and saw no arms.

Q. Did these Republicans, as they approached the polls, have a drum?—A. I heard a drum as they approached, but saw none.

Q. Do you know where they spent the night before the election?—A. No; about 11 o'clock at night I passed some on the road, about a half a mile from Baldock, with carts or vehicles of some description, apparently camping for the night.

Q. Do you know what became of these carts and vehicles?—A. They were driven up near where the voting was going on.

Q. Do you know what they contained?—A. No.

Q. Were they kept under guard?—A. I don't know that they were kept under guard; every time I noticed them persons were around them.

Cross-examined by A. H. EZEKIEL, attorney for contestant:

Q. In what capacity were you at Baldock?—A. Only as a voter.

Q. Were all voters allowed the privilege to enter the room where the polls were held?—A. They were allowed to enter the room for the purpose of voting.

Q. Are you generally acquainted with the colored people in the neighborhood?—A. I believe so; I know a good many in that section.

Q. Of the number of colored men you saw camping out the night before the election how many did you know?—A. I am not sure that I knew any of them; I may have known all of them; it was at night.

Q. About how many camped there?—A. About twenty.

Q. Did you see any women and children among them?—A. None at all.

Q. Could there have been any women and children among them without your knowledge?—A. I saw none.

Q. Did you see any State constables at that poll?—A. Yes.

Q. State the number, and their politics.—A. I do not know their politics; some three or four.

Q. Were they white or colored men?—A. Both, I think.

Q. Do you know of any white man in that neighborhood who is a Republican?—A. I do not know.

Q. Did you see the Republican supervisor on that day?—A. Yes; he came to the polls about one hour after the polls were opened.

Q. Did he discharge the duties of supervisor without molestation or hinderance?—A. He did not discharge his duty as he should have done, according to my judgment, as he left the polls two or three times during the day, and at least two hours before the poll closed—without any cause, to my knowledge.

Q. Is it not a matter of fact that the Republican supervisor was driven off?—A. No.

Q. Were you present during the counting of the votes?—A. No.

Q. Did the Republican supervisor come back up to the time you left?—A. No.

Q. Give me the names of some of the forty or fifty colored men who voted the Democratic ticket on that day?—A. Jim Smoke, Mitchel Smoke, Alick Sanders, Cæsar Aiken, Sam Murray, Jack Murray, Cuffy Scott, Jack Shooman, Dick Sanders, Robert Edwards, Albert Curry, Hamlet Byas, Butler Ervin, Wallace Kennedy, Jake Kennedy, Ned Doar, Solomon Boyd, Doc Wright, Amos Boyd, Stuart Johnson, Smart Fraser, Morgan Jackson, Josh Morgan.

Q. Where are these men now?—A. They live within two miles of me.

Q. How do you know these men voted the Democratic ticket?—A. I saw them take a ticket apiece and fold it and put it in the ballot-box.

Q. Did you see any person circulating tickets?—A. I saw no one particularly. The Democratic ticket was on the table and the Republicans seemed to have theirs before coming up.

Q. Did you see any Republican tickets on the table?—A. I don't know.

Q. These colored men whom you spoke of voting the Democratic ticket, do they rent land from you or any other Democrat?—A. Some rent lands, some for wages, and others on their own land.

Q. From your position in the room could you see everything?—A. I could see everything, excepting around the house.

Q. Did every colored man vote as he pleased?—A. As far as I know they voted as they pleased.

Q. How often did you leave the polls on that day?—A. Once.

Q. Where was the Republican supervisor when you went out?—A. He was not present when I left.

Q. Do you know if he returned before you got back?—A. I think he did.

Q. Did you see him when you got back?—A. Yes.

Q. How long after that was it before he left for good?—A. About one hour.

Q. As a matter of fact did not these colored men throw away their sticks before entering the room to vote?—A. They did. One or two old men might have retained theirs.

Q. Is it not the custom and the practice of country people to carry sticks?—A. I don't know.

G. A. RHODES.

Sworn to before me this 31st day of March, A. D. 1881.

[SEAL.]

STATE OF SOUTH CAROLINA,  
*Barnwell County:*

ELLIOTT ESTEES, white, a witness of legal age, produced by contestee, upon due notice, under the foregoing agreement, deposes as follows in reference to questions propounded by contestee's counsel:

Question. What is your name?—Answer. Elliott Estes.

Q. What is your age?—A. Twenty-eight years old.

Q. Where do you reside?—A. Bull Pond Township.

Q. What is your occupation?—A. Planter.

Q. Where were you at the last general election?—A. At Baldock.

Q. Were Republicans and Democrats allowed equal facilities on the day of the election?—A. They were.

Q. About what hour did voting cease?—A. I left about five o'clock; I don't think any votes had been cast one hour before I left.



Q. Did the conduct of the Republicans, at any time during that day, indicate a purpose on their part to capture the ballot-box and prevent others from voting?—A. It did; a procession of from seventy-five to one hundred, armed with clubs, not walking-sticks, marched up to the polls shortly after they were opened. Their manner and expressions were of a belligerent nature and they seemed determined to approach the ballot-box in a mass.

Q. What kind of clubs were they armed with?—A. Mostly newly made, larger than ordinary walking-sticks.

Q. Did you see them armed with any other weapons?—A. Yes; one sword and about one dozen pistols, and a half dozen bowie-knives.

Q. Are colored Republicans in your section able to rent lands, secure advances, and obtain employment from white Democrats as readily as colored Democrats?—A. They are.

Q. Did many colored persons vote the Democratic ticket at Baldock?—A. They did.

Q. While you were present, were any Republicans prevented from voting because of their politics?—A. No.

Cross-examined by A. H. EZEKIEL, attorney for contestant:

Q. Did you see the Republican supervisor at the polls on that day?—A. I did.

Q. Did you see him when you were about leaving?—A. Not for an hour before.

Q. Where was he?—A. In the room at the table.

Q. How do you know he was in the room at the table before you left?—A. I saw him.

Q. Did you leave him there when you left?—A. I don't know.

Q. Did you know of any difficulty between him and the managers?—A. None.

Q. Do you know if he was ordered away?—A. He was not, up to 4 o'clock.

Q. How about after that time?—A. I left at 5 o'clock; don't know.

Q. About how many white men were on the ground when these 75 or 100 colored men came up to the poll?—A. More white men on the ground than men in the procession.

Q. How come you to see these bowie-knives and pistols?—A. In different ways; a majority of them being exposed; some drawn; on no particular person.

Q. Had they any occasion for drawing these pistols?—A. None at all.

Q. What led you to believe that they meant trouble?—A. The manner of their coming up, the drawing of the weapons, and the numerous oaths that I heard.

Q. These oaths directed to any one particularly?—A. Principally to the Democratic party.

Q. Did you not hear oaths from the Democratic party?—A. No.

Q. What is your politics?—A. Democratic.

Q. Did you, or any of your party, try to suppress the conduct of these colored men; and, if so, with what result?—A. Yes, and successfully.

Q. What were the means employed to bring about this state of affairs?—A. By being calm, and showing them that they could vote as they saw fit.

Q. What was there on the part of the Democrats that caused these men to make a display of their arms?—A. Nothing. They had not

seen the Democrats until they came to the polls in the manner above expressed.

Q. A good many colored people voted the Democratic ticket, you say?—A. Yes.

Q. What means had you for knowing this?—A. I was frequently at the door and saw them take up Democratic tickets, and put them in the box, and about fifty voted the Democratic ticket.

Q. Did you see any Republican tickets?—A. I did not.

Q. Do you know any of these colored people armed?—A. I do not.

Q. What was the greatest number of white men you saw at any one time on that day?—A. About one hundred and fifty.

Q. Of this number, how many did you see wearing red shirts?—A. I don't know.

Q. Did you see any at all wearing red shirts?—A. Yes. I have no idea of the number.

Q. Did you see any clubs, knives, guns, or pistols in their possession?—A. Only in the hands of constables.

Q. About how many constables were there on that occasion?—A. About six.

Q. To what political party did they belong?—A. I don't know.

Q. Do you not know they were Democrats?—A. I do not.

ELLIOTT ESTEES.

Sworn to before me this 31st day of March, A. D. 1881.

[SEAL.]

J. D. BROWNE,

*Notary Public.*

STATE OF SOUTH CAROLINA,

*Barnwell County:*

W. V. HAZEL, white, a witness of legal age, produced by contestee, upon due notice, under the foregoing agreement, deposes as follows, in reference to questions propounded by contestee's counsel:

Question. What is your name?—Answer. W. V. Hazel.

Q. What is your age?—A. Thirty-six years old.

Q. Where do you reside?—A. Allendale.

Q. What is your occupation?—A. Marshal of the town of Allendale.

Q. Where were you on the day of the last election?—A. At Allendale, acting as State constable.

Q. Did you see Lewis Rivers on that day?—A. I did.

Q. Do you know what position he occupied?—A. Supervisor for the Republican party.

Q. Was he competent throughout the day to discharge the duties of that office?—A. He was not.

Q. Why not?—A. He was too drunk.

Q. About what time of the day he became drunk?—A. About 10 he commenced to get drunk.

Q. Were you in the house during the day where the election was held?—A. Often during the day.

Q. Did you see Democrats or Republicans pushed off the piazza where the election was held?—A. I did not.

Q. Was there any railing around that piazza?—A. Yes.

Q. Would it have been an easy matter for any one to have been pushed off the piazza?—A. No; not unless they have carried the banisters with them.

Q. Were the same facilities extended to Republicans as well as Democrats?—A. Yes.

Q. Was there ample time for all persons to vote?—A. Yes.

Q. Did the conduct of the Republicans at any time during the day indicate a purpose on their part to interfere with the election?—A. Early in the morning they did. They came marching up blowing a bugle and flourishing their sticks.

Q. Did you see any arms among them?—A. Yes; a good many pistols.

Q. Did many colored people vote the Democratic ticket on that day?—A. Yes.

Q. Was there any disturbance that day?—A. Once; one colored man tried to shoot another, and succeeded in doing so.

Q. Was this difficulty caused by a difference in politics?—A. I think it was. The difficulty was between a Democrat and Republican; the Republican tried to shoot the Democrat, and shot one of his own party.

Q. How far was this from the polls?—A. About 100 yards.

Q. Were you up late on the night of the election?—A. I was, until about 3 o'clock.

Q. Do you know where Lewis Rivers resides?—A. Yes.

Q. How far were you from his house that night?—A. About 350 yards.

Q. Did you hear any firing near his house that night?—A. No.

Cross-examined by A. H. EZEKIEL, attorney for contestant:

Q. Did you see Rivers inside of the building where the poll was held?—A. Yes.

Q. Do you know where he got his liquor?—A. I do not know.

Q. Did you see him outside of the house where the poll was held?—A. Yes.

Q. About what time?—A. About 11 o'clock.

Q. Did you see him inside of the house after that time?—A. Yes.

Q. Did you see him on the outside again before the poll was closed?—A. I don't remember.

Q. Do you know if Rivers could have discharged the duties of supervisor without hinderance?—A. He could.

Q. When Rivers came out of the house at 10 o'clock to address the crowd was he quiet?—A. He was quiet.

Q. You apprehended no trouble from him?—A. None at all.

Q. How long have you known Rivers?—A. Two years.

Q. Did you ever see him drunk before the election?—A. I have never seen him without his drinking.

Q. What does Rivers do for a living?—A. Preach and teach school.

Q. Did you ever take Rivers into custody for drunkenness?—A. No.

Q. What time of the day did this shooting take place?—A. Late in the evening.

Q. Did you see the shooting?—A. I did not.

Q. In consequence of this shooting did you take any one into custody?—A. Yes; two men.

Q. Where are these men now?—A. One in town.

Q. For this shooting were they ever indicted or convicted?—A. No.

Q. Did you see a number of white men wearing red shirts in Alledale on that day?—A. Yes; white and colored.

Q. To what political party did they belong?—A. To the Democratic party.

Q. Were they not generally armed?—A. I never noticed particularly if any one was armed.

Q. Did you not see a good many arms in the possession of Democrats?—A. I saw no guns; several pistols.

Q. What time did they get through counting the votes?—A. I do not know.

Q. Was it after 10 o'clock?—A. I was up there at 10 o'clock and they were still counting.

Q. How far from the polls were you after 10 o'clock?—A. I don't know.

Q. Do you know if they had finished the counting of the votes after 12 o'clock?—A. I do not know.

Q. When you went up at 10 o'clock did you see the Republican supervisor?—A. I don't remember.

Q. You said you heard an anvil firing during the night?—A. Yes.

Q. Did you hear any guns or pistols fired during the night?—A. No.

Q. Did you know the cause of the disturbance at Rivers's house?—A. None that I know of—that is, no disturbance.

Q. You are in the habit of seeing Rivers every day?—A. Yes; except when he goes off to preach.

Q. Did you see him the day following the election?—A. I don't remember.

Q. Did you see him any time during the first week after the election?—A. I think I did; am not certain.

Q. Did you see him during the first three weeks after the election?—A. I cannot remember.

Q. Did you see him the first four weeks after the election?—A. I do not remember.

Q. Is it not a fact that Lewis Rivers was absent from Allendale during the first three or four weeks after the election?—A. If it was it was not generally known.

Q. You said you was State constable; where did you get your appointment?—A. I don't remember.

Q. How many State constables were appointed for Allendale?—A. Two.

Q. Both Democrats?—A. I do not know.

Q. What is the name of the other State constable?—A. E. C. Priester.

Q. Are there any white Republican in this section?—A. I do not know.

Q. What was the manner in which voters was sworn?—A. I paid no attention.

Q. What was the greatest number of white men at the poll at any one time during the day?—A. I did not count them.

Q. Will you approximate the number?—A. About five hundred white men.

Q. What was the greatest number of colored men?—A. Between three and four hundred.

Q. Did you see any white men challenged on that day?—A. I did not see any, white nor black.

Q. Did you know of any colored man who desired to vote and could not do so?—A. Did not.

Q. Is it not a fact that the polls were crowded by Democrats all day?—A. Was not.

Q. Did you hear Lewis Rivers call the managers' attention to Democrats voting more than once?—A. No.

Q. In what manner did these colored men try to interfere with the election?—A. They said they intended to take charge of the polls.

Q. Give me the names of some of these men who said so?—A. I don't know them.

Q. How were they prevented from putting into execution their threats?—A. They changed their minds.

Q. You heard these threats?—A. I did.

Q. As an officer of the law did you make any attempt to quiet this threatened disturbance?—A. I did.

Q. Did you call any one to your assistance?—A. No.

W. V. HAZEL.

Sworn to before me this 31st day of March, A. D. 1881.

[SEAL.]

J. D. BROWNE, N. P.

STATE OF SOUTH CAROLINA,

*Barnwell County:*

A. B. CONNOR, white, a witness of legal age, produced by contestee upon due notice under the foregoing agreement, deposes as follows, in reference to questions propounded by contestee's counsel.

Question. What is your name?—Answer. A. B. Connor.

Q. What is your age?—A. Thirty-three years old.

Q. Where do you reside?—A. Allendale.

Q. What is your occupation?—A. Lawyer.

Q. Where were you on the last general election?—A. Allendale.

Q. Did you see Lewis Rivers on that day; what was his condition?—A. Drunk.

Q. How far does Rivers live from you?—A. At that time not over sixty yards.

Q. Was there any firing of pistols at or near his house that night?—A. There was none; I heard none; am satisfied there was none.

Q. Did Rivers have cause to apprehend any personal danger on the day of the election or afterwards?—A. No; Rivers spoke to me soon after the election on that subject; said that some of his friends had told him that some threats of violence was made against him, but he apprehended no danger; that he had always conducted himself peaceably and respectfully towards everybody, and that he felt that there was no cause for the threats, if any had been made. I told him I was satisfied that no threats had been made against him and that nobody would harm him, and that I was further satisfied that the report was gotten up for political effect by some one who expected to make capital out of it; he seemed not to be frightened and rather acquiesced in the views that I had taken.

Q. Did you see or hear any shooting on that day?—A. I remember only one shot; that occurred in the afternoon between two colored men—one a Democrat and the other a Republican; the difficulty seemed to be of a personal matter without politics having anything to do with it; it created some little excitement, the friends of both parties gathering around and tried to stop the disturbance; when they were being carried away from each other, the Republican drew a pistol and attempted to shoot the other, and shot his friend; the other man was carried to the guard-house by the town marshal and locked up by my direction.

Cross-examined by A. H. EZEKIEL, attorney for contestant:

Q. Were you present at the closing of the poll and the counting of the vote?—A. I was present at the close of the poll, but not at the counting of the votes.

Q. Was Lewis Rivers present at close of the poll?—A. I think he was; lying on the counter, drunk, asleep.

Q. How long have you known Rivers?—A. Some two or three years.

Q. Did you ever see him drunk on any other occasion?—A. I have seen him on several occasions intoxicated, but never so drunk but on this particular occasion.

Q. Have you seen him drunk or intoxicated since the election?—A. I think I have.

Q. At what time of the day did you discover him in this condition?—A. I think about 1 o'clock.

Q. Where was he then?—A. Outside of the building where the election was held.

Q. When did you last see him before you saw him on the counter drunk?—A. I don't remember.

Q. What is Rivers's business?—A. Preacher and school teacher.

Q. What time did you go home?—A. Not long after the polls closed; it may have been one hour.

Q. Could there not have been a disturbance at Rivers's house after the close of the poll without your knowledge?—A. I scarcely think there could have been unless of a minor character; I was aroused by some gentleman about twelve or one o'clock to see me on business before leaving the town.

Q. Could it not have been possible for a disturbance to have been at or near Rivers's house before you got home from the polls and you not know it?—A. It might have been without my personal knowledge; I do not think it could have been without my being informed by my wife or someone in the neighborhood being informed of it.

Q. Did you see Rivers the day after the election?—A. I don't remember; I saw him so often that his presence or absence made no impression upon me.

Q. Did you see him any time during the first week after the election?—A. I don't remember.

Q. Did you see him at any time during the first three weeks after the election?—A. I don't remember, but think I must certainly have, for an absence of that length of time would have been apt to have impressed itself upon me.

Q. Is it not a fact that Rivers was absent the first two or three weeks after the election?—A. I do not know.

Q. When was it that Rivers spoke to you about these threats of violence that were made against him?—A. I don't remember exactly, but soon after the election; it may have been one week or two or three weeks.

Q. Why did you tell Rivers that these threats were made for political capital?—A. Because there was no foundation for the report, and the only way I could account for its origin was that it was done for political purpose; I could see no other reason.

Q. What reason had you for thinking that the threats were made for political purposes inasmuch as the election was over?—A. Because I had heard before parties who had contemplated a contest manufacturing such reports.

Q. Who were these parties?—A. I have no reference to any particular parties.

Q. From what source did you get this information?—A. In a general way.

Q. Did you not come to that conclusion in consequence of the fact

that colored voters were intimidated in and around the precinct of Alledale?—A. I did not.

Q. Did you hear Rivers, any time during the day, say to the colored people to keep quiet awhile longer; that the white people had decided to give them a chance to vote later in the day?—A. I did not.

Q. Did you see Mr. Tobin that day at or near the polls?—A. I think I did.

Q. Do you remember seeing him try to force his way through the crowd of white men with a view to allow the colored men to enter and vote?—A. I did not. I was in the immediate vicinity of the entrance to the polls very little during the day.

Q. Did you hear of Mr. Tobin having a fall in consequence of making such an effort?

(Counsel for contestee objects to the question, on the ground that it is hearsay evidence, and also that it is not in contradiction of anything elicited in direct examination.)

A. I heard of several men getting a fall; don't remember any of their names except Mr. O. H. Best, nor what caused them to get the fall.

A. B. CONNOR.

Sworn to before me this 31st day of March, A. D. 1881.

[SEAL.]

J. D. BROWNE,  
*Notary Public.*

The examination is here adjourned to meet at 9 o'clock a. m. to-morrow, the 1st April.

[SEAL.]

J. D. BROWNE,  
*Notary Public.*

STATE OF SOUTH CAROLINA,

*Barnwell County :*

E. B. DUNBAR, colored, a witness of legal age, produced by contestee upon due notice under the foregoing agreement, deposes as follows in reference to questions propounded by contestee's counsel :

Question. What is your name?—Answer. E. B. Dunbar.

Q. What is your age?—A. Forty-eight years old.

Q. Where do you live?—A. Bennett's Springs Township, Barnwell County.

Q. Where were you at the last election?—A. Millett's.

Q. What time did you go to the polls and how long did you remain there?—A. I went there at 6 a. m. and remained there until 5 o'clock in the afternoon.

Q. Do you know Capt. J. B. Bates?—A. I do; have known him from his boyhood.

Q. Was he at Millett's on that day?—A. Yes; went to the polls together. He was one of the managers, and remained there until I left, at 5 o'clock in the afternoon. At 8 o'clock p. m. he came by my house and told me everything was quiet.

Q. Could every person vote on that day the ticket he chose?—A. Yes; without any interruption.

Q. Did any colored persons vote the Democratic ticket on that day, and how many?—A. About sixty-five belong to my club. I saw them vote the Democratic ticket.

Q. Was there any others voted it that you know of?—A. Yes.

Q. Did the Republicans hold any political meetings in your section during the last campaign?—A. None nearer than Red Oak, that I know of.

Q. Would it have been safe for them to have held political meetings there?—A. Yes.

Q. Were any meetings called by the Republican county chairman in your section?—A. One at Robbins Station.

Q. How far is that from you?—A. About nine miles.

Q. Was that attended?—A. A few from my township attended it, but no speakers came.

Q. Would it have been safe for speakers to have attended it?—A. Would have been perfectly safe; no person attended it except Republicans.

Cross-examined by A. H. EZEKIEL, attorney for contestant:

Q. How long have you lived at Millett's?—A. I was born and raised there; lived there all my life.

Q. Are you generally acquainted with the colored people in your section?—A. I am.

Q. Are they mostly Democrats or Republicans?—A. Two-thirds Democrats.

Q. Will you give me the names of the sixty-five colored men whom you saw vote the Democratic ticket?—A. A. M. Allen, S. W. Sanders, George Alford, E. B. Dunbar, George Beck, Major Dunbar, Edward Dunbar, Anderson Dunbar, S. C. Bates, Handy Frederick, Simon Owens, Jas. Milledge, Alpheus Bonner, Jerry Johnson, March White, Sandy Sanders, jr., Sandy Anderson, Fred. Killingsworth, Mike Rhone, Rob Bryant, Artes Hazel, Frank Bates, Will Dunbar, Bartly Jones, George Jones, Henry Chisolm, Rosy Owens, Solomon Reynolds, Lewis Reynolds, Henry Black, Bill Haynes, Chas. Reynolds, Dick Flint, Tony Dunbar. I don't remember the balance by name.

Q. Where are these men now?—A. Most of them are around there now.

Q. Did you see any Republicans at that poll that day?—A. Not one, that I know of.

Q. Did you see any red shirts on that day?—A. Yes; plenty of them.

Q. Did you see any guns or pistols?—A. None.

Q. Did you hear any fired?—A. None.

Q. What is your politics?—A. Democratic.

Q. Did you see any State constable on that day?—A. Yes; one.

Q. How came Mr. Bates to tell you that everything was quiet during the whole day?—A. Because I asked him to keep everything quiet.

Q. Did you apprehend any difficulty?—A. No.

Q. Then what led you to make this request?—A. Nothing had transpired during the day which led me to make this request.

Q. How many Republicans are there in your neighborhood?—A. About fifteen or twenty.

Q. Did you see any of these Republicans on the day of election?—A. But one, and he was at his home.

Q. Were there any Democratic meetings during the last campaign at Millett's?—A. One.

Q. Did you attend the Republican meeting at Robbins?—A. Yes, I did; with one other.

Q. You stated that no speakers attended that meeting?—A. None, that I saw.

Q. Is it not a fact that in consequence of numerous acts of violence and intimidation practiced upon colored Republicans that such meeting was a failure?—A. No; not that I know of.

Q. How far is Millett's from Ellenton?—A. By railroad, fifteen miles.

Q. How far is Millett's from Robbins?—A. Ten miles, by railroad.



Q. Did you know Jeff. Williams, Henry Ingram, Simon P. Cooker, George Tutts, Bass Dunbar, Ed. Dublin, Sam Wilkins, Alick Evans, Peter Graham, Andrew Smith, and Lewis Robinson ?—A. I knew Simon P. Cooker and Henry Ingram.

Q. Where are these men ?—A. Dead.

Q. Were they Republicans ?—A. I don't know.

Q. Don't you know that Simon P. Cooker was a leading man among his race, and a candidate for office at the time of his death ?—A. Yes.

Q. What caused his death ?—A. I heard that he was killed.

Q. Is it not a matter of history and of fact that Cooker was shot to death by white men of the Democratic party ?—A. I don't know.

Redirect examination :

Q. About what time did you hear that Simon P. Cooker was killed ?  
—A. About four years ago.

Q. What relations have existed between the white and colored people in your section during the past three or four years ?—A. Just as friendly as they can be.

Q. In what county is Ellenton ?—A. Aiken County.

Recross examination :

Q. How far is Ellenton from the boundary line ?—A. I don't know.  
E. B. DUNBAR.

Sworn to before me this 1st day of April, A. D. 1881.

[SEAL.]

J. D. BROWNE,  
Notary Public.

STATE OF SOUTH CAROLINA,  
Barnwell County :

F. H. CREECH, white, a witness of legal age, produced by contestee, upon due notice, under the foregoing agreement, deposes as follows in reference to questions propounded by contestee's counsel.

Question. What is your name ?—Answer. F. H. Creech.

Q. What is your age ?—A. Thirty-five years old.

Q. Where do you reside ?—A. Sycamore Township, Barnwell County.

Q. What is your occupation ?—A. Farmer.

Q. Where were you at the last general election ?—A. At Barker's mill.

Q. What position did you occupy on that day ?—A. United States supervisor for the Democratic party.

Q. Did you keep a poll-list on that day ?—A. I did not, at the commencement. My reasons for not keeping a poll-list, the Republican supervisor had a clerk, and I told him to keep a correct list, and I would sign his. Between 11 and 1 o'clock the Republican supervisor and clerk left the polls and carried the poll-list with them. Up to that time I had been by the clerk of the managers, and knew that his list was correct. I made a copy of it, and until the close of the polls took them down as they voted.

Q. Why did the Republican supervisor and his clerk leave ?—A. They were asked by the board of managers to go out and ask the colored people not to go off, as they would have time to vote. I think that the Republicans left because it was discovered that a good many of them were armed with shot-guns and muskets; and I as supervisor told them that they ought to dispose of them, as trouble might result, and I did not want any disturbance on that day. I spoke to their leader, William Riley; he said their guns were not on the ground, but near by. I told him the guns

must not remain on the hill; that any man might be selected to take charge of them who would certainly take them home. They selected, after some hesitation, Mr. Griffin, of Cambleton. The guns were brought on the hill. I saw them myself during the time. Silas Cave came to me and asked how long before they could get to vote. I told him that I thought the crowd at the door could vote in one hour, and then they could vote. It was then between ten and eleven in the forenoon. At this time the voting was stopped by the Republican supervisor. When I went back into the house the voting had ceased, and the Republican supervisor was absent. The voting commenced again. The clerk of the Republican supervisor asked us to wait on him a few minutes. He took his poll, went out, and never returned.

Q. Did you have any cause before the election to think that the Republicans would not vote at this box?—A. Yes; because four or five days before the election Silas Cave, a prominent Republican, told me that he would go to the polls early in the morning, and would not take much trouble to vote; that if he could vote he would do so; that he would stay awhile; if he could not vote he would go home and protest the election. I am satisfied they left because they found out they could vote.

Q. Did the Republicans have any cause to apprehend any danger?—A. None that I saw; and I am satisfied that the Democratic party used all means to prevent anything from happening.

Q. Did you see any armed Democrats on that day?—A. None except State constables, who had small sticks. I saw no side-arms among the Democrats.

Q. Did any Republicans enter the house where the ballot-box was without voting?—A. None but the supervisor and clerk.

Q. Did the Republican supervisor and clerk have an opportunity to vote?—A. Yes.

Q. How near could the Republicans get to the box?—A. I don't know. They had all gone between eleven and one o'clock except one Republican, who was standing on the steps, and who afterwards told me could have voted if he desired.

Q. If the Republicans had have remained, could they have voted as they desired?—A. They could.

Q. Is the miller's rule, first come first served, observed in elections?—A. Has been heretofore.

Q. Did you hear any threatening language used by Democrats on that day?—A. None. I never saw a more quiet and peaceable election.

Q. Was there many Democrats on that day wearing red shirts?—A. Only one, and he wears it nearly all the time.

Q. Was there any riding at night, shooting of fire-arms, by Democrats just before the election, for the purpose of intimidating Republicans?—A. I saw no one riding; never heard any fire-arms.

Q. Did any colored persons vote the Democratic ticket on that day?—A. About thirty-two.

Q. How many Republicans went off without voting?—A. Between seventy-five and one hundred and fifty.

Q. Could there have been three hundred and fifty?—A. There could not have been; the highest Republican vote polled at that box was 257.

Q. Did any squad of Republicans come from Allendale in the afternoon?—A. None that I saw.

Q. When was these 257 Republican votes cast?—A. In the election of 1876.

Q. Can colored Republicans in your section rent lands, obtain supplies and employment as readily as colored Democrats?—A. I see no difference; labor is labor.

Q. Was the last election held in the same place as preceding ones?—A. No; the election was usually held in Captain Deer's mill. He said it was inconvenient, as he could not run his mill while the election was being held. He said this at the election of 1878. On the morning of the election he told the managers they could hold the election in a little house on the hill.

Q. Will you describe the room where the election was held?—A. twelve by fourteen feet; had a door and two windows. The ballot-box was placed at the door.

Q. Was the Republican supervisor interfered with by the managers, or any other persons?—A. No one that I saw.

Q. Were they furnished with any facilities for discharging their duties?—A. Yes.

Q. About what time was the polls opened?—A. Between eight and nine o'clock.

Q. Why were the polls not opened at six o'clock?—A. We were ready between seven and eight o'clock, and waited some time for the Republican supervisor.

Q. Do you know why the Republican supervisor was late?—A. No.

Cross-examined by A. H. EZEKIEL, attorney for contestant:

Q. How long have you resided in the neighborhood of Barker's Mill?—A. About thirty-five years.

Q. Are you acquainted with the colored people in your section?—A. I am. I know many by name.

Q. How many guns did you see in their possession on that occasion?—A. I saw no guns in their possession, but saw two said to have been turned over to Mr. Griffin, their agent.

Q. Who is Mr. Griffin?—A. A white man, and a Democrat.

Q. How long after the Republican supervisor arrived did you leave the room and advise these colored men to surrender their arms?—A. Some little time.

Q. Where was the Republican supervisor then?—A. In the house.

Q. Was he in there when you got back?—A. He was not.

Q. Did you see him in the room during the day?—A. I am not certain.

Q. What caused him to stop the voting?—A. Because I was absent, I suppose.

Q. Was it a part of your duty to leave the room and demand of these parties to give up their arms?—A. Because of the threats of these parties in possession of the arms it was brought to my attention, and I believed it to be my duty to preserve the peace.

Q. What was the nature of these threats you heard?—A. They said they had guns and were loaded with buckshot, and intended to use them.

Q. Who informed you of this?—A. I think the State constable, E. M. Cope.

Q. How many constables were there on that day?—A. Two, belonging to the Democratic party.

Q. Did Silas Cave speak to you before the Republican supervisor left?—A. A very short time; twenty-five or thirty minutes.

Q. Was there any preference given to white men over colored men to vote?—A. None that I saw. Colored Democrats voted.

Q. Could colored Republicans vote as they pleased?—A. I saw nothing to prevent them.

Q. Why was it that between ten and eleven o'clock you told Silas Cave that the colored people would have an opportunity to vote in an hour's time?—A. Because there was a crowd of white voters at the door, and I was satisfied that they could vote in one hour's time.

Q. From the expressions of threats used on that occasion; would it have been safe for any Republicans to crowd the polls for the purpose of voting?—A. I don't think there would have been any danger.

Q. What time did the polls close?—A. Six o'clock in the evening.

Q. You stated that there were thirty-two colored men who voted the Democratic ticket on that day. Give me their names.—A. I can't give names. I have not the poll-list with me.

Q. How could you tell if you were in possession of the poll-list?—A. There was about thirty-two colored men that voted, and there was no Republican tickets in the box. I came to the conclusion they must have voted the Democratic ticket.

Q. How did the ballots in the box compare with the poll-list?—A. There was a difference of two. There were two more votes in the box than on the poll-list.

Q. How did you rectify the discrepancy?—A. The managers destroyed them.

Q. You stated that in 1876 the Republican vote was 257. Was it not also in that year that the Reverend Riley and a Republican club were driven from the polls, whipped by armed Democrats?—A. There never has such a thing happened. I have been there at every election.

Q. Is it not a matter of fact that Riley was whipped during the election of 1876?—A. I don't know it to be a fact. I heard so.

F. H. CREECH.

Sworn to before me this 1st day of April, A. D. 1881.

[SEAL.]

J. D. BROWNE,

*Notary Public.*

STATE OF SOUTH CAROLINA,  
*Barnwell County:*

THOMAS S. MYERS, colored, a witness of legal age, produced by contestee, upon due notice under the foregoing agreement, deposes as follows in reference to questions propounded by contestee's counsel:

Question. What is your name?—Answer. Thomas S. Myers.

Q. What is your age?—A. Forty-eight years old.

Q. Where do you reside?—A. Allendale.

Q. What is your occupation?—A. Farmer.

Q. Where were you on the day of the last general election?—A. Allendale.

Q. Were you in the neighborhood of the polls during the day?—A. Yes.

Q. Do you know of any disturbance at the polls during the day?—A. No.

Q. Do you know of any one who did not vote on that day?—A. Heard a good many who I took to be Republicans who said they had not voted. I invited them up to vote. They said they did not intend to vote; that the poll would be thrown out anyhow.

Q. Are there any colored Democrats in this section?—A. Yes; a good many voted the Democratic ticket.

Q. Do you know of any colored Democratic club at Allendale before the last election?—A. Yes.

Q. How many members?—A. Two hundred and twenty-five.

Q. Did that club vote generally at the last election?—A. Yes; most of them did.

Q. Do you know of any other colored Democrats who voted here on that day who did not belong to this club?—A. Yes; a good many from Bull Pond.

Q. Do you know of any Republicans who voted on that day?—A. Yes.

Q. Do you know of any who were molested on that day?—A. No.

Q. Do you know Lewis Rivers, who was supervisor for the Republican party?—A. Yes.

Q. Did you see him any time during that day?—A. Yes; several times.

Q. State under what circumstances you saw him.—A. Drunk most of the day.

Q. About what time did you see him last?—A. I saw him about two or three o'clock in the day lying down in the house where the polls was held, drunk.

Q. Where was Rivers living at the time of the election?—A. Living on my place.

Q. How far from your house?—A. About one hundred and fifty yards.

Q. Do you know where Rivers was the night of the election?—A. I think he was home.

Q. Did you hear any disturbance at or near his house on the night of the election or the night after?—A. No.

Q. If there had been any disturbance is it likely you would have heard it?—A. I would have heard it.

Q. If there had been any disturbance would it not have been reported to you by Rivers?—A. Yes.

Q. Did he or any one else report to you any disturbance the night of or the night after the election?—A. No.

Q. Do you know if Rivers was at his house the night after the election?—A. He was not at his house the night after the election; he went off the morning after the election.

Q. Do you know where he went?—A. He went to Blackville; and returned from Blackville about a week after; he told me he met two white men on the road, and they asked, if he was going up the road to preach. He said he did not know how they knew him in the dark. He said he thought these men intended to raise a row with him, but they did not.

Q. Did Rivers tell you what he went to Blackville for?—A. No; he said he went on business.

Cross-examined by ROBERT SMALLS, contestant:

Q. What time did you arrive at the polls on the morning of the election?—A. Between 7 and 8 o'clock.

Q. How long did you remain there before leaving?—A. I remained there two or three hours.

Q. Did you go back to the polls after you left?—A. I went home to my breakfast, and staid one hour and went back.

Q. How long did you remain at the polls after you got your breakfast?—A. I remained at the polls until 4 o'clock.

Q. Where were you from 4 o'clock until the closing of the poll?—A. Between my house and the field.

Q. Do you know the names of the managers of election?—A. I don't recollect their names.

Q. Do you know if they live in the town of Allendale?—A. I don't know.

Q. You stated that Mr. Rivers was the Republican supervisor, do you know the Democratic supervisor?—A. Yes; Mr. Tobin.

Q. Do you know if Mr. Tobin lives in the town of Allendale?—A. Yes; in the town of Allendale.

Q. About how many times did you see Mr. Rivers on the day of election?—A. I saw him two or three times—the last time lying drunk under the counter.

Q. Did you see him when he went to the polls in the morning?—A. No.

Q. When you first saw him in the morning, was he drunk?—A. No; he was drinking at the table.

Q. Did you go in the room where the voting was going on during the day?—A. Yes; several times.

Q. Did you see any liquor in the room?—A. I never saw a drop; did not look for any.

Q. Were all the bar-rooms closed on the day of the election?—A. Yes.

Q. Do you know how Mr. Rivers got his whisky?—A. He must have bought it the night before; a good many people were drinking.

Q. Do you mean to say a good many people were drinking on the day of the election?—A. Yes; good many had liquor; several gave me a drink.

Q. Did you at any time during the day see Mr. Rivers on the piazza where the voting was going on advising the colored people to wait; that the white people would give way and they would have a chance to vote?—A. No.

Q. Did you see Colonel Tobin any time during the day on the piazza?—A. No.

Q. Did you see Colonel Tobin any time during the day trying to make a way through the crowd in order to let the colored people through to get in the house to vote?—A. No.

Q. Did any time during the day you see Colonel Tobin fall?—A. No.

Q. You stated in your direct examination that you are a member of a colored Democratic club which numbers two hundred and twenty-five members; do you know how many of them voted on the day of the election?—A. No.

Q. Did that club have any meetings since the election?—A. No.

Q. How long before the election did you have a meeting?—A. About one week before the election.

Q. How many members attended that meeting?—A. A good many; about one-half.

Q. About how many colored people did you see at any time around the polls?—A. At no one time did I see more than one hundred to one hundred and fifty; there was a good many in town.

Q. Did you see these colored people armed?—A. No; did not see any arms on the ground.

Q. About how many white men did you see around the polls?—A. A good many, but not as many as colored; they were scattered all about town.

Q. Did you see any of these white men armed?—A. I did not see any arms on the ground.

Q. Did you see or know of any colored person leave the ground without voting?—A. I do not know of any not voting, but several told me they did not vote. I told them to go back and they could vote.

Q. Do you not know that colored people crowded around the front of the piazza during the forenoon trying to get into the house to vote, that could not do so because the piazza was blocked up with white men?—A. No; a great many white and colored blocked the piazza trying to get in the door to vote. I tried for two hours myself.

Redirect examination:

Q. When the door was blocked, why was it they could not get in?—A. Only so many could get in at a time, others were necessarily detained.

Q. Have any of the Democratic clubs held a meeting since the election in this neighborhood?—A. Yes.

Q. Do you know of any of the Republican clubs in this section being disturbed in their meetings?—A. No.

Q. Could they not have held their meetings without being disturbed?—A. Yes.

Recross-examined by ROBERT SMALLS, contestant:

Q. You state that the Republicans could have held their meetings without being disturbed by the Democrats, and are you sufficiently acquainted with the entire Democratic party at Allendale to know positively that they would not interfere with any Republican meeting?—A. I don't know.

T. S. MYERS.

Sworn to before me this 1st day of April, A. D. 1881.

[SEAL.]

J. D. BROWNE, N. P.

The examination is here adjourned to meet at 9 o'clock a. m. to-morrow the 2d of April.

[SEAL.]

J. D. BROWNE, N. P.

In the matter of the contest of Robert Smalls against George D. Tillman, for a seat in the Congress of the United States.

J. T. GROVES, a witness of legal age, introduced by contestee on due notice to contestant, deposes as follows, to questions propounded to him:

Question. What is your name?—Answer. J. T. Groves.

Q. What is your age?—A. Thirty-five years old.

Q. Where do you reside?—A. Allendale.

Q. What is your occupation?—A. Agent for Port Royal Railroad Company, and Southern Express Company.

Q. Where were you at the last general election?—A. At Allendale.

Q. How near were you to the polling precinct, on the day of the election?—A. About one hundred at one hundred and fifty yards.

Q. Did you see the piazza of the building where the election was held, crowded any time during the day?—A. Yes.

Q. Please state what caused the crowding, and how long it continued?—A. A stranger with a banjo commenced playing and singing on the piazza, and attracted a crowd of white and colored people; some of whom commenced dancing; he was ordered by some of the authorities to leave; he did so, and the crowd dispersed; the piazza was not crowded more than half an hour.

Q. Did colored and white persons have equal opportunity of voting on that day?—A. So far as I saw, they had.

Q. Was there ample time before the closing of the polls, for all persons to have voted if they so desired?—A. Yes.

J. T. GROVES.

Sworn to before me this 2nd day of April, A. D. 1881.

[SEAL.]

J. D. BROWNE,

*Notary Public.*

The examination stands adjourned on Saturday, the 2nd day of April, 1881, at 9 o'clock, a. m.

[SEAL.]

JOHN D. BROWNE,

*Notary Public.*

THE STATE OF SOUTH CAROLINA:

ROBERT SMALLS, CONTESTANT, }

*vs.*

G. D. TILLMAN, CONTESTEE. }

Contested election from fifth Congressional district of South Carolina.

We, Wesley S. Dixon, notary public for Robert Smalls, contestant, and John D. Browne, notary public for G. D. Tillman, contestee, hereby certify that the foregoing testimony on three hundred and fifty-one pages, sworn to and subscribed before John D. Browne, notary public for George D. Tillman, is a complete and original statement of the testimony taken before us on behalf of G. D. Tillman, contestee, and that all erasures and interlineations made in each and every one of the depositions were made in our presence, by consent and direction of the witnesses before they were signed, and that the said depositions were signed in our presence.

Witness our hands and seals this eleventh day of April, A. D. one thousand eight hundred and eighty-one.

[SEAL.]

JOHN D. BROWNE,

*Notary Public on the part of George D. Tillman, Contestee.*

W. S. DIXON,

*Notary Public on the part of Robert Smalls, Contestant.*

THE STATE OF SOUTH CAROLINA,

*County of Hampton:*

ROBERT SMALLS, CONTESTANT, }

*vs.*

GEORGE D. TILLMAN, CONTESTEE. }

TO HON. ROBERT SMALLS:

You are hereby notified that I will examine the following witnesses all of whom reside in Hampton County, relative to and touching the matters and things set forth in my answer to your notice of contest of my right to a seat in the Congress of the United States, to which you claim to have been elected at the November election of 1880, for the fifth Congressional district of South Carolina, and in reply to matters and things set forth in said notice of contest, and to evidence produced by you, before Daniel C. Webb, esquire, notary public for the State



and county aforesaid, at the following time and place, to wit, at Hampton C. H., in the said State and county, on Monday the 21st day of March, A. D. 1881, at 10 o'clock a. m., and will continue from day to day until the same be completed: William J. Causey, J. Chisolm Youmans, L. F. Brunson, J. A. Connor, O. F. Duke, M. B. McSweeney, Henry C. Koth, Lorane Ihley, R. R. Wilson, and such other witnesses as you will be notified of from time to time.

G. D. TILLMAN, *Contestee*.

Per W. PERRY MURPHY, *Att'y*.

(Indorsed :) Notice to take testimony at Hampton, C. H., S. C.

Served 14th March by Moses Frasier, of Beaufort.

THE STATE OF SOUTH CAROLINA,  
*County of Hampton:*

ROBERT SMALLS, CONTESTANT, }  
  *vs.*  
GEORGE D. TILLMAN, CONTESTEE. }

To Hon. ROBERT SMALLS:

You are hereby notified that I will examine the following witnesses, all of whom reside in Hampton County, relative to and touching the matters and things set forth in my answer to your notice of contest of my right to a seat in the Congress of the United States, to which you claim to have been elected at the November election of 1880, for the fifth Congressional district of South Carolina, and in reply to matters and things set forth in said notice of contest, and to evidence produced by you, before Daniel C. Webb, esquire, notary public for the State and county aforesaid, at the following times and places.

At Hampton C. H., in the said State and county, on Monday the 21st day of March, A. D. 1881, at 10 o'clock a. m., and will continue from day to day until the same be completed:

T. J. Brunson, Tatnell Zahlor, W. L. Ihley, R. A. Brunson, Marion Riley, H. C. Koth, M. O. Youmans, Aaron Brown, J. S. Boyd, C. J. Bowers, Thomas Prichard, Danl. Jones, W. H. Googe, Eugene Gregorie, Tom Davant, J. R. Ginn, W. H. Brown, Phil. Jennings, W. F. Youmans, Allen Frampton, A. A. Browning, Pompy Hazul, W. M. Simons, Jack Ellis, Steve Snider, Geo. Bellinger, R. H. McAvoy, Sharp Hay, Bill Rivers, Adam Rodd, Jno. Lightsey, Martin Bowers, B. R. Lewis, E. A. Holland, S. J. Lewis, J. C. Youmans, C. Richardson, M. P. Borsett, T. W. Boxey, H. W. C. Folk, J. M. Gooding, W. J. Bennet.

At Lawtonville, in the said State and county, on Thursday the 24th day of March, A. D. 1881, at 10 o'clock a. m., and will continue from day to day until the same be completed: W. T. Breeland, John Lawton, B. W. Sloman, John Rhodes, E. H. Peeples, J. W. Peeples, J. T. Morrison, J. V. Morrison, J. E. Morrison, H. H. Peeples, A. M. Martin, A. A. Martin, Alfred Dow, and such other witnesses as you will be notified of from time to time.

Dated March 19th, 1881.

GEORGE D. TILLMAN, *Contestee*.

Per W. PERRY MURPHY, *Att'y*.

(Indorsed :) Notice to take testimony at Hampton C. H., and Lawtonville in said State and county.

I admit due and legal service of a copy of the within notice.

ROBERT SMALLS,

Per T. W. COLLINS, *Att'y*.

## EXHIBITS.

I, John D. Browne, notary public for contestee, certify that all exhibits filed with me are contained here in this envelope.

J. D. BROWNE,  
Notary Public.

EXHIBIT A BY CONTESTANT'S ATTORNEY.—J. D. B., N. P.

THE ELECTION OF 1880 IN SOUTH CAROLINA.

*Address of the State executive committee of the Union Republican party of South Carolina, detailing the frauds, violence, and intimidation by which South Carolina was carried for Hancock.*

*To the people of the United States :*

The board of State canvassers of South Carolina, composed in great part of the Democratic candidates for State offices at the recent election, having announced as the result of their canvass that the Hancock and English electors had been elected by a majority of 54,241 over the Garfield and Arthur electors, the State executive committee of the Union Republican party of the State deem it their duty, as well to the country as to the Republican voter of South Carolina, to present to the people of the United States a statement of the methods adopted by the Democratic party to accomplish the result certified to by the board of State canvassers. In view of the notorious tissue-ballot frauds perpetrated by the Democrats of this State at the election for State officers and Congressmen in 1878, it is hardly necessary to state that a majority of 54,241 for Hancock in South Carolina does not mean what it would mean elsewhere, that 54,241 more votes were cast for Hancock than for Garfield. It merely signifies that 54,241 more votes have been counted for Hancock than for Garfield by the Democratic officers of election. Votes in South Carolina are not counted as they are cast. Since the Democrats obtained, by fraud and violence, possession of the government of this State, a vast difference has arisen between votes counted and votes cast.

In South Carolina the election at each poll is conducted by three managers of election, appointed by a board of commissioners of elections in each county. These commissioners of elections are appointed by the governor of the State, and in every county in the State, with but few exceptions, the three commissioners appointed were Democrats, and in each of the excepted counties the majority were Democrats. In the selection of managers none but Democrats were appointed, except in the county of Beaufort, where the scarcity of Democrats in that Republican stronghold compelled the appointment of a Republican at each poll, and except further in the counties of Lexington, Oconee, Pickens, and Greenville, where one out of the three managers at some of the precincts were either Republicans who were unable to read and write or Democratic partisans personating Republicans, and in every instance these persons were appointed without consulting the Republican organizations in those counties. Hence the only opportunity for Republicans to witness the management of the election and the canvass of the votes was by the presence of a United States supervisor at each poll. But at many polls in the State even the presence of this one witness on behalf of the Republicans was objected to, and from all parts of the State Republican supervisors report that they were obstructed, hindered, and prevented from the full and free discharge of

their duties, and in many cases actually ejected and driven away from the polling places by threats and violence. Occurrences of this sort were so very general throughout the State that it would be impossible in a paper of this kind to enter into a detailed statement of them all. We are therefore limited to a few examples which will serve as illustrations of the manner in which the Democracy of South Carolina manifest their respect for the laws of the United States.

In the county of Laurens such was the violent conduct of the Democrats for days preceding the election, and so loud were their threats, that no Republican could be found willing to risk his life by undertaking the duties of supervisor.

For similar reasons no Republican could be found willing to incur the danger of serving as supervisor, either at Millett's or Robbins precincts, in Barnwell County, and hence, from neither of those polls was a single Republican vote returned.

In Aiken County the Republican supervisors appointed for Miles's Mill and Vacluse, went to a Republican meeting at Ellenton, three days before the election, and while there were assaulted and badly beaten by Democrats, who, armed with guns and pistols, broke up the meeting and chased the two supervisors into the woods, through which they had to travel a distance of forty miles to reach home. One of them was pursued with dogs, and only escaped by taking the swamp and swimming the creek near by. Owing to the treatment these two men received and the threats made against their lives, they did not go on the day of election to the polls for which they had been appointed. At Kneece's Mill, Creed's Store and Low-Town Well, so great was the violence of the Democrats and so numerous their threats against the supervisors, that the latter were compelled to abandon the polls, from which the Republican voters had been previously driven away by the armed bands of Democrats who had taken possession of them early in the day.

At every precinct in the county of Edgefield, the Republican supervisors were prevented from witnessing the voting and the count, and at many of them they were brutally assaulted with clubs, pistols, and other weapons, and driven away. Such was the case at Meeting Street precinct, where the supervisor was beaten with a club and his papers taken away from him; at Red Hill, where the supervisor was assaulted and ordered to leave, and his instructions snatched from his hands, and at Johnston's Depot, where the supervisor was also assaulted and ordered to leave. Feeling that their lives were in danger, the supervisors at the three places named, and at several others, left when ordered to do so by the armed bands of Democrats who had congregated around the polls.

In Newberry County the supervisor for Pomaria precinct was arrested by a State constable on the morning of the election, just before the opening of the poll, and carried to the court-house, a distance of about sixteen miles, where he was released by the trial justice who had issued the warrant. Two nights after the election his home was visited by a band of armed Democrats, who, upon being refused admittance, proceeded to break in, and he escaped by jumping out the window and taking to the woods. This supervisor dares not return to his home. At Jalapa precinct, in the same county, because the Republican supervisor persisted in keeping a poll-list, he was told that if he did not stop his d—d head would be shot off, and during the day he was assaulted and his coat-sleeve cut and torn into pieces. Owing to the treatment he received and the threats made against him, he was advised by friends to leave the poll, which he did about two o'clock in the day.

At Ware's precinct, in Greenville County, and Lawtonville, in Hampton County, the supervisors were also forced to abandon their posts because of the threats made against their lives and the violence exhibited towards them by the Democrats.

At Scranton, in Williamsburg County, the Republican supervisor was threatened with arrest if he persisted in acting, and in order to avoid arrest by the State authorities he left the polling place.

In addition to the instances cited above, in which supervisors were forcibly driven away or compelled to leave the polls, instances are almost universal in which they were obstructed and prevented from discharging their duties by compelling them to remain outside of the polling places, or having one of the managers to stand between them and the ballot-boxes, or having the room crowded with red-shirt Democrats so as to completely prevent them from seeing or hearing what was going on around and about the ballot-boxes. In many places one of the methods adopted to prevent the supervisors from scrutinizing the conduct of the election was that of holding the poll in a private house or building and forbidding the entrance of the Republican supervisor, on the ground that it was private property and no Republican supervisor would be allowed to enter. Such was the case at Talbert precinct, in Edgefield County, and Staffords' Cross Roads, in Hampton County.

In view of all the facts recited there can be no doubt that the object of this treatment towards the Republican supervisors was to secure perfect freedom to those engaged in stuffing the ballot-boxes and changing the result of the election. This is evident from the fact that generally throughout the State, at the close of the election, when the boxes were opened, the number of ballots in them was found to be largely in excess of the number of names on the poll-lists, which of course compelled the managers to return the ballots to the boxes and draw therefrom and destroy a number of votes equivalent to the excess, in order to make the number of votes correspond with the number of voters on the poll-lists. By this operation every Republican vote drawn out was a loss of one to the Republicans and a gain of one to the Democrats. The drawing out of a Democratic ticket occasioned no loss to the Democrats, because the excess was created either by the Democratic managers stuffing the boxes or by the Democratic voters voting two or more ballots; but, nevertheless, in order that the number of Republican ballots drawn out might be as large as possible, the Democratic ballots were so devised that the person drawing out the excess could easily distinguish them, even when blindfolded, from the Republican ballots by the difference in the feeling. Two kinds of ballots were generally used at every poll by the Democrats, one larger than the other, so that a number of the smaller ballots might be inclosed within the folds of the larger ballot. The small ballots were usually printed on tissue paper, though in many places both the large and small ballots were printed on that kind of paper. In some parts of Charleston County paste-board ballots, capable of concealing a large number of tissue ballots, were used. In Newberry County, in addition to the small tissue ballots, paste-board ballots with serrated edges were voted by the Democrats. The character of the Democratic ballots used at every poll ought to be sufficient to satisfy the country that the entire excess in each ballot-box was created by the Democrats for the purpose of compelling the drawing out and destruction of a large number of votes, by which they knew the Democratic candidates would profit.

Notwithstanding the obstructions thrown in the way of supervisors generally, at those polls, where they had not been forced to leave by

threats and violence, they were permitted, after the ballot-boxes had been stuffed, to witness to a limited extent the count and canvass of the votes. From the reports made by them to the chief supervisor, a table has been prepared, which exhibits the number of names on the poll-list, the number of ballots found in the box, the amount of the excess, and the number of Republican ballots destroyed in drawing out that excess, at the following polls :

|                                | Number of names<br>on poll-list. | Number of ballots<br>in the box. | Excess of ballots<br>over voters. | Number of Repub-<br>lican ballots<br>drawn out. |
|--------------------------------|----------------------------------|----------------------------------|-----------------------------------|---|
| <b>Abbeville County:</b>       |                                  |                                  |                                   |   |
| Greenwood .....                | 1, 153                           | 1, 298                           | 143                               | 48  |
| <b>Aiken County:</b>           |                                  |                                  |                                   |   |
| Aiken C. H. ....               | 1, 104                           | 1, 150                           | 46                                | 10  |
| Jordan's Mill .....            | 348                              | 369                              | 21                                | 21  |
| Summit Hill .....              | 456                              | 517                              | 61                                | 58  |
| Page & Hankerson's Store ..... | 494                              | 520                              | 26                                | 7   |
| <b>Barnwell County:</b>        |                                  |                                  |                                   |   |
| Farrell's Store .....          | 145                              | 167                              | 22                                | 22  |
| Red Oak .....                  | 618                              | 634                              | 16                                | 16  |
| Midway .....                   | 368                              | 374                              | 6                                 | 6   |
| <b>Chester County:</b>         |                                  |                                  |                                   |   |
| Wylie's Store .....            | 362                              | 417                              | 55                                | 19  |
| Fishing Creek .....            | 273                              | 304                              | 29                                | 15  |
| Torbit's Mill .....            | 263                              | 296                              | 33                                | 15  |
| <b>Charleston County:</b>      |                                  |                                  |                                   |   |
| City Hall .....                | 1, 729                           | 1, 934                           | 205                               | 77  |
| Court House .....              | 623                              | 763                              | 135                               | 135   |
| Market Hall .....              | 1, 125                           | 1, 186                           | 61                                | 61  |
| Palmetto E. H. ....            | 1, 501                           | 1, 568                           | 67                                | 33  |
| Hope E. H. ....                | 1, 214                           | 2, 285                           | 1, 071                            | 592   |
| Eagle E. H. ....               | 1, 433                           | 2, 002                           | 569                               | 545   |
| Washington E. H. ....          | 458                              | 837                              | 379                               | 179   |
| Marion E. H. ....              | 1, 141                           | 1, 708                           | 657                               | 500   |
| Ashley E. H. ....              | 912                              | 1, 150                           | 238                               | 110   |
| Niagara E. H. ....             | 547                              | 642                              | 95                                | 76  |
| Camp Ground .....              | 870                              | 889                              | 19                                | 19  |
| Enterprise .....               | 546                              | 685                              | 139                               | 101   |
| 22-Mile House .....            | 599                              | 604                              | 5                                 | 5   |
| Cross Roads .....              | 222                              | 231                              | 9                                 | 7   |
| Biggin Church .....            | 467                              | 481                              | 14                                | 13  |
| Pineopolis .....               | 216                              | 255                              | 39                                | 17  |
| St. Stephens .....             | 532                              | 600                              | 68                                | 63  |
| Blackville .....               | 241                              | 248                              | 7                                 | 6   |
| Ben Potter's .....             | 163                              | 222                              | 59                                | 11  |
| Henderson's Store .....        | 184                              | 219                              | 35                                | 8   |
| <b>Clarendon County:</b>       |                                  |                                  |                                   |   |
| Manning .....                  | 634                              | 1, 033                           | 399                               | 239   |
| Fulton .....                   | 354                              | 502                              | 148                               | 106   |
| Fork .....                     | 232                              | 237                              | 5                                 | 4   |
| Witherspoon's .....            | 476                              | 552                              | 76                                | 47  |
| Jordan .....                   | 648                              | 906                              | 258                               | 247   |
| Packsville .....               | 378                              | 445                              | 67                                | 65  |
| Calhoun's .....                | 813                              | 1, 058                           | 245                               | 127   |
| Mott's .....                   | 254                              | 295                              | 41                                | 20  |
| <b>Chesterfield County:</b>    |                                  |                                  |                                   |   |
| Chesterfield C. H. ....        | 483                              | 490                              | 7                                 | 5   |
| Mt. Croghan .....              | 202                              | 229                              | 27                                | 5   |
| Hebron .....                   | 94                               | 98                               | 4                                 | 4   |

|                           | Number of names<br>on poll-list. | Number of ballots<br>in the box. | Excess of ballots<br>over voters. | Number of Repub-<br>lican ballots<br>drawn out. |
|---------------------------|----------------------------------|----------------------------------|-----------------------------------|---|
| <b>Colleton County:</b>   |                                  |                                  |                                   |   |
| Walterboro' .....         | 895                              | 1,036                            | 141                               | 115   |
| Ravenel's .....           | 844                              | 1,083                            | 239                               | 189   |
| Ridgeville .....          | 746                              | 820                              | 74                                | 60  |
| Horse Pen .....           | 267                              | 288                              | 21                                | 13  |
| George's Station .....    | 1,156                            | 1,249                            | 93                                | 50  |
| <b>Darlington County:</b> |                                  |                                  |                                   |   |
| Leavensworth .....        | 594                              | 833                              | 239                               | 100   |
| Lydia .....               | 768                              | 931                              | 163                               | 52  |
| Lisbon .....              | 493                              | 591                              | 98                                | 39  |
| Timmons ville .....       | 609                              | 620                              | 11                                | 4   |
| <b>Fairfield County:</b>  |                                  |                                  |                                   |   |
| Jenkinsville .....        | 352                              | 494                              | 142                               | 136   |
| <b>Georgetown County:</b> |                                  |                                  |                                   |   |
| Sam pit .....             | 437                              | 474                              | 37                                | 18  |
| Upper Wacamaw .....       | 431                              | 481                              | 50                                | 48  |
| Carver's Bay .....        | 283                              | 322                              | 39                                | 19  |
| <b>Greenville County:</b> |                                  |                                  |                                   |   |
| Batesville .....          | 370                              | 405                              | 35                                | 18  |
| Holly Springs .....       | 304                              | 316                              | 12                                | 10  |
| Reedy River Church .....  | 355                              | 399                              | 44                                | 44  |
| <b>Hampton County:</b>    |                                  |                                  |                                   |   |
| Varnsville .....          | 589                              | 818                              | 229                               | 160   |
| Black Creek .....         | 273                              | 298                              | 25                                | 25  |
| Brighton .....            | 209                              | 220                              | 11                                | 11  |
| Brunson's .....           | 356                              | 588                              | 232                               | 56  |
| <b>Kershaw County:</b>    |                                  |                                  |                                   |   |
| Cureton Mill .....        | 1,045                            | 1,087                            | 42                                | 30  |
| Lyzenby .....             | 292                              | 305                              | 13                                | 6   |
| Schrock's .....           | 553                              | 564                              | 11                                | 6   |
| Flat Rock .....           | 432                              | 440                              | 8                                 | 5   |
| <b>Laurens County:</b>    |                                  |                                  |                                   |   |
| Mt. Pleasant .....        | 389                              | 414                              | 25                                | 11  |
| <b>Lexington County:</b>  |                                  |                                  |                                   |   |
| Lexington C. H. ....      | 422                              | 547                              | 125                               | 24  |
| Casey's .....             | 258                              | 289                              | 31                                | 17  |
| Leesville .....           | 413                              | 423                              | 10                                | 8   |
| Red Store .....           | 220                              | 267                              | 47                                | .....   |
| <b>Marion County:</b>     |                                  |                                  |                                   |   |
| Marion C. H. ....         | 1,096                            | 1,151                            | 55                                | 55  |
| Berry's Cross Roads ..... | 541                              | 637                              | 96                                | 93  |
| Campbell's Bridge .....   | 395                              | 426                              | 31                                | 30  |
| Little Rock .....         | 700                              | 739                              | 39                                | 35  |
| Friendship .....          | 243                              | 261                              | 18                                | 18  |
| High Hill .....           | 424                              | 431                              | 7                                 | 7   |
| Mt. Nebo .....            | 231                              | 237                              | 6                                 | 3   |
| Mars Bluff .....          | 618                              | 623                              | 5                                 | 5   |
| <b>Marlboro' County:</b>  |                                  |                                  |                                   |   |
| Bennettsville .....       | 805                              | 866                              | 61                                | 60  |
| Smithville .....          | 474                              | 555                              | 81                                | 64  |

|                             | Number of names<br>on poll-list. | Number of ballots<br>in the box. | Excess of ballots<br>over voters. | Number of Repub-<br>lican ballots<br>drawn out. |
|-----------------------------|----------------------------------|----------------------------------|-----------------------------------|---|
| Brightsville .....          | 427                              | 433                              | 6                                 | 2   |
| Adamsville .....            | 418                              | 436                              | 18                                | 18  |
| Hebron .....                | 351                              | 304                              | 43                                | 38  |
| Brownsville .....           | 380                              | 509                              | 129                               | 116   |
| <b>Orangeburg County:</b>   |                                  |                                  |                                   |   |
| Orangeburg C. H. ....       | 1, 093                           | 1, 165                           | 72                                | 63  |
| Branchville .....           | 395                              | 409                              | 14                                | 13  |
| Corbetsville .....          | 486                              | 580                              | 94                                | 50  |
| Cedar Grove .....           | 304                              | 332                              | 28                                | 23  |
| Fort Motte .....            | 367                              | 377                              | 10                                | 9   |
| Ayers's .....               | 388                              | 417                              | 29                                | 23  |
| Lewisville .....            | 936                              | 988                              | 52                                | 40  |
| Easterlin's .....           | 449                              | 556                              | 107                               | 100   |
| Rowesville .....            | 238                              | 264                              | 26                                | 20  |
| Jamison's .....             | 406                              | 477                              | 71                                | 61  |
| Bull Swamp .....            | 381                              | 551                              | 170                               | 92  |
| Zeigler's .....             | 290                              | 394                              | 104                               | 52  |
| Washington Seminary .....   | 463                              | 542                              | 79                                | 60  |
| Bookhart's .....            | 281                              | 298                              | 17                                | 16  |
| <b>Richland County:</b>     |                                  |                                  |                                   |   |
| Ward 1, Columbia .....      | 619                              | 625                              | 13                                | 13  |
| Davis's .....               | 322                              | 393                              | 71                                | 30  |
| Camp Ground .....           | 361                              | 464                              | 103                               | 82  |
| Killian's .....             | 247                              | 373                              | 126                               | 44  |
| Gadsden .....               | 716                              | 861                              | 145                               | 120   |
| Hopkins .....               | 492                              | 621                              | 129                               | 127   |
| <b>Sumter County:</b>       |                                  |                                  |                                   |   |
| Mayesville .....            | 539                              | 760                              | 221                               | 147   |
| Shiloh .....                | 323                              | 341                              | 118                               | 56  |
| Privateer .....             | 144                              | 264                              | 120                               | 10  |
| <b>Union County:</b>        |                                  |                                  |                                   |   |
| Gibbes's .....              | 279                              | 352                              | 73                                | 73  |
| Fishdam .....               | 278                              | 320                              | 42                                | 40  |
| Wilkinsonville .....        | 328                              | 340                              | 12                                | 7   |
| <b>Williamsburg County:</b> |                                  |                                  |                                   |   |
| Kingstree .....             | 901                              | 1, 011                           | 110                               | 74  |
| Black Mingo .....           | 191                              | 203                              | 12                                | 9   |
| Greeleyville .....          | 236                              | 266                              | 30                                | 25  |
| Cedar Swamp .....           | 115                              | 137                              | 22                                | 22  |
| Pipkins .....               | 183                              | 191                              | 8                                 | 5   |
| <b>York County:</b>         |                                  |                                  |                                   |   |
| Rock Hill .....             | 1, 109                           | 1, 175                           | 66                                | 34  |
| Yorkville .....             | 1, 222                           | 1, 250                           | 28                                | 23  |
| McElwee's Mill .....        | 227                              | 262                              | 35                                | 27  |
| Hickory Grove .....         | 351                              | 390                              | 39                                | 19  |
| Blairsville .....           | 566                              | 595                              | 29                                | 20  |
| Total .....                 | 62, 461                          | 73, 334                          | 10, 873                           | 7, 073  |

The result of the drawing at some of the polls named in the foregoing list conclusively shows how easily the parties drawing out the excess could and did distinguish Republican from Democratic tickets. At twenty-one polls, containing an aggregate excess of 593 ballots, not a single Democratic ticket was drawn out, although from one box as many as 135 tickets were drawn, and from another 73. At eight other polls only one Democratic ticket was drawn out at each poll, and at nine

other polls only two Democratic tickets were drawn out at each poll. It is true, on the other hand, that at some polls more Democratic than Republican tickets were drawn out, but this generally arose from the fact that at such polls more Democratic ballots had been stuffed into the boxes than were necessary to accomplish the purpose intended, and consequently the excess was almost equal to, and sometimes even greater than, the number of Republican tickets in those boxes, as at Killian's in Richland County where there were only 92 Republican tickets in the box, while the excess was 126, and at Davis's, in the same county, where there were only 57 Republican tickets in the box, while the excess was 71. At Privateer, in Sumter County, there were only 17 Republican tickets in the box, while the excess was 120, and at Brunson's, in Hampton County, there were only 75 Republican tickets cast, while the excess was 232. Under no circumstances, therefore, could the managers at those two polls have avoided drawing out a majority of Democratic tickets, even if they had drawn out every Republican ticket in those boxes. They did not, however, go quite so far, but contented themselves with drawing out 10 of the 17 Republican tickets at Privateer and 56 of the 75 at Brunson's. This, however, was not quite as bad as the action of the managers at the Hope engine-house, in the city of Charleston, where the excess was 1,071 while the number of Republican tickets in the box was only 597, and before drawing out a single Democratic ticket the managers drew out all but 5 of the 597 Republican ballots voted at that poll.

In addition to the polls enumerated in the foregoing list, there was a number of other polls at which the ballots in the boxes largely exceeded the names on the poll-lists; in consequence of which ballots to the extent of the excess had to be drawn out and destroyed; but the proportion of Democratic and Republican ballots drawn out could not be ascertained by the supervisors, because of the measures adopted by the Democratic managers to prevent them from obtaining such information. With that data omitted, the list which follows increases the number of polls where the ballot-boxes are known to have been stuffed:



|  | Number of names<br>on poll-list. | Number of ballots<br>in the box. | Excess of ballots<br>over voters. |
|--|----------------------------------|----------------------------------|-----------------------------------|
| Graham's, Barnwell County.....             | 331                              | 361                              | 30                                |
| Ehrhardt's Mills, Barnwell County.....     | 615                              | 640                              | 25                                |
| Hickory Bend, Charleston County.....       | 401                              | 447                              | 46                                |
| Moultrieville, Charleston County.....      | 154                              | 171                              | 17                                |
| Landsford, Chester County.....             | 441                              | 462                              | 21                                |
| Rich Hill, Chester County.....             | 507                              | 532                              | 15                                |
| Maple Cane, Colleton County.....           | 240                              | 275                              | 26                                |
| Snider's Cross Roads, Colleton County..... | 253                              | 355                              | 100                               |
| Society Hill, Darlington County.....       | 535                              | 579                              | 44                                |
| Double Springs, Greenville County.....     | 317                              | 373                              | 56                                |
| Hennis's Cross Roads, Hampton County.....  | 376                              | 474                              | 98                                |
| Lawtonville, Hampton County.....           | 514                              | 606                              | 92                                |
| Gillisonville, Hampton County.....         | 341                              | 373                              | 32                                |
| Peeples, Hampton County.....               | 478                              | 238                              | 60                                |
| Arial, Marion County.....                  | 248                              | 258                              | 10                                |
| Stone's, Marion County.....                | 354                              | 378                              | 24                                |
| Red Hill, Marlboro' County.....            | 538                              | 563                              | 25                                |
| Clio, Marlboro' County.....                | 275                              | 312                              | 37                                |
| Newberry Court House, Newberry County..... | 1,875                            | 2,550                            | 675                               |
| Prosperity, Newberry County.....           | 778                              | 1,000                            | 222                               |
| Gibson's Store, Newberry County.....       | 260                              | 305                              | 36                                |
| Williams's Store, Newberry County.....     | 379                              | 461                              | 82                                |
| Brown's, Orangeburg County.....            | 156                              | 169                              | 13                                |
| Conner's, Orangeburg County.....           | 160                              | 230                              | 31                                |
| Gleaton's, Orangeburg County.....          | 417                              | 436                              | 10                                |
| Ward 2, Columbia, Richland County.....     | 930                              | 1,043                            | 213                               |
| Ward 3, Columbia, Richland County.....     | 717                              | 857                              | 140                               |
| Ward 4, Columbia, Richland County.....     | 740                              | 957                              | 217                               |
| Acton, Richland County.....                | 587                              | 673                              | 86                                |
| Garner's, Richland County.....             | 204                              | 476                              | 162                               |
| Lynchburg, Sumter County.....              | 513                              | 620                              | 107                               |
| Spring Hill, Sumter County.....            | 405                              | 410                              | 5                                 |
| Jonesville, Union County.....              | 435                              | 465                              | 30                                |
| Santuo, Union County.....                  | 354                              | 369                              | 15                                |
| Coates's Tavern, York County.....          | 300                              | 362                              | 53                                |
| Total.....                                 | 15,886                           | 18,770                           | 2,884                             |

If the number of Republican and Democratic ballots drawn out and destroyed at the above-named polls bore the same proportion to each other as at those polls previously mentioned where the character of the ballots drawn out is known, then it may be safely asserted that at least 1,850 of the 2,884 drawn out were Republican tickets, so that at the polls named in both lists the loss to the Republicans, by ballot-box stuffing, was 9,923, and the gain to the Democrats a like number. In other words, 9,923 Republican votes cast for Garfield were transformed by the Democratic officers of elections into 9,923 Democratic votes for Hancock.

The gain to the Democrats by ballot-box stuffing was not limited to the drawing out and destruction of Republican ballots, but was still further increased by the insertion of fictitious names on the poll-lists at many precincts and by counting for such names a corresponding number of the Democratic ballots which had been stuffed into the boxes. Such was the case at Calhoun in Clarendon County, where 110 false names were inserted on the poll-list kept by the managers, and a corresponding number of ballots counted therefor, but at the Stonewall engine-house, in the city of Charleston, where 161 names were fraudulently inserted on the poll-list, only 138 ballots were counted therefor, as some of the ballots stuffed into the box did not drop out of the folds of the tickets in which they were voted, and being found in that condition, were destroyed by the managers on the first

count, before it had been discovered that by so doing they would not have quite enough ballots to cover the names on their poll-list.

In addition to the two polls mentioned above, the poll-lists are known to have been falsified by the insertion of fictitious names thereon to the number of 65 at Walterboro', and 148 at Ridgeville, Colleton County; 15 at Montmorenci, and 80 at Graniteville, Aiken County; and 116 at Cheraw, Chesterfield County. At each of the places named the Republican supervisor reports that he kept a correct list which he is positive contains the name of every person who voted, and at two of those polls—Graniteville and Cheraw—the ballots in the boxes fell short of the number of names on the poll-lists, showing that the poll-lists had been falsified to a greater extent than the ballot-boxes had been stuffed.

The full extent to which the Democratic vote was increased by the falsifying of poll-lists is not fully known, because of the measures resorted to by the Democrats to prevent the supervisors from keeping poll-lists, which they had been instructed to do by the chief supervisor as a check upon that kept at each poll by the Democratic clerk of the managers. So great was the Democratic opposition to the keeping of poll-lists by the Republican supervisors that not only were they at many places compelled to desist from so doing, but at some polls their poll-lists were forcibly taken away and destroyed; and instances are known where, in order to prevent the supervisors from obtaining the names of the persons voting, the names were handed to the managers by Democratic voters on slips of paper, or given to the managers in such a low tone as to be inaudible to the supervisors; to whom such names were refused when demanded. From the evidence in the possession of this committee, it can be safely asserted that at more than one-half of the polling places in the State the Democratic supervisors neglected to obey the instructions of the chief supervisor in regard to the keeping of poll-lists, and the Republican supervisors were either prevented from keeping them or obstructed in such ways as to prevent them from keeping correct lists. Occasionally the blundering manner in which a ballot-box was stuffed led to the disclosure that the poll-list had been falsified. For instance, at Greenville Court House the keeping of a poll-list by the Republican supervisor was at first strenuously objected to by the managers, who positively refused to allow him to continue keeping the one he had commenced, and upon his undertaking then to keep a tally of the persons voting he was ordered to stop, as the clerk objected "to being watched;" but after the voting had gone on for about two hours, the managers consented to a poll-list being kept by the supervisor, informing him that 399 names had been up to that time recorded on their list. At the close of the poll, when the box was opened, and during the progress of the count, large numbers of Democratic tickets were found folded in rolls or bundles. The first two packages taken out were destroyed after one out of each package had been counted; but the managers, seeing the large number in the ballot-box that from some cause would not unfold and separate, began to apprehend that if they continued to pursue that course, the ballots might probably fall short of the number of names on the poll-list, so they decided, after considerable controversy, to lay aside all tickets found folded together until after they had counted all the single ballots. Under this arrangement forty-five packages of Democratic tickets, containing some four or five hundred ballots, according to the estimate of the supervisor, were laid aside. Although numerous ballots were counted which were shaken out of other ballots, yet upon the completion of the count, it was found that the number counted was 105 less

than the number of names on the poll-list, and 105 Democratic ballots were then taken to make up the deficiency from the packages which had been laid aside, and the balance destroyed.

At Camden, the county seat of Kershaw County, only 2,066 ballots were found in the box, while 2,390 names were recorded on the poll-list kept by the managers; conclusive proof that at least 324 names had been fraudulently placed on the poll-list. How many more names were added, and to what extent the box was stuffed, it is impossible to tell, because a few minutes before the hour for opening the poll, the Democratic county chairman requested the two supervisors to step out a moment, as he wanted to see them, which they did, and upon the return of the Republican supervisor, he found the door locked, and no attention was paid to his repeated knocks until after the managers had declared the poll opened and received several votes. By this trick the supervisor was prevented from inspecting the ballot-box, so as to see if it was empty before the voting began, and in the course of the day his poll-list was stolen from him, so that in the absence of any check upon them the Democratic managers had full scope to insert all the names they desired on the poll-list, and to stuff as many ballots into the box as they deemed necessary to overcome the large Republican majority which had always been given at that place.

The system of stuffing the ballot-boxes by creating in them an excess of ballots over the voters on the poll-list, and thereby compelling the drawing out of a number of ballots equal to the excess, prevailed to such an extent throughout the State that it at once gives rise to the inference that it was not the result of local manipulation, but of a well-defined and matured plan, emanating from some central authority. Fortunately, however, in accounting for this systematic pollution of the ballot-box, we are not left to inference, for the chief supervisor of this State, remembering that at the election in 1878 a similar method of stuffing the ballot-boxes was put in execution by the Democrats in Charleston, Colleton, Orangeburg, Richland, Clarendon, Sumter, and other counties, instructed the supervisors to set forth in their reports the number of ballots, if any, found in excess of the names on the poll-lists, and to designate the character of the ballots drawn out and destroyed by reason of such excess, whereupon the chairman of the State Democratic executive committee issued the following circular to the chairman of the Democratic party in each county, which clearly indicates that the Democratic executive committee of the State were aware that the ballot-boxes were to be stuffed, and knowing upon which party the loss was to fall by the process of drawing out and destroying ballots, were exceedingly anxious to prevent the evidence from being obtained to the extent to which the Democratic party profited by that process:

ROOMS OF THE DEMOCRATIC EXECUTIVE COMMITTEE,  
Columbia, S. C., October 27, 1880.

To \_\_\_\_\_,

County Chairman:

DEAR SIR: The attention of the State executive committee has been called to the instructions issued by chief supervisor Poinier to the supervisors of election in this State. These supervisors are directed to report "the number of ballots drawn out of the ballot-box and destroyed by the managers of election because of the excess of votes over names on the poll-list;" also the number of such ballots that "bore the names

of the Republican candidates" and the number which bore the names of the Democratic candidates and Greenback candidates.

The instruction to report *the character* of the ballots drawn out and destroyed is unauthorized and illegal. The State election law, by which alone you are governed, requires (see compilation of election law, section 12) that "if more ballots shall be found on opening the box than there are names on the poll-lists, \* \* \* one of the managers or the clerk, *without seeing the ballots*, shall draw therefrom and *immediately destroy* as many ballots as there are in excess of the number of names on the poll-list." You will, therefore, instruct the managers of election throughout your county at once, that they *must not allow the supervisors to see or inspect* any ballots drawn from the box in excess of the number of names on the poll-list, in order to ascertain for whom such ballots were cast. The ballots must be drawn *without being seen* and must be *immediately destroyed*, as the law directs.

By order of the committee.

JOHN BRATTON,  
Chairman.

The positive language in which the chairman of the Democratic party of each county is commanded by the chairman of the State committee to *instruct* the managers of election in their respective counties, shows how completely the managers of election were under the control of the Democratic executive committee of the State, and the conduct of these officers throughout the State in the general management of the election and the counting of the votes indicates that they regarded themselves more as agents of the Democratic party than as sworn officers of the election. Indeed we are justified from the following circumstances, in addition to those already mentioned, in concluding that generally the work of stuffing the ballot-boxes was performed by them; and when not by them, by others with their knowledge and through the facilities by them furnished.

In many precincts the managers, instead of opening the polls at the usual places, removed them to remote and obscure points, without notice to the Republican supervisor or the Republican voters; and even in some instances took steps to deceive the Republican supervisors and Republican voters, so that none of them might have the opportunity of inspecting the ballot-boxes to see that nothing was in them before the polling of votes began.

Such was the case at Mount Pleasant in Charleston County where the managers opened the poll on the piazza of a private house nearly a half mile distant from the place where the night previous they had informed the Republican supervisor that the poll would be held; and at George's Station, Colleton County, where one manager was sent to the usual polling place with a ballot-box and finding the Republican supervisor and many Republican voters present, remained with them until sometime after the hour fixed by law for the opening of the polls, when the other two managers not appearing, he coolly informed the supervisor that he supposed the other managers had opened the poll somewhere else, and thereupon conducted him to a place distant about one-quarter of a mile, where they found the voting going on with none but Democrats present. In Clarendon and the adjacent counties of Williamsburg and Sumter this trick was resorted to at so many polling places as to establish the fact that it was the result of a general understanding among the Democrats, and one of the methods devised for the purpose of enabling the managers to stuff the ballot-boxes.

With the same object in view the polls in many precincts were opened before 6 o'clock, the hour fixed by law, and it was a very common occurrence for a Republican supervisor to be told upon his arrival at a poll that the poll had just been opened. It made no difference what hour the Republican supervisor arrived, for in some instances where they went to polls nearly an hour before the time they found them opened. In the city of Columbia, the capital of the State, where the hours of the day are struck on an alarm bell by a man employed by the city authorities for that purpose, material assistance was rendered the managers in the scheme of opening the polls before the regular time by the action of that bellman, who, on the morning of the election, at half-past 5 o'clock struck the hour of 6. Immediately thereupon, the managers of election, who were all conveniently present at that early hour, declared the polls opened, and proceeded to receive votes, and when the Republican supervisors arrived, they found the election going on, and after the polls had been opened thirty minutes the bell again rung 6 o'clock—the second time that morning.

In addition to the two methods mentioned above, a third was very often resorted to by the Democratic managers for the purpose of preventing the inspection of the ballot-box by the Republican supervisor before voting began, to wit, by denying the supervisor admission to the polling place until the poll had been declared open and one or two votes had been received, and then, after admitting him, by refusing to allow him to inspect the ballot-box, on the ground that the voting had already begun.

The motives which actuated the Democratic managers in resorting to so many tricks and devices to prevent Republicans from seeing that the ballot-boxes were empty before the voting began, were always made clear when the ballot-boxes were opened and the discovery was made that they had been stuffed; and moreover the condition in which the ballots were found in many of the boxes clearly indicated that the fraudulent ballots found in them could only have been placed there by those having charge of the boxes. For instance, at the Mount Pleasant poll, previously mentioned as having been opened at one place after the Republican supervisor had been informed the night before by the managers that it would be held at another, two bundles of Democratic tissue ballots, containing in all 188 tickets, with rubber bands around them, were discovered in the ballot-box. At Acton, in Richland County, where a box with a sliding lid was used, which the managers refused to allow the Republican supervisor to examine before the voting began, four bundles of Democratic tissue tickets, tied to the inner surface of the lid, were detected by the Republican supervisor, when the box was opened at the close of the election. The packages had been attached to the lid of the box in such a way as to make them scatter in the box when the lid was drawn; but two of the threads that held the packages to the lid did not break as was intended. A fifth package, which had also been tied to the lid, rubbed off when the lid was drawn and fell into the box, but with the thread around it.

At all places where the managers did not actually do the stuffing themselves, when the polls closed and they proceeded to count the votes, they manipulated the ballots which had been voted by Democratic voters in packages of two, three, and upwards, in such a way as to make the fraudulent ballots fall out of the tickets in which they were enclosed; and at many places, when despite their efforts, the ballots voted together would not fall apart they counted, in violation of the law of the State, Democratic ballots found in that condition.

Between the Democratic voters and the Democratic managers there seems to have been a perfect understanding that if from the vigilance of the Republican supervisor, or from any other cause, the managers were prevented from stuffing the ballot-box that then the Democratic voters should perform that work by voting two or more tickets each, and in order that Democratic voters might experience no difficulty in so doing, every facility was afforded them for that purpose. For instance, notwithstanding the law of the State provides that the opening in the lid of the ballot-box shall be made "not larger than shall be sufficient for a single ballot to be inserted therein at one time," yet in Charleston County and elsewhere the openings in the lids of the ballot-boxes, which were the same boxes used in former elections and which had been made in conformity with the law, were so altered as to increase the size of such openings to three and a half inches in length and one inch in width, so as to permit without difficulty the deposit of packages of ballots; and the boxes so prepared were placed in positions to prevent the supervisors from seeing what was deposited in them, as in the city of Charleston, where the box at each poll was elevated at least five feet from the floor of the room in which the poll was held. Without neglecting their poll-lists, the supervisors could not keep guard over the ballot-boxes at that height, and, consequently, while engaged in the keeping of the former, the latter were stuffed.

A most convincing proof that whatever excess of ballots occurred in the ballot-boxes must have been put there by Democratic managers and Democratic voters, will be found in the fact that at a number of polls, where not a single Republican vote was cast, that excess occurred nevertheless. Especially was this the case in Lancaster, a close county, where the Democrats, anticipating a full Republican vote, stuffed the ballot-boxes early in the day in order to overcome the same. On account, however, of the failure and refusal of the Democratic agent of the express company to deliver the Republican tickets, no Republican votes were cast in that county, hence the only result accomplished by the Democrats was the furnishing of proof that the system of creating an excess of votes over the poll-lists was a part of their plan to carry the State. Below will be found the names of the polls and the extent of the excess in that county, as far as heard from:

|                             | Number of names<br>on poll-list. | Number of ballots<br>in the box. | Excess. |
|-----------------------------|----------------------------------|----------------------------------|---------|
| Lancaster Court House ..... | 507                              | 534                              | 27      |
| Salem .....                 | 206                              | 229                              | 23      |
| Taxahaw .....               | 331                              | 339                              | 8       |

Lancaster County is not the only county in which the Democrats have furnished this sort of proof against themselves. At Boyd's Store, in Chester County, and at Concord, in Sumter County, two polls, widely separated from each other, where no Republican votes were cast, the ballots in the boxes largely exceeded, in like manner, the names on the poll-lists.

At Boyd's Store the number of names recorded on the poll-list was 230, and the number of ballots found in the box was 243, all Democratic—an excess of 13.

At Concord the number of names recorded on the poll-list was 152; the number of ballots in the box 192, all Democratic—an excess of 41.

The poll last named was one of those which was removed from the usual place without notice to the Republicans, and when it was discovered after being opened some time, the Republicans suspecting that it had been stuffed, concluded not to deposit any of their ballots in that box, and the result proved the correctness of their suspicions.

In certain strong Republican localities, in order perhaps to save themselves the trouble of stuffing the ballot-boxes, the Democrats did not open any polls. This was done at Summerville, Delemar's and Gloversville, in the county of Colleton; at Grier's, in Georgetown County, and at Statesburg, in Sumter County.

To continue to detail the various species of fraud resorted to by the Democrats, on the day of election, to overcome the *bona fide* Republican majority of the State, would compel this committee to extend this address beyond the limits ordinarily assigned to papers of this character. Sufficient is it to say, that, in addition to the methods already described, almost every sort of trick and device, it was possible to conceive, was resorted to at the polls by the Democratic authorities and voters of this State to defraud the Republicans of the majority which was rightfully theirs, and which they would have had with a reasonably fair election.

Notwithstanding the frauds perpetrated by the Democrats on the day of election in every county in the State, with but one or two exceptions, the Republicans succeeded in carrying six counties, viz: Charleston, Sumter Orangeburg, Williamsburg, Georgetown, and Beaufort. In each of those counties, on the face of the returns made by the Democratic managers of election, the Republicans had a decisive majority, although frauds of the most shameless character were resorted to in all of them, excepting Beaufort, to overcome the large Republican majorities known to exist in them. Chagrined, doubtless, at the failure of the managers of election to carry out their intention to make the State solidly Democratic, the action of the board of county canvassers was thereupon invoked by the Democratic leaders to complete the work of fraud left unfinished by their agents at the polls.

In Charleston County, according to the returns of the managers of election, the Garfield electors received 12,824 votes, and the Hancock electors, 10,905, a Republican majority of 1,919. When the board of county canvassers met a week after the election to canvass the returns, counsel for the Republicans appeared, in consequence of rumors which prevailed that certain Republican boxes were to be thrown out, and requested permission to be present and witness the canvass. To this request the board of canvassers refused to accede, and without allowing the Republicans a hearing, they rejected upon *ex parte* affidavits the returns from seven Republican precincts, which had cast in the aggregate 3,637 Republican and 466 Democratic votes. In addition to this, during the progress of the canvass, when the box from one of the precincts known as Haut Gap was opened, no return of the election could be found therein, and in the box was nothing but the poll-list and a lot of ballots, which upon being counted, proved to be 1,051 Democratic and 19 Republican votes. Without making any effort to procure a return from the managers of that poll, or to ascertain if one had been made by them, and, if so, what had become of it, the county canvassers resolved to include in their statement of the result of the election in Charleston County the 1,051 Democratic, and the 19 Republican ballots found in that box although it was well known, having been pub-

lished in The News and Courier (the Democratic organ), two days after the election, that 1,037 Republican and only 46 Democratic votes had been cast at that poll. The fact that the ballots in the Haut Gap box had been changed and the returns abstracted therefrom, and that in the absence of these returns the canvassers had counted the fraudulent ballots was at once communicated to the attorneys of the Republicans, who immediately applied to one of the circuit judges of the State then in the city holding court for a rule against the managers at Haut Gap to show cause why a mandamus should not issue to compel them to make a return of the election at that poll, and further, for a rule against the county canvassers to show cause why a writ of prohibition should not issue to prevent them from counting and including in their return the fraudulent ballots found in that box; but before the writ could be served the board of canvassers adjourned *sine die*, and the next day the rule against them was discharged, and the writ denied, because they had adjourned. The rule against the managers was also discharged, not until, however, it was shown that they had made a return, and had sealed it up in the box, which they had forwarded in accordance with the law to the commissioners, and that the return made by them had been abstracted from the box, together with the ballots inclosed therein, for which ballots of a kind that had not been seen at that poll on the day of election had been substituted; but because the managers had already made a return the mandamus was denied, it being held that the managers had done the duty it was sought to make them perform. That return, however, could not be found, so the county canvassers counted the ballots found in the box, which the managers afterwards swore were not the ballots voted at their poll; but as the county canvassers had been sharp enough to adjourn after doing so, the court decided that they could not be restrained from counting what they had already counted. The result of all this was that the majority of 1,919, which the Republicans had obtained in Charleston County for the Garfield electors, was transformed into a Democratic majority of 3,273; and although the State board of canvassers afterwards decided to give the candidates on the Republican county ticket the benefit of the vote at Haut Gap, as it was cast, knowing that by so doing the action of the county board in counting them out would not be reversed, yet they allowed the vote for Presidential electors, Congressmen, and members of the general assembly to remain as returned by the county canvassers.

In Sumter County, at the court-house, there were two polling places, one known as box No. 1 and the other as box No. 2. The Democrats took forcible possession of the latter poll, which was held in the second story of a building, in a room at the end of a long narrow passage-way, and by remaining in the passage-way, after they had voted, they blocked up all access to the box, thereby preventing the Republicans from voting at that poll and compelling them to confine their voting to box No. 1. The Republican vote being very heavy, at 2 o'clock in the day, the ballot-box at the latter poll became too full to admit any more, while there were still over four hundred Republicans awaiting their opportunity to vote. Under these circumstances the managers of the election, acting under the advice of the Democratic county chairman, who is also a leading lawyer of the county, sealed the ballot-box and sent to the board of commissioners of elections for another box to receive the votes of those who had not then already voted. On the arrival of the box the voting proceeded until the close of the poll, when on counting the votes it was found that the two boxes contained a



total of 1,419 Republican and 9 Democratic votes. The managers of the election made up and certified their returns to the county board in the usual form. Not a single objection was then urged against the proceedings. Nobody charged any irregularity, and not a single word of complaint was heard, until it had been ascertained that in spite of the efforts of the Democrats to cheat the Republicans out of the election by fraud and violence and intimidation, the Republicans still had on the face of the returns, as made by the managers of election, a majority in the county of 1,327 votes. Bent upon the consummation of their plan to defeat the will of the people of the county, a protest was submitted to the board of county canvassers by certain Democrats against the counting of any of the votes cast at box No. 1, on the novel ground that not only were the votes deposited in the box used after 2 o'clock illegal, but that the votes cast prior to that hour and deposited in the original box were also illegal, because the box, although too full to receive any more votes, should not have been sealed before the close of the polls at 6 in the evening. And, strange to say, the attorney for the protestants who appeared and argued in support of this novel doctrine, was the same Democratic county chairman under whose advice and counsel the managers had acted. The result was that although it was not pretended that any irregularities had taken place at that poll, or that a single vote had been received which ought not to have been received, or a single ballot had been counted which ought not to have been counted, or a single ballot not received or not counted which should have been received and counted, the entire vote at that poll was thrown out by the board of county canvassers, who also rejected the returns from two other Republican precincts, which had cast 720 Republican and 80 Democratic votes. By these means the Republican majority of 1,327 in Sumter County was transformed into a Democratic majority of 723.

In Orangeburg County, according to the returns of the managers of election, the Garfield electors received 4,169 votes and the Hancock electors, 4,058; a Republican majority of 111. By rejecting the returns from four Republican precincts, which had cast in the aggregate 1,445 Republican and 433 Democratic votes, the board of county canvassers transformed the Republican majority of 111 into a Democratic majority of 901.

Williamsburg County was carried by the Republicans by a small majority. Owing to apprehensions felt that the board of county canvassers would throw out votes enough to give the county to the Democrats, the Republican candidates on the local ticket employed an attorney to be present during the canvassing of the votes, but the board declined to admit him or any other person, on the ground that the law did not require the canvassing to be done in public. Thereupon application was made to one of the judges of the State, then in Williamsburg, for a mandamus to compel the county canvassers to permit the attorney employed by the Republican candidates to be present and witness the canvassing, but the judge held that a mandamus would not lie. Undisturbed, therefore, by the presence of any outsider, the board manipulated the returns so as to give the Democrats 1,178, and the Republicans 993 votes; a Democratic majority of 785. This result, it was afterwards learned, was partially obtained by throwing out three Republican boxes, aggregating 799 Republican and 151 Democratic votes; but for some time it was impossible for the Republicans to ascertain what boxes had been thrown out, for the county canvassers not only declined to give them that information but even refused

to send to the State board of canvassers the returns of the managers of those polls which they did count, and upon which their return was based. From the action of the county canvassers the Republicans appealed to the State board of canvassers, and, although the latter in rendering their decision admitted that the failure to send up the managers' returns was "a grave irregularity," and that the refusal to permit the presence of the candidates or their attorneys during the canvass was "unwarranted by law," yet they decided to adhere to the declaration of the vote made by the county canvassers. From this decision one of their number dissented, because "so many and so serious irregularities had been established that, in his opinion, no legal election had been shown to have been had in that county."

With one exception every poll in Georgetown County was carried by the Republicans, the Garfield electors receiving, according to the returns of the managers, 2,613 votes, and the Hancock electors, 757—a Republican majority of 1,856. When the board of county canvassers met, five out of the six Republican boxes were thrown out, although before doing so, they threw out the only poll which gave a Democratic majority, thinking perhaps that this action might create the impression that they had performed their duties with a spirit of fairness. Only one poll was left to be canvassed, and, as that had given a Republican majority, the vote of the county for electors was declared to be 622 Republican, 161 Democratic, and 143 Greenback.

In Beaufort County alone, did the Democrats make no attempt to subvert the will of the majority, but the failure to do so, if we may judge from the following article taken from the Beaufort Crescent, the Democratic organ of that county, is in no wise due to a spirit of fairness and honesty on the part of the Democracy of the State, but rather to an unwillingness on the part of the local Democratic managers of that county to achieve success by following the teachings and practices of their associates throughout the State, presenting the only instance of political virtue to be found in the history of the Democratic party of South Carolina:

"There is one thing to be said of the Democracy of Beaufort County, that unfortunately cannot be said of some others, and that is, they have not as yet learned to *make one Democratic vote count as five and five Republican votes as none*. Nor have we yet adopted the system by which ballots are substituted in the boxes for those which were originally placed there. Upon these little matters we are sadly deficient, which will account for the small showing we are able to make with 300 votes.

"For ourselves we had rather be afflicted with years of Republican misrule, trusting to the justice of our cause finally asserting itself, than to *steal an election*."

Whatever scruples the Democrats of one county may have had against "stealing an election" by making "one Democratic vote count as five, and five Republican votes as none," the facts we have recited ought to convince the country that no such scruples prevailed amongst Democrats anywhere else in this State. A brief résumé of those facts, heretofore detailed, will justify the charge that the electoral vote of South Carolina was stolen by the Democrats.

The official canvass of the vote of South Carolina, made by the State board of canvassers, gives to the Hancock electors 112,312 votes, and to the Garfield electors, 58,071 votes; but if to these figures there be added the votes returned by the managers of the election at those polls, in Charleston, Sumter, Orangeburg, Williamsburg, and George-

town counties, which were thrown out by the county canvassers of those counties, the result would be as follows:

|  | Hancock. | Garfield. |
|--|----------|-----------|
| Official canvass .....                     | 112, 312 | 58, 071   |
| Charleston County (rejected vote) .....    | 466      | 3, 637    |
| Sumter County, (rejected vote) .....       | 89       | 2, 239    |
| Orangeburg County, (rejected vote) .....   | 433      | 1, 445    |
| Williamsburg County, (rejected vote) ..... | 151      | 799       |
| Georgetown County, (rejected vote) .....   | 596      | 1, 991    |
| Total .....                                | 114, 047 | 68, 177   |

These figures should be further corrected by deducting 1,051 from the vote of Hancock and 19 from the vote of Garfield on account of the ballots counted by the commissioners of election of Charleston County as having been cast at Haut Gap in that county, but which it was subsequently admitted were not so cast, and then by adding 46 to the vote of Hancock and 1,037 to the vote of Garfield, which was the vote cast at that box, as is now admitted. With this correction and the addition of 172 votes for Garfield and 13 for Hancock, cast at Martin Hill, Horry County, which were thrown out by the county canvassers upon the frivolous pretext that one of the managers at that poll did not appear there until 8 o'clock, and the further addition of 380 votes for Garfield and 173 votes for Hancock, cast at Schrock's Mill, Kershaw County, which were thrown out by the canvassers of that county, the vote of the State would have been: Hancock 113,228, Garfield 69,727, if it had been canvassed and returned to the State board of canvassers by the board of canvassers in each county, in accordance with the returns made to the latter by the managers of the election at the various polling places throughout the State.

While the figures last given represent the vote of South Carolina as counted by the managers, they do not represent the vote as cast by the people, because at very many polling places, by a process already explained, Republican votes actually cast were drawn out of the ballot-boxes and Democratic votes fraudulently placed in such boxes were counted in lieu of them; and also because at many places fictitious names were inserted on the poll-lists and fraudulent Democratic ballots counted therefor. By referring to the tables previously given it will be seen that at 121 polls 7,073 Republican ballots are *known* to have been drawn out of the ballot-boxes, and at 35 other polls 1,850 Republican ballots are *estimated* to have been drawn out, making in all 8,923 Republican ballots drawn out of 156 boxes, and in place of which 8,923 fraudulent Democratic ballots were counted. Hence, by adding that number of votes to the vote of Garfield and by deducting a like number from the vote of Hancock, the figures will then stand: Hancock 104,305, and Garfield 78,650.

It must not be supposed, however, that the figures, which have just been deducted from the vote of Hancock and added to the vote of Garfield, constitute the full number of Republican ballots which were drawn out of the boxes and Democratic ballots substituted therefor. These figures merely represent the result of the ballot-box stuffing at one-half of the polling places in the State, and were obtained from an examination of reports made by both Republican and Democratic supervisors at those polls. In the State there are 507 polling places, and from nearly 250 no returns have ever been received by the chief super-

visor, for they constitute the polls where the supervisors were not allowed to act, except by standing outside the polling place where they could see or hear nothing, or from which they were driven away entirely. At these polling places, where such measures were resorted to for the purpose of preventing any scrutiny of the election, it is fair to presume that the ballot-box stuffing exceeded anything of the kind at those polls, where less objections were exhibited to the voting and the counting being inspected by the supervisors. At the lowest estimate, therefore, 10,000 more votes ought to be deducted from the vote of Hancock and added to the vote of Garfield on that account.

From the vote of Hancock further deductions must be made on account of the fictitious names inserted on the poll-lists, for which fraudulent Democratic ballots were counted. The full extent to which the Democratic vote was increased by this process is not known, for reasons already stated at length, but at nine polls it is known that at least 1,500 false names were inserted on the poll-lists, and from the evidence in the possession of this committee, we can safely assert that not less than 5,000 fictitious names were added to the poll-lists by the managers throughout the State, and if the false names used by "repeaters" be included, then the number was at least 20,000. It is a fact worthy of notice here, as showing the extent to which the Democratic vote was swollen by repeating and inserting false names on the poll-lists, that in several counties, where at almost every poll the Republican supervisors were obstructed and prevented from keeping poll-lists, the total vote alleged to have been cast largely exceeds the voting population. For instance, in Newberry County, which, by the recent census, has a population of 26,497, and, allowing one voter for every five persons, a voting population of 5,299, the total vote returned was 5,764, an excess of 465, although from one poll no return was ever received, which, if it be added, would make the excess over 650. In Aiken County, according to the same calculation, the vote returned is 823 more than the voting population, although intimidation and violence prevailed to such an extent that at least 1,000 Republicans could not secure an opportunity to vote; and in Kershaw County the vote alleged to have been cast is 968 more than the voting population.

Again, if in certain counties, where it will hardly be claimed any number of colored men voted the Democratic ticket, the Democratic vote be compared with the total white population, according to the recent census, the disproportion will be much greater than in the comparison first made. Take, for instance, the counties of Newberry, Kershaw, Fairfield, and Abbeville.

Newberry, with a white population of 8,235, returns a Democratic vote of 4,560, more than one half of the white population.

Kershaw, with a white population of 7,892, returns 3,198 Democratic votes.

Fairfield, with a white population of 6,885, returns 3,746 Democratic votes, which, as in Newberry, is more than one-half of the white population.

Abbeville, with a white population of 13,186, returns 6,147 Democratic votes, nearly one-half of the white population.

Similar comparisons might be made of the vote of other counties, but it is not necessary, as those which we have made sufficiently explain the strenuous objections made to the keeping of poll-lists by Republican supervisors, and also illustrate to what extent the Democratic vote was increased by falsifying poll-lists and by repeating, and, moreover, sustain the correctness of our estimate that at least 20,000 false names

were placed on the poll-lists. Hence, at least 20,000 votes ought to be further deducted from the vote of Hancock, which would reduce the vote cast for him to less than 75,000, and if from that number were deducted the numerous other illegal votes cast for the Democratic ticket by minors, non-residents, &c., throughout the State, the vote for Hancock would not reach 70,000.

Although the official canvass by the board of State of canvassers credits Garfield with only 58,071 votes, we have established the fact, that according to the count made by the managers of election, 69,727 votes were returned by those officers for him, and we have further established the fact that 8,923 ballots known to have been cast for him were destroyed without being counted, which increases the actual vote cast for Garfield to 78,650. And if to the latter figures we add the 10,000 votes estimated to have been cast for him and destroyed in like manner, the vote actually cast for Garfield is increased to 88,650.

In the calculations thus far made no account has been taken of the fact that from five polls, which gave large Republican majorities, no returns were ever received. The facts, briefly stated, are these:

At Black River, Georgetown County, 296 votes were cast, but when the box was opened it was found to contain 602 ballots. Between the Democratic managers and the Republican supervisors a controversy arose as to the proper disposition of the surplus, which consisted of very small Democratic tissue tickets, which the Republican supervisor insisted should be thrown out, as they had not been cast by any of the voters. Upon the suggestion of the Democratic supervisor the box was sealed up and the managers adjourned without counting the votes. No count has ever been made of the ballots in the box, but, from a tally kept by the Republicans while the votes were being deposited, it is claimed that of these votes, 276 were Republican and 20 Democratic.

At Jacksonboro', Colleton County, a very large Republican poll, the box furnished the managers was so small that by 1 o'clock in the day it became too full to admit any more ballots, and for that reason the managers declined to receive any more votes, and then afterwards refused to count those ballots which had been received.

At Beach Branch, Hampton County, the Democrats seized the box, carried it into the woods, broke it open, and threw away the ballots.

At Stokes', Greenville County, while the managers were counting the votes, the box was seized and the ballots torn up by a band of Democrats.

At Maybinton, Newberry County, the votes were counted, but as the poll gave a Republican majority, and it was the only poll in the county which was allowed to do so, nothing has since been heard of the box.

Add to the vote of Garfield the number of Republican tickets in the five boxes just named, and the vote actually cast for Garfield is increased to about 90,000. Had those votes been counted as they were cast, instead of the board of State canvassers announcing a majority of 54,241 for the Hancock electors, they would have had to declare a majority of 20,000 for the Garfield electors, but the 90,000 Republican votes which were cast for Garfield were reduced by the managers of election to 69,727, and then by the county canvassers, to 58,071, which figures were accepted by the State board of canvassers. In like manner, the 20,000 *popular* majority, which Garfield had in South Carolina, was transformed by the managers of election into 43,501 majority for Hancock, and then increased by the action of the county canvassers to 54,241.

The vote actually cast for Garfield in South Carolina would have

been increased at least 10,000 more but for the violence and intimidation which prevailed in many parts of the State.

In view of the fact that the Democrats had absolute control of the entire machinery of the election and availed themselves of every opportunity which the unscrupulous use of that power afforded them to stuff the ballot-boxes and to deny to the Republicans the right to cast their votes, it would seem almost incredible that they should have supplemented those peculiar methods by a resort to intimidation and violence of the most flagrant sort. Incredible as it may seem, it is nevertheless true that the recent election in this State was not only marked by the most shameless system of repeating and ballot-box stuffing, but was, in many places, a complete saturnalia of violence and blood. To ourselves the violence and intimidation practiced appear so unaccountable that we are at a loss to find a motive for them save upon either of the following hypotheses: That alarmed at the apparent vigilance of the Republicans and the instructions issued to the supervisors, by the chief supervisor of elections, as to their powers and duties in witnessing the election and scrutinizing the count and return of the votes, the Democrats became doubtful of their ability to secure the election by confining their operations to repeating and ballot-box stuffing alone; or, that the lessons of violence, intimidation, and bloodshed instilled into the Democratic voters by their leaders in 1876 and 1878, had become so deeply implanted in their natures that their leaders were powerless at the recent election to repress this intolerant and lawless spirit which they had themselves invoked in former years. Whether these or either of them be the true motive or not, the plain, indisputable, and incontestible fact remains that the recent election was characterized by scenes of violence and intimidation unsurpassed by those transpiring at any former elections.

In certain sections of the State, the general plan for preventing Republicans from voting seems to have been to keep up a constant discharge of fire-arms during the night preceding the election, and to congregate around the polls hours before the same were opened and to remain there in solid mass, blocking up all avenues of approach, until the Republican voters, after waiting for hours and seeing no prospect of being able to vote, would get discouraged and go away. In case some Republican, more determined than others, attempted to force his way to the box through the crowd of Democratic voters, who were always armed with guns, pistols, or clubs, he invariably received such treatment as to deter others from making a similar attempt. In some places, cannons were placed in front of the polls to intimidate the Republicans from endeavoring to force their way to the ballot-boxes, and at other places large numbers of guns were deposited by the Democrats in houses opposite the polling places, and rifle clubs kept on duty throughout the day.

It is a well-known fact that in nearly every county in the State, the Republicans usually cast their heaviest vote at the county seat of their respective counties, and hence those places seem to have been selected as the principal theaters of violence and intimidation, as will be seen from what transpired at some of them.

At Darlington Court House, a constant discharge of fire-arms was kept up throughout the night preceding the election and during the day of election. The poll was opened at the regular polling place, but was immediately removed to the court-house, and the box placed in position there. To reach it the voters had to ascend the steps of the court-house, which were crowded with Democrats, among them two companies

of red shirts, armed, who after voting, kept the steps blocked so as to prevent the Republicans from getting an opportunity to vote. Several Republicans, who attempted to force their way up the steps, had their clothes nearly torn off, and several others, who did succeed in getting up, were compelled to vote the Democratic ticket against their will. Finally, one Republican, who made an effort to go up the steps to the box, was knocked down and ten or twelve pistols drawn on him by Democrats. After waiting nearly four hours to see if the Democrats would clear the steps, the Republicans were advised by their leaders to go home in order to prevent a collision which seemed to be getting imminent. At least 800 Republican voters were thus forced to return to their homes, and this poll, which gave Hayes 892 votes in 1876, gave Garfield at the recent election less than a dozen. The intimidation and violence in Darlington County was not confined to the court-house poll, but extended all over the county, and by such means, together with repeating and ballot-box stuffing the majority of 840, obtained by the Republicans in 1876, has been transformed this year into a Democratic majority of 2,550.

At Abbeville Court House, the poll was held in the grand jury room. A table with the box thereon was placed across the door of the room which opens into the hallway of the court-house. There was but one entrance to the poll, which was through the front door of the hallway. The door, which was but partly open, was blockaded by the Democrats, who stood before it all day in a solid mass. Fire-arms were constantly discharged during the day, and the colored men were prevented from approaching the poll, unless they yielded to the demands of the Democrats that they should vote the Democratic ticket. Such was the intimidation and violence of the Democrats that at least 800 Republican voters had to retire from the poll and return to their homes without voting.

The following extract taken from the columns of the Abbeville Press and Banner (a Democratic sheet), of November 3d, will give a faint illustration of the terrorism which reigned at Abbeville Court House, on the day of the election :

"Yesterday was a memorable day in Abbeville. About half-past 3 o'clock in the morning all the bells in town were rung, and the drowsy sleepers were involuntarily drawn from their beds to the public square, which was brilliantly illuminated by a huge bonfire made of dry goods boxes, &c.; and around which were assembled a large company of young men who had been on guard all night. The anvil chorus and the constant discharge of small arms made the scene quite a lively one. \* \* \* During the early hours of the morning the whites, having first gotten to the polls, were busy voting. The colored brethren soon began to come up, and all were asked to vote with us, and whenever they expressed a willingness to do so the white men, as a mark of respect to sensible colored men, were urged to stand back to allow them to vote ahead of their regular time. \* \* \* The rush to the polls in the early part of the morning was very great, and many of the Radical negroes, thinking that they should be honored with extra attention by the whites, felt aggrieved because they were required to wait for their turn in the line, and in a sullen manner went home before 9 o'clock refusing to participate in the election."

Of course, as soon as the colored men left the Democrats raised the blockade around the polls, and amused themselves "in target practice



with their pistols." The result of all this was that at this poll, where the Republican vote in 1876 was 775, the Republicans only cast 6 votes in 1880.

At Edgefield Court House the polling place was taken possession of by about 150 "red shirts" the night before the election, and with the reinforcements received the next day they kept possession of it until the election was over. Every window opening on the public square, on which the court-house building stands, where the poll was held, was crowded with Democrats, armed with shot-guns and rifles, as if awaiting an attack, and any attempt of the Republicans to force their way to the box in any considerable number, through the crowd of Democrats, who, with guns and pistols in hand, blocked all access to the poll, would have been so regarded. Red-shirt companies paraded the streets, and all the stores in the town were closed, whilst most of the merchants and their clerks, armed with shot-guns and rifles, could be seen marching about the streets. For near five hours the Republicans waited to see if they were going to be allowed an opportunity to vote. Several had tried it, and in making the attempt one had his coat cut to pieces. Believing that the Democrats would continue to block the poll as long as they remained, they finally retired to their homes, knowing that any effort on their part to force a passage to the ballot-box would have led to bloodshed. A few remained behind, and to these the Democrats *kindly* offered an opportunity to vote, thinking, perhaps, that it would be just as well to have one or two Republican votes in the box. When the poll closed and the votes were counted, it was announced that 701 votes had been cast for Hancock and English, and only 14 for Garfield and Arthur, at Edgefield Court House, where, in 1876, in spite of the most fearful scenes of violence and intimidation, 826 votes had been cast for Hayes and Wheeler. Had the Republicans been allowed to vote at Edgefield Court House, a much larger vote would have been cast by them at that place at the recent election than at that of 1876, because, believing that there would be less danger in voting at the Court House, many of them had come from country precincts where they could not vote without running great risks, so that the number assembled at the Court House was not less than two thousand.

At Aiken Court House a barricade, ten feet high and twelve feet long, was placed in front of the poll, leaving a passage-way only two feet wide. Colored voters were required to enter at one end and white voters at the other. The latter passed through freely, while the former were obstructed and delayed in various ways. Throughout the day the Democrats, with pistols exposed, were turbulent and overbearing. Guns were stored near by, and a cannon was placed in the middle of the street, opposite the polling place. During the excitement ensuing upon three colored men being cut and stabbed, the cannon was manned for action, and the guns were brought out and distributed among the Democrats. A conflict seemed imminent, and was only prevented by the forbearance of the Republicans, who generally kept their places in the line, and seemed more bent on voting than on fighting. All sorts of measures were resorted to for the purpose of preventing Republicans from voting, and even red pepper was thrown amongst them, and in their eyes, to make them scatter. The result of all this was, that when the poll closed, 600 Republicans were still waiting an opportunity to vote, many of them having been forced to come to the Court House, because at their own polls the violence was so great that they did not dare attempt to vote at them.

The details of the violence and intimidation which prevailed at the



court-houses in Union and Laurens would be simply a repetition of the facts recited about Abbeville, Darlington, Edgefield, and Aiken. The extent of the violence and intimidation at the two former places can be judged best by its effect in suppressing the Republican vote. At Union Court House 497 Republican votes were cast in 1876, and only 15 in 1880. At Laurens Court House 1,097 Republican votes were cast in 1876, and only 91 in 1880.

Violence and intimidation was not confined to the polls located at the court-houses, but in some counties prevailed at almost every poll, especially in the counties of Aiken, Edgefield, Darlington, Hampton, Barnwell, Laurens, Union, Newberry, and Fairfield.

In Aiken and Edgefield counties, the violence which forced the Republican supervisors to leave most of the polling places has already been described. Throughout those two counties the polls were generally taken possession of by bands of Democrats dressed in red shirts, and armed with shot-guns, rifles, and pistols. In Edgefield County they seemed to regard the polling places as so many forts, to be occupied and defended by them against the attempt of Republicans to vote. In Edgefield County, so great was the violence and intimidation, that three-fourths of the Republican voters in the county failed to secure an opportunity to vote, although they made every effort to do so. In Aiken County, the intimidation and violence at many of the polls compelled the Republicans to abandon them entirely. For instance, at Low-Town Well, the house in which the poll was held was crowded with Democrats, who, armed with guns and pistols, amused themselves by firing from the building into the Republicans standing around. About nine o'clock in the day another crowd on horseback, armed as the others, came yelling and whooping towards the polling-place, and with a general discharge of fire-arms drove the Republicans away. At Page and Hankerson's Store, one of the polls in Aiken County, the Republican ticket distributor was carried into the woods by the Democrats, stripped naked, severely whipped, and his tickets taken away from him and destroyed. The Republican who undertook to carry the tickets to Silverton Academy met with similar treatment. On his way to the polls he was captured by the Democrats, carried into the woods, stripped naked, and whipped. The Republican tickets were taken away from him and destroyed, in consequence of which not a single Republican vote was cast at that poll, although in 1876 the Republicans cast 232 votes there, and had a majority of 50.

The seizure and destruction of the Republican tickets appears to have been one of the methods adopted for suppressing the Republican vote. In pursuance of this policy, the parties who were carrying the Republican tickets to Beach Branch, in Hampton County, were met on the road on the morning of the election by a band of nine Democrats who threatened to blow their brains out if they did not surrender them. Of course the tickets were given up, and at that poll no Republican vote was cast.

To such mild forms of violence the Democrats did not entirely confine themselves in Hampton County. At Brunson's they kept up a steady fire of musketry during the night previous to the election, and in the morning the poll was opened in the back room of an old store-house. In order to reach the box, voters had to pass through the main hall of the building, the entrance to which was guarded by State constables who would admit only one Republican at a time. After being admitted, every Republican had to pass through the ordeal of being cursed and abused and sometimes assaulted by the crowd of drunken

Democrats who were allowed to remain in the hall all day. As a consequence of this state of affairs, less than one fourth of the usual Republican vote was cast at Brunson's, and three-fourths of that one-fourth were afterwards destroyed by the managers in drawing out the excess. At Lawtonville, in the same county, the red-shirt cavalry rode up to the poll in the afternoon and made an attack upon the colored men, shooting five, one of whom has since died, and cutting seven.

At Johnston's Depot, in Edgefield County, a colored man named Anthony Miles was killed, and for hours his body was allowed to remain where he fell, because no colored man dared to remove it, and because no Democrat cared to have it removed, as it served as a warning to other colored men not to attempt to vote at that poll. Another colored man was shot and killed near the polling place at Dry Creek, Lancaster County, and at Cromer's, in Newberry County, a party of Democrats rode up to the poll, and in the disturbance which they raised one colored man was killed. For these three murders on the day of election, no arrests have been made by the Democratic State authorities, for whom the murderers voted.

In Laurens County the violence and intimidation exceeded that of 1876, and those who are familiar with the history of that election in South Carolina, will remember that Laurens and Edgefield were the two counties in which the State board of canvassers declared that there had been no lawful or valid election. As great as was the terrorism during that election, out of 3,000 Republicans in the county, 1,814 succeeded in obtaining a chance to vote, but at the recent election only 493 were allowed to exercise that privilege. Armed bodies of Democrats crowded the polls. Democratic guards were stationed at the cross-roads to interrupt colored men going to vote. At no poll in the county could a Republican be found willing to act as supervisor. Fear of physical violence deterred Republicans, even when clothed with the authority of the United States, from undertaking the hazardous duty of watching Democrats conduct an election in Laurens County. The returns from some of the polls illustrate the extent of the violence and intimidation which prevailed throughout that county:

|   |     |                           |   |
|---|-----|---------------------------|---|
| Dial's—Democratic vote . . . . .        | 394 | Republican vote . . . . . | 0 |
| Young's Store—Democratic vote . . . . . | 504 | Republican vote . . . . . | 0 |
| Clinton—Democratic vote . . . . .       | 406 | Republican vote . . . . . | 0 |

Equally as instructive are the returns from the following polls in Barnwell County:

|                                    |     |                           |   |
|------------------------------------|-----|---------------------------|---|
| Millet's—Democratic vote . . . . . | 361 | Republican vote . . . . . | 0 |
| Robbins'—Democratic vote . . . . . | 504 | Republican vote . . . . . | 0 |
| Bamberg—Democratic vote . . . . .  | 359 | Republican vote . . . . . | 0 |

And the return from some of the polls in Aiken read in the same way:

|                                       |     |                           |   |
|---------------------------------------|-----|---------------------------|---|
| Silverton Academy—Dem. vote . . . . . | 225 | Republican vote . . . . . | 0 |
| Langley—Dem. vote . . . . .           | 337 | Republican vote . . . . . | 0 |

The presentation of additional testimony in regard to the violence and intimidation exercised by the Democrats, for the purpose of suppressing the Republican vote is, in our opinion, unnecessary. The evidence we have submitted on that point, together with the facts we have detailed in relation to the frauds committed throughout the State, disclose the means through which the Democratic officials have been enabled to proclaim that South Carolina has redeemed the promise of Wade Hampton by enrolling herself among the most solid States of

the solid South. In 1876, the excuse offered for the reign of terror, murder, fraud, and violence inaugurated by the Democrats to wrest control of this State from the Republicans was that, under Republican rule, they had been subjected to all kinds of oppression and injustice, and that the continuance of Republican supremacy in the State threatened them with annihilation, from which nought could save them but revolution. What excuse they have now to offer for the frauds, intimidation, and violence practiced at the recent election, we are not advised. One thing is certain—the pretense that such infamies were necessary to preserve and maintain Democratic home rule, cannot be advanced; because not only did the Republicans refrain from putting a State ticket in the field, but even refused to endorse and support the candidates for State officers nominated by the Greenback party in the State. Nor can it be urged that the legislative department of the government was in danger, for in some of the counties the Republicans presented no candidates for the legislature, and the number nominated in the others was not sufficient to have controlled either branch of the general assembly if they had all been elected. We may, therefore, be permitted to say that the only motive which could have influenced and controlled the Democracy of South Carolina in their unblushing and shameless procedure at the recent election, was their desire and anxiety to elect the Democratic candidate for President of the United States, and to contribute five members of Congress to the Democratic party with the view of retaining control of the House of Representatives, to be ruled as in past through king caucus, by the solid South.

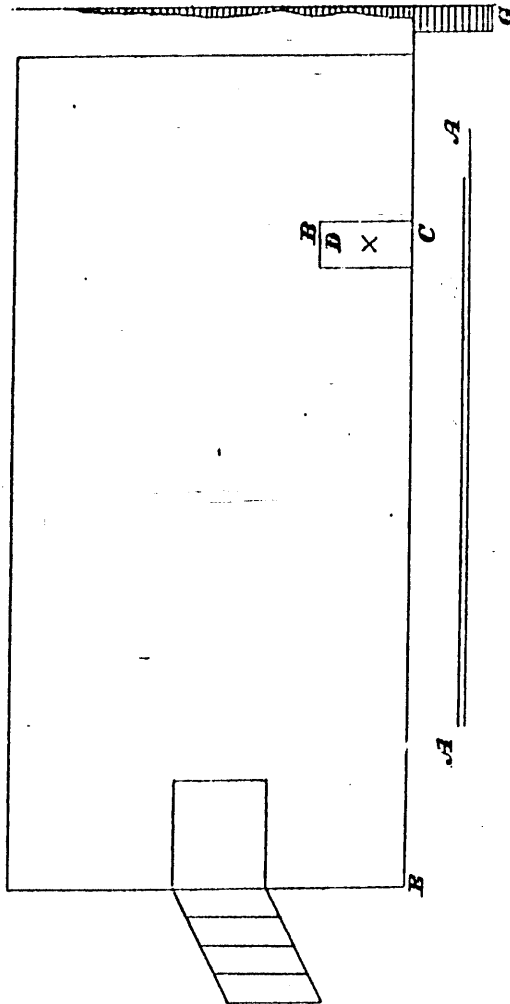
The Republicans of South Carolina, through scenes of violence, bloodshed, and intimidation, have voted on the side of nationality against sectionalism, in favor of human rights against intolerance and oppression. Their rights have been ruthlessly trampled under foot, whilst they are powerless to protect themselves from injury. They can only wait with patience to see whether the Government of the United States is alike powerless to redress these wrongs and to render impossible, in the future, similar attempts to destroy its peace by wholesale and systematic pollution of the ballot-box.

By order of the State executive committee of the Union Republican party of South Carolina.

E. W. M. MACKEY,  
*Chairman.*

SMALLS }  
 v.  
 TILLMAN. }

## EXHIBIT A.—J. D. B., N. P.



## EXHIBIT B.—J. D. B., N. P.

*Report of the election held at Williston precinct, Barnwell County, State of South Carolina, November 2d, 1880.*

We, the undersigned, U. S. supervisors of elections at Williston polling precinct, Barnwell County, in the State of South Carolina, submit the following report of the election held November 2d, 1880, at said poll:

The poll was opened at 6 o'clock a. m., and closed at 6 o'clock p. m.

The number of names on the poll-list kept by the managers of election was 889.

The number of Republican ballots found with one or more Republican ballots folded within the same, was one.

The number of Democratic ballots found with one or more Democratic ballots within the same, was none.

The number of ballots drawn out of the ballot box, and destroyed by the managers of elections, because of the excess of votes over names on the poll-list was none.

Of which none ballots bore the names of the Republican candidates.  
 Of which no " " " Democratic candidates.  
 Of which no " " " Greenback candidates.

The whole number of votes counted by the managers of elections for member of Congress was 889.

Of which 147 votes were counted for Robert Smalls.

Of which 742 " " for George S. Tillman.

The whole number of votes counted by the managers of elections for Presidential electors was 889.

Of which 147 votes were counted for—

T. B. Johnston, 147.

A. S. Wallace, 147.

W. A. Hayne, 147.

E. A. Webster, 147.

Thos. N. Tolbert, 147.

Wilson Cook, 147.

B. P. Chatfield, 147.

John L. Manning, 742.

William Elliott, 742.

E. W. Moise, 742.

Samuel Dibble, 742.

J. S. Murray, 742.

Cadwallader Jones, 742.

G. W. Croft, 742.

G. W. GANTT,

G. W. B. STATMEIER,

*Supervisors.*

(Indorsed :) Report. Barnwell County, Williston precinct. Nov. 5, 1880.

EXHIBIT C.—J. D. BROWNE, N. P.

*Report of the election held at Williston precinct, Barnwell County, State of South Carolina, November 2d, 1880.*

We, the undersigned, U. S. supervisors of elections at Williston polling precinct, Barnwell County, in the State of South Carolina, submit the following report of the election held November 2d, 1880, at said poll.

The poll was opened at 6 o'clock, a. m., and closed at 6 o'clock, p. m.

The number of names on the poll-list kept by the managers of election was 898.

The number of names on the poll-list kept by supervisor, was none.

The number of Republican ballots found with one or more Republican ballots folded within the same, was one.

The number of Democratic ballots found with one or more Democratic ballots within the same, was five.

The number of ballots drawn out of the ballot-box, and destroyed by the managers of elections, because of the excess of votes over names on the poll-list was none.

Of which no ballots bore the names of the Republican candidates.

The whole number of votes counted by the managers of elections for member of Congress was 889.

Of which 147 votes were counted for Robert Smalls.

Of which 742 votes " " George D. Tillman.

The whole number of votes counted by the managers of elections for Presidential electors was 889.

Of which 147 votes were counted for—  
T. B. Johnston, 147.  
A. S. Wallace, 147.  
W. A. Hayne, 147.  
E. A. Webster, 147.  
Thos. N. Tolbert, 147.  
Wilson Cook, 147.  
B. P. Chatfield, 147.  
Jno. L. Manning, 742.  
William Elliott, 742.  
E. W. Moise, 742.  
Samuel Dibble, 742.  
J. S. Murray, 742.  
Cadwallader Jones, 742.  
G. W. Croft, 742.

G. W. GANTT,  
G. W. B. STATMIER,  
*Supervisors.*

(Indorsed:) Williston.

SMALLS }  
vs. }  
TILLMAN. }

EXHIBIT D.—J. D. BROWNE, *N. P.*

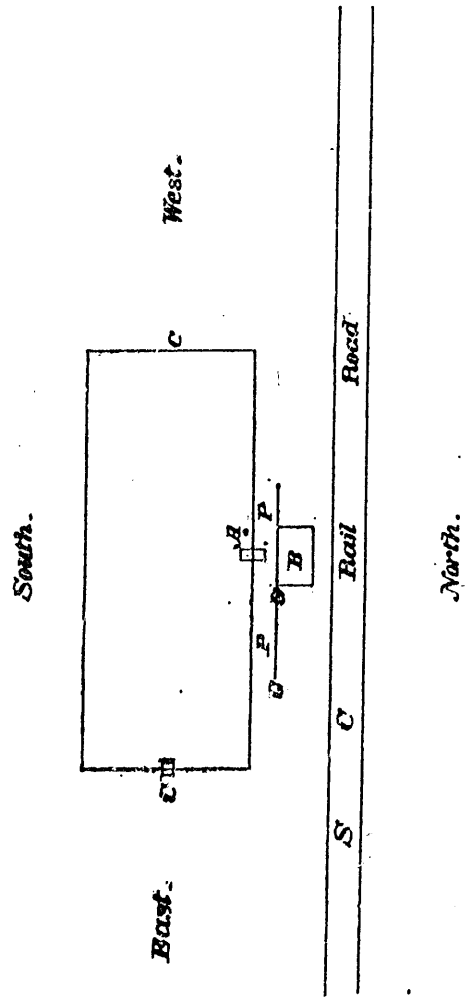


EXHIBIT E.—J. D. BROWNE, N. P.  
THE DEMOCRATIC TICKET—1880.

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BARNWELL COUNTY.

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*For President,*  
WINFIELD S. HANCOCK.

*For Vice-President,*  
WILLIAM H. ENGLISH.

*Electors at Large,*  
JOHN L. MANNING, of Clarendon.  
WILLIAM ELLIOTT, of Beaufort.

*District Electors,*  
1st—E. W. MOISE, of Sumter.  
2d—SAMUEL DIBBLE, of Orangeburg.  
3d—J. S. MURRAY, of Anderson.  
4th—CADWALLADER JONES, of York.  
5th—G. W. CROFT, of Aiken.

*Governor,*  
JOHNSON HAGOOD.

*Lieutenant-Governor,*  
J. D. KENNEDY.

*Comptroller-General,*  
J. C. COIT.

*Secretary of State,*  
R. M. SIMS.

*Attorney-General,*  
LEROY F. YOUMANS.

*Superintendent of Education,*  
HUGH S. THOMPSON.

*Adjutant and Inspector-General,*  
ARTHUR M. MANIGAULT.

*State Treasurer,*  
JOHN PETER RICHARDSON.

*Congress—Fifth Congressional District,*  
G. D. TILLMAN.

*Solicitor—Second Judicial Circuit,*  
F. HAY GANTT.

*Senator,*  
G. B. LARTIGUE.

*Representatives,*  
R. C. ROBERTS.  
W. J. WOOD.  
THOMAS H. JOHNSON.  
W. B. RICE.  
JOSEPH ALEXANDER OWENS.

*Clerk of Court,*  
J. J. BRABHAM.

*Sheriff,*  
G. O. RILEY.

*Probate Judge,*  
B. T. RICE.

*School Commissioner,*  
ARTHUR BUIST.

*Coroner,*  
ROBERT KENNEDY.

*County Commissioner,*  
JOSEPH C. MILEY.  
SAMUEL ULMER.  
J. M. WOODWARD.

Constitutional Amendment relating to Homestead—Yes.

SMALLS }  
vs. }  
TILLMAN. }

In the matter of the contest between Robert Smalls and G. D. Tillman, for a seat in the Congress of the United States from the fifth district of South Carolina.

I, John T. Gaston, intendant of the town of Edgefield, do certify that the foregoing depositions were taken before me in the contested election of Robert Smalls, contestant, against G. D. Tillman, contestee.

JOHN T. GASTON,  
*Intendant, E. V.*

#### THE DEMOCRATIC TICKET—1880.

#### EDGEFIELD COUNTY.

*For President,*  
WINFIELD S. HANCOCK.

*For Vice-President,*  
WILLIAM H. ENGLISH.

*Electors at Large,*  
JOHN L. MANNING, of Clarendon.  
WILLIAM ELLIOTT, of Beaufort.

*District Electors,*  
1st—E. W. MOISE, of Sumter.  
2d—SAMUEL DIBBLE, of Orangeburg.  
3d—J. S. MURRAY, of Anderson.  
4th—CADWALLADER JONES, of York.  
5th—G. W. CROFT, of Aiken.



*Governor,*  
JOHNSON HAGOOD.

*Lieutenant-Governor,*  
J. D. KENNEDY.

*Comptroller-General,*  
J. C. COIT.

*Secretary of State,*  
R. M. SIMS.

*Attorney-General,*  
LEROY F. YOUMANS.

*Superintendent of Education,*  
HUGH J. THOMPSON.

*Adjutant and Inspector General,*  
ARTHUR M. MANIGAULT.

*State Treasurer,*  
JOHN PETER RICHARDSON.

*Congress—Fifth Congressional District,*  
G. D. TILLMAN.

*Solicitor—Fifth Judicial Circuit,*  
R. G. BONHAM.

*Senator,*  
JAMES CALLISON.

*Representatives,*  
W. J. TALBERT.  
CLINTON WARD.  
J. C. SHEPPARD.  
T. R. DENNY.  
J. H. STROM.

*Sheriff,*  
WILLIAM OUZTS.

*Probate Judge,*  
L. P. COVAR.

*School Commissioner,*  
J. W. EDISON.

*Coroner,*  
WILSON CORLEY.

*County Commissioners,*  
MARK CROUCH.  
JAMES WATSON.  
W. H. MARTIN.

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Constitutional Amendment relating to Homestead—Yes.

(Indorsed :) J. T. Gaston, Intendant, E. V. Offered in evidence. Exhibit B.

|                       |                        |                        |
|-----------------------|------------------------|------------------------|
| 1 E. B. Bludsaw.      | 56 Lewis Holmes.       | 111 G. W. Riley.       |
| 2 Richmon Anderson.   | 57 William Adams.      | 112 J. M. Riley.       |
| 3 Willis Gamillion.   | 58 T. J. Riley.        | 113 Miercal Riley.     |
| 4 R. W. Redlook.      | 59 James Smith.        | 114 John Black.        |
| 5 Miledge Weaver.     | 60 Vince Story.        | 115 E. Williams.       |
| 6 Roberts.            | 61 Cinderel Story.     | 116 M. H. Lott.        |
| 7 J. W. Kimmerman.    | 62 William Murrel.     | 117 D. E. Jackson.     |
| 8 W. L. Battan.       | 63 Joel Swangam.       | 118 W. L. Rhoden.      |
| 9 Jesse Butler.       | 64 Issaac Bush.        | 119 H. A. Turner.      |
| 10 A. J. Galaway.     | 65 John Griffen.       | 120 J. J. Chaplin.     |
| 11 Jack Harriedge.    | 66 Venson Jennings.    | 121 J. P. Wright.      |
| 12 Charles Jackson.   | 67 Fill Strum.         | 122 W. A. Holmes.      |
| 13 W. B. Cogaum.      | 68 Ben Daniel.         | 123 William Bludsaw.   |
| 14 R. S. Brown.       | 69 Peter Corley.       | 124 Enus Lee.          |
| 15 J. C. Clary.       | 70 Sam Blocker.        | 125 John Halsenback.   |
| 16 William Anderson.  | 71 Jack Lott.          | 126 John Randle.       |
| 17 Mat. Dickson.      | 72 James Early.        | 127 Henry C. Randle.   |
| 18 Geo. Butler.       | 73 C. L. Moore.        | 128 J. W. Deney.       |
| 19 Gust. Leidman.     | 74 G. W. Thompson.     | 129 J. A. Howard.      |
| 20 Gust. Leidman, jr. | 75 Mack Bryant.        | 130 E. D. Holing.      |
| 21 C. M. Maull.       | 76 E. S. Grice.        | 131 H. A. Hair.        |
| 22 Jeff. Davis.       | 77 Dr. Leagran.        | 132 Rufus Bludsaw.     |
| 23 J. E. Caules.      | 78 J. M. Long.         | 133 S. L. Coats.       |
| 24 N. A. Smith.       | 79 Richard Cranch.     | 134 B. S. Cogham.      |
| 25 Barrom Rayans.     | 80 P. N. Cranch.       | 135 J. R. L. Farmer.   |
| 26 Marshall Gail.     | 81 Wesley Neal.        | 136 Williams Comeing.  |
| 27 Butler Jackson.    | 82 William Walker.     | 137 Jack Comeing.      |
| 28 James Z. Neal.     | 83 William Weaver.     | 138 Lored Coming.      |
| 29 William Prater.    | 84 Willis Raus.        | 139 B. B. Nicholson.   |
| 30 B. C. Ethridge.    | 85 Fat Daniel.         | 140 W. H. Thurman.     |
| 31 James T. Janes.    | 86 R. B. Lewis.        | 141 John Jinking.      |
| 32 R. E. Price.       | 87 Joe Simkins.        | 142 James Halingling.  |
| 33 Jasper Story.      | 88 R. F. Reace.        | 143 J. M. Cogburn.     |
| 34 Jerry Jackson.     | 89 J. W. Rece.         | 144 Joseph Harris.     |
| 35 Geo. Boston.       | 90 John Wright.        | 145 J. A. Lott.        |
| 36 G. M. Samuel.      | 91 Stan Jahinkens.     | 146 D. B. Boalwright.  |
| 37 Richard Samuel.    | 92 J. A. Story.        | 147 Simons Mealings.   |
| 38 Darling Williams.  | 93 Z. W. Carwell.      | 148 Berry Williames.   |
| 39 Martin McCarty.    | 94 Frank Holmes.       | 149 J. T. Loveless.    |
| 40 J. Galaway.        | 95 Geo. Banks.         | 150 J. R. H. Chircher. |
| 41 J. Long.           | 96 Calvin Watson.      | 151 M. W. Reace.       |
| 42 B. F. Lewis.       | 97 Filmore A. Watson.  | 152 W. E. Evriedge.    |
| 43 Robert Body.       | 98 Walter Moore.       | 153 G. W. Lott.        |
| 44 Joseph Turner.     | 99 Mose Larkheart.     | 154 W. Miles.          |
| 45 J. S. Davis.       | 100 S. B. Simons.      | 155 W. M. Snips.       |
| 46 Richard Shaw.      | 101 Mock Baldon.       | 156 H. T. Wrightce.    |
| 47 Brakly Still.      | 102 Nathern Mithel.    | 157 Albert Body.       |
| 48 J. S. Quattlebaum. | 103 Edmon Valintine.   | 158 Willis Holmes.     |
| 49 Willis Berry.      | 104 Thomas Valinetina. | 159 T. F. Harris.      |
| 50 Fat Gamillion.     | 105 J. P. Deney.       | 160 Jerry Daniven.     |
| 51 Birt Samuel.       | 106 Sig Watley.        | 161                    |
| 52 Moses Baker.       | 107 J. H. Legram.      | 162 L. W. Bludsaw.     |
| 53 Dick Pain.         | 108 Jack Smallwood.    | 163 Jacob Thunder-     |
| 54 Jack Bush.         | 109 B. W. Jones.       | burg.                  |
| 55 Jack Holmes.       | 110 L. J. Gilyard.     | 164 William Hollaway.  |

- |                        |                       |                          |
|------------------------|-----------------------|--------------------------|
| 165 B. F. Rustin.      | 221 B. F. Loveless.   | 277 W. L. Crouch.        |
| 166 J. L. Randle.      | 222 R. F. Manson.     | 278 J. Librand.          |
| 167 H. A. Vanan.       | 223 E. Brush.         | 279 J. Busbey.           |
| 168 W. M. Chapline.    | 224 J. C. Hill.       | 280 A. M. McCarty.       |
| 169 Lewis Holmes.      | 225 R. J. Catledge.   | 281 E. D. Watson.        |
| 170 S. J. M. Cox.      | 226 E. Boalwright.    | 282 A. S. Bland.         |
| 171 W. H. Cansey.      | 227 James A. Satcher. | 283 A. O. Waker.         |
| 172 C. W. Salter.      | 228 L. R. Cogburn.    | 284 W. A. Rogers.        |
| 173 Willie Coghirn.    | 229 J. Hair.          | 285 S. B. Bartley.       |
| 174 M. F. Franling.    | 230 C. L. Miles.      | 286 D. P. Matheney.      |
| 175 William Powel.     | 231 J. G. Mobley.     | 287 Jesse Frankling.     |
| 176 L. G. Aspel.       | 232 T. N. Lott.       | 288 S. A. Holson.        |
| 177 S. B. Sheppard.    | 233 C. D. Huggs.      | M. Mathis.               |
| 178 Noah Wilie.        | 234 W. P. Garvis.     | 289 John Mathis.         |
| 179 Smith.             | 235 H. L. Winco.      | 290 Perce Waldo.         |
| 180 C. B. Banks.       | 236 A. B. Atheney.    | 291 B. L. Jones.         |
| 181 J. P. Raton.       | 237 J. R. Hamilton.   | 292 William Jackson.     |
| 182 J. M. Ranton.      | 238 Henry Meckelmo.   | 293 J. W. Bartley.       |
| 183 E. W. Simes.       | 239 W. W. Burrell.    | 294 G. W. Bland.         |
| 184 R. E. Reyney.      | 240 J. M. Rustin.     | 295 A. E. Norris.        |
| 185 T. S. Lee.         | 241 James Darn.       | 296 E. E. Jefferson.     |
| 186 H. S. Godmon.      | 242 J. P. Hair.       | 297 J. L. Rogers.        |
| 187 L. S. Powell.      | 243 J. H. C. Turner.  | 298 Geo. T. Lott.        |
| 188 Thomas Holmes.     | 244 J. Jacobs.        | 299 J. M. Hart.          |
| 189 P. H. Eidson.      | 245 J. W. Smith.      | 300 M. A. Williames.     |
| 190 M. L. Eidson.      | 246 B. L. Eidson.     | 301 Lewis Mobley.        |
| 191 Ben. Day.          | 247 W. P. Pagget.     | 302 J. R. Gibson.        |
| 192 J. H. Glaye.       | 248 T. H. Bartley.    | 303 J. W. Calhoun.       |
| 193 W. R. Rogers.      | 249 P. B. Bartley.    | 304 P. B. Warters.       |
| 194 S. D. Black.       | 250 E. N. Bartley.    | 305 L. S. Millesham.     |
| 195 John Swarngam.     | 251 E. P. Howard.     | 306 H. S. Millesham.     |
| 196 J. H. Edward.      | 252 D. R. Strather.   | 307 T. J. Teogue.        |
| 197 L. V. Claxton.     | 253 W. M. Ouzts.      | 308 J. W. Harris.        |
| 198 Sten Wartes.       | 254 J. O. Haring.     | 309 J. W. Harris, jr.    |
| 199 F. C. Jones.       | 255 W. P. Deen.       | 310 S. B. Eidson.        |
| 200 Adam Ripley.       | 256 R. W. Cannons.    | 311 S. P. Lott.          |
| 201 John Smith.        | 257 F. E. Randle.     | 312 Isaac Busey.         |
| 202 Harris Ranton.     | 258 L. Hair.          | 313 James Temple.        |
| 203 D. A. Samson.      | 259 P. P. Pasey.      | 314 Jack Mosely.         |
| 204 J. W. Powels.      | 260 H. T. Wright, jr. | 315 John Thomas.         |
| 205 W. M. Bush.        | 261 Rando Smith.      | 316 Henry Thunder-       |
| 206 J. M. Munson.      | 262 B. F. Smith.      | burg.                    |
| 207 W. L. Coleman, jr. | 263 Luther Lott.      | 317 D. E. Gibson.        |
| 208 A. Vincent.        | 264 P. L. Wright.     | 318-J. H. Th u n d e r - |
| 209 W. D. Turner.      | 265 T. S. Rhoden.     | burgh.                   |
| 210 T. S. Wright.      | 266 T. Brown.         | 319 E. H. Rhoden.        |
| 211 S. Bruce.          | 267 Geo. Caleaham.    | 320 W. W. Johnston.      |
| 212 Dick Anderson.     | 268 Smith Read.       | 321 T. Autrey.           |
| 213 R. A. Turner.      | 269 J. M. Smith.      | 322 C. M. Ranton.        |
| 214 Lewis Watson.      | 270 J. W. Creem.      | 323 Wade Taler.          |
| 215 L. P. Wagest.      | 271 J. R. Eidson.     | 324 M. B. Johnson.       |
| 216 Nelson Halaway.    | 272 T. W. Lott.       | 325 M. A. Lott.          |
| 217 B. J. Brush.       | 273 A. Miles.         | 326 W. M. Swamgar.       |
| 218 J. A. Deney.       | 274 T. L. Librand.    | 327 W. J. Huiet.         |
| 219 Robert Smith.      | 275 C. L. Win.        | 328 W. S. Mobley.        |
| 220 Walter Powel.      | 276 John Ripley.      | 329 John Cinley.         |

(Indorsed :) Introduced in evidence. Exhibit C.

## REBUTTAL.

To the Hon. G. D. TILLMAN:

BETTIS & WARDLAW,  
*Att'ys for G. D. Tillman, Contestee.*

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

I, John T. Gaston, intendant of the town of Edgefield, of Edgefield County, of the State of South Carolina, do hereby certify that the annexed depositions of W. A. Morgan, D. J. Mitchel, Charly Holmes, Wiley Weaver, Moses Morton, Lewis Collins, Anderson Callihan, were taken on the 6th, 7th, 8th, 9th, and 11th days of April, A. D. 1881, pursuant in all things conformable to the attached notice between the hours of 9 a. m. and 6 p. m. of said days, and that contestant and contestee were present by counsel, and that the said witnesses, whose depositions are hereunto attached, and whose names are contained in said notices, were by me first duly sworn, according to law, to tell the truth, and nothing but the truth, touching the matter in controversy between the parties. And their examination and testimony, together with the questions propounded to them by the parties and reduced to writing by me, and in my presence and in the presence of the attorneys for both contestant and contestee. That is all, except the witnesses, and after being carefully read over to witnesses, were by them attested by signing their names, or making their marks to their respective depositions in my presence.

Signed and sealed by me this the 15th day of April, A. D. 1881.

[SEAL.]

JOHN T. GASTON,  
*Intendant, E. V.*

In the matter of the contest between Robert Smalls and G. T. Tillman  
for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*County of Edgefield:*

ANDERSON CALLIHAN, a witness of legal age, being produced by contestant, upon due notice to contestee, deposes as follows:

P. Simkins, counsel for contestant; F. H. Wardlaw, counsel for contestee.

Question. State your age, residence, and occupation.—Answer. Edgefield County, South Carolina; 23 years old, and am a farmer.

Q. Were you at Red Hill precinct at the last general election?—A. I was.

Q. Mr. O. T. Culbrath has stated in his testimony that Anderson Carter was kindly treated at the Red Hill precinct, and that he was not interfered with by the Democrats there; just state what you know in reference to that matter.—A. Just at daybreak we were walking up to the store, that is, Anderson Carter and myself, and the time Democrats saw me and Carter they commenced shooting over our heads; me and Carter walked on up to the store. The Democrats said, "Where in the hell were we going to?" We told them we were coming here. We asked them where one of the managers was, and the Democrats said he would be here directly, and when he came Carter pulled out his authority and handed it to him, and he asked where was the oath? Carter told him he never had it; lie, the Democrats, told him let see, and Carter was folding them up to put in his pocket, and Democrats snatched the papers away from him and tore them up, and told him to leave there, God damn him, leave; and drew back to strike him, and and called him a God damn mulatto son-of-a-bitch, just show your face here one more time. If I had had wings, I was so scared, I would flew away from there. One of the managers said you can't serve here with-

out your oath, and if you will go on to the village you can get back here time enough.

Q. Did you and Carter leave Red Hill immediately after what you have stated occurred?—A. Yes, sir. I was frightened badly.

Q. Did you attempt to go to any other polling precinct that day for the purpose of voting?—A. Yes. I tried to get back here to the village to vote, and when I got to Tom Simkin's, about two miles, and I met a whole parcel of colored people, and they told me to turn back, and said if I go on I would get killed. I asked why. They told me that the hall was stacked with Democrats and guns. I turned back and was glad of the chance; Carter was with me.

Q. Explain what you mean when you say that you were glad of the chance to turn back.—A. The reason I spoke that, I was scared. I would get killed sure enough.

(Objected to as a matter of opinion.)

Cross-examination by F. H. WARDLAW, counsel for contestee:

Q. How far do you live from the Edgefield precinct?—A. About three miles.

Q. How far is it from Edgefield Village to Red Hill?—A. I don't know.

Q. Why did you go to Red Hill to vote instead of coming to Edgefield Village?—A. Carter asked me to go with him; he was scared to go by himself, and to vote while I was there.

Q. How far do you live from Carter?—A. Last year I lived in about one hundred yards of him.

Q. Are you noted as being a man of great courage?—A. I am a brave man if I am armed like any one else.

Q. You went to Red Hill then for the purpose of protecting Carter?—A. No, sir; just went for company.

Q. You say, in your direct examination, that as you walked up to the store the Democrats began shooting over your heads. How do you know they were Democrats who did this shooting?—A. They were white people; suppose they were Democrats.

Q. Are you certain the Democrats fired over your heads as you walked up?—A. Yes, sir.

Q. Did Carter see and hear this shooting?—A. Yes, sir; he was right there; he ought to have heard.

Q. Carter testifies that the only violence or the attempted violence offered him was some unknown party snatched his papers from him and tore one of them up. Would not he have testified to this firing if it had occurred?—A. He told you the truth.

Q. Are you certain that it was one of the managers who asked Carter to show him his (Carter's) authority? If so, state his name.—A. I am certain; it was Mr. Glanton.

Q. Do you not know that Glanton was a United States supervisor and not a manager?—A. I don't know what he was, but he had his authority same as Carter had his.

Q. Was not Carter a United States supervisor?—A. Yes, sir.

Q. Then, if his authority was same as Carter's, he was United States supervisor, was he not?—A. Yes, sir.

Q. You said you got very badly scared; if you had had wings, you would have flown away. Is that in keeping with your assertion that you are such a brave man?—A. Yes, sir, without arms; they all had pistols; I had none—not as much as a pocket-knife.

(Objected to as not being in reply.)

Q. What time did you leave Red Hill?—A. About sunrise; I never saw it, though; it was sorter cloudy that morning; I could not see the sun.

Q. Did you go into the store that morning soon as you got there?—A. Yes, sir.

Q. Did you see a clock in there?—A. Yes, sir; a little one.

Q. What time was it by that clock?—A. I never noticed.

Q. Can you read and write?—A. Little, not much.

Q. How long have you known how to read and write?—A. Been scratching for several years.

Q. You don't know what time of day it was when you arrived at the polls?—A. Just daylight.

Q. Did you not go directly home after leaving Red Hill instead of coming to the village?—A. I did not go home at all until the people told me to turn back.

Q. Then Anderson Carter was not with you, as he testifies that he went directly home and did not make any further attempt to vote?—A. Carter was with me when the men told us to turn back home.

Q. Would not Carter have testified to meeting this crowd, and all the things you say they told you, if he had been with you?—A. When we met the crowd, one talked to him and one to me. Yes, he would have testified to meeting them.

(Objected to, on the grounds of their irrelevancy.)

Q. Were not L. Cain and P. Simkins members of the legislature at one time?—A. Mr. Cain was; I do not know about Simpkins.

Q. You testify that a Democratic man called Carter a God d——n son-of-a-bitch, and drew back to strike him. If that had been so, would not Carter have so testified, and not have testified that the only offer of violence to him was to snatch one of his papers from him?—A. I don't know the reason he did not testify, for he did it. I don't know whether he would have testified so or not.

(Objected to, on the ground that it was suggested by counsel for contestant; that is, the latter part of the answer.)

Redirect:

Q. Is it possible for you to tell what Carter testified to when he was examined, as you were not there?—A. It is impossible for me to tell.

Q. Then, in reply to questions propounded by the counsel for the contestee, that Carter would have stated some facts mentioned by you, was only an opinion as to what you believed and know that he could have reasonably sworn to?

(Objected to, on the ground that it is a leading question.)

A. Carter may have neglected to have stated that, but he was there.

ANDERSON CALLIHAN.

Sworn and subscribed to before me this 7th day of April, A. D. 1881.

[SEAL.]

JOHN T. GASTON,

Intendant, E. V.

In the matter of the contest between Robert Smalls and G. T. Tillman  
for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

Edgefield County:

WILEY WEAVER, a witness of lawful age, being produced by con

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testant, after due notice to contestee, deposes as follows to questions propounded to him :

Question. State your age, residence, and occupation.—Answer. Twenty-seven years old ; reside in Edgefield County ; occupation, farmer.

Q. Were you at the Edgefield Court House precinct during the last general election ?—A. I was.

Q. Did you not come in company with quite a number of Republicans ?

(Objected to as not being in reply.)

A. I did,

Q. Several Democrats have testified that large bodies of colored men came to the Edgefield precinct, armed with heavy sticks or clubs, evidently for the purpose of taking forcible possession of the polls ; will you state what the object of the colored men was in coming to the polls in bodies, and also what their object was in having these sticks alluded to ; and was it the object to take forcible possession of the polls ?

(Objected to as a matter of opinion.)

A. The object of our crowd was that the Democratic party had promised to be at the cross-roads to turn us back ; we thought that by coming in bodies that it would prohibit them from interrupting us ; we taken the sticks, for instance, if they should undertake to run over us we would have something to protect ourselves, and it was not the object to take forcible possession of the polls.

(The latter part of the answer objected to as a matter of opinion.)

Q. You were the leader of the crowd that came along with you, were you not ?—A. I was.

Q. About how many were with you ?

(Objected to as not in reply.)

A. About 150.

Q. Of this number about how many voted ?—A. Not one.

Q. Then the statement made by some Democrats that every one could have voted who desired to do so is not true, is it ?—A. It is not.

Q. State why you, and the men accompanying you, did not vote.—A. They didn't allow us any chance to vote.

Q. Why did you and your crowd leave the polling precinct at the time you did ?

(Objected to as not being in reply.)

A. It was about 2 o'clock when we left, and I saw there was no chance of voting, and I taken my crowd and left.

Q. While at or near the polling precinct did you see any acts of violence on the part of the Democrats ?

(Objected to as new matter.)

A. I saw the Democrats coming around cursing, tempting us with board or pieces of plank while we were here ; I mean drawing planks on us, and telling us what they would do, and that they would knock us down with these boards if we came up there.

(Answer objected to, as new matter.)

Q. Some Democrats have testified that no violence or threats were used by the Democrats at the court-house box ; then, from your knowledge, you know this to be untrue, do you not ?—A. I do.

Q. Did the colored men who came with you have the slightest idea or intention of raising a disturbance with the Democrats at the polls on the day of election ?—A. They did not.

(Objected to as matter of opinion.)



Q. Those who came with you were controlled by your direction, were they not?—A. They were.

Q. Did you have the slightest idea of getting into a difficulty with the Democrats on the day of the election?—A. I did not.

Cross-examination by F. H. WARDLAW, counsel for contestee:

Q. How far do you live from the Edgefield polling precinct?—A. Five miles.

Q. How far from Cheatham Store precinct?—A. Ten miles.

Q. Don't you live at James Harrison's place?—A. Yes, sir.

Q. You say you live ten miles from Cheatham Store?—A. I am not positive, but don't think it under ten miles.

Q. You say the Democrats had promised to be at the cross-roads; had they promised you to be there?—A. It was a general rumor through the county that they was to meet us at the cross-roads and keep us back from the polls.

Q. Have you been all over the county lately?—A. I have not been all over the county, but my reasons is for saying they promised to meet us at the cross-roads, I stood carefully and heard the speech of men over here at the academy. They said they beat us in this election, and meet us at every cross-road.

Q. Who did you hear say so?—A. I don't know their names, but it was the men speaking.

Q. How many men did you hear say so?—A. Three or four different ones.

Q. When did you hear them say so?—A. Some time in 1880.

Q. Instead of hearing it all over the county you heard it only in one place, is that not so?—A. I don't simply mean that I went all over the county and heard; I mean that it was advice was given to the men through the county, to my understanding, according to the speeches.

Q. Did you hear any other speeches besides the ones you heard here?—A. I mean over at the academy. I also heard one at the hall.

Q. What did you hear at the hall?—A. Same advices.

Q. Did you hear any others besides the ones at the academy and hall?—A. Not that I remember.

Q. Then you did not hear this all over the county?—A. I simply mean from the speeches, it was the advice to the men through the county.

Q. Then you did not hear this all over the county?—A. I did not go over the county, but there were men present from the different portions of the county.

Q. How do you know that there were men present from the different portions of the county?—A. Those men which was speaking they made reference that here was men from different portions of the county.

Q. Then you don't know, of your own knowledge, that there were men from different portions of the county?—A. Yes, sir; I saw some I knew.

Q. Did you see any from Mount Willing?—A. I saw Mr. Jasper Talbert; I saw Mr. Strom, Mr. Callison, Mr. S. Garner, near Sweet Water. Those I saw that I knew of my own knowledge. Those men live in different portions of the county, but I am not positive about Mount Willing.

Q. Did you see any from Ridge Spring?—A. Not acquainted about Ridge Spring.

Q. Have you been all over the county?—A. I have been over a portion of it.

Q. You have not been over all of it, have you?—A. I do not know that I have.

Q. Don't you know whether you have or not?—A. I don't know that I have been all over the county.

Q. Have you ever been to Liberty Hill?—A. Not that I know of.

Q. Have you ever been to Ridge Spring?—A. Yes, sir.

Q. Have you ever been to Cuffy Town?—A. I don't remember of ever having been to a place by that name.

Q. Have you ever been to Coleman's Cross Roads?—A. I don't know positive where they call Coleman Cross Roads. I have been to Richardsonville.

Q. Have you ever been to Landram's Store?—A. Yes, sir.

Q. Have you ever been to Shatterfield?—A. Not that I remember.

Q. You say this was a general rumor, what do you mean by general rumor?—A. I mean to say that anything that goes from here out home and beyond, anything that is talked from me to you and Mr. Gaston, Mr. Simkins, Morgan, &c., is a general rumor.

Q. By what road did you approach the polling precinct on the day of the last election?—A. The Fury's Ferry road to Mrs. Gray's, then into the Abbeville road.

Q. What time did you get here in the morning?—A. I suppose about 7 o'clock.

Q. Where did you camp the night before?—A. In the Promise Land.

Q. What time did you leave the polls next day?—A. About 2 o'clock.

Q. What time did you get to Landram's Store that day?—A. I did not go to Landram's Store that day.

Q. You did not go to any other polling precinct from here?—A. I did not.

Q. You say you brought with you 150 men, and it was not their intention to take possession of the polls. Did you know the intention of each and every one of that 150 men?—A. I know it in this way, that they had promised to be governed by me, and I know it by my own mind.

Q. You then don't know the intention of each and every one, of your own personal knowledge?—A. I don't know the minds of them, but know the promises.

Q. Do you know, of your own personal knowledge, the intention of each and every Republican here that day?—A. I would not attempt to answer for anybody but those that came with me. I believe that it was not the intention of one of the Republican voters to come here and raise a row that day.

Q. You then don't know their intention, of your own personal knowledge?—A. I do not.

Q. Do you know, of your own knowledge, that none of the 150 men that were with you voted?—A. I do.

Q. Did you see each and every one at all times during the day of election?—A. I kept them together, and it was a rule that if 15 or 20 of us could not go up to vote at once that they were all to stay in ranks. They could not get that chance, and no other chance, and we all kept together.

Q. Then you determined if you all could not vote at one time not to vote at all, did you?—A. I knew we all could not vote at once, but I mean that that many could go up at the time to vote.

Q. Did you ever see 15 or 20 men vote at one time?—A. I have seen about 50 or 75 around the poll there. I never saw but one vote at the time.

Q. Did you not place yourself at the head of large body of colored men

and say, "God d——n it, men, follow me, and we will take possession of those polls" ?—A. I did not, for that is a word I don't use at any time.

Q. Did you not place yourself at the head of a large body of colored men, and say, "Follow me, and we will take possession of those polls" ?—A. I did not use any such expressions.

Q. Did you not place yourself at the head of the colored men and urge them to take possession of the polls ?—A. I did not; no such words as that were mentioned.

Q. Did you not put yourself at the head of these colored men and try to get them to follow you to take possession of the polls ?—A. I did not. No such words as them were used.

Q. What words did you use ?—A. None at all, only go up there and vote if you could.

Q. Did you not place yourself at the head of the colored men and tell them if they would follow you you would take the polls ?—A. I did not.

Q. Did you stay with your men until night ?—A. I did.

Q. You saw each and every one of them during the whole day and know, of your own personal knowledge, that not one of them voted ?—A. I do, of that 150.

Q. Did you count them that night ?—A. I counted them before I left them.

Q. How many did you have when you counted ?—A. One hundred and fifty.

Q. What time was that ?—A. About six o'clock; about sundown.

Q. Where was it at ?—A. Over there betwixt Captain Mimses and Scott Allen's plantation.

Q. What sort of planks were those those men had in their hands you speak of ?—A. Small pieces, about three and four inches wide.

Q. Don't you think it very strange that you are the only man in all that crowd who could see those plank ?

(Objected to that it seeks the opinion of the witness, which is irrelevant.)

A. I think it is a small matter; I saw it, and they did, too. I was placed there to see for them.

Q. You say what the Democrats say is untrue—that is, about there being no threats or violence; is not their reputation for truthfulness about as good as yours ?—A. I am not here to prove up the reputation of the Democrats, but I am only specifying that there was threats on that day.

Q. Is your own reputation remarkable for truthfulness in this county ?—A. Always has been good.

WILEY WEAVER.

Sworn to before me this 7th day of April, A. D. 1881.

[SEAL.]

JOHN T. GASTON,  
*Intendant; E. V.*

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

In the matter of the contest between Robert Smalls and G. D. Tillman for a seat in the Congress of the United States.

CHARLES HOLMES, a witness of legal age, produced by contestant after due notice to contestee, deposes as follows to questions propounded to him :

Question. State your age, residence, and occupation.—Answer. Forty-one years old; Edgefield County; am a farmer.

Q. M. O. Sheppard has testified that the election at the court-house precinct was conducted fairly, and all could have voted who desired to do so, and that he carried you to polls himself; is that true or not?—A. It is not true. I was carried there by Mr. Lewis Jones, sr., and I could not have voted had it not been for him and others, thought I was going to vote a Democratic ticket. How come them to let me in—

(Objected to as not relevant—the latter part of answer.)

Q. Did you not see the entrance to the polling precinct obstructed during the entire part of the day that you remained at the polls, by Democrats uniformed in red shirts, pistols buckled around them, and, at times, with pistols in their hands; and also, did you not see them have brickbats, and some with clubs or pieces of boards in their hands?

(Objected to as cumulative evidence, and as new matter, and not in reply.)

A. I saw pistols in their hands; I saw them with brickbats, sticks of some kind—can't say what they were. The polling place was crowded with Democrats all day long.

Q. Do you know why the Republicans came to the polls in bodies?—

A. I do. Because the recent election before, where there was one or two together they were run over and knocked their hats off; and I heard them say when there was a big crowd together may be they would not be attacked so.

(A part of the answer objected to as not relevant.)

Q. Can you explain why it was that a number of them had sticks in their hands?—A. I heard them say the Democrats was all armed and they were not able to buy them and had sticks to protect themselves to keep from being run over.

(Objected to as hearsay evidence.)

Q. You were president of a Garfield club, were you not?—A. I was.

Q. Was it the intention of your club to take forcible possession of the polls, or engage in a difficulty of any kind with the Democrats on election day?—A. No, sir.

(Answer objected to as matter of opinion.)

Q. If any had entertained any such an idea, is it not very likely that you would have known it?—A. Yes, sir; I think I would have known it.

Q. Did you hear any expression on the day of election from any Republican that impressed you in the slightest manner that the Republicans were desirous of precipitating a riot with the Democrats and take charge of the polling precinct?—A. I did not.

Q. Did you see any violent demonstration on the part of any Republicans here that day?—A. I did not.

Q. If you saw any other violence on the part of the Democrats, besides what you have already mentioned, state it.—A. I saw a difficulty arise from a Democrat at the court-house steps with a Republican. I saw three or four pistols drawn. I saw another difficulty in front of Mr. Cobb's. I saw some pistols drawn over there by Democrats.

(Objected to as not in reply and bringing out new matter.)

Q. Do you know any reasons which induced you and other Republicans to leave the polls before they closed. If so, state them.—A. I do; I heard them say, and saw myself, Democrats with guns in the hall, Mr. Bob. Mines's gallery, on the piazza of the printing office, and they would come to the windows with them whenever a crowd come up. I heard them say it would be best for us to go away, the Democrats

would start a row and shoot us all, and we had better leave and go home.

(Objected to as not relevant, and especially the latter part of the answer.)

Q. If it had been the intention of the Republicans to amass their votes at three or four precincts, is it not very probable that fact would have been communicated to you?—A. Yes, sir; it would. If it had been I would have known it; it had not been.

(Objected to as part of the answer; answer suggested by counsel.)

Cross-examination by F. H. WARDLAW, counsel for contestee:

Q. Did you stay near the polling precinct all day?—A. Near about it; the sun was about one-half hour or one hour high when I left.

Q. What do you mean by violent demonstrations?—A. Men that is cursing, rearing around, look like he wants to fight.

Q. Were not you paid well by Smalls to summon his witnesses here?

(Objected to on the ground that it has nothing in the world to do with this case.)

A. I was paid, but not well; \$15 to ride all over this county was not well paid.

Q. Were you not paid by Smalls to work up testimony for him?—A. No, sir.

Q. Did you not meet Mr. Sheppard at or near the door at the polling precinct?—A. I might have met him on the porch. I am not certain.

Q. Do you mean to say that you knew the intention of each and every Republican here on the day of election?—A. I heard what a great many of them said. I was appointed as marshal here that day and then around and talked with great deal of them. I was appointed by Mr. John T. Gaston, who was sheriff. I said I did not know every Republican's intention.

Q. Did you bring in your club?—A. I did not.

Q. You don't know whether any of your club voted or not?—A. No, sir; I don't know; don't think they did; not more than one.

Q. Did you see each and every one of them at all times during the day, and see what each and every one of them did?—A. I did not see them through the day, but I have heard them say since they did not.

Q. Where was your club located?—A. In village.

Q. Is your club the only one in the village?—A. I think not; my club is in Pickens Township; the other is Wise Township.

Q. Have you heard each member of your club say what he did since the election?—A. Yes, sir.

Redirect:

Q. You do not mean to say that all of the members of your club reside in the village of Edgefield, do you?—A. No, sir.

Q. You know that they all attempted to vote on election day, do you not?—A. They have told me so since; I saw pretty well all of my club here that day.

(Objected to question as new matter, and to answer as hearsay.)

CHARLES HOLMES.

Subscribed and sworn to before me this 8th day of April, A. D. 1881.

[SEAL.]

JOHN T. GASTON,

Intendant, E. V.

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

In the matter of the contest between Robert Smalls and G. D. Tillman  
for a seat in the Congress of the United States.

WALLACE A. MORGAN, a witness of lawful age, produced by contestant, after due notice to contestee, deposes to questions propounded to him :

Question. State your age, residence, and occupation.—Answer. Age, 35 ; live in Edgefield County, and am a farmer.

Q. Did you come to Edgefield Court-House on the day of the last general election in charge of a large body of colored Republicans, who accompanied you here for the purpose of voting ?—A. I did.

Q. Explain why you came in a large body, and why it was that a great many of them had sticks.—A. The reason that we came in large bodies was that we knew that on the days of election that the Democratic party on horseback might run over some of us, and our sticks was to prevent it. We had found out that it was entirely unsafe to try to go to the poll and vote as we wished. We had tried it before. Some was beat and crippled. We thought that surely they would not attempt to turn back a crowd, and we found that it was the way the Democrats went to the polls.

Q. In coming to the polls did the men who were with you yell ; and, if so, why did they do so ?—A. They did not yell until they had crossed Academy Branch. They then heard the yelling in the street. They said, "Let us yell, too." I objected to the yelling. They say, "Everybody else is yelling, let us yell some too." The reason I objected to the yelling was, that on the day before the election I was appointed by the sheriff, J. T. Gaston, to keep order ; that I was to keep the peace with the colored men, and that he would appoint white men to keep the peace with the Democrats. By his instruction I did so.

Q. As you came in sight of the polls, did you not see Democrats yelling ?

(Objected to ; it is not in reply.)

A. I did.

Q. Was it the intention of the colored men who came with you to take possession of the polls, and to precipitate a riot with the Democrats if they should attempt to interfere with the voting of the Republicans ?

(Objected to, as seeking an opinion.)

A. They did not ; they had nothing to take possession of the polls with.

Q. If any had so intended, could you not have known it, as you were in charge of them ?—A. I would.

Q. Then while it was impossible for you to have known all of the thoughts that run through the minds of those men on that day, you do know positively from all of their external actions that was observable by you that they did not intend to create a disturbance of any kind whatever with the Democrats ?—A. I do.

(Objected to, as a matter of opinion.)

Q. Did you hear a single Republican urge or encourage other Republicans to attack the Democrats at the polling precinct in any manner whatever ?—A. I did not.

Q. Did you vote ?—A. I did not.

(Objected to.)

Q. Did any of the men who came with you vote?—A. Yes.

Q. About how many?—A. To my own knowledge I saw four went up in the court-house after being examined by opening their mouth; some of them was old men, and had lost their teeth. They would say, "You are too young to vote; you ain't done cutting teeth." Afterward they told him to go on, "We can spare you anyhow." I said if that was my only way to get to the poll to vote, I had better not start. I staid here till about half past 2 o'clock, and then we all went back home. In going on, one of the men that was with me was snatched down off the sidewalk, near Cobb's store, by white man, and, if it had not been for General Butler, he would have shot him. He drew his pistol—General Butler, and Mr. King, the man that had on the callico suit. Butler said, "Take his pistol from him." They wrung it out of his hand.

(Counsel for contestee objects to most of the above answer on the ground that it contains new matter, and not in reply.)

Q. Some Democrats have testified that the election at this box was conducted fairly, and that all who desired to vote could have done so. Is that true or not?—A. It is not true.

Q. Did you not see the entrance to the polling precinct obstructed by Democrats uniformed in red shirts and pistols buckled around them during the entire time that you remained in the village?

(Objected to, as not being in reply, by counsel for contestee.)

A. I did; not only pistols, but guns.

Q. Did you see any other violence on the part of the Democrats than that you have already mentioned. If so, state it.

(Objected to as not being in reply.)

A. That is about all I saw here; but between here and home there was about ten of us, I suppose, together in the road, and met a few men (Democrats) coming from towards Meeting Street; said to us, "Give the road, you God-damn-sons-of-bitches, you"; jerked his pistol out, and jobbed one of the men side the head, and said, "I'll shoot your damn brains out."

(The latter part of the answer objected to as bringing out new matter, and not having anything to do with the election at this precinct that day.)

Q. Do you know of any Republican purchasing arms and ammunition just prior to the election, in order to be armed on election day to engage in a difficulty with the Democrats?—A. I do not.

Q. Then the rumor that the Democrats who have testified, said that they heard in relation to that matter is totally unfounded so far as your knowledge goes?—A. It is, so far as I know.

Q. Do you know any Republicans who came to Edgefield Court House precinct for the purpose of voting, who were not in the habit of voting at this precinct whenever they had the opportunity?—A. I don't know any. It was always such a large polling place, always had two boxes. They came with the intention of finding two boxes and did not find but one. They saw the place where they say the box was; but 4 was only able to reach it after being examined.

Q. You were president of a Garfield club. Did you ever hear that it was the intention of the Republicans to amass their voters at three or four precincts in the county?—A. I did not. There never was such thing.

Q. If such an order had been made, is it not very probable that you would have known it, being the leading man among the Republicans of your neighborhood?—A. I would.

Q. About how many men did you bring with you to the court-house box on election-day last?—A. I suppose about 300.

Cross-examination by F. H. WARDLAW, counsel for contestee:

Q. What did you say were your reasons for coming in large bodies to polls?—A. We supposed that they would not attempt to turn us back or interfere with us, and they were in the habit of going in large bodies.

Q. Who of you did the Democratic party on horseback ever run over?—A. I don't remember of their running over any one on the day of election, but I have seen them undertake to do it.

Q. Who did you see them undertake to run over?—A. I don't know everybody, but I do know one man if he had not taken hold of the horse's bridle he would have run over him, in the election of president, in 1876. Milo Simmons is the man.

Q. Who did you ever see crippled?—A. I haven't seen any on this last election.

Q. Did you ever see them crippled at any election?—A. In 1876.

Q. Who did you see crippled in 1876?—A. Of course I did not know the men. Their heads was bloody from being struck with clubs and pistols.

Q. Where was that at?—A. In Edgefield Village, in 1876.

Q. Did you see it done?—A. I was not present when it was done.

Q. Then you don't know anything except from hearsay?—A. No, sir; I was in charge of the men at that time, just like I was in this election, and they reported to me what had happened to them, and we agreed then to come in large bodies.

Q. How many of them reported to you what had been done?—A. I could not say how many.

Q. What are the names of the parties you saw?—A. Of course I did not ask them their names.

Q. Don't you know the names of all the men in your club?—A. I was not president of the club; only precinct chairman.

Q. Did you not say awhile ago you had charge of the men there as you did in the last election?—A. I did.

Q. Did these men who were crippled belong to your club?—A. They might have been.

Q. Would you have known them if they had belonged to your club?—A. No, sir; I was not president of a club, but I was precinct chairman of Pickens Township, and it contained three clubs, therefore I am not familiar with all the men's names.

Q. How many did you see crippled?—A. Two.

Q. Then you are not as familiar with the faces and intentions of the individual members of your club as you imagined you were, are you?—A. No, sir; I don't say that I know each man personally, but depend on their word as a true Republican.

Q. Did each and every one of your club talk to you personally about the matter?—A. Each of the presidents was so instructed by me, that on the day of election to go to the polls and vote, if you could; and, if not, turn back home; and they did so.

Q. Do you mean the presidents did so?—A. I told each one to carry your men back home as the chance is so we could not vote.

Q. Then you could not say what was the individual intention from your personal knowledge of each member from those clubs?—A. I take their word for it.

Q. Did each and every one of the individual members tell you what



their intention was?—A. They did not; but they told it to their presidents of the clubs.

Q. Do you know of your personal knowledge that each individual member told their presidents what their intentions were?—A. I should think they did.

Q. Did you go up with those four men you said voted?—A. I did not.

Q. How then do you know that their mouths were opened and their teeth examined to see how old they were?—A. I saw that; I was at the park.

Q. Could you see from the park to the box?—A. No, sir.

Q. How then could you see them?—A. They were not examined at the box, but on the lower steps as they started up to the box.

Q. Did the managers stand on the lower steps to examine voters?—A. These were not managers.

Q. Who were they?—A. A parcel of red-shirts men; I don't know who they were; they were white men with red shirts on; I thought that they was employed in something else.

Q. Did these men constitute an examining committee?—A. Acted like it, but I don't think they was; it was more for consuming time than anything.

Q. How long did it take to examine these four men?—A. They did not examine four.

Q. How many did they examine?—A. One.

Q. How long did it take to examine him?—A. I suppose about five minutes.

Q. Who was the man they examined?—A. Reddick Johnston.

Q. Where does he live?—A. Up at Mr. William Walker's, on Cambridge road, about  $5\frac{1}{2}$  miles.

Q. You say the colored men had nothing to take the polls with; were not most of them armed with clubs?—A. They had clubs or sticks, but no one never see a man throw as far as one can shoot a ball.

Q. You say you saw the entrance obstructed during the entire day; what time did you leave the polls?—A. I don't remember of saying I saw it the entire day; I left the polls about half past 2 o'clock.

Q. Can you read and write?—A. A little.

Q. Do you ever read your county papers?—A. I tries sometimes; an opportunity will allow it.

Q. Do you subscribe to either one of the county papers?—A. I do not; that is what I mean by saying when opportunity will allow me. I am not qualified enough to take a paper, but when I can get hold of the money I'll buy one, and read and give it to others, and let them read it.

Q. Did you not say you expected to find two polling precincts at this place?—A. I did.

Q. Did you not know that the different polling precincts and managers were published in the different county papers some weeks previous to the election?—A. At that time I was fortunate enough not get paper. I mean by that I did not have a paper at that time. (I mean unfortunate.)

Q. Do you not know that there have not been two boxes at this place since 1876?—A. I did not. I knew that it was a large polling precinct and it always takes two boxes to poll the votes at this place.

Q. Do you know when the two boxes were first established here?—A. I do not.

Q. You then don't know that there have always been two boxes held here?—A. Ever since I was allowed to vote there has been two.

Q. How long has it been since you were first allowed to vote?—A. I could not specify the time now, it will soon be six years since I was prohibited from voting; it will be six before I will try to vote again.

Q. You then don't know when you cast your first vote?—A. No, sir; I do not.

Q. You then have not shown that intelligence and interest that a man should who occupies the position you say you do in the community in which you live, by being posted as to the whereabouts and number of the polling precincts of your neighborhood, do you?—A. I could answer the question if I was allowed the time to study awhile on it. I was very familiar with it when I could vote as a freeman, but since I have got so I could not vote as I wish, great many things I have forgotten, being uneducated, too.

Q. You say only four Republicans were able to reach the polls to vote, did you not?—A. I did.

Q. You know, then, that only four Republicans voted, at this precinct?—A. Four that I know.

Q. You then don't know how many more voted?—A. No, sir, could not; many voted. There was only two and three allowed to go up at the time and the pathway up the steps was about two feet wide.

Q. You say that there were no Republicans here that day except those who usually came here to vote, did you not?—A. I have not said it before, but I do say it now.

Q. Do you mean to say that there were no Republican voters here that day who lived nearer to other precincts than this one?—A. I don't know that there was.

Q. You, then, don't know that each and every Republican voter here that day did usually vote here?—A. I saw the different companies that was here and I regarded them all as voters of this precinct.

Q. You then didn't know that each and every one of the Republicans who were here that day of your own personal knowledge usually voted here?—A. I thought that they had a right to vote at any place, so it was in that county or State, as citizens.

Q. You then think a citizen of Edgefield has the right to vote in Abbeville County, as they are both in the same State?—A. I don't know that they have the right to vote in Abbeville or not. I thought they had the right to vote anywhere in this county. I have seen white men here from other precincts, but I did not see any colored men to my knowledge.

Q. Then you say of your personal knowledge that there were no colored men here that day from other precincts?—A. Not that I know. I can't say that there was not, and can't say that there was.

Q. Did not the man in the calico suit create the difficulty you spoke of?—A. He did not.

Q. You said the election was not conducted fairly, did you not?—A. I did; not if I am considered and looked upon as a citizen.

Q. You then mean to say that when Mr. Durisoe, Mr. Sheppard, and other gentlemen have said it was conducted fairly they have told what is not true, do you?—A. They have told what they call true, but I will ever say that I am not regarded as a citizen; I don't desire to give no man the lie and never did, but I will ever say I am not a citizen under those circumstances.

Q. Did you not hold office while the Republicans were in power?—A. I did not.

Q. Were you not steward or assistant steward at one time at the county poor-house?—A. I was.

Q. Was it not a paying and profitable office?—A. It was not.

Q. Did you not contract to feed the paupers at a certain sum?

(Objected to on the ground that it is foreign to the issues involved in this investigation.)

A. I did.

Q. Did not, during your term, two of the paupers starve to death?

(Objected to on same grounds as above.)

A. Not one.

Q. Was it not a general rumor that during your term that you did not give the paupers enough to eat?

(Objected to as incompetent testimony.)

A. It was not.

Q. Was not one of the paupers, a poor idiotic white girl, during your term, delivered of a child, and were you not, according to general rumor, the reputed father of the said child?

(Objected to on the ground of its irrelevancy, there being no such issues raised either in the notice of contest or the answer to the same.)

A. There was not.

Q. Was not one of the paupers, a poor idiotic white girl, during your term delivered of a child?

(Objected to as being irrelevant.)

A. Not one.

W. A. MORGAN.

Sworn and subscribed to before me this 8th day of April, A. D. 1881.

[SEAL.]

JOHN T. GASTON,

Intendant, E. V.

In the matter of the contest between Robert Smalls and G. D. Tillman for a seat in the Congress of the United States.

SOUTH CAROLINA,

Edgefield County:

D. J. MITCHEL, a witness of legal age, produced by contestant, after due notice to contestee, deposes as follows to questions propounded to him:

Question. State your age, residence, and occupation?—Answer. Age, twenty-six; reside in Edgefield County, and am a farmer.

Q. Were you at Cheatham's Store precinct on the day of the last general election?—A. I was.

Q. Mr. John Brunson has stated that the election was conducted fairly there, is that correct or not?—A. I can only say that the Republicans were not allowed to vote whilst I was there.

Q. Were you violently treated by Democrats there that day; and, if so, state the manner in which you were used.

(Objected to as new matter and not in reply.)

A. I was; I was beat; they attempted or threatened to kill me. I was about one hundred yards more or less from the place of voting; I had just left the store and had gone down the road; the supervisor and about three or four hundred Republicans who had just left the store, after being denied the right to vote. The supervisor had commenced taking the names, and I told him that I was going home, and he said to me not to go until he could get the names of all the Republicans who would come there to vote. He then concluded that he

would go back to the voting place again, and so he did, after taking all the names, all of them that was present. He then asked me to go with him back again and stay with him all day, in order he could take the names of them that was objected to voting. I did not go with him there; we was not far from the store, and after all had left that place I started to go where the supervisor was, and before I got to the store, or got in sight of the store, I stopped and looked to see if I could see the supervisor or any Republicans there. I did not see him nor a colored person there. I started away, and I heard some one saying, "Halt." I did not stop at first, and they still repeated the same word. I was riding, and I did not stop at all, but I walked along slowly, and they overtook me, and told me that I had to go back to the store. I told them I did not have any business down there now, and I was going home; they were white Democrats; struck me with a club, and caught hold of the horse's bridle-rein, and told me that I had to go back. He began pulling the rein, and I got off the horse. At this time there was another Democrat standing behind me; I turned my face to him, and he had his pistol drawn on me, and told me if I did not go back to the poll he would shoot my brains out and leave them in the road. I then concluded, rather than be killed, to go back; I gets to the store, then I stops at the steps and refuse to go any further. He told me to go on, and I would not move; they then commenced pushing me, and caught hold of me by the arm, and carried me to the window, and put one hand on my head and the other on the box, and he said, "Here it is, God d—n you, now vote." I told him I could not vote when I wanted to, and I did not intend to vote at all. One of the Democrats struck me with a club, and then I spoke and told them I had done nothing for them to treat me in that manner, for the piazza was full of Democrats. They jumped on me, and commenced pulling me and beating me about, so I commenced trying to get loose; they commenced trilling me on every side, and I seed that I would be killed; I tried to get to the door. In the mean time they still had hold of me, pulling and knocking of me, trying to pull me out of the piazza; they said to kill me. One of the supervisors came to the door and opened it, and as soon as I could I got in the store, whilst they all was knocking and pulling of me. They tried to break in the store to get to me, but was objected by the locking of the door by some one that was in the store. They were still yet cursing and damning, and saying, "Make him vote"; and I voted a Democratic ticket, thinking it would be the means to save my life; and after I had voted I was let out the store by a white Democrat out of a window at the back end, which way led through Mr. Cheatham's premises. My going out at the back the supervisor, or rather Democratic manager, said it would save my life, and one of them went a little piece with me, and told me to get off as quick as I could, or else I would be killed.

(Objected to as being new matter which the contestant knows that the contestee will not have an opportunity of replying to, and not in reply.)

Q. Do you know the names of any of the Democrats who abused you in the manner which you have described?—A. I do, two of them; others I do not.)

(Objected to as new matter.)

Q. Do you know the name of the manager who carried you away from the box?—A. I do.

Cross-examination by F. H. WARDLAW, counsel for contestee:

Q. Where do you live?—A. In this county, Moss Township.

Q. Whose place do you live on?—A. Mr. Edward Pressly's place.

Q. How far is that from Cheatham's Store?—A. Between 2 and 3 miles.

Q. You say you are a farmer mostly. What are you when you are not a farmer?—A. I do other things sometimes.

Q. What other occupation do you follow?—A. Sometimes I teaches school.

Q. Do you teach public school?—A. Yes, sir; sometimes.

Q. Are you teaching school now?—A. Not now. I taught this public session.

Q. Where were you educated?—A. I am not educated yet, fully.

Q. Where did you get what education you have?—A. I have went to different places to school.

Q. Give us the names of the different schools you have been to.—A. Moss Township, Meeting Street—I forgot the name of that township; I forgot the name of the school on Eichelber's quarter; and I went to school to an institution in Cokesbury.

Q. What sort of an institution was that in Cokesbury?—A. It was a college.

Q. Was it a college for colored people?—A. Yes, sir.

Q. Who was its president?—A. The instructor was Prof. B. F. Porter, from Brooklyn, N. Y.

Q. Did you graduate?—A. I did not, sir.

Q. Are you a native of this county?—A. Yes, sir.

Q. Did your father hold position under the Republicans?—A. He did not.

Q. Did not the supervisor have blanks already prepared in which to take down the names of the Republicans who did not vote?—A. Not as I knows of.

Q. You said he took down the names; how did he take them down?—A. He written them down.

Q. What did he write them on?—A. On paper, I suppose.

Q. Did you see him write them down?—A. I did not.

Q. How do you know the supervisor took down the names, if you did not see it?—A. He said so. I take his word for it.

Q. How, then, do you know he took down the names of all those who were present?—A. I do not.

Q. Why did the supervisor say he had to take down the names of those who were present?—A. He didn't tell me why he had it to do.

Q. Then, because the Republicans could not take the polls and vote as they pleased, they left, did they?—A. They did not wish to vote as they pleased, but as the law allows them to vote.

Q. How many Democrats were on the piazza when you got back?—A. I didn't count them, but don't think more than 10 or 20.

Q. You say when you were carried back there they all beat and pulled you about, and tried to force you to vote?—A. Before I was struck in the piazza they told me to vote.

Q. They were all beating you and pulling you about?—A. They was; some of them were holding and the others were hitting and pulling me about.

Q. Don't you think, if these ten or twenty Democrats were beating you, as you say they were, that you would not be here to-day to tell this cock-and-bull story?—A. I would be owing to the chances that they had, if one of them could have killed me. Of course where there was so many they could not use me as bad as a few could.

(Both question and answer objected to, on the ground that the ques-

tion seeks the opinion of the witness, and that the answer is merely an opinion.)

Q. Would not you, as a matter of fact, have been killed if you had received a beating you say you got?—A. I received the beating that I have stated by the hands of the Democrats, and is yet alive.

Q. Who were the Democrats that beat you?—A. I do not know all. I only know two of them.

Q. Who are the two that you know?—A. I do not care to use their names publicly.

Q. What was the name of the manager who put you out of the back window?—A. I do not care to use his name.

Q. Do you know the names of the managers at Cheatham Store precinct at the last election?—A. I do.

Q. Give the names.—A. John Hill, James Fraser, Artemus Brunson.

Q. Do you know the name of the manager who came to the door and opened the door for you?—A. Yes, sir.

Q. What was his name?—A. John Hill.

Q. What time did you leave the polls?—A. About 9 o'clock.

Q. Where did you camp that night?—A. At home.

Q. How long before you left, the last time, had it been since the Republicans left the polls?—A. About 1½ hours.

Q. They then had plenty of time to go to any other precinct and vote, did they not?—A. No, sir.

Q. You say they left there about 8 in the morning. Don't you think they had plenty of time from then till 6 o'clock in the evening to go to some other poll and vote?—A. Yes, sir; time enough from 6 to 8, to go.

Q. You don't know, from your personal knowledge, that those voters did not go to some other polling precinct and vote, do you?—A. I do not.

Q. By which road did you and your crowd approach the polling precinct?—A. The Abbeville road.

Q. Were you summoned when Smalls first began to take his testimony at this place?—A. I was not.

Q. Had you told your tale before that time?—A. I had not.

Q. Who found out from you in regard to what you have testified to?—A. The report was made through the supervisor to the county chairman or executive committee, I suppose, or whoever receives the returns of the supervisor, whoever he is; I don't know who he is.

Q. Is it not a very peculiar fact, if this testimony of yours had been reported to the county chairman at that time, that he should have had Harry Oliphant summoned before the commissioner to testify, who is a very ignorant witness, instead of yourself, who can tell such a plausible tale?

(Objected to on the ground that it seeks information which it is impossible for the witness to give, except only as an opinion, which would be incompetent.)

A. I can only say that, as far as Harry Oliphant's testimony and the commissioner herein, I am not to justify their cases, and therefore I cannot give no reason for not having me at the time, or instead of Harry.

Q. Do you occupy any official position in the Republican party?—A. None.

Q. Do you know anything of the manner in which the election was conducted or who voted at the polling precinct at Cheatham's Store after half past 9 o'clock that morning?—A. I do not.

Counsel for contestee objects to going on with the evidence, as it is

now half past 7 o'clock at night, and he feels he can't do his duty faithfully to the contestee by a longer session of the court at night, and that the counsel has never required the counsel on the other side to work after sunset while the contestee was taking his evidence.

Counsel for contestant insists that it is perfectly fair and proper that the evidence of the witness now being examined be concluded before stopping, or at least that the examination should be continued to a later hour, as the counsel has already been cross-examining the witness about three hours, and as an additional reason, the counsel for the contestant consented to an adjournment of the investigation during the day to enable the counsel to meet some business engagements of his which had no connection with this matter. In view of these facts, I contend that the objections urged by counsel to proceeding further at this time are unfair.

The adjournment that the counsel consented to was only for one and one-half hours, and that included the time for dinner.

As the counsel positively refuses to proceeding further, and in order that no fact may be suppressed, I am forced to consent to proceeding further at this time.

Adjourned until 9 o'clock to-morrow morning, April 8th, 1881.

JOHN T. GASTON,  
*Intendant.*  
D. J. MITCHELL.

Sworn and subscribed to before me this 9th day of April, A. D. 1881.  
[SEAL.]

JOHN T. GASTON,  
*Intendant, E. V.*

Met pursuant to adjournment, 9 o'clock a. m., April 9th, 1881.

Present, F. H. Wardlaw, counsel for contestee, and P. Simkins, counsel for contestant.

F. H. WARDLAW, counsel for contestee. After consideration I have decided not to interrogate the witness, D. J. Mitchell, any further.

P. Simkins, counsel for the contestant, stated that since the adjournment of court on last evening, the painful intelligence had been received of the death of General M. W. Gary, one of the most distinguished citizens of South Carolina, and whose memory should be revered. He therefore moved that this court adjourn as a mark of respect to his memory until Monday morning, at 10 o'clock a. m.

In accordance with the above motion, the court was adjourned until 10 o'clock a. m. Monday morning, 11th April, 1881.

JOHN T. GASTON,  
*Intendant, E. V.*

In the matter of the contest between Robert Smalls and G. D. Tillman for a seat in the Congress of the United States.

Met pursuant to adjournment, 10 o'clock a. m., 11th April, A. D. 1881.

MOSES MORTON, a witness of legal age, produced by contestant, deposes as follows to questions propounded to him:

Question. State your age, residence, and occupation.—Answer. Age, thirty-five; residence, Edgefield County; occupation —.

Q. Were you at the Edgefield court-house box at the last general election?—A. I was.

Q. Several Democrats have testified that you came to the polls in command of a large body of colored men, and that you were continually urging them to advance toward the poll; is that true or not?—A. It is not true.

Q. Are you a leader of any kind among the Republicans?—A. No, sir.

Q. Did you not reside in the village of Edgefield at the last general election?—A. Yes, sir.

Q. Did you try to vote at the last election?—A. Yes, sir.

Q. What ticket did you intend to vote?—A. The Republican ticket.

Q. What was the reason you did not vote?—A. Because men was up there on the steps and would carry you up there, one and two at a time; keep you up there so long I was feard to get up there. I did not want to get into no row, no fuss.

Q. When you say that there were men on the steps, do you mean that there were Democrats or Republicans?—A. I mean Democrats.

Q. Did you hear any Republican say on the day of the election that they wanted to have a difficulty with the Democrats?—A. No, sir.

Q. Who was on the Republican ticket for Congress?—A. I don't know. I forget now who it was.

Q. Can you read or write?—A. No, sir.

Q. Have you any influence with the Republicans whatever?—A. No, sir.

(Objected to.)

Cross-examination by F. H. WARDLAW, counsel for contestee:

Q. Were you not, last election, on horseback, and riding at the head of a large body of colored men?—A. I was.

Q. Have you not always been a very pronounced Republican?—A. Yes, sir.

Redirect:

Q. Explain how it was that you were on horseback, and at the head of the men alluded to.—A. I went and met them out the other side of Mr. Dobson's soon that morning, and turned around and gets in front, and they tell me to ride on in front and stay in front. I did so coming on, meaning no harm at all.

his  
MOSES + MORTON.  
mark.

Sworn and subscribed to before me this the 11th day of April, A. D. 1881.

[SEAL.]

JOHN T. GASTON,  
*Intendant, E. V.*

No. 14.

STATE OF SOUTH CAROLINA,  
*County of Barnwell, Fifth Congressional District:*

ROBERT SMALLS, CONTESTANT, }  
  *vs.* }  
G. D. TILLMAN, CONTESTEE. }

To, Hon. G. D. TILLMAN, contestee:

Take notice that I will take testimony in rebuttal at the following places, to wit: Barnwell Village, on Thursday, the 7th day of April;



Blackville, on Saturday, the 9th, and Allendale, on Monday, the 11th, before W. S. Dixon, a notary public for South Carolina, as per written agreement.

ROBERT SMALLS,  
*Contestant.*  
By A. H. EZEKIEL,  
*Of Counsel.*

(Indorsed:) Notice to take testimony in rebuttal. Robert Smalls, contestant, by A. H. Ezekiel, of counsel.

Service of a copy of within accepted this 2d day of April, 1881, at Allendale, S. C.

JNO. W. HOLMES,  
*Attorney for Contestee.*

BLACKVILLE, S. C., April 8, 1881.

Testimony in the contested election case of Hon. Robert Smalls, contestant, vs. Hon. Geo. D. Tillman.

Testimony taken in behalf of Hon. Robert Smalls, in rebuttal. Fifth Congressional district, South Carolina.

GILBERT KIRKLAND SWORN :

Question. What is your name?—Answer. G. Kirkland.

Q. What is your age?—A. Thirty-five years old.

Q. What is your occupation?—A. Minister of the gospel.

Q. Where do you reside?—A. At Graham's, Barnwell County.

Q. Do you know Mr. Gilbert Faust?—A. Yes.

Q. Is he a member of the church that you are pastor of?—A. Yes.

Q. Is he a Sabbath-school teacher in your church?—A. He is not; he is treasurer of the Sunday school.

Q. Do you know of any of the children that are connected with the school being taken away on account of his being a Democrat?—A. No.

Q. You being pastor of the church, could any of the children have been taken away and you not know it?—A. I don't think so.

Q. Do you know of him being slighted or ostracised on account of his being a Democrat?—A. No; not to my knowledge.

✓ Cross-examined by contestee :

Q. Of how many churches are you pastor?—A. Only one.

Q. How often do you preach at that church?—A. Three times a month.

Q. How often do you attend Sabbath school?—A. Every Sunday until last November, when the school closed, except when I was called away.

Q. How often were you called away on Sundays?—A. Sometimes twice, and sometimes once.

Q. Do you know the largest number of scholars that ever attended?—A. I don't know; that is the secretary's business.

Q. Why did the school close last November?—A. We closed for the purpose of meeting the convention one day before the meeting of the association.

Q. How long did the Sunday school stay closed?—A. From last November until March.

Q. Was the attendance of scholars as large at the close of the school as it was previous to its close?—A. I don't know.

Q. Do you know whether any children who generally attended the Sunday school ceased their attendance about the time it closed?—A. I don't know.

Q. Then all you know of the Sunday school is confined to the Bible class you taught?—A. I devoted the most of my mind and time to it.

Q. Did Stephen or Emanuel Killingworth ever say anything to you about Faust being a Democrat?—A. Not a word.

Q. Did E. W. M. Killingworth ever write you a letter on this subject?—A. He never did.

Q. Did Elsie Oliver ever say anything to you about taking her children from the school on account of Gilbert Faust being a Democrat?—A. No; she is not a member of my church.

Q. Did her children ever attend the school?—A. Yes; they did while I was connected with the school.

Q. How often did Gilbert attend that school?—A. He attended pretty regularly.

Q. Then who knows most about the attendance of the Sunday school, you or Gilbert Faust?—A. Neither of us could know without consulting the secretary.

Q. Is Gilbert still treasurer of that Sunday school?—A. Yes; he was re-elected last March.

Q. Was a letter from Killingworth ever presented to the Sunday school about Faust's connection therewith and his being a Democrat?—A. None to my knowledge.

Q. Do you know any more of this Sunday school than any other teacher?—A. No; I do not.

Q. Then you know not of any children having left the Sunday school because of Faust belonging to it and being a Democrat?—A. None to my knowledge.

Q. Could any children have left the school for that reason without your knowledge?—A. I don't think so.

Q. Did you exercise a general superintendency over the school?—A. I did not; that is the superintendent's business.

Q. Is it your business, or the superintendent's business, to know whether children leave the school or not?—A. The superintendent's business.

Q. How often do you and the superintendent confer together regarding the school?—A. Occasionally we speak of it, but never have a general conference.

Q. Other things being equal, is the standing of a Democratic member of your church as good as Republicans?—A. I see no difference when I am present.

Q. Do many colored Democrats belong to your church?—A. Yes; some say they are Democrats.

Q. Where is your church located?—A. In Graham's, Barnwell County.

Q. Are you prepared and able positively to testify that no children cease to attend the Sunday school because Gilbert Faust is connected with it and votes with the Democrats?—A. I am prepared to testify that to my knowledge none of the children connected with the Rome church have ceased their attendance on account of Gilbert Faust voting with the Democrats.

Redirect examination by contestant:

Q. You being pastor of that church, had any of the children left the school on account of the teacher being a Democrat, would not the

superintendent naturally have reported it to you?—A. It really seems so.

GILBERT KIRKLAND.

Sworn to and subscribed before me this 8th day of April, 1881.

[L. S.]

W. S. DIXSON,

*Notary Public, South Carolina.*

DANIEL WHITE, being duly sworn, testifies as follows:

Question. What is your name?—Answer. Daniel White.

Q. What is your age?—A. Thirty-three years old.

Q. What is your occupation?—A. Farmer.

Q. Where do you reside?—A. At Graham's, Barnwell County.

Q. Are you a member of the Rome Baptist Church, at Graham's Turnout?—A. Yes.

Q. How long have you been a member of that church?—A. About seven or eight years.

Q. Were you ever proscribed as a member by any of its members?—A. No.

Q. Did you ever at any time within the last seven years affiliate with the Democratic party?—A. Yes.

Q. Do you know Mr. Gilbert Faust?—A. Yes.

Q. Is he a member of the Rome Baptist Church?—A. Yes.

Q. Do you know of any member or members ill-treating or threatening to have him excommunicated from the church on account of his affiliation with the Democratic party?—A. No.

Q. You being a member of the church, if any such thing had happened would you not have heard of it?—A. Yes; I would have heard it.

Q. Is Mr. Gilbert Faust connected with the Sabbath school? And, if so, state his connection.—A. Yes; he is treasurer now and was sexton last year.

Q. Did he remain sexton all of last year?—A. No; he was not; they removed him for non-attendance, and put John Hix in his place.

Q. Do you know of any person or persons taking their children from the school at any time while he was connected with the school on account of his being a Democrat?—A. No; not one was taken away on that account.

Q. Were you at the polls on the day of the election?—A. Yes.

Q. Did you see the Republican supervisor leave the polls at any time during the day?—A. I saw him when he came out to get dinner, and about the time when the polls closed.

Q. At any of these times did you see any one offering to help him down? And, if so, state in what manner?—A. I don't call it a help down. As he came out to the door there was a crowd at the door, and one held a knife in his hand, and said, "Let me help him down." Rickenbacker saw the knife, and jumped over his hand.

Q. Did Mr. Rickenbacker go back into that house after coming out at that time?—A. No; not to my knowledge; myself and several others went around the house to see if he was cut.

Q. Were this crowd at the door when he came out white or colored?—A. They were colored and white.

Q. Who were the parties immediately in the door, offering to help him down?—A. White men; the one that offered to help him down was a white man.

Q. During the time that you affiliated with the Democratic party did you ever have any cause to feel that you have been ill-treated or ostrac-

cised by any of your race?—A. Not what I call abuse, but some slack talk by some friends; I could not call it ostracism.

Cross-examined by JNO. W. HOLMES, attorney for contestee:

Q. When and for how long a time did you affiliate with the Democratic party?—A. In 1876 and 1878 I was one of the county canvassers, appointed by the county chairman, also elected to the Democratic State convention as a delegate.

Q. What is your present politics?—A. I am a Republican.

Q. Were you treated as courteously by colored Republicans while you were a Democrat as you have been since you returned back to the Republican party?—A. I was.

Q. Did any colored Republican ever cease to speak to you while you were a Democrat?—A. No.

Q. Did not colored Republicans in Blackville refuse to hear you speak?—A. Some ignorant people would walk off, sensible people would hear what I had to say.

Q. When you were called upon, did not the Republican county chairman object to your speaking?—A. I don't remember.

Q. Do you not remember that after your return home on that occasion you stated to many of your friends and acquaintances that you were not permitted to speak, or objections were made to your speaking?—A. I don't remember.

Q. How far were you from Rickenbacker when he came out of the door?—A. I was standing leaning against the door-facing.

Q. How far from you was the man with the knife in his hand?—A. Not over three feet.

Q. Did you recognize the man?—A. No.

Q. Were any strangers there?—A. I don't think any persons were there with whom I was not acquainted. There may have been persons whose names I did not know.

Q. If you could see a knife in the hands of a man not over three feet from you, could you not recognize the man?—A. With the crowd that were around that door I could not recognize the man.

Q. How many persons were between you and the man that had the knife?—A. God Almighty knows, I don't; there was a big crowd at the door.

Q. Is not a man's person as easily seen as his hand with a knife in it?—A. No; not at that time.

Q. In coming out of the room did Rickenbacker pass between you and the man with the knife?—A. I don't know.

Q. From what did Rickenbacker jump?—A. He was coming out of the house, stood on the floor, and jumped over the knife out on the ground.

Q. You are certain, then, that Rickenbacker was on the floor when he made the jump?—A. I am certain that he was on the floor, whether he was on the counter floor or floor of the house I don't know.

Q. How far was the ballot-box inside of the door when Rickenbacker came out?—A. The ballot-box was on the counter inside of the door; I don't know how far it was from the door.

Q. How far was the counter from the door?—A. It was right across the door, inside of the house.

Q. How high was the counter from the floor?—A. I don't know.

Q. How high was the house from the ground?—A. I don't know.

Q. Were you standing in the piazza or on the steps when Rickenbacker came out?—A. There was no piazza but two steps; I was standing on the ground.

Q. Were the steps the same width of the door?—A. They might be as wide or they might have been wider.

Q. If the steps were wider than the door could you have stood on the ground and leaned against the door?—A. I could have easily stood on the ground and leant against the door, even if the steps were wider than the door.

Q. How long did you remain leaning against the door?—A. I suppose fifteen or twenty minutes.

Q. Did the crowd interfere with you while standing at the door?—A. No.

Q. Did the man with the knife make any attempt to cut Rickenbacker?—A. No; more than to say let me help you down, and perhaps it might not have been the man that had the knife in his hand that said let me help you down, and it might have been him.

Q. If the man with the knife in his hand had desired to cut Rickenbacker could he have done so?—A. He could if he wanted to.

Q. When you were leaning against the door how far were you from the ballot-box?—A. About two feet, more or less.

Q. Do you know why Rickenbacker came out at that time?—A. No.

Q. Did you not know he was coming out about the closing of the polls?—A. No; I did not, because I thought he was going to stay until the votes were counted.

his  
DANIEL + WHITE.  
mark.

Sworn to and subscribed before me this 8th day of April, 1881.

[L. S.]

W. S. DIXON,  
*Notary Public, South Carolina.*

Mr. GYLES HOLMAN, being duly sworn, testifies as follows:

Question. What is your name?—Answer. Gyles Holman.

Q. What is your age?—A. Twenty-three years old.

Q. Where do you reside?—A. At Graham's, Barnwell County.

Q. What is your occupation?—A. Farmer.

Q. Are you acquainted with Gilbert Faust?—A. Yes.

Q. Did you ever at any time meet Gilbert Faust at any Democratic club meeting?—A. I never did.

Q. Are you a member of a Democratic club at Graham's?—A. No.

Q. Were you ever a member of any Democratic club?—A. Never in my life.

Cross-examined by JOHN W. HOLMES, attorney for contestee:

Q. On whose land do you live?—A. Elijah Guess'.

Q. Do you rent land from him or work for a part of the crop?—A. I work for a part of the crop.

Q. What is your name?—A. Gyles Holman.

Q. How many persons of the same name near Graham's?—A. I don't know.

Redirect examination by contestant:

Q. Do you know of any other name except yours as Gyles Holman?—A. I do not.

Q. How long have you lived there?—A. I was born and raised there.

his  
GYLES + HOLMAN.  
mark.

Sworn to and subscribed before me this 9th day of April, 1881.

[L. S.]

W. S. DIXSON,

*Notary Public, South Carolina.*

Mr. F. G. MOSES, being duly sworn, testifies as follows:

Question. What is your name?—Answer. F. G. Moses.

Q. What is your age?—A. Twenty-nine years old.

Q. Where do you reside?—A. At Williston, Barnwell County.

Q. What is your occupation?—A. Farmer and minister.

Q. Do you know James F. Savage?—A. I do.

Q. How long have you lived at Williston?—A. Since 1879.

Q. Where did you live before you came to Williston?—A. Born and raised in Edgefield County, and lived 5 years in Orangeburg County before coming to Williston.

Q. Would you believe James Savage on his oath?—A. I could not positively do it.

Cross-examination by JNO. W. HOLMES, attorney for contestee:

Q. What church are you pastor?—A. Piney Grove church, 22 miles, more or less, from Williston.

Q. Of what denomination?—A. Baptist.

Q. Have you ever been regularly ordained?—A. Yes.

Q. When were you ordained?—A. On the first Sunday in July, 1877.

Q. How far do you live from Williston?—A. One mile.

Q. How often do you go to Piney Grove church?—A. Once a month.

Q. Do you understand the nature of an oath?—A. I think I do.

Q. What is it then?—A. A man upon his oath is to tell what he knows to be true.

Q. You have sworn that you would not believe James F. Savage on his oath.—A. Yes; I have so sworn.

Q. Why do you swear so?—A. I know him to be a man that won't work for his living as other men do in general, and is always fishing about trying to get his living without work.

Q. What is James F. Savage's occupation?—A. I don't know.

Q. Do you know whether he is a trial-justice constable or not?—A. I don't know whether he is a regular constable or not; sometimes he attends to the business.

Q. How often do you go to Williston?—A. From one to three or four times a week, as my business calls me.

Q. Is Savage a farm laborer or not?—A. I don't know him to be a farmer. Every time I go to Williston he is generally standing about there.

Q. If Savage were a constable would it not be his duty to remain in Williston, and also to execute all processes placed in his hands?—A. Of course, if it is his business.

Q. Then do you swear that you would not believe Savage on his oath simply because he does not work for his living as other men of his race do?—A. My reason for not believing him on his oath is because of his manner of living.

Q. Are you intimate with Savage?—A. We are friendly whenever we meet. I spend the most of my leisure time at study.

Q. Does he belong to your church?—A. No.

Q. Does he belong to the same political party that you belong?—A. I suppose he does not from his conversation.

Q. Then living, as you do, a mile from Williston, not knowing Sav-

age's regular occupation, spending most of your leisure time in study, meeting Savage only occasionally, can you solemnly swear from your own personal knowledge that the testimony given by Savage under oath is not worthy of belief?

(Contestant objects to the question on the ground that no testimony given by Savage has been read to the witness or the witness being informed what Savage had testified.)

A. Yes; I would not believe him on his oath, from my knowledge of him.

Q. What is your knowledge of him?—A. I have stated that from my knowledge and his general character, I could not believe him on his oath.

Q. Will you state from your own knowledge his manner of life, which induces you to discredit his testimony?—A. Because I heard him swear to things that I knew at the time were not so.

Q. What things have you heard him swear to that you knew were not so?—A. There are none that I can remember.

Q. When you heard Savage swear falsely who administered the oath?—A. No one.

Q. Have you ever had any business dealings with Savage in the trial justice office?—A. None.

Redirect examination by contestant:

Q. Have you ever seen Savage drunk or under the influence of liquor?—A. I have seen him that way oftener than without.

Q. When you say "that way," what do you mean, drunk or under the influence of liquor?—A. I mean under the influence of liquor.

Q. Did you ever at any time advise Savage to become a member of the church?—A. I have advised him to become a member of the church and become a better man.

Q. Did he ever promise you that he would?—A. He never promised that he would join the church, but said that he would try to do better; that he could be too useful a man among his people.

Recross-examination by JNO. W. HOLMES, attorney for contestee:

Q. When did Savage promise you to lead a better life?—A. Last July at a protracted meeting at Williston, when his wife joined the church.

Q. When have you seen him under the influence of whisky last?—A. It is such a common thing for me to see him drunk that I cannot specify the last time.

Q. Are there any bar-rooms in Williston now?—A. None open that I know of.

Q. Do you know how long they have been closed?—A. I don't know. I think some time last fall.

his  
F. G. + MOSES.  
mark.

Sworn to and subscribed before me this 9th day of April, 1881.

[L. S.]

W. S. DIXSON,  
Notary Public.

Mr. SCIPIO BENNETT, being duly sworn, testifies as follows:

Question. What is your name?—Answer. Scipio Bennett.

Q. What is your age?—A. Forty-six.

Q. Where do you reside?—A. In Williston Township, Barnwell County.

Q. What is your occupation?—A. Farmer.

Q. Do you know Mr. James F. Savage; and, if so, how long have you known him?—A. I have known him from his childhood.

Q. Did you and he ever live together; and, if so, what place, time, and circumstances?—A. We belonged to the same owners, but did not live together until the war commenced; we lived on the same place until the end of the war; since the war we lived near each other in the same county.

Q. Have you frequently met him since?—A. Yes.

Q. Did you and him ever have any business relations together of any kind?

(Counsel for contestee objects to the question as irrelevant.)

A. We have had business together; such as election matters.

Q. You having known James F. Savage from boyhood, belonging to the same owners, and having lived together from the commencement to the end of the war, and having met each other frequently since that time, and having had business together in election matters, would you believe him on his oath.

(Counsel for contestee objects to the question, because the witness is required to testify from his own knowledge of Savage, and not from his general reputation for veracity.)

A. I would not.

Cross-examined by J. W. HOLMES, attorney for contestee:

A. How long has it been since you would have believed Savage on his oath?—A. About seven years ago.

Q. What caused you to lose faith in him?—A. He had me up before Osborn and C. P. Leslie, and charged me with being a spy for the Democratic party, and said they could not trust me with the tickets. I told him that it was not so, and they could not prove it.

SCIPIO BENETT.

Sworn to and subscribed before me this 9th day of April, 1881.

[L. S.]

L. S. DIXSON,

*Notary Public.*

Mr. FREDERICK NIX, being duly sworn, testifies as follows:

Question. What is your name?—Answer. Frederick Nix, jr.

Q. What is your age?—A. Thirty years old.

Q. What is your occupation?—A. Postmaster at Blackville.

A. Where do reside?—A. At Blackville.

Q. What position, if any, do you hold in the Republican party?—A. County chairman; also a member of the State executive committee.

Q. Colonel Lartigue, a chairman of the Democratic party of Barnwell County, stated in his direct examination in behalf of the contestee, that thirteen hundred and seventy-two colored men had been reported to him from the precinct chairmen as members of the Democratic party. As chairman of the Republican party, could it be possible for this number to have left the party and you not have known it?

(Counsel for contestee objects to the question because Colonel Lartigue did not testify that any man, or number of men, had left the Republican party.)

A. It is certain that that statement is incorrect from the reports that I received from the different precinct chairmen, and my personal visits to the various clubs of the county during the campaign.

Q. Do you know Mr. James F. Savage of Williston?—A. I do.



Q. From what you know of his general reputation would you believe him on his oath?—A. I would not.

Cross-examination by J. W. HOLMES, attorney for contestee:

Q. What reports, as Republican county chairman did you receive from different precinct chairmen as to the membership of their clubs.—A. I received reports that they were thoroughly organized, but decline to give the report as to the actual number of their organization in the various precincts.

Q. How many Republican clubs did you visit during the last campaign?—A. There were forty-five or forty-seven, and I visited a large majority of them.

Q. Did you visit all of them?—A. I did not.

Q. Why not?—A. Because it was not convenient for me to do so.

Q. What do you know of the general reputation of James F. Savage, which would induce you to disbelieve him on his oath?—A. I know his character to be an audacious one.

Q. In what respect?—A. A thief, gambler, drunkard, and a murderer.

Q. Has he ever been convicted of larceny or charged with that offense?—A. Not to my knowledge.

Q. Has he ever been prosecuted for gambling?—A. Not to my knowledge; but I have seen him playing cards for money.

Q. Has he ever been prosecuted for murder?—A. I have been so informed.

Q. Was he convicted or acquitted?—A. I don't know.

Q. Is he still alive?—A. I don't know; I saw him last week.

Q. Has he ever been sent to the penitentiary?—A. Not to my knowledge.

Q. Was it not understood and agreed upon just before the last general election between yourself, as Republican county chairman, and E. J. Snetter, and other Republican supervisors of election that they should leave the ballot-boxes at Elko, Graham's, Barker's Mill, and Allendale before the voting and the counting of the votes was completed, for the purpose and with the understood design of contesting the election of George D. Tillman to the House of Representatives from the fifth Congressional district of the State?

(Contestant notwithstanding the question being irrelevant at this stage of procedure consents that the question should be asked and answered.)

A. It never was, and I never heard of it before. I did not expect the supervisors to remain at those and other precincts, from what was told to me by various Democratic precinct chairmen, one of whom is sitting down by me, that the Republican candidate for Congress would be counted out.

Q. What are the names of those Democratic chairmen who told you so?—A. I decline to answer.

FREDERICK NIX, Jr.

Sworn to and subscribed before me this 9th day of April, 1881.

[L. S.]

W. S. DIXSON,

*Notary Public.*

Mr. W. J. MIXSON, being duly sworn, testifies, as follows:

Question. What is your name?—Answer. W. J. Mixson.

Q. What is your age?—A. Sixty-two years old.

Q. Where do you reside?—A. Barnwell Court House, Barnwell County.

Q. What is your occupation?—A. United States commissioner.

Q. How long have you lived in the State of South Carolina?—A. I was born in the State, in Beaufort County; moved to Barnwell quite a child and remained there ever since, except seven years I lived in Savannah, Georgia.

Q. Did you hold any position prior to the war?—A. Yes; I held the office of magistrate and coroner.

Q. Did you hold any position during the war?—A. Yes; a corporal in the Confederate Army, also sutler for the First South Carolina Regiment, under Colonel Hagood, who is now governor.

Q. What party have you affiliated with since the war?—A. The Republican party.

Q. What position, if any, have you held in that party since your affiliation with it?—A. I was first a member of the legislature, then school commissioner, probate judge two terms, then appointed by Governor Chamberlain trial-justice for Barnwell County, removed by Governor Hampton as trial-justice; afterwards appointed by Judge Bond, United States commissioner, the position I now hold.

Q. Were you nominated by the Republicans for any position? If so, state the position.—A. Yes; I was nominated by the Republican party of Barnwell County for clerk of the court.

Q. Did you ever have any difficulty with your party so much as to make you feel that you were not in good standing with them?—A. No.

Q. Do you have any cause to feel that you have been slighted or proscribed by the Democratic party because of your affiliation with the Republican party?—A. Yes, I have been insulted and often abused, and once indicted under a charge of arson, because I would not affiliate with the Democratic party. The case of arson that I was charged with was never tried, but discharged without a preliminary examination.

Q. You have been called a scalawag. Will you please give me the definition of the word?—A. The Democratic definition to the word scalawag is a native-born white man that affiliates with the Republican party.

Q. As United States commissioner have there been any complaints to you against any party or parties for the violation of the laws of the United States governing the election at Buford's Bridge; and, if so, have there been any arrests made?

(Counsel for contestee objects to the question on the ground that in answering it the witness will introduce new testimony on behalf of the contestant, which cannot properly be done at this stage of the procedure.

Contestant insists on the answer, on the grounds that it is strictly in rebuttal to testimony given by the clerk of the court of Barnwell County.)

A. Yes, there was quite a number—some forty or fifty—warrants and arrests made for violation of the election law, of which a very large proportion were bound over to the April term of court, in Charleston.

Q. Have you a certified copy of those warrants and arrests of the parties so charged?—A. I have (presenting the same, marked Exhibit A).

#### EXHIBIT A.

UNITED STATES OF AMERICA,  
*District of South Carolina:*

I hereby certify that the annexed warrant is a true copy of that on file in the clerk of circuit court of the United States' office, in Charles-

ton, S. C., in which T. F. Hogg is defendant, for violation section 5506 Revised Statutes of the United States, except the names of the witnesses which appear in the original, but not in the copy, and I further certify that a warrant very much like this one was on the same day issued for each of the following-named persons, to wit: C. H. Brabham, Henry Chassersan, W. R. Boynton, S. E. Ulmer, J. B. Boynton, M. B. Boynton, J. F. Hogg, W. C. Hogg, J. J. Craddock, Elliot Sanders, W. R. Hogg, M. Frank Priester, York Hogg, Thomas Dunbar, I. A. Kirkland, Henry G. Creich, Frank Kearse, Lewis Brabham, J. M. Dickinson, Dr. Henry Kearse, William Bennett, John Brabham, D. W. Williams, I. B. Kearse, I. E. Lyons, W. C. Best, and Berry Brabham, with others which are also on file in the same office.

11th April, 1881.

W. J. MIXSON,  
*U. S. Com's'r.*

*Federal Warrant.*

THE UNITED STATES OF AMERICA,  
*District of South Carolina:*

Office commissioner circuit and district courts of the United States  
for South Carolina.

By W. J. Mixson, commissioner of circuit and district courts of the  
United States for South Carolina, to R. M. Wallace, U. S. marshal  
or his deputies:

Whereas, complaint upon oath has been made unto me by Dublin H. Holman that on the day of the late election for Presidential electors and Representative in Congress of the United States on the 2d day of November instant at Buford's Bridge polling precinct in Barnwell County, T. F. Hogg did combine and confederate with others to hinder, delay, prevent, and obstruct, and did hinder, delay, prevent, and obstruct more than three hundred legally qualified voters from casting their votes at the said election, on account of race, color, and previous condition, and that himself ——— are material witnesses to prove the same.

These are, therefore, to command you to apprehend the said T. F. Hogg, and bring him before me, to be dealt with according to law.

Given under my hand and seal, at Barnwell, the 20th day of November, one thousand eight hundred and eighty.

[L. S.]

W. J. MIXSON,  
*Com. of Circuit and District Courts of U. S. for So. Ca.*

*Affidavit.*

THE UNITED STATES OF AMERICA,  
*District of South Carolina:*

Personally appeared before me, W. J. Mixson, commissioner of C. & D. courts of U. S. for So. Ca., Dublin H. Holman, who, being duly sworn, says, on oath, that on the day of the late election for Presidential electors and Representative in Congress of the United States on the 2d November instant at Buford's Bridge polling precinct, in Barnwell County, S. C., T. F. Hogg did combine and confederate with others to hinder, delay, prevent, and obstruct, and did hinder, delay, prevent,

and obstruct more than three hundred legally qualified voters from casting their votes at the said election on account of race, color, and previous condition, and that himself ——— are material witnesses to prove the same.

his  
D. H. + HOLMAN.  
mark.

Sworn to and subscribed before me this the 20th day of November, 1880.

W. J. MIXSON,  
*Commissioner of U. S. Court.*

(Indorsed :) The United States of America, district of South Carolina, circuit court, April term, 1880. The United States *vs.* T. F. Hogg. Warrant of arrest, for violation section 5506. W. J. Mixson, com. U. S. courts for S. C. Exhibit A, in rebuttal.

(Counsel for contestee objects to the reception and consideration of the so-called Exhibit A, on the grounds—first, that it is new evidence; second, that the copy of the warrant is defective—that it omits the name of the witnesses to prove the charge named therein; third, that the certificate of the witness is indefinite in describing the warrant against sundry parties named therein; and, lastly, because the said certificate of witness is defectively executed, and therefore cannot be accepted as testimony.)

Q. Did you or did you not bind over the witnesses to appear at the United States courts to prove the fact charged in those warrants?—A. Yes; a sufficient number.

Q. About how many arrests did you cause to be made in Barnwell County for violation of the election laws?—A. There were one hundred and eight warrants returned to the courts, and there have been several other arrests made whose witnesses have not come forward to testify; there are also thirty-five or forty warrants lying over without execution on account of having no marshal.

Cross-examined by JNO. W. HOLMES, attorney for contestee:

Q. How many white men besides yourself in Barnwell County are publicly and professedly affiliating with the Republican party?—A. I don't know of any besides myself.

Q. Did you allow all Democrats arrested and brought before you a preliminary examination before binding them over to the United States court?—A. In no instance have I refused. Several have waived the preliminary examination, and were bound without.

Q. How many were discharged after the preliminary examination?—A. I think about eighteen or twenty.

Q. How many of these persons bound over by you to the United States court have been tried and found guilty?—A. Not one; for the court has been suspended until April, 1882, for the want of United States marshal and district attorney.

Q. What are your feelings toward the Democrats of Barnwell County?—A. Outside of politics there are some that I esteem highly. There are others as to whom I am indifferent, except the man that indicted me for arson, whom I hate.

Q. Are not your personal relations with many of them of a friendly character?—A. I have no enmity towards any, but my social relation is nothing.

W. J. MIXSON.

Sworn to and subscribed before me this 11th day of April, 1881.

[L. S.]

W. S. DIXSON, *N. P.*

Mr. BEN. GIFFORD, being duly sworn, testifies as follows:

Question. What is your name?—Answer. Ben. Gifford.

Q. What is your age?—A. Fifty-one years old.

Q. What is your occupation?—A. Farmer.

Q. Where do you reside?—A. Bennett Spring Township, Barnwell County.

Q. Were you at Red Oak on the 2d day of last November?—A. Yes.

Q. What time did you arrive at the polls on that day?—A. About eight o'clock a. m.

Q. How many were you together on the other side of the branch before reaching the polls?—A. About one hundred and fifteen.

Q. Was there any difficulty between the colored people and white, at the branch, before getting to the polls?—A. Yes, after we got to the branch there was a crowd of white men—between eighteen and fifteen were behind us—they rode along and passed between us, and said, "Look at the damned niggers;" they went over two bridges on the top of the hill, then they came back and passed by us and then turned back and hallooed "Hurrah for Hancock and Hagoood," and said to the party, "I dare you to go across that bridge, I'll kill every damn one of you." We said we come to vote a Republican ticket to-day, and would do it except God ordered every one of us killed. The first one waved his pistol around and fired three times, and the rest of them fired their pistols in the air hooping and hallooing; after that they went right back over to the box.

Q. Did you see any colored man fire in on white men at the branch on that day?—A. No.

Q. How many colored men in your crowd was armed?—A. I had one myself; I saw some of the boys with little Colt iron pistols.

Q. Could there have been any firing of colored men upon white men at the branch, and you not know it?—A. No; not while I was there.

Cross-examined by JOHN W. HOLMES, attorney for contestee:

Q. Did the white men fire at any colored men on that day?—A. No; they fired straight in the air.

Q. When the white men fired were they between you and the ballot-box?—A. No; we were on each side of the road, and they in the middle.

Q. Did you and the colored men with you go up and vote?—A. All except seven ran off, and one came back.

Q. Do you know whether the other six came back?—A. I don't know.

Q. Have you ever testified in this case before?—A. Yes; at Blackville.

Q. How far was you from the polls when this firing commenced?—A. About a quarter of a mile.

Q. What time did you leave the polls?—A. About 10 o'clock I went straight home.

Q. How many of the colored men with you had guns?—A. None.

his  
BEN. + GIFFORD.  
mark.

Sworn to and subscribed before me this 11th day of April, 1881.

[L. S.]

W. S. DIXSON,  
*Notary Public.*

RICHMOND GIFFORD, being duly sworn, testifies as follows :

Question. What is your name?—Answer. Richmond Gifford.

Q. What is your age?—A. Fifty years old.

Q. Where do you reside?—A. Bennett Spring Township, Barnwell County.

Q. What is your occupation?—A. Farmer.

Q. Where were you on the day of the last general election?—A. At Red Oak.

Q. Did you go down to the branch with the rest of the colored men to cross on the day of the election?—A. Yes.

Q. Did you see any colored men fire into white men on horses at the branch?—A. No.

Q. How many men were in the crowd with you?—A. About one hundred and fifteen.

Q. What time was it when this crowd came to the branch to cross?—A. About 9 o'clock.

Q. Did you know of any crowd of about one hundred and fifty men attempting or did cross the branch at about sunrise?—A. No.

Cross-examined by JOHN W. HOLMES, attorney for contestee :

Q. How far were you from the branch about sunrise?—A. Not more than three or four hundred yards.

Q. How do you know that there were about one hundred and fifty men with you?—A. It is as near as I could guess at it; I did not count them.

Q. Were you in sight of the branch at sunrise?—A. Yes; we came there and made up a fire.

Q. Looking from the branch in the direction you came how far is the road straight?—A. For three or four hundred yards it is tolerably straight, I suppose.

Q. Under which of the bridges does the branch run?—A. Under both bridges.

Q. How far apart are those bridges?—A. About forty or fifty yards.

Q. Could you, at sunrise, see both of the bridges?—A. I could not see the one nearest the polls.

Q. Is there any crook in the road between the two bridges?—A. A little bend.

Q. Can you stand on one bridge and see the other?—A. Yes.

RICHMOND <sup>his</sup> + GIFFORD.  
mark.

Sworn to and subscribed before me this 11th day of April, 1881.

[L. S.]

W. S. DIXSON,  
*Notary Public.*

WILLIAM RILEY, being duly sworn, says and testifies as follows :

Question. What is your name?—Answer. William Riley.

Q. What is your age?—A. Sixty-five years old.

Q. Where do you reside?—A. Allendale Township, Barnwell County.

Q. What is your occupation?—A. Farmer.

Q. Where were you on the day of the last general election?—A. I went to Barker's Mill on that day to vote.

Q. How long did you remain at Barker's Mill on that day?—A. Between two and three hours.

Q. How many colored men were round and about the polls?—A. About two hundred and fifty.

Q. How many of these colored men did you see armed with either shot-guns, muskets, or pistols?—A. None.

Q. Were any guns taken away from any colored person or persons on that day and given to you to take charge of as their leader?—

A. Two of my boys each had a gun. As I got within between two and three hundred yards from the polls, in company with my two boys and another man, we met a man who told us that it was unlawful for us to carry guns up to the polls. I immediately made my boys put the guns down, and placed a boy in charge of them; and on arriving at the polls I reported to Mr. Creech, the Democratic supervisor. I reported the boys had the guns, and had left them in the road. He said that they must be turned over to Mr. Griffin, which was done.

Q. When did you get those guns back from Mr. Griffin?—A. Between 5 and 6 o'clock the same day they were returned back to the boys.

Q. When you got to the polls about how many colored men did you meet there?—A. Between one hundred and fifty and two hundred.

Q. Did you see any arms in the hands of any colored person?—A. I did not see any guns or pistols in the hands of any colored person, but saw a pistol fall out of the pocket of one Democrat.

Q. Did you vote on that day?—A. No.

Q. Why did you not vote?—A. They told me that I could not vote unless I voted for Hancock, and I told them I came to vote a Republican ticket, and left and went home.

Q. Did you make any attempt to go into the house and vote?—A. I made two attempts to do so.

Q. In what way were you prevented?—A. The door was crowded up by Democrats, and they told me that I could not vote unless I voted a brotherly ticket.

Q. About how many of you left there without voting?—A. It is impossible for me to tell, for I left there about 1 o'clock.

Q. Do you know any person or persons that left there without voting on account of that crowd around the door?—A. I don't know of any person else.

Q. Did you ever have any difficulty at that poll on any previous election for attempting to vote?

(Counsel for contestee objects, on the grounds that the answer will not be in rebuttal, as we are not examining any previous election, but introduces new testimony.)

A. Yes; on the election before the last I had a club of over one hundred, and we were not allowed to vote.

Cross-examined by JOHN W. HOLMES, attorney for contestee:

Q. Who selected Mr. Griffin to take charge of these guns?—A. I did.

Q. Did you see any pistols in the pockets of any Republicans?—A. None.

Q. Was there much joking and bantering going on there?—A. The Democrats were playing together.

Q. Did you see any personal violence offered to any Republican that day?—A. No.

Q. Did you expect to vote when you started to the poll that day?—A. I did.

Q. Were you not glad of an excuse to keep from voting?—A. No.

Q. Did not the Democrats tell you that you could vote if you would wait until the crowd around the box had voted?—A. They told me so

when I first came up. Afterwards told me I could not vote unless I voted a friendly ticket—for Hancock. I told them I would not do it, and got on my horse and went home.

Q. What time did you get to the polls?—A. Between '9 and 10 o'clock; and left about 1 o'clock.

Q. Did the persons who told you that you could not vote unless for Hancock have any authority, or did they speak in a joking way?—A. It was a Democrat, and spoke it in a solemn way.

Q. Did he try to keep you from entering the house?—A. As I went up he extended his hand and said, "Come in, if you are going to vote for Hancock." I said, "I won't take his hand unless you vote for Garfield." He said, "I'll be damned if I do it."

his  
WILLIAM + RILEY.  
mark.

Sworn to and subscribed before me this 11th day of April, 1881.

[SEAL.]

W. S. DIXSON,  
*Notary Public.*

C. P. ALLEN, being duly sworn, testifies as follows:

Question. What is your name?—Answer. C. P. Allen.

Q. What is your age?—A. Twenty-one.

Q. Where do you reside?—A. Sycamore Township, Barnwell County.

Q. What is your occupation?—A. Farmer.

Q. Where were you on the day of the last general election?—A. At Barker's Mill.

Q. Did you see any colored person on that day armed?—A. Not one.

Q. How long did you remain at the polls on that day?—A. About half past six in the morning I got there, and remained there until three o'clock in the afternoon.

Q. Is there a Republican club in Sycamore Township?—A. There is.

Q. Did you vote at Barker's Mill?—A. No.

Q. When were you twenty-one years of age?—A. About last May.

Q. Did you try to vote at Barker's Mill?—A. I did, two or three times.

Q. What prevented you from voting?—A. By the Democratic party crowding the door.

Q. What did they say or do to prevent you from getting into the house where the ballot-box was?—A. I did not hear them say much, but every time we would start to the door, they would crowd it with clubs in their hands, as many as could get in the door, and then all around it.

Q. You say "we," were there many others there that could not vote?—A. Yes; a good many.

Q. When you left at three o'clock, did many go with you?—A. The biggest majority went with me.

Q. This majority that went away with you, did they vote?—A. Not a one of them.

Q. How do you know that all of this crowd that went away with you did not vote?—A. Because they went away with me.

Q. Then you don't know any more of these men not voting, only that they went off with you?—A. They said that they did not.

Q. How many said so?—A. About 260 and more, that I am sure; I have the list of their names.



Q. When was this list taken?

(Counsel for contestee objects to the question because it is not in rebuttal, and the introduction of the list is the introduction of new evidence.)

Q. Is this list, handed to me, the names of members of your club, or the names of persons who did not vote on that day?—A. It is a list of the names that did not vote, and the names of the members of the club.

Q. When you say names of members of the club, do you mean to say members that did not vote?—A. Yes.

(List put in as evidence, marked Exhibit B. and contestee's objections noted as above.)

#### EXHIBIT B.

##### *Names of rotors at Barker's Mill.*

- |                     |                       |
|---------------------|-----------------------|
| 1 C. F. Cave.       | 41 Prince Riley.      |
| 2 Silas Cave.       | 42 Isakiah Roberts.   |
| 3 Phelix Hays.      | 43 Hampton Brown.     |
| 4 Willes Hays.      | 44 Pinkney Cave.      |
| 5 Jack Barker.      | 45 Andrew Beomans.    |
| 6 Mingo Barker.     | 46 Frank Deloach.     |
| 7 Henry Barker.     | 47 Ben Deloach.       |
| 8 Simon Barker.     | 48 Sam Priester.      |
| 9 Moses Barker.     | 49 Jack Bowers.       |
| 10 James McMillan.  | 50 Calvin Bowers.     |
| 11 David McMillan.  | 51 Richard Bradley.   |
| 12 Rufus Priester.  | 52 Wilson Copelin.    |
| 13 Geo. Washington. | 53 William Bradley.   |
| 14 Albert Glover.   | 54 Fred Bowers.       |
| 15 Bachus Jenkins.  | 55 Ephriam Riley.     |
| 16 Peter Creech.    | 56 James Riley.       |
| 17 Smart Adams.     | 57 Jacob Bryant.      |
| 18 Nick Garvin.     | 58 Jeff Loadholdt.    |
| 19 J. R. Bradley.   | 59 Capers Priester.   |
| 20 C. J. Ritter.    | 60 Anderson Young.    |
| 21 Joe Ritter.      | 61 Lanton Kearse.     |
| 22 Paul Owens.      | 62 Calvin Johnson.    |
| 23 Mack Patterson.  | 63 Washington Rumero. |
| 24 Pha Patterson.   | 64 Robert Jenkins.    |
| 25 Owen Williams.   | 65 Frank Rumero.      |
| 26 Ben Bradley.     | 66 Gilbert Creech.    |
| 27 A. C. Cave.      | 67 Joe Ritter, jr.    |
| 28 David M. Cave.   | 68 Frank Copelin.     |
| 29 H. C. Cave.      | 69 Nathan Williams.   |
| 30 Ceasar Cave.     | 70 Joe Grantt.        |
| 31 Capers Allen.    | 71 July Harrison.     |
| 32 Jerry Hay.       | 72 Thomas Mayers.     |
| 33 Ellie Hay.       | 73 Nelson Brown.      |
| 34 Sim Hay.         | 74 April Brown.       |
| 35 Robt. Hay.       | 75 Henry Brelar.      |
| 36 Frank Carter.    | 76 Lincoln Dorch.     |
| 37 James Brooker.   | 77 Wesley Platts.     |
| 38 Wm. Mayers.      | 78 Miles Loadholdt.   |
| 39 Wilson Hays.     | 79 David Thomas.      |
| 40 Alex. Riley.     | 80 Ham Rumero.        |

- |                            |                         |
|----------------------------|-------------------------|
| 81 Boston Boynton.         | 137 Amos Finley.        |
| 82 Jessey Williams.        | 138 Handy Barker.       |
| 83 Andrew Simmons.         | 139 Moses Williams.     |
| 84 Isaac Hazel.            | 140 Ned Banner.         |
| 85 Isaac Smith.            | 141 Ben Jackson.        |
| 86 Henry Priester.         | 142 Ben Jackson, jr.    |
| 87 John Simmons.           | 143 John Adams.         |
| 88 Cain Roberts.           | 144 Jim Strong's.       |
| 89 Martin Ritter.          | 145 Cato Jenkins.       |
| 90 <u>Henry Smart.</u>     | 146 Frank Washington.   |
| 91 Isaac Scissors.         | 147 Med Williams.       |
| 92 Alex. Barker.           | 148 Aarion Williams.    |
| 93 Amos Rivers.            | 149 Butler Hays.        |
| 94 Stephen Creech.         | 150 Jack Allen.         |
| 95 Richard Ellis.          | 151 John Humphres.      |
| 96 Sam Reed.               | 152 Barney Brown.       |
| 97 Capers Kearse.          | 153 Phillip Simes.      |
| 98 Jacob Thompson.         | 154 Monday Lawton.      |
| 99 Smart Brabham.          | 155 Ben Johnson.        |
| 100 Andrew Stokes.         | 156 Henry Allen.        |
| 101 Stepney Stokes.        | 157 Andrew Priester.    |
| 102 Perry Moor.            | 158 Smart Priester.     |
| 103 Fred Badgger.          | 159 Adam Riley.         |
| 104 William Stokes.        | 160 John Allen.         |
| 105 Frank Allen.           | 161 Tom Allen.          |
| 106 Frank Roberts.         | 162 Simon Allen.        |
| 107 Harris-Walker.         | 163 Laurence Patterson. |
| 108 Robert Bowers.         | 164 Adam Sanders.       |
| 109 Daniel Best.           | 165 Charles Jones.      |
| 110 Jack Roberts.          | 166 Owen Mayers.        |
| 111 Mike Googe.            | 167 Sim Mayers.         |
| 112 William Bellinger, jr. | 168 Ben Allen.          |
| 113 William Bellinger, sr. | 170 Charles Delvoch.    |
| 114 January Richardson.    | 171 Richard Delvoch.    |
| 115 Abram Stokes.          | 172 Allen Gadson.       |
| 116 Ben Riley.             | 173 Jim Anderson.       |
| 117 Lucius Gorvin.         | 174 David Evans.        |
| 118 Jack Best.             | 175 Ben Gadson.         |
| 119 Henry Best.            | 176 Edward Kelley.      |
| 120 Aarion Fields.         | 177 Geo. Cleaton.       |
| 121 Eddy Mixson.           | 178 Edward Walker.      |
| 122 Hance Best.            | 179 Daniel Roberts.     |
| 123 Prince Best.           | 180 Sanders Drayton.    |
| 124 Daniel Best, sr.       | 181 James Campbell.     |
| 125 Toby Green.            | 182 Sad Harley.         |
| 126 Peter Barker.          | 183 Boston Harvey.      |
| 127 Ben Johnson.           | 184 Alfred Riley.       |
| 128 Abram Johnson.         | 185 John Allen.         |
| 129 Frank Brunson.         | 186 Alex. Allen.        |
| 130 Boston Barker.         | 187 Charles Walker.     |
| 131 Paul Barker.           | 188 Peter Rife.         |
| 132 Jackson Brisborn.      | 189 Isaac Warren.       |
| 133 Alex. Alster.          | 190 Capers James.       |
| 134 William Hays.          | 191 Tom Jones.          |
| 135 William Riley.         | 192 Alex. Barker.       |
| 136 John Riley.            | 193 Amost Rivers.       |

|                         |                       |
|-------------------------|-----------------------|
| 194 Henry Smart.        | 205 Edmon Harly.      |
| 195 Abb Smart.          | 206 Jack Best, jr.    |
| 196 Luke Bowers.        | 207 Hace Best.        |
| 197 Robert Aderson.     | 208 John Humphres.    |
| 198 Robert Bowers.      | 209 Nathan Loadholdt. |
| 199 Isaac Sissors.      | 210 Hance Warn.       |
| 200 Daniel Sissors.     | 211 Boston Elie.      |
| 201 Ishmel Stokes.      | 212 George Bowers.    |
| 202 Robert Bower.       | 213 Ulmo Newton.      |
| 203 Bill Bellinger, sr. | 214 Jackson Smart.    |
| 204 January Harly.      |                       |

(Indorsed :) Exhibit B, as evidence for contestant in rebuttal.

Cross-examined by JOHN W. HOLMES, attorney for contestee:

Q. How far were you from the ballot-box during the day?—A. About twenty-five yards, at furthest.

Q. What was the nearest distance?—A. Within five or six steps; until I was pushed off by the Democrats.

Q. Did not the supervisor and Democrats tell colored persons that they could vote if they would remain until those around the box had voted?—A. I did not hear him say that; and said you could vote after awhile. After he said that we made an attempt to vote, and as he saw us make the attempt, he told the Democrats to crowd the door.

Q. Did you wait after he told you?—A. Yes; about a half an hour.

Q. How far was you from him when he told the Democrats to crowd the door?—A. About five or six steps.

Q. Did you go up and attempt to vote then?—A. Yes.

Q. How many were with you at that time?—A. A good crowd.

Q. How near did they get to the polls?—A. No nearer than myself.

Q. Have you ever testified in regard to the election at Barker's Mill; and, if so, where, and what were the particulars of your evidence?—A. At Barnwell; before Commissioner Mixson; of a similar character to this I am now giving.

Q. Are you a member of the Republican club in Sycamore Township?—A. Yes.

Q. How many meetings has it held since the last election?—A. Two or three.

Q. How many members attended?—A. I did not number them.

Q. How many do you suppose were there?—A. I make a rough guess, from one hundred to one hundred and fifty, more or less.

Q. What office, if any, do you hold in your club?—A. Assistant clerk.

Q. How many members has your club?—A. Over two hundred.

Q. How many over two hundred?—A. I can't say.

Q. Is your club well organized?—A. Not exactly.

Q. Do you keep a roll of its members and a record of its proceedings?—A. No; I am only assistant clerk.

Q. Who prepared this list that you have placed in evidence?—A. Myself, the clerk, and a local committee.

Q. How many members were there in the local committee?—A. Three persons.

Q. Where did you prepare this list?—A. At the club.

Q. How many persons were present?—A. A great many; I did not number them.

Q. In whose handwriting is this list?—A. Four different handwritings.

Q. How many of these names did you write?—A. Twenty-three.

Q. Was each one of these twenty-three names present?—A. Yes.

Q. Did each one of them tell you he had not voted?—A. They did.

Q. Did James Cammel tell you he had not voted?—A. Yes.

Q. Was John Humphrys present at the club meeting when his name was taken down?—A. Yes.

Q. Was he at Barker's Mill on the day of election?—A. I think he was.

Q. Do you know every person whose name is on this list?—A. No.

Q. Were all the persons whose names are on this list present at the club meeting?—A. If they were not at one meeting they were at another.

Q. How many of those persons whose names are on the list that you are acquainted with?—A. A large majority are strangers.

Q. Was this list prepared at your last club meeting?—A. No; persons have been at work at it a good while.

Q. Were any names taken down outside of club meetings?—A. Not that I know of.

Q. Do you know how often the name of John Humphry appears on this list?—A. No.

Q. Do you know Jack Allen, and where was he at the last election?—A. I know him, but don't remember where he was.

Q. Was all of this list prepared in your presence?—A. No; I was present, but did not search the list to see what was on it.

Q. Can you swear that the list prepared by the clerk and the local committee are correct?—A. I would not, as I did not search it.

Q. Do you know Frank Washington?—A. No.

Q. Then you are prepared to testify, of your own knowledge, only as to the correctness of the twenty-three names taken by yourself?—A. Yes.

Redirect examination by contestant:

Q. You state that your club had a local committee, secretary, and an assistant secretary, of which assistant you are. This secretary and local committee took the names of persons who did not vote at Barker's Mill; is this the original list or the one copied from the list that each had?—A. It is the original list from each of them.

Q. Was this list reported to the club as being the names of the parties who did not vote on that day?—A. Yes.

C. P. ALLEN.

Sworn to and subscribed before me this 11th day of April, 1881.

[SEAL.]

W. S. DIXON,

*Notary Public.*

STATE OF SOUTH CAROLINA,

*County of Barnwell:*

I, J. J. Brabham, clerk of the circuit court for the county aforesaid, do hereby certify that W. S. Dixon is a notary public for said State; that his commission is dated on the second day of March, 1881, and is to continue in force during the pleasure of the governor of said State; and that as such notary he is authorized by the laws of the State aforesaid to administer oaths, take acknowledgment of deeds, &c.

In witness whereof I have set my hand and seal of office this 30th day of March, 1881.

[SEAL.]

J. J. BRABHAM, C. C. C.

## THE STATE OF SOUTH CAROLINA.

ROBERT SMALLS, CONTESTANT, }  
*vs.*  
 G. D. TILLMAN, CONTESTEE. }

Contested election from fifth Congressional district of South Carolina.

We, John D. Browne, notary public, for G. D. Tillman, contestee, and Wesley S. Dixon, notary public, for Robert Smalls, contestant, hereby certify that the foregoing testimony, on sixty-seven pages, sworn to and subscribed before W. S. Dixon, notary public, for Robert Smalls, is a complete and original statement of the testimony taken before us in rebuttal in behalf of Robert Smalls, contestant, and that all erasures and interlineations made in each and every one of the depositions were made in our presence, by consent and direction of the witnesses before they were signed, and that the depositions were signed in our presence.

Witness our hands and seals this eleventh day of April, in the year of our Lord one thousand eight hundred and eighty-one.

[SEAL.]

J. D. BROWNE,

*Notary for G. D. Tillman, Contestee.*

[SEAL.]

W. S. DIXON,

*Notary Public on the part of Robert Smalls, Contestant.*

STATE OF SOUTH CAROLINA,  
*Hampton County :*

Hon. G. T. TILLMAN :

You are hereby notified that I will examine the following witnesses, all of whom reside in Hampton County, relative to and touching the matters and things set forth in my notice to you that I will contest your right to a seat in the Congress of the United States, to which you claim to have been elected at the November election of 1880, for the fifth Congressional district of the State of South Carolina, before E. A. Brabham, notary public, in and for the State of South Carolina, at Brunson, county of Hampton, in said State, commencing Wednesday, the 26th of January, 1881, and will adjourn from day to day until said examination be completed, to wit, George Green, Geo. Murdaugh, Tobia Price, Jack Ellis, Z. T. Morrison, Nelson Robertson, Wm. Wright, Henry Jackson, Archy Taylor, Josh Smalls, Moses Murray, Shadrick Fields, Moses Brown, Oliver Brown, Simon Hailey, Noah Brown, John Brown, John Brown, jun., James Young, George Hamilton, Ceasor Hicks, Alex. Smith, Joe. Johnson, J. W. C. Joiner, Toby Richardson, Geo. Pinckney, Steve Porter, and John A. Brown and Frank Owens.

ROBERT SMALLS,  
 Per J. W. COLLINS,  
*Attorney.*

(Indorsed :) Additional notice of witnesses summoned. Also notice of the time and place of taking testimony in the matter of contest to a seat for Congress of the United States of Robert Smalls vs. G. D. Tillman.

I accept service of the within notice.

W. PERRY MURPHY,  
*Att'y for G. D. Tillman.*

BARNWELL, C. H., *Feb. 1st, 1881.*

ROBERT SMALLS }  
*vs.* } Contested election;  
 G. D. TILLMAN. }

We hereby agree to waive the notice required by law to examine witnesses, and to furnish the names of the witnesses to the opposite party. We agree to examine witnesses for the precincts of Red Oak and Barnwell, C. H., in Barnwell County.

WM. N. TAFT,  
*Att'y for Contestant.*  
 JNO. W. HOLMES,  
*Att'y for Contestee.*

It is understood that the contestee is not estopped from objecting to the admission of the evidence of witnesses from Red Oak.  
 Feb. 1st, 1881.

(Indorsed :) Agreement to take testimony at Barnwell, C. H. without notice. Feb. 1st, 1881.

EDGEFIELD, C. H., *Feb. 16th, 1881.*

ROBERT SMALLS }  
*vs.* } Contested election.  
 G. D. TILLMAN. }

To Hon. G. D. TILLMAN, *Contestee*:

Take notice that I will examine the following-named witnesses, all of whom reside in Edgefield County, relative to and touching the matters and things set forth in my notice to you that I would contest your right to a seat in the Congress of the United States, to which you claim to have been elected at the general election of Nov. 2d, 1880, from the 5th dist. of South Carolina, at Trenton, in Edgefield County, before E. A. Brabham, notary public for South Carolina, on the 18th day of February, at 9 a. m., and will continue from day to day, by adjournment, until the said examination be completed: Norman Youngblood, Andrew Lee, and such other witnesses as you will be notified of from time to time.

ROBT. SMALLS,  
*Contestant,*  
 Per W. N. TAFT, *Att'y.*

(Indorsed :) Notice to take testimony at Trenton, in Edgefield County.

Service accepted 16th Feb., 1881.

BETTIS & WARDLAW,  
*Att'ys for G. D. Tillman.*

EXHIBIT C.—E. A. B. Page 174.

BLACKVILLE, S. C.,  
*Sept. 3d, 1880.*

GILBERT HOGG, *Williston, S. C.:*

Your appointment as com'r of elections will have to stand good. It is too late, the governor says, to change it.

You will go before the clerk of the court at Barnwell, and take the oath on the inclosed paper, and leave it with him. Do it as soon as possible.

I do this by the orders of the governor.

G. B. LARTIGUE.

EDGEFIELD C. H., *Feb. 16th, 1881.*

ROBERT SMALLS }  
*vs.* } Contested election.  
 G. D. TILLMAN. }

To Hon. G. D. TILLMAN, *Contestee*:

Take notice that I will examine the following-named witnesses, all of whom reside in Edgefield County, touching the matters and things set forth in my notice to you that I would contest your right to a seat in the Congress of the United States, to which you claim to have been elected at the general election of Nov. 2d, 1880, from the 5th Congressional district of South Carolina, at Trenton, in Edgefield County, before E. A. Brabham, notary public, for So. Ca., on the 18th day of February, 1881, at 9 a. m., and will continue from day to day until the same be completed. John Hammond.

ROBERT SMALLS,  
*Contestant.*  
 Per W. N. TAFT, *Att'y.*

(Indorsed:) Notice to take evidence at Trenton, in Edgenfield County.  
 Service accepted Feb. 16th, 1881.

BETTIS & WARDLAW,  
*Att'ys for G. D. Tillman.*

STATE OF SOUTH CAROLINA,  
*Hampton County:*

I, W. J. Causey, clerk of the court for the county of Hampton, certify that E. A. Brabham is a notary public for said county and State.

Given under my hand and seal of office, at Hampton C. H., this fourth day of March, 1881.

[SEAL.]

W. J. CAUSEY,  
*C. C. P. & G. S.*

(Indorsed:) Certificate of the clerk of court of Hampton Co., that E. A. Brabham is a notary public:

BARNWELL C. H., *Feb. 2d, 1881.*

ROBERT SMALLS }  
*vs.* } Contested election.  
 G. D. TILLMAN. }

To Hon. G. D. TILLMAN, *Contestee*:

Take notice that I will examine the following-named witnesses, all of whom reside in Aiken County, relative to and touching the matters and things set forth in my notice to you that I would contest your right to a seat in the Congress of the United States, to which you claim to have be' elected at the general election of Nov. 2d, 1880, for the 5th

Cong. dist. of South Carolina, at Aiken, in the county of Aiken, before E. A. Brabham, esq., notary public for So. Ca., commencing Feb. 7th, 1881, at 10 a. m., and will adjourn from day to day until said examination be completed: James Major, Daniel R. Rouse, Jesse Dickerson, Douglas Hampton, John Major, Richard Grant, George Washington, Miles Walker, Henry Frazer, L. W. James, N. Galloway, John Kitching, Peter A. Waggiels, Isaac Johnson, D. W. Johnson, James Riley, Nelson Spencer, Alfred Walters, Jackson Stalling, Stephen Dicks, Edmund Williams, Coker Danford, Giles Stokes, Anderson Minard, N. J. Parker, S. Quattlebaum, A. Williams, Milledge Brodie, Robt. Smoot, Logan Thompson.

ROBT. SMALLS, *Contestant*,  
Per W. N. TAFT, *Att'y*.

SOUTH CAROLINA,

*Barnwell Co. :*

Personally appeared George F. Ford, who, being duly sworn, says that he served a copy of the within notice on J. W. Holmes, att'y for G. D. Tillman, contestant, at Barnwell Court House, Feb. 2d, 1881, by leaving a copy with him.

GEORGE N. EFFORD.

Sworn to before me this 2d Feb., 1881.

(Indorsed :) South Carolina, Barnwell County. Notice to take testimony on behalf of contestant.

SOUTH CAROLINA,

*Aiken County :*

In the matter of the contest between Robert Smalls and George D. Tillman for a seat in the Congress of the United States.

It is agreed between the parties to this contest that the examination of additional witness for contestant be pursued without further notice to contestee, by simply adding to the notice already served the names of such additional witnesses.

And contestant further agree to the same process on the part of contestee.

Aiken, S. C., Feb'y 8th, 1881.

ROBT. SMALLS, *Contestant*,  
By A. H. EZEKIEL, *Counsel*,  
G. W. CROFT,  
By W. W. WILLIAMS,  
*Att'y of G. D. Tillman*.

(Indorsed :) Agreement to examine witnesses without notice, in Aiken

BARNWELL C. H., Feb. 1st, 1881.

ROBT. SMALLS }  
vs. } Contested election.  
G. D. TILLMAN. }

We agree that witnesses may be examined in Barnwell County, at Barnwell C. H. and Blackville, without the service of the usual notice to the contestee, and that the testimony of witnesses to be called by



contestant shall be examined the same as if the legal notice was served.  
Feb. 1st, 1881.

JNO. W. HOLMES,  
*Att'y for Contestee.*  
W. N. TAFT,  
*Att'y for Contestant.*

(Indorsed :) Agreement to take testimony in Barnwell County without the usual notice. Feb. 1st, 1881.

STATE OF SOUTH CAROLINA,  
*Beaufort County :*

Hon. GEO. D. TILLMAN :

You are hereby notified that I will examine the following-named witnesses, all of whom reside in Hampton County, relative to and touching the matters and things set forth in my notice to you that I would contest your right to a seat in the Congress of the United States, to which you claim to have been elected at the November election of 1880, for the fifth Congressional district of the State of South Carolina, before E. A. Brabham, notary public, in and for the State of South Carolina, at Bunson, county of Hampton, in said State, commencing on Friday, the twenty-first day of January, 1881, and will adjourn from day to day until the examination be completed, for the examination of the following witnesss, to wit: Toney Brooks, Grovan Brooks, Edmond Riley, Wilson McKeen, Frank Saxon, Benj. Gray, Aron Smith, Goliah Smart, Moses Terry, William Preston, Benj. Halford, March Williams, Frank Brunson, Richard C. Wyman, Aron Smith, Hector Loathalts, G. S. Gantt, H. E. Mallery, Benj. E. Taylor, A. Gantt.

January 13th, 1880.

ROBERT SMALLS,  
Per J. W. COLLINS,  
*Attorney.*

(Indorsed :) Notice to the Hon. George D. Tillman of the time and place of taking testimony in the matter of contest to a seat for Congress of the United States of Robert Smalls *vs.* G. D. Tillman.

I accept service of the within notice. 17th January, 1881.

G. D. TILLMAN.

EDGEFIELD C. H., *February 17th, 1881.*

ROBERT SMALLS }  
*vs.* } Contested election.  
G. D. TILLMAN. }

To Hon. G. D. TILLMAN, *Contestee :*

Take notice that I will examine the following-named witnesses, all of whom reside in Edgefield County, relative to and touching the matters and things set forth in my notice to you that I would contest your right to a seat in the Congress of the United States from the fifth district of South Carolina, to which you claim to have been elected at the general election of November 2d, 1880, before E. H. Hogarth, notary public for South Carolina, at Trenton, in Edgefield County, February 19th, 1881, at 9 a. m., and will continue from day to day until the same be completed: Carey Harris, R. M. Morgan.

ROBERT SMALLS, *Contestant,*  
Per W. N. TAFT, *Attorney.*

(Indorsed :) Notice to take testimony at Trenton in Edgefield County.  
Service accepted February 17, 1881.

BETTIS & WARDLAW,

*Attorneys for G. D. Tillman.*

AIKEN C. H., Feb. 10th, 1881.

ROBERT SMALLS }  
    *vs.* } Contested election.  
G. D. TILLMAN. }

To Hon. G. D. TILLMAN, *Contestee*:

Take notice that I will examine the following-named witnesses, all of whom reside in Edgefield County, relative to and touching the matters and things set forth in my notice to you that I would contest your right to a seat in the Congress of the United States to which you claim to have been elected at the general election of November 2d, 1880, from the fifth district of South Carolina, at Edgefield Court House, before E. H. Hogarth, notary public for South Carolina, on the 16th day of February, at 10 a. m., and will continue from day to day until the said examination be completed: L. Cain, P. Simpkins, J. Jones, Norman Youngblood, W. E. Lynch, Andrew Lee.

W. N. TAFT,

*Attorney for Robert Smalls, Contestant.*

(Indorsed :) Notice to take testimony.

SOUTH CAROLINA,

*Edgefield County:*

Personally appeared Jesse Jones, who, being sworn, says that he served a copy of within notice upon Mess. Bettis & Wardlaw, attorneys for contestee, by leaving the same with them at their office at Edgefield Court House.

Sworn to before me this 15th February, 1881.

BLACKVILLE, S. C., Feb. 5th, 1881.

ROBERT SMALLS }  
    *vs.* } Contested election.  
G. D. TILLMAN. }

To Hon. G. D. TILLMAN, *Contestee*:

Take notice that I will examine the following-named witnesses, all of whom reside in Edgefield County, in relation to and touching the matters and things set forth in my notice to you that I would contest your right to a seat in the Congress of the United States, to which you claim to have been elected at the general election of Nov. 2d, 1880, from the 5th dist. of South Carolina, at Edgefield C. H., before E. H. Hogarth, esq., notary public for South Carolina, on the 9th day of Feb., 1881, at 10 a. m., and will continue from day to day until the same be completed: John Simmons, \*Bristow Gelden, \*George Ballentine, \*Dave Graham, Henry Ballentine, \*Pick Webb, Jack Goshon, \*West Long, \*Andrew Long, Willis Tillman\*, Willis Gormillion, Anderson Carter, Lewis Collins\*, Nathaniel Sullivan\*, Richard Mobley.

ROBERT SMALLS, *Contestant*,

Per W. N. TAFT, *Att'y.*

(Indorsed :) Notice to take testimony in Edgefield County.

SOUTH CAROLINA,

*Barnwell County :*

Personally appeared F. Nix, jr., who, being sworn, says that he served a copy of the within on J. W. Holmes, att'y for contestee, by leaving a copy with him personally, at Blackville, S. C., this day, at 5.20 p. m.

FRED. NIX, Jr.

Sworn to before me this 5th day of Feb., 1881.

E. A. BRABHAM,

*Notary Public, South Carolina.*

*Names of polls rejected in Edgefield Co.*

(Five) Etheridge Store, Perry Cross Roads, Coleman's Cross Roads, Caughman's Store, Liberty Hill.

EDGEFIELD C. H., Feb. 16th, 1881.

ROBT. SMALLS /  
*vs.* / Contested election.  
 G. D. TILLMAN. \

To Hon. G. D. TILLMAN, *Contestee :*

Take notice that I will examine the following-named witnesses, all of whom reside in Edgefield County, relative to and touching the matters and things set forth in my to you that I would contest your right to a seat in the Congress of the United States, to which you claim to have been elected at the general election of Nov. 2, 1880, from the 5th Congressional dist. of South Carolina, at Edgefield C. H., before E. H. Hogarth, notary public for South Carolina, on the 17th day of February, at 9 a. m., and will continue from day to day until the same be completed: Harry Oliphant.

ROBT. SMALLS, *Contestant,*

Per W. S. TAFT, *Att'y.*

(Indorsed :) Notice to take testimony at Edgefield C. H.

Service accepted Feb. 6th, 1881.

BETTIS & WARDLAW,

*Att'ys for G. D. Tillman.*

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