

TILLMAN vs. SMALLS.

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P A P E R S

IN THE CASE OF

TILLMAN v s. SMALLS,

FIFTH DISTRICT SOUTH CAROLINA.

---

NOVEMBER 9, 1877.—Ordered to be printed.

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PAPERS OF CONTESTANT.

No. 1.

*Notice of contest.*

STATE OF SOUTH CAROLINA,  
County of Edgefield:

To Hon. ROBERT SMALLS:

SIR: You will please take notice that the undersigned claims that at the recent election, held the 7th day of November, 1876, he was legally elected a member of the Forty-fifth Congress for the term of two years, commencing 4th day of March, A. D. 1877, from the fifth Congressional district of South Carolina, embracing the counties of Edgefield, Aiken, Barnwell, Colleton, and Beaufort.

That the board of State canvassers have committed gross frauds in canvassing the votes of said Congressional district, making up false statements, by which the votes of said counties are falsely represented to be aggregated as follows: In Colleton County, 4,232 votes for Smalls, and 2,904 for Tillman; in Beaufort, 7,612 votes for Smalls, and 2,231 for Tillman; in Barnwell, 2,792 votes for Smalls, and 3,939 for Tillman; in Edgefield, 3,120 votes for Smalls, and 6,252 for Tillman; in Aiken, 2,194 votes for Smalls, and 3,190 for Tillman; aggregating 19,954 votes in the Congressional district for Smalls, and 18,516 for Tillman.

That the certificate of election fraudulently given you, the contestee, by the secretary of state was based upon the aforesaid fraudulent canvassing of the votes, and the undersigned will contest your claim to a seat in the Forty-fifth Congress from the fifth district of South Carolina, on the following grounds, to wit:

1. That the State board of canvassers of South Carolina, in making the canvass of returns of election and statements upon which your certificate of election and title to your seat was determined, acted contrary to law, in this: That the said board did not compare the statements of

the county canvassers with the statements of the managers of election of the different election-precincts, and did otherwise act contrary to law, so that they, the said members of the said board of State canvassers, rendered themselves amenable to the process of the supreme court of said State for contempt for not obeying its mandates in a case depending before it, by reason of which neglect and refusal to make a proper canvass this contestant failed to receive a return of the legal votes cast for him.

2. That in the county of Beaufort the managers of election held the poll required by law to be held at Gardner's Corner at Sheldon plantation, three miles distant from Gardner's Corner, whereby this contestant lost the votes of those who would have voted for him had the polls been opened and held at the place required by law. And the managers of election at said precinct were political partisans of the contestee, and opened and held the polls at this precinct at a different place than that fixed by law, and advertised to the voters, with the view to defraud the supporters of this contestant of his and their legal rights to vote and be voted for, and all the votes cast at Sheldon were illegal, and should not have been counted for any candidate.

3. That in Beaufort County, at the polling-precincts of Beaufort Court-House and Woodlawn, at which precincts six-sevenths of the votes cast were received by you, and where the voters repeated their votes time and again, so that no fair and legal election was held at said precincts, you, the contestee, received at least five hundred illegal votes at said precincts by your partisans repeating votes.

4. That at Myrtle Bush precinct the managers of election did not open the polls until 9 o'clock a. m., when the law required them to be open at 6 o'clock a. m., whereby voters went away and did not express their choice by ballot; and two of the managers of said precinct, designing to commit fraud, refused and failed to be sworn, and were not sworn, so that they were not legal managers, and all the votes, amounting to over two hundred and twenty-five, that were received and counted for you at said precinct were illegal, and should not have been counted for any person.

5. That at Gray's Hill and Hilton Head precincts, in the county of Beaufort, the utmost confusion, intimidation, and terror prevailed, so that colored men who desired to vote for the contestant were insulted, clubbed, and beaten and driven from the polls for daring to assert their rights as freemen to vote for the candidate of their choice, and were compelled by force either to vote for the contestee or not to vote at all, and in this way I lost a large number of votes, amounting to several hundred at least, and you, the contestee, received them and had them counted for you.

6. That at Paris Island precinct, in the county of Beaufort, the polls were closed at 4 o'clock in the afternoon, when the law required them to be kept open until 6 o'clock p. m., whereby numbers of voters were debarred the privilege of voting, and this was done in fraud of the voters and of this contestant, and all the votes cast at said Paris Island precinct were illegal and should not have been counted for either candidate.

7. That at Gray's Hill precinct, in Beaufort County, the supervisor of elections on the side of the Democratic party, appointed by the district judge of the United States court, was beaten, ill-used, his credentials taken from him, and he run off by the infuriated partisans of the contestee, and voters desiring to vote for contestant were thus in-



timidated by seeing the law set at defiance, its officers put to naught, and they dared not to cast a free ballot.

8. That at Hilton Head precinct the person appointed to distribute tickets to Democratic voters, upon which tickets this contestant was being voted for, was captured by the partisans of the contestee, carried away from the polls, and in their fury they tore palings from the adjoining fences and beat him severely, until he was rescued and taken to his residence.

9. That in the whole county of Beaufort a widespread system of intimidation and terrorism prevailed among the partisans and personal and political friends of the contestee against all of those who wished to vote for this contestant, so that no fair or just election could have been held in said county, and the result of the election, by repeating, fraud, violence, intimidation, and terrorism, whereby over three thousand more votes than was ever before polled in said county were counted for the contestee, and the ticket upon which he ran, shows the whole election in Beaufort to have been a gross and palpable fraud.

10. That the board of county canvassers of election in Beaufort County did not aggregate the managers' returns and publish the result of the election until the following Monday after the election had been held the previous Tuesday, thus postponing for the period of seven days to declare the election, for the fraudulent purpose of ascertaining how many illegal votes were necessary to give the contestee the majority in the fifth Congressional district of South Carolina, and to supply those illegal votes.

11. That at Blue House precinct, in Colleton County, general intimidation and terrorism was practiced by the friends and partisans of the contestee, so that colored voters who desired to vote for contestant were frightened, insulted, clubbed, beaten, and driven away from the polls, or were forced by violence to vote for contestee, whereby the contestant received only 210 votes at said precinct, and the contestee received 691 votes, when the contestant would have received a majority of the votes at said precinct if there had been no intimidation and terrorism.

12. That in Colleton County, at Rantoul's Station precinct, where 256 votes were polled for Representative in Congress, of which this contestant received only 61 votes, and contestee received 190 votes, the votes were not at any time counted by the managers of election at said precinct, as required by law, but were only counted by the board of county canvassers of election, on which account the whole vote at said precinct should have been thrown out as illegal and counted for no candidate.

13. That precinct No. 2, at Edgefield Court-House, which was ordered by the board of commissioners of election for said county to be held at the office of the county auditor, was not held there, but was removed without notice more than half a mile from said auditor's office by the managers of election at said precinct, and was held at a place called Macedonia Church, contrary to the orders and against the express wishes of the commissioners of election for said county, and all the votes cast at said precinct should have been rejected as illegal, and not counted for any candidate.

14. That at precinct, No. 2, at Edgefield Court-House, in Edgefield County; at Rantoul's Station precinct, in Colleton County; at Paris Island precinct, in Beaufort County, and at Sheldon, illegally used as a voting-precinct, instead of Gardner's Corner, in Beaufort County, you, the contestee, received more illegal votes than your majority over me, as determined by even board of State canvassers of election.

15. That United States troops were used to intimidate white voters, mostly Democrats, and my political friends in every county of the Congressional district, while no federal troops were employed, except at the single precinct of Beaufort Court-House, to protect colored Democrats against intimidation from their own race in the whole of Beaufort County, where a large colored vote resided, and very many colored men in Beaufort County, about two thousand in number, implored the officer commanding the regular troops in South Carolina to protect them against intimidation by their own race, but implored in vain, and many prominent white citizens, Democrats, likewise begged said officers to protect colored Democrats in their right to vote as they pleased in Beaufort County, but begged to no purpose.

16. That you, the contestee, received more votes from colored Democrats by the intimidation of their own race, and by the tyrannical use of United States troops, than your pretended majority of 1,438 votes, as fraudulently counted by the board of State canvassers.

17. That you received more fraudulent votes by your partisans repeating and by ballot-box stuffing in the single county of Beaufort than your said pretended majority.

18. That the illegal and unconstitutional use of the troops to control the election in your behalf should make the House oust you as a Representative of the fifth district in the Forty-fifth Congress, and give the seat to your opponent and contestant, or to vacate the election and order a new election to be held.

G. D. TILLMAN.

DECEMBER 21, 1876.

No. 2.

*Answer to notice of contest.*

STATE OF SOUTH CAROLINA,  
*Beaufort County, Fifth Congressional District:*

G. D. TILLMAN, CONTESTANT, }  
  *against*  
ROBERT SMALLS, CONTESTEE. }

The contestee, answering the notice of the contestant so far as he is advised that it is necessary to answer, says:

First, that he denies each and every allegation in said notice, except as hereinafter admitted; and further, the contestee alleges fraud, violence, and intimidation at the several polling-precincts in the counties comprising the fifth Congressional district, more particularly described in Exhibit A, hereunto annexed, and made a part of this answer.

First, as to the general charge upon which this notice of contest is based, this contestee denies that the contestant was elected at all, at the election held on the 7th day of November, A. D. 1876, for members of the Forty-fifth Congress from the fifth Congressional district of South Carolina, composed of the counties of Edgefield, Aiken, Barnwell, Colleton, and Beaufort.

The contestee admits that the term for which the contestant claims to have been legally elected was for two years, and commences on the 4th day of March, A. D. 1877.

This contestee denies that the State board of canvassers committed any frauds in canvassing the votes in said Congressional district.

This contestee admits that the aggregate count in Colleton, one of the counties of said Congressional district, was 4,232 votes for this con-

testee, and 2,904 for the contestant; but denies that the said statement is false in any particular.

This contestee admits that the vote as canvassed by the State board of canvassers for Beaufort, one of the counties of the district aforesaid, was 7,616 for this contestee, and 2,231 for the contestant; but denies that said statement is false in any particular.

This contestee admits that the vote in Barnwell, one of the counties of the district aforesaid, and was 2,792 for the contestee, and 3,939 for the contestant, as canvassed by the State board of canvassers; but denies that the said canvass is false in any particular.

This contestee admits that in Edgefield, one of the counties of the district aforesaid, the vote was 3,120 for this contestee, and 6,252 for the contestant, as canvassed by the State board of canvassers; but this contestee avers that the vote of the contestant is largely in excess of the Democratic vote in that county, and was obtained by fraud, violence, and intimidation of republican voters at polling-precincts at Edgefield Court-House and divers other voting-precincts in said county.

This contestee admits that in Aiken, one of the counties in the Congressional district aforesaid, the vote as declared by the State board of canvassers was 1,194 for this contestee, and 3,190 for the contestant; but avers that the vote for the contestant in said county was greatly in excess of the Democratic vote in said county, and was obtained by fraud, violence, and intimidation at the polling-precincts of Graniteville, Fountain Academy, Miles' Mill, and divers other polling-precincts in said county.

This contestee admits that the vote, as canvassed by the State board of canvassers, for the several counties comprising the fifth Congressional district aforesaid, did aggregate 19,954 votes for this contestee and 18,516 for the contestant. Contestee also admits that the certificate given him by the secretary of state was based on the statement of the board of State canvassers, but denies that said canvass was fraudulent.

As to the specific charges made in the notice, this contestee, answering so far as he is advised it is necessary for him to answer, says: That as to the first charge, the State board of canvassers did compare the county canvasser's returns with the precinct managers' returns, yet this contestee denies that they were required by law to so do. As to the charge that they acted otherwise, contrary to law, this contestee says that the charge is too vague and uncertain for him to answer.

This contestee denies that the State board of canvassers did at any time refuse to obey any mandate of the supreme court of the State of South Carolina in a cause pending before it, or were at any time in contempt of said court, and avers that this contestee, and contestant, did receive the full number of votes cast for him without regard to whether the same were legal or illegal so far as the canvass of the State board of canvassers was concerned.

As to the second charge, this contestee denies that the managers of election held the poll required to be held by law at Gardner's Corner at Sheldon Station, three miles distant therefrom, and avers that it was held at Sheldon's Mill, which is at Gardner's Corner, the place required by law for the holding of elections for Gardner's Corner precinct, and is the place where all elections have been held since reconstruction.

This contestee denies each and every other allegation in the second section of the contestant's notice of contest, and further denies each and every allegation contained in section three of said notice.

As to section four, this contestee admits that the law requires the polls to be opened at six o'clock; but avers that he has no means of

knowing at what time the polls opened, but submits that if it be true that the polls did not open until nine o'clock, it was a mere irregularity and cannot vitiate a poll. This contestee denies each and every other allegation contained in said section, (four;) and further, this contestee denies each and every allegation in section five.

As to section six, this contestee admits that the law requires the polls to be kept open until six o'clock p. m.; but avers that he has no means of knowing at what time they closed, and submits that if said statement were true, and if the polls closed at four o'clock, it is a mere irregularity and will not vitiate a poll.

As to sections seven, eight, nine, and ten inclusive, this contestee denies each and every allegation thereof.

As to section eleven, this contestee admits that the number of votes received respectively at Blue House precinct, Colleton County, was 210 for contestant and 691 for contestee, and avers that the number of votes received by contestant was the highest Democratic vote ever polled at said precinct, and the smallest Republican vote; and further, this contestee denies each and every other allegation therein contained in said section, (eleven.)

As to section twelve, this contestee denies each and every allegation therein contained.

As to section thirteen, this contestee admits that at Edgefield Court-House, one of the polling-precincts was moved from one point to another in the same town; but avers, first, that, the law does not require the poll to be held at any particular place, and, secondly, that the change was rendered necessary by the fraud, violence, and intimidation by the partisans of the contestant, and, further, that it was an irregularity that will not vitiate a poll.

As to sections fourteen, fifteen, sixteen, seventeen, and eighteen, inclusive, this contestee denies each and every allegation therein contained.

This contestee further avers that the State board of canvassers erred in counting the vote of Edgefield County for either party, as it was carried by fraud, violence, intimidation, and repeating by partisans of the contestant.

ROBERT SMALLS,  
Per W. J. WHIPPER,  
*Attorney.*



#### EXHIBIT A.

The contestee charges fraud, violence, intimidation, and repeating at the following polling-precincts in Edgefield County by partisans of the contestant: Edgefield Court-House Nos. 1 and 2, Meeting Street, Trapp's Mill, Haultiwaner's Store, Johnson's Depot, Ridge Spring, Perry's Cross-Roads, Coleman's Cross-Roads, Talbert's Store, Cheatham's Store, Shaw's Mill, Curryton, Landrum's Store, Liberty Hill, Red Hill, Mount Willery, Richardsonville, which caused the throwing out of the vote in said county for members of the senate and house of representatives, as well as State and county officers.

Also, at the following polling-precincts in Aiken County: Aiken Court-House, Beach Island, Silverton, Hamburg, Jordan's Mill, Boyde's Store, Miles's Mill, Merri't's Bridge, Graniteville, Fountain Academy, Windsor.

Contestee further alleges that the Hamburg massacre and Ellenton riots were gotten up by partisans of the contestant for the avowed purpose of enabling them to carry the election in Aiken County by violence and intimidation.

Contestee charges fraud, violence, repeating, and intimidation at the following polling-precincts in Barnwell County: Allendale, Barnwell, Blackville, Buford's Bridge, Barker's Mill, Erhard's Mill, Graham's, Millet, Midway, Canian's Fair Church, Robbins, Red Oak, Williston, Bell Dock, and Bamburg.

ROBERT SMALLS,  
Per W. J. WHIPPER,  
*Attorney.*

In the matter of the contest between George D. Tillman and Robert Smalls for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*Beaufort County:*

To W. J. WHIPPER, Esq.,  
*Counsel for Robert Smalls, Beaufort, S. C.:*

SIR: Since making with you the agreement dated 30th January, by which we consented to fix the 4th day of March next as the day from which the contestant in this case should be allowed forty days to take original testimony, I have ascertained from Washington that the Committee on Privileges and Elections of the House of Representatives consider the amendment to section one hundred and seven of the Revised Statutes of the United States, approved March 2, 1875, to be mandatory in character, and that the parties to contested-election cases cannot by consent extend the time for taking testimony beyond the time stated in said amendment. This being so, our agreement becomes, of course, null and void, and neither party can be bound by it, however much we may desire it. I am compelled, therefore, to notify you that Mr. Tillman considers the agreement to be at an end, and that he will at the time hereinafter proceed to take his original testimony in accordance with law.

You are therefore hereby notified that the contestant, George D. Tillman, will examine the following-named witnesses, all of whom reside in Beaufort County, relative to and touching the matters and things set forth in his notice to the contestee, Robert Smalls, that he would contest his right to a seat in the Congress of the United States, to which the contestee claims to have been elected at the election held on the 7th day of November, 1876, for the fifth Congressional district of the State of South Carolina, before M. R. Cooper, esq., notary public in and for the State of South Carolina, at the Mansion-House, in the town of Port Royal, in Beaufort County, in the said State, on the 12th, 13th, and 14th days of February, 1877, between the hours of 8 o'clock a. m. and 6 o'clock p. m. of said days, or so much thereof as may be necessary for the examination of said witnesses, to wit:

W. J. Drayton, John McFall, H. B. Van Ness, Abram P. Jenkins, John F. Porteous, W. H. Nevin, Peter Jones, Andrew McFall, C. B. Kirk, H. C. Pollitzer, Randall Heyward, Nathaniel Lightbourne, Jno. J. Allen, Nelson Priley, Morris Scott, M. Boreck, W. J. Verdier, John G. Barnwell, B. B. Sams.

Very respectfully,

WM. ELLIOTT,  
*Attorney for Geo. D. Tillman.*

I accept due and legal service of the within notice upon me, at Beaufort, S. C., this 8th day of February, A. D. 1877.

W. J. WHIPPER,  
*Attorney for Contestee.*

STATE OF SOUTH CAROLINA, *Beaufort County*:

Hon. ROBERT SMALLS:

You are hereby notified that I will examine the following-named witnesses, all of whom reside in Beaufort 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 1876, for the fifth Congressional district of the State of South Carolina, before M. R. Cooper, notary public in and for the State of South Carolina, at the Mansion House, town of Port Royal, in said county and State, on the 14th, 15th, 16th, and 17th days of February, 1877, and thence to be adjourned from day to day until said examination be completed, between the hours of 8 a. m. and 6 p. m. of said days, or so much thereof as may be necessary for the examination of said witnesses, to wit:

W. S. Drayton, John McFall, H. B. Van Ness, Abram P. Jenkins, John F. Porteous, Peter Jones, Andrew McFall, C. B. Kirk, H. C. Pollitzer, Randall Heyward, Nath. Lightbourne, John J. Allen, Nelson Priley, Morris Scott, M. Borek, W. J. Verdier, John G. Barnwell, B. B. Sams, John Bird, H. G. Judd, London Bryan, S. J. Bampffield, C. C. P. Beaufort County; H. M. Fuller, Pompey Jones, Jack Freeman, William Price.

GEO. D. TILLMAN,  
Per WM. ELLIOTT,  
*Attorney.*

I accept service of the within notice on me, at Port Royal, S. C., this 12th day of February, 1877.

W. J. WHIPPER, *Attorney.*

In the matter of the contest of George D. Tillman against Robert Smalls.

STATE OF SOUTH CAROLINA, *Beaufort County*:

To S. J. BAMPFIELD, Esq.,

*Clerk of the Court of Common Pleas for Beaufort County:*

You are hereby summoned to appear before me at Beaufort, in said county and State, on the 26th day of February, 1877, at 8 o'clock a. m., to be then and there examined under oath by me respecting the contest by George D. Tillman of the right of Robert Smalls to a seat in the Congress of the United States, and to bring with you the oaths of all managers of election at the general election held on the 7th day of November last now on file in your office, and all books or other records of your office containing proof of such filing.

You will not fail herein under the penalty of twenty dollars.

Given under my hand and official seal, at Port Royal, this 17th day of February, A. D. 1877.

[SEAL.]

M. R. COOPER,  
*Notary Public.*

In the matter of the contest between George D. Tillman and Robert Smalls for a seat in the Congress of the United States.

It is agreed between the parties to this contest, that the examination of the witnesses for the contestant, of whose examination notice has already been given the contestee, be adjourned until the 21st instant, at 9 o'clock a. m., at the town of Beaufort, at which time and place the examination of said witnesses will be resumed without further no-

tice to the contestee, except as to the building in which such examination shall be held.

Dated at Port Royal, S. C., 17th February, 1877.

GEO. D. TILLMAN,  
By WM. ELLIOTT, *Attorney.*

ROBT. SMALLS,  
By ALFRED WILLIAMS,  
*Of Counsel.*

Witness:

M. R. COOPER.

*Fifth Congressional district.*

Counties.	Robert Smalls.	G. D. Tillman.	Scattering.
Colleton .....	4, 232	2, 904	.....
Beaufort .....	7, 616	2, 231	1
Barnwell .....	2, 792	3, 939	.....
Edgefield .....	3, 120	6, 252	.....
Aiken .....	2, 194	3, 190	1
<b>Total</b> .....	19, 954	18, 516	2

We do hereby certify that this statement of the whole number of votes given at the general election, held on the 7th day of November, 1876 for member of Congress from the fifth Congressional district, is made up from the certified copies of statements made by the several boards of county canvassers, and that the same is correct.

H. E. HAYNE,  
*Secretary of State.*

F. L. CARDOZA,  
*Treasurer South Carolina.*

THOS. C. DUNN,  
*Comptroller-General.*

H. W. PURVIS,  
*Adjutant and Inspector-General.*

EXHIBIT B.

STATE OF SOUTH CAROLINA,  
*Office Secretary of State :*

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct statement of the certificate and determination of the board of State canvassers as to the election of the member of Congress from the fifth Congressional district; and that the statement of the vote cast in Barnwell County does not include the vote at Robbins precinct, which was not counted by the county and State board of canvassers, and forms no part of the aggregate stated herein.

Given under my hand and the seal of the State, at Columbia, this 26th day of February, 1877, and in the 101st year of American Independence.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

I certify that the inclosed is the document presented in testimony by the contestant, George D. Tillman, and marked "Exhibit B."

M. R. COOPER,  
Notary Public.

*Vote by precincts for Congressman, fifth district, 1876.*

Beaufort County.	Robert Smalls.	G. D. Tillman.
Woodlawn .....	312	8
Varneville.....	98	259
Peoples .....	71	187
Pocotaligo.....	211	89
Port Royal .....	121	48
Paris Island.....	141	12
Matthews' Bluff.....	174	40
Myrtle Bush.....	230	5
Mitchelville.....	446	10
Levy's Cross-Roads.....	447	64
Lawton Church.....	180	41
Lawtonville.....	311	122
Guiniss's Cross-Roads.....	142	11
Hardeeville.....	141	68
Henniss's Cross-Roads.....	64	91
Grahamville.....	232	108
Gillesonville.....	224	173
Gardners' Corner.....	553	59
Graves Hill.....	472	9
Chisolm's Landing.....	266	39
Coffin Point.....	168	21
Bluffton.....	348	103
Bellinger's Hill.....	407	28
Brighton .....	194	91
Beech Branch.....	22	73
Black Creek .....	10	4
Brunson.....	317	226
Beaufort.....	561	114
Brick Church.....	717	16
Nixville.....	36	112
Total .....	7,616	2,231



*Vote by precincts for Congressman, fifth district, 1876.*

Barnwell County.	Robt. Smalls.	G. D. Tillman.
Allendale .....	448	675
Barnwell .....	209	293
Blackville .....	691	467
Buford's Bridge .....	187	197
Barker's Mill .....	142	183
Erhard's Mill .....	48	177
Graham's .....	66	221
Millet .....	143	308
Midway .....	435	235
Canian's Fair Church* .....		
Robbins .....	1,317	
Red Oak .....	200	246
Williston .....	129	452
Bell Dock .....	92	184
Bamburg .....	2	301
Total .....	4,109	3,939

\* No poll opened.

*Vote, by precincts, for Congressman, fifth district—1876.*

Edgefield County.	Robt Smalls.	G. D. Tillman.
Curryton .....	2	106
Mount Willing .....	58	602
Cheatham's Store .....	88	173
Haltawanger's Store .....	218	245
Edgefield Court-House No. 1 .....	25	601
Edgefield Court-House No. 2 .....	840	316
Landrum's Store .....	2	209
Richardson .....	286	320
Liberty Hill .....	227	345
Red Hill .....	9	326
Trapp's Mill .....	91	537
Meeting Street .....	210	249
Perry's Cross-Roads .....	114	156
Ridge Spring .....	342	682
Johnston's .....	54	444
Tolbert's Store .....	55	328
Shaw's .....	363	382
Coleman's .....	136	231
Total .....	3,120	6,252

*Vote, by precincts, for Congressman, fifth district—1876.*

Aiken County.		Rob't Smalls.	G. D. Tillman.
Aiken Court-House.....	698	371	
Miles' Mills .....	35	142	
Hamburg .....	535	246	
Windsor .....	71	377	
Silverton .....	232	122	
Merritt's Bridge .....	63	312	
Fountain Academy .....	86	163	
Boyd's Store .....	266	100	
Jordan's Mill .....	124	274	
Beech Island .....	302	236	
Graniteville, (not on file) .....			
Total .....	2,417	2,403	

*Vote, by precincts, for Congressman, fifth district—1876.*

Colleton County.		Rob't Smalls.	G. D. Tillman.
Walterboro' .....	285	314	
Summerville .....	427	139	
Sniders' .....	11	197	
Smoke's Cross-Roads .....	167	236	
Rantowle's .....	190	61	
Ravenel's .....	207	83	
Ridgeville .....	163	272	
Preacher's Mill .....	100	161	
Maple Cain .....	117	116	
Jacksonboro' .....	196	77	
Iron's Cross-Roads .....	187	43	
Horse Pen .....	50	104	
George's .....	468	456	
DeLemar's Cross-Roads .....	88	87	
Blue House .....	691	210	
Bell's Cross-Roads .....	35	103	
Adam's Run .....	413	82	
Ashepoo .....	437	96	
Maple Cain .....	117	116	
Total .....	4,349	3,020	

*Vote for governor, Beaufort County, 1870-'72-'74-'76.*

1870.

R. K. Scott .....	6,142
R. B. Carpenter .....	999

1872.

F. J. Moses, jr. ....	4,995
Ruben Tomlinson .....	1,445

1874.

D. H. Chamberlain.....	4, 778
John T. Green.....	2, 076

1876.

D. H. Chamberlain.....	7, 604
Wade Hampton .....	2, 274

## EXHIBIT C.

STATE OF SOUTH CAROLINA,

*Office Secretary of State :*

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct statement of the votes cast for Congressman in the several precincts of the counties comprising the fifth Congressional district, and also the vote cast for governor in Beaufort County at the general elections of 1870, 1872, 1874, and 1876, as appears by the returns on file in this office.

Given under my hand and seal of the State, at Columbia, this 21st day of February, 1877, and in the one hundred and first year of American Independence.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

I certify that the inclosed is the document presented in testimony by the contestant, George D. Tillman, and marked "Exhibit C."

M. R. COOPER,  
*Notary Public.*

## BEAUFORT COUNTY.

In the contest between Geo. D. Tillman and Robert Smalls for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

*Beaufort County :*

W. H. NIVER, a witness of legal age, produced by contestant upon due notice to the contestee, deposes as follows in reference to questions propounded by contestant :

Question. Please give your name, age, residence, and occupation.—

Answer. W. H. Niver; about thirty years old. I live on Paris Island, Beaufort County, and State of South Carolina. I am a planter by occupation.

Q. How long have you resided there?—A. About ten years.

Q. Where did you reside previously?—A. In Columbia County, New York State.

Q. Where were you born?—A. In Columbia County, New York.

Q. Did you come from Columbia County to Paris Island?—A. Yes.

Q. At what precinct did you attend at the election on November last?—A. At Paris Island.

Q. State what occurred at the polls during the day, and whether there were any interference with the electors at the polls.—A. I went to the polls about seven o'clock. I was there some time before the poll opened. The managers could not get into the church, so they opened the poll in the school-house. I staid there all the forenoon, until about ten or eleven o'clock. At that time I gave a ticket to a colored man to vote, and it was taken away and torn up. After that I went back and sat down. Another colored man came in, and I offered him a ticket. When

I offered him the ticket, I was struck and pulled and hauled around, and while the fuss was going on the man went out of doors and did not vote at that time at all. I then sat down on a desk and was struck with a stick on the back of my shoulder and head, through a window, which gave me a headache all the afternoon. I had not voted up to this time. After the fuss quieted down I voted and went home. I did not think it was safe to vote before that. I went home because I felt badly. I staid at home until about four o'clock, when I returned to the polls, and soon after I got back they counted the votes.

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

Q. What ticket did you offer to those colored men?—A. The Democratic ticket.

Q. Who was the candidate for Congress on the Democratic ticket?—A. George D. Tillman.

Q. Were the candidates for all the offices voted for on the same ticket?—A. Yes.

Q. To what party did these men belong who took away the tickets and tore them up?—A. To the Republican party.

Q. Who did they support for Congress?—A. Robert Smalls.

Q. Please state the number of Republican and number of Democratic votes polled at that precinct.—A. One hundred and forty-three Republican and twelve Democratic.

Q. How many white men lived on the island at that time?—A. Three besides myself.

Q. State about what the population of the island is.—A. About four hundred.

Q. How many colored votes were cast at that precinct?—A. All but six were colored.

Q. By whom are the lands on that island chiefly owned?—A. By colored people.

Q. Under what titles?—A. Government tax-sales.

Q. What government?—A. United States Government.

Q. Who struck you?—A. John Bull they call him on the island, but I think his name is John Bumis.

Q. To what party did he belong?—A. He was a boy under age, about nineteen or twenty years old, and did not vote at all.

(The counsel for the contestee having here made objection to the presence of contestant's witnesses other than the one under examination, it was agreed between the respective counsel, William Elliott for contestant and W. J. Whipper for contestee, that all witnesses be excluded, except the one under examination. This agreement to apply to all testimony in this case taken before any officer, whether in chief, in reply, or in rebuttal.)

Q. In the interest of what party was this man John Bull at the poll?—A. The Republican party.

Q. What did he strike you with?—A. A club.

Q. How long and thick was it?—A. About three feet long, and about one or one and a half inches through.

Q. How many colored men had clubs there that day?—A. I don't know; most all of them had sticks.

Q. What were they doing with them?—A. They did not seem to be doing anything with them except the one that struck me.

Q. Did you see them flourish them about?—A. I did not notice them.

Q. How many colored men were around you at the time that you were struck?—A. About thirty or forty when I was first struck.

Q. What else did they do with you besides strike you?—A. They grabbed me up and crowded around me.

Q. Did you attempt to escape from them?—A. Yes; I got away from them, and went back and sat down.

Q. What was the cause of this violence?—A. My going up and offering the ticket to a voter.

Q. What did the crowd say at the time of this violence?—A. They said they would not let any of the colored people vote the Democratic ticket, and that he should not vote that ticket.

Q. How much noise and violence was there?—A. Quite a good deal.

Q. Did or did it not interrupt the voting, and for how long, if it was interrupted?—A. It did interrupt it for fifteen or twenty minutes, or perhaps half an hour.

Q. In what building, if any, did this take place?—A. In the school-house.

Q. Was it in the room in which the voting took place?—A. Yes.

Q. How far from the ballot-box?—A. Five or six feet.

Q. Were there any women at the polls that day?—A. Yes.

Q. How many, and what color?—A. About twelve colored women.

Q. Did they join in this noise and violence?—A. Did not see any at the time they were after me.

Q. Did they at any time?—A. Yes.

Q. State what they did.—A. I saw them take one man that was going to vote the Democratic ticket, and put him out doors.

Q. What was their general behavior?—A. Very noisy.

Q. Were there any boys under age at the polls, and if so, how many?—A. Yes; about seven or eight.

Q. Were there any threats made against Democratic voters at the polls that day; and if so, what were they?—A. They said all those that voted the Democratic ticket could not stay on the island, they should be driven off.

Q. Were the threats that were made there that day sufficient, in your opinion, to have intimidated men of ordinary courage?

(Question objected to by counsel for contestee.)

A. I think they were.

Q. Do you know of any such threats having been made before the day of election against Democratic voters?—A. I do not.

Q. Did these threats keep any men from voting the Democratic ticket who otherwise would have voted it?

(Question objected to by counsel for contestee.)

A. I think they did.

Q. Would the result of the election have been different at that precinct, but for these threats?—A. I think it would.

Q. To what party did you belong before this late election?—A. I always voted the Republican ticket.

Q. Were the polls open on that day when you got there, and at what time did you get there?—A. They were not; I got there about seven o'clock.

Q. At what time were they opened?—A. About half an hour after I got there.

Q. At what time were the polls closed, and what time did the count commence?—A. About four o'clock.

Q. Please give the answer as to time more definitely.—A. I am certain it was not later than half past four. I think it was four.

Q. Were voters sworn before voting?—A. Think they were.

Q. Do you know of any that were not sworn ?—A. I don't recollect of any.

Q. At what time were you absent from the polls that day ?—A. From about half past one until four o'clock or about.

Q. Did you hear any colored men on that island say they were going to vote the Democratic ticket, before the election ?—A. Yes ; I heard quite a number say they were going to vote the Democratic ticket.

Q. How many ?—A. Twelve or thirteen.

Q. Did you speak to all the voters on the island about their votes ?—A. I did not speak to them all, but spoke to a good many of them.

Q. How many colored men did vote the Democratic ticket, as far as you know ?—A. Six.

Q. Did you prosecute this man John Bull, or any other man, on account of the violence done towards you ?—A. I did not.

Q. Why not ?—A. I did not think I could get any justice under the present state of affairs.

Cross-examined by W. J. Whipper, counsel for contestee :

Q. How long have you lived on Pony Island ?—A. About ten years.

Q. How many elections have you attended on the island ?—A. All the elections since I have been there.

Q. Was there any more violence at this election than at any former ?—A. There was.

Q. Had you any violence at any former election ?—A. Not that I recollect of.

Q. Was there any violence at this election before you handed a Democratic ticket to a voter ?—A. None, except that man they put out doors.

Q. How was this man put out doors, and by whom ?—A. Picked up and pushed out by the women.

Q. How close were you to the scene at the time that it occurred ?—A. Twelve or fourteen feet.

Q. Do you know the names of any of these women ? If so, please tell the officer.—A. I do not know as I can call any names. I took no notice who they were.

Q. Do you know the man that they put out ? If so, give his name.—A. I do ; John Bird.

Q. Was he put out in a violent, rude, and angry manner, or was it done through jest ?—A. I could not say.

Q. Do you know whether or not John Bird voted that day ?—A. I did not see him vote, but I think he voted.

Q. Was John Bird a Democrat or a Republican ?—A. He pretended to be a Democrat.

Q. Was he a white or colored man ?—A. Colored.

Q. Who was the man to whom you gave the ticket that they tore up ?—A. They call him Smart.

Q. Who was it that tore up the ticket ?—A. Ned Bee grabbed and tore up the ticket.

Q. Was that ticket taken from him by force, violence, and against his will, or was it merely taken from his hand and torn up ?—A. I should judge it was taken by violence ; he took the ticket from me willingly and the other man grabbed it from him.

Q. Have you any other evidence that it was taken by violence except the fact that he took it from you willingly and the other man grabbed it ; if so, what is it ?—A. I don't know that there is any except I heard them say that he should not vote that ticket.

Q. Do you know whether or not he voted at all that day ?—A. Yes ; they gave him a ticket and pushed him right along to the box.

Q. Who was the second man that you offered a ticket to?—A. Moses Nelson.

Q. Who was it that struck you at that time?—A. I could not tell who struck me first.

Q. Were you struck more than once at that time?—A. Only once; but I was kicked by John Bull.

Q. Had you or not had a difficulty with John Bull before that day outside of political affairs?—A. I had not.

Q. You stated in the direct examination that the man to whom you gave this ticket did not vote at that time; do you know that he voted at all?—A. I did not see him vote.

Q. Have you any other means of knowing that he voted?—A. I don't know that I have.

Q. Did not you vote yourself some time afterwards?—A. I did.

Q. You voted the Democratic ticket?—A. Yes.

Q. You stated in your direct examination that you went back there about four o'clock; how long after you went back was it before they commenced to count the votes?—A. Commenced counting as soon as I got there.

Q. Were you an officer of any kind on that day?—A. No.

Q. Was there any one voted or offered to vote after they commenced counting?—A. None that I know of.

Q. Was it after you went back this time that you were struck with a club?—A. I was struck with a club before I voted, and I voted before I went home at first.

Q. Do you know of any one on the island entitled to vote who had not voted that day; and, if so, who?—A. I heard them say that there was one man who had not voted; that he staid home with his wife because she was sick.

Q. Don't you know that the polls were closed because there were no more votes to be polled that day?—A. I do not.

Q. How long were they counting the votes?—A. I don't think over half an hour.

Q. How soon after the votes were counted did they leave the polling-place?—A. They left right away.

Q. You stated that the whole number of Republican votes was one hundred and forty-three, and the Democratic twelve, did you not?—A. Yes; one hundred and forty-two or three Republican and twelve Democrats.

Q. You stated that there were four white men on the island at that time, did you not?—A. Yes.

Q. Will you state if you know whether or not all those men were entitled to vote and did not vote or not?—A. Two besides myself were entitled to vote and did vote; the other one was not there.

Q. Did you state that six colored men voted the Democratic ticket?—A. Yes.

Q. How do you account then for twelve Democratic votes?—A. There were three other white men that came there to vote.

Q. Who were they?—A. Cooper, Allen, and C. W. Niver.

Q. Where did they reside at that time?—A. Niver lived on Dow's Island, and Cooper and Allen at Port Royal.

Q. Were there any others that came there to vote, black or white?—A. I think one colored man came from Beaufort.

Q. Did you state that the whole number of the population of the island is four hundred?—A. To the best of my knowledge.

Q. Do you know what the voting population of that island is? If so,

what is it?—A. I think they generally poll about one hundred and sixty votes.

Q. Do you swear that they have polled one hundred and sixty votes since reconstruction?—A. I think so.

Q. What has been the Democratic vote on that island since reconstruction at former elections?—A. I think there was one polled the time Green was nominated.

Q. And there has never been but one Democratic vote at any election in the ten years that you have been on the island before this election?—A. Only one that I know of before this last election.

Q. How old is this John Bull, or Burnis, that struck you with a stick?—A. I should think he was about nineteen or twenty years old.

Q. Don't the people on this island usually carry sticks when they go to meeting, religious, political, or otherwise?—A. A great many of them do.

Q. Did the sticks on this occasion differ in number or character from those that they usually carried?—A. The one differed in character that got over my head. I don't know that the rest did or not.

Q. Was any except this one used differently from what they usually use them?—A. Not that I saw.

Q. You state that there were thirty or forty men around you when you were struck. Were they there when the fuss commenced or were they drawn there by it?—A. Some were there and some came in after it was going on.

Q. What portion of them were there when the fuss commenced?—A. I should think about half.

Q. Was not a large portion of them your own business or personal friends?—A. A great many of them were.

Q. You have stated that you believe the result would have been different were it not for those threats. What leads you to that conclusion?—A. I heard voters say that they intended to vote the ticket that I gave them.

Q. You stated that there were twelve told you that. Did not six out of the twelve do as they told you?—A. It was twelve or thirteen besides those six that I had reference to.

Q. Can you give the names of those twelve or thirteen?—A. I don't know that I could give the names of them all now.

Q. Give the names of those you can, if any.—A. Nero Bamwell, Ansel Snipe, Cuffie Snipe. Can't think of any more just now.

Q. How long did this disturbance last either time?—A. I should think about half an hour.

Q. There was no other disturbance or violence except what you have described?—A. None that I saw.

Examined in reply by council for contestant:

Q. You stated that there were three white men went to the island that day to vote. Please state in what capacity Messrs. Cooper and Allen went there?—A. Mr. Allen held some office in connection with the election-commissioner, I think, and Mr. Cooper came with him. I don't know what for.

Q. Which is the voting precinct of C. W. Niver?—A. Parris Island. He has always voted there.

Q. Was the colored man from Beaufort a Republican or Democrat?—A. He was a Republican from the way he worked.

Q. You spoke about former Democratic votes on that island. Has there ever been an election there before this last, in which the Demo-



cratic party put out a ticket?—A. I had reference to Green. I took him to be a Democrat.

W. H. NIVER.

Sworn and subscribed to before me this 12th day of February, A. D. 1877.

[SEAL.]

M. R. COOPER,  
*Notary Public.*

The examination is here adjourned to meet at 9 o'clock a. m. to-morrow, 13th instant.

M. R. COOPER.

In the contest between Geo. D. Tillman and Robert Smalls for a seat in the Congress of the United States.

MANSION HOUSE,  
*Port Royal, S. C., February 13, 1877.*

STATE OF SOUTH CAROLINA,  
*County of Beaufort:*

MORRIS SCOTT, colored, a witness of legal age, produced by contestant, upon due notice to the contestee, deposes as follows in reference to questions propounded by contestant's counsel:

Question. Please state your name, place of residence, occupation, and age.—Answer. I am forty-two years old; my name, Morris Scott; I live on Paris Island; I am a planter.

Q. Where did you vote at the last election, in November?—A. At Parris Island school-house.

Q. What time did you get there?—A. At 7 o'clock, and left before 6.

Q. What time were the polls opened?—A. At 7 o'clock.

Q. What time did the polls close and they commence to count the votes?—A. They commenced to count about 5 o'clock.

Q. Was there any violence at the polls that day? If so, state what it was.—A. The first violence that day was the row with John Bird. Just as soon as he got in the house them women asked him if he was a Democrat. He said, "Yes, I am." Soon after they picked him right off his feet and put him out of doors; before he was down, my wife caught him by the collar and helped him up on his feet. Then came John Bull in there with a row, cussing and squeezing through the gang to get to the window after Niver. I said to Charles Grant, "Take that boy out of here with his confusion." Then he put him out of doors, and he came round to the window, while Niver set there, and knocked him in the head with a stick. Sam Gilliard then took him off from the window. Now on the voting line, this fellow Ansel, I don't know he name—any how he belong to our county. He came there to vote. They wouldn't let him vote. I gave William Howard a ticket. They took it way from him and wouldn't let him vote it. I gave old Neptune Robinson a ticket, and they wouldn't let him vote it. I gave Sam Midlton a ticket, and they wouldn't let him vote. I gave Jacob Green a ticket, and they wouldn't let him vote.

Q. What kind of tickets were these you gave them to vote?—A. Democratic tickets.

Q. Who took the tickets away from them?—A. You couldn't tell, the whole crowd was round them calling out "Democrat ticket!" "Democrat ticket!" and went on so that I got up on a bench and asked them, "Boys, is not the man of age, why not let them vote as they want to?"

Q. Were these men who took away the tickets Democrats or Republicans?—A. Republicans. All Republican mens.

Q. Were they friends of General Smalls'?—A. O, yes.

Q. How long did this row and confusion last?—A. This row and confusion lasted, at the lowest calculation, for three hours.

Q. Were the tickets of voters examined there before they voted? If so, state how it was done?—A. The Republican stand right to the door, and every man came in they asked "Who gave you that ticket?"

Q. Who did they say that to?—A. Every man. If they said they got their ticket from John Bird, London Bryan, or Morris Scott, they would say, "You must not vote that ticket" and would take it away and give them a ticket and say "Vote my ticket."

Q. What kind of tickets did they give them?—A. Republican tickets.

Q. Would they let a man come in with a Democratic ticket?—A. If they knew what ticket he had he couldn't come in. If they knew he had a Democratic ticket they would never let him come in.

Q. What was the behavior of this crowd?—A. The crowd was very dissipated. I never saw such going on since I been voting on Paris Island, since I first voted.

Q. Do you mean that they were angry and violent?—A. Yes, they was going on all the time, jawing about Democratic tickets.

Q. How long did this continue?—A. About three hours, right hot.

Q. Could you get men to come up with Democratic tickets after that?—A. I couldn't do it. I had a reason to say so, because I had a list of fifty men on my list that say they would vote the Democratic ticket, and that day I could not get but six.

Q. Why would not the others vote?—A. Because they, the Republicans, would not let them vote. The way the six happened to vote they voted in the morning before the fuss commenced. Before the crowd gathered. I was the first one vote, and then the rest voted.

Q. Give the name of some of these men, or as many as you can, that said they would vote the Democratic ticket?—A. Ansel Snipe, Nero Barwell, Wrenty Gillison, Daize Look, Billie Fields, Cyrus Bryan, Ned Taylor, is all I can remember right now.

Q. Did you hold Democratic club-meetings on Paris Island during the campaign?—A. Yes.

Q. How many men attended those meetings, or about how many?—A. Lots of Republicans as well as Democrats, and those that joined with us signed.

Q. How many signed your roll?—A. About fifty; London Bryan had the roll.

Q. Would these men all have voted the Democratic ticket that day but for this violence?—A. Yes, they would. They were all responsible men to their word. I know them all.

Q. Were Democrats threatened by Republicans that day?—A. No. No threats, only quarrelling and going on and taking away tickets. John Bull is the only one I heard make threats and he struck Niver.

Q. Were you threatened that day?—A. No. But I was threatened before that day. They threatened that they would lick me.

Q. Did you hear others threatened before that day?—A. No. I did not hear any. I suppose they threatened John Bird and London Bryan. They stay on different parts of the island.

Q. Has anything been done against you because you were a Democrat?—A. Yes, they bring up tales against me, and turned me out of the church, on the 12th of November, and I get my seat again this last Saturday.

Q. Was that the day you were summoned to appear here?—A. Yes, the same day.

Q. Do you know whether or not any women on the island have threatened to leave their husbands if they voted the Democratic ticket?—A. I don't know; I never heard any say so; I must tell the truth about it.

Cross-examined by A. H. Ezeikel, counsel for contestee.

You stated that the polls were opened at 7 o'clock; what means had you for knowing?—A. It is 6 o'clock before day, clean good, before sunrise, by the almanac.

Q. That was the only way you could tell that it was 7 o'clock?—A. Yes; at 7 o'clock the sun been rise high; I know by the account the almanac give me.

Q. Did, or did you not, in your direct examination, say that you were told by a stranger that it was 7 o'clock by his watch?—A. It was that evening.

Q. What time did you leave the polls?—A. By the watch of this stranger, he said it was some four or five minutes after 5 o'clock.

Q. Were, or were you not, present during the counting of the votes?—A. I was out side on the grass laying down.

Q. At what time did they commence to count the votes?—A. I think about half past 4 or about 5 o'clock.

Q. What time did they finish?—A. About half past 5, I think.

Q. How long after the votes were counted did you leave?—A. I followed the box right down.

Q. They started from there immediately after they had counted the votes?—A. Yes, and I followed them right down.

Q. Do you read and write?—A. A little; it is nothing that I can brag on.

Q. You spoke of violence down there that day; you spoke of John Bird's row; who started it?—A. The row started by the women. As soon as John Bird came in, the women said, "You are a Democrat," and pushed him out of the door, and my wife caught him by the collar and helped him up on his feet.

Q. You stated in your direct examination that a strange man came to the polls to vote and they would not let him?—A. I said a strange man that lived in our county.

Q. How do you know he lives in our county?—A. He used to live in Beaufort, and came to Paris Island to work.

Q. You stated that you gave William Heyward, Neptune Robinson, Samuel Middleton, and Jacob Green Democratic tickets to vote, and that they were taken away; did you not?—A. Yes.

Q. What means did you have of knowing?—A. As they came to the door they were asked, "What ticket is dat?" "Who gave you that ticket?" "Did Scott give you that ticket?" And it was taken away, and they were given another one.

Q. By whom was it taken away; can't you give the name?—A. No; I could not. The whole crowd of Republicans were saying, "Who ticket is that?" "Did Scott give you that ticket?" "That ain't the right ticket." "Don't vote that ticket."

Q. How long have you lived on Paris Island?—A. Every since I been born. I was born there.

Q. You spoke of the tickets being taken away by Republicans, and that they were friends of General Smalls; were not they friends of Mr. Tillman's also?—A. I suppose so; I could not tell. I never saw Mr. Tillman in my life before. I saw Smalls; he used to come down to speak to us.

Q. Did you hear any of them express themselves otherwise than being friendly to Mr. Tillman?—A. No.

Q. How many elections have you attended on the island?—A. I really could not tell. I think there were four or five. I was attending them every since they were held.

Q. You spoke of being turned out of the church on account of your Democratic principles; were you not turned out for violating some rule of the church?—A. That's what they bring in against me; said I violate the rule of the church; some said I cussed.

Examined in reply by counsel for contestant :

Q. You were asked about these Republicans being friendly to Tillman; did you hear his name called at all that day?—A. No, I did not. I heard Hayes' and Wheeler's name called that day.

Q. What party does Mr. Tillman belong to?—A. Mr. Tillman belongs to the Democrat party.

Q. What party did these men that took away the tickets belong to?—A. The Republican party.

MORRIS SCOTT.

Sworn and subscribed to before me this 13th day of February, A. D. 1877.

[SEAL.]

M. R. COOPER,  
*Notary Public.*

In the contest between George D. Tillman and Robert Smalls for a seat in the Congress of the United States.

FEBRUARY 13, 1877.

STATE OF SOUTH CAROLINA,  
*County of Beaufort :*

JOHN J. ALLEN, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows, in reference to questions propounded by contestant's counsel:

Question. Please state your name, age, place of residence, and occupation.—Answer. John J. Allen; age, fifty; reside at Port Royal, Beaufort County, South Carolina, and I am a manufacturer of oyster-shell lime.

Q. Do you hold any official position at present; and, if so, what?—A. I am at present intendant of this town of Port Royal.

Q. Where were you at the election on the 7th of November last?—A. At the voting-precinct on Paris Island.

Q. In what capacity?—A. As United States supervisor.

Q. At what hour did you reach the polling-place?—A. At a little before 6 in the morning.

Q. At what time were the polls opened?—A. At 7 o'clock.

Q. Why were they not opened sooner?—A. I don't know that I could state. There was some talk between the managers and the citizens as to whether they should hold the election in the school-house or in the church.

Q. How many managers were there at that precinct, and to what party did they belong?—A. There were three managers, one white, belonging to the Democratic party, and two colored Republicans.

Q. When were the polls closed?—A. At 4 o'clock in the evening.

Q. Did you observe the time as to the opening and closing, and are you certain as to the hours?—A. I did, and I am certain as to the hours.

Q. Did you return to Port Royal that evening? And were or were not the polls at Port Royal open when you returned?—A. I did return to Port Royal, and the polls were open for some time after I returned.

Q. State whether or not the voters at Paris Island precinct were sworn before voting.—A. They were not all sworn. They did not begin to swear until the seventy-first vote was polled.

Q. I understand, then, that the first seventy voters were not sworn?—A. Yes, sir.

Q. Please state the manner in which the election was conducted—whether quietly or otherwise.—A. For a short while in the morning it was quiet. About 10 or 11 o'clock they began to get considerable excitement and confusion, and continued so until along in the afternoon. I noticed that at one time they had a man or two dragging around through the house, and the whole house and crowd was in confusion; clubs were brought out and threats were made.

Q. By whom and to what party did the persons belong that were making the threats, and against whom were they made?—A. The parties that were making threats belonged to the Republican party, and they were threatening those who voted the Democratic ticket or who proposed to vote it.

Q. Were the tickets held by voters examined by other persons? And in what way?—A. They were. They were taken hold of by parties and brought up, and their vote taken and examined.

Q. What was done with them if they were Democratic votes?—A. I could not see them. They tore up some tickets and gave them others, and some they gave back to them.

Q. Was W. H. Niver struck at the polls; and, if so, with what?—A. He was struck at a number of times. I could not tell whether they hit him or not, there was such a crowd around him, and some striking at him, and some dragging him around.

Q. What was the cause of this violence towards Niver?—A. He was bringing up a colored man to vote what I thought to be a Democratic ticket. I could not see it.

Q. Was Niver working in the interest of the Democratic party there that day?—A. He was.

Q. Was the voting suspended at any time; and, if so, for what cause, and how long?—A. Yes; it was suspended for about an hour, on account of this rioting and confusion in the house.

Q. Did all this occur in the room in which the polls were held?—A. Yes.

Q. What was the general demeanor of this crowd, and did you apprehend serious violence?—A. It was very boisterous and threatening, and I did apprehend serious violence. They were cursing and swearing and waving their clubs, and crowding around the table, some with clubs up inside and some beating on the house outside, and some were up on the benches trying to quiet and quell them. This state of things lasted from about 11 until 2 o'clock, at some times more violent than others. A large number of these persons were women as well as men, and this cursing and threats were made against those who had voted or intended to vote the Democratic ticket.

Q. Was this violence sufficient, in your opinion, to have kept men of ordinary courage from voting the Democratic ticket?—A. In my opinion, it was.

Q. Did it, in your opinion, affect the result of the election?—A. In my opinion, it did.

Q. State any fact within your knowledge bearing to this point.—

A. A number of colored men told me they intended to vote the Democratic ticket, and I am satisfied that if the election had been conducted peaceably and quietly that they would have done so.

Q. Is it or not your opinion that more colored men would have voted the Democratic ticket if the polls had been opened at the proper time ?—A. I think they would.

Q. Did you attempt to enforce order ?—A. I called upon the managers to preserve order, but they could not quiet the people.

Q. Were you able to properly discharge the duties of your office ?—A. I was not.

Q. Please state whether or not the candidates of the respective parties were all on the same ticket.—A. Yes.

Q. Who was the candidate for Congress on the Democratic from this Congressional district ?—A. Mr. Tillman.

Q. Who on the Republican ?—A. Mr. Smalls.

Q. Were you at any time apprehensive of serious injury to yourself, and, if so, from what cause ?—A. I was at one time, from the various threats that I heard.

Q. Was it or not this that prevented you from discharging the duties of your office, as stated ?—A. I did not, under the circumstances, think that it would be safe for me to undertake it. I did not think I could do any good.

Q. Do or do you not know that there were any persons who voted there that were under age ?—A. There were some that voted that looked to me like they were under age. Objection was made to their voting by some of the colored people, who said they were under age.

Q. Were they permitted to vote ?—A. Yes.

Q. Do you know their names ?—A. No ; I don't remember them.

Cross-examined by W. J. Whipple, counsel for contestee :

Q. For what party were you supervisor on that day ?—A. I don't know that I was for any party. I received a summons from George S. Bryan to act as supervisor at that time.

Q. What were your politics at that time ?—A. Democratic.

Q. What number of persons were on the grounds when the polls opened ?—A. I suppose twenty-five or thirty.

Q. Do you know of any one leaving before the polls opened ?—A. I do not.

Q. Did you state that the polls opened at 7 o'clock ?—A. I did.

Q. At what hour in the day did they close ?—A. At 4 o'clock in the afternoon.

Q. How many persons were at the polls when the polls closed ?—A. I would suppose there was two hundred and fifty, men and women, altogether.

Q. What portion of those present were legal voters ?—A. I don't know hardly how to approximate. I suppose seventy-five or one hundred men.

Q. Do you know of any party entitled to vote at that election who was deprived from doing so by the polls opening at 7 and closing at 4 ; and if so, who ?—A. I do not.

Q. Why, then, do you state that you think you would have received more Democratic votes than were polled there that day ?—A. I think that had the polls been opened earlier, before this excitement got up, a good many would have voted the Democratic ticket who did not.

Q. What time did the polls close at Port Royal ?—A. I was not present when they closed.

Q. What time of the day was it that they commenced swearing the votes at Paris Island?—A. I think it was about 10, or half past.

Q. Why was it that the managers did not swear them before that time?—A. Because they did not see fit to do so, or did not swear them.

Q. Did you, or any one else, bring it to their attention before these 70 votes were cast?—A. I did. I read the instructions sent out repeatedly to them.

Q. What, if any, excuse did they give for not swearing them?—A. They did not give any at all.

Q. Was it not your duty to see that all the provisions of the law were complied with?—A. I don't know what my duty was. I did not have any force to carry out my instructions. All I could do was to read the law to them as I have stated.

Q. What was it that finally induced the managers to commence swearing the voters?—A. The seventy-first vote was a boy that there was some trouble about, and the managers swore him; and they then commenced to swear most of them that voted after that; some voted after who were not sworn.

Q. Were these three boys that were said to be under age sworn before they were allowed to vote, to be of lawful age?—A. Yes; they took the oath; I believe it says they must be of lawful age.

Q. In what particular were you prevented from discharging your duties as a supervisor of election?—A. In all particulars.

Q. Was there anything done to you either as an officer or as a citizen, or demonstration made toward you?—A. Individually, nothing; as an official, I gave them the instructions and my construction of the law, and where they did not comply I don't know what their intentions or reasons for not complying were.

Q. You speak now of the managers or of the parties creating the confusion and excitement?—A. I speak of the parties making the confusion.

Q. Do you speak of the managers?—A. I read the instructions to the managers.

Q. How do you distinguish between the colored Republicans and colored Democrats?—A. When I see men that say they are Democrats, I go by what they say; and when they say they are Republicans, I go by what they say, or take them to be what they say.

Q. Do you know what kind of tickets they were that were taken from parties and torn up?—A. I do not.

Q. When Niver was surrounded, do you know whether it was by his friends or by his enemies, or both?—A. From the way they were handling him, I would take it to have been by his enemies.

Q. You stated in your direct examination that you believe a number of colored men would have voted the Democratic ticket but for the confusion and excitement. Can you give me the names of any of them?—A. I think not.

#### Redirect examination by counsel for contestant :

Q. Are you not a stranger to the people on that island generally?—A. I am.

Q. You say nothing was done to you individually; did you use any effort to procure votes for the Democratic party?—A. I did not.

Q. If you had, what, in your opinion, would have been the result?—A. I believe it would have brought on a difficulty the same as Niver was in.

Q. Though you did not see what tickets were torn up, have you any doubt in your mind, from all that occurred, that they were Democratic

tickets?—A. I believe, from the circumstances, that they were Democratic tickets.

JOHN J. ALLEN.

Sworn and subscribed to before me, at Port Royal, this 13th day of February, A. D. 1877.

[SEAL.]

M. R. COOPER,  
*Notary Public.*

In the contest between George D. Tillman and Robert Smalls for a seat in the Congress of the United States.

FEBRUARY 13, 1877.

STATE OF SOUTH CAROLINA,  
*County of Beaufort:*

JOHN BIRD, (colored,) a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows, in reference to questions propounded by contestant:

Question. Please state your name, age, residence, and occupation.—Answer. John Bird; 43 years of age; reside on Paris Island; I am a stavedore by occupation.

Q. At what precinct were you on the 7th of November last?—A. Paris Island precinct.

Q. Were you at the polls all day; if not, how long were you absent?—A. I was absent from, but in sight of, the poll only about twenty minutes during the day.

Q. Was there any violence at the polls? If so, state what it was?—A. Yes; the first riot at the poll was, they sent in a lot of women after me, and they took hold of me and brought me out before the door, and said, "Kill him; he is a Democrat man." And Mrs. Scott came up and said she was "a Democrat woman," and if they killed Bird they would have her to kill. In that time Paul Green came up and pulled out a knife about a foot long, and said, "Kill him; he is a Hampton man." Jimmie Gooding said, "Any man kill him got me to kill; I am a Hampton man, too;" and at that time everybody got into it. The row then continued about two hours. In that time a Republican got up and made a speech to them, and told them to keep quiet, or if not the poll would be thrown out; said he was from Washington, Columbia, or somewhere or other; that he came there to give them advice not to vote for Hampton; that if they voted for Hampton they would not go into slavery, but they would have been better in slavery, for they would be treated like a dog. But he would advise them not to interfere with Mr. Bird; that he did no harm, and had a right to electioneer for Hampton or any other man he saw fit. They still cried, "Carry Bird away from here; he come here to carry South Carolina Democrat same as he carried Savannah." I then walked away from the party and went over toward the church. Mr. Niver called me at that time to come to dinner. I then went into the school-house. While eating, he asked me if I had a ticket. I told him I had, I guess, ten thousand. He then sent a man to me to get a ticket; he wanted to vote a Democrat ticket. In handing him the ticket, and as soon as he took the ticket, about three hundred men, women, and boys surrounded him and took the ticket away. The man cried out then that he desired to vote a Democrat ticket; and the crowd crowded him, took the ticket and tore it up, and made him vote a Republican ticket, and told him, "If you don't vote a Republican ticket, we will put fifty lashes on your behind." In that time Mr. Niver went up and said, "Let him alone; he has a right to vote for Hampton or any one else who he



sees fit to vote for." They crowded Niver about that time. I jumped in between them and pushed Niver behind me, and one of them kicked him in the pit of his stomach. Niver cried, "Men, save me; don't let them kill me." We threw Niver on the desk, and a party ran outside and struck at him, and drove the stick into the wood. It would have killed him if it had struck him. I said then, "If you want to fight, give us a fair show." There came in then another man to vote, and the managers of election swore him. The subcommittee-man got up to fight the managers, and said they had no right to swear that man that came to vote.

Q. A committee-man of what party?—A. Of the Republican party. The manager then swore it was his duty to swear every man that came to vote. They then got kind of quiet and the polls were closed about 4 o'clock.

Q. Where were you when you said the women took you out?—A. I was in the school-house where the poll was held.

Q. Why did they take you out?—A. They said I was a Democrat, and that "Hampton's tickets should not be distributed on the island; no one should vote it."

Q. Is Paul Green a Republican or a Democrat?—A. A Republican.

Q. Were other threats made by Republicans against Democrats?—A. Yes; Robert Smalls went there on Monday before the election and made a speech, and said to the women that if their husbands voted the Democratic ticket to throw them out of the house. "When John went to Massa Hampton and pledged his word to vote for him and returned back home his wife told him 'She would not give him any of that thing if you vote for Hampton.' John gone back to Massa Hampton and said 'Massa Hampton, I can't vote for you, for woman is too sweet, and my wife says if I vote for you she won't give me any.' And, ladies, I think, if you all do that, we won't have a Democratic ticket polled on Paris Island." (These are the words of Robert Smalls.) "John Bird, the great leader of the Democratic party, will lead all of your husbands into slavery. I have a hound at home. I wouldn't have him to come to feed my hound."

Q. Were any other threats made at the polls by Republicans toward Democrats?—A. Yes; all kind of threats.

Q. What threats did they make in words?—A. They said they would kill any "damn Democratic son of a bitch that went on that island to vote the Democrat ticket." Q. Did these threats change the result of the election at that poll?—A. Yes.

Q. In what way?—A. We had a Democratic club with fifty names enrolled, and they would have all voted the Hampton ticket but from the threats that they would kill any one that voted the Democratic ticket. They refused to vote it. They sent word to Spring Island and told them to look out for me and my committee, and if we came there to give us three thousand lashes on our arse, and throw us in the river. This was ten days before the election. I had Mr. Cooper's boat to travel in and they went down to the landing and cut out all the seats, and after the election they came down and cut my boat up. I have been grinding at the government mill and they refuse to let my children grind their corn, saying "No damn Democrat should grind on it." And told my son "to tell his daddie he would meet him at the landing." This was Sam Gilliard that said so. This was done yesterday.

Q. Did your children come back with the corn unground?—A. Yes.

Q. Did this intimidation and violence at and before the election keep colored Democrats from voting the Democratic tickets?—A. Yes.

Q. How many, in your opinion?—A. We had fifty in the club and only about four voted the Democratic ticket.

Q. Do you know of any threats made on any other islands?—A. No; only on these two islands and by these same parties from Paris Island.

Q. How many voters are there on Spring Island?—A. I think there is one hundred and fifty voters on that island.

Q. Were you present at the Hampton meeting at Beaufort, on the 26th of October last?—A. I was, sir.

Q. Was that meeting broken up; and, if so, by whom?

(Question objected to by A. H. Ezeikel, counsel for contestee.)

A. Yes; the meeting was broken up by Langley saying, "General Hampton could speak, but that Judge Cook could not speak."

Q. Who is Langley, and to what party does he belong, and is he an office-holder?—A. He is a Republican. He is a colored man. Yes, he is an office-holder.

Q. State whether or not he is one of the leaders of the Republican party in this county.—A. I believe he is a leader in that party.

Q. State whether others joined with him on this occasion and to what party did they belong.

(Objected to by counsel for contestee.)

A. Great deal joined with him on this occasion, and they were all Republicans.

Q. About how many Republicans were present at that meeting?—A. A large lot of them; I believe, the most that were there were.

Q. Was Judge Cook permitted to speak?—A. No, sir; he was not.

Q. How was he prevented?—A. Langley got the crowd to make a great deal of noise and hissing, and they would not hear him.

Q. State anything else that the crowd did.—A. They had a row among themselves, and had one Democratic man carried to the guard-house, because he gave three cheers for Hampton. I gave three cheers for Hampton and the marshal came to me and told me if I cheered again he would carry me to the guard-house. I told him this was a free country and I would do as I saw fit.

Q. State whether or not he shook his club or fist in your face.—A. He shook his club in my face.

Q. What was his name, and to what party did he belong?—A. He was a Republican; Cohen was his name.

Q. To what party did all the policemen belong that were there?—A. To the Republican party.

Q. About how many policemen were present?—A. I think about twelve.

Q. Was the intendant present, and to what party did he belong?—A. Yes, he was present. He is a Republican.

Q. Did they make any effort to stop the Republicans from breaking up the meeting?—A. No, they did not.

Q. Was the meeting finally broken up?—A. Yes; the meeting was broken up.

Q. Was Mr. Tillman present, and was he expected to speak?—A. Yes, he was present; and there was two or three speakers still to speak.

Q. Were they allowed to speak?—A. No; the meeting was broken up.

Q. Did any of these attempt to speak, and could they speak?—A. Judge Cook tried to speak and couldn't. They wouldn't hear him.

Q. Where do General Smalls and Lieutenant-Governor Gleaves reside?—A. In the town of Beaufort, where this riot occurred.

Q. Was Governor Gleaves present, and did he make any effort to stop the row?—A. I did not see him.

Q. Have you ever seen a Republican meeting in this county broken up by Democrats?—A. No, I never have.

Q. What was the temper of the Republicans on this occasion?—A. They seemed to have been very mad, by the way they acted.

Q. Did any Democratic speakers try to speak before Judge Cook and were stopped?—A. No.

Q. Were they interrupted?—A. Yes.

Q. Was Mr. Yomans interrupted?—A. Yes; he was.

Q. Was he or not forced to stop speaking?—A. Yes; and he invited Langley up on the stand to speak, and Langley told him he did not want to get on the stand.

Q. What was the effect that the breaking up of this meeting had on the Democrats; did it encourage them or intimidate them?—A. It discouraged them. It was done for that.

Q. Would or not there been more Democratic votes but for this?—A. Yes; there would; but that discouraged them.

Cross-examined by A. H. Ezeikel, counsel for contestee:

Q. On what day of the week did the 7th day of November last fall?—A. Tuesday.

Q. What poll did you attend on that day?—A. Paris Island poll.

Q. At what hour did you arrive at the poll?—A. At six o'clock.

Q. At what hour did you leave?—A. At half past four; the polls were closed at four.

Q. At what hour were they opened?—A. At seven o'clock, or little after.

Q. What time did the counting of the votes commence?—A. About two o'clock, by Mr. Linden's watch; that they could tell me how many Democrats had voted and how many Republicans at that time.

Q. Were you present at the counting of the votes?—A. I were.

Q. How much time did they occupy in counting?—A. Not over half an hour.

Q. What were you doing when the women took hold of you? How many were there, and what were their names?—A. I just had g'en a man a Democrat ticket.

Q. Did he take it freely?—A. Yes; he asked for it.

Q. Who was the man?—A. Nelson Moses.

Q. Where is he now?—A. He is on Paris Island, now, I guess.

Q. You said in your direct examination yesterday that you were surrounded by about three hundred men and about 10,000 Democratic tickets taken from you.—A. Yes; womens and all; it looked like more than that to my sight.

Q. Now, Mr. Brid, did or did you not, without any inducements or threats, give up the tickets voluntarily and freely? I put you on your guard.—A. No, sir; I did not; they were taken away from me.

Q. Did you expect to poll these ten thousand tickets?—A. No.

Q. For what purpose did you have them there?—A. To give to my committees any time they would come to me for tickets.

Q. How long have you lived on the island?—A. Six years, sir.

Q. How many votes were polled on that day?—A. Twelve, to my knowledge—Democrats.

Q. How many Republican votes?—A. I don't know. I took no notice.

Q. How many votes in all?—A. If I am not mistaken, it is a hundred and fifty voters, or may be more or may be under.

Q. Can't you state more definite the number?—A. You see they goes away to Savannah River and comes back and forth.

Q. How far is the Savannah River from Paris Island?—A. I suppose it is about sixty miles, somewhere along there, by water.

Q. Did or did you not say you had fifty members in your Democratic club?—A. I did, sir.

Q. Give their names.—A. I couldn't give their names by knowledge lest I had the list.

Q. Can't you give any of them?—A. Yes; London Byran, Cyrus Byran, two; Jimmie Gooding, Moris Scott, Paris Dawson, Grimes Dawson—six. Can't think of them lest I had the list.

Q. Did you hear General Smalls's speech on Monday, 6th November last?—A. I did, sir.

Q. What did he mean when he said, "Don't give your husbands any of that thing, ladies?"—A. I thought it was a very vulgar word to use among ladies.

Q. Well, what do you think he meant by it?—A. He must to have meant that the women must not let their husband have any connection with them; that if they vote the Democrat ticket they should kick them out of the house.

Q. Are you and General Smalls friendly?—A. Were until about a month before the election.

Q. You state in your direct examination yesterday that pistols were drawn; if so, by whom?—A. Yes. There was a gentleman, Mr. Gilliard, had a double-barrel pistol in his hand. If I had of struck either one of the women or men, no doubt he would have killed me.

Q. Are you supposing he would have killed you, or did he tell you he would?—A. He told me he would do it; he would put more holes through me than doctor could patch.

Q. What part of the island was this?—A. He told me that right between the two churches, on the day of the election.

Q. Did he not tell you that with a view to keep you from striking some woman?—A. No; there was no woman round us at that time at all.

Q. Where had they gone?—A. They had not gathered round the place yet; that was early in the morning.

Q. What do you mean by saying that he would have killed you if you had struck any of the women?—A. He had his revolver all the time in his breast.

Q. Were you not threatening to strike some woman when he made these threats?—A. No; I had no cause to make any threats at all.

Q. You spoke of threats being made before the election at that place. In what manner?—A. Why, they said they would "lick any Democrat son of a bitch that come on that island to vote the Democrat ticket." As for me, they say they would put three hundred lashes on my rass.

Q. By whom were these threats made?—A. By Sam Gilliard and several others; he is the only man I heard; but they sent me word to my house.

Q. Did you make any threats?—A. No.

Q. Was Judge Cook a Republican or a Democrat?—A. He were a Republican, sir. He told me five or six times he was a Republican man.

Q. Why was he not heard to speak?—A. Because they said he was a Reform Republican, and he was a bigger Democrat than any of them.

Q. Was not Judge Cook intoxicated on that day?—A. Not to my knowing.

Q. Could he have been without your knowing it?—A. No; if a man is under the influence I ought to know, or if he was tight.

Q. Did or did he not raise a disturbance among the crowd?—A. No sir.

Q. You spoke of a dozen policemen, and that they were Republicans. What means, if any, had you for knowing?—A. They told me they were Chamberlain men, and I know that Chamberlain is a Republican man.

Q. Give the names of those that told you so.—A. I don't know the name of all of them. Simmons for one; this Miller there, to the hotel, he is another one. Israel Cohen is another, and they were all standing up together. The reason I know they were Chamberlain men is by the words that came out of their mouth.

Q. How came they to tell you that they were Chamberlain men?—A. I were passing along, going down the street, and they were picking them out for police, and while standing together they were saying who they would support, that they were going to support Chamberlain.

Q. Did you not say a moment ago that they told you so?—A. They have told me that about two months before the election who they were going to support, and I told them who I was going to support.

Q. Who is the intendant of the town of Beaufort?—A. Williams has been at that time.

Q. Is he a Republican or a Democrat?—A. Republican.

Q. How do you know?—A. He told me so. ♦

Q. How many meetings of Republicans have you ever attended?—A. O, I don't know; I have attended several of them; all their mass-meeting and caucus, such like that.

Q. How many Democratic meetings have you ever attended?—A. I attended twenty.

Q. In Beaufort County?—A. In Beaufort County club-meeting, though.

Q. Are you a member of any Democratic rifle-club?—A. No.

Q. What are your politics?—A. Democrat.

Q. Who told you to say all that you swore to here yesterday and to-day?

(Laughed at by witness.)

A. I was summoned here to tell all that I saw on the 7th of November last at the polls, and I have explained that that I see done by Republicans, and no more.

#### Redirect examination :

Q. You stated that at Paris Island precinct the count commenced at two. Do you mean that the voting ceased at that time and that the box was opened?—A. The voting stopped at twelve. The box, I will most attest or swear, was opened about two o'clock, or perhaps earlier.

Q. Did you have a watch?—A. I had a watch in the morning, but it stopped, but I got the time from Mr. Snider. After I left the polls I met two of these naval officers and they asked me who was ahead and had the polls closed. I told them yes. They asked me who was ahead. I told them the Republicans were ahead here, and asked them what time it was. They said a quarter to four, and about half an hour later I saw the manager coming down the road with the box.

his  
JOHN + BIRD.  
mark.

Witness :

WM. S. DRAYTON.

Sworn and subscribed to before me this 14th day of February, 1877.

[SEAL.]

M. R. COOPER.

Notary Public.

In the contest between George D. Tillman and Robert Smalls for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*County of Beaufort:*

FEBRUARY 14, 1877.

WM. S. DRAYTON, 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, occupation, and name?—Answer. Nearly thirty-two years of age. My name is Williams S. Drayton. I resided, at the time of the election in November last, at Hilton Head. At present I reside at Rose Hill plantation, near Bluffton, Beaufort County, South Carolina. I am a farmer by occupation.

Q. Did you plant on Hilton Head Island last year?—A. Yes, sir.

Q. When did you remove from the island of Hilton Head?—A. About the 8th or 9th of November last.

Q. Why did you leave Hilton Head?—A. I got so disgusted on the day of the election that I made up my mind to quit there. I wouldn't live there any longer.

Q. Do I understand that you have left there permanently?—A. Yes, sir.

Q. Is this on account of the political condition of things on the island?

A. Yes.

Q. At what precinct were you on election-day?—A. At Mitchellville, Hilton Head Island.

Q. Did you occupy any official position on that day?—A. Yes, sir. I occupied the position of State manager of election at that precinct.

Q. Had you been appointed to any other position for which you did not qualify?—A. Yes, sir; I was appointed United States supervisor of election.

Q. Who were the other managers, and to what party did they belong?—A. There were two others, G. P. Gardiner and the Rev. Mr. Peebles, both colored, and belonging to the Republican party.

Q. Please state about how many white and how many colored votes were cast that day; how many Republican and how many Democratic.

(Question objected to by W. J. Whipper, counsel for contestee.)

A. There were four hundred and seventy-six votes, sixteen whites and four hundred and sixty colored, to the best of my memory; eleven Democratic votes cast, and four hundred and sixty-five Republican were polled.

Q. Please state the entire white and colored population of the island as best you can.

(Question objected to by counsel for contestee.)

A. I think there are about twenty-five or twenty-six white people, and about twenty-eight hundred or three thousand colored people.

Q. Were the lands on that island held at that time under United States direct-tax titles, and by whom chiefly?—A. Part of them were, and part of them were not. Part of them were held by their old owners, R. C. McIntire, the Sea Island Cotton Company, Valentine. These are all the persons that I know who did own land at that.

Q. Were the lands on that island sold during the war under the United States direct-tax sales?—A. I have heard so, and I know that our property was, and bought in by the government.

Q. Please state the manner in which the election on the 7th of No-

member was conducted, what was the conduct of the respective parties at the polls, and whether there was any violence and intimidation.—A. I arrived at the voting-precinct at Mitchellville at about half past six o'clock a. m., and then about twenty or thirty votes had been already casted. The first thing that I did was to vote myself. I heard a few remarks outside, laughing remarks, jeering that the Democrats need not come there to vote, that they would be badly beaten, but paid no attention to it at the time until about half past nine. McFall came up and told me that things were looking squally, and that he was afraid he would have to apply to me for protection; that the parties distributing Republican tickets contested the right of him (McFall) distributing Democratic tickets. I told them that they couldn't prevent him from doing it, and that if they attempted any force or violence I would read the law governing riotous behavior at elections. In about fifteen minutes or half hour afterward McFall came to me and applied for protection, saying that unless we did afford him protection he would be made to leave the ground or run the risk of being beaten or lose his life. I then appealed to Gardiner and the Rev. Mr. Peeples to speak to the people, and tell them that Mr. McFall had as much right to distribute his tickets as they, the Republicans, had. Gardiner told them that certainly Mr. McFall had the right to distribute his tickets, and Mr. Peeples went out the door to speak to the people himself, when they said to him he had better mind his business, and go back and stay in that house or they would make him. I saw then that they were determined to take Mr. McFall off by force anyhow, and concluded that the best thing that I could do would be to read them the law affecting elections. I did so, when they informed me that it was nothing but a damn Democratic paper, and that I and the law could go to hell, and, what's more, that I was a damn son of a bitch.

Q. Where were you at the time?—A. At the managers' table at the polls.

Q. What law did you read?—A. The United States law; the instructions to supervisors.

Q. By whom were these remarks made?—A. By several out in the crowd.

Q. By white or colored men, and to what party did they belong?—A. By colored men, belonging to the Republican party.

Q. What was the general aspect and behavior of the crowd at that time?—A. Extremely boisterous, and I don't care to be placed in such a position again, either.

Q. Please go on and state what occurred further?—A. After cursing me a son-of-a-bitch they informed me that if I came out there they would beat my head to a jelly. I informed them that I was not a fighting man, and that I was manager of election; that their talking did not scare me at all. About this time two colored men took Mr. McFall and forcibly carried him off from the polls. The tumult about this time had attracted the attention of the women, and they surrounded Mr. McFall, armed with fence-pickets and barrel-staves, and, as well as I could see, struck at him several times, and abused him in the most violent language.

Q. State their language.—A. They cursed him for an old rebel son of a bitch and other epithets that I could not make out at that distance; threatened to kill him if he did not leave, and the last I saw of Mr. McFall he was being escorted in the direction of my place by a squad of men and women. About fifteen minutes after Mr. McFall was carried away from the polls Mr. Klein and Henry Politzer came up, when

the polls were completely surrounded, (the entrance to the polls,) and the Republican electors declared that no more damn Democrats should vote at that poll. Politzer said he would be damned if he wouldn't, and was pushing his way forward when Kleim and himself were surrounded and prevented from so doing. Dr. F. E. Wilder in the mean time rode up, and I called upon him to insist that the Democrats should be allowed to vote.

Q. Were Kleine and Politzer white or colored, northern or southern?—

A. They were white men, of northern birth.

Q. What position in connection with the election did Dr. Wilder hold?—A. He was a commissioner of election for the county.

Q. Do you know whether or not he was chairman of the board?—A. I do not.

Q. To what party did he belong, and did he hold any other official position?—A. He belonged to the Republican party, and held at that time the position of trial-justice.

Q. State what was then done about Kleine and Politzer.—A. After calling upon Dr. Wilder to read the law upon election to those who insisted in preventing any more Democrats from voting there that day, and after Dr. Wilder complied with my request and told them that they must allow Democrats to vote there or the box would be thrown out, they concluded to allow Mr. Kleine and Politzer to vote, but abused them while doing so.

Q. Were any declarations made as to whether colored men should vote at that place the Democratic ticket?—A. I heard several of them say that they would let the white Democrats vote, but any damn nigger they caught voting the Democratic ticket they would beat him to death.

Q. Were any threats made at that time against the white people on the island?—A. Yes; I heard some of them say that there were too many white people on that island anyway, and they would clear some of them out.

Q. Do you know that any attempt was made against the lives of any of the white people there soon afterward?—A. I was told by Mr. McIntire that he had been shot at.

Q. To what party did he belong?—A. To the Democratic.

Q. Northern or Southern man?—A. Northern man.

Q. Was he well known on the island as a Democrat?—A. Yes.

Q. Did he vote the Democratic ticket?—A. Yes.

Q. Where is he now?—A. He is dead.

Q. How?—A. Killed by some unknown person while walking in his store.

Q. When?—A. A little after dark.

Q. How long since?—A. About six or seven days ago.

Q. Is there anything that occurred at the polls that day of any importance? Were threats made against lives of Democrats generally?—A. Yes; threats were made against the life of Mr. McFall, and I have already answered in reference to threats to kill any colored man who voted the Democratic ticket.

Q. Were these threats general throughout the day?—A. No; they were from about 9 until 2 o'clock; then everything quieted down.

Q. Did any Democrats attempt to vote after 2 o'clock?—A. No.

Q. When was Mr. McFall driven away from the polls, and did he return?—A. He was driven off about 10 o'clock, and did not return.

Q. Did anyone distribute Democratic tickets after he left?—A. No.

Q. Was it safe for a man to vote the Democratic ticket on that day?—A. It was up to 9 o'clock.



Q. How afterward?—A. It required some pluck to do it.

Q. After the row commenced was it or not possible for a colored man to vote openly the Democratic ticket?—A. No; it was not.

Q. Would it have been safe for a colored man to have voted the Democratic ticket before the row commenced?—A. No; not in my opinion.

Q. Did any colored men express their intention, before the election, to vote the Democratic ticket?—A. Yes; several of them.

Q. You stated that several had expressed their intention to vote the Democratic ticket; can you state how many of them?—A. About twenty that I know of; I might add that more would have done so had they not been afraid.

Q. Do you know the greater portion of the people on the island?—A. No, sir; I know about one-third of the voting population.

Q. Did these men vote the Democratic ticket. If not, why not?—A. Only one that I know of; the rest were afraid.

Q. Is it or not your opinion that the result of the election was changed by these threats and violence at that precinct?—A. Yes, sir; I believe the Democratic party would have got a great many more votes but for the threats and violence.

Q. About how many women were at the polls?—A. I suppose there were some thirty or forty in the vicinity.

Q. Do you know whether the managers were sworn that day?—A. No; I was sworn, but don't know about the others.

Q. Were the voters at that poll known to you to be qualified voters?—A. To the best of my knowledge they were. I think there was some repeating done, but could not swear positively.

Cross-examined by A. H. Ezeikel, counsel for contestee:

Q. How long have you lived on Hilton Head?—A. Nearly two years.

Q. How long have you ceased to live there?—A. About three months.

Q. Why did you leave?—A. Because I was disgusted with it.

Q. What caused you to become disgusted?—A. After having lived nearly two years upon the island in friendly relations with all the colored people and then to be cursed and abused as I was on election-day for only carrying out my duties as a manager of election, was enough to disgust me.

Q. And that was why you left?—A. Yes.

Q. Are you a married man?—A. No.

Q. Did or did you not make up your mind previous to the election to leave the island on account of there not being any society?—A. No; I did not.

Q. Did you say so after the election?—A. Yes; I did say that there was no society on the island to induce an intelligent and cultivated man to remain there, but that was not the cause that drove me away from it.

Q. What did the colored people mean by saying there was no use for Democrats to vote here, and that they would be badly beaten?—A. At that time I think it was merely a speech of bravado.

Q. You spoke of being abused, and said that the abuse came from Republicans; how do you know they were Republicans?—A. Because I was abused by them and called a damn Democrat, and it is very natural to conclude that a man of your own party would not curse and abuse you.

Q. Are you a Republican or a Democrat?—A. I am a Democrat, sir.

Q. Were you ever allied with the Republican party?—A. I did try two years ago to work in the party in opposition to J. Douglas Robertson, but found the contact so obnoxious that I withdrew in disgust.

Q. Were you ever a member of a Republican convention?—A. No; I was not; I was sent there as a delegate, but was not admitted.

Q. Were you sent by Republicans?—A. I was sent by Republicans and Democrats; men who called themselves conservatives.

Q. Have you ever made a Republican speech?—A. Yes; I think I have.

Q. Where, and on what occasion?—A. I made it in the convention, in Beaufort, two years ago.

Q. Was that a Republican convention?—A. Yes.

Q. You stated that you would not like to be placed in the position as manager of election again. Was it or was it not through duplicity that you were afraid?—A. No.

Q. Then state why.—A. On account of the boisterous and riotous proceedings of members of the Republican party.

Q. Give the names of some of the party that struck at Mr. McFall.—A. I could not give the names. I saw a whole crowd of them. I could not swear to their names.

Q. Give the names of some that escorted Mr. McFall to your house.—A. Sam Black, and I think a Mrs. Norris. I could not see well who they were; could not swear to Mrs. Norris.

Q. What was Sam Black's politics?—A. From his conversation to me I think he leans more to the Democrats than Republicans.

Q. How long have you known McIntire?—A. For two years or more.

Q. Did you ever know him to attend a Republican convention?—A. No.

WM. S. DRAYTON.

Sworn and subscribed to before me this 15th day of February, 1877.

[SEAL]

M. R. COOPER,  
Notary Public.

The court here adjourned to 9 o'clock a. m. Thursday, the 15th instant.

THURSDAY, February 15, 1877—9 a. m.

Court met pursuant to adjournment, at the Mansion House, Port Royal, South Carolina.

Present, George D. Tillman, contestant, and William Elliott, his counsel. W. S. Drayton presented himself for completion of his cross-examination. Neither the contestee nor his counsel being present, the examination was postponed until 10.30 a. m., at which hour, neither contestee nor his counsel appearing, the witness, W. S. Drayton, was discharged, and the examination of the contestant's other witnesses resumed.

M. R. COOPER,  
Notary Public.

In the matter of the contest between George D. Tillman and Robert Smalls for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
County of Beaufort:

FEBRUARY 15, 1877.

RANDALL HEYWARD, (colored,) a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by contestant's counsel.

Present, William Elliott, counsel for contestant.

Question. State your name, age, residence, and occupation.—Answer.

Randall Heyward; aged about thirty years; live at Hilton Head; I am an engineer by occupation.

Q. At what precinct were you at the election on the 7th of November last?—A. I was at Mitchellville precinct, on Hilton Head Island.

Q. When did you get there and when did you leave?—A. I got there about 10 o'clock and I left about 3 o'clock.

Q. What were the people doing when you got there?—A. When I first got there, sir, I heard the riot amongst the colored folks, and I gets up; I listens, and see what the riot was about.

Q. About how many people were there?—A. About nearly on to two hundred head of people, sir.

Q. Did you see Mr. McFall there?—A. No, sir.

Q. State how much of a riot was going on?—A. There was a right good riot going on.

Q. By white or colored people?—A. By colored people, sir.

Q. Did they have any arms or sticks?—A. They had sticks; walking-sticks, as usual, sir.

Q. Did you hear any threats against Democrats?—A. When I first got there I heard the riot. I 'stinctly axed what it was about, and it was to my ears that Mr. McFall had been there wid some fraud tickets, and I said to dem what did he mean by dat; and when I said to him what did he mean by it, he give me de answer; and when he give me de answer about dese fraud tickets, I made an answer, Well, ef there is any here show me one, and he didn't. Well, I was dere from 10 to 3 o'clock; seen no fraud tickets at all dat day.

Q. Who was this you asked—Mr. McFall?—A. No. I did not see Mr. McFall at all that day. It was a Republican I axed, and it was past in my hearings no Democrat should vote dat day, and before the election came on they said so. I was running my engine, and they had come around where I was at work and had made use of words there dat de Democrack shouldn't vote. I made an auswer to 'em dat they were ignorant speaking that away; dat we had been voting and never has received any good yet.

Q. What did they threaten to do to men that voted the Democratic ticket?—A. They said dat dey would kill de lass one dat vote a Democrat ticket.

Q. Was this said before the election and at the polls?—A. Yes, a good little while before de election, and at de polls, too, and I said at le time that I think we all better vote for one of our own men.

Q. How long did this riot at the polls last?—A. Lasted about two hours after I got there.

Q. Were there any women there? How many, and what were they doing?—A. Yes, there was a lot of dem there had sticks, coming from Mr. Drayton's side up towards de polls. I axed one of them where she been. Said she went to run Mr. McFall, and I laughed at her.

Q. What were they doing; were they making this riot?—A. They had run Mr. McFall and were coming back to the polls, and as they walked up Mr. Riley—

Q. Was Riley a white man and a Democrat?—A. Yes, sir; they asked him was he going to vote. He said, "Yes." "What side is you going to vote?" He says, "I don't know yet." They said, "If you don't vote de Republican ticket you sha'n't vote at all." He says, "Yes, I will." They says, "When you do vote we'll see what ticket you vote."

(A. H. Ezeikel, counsel for contestee, here appeared, 12 o'clock m.)

A. He said, "I don't care a dam who knows where I vote. I'll vote

to-day; and I will vote the right ticket." They said, "You better vote de right ticket; if you don't, we will give you de devil."

Q. Did you see Mr. Politzer come up to vote?—A. Yes.

Q. Who was with him?—A. Mr. Lightborne, Mr. Kirk, Mr. Kleine. Soon as he got to de window he was surrounded, and they said he shouldn't vote. In de mean time he walked off from de window. They followed him, seeking him what ticket he was going to vote. Finally, he said that he was going to vote the Democratic ticket. They said, "No, you won't; not to-day." He said, "Yes I will; I'll vote just as I dam please." "No, you won't, sir; not here, to-day." In the mean time Doctor Wilder rides up, says, "Boys, keep quiet." Mr. Politzer goes back to the window, with a whole passel of men around him, flung in his vote, walked away from the window, jumped in his buggy, and left. Mr. Drayton was inside of de house, just about when as I was goin to make my time to vote. They got so hot out doors—

Q. Who do you mean by they?—A. The people, de men folks out doors. Says, "Ef you don't keep quiet out of doors"—

Q. Who said that?—A. Mr. Drayton—"That I will have you arrested." The use of word was made back to him, "You come out dat house, sir." He give no answer—there was no answer given, and there was no more said to him. When I went to vote I was axed to look at my ticket.

Q. They wanted to look at your ticket?—A. Yes, sir; the men outside. I says, "No, sir; no one sees my ticket;" in de mean time another man said Heyward was all right.

Q. How did you manage to vote?—A. Me? I had to put in my vote, sir, on a sort of a sly. I had a reason to do it.

Q. State the reason.—A. The threatens what's been made on the ground at the election-poll. At once I had an idier not to vote, but ater I went there I thought I would like to vote, and did cass my vote, thro' all of de big threatens what's de give. I didn't mind any of it, 'cause I didn't think that there was any man on de ground better than I was.

Q. You said you voted on the sly; how did you do it?—A. Well, sir, I went up to the box to cass my vote—the reason that I say I voted on a sly is because I heard what was passed before I did vote.

Q. What ticket did you vote?—A. I voted the Democratic ticket.

Q. Did you let the people around you see the ticket?—A. No, sir.

Q. Why not?—A. Well, sir, they give such threatens what they would do with a man if he did vote it, is my reasons.

Q. Could a colored man have voted the Democratic ticket openly there that day?—A. I don't think he could, sir.

Q. Do you know of any men that would have voted the Democratic ticket that day but for the threats?—A. Yes, sir; I know three.

Q. Can you give their names?—A. Yes, sir, if it is necessary.

Q. Do you object to giving them?—A. Yes, sir; but I suppose I can give them.

Q. Why do you object to giving them?—A. Because I don't feel disposed of giving their names at all.

Q. Can't you give the reason why you don't want to give their names?—A. Yes, sir; my reason is this: They don't want the people on Hilton Head to know that dey was going to vote as I did.

Q. Why?—A. Well, sir, there is a sort of a dread since I been summons for here.

Q. Does the dread there last as long as this from the election?—A. Yes, sir.

Q. Has any Democrat been killed down there since the election?

(Objected to by counsel for contestee.)

A. None only Mr. McIntire.

Q. When was he killed?—A. On Monday night, sir.

Q. Is it known who killed him?—A. No, sir.

Q. Do you know how he was killed?—A. I heard he was shot, sir. He was killed in his store, sir, going from the store into his office.

Q. Night or day?—A. Night, sir; about quarter past seven.

Q. Do you know whether or not he had ever been shot at before?—A. Yes, sir; he told me he had.

Q. Since the election?—A. Yes, sir; since the election.

Q. You said that there were three men that would have voted the Democratic ticket. Were there not more that would?—A. Yes, sir; I think so, but these are all that I am certain of.

Cross-examined by A. H. Ezeikel, counsel for contestee:

Q. Who told you that McFall had bogus tickets on the ground?—A. Well, I heard it; no certain person; a lot of them mentioned it.

Q. Can't you give the names of any of the parties?—A. No, I can't; there was so many of them that I can't answer that.

Q. How long have you lived on the island?—A. Four years.

Q. Do you know many persons on the island?—A. Yes; I know a good many by face.

Q. Do you know any by name?—A. Yes, a few.

Q. Was any in the crowd who told you of these bogus tickets?—A. Yes, but there was so many speaking to me.

Q. Give the names of those whom you know.—A. Well, I don't think, sir, I will.

Q. How do you know they saw McFall?—A. I heard it.

Q. Who asked Riley if he was going to vote?—A. A passel of women.

Q. Who said they would see his ticket, if he voted?—A. Some men folks.

Q. Can you give the names of any of them?—A. Well, not exactly right.

Q. Who said that Politzer should not vote?—A. Well, sir, there was a whole crowd that said so.

Q. Can you give the names of any?—A. No, there were so many of them.

Q. Can you give the name of one or more who surrounded him?—A. No, I can't, there were so many.

Q. Who asked him what ticket he was going to vote?—A. Well, the same crowd that was round him.

Q. Who said he should not vote as he damn pleased?—A. No one.

Q. Who said that he should not vote at all?—A. The whole crowd said so. I couldn't pronounce any certain one.

Q. Can you give the names of any that was in that crowd?—A. I can give the name of some, but they may not be the right ones.

Q. Give their names.—A. There was Jack Dailey, Josiah Wright, John Riley, Isaac Jenkins. They were in there, and plenty more. I certainly saw them.

Q. Where are they now?—A. They are at Hilton Head, or was when I came away.

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

Q. Were you ever a Republican?—A. Yes.

Q. How long have you been a Democrat?—A. This is the first year.

Q. Is Mr. Politzer a Republican or a Democrat?—A. A Democrat, I think.

Q. Was not Mr. Politzer trying to create a row on that day?—A. No.

Q. Who asked you to let them look at your ticket?—A. Edward Murray.

Q. Who said that Heyward was all right?—A. It was a man that lives there in Mitchellville. He knows me, but I don't know his name.

Q. Is he a Republican or a Democrat?—A. Republican.

Q. Who made the threats that caused you to hesitate whether you would vote or not?—A. I can't tell you who it was, because there was a lot of them.

Q. Can't you give the names of one or more of them?—A. No, I can't. They spoke it for everybody to hear.

Q. You spoke of being afraid to vote. Why did you think afterward that there was no man on the ground better than yourself?—A. Well, sir, I thought I was a free man.

Q. Were you sworn before depositing your vote?—A. Yes.

Q. Why do you think a colored man could not have voted the Democratic ticket publicly?—A. Because the threats were made so heavy beforehand.

Q. You stated in your direct examination that three would have voted were it not for threats; will you give their names?—A. Aco Fingerson, Jack Mungen, and a man they call Shaky Bob.

Q. Where are these men now?—A. Two of them is to Hilton Head; the other went off last Friday.

Q. Give the name of the one that left on last Friday.—A. Bob, Shaky Bob.

Q. Where did he go?—A. To Savannah; I heard him say so.

Q. These three men you spoke of, are they Republicans or Democrats?—A. Republicans now.

Q. Did they tell you that they did not want the people on Hilton Head to know that they intended to vote the Democratic ticket?—A. Yes, they did.

Q. Why?—A. I didn't ax their reason.

his  
RANDALL + HEYWARD.  
mark.

Sworn and subscribed to before me this 15th day of February, A. D. 1877.

[SEAL.]

M. R. COOPER,  
*Notary Public.*

In the contest between Geo. D. Tillman and Robert Smalls for a seat in the United States Congress.

STATE OF SOUTH CAROLINA,  
*County of Beaufort:*

FEBRUARY 16, 1877.

CLARENCE B. KIRK, a witness of lawful age produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by counsel for contestant.

Present, William Elliott, counsel for contestant.

Question. State your name, age, residence, and occupation.—Answer. Clarence B. Kirk; forty-one years of age in May next; reside at Bluffton, Beaufort County, South Carolina. Cotton-planter by profession.

Q. Where were you at the election on November last, on the seventh day of November?—A. On Hilton Head Island.

Q. Were you employed there at that time?—A. I was, sir.

Q. What precinct, if any, did you vote at on that day?—A. At Mitchellville.

Q. State when you arrived at the polls and what took place while you were there.—A. I arrived there about two o'clock; on my way, just before I got to the polls, I met Capt. John McFall, who told me it was no use for me to go to the box because I being a Democrat I would not be permitted to vote, and asked if we were armed. I stated no. I asked Captain McFall what was the matter. He stated that the women had run him off of the ground with sticks and clubs because he was a Democrat, and advised me not to go; that they would kill me if I did. I told him I would vote or die in the attempt to do so.

(A. H. Ezeikel, counsel for contestee, here arrived.)

Witness continues:

I went on to the box. When I arrived there, I was immediately surrounded by a number of women and men, black people, all having clubs and sticks in their hands. I was not known at first by the people. I was soon, however, recognized by some of them as their former owner. I did not vote immediately, because both men and women on the ground swore that no damn Democrat should vote at that box. In looking toward the polls about thirty paces from where I was then standing I saw a crowd of men armed with clubs completely surrounding Mr. Politzer and Mr. Kleine and a Northern man formerly of the United States Navy, and from their threatening attitude—still swearing that no damn Democrat should vote there that day—caused me to approach the party a little nearer to hear what was the trouble; I learned that this Northern man—whose name I forget—desired to vote, Mr. Kleine and Mr. Politzer arguing with the negroes that he had a right to vote, the negroes swearing with the most terrible threats that he should not vote and that they would not let him vote, and he did not vote. Shortly after I saw Mr. Politzer go up to the box to vote. He was followed and surrounded by a number of negroes armed with sticks and clubs, and when he attempted to put his vote in the box I saw a powerful negro, with a stick, standing in his rear, who cursed him and told him that if he put that ticket in the box he would kill him. Mr. Politzer told him he would be damned if he wouldn't vote it, and did vote it. After Mr. Politzer voted he told Dr. Wilder who was trial justice on the island, that he should arrest that man not only for intimidating him but for threatening his life. Dr. Wilder did not arrest him.

Q. Did he give any reason for not arresting him?—A. No; not at that time, sir. I did not vote immediately, because the poll was completely in the possession of about a hundred negroes armed with clubs, swearing that no damn Democrat should vote there. In the mean time, while waiting for an opportunity to vote, I was accosted by several negroes who advised me not to attempt to vote while the crowd was there, or I would certainly be killed; that they too desired to vote the Democratic ticket, but was afraid to do so. As soon as the crowd had dispersed from the window where the box was held, I went up and voted. As soon as I voted, Mr. Kleine, Mr. Politzer, and I got into our wagon to leave the ground. I heard Mr. Politzer tell the man who threatened his life that if there was any law in the land he would prosecute him. This man replied, "You had better go, for don't you know what is going on at Bluffton?" The rumor then had reached us that there was terrible fighting going on at Bluffton. We drove over to Mr. Robert C. McIntire's store. After we got there Dr. Wilder came in; Mr. Politzer asked him (objected to by counsel for contestee) why, as an executive officer on the ground, he did not arrest this man. Dr. Wilder replied

that if he attempted to do so that it would have created a terrible riot or row.

Q. What time did you leave the polls?—A. I think about one o'clock. I would judge it to have been about that time.

Q. Did this condition of things last while you were there?—A. The whole time, sir.

Q. Was it or not possible, in your opinion, for a colored man to vote the Democratic ticket openly at the polls that day?—A. No, sir; it was not possible.

(Objected to by contestee's counsel.)

Q. What, in your opinion, would have been the result of the attempt?—A. The death of the man who made the attempt.

(Objected to by contestee's counsel.)

Q. Was the result of the election changed by these threats and violence?—A. Yes, sir; in my opinion it was.

(Objected to.)

Q. State the grounds of your opinion.—A. Well, sir, because I know colored men who would have voted the Democratic ticket if they had been permitted to do so.

Q. What was the feeling of Republicans toward Democrats on that island prior to the election?

(Objected to.)

A. The feeling was very bitter, sir.

Q. How indicated?—A. It was indicated by plain, open threats, previous to the election, that they would kill any damn Democrat who voted. I heard this time and time again before the election.

Q. Was these threats made publicly?—A. Yes, sir.

Q. What is the condition of Hilton Head Island as to civilization and good order?—A. Well, sir, I shouldn't say it was in a very healthy condition.

Q. Did you hear any threats against Mr. McIntire on the day of election or previous to the election?

(Objected to by contestee's counsel.)

A. I can't say that I did, sir, on the day of the election. I had heard negroes say previous that he was a damn Democrat.

Q. What has become of Mr. McIntire?—A. He has been murdered, sir.

Q. What is the general belief in the community as to the cause of his murder?

(Objected to.)

A. Well, sir, I have heard parties say that Mr. McIntire, in their opinion, was killed for fear of his political influence at the next election—which was considerable on that island. I can't say that this is the prevailing opinion.

Q. What were his politics?—A. He was a Democrat, prominently so.

Q. Mr. Kirk, on Hilton Head Island, and others of these sea islands similarly situated if repeating at the ballot-boxes were practiced by Republican voters, would it or not, in your opinion, have been possible for the opposite party to prevent or detect it?—A. I don't think it is possible under the existing election law to prevent it.

Q. Please state the provisions in the law referred to.—A. In the first place the commissioners of election are generally Republicans, and the managers, generally, also. My observation has been that they rather encourage illegal votes than otherwise.



**Q.** Is there any registration required prior to elections in this State?—  
**A.** No, sir.

**Q.** Are voters required to vote at the precinct near which they reside, or can they vote at any precinct in the county?—**A.** They can vote just where they please, sir. They are not required to vote at the precinct near which they live.

**Q.** How far is Hilton Head from Bluffton; Paris Island from Hilton Head; Port Royal from Paris Island; Beaufort from Port Royal; Ladies' Island from Beaufort?—**A.** Hilton Head, from Bluffton, is about four miles to the nearest point. Hilton Head to Paris Island is about two miles. To the nearest point Paris Island to Port Royal is about two miles and a half; and from Port Royal to Beaufort, about five miles; and from Beaufort to Ladies' Island is about one mile.

**Q.** What is the general means of communication between these places?—**A.** By boats; row-boats and sail-boats.

**Q.** From your knowledge of the political feeling on Hilton Head Island, would it, in your opinion, be safe for a colored man on that island to proclaim himself a Democrat at this day, or to state publicly that he desired to vote that ticket at the late election?

(Objected to by contestee's counsel.)

**A.** I do not think, sir, that it would be safe for a colored man to proclaim himself a Democrat on that island.

Cross-examined by A. H. Ezeikel, counsel for contestee:

**Q.** Where do you reside Mr. Kirk?—**A.** At Bluffton.

**Q.** How long have you resided there?—**A.** All my life. It has always been my home. I have lived temporarily from it for a year or so.

**Q.** About what distance were the polls at Bluffton from your house?—**A.** I do not know, sir. I was not at Bluffton on election-day. I was at Hilton Head. I don't know the house in which the poll was held.

**Q.** Where did you vote at the election held in 1874?—**A.** I think I voted at the Fording Island precinct. It has since been broken up.

**Q.** Did you see Mr. McFall on election day; if so, where?—**A.** I did meet him coming from the polls in November last.

**Q.** Where were you coming from?—**A.** From Seabrook's wharf, Hilton Head Island, going to the polls.

**Q.** Did you hear the men and women say yourself that no damn Democrat should vote at that poll?—**A.** Yes, sir; I did.

**Q.** Can you give any of their names?—**A.** No, sir; I don't know that I can. I know but very few there.

**Q.** Can you give the names of any of the parties that surrounded Politzer?—**A.** I don't think I can. I don't think I remember any of them.

**Q.** About how many were they?—**A.** I think upwards of 25 or 30 at that time. There were a great many more on the ground, of course.

**Q.** Where are these men now?—**A.** On Hilton Head, I presume, sir. I haven't seen any of them since.

**Q.** Can you give the names of any of the men who prevented the man in McIntire's employ from voting?—**A.** I do not think, sir, that I can give the names of those who made the threats, for they were strangers to me.

**Q.** Were you at the polls the entire day?—**A.** No, sir.

**Q.** What time did you get there, and what time did you leave?—**A.** I think, sir, it was about 10 o'clock when we got there, and about 1 when we left. We had no time-piece.

**Q.** How do you know that this man did not vote before you got

there?—A. Because he went with me. We went in the same cart together.

Q. Were you together the whole time after your arrival?—A. No, sir. But we were never more than ten paces apart, I don't think. He was never out of my sight.

Q. Then he could have voted without your knowing it?—A. No, sir.

Q. Where was he when you voted?—A. He was standing at the cart that we came in, when I voted.

Q. Did you leave together?—A. Yes, sir.

Q. Give the name of the man that stood in the rear of Politzer and told him he should not vote that ticket.—A. I do not remember it. He was a stranger to me. I heard Mr. Politzer call his name that day, but I don't remember it now.

Q. Did Politzer vote?—A. Yes, sir.

Q. What ticket did he vote?—A. He voted a Democratic ticket, sir.

Q. Where is Politzer now?—A. I believe he is on Hilton Head, sir.

Q. Then he was not killed, was he?—A. No; not yet.

Q. Give the names of some of the persons that advised you not to vote the Democratic ticket or you would be killed, and that they desired to vote that ticket but were afraid to do it.—A. Well, sir, I don't remember their names. They knew me. I had not seen them before since the war, and did not know their names.

Q. Why do you say that it would have been death to any colored man to have voted the Democratic ticket?—A. Well, because I have heard colored men before the election swear that they would kill any of them who voted the Democratic ticket, and I heard many of them say so on that day at the polls.

Q. Can you give the names of any who you heard say so?—A. No, sir; they were all strangers by name to me.

(Mr. Alfred Williams here appeared and stated that he was counsel for the contestee, and was authorized to accept service of any papers for him.)

Q. Did you hear any one say that no Democrat should vote there; and, if so, what are their names?—A. I have already stated that they were strangers to me, and I can't give names; but I heard a great many say so.

Q. What ticket did you vote?—A. I voted the Democratic ticket, sir.

Q. Give the names of the colored men that said they would vote the Democratic ticket, but were afraid.—A. I think of one just now. His name was Jack Manuel. There were several, but I did not know any more names.

Q. Can you give the names of some of the negroes whom you heard say McIntire was a damn Democrat?—A. No, sir; it was before the election, and I don't remember.

Q. How do you know that McIntire was murdered?—A. I have heard so from men who saw him, and who was there after he was killed.

Q. Then you don't know of your own knowledge that he was killed?—A. Yes, sir; I do know that he was killed.

Q. Who told you that he was killed on account of his political opinions?—A. No one told me so; I have not made that assertion.

Q. Did you not state, in your direct examination, that you were told so in conversation with others?—A. No, sir; I don't think I said so.

Q. Was he killed before or after the election?—A. He was killed after the election.

Q. How long after?—A. Two or three months.

Q. Was Mr. McIntire at the polls on election-day?—Yes, sir; but he was not there when I was there. I knew him to have been there.

Q. Do you know what ticket he voted?—A. He told me that he voted the Democratic ticket, sir.

Q. Don't you know that the cause of McIntire's death is a matter which the coroner's jury have been unable to decide, and shrouded in mystery?—A. No, sir; I did not know it, because I had not seen a report of the jury. I have just heard you state so.

Q. Do you know why he was killed?—A. No, sir; I can't say that I do know.

C. B. KIRK.

Sworn and subscribed to before me this 16th day of February, A. D. 1877.

[SEAL.]

M. R. COOPER,  
Notary Public.

In the contest between George T. Tillman and Robert Smalls for a seat in the Congress of the United States.

FEBRUARY 16, 1877.

STATE OF SOUTH CAROLINA,  
County of Beaufort:

JOHN MCFALL, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by counsel for contestant:

Question. Please state your name, age, occupation, and residence.—Answer. John McFall; about 50 years old; reside at Port Royal, and I am a farmer.

Q. At what precinct were you at the last election held on the 7th of November last?—A. At Mitchellville, Hilton Head Island.

Q. Had you resided on Hilton Head; and, if so, when and how long?—A. I went to Hilton Head in January, 1876, staid there until after the election in November.

Q. In the interest of what party did you attend at that precinct?—A. Democratic party.

Q. State whether or not all the candidates of each party were voted for on the same ticket.—A. Yes, all voted for on the same ticket.

Q. Who were the candidates for Congress from this district on the Democratic and Republican tickets respectively?—A. George D. Tillman Democratic candidate, and Robert Smalls Republican candidate.

Q. State what time you arrived at the polls, and what occurred while you were there.—A. I arrived there fifteen or twenty minutes after six in the morning, and there was about ten or fifteen people there, and I think there had been some twenty or thirty votes given in. William Reed asked me if I was going to vote the Democratic ticket? I told him I was, and some one of the crowd, I don't know who—I know Reed and one White—said that I had better vote soon, that there wouldn't be many Democratic tickets polled there that day. About that time Wrenty Greaves walked up; I remarked that I had promised Wrenty two years ago; that I would vote for him for the legislature at the next race. I took out a Democratic ticket, and erased one of our candidates' name, and put on Wrenty's name, and voted for it. In the course of a half hour I suppose there was fifty or sixty voters came on the ground. Some people from Spanish Wells—I think Campbell was the name of one of them.

I was talking to Read and others, and he told me to hush, they did not

allow any Democrat talk on that island. I was telling a political anecdote I had heard. Read said that he had known me for four or five years, and I had never meddled in politics, and he did not think I was a bad man, and that he did not think I ought to be insulted. Some one asked me if I had any Democratic tickets; I told them yes, plenty; and they asked me for one. I gave one to two or three to each of them, and told them I knew they would not vote them, but for them to take them home and put them in their Bibles for future reference to see who their officers would be.

A good deal of excitement was gotten up about that time and hard words used by this Spanish Wells crowd. About that time Mr. McIntire and Mr. Riley (O'Riley, I believe his name is) drove up, and the crowd had collected to a goodly number. I suppose there was two hundred there by that time, and they got up a muss with Wrenty Greaves. They found out that he was scratching Robert Smalls' name off of the Republican ticket, and Greaves had to give up his tickets; and they placed five guards around the polls to see that no more scratched tickets went in, and they had tickets in their hands to distribute, Republican tickets. They guarded against scratched or Democratic tickets, and allowed none but Republican tickets to pass.

The colored people had to vote the straight Republican ticket. I gave Mr. O'Riley some of my tickets to distribute, and found that every ticket we gave out was destroyed by this circle of police, and none but Republican tickets allowed to pass. About that time I was surrounded by about half of the crowd and ordered to leave, that my presence was obnoxious. They commenced shoving me and knocked my hat off. I made my way to the polls and claimed protection from the managers, and Mr. Drayton, whom I thought was United States supervisor. He called the attention of the crowd and read the law on the subject. The crowd sung out that he was a damn liar, that there was no such law as that, that it was a fixed-up job by the Democrats in Beaufort, and that if he thought that he could arrest anybody just to come out and try it; that they would cut him up and stamp him in the sand.

I got hold of a colored man by the name of Riley, and asked him to walk off out of the crowd with me and keep the crowd back. I explained my position, told them my instructions from our Democratic club, and he got up and told them that I had a perfect right to distribute my tickets, and not to bother me any more. Things got a little quiet then, and I walked off down to Gardner's store, about sixty yards off, I reckon, and got a drink of water, when a crowd of women, backed by men, surrounded me with sticks, garden-palings, and staves, and one thing and another, and commenced beating the ground all round my feet. Some one of them hallooed at them to knock my specks off, then I couldn't see, and then they would give me the devil. I asked them what in the world they meant; they said they intended to run me off from there. I told them I did not reckon they would do it, and I backed up against a cart that was standing near by, and they commenced jobbing me with sticks and palings, and one got through the lapel of my coat and another got through the back of my coat.

I got hold of one of the women; Harriet, I think her name was. I thought I had better be in among them instead of on the outer edge. I then saw an opening for Gardner's store, and thought I would go in there, but the negro men got on the steps and guarded the door, and told me not to come in there. I then got on a pair of steps to a shed alongside of the store; they were about four steps high. As I was going up the steps I passed Sam Black, a colored man, and I asked him

if he was going to let those people murder me, and he said he would try and keep them from murdering me, and got on the bottom step in front of me, and a colored woman of the name of Nobles got on the other side of me. They kept the licks off of me until we had a compromise, which was that I was to leave the ground and not to come back until six o'clock; that if I did, I was to die in ten minutes.

I then left and went over to Mr. Drayton's, three-fourths of a mile off. When I had been there about a half hour, I suppose, when I heard a yell. Sumner Christopher, a colored man, went out to the road and saw a procession coming with a flag, and hallooed to his wife to lock me up in the lumber-house; that he expected they were after me.

(Objected to by A. H. Ezeikel, counsel for contestee, on the ground that conversations with third persons away from the polls are immaterial.)

I was locked up in the lumber-house for about an hour and a half. Samuel Black and Christopher forbade the mob from coming on Drayton's property, and kept them from coming off of the road on to Drayton's property.

Q. Could you hear what was going on?—A. Yes, every word.

Q. What was the mob saying?—A. That they would not allow any damn Democrats to come on that island. That it was a Republican island.

Q. Why were you locked up in the house?—A. For safety; they did not know where I was; they thought I was at Drayton's big house. They left in about an hour, or an hour and a half, and went back to Mitchellville. I was then let out and went over to Drayton's house until about half past four or five o'clock. Doctor Wilder came over and wanted me to go over to Mitchellville with him to the polls; I declined on account of the armistice not being out until six o'clock. I was afraid to go back.

Q. Who is this Doctor Wilder; to what party does he belong, and what position did he hold in reference to the election?—A. He is a farmer; politician; more of a politician than farmer; belongs to the Republican party, and was commissioner of election.

Q. Did you return to the polls?—A. No, sir. About dusk Mr. McIntire drove over in his buggy, and I went round Mitchellville and over to Hilton Head.

Q. At what time were you driven from the polls; and was there any one left there to distribute Democratic tickets?—A. I was driven off about ten o'clock, and Mr. O'Riley was the only one left who had Democratic tickets.

Q. State what threats, if any, were made against Democrats at the polls.—A. A great many threats, especially against McIntire, Drayton, and myself. They said they had to clean the island of all the whites, especially the damn Democrats, if they had to kill them and chuck them into Broad River. Some of them remarked that Dr. Wilder was a good man and a good Republican, and some of them doubted it, and said he was too thick with McIntire.

Q. Who was Mr. McIntire, and what was his politics?—A. Democrat this year. He had been a Conservative man before. He voted the straight Democratic ticket, with the exception that he scratched Simpson and voted for Gleaves for lieutenant-governor.

Q. Was the prominent in politics?—A. No, he was very quiet, and popular with the colored people up to the election. He was always called a Democrat.

Q. Was ill feeling stirred up against him in connection with the election?

(Objected to by contestee's counsel.)

A. Yes, there was strong feeling against him, so much so, that I advised him to leave the island that night; that I had never saw such an infuriated crowd before. I had seen rows, but I had never seen such as this in any country.

Q. What has become of him?

(Objected to by contestee's counsel.)

A. He has since been killed.

Q. Please state when.—A. I believe he was killed about the night of the fifth of this month.

Q. Do you know whether he was previously shot at?

(Objected to by counsel for contestee.)

A. Yes; he was shot at in December, and slightly wounded in the shoulder.

Q. Was it safe for a Democrat to vote at that precinct that day?

(Objected to.)

A. No; it was not safe. A colored Democrat could not have voted there under any circumstances. To show you that I believe the mob was in earnest, I left all my goods and chattels there, and haven't been back after them since, and won't go without a crowd with me.

Q. Do you know of any colored men who where prevented from voting the Democratic ticket by these threats?—A. Yes; I know of several.

Q. Is or is it not your opinion that the result of the election was changed by these threats at that precinct?—A. Yes, it was.

Examination adjourned until to-morrow morning at 9 o'clock.

#### MANSION HOUSE,

*Port Royal, S. C., February 16, A. D. 1877.*

In pursuance of the order of adjournment, the taking of these depositions was resumed.

Present, Wm. Elliott, counsel for contestant. No one appearing for the contestee, the matter is postponed until 10 o'clock.

The examination is resumed at 10 o'clock.

Present, Wm. Elliott, counsel for contestant. No one appearing to cross-examine the witness John McFall, for the contestee, he is discharged, and the examination of the contestant's other witnesses resumed.

After the completion of the examination of C. B. Kirk, by consent of the contestant's counsel, John McFall was recalled for cross-examination by Alfred Williams, counsel for contestee.

Question. State upon what grounds you base your opinion that the result of the election was changed by these threats.—Answer. On the ground that the crowd around the polls swore that no damn Democrat should vote, and threatened to kill any that voted, and that the police around the poll examined all the tickets and stopped Wreuty Greaves from scratching Smalls' name; so much so, that I advised this crowd—Kirk, Kliem, and Politzer—not to go up to the polls or they would be killed. C. B. Kirk, Henry Politzer, F. Kliem.

Q. Were all these white persons?—A. Yes; and Lightborne, captain of the boat, was with them, too.

Q. Do you know that they voted subsequently?—A. Yes, sir; Dr.

Wilder told me in the afternoon that they had voted; that they came very near getting into a serious difficulty at the polls.

Q. Do you know, of your own knowledge, that they were prevented from voting while you were present?—A. I was not there when they were.

Q. Do you know of any persons who were prevented from voting the Democratic ticket?—A. I know of a good many persons who started to vote the Democratic ticket, and the pickets took them and tore them up, and made them vote the Republican ticket.

Q. Please give the names of those persons.—A. I could not give their names. I know that they were persons that lived on Drayton's place. I don't know the names of all the people on the island.

Q. Do you know the names of these parties?—A. I do not.

Q. Do you know whether or not these persons had voted that day?—A. They had not voted before that.

Q. How do you know they had not voted?—A. Because I saw them vote afterward.

Q. Do you know what ticket they voted?—A. Yes; the Republican ticket.

Q. Did you read that ticket at the poll?—A. I read the ticket the pickets had.

Q. Then you did not read the tickets they deposited in the box?—A. No.

Q. If you did not read the tickets they put in the box, you could not tell whether they were Republican or Democratic tickets, could you?—A. You could judge pretty well by the number of Democratic tickets that came out of the box.

Q. Do you know how many Democratic tickets came out of the box?—A. Only from the managers' returns.

Q. Do you know of your own knowledge how many votes were cast for Mr. Tillman, member of Congress?—A. No, sir.

Q. Do you know of any avowed supporter of Mr. Tillman for Congress that was prevented from voting on that day?—A. I think I am the only man on the island that knew Tillman. There was no special avowed supporter of Mr. Tillman on the island. The straight Democratic ticket, which had Tillman's name on, would have been voted by a great many if it had not been for threats, and if Wrenty Greaves had not been stopped from scratching, a great many would have scratched Smalls off of their tickets. He had scratched about fifteen tickets before they found out he was scratching them, when they made him stop it.

Q. Name any one, Mr. McFall, that would not have voted the straight Republican ticket.—A. Wrenty Greaves's faction, which is about half the people on the island.

Q. Name one or more members of that faction who would have voted the scratched ticket.—A. Not being acquainted with the voters, I can't say.

Q. Then it is merely a matter of opinion of yours as to the number of votes, and not from your own knowledge, was it?—A. No; it was knowledge that I gained from Wrenty Greaves.

Q. Was Wrenty Greaves a candidate for public position on the Republican ticket headed by Robert Smalls for Congress?—A. He was on the lower end of the ticket.

Q. Do you know whether or not Wrenty F. Greaves was elected to any public position at the last election?—A. Yes; he was elected county commissioner, I believe.

Q. Do you know the number of voters on Hilton Head?—A. Four

hundred and sixty or seventy, sixty or seventy-four. That includes Dawfuskee and one or two small islands.

Q. Do you know how many Republican voters there are there?—A. I do not, on Hilton Head proper.

Q. Do you know how many Democratic voters there were at that election?—A. There were ten votes cast—Democratic votes.

Q. Do you know how many Democrats there were on Hilton Head on the day of election?—A. Ten voted the Democratic ticket.

Q. Do you know, Mr. McFall, of any Democrat on the island who was prevented or hindered from voting on that day?—A. There was none up to the time I left.

Q. Were you not a bitter partisan of Mr. Tillman at the last election?—A. No, sir.

Q. Were you not a partisan in favor of the Democratic ticket?—A. Yes, sir.

Q. Have you not testified prior to this date that you were a strong partisan?—A. Strong and bitter are different things.

Q. Were you a strong partisan?—A. I was a tolerable strong party man.

Q. You had never been a strong partisan prior to the late election, had you?—A. I have never taken much interest in elections until this, since the war.

Q. State whether or not you were distributing a counterfeit or imitation Republican ticket on the day of the election.—A. I did not distribute or peddle out any counterfeit or imitation Republican tickets on the day of election.

Q. State whether or not you distributed a Democratic ticket, printed in imitation of the Republican ticket, on the day of election.—A. I distributed a few red Democratic tickets that looked something like the Republican ticket, but always told the parties to whom I gave them that they were the pure and unadulterated Democratic ticket, Hampton ticket.

Q. Do you know whether any of these tickets were voted or not?—A. There was one in the box, but I did not give it out. I was told when I was given these tickets, not to fool any one with them.

Q. Did you act on those instructions?—A. Yes, sir.

Q. Were these tickets headed Democratic tickets, or Republican tickets?—A. They were headed Union Republican tickets, sir.

Q. Did you see any Republican tickets on that day?—A. Yes, sir.

Q. How were the Republican tickets headed?—A. The same way, I think.

Q. Was the ink with which they were printed the same color?—A. Yes, sir; very nearly the same color.

Q. Could you distinguish the difference in the two tickets without reading them?—A. No, sir. They were printed in imitation of the Republican ticket, to protect the timid colored people that wanted to vote the Democratic ticket, from the mob.

Q. How do you know that fact?—A. Because it was publicly proclaimed that no colored man should vote a Democratic ticket on these islands, especially on Hilton Head and on Parry Island.

Q. Do you know who had these tickets printed?—A. I suppose the State executive committee.

Q. Do you know of any member of the Democratic party that directed that tickets should be printed in imitation of the Republican ticket, to protect colored men who voted the Democratic ticket?—A. No.



Q. Do you know where these tickets were printed?—A. No.

Q. Then why do you say these tickets were printed to protect colored men, as stated?—A. That was the instructions that I got from our club.

Q. What club was that?—A. The Port Royal Democratic Club.

Q. Were not these tickets used at Port Royal as well as at Hilton Head?—A. No, sir; I was not there.

Q. Do you know where these tickets came from?—I do not.

Q. State whether or not, Mr. McFall, these imitation Republican tickets bore such a resemblance to the regular Republican ticket that a person who could not read or write could be deceived in them.—A. They might be deceived.

Q. Did these imitation Republican tickets contain the name of any of the Republican candidates?—A. I think not.

Q. Were there any other Democratic tickets distributed at Hilton Head other than these?—A. Yes.

Q. Was there not great indignation expressed by Republicans on the day of election when they found that you were distributing a counterfeit Republican ticket?—A. I did not distribute a counterfeit Republican ticket.

Q. Was there not great indignation expressed on the day of election when they discovered that you were distributing a Democratic ticket printed in imitation of the Republican ticket?—A. Well, right there is where the scene opened. I gave this red ticket to four men on the Pope place; I can't give their names; one's name was Brown. They got up to the pickets that were guarding the polls, and they were demanded to show their tickets. This fellow Brown refused; but the next one to him showed his ticket and said it was a Democratic ticket. Then the mob became infuriated, forced the tickets away and tore them up; and they put tickets in their hands and marched them to the polls. After they had voted they demanded where they had got those tickets. They said they got them from me; and then they surrounded me, and commenced to shove me, and knocked my hat off, and treated me in a very brutish manner, threatening to kill me. I then saw Riley, a tall fellow—(Counsel for contestee objects to the answer given to this question for the reason that the notary objected to the witness repeating what he had already stated in his direct testimony; and upon the witness proceeding with the answer, new matter being discovered, the notary insists upon recording the answer. Witness continues)—standing in the crowd, and asked him to walk off to a pile of lumber and keep the crowd back; that I wished to explain my position to him. I explained my position, and he sung out for the men on the Pope place; Brown was one of them; he called him up and asked him if he got that ticket from me for a Republican ticket. He said no; that I gave it to him for a Democratic ticket, and read the names on it to him, and that he started to the polls with said ticket, and it was taken away from him. Riley then told the crowd that I was not to blame, that I was not trying to deceive the colored people, and it was a free country, and I had a right to distribute any ticket I pleased.

Q. Then there was indignation expressed?—A. Oh! before; yes.

Q. This happened some distance from the polls, did it not?—A. About ninety feet. Just across the street.

Q. Did you suffer on this occasion any bodily hurt or injury?—A. Nothing serious. Had it not been for Sam Black and Mrs. Noble (two colored people) I think I would have been killed.

Q. After all this occurred, Mr. McFall, you cheered for Hampton and Tilden, didn't you?—A. No, sir.

Q. When was it you cheered for Hampton and Tilden?—A. In our armistice in which I was to leave the grounds in ten minutes I claimed the right to cheer for Hampton and Tilden, at the Drayton place, after six o'clock.

Q. Did you ever make any complaint before any trial justice against the parties who committed this violence?—A. No, sir. I have not from the reason that I consider that we haven't any law in this country to give a man justice if he is white.

Q. Don't you know of colored men having been hung for killing white men?—A. Yes; one or two I have heard of, and I have heard of about twenty more having been turned loose for killing them.

Q. When were these twenty turned loose that you speak of?—A. Very lately in this county; at the last term of court.

Q. Don't you know at the last term of court that Mr. Tilinghast, a member of the Democratic party, was prosecuting attorney, and had a *nol. pros.* entered against these persons?—A. No, sir.

Q. Do you know of any white person having been convicted of having killed a negro in this county?—A. I do not.

Q. Have you ever been denied justice at the hands of any of the officers of the law in this county?—A. No, sir; I have never asked justice.

Q. Did you not on the day of election offer money to parties to vote the Democratic ticket?—A. I did not.

Q. State whether or not you were a resident of Hilton Head at that time.—A. I was, up to the day of election. I left the next day, and have not moved my property from there up to this time.

Q. Your family were residing at Port Royal at the time of the election?—A. Yes, sir.

Q. Then your residence was only temporarily at Hilton Head?—A. No, sir; I went there to live, and the treatment of the negroes on the day of election satisfied that I could not live there, and I gave up my land to the man I bought it from and left.

Q. Have you suffered any violence at the hands of the people of Hilton Head since the day of election?—A. No, sir; I haven't seen but very few of them since; my potatoes and pindars have.

Q. Did you suffer from any violence at the hands of the colored people of Hilton Head prior to the election?—A. No, sir.

Q. Did you take any trouble to conceal your political preferences prior to the election?—A. No, sir.

Q. Had you publicly avowed that you were a Democrat?—A. Yes.

Redirect:

Q. Mr. McFall, were all the Republican tickets at the polls printed the same way? If not state the difference.—A. There were two kinds that I saw, and I heard there was a third. One was red and one was black without any heading—just like the Democratic ticket.

Q. Please state why the imitation tickets were given to voters.—A. They were given to the timid voters to protect them from the mob of the rabid Republicans.

Q. Were they used for any other purpose?—A. No, sir.

Q. You said that there were ten Democrats at the polls that day; do you mean that there were no others that wished to vote the Democratic ticket?—A. Yes; there were lots of them that would have voted it but for the intimidation and violence.

JOHN MCFALL.

Sworn and subscribed to before me this 16th day of February, A. D. 1877.

[SEAL.]

M. R. COOPER,  
*Notary Public.*

In the contest between George D. Tillman and Robert Smalls for a seat in the Congress of the United States.

FEBRUARY 17, 1877.

STATE OF SOUTH CAROLINA,  
*County of Beaufort :*

MANSION HOUSE,  
*Port Royal, S. C., February 17, 1877.*

The taking of depositions was resumed pursuant to adjournment.

Present, William Elliott, counsel for contestant. Neither contestee nor his counsel being present, the examination is adjourned until 9.30 a. m.

At 9.30 a. m. the examination is resumed.

Present, William Elliott, counsel for contestant.

H. M. FULLER, sr., sworn, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by contestant:

Question. Please state your name, age, place of residence, and occupation.—Answer. H. M. Fuller; age, 42; reside at Sheldon Station, Beaufort County, South Carolina. I am a farmer.

Q. At what precinct were you on the 7th of November last, and in what capacity, at the election in November?—A. Chairman of the managers of election at Gardiner's Corner precinct, in this county.

Q. At what time were the polls opened, and when were they closed?—A. At about 7 o'clock, I should say when they opened, and, to the best of my knowledge, they were closed about half past 5.

Q. Why were the polls not opened at 6 o'clock?—A. Because all of the managers were not there.

Q. Who were the managers?—A. Myself and Benjamin Deveaux and Harry Reed, both colored.

Q. Who was the last manager to arrive?—A. Ben Deveaux.

Q. How many persons were at the polls when they were opened?—A. A considerable crowd. I should say there was fifty.

Q. Do you know whether or not the Democratic voters commenced to vote as soon as the polls were opened?—A. I have every reason to believe so. They were there in a body when I arrived on the ground, there was quite a rush for the polls, and as soon as they were opened tried to vote as soon as possible. There was such a rush, and the polls were so entirely surrounded, that I had the box taken from one side of the road, and removed to a house on the opposite side. All who were present made the rush.

Q. Do you know why the Democrats wanted to vote early?—A. I was requested previously to be there early, as they wished to vote early in order to avoid a collision with the Republican voters.

Q. Was any complaint made by any leaders of the Democrats about the polls not being opened at the proper time?—A. I will state that I was met on the way by a colored Democrat, urging me to ride quickly. When I arrived there complaint was made that the polls not being opened in the proper time considerable votes were lost to the Democratic party.

Q. State whether you had heard any threats in that vicinity made

against Democrats. What were they, and what was the general condition of the country before the election ?—A. I had heard several times vile threats publicly made by colored men to kill all the damned Democrats. The country had been, previous to that, in the most excited and riotous condition.

(Mr. Alfred Williams here appeared as contestee's counsel.)

The witness continues : For some time previous to the election, bodies of men went through the country calling themselves strikers, and taking up other colored men and women.

(Counsel for contestee objects to witness stating anything except from his own knowledge.)

Witness further states : I do know these facts, but I was not present at any particular occasion. I know by testimony taken in court. On one occasion I certainly saw one of the men who was beaten, or said to have been beaten, and the parties who had been arrested charged with the beating. I saw Congressman Smalls speak to the men, and the prosecution was dropped, and the parties returned home without further prosecution. On another occasion I saw a number of persons arrested for beating other colored persons. They were discharged by a jury of colored men. I was not present, but I do know of a trial-justice and deputy sheriff being struck by a mob of colored persons.

Q. State whether or not there were strikes in that section prior to the election, and whether the parties were punished, and what was the general effect upon the community as to lawlessness.

(Objected to by contestee's counsel.)

A. There were strikes which extended over a considerable body of country and for a considerable length of time, and no one was or has since been punished to my knowledge. I know of three instances in which bodies of men were arrested, and in one instance acquitted and in the other two discharged. I obtained my information in general about these strikes from telegrams that I saw from the governor. I was advised by my agent to come over ; that the laborers were threatened by the strikers. I was present at a trial justice's court on two occasions where parties were brought up for trial, and on the third occasion I saw the men when they were brought up, but they were discharged and not tried.

Q. Were they discharged in all of these cases ?—A. Yes ; when I say they were discharged I mean they were not punished.

Q. To what party did the officers belong by whom they were discharged ?—A. They all claimed to be Republicans, or were reported to be.

Q. At what place were they discharged, and by what officers ?—A. By Trial Justice Carlton, at Beaufort.

Q. Is he a Republican ?—A. He has always been believed to be a Republican, and has always acted with the Republican party.

Q. Do you or not know whether the strikers were generally sustained by the Republican party in the town of Beaufort ?—A. They were certainly countenanced.

Q. Please state more particularly what was said and done by Congressman Smalls on the occasion referred to.

(Objected to by counsel for contestee upon the ground that it had no connection with the election held in November last.)

A. I did not hear what he said, but saw him speaking to the party beaten while surrounded by the parties arrested for the beating, and soon all left and returned to their homes.

Q. On what occasion was this and where ?—A. In the town of Beau-

fort, in front of the trial-justice's office, on the occasion of their being brought there for examination.

Q. Were they at once discharged?—A. They all left.

Q. How large a crowd were present on this occasion?—A. I should say between twenty and thirty men were present in all.

Q. Were they or not apparently sympathizing with the accused?—A. It struck me so.

Q. Did you distinguish any remarks made by the crowd?—A. I did not. I do not recollect at present.

Q. What was your impression at the time of the behavior of Congressman Smalls, and the object he wished to accomplish?

(Objected to by contestee's counsel.)

A. It is so long that I do not remember how I got the impression or information, but I do know that he induced a party beating Billy Beaubien to drop the suit.

Q. At what time in the day was this?—A. Between 9 and 11 o'clock—about 9 o'clock in the morning.

Q. Were you present at the time of the trial before Trial Justice Carlton of the rioters from Mr. Richardson's plantation?—A. I was.

Q. Was there anything said by a prominent Republican on that occasion that attracted your attention?—A. There was. I do not remember the exact remark, but testified to it at the time to the court, showing that he was a prejudiced jurymen, and he was discharged.

Q. Was he discharged or did he conclude to withdraw?—A. My impression is that he was discharged.

Q. Who was this person?—A. Ira Robertson.

Q. Was he elected to any office at the last election; if so, what?—A. He was elected to the house of representatives of South Carolina on the Republican ticket.

Q. Can you not give his remark or the general purport of it?—A. I think, to the best of my recollection, it was that the Democrats wanted to put these men in jail to get rid of their votes—something to that effect.

Q. What was the general effect upon the country around Sheldon of what you have above testified to?—A. I think the general feeling was—certainly it was on my part—that we were without the protection of law.

Q. Where were the threats against Democrats of which you have spoken made?—A. Made in front of the store at Sheldon Station.

Q. On how many different occasions?—A. I can speak absolutely of three, but am under the impression that there was at least half a dozen.

Q. What was the general feeling of colored Republicans against Democrats?—A. It has been and is now very bitterly hostile.

Q. Was this also before the election?—A. Yes.

Q. What state of mind has this produced in colored Democrats?

(Objected to by contestee's counsel.)

A. I know it produced upon them the necessity of being cautious to avoid all opportunity or occasion of being injured or mobbed by parties entertaining this hostile feeling—Republican parties.

Cross-examined by Alfred Williams, counsel for contestee:

Q. Mr. Fuller, how many years have you resided in the vicinity of Gardiner's Corner?—A. It is my native place; I regard it as such.

Q. What is your politics, Mr. Fuller?—A. Democratic.

Q. Were you appointed manager of election because of your politics?—

A. Yes, sir; I presume so.

Q. Did you act in the capacity of manager of election at Gardiner's Corner on that day?—A. Yes, sir.

Q. Do you know of any Democrats who voted at that precinct on the day of election?—A. In counting the votes I found sixty had voted. I think that is the number.

Q. Do you know of any Democrat who was prevented from voting at that precinct the late election?—A. I cannot speak of my own knowledge.

Q. Do you know whether or not all persons who came to the polls voted?—A. It would be impossible for me to say; being manager, attending to my own duties, I could not say positively that all who came voted.

Q. Do you know any person, Democrat or Republican, who was prevented from voting?—A. I will answer that I know of two persons that were interfered with.

Q. State whether not these two persons to whom you refer voted.—A. They did.

Q. Were the ballots of all persons who applied to vote at Gardiner's Corner received?—A. Yes, sir; there was not a single ballot objected.

Q. Do you know of any persons who were debarred the right to vote because the polls were not opened before 7 o'clock?—A. I can't say of my own knowledge.

Q. These strikers to which you refer in your direct testimony were laborers in the rice fields, were they not?—A. They were laborers in the rice and cotton fields.

Q. Had this strike anything to do with the political matters then being discussed?—A. As a matter of opinion, I should say undoubtedly.

Q. As a matter of fact, don't you know that these strikes were caused by the laborers in the rice and cotton fields because of their being compelled to work for checks and not for money?—A. No; positively, no. My own belief is that it had a political origin, because the originator stated that he had a paper from some leading persons in Beaufort requiring them to strike. I know this upon information by a man by the name of Charles Green; this was in the latter part of June. Because the check system has been in use on several of the plantations ever since the war, and on several of the plantations on which the strike occurred cash had been invariably paid.

Q. How long was it prior to the election that these strikes occurred?—A. They commenced about the middle of September and continued on until about the latter part of October.

Q. Was it not notoriously known that these strikers demanded higher wages, and that they refused to work for checks?—A. It would be difficult to say what was their ground of complaint. I admit that the checks was one, but on the Richardson place, at which the striking was carried to the greatest excess, cash was being paid at the rate they demanded.

Q. Were you present at any of these strikes?—A. I was not; but in this latter case was informed by Mr. Richardson and by one of the colored parties injured.

Q. Then, if you were not present at these strikes, you had no means of knowing what the complaints of the strikers were, except from hearsay?—A. I know from admission from the strikers themselves, and I was present at the trial-justice court when they were examined.

Q. What were the admissions made; by whom were they made, and where were they made?—A. Admissions were made by parties publicly, at Sheldon Station, in conversation among themselves which I overheard, that on several places cash had been paid; one party by the

name of John Geddes told me cash was being paid at a place upon which he had been working and was forced to leave.

Q. Don't you know that Mr. J. B. Bissell paid his hands in checks payable in 1880?—A. I don't know of my own knowledge.

Q. Do you know of any parties who paid their labor in checks?—A. Yes, several; it is done with a view to prevent storekeepers from taking them in and presenting them in large amounts.

Q. Then these checks, as a general thing, could only be used at the plantation stores, on which the people were employed?—A. Generally it was so.

Q. What was the usual amount paid per day for labor in these checks?—A. Checks are not usually given for day's work, but paid at so much per acre.

Q. How much do they receive per acre?—A. Various amounts, from a dollar to a dollar and a half; sometimes as high as two, according to what is being done.

Q. State whether or not this strike was in existence the week of election or on the day of election?—A. I cannot say it was in existence during the week or on the day of election, but no stop had been put to it up to that time.

Q. When did it stop?—A. As far as I know, when the harvesting ceased.

Q. When was that time?—A. I do not know when every one ceased harvesting.

Q. State whether or not you know of any person who would have voted the Democratic ticket that was prevented from so doing on account of these strikes?—A. I do not know of any one.

Q. State whether or not the result of the election was changed at Gardiner's Corner by reason of not opening the polls until 7 o'clock in the morning?—A. I have reason to believe so.

Q. If you have reason to believe so, state in what way the result was changed.—A. On the night previous to that, a considerable crowd—numbers of men—met at the Democratic club, and asked me to be there early so that they could vote before the crowd assembled. When I arrived there I was informed by several Democrats that in consequence of the lateness of the opening of the polls they had lost 20 or 30 votes.

Q. Do you know of any persons, members of that club, who came to vote and did not vote?—A. I did not know the names of the colored members of the club.

Q. Were you a member of that club?—A. No, sir.

Q. Then how do you know whether there were any colored members of that club?—A. Only by what I have told you; by what they said.

Q. Name the person or persons who told you that there were several persons that did not vote who came to vote.—A. Pompey Jones met me on the way and told me to hurry on, that I was losing votes. Several gathered around me upon my arrival. Among them was Mr. Henry Fuller and Mr. Bissell, saying that in consequence of my delay a number of votes had been lost.

Q. Did they give the names of any of the party?—A. No, sir.

Q. Who is Pompey Jones?—A. A colored man.

Q. Where does he reside, and what is his politics?—A. He resides at Gardiner's Corner, and he is a Democrat.

Q. What time did you arrive at the polls that morning?—A. I was told it was half past 6.

Q. Then in founding your opinion that the result was changed by the polls not opening until 7 o'clock, is based upon hearsay and not upon

facts that came under your actual observation ?—A. Yes ; it was hearsay, so far as the remarks were which I repeated.

Q. Was there any fact that came under your observation that caused you to form this opinion ?—A. None, sir.

Q. Do you know of any arrests being made among the strikers ?—A. Yes.

Q. Were they arrested by the sheriff of Beaufort County or his deputy ?—A. I don't know of my own knowledge.

Q. Then most of the information that you possessed in relation to those strikes is based upon rumor and hearsay, and not from actual knowledge of the facts ?—A. I was not an eye-witness to all the strikes, but my information is from the best of authority. As I stated before, I gained my information in the trial-justices' court—Trial Justice R. K. Carlton's court at Beaufort. I do not know the parties to the case. The State against the rioters, I believe.

Q. You took quite an interest in that case, did you not ?—A. Yes ; it was a matter that involved the interest of everybody almost.

Q. Do you know the names of any of the parties, or the name of the prosecuting witness ?—A. There were two cases, one in which Mr. Richardson was, and in the other, I think, Renton was.

Q. Were these strikers to whom you referred discharged or acquitted upon examination and trial ?—A. In the first case I know that they were acquitted by the jury, and in the second case I heard so.

Q. You stated in your direct examination that you heard threats made by the strikers against Democrats.—A. I did not say by the strikers.

Q. Where and by whom were these threats made ? Please give the names of the persons who made these threats.—A. They were generally made by persons who assembled in front of the store. I know two of the persons, Jack Jenkins and Gabriel Robertson.

Q. You say in your direct examination that you saw telegrams from the governor ; were they not in reply to telegrams sent to him ?—A. I could not say, but suppose they were.

Q. Did you suffer any violence or injury during the last election because of your political opinion ?—A. None whatever, sir.

Q. State whether or not you voted on the day of election, and how you voted.—A. I did vote an honest, fair Democratic ticket.

H. M. FULLER, SR.

Sworn and subscribed to before me this 17th day of February, A. D. 1877.

[SEAL.]

M. R. COOPER,  
Notary Public.

In the contest between George D. Tillman and Robert Smalls for a seat in the Congress of the United States.

MANSION HOUSE,  
Port Royal, S. C., February 17, 1877.

STATE OF SOUTH CAROLINA,  
County of Beaufort :

A. C. McFALL, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by contestant :

Question. Please state your name, age, residence, and occupation.—Answer. A. C. McFall ; reside at Port Royal, Beaufort County, South



Carolina; I am twenty-six years old; I am clerk of council and treasurer of the town of Port Royal at present.

Q. State at what precinct you were at the election on the 7th of November last, and in what capacity.—A. I was manager of election at Myrtle Bush precinct in this county.

Q. What time were the polls open there that day, and when were they closed?—A. They were opened about half past 9, and closed at 6 o'clock.

Cross-examined by Alfred Williams, counsel for the contestee:

Q. What time did you arrive at the polls that day?—A. About half past 9.

Q. How many votes were polled at that precinct?—A. I don't remember, sir.

Q. State whether or not the result of the election at that precinct was changed by reason of the polls not opening until half past 9 o'clock.—A. In my opinion it was, but I don't know whether it was or not.

Q. Do you know of any persons who came to vote at that precinct who did not vote in consequence of the polls not being opened until 9 o'clock?—A. I know of persons who told me that they would have voted the Democratic ticket had I been there at 7 o'clock.

Q. Did these persons to whom you refer vote at all that day?—A. Yes, sir.

Q. Can you remember any of their names?—A. Fraser—Daddie Fraser, is all the name I know him by; I don't remember the name of the other.

Q. What is your politics, Mr. McFall?—A. Democratic; I voted that ticket.

Q. Do you know of anybody that was prevented from voting at Myrtle Bush precinct on the day of election?—A. Yes, sir.

Q. Who was it?—A. I don't know the name, sir.

Q. Was he colored or white?—A. Colored.

Q. How was he prevented from voting?—A. Because he was not, in the opinion of the managers, eligible to vote.

Q. Do you know of any person being prevented from voting at Myrtle Bush precinct that was legally qualified to vote?—A. No, sir.

A. C. McFALL.

Sworn and subscribed to before me this 17th day of February, 1877.

[SEAL.]

M. R. COOPER,

Notary Public.

By consent of counsel on both sides the examination is adjourned to meet at Beaufort on Wednesday, the 21st instant, at 9 o'clock a. m.

M. R. COOPER,

Notary Public.

In the contest between George D. Tillman and Robert Smalls for a seat in the Congress of the United States.

LAW BUILDING, BEAUFORT, S. C.,

February 21, 1877.

STATE OF SOUTH CAROLINA,

County of Beaufort:

Pursuant to adjournment the examination is resumed at 9 o'clock a. m. Present, William Elliott, counsel for contestant, and W. J. Whipper, counsel for contestee.

POMPEY JONES, colored, a witness of legal age, produced by contestant upon and due notice to contestee, deposes as follows in reference to questions propounded by counsel for contestant:

Question. State your name, age, residence, and occupation.—Answer. Pompey Jones; about thirty-one years old; reside at Sheldon plantation, in this county; I am foreman of the plantation.

Q. Where were you at the election on the 7th of November last?—A. I was at Gardiner's Corner precinct, in this county.

Q. Did you vote there that day?—A. I voted there that evening.

Q. What ticket did you vote, and why did you not vote sooner?—A. I voted the Democratic ticket; I did not vote sooner, because the party I went down with was a very large one, and the polls were not open; and when it did open the crowd was so large I couldn't vote at the time.

Q. Were you, or not, afraid to vote sooner?—A. If I was not afraid to vote I would have voted sooner; but I was afraid; it was such a large crowd, that it would make some confusion.

Q. Who were you afraid would trouble you?—A. That striking party were out there then.

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

Q. Explain whom you mean by striking party.—A. It was a whole crowd of people that got up a strike out there just before harvest, and would go round on the plantation and catch every foreman, and if they did not agree with them they would cowhide you; the only way you had to do was to go along with them.

Q. Did they whip anybody, and how many?—A. Yes; they whipped one man right by me, and several others I didn't know; there was a man lived right by me named Billy Bobine; they thrashed him severely, and he had to come to the doctor once or twice.

Q. How long did these strikes last?—A. Until little after harvest.

Q. Was any attempt made to arrest the strikers?—A. Yes; Mr. Sams, who was acting in the place of Mr. Wilson, the sheriff, went out there and he take two mens with him from Beaufort, Moody Williams and Moses Fraser and myself, and several others—I don't know the names of them now; we started to arrest them, and we got into a fight and they run us away.

Q. Was any trial-justice there?—A. Yes; Mr. Fuller was there; he was one of the posse.

Q. Was any of the posse beaten; and if so, who?—A. Mr. Fuller and myself and a young man named Gabriel Green were thrashed.

Q. Was the deputy sheriff struck?—A. I don't know whether he was or not; he had to run.

Q. Have these men ever been punished?—A. No, sir.

Q. What was the effect on the country around there at that time?—A. It was pretty much stirred up; a man could not travel about as he had a mind to.

Q. Why not?—A. Because, the striking party, if they met you, would cowhide you if you didn't go with them.

Q. Could you have them punished by law, and why not?—A. You couldn't at that time. The captain of them said he had a strip that was the law from the governor, that if you didn't go along with them, that they would put one hundred and eighty lashes on your backside. I asked them who is the captain. They call about fifty men wid these plat cowhide, and they tell you those were de captain.

Q. Were any threats made before the election by Republicans against Democrats?—A. A great deal of them; the strikers said they know that every damn one of us that did not go with them were going to vote the

Democratic ticket, and that every one of us would be killed on the day of the election.

Q. How many times were these threats made?—A. They would start on Monday and go round until Thursday, and start again next Monday, and everywhere they had been round you need not start to work, because they would run you out of the field, and if they catch you they would cowhide you.

Q. Were any threats made against Democrats after the strikes and before the election, and what were they?—A. Yes; as I told you before, they said they would sleep to the polls on Monday night and would be there Tuesday morning, and before we should vote the Democratic ticket we should not vote none at all.

Q. Were any threats made on the day of election?—A. Not many. What were made were made early in the morning. They threatened to whip me, and said they would take away my horse and buggy if they did not whip me, and they did take it.

Q. Where were you going in your buggy?—A. I had been up the road and brought Mr. Yates to vote the Democratic ticket, and was going back up the road, and I suppose they thought I was going to bring somebody else, and they took it away from me.

Q. Were these Democrats or Republicans that took away your buggy?—A. Republicans.

Q. How long before you got your horse and buggy back?—A. The next day. Sam Bolite turned the horse loose the next day, but I did not get him till the day following, and I asked them why they worry me so much about my election. They tell me that while they vote for Smalls I vote for Whipper, and while they vote for Delarger I voted for Bowen, and I never see such worrying in my life. I asked them if I could not vote as I chose.

Q. Were any threats made away from the polls?—A. Yes.

Q. Do you know why they were not made at the polls?—A. They said they were advised not to fight or make any fuss at the polls, for if they fight they would counterfeit the poll.

Q. What was the state of mind of the colored Democrats in that county before and at the time of the election, in consequence of these threats and violence?—A. Well, we had to keep very close, and could not go about as we desired, and had to meet at night.

Q. Were there any persons kept from voting the Democratic ticket?—A. Well, not right at the polls, but the threats they had made in the morning frightened them, and about eighteen of them that belong to the Democratic club went off and would not vote all, because they said if they voted them fellows would thrash them in the evening if they voted. They asked if I intended to vote. I told them yes, I would stay and try to do so in the evening.

Q. Were the Republicans at the polls armed that day?—A. No, sir; I did not see any of them armed. They had these same striking clubs with nails drove into them and lead to the head; had them slung on the wrist with strings.

Cross examined by W. J. Whipper, counsel for contestee:

Q. On the morning of the election you say there was a large crowd went with you. Who were they?—A. I can't tell the names of them all.

Q. Well, tell me the names of those you can.—A. Mr. George Bissell, Henry Fuller, Henry Aulbegotir, Edward Heyward, William Middleton, Francis Alston, John Richard. These is about all the names I can remember just now.

Q. How many more were there besides these names you have called?—  
A. I suppose about twenty.

Q. What portion of your crowd were white men?—A. About six.

Q. These names that you have mentioned are about all that you know in this crowd?—A. Yes. Mr. John Lucas—I know him. I did not think to call his name.

Q. How many of these names are white men?—A. Only three that I remember of.

Q. What was the politics of your crowd?—A. To vote the Democratic ticket.

Q. All of them?—A. All that went in my crowd—that belong to my club.

Q. How did you know how they intended to vote?—A. They were members of my club.

Q. All of them?—A. All of them—every one of them. Not all of the twenty.

Q. What portion of this other twenty were members of your club?—  
A. I suppose about seven. Some that were members did not go, because they were afraid to go along with the rest of us.

Q. How do you know that the balance of this twenty intended to vote the Democratic ticket?—A. I know that they were going to vote it, because they belong to other clubs, and they came there to go with me so that they could get to the polls early.

Q. To what club or clubs did the rest of them belong?—A. Hobony club.

Q. Then, I understand that these clubs all met at your house?—A. Yes.

Q. Met there the night before?—A. Yes, sir; met there after the meeting on Monday night, and went to the election next morning.

Q. Did this crowd of yours have any sticks?—A. O, no, sir; they never did have any sticks.

Q. Ain't it a very common thing for people in the country to carry sticks when they go to church or political meetings?—A. Walking-sticks and fighting-clubs are two different things. It is a common thing for men to carry walking-sticks.

Q. Do you mean to say that your crowd did not have them?—A. Yes, sir.

Q. What time in the morning did you get to the polls?—A. I got there about six o'clock. It might have been a little earlier.

Q. What time was it that this large crowd that you speak of came up?—A. They came up about quarter past six. When they came up the polls were just opened, though.

Q. About how many of them were they?—A. I suppose there was about two hundred in the crowd, and they kept coming right straight along.

Q. Did they all have sticks?—A. Not all of them. The greater part of them did.

Q. Were their sticks all these fighting-sticks that you speak of?—A. All of them were, pretty much.

Q. What, if anything, did they do with these sticks?—A. They did not do anything at all right to the polls.

Q. Did they do anything around or about the polls?—A. Not that I know of.

Q. Do you know of them committing any violence with them that day?—A. No; they cussed a good deal; but I did not see them put hand on anybody that day.

Q. What were their politics; do you know?—A. Republicans.

Q. How do you know that?—A. Because they said so.

Q. All of them?—A. No; but there was a talk all around that all of those had them club were the badge of Chamberlain.

Q. Did any of them threaten any violence to you or any of your party if you voted the Democratic ticket, and if so, who did it?—A. There was a crowd that I met down to the railroad just before the election-day that said that they were coming to Beaufort, and that they would get fixed for all of us on election day; that they would meet us; but that did not scare me any.

Q. How long before election was that?—A. About a week.

Q. Who were these men?—A. One man named Sanko Williams, and Philip Brown; I knowed them.

Q. Those were all that you know?—A. Yes; greater part of them was off of Combahee, lower down.

Q. Then I understand that there was no threats made against your party on the day of election?—A. Not during the day, but early in the morning.

Q. Who made them?—A. A party of fellows we met up by the Sheldon bridge.

Q. Can you name any of them?—A. No; I know them if I see their face, but can't name them now.

Q. State what they said that you construed into threats.—A. They said they would meet us down there and see what we all intended to do.

Q. Did that scare you?—A. That did not scare me; it takes a heap to scare me.

Q. Well, now, was there any threats made at the polls by this two hundred or any of the Republicans on the day of election?—A. They were cursing around there, just abusing us ail, but I did not call that threats.

Q. Did your party do any cursing?—A. No; they were afraid to do any much; they had to keep like the rats do when the cat's around the house.

Q. You say you did not vote at that time. Did any of your party vote?—A. All of the whites did; very few of the colored ones did; only a few that were not remarkable did; those that were like me couldn't.

Q. You say that you are not easy to scare. How was it that you were afraid to vote when there was neither violence or threats used to you or any of your party?—A. I thought that if I voted right at the time that they would commence to quarrel, and would create confusion.

Q. How long have you lived in that voting-precinct?—A. I have been there ever since the war; some time in '66; I am not certain.

Q. You know the people around there generally, do you?—A. Yes, sir.

Q. This whipping that you spoke of in connection with the strike, how long was it before the election?—A. I did not stop long before the—I could not say the regular time; little after harvest.

Q. You say the strike was over before the election, but you don't know how long?—A. I don't know how long.

Q. At what time and upon whose place did this strike commence?—A. I don't know upon whose place it commenced on, because it commenced in Colleton and then come over in this county.

Q. Do you not know this strike was occasioned by low wages and paying the people in checks?—A. I believe it constitute from that; but it did not carry out in the way it ought.

Q. Then it had nothing to do with politics, and was over before the

election, was it not?—A. The strike was over, but the nature of the strike wasn't over.

POMPEY JONES.

Sworn and subscribed to before me this 21st day of February, 1877.  
[SEAL.] M. R. COOPER.

*Notary Public.*

Adjourned to meet at 9 o'clock to-morrow morning.

M. R. COOPER.

In the contest between George D. Tillman and Robert Smalls for a seat in the Congress of the United States.

Pursuant to an adjournment, the examination is resumed at the law building, Beaufort, S. C., at 9 o'clock a. m., February 22d.

Present, William Elliott, counsel for contestant, and W. J. Whipper, counsel for contestee.

STATE OF SOUTH CAROLINA,

*County of Beaufort :*

A. P. JENKINS, (colored,) a witness of legal age, produced by contestant after due notice to contestee, deposes as follows in reference to questions propounded by contestant's counsel:

Question. State your name, age, residence, and occupation.—Answer. Abraham P. Jenkins; 27 years old; live in the town of Beaufort; my occupation is waiter.

Q. Where did you reside during the last political campaign?—A. At Beaufort, sir.

Q. To what party did you belong?—A. To the Democratic party.

Q. State what position you held in the party, and were you a candidate for any office?—A. I was a member of the executive committee of the Beaufort Democratic club and delegate to two county conventions and a candidate for the general assembly on the Democratic ticket.

Q. What was the feeling of Republicans toward yourself and other colored Democrats, as exhibited by their words and actions?—A. Their feelings were hateful to me and all others of that party, and showed it every day by words and actions. They would meet me on the street in the day and at night and call me a damn Democrat; that I had sold out my rights. I have been cursed every day since I joined the club until now.

Q. Were any threats made before the election against Democrats, and by whom and what?—A. Yes; by men belonging to the Republican party. They said that if they could not get me before the election they would get me, if it was six months to come.

Q. What did they mean by that expression, "would get you"?—A. It means they would lay way to mob me.

Q. Did you make public speeches during the campaign?—A. I made one at Gardiner's Corner.

Q. Did the Republicans interfere with this meeting?—A. Yes, sir.

Q. Was there any reason why you did not make more speeches?—A. Yes, sir; because it was not safe for colored men to make public speeches in behalf of the Democrats, for fear that they would be mobbed.

Q. Do you know whether any Democrats were kept from voting on the day of the election by these threats; and, if so, how many?—A. Yes, sir; there was three on Ladies' Island; there was thirty or forty colored

members of the Beaufort Democratic club; but I was not here on the day of the election.

Q. At what polls were you on the day of election?—A. At the Wood-lawn polls, sir, on Ladies' Island.

Q. Was there any Democratic club on Ladies' Island; and, if so, how many members?—A. Yes, sir; there was one there with fifty-five members.

Q. How many colored men voted the Democratic ticket at that poll?—A. Not over six; I think it was six.

Q. Was the tickets of voters examined at that precinct before they were cast; and, if so, by whom?—A. Yes, sir; they were examined by some of the Republican men.

Q. State how they were examined.—A. They stood at the gate, and they had to show their ticket before they go to the polls. Them that had the Democrat ticket they would snatch them out their hand and give them the Republican ticket.

Q. Where were the polls held?—A. In a little corn-house, inclosed by a fence.

Q. How many means of entrance were there?—A. Only one, sir; that was through the gate.

Q. Was there any person who specially made threats against you before the election; if so, who was it?—A. Yes, sir; Amos Barnes.

Q. State what the threats were and when they occurred.—A. The threats were on the 26th of October. He called me a damn black Democratic son of a bitch; I can't see how a damn black man like me can go Democrat. "If you don't change your politics," he says, "I will get you if it is six months to come. If I don't get you before the election I will get you after."

Q. Was there any public meeting at Beaufort on that day, and if so, what was it?—A. Yes, sir. General Hampton spoke here that day and other gentlemen, and I took a very active part that day in the meeting, enlisting to get all the colored folks I could to go up to hear him.

Q. Did he ever carry out his threat, and if so, how?—A. Yes, sir; he laid way me on the street and beat me half to death. He mention the same words that he said to me on the 26th of October. He came up to me and throw his hand in my collar, and called me a damn black son of a bitch, and that he long wanted to get hold of me, and he asked me, while he was beating me, if I would change my politics. I told him no, I would not.

Q. Was this night or day, and what time?—A. At night, sir; between half past ten and eleven o'clock.

Q. From where and to where were you going?—A. I was from church, going home.

Q. Was any one with you at the time you were attacked?—A. No, sir; no one.

Q. Was any one with him?—A. Yes, sir; I saw one man.

Q. How severely were you beaten?—A. I was beaten very severely, sir, indeed.

Q. Did you require and receive medical attention, and when?—A. Yes, sir; that same night. My mother and wife brought me down to Dr. Stewart and got him to prescribe for me.

Q. Were you in any other way ill-treated before the election?—A. Yes, sir. I had my house brick-batted, and I had threatening letters in my piazza directed to me, sir; cursing me for a damn black Democrat son of a bitch.

Q. Have you got the letter?—A. Yes, sir.

(Letter produced and objected to by counsel for the contestee on the ground that an anonymous communication cannot be introduced as evidence.)

The following is a copy of the letter produced :

"BEAUFORT, S. C., *October 10, 1876.*

"Abram P. Jenkins: You dam Democrat sunverbitch, how dare you to go Democrat; if you don't change your political opinion by Saturday night we will kill you; but you must walk very strate; if not we will kill you, if it is not until 6 months. We want Smawls to be our Congressman, and you vote for Tilman. We are going to vote for Hayse and Wheeler and the. I dare you going around and telling the people to vote for Tilman and Hendrix. If we can't get you before the election, we will get you after it, if it is six months to come."

The letter is hereunto annexed as an exhibit and marked "M. R. C., Exhibit 1."

Cross-examined by W. J. Whipper, counsel for contestee :

Q. How many colored members did you say were in the Beaufort Democratic club?—A. Between thirty and forty.

Q. You were one of those members?—A. Yes, sir.

Q. How do you tell that there was between thirty and forty?—A. I tell by counting.

Q. If you tell by counting, why is it that you cannot tell the exact number?—A. About two weeks before the election we counted up the colored members and there was thirty-five, and after that some more joined.

Q. How do you know that there was fifty-five members of the Ladies' Island club?—A. That was the roll brought over to us by the president of the club.

Q. You were at Ladies' Island on election-day?—A. Yes, sir.

Q. What was your business there?—A. My business was there to try to get as many votes as I could for the Democratic party.

Q. You were distributing Democratic tickets also?—A. Yes, sir.

Q. Were you molested in any way that day?—A. I was molested by having a good deal of abuse by some of the men.

Q. Was there any violence or threats used against you that day or against any of your party; if so, what were they, and by whom?—A. There was no striking, but there was a good deal of cursing and abusing. If we give a man a Democrat ticket they would snatch it out of their hands, and after they agreed to vote my ticket and was on their way going to the box.

Q. Well, that was all that was done in the way of threats and violence, was it?—A. Yes, sir.

Q. Did you at any time go in the gate of this inclosure where the voting was going on?—A. Yes, sir.

Q. You could go in and out as you pleased, couldn't you?—A. Yes, sir; I could go in and out, but was afraid also—was pretty timid.

Q. Don't you know a man could go in there without showing his ticket, if he wanted to?—A. Well, they make them show it.

Q. What means did they use to make a man show his ticket?—A. They speak to them; says "Less see your ticket;" hold a man and says, "Less see your ticket."

Q. Did they make any threats or use any violence to make a man show his ticket before going in the gate; if so, who done it, and to whom



was it done?—A. The men of the Republican party. They done it to three or four men there that I don't know the names; I just know them by sight.

Q. In what did this violence consist?—A. Consist of talking, cursing.

Q. What were the threats made?—A. They said you can't vote for no Democrat. We ain't going to allow no colored men to vote for a Democrat.

Q. Were the six men that voted the Democratic ticket over there that day disturbed in any way?—A. They was, sir; they cursed them as same as they do the rest, but they went through and voted.

Q. You stated that there were three men on Ladies' Island that would have voted the Democratic ticket. Who were they, and how were they prevented?—A. One of them by name of Lauten. I don't know his other name. He said if he could not vote for who he pleased he would not vote at all. I don't know the names of the other two.

Q. Was there anything more done to them than was done to the rest?—A. No, sir; they was pulling them and take their ticket out of their hand.

Q. You say that you were threatened here by Amos Barnes before election. How long before election was it?—A. On the 26th of October.

Q. Was that your first difficulty with Amos Barnes?—A. Yes, sir.

Q. Did not that grow out of a personal difficulty, and had no reference to politics in the first instance?—A. It did not, sir. I and him was very friendly up to that day.

Q. Do you mean to swear that it was not about personal relations that this thing started?—A. It was not, sir.

Q. Then you mean to say it started purely out of politics?—A. Yes, sir.

Q. Who commenced this attack, Barnes or yourself?—A. Barnes, sir.

Q. Did not you call Barnes a son of a bitch, at his shop, on one occasion, and at Crofut's store, before he whipped you on the Green?—A. I did not, until after he cursed me. Then I turned it back to him.

Q. Did not you have him arrested and taken before the United States court for intimidation?—A. I did, sir.

Q. You went before the grand jury there, did not you?—A. Yes, sir.

Q. And your case was thrown out, was not it?—A. The grand jury brought in no bill at that court, but it is not done yet; we will have it over again at the next term of court.

Q. Who was that man with Barnes when he whipped you?—A. I do not know who he was.

Q. How long was it after election that you were whipped?—A. Between three weeks and a month after. It was on the 3d of December.

Redirect:

Q. Why was it that you did not prosecute Barnes before the State court?—A. Because it was intimidation against the United States election; and because I could not get justice in the State courts.

Q. Why couldn't you get justice in the State courts?—A. Because they were all Republican officers and a Democrat could not get justice.

A. P. JENKINS.

Sworn to before me this 22d day of February, A. D. 1877.

[SEAL.]

M. R. COOPER,  
Notary Public.

Adjourned to 3 o'clock p. m.

M. R. COOPER.

## EXHIBIT 1, M. R. C.

BEAUFORT, S. C., *Oct. the 10, 1876.*

Abram P. Jenkins, you dam Democrat sunverbitch, how dare such a dam black negro like you to go Democrat; if you don't change your political opinion by Saturday night we will kill you; but you must walk very strate, if not we will kill you, if it is not until 6 months. We want Smawls to be our Congressmon and you vote for Tilmon; we are going to vote for Hayse and Wheller; and the idear you going around and telling the people to vote for Tilmon and Hendrix; if we can't get you before the election we will get you after, if it is six months to come.

ABRAM P. JENKINS.

In the contest between George D. Tillman and Robert Smalls for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*County of Beaufort:*

BEAUFORT, S. C., *February 22, 1877.*

H. G. JUDD, a witness of legal age produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant's counsel:

Question. State your name, age, residence, and occupation.—Answer. H. G. Judd, Beaufort, South Carolina; attorney at law; fifty-four years old.

Q. How long have you resided at Beaufort?—A. Since the 17th of March, 1862.

Q. Where did you reside previously?—A. The last five years previous in the State of Vermont; previous to that in New York and other Northern States.

Q. What official position have you lately occupied in this State; from what time to what time, if any?—A. I have been clerk of the court of common pleas and general sessions in this county from the 1st of September, 1868, to the evening of the 6th of February, instant.

Q. Please state whether any, and what, oaths of the commissioners and managers of election for the general election held on the 7th day of November last were filed in your said office?—A. The oaths of the three commissioners, Dr. Wilder, Dr. Johnson, and Mr. J. W. Brown, were duly filed on the 26th or 27th of October last; other than those, no oaths of the officers of the last election were filed. I was under the impression that others had been filed, but, after investigation, find that no others were filed.

Q. Do you state that the oath of office of none of the managers of the said election prescribed by the constitution were filed in your office as county clerk?—A. In referring to the impression of my mind, spoken of in answer to the previous question, I found that none were filed excepting the three commissioners' oaths.

Q. Is your office also known as the office of the county clerk?—A. It is, and has hitherto had a sign with those words on the door.

Q. Do you keep a book for entering and the filing of papers in your office, and were any of the oaths of said managers of election entered therein as filed?—A. I do keep a book. It is called the file-book, and the oaths of managers of election were not filed therein.

Q. At what precinct were you at on the day of the general election in November last?—A. From half past ten in the morning until half past twelve, I was about fifty yards from the brick church on Saint Helena Island—Brick Church precinct.

Q. Do you know whether or not the voters at that precinct were sworn before they voted?—A. I do not.

Q. Did you see them sworn?—A. I did not; nor hear them.

Q. Were you in a position to see that they were sworn?—A. I could see the voters, but saw no manager. I could not hear, nor could not see.

Q. Is there any circumstance connected with the voting from which you could judge whether they were sworn or not?

(Question objected to by counsel for contestee, on the ground that it is simply asking an opinion and not for his own knowledge.)

A. There is this: that voters, with ballots in their hands, followed each other so rapidly in depositing their votes that I could not see how an oath could be administered, unless it were done collectively.

Q. Was there any violence at that precinct on that day; if so, by whom, toward whom?—A. I saw but one act of personal violence. I could not name the parties who committed the act, as there were at least twenty engaged. The party who was assaulted was known to me as Freeman. His clothing was very nearly all torn off his back; his coat entirely torn off.

Q. What was the cause of this violence?—A. The only words I heard used were, "Damn the Democrat," and "We won't have any of those damned votes used here."

Q. To what party did Freeman belong?—A. From my own knowledge, I am unable to say.

Q. To what party did he belong by general reputation?

(Objected to by contestee's counsel.)

A. I have since known him to be classed as a Democrat. It was patent to me there at the time that he was a Democrat, and was abused on that account.

Q. Were his assailants white or colored Democrats or Republicans?—A. They were all colored, and I believe them to be all Republicans.

Q. What finally became of Freeman?—A. The last I saw of him he was cared for by several of the colored men who appeared to be very quiet, who went down toward the white church with him, picking up the pieces of clothing as he went along.

Q. Were there any threats or curses made against Democrats at that precinct?—A. I heard no threats beyond the expression already made use of, "That no damn Democrats should vote here," which were constantly repeated in various ways.

Q. Do you remember the result of the vote at that precinct; how many whites, how many colored, and how many Republicans and how many Democrats?—A. I think there were about twenty white votes and about seven hundred colored. I could not say how many Democrats or how many Republicans.

Q. Please state the number of white and colored voters respectively on the following islands: Saint Helena; Ladies'; Port Royal, outside of the towns of Beaufort and Port Royal; Paris Island, and Hilton Head. I mean the usual voting population?

(Question objected to, as it will include polling precincts not specifically mentioned in notice of contest, as required by law.)

A. On Saint Helena about one thousand colored and twenty-four whites. Ladies' Island, embracing several small islands, three hundred and twenty-five colored and from five to seven whites. Port Royal Island, outside of Beaufort town and Port Royal, six hundred and thirty colored and about ten whites. Paris Island, two hundred and fifty colored and five whites. Hilton Head, four hundred and thirty colored

and twelve whites. I wish to be understood that these numbers are approximate to the truth, as many are in the habit of voting at precincts other than their own.

Q. Please state the distances between the following precincts: Coffin's Point to Brick Church, Brick Church to Woodlawn, Woodlawn to Beaufort, Beaufort to Port Royal, Beaufort to Myrtle Bush, Myrtle Bush to Gray's Hill, Myrtle Bush to Port Royal, Port Royal to Paris Island?—A. From Coffin's Point to Brick Church, five miles; Brick Church to Woodlawn, eight miles; Woodlawn to Beaufort, three miles; Beaufort to Port Royal, five miles; Beaufort to Myrtle Bush, six miles; Myrtle Bush to Gray's Hill, seven miles; Myrtle Bush to Port Royal, about two miles; Port Royal to Paris Island, two and a half miles.

Q. Under the election laws of this State are voters required to vote at their nearest precinct, or can they vote at any one precinct in the county?—A. They can vote at any one precinct in the county.

Q. If repeating were practiced on these sea islands, would it be possible to prevent it under the existing laws and circumstances or to detect it?—A. I think it would be utterly impossible to prevent or to detect it.

Q. Please state the increase in the vote of this county at the last general election over that of any previous election.—A. In round numbers it was thirty-two hundred over the highest vote ever cast before in the county.

Cross-examined by counsel for contestee:

Q. You state that the vote is thirty-two hundred more than was ever cast before; do you speak from statistics or from recollection?—A. Partly from each.

Q. Has there been a Democratic ticket run in this county since reconstruction, or any ticket that would naturally call out the Democratic vote?—A. In 1872, what was known as the bolter's ticket was run, and I think it called out a good number of Democratic votes, although the ticket was not technically called a Democratic ticket.

Q. Were the bolters, by their platforms and their candidates or campaign speeches, less radical in 1872 than the party known as the regulars?—A. I think that they were. Led by such men as Mr. Tomlinson, I think they were.

Q. Have you any means of knowing what number of Democrats supported the bolter's ticket in 1872?—A. I have none.

Q. Is that the only election in your judgment that would have been likely to call out the Democratic vote since reconstruction?—A. I think there was a good deal of feeling in 1870, which would naturally bring out a good many Democratic votes, and that those votes would be brought out more on the color question.

Q. Were not the gubernatorial candidates and Congressional candidates in this State in the years 1870, 1872, and 1874, in other words, every election since reconstruction, except 1876, open and avowed Republicans at the time of their candidacy, and are they not the same to-day, so many of them as are living?—A. They did and do profess to be Republicans.

Q. What, if anything, is the increased Republican vote in this county over any past election?—A. I can't answer that question.

Q. What if anything has been the Democratic vote in this county before 1876?—A. There being no straight-out Democratic ticket, I cannot answer.

Q. Was not the campaign in 1876 of such a character as to bring out all the available strength of both parties?—A. I think it was, unquestionably.

Q. What oaths are usually filed in the office of clerk of court in elec-

tion?—A. In 1870 and in 1872, I think very nearly all the oaths of commissioners and managers were filed, and in 1874 about two-thirds of the managers, and all the commissioners, and in this latter case they were filed by the commissioners as they came in.

Q. Who, if any one, is required by law to file the oaths of the managers?—A. I think it is the managers themselves.

Q. Is there such an office known to the law as clerk of the county?—A. I think it is not a statutory term, although used in the statutes. I think in this very case the term is used.

Q. You have stated that it was your impression that these oaths were filed, but when you searched for them they could not be found; was it possible for them to be abstracted from your office?—A. Yes, it was possible, but in my mind not probable, for they were in an obscure place.

Q. Did it ever occur to you whether or not the voters at Brick Church precinct, Saint Helena, were or were not sworn before you were called on to testify in this case?—A. I can safely say it did. It occurred to me immediately.

Q. Did it occur to you at the time?—A. This occurred to me: that it was wonderful if any one could read the oaths so fast. Yes; I can safely say it did.

Q. Has it not been the custom, and at Saint Helena particularly, to swear the voters in squads, without regard to number?—A. I can't say as to Saint Helena particularly, but I have seen them sworn in squads at Beaufort precinct.

Q. You state that you were about fifty yards from where the voting was going on; were you in company or conversation with anybody; if so, who?—A. No particular conversation with any one.

Q. How long were you sitting in that position?—A. About two hours.

Q. You state that you saw one act of violence at that time; do you know what gave rise to that act of violence?—A. I do not, except by inference from the words used.

Q. You state that it was upon a man by the name of Freeman, his first name you do not know; at what place does he reside in Saint Helena?—A. I do not know his residence, but think it to be Land's End.

Q. Please describe the man, his business at that time, since, and for some reasonable time before.—A. He is a stout, strong man, broad face, uncommonly full face. I don't know his business, and he was distributing Democratic votes that day. I don't know what business he was or is in at present.

Q. Are you well acquainted with the people from the island?—A. Yes, generally; most of the younger men that are growing up now; I don't know their names.

Q. Do you know any of those that were engaged in this melee?—A. I do not. It began in among so many that I could not distinguish any of them.

Q. Do you know whether it grew out of any political differences or not—this disturbance?—A. I only know from what I heard: "Damn the Democrats—we won't have any of them votes here." I only know what could be inferred from their language.

Q. Do you know whether this attack was made upon him by a Republican or Democrat?—A. No, I do not.

H. G. JUDD.

Sworn to before me this 22d day of February, 1877.

[SEAL.]

M. R. COOPER,

Notary Public.

The examination is adjourned to 9 o'clock a. m. to-morrow.

M. R. COOPER.

In the contest between George D. Tillman and Robert Smalls for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*County of Beaufort:*

BEAUFORT, *February 23, 1877.*

The examination is resumed pursuant to adjournment.

Present, William Elliott, counsel for contestant, and Alfred Williams, counsel for contestee.

JACK FREEMAN, colored, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant's counsel :

Question. State your age, residence, occupation, and name.—Answer. Jack Freeman is my name; age, about forty-seven; reside on Saint Helena Island; my occupation is boating and farming.

Q. What party did you support at the last general election?—A. Governor Hampton. The Democratic party.

Q. Were you ever cursed or abused during the campaign; and, if so, by whom? I mean because of your being a Democrat.—A. Yes, sir; the first was about the 6th of October. I was in the town of Beaufort. I had a little talk with this fellow Morgan, a Republican, in the streets. We had a little arguing about politics. I told him I would support Hampton for governor; then this constable came along and said I must shut up, that they did not allow any Democrat to come here to speak in Beaufort. He was a policeman in the town. I told him I would not shut up; that I was not disturbing the peace of the town; that I think a Democrat had as much right as a Republican. Then he grabbed me hold and said I must come on to the guard-house. I refused to go, and the crowd gathered round me and dragged me to the guard-house. That was about six o'clock in the afternoon, and they kept me there until next morning, and made me pay three dollars, or else I had to work on the streets for three days.

Q. To what party did this policeman, Joe Robinson, belong?—A. To the Republican party.

Q. To what party did all of this crowd belong?—A. Republican party.

Q. Was anything done with Morgan?—A. No, sir. The next time they troubled me was on the 6th of November, the night before the election. They had a meeting in town, and Congressman Smalls was speaking. I asked him where was Governor Chamberlain when the riot was in Hamburg. His reply was, "Put a corn-cob in that Democrat's mouth." As soon as he said that I was crowded and knocked down and struck with a stick. Here is the mark in my head now, and I was washed in blood. They then took me to the guard-house. I was there about two or three hours, and some gentlemen, Mr. Kressel, Mr. Elliott, and some others, came there and took me out and brought me to Mr. Harrison's store, and gave me something to put on the wound, and then I went down to get my boat to start for home, and they had stolen all my sail and oars and had my boat sunk full of water. I then got in with Mr. Van Ness and two other men, and went cross the ferry and went cross to Saint Helena.

Q. How big a crowd attacked you on this occasion?—A. Some eight or ten, as well as I could see; they had me covered.

Q. How many times were you struck?—A. I was struck twice on the head with a stick; here is the mark now. Some three or four struck me with their fists.

Q. Were these men Republicans or Democrats?—A. Well, they claim to be Republicans, far as I know.

Q. Were any of those that struck you arrested?—A. No, sir; I never seen any; I was put in a room by myself. I never seen any arrested.

Q. Were any threats made against you during the campaign because you were a Democrat?—A. No more than what I have stated already.

Q. Were threats made against Democrats generally?—A. At that time they stated to me that they would not let Democrats speak.

Q. Was anything said what would be done with Democrats for voting the Democratic ticket?—A. No, sir; they never said anything to me.

Q. Was anything said to other Democrats?—A. I don't know, sir; I never heard them say.

Q. Was anything said about putting Democrats through, or such language?—A. They didn't use that to me, no more than what I stated.

Cross-examined by counsel for contestee:

Q. Did you vote on the day of the election?—A. Yes, sir.

Q. How did you vote?—A. I voted for Governor Hampton.

Q. State where it was?—A. On Saint Helena.

Q. This attack that you speak of was made upon you at a Republican meeting, was it not?—A. Yes, sir.

Q. You had interrupted the meeting by asking questions, had you not?—A. Well, I did not think it was interrupting; I only asked that question.

Q. It was at this meeting that you were told that they would not allow Democrats to speak, was it not?—A. No; that was the time when the policeman arrested me.

Q. Were you tried the next morning after your arrest by the town authorities?—A. Yes, sir.

Q. How long was that prior to the election?—A. I think it was the 6th or 7th of October. It was in that month.

Q. You say at the meeting you were attacked by eight or ten persons who claimed to be Republicans. Please give their names?—A. I could not tell; the crowd was so big. I only heard Smalls speak. I know it was the marshal and policeman that carried me to the guard-house.

Q. Then these persons who made the attack upon you were officers of the peace, were they?—A. No.

Q. How do you know whether they were Democrats or Republicans? Had you any conversation with them before the attack?—A. No, sir; I had no conversation with them. I only judge it to be. As soon as Smalls said, "Put a corn-cob in that Democrat's mouth," they crowded me. That is how I know.

Q. Had you not had some difficulty with some person in the crowd before these parties attacked you?—A. No, sir; only what I stated at first.

Q. Have you not seen just such quarrels among Republicans at meetings?—A. No, sir; I never seen just such one as this on me—ten or twenty men get up on one.

Q. How do you wish to be understood? Was there eight or ten, or ten or twenty?—A. As far as I could see, I judge it to be about ten; may be more.

Q. This was at a Republican meeting where there was several hundred present, was it not?—A. Was at a Republican meeting, sir.

Q. Large attendance?—A. Yes, sir.

Q. Do you know who it was that struck you?—A. No, sir; I could not tell.

Q. In this crowd of eight or ten there were several Democrats that came to your assistance, were there not?—A. No, sir. After the fuss they did. Mr. Kressel and others took me out of the guard-house.

Q. If you did not know any of the crowd that attacked you, how do you know that there were no Democrats among them?—A. I only judge by the word of Smalls that they were Republicans.

Q. Were there other Democrats at that meeting?—A. I never seen any. After I was taken out of the guard-house, I saw Mr. Kressel and several others.

Q. Then you only supposed these persons who attacked you to be Republicans because they attacked you at a Republican meeting?—A. I judge it to be by the word of Smalls. As soon as he said, "Put a corn-cob in that Democrat's mouth," I was struck.

Q. Name some persons whom you saw at that meeting.—A. On the stand I seen Smalls, Bamfield, Sammy Green, Lawrence, and there was seven or eight hundred men there. I could not tell.

Q. You say you saw Mr. Kressel and Mr. Van Ness there?—A. Afterwards I did.

Q. Now, name some others that were there.—A. I couldn't. There was so many. I saw hundreds. It was in the night. I couldn't see.

Q. Who was it arrested you on that night. Give his name.—A. Joe Cohen, marshal, was one.

Q. Do you know how many voters there are on Saint Helena Island?—A. No, sir; I never have taken any particular account of them.

Q. Do you know whether it is a large Republican precinct or not?—A. I believe it is a large Republican precinct.

Q. What ticket did you vote at that precinct the day of election?—A. I voted for Governor Hampton—the Democratic ticket.

JACK FREEMAN.

Sworn and subscribed to before me this 23d day of February, A. D. 1877.

[SEAL.]

M. R. COOPER,  
*Notary Public.*

Adjourned to 3 o'clock p. m.

M. R. COOPER.

In the contest between George D. Tillman and Robert Smalls for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*County of Beaufort:*

Examination is here resumed, pursuant to adjournment, 3 o'clock p. m., 23d February, 1877:

S. J. BAMPFIELD, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by counsel for contestant:

Question. State your name, age, residence, and occupation.—Answer. S. J. Bampfield; age, twenty-seven; reside in the town of Beaufort. I am clerk of the court of common pleas and general sessions of Beaufort County.

Q. How long have you held that office?—A. I succeeded Mr. Judd the 13th of this month.

Q. Is your office also known as county clerk?—A. Yes, sir.

Q. Are there on file in your office the oaths of the commissioners and managers of election for the general election held on the 7th day of



November last, or any of them?—A. The oaths of the three commissioners are on record, but none of the managers.

Q. Do you testify after examination of your file-book and other official records?—A. My attention was especially called to the oaths of the commissioners by Mr. Judd, who said the others were not there. I have made no personal examination.

(The witness was here called upon to produce his file-book and other official papers relating to the filing of the oaths of commissioners and managers of election, and the same are produced.)

Q. Please state whether you have examined your file-book and other official records, and whether you find any other oaths than those above stated have been filed in your office.—A. I have examined, and the only papers I find in connection with the late election are these three oaths of the commissioners of election. There is no evidence of any others having been filed.

Cross examined by Alfred Williams, counsel for contestee:

Q. State whether or not you know if these managers' oaths were ever filed in your office.—A. I understood Mr. Judd that they were brought there for filing, and were taken away again.

(Objected to.)

Q. Did Mr. Judd make that statement to you in turning over the office to you by way of accounting for these oaths?

(Objected to.)

A. After receiving the subpoena to bring the official records here, I spoke to Mr. Judd about it, and in explanation I understood him to say that they were brought there, and the clerk of the board, Mr. Laws, said that he wanted them for some purpose and took them into his office.

Q. Did you succeed Mr. Judd to the office of clerk of the court?—A. Yes, sir.

Q. Please consult your file-book and state whether or not it has been the custom to file such oaths in that book.

(Objected to.)

A. I find nothing in the file-book relating to the elections.

Q. Is it unusual to allow papers on file in the clerk's office to be taken out by responsible persons with the promise to return them?—A. I have only held the office from the 13th of this month, and could not answer from my personal knowledge.

Q. Why was it that you did not enter upon the discharge of your duties as clerk of the court until the 13th of the present month?—

A. Because Mr. Judd formerly refused to turn over the office, claiming that the election for county officers held on the 7th of November was unauthorized, and never turned it over to me until the supreme court declared that the election was valid.

Q. State whether or not Mr. Judd was a candidate for clerk of the court at the last election?—A. He was, sir.

Q. Was he defeated?—A. He was, sir.

Q. Upon what ticket was he a candidate?—A. Upon the Democratic ticket.

Redirect:

Q. Were you elected to your present position at the last election, and on what ticket?—A. I was; on the Republican ticket.

Q. Do you reside with Congressman Smalls, the contestee in this case?—A. I do, sir.

Q. Did Mr. Judd state to you that all the oaths of the managers had been filed?—A. No, sir.

Q. Did he state that a part only had been filed?—A. My recollection is that he used the word “papers.” He did not say “oaths” especially. He stated that in reply to a question of mine as to where I could find the records of the election.

Q. Did he say that any oaths of the managers had been filed in his office?—A. No, sir. I did not ask especially for the oaths.

Q. Do you not know that he was referring to the statement of the result of the election, which Mr. Laws had filed in his office?—A. No, sir; I do not.

S. J. BAMPFIELD.

Sworn to before me this 23d day of February, A. D. 1877.

[SEAL.]

M. R. COOPER,  
*Notary Public.*

The examination is adjourned to 9 o'clock a. m. to-morrow.

M. R. COOPER,  
*Notary Public.*

In the contest between George D. Tillman and Robert Smalls for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*County of Beaufort :*

LAW BUILDING, BEAUFORT, S. C.,  
*February 24, 1877.*

Examination is resumed, pursuant to adjournment.

Present, William Elliott, counsel for contestant, and Alfred Williams, counsel for contestee.

JOHN F. PORTEOUS, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by counsel for contestant:

Question. State your name, age, residence, and occupation.—Answer. John F. Porteous; age, fifty-one; reside on Saint Helena Island in this county; school-teacher by occupation.

Q. At what precinct were you at the general election held on the 7th of November last, and in what capacity?—A. At Gray's Hill precinct, and was United States supervisor of election.

Q. What time did you arrive, and when did you leave?—A. We arrived about half past 6 o'clock in the morning, and left about 11 o'clock that night.

Q. When were the polls opened and when closed?—A. Opened at half past 6 in the morning and closed at 6 in the evening.

Q. Please state whether any violence occurred at the polls, and by whom, toward whom?—A. The voting proceeded very quietly for an hour or two when the negroes became very violent, declaring that it was a Republican poll, and that they would allow no Democrat to have anything to do with it. I heard them say that neither I nor Mr. Van Ness (the other Democratic white person that was there) should return to Beaufort with our lives, and that any negro who was fool enough to vote the Democratic ticket should have his brains knocked out. The only white man who came there to vote, that I saw, said to me, that he was afraid to go up to vote on account of the crowd there, fearing his life.

(Objected to by contestee's counsel.)

After the voting was done they crowded into the house while the votes were being counted, and were so violent in their manner, swearing that they would show that it was a Republican place, and no Democrat should be allowed there, that I was obliged to call on Mr. Samuel Greene, Robert Hamilton, and other head men of the Republican party, to keep them quiet for us to get through with our labors.

Q. Did the white man that you speak of vote at that precinct?—A. No, sir; he did not.

Q. How large a crowd was present at the poll at the time this disturbance was going on?—A. I should say between three and four hundred; I could not say accurately.

Q. Was any violence done towards you? If so, describe it.—A. I went out of the door and was speaking to one or two of them about history, answering their questions, when I was violently accosted by one or two of them, and asked why I had come out there to cheat them, and I was set upon then by some fifty or sixty of them, and hustled and otherwise roughly treated, until by the aid of some of the older negroes present, I got back into the house where the ballot-box was being kept.

Q. Did you inform them of your position as United States supervisor?—A. Directly, as I was violently accosted in this manner that I speak of, I took out my instructions and attempted to read them to them, when it was snatched from my hand by a negro and taken away, and I saw no more of them.

Q. After you got back into the house did you again venture out?—A. No, not again.

Q. From the demeanor of the crowd, what, in your opinion, would have been done with you if you had come out?

(Objected to.)

A. They said if I went out they would kill me. It is not a matter of opinion.

Q. Were any curses made against Mr. Van Ness and yourself? If so, state what they were.—A. We were called damn rebel Democrats, and threatened that our lives would be taken; that we shouldn't leave that place alive.

Q. What position did Mr. Van Ness occupy?—A. Manager of the election—one of the managers of the election.

Q. Did you leave there before the crowd dispersed?—A. No. When we left there the crowd had dispersed.

Q. Were you, or not, prevented by this violence from properly discharging the duties of your office?—A. I was for some time.

Q. Were threats made generally against Democrats? If so, what were they?—A. As I have stated in the beginning, threats were made that no Democrat should vote at that poll.

Q. Were these threats made openly, and how often, and by how many?—A. Openly, repeatedly, and by a good many.

Q. By what party?—A. By the Republican party.

Q. Was it safe for a man to vote the Democratic ticket openly?—A. No, it was not; decidedly not.

Q. Was it possible for a colored man to vote the Democratic ticket openly?—A. Yes, it was possible, but not safe.

Q. Were the crowd armed in any way?—A. They were armed with sticks and clubs. I saw no fire-arms.

Q. Prior to the election, did you hear any threats against Democrats? If so, state what they were, and how frequently made.—A. On the Saturday previously to the election I was told by a young man out here at the Swamp plantation that his company meant to go to the polls on the

day of the election to prove that it was a Republican poll and not a Democrat. I asked them what poll they were going to. They said, "Gray's Hill."

(Objected to.)

Cross-examined by Alfred Williams, counsel for contestee :

Q. You say the voting proceeded quietly for an hour or two, when the negroes became violent; what was the cause of that violence?—A. They declared that they were being cheated by the Democrats.

Q. Did they not at that time discover an imitation of the Republican ticket with the names upon it of the Democratic candidates?—A. Whether they had just discovered it or not I don't know, but they said the Democrats had tried to cheat them with false tickets.

Q. Was this ticket such a close imitation of the regular Republican ticket that any person who could not read would be deceived into voting it?—A. Yes, it was.

Q. Then this dissatisfaction arose through fear that some of the persons had voted this ticket through mistake, did it not?—A. I have no means of saying yes or no. They said that they were being cheated, but they did not say that any had been cheated.

Q. Do you know of anybody who was prevented or obstructed in casting their vote at that precinct on the day of election?—A. I know of this white man certainly, and I know of several negroes who told me they were going to vote there, but I don't know whether they voted or not.

Q. Who was this white man?—A. A Mr. Hammond, a section-master on the Port Royal Railroad.

Q. Do you know where he resided prior to his employment on the Port Royal Railroad?—A. No; I do not.

Q. Do you know whether or not he was legally qualified to vote in the State of South Carolina?—A. I know he was a South Carolinian. He had been in the confederate war. He was a soldier.

Q. Do you not know that he was a citizen of the State of Georgia and disqualified to vote in this State?—A. No; I do not know that, and I don't believe that.

Q. Do you wish to be understood as swearing positively that he was not a citizen of the State of Georgia?—A. No; I do not swear anything of the kind. I state my belief, but not my knowledge.

Q. State whether or not you know that Mr. Hammond has a family and where they reside.—A. Yes; he has a family, and I know where they reside.

Q. Where?—A. He resides near five miles from Gray's Hill, on the railroad. He has a house there and a wife and some children.

Q. How was he prevented from voting? Did anybody assault him or offer any violence to him?—A. I saw no attempt to assault him, but they were so violent at the window where they were voting that he was afraid to go up—violent in their threats that no Democrat should go there.

Q. Were any Democratic votes cast at Gray's Hill on the day of the election?—A. Yes; there were nine.

Q. Do you know how many Democratic voters there are at that precinct?—A. No; I do not.

Q. Do you know of any other besides Mr. Hammond who was prevented from voting on the day of the election?—A. Of my own knowledge I do not.

Q. When this violence was offered you, were you struck by any one?—

A. I did not feel any blow ; but when I came out my hand was bleeding as if it had been struck or scratched.

Q. Then, at the time you were hustled, you were having an argument with persons in the crowd, were you not ?—A. No ; I had not. It was just before this rough treatment that my instructions had been torn out of my hands.

Q. What were these questions of history ? What did they relate to ?—A. The questions were whether or not it was not Capt. John Smith that first brought slavery to this country. My answer was that what history tells us Capt. John Smith was long before slavery ; that he was one of the first settlers of Virginia.

Q. It was at the time of this historical discussion on slavery that you were violently accosted, was it not ?—A. No ; it was after that.

Q. Was it any part of your duty as supervisor of election to discuss historical questions at the polls ?—A. No ; it was not, nor did I discuss them. They ignorantly asked me the question, which I had the knowledge to answer.

Q. Did you offer to distribute any tickets on the day of the election ?—A. I did not. I took some tickets from Mr. Van Ness as a politeness, and put them on the window, and said here are tickets that you can vote if you like ; not that you must vote, but simply that here are tickets that you can vote.

Q. Were these tickets printed in imitation of the Republican tickets and likely to deceive ?—A. I did not observe these tickets at all ; I did not know whether they were Republican or Democratic tickets ; I asked no questions about them, but I simply put them on the window.

Q. Was Mr. Van Ness a Republican or Democrat in politics ?—A. So far as I know he voted with the Democratic party in this election ; that is, he worked with them, and I suppose he voted with them.

Q. Did you vote on the day of election, and where ?—Yes ; I voted at Gray's Hill.

Q. What ticket ?—The Democratic ticket.

Q. You say that you called on Samuel Green and other head men of the Republican party to quiet the crowd. Did they act willingly ?—A. I called upon them as the United States official at that polls, and they acted willingly.

Q. Are you well known at Gray's Hill precinct ?—A. I am.

Q. Please give the names of some of the fifty or sixty whom you say hustled and otherwise ill-treated you ?—A. I am not able to do so.

Q. Do you wish to be understood as stating positively that Mr. Hammond did not vote on the day of election, or that you did not see him vote ?—A. I wish to be understood as saying positively that he did not vote at the Gray's Hill poll, as it was unsafe, in his opinion, to do so. It was clearly unsafe, from what he saw, to do so.

Q. Did any one attempt to strike Mr. Hammond, or offer him any injury ?—A. He was not assaulted or struck by any one, but he was afraid to go up to vote.

Q. Who was it that said if you went out they would kill you ?—A. It was said by the crowd outside, by no one person particularly, but by the crowd.

JNO. F. PORTEOUS.

Sworn and subscribed to before me this 24th day of February, A. D. 1877.

[SEAL.]

M. R. COOPER,  
Notary Public.

Redirect:

Q. Did you offer any of these imitation tickets to voters?—A. No; I did not.

Q. Was there any person at the polls distributing Democratic tickets of any kind?—A. No; there was not to my knowledge.

Q. Were there or not more than one kind of Republican tickets at the polls?—A. I can't say that there was, I think there was, but I am not sure. There was one printed in red ink, and I think there was one in darker ink.

Q. Do you know whether or not the violence at the polls kept any one from voting the Democratic ticket besides Hammond?—A. No; I do not know. What I believe is another thing, but I do not know.

Q. What is your belief on the subject?

(Objected to.)

A. I believe that there were.

JNO. F. PORTEOUS.

Sworn to before me and subscribed this 24th day of February, A. D. 1877.

[SEAL.]

M. R. COOPER,  
*Notary Public.*

In the contest between George D. Tillman and Robert Smalls for a seat in the United States Congress.

STATE OF SOUTH CAROLINA,  
*County of Beaufort:*

LAW BUILDING, BEAUFORT, S. C.,  
*February 24, 1877.*

The examination is resumed, pursuant to adjournment.

WILLIAM PRICE, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by counsel for contestant:

Question. State your name, age, residence, and occupation.—Answer. My name is William Price; I am about twenty-four years old; I reside at this time out here at the Atlantic Saw Mills; I have been working at the mills.

Q. At what precinct did you vote at the election in November last?—A. At Gardiner's Corner precinct.

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

Q. Did the crowd see what ticket you voted?—A. Yes, sir.

Q. State what happened immediately after you voted.—A. Directly after I voted there was some fifteen or twenty of them that said they were going to take me up and whip me for voting the Democratic ticket. I told them if they wanted to whip me, to go ahead; that they were more than me, one; that I could not do anything with the party of them. They followed me from Gardiner's Corner to Sheldon Station, and I believe with the intention of whipping me.

Q. Who were those men—white or colored? Democrats or Republicans?—A. They were colored Republicans.

Q. Did they have weapons of any kind?—A. Some of them had switches.

Q. Did you leave Gardiner's Corner immediately, and how did you leave?—A. I left immediately, on horseback.

Q. Did they follow you to Sheldon Station?—A. Yes, sir.

Q. How far is Sheldon Station from Gardiner's Corner?—A. The best I can tell, it is about a mile and a half.

Q. Where were you and what were you doing when they got to the station?—A. I was in the stable, feeding and attending to my horse.

Q. State what occurred there?—A. They came up and asked where I was, and they told them I was in the stable. They came to the stable and said they were going to take me out and whip me also for voting the Democratic ticket. I told them if they wanted to whip me to just fire away, and that I was not afraid of them or any of the crowd.

Q. Do you know any of these men?—A. Yes, sir; I know two of them; one named Billy Heyward, and Jacob Cuthbert.

Q. What kept them from carrying out their threats?—A. I don't know, sir, what kept them from it.

his  
WILLIAM X PRICE.  
mark.

Sworn and subscribed to before me this 24th day of February, A. D. 1877.

[SEAL.]

M. R. COOPER,  
*Notary Public.*

The examination is here adjourned until 3 o'clock p. m.

M. R. COOPER.

The examination is not resumed in consequence of non-appearance of witnesses, and is hereby adjourned, to meet here on Monday, 26th instant, at 9 o'clock a. m.

M. R. COOPER.

In the contest between George D. Tillman and Robert Smalls for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA:  
*County of Beaufort:*

LAW BUILDING, BEAUFORT, S. C.,  
*February 26, 1877.*

The examination is resumed pursuant to adjournment.

Present, William Elliott, counsel for contestant, and Alfred Williams, counsel for contestee.

H. B. VAN NESS, a witness of legal age, produced by contestant, upon due notice to contestee, deposes as follows in reference to questions propounded by contestant's counsel:

Question. State your name, age, residence, and occupation.—Answer. H. B. Van Ness; age, thirty-seven; reside in Beaufort, Beaufort County, South Carolina; carpenter by occupation.

Q. How long have you resided in Beaufort County, and where did you reside previously?—A. I have resided in Beaufort County about twelve years. I was born in Hudson, Columbia County, New York State; I have always resided in that State before coming here.

Q. Did you serve in the late war, and in what command?—A. I served under Kilpatrick, in the United States Army.

Q. At what precinct were you at the election on the 7th of November last, and in what capacity?—A. I was at Gray's Hill precinct, and was one of the managers of the election.

Q. Were the voters at that precinct sworn before voting, and in what

H. Mis 11—6

way?—A. Yes, they were sworn; sometimes three and four at the same time.

Q. Was there any violence at the polls that day; if so, by whom, toward whom?—A. Yes, sir; they used Mr. Porteous pretty roughly, and an old colored man also, named Hamilton, the Republican precinct chairman. This was done by the colored people—the Republicans.

Q. What position did Mr. Porteous hold?—A. He was United States supervisor of election at that precinct.

Q. Please state just what was done to him?—A. They had him out there pulling him—dragging him backward and forward with their clubs raised over him; and I heard them call out, "Knock his damn brains out;" that he was "an old rebel and a Democrat."

Q. Did you see Mr. Porteous attempt to read any papers to them?—A. No, sir; I did not see it.

Q. What became of him finally?—A. They opened the back door and got him inside of the house.

Q. Why was he taken inside of the building?—A. To rescue him from this crowd.

Q. How many were in this crowd?—A. Some two or three hundred, or more; I don't know exactly; there was a pretty big crowd.

Q. Did Porteous go out again?—A. No; I advised him to stay inside, and he did not go out again until the election was over and we left for Beaufort.

Q. What was the degree of violence and riotous conduct at the polls, and what steps did you take in reference to it?—A. They threatened myself and Porteous that we shouldn't leave that building alive; "that if we came out there they would mash our damn brains out and bury us in the sand." I then called Dick Bright and told him he had better take the horse and come out to Beaufort and tell them to send out troops there to protect us; that it was not safe there. And Bright came back and told me that he had sent in word to Beaufort for troops. If I had thought it safe to have gone outside of the building, I would have left and come back to Beaufort myself.

Q. Were curses made against you and Mr. Porteous?—A. Yes; they cursed us for "God damn Democrats;" that we "should never leave the building alive."

Q. Were any threats made against Democrats generally at the polls that day? If so, describe them.—A. Yes; they said that no one should vote the Democratic ticket there that day; that if they did, they "would mash their God damn brains out and bury them right at the polls."

Q. These threats made to the colored men particularly?—A. Yes; they were. There was no white men there. The only two white men I heard them say were there went away without voting.

Q. Was it safe for a colored man to vote at the polls that day the Democratic ticket?

(Objected to.)

A. No, sir; it was not.

Q. Was the result of the election at that poll changed by this violence?—A. I could not tell, sir. If I was a colored man and wanted to vote the Democratic ticket I would not have voted it there that day.

Q. What time did you leave the precinct that night?—A. It must have been twelve or one o'clock. We got in here about two o'clock.

Q. What were you doing until that hour?—A. We were counting the votes and making out the returns.



Q. Did you make out and forward the proper returns?—A. I did, to the best of my knowledge, sir.

Q. Was any application made to you subsequently to sign other papers? If so, state what and by whom it was made.—A. Yes; some time after Dr. Wilder brought a blank filled out for me to sign of the election at Gray's Hill, and stated that there had been a mistake in the filling out of the blanks there, and that he wished me to take an affidavit to the same, and I refused to do either. A few days after that McGill brought the same blank to me to sign, and I told him I had no right to sign any other returns, and I did not sign them.

Q. Who is Dr. Wilder?—A. He is county treasurer here, I believe.

Q. To what party did he belong, and what position did he hold in connection with the election?—A. I believe he belongs to the Republican party. He acts with them. I don't know what position he held in connection with the election.

Q. Did he read you the papers he wanted you to sign?—A. No, sir; he started to read them, and I couldn't understand them, and I told him to let me look over them. He gave them to me; I looked over them, and I told him I could not sign them; that it was a return from Gray's Hill, and that I had already made the return from there.

Q. Did he show a willingness to let you have the papers for examination?—A. Yes, sir; he did not object to my looking at the papers.

Q. Who were the other two managers at that precinct, and to what party did they belong?—A. They were both Republicans. McGill did not get there in time, and they swore in another man by the name of Lawrence in his place. I don't remember the name of the other one.

Q. Did Lawrence act as manager; and, if so, how long?—A. He did; from the time the polls opened until they closed.

Q. Who swore him in?—A. Mr. Porteous.

Q. Then McGill did not act at all?—A. No, sir; he merely kept account of the vote there.

Q. Who selected Lawrence?—A. The chairman of that precinct and two or three other colored men, all Republicans.

Q. Did Mr. Porteous hold any other office than that of supervisor?—A. No, sir.

Q. How long did this violence and riotous conduct at the polls continue?—A. Two or three hours.

Cross-examined by Alfred Williams, counsel for contestee:

Q. You say that you were threatened and told that you should not leave the place alive; who made these threats?—A. Some of the colored people outside.

Q. Give their names.—A. I don't know them.

Q. Were you in the building all this time?—A. Yes, sir.

Q. How do you know that the people outside were making threats against you and Mr. Porteous?—A. They came right to the window where we were sitting and made them.

Q. Did they make them against you specially?—A. Yes; they did.

Q. Did you suffer any injury or violence at their hands?—A. No, sir; I did not, because I didn't give them a chance.

Q. What was it that provoked these people against you?—A. I can't tell you that, sir; I don't know.

Q. Did you distribute any tickets at the Gray's Hill precinct during the election?—A. I did not distribute any; I took tickets there but did not distribute any.

Q. What kind of tickets were they?—A. Democratic tickets.

Q. Did you hand any of those tickets to Mr. Porteous, the supervisor, for distribution ?—A. I don't remember whether I handed them to Mr. Porteous or not; what I had I either handed to Mr. Porteous to put on the table where the ballot-box was, or I put them there myself, I don't know which; that was before they commenced voting.

Q. Were not these tickets printed in imitation of Republican tickets and likely to deceive persons who could not read ?—A. I don't know that; I don't know whether the Democrat's tickets were printed in imitation of the Republican printed in imitation of the Democrats; they were very much alike, except the names.

Q. Were not they both printed in the same colored ink ?—A. Yes; I think they were; in fact I never paid any attention to that at all.

Q. Were not these Democratic tickets headed with the words "Union Republican ticket," the same as the Republican ticket ?—A. I could not say; I took no notice of that until the tickets were all gone.

Q. Was not this violent language caused by the discovery of these imitation tickets ?—A. I could not tell you that. The fuss was outside. The first I knew of it was they were pulling and hauling Mr. Porteous about. I was inside.

Q. Did you not hear them charge Mr. Porteous with trying to cheat them ?—A. No; I did not hear them charge him, but they asked me if I brought any Democratic tickets out there. I told them I did, and they said I had no business to bring Democratic tickets out there for them to vote.

Q. Were these red tickets ?—A. I had red tickets and black tickets both.

Q. In speaking of these tickets they referred to the red tickets especially; did they not ?—A. No; I did not understand them that it was the Democratic ticket; I heard that in Beaufort afterwards, though.

Q. Was there any violence used before the discovery of these Democratic tickets ?—A. I don't know; I don't know when they discovered them. It was about half past eight when they commenced the row, I should think.

Q. How long did this loud and angry talking last ?—A. I should think two or three hours.

Q. Do you know of anybody being hurt or injured during that time ?—A. Well they hauled and jerked Mr. Porteous round; I don't know whether they hurt him or not; and there was an old negro there that they handled pretty roughly.

Q. Do you know who he was ?—A. He was the precinct chairman there; Hamilton, I believe, was his name.

Q. What did they charge him with ?—A. I don't know.

Q. Did you hear them say ?—A. No; it was outside.

Q. Were there any Democratic votes polled at Gray's Hill that day ?—A. Yes, sir; there were nine.

Q. Do you know how many white votes there were polled ?—A. Two.

Q. Then there must have been seven colored men who voted the Democratic ticket at Gray's Hill ?—A. Yes, sir.

Q. Were any of those colored Democrats hurt or injured to your knowledge ?—A. Not to my knowledge.

Q. Do you know of any person who was prevented from voting through fear of violence at Gray's Hill precinct on the day of the election ?—A. No, I don't know of any one myself, only by hearsay.

Q. Did you see Mr. F. D. J. Lawrence at the polls that day ?—A. Yes; I saw him there about five minutes.

Q. Did you hear any of the people charge Mr. Porteous with trying

to cheat them with these red tickets?—A. I did not hear them if they did.

Q. When were you informed by Dr. Wilder that a mistake had been made in filling out the vote at the Gray's Hill precinct; did you make any effort to investigate or correct the mistake?—A. No; I did not. He told me that there was one blank that was not filled out correctly. I told him if one was correct that they must all be, for I had copied one from the other. I also told him that I did not think I had any right to sign any blank then; that it was after election.

Q. Was it not your duty to make a correct return of the votes polled?—A. I don't know if it was my duty to make correction after they had been signed by the other managers and sent in or not, and this coming by a private authority, so I did not know what Dr. Wilder had to do with it. I had no right to sign it for him or any other man.

Q. Don't you think it was your duty to correct a mistake after being informed that a mistake had been made?—A. I think it was my duty to correct a mistake provided the original blank had been brought to me and the mistake pointed out, and the other managers present to correct it, but not right to sign a document that was drawn up by any private individual.

Q. Don't you know that Dr. Wilder was one of the commissioners of election of Beaufort County, and appointed to canvass the votes?—A. No; I do not.

Q. Did not Mr. McGill, one of the managers of election, inform you that mistakes had been made?—A. No; he did not inform me; he said he was asked to bring that paper to me to sign; that Dr. Wilder said there was a mistake; and he said that he did not see anything wrong in the returns that we had made out.

Q. Did he say he had examined the returns?—A. He had looked them over before they were signed.

Q. Did you make any inquiry into the alleged mistake?—A. No, sir; I did not.

Q. State your politics, and which ticket you voted on the day of the election, and where you voted?—A. I am a Democrat. I voted that ticket at Gray's Hill precinct.

Redirect:

Q. How many kinds of Republican tickets were at the polls that day?—A. There were two; a black and a red ticket.

Q. How many kinds of Democratic tickets?—A. There were two; a black and a red one.

H. B. VAN NESS.

Sworn and subscribed to before me this 26th day of February, A. D. 1877.

[SEAL.]

M. R. COOPER,  
Notary Public.

The examination is here adjourned to half past two o'clock p. m.

M. R. COOPER.

In the contest between George D. Tillman and Robert Smalls for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
County of Beaufort:

BEAUFORT, S. C., February 26, 1877.

The examination is resumed pursuant to adjournment.

Present, William Elliott, counsel for contestant, and counsel for contestee, Alfred Williams.

M. BORCK, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by counsel for contestant:

Question. State your name, age, residence, and occupation.—Answer. My name is M. Borck. Aged sixty-three. I reside near Gray's Hill, Beaufort County, State of South Carolina, and I am by occupation a storekeeper.

Q. Where did you vote at the election on the 7th of November last?—A. I voted in the town of Beaufort.

Q. Why did you not vote at Gray's Hill?—A. On the 7th of November I got up very early and took a colored man with me and went to Gray's Hill to vote. I sent that colored man down to get me a Democrat ticket, and while he was gone I heard them colored men—there was about two or three hundred of them there, thick as bees out there—saying that if any damn Democrat come there to vote that they would kill him. They had sticks and clubs, and I got scared and came in to Beaufort to vote, and brought this colored man with me, and we both voted here in Beaufort.

Q. How far is Beaufort from Gray's Hill?—A. It is seven miles.

Q. Was Gibbes, this colored man, afraid to vote at Gray's Hill?—A. Of course; and he told me the best thing we could do was to come and vote in Beaufort.

Q. What time did you get to Gray's Hill precinct?—A. I went there soon; about quarter of seven.

Q. Why did you go so soon?—A. I wanted to get there before the crowd got there; that is why I went so soon.

Cross-examined by Alfred Williams, counsel for contestee:

Q. Do you live in the vicinity of Gray's Hill?—A. Yes; not quite two miles from there.

Q. How long have you been keeping store in that neighborhood?—A. About eight years.

Q. Are there many white residents in that vicinity?—A. No, sir; only myself.

Q. Have you ever suffered any bodily hurt or injury because of your political opinion?—A. Only in my trade; they say they wouldn't buy anything from a "damn Democrat."

Q. Did you transact any business in Beaufort on the day of the election?—A. Yes, sir.

Q. Then you came into Beaufort as much for business as to vote?—A. Yes. If I had got a chance to vote out there I would have voted out there, and would not have bothered with this voting here.

Q. If you had got a chance to vote out there you would still have come to Beaufort to transact your other business?—A. Yes, I would.

Q. Did anybody prevent or hinder you from voting at Gray's Hill?—A. No. I was about fifty yards off, and I heard the threats, and I got scared and came on to Beaufort.

Q. Do you know of anybody being prevented from voting at Gray's Hill precinct on that day?—A. No; only that threatening is all I heard; I couldn't say.

Q. You are about the only Democratic voter at that precinct, are you?—A. Yes; and that colored man, William Gibbes, that I speak of.

Q. Who was it that made these threats?—A. That is more than I can tell you. I heard that talking is all I can tell.

Q. Do you still reside and do business at that precinct?—A. Yes, sir; the election commissioners appointed me manager of that precinct out there, and as quick as I heard it I came right in here and resigned, because I know what kind of people there is out there, and I would not have anything to do with it.

Q. You being a storekeeper and dependent on these people for trade is the reason you did not want to have anything to do with it, it is not?—A. Yes; a white man has got no chance out there, and my friends don't want me to stay out there, especially since they heard of McIntire's death.

Q. If a white man has got no chance out there, how is it that you can stay there?—A. I got to stand a great deal. I got to bite a sour apple sometimes.

Q. Do you come into Beaufort quite often?—A. Yes; sometimes every day, and sometimes every other day.

Q. The road is quite lonesome from your place to Beaufort?—A. Yes; sometimes I find quite a crowd, though. When they working on the road they catch hold of my wheels, and I got so I have to carry my weapon in my pocket.

Q. You never suffered any violence on the road, have you?—A. No, sir.

Redirect :

Q. Would not some of the colored people vote the Democratic ticket if they were not afraid?—A. Yes; Dick Bright said he is a Democrat, and said he will vote the Democratic ticket. I don't know whether he voted it or not.

M. BORCK.

Sworn and subscribed to before me this 26th day of February, A. D. 1877.

[SEAL.]

M. R. COOPER,  
*Notary Public.*

In the contest between George D. Tillman and Robert Smalls for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*County of Beaufort :*

BEAUFORT, S. C., *February 26, 1877.*

JOHN G. BARNWELL, a witness of legal age, produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by counsel for contestant :

Question. State your name, age, residence, and occupation.—Answer. John G. Barnwell; age, forty-five; reside in the town of Beaufort, in this county; occupation, attorney at law.

Q. At what precinct were you at the election on the 7th of November last, and in what capacity?—A. I was at Beaufort precinct, and I was United States supervisor of election.

Q. How did the vote at that precinct compare in numbers with the vote of previous years?—A. It was very considerably larger.

Q. In consequence of this increased number, did you make inquiry as to the residence of the voters; and what was the result?—A. I did make inquiry, but not in consequence of the increase in number, but in consequence of the number of strange faces that appeared at the polls soon after I got there, when persons appeared that I never had seen before—I suppose a hundred at least—where they resided, nearly all stated

that they were from Ladies' Island. Upwards of a hundred, I suppose, said they came from Ladies' Island. There were more strangers whom I did not ask.

Q. Is there a polling-precinct on Ladies' Island?—A. There is.

Q. By how large a stream is Ladies' Island separated from Beaufort?—

A. I suppose the stream is about three-fourths of a mile wide.

Q. If repeating were attempted by Republican voters on the sea-islands of this county, would it be possible for the opposite party either to prevent or detect it; and, if not, why not?—A. I don't see, under our law, how they could prevent or detect it. We have no registration, and there are within ten miles of this place about six precincts, besides the Beaufort precinct, at any one of which any voter in this county could vote.

Q. What is the character of the population of these sea-islands as to color?—A. I suppose, outside of the towns of Beaufort and Port Royal, ninety-nine out of a hundred are negroes.

Q. State whether or not the original owners of these islands have been dispossessed of their lands under the United States direct-tax act, and whether or not said islands are now generally held under such tax-titles.

(Objected to.)

A. They were, almost without exception; and I don't think, outside of the towns, there are half dozen persons who own by any other title than the tax-titles.

Q. What class of persons generally own these lands?—A. Negroes.

Q. What is the usual means of communication between these islands, and is there any regular course of travel by colored people?—A. The usual mode of travel is by small boats and canoes, and there are a great many different landings from which they start on different islands.

Q. State whether the tickets of voters were examined at the last election at Beaufort precinct before they were cast.—A. Many of them were.

Q. State by whom and how was it stopped?—A. I saw it done by two or three persons. The only name I can remember was Joe Cohen. I think I saw West Morgan also. And I spoke to Cohen and told him if he did any such thing again I would report him.

Q. What position did Cohen occupy?—A. Town marshal.

Q. Where was he standing when this was done?—A. He was seated on the sill of the window through which the votes were passed and deposited in the box.

Q. How long did he remain there?—A. Nearly all day.

Q. Did you observe that other officials occupied somewhat similar positions?—A. Well, all day one of the marshals stood at the window.

Q. To what party did these officials belong?—A. They were all Republicans.

Q. Was there anything else that especially attracted your attention at the polls?—A. I do not remember any other thing.

Q. Were there any United States troops in the town of Beaufort on that day?—A. There was, sir.

Q. What effect did this have on the election at this precinct?—A. I think it made everything go off good-humoredly; quietly, I mean.

Q. Were there troops at any other precinct in the county?—A. Not that I know of. I think not.

Q. Why were troops sent here?—A. Because many of the whites were apprehensive of a riot, as the language of the negroes previously was very threatening.

Q. Threatening towards whom?—A. Towards the Democrats.

Q. Do you know whether or not more than one call was made for these troops before they were sent?—A. Yes, there were; several parties were sent to Columbia to try to obtain them.

Q. In response to the call of what class of persons were they finally sent?—A. In response to the call of several Northern merchants.

Q. Were calls made for troops for other precincts in the county?—A. Yes, there was; and the invariable answer in reply was that none could be spared.

Q. What was the state of feeling before the election of Republicans towards Democrats in this community, as evidenced by their acts and words?—A. The feeling was very bitter and threatening.

Q. Did you hear any threats made against Democrats; how often and in what places?—A. I heard them very frequently on the streets in Beaufort, and several times at Sheldon Depot; they were general threats that they would "kill every damn Democrat, and that they ought to have their throats cut," and various other expressions of that kind that I don't remember.

Q. For how long before the election was this kept up?—A. I did not notice any for a longer period than about a month before the election.

Q. Do you know whether or not the ladies of Democratic families were insulted on the streets of Beaufort, in consequence of their political sympathies?

(Objected to.)

A. I did hear of some instances at the time.

Q. Was this feeling by Republicans towards Democrats exhibited at any public meeting? If so, state the circumstances and the occasion.—A. At the time of the Hampton meeting here several of the speakers were not allowed to speak, in consequence of the interruptions and hooting and jeerings, made by a crowd of Republicans, who collected around in front of the would-be speakers.

Q. Was the meeting finally broken up by them?—A. It was.

Q. Were any Republican officials prominent in this? If so, please state who they were.—A. I observed two: L. S. Langley, county auditor, and Mundy Williams, a United States deputy marshal.

Q. Did this latter make himself particularly conspicuous, and how?—A. He did, by interrupting the speakers and by urging others to interrupt them and make a noise, and by resisting the efforts of the town police to keep them quiet and to keep the crowd from pressing in on the speakers.

Q. Was he at the poll on election-day as United States deputy marshal?—A. I did not see him on that day.

Q. What is the general conduct of Republicans of Beaufort at the political meetings of their opponents?—A. They are generally very turbulent. I remember two occasions; one was the Reform movement in 1870, when they prevented several speakers from making their speeches by cheering and making considerable noise.

Q. Who was the Reform candidate for Governor that year, and was he one of these speakers?—A. Judge Carpenter was, and he was one of the speakers.

Q. Was he permitted to finish his speech?—A. He was not.

Q. State any other instance.—I remember on another occasion when United States Senator Sawyer attempted to speak and was not allowed to utter a word. This was in 1872, when he was in opposition to the regular Republican ticket.

Q. How long have you resided here?—A. I have lived here all of my life except during the war.

Q. Are you a son of Hon. R. W. Barnwell, former United States Congressman and United States Senator?—A. I am.

Examination is here adjourned to 9 o'clock a. m. to-morrow, 27th instant.

M. R. COOPER.

Examination is resumed, pursuant to adjournment, at 9 o'clock a. m., February 27, 1877.

Present, William Elliott, counsel for contestant, and Alfred Williams, counsel for contestee.

The examination of J. G. Barnwell is continued.

Q. What was the total vote at the Beaufort precinct at the election in November last?—A. From what I can remember, it was six hundred and seventy-eight.

Q. What was it in any previous election?—A. In 1874 it was about two hundred less.

Q. Was the vote at Woodlawn precinct, on Ladies' Island, at the election in November last, an increase over the usual vote; if so, how much?—A. Yes; there were about one-third more votes polled there than ever were polled before.

Cross-examined by Alfred Williams, counsel for contestee:

Q. What were your duties as supervisor of election?—A. To watch the vote for member of Congress and keep tally of the vote cast.

Q. You say you compared the vote of Beaufort with that of previous years. Can you state the number of votes polled at Beaufort precinct in 1868?—A. I cannot.

Q. Can you give the number of votes polled in 1870?—A. I cannot state the exact vote of any previous years, but I will state that I examined the return of the vote of this precinct for previous years, and found in no instance that it had reached five hundred. I except the year 1868. I was not here, and don't know anything about the return then.

Q. Don't you know that the limits of the Beaufort precinct were extended so as to include territory adjacent to and outside of the limits of the town of Beaufort?—A. I never knew that precincts had any limits.

Q. Any persons resident of any portion of the county, who had resided one year in the State and sixty days in the county previous to the election, were entitled to vote at any precinct in the county, were they not?—A. They were.

Q. Does the State law require each voter before depositing his ballot to swear that he is duly qualified to vote and that he has not voted at any other precinct?—A. It does.

Q. Did these persons who appeared strangers to you take that oath on the day of election before depositing their votes?—A. They did.

Q. Do you know of your own knowledge of any person who voted at the Beaufort precinct voting at any other precinct in the county?—A. I know of persons of the same name voting at more than one precinct, but whether they were identical I can't tell.

Q. It is uncommon to find colored persons bearing the same name?—A. It is not.

Q. Please give the distance from the northern to the southern boundary of Ladies' Island.—A. I should suppose it was about six miles.

Q. How far is the Woodlawn precinct from the southern boundary-line of the island?—A. I suppose it is about four miles.



Q. How far is Beaufort from the southern boundary of Ladies' Island?—A. I should say it was about the same distance.

Q. Is Woodlawn to the north or to the south of Beaufort?—A. I should say it was about due east.

Q. How far is it from the western boundary of Ladies' Island to the town of Beaufort?—A. About three-quarters of a mile, I suppose.

Q. Then Beaufort would be the nearest precinct for a portion of the people living on Ladies' Island, would it not?—A. It would.

Q. You say that you saw Joe Cohen and West Morgan examine the votes. Did they do it at their own option, or at the request of voters who could not read?—A. They did it at their own option.

Q. Did Cohen or Morgan prevent or hinder any one from voting as they saw fit?—A. They did not.

Q. Were not the marshals placed around the polls to preserve order and to prevent crowding the poll?—A. He said that they were.

Q. Was there general quiet and order on the day of election, as much so as usual on such occasions?—A. There was.

Q. Was it the wish of both Democrats and Republicans to have troops present on the day of election?—A. Well, it was the wish of most of the whites of both parties.

Q. Were the services of the troops needed to preserve the peace on the day of the election?—A. They were not.

Q. Do you know of any Republicans who inflicted upon Democrats any violence at Democratic meetings, or because of their political opinion prior to the election?—A. I do not.

Q. What is the general character of the colored people for peace and order?—A. I should say they are generally peaceful unless excited. They are generally quarrelsome then.

Q. Are they what may be called malicious people?—A. They are not.

Q. You say you heard threats on the streets of Beaufort and Sheldon. Can you give the names of the persons who made these threats?—A. I cannot.

Q. Do you know of any political meetings held in the town of Beaufort at which Republicans and Democrats spoke in joint discussion?—A. I know of one during the last campaign.

Q. Did the speakers have fair attention from the listeners?—A. They did.

Q. At this meeting at the club-house, who were the speakers?—A. General Hampton, Judge Cooke, Youmans, and Gibbes.

Q. Did General Hampton have a fair hearing?—A. He did.

Q. Did not the interruptions of the other speakers come through the asking and answering of questions?—A. Partly from that and partly from there being so much noise made that they could not be heard.

Q. Did you ever compare the colored vote at the last election with the State census taken in 1875?—A. I did not.

Q. Did you compare the white vote with the census of 1875?—A. I did not.

Q. Was not the number of Democratic white votes at Beaufort cast on the day of election larger than that of any previous election since 1868?—A. I believe it was.

Q. Please state your politics and what ticket you voted on the day of the election.—A. I am a Democrat, and voted that ticket.

Q. Have you ever suffered any hurt or injury because of your political opinion?—A. No, sir; I have not.

Q. What is the population of Ladies' Island?—A. I do not know.

Q. Do you know how the vote of Ladies' Island in the last election compared with the vote of 1868 ?—A. I do not.

Q. Was not the last campaign rather a bitter and earnest one ?—A. It was.

JOHN G. BARNWELL.

Sworn and subscribed to before me this 27th day of February, A. D. 1877.

[SEAL.]

M. R. COOPER,  
*Notary Public.*

In the contest between Geo. D. Tillman and Robert Smalls for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*County of Beaufort :*

LAW BUILDING, BEAUFORT, S. C.,  
*February 27, 1877.*

W. J. VERDIER, a witness of legal age produced by contestant upon due notice to contestee, deposes as follows in reference to questions propounded by counsel for contestant:

Question. State your name, age, residence, and occupation.—Answer. William J. Verdier; aged about thirty-five; reside in the town of Beaufort, this county and State; attorney at law by occupation.

Q. At what precinct were you at the election on the 7th of November last ?—A. At Beaufort.

Q. How did the vote at that precinct compare in numbers with the vote of any previous year ?—A. It exceeded, as far as I know, considerably, the vote of any previous year.

Q. State the vote at Beaufort precinct in 1874.—A. From memoranda kept of the votes, I find that the vote at Beaufort in 1874, was four hundred and thirty-five.

Q. What was the vote in 1874 at the following precincts: Ladies Island, Myrtle Bush, Gray's Hill ?—A. Ladies Island two hundred and twenty-three; Myrtle Bush, one hundred and sixty-four; Gray's Hill, two hundred and forty. I state these not from memory, but from memoranda.

Q. Is Ladies Island the same as that now known as Wood Lawn ?—A. I think it is. I know it is.

Q. Was your attention in any way called on election day to voters coming to Beaufort from Ladies Island, and if so, how ?—A. It was repeatedly reported to me on that day that voters were coming across at White Hall ferry, and across to Wilson's Mill. I was also told that they had boats running regularly between Wilson's Mill and Ladies Island and bringing over voters, and vehicles took them from Wilson's Mill into the town of Beaufort.

Q. What is the character of the population of these islands ?—A. With very few exceptions, colored—almost entirely colored.

Q. Please describe the general situation of the sea islands of this county; how they are separated from each other, and what is the usual means of communication.—A. They are divided generally by streams of water, some of them very small. Between Saint Helena and Ladies Island there is a bridge, but the usual mode of communication is by small boats, batteaus, and dug-outs. It is very easy to get from one to the other. There are numerous landings, and you can land almost anywhere.

Q. If repeating were attempted by the colored voters of these islands,

would the above circumstances be favorable to its accomplishment?—A. Highly so.

Q. Would it be possible either to prevent or to detect it?—A. Extremely so. I don't think it would be possible to prevent it, under the existing laws. I think it would be equally difficult to detect it.

Q. State whether, as a general rule, the colored people of these islands are individually known to the white people.—A. I don't think they are. They go by different names.

Q. Please state what was the feeling by Republicans toward Democrats in this vicinity during the last campaign.—A. It was very bitter, especially as to colored Democrats.

Q. How indicated?—A. By curses, threats, insults on the streets.

Q. How frequent and how long a time before the election?—A. Almost every day for three weeks or a month before the election.

Q. Can you state some of the threats, or their character?—A. Only from what has been told me, not from my own personal knowledge. I have myself heard on the streets, as Democrats ought to be killed, "Lass one of dem ought to be kill out." I was never personally cursed or abused until the morning of the election, when I was cursed by some negro women standing at the corner of McBride's store, on Bay street. I was simply walking along until I got near enough to know that they meant me, and they kept on cursing me until I got out of hearing of them.

Q. What curses were used?—A. I don't remember all of them, such as "Cussed rascal" and "cussed debbil, you walk now like you want nigga;" "Democrat rascal," and so on.

Q. What was the general effect of these threats and curses upon colored voters inclined to vote the Democratic ticket?—A. It prevented them from doing so.

Q. Was the result of the election in this vicinity affected thereby?  
(Objected to.)

A. I think it was, decidedly.

Q. What degree of courage did it require for a colored man to vote openly the Democratic ticket on these islands?—A. More than is usually possessed by ordinary human beings. Had I been a negro I should never have voted the Democratic ticket. I should have been afraid to do it.

Q. Was this intimidation carried into all the relations of life?—A. From all I can learn, it was.

Q. Were the ladies of Democratic families insulted on the streets in Beaufort in consequence of their supposed political sympathies?

(Objected to.)

A. I can only speak from hearsay that they were. On one occasion I heard abusive language directed to Democratic ladies as a body. This was on the day that General Hampton spoke at Beaufort, and it proceeded from negro women. There were a number of Democratic ladies occupying the hotel steps and piazza during the meeting, and it was against them that this abuse was uttered.

Q. What was the language used?—A. I do not remember all of the expressions. "White devils," "white bitches," were among the expressions.

Q. Was this language publicly used?—A. Yes; it was that, in connection with the abuse of the Reverend Mr. Jones, while he was offering prayer at the meeting, induced me to call the attention of one of the constables to it and ask him to put a stop to it.

Q. What was the language used towards Mr. Jones?—A. He was called a "Democrat rascal;" that God would not listen to any such unjust people as Democrats; that he had better pray to the devil; that God had nothing to do with the Democrats; that he had not even waked up God yet.

Q. How did this Hampton meeting, of which you speak, terminate?—A. It was turbulent, and very nearly approached a row.

Q. Caused by what?—A. The opposition by Republicans to hear certain speakers; not to allow certain men to speak. Judge Cook, for an instance.

Q. Who were prominent in this opposition?—A. I cannot name all of them. I saw among them Mundy Williams, who was said to be United States deputy marshal. L. S. Langley was also among them; he is county auditor. I was told that the intendant of the town, a prominent Mr. Williams, was quite active in a quiet way in promoting opposition to the speakers.

Q. Do you know whether Mundy Williams acted on the day of election as United States deputy marshal?—A. I do; he did so act.

Q. Was the meeting finally broken up by the Republicans?—A. I believe it was.

Q. Did General Hampton make any statement to that effect? (Objected to.)

A. Yes, he did. He also told them that he would cherish no ill feeling toward them; that when he got to be governor he would come down and see them again.

Q. What was the feeling as to apprehension of violence among the white people of Beaufort prior to the election?—A. They were very apprehensive.

Q. Apprehensive of whom?—A. The colored Republicans.

Q. To what extent was this apprehension felt?—A. To the extent of applying to General Ruger for troops, and also to their requesting the commander of the Navy here to do what he could to avert violence.

Q. Was more than one application made to General Ruger?—A. Yes; I know of two.

Q. By what class of persons was the last and successful effort made?—A. By Northern residents here in Beaufort, most, if not all, of them Republicans.

Q. What effect did the presence of troops at this precinct have?—A. In my opinion, it alone prevented violence.

Q. From whom toward whom?—A. From colored Republicans toward colored Democrats.

Q. Were troops sent to any other part of this county?—A. I believe not.

Q. Do you know of any previous occasion at which the Republicans in the town of Beaufort broke up the meeting of their opponents?—A. I think there were other occasions.

Q. In 1870, was Judge Carpenter, the Reform candidate for governor, permitted to speak in Beaufort?—A. He was not.

Q. What treatment did United States Senator Sawyer receive in 1872 when he attempted to speak here?—A. He was not permitted to speak; the platform was pulled from under him, and he was thrown out of a wagon.

Adjourned to 3 o'clock p. m.

M. R. COOPER.

The examination is resumed pursuant to adjournment.

M. R. COOPER.

Q. Were you at the polls on election in any official capacity?—A. None whatever.

Q. You say that you compared the vote of the last election with the vote of previous years; what was the vote of Beaufort precinct in 1868?—A. I did not say any such thing; I do not know the exact vote of 1868. I have twice acted as manager of election at Beaufort in municipal elections, and I know pretty well the average vote.

Q. At the municipal elections only residents of the town of Beaufort were allowed to vote; were they not?—A. That was the intention of the law.

Q. At the general or State elections, are not voters outside of the town limits entitled to vote at this precinct?—A. They are; but the number of voters outside of the town limits, to whom this is the most accessible poll, are very few in number.

Q. Can you give the vote of Myrtle Bush, Gray's Hill, Ladies' Island for any other year prior to 1874?—A. I cannot at present; I would have to refer to memoranda to be able to do so.

Q. Then the memoranda to which you referred in your testimony was only for the year 1874?—A. Yes, only for 1874.

Q. Was not the democratic vote polled at Beaufort precinct larger at this last election than at any previous election?—A. I do not remember at any previous election of there being a strict party vote—Democratic party, I mean—since 1868. We have usually supported the least objectional wing of the Republican party.

Q. Was not the white vote polled at Beaufort larger than at any previous election—Democratic white vote?—A. I do not think it was. At this election, a good many white Republicans voted with us for State officers.

Q. Were all voters at Beaufort precinct required to swear that they were duly qualified to vote and that they had not voted at any other precinct?—A. I was so required; I do not know as to others. Not occupying any official position at the poll, I was not entitled to a place in the building, and the colored Republicans so thronged around the poll as to render it impossible for me to see or get near enough to know what a voter was required to say when he deposited his.

Q. Can you state of your own knowledge any person who was prevented from voting through fear or violence at Beaufort precinct during the election?—A. I cannot. I saw one man—do not know his name—who was being conducted to the poll by a Democratic runner, and who was so set upon, pulled about, and his way obstructed by the Republicans, that he turned and fled from the poll, being chased a short distance. I don't know that he returned or not.

Q. Please give the name of the Democratic runner you speak of.—A. I will not be positive, but I think it was Mr. Braidy, one of the working committee of the Beaufort Democratic Club.

Q. Can you give the names of any of the Republicans who hindered or obstructed him?—A. I cannot now. I did know at the time. They were colored. It was an occurrence that was quite frequent on that day, but not in any other case carried to such an extent. I don't mean to say that there was any actual violence to them, but the conduct was such as to deter voters.

Q. Were you prevented or obstructed in casting your vote on the day of election?—A. I was not. I am a white man, and I know of only one white man that was obstructed, and then only by words; his name was Cunningham.

Q. Was Mr. Cunningham a resident of Beaufort?—A. Not at that

time; he spent some of his time here. He was only courting here, I believe.

Q. Do you know of any Republicans inflicting any violence upon any Democrat at any Democratic meeting in this county?—A. I do not.

Q. What is the general disposition of the colored people as to peace and order?—A. From my knowledge of the colored people they are peaceably and quietly disposed when left alone, but under their leaders, colored and principally white, I regard them as turbulent and disorderly, and very easily incited to riot.

Q. Do you know of any meeting held in Beaufort during the last canvass at which Democrats spoke in joint discussion?—A. I have personal knowledge of only one participated in by two white Democratic speakers.

Q. Did the Democratic speakers on this occasion have fair attention given them?—A. I believe they had. I know of only one interruption, and that was by a white Republican. A few insulting remarks were made by a negro at some distance, but not sufficiently near to cause interruption. Numerous constables kept passing to and fro through the crowd keeping order and quiet.

Q. Can you give the names of any persons who uttered threats on the streets toward Democrats?—A. I cannot now remember many. I have heard them from one man by the name of Larey, and one by the name of Orelions; I think he was drunk at the time. I, also, on one occasion, applied to Intendant Williams to put a stop to the cursing and abuse by one Robert Bythwood, and others, of a colored Democrat, on Bay street, by the name of Solimon Washington. On another occasion violent and threatening language was used by one Daniel Jenkins, a colored Republican, and I called upon the town marshal to take notice of it, which he did. This was done at the time of the arrival of the United States troops.

Q. Do you know of any one in the town of Beaufort, prior to the last election who suffered hurt or injury because of their political opinion?—A. I cannot at present call to mind any particular case. I have heard of Jack Freeman suffering twice, but have no personal knowledge.

Q. Can you name any case in which intimidation was carried into all of the different relations of life?—A. As I have before stated, I have no personal knowledge, and could only speak from hearsay as to that, my opinion being formed from what I heard.

Q. What are your politics, and what ticket did you vote?—A. Straight-out Democrat, and I voted that ticket.

W. J. VERDIER.

Sworn and subscribed to before me this 27th day of February, A. D. 1877.

[SEAL.]

M. R. COOPER,  
Notary Public.

STATE OF SOUTH CAROLINA,  
*Beaufort County:*

In the matter of the contested election in the fifth Congressional district of South Carolina for Representative in the Forty-fifth Congress of the United States, in which George D. Tillman is the contestant and Robert Smalls is the incumbent.

I, M. R. Cooper, a notary public within and for the county of Beaufort and State of South Carolina, do hereby certify that the aforesaid deponents, being duly summoned, to wit: W. H. Niner, John J. Allen, William S. Drayton, C. B. Kirk, H. M. Fuller, Pompey Jones, H. G. Judd, S. J. Bampffield, John F. Porteous, M. Borch, W. J. Verdier,

Morris Scott, John Bird, Randall Heyward, John McFall, A. C. McFall, Abram P. Jenkins, Jack Freeman, William Price, H. B. Van Ness, John G. Barnwell, produced by said contestant, personally appeared before me, at the Mansion House in the town of Port Royal, and at Law Building in the town of Beaufort, both in the county of Beaufort, in the State aforesaid, and being first severally cautioned and sworn to speak the truth, the whole truth, and nothing but the truth, in the matter of said contested election, gave the foregoing depositions by them respectively subscribed.

That I caused the testimony of said deponents, with the questions propounded to them by the counsel and agents of said parties, to be reduced to writing in my presence and in the presence of said deponents and of the counsel and agents of said parties, except as hereinafter mentioned, and caused the said testimony to be carefully read to said deponents, and also to be duly subscribed and attested by said deponents, respectively in my presence.

That the contestant, George D. Tillman, was present at the examination of all said deponents, by his agent and counsel, William Elliott; and the contestee, Robert Smalls, was present by his agents and counsel, W. J. Whipper, A. H. Ezekiel, and Alfred Williams, esqs., save and except at a part of the examination of H. M. Fuller.

That prefixed to the foregoing depositions is the original notice of contest served by said contestant on said contestee, and the answer of said contestee thereto.

That also annexed hereto are the following documents, exhibits, or papers referred to and described in the foregoing depositions, to wit:

Paper marked "M. R. C. 1," produced by the contestant, and referred to in the deposition of Abram P. Jenkins.

A certified statement of the number of votes given at the general election held on the 7th day of November, 1876, for member of Congress from the fifth Congressional district, and marked "Exhibit B," the same being the determination of the board of State canvassers as to the votes cast at said election.

A certified statement of the number of votes cast for Congressman in the several precincts of the counties composing the fifth Congressional district, and also of the vote cast for governor in Beaufort County at the general elections of 1870, 1872, 1874, and 1876, and marked "Exhibit C."

And I further certify that the examination of said deponent was commenced on the 12th day of February, 1877, at the Mansion House, in the town of Port Royal, and was continued from day to day until the 17th day of the same month; that it was then adjourned, by consent of counsel, until the 21st day of said month, at the town of Beaufort, at which time and place it was resumed and continued from day to day, until and inclusive of the 27th day of said month of February.

And I do further certify that the fees of the aforementioned witnesses in behalf of George D. Tillman amount to the sum of \$67.20.

Witness my hand and official seal at Beaufort, in the State aforesaid, this 1st day of March, A. D. 1877.

[SEAL.]

M. R. COOPER,  
Notary Public.

No. 2.

BEAUFORT COUNTY.

SOUTH CAROLINA,  
*Beaufort County:*

I, Jeff Warren, notary public in and for the State of South Carolina,  
H. Mis. 11—7

do hereby certify that the annexed depositions of E. H. Peeples, C. H. Willcox, E. F. Warren, Andrew Howard, Zack Daniels, John T. Morrison, Flander or Phlander McZean, J. D. Johnson, D. B. Gohagan, James Hamilton, F. J. Mulligan, Peter Johnson, W. M. Smith, J. H. Ruddell, Joseph M. Lawton, B. M. Stone, J. E. Kittles, E. S. Stuart, W. G. Roberts, Steven Black, Joe Graham, W. T. Blount, J. A. Tison, Southwood Smith, S. E. Blount, Thos. Datz, were taken on the days of February, instant, 1877, as respectively certified to above in detail, pursuant and in all things conformable to the attached notices, between the hours of 8 o'clock a. m. and 6 p. m. of said respective days. That contestant was present himself part of the time, and all the while by his counsel, John E. Laruey, at the examination, and that contestee was represented at said examination by his counsel, A. G. Thomas. 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 respective attorneys of contestant and contestee, 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.

In testimony whereof I hereunto affix my name and official seal this 1st day of March, A. D. 1877.

[s. s.]

JEFF WARREN,

*Notary Public, Beaufort County, South Carolina.*

STATE OF SOUTH CAROLINA,  
*Beaufort County:*

To Hon. ROBERT SMALLS:



You are hereby notified that I will examine the following-named witnesses, all of whom reside in Beaufort 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 1876, for the fifth Congressional district of the State of South Carolina, before Jeff Warren, esq., notary public in and for the State of South Carolina, at E. H. Peeples' store, in the town of Lawtonville, of the county and State aforesaid, on the 16th, 17th, 19th, 20th, and the next succeeding days of February instant, A. D. 1877, between the hours of 8 o'clock a. m. and 6 o'clock p. m. of said days, or so much thereof as may be necessary, by adjourning from day to day, for the examination of said witnesses, to wit: F. W. Johnson, M. D. Ellis, D. B. Gohagan, F. J. Mulligan, N. W. Ellis, jr., James Hamilton, Peter Johnson, Reuben Becket, Peter Roberts, Guy Williams, Thomas Holmes, Dave Gordon, C. H. Wilcox, E. H. Peeples, E. F. Warren, B. W. Sloman, Lawrence Bostick, Isaac Williams, Zack Daniels, William Wallace, John T. Morrison, Prince Graham, E. T. Roberts, M. Upchurch, Joe Lawton, Dr. M. Rudell, Jack Kettles, Samuel Clark, Jno. A. Tison, William Smith, Southward Smith, Moses Butler, Andrew Shig, Prince Gillison, Ephraim Ridgway, James Hamilton, Curtis Gibbons, Ben Grant, Shadville Fields, David Givens, Amasa Polite.

G. D. TILLMAN,  
Per WM. ELLIOTT,  
*Attorney.*



I accept legal service of the within notice this 13th February, 1877,  
at Port Royal.

W. J. WHIPPER,  
*Attorney for Contestee.*

STATE OF SOUTH CAROLINA,  
*County of Beaufort:*

To F. W. Johnston, M. D. Ellis, D. B. Gohagan, F. J. Mulligan, N. W. Ellis, jr., James Hamilton, Peter Johnson, Reuben Becket, Peter Roberts, Guy Williams, Thomas Holmes, Dave Gordon, C. H. Wilcox, E. H. Peeples, E. F. Warren, B. W. Sloman, Lawrence Bostick, Isaac Williams, Zack Daniels, William Wallace, John T. Morrison, Prince Graham, E. T. Roberts, M. Upchurch, Joe Lawton, Dr. M. Ruddell, Jack Kettels, Samuel Clark, John A. Tison, William Smith, Southward Smith, Moses Butler, Andrew Shig, Prince Gillison, Ephraim Ridgway, James Hamilton, Curtis Gibbons, Ben Grant, Shadville Fields, David Givens, and Amasa Polite, greeting:

You and each of you are hereby summoned to appear before me, at Lawtonville, in said county and State, on the 16th, 17th, 19th, 20th, and the next succeeding days of February instant, A. D. 1877, between the hours of 8 o'clock a. m. and 6 o'clock p. m. of said days, or so much thereof as may be necessary, by adjourning from day to day, to be then and there examined under oath by me respecting the contest by George D. Tillman of the right of Robert Smalls to a seat in the Congress of the United States. You will not fail herein under the penalty of twenty dollars.

Given under my hand and official seal this 13th February, A. D. 1877.  
[L. s.]

JEFF WARREN,  
*Notary Public, Beaufort County, S. C.*

STATE OF SOUTH CAROLINA,  
*Beaufort County:*

To Hon. ROBERT SMALLS:

You are hereby notified that I will examine the following-named witnesses, all of whom reside in Beaufort 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 1876, for the fifth Congressional district of the State of South Carolina, before Jeff Warren, esq., notary public in and for the State of South Carolina, at E. H. Peeples's store, in the town of Lawtonville, of the county and State aforesaid, on the 16th, 17th, 19th, 20th, and the next succeeding days of February instant, till the 28th February inclusive, between the hours of 8 o'clock a. m. and 6 o'clock p. m. of said days, or so much thereof as may be necessary, by adjourning from day to day for the examination of said witnesses in addition to the witnesses already served on the 13th February, 1877, upon the proper party, W. J. Whipper, counsel for contestee, to wit: Dave Gohagin, T. A. Carsey, E. S. Stewart, B. Stone, Ben Curry, Tom Jenkins, W. T. Blunt, Stephen Black, Joe Graham, Tom Datz, Curtis Gibbon, Quash Polite, Guy Williams, Flander McZeas, John T. Morrison, and Mellichamp Mikell.

G. D. TILLMAN,  
Per I. E. LARISEY,  
*Of Counsel for Contestant.*

I accept service under protest, at Lawtonville, of this paper, previous notice having been served upon W. J. Whipper of witnesses to be examined at Lawtonville.

A. G. THOMAS.

LAWTONVILLE, *February 17, 1877.*

STATE OF SOUTH CAROLINA,  
*County of Beaufort :*

To Dave Gohagon, T. A. Causey, E. S. Stewart, B. Stone, Ben Curry, Tom Jenkins, W. T. Blunt, Stevens Black, Joe Graham, Tom Datz, Curtis Gibbons, Quash Polite, Guy Williams, Flander McZine, John T. Morrison, and Mellechamp Meikell, greeting :

You and each of you are hereby summoned to appear before me at Lawtonville, in said county and State, on the 16th, 17th, 19th, and 20th, and the next succeeding days of February, instant, till the 28th February, instant, 1877, inclusive, between the hours of 8 a. m. o'clock and 6 p. m. o'clock of said days or so much thereof as may be necessary, by adjourning from day to day, for the examination of each and all of you then and there to be held by me, after first duly swearing you, respecting the contest by George D. Tillman of the right of Robert Smalls to a seat in the Congress of the United States. You will not fail herein under the penalty of \$20.

Given under my hand and official seal at Lawtonville this 17th February, 1877.

JEFF WARREN,  
*Notary Public, Beaufort County, South Carolina.*

Deposition of E. H. Peeples in the matter of the contest between G. D. Tillman, contestant, and Robert Smalls, contestee, for a seat in the Congress of the United States.

SOUTH CAROLINA,  
*Beaufort County :*

E. H. PEEPLES, of the legal age, a witness, deposes as follows, he being produced as a witness by contestant upon due notice to contestee :

(A. G. Thomas, of counsel for contestee, objects to testimony, as there is no specific allegation in the notice of contestant as to this section of the county of Beaufort.)

Question. Where do you reside ; what is your age, and what is your occupation ?—Answer. Beaufort County, Lawtonville, South Carolina ; born and raised here. Sixty-six years of age. Planter and a merchant.

Q. Are you a large planter, and do you not know almost every one in this portion of the county, white and colored ?—A. I am the largest planter in this section, and all I plant is under my immediate supervision. I do know the most of them, and some of them too well.

Q. Where was the Lawtonville poll held on the day of the last election, and where were you on that day ?—A. In my store in Lawtonville, and I was present all the while.

Q. Do you know if the managers were sworn and who swore them ?—A. I do not.

Q. Were the voters sworn ?—A. Yes.

Q. Was the Bible or Testament used ?—A. Yes, I think so.

Q. Do you know at what hour the poll opened and closed, and was there any intermission or adjournment ?—A. It opened at the proper

hour and closed the same, I suppose. There was no adjournment or intermission.

Q. When were the votes counted?—A. After 6 o'clock.

Q. Do you know of any intimidation being practiced before, during, or since the election? and if so, by whom and toward whom; when, where, and how?

(Counsel for contestee objects to anything being stated as to what occurred prior to or after election.)

A. For weeks before the election (say four weeks) parties told me they could not do otherwise than vote the Republican ticket, for their lives would be in danger. On the day of the election they, the Republican voters, came up to the poll in a body singing, waiving their flags and sticks, and the man who seemed to be their leader waved the stick and gave several commands, which was obeyed by the crowd. It was difficult for any Democrat to get up to the polls, who were hustled out and otherwise intimidated by the Republicans, and the officers of election could do nothing with them. On the day of the election one colored man said to me, on that day and others since, that he would vote the Democratic ticket, but that his life would be endangered if he did so, and therefore voted the Republican ticket. I asked a colored man who had promised to vote the Democratic ticket to show me his ticket. Another Republican colored man came up and abruptly ordered him not to show his ticket; took him by the arm and carried him to the polls, and his vote was put in the box; pulled him along forcibly to the box.

Q. Was there any abusive or threatening language used by Republicans on the day of election toward Democrats?—A. Yes. One Republican said to a Democrat (colored) who was going to vote the Democratic ticket, "Damn you, if you don't vote as I want you, you have got to get away from here." He also voted the Republican ticket. Did not particularly notice any others. The general conduct, movements, and appearances indicated that many colored men would have voted the Democratic ticket, but by fear they were prevented from doing so. On my plantation near this place there were fifty colored voters, who had promised me that they would either vote the Democratic ticket or stay at home on the day of election, only one of whom voted the Democratic ticket. All the others, except one who was sick, voted the Republican ticket.

Q. Why do you think he was sick?—A. I think he feigned sickness to avoid coming out.

Q. Was there not a great number of colored Democrats who attended the public meetings and barbecues of Democrats around in those precincts? I mean from other plantations than yours?—A. There was.

Q. How many colored Democrats, to the best of your knowledge, voted at Lawtonville precinct?—A. I do not know.

Q. But for the violence and intimidation of the Republicans at Lawtonville on the day of election, would not the result of the election at that poll have been very different?

(Objected to by contestee's counsel.)

A. Yes, very different.

Q. How many more votes would Democrats have got at this poll on the day of election but for this violence and intimidation?

(Objection by contestee's counsel.)

A. At least one hundred to whom I had spoken, and fully expected to vote Democratic tickets.

Q. In giving reasons, did any of these colored persons who had prom-

ised to vote the Democratic ticket, give any other reasons besides fear for not voting Democratic ticket?—A. Yes; they gave a reason that their wives would not recognize them as husbands, and would not sleep with them, and some actually stated that their wives had threatened to kill them if they voted the Democratic ticket.

Q. Were there any women here on the day of election, and if so, how many, and were they violent in their demonstrations?—A. Yes; I think I saw about twenty present, and they were pretty fussy.

Cross-examined by A. G. Thomas, of counsel for contestee:

Q. You say, on the day of election that the managers, as far as you saw, did their duty?—A. Yes.

Q. Mention the names of the parties who told you that they were compelled to vote the Republican ticket on the 7th November; that is, those who told you at any time, before, after, or during the election.—A. Richard Brown, John Jackson, Seabourne Chisolm, Robert Green, Edward Pollin, David Bostick, Sam Barnes, Frank Farmer, Monday Adkins, George Jackson, others whose names I do not recollect; I also recollect Ned Falligan. Cannot name any more without referring to memorandum.

Q. You say that you cannot name any more without referring to book; how came those names on the book?—A. I took them down especially so as to remember them.

Q. Did you put them down because they promised you to vote the Democratic ticket?—A. Yes; they had promised to do so, or remain at home.

Q. Is this book on which these names are entered a book of account on which you have charged supplies or anything of value taken out of your store?—A. No; it is not.

Q. What is the book?—A. A little monthly pocket-journal, which I think I can go and find.

Q. Did you put these names on that book for the purpose of bearing it in your mind as to the promise they made you to vote the Democratic ticket?—A. I did.

Q. You say, on the day of election that a large crowd came up to the polls, singing and shouting, and waving flags; what names, if any, were there on those flags?—A. Figures 1876; do not remember anything else.

Q. You say they had sticks and cudgels in their hands; did they differ in size or character to the sticks usually carried by those people at public meetings or public demonstrations other than elections?—A. Sticks appeared to have been some time used, not cut that day, but were dangerous weapons if used; could have killed a man easily.

Q. Have you ever witnessed a religious gathering of these people?—A. I have only passed near where their religious meetings were held; never attended them; gave them an acre of land on which to build a church and school-house, with the condition in the deed that said land should not be used for any other purpose, as political gatherings, traffic, or barter.

Q. Have you ever seen these persons with sticks at these meetings, and, if so, did they differ in size and character to those you saw on the day of election?—A. Those sticks I saw on the day of election were sticks they usually carry; but do not know that they carry them to their religious meetings.

Q. You say there were parties at the Lawtonville poll that were there to keep things in order. Who were they and what office did they hold

on that day ?—A. John T. Morrison was one. I think he was United States deputy marshal. I heard Mr. Morrison say that he could not possibly control them, and that he did not know what to do, when spoken to about the conduct of the Republicans.

Q. You say it was difficult for Democrats to get to the window, and that Democrats were forced away. Do you know of any Democrat in this vicinity, qualified to vote, who by this force did not vote on that day at Lawtonville or any other poll ?—A. Efforts were made to keep them off; but there was shoving, and Democrats were shoved out; but by persistent efforts we did succeed in voting. There was much disturbance, and a riot was only prevented because we Democrats were determined to have no disturbance. The Democrats were determined to bear anything to avoid a riot.

Q. Then you do not know of any voter known to be a Democrat in this vicinity who did not vote on that day ?—A. I do not, except those colored deterred by threats.

Q. Who was the man who you asked to let you look at his ticket ?—A. David Bostick, a man who has been on my place for a number of years.

Q. How do you know that he voted the Republican ticket ?—A. Because I a Republican give him his ticket, and he refused to show it.

Q. Who was the colored man to whom another colored man said, "If you don't vote as I want you to vote, you will have to go away from here ?"—A. David Bostick.

Q. How did you know that David Bostick was a Democrat ?—A. Because he told me that he was tired of the party that he had previously voted for; that he would vote as I did.

Q. You say that Republicans used abusive language, and cursed, saying damn you. Did you hear a Democrat curse on that day ?—A. I don't think I did.

Q. Are all the Democrats in this vicinity Christians ?—A. Christians are few and far between.

Q. Did you say that some colored persons gave as a reason why they did not vote the Democratic ticket that their wives would leave them, would not sleep with them; can you give me any of their names ?—A. Jack Greatheart and others, whose names I do not recollect just now; I do remember Mordecai Gibson.

Q. Where is Jack Greatheart now ?—A. Jack Greatheart and Mordecai Gibson both reside on my place; have seen Jack Greatheart during the last week.

Q. You say that the women on election-day were pretty fussy; is it not your experience for the last fifty years that women are pretty fussy always ?—A. Yes; I have seen it, to my sorrow, exhibited by the colored women at political meetings.

Re examined by contestant:

Q. Counsel for contestee asks you if you know of any Democrat who was kept from voting by fear on the day of election; did you not know a great many newly-converted Democrats who were kept from voting the Democratic ticket and forced to vote the Republican ticket because they were colored ?—A. I do.

Q. How many colored Democrats voted at Lawtonville on the day of election ?—A. Very few; do not recollect the exact number, but much fewer than I expected.

E. H. PEEPLES.

Sworn to before me this 16th day of February, 1877.

[L. S.]

JEFF. WARREN,

*Notary Public, Beaufort County, S. C.*

Deposition of C. H. Willcox, in the matter of the contest between G. D. Tillman and Robert Smalls for a seat in Congress of United States.

STATE OF SOUTH CAROLINA,  
*Beaufort County:*

C. H. WILLCOX, witness of legal age, produced by contestant, upon due notice to the contestee, deposes as follows in reference to questions propounded by the contestant:

Question. Where were you born, and where reared?—Answer. Born in the State of Rhode Island; finished my education in Massachusetts; then moved South.

Q. How old are you, and where do you reside?—A. Thirty-eight years old; reside in Lawtonville, Beaufort County, South Carolina.

Q. What is your occupation?—A. Planter and merchant.

Q. Are you well acquainted with the people, colored and white, in this vicinity, and in this portion of the county?—A. I am.

Q. How long have you lived in this portion of Beaufort County?—A. Eight years.

Q. Had you anything to do as an officer at the last election?—A. Was one of the Democratic managers at this precinct.

Q. How many Democrats and how many Republicans were put on commissioners of election for each county and board of managers for each precinct, in or throughout the State?—A. One Democrat and two Republicans.

Q. Was there not a great many of those designated as Democrats really Republicans, who filled or were appointed to the office of commissioner of election or managers of election?

(Question objected to.)

A. I only know from hearsay. Have heard it said that there was. None that I am acquainted with.

Q. Were the managers qualified? If so, when and by whom?—A. Managers were sworn in at this poll on the morning of the election. I acted as chairman. Think Mr. E. F. Warren swore me in. Mr. E. F. Warren is a notary public. I swore in the other two managers myself.

Q. Did any of you subscribe to a written oath?—A. I think so. My recollection is that I subscribed to a written or printed oath.

Q. Did the other managers subscribe to the same oath with yourself?—A. I am not positively certain that I subscribed to any written or printed oath; do not know whether the others did so or not. If I did, presume they did.

Q. If you subscribed to any written oath, what was done with it?—A. Every paper that was signed was put back in box. Do not know positively that we signed affidavit, except the return of Presidential election, which was taken in charge by United States deputy marshal. To make myself more clearly understood, every paper that we signed before we commenced taking votes was put back in the box, but the return of the Presidential election, which was signed after we had counted votes, was taken in charge by United States deputy marshal. Understood him to say that he had to send it to some one in Charleston. United States deputy marshal said he was here to guard the interests of United States Government in the election, and not to interfere with

county and State elections. He said, when negroes were turbulent, and I requested him to clear piazza, and he did so, that he was doing that which he had no right to do; that he was only called upon to interfere in the event of cases of open violence at the polls.

Q. What was the name of that assistant United States deputy marshal?—A. John T. Morrison.

Q. Was or was there not such open violence as cursing, elbowing, and shoving Democratic voters?—A. There was so much interference that colored men who came up to vote with a Democratic ticket in their hand were compelled to leave, and afterwards brought back—guarded back—and voted the Republican ticket; and further than that, there was no colored man whose intentions were known to be that he would vote the Democratic ticket but what in every instance was surrounded by radical negroes before he got to the polls; and when they did vote Democratic—or I mean to say when they came for that purpose—they came up trembling and crying. When they attempted to vote the Democratic ticket, their arms were jerked back, and they were afterwards brought back, or came back, surrounded by Republican negroes, and voted the Radical ticket, some of them trembling and crying. Such was the turbulence and interference that very many times during the day we had to cease taking the votes; halloaing, pushing, and swearing, and hauling, so that it was impossible to continue. Before the election negroes came to me and inquired how they would be able to get here to vote Democratic ticket, as the roads would be picketed. Negroes had sworn to them that none of them should reach the place alive to vote the Democratic ticket.

Q. A great many colored Republicans who had previously voted Republican ticket? Had they at any time said anything to you of their intention to vote for the Democrats; if so, how many?—A. A great many gave their reasons for abandoning the Republicans, and told me that it was their intention to vote Democratic tickets. Their reason was that during the season before they were nearly starving and had appealed to their Republican leaders for assistance to no purpose, no help came, and that thousands of bushels of corn had been given to them by Democrats in this section alone, by which they were kept from perishing; and, in many cases, they had their corn-houses closed for the non-payment of taxes by the Republican officers, notwithstanding that they held receipts for taxes in their pockets, and were in many cases advised by the officer who held execution against them for taxes to compromise it rather than fight the thing through. I know this also of my own knowledge, because I had myself paid the taxes for many who came to me for money to compromise and have their corn-houses opened. For many of them I had tax receipts in my own possession.

(Counsel for contestee objects to above testimony as contrary to section 121 of the Revised Statutes of the United States, and because a great portion of it is hearsay evidence.)

Q. Did you see these tax executions against these colored Republicans?—A. I saw most of the executions myself, as the constable who had them in possession was collector of my store-accounts. One of the same voters whose corn-house had been nailed up a few days before the election for non-payment of taxes, notwithstanding I held his tax receipt and whom I had instructed to open his house and promised to stand between him and all damages, afterwards went to Beech Branch and voted Democratic ticket; went to Matthews's Bluff and voted Republican ticket. Told me that he did so, because he feared if he did not that he would not

be safe. He voted the second ticket to blind the Republican voters who had threatened his life.

(Counsel for contestee objects to above testimony as contrary to section 121 Revised Statutes United States.)

Q. Has this colored man told you since the election that he voted twice? If so, what is his name?—A. He has told me so; name, Ned Adkins.

Q. You spoke of destitution among freedmen last year. What was the cause of it?—A. Severe drought last year and the year before.

Q. About how many colored Republicans was a tax claimed from last year who had already paid tax?—A. Do not know exactly; cases were frequent, and in many instances the lands of many Republicans were advertised for sale to pay taxes which had already been paid.

Q. Did this course, pursued by Republican county officials, cause the colored Republicans to break off from the party?—A. Many of them gave that as their reason.

(Counsel for contestee objects to testimony as contrary to section 121 Revised Statutes United States.)

Q. How many colored men voted Democratic ticket at this place at last election?—A. I do not think over twenty or thirty; certainly under fifty.

Q. Did those colored men who voted Democratic ticket do so openly or slyly?—A. Most of them came early, and all did so slyly. Only when they had white friends around them and strongly protected did they vote openly, leaving after voting as soon as possible. Some of them told me that they left because they feared to remain.

Q. In consequence of this violence and turbulence at the polls, do you think the Democrats lost votes?—A. I do. I know that forty or fifty who work for me and are under my control were deterred and prevented from voting the Democratic ticket. Many remained at home because they feared to come out, roads having been reported picketed. I mean, when I say those whom I control, those whom I have assisted and advised, and whom I have helped from my store with supplies and advances, and who come to me for advice.

Q. Was the result of the election at this poll changed by intimidation?—A. It was. The election here was a farce, and such a display at the North, in any election, would not have been countenanced. A Democratic negro was frightened half to death; that is, I mean all Democratic negroes were so frightened. They made many attempts to get their votes in before they succeeded in getting Democratic tickets in slyly.

Q. About how many told you that they would vote the Democratic ticket?—A. A large majority of all colored Republicans with whom I was brought in contact told me that they would vote Democratic tickets on account of the corruption of the Republican party, but remain as Republicans.

Q. What class of colored men were crowded and pushed from the polls that day?—A. Most of those who claimed to be Republicans but declared they would vote the Democratic ticket on account of the corruption of Republican party in South Carolina, were pushed and jostled as I have before stated.

Q. Have you been a zealous Democrat?—A. I have been very anxious for a change of government, and have done all to effect it that I could honorably.

Q. During the last canvass did you electioneer against Republican



party?—A. I did, openly and strongly; and the greatest obstacle I had to contend with was the anxiety of the colored Republicans to know how they could vote the Democratic ticket without the knowledge of the other colored Republicans; I mean this anxiety was expressed by those who desired to change their politics or to vote for Democrats.

Q. Have any circumstances occurred since the election which will make you think that Republican leaders have become your enemies on account of your efforts to effect a change in the officers of the State and county?

(Objected to by counsel for contestee.)

A. Two days before the election my gin-house was burned, and I have every reason to believe the burning resulted in consequence of the stand I had taken in favor of the Democratic party. About two weeks after my stables and barn were burned, I am satisfied, for the same cause. Circumstances pointed very strongly to certain violent Republicans as the incendiaries.

Q. Have you taken any steps toward having the parties you have reason to believe guilty of the burning brought to justice and punished?—A. I have not, as previous experience with the courts in this county has convinced me that it is impossible to get a just verdict without bribing the jury.

Q. What sum would recompense the damage you have sustained by this burning?—A. I could not replace the property for less than five thousand dollars.

Q. If there had been a fair election at the Lawtonville precinct, without any intimidation, which party would have received the greater vote?—A. I felt certain up to the time we commenced to poll the votes and witnessed the intimidation that the Democrats would have carried the election by a large majority.

Adjourned until to-morrow, 8 o'clock a. m.

FEBRUARY 17, 1877.

Met pursuant to adjournment.

Direct examination continued:

Question. Can you recollect any instance that impressed you with the impossibility of getting justice before a jury in Beaufort?

(Objection by A. G. Thomas, counsel for contestee.)

Answer. I at one time had a case before the grand jury for its consideration; during the time one of the colored grand jurors left grand jury room, called me to one side; and offered to secure a true bill for me if I would give him a certain amount of money with which to fee himself and other colored members of the grand jury. He further stated that I was throwing money away when I "feed" a lawyer; that he, the said colored grand juror, was always there, and could control all the colored men of the grand and petit juries, and could at any time get any verdict if he had twenty-four hours' notice to work in; that most of the jury was composed of colored men from Port Royal and adjacent islands; that he was personally acquainted with them and could control them, and by giving them a few drinks of liquor the night before can do anything I please with them—the liquor, in addition to a little money with which to bribe, as I stated before.

Q. Does it not frequently happen that the grand jury and petit jury are composed entirely of negroes?—A. Cannot answer positively; but I have never seen but very few white persons on any jury in this county since reconstruction. And it is an exceedingly rare occurrence for any

white citizen from this section to be on either jury. This section has a large white population compared with the other portion of the county.

Q. In what portion of the county do the principal tax-payers reside ? (Objection by A. G. Thomas, counsel for contestee.)

A. Tax-collector informs me that heaviest taxes come from the upper portion of county, which includes this precinct.

Q. Who was the defendant in the case in which grand juror approached you and offered to receive a bribe ?—A. A colored man.

Q. Is it not almost impossible for a white prosecutor to convict a colored man of any crime whatever in this county ?—A. We consider it almost useless to prosecute a colored man in a civil or criminal action, particularly the latter, as we seldom get a verdict in our favor, no matter how strong the evidence may be in our behalf.

Q. Were many strangers at the poll voting on the day of election ; I mean colored persons ?—A. There were many strange colored faces here. And quite a number of them who appeared to be under age, but every one found a number of their own color to swear that they were of age. They all voted Republican ticket, except one whom I continued to impress with the risk that he was running if he committed perjury ; after several minutes' hesitation he withdrew without putting in his vote ; there being white men present who knew him and informed him that they would investigate the matter and have him prosecuted if he did perjure himself.

Q. Do you or not know the face of every colored man or most of the colored men who vote at this, Lantouville, precinct ?—A. I believe that I do.

Q. Were there any strange white voters here on that day that you did not know ?—A. There was one from North Carolina who voted here. I think he voted the Radical ticket, and I know of one colored man from Georgia who also voted Radical ticket. I opposed their right to vote, but was overruled by the two other managers, who were Radicals. The North Carolinian—a white man or mulatto, as he had a dark appearance—came through with a tobacco-wagon ; he voted only for President, I think. The Georgia colored man voted full ticket. I know that Savannah is his home. Other managers allowed him to vote because he stated that he had not voted in Georgia. My impression is that other colored men from Georgia were permitted to vote ; but my recollection is not so vivid as in cases last referred to.

Q. Was the vote at this precinct much larger than you had ever known it before or not ?—A. Much larger. Some of the negroes who voted at this poll passed other polls to do so, which looks suspicious of repeating, as nothing at the polls which they passed could in any way have interfered with their voting as they pleased.

Q. Is it or is it not your belief that many colored Republicans voted here on that day who had voted elsewhere or were not entitled to vote at all ?

(Objected to by counsel for contestee.)

A. From what I saw myself on the day of election, and information that I have since received, I believe that many of the Republican votes cast were illegal.

Q. Were there any illegal Democratic votes cast at this poll on the day of election ?—A. Not one. I think that I am fully acquainted of the fact that every Democratic voter who polled his vote at this place on that day was entitled to vote. I am personally acquainted with almost every one.

Q. About how many illegal Republican votes do you think were cast here that day ?—A. I cannot approximate. The question was so frequently brought up about the illegality of votes, and in every instance my objections were overruled by my Radical colleagues, that I ceased to count.

(Objection.)

Q. Was there any drum-beating or marching? If so, was there any one commanding the procession, and who was it? I mean marching to and fro past the polls ?—A. There was. Lient. Scipio Allbright, of the State militia, was in command; their marching to and fro continued at intervals for a considerable space of time during the day. Allbright and his command came from below, and was joined at this place, a few hundred yards above there, by a company from above. Their presence seemed to give confidence to a few hangers-on, who interfered very much during the day with colored Democratic voters.

Q. Was Lieutenant Allbright mounted ?—A. He was not.

Q. Did he have his sword ?—A. He was dressed in uniform, but if he had weapons they were concealed. It was rumored and believed that their arms were concealed near the polls. The Democrats had reason to believe and did believe the report. We had been frequently informed that they intended to prevent colored voters from voting the Democratic ticket at this poll on day of election.

Q. Was there any one mounted who seemed to control the parade ?—A. There were numbers of persons coming in on horseback, and passing to and fro. I do not know that any one mounted exercised control. Mack Patterson, mounted on a horse, rushed to meet every colored man who came in, and whom he suspected to be a Democrat, and this with the intention to change his vote; he was very turbulent. Mack Patterson is a colored man and a fugitive from justice.

Q. How were the managers of election sworn, if you can recollect positively since your attention was called to the matter yesterday? Are you positive that the notary public first swore you, and that you then swore the other two managers ?—A. I am not positive, but that is my impression.

Cross-examined by Mr. Thomas, counsel for contestee:

Q. You were the Democratic manager at this precinct on the day of the election, were you not ?—A. I was.

Q. Were the other two members of the board Republicans ?—A. I believe them to be.

Q. Are you acquainted with the commissioners of election and precinct managers in other counties in this State ?—A. I am acquainted with some of them.

Q. Of the thirty-two counties in this State, how many managers do you know ?—A. I am unable to say.

Q. How then do you know that many of those appointed as Democrat were fishy Democrats ?—A. If I said so I did not mean to convey that impression.

Q. You say you have no distinct recollection how you and the rest of the managers qualified ?—A. I have no positive recollection, but at the same time I feel quite confident that E. F. Warren, a notary public, swore me and I swore the rest of the managers.

Q. Did you not receive written or printed instructions with the ballot-box as to your duties as managers ?—A. We did, and endeavored to carry out the instructions to the best of our ability.

Q. Did you not tell Mr. Peebles in conducting that election you in-

tended to abide by the law?—A. I might have done so; such was my intention.

Q. You cannot state positively whether the oath signed by you as manager was afterward placed in the ballot-box?—A. It was.

Q. Was J. T. Morrison a deputy United States marshal or a supervisor of election?—A. I understood he was a United States deputy marshal.

Q. Was J. T. Morrison a Republican or Democrat?—A. I suppose he was a Democrat; he told me he got no pay as a deputy marshal, or in whatever official capacity he did act.

Q. You say you understood he sent a paper to Charleston. Did you as manager sign that paper?—A. I did.

Q. Did you read it and know what it contained?—A. I did.

Q. What did it contain?—A. It contained a statement of the electoral vote; don't remember if it contained the vote for Congress.

Q. Did the board of managers send, in addition to other statements, a statement of the electoral vote and vote for Congressmen to Beaufort?—A. I am not positive, but whatever papers we sent to Beaufort signed, were sent in the box with the vote.

Q. Can you or can you not say that a similar report to that which J. T. Morrison sent to Charleston was placed in that box?—A. I don't think so; I am satisfied we signed no duplicate returns to any of the elections.

Q. Then, if the paper sent by J. T. Morrison contained a statement of the number of votes cast at Lawtonville precinct for electors and Congressmen, no such statement was sent to Beaufort?—A. It may have contained a similar statement; I think not, however. It certainly was not an exact duplicate of the paper sent to Charleston by J. T. Morrison.

Q. Did not J. T. Morrison clear the piazza several times so that you could go on with your business?—A. He made the attempt, but was not at all times successful.

Q. Were there at any time when he cleared or attempted to clear the piazza any of the supporters of G. D. Tillman on it?—A. There may have been, but if there was, they were not interfering with the voters to embarrass the manager in receiving votes.

Q. How do you know that the colored men who you say were compelled to leave, were going to vote the Democratic ticket?—A. They had the Democratic ticket in some cases in their hands, and the conversation between them and the Radicals around them indicated too clearly that they intended to do so for me to be mistaken.

Q. Whose name was on the tickets in their hands for Congressman?—A. G. D. Tillman. There was such a decided difference between the appearance of the tickets that a glance was sufficient to determine between them. There were only two candidates for Congress voted for at this precinct, or at any other precinct in this Congressional district, each party, Democrat and Republican, having nominated its own candidate.

Q. Were you near enough to these colored men before mentioned to see whether the name of G. D. Tillman was or was not scratched off the tickets they held?—A. I could not see that it was not, but the colored people at these polls very seldom ever vote a scratched ticket.

Q. Was there not used at this poll an imitation Union Republican ticket, printed in the same color of ink, with a similar cut at the head, but having the names of Democratic candidates thereon?—A. There was not.

Q. Was this elbowing and pushing at the polls any different to the

elbowing and pushing at any other gathering of the same class of people?—A. I am unable to say, except that they are not accustomed to do so in the company of white men; it is very certain that their intention was to prevent the colored men from voting the Democratic ticket, and was only annoying to the managers when a colored man was making his way to the polls whom all supposed was about to vote the Democratic ticket.

Q. What ticket did those vote who came up to the polls trembling and crying?—A. Sometimes they voted Democratic; sometimes they were carried off by colored men and made to change their vote.

Q. You could not hear what was said to those that were carried away for an hour or so?—A. In my last answer, which was not written down, that is the expression, "an hour or so;" I will say, perhaps more or perhaps less time. In one instance a prominent negro man waited the entire day to get a chance to put his vote in the ballot-box, and by the interference of those who surrounded the polls, (I mean the Republican negroes surrounding the polls,) and whose language was perfectly audible to me, was prevented from voting until a late hour. I certainly could not hear what was said to those carried beyond ear-shot.

Q. Have you any actual and personal knowledge of the roads leading to the Lawtonville precinct being picketed?—A. I do not know from personal observation, having been manager at the polls all day.

Q. Do you know of any person entitled to vote in this vicinity who was prevented from voting at all?—A. I do not know only from what they told me. I look upon it as being a physical impossibility, as I could not be here and elsewhere at the same time.

Q. You have no other way of ascertaining the intentions of the colored men who were going to vote the Democratic ticket, only from what they promised you?—A. There were many things which convinced me of their intention to do so, which I could not recall.

Q. About Ned Adkins, how many times did he tell you he voted; where and for who?—A. Twice; once at Beech Branch, in the morning, in the afternoon at Matthews's Bluff. He voted a Democratic ticket at Beech Branch; a Republican ticket at Matthews's Bluff. This was his statement to me.

Q. To the best of your memory, how many colored men voted the Democratic ticket at Lawtonville?—A. Can't say, positively; but under fifty; perhaps thirty would come nearer the number.

Q. You say they did it on the sly. Was not the poll held at a public place in the village of Lawtonville?—A. It was held at a public place. They seemed to desire to disguise the character of the ticket they voted. This is what I mean by voting on the sly. I do not wish to convey the impression that all voted on the sly.

Q. You say that your gin-house was burned two days before the election. Did that circumstance take any from G. D. Tillman—any votes he would otherwise have got?—A. I cannot say what the effect was on others. I have no right to suppose anything.

Q. Do you believe that this occurrence added a single vote to the vote that Robert Smalls would have received but for this occurrence?—A. I do not know that it did.

Q. Was it burned in the day-time or at night?—A. In the day-time.

Q. When you say that but for interference the result of the election at Lawtonville would have been changed, you give that as your opinion, do you not?—A. I do.

Q. You cannot demonstrate it in figures, can you?—A. I have not preserved any data to go by, and can't say that I could demonstrate it

by figures, but cases which changed the vote were very frequently brought to my mind.

Q. You neither remember the total vote cast for each party, Democrat and Republican, at this election, or the previous election, two years ago?—A. I think I remember about the vote polled at this election, and well remember that there were very many more people voting here than at previous elections.

Q. Have you any knowledge of fewer votes being polled at other polling-precincts in the upper portion of this county than at the previous election?—A. I have no knowledge only from hearsay, but my impression is that more votes, Republican votes, were polled at the precincts of which you speak than were polled in elections previous.

Q. You mentioned yesterday a circumstance where you were approached (or perhaps in your examination this morning) to assist in tampering with a jury in this county. Did you take any steps at that time to make an example of the man who made the proposition to you?—A. I did not, because I considered it useless to attempt it.

Q. Who was the judge on the bench at that time?—A. Judge Maher.

Q. Did you not have sufficient confidence in Judge Maher to believe that if his attention had been called to the matter that he would have taken such steps to prevent such a grievous outrage?—A. I believe that he would have done so, but that it would have had no beneficial effect among a class of citizens who consider the man a hero who has suffered imprisonment for his misdeeds. Among colored men the biggest man out is the man who is last released from prison.

Q. When you speak of the upper portion of this county, where do you draw the line between the upper and lower portion?—A. Some few miles north of Savannah and Charleston Railroad.

Q. Then the upper portion has the largest area of land?—A. I suppose it has.

Q. Are the lands assessed for taxation higher in the upper than the lower portion of this county?—A. My impression is, in regard to their market value, that they are.

Q. Then you consider the lower portion the richer portion of the county as to value of land?—A. Locality in each section has much to do with the value of the land. I do not think I can answer questions definitely without giving you a misconception of my views.

Q. You say that defendant in the case before the jury in which you were approached was a colored man. Was the man who approached you a colored man?—A. He was; do not know his name.

Q. You say it is almost impossible to punish crime committed by a colored man against a white man in this county. Is it within your knowledge of the last two years where colored men have been hung for the murder of white men in this county?—A. It is. For the murder of Thomas H. Behn and General Howard. In these cases proof was so very positive that it could not be got around. I know of instances where they have got clear when they should have been hung. Instance the case of Stratan, who was waylaid and murdered last year.

Q. Do you know of a single instance since reconstruction in Beaufort County where a white man charged with the murder of a colored man has been convicted and punished?—A. I know of no cases of conviction, but will here state that when I referred to crime I alluded to cases of larceny, burglary, arson, and rascality generally committed by the colored man against the white man; and this is owing also to the ease with which a colored man can manufacture testimony in his own behalf by aid of his race.

Q. Can you mention any of those instances spoken of at the commencement of your previous answer?—A. I said I knew of no cases of conviction.

Q. Are you not aware that Judge Wiggin, at the term of court held in Beaufort during this month, sentenced, for terms of from three to five years, seven colored men convicted of burglary and larceny for entering the premises of white men?—A. I know nothing of what passed at this term of the court. I find, however, no fault with the sentences of the judges; but of the difficulty of convicting colored men who commit crime, and the ease with which they evade punishment—the very small per centage of conviction compared with the amount of crime, when positive proof is brought to bear upon the case.

Q. You say that many colored men with youthful faces voted at this precinct. Did not they take the prescribed oath, which declares them entitled to vote?—A. They did; and I know of one who did take the oath, and, when warned of the consequences of perjury, backed out and did not vote.

Q. Did no white Democrats ride past the polls and come back frequently during that day?—A. None that I saw, except for the purpose of hitching horses.

#### Redirect examination :

Q. Were any candidates voted for for Congress in this Congressional district, except the two nominees of the Democratic and Republican parties?—A. I heard of no others. Smalls and Tillman were the only candidates voted for that I have heard.

Q. Was not every candidate of the Democratic party, from President and governor down, voted for on one ticket?—A. With the exception of probate judge, there was but one ticket for all candidates.

Q. Was it not the same with the Republican tickets?—A. They had but one ticket that I saw.

Q. When any Republican voter or Democratic voter cast a ballot for any candidates of his party, did he not, unless he scratched the ticket, have to vote for all the candidates of his party?—A. He did.

Q. Have the white people—the tax-payers of Beaufort County—had any representation in the legislature and jury-box since reconstruction?—A. In the legislature, never; county offices, never; sometimes in the jury-box.

C. H. WILLCOX.

Sworn to before me this 17th February, 1877.

[SEAL.]

*Notary Public, Beaufort County, S. C.*

Deposition of E. F. Warren in the matter of contest G. D. Tillman, contestant, against Robert Smalls, contestee, for a seat in the Congress of the United States.

*SOUTH CAROLINA, Beaufort County:*

E. F. WARREN, of the legal age, a witness, deposes as follows, he being produced as a witness by contestant, on due notice to contestee, in reference to questions propounded by contestant :

Question. What is your name, residence, and occupation?—Answer. Name, E. F. Warren; reside in Lawtonville, Beaufort County, South Carolina; lawyer by profession.

Q. Where did you vote at the last general election?—A. At Lawtonville precinct.

Q. Who, at said election, was voted for as Congressman for this con-

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gressional district?—A. G. D. Tillman on the Democratic ticket and Robert Smalls on the Republican ticket.

Q. Do you know of any intimidation practiced, at or before said election, by Republicans, which tended to deter or did deter any voters from voting the Democratic ticket who designed so doing?—A. In a general way, I know of a few cases.

Q. State what you know of the matter of intimidation.—A. I saw, upon the occasion of the election, a colored man named Miller who said he intended to vote the Democratic ticket, and so said in my presence. He went to the polls with a ticket in his hands that I saw given him. It was a Democratic ticket. In a few feet of the box he was pushed away by two colored Republicans, Mack Patterson and Cnyler Roberts. He went up to the polls a second time to vote, and was then carried away by the arms by colored Republicans, and shoved out of the piazza by Mack Patterson, who said that he would kill him or any other damned negro who voted Democratic tickets. A good many others were round the polls and round him. This was said in a loud tone. At this time there was a commotion, loud talking, cursing, and every indication of a general row; thought there would be.

Mr. John T. Morrison, who was United States supervisor, and several others went out and talked to the crowd and succeeded in some ten minutes in restoring quiet. This occurred, if my memory serves me correctly, between twelve and two o'clock. During this disturbance three white persons went to Miller and told him to vote as he pleased and they would protect him with their lives. Threats were made by other negroes. The third time he was pulled up to the polls, one colored man holding each arm, and he voted the Republican ticket. Miller, in conversation with myself and others after he had voted, said he would have voted the Democratic ticket but he feared that he would be killed or injured by colored Republicans. Lawrence Bostick, also a colored man, on the day of election and since the election, told me that he would have voted Democratic ticket, but that his wife had threatened to leave him if he did, and he feared his wife's family. His wife is the sister of Mack Patterson. Tavo Frazee, another colored man, told me also that he would have voted the Democratic ticket, (he had promised to vote Democratic ticket,) but that he had been threatened with expulsion from the church, and that his life had also been threatened if he voted Democratic ticket. He did not vote.

I do not know of any others who were directly threatened; that is, of my own knowledge. I have heard since the election several others—half dozen or more—say that they would have voted Democratic ticket, but that they had been threatened. Threats were general at this place on the day of election, made by colored men against colored men, who would vote Democratic tickets. Many said that the damned negroes who voted Democratic tickets were voting to put them back into slavery again. That all the damned Democratic negroes ought to be killed, and that they would and should suffer for voting the Democratic ticket. Particularly Zack Daniels; they were very hard upon him for voting the Democratic ticket.

Q. Was there any mustering on the day of the election?—A. There was by colored Republicans at this precinct, from ten steps to two hundred yards from the polls. Drilled about one hour, somewhere about midday.

Q. Did you see the proclamations of the governor and President ordering the disbanding of military organizations in October; and, if so, did they tend to embolden Republicans, and to intimidate those who were going to vote the Democratic ticket or desired to do so, (I mean



colored men ?)—A. In this way I know that there were a great many men who, previous to these proclamations, declared that they would vote, afterwards said they would not vote, but did not give this as a portion of their reasons as I know of, (I mean colored men, of course—colored men who said they would vote Democratic tickets, and afterwards did not vote it.)

Q. If it had not been for the threats, violent language, turbulent actions, and the general intimidating conduct of the colored Republicans, together with these proclamations, would the result of the election have been different?—A. I think it would have been different. There certainly would have been fifty or seventy-five more democratic colored votes at this place.

Cross-examined:

Q. Were you a member of a Democrat club ? If so, state what club.—

A. I was a member of the Lawtonville Democratic club.

Q. In the month of October or the early part of November, did not that club pass resolutions and have them printed in the Journal of Commerce and the News and Courier not to employ or rent land, or give supplies or credit to colored men who voted the republican ticket?—A. Not that I know of. I read the News and Courier and Journal of Commerce regularly and have no recollection of seeing such resolution published from this club.

Q. Did you hold any official position in this club ? And, if so, what it was.—A. I did not.

Q. Have you ever read resolutions of a similar import in the upper part of this county?—A. No.

Q. You have no other means of ascertaining the intention of colored men to vote the Democratic ticket only from what they promised?—A. No.

Q. Do those persons you refer to make promises they do not keep?—A. I have known some to do so and some not.

Q. Have you ever heard it talked around this vicinity that colored men who did not vote the Democratic ticket need expect any employment, supplies, or other assistance from Democrats unless they voted with them?—A. Not as a general thing.

Q. Was this plan recommended by the Democratic press of this State?—A. Not that I know of as a general thing. I took two Democratic papers and did not construe their language in that way.

Q. You read the Charleston News and Courier and Journal of Commerce; if I construed their leading articles during the campaign to advise the adoption of the plan mentioned, you and I must construe the English language differently, don't we?—A. I certainly did not understand them to advise such a course; on the contrary, the News and Courier particularly stated on several occasions that every man had a right to prefer his own laborers and those to whom the merchants should advance to.

Q. You say Tabo Frase did not vote at all; do you mean he did not vote at the Lawtonville precinct?—A. I mean that he did not vote at this precinct, and he says he did not vote at all.

Q. You say some six persons say they have voted the Democratic ticket; can you give me the names of those parties?—A. I stated some half-dozen or more would have voted the Democratic ticket if they had not been threatened; some of their names are Denis Percy, Romeo Lawton, Captain Buckner, Fortune Butler, and several others, but don't recollect their names and don't know the names of others. If I had time would recollect others.

Q. Is Zack Daniels a land-owner?—A. Not that I know of.

Q. Is he not a worthless fellow, and takes every opportunity to get drunk?—A. On the contrary, I look upon him as one of the best men in the country. He will take his tea when he gets it.

Q. Is it not your experience that a few turbulent characters are generally present on public occasions who curse around and threaten people?—A. Sometimes there is, at others not; but they are generally Republican colored men who are said to be leaders in this part of the country.

Q. In this vicinity is there a single Democrat who curses?—A. Certainly.

Q. Was not election-day a cold, raw, damp day?—A. It was rainy in the morning, not very cold.

Q. Did these Republicans you mention have any guns with them, drilling and mustering, on day of election?—A. None that I know of.

Q. Did they not simply go through the infantry foot drill?—A. They marched around without guns, with drummers at head of column beating same.

Q. Prior to election were there any other organizations (rifle or saber clubs) in this vicinity?—A. After proclamation of Chamberlain there was none that I know of except one company of State militia which had been disbanded and reorganized same day. This company was colored.

Q. Do you not know that the cause of their disbanding was that they had completed the three years' service for which they were mustered, had expired, and that they immediately reorganized for three years' service in State militia?—A. I have no means of knowing.

Q. Did the proclamation of Governor Chamberlain and President Grant prohibit the drilling of the State militia?—A. I don't remember.

Q. Could the colored men you mention as being affected by these proclamations read; and, if so, have you any knowledge that they read these proclamations?—A. Some of them could read, others not. I have heard some of them speaking of the proclamations. They must have read or heard them read.

E. F. WARREN.

Sworn to this 17th day of February, 1877.

[SEAL.]

JEFF. WARREN,

*Notary Public, Beaufort County, South Carolina.*

Deposition of Andrew Howard, (colored,) in the matter of the contest of G. D. Tillman against Robert Smalls for a seat in the Congress of the United States.

*SOUTH CAROLINA, Beaufort County:*

ANDREW HOWARD, a witness of the legal age, deposes as follows, he being produced by contestant, on due notice to contestee, in answer to questions propounded by contestant or his attorney:

Question. Where do you live? Where were you born and reared? How old are you? Where did you vote at the last election?—Answer. I live on Mr. Tuten's place, near Lawtonville, Beaufort County, South Carolina. I was born and reared at Mr. Bostick's place, near Lawtonville; about thirty or thirty-five years old. I voted at Lawtonville precinct. I am a laborer.

Q. Do you know of any intimidation practiced by Republicans, colored Republicans, toward those colored men who were going to vote Democratic tickets at the last general election at this precinct (Lawtonville) either before, at, or since the election?—A. The day of the voting I had

to get Mr. Thomas to come that morning with us; we heard the threat that any colored man who voted the Democratic ticket would be met by a club on the road at the school-house, who would double-bank and give them one hundred lashes apiece. I asked Mr. Thomas to lend us his mules and come with us as a protection for us, and he did so. We came on horseback from Mr. Thomas's to the polls, and Amos Miller said I was a damn son of a bitch; that I voted the Democratic ticket for corn and bacon after I had voted; my brother Thomas, Bob Owens, and Grady Brown, and Mr. John Thomas, a white man, came with me; also Miles Rapley, all colored, except Mr. Thomas.

The colored Republicans were on the road in clubs at the school-house where I heard they would be; did not disturb us that morning; I did vote Democratic ticket; before I voted, colored Republicans said they would go round in clubs to the houses of colored men who voted Democratic tickets and give them one hundred lashes. This before the election was repeated at the polls election-day. A great many colored men were present; they had company in line at the time, and spoke it distinctly; many heard it at the time. Some said their necks ought to be cracked, some said they ought to be hung, some said they ought to be shot if they voted Democratic tickets. These Republicans were armed with sticks and pistols; one had a sword.

I would not have come to the polls if Mr. Thomas had not come with me, because I feared these men would beat me. They had said that all the Democrats should live with the Democrats. I heard that we would be beaten. Amos Miller told me that they would beat me if I did vote the Democratic ticket. The other men who came with me told me they would not come without Mr. Thomas came with us, as they were afraid of being beat. This crowd of men at the school-house told me before that they would beat me if I voted the Democratic ticket. I remained in Lawtonville until night. Mr. Cane, a white man, came to the box. Mack Patterson and these colored men brandished their sticks and said that they had heard that Grant would send out troops in a few days to protect them in their undertaking; that they were now at Gillisonville, and would divide the land—cut it up and divide it so that every Republican would have a home, and no Democrat should have one.

Q. If it had not been for the threats and intimidation that you speak of, would more of the colored men have voted Democratic tickets?—A. Yes, sir; they said they would do so; but for the threats, Democrats would have got many more votes. I know of my own knowledge many who did not come, and some who did come and voted Republican ticket unwillingly. Of those who staid away and did not vote, I know of about twenty; and of those who came and voted Republican ticket I know of some ten more that they would have got; I mean Democrats would have got these votes if the colored men who remained at home had not been kept away from the polls by fear, and those I mention as voting Republican ticket unwillingly had not been forced to do so through fear.

Cross examined:

Q. You live on Mr. Thomas's land, do you?—A. No, sir; on Mr. Tuten's land.

Q. What made you go to Mr. Thomas, instead of Mr. Tuten for protection?—A. I was living with Mr. Thomas at that time.

Q. Do you expect to rent land of Mr. Thomas this year?—A. I do not.

Q. At the time of election you were living with Mr. Thomas?—A. Yes, I was living with Mr. Thomas under contract for labor.

Q. Did not Mr. Thomas talk to you about voting Democratic ticket?—A. Yes, sir; he asked me what ticket I would vote; I told him Democratic ticket.

Q. Did not Mr. Thomas or Mr. Tuten tell you it would be better for you to vote Democratic ticket, and then you could have all the land, with supplies, that you wanted?—A. No, sir; they never have told me anything of that kind.

Q. Did not you hear that Democrats in this vicinity said so?—A. No, sir.

Q. No one prevented you from going up to the polls on day of election and putting Democratic ticket in box?—A. No one; I voted early.

Q. Did Bob Owens, Grady Brown, and Willis Peeples vote Democratic ticket?—A. Yes, sir.

Q. Did you see any one prevent them from putting Democratic tickets in the box?—A. No, sir.

Q. You say that that company that was drilling, some of them had guns that day?—A. Yes, sir.

Q. If E. F. Warren says that he did not see them with guns, he could not have noticed them particularly on that day?—A. If he did not see any guns he could not have noticed very particularly.

Q. Don't you know a large number of the men that were drilling that day?—A. I have seen them, but do not know their names; I know Miller.

Q. Did Amos Miller have a gun on that day?—A. No, sir.

Q. What was the club you saw at school-house?—A. It was the same men that were drilling.

Q. Did you ever hear any of those men say before election, or when you met them at the school-house, that they would put one hundred lashes on you?—A. I heard Amos Miller say so at the poll, and heard it also before I went for Thomas.

Q. Has Amos Miller or any of them put a single stripe on you?—A. No, sir.

Q. Was this said before you voted or after you voted?—A. Before I voted and after I voted. Amos Miller told me so, and I heard the threat generally talked of.

Q. Did not you say that this company run Amos Miller?—A. Yes, sir; I did.

Q. What ticket did Amos Miller vote?—A. I don't know; he had two tickets in his hand.

Q. Was not Amos Miller a captain or lieutenant in this company you saw?—A. No, sir; one of the ranks.

Q. You say that Amos Miller threatened to put a hundred lashes on you, and yet the same company run him?—A. Yes, sir.

Q. How many of this company did you see with pistols?—A. I saw two of them.

Q. Where were these pistols?—A. In back pants pocket.

Q. You say five or six promised to vote Democratic tickets. Give me their names?—A. Billy Barnes, Sam. Barnes, Howard Barnes, Calab Wallace, Bob Owens, George Owens, Rueben Fields, Ned Slider, and others.

Q. Whose place do they live on?—A. Peeples and Morrissey places.

Q. You say about twenty voters never came to the polls. Who are they?—A. David Council, John ———, Ben. Black, Charles Thompson, Peter Thompson, Little Peter Thompson, (I do not know whether he is of age or not,) July Tison, old man Tison, David Brantley, Oliver Brant-

ley, Flander Maxwell, William Davis, John Davis—all I can remember just now. There are others I could remember if I could study over it.

Q. Did you visit any other poll during day of election?—A. No, sir.

Q. Then these men you have mentioned may have voted elsewhere?—

A. I take their words for it that they did not vote.

ANDREW + HOWARD.  
his  
mark.

Sworn to before me this 20th February, 1877.

[SEAL.]

JEFF. WARREN,

*Notary Public, Beaufort County, South Carolina.*

Deposition of Zack Daniels in the matter of the contest between G. D. Tillman against Robert Smalls for a seat in the Congress of the United States.

SOUTH CAROLINA,

*Beaufort County :*

ZACK DANIELS, (colored,) witness of the legal , deposes as follows, being produced as a witness by contestant upon due notice to contestee:

Question. Where do you live, what is your occupation, and where did you vote at the last election, and what is your name?—Answer. In Beaufort County, near Lawtonville; am a farmer; voted at Lawtonville precinct; Zack Daniels.

Q. Do you know of any intimidation practiced by the Republicans towards colored Democrats, or those colored men who wanted to vote Democratic tickets, at, before, or since the last election?—A. The Republicans tried to take me off from the stand at Lawtonville for speaking in the Democratic interest; said they would take me down and kill me; was a large number present; said "Take damned Democrat down," "Don't let him speak," "Kill him." They were kept from carrying threats into execution by the interference of others; friends prevented it. I had to quit. Would not let me speak. Attempted to do the same thing at Brighton, but were again prevented. Said those men who voted the Democratic ticket should be whipped and be turned away from the church. This was a general thing among the Republicans of this neighborhood. Said if a colored Democrat were to die, would not bury him.

These threats were so violent that I was afraid to go among them. Said that at the election would have United States troops to support them, and would show Democrats that colored men should not vote Democratic ticket. Would get troops from Grant and Chamberlain. Said, also, that the colored men who voted Democratic ticket were voting to put the negro back into slavery. A great many who belonged to the church were deterred from voting because of threats of expulsion and beating. On the day of the election, Republicans drilled near polls; had clubs; cursed and abused colored men who would vote Democratic ticket. Heard no threat of killing directly at the polls that day. They took Democratic tickets from one and gave him another, a Republican ticket, followed him, and frightened him until he did vote the Republican ticket. They cursed and abused all who did vote the Democratic ticket.

Q. Was there anything else which happened on that day calculated to intimidate?—A. Do not know; do not remember any more happening that day.

Q. If those colored men who intended to vote Democratic ticket had

not been thus intimidated and left to themselves, would they have voted Democratic ticket?—A. They would; (some did vote Democratic ticket who feared to have it known—fear to have it known even yet;) that is, at this time are afraid to have it known.

Q. Would the result of the election have been different at this precinct if they had been unmolested; that is, colored voters, if they had been unmolested, and if there had been no such interference as afore-said?—A. Yes, sir; the result would have been different. Democrats would have got a great many more votes; fifty or seventy-five—perhaps eighty more votes.

Q. Then this intimidating influence practiced by Republicans tended to create a general terrorism among those who intended to vote Democratic ticket, (I mean colored men,) did or did it not?—A. It did most assuredly.

Cross-examined :

Q. Were you not a delegate from this vicinity to the Republican convention in September last?—A. I was, sir.

Q. About what time were you converted to democracy?—A. In October some time.

Q. Whose land do you live on?—A. T. O. B. Wood's land.

Q. Did T. O. B. Wood ever speak to you about changing your political principles?—A. No; he has never asked me to change, nor spoken to me about changing; have talked about corruption of the government.

Q. By what party was the meeting called when you say they threatened to take you from the stand?—A. One of the meetings was called by Republicans; the other by the Democrats.

Q. In what month were these meetings held?—A. Both in October.

Q. At the Republican meeting, was it generally known that you had turned Democrat?—A. Yes, sir.

Q. Are you a church member?—A. No, sir.

Q. Who threatened to turn others out of the church?—A. I could not now name persons, but they were colored Republicans.

Q. Can you give the names of those who were so threatened?—A. Tavo Fraser. I do not know names of others; it was rumored and generally understood.

Q. Then it was from rumor that you know that others were threatened?—A. Yes, sir; except that Tavo Fraser told me he was. I did not attend church often.

Q. What ticket did Tavo Fraser vote?—A. He did not vote at all. He was not at Lawtonville poll, and said he did not vote.

Q. You said in direct-examination that a great many who belonged to the church said that because they would be turned out of church they would not vote. Can you give me the names of any of this great many?—A. It was current rumor; did not charge my memory with names.

Q. If you had been left to yourself, without any interference either from Democrats or Republicans, what ticket would you have voted?—A. I would have voted a part of the Democratic ticket. After I was threatened by Republicans I was determined to show them I would vote the whole Democratic ticket.

Q. Would you have voted for Robert Smalls for Congress?—A. No, sir.

Q. Then, whether you had been threatened or not, you would not have voted for Robert Smalls for Congress?—A. I would not have voted for Robert Smalls under any circumstance whatever.

Q. Did you see any personal violence used by any one, or on any one, by Republicans, on the day of election?—A. No, sir; except pushing, pulling, and rudely jerking. I saw no one beaten on the day of election.

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ZACK + DANIELS.  
mark.

Sworn to before me this 20th February, 1877.

[SEAL.]

JEFF. WARREN,

*Notary Public, Beaufort County, South Carolina.*

Deposition of John T. Morrison, of Lawtonville precinct, in the matter of contested election by G. D. Tillman against Robert Smalls for a seat in the Congress of the United States.

SOUTH CAROLINA,

*Beaufort County:*

JOHN T. MORRISON, a witness of the legal age, being produced by contestant, on due notice to contestee, deposes as follows in answer to questions propounded by the contestant:

Question. What is your name? What your age? Where do you reside? What is your occupation? And did you vote at the last general election? If so, at what place did you vote?—Answer. My name is John T. Morrison; am 35 years old; live near Lawtonville, Beaufort County; school-teacher and farmer; voted at Lawtonville precinct.

Q. Did you hold any official position at the last election; and, if so, were you sworn, and by whom?—A. I was appointed United States assistant supervisor by Poineer. Was sworn in by W. J. Causey. Do not know if he was a notary public or trial-justice, or either. I am not certain who swore in managers.

Q. Do you know of any intimidation practiced by Republicans on the day of election, previous to or subsequent to that day, against colored men who desired or intended to vote Democratic ticket? If so, state it in detail.—A. I heard numbers of colored men say that they were afraid to vote Democratic ticket before the election. It was a common talk among colored men in the neighborhood that they would vote Democratic ticket if they were not afraid. One reason was, that they would be turned out of their churches; would be socially ostracised; would be whipped by the colored Republicans. Some also said that their lives had been threatened; that Republican leaders had also exacted an oath from colored men soon after the war. These were given as reasons why they feared to vote. I will give as a single instance, that on one occasion, previous to election, a colored man working in my field was asked by some colored Republicans how he would vote. He replied Democrat, when they immediately made violent threats. (These Republicans were passing near my field at the time.)

(Objection by counsel for contestee to questions asked at this point not placed on record.)

The proclamations of Chamberlain and Grant, ordering the disbanding of rifle-clubs and other military organizations, made a decided change. Previous to these proclamations we thought—felt satisfied—that we would carry the election. The colored men rode with us; wore Democratic badges; promised to vote with us. These proclamations at once drew a line of distinction between white and colored; the colored men could not be approached on the subject. Those colored men who had before affiliated with us and had ridden with us to public meetings discontinued. We had no military organization in this precinct.

It was a general talk also among colored people that they might be punished by the government, by Grant and Chamberlain, if they voted Democratic ticket. If I had been a colored man and a Republican I would have been afraid to vote Democratic ticket at any precinct in this neighborhood. On the day of election I was uneasy that an outbreak would occur on the part of Republicans; reports were general that arms would be brought by colored Republicans. I met the Republican managers at the polls, two Republican managers and one Democratic manager. Every thing passed off quietly until about eight or nine o'clock a. m.

A large body of colored Republicans, in military organization, properly officered, commanded by an officer in full uniform; officers had clubs in their hands; marched up near the polls and performed military evolutions. These came from the neighborhood below, and were joined at this place by a similar party from above, all coming in in military order. They halted, broke up in a mass, rushed in to the polls, crowding around so that I found it difficult to keep them from forcing me out. I had on my hat, badge of office, which they could not fail to see. There was no peace officer on the ground at the time.

Q. During the drilling, and after they had broken line, was there any shouting, brandishing of sticks, or other weapons displayed?—A. There was a number of sticks brandished; much hollooming. They were very threatening in their demeanor. When a colored man attempted to vote Democratic ticket he was taken off by them. They reformed, placed him in front, doubled-quickened him to the polls, and he would vote Republican ticket. This, I mean, they did in one instance twice; that is, doubled-quickened him up twice. The second time he was brought up he voted Republican ticket. There was one colored man that I saw taken off from the polls by two colored men with clubs. He seemed much alarmed. The same who was afterwards double-quickened.

Q. What effect did this system of intimidation have upon those colored men who wanted to vote the Democratic ticket?—A. It made them vote Republican ticket. The only colored men who voted Democratic ticket were those who voted very early in the morning before this crowd arrived or late in the evening.

Q. What would have been the difference in the result of the election at this precinct if no such intimidation had been practiced by Republicans?—A. The result would have been very different; after supervising the election, I was surprised, and would say, that it would have been an open question which party would have been ahead; think it very likely Democrats would have carried election here.

Q. How many more votes would Democrats have received if no intimidation had been practiced?—A. A great number more.

Q. What did you do with the oath you signed as supervisor?—A. I retained it; either have it at home now or burned it up a few nights ago; did not return or forward it.

Q. What did you do with your return as supervisor?—A. Forwarded it by mail to Poiner; did not swear to return.

Q. Do you know of any other intimidation, I mean generally?—A. A night or two previous to the election there were runners through the country, who, by threats of some punishment from the government, caused colored people to fear to vote Democratic ticket, something which entirely changed the phase of the election.

#### Cross-examined:

Q. As supervisor, did you not endeavor to carry out your instructions to the best of your knowledge and ability?—A. I did.

Q. All that you know about threats of being turned out of church



and whipping, is what has been told you, is it not?—A. Yes, sir; by the parties threatened telling me.

Q. How far were you from the men who threatened men plowing in your field?—A. About one hundred and fifty yards.

Q. Did you hear the words used?—A. I did, but do not now remember the words.

Q. Did you read proclamations of Chamberlain and Grant?—A. I did.

Q. Were there any rifle or saber clubs in this section other than the State militia?—A. I know of no clubs armed with rifles and sabers; know of no weapons in this country, other than sporting guns.

Q. Do you know of any military clubs that were not armed?—A. I do not.

Q. Was there anything in those proclamations which forbade the assembly and drilling of the State militia?—A. I do not remember.

Q. Was there anything in those proclamations which forbade the peaceable assembling of political clubs?—A. I do not think there was, but the impression created among some was that there might be some danger in the meeting of clubs.

Q. Do you know in what month those proclamations were issued?—A. I think in October—September or October.

Q. After that time did the Democratic political clubs you spoke of discontinue holding meetings?—A. After finding our meetings could not or was not embraced in the proclamations, we continued to meet.

Q. How soon after did the right of peaceable assembly for a lawful purpose was not abrogated by those proclamations?—A. The proclamations were discussed at our next meeting, and we found that our club was not embraced in the proclamations, and we continued to meet.

Q. You say there were rumors of impending outbreaks. Did you hear these rumors from Democrats or Republicans?—A. I heard danger was anticipated by both parties.

Q. Do you mean by that, that each party were afraid of the other?—A. The Democrats were afraid a disturbance would be brought about by Republicans who would beat and maltreat those who were going to vote Democratic tickets, (colored men, I mean.)

Q. Had these men voted at the time you say they marched up to the polls?—A. No; not at this poll.

Q. Do you know, at this precinct, on the day of election, if any one was struck or received bodily injury?—A. I do not know of any one.

Q. Who was the man whom you say was carried off from the polls, and afterward brought back and voted the Republican ticket?—A. Amos Miller.

Q. Who was the man you say was taken away and afterward voted the Republican ticket?—A. The same man.

Q. Did not the Democrats at this precinct, as a general thing, vote early on that day?—A. I think they did.

Q. How many Democratic votes were polled on that day?—A. I do not know; I think one hundred and forty.

Q. Do you know how many white Democrats voted here on that day?—A. I cannot state; I fear I overstated the amount the Democrats received. As nearly as I can recollect, there was about one hundred and twenty Democratic votes, and two hundred and thirty Republican.

Q. On what do you base your impression that some terrible threat changed the whole phase of the election?—A. A surprise on part of Democrats seeing so many of their employes in the ranks of the company who voted the Republican ticket, and the indisposition on the part

of colored men who had promised to vote Democratic to talk or have anything to do with us a few days before the election.

Q. On what impression do you base the impression that runners were out that only traveled through the night?—A. I heard both parties speak of it.

Q. Was not there a general disposition on the day of election to respect your authority as supervisor at this precinct?—A. Not at first, but afterward there was.

**Redirect examination :**

Q. You that say Amos Miller was the party referred to that was taken off from the polls by two colored men with clubs. How was he brought back to the polls, and was he followed by others?—A. He was brought back by a colored company of Republicans, at the double-quick, who were brandishing their clubs and using threatening language. This was repeated twice.

Q. You say your authority as supervisor was not at first respected; explain what you mean by at first, and whether your authority was disregarded by Democrats or Republicans.—A. It was disregarded by the Republican company, who endeavored to push me from the polls, and it would have been hazardous for me to have challenged a vote.

Q. What circumstance later in the day caused the colored Republicans to recognize your official authority?—A. Because the Democrats called on me to keep order, and the Republicans saw me taking down names.

JNO. T. MORRISON.

Sworn to before me this 21st day of February, 1877.

[SEAL.]

JEFF. WARREN,

*Notary Public, Beaufort County, S. C.*

Deposition of Phlander McZeane, (colored,) in matter of contest by G. D. Tillman against Robert Smalls for a seat in the Congress of the United States.

SOUTH CAROLINA,

*Beaufort County :*

PHLANDER MCZEANE, (colored,) a witness of the legal age, produced by contestant on due notice to contestee, deposes as follows :

Question. What is your name? Where do you live? What is your occupation, and where did you vote at the last election?—Answer. Phlander McZeane. I live near Lawtonville, Beaufort County, South Carolina. I am a farmer and laborer. I did not vote at the last general election.

Q. Why did you not vote?—A. Because I was afraid to vote.

Q. Why were you afraid to vote, and would you have voted if you had not been afraid, and for which party?—A. Because I was threatened so bad by colored Republicans that if I did not vote a Republican ticket, or if I came to the polls and voted a Democratic ticket, that they would whip me to death. Also, at Brighton, before the election, other colored Republicans threatened me so that I was afraid. There were so many Republicans who threatened me at different times if I voted Democratic ticket they would beat me. Some threatened to beat me and some threatened to kill me. I would have voted the Democratic ticket if I had not been afraid. I did not attend the polls.

Q. Were there any other colored men who were going to vote the Democratic ticket, or who desired to do so, threatened by colored Re-

publicans; and, if so, how many?—A. Yes, sir; there were others who wanted to vote Democratic tickets that I know of who did not attend the polls because of prior threats; about ten that I know of remained at home in consequence. Five that I know of came to polls and did not vote at all for same reason. I did not attend the poll, and do not know if any voted Republican tickets who intended to vote Democratic.

Q. Were the threats made by colored Republicans general or special?—A. The threats were general throughout this portion of the country, heard from a good many men and in a good many places; heard others threatened besides myself.

Q. What was the effect produced on colored men by the proclamations of Chamberlain and Grant in reference to the disbanding of military organizations, rifle and saber clubs?—A. There was a general talk among colored Republicans that Chamberlain and Grant would send troops on day of election to make the colored men who wanted to vote Democratic tickets vote Republican tickets. This talk was before the election, and we heard that the troops were at Gillisonville. Colored Republicans said if colored men voted Democratic tickets they would be taken up by the troops. This deterred them from voting—that is, many from voting—and caused others to vote Republican tickets who desired to vote Democratic tickets.

#### Cross-examined:

Q. Whose land do you live on?—A. T. O. B. Wood's.

Q. Have any colored people left his lands since election?—A. William Edish and his family.

Q. Whose land did they move to?—A. To Mr. Holcombe's land. Also, old man Sam Daniels and his family have gone to Brunson. These are all.

Q. Give me the names of those who threatened you?—A. Oliver Beatty for one. Once in the road, coming from church, and on the day of the election in Mr. Wood's yard.

Q. Are these the only times you were threatened?—A. I was threatened by others at different times.

Q. Have you heard of any one being killed in this neighborhood for voting Democratic?—A. I have heard of no one being killed, but have heard of three being badly whipped for it.

Q. Give me the names of some of the ten who staid at home.—A. Tavo Fraser, Bob ———, don't know his surname; can't think of any other names just now.

Q. How do you know there were about ten?—A. I did not take down the names, as I did not expect to be called on to testify, but know of that number.

Q. Give me the names of those five who went to the polls and did not vote.—A. David Beatty was one; don't remember others for same reason.

Q. How do you know there were five who went to the polls and returned without voting?—A. Heard them say so.

Q. You say that you heard others threatened. Give me some of their names?—A. Zack Daniels, Bill Russell; all I recollect the names of just now.

Q. What did Grant say in his proclamation?—A. I only heard that he was going to send a troop through on day of election to make all colored men vote Democratic ticket.

Q. You say there was several who voted Republican ticket who wanted to vote Democratic ticket; can you give me the names of any of them?—A. I am unable just now to recall all the names.

Redirect examination :

Q. Can you read or write ?—A. No, sir.

Q. Do you take a newspaper ?—A. No, sir.

Q. Did you not depend for your knowledge of the proclamation of which you speak upon what colored Republicans told you ?—A. That was only the means I had to know.

Q. Do not colored people in this county frequently change their surnames ?—A. Yes, sir ; they do, and particularly about election times.

Q. How is it that you do not remember more names ?—A. Because of this frequent change, and because I did not charge my mind with it.

Q. You speak of being threatened at different times ; was the parties so threatening alone ?—A. Generally in a crowd.

his  
FLANDER + McZEANE.  
mark.

Sworn to before me this 21st , 1877.

JEFF. WARREN,  
*Notary Public Beaufort County, S. C.*

Adjourned to meet at 8 o'clock a. m. to-morrow morning.

LAWTONVILLE, S. C.,  
February 22, 1877.

Met pursuant to adjournment and proceeded to take deposition of J. D. Johnson.

Deposition of J. D. Johnson, in matter of contest by G. D. Tillman against Robert Smalls for a seat in the Congress of the United States.

SOUTH CAROLINA,  
*Beaufort County :*

J. D. JOHNSON, a witness of the legal age, being produced by contestant, on due notice to contestee, deposes as follows in answer to questions propounded by contestant or his attorney :

Question. What is your name : what is your age ; what is your occupation, residence, and where did you vote at the last general election ?—

Answer. J. D. Johnson ; 50 years old ; farmer, and constable, and deputy sheriff, (special deputy ; ) I live near Stafford's Cross-Roads, Beaufort County ; voted Democratic ticket at Lawtonville precinct.

Q. Have you an extensive acquaintance in this county, colored and white ?—A. I am personally acquainted with almost every man, white and colored, in this section of Beaufort County.

Q. Do you know of the existence of any system of intimidation practiced by colored Republicans toward or against colored men who wanted to vote Democratic ticket ? If so, state briefly.—A. On the day of election an old colored man who had, for the purpose of escape from voting Democratic ticket, gone into the garden of Capt. E. H. Peeples, was brought to polls and forced by bribery and intimidation to vote Republican ticket ; he was promised by these colored men five dollars if he did so, and threatened if he did not. Another colored man, Amos Miller, came into the piazza and said he wanted to vote Democratic ticket. He was jerked from the piazza and told by colored men, in a loud voice, that they would give any colored man the devil who voted that ticket. They abused him and spoke very angrily. Drums were beating and the colored men were marching to and fro. I saw some guns and clubs among the colored men ; drilled until late in the evening. I heard them

frequently assert in a loud voice that they would whip and give any colored man the devil who voted Demeocratic ticket; before the election I heard colored Republicans threaten all over the neighborhood that they would whip any colored man who voted Democratic ticket. I heard the threats generally through the country; did not charge my memory with the names of the parties threatening.

Q. Do you know of any of these threats having been carried into execution?—A. I do; one Peter Johnson, a colored man, who lived at the time on my place, was whipped by colored Republicans for voting Democratic ticket. I heard Peter Roberts say that they, the Republican colored men, had threatened to whip him for voting Democratic ticket.

Q. Did you see constable arrest any one for whipping colored men for voting Democratic ticket?—A. I did, under or by authority of a warrant issued by Trial-Justice Mulligan, arrest colored man and attempted the arrest of others; trial-justice directed me to press three or four men to assist in the arrest; I did so; I arrested a colored man, Frank Grant, with gun in woods.

(Counsel for contestee objects to any further testimony on this subject on the ground that it is not material.)

I carried him to trial-justice and left him in charge of other parties; I then returned and arrested another colored man, Moses Grant, placed him in the custody of Franklin Cansey; I then arrested Washington Brown; I placed him in custody of Medicus Ellis; a colored man, Tobe Johnson, was next arrested; he promised me that he would report to Mulligan. I then proceeded to the house of Moses Perry, jr., attended by my assistants, (Shuman, Deloach, and Ellis.)

Passing through a field I heard a yell, and saw a crowd of colored persons approaching. I had no one with me under arrest at the time, having sent them forward. I commanded peace. These colored men fired about twenty guns into my posse, and killed one of my posse, John Shuman. Another of my posse, Abram Deloach, was also shot and stabbed in several places with a bayonet. These colored Republicans also attempted, after guns were discharged, to thrust a bayonet into N. W. Ellis, another of my posse. Prisoners were released from trial justice by force, and colored Republicans, armed, concentrated in force, defying arrest.

We telegraphed for sheriff of the county, who arrived, and at the head of a very large posse of white men dispersed the colored men. I rode around the country, and ascertained that these colored men were being rapidly re-enforced, but cannot say how many were concentrated. A number were disarmed, but I am satisfied that a great number of them escaped with arms through the woods; have no positive knowledge of the number, but a large number. They offered no resistance to sheriff and his posse. I saw some of the officers who came to meet me on road, and said that if Sheriff Wilson demanded any they would give them up.

Q. But for the general intimidation and particular threats of which you speak of being practiced and made by colored Republicans toward colored men who wanted to vote Democratic ticket, would the result of the election have been changed?—A. I think it would have been very different.

Cross-examined:

Q. How do you know that Amos Miller wanted to vote Democratic ticket?—A. He said so at the time.

Q. Did you see Peter Johnson whipped?—A. I did not, but saw him directly after he was whipped.

Q. Was there not a colored man shot and killed before Shuman was killed?—A. There was, after firing was commenced by them.

Q. Are you not under bond to appear at the June term of the court for his being killed?—A. I am.

Redirect examination:

Q. You speak of a colored man having been killed before Mr. Shuman was killed. Was he killed before the firing was commenced by the colored men on your posse?—A. No, sir; he was not. The colored Republicans commenced the firing, and had fired at least a dozen guns before this colored man was shot.

Q. Have these colored men been acquitted for the murder of Shuman?—A. They have not been tried yet.

J. D. JOHNSON.

Sworn to this 21st day of February, 1877.

[L. S.]

JEFF. WARREN,

*Notary Public, Beaufort County, S. C.*

Deposition of D. B. Gohagan, in the matter of contest of G. D. Tillman against Robert Smalls for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

*Beaufort County:*

D. B. GOHAGAN, a witness of legal age produced by the contestant on due notice to contestee, deposes as follows:

Present: G. D. Tillman, by counsel, J. E. Lansey; and A. G. Thomas, of counsel for contestee.

Question. State where you live, your occupation, and age.—Answer. I live in Lawton Township, Beaufort County. I am a farmer; age, thirty-five.

Q. Were you a manager at the last election; and, if so, at what precinct?—A. I was a manager at the place known as Lawton Church precinct.

Q. Were you regularly sworn in as a manager of election, and if so, by what officer; and were the other managers sworn in, and, if so, by whom?—A. I was sworn by Trial-Justice F. J. Mulligan on my way to polls. Just before daylight I called at Mulligan's, and was sworn. After I reached the polls I swore the other two managers. (I stopped at Mulligan's and told him to swear me in.)

Q. Who was chairman of that board of managers at that precinct, and who appointed chairman; when, where, and how was he appointed?—A. John B. Bascom was chairman. Myself and the other managers, after we got to the precinct on day of election, agreed, as Bascom had managed elections before, that he would be the best and had better act as chairman. John B. Bascom is a colored Republican.

Q. After Bascom was elected chairman, did he swear the other managers in?—A. No, sir; I swore Bascom and George Lawton; the other manager, George Lawton, is also a colored Republican.

Q. How did Trial-Justice Mulligan swear you; did you sign a written oath; and, if so, did he administer an oath to you before you signed the same?—A. He wrote off the oath, and I signed it; he swore as he usually takes an oath, I believe. He had no Bible. He handed me the oath and I signed it. I am not positive whether I held my hand up or not.

Q. What did you do with that written oath that you took?—A. I put it in the ballot-box.

Q. You say you swore in the other managers. When did you do it, how did you swear them, and what was done with the oath, if it was a written oath?—A. After we got on the election-ground, just before we opened the polls, I swore in the other managers. I read the oath to them. There was no Bible; they held up their hands, and signed a separate oath from the one I had taken. This was also put in the ballot-box before we locked the box.

Q. When did you open the polls? When were they closed? Was there any adjournment or intermission?—A. I suppose we opened the polls about seven o'clock. We closed polls about six—that is about sunset. There was some little adjournment, but all the managers did not quit the polls at any one time.

Q. Who swore the voters on that day?—A. Bascom did the most of it. Sometimes I administered the oath, and sometimes I don't know if Lawton did not.

Q. How many voters were sworn at the same time; and how many did you and Lawton swear?—A. One at a time. I administered the oath several times during the day; can't say how many.

Q. When, where, and how did you count the votes; and were there any informalities?—A. After we got through we opened the box and proceeded to count. We counted out the votes; and we got bothered in counting. Bascom moved that we should close the box for that night, and meet at Stafford's Cross-Roads the next day, about six miles off. We closed the box, according to the motion of Bascom, and we met the next day at Stafford's Cross-Roads and completed the count.

Q. How many votes had been counted up to the time you got bothered, and what was the cause of this botheration?—A. After opening the box we found how many votes were in the box. We could not get it arranged—the number of votes for such and such men. There was a large crowd there, and they got bothering us so that we could not keep the count; the crowd was so large and bothered so that we could not keep the count for the candidates; I mean for each candidate. Bascom moved that we should adjourn.

Q. You say you found out how many votes were in the box; how did you find that out?—A. After we had closed the polls Bascom unlocked the box, and we turned the votes out on a table. We then counted the number of ballots; one man counted red tickets, another counted out the other color. We soon after closed the box. We ascertained by the color of the tickets. We decided how many for the Republican and how many for the Democratic party.

Q. Did you count the ballots by calling the name of each party who was voted for upon that ballot, and having regular tellers at that time, or how did you count them?—A. The tickets were arranged by the color, as we could tell which was voted for Chamberlain and which for Hampton. After we got through we picked up the Chamberlain colored tickets and put them in a pile—Hampton's vote in a pile. We counted them by the heading of the tickets. We undertook then to tally them, but got bothered, and did not.

Q. What caused the botheration?—A. In the crowd we could not regulate the count; some tickets were scratched, and we—the crowd bothering and the scratched tickets, we adjourned to Stafford's Cross-Roads, six miles distant.

Q. By whom, or what party, were you pressed on that night—how near did they crowd round the table?—A. By the Republican party.

They were near enough to take off or push in votes, but I did not see any attempt to do that.

Q. Were you one of the party who had charge of some of the votes poured on the table, and how many other parties had charge of batches of ballots?—A. I was; just the managers and supervisors had charge of the batches.

Q. Did each one have a separate batch, and how many piles were they?—A. Each one that was counting had a separate pile—four piles that I remember.

Q. How many Republican and how many Democratic piles were they?—A. I think, as well as I remember, that one man would hand, when he found a Republican ticket, he would hand it over to three Republicans, and the Democratic ticket to one Democrat. We counted by sight—color of ballot.

Q. You say there were many Republicans near enough to the table to abstract or put in votes or ballots; could you have seen anything of this kind if it had taken place at all the different piles including your own?—A. I could have discovered it at my own pile, but I never noticed the others.

Q. Were there many ballots scratched?—A. Right smart of them.

Q. Was there most scratching on the Republican or on the Democratic ballots?—A. On the Republican; there were a good many names on the Republican ballots which were scratched.

Q. Who suggested to have the ballots turned on the table?—A. I do not remember that any one suggested it. Bascom unlocked it and turned the ballots out.

Q. Who took charge of the box that night?—A. John B. Bascom.

Q. Who had charge of the key to the box, and what was the character of the lock?—A. The lock was a small box or little trunk lock; did not examine it to see whether it was safe. I believe Bascom had charge of the key.

Q. Was the lock of that character, do you think, that one could open it with a nail or counterfeit the key?—A. I do not know that one could have opened it with a nail without breaking it, but think one could have got a key to fit it.

Q. Do you not think that a number of keys could have been found in the neighborhood to fit this lock?—A. I have seen a number of locks and keys which resemble it.

Q. What time the next morning at Stafford's Cross-Roads did you commence to count votes? Who were present? In what manner did you proceed and when did you get through?—A. About 9 or 10 o'clock a. m. Myself, others, the managers and supervisors were present. We opened the box; don't recollect who unlocked it; ballots were poured out on a counter, and we piled them, dividing by the color as we did the night before, until we got the Republican tickets to themselves and Democratic tickets to themselves. Then we tallied them, one at a time; one man called out the names and two men kept tally. Got through about 2 o'clock p. m.

Q. How were the names called out, and were the scratched names only called or were all the names called?—A. All the names were called.

Q. How many votes were polled, and how many were found in the box?—A. Two hundred and thirty-seven votes were polled, (237 names I mean on the poll-lists.) We found when box was opened at Lawton Church precinct, 241 in box. We found at the church two tickets rolled up together. Four of these rolls made eight votes. We threw four



from them away. When we opened it the next morning at Stafford's Cross-Roads we found 237 votes.

Q. If there had been any change in the votes which were not scratched could you have discovered it when the votes were counted at Stafford's Cross-Roads the next morning?—A. I could not have told that.

Q. Were the votes that were folded together Republican or Democratic?—A. All four of the rolls, two together, were Republican.

Q. What number of votes were cast for each party?—A. One hundred and ninety-five Republican and forty-two Democratic.

Q. Was that the vote for Congress?—A. I do not recollect exactly. These scratched tickets caused a little flaw. Think it was about that.

Q. Was that the vote sent to Beaufort?—A. Yes, sir; one hundred and ninety-five Republican and forty-two Democratic.

Q. Explain the scratched tickets.—A. When we got to the polls, Republican tickets having given out that was sent there for Bascom, and he sent off and got some old tickets that were got for the governor at the previous election, and had them brought and the men took them. There were on these tickets some of the names that were running at this time and some names that were not. They scratched off names that were not candidates at this time and added other names.

Q. Did they have any scratching for the county officers and State officers, and where was most scratching done?—A. The scratching was done throughout the ticket for county officers, State officers, United States officers, and all. I do not recollect any scratching on the tickets printed for this campaign. The scratching was, I think, confined to the tickets used when the supply of new tickets had given out.

Q. Was there any change in the vote as you gave it when it got to Beaufort?—A. I have heard—(objected to by A. G. Thomas)—there was a difference of twelve votes. There were said to be twelve more Radical votes. I never went to Beaufort with the votes, and saw no report in newspapers.

Q. Who was the man who called out the votes when counted at Stafford's Cross-Roads?—A. S. F. Ellis.

Q. Was he a manager or supervisor?—A. Whether he was appointed or not I do not know. He assisted us the day before at Lawton church. He is said to be a Democrat. He is a white man.

Q. Was there any disturbance at the polls? If so, by what party?—A. Yes, I should say there was. The Republican party—that is, the negroes—had freshly-cut clubs about two feet long, I do not know the number; all did not have them. The negroes with clubs met negroes as they came to the polls and would give them the ticket they wanted them to vote; that is, club-fellows did. One colored man wanted to vote the Democratic ticket, but they worried him a long time, and did not let him rest until he voted the Republican ticket. Another colored man that did vote the Democratic ticket, and they tried to beat him within fifteen feet of the polls, and swore vengeance for him when they caught him off. Another colored man who wanted to vote the Democratic ticket who did not vote; said he feared that these men would injure him if he did so, and that he feared to remain; he went home without voting. There was a great deal of whooping and hallooing around the polls by the Republican party. These colored men were threatening all day that they would whip out the Democrats.

Q. What time in the day was it when the second man who desired to vote the Democratic ticket (I mean colored man) was threatened?—A. Some time in the middle of the day; do not recollect exactly the hour. Trial-justice Mulligan carried him off; they even followed him to his

buggy, and one colored man would have struck him if another man had not got between them.

Q. Did these parties who had clubs, after giving tickets to others, carry them to the polls?—A. If they knew them to be Republicans they merely gave them tickets; that is, they knew they would vote that day the Republican ticket. To those whom they doubted, or whom they knew were Democrats, they gave the ticket and followed them to the polls. There were right smart of the colored men who before and afterwards expressed themselves to the effect that they desired to vote the Democratic ticket, but feared to do. One or two colored women came with their husbands and carried them up to the polls and made them vote, saying they would see that their husbands voted for no one else. Two colored men brought guns, who said they were going hunting, but they remained at the polls until night.

Q. Did you see any pistols or other concealed weapons?—A. I do not recollect that I did. One colored man had a sword.

Q. Was there any marching, mustering, beating of drums on that day, or a few days previous? Were there any wearing uniforms?—A. They brought a drum there late in the afternoon, beat it before they got there, coming to the place. After they got there did not beat drum until after adjourning; did hear drum about that time. The man who beat the drum wore a red jacket; said it was his uniform. I did not notice clothing particularly, but saw that some had stripes on the arm as sergeants and corporals. I do not know that there was any mustering at that immediate place, but for several days previous to election and for some time there were mustering and drum-beating at Robertsville, and all through the neighborhood, by colored men.

Q. Did these Republicans who had clubs go up to the polls in a body on that day?—A. They were in a body at the polls. I do not recollect seeing them come up.

Q. What did the man who had the sword do upon that occasion?—A. He marched about with those who had the clubs during the day.

Q. Did you see him carry up any persons whom you or they suspected were going to vote the Democratic ticket?—A. He was in the crowd with the men with clubs, and that was their business the whole day.

Q. The mustering that took place through the neighborhood around Lawton church and at Robertsville, was it among the Republicans or Democrats, and did they have State arms?—A. It was among the Republicans; they had State arms; breech-loading rifles.

Q. Was there any such organization among the Democrats?—A. If there was I never heard of it.

Q. Did Governor Chamberlain on or about the 7th of October order all rifle-clubs to disband; and, if so, was not another proclamation issued by President Grant on the 17th October to the same effect?—A. I believe there was.

Q. Did or did not these proclamations forbidding the assembling of any such organizations tend to embolden the Republicans and to intimidate the Democrats and those who intended to vote Democratic tickets?

(Objected to by A. G. Thomas, counsel for contestee.)

A. A great many of the colored men were afraid of them on that account.

Q. Did these proclamations and this mustering prevent any voters who were going to vote Democratic ticket from doing so, from your own knowledge?—A. I have heard parties say that they could not go against the color, as they had threatened them.

Q. Do you think but for these proclamations and threats and muster-

tering, and the action of those armed clubs that the result of the election at that poll would have been different ?

(Objected to by A. G. Thomas, counsel for contestee.)

A. I believe we would have had a great many more Democratic votes in the poll.

Q. From the promises which the Democratic clubs had from these colored men, and from their affiliation with Democrats in their meetings, the manner and bearing of the colored men, are you not certain that the result of the election at the Lawton Church precinct would have been different but for the intimidation referred to ?—A. Yes, sir ; I am certain that the result would have been different.

Q. How many of these colored men were affiliating and made these promises to the Democratic clubs, and that the Democrats expected to get at that precinct before the election ?

(Objected to by A. G. Thomas, counsel for contestee.)

A. I do not know the exact number, but a great many.

Q. Were there not a great many colored Republicans who said they would vote for the Democrats in this particular election, but would adhere to their politics—would not desert the Republican party ?—A. There was a great many who said they would vote for Hampton in this election and see if the Democrats would not do better than the Republicans had done ; that they wished to try the Democrats for two years. If they did not they would not vote for them any more. If they did they would stick to the Democrats. I heard a number of them say that they wanted to try a new government.

Q. Would or were not all such colored Republicans as these intimidated, or almost all such intimidated, and thus forced to vote the Republican ticket ?—A. I believe the most of them were.

Q. Was there a colored Republican company mustering around Robertsville before the election ?—A. There was.

Q. How many more votes were polled at Lawton Church precinct than was ever polled in previous elections there ?—A. I never voted at that precinct before, but I heard John B. Bascom, colored manager, say it was much larger than it had ever been before ; that he was glad of it ; it would give him another delegate from that precinct to the party convention. I heard others say that the vote was a great deal larger.

(Objection to above answer by A. G. Thomas, of counsel for contestee.)

Cross-examined :

Q. Are you not a Democrat, and did you not support G. D. Tillman for Congress at the last election ?—A. I am a Democrat, and did support G. D. Tillman at the last election.

Q. Is Trial-Justice F. J. Mulligan a Democrat, and whom did he support for Congress at the last election ?—A. He is a Democrat, and supported G. D. Tillman at the last election.

Q. When you took the oath before Mulligan, had you at that time any actual knowledge who was to be chairman of the board of managers ?—A. I did not know.

Q. Were not the Democratic tickets printed in black ink on white paper, and the Republican tickets in red ink on white paper ?—A. The Democratic tickets were printed on black ink on white paper. The Republican tickets were printed on white paper in red ink ; these having been exhausted, the surplus tickets left over from a previous election were used, these in black ink on white paper.

Q. When you took the oath, did you not determine to do your duty as manager to the best of your ability and knowledge?—A. I did, sir.

Q. Before Mr. Bascom put the motion to adjourn, was anything said on the subject, by you or the other managers, about adjournment?—A. There was not.

Q. Did you object to the adjournment?—A. I did not.

Q. In counting the votes, did you find any Democratic tickets with the name of G. D. Tillman for Congress scratched?—A. I don't remember any.

Q. Did you assist in making up and signing the report sent to Beaufort?—A. I was present and signed the report.

Q. Do you recollect the number of votes certified to on that report for Mr. Tillman for Congress?—A. I do not remember.

Q. Do you remember if any of the Republican tickets, printed in red, had the name of Robert Smalls scratched?—A. I do not recollect.

Q. Do you remember if Robert Smalls ran for Congress two years ago?—A. Yes, sir.

Q. Was the name of Robert Smalls on the tickets procured by Bascom after red tickets had been exhausted?—A. I don't remember.

Q. Whose name was on the additional tickets procured by Bascom for governor?—A. I think the name of Chamberlain; am not positive.

Q. Did you assist in tallying the votes at the Cross-Roads?—A. I did not keep tally, but helped to pile them off.

Q. Did the Democratic tickets give out at all that day?—A. No, sir.

Q. The night of the election, were there any Democrats present when the box was opened?—A. There was.

Q. Where were they standing?—A. They were some standing and some sitting near by. Very few were there; most of them had gone home.

Q. Were any of them sitting or standing near enough to touch the table?—A. I don't know that there was any that near.

Q. You say that night you had four piles or batches of tickets on the table, and that the supervisor was sorting one batch. Who was that supervisor?—A. B. A. Causey.

Q. Is he a Democrat; and, if so, did he support G. D. Tillman for Congress?—A. He is a Democrat, and he supported Tillman.

Q. Did you see any of the party present, except managers and supervisors, touch a ticket after they came out of the box that night?—A. I did not.

Q. Who kept the poll-list that day?—A. Mr. S. F. Ellis.

Q. Is he a Republican or Democrat; whom did he support for Congress?—A. He is a Democrat, they say. I am not able to say whom he supported for Congress.

Q. Do you know of any Democrats in this portion of the county who voted for Robert Smalls for Congress?—A. I do not.

Q. What number of names were on the poll-list that day?—A. Two hundred and thirty-seven.

Q. Were the Democratic ballots scratched at all that day?—A. They was; some of them.

Q. Was the name of Tillman scratched from any?—A. Not that I remember.

Q. You are not certain that Bascom had the key of that box that night?—A. I am not certain that he kept the key that night, but am certain that he locked the box.

Q. Did S. F. Ellis, who called off the votes at Stafford's Cross-Roads,

have any official connection with the board of managers?—A. He acted as clerk.

Q. Can you give us any idea of the number who had clubs at Lawton church on election-day?—A. A large crowd of them, comparatively; twenty or twenty-five.

Q. Did you see any person on that day struck with those clubs?—A. I saw no one struck with the clubs.

Q. In what building, if any, was the poll held on that day?—A. In the church.

Q. Where was the box placed?—A. Near the door; two or three feet from the door.

Q. How far does the church stand from the road, and does it run past the door?—A. Between fifty and one hundred feet; road runs directly past the door; door is on the side of the building.

Q. From where you sat as manager, how far up and down the road on each side could you see?—A. Some two or three hundred yards on either side; place is open, tolerably clear of trees.

Q. You say there was a colored man who was worried a long time, and finally voted the Republican ticket; what was his name?—A. Guy Williams. Colored men change their names so often it is hard to tell what names they go by.

Q. Who was the colored man whom you say they threatened to beat who had voted Democratic ticket?—A. Peter Roberts.

Q. Can you give me the name of the colored man who wanted to vote the Democratic ticket, and went home because he was afraid?—A. Thomas Jenkins.

Q. What time did he leave the poll?—A. He came in the morning about 8 or 9 o'clock and staid an hour or two, and he left and said he would come back again, maybe the crowd would leave. He came back in the evening and found the crowd still there. They immediately got after him. He remained perhaps half an hour and left again without voting. Polls soon closed.

Q. How did they prevent him from voting?—A. They crowded around him, from twenty to twenty-five would, and tell him it would not do to vote the Democratic ticket, and threatening him. I did not see any one offer to knock him.

Q. Did you hear a Democrat whoop on that day?—A. I did not, sir.

Q. Was there any one on that day who called out at the polls, "Hurrah for Hampton?"—A. I did hear such, but it was done by the Republicans, in derision or slurr; not by Democrats.

Q. Give me the names of those six or seven colored men who, before election, said they wanted to vote the Democratic ticket but were afraid?—A. June Stafford, Tom Beemer, and two Doar boys; do not recollect their given names; Thomas Jenkins, Guy Williams; Williams, however, did vote the ticket.

Q. Were there any Democrats that remained around the polls all day that day?—A. There was a few who remained all day.

Q. Did any of them have guns, pistols, swords, or sticks?—A. I saw no swords, no guns, nor other weapon carried by a Democrat; if they had pistols, I did not see them.

Q. You speak about musterings; did you attend any one of them?—A. I did not make it my business to attend them, but in passing these public places I have seen them there mustering; I mean colored men.

Q. Do you know if those who were there mustering do not form a portion of the State militia?—A. I have heard so.

Q. How long was this before the election, and at what place?—A.

For a fortnight or ten days before election, at Brighton. I also saw them at Ihler's Cross-Roads.

Q. Have you ever seen the proclamation of Governor Chamberlain or President Grant, of which you speak?—A. I have heard other men read it.

Q. In what month?—A. Last fall; some time in October; I don't know the date.

Q. Do you remember if there was anything in those proclamations forbidding the mustering of the State militia?—A. I remember at that time Vincent Scott, who had commanded a company of State militia, telling a party of men that he called his company together and disbanded them, but told his men they could keep their arms.

Q. You say you heard the proclamations spoken of by you read; do you recollect if there was anything in them about the State militia?—A. I don't remember hearing the State militia mentioned.

Q. Do you know of any military organization other than the State militia in this section?—A. I don't know except this; that is, these men held their arms and mustered.

Q. If no such organization existed in this section, why did those proclamations have any intimidating effect on the people of this vicinity?—A. It had effect on the colored Republicans who intended to vote the Democratic ticket.

Q. Can these colored Republicans read?—A. Some can; some cannot.

Q. Then these proclamations largely circulated throughout this section?—A. I heard a great deal of talk about them.

Q. Do you know of any threats being made by Democrats that resulted in these colored men promising to vote Democratic tickets?—A. I never heard a Democratic man make any threat, or threaten a colored man about his vote.

Q. Was it not generally talked throughout the canvass that the colored people might expect no more land and supplies in the future if they voted the Republican ticket?—A. A good many colored people have asked me the same question. I have answered them that I had never employed them on my place, and did not know anything of it. I have heard some talk of it, but not as a general thing.

Q. Do you know the total number of votes polled at Lawton church in the years 1872 and 1874?—A. I do not.

Redirect examination :

Q. Did you have the key of the box on the night when you adjourned to meet at Stafford's Cross-Roads next morning; I mean key to ballot-box?—A. I did not.

D. B. GOHAGAN.

Sworn to before me this 23d day of February, 1877.

[SEAL.]

JEFF. WARREN,

*Notary Public, Beaufort County, S. C.*

Deposition of James Hamilton in the matter of contest G. D. Tillman against Robert Smalls, for a seat in the Congress of the United States.

SOUTH CAROLINA,

*Beaufort County :*

JAMES HAMILTON, a witness of the legal age, deposes as follows, he being produced by contestant as a witness on due notice to contestee, to questions proposed by the contestant :

Question. What is your name; place of residence; where did you vote at the last election; and what is your occupation, and what is your age?—A. James Hamilton; reside near Stafford's Cross-Roads, Beaufort County. I voted at Lawton church at the last election; was supervisor of election. I am a farmer, and thirty-six years old.

Q. For what party were you supervisor?—A. I have been supervisor for the last four years. By Samuel T. Poiner I received my appointment. Was appointed for Republican party, I suppose.

Q. Did you take an oath, and before whom?—A. I merely signed an oath which was sent blank. I signed and returned the oath to Samuel T. Poiner.

Q. Were you present at Lawton church on day of last election; and, if so, what time were the polls opened?—A. I was present. I cannot be exact, but they opened some time after 6 o'clock a. m. They closed at 6 o'clock p. m.

Q. Were you present the whole day; and, if so, did you witness any irregularities?—A. I was present the whole day. I witnessed a great many interruptions. Many went to the polls and were taken off and talked with and generally interrupted.

Q. How many votes were taken?—A. Two hundred and thirty-seven.

Q. Was there any intimidation practiced by colored Republicans against any one who intended to vote the Democratic ticket? Did you witness any such intimidation? If so, state what it was.—A. There was intimidation. I saw clubs waving, and I also saw one sword. I saw one colored man come up who attempted to put in his vote; he was taken away by colored Republicans. He said he intended to vote Democratic ticket, but through fear of men of his own color he could not do it. He said afterward that he had voted the Republican ticket through fear. I was at my post, and could not tell whether there was any more. When a colored man voted Democratic ticket, he was taken up and clubs were shaken over him.

Q. Was there any women there on that occasion?—A. There were a good many colored women at the polls, who carried their husbands up, and when they had induced them to vote Republican tickets would remark, "All right; we will sleep with you again to-night." I heard none of the women say that they would quit their husbands.

Q. Were there not a great many colored voters present who would have voted Democratic tickets if it had not been for this intimidation that you speak of?—A. I could not tell exactly, but have every reason to believe that there were a great many who would have done so. Can't say how many.

Q. Upon what ground do you base those reasons?—A. I don't suppose I could give them all, but the majority of the crowd armed with clubs, and meeting those who came, and the demonstrations made, caused me to believe that the parties coming intended to vote Democratic tickets. A great many had promised to vote Democratic tickets and affiliated with Democrats, wore the Democratic badge, and yet voted Republican ticket. Some of them, colored men of course, wore the Democratic badge on day of election, but removed them and voted Republican tickets. Also threats and waving sticks over those who had voted Democratic tickets deterred others.

Q. About how many of these colored Republicans told you they would vote the Democratic tickets and try Hampton two years, and still adhere to their party?—A. A great many—some forty or fifty.

Q. Would the result of the election have been different at this poll

but for the intimidation?—A. I would say that it would have been different.

Q. Were you there when votes were counted?—A. I was.

Q. State how the counting of the vote took place, both at Lawton church and afterward at Stafford's Cross-Roads.—A. We closed at 6 p. m. Soon after, J. B. Bascom unlocked the box and poured votes on the table. They commenced then to count, one reading and the others tallying; J. B. Bascom reading the votes. That appeared to consume too much time. Then commenced assorting the votes. There were a good many scratched tickets. We commenced taking names off the scratched tickets. We found an error, and J. B. Bascom proposed we should close for the night and meet the next day at, I think, 10 o'clock a. m., at Stafford's Cross-Roads. We met at Stafford's Cross-Roads the next day and then completed the count. We met at Stafford's Cross-Roads at, perhaps, 10 o'clock a. m.

Q. Was there any discrepancy in the count at Stafford's Cross-Roads and the count at Lawton church?—A. We did not read over all the names on tickets. We counted the red tickets Republican, black tickets Democrats, except that we counted and read Republican scratched tickets. There was more voters on some tallies than on the others. Could not agree. Compromise on two hundred and thirty-seven. Highest count was two hundred and forty; lowest, two hundred and thirty-three. At night we were talking on two hundred and thirty-six. Look on the floor, found a vote and put it in the box, and counted two hundred and thirty-seven.

Q. What created the confusion in the count?—A. At Lawton church the colored people were all around us, and up on the joists, all trying to count. This caused confusion. Bascom proposed the adjournment and we adjourned.

Q. At that time had not the great mass of Democrats gone?—A. Most of the Democrats had gone home; very few were present, and none around the counting at all.

Q. Who took charge of the box that night, and who had possession of the key?—A. J. B. Bascom had charge of the box and key.

Q. State the discrepancy of the number of votes compromised or agreed upon by the managers, and the number that Bascom returned to Beaufort.—A. Twelve votes for the Republican party. I mean they had increased 12 votes for the Republicans after they left Stafford's Cross-Roads, by the time return got to Beaufort.

Q. Could there have been any change in the votes in the ballot-box during the night in the possession of Bascom without the knowledge of the managers?—A. Yes; because we had not gone through with the count, and only completed count the next day at Stafford's Cross-Roads.

Q. Do you know anything of a colored man being beat by Republicans for having voted Democratic ticket? If so, state what you know about it.—A. On the night of the 14th or 15th of November a colored man—Peter Johnson—came to my house about two hours before daylight, woke me up, and stated that a parcel of Republicans had whipped him. I told him to strip and let me see. He stripped, and was whaled up badly, the blood cut out. I asked him if he knew the party. (Objection to this portion of the evidence by A. G. Thomas, of counsel for contestee.) He said he knew some of them. He asked my advice. I told him to go before trial-justice and prosecute case. He did so. The party were all arrested but two, but were rescued by colored men with loaded guns and fixed bayonets. Guns were Army rifles. In the *mêlée*



one white man—John Shuman, a Democrat—and one of the posse pressed by the constable to assist, was killed.

Cross-examined :

Q. You say you were a supervisor at the last election, appointed by Poiner of the Republican party. Are you not a Democrat?—A. I am.

Q. In acting as supervisor, had you not to make up a report to send to Charleston?—A. Yes, sir.

Q. What did report contain?—A. Report of the election for electors and Congressmen.

Q. Did it not also contain a statement, under your signature, that the election was a peaceable and quiet one?—A. No, sir; my report did not say whether it was peaceable and quiet or not.

Q. What was the size of those sticks, and were they different from those usually carried by that class of persons?—A. Yes, sir; they were very different. They were about two feet long, with a string, and slung on the arm; could not be used for walking purposes.

Q. Did you see any one struck with them?—A. I did not, but saw them raised over their heads.

Q. How many colored Republicans did you say you heard promise to vote for Hampton? Give me the names of some of them.—A. I cannot give their names.

Q. Did any of them make that promise to you?—A. Yes, sir; a good many of them.

Q. You are acquainted with most of the colored men in that section are you?—A. I am not.

Q. How long have you lived in that section?—A. Some two or three years.

Q. Where did you live prior to that?—A. On Black Creek, about twelve or fifteen miles from Stafford's Cross-Roads.

Q. Did you consider this promise of so little importance that you cannot remember the name of a single man?—A. I do not know the name of scarcely any colored man three miles from home.

Q. Did any colored men who live at Stafford's Cross-Roads vote at Lawton Church?—A. Yes, sir.

Q. Had any of them promised you?—A. Yes; the old man that worked with me two years ago.

Q. What is his name?—A. Peter Johnson.

Q. Is this the same Peter Johnson who was whipped?—A. Yes, sir.

Q. How old is he?—A. About forty-five or fifty.

Q. When you were counting the votes in Lawton Church, did you not have the ballots divided into four piles?—A. I believe we did. I know we did at Stafford's Cross-Roads.

Q. Before adjournment was not the actual number of ballots in the box ascertained?—A. It was not definitely decided.

Q. Were the ballots counted at all that night?—A. Only partly counted.

Q. Were not four tickets found in that box folded together?—A. Tickets were found folded together—four, two in each—making eight tickets.

Q. Were not four of these tickets cast aside?—A. Yes, sir.

Q. Did not that leave the total count that night two hundred and thirty-seven?—A. Parties differed; could not get at it at all that night; some 237 and some 240 and some 233.

Q. Did not one count make it 241?—A. Not as I know of.

Q. How many colored men were in the church that night, on the joists

and around ?—A. Forty or fifty or more; could not say positively how many.

Q. Did you say all these were counting at once ?—A. I presume only those who could see over.

Q. Did not the red-eagle tickets, as you called them, have the name of Robert Smalls on it for Congress ?—A. The one that I looked at had.

Q. Did not all the red-eagle tickets that you saw have the name of Robert Smalls on them for Congress ?—A. I examined only one.

Q. Do you know the total number of votes that were returned by the managers from Stafford's Cross-Roads to Beaufort ?—A. Two hundred and thirty-seven.

Q. Have you seen the paper signed by the managers since ?—A. I have not seen it.

Q. How, then, came you to say there were twelve more on it when it got to Beaufort ?—A. From the report I saw in the paper.

Q. You were not present when Peter Johnson was whipped ?—A. I was not.

Q. Were you present when John Shuman was killed ?—A. I was not.

Q. Did you see the men lying in ambush with United States arms, &c. ?—A. I saw them when they raised up to rescue the prisoners under guard.

Redirect :

Q. Rose up from where ? Were they armed, and how many were there ? Did they do any firing ?—A. Rose up from side of the road, armed, bayonets fixed; some fifteen; six with guns; others armed with rails and slats. One white man was with the prisoner when rescued. This was a part of the same party who shot Shuman.

JAMES HAMILTON.

Sworn to this 19th day of February, 1877.

JEFF WARREN,

*Notary Public, Beaufort County, S. C.*

Adjourned to meet at 8 a. m. on the 20th instant.

Met pursuant to adjournment, and proceeded to take depositions.

Deposition of F. J. Mulligan in the matter of contested election of G. D. Tillman, contestant, against Robert Smalls, contestee, for a seat in the Congress of the United States.

*SOUTH CAROLINA, Beaufort County :*

F. J. MULLIGAN, a witness of the legal age, being produced by contestant, on due notice to contestee, deposes as follows to questions propounded by the contestant in matters touching said contested election:

Question. What is your name; what is your age; where do you reside; what is your occupation ? Did you vote at the last general election ? And, if you voted, state where and how you voted.—Answer. My name is F. J. Mulligan; 30 years old; Stafford's Cross-Roads, Beaufort County. I am a farmer, and a trial-justice. I voted at Nixes's Cross-Roads precinct.

Q. Who were the parties voted for on that day for Congress ?—A. G. D. Tillman and Robert Smalls.

Q. Do you know of any intimidation practiced by Republicans toward those colored men who voted or intended to vote Democratic ticket prior to, during the election, or subsequent to the election ? And, if so, please state it in full.—A. I do not know of anything before the election.

I left Nixes's Cross-Roads about seven o'clock in the morning; saw nothing like intimidation there. Went to Lawton Church precinct. I carried a colored man with me named Peter Roberts. When we got to Lawton Church we met from one hundred and fifty to one hundred and seventy-five colored men assembled near the polls. As I drove up in buggy they gathered around my buggy and asked Peter Roberts (he is a colored man) what ticket he intended to vote. He replied the Democratic ticket. They replied that any man who voted that ticket would steal. He got out of the buggy and started to the polls to vote. These colored republicans gathered around him with clubs, and in loud and turbulent language (drum beating at the time) cursed and abused him, and told him if he voted the Democratic ticket that they would kill him if they ever caught him alone. This was said in a loud tone. Peter Roberts continued to move toward the door; when he reached the door James Cheney drew a club over his head as though he was going to strike. Mr. F/W. Johnson interfered and told him not to do that. Mr. Gohagan, (I think United States supervisor or manager,) I recollect now, he was manager, spoke to Cheney, and Cheney loosed the string that attached club to his wrist. After Peter Roberts voted, I got him to my buggy and we started off. I thought from appearances that it was best to get him away as soon as possible. We started home, when some twenty or thirty of them assembled round my buggy, and told Peter Roberts, in an angry and loud manner, (loud enough to be heard all around,) that they had marked him and would kill him if they ever met him by himself. Some of the parties said they intended to send him to hell, others said they would furnish wood to burn him. As we came up, Guy Williams, another colored man, who had told me a day or two before the election that he intended to vote Democratic ticket. Eight or ten colored men were around him. Guy Williams voted the Republican ticket; came to my house the day after the election and stated that he voted Republican ticket; that the Republican party made such threats against him that he was compelled to do it; he seemed to regret it. He asked me then if I would not be kind enough to write on to Columbia and have his vote taken from the box. I told him, of course, it was too late to help the matter. The colored Republicans mustered at Robertville and Brighton before the election.

Q. Did you swear any of the managers at Lawton Church?—A. I swore one of the managers at my house before day in the morning; swore the other two in the afternoon on day of election, about four o'clock.

Q. How did you swear them?—A. I simply filled out the blank and let them sign it; did not swear them on Bible or by holding up their hands.

Q. Did you see the proclamations of Chamberlain and Grant in October?—A. I did not, but heard something about them.

Q. Would the result of the election have been different at Lawton church if it had not been for the intimidation you witnessed; and, if so, to what extent and in whose favor—that is, in favor of what party?—A. The result would have been different; cannot say positively, but suppose at least twenty or thirty, and may be more, in favor of the Democratic party. This from what I saw at the polls that day. To this add that some eight or ten have since told me that they remained at home because they feared a difficulty at the polls; (those who live near me, I mean.)

Q. Do you know if any of these threats were carried into execution as a result of the election; that is, as a trial-justice of the State, do you

know if any of the threats have been since carried into execution?—A. On or about the 16th of November, after the election, a colored man named Peter Johnson came before me and made affidavit that certain colored Republicans had taken him out in the night-time; had whipped, maltreated, and threatened to kill him. I issued a warrant for their arrest; sent constable after them in a legal manner. He arrested one of the party, Frank Grant by name, and left at my house, at Stafford's Cross-Roads, in charge of Abram Garvin and Shed Smith. My constable, Mr. J. D. Johnson, had returned with six others, whom he had pressed to assist him to effect the arrest of the others. After he had left, and before he returned, twenty or twenty-five men and women (objection by counsel for contestee that what transpired after the issuing of warrant has nothing to do with contest Tillman *vs.* Smalls) came up, with guns and clubs, rifles with bayonets, and demanded the release of prisoner, and stated that they would not submit to anything of the kind; that they intended to rule South Carolina. They forcibly released the prisoner. They then left, swearing vengeance against Johnson and Shuman, constable and Shuman pressed to assist him. Shuman was killed that evening in attempting to effect the arrest of the other parties in the warrant. Sheriff of the county was sent for, and, with a posse of between three or four hundred men, took arms from several companies who had assembled, colored militia. Do not know the number. Sheriff Nelson is a Republican.

Cross-examined :

Q. You mention about swearing in the managers at Lawton church. You swore them in in the usual way when a man affirms, did you not?—A. These did not; I was in a hurry.

Q. You only noticed two cases of what might be termed intimidation at Lawton church, on that day, did you not?—A. I noticed two particular cases, but considered it a general intimidation from what I saw and heard.

Q. One of those you say in spite of intimidation voted the Democratic ticket?—A. Yes; he voted the Democratic ticket.

Q. The other you have no knowledge how he voted only from what he told you?—A. Only from what he told me.

Q. Have not threats been made in this section by Democrats to turn colored people off their places who did not vote the Democratic ticket?—A. None that I heard of.

Q. You speak of mustering before the election; was that not companies of State militia?—A. It was by State militia.

Q. How do you come to the conclusion that the Democratic party would have received twenty or thirty more votes but for intimidation?—A. From some that did not vote and others who went to the polls and did not vote the Democratic ticket; that is, those who promise.

Q. Can you give me the names of those who had promised to vote the Democratic ticket and did not?—A. Guy Williams, Jack Godwin, Thomas Holmes, Ephraim Ridgway; that is all I remember just now.

Q. Can you give me the names of any who staid away from the polls that would have voted the Democratic ticket?—A. Thomas Bemer, Calvin Williams, George Williams, Jim Williams, John Primis. Don't recollect any more at present.

Q. How do you know if they had gone to the polls they would have voted Democratic ticket?—A. They told me so.

Q. Have you any knowledge if any of them would have voted for Tillman in preference to Smalls, although they voted the balance of the

Democratic ticket?—A. They told me they designed voted the Democratic straight out; that is, I inferred it because they told me they would vote the Democratic ticket.

Q. In the Stafford's Cross-Roads affair, was there not a colored man killed before John Shuman was killed?—A I don't know. There was one colored man killed that evening.

Q. Don't you know that Sheriff Wilson took the arms from the militia companies not by being sheriff of this county, but as colonel of the regiment to which these companies belong?—A. I don't know by what authority he took them.

Redirect :

Q. Do you recollect any remark of Sheriff Wilson at your house on the evening that he came in answer to the call with reference to the militia in this portion of the county?—A. I recollect Sheriff Wilson saying on the evening of which you speak that there was no regular militia companies in this portion of the county.

F. J. MULLIGAN.

Sworn to this 20th day of February, 1877.

[SEAL.]

JEFF. WARREN,  
*Notary Public, Beaufort County, South Carolina.*

Deposition of Peter Johnson, (colored,) in the matter of contest by G. D. Tillman against Robert Smalls for a seat in the Congress of the United States.

*SOUTH CAROLINA, Beaufort County :*

PETER JOHNSON, of the legal age, a witness, deposes as follows, being produced by contestant on due notice to contestee:

Question. Where do you reside? What is your occupation and name, and where did you vote at the last election?—Answer. Near Stafford's Cross-Roads, Beaufort County. I am a farmer; Peter Johnson my name; voted at Lawton Church precinct, and voted Democratic ticket.

Q. Do you know of any intimidation having been practiced by Republicans toward colored voters who intended to vote Democratic ticket previous to the election, after the election, or during the election?—A. The women said they would whip any colored man who voted Democratic ticket. The men also said they would do it; that is, before the election. They threatened me that they would give me a severe whipping if I voted Democratic ticket. The threat was general. Heard many say they were so threatened. I did not stay long at Lawton church. Voted very early. Before I left a number of colored men came up with clubs. One of them, with a club over me, questioned me how I had voted. These men were Republicans. I left; did not remain, because they were talking roughly to me. I left the poll about 7 o'clock a. m. Other Republicans also threatened me that they would whip me after I had voted, because I had voted Democratic ticket. I was alarmed. Another colored man who had voted Democratic ticket left with me; he, too, was frightened.

About a week after the election a number of these colored Republicans came to my house between midnight and daylight and took me out and whipped me severely, and said they whipped me because I voted the Democratic ticket. I was working out and put my boy in my place, and had returned home that night. A colored man came to my door and called; said he was from Parisburg, and asked directions. He decoyed me out to show him the way. When I came out, and had started to

show him the way about three hundred feet from my door, four men got up and seized me, and with a long raw-hide whip beat me and whipped me severely. One of them pointed a double-barrel gun at me and threatened to shoot me. They said they would put me six feet under ground because I voted Democratic ticket. They had given me about thirty lashes, when my wife and son hearing the noise came out, and they released me and ran off. They cut the blood from me. I went to Trial-Justice Mulligan and made affidavit of the facts, upon which he issued a warrant. I recognized the four who seized me.

Q. From the system of intimidation practiced by the republicans was there any colored men kept from voting Democratic ticket, and did it cause any of them to vote Republican ticket?—A. It did; it caused many not to vote; some not to go to the polls, and some to vote Republican ticket who desired to vote Democratic ticket. I know seven right round me.

Cross-examined:

Q. You were formerly a Republican?—A. I was.

Q. Do you remember a public meeting at Ihler's Cross-Roads a short time before election?—A. I do.

Q. Were you present at that meeting?—A. Yes, sir.

Q. On that day did you not make a speech and say that you were not a Democrat, and if you voted Democratic you wanted the men and women to come out and give you one hundred lashes?—A. No, sir; I told them that they had said if I voted Democratic ticket I would make my family slaves; but when I made my family slaves I would give them leave to whip me.

Q. Give me the names of those who threatened to double-bank you?—A. Ben Gillman Hopkins, jr., Moses Grant, Francis Taylor, Washington Brown; the rest of the party I did not know.

Q. You say others were threatened besides you. Of those that told you they had been threatened, give me some names.—A. Samuel Deloach and six others, whose names I do not just now remember.

Q. Who came off from the polls with you?—A. Reuben Beckett.

Q. You mentioned seven others who were kept at home.—A. John, Sam, and William; others I do not now remember. Surnames are so strange among some colored people and so often changed, particularly about election times, that it is hard to keep up with them.

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PETER + JOHNSON.  
mark.

Sworn to before me this 20th day of February, 1877.

[SEAL.]

JEFF. WARREN,  
*Notary Public, Beaufort County, South Carolina.*

WILLIAM SMITH, witness of lawful age, produced by contestant upon due notice to the contestee, deposes as follows in reference to questions propounded by contestant:

Question. Where do you live, and how old are you?—Answer. I live on Dr. Ruddell's place, in Beaufort County; will be twenty-two in August next.

Q. Did you vote at the last election; and, if so, what ticket did you vote?—A. Yes, sir; I voted the Radical ticket.

Q. At what precinct did you vote?—A. At Perryville, near Matthews' Bluff; one mile from Matthews' Bluff.

Q. Why did you vote the Republican or Radical ticket?—A. Because

I feared, from the threats made, that if I did not vote it I would be injured or hurt some way bodily.

Q. Would you have voted the Democratic ticket if you had not feared the colored Radicals?—A. Yes, I would have the Democratic ticket.

Q. Did any of the colored Radicals talk to you about it, and what did they say?—A. They said if I voted the Democratic ticket that they would turn me out of the church.

Q. Did they make other threats?—A. They said I could not be nominated with them or organized. After they said that, another fellow, Sandy Green, voted the Democratic ticket, and they went after him like the deuce, and when I saw them around him abusing him, I got scared and went and voted the Radical ticket. Two other men were coming down to-day—Henry Fraser and John Mitchell were coming down to-day—to give testimony and make the same explanation I make, but the Radicals got around them and scared them.

Q. Did you hear the Radicals threaten the men?—A. I did, and they threatened me two.

Q. What did the Radicals do to Sandy Green on the day of the election?—A. He had done voted the Democratic ticket. They threatened him, and told him if he would come out from the crowd of men they would beat him.

Q. Did they look like they wanted to hit him?—A. They did curse him a damn son of a bitch, and told him if he come out they would frail him.

Q. How many were cursing and abusing him?—A. To my remembrance, four or five. The rest of the men advised them not to beat him, and they told him they would not organize him; not to come back to the house again or they would beat him.

Q. Do you know of any other colored people who were made to vote the Republican ticket through fear, that did not want to do so?—A. Yes, sir; a heap of them that told me they voted the Republican ticket against their will.

Q. Did colored people have sticks and guns that day?—A. Most of them had sticks; some had pistols. I saw no guns.

Q. How many people do you think voted the Republican ticket that day at Perryville who would have voted the Democratic ticket if they had not been frightened? I mean colored people.

(Objected to.)

A. To my certain acknowledgment about four; can't say how many more.

Cross-examined:

Q. Have you ever attended any previous election?—A. Yes, sir; I have gone there.

Q. Was it held at the same place?—A. Precisely.

Q. Who threatened you?—A. Ben. Reed and John Freeman. No one else.

Q. Is Ben. Reed or John Freeman an officer in the church?—A. Ben. Reed is a deacon.

Q. Did he say he would turn you out of the church?—A. Yes, sir.

Q. Give me the names of the other men who wanted to vote the Democratic ticket?—A. Henry Fraser, John Mitchell, George Retwin, and Ben. Curry.

Q. Did you see these men put their tickets in the box?—A. I did; saw the ticket.

Q. When you say that "I should not be organized," do you mean that

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they would not speak to you again, or would not associate with you?—A. I mean both ways.

Q. No one beat Sandy Green, did they?—A. If he had gone with them from the crowd they would have done so. He did not go. They did not beat him.

Q. Did you hear them threaten Henry Fraser and John Mitchell?—A. They told them as they did me, that they would not be organized.

Q. You say that the rest of the men round there advised those who were cursing and abusing Sandy Green to stop?—A. Yes, sir.

Q. Do you say all who wanted to vote Democratic tickets did so?—A. Those who had protection did.

Q. The only way you know that these four men you have mentioned were scared or afraid to vote the Democratic ticket is because they told you so?—A. They told me so, and I heard the threats myself.

Q. Do you think these men looked scared?—A. They were scared from seeing the treatment of Sandy Green, and so was I scared.

Q. You say the colored people had sticks on that day?—A. Yes, sir.

Q. Don't they usually carry sticks in that neighborhood?—A. Some men who are not able to carry themselves without them do, but it is not customary for healthy men to carry them. I do not.

Q. Did Sandy Green have a stick or a pistol on that day?—A. No, sir.

Q. How do you know these men had pistols on that day?—A. I saw them myself. Two men showed me their pistols. These were all I saw on the Radical side.

Q. Did you see any pistols on the Democrat side?—A. Certainly, sir.

Q. How many pistols on the Democratic side did you see?—A. Only one; Mr. Warnock had that.

Redirect examination :

Q. Do you think the Republican colored men would have beat you if you had voted Republican ticket?—A. Yes, sir.

Q. Was it because you feared this that you voted the Republican ticket?—A. Yes, sir.

Q. How far do you live from here?—A. About eight miles.

W. M. SMITH.

Sworn to before me this 16th February, 1877.

[SEAL.]

JEFF. WARREN,

Notary Public, Beaufort County, S. C.

Deposition of John H. Ruddell, in the matter of contest of G. D. Tillman against Robert Smalls for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

*Beaufort County :*

JOHN H. RUDDELL, a witness of lawful age, produced by the contestant upon due notice to contestee, deposes as follows in reference to questions propounded by the contestant :

Question. What is your age, and where do you reside?—Answer. Thirty-seven, and live in Beaufort County.

Q. How long have you resided in Beaufort County, and at what precinct do you usually vote?—A. Nearly eleven years. Usually vote at Matthews's Bluff precinct or poll.

Q. Are you practicing your profession?—A. Have not practiced in ten years. Practiced one year in this county and in the neighborhood



of Matthews's Bluff when I first came here; am a physician by profession.

Q. Where were you born and reared?—A. In Richmond County, Georgia, near Augusta.

Q. Are you not a large land-owner in Beaufort County, and a large employer of people as agricultural laborers—I mean colored people?—A. I am, and usually employ a large number of colored laborers.

Q. Where did you vote in the last election?—A. At Perryville, near Matthews's Bluff, at the cross-roads known as Perryville for the last few years, situate about one mile and a quarter from Matthews's Bluff, on Savannah River.

Q. Were you there when the polls opened?—A. I was; got there about daybreak.

Q. When and where was the polls opened? What was said about opening them?—A. A few days before we heard that the managers intended opening the poll at Red Hill. Ben Read, a colored man, was one of the managers. I heard from Dr. Addison the report; it was a common rumor. I arrived at Perryville about daybreak and waited to see whether the poll would open at Perryville or Matthews's Bluff. Polls were opened about sunrise at Perryville, about six or half past six.

Q. Were managers sworn?—A. I don't know whether they were sworn or not.

Q. Did you remain until polls closed?—A. I remained there or about there until after the count.

Q. Was it a quiet and orderly election all day, or were there disturbances, turbulence, or violence?—A. With the exception of two incidents, it was.

Q. What were those incidents?—A. One of them as follows: An employé of mine had come to Lawtonville; I told him to come to Lawtonville; after he had voted Democratic ticket he came to Perryville to see me. I was in the back part of the store. Mr. Morrison rushed in and asked me to come out and protect this boy, Sandy Green. As I came to the door Sandy Green rushed in much excited. I asked him what was the matter; said the crowd wanted to gang him because he had voted Democratic ticket. (By "gang" him, he meant that the crowd would attack him; it is a word of common use in this neighborhood among that class to express an attack by a mob.) The other instance: John Freeman, a colored man, attempted to create a disturbance. He assaulted Lawrence Warnock, a white man. There were very few white people at the poll, and the colored, having a heavy majority, supposed it a good time to get up a row.

Q. Did many colored persons seem to sympathize in the demonstration against Sandy Green and Warnock?—A. Some six or eight tried to take Sandy Green from his mule, as I understood, but had desisted. Green looked very much frightened and excited. Warnock was cool; his object was to avoid a difficulty; that was the policy of the Democratic party on that day.

Q. Was this negro that tried to raise the row with Warnock a Republican?—A. Yes, and is a bully in every sense of the word; has been for ten years; could not have lived in any neighborhood but this.

Q. Do you think it was his object to get up a political disturbance?—A. There can be no doubt. I know that such was his object, most emphatically and unqualifiedly.

Q. The insult given by this bully to Mr. Warnock, was it hard to take from a white man?—A. It would not have been taken from a white man. Warnock would not have taken it from this man on any other

day. It was taken because we had determined to avoid a difficulty on that day.

Q. Were the colored people armed?—A. I saw some with sticks; some twenty or thirty. Saw no arms; I mean no fire-arms.

Q. From the faces, actions, and bearing of the other colored Republicans present, were they or not ready to back this bully in his attack on Mr. Warnock, if the latter had resented it?—A. I am satisfied if Warnock had resented it, it would have brought on a general row. John Freeman alone is a coward, but will dare anything when sustained or backed by others.

Q. Do you think the crowd put him forward as a leader?—A. No; I have no means of knowing, except that I know that he would not have pushed himself forward without a knowledge that he was backed.

Q. Were any colored persons who wanted to vote the Democratic ticket that day prevented from doing so at that poll by fear of colored Republicans, do you think?—A. Yes, six or seven that I know of; do not know how many more.

Q. How do you know?—A. I saw pushing, pulling, and hauling. They had promised on the ground to vote the Democratic ticket; said they desired to do so. Voted the Republican ticket, and said they were forced to do so by fear of bodily harm and of social proscription, and religious proscription, and also a blamed sight of sexual proscription. I saw a woman lead up her husband to the poll and informed him that she would desert him if he did not vote the Republican ticket. Some fifteen or twenty colored girls, marching to a drum, met voters at a distance from the polls and exercised all the strategy of which woman is capable to influence and cause the voters to vote the Republican ticket.

Q. Was the vote polled at Perryville or Matthews's Bluff large on that day?—A. I don't think it was unusually large; but I never interested myself in politics until the last election, and am not posted as to the number of votes polled at that precinct in preceding elections.

Q. Were there any colored boyish-looking fellows there who looked like they were minors? Did they vote?—A. I saw some of them. Objections were made to some of them. Swore that they were of age and voted. One that I knew was not of age found a volunteer to swear to his age, when his father asserted he did not know his age. I told him to be satisfied that he was twenty-one, as I would investigate his age and prosecute him if he perjured himself. When I went home I discovered that he was only nineteen years old. He belonged formerly to my wife, hence I ascertained his age. He did not vote. As many as five or six who looked to be under age were challenged, but voted. The rule adopted was that two of the managers concurring would decide, the two Republicans invariably concurring against Democratic manager.

Q. You are familiar with all, or nearly all, the names or faces of colored voters at that precinct?—A. Yes, sir. I know almost the face of every one. I saw five or six strangers there. They voted. I understood that they were from Barnwell.

Q. Did any one challenge their votes?—A. One or two were challenged. They were allowed to vote for President, governor, and State officers. We discovered afterwards that some had voted, and perhaps had voted the entire ticket. These are from Barnwell. It has been the custom heretofore, that is, in previous elections, for all colored persons to vote at this poll who desired to do so. His right was unquestioned if he voted the Republican ticket. I know several boys not yet of age, colored boys, who have voted at elections before this last.

Q. Was or was not the result of the election at Mathews's Bluff, called Perryville, changed by intimidation at the polls?—A. Yes, sir; it would have been different, and if you will remove the intimidation we will carry it Democratic at the next election, and would have carried it in the last in my opinion.

Cross examination by A. G. Thomas, of counsel for contestee:

Q. Do I understand you to say that the election of seventy-two and seventy-four were held at this place called Perryville?—A. I am not certain about seventy-two, but am positive that it was held there in seventy-four. I have voted at both places. It is possible that even in seventy it was held there, but am not certain.

Q. For how many years has this place been known as Perryville?—

A. I do not think it was known as Perryville before seventy-two.

Q. Was this place known as Matthews's Bluff prior to seventy-two?—

A. Matthews's Bluff is on the Savannah River, extreme northwest corner of Beaufort County, a landing-place containing about twenty acres; has store-house, &c.; is a public place; Perryville is not.

Q. You have witnessed other elections in that vicinity?—A. I have.

Q. With the two exceptions mentioned by you, was not this as quiet an election as those which preceded it?—A. No, sir; it was the most noisy and disgusting election I ever witnessed there or elsewhere. I have already mentioned noisy demonstrations, drum-beating, &c. There were no rows there except as I mentioned, two attempts to get them up, in my direct examination.

Q. Did you see the men trying to force Sandy Green from his mule?—

A. I have already stated that I did not see them, but was called for to protect him.

Q. You say there were six or seven who intended voting the Democratic ticket, who were intimidated so that they voted the Republican ticket. Can you give the names of those six or seven?—A. One of them is Isadore, living at Matthews's Bluff, Jimmie Fields, Ben. Curry, William Smith, James Gross, Mitchell and Richmond Bryant. I could give you twenty or thirty if I was at home to refer to memoranda, but these are all the names I recollect just now here, since I have spoken only of those in my memory.

Q. You mention four or five persons whom you thought were under age who voted; can you give their names?—A. I cannot just now, but can get them if you desire; heard names at the time but did not charge my memory with them.

Q. Did Democratic manager make any objection to them? If so, how many?—A. Yes, sir; some four or five of them.

Q. You mention five or six strangers. Did you see each of them cast their vote?—A. I did not see each one do so. Saw two who voted; heard that the others did.

Q. You only know that they lived in Barnwell from being told?—A. I know that they did not live in Beaufort; knew only from what I heard that they lived in Barnwell. I mean that they did not live in this vicinity.

Redirect examination:

Q. What was the relative vote of the two parties at Matthews Bluff precinct at last election?—A. About one hundred and eighty Republicans, forty-four Democrats, as well as I recollect.

Q. About how many colored voters voted Democratic tickets that day, to the best of your knowledge and belief?—A. I think about six.

Q. About what number of colored people affiliated with Democrats

before the election in this precinct, (Matthews Bluff,) attending meetings, &c., which caused you to believe that they were in favor of voting Democratic ticket? How many do you think would have so voted?—A. Some sixty or seventy-five, not certain; but feel certain we could have carried the election but for intimidation at that poll.

J. H. RUDELL.

Sworn to before me this 17th day of February, 1877.

[L. S.]

JEFF. WARREN,

*Notary Public, Beaufort County, S. C.*

SOUTH CAROLINA,

*Beaufort County:*

JOSEPH M. LAWTON, a witness of legal age, produced by contestant, on due notice to contestee, deposes as follows:

Question. What is your name, age, occupation; where do you reside, and where did you vote at the last general election? How did you vote?—Answer. Joseph M. Lawton. I am fifty-one years old; a planter. Voted Democratic ticket at Perryville, near Matthews Bluff. Reside six miles below Perryville, Beaufort County.

Q. At what time were polls opened?—A. I did not have my watch; but about sunrise, or a little later.

Q. How far is Perryville from Matthews Bluff?—A. About one mile.

Q. Where was the Matthews Bluff poll previous to this election?—A. This election is the first time I have voted since the war; but understand Matthews Bluff poll was held or opened in previous elections, as I understand, at Matthews Bluff, with a few exceptions; change made by these parties for cause unknown.

Q. Who were the candidates for Congress at that precinct?—A. G. D. Tillman and Robert Smalls.

Q. What time did you leave the polls?—A. I remained at precinct all day; left polls when votes were being counted.

Q. Do you know of any intimidation practiced by colored men, Republicans, against or toward colored men who were going to vote Democratic ticket, by threats or otherwise? If so, state briefly.—A. I have heard so, but can answer only from hearsay. None to my own knowledge; that is, I have heard no one threatened in my presence.

Cross-examined:

Q. Is not Perryville a local name that has sprung up in the last two or three years?—A. I presume so; never knew the name until Mr. Perry bought the place.

Redirect:

Q. Has Perryville ever been looked upon as Matthews Bluff, either before or since the name Perryville sprung up?—A. No, sir; it has never been considered or known as Matthews Bluff.

JOS. M. LAWTON.

Sworn to before me this 23d day of February, 1877.

[L. S.]

JEFF. WARREN,

*Notary Public, Beaufort County, S. C.*

Deposition of B. M. Stone in matter of contest by G. D. Tillman against Robert Smalls for a seat in the Congress of the United States.

SOUTH CAROLINA,

*Beaufort County:*

B. M. STONE, a witness of the legal age, produced by contestant on due notice to contestee, deposes as follows:

Question. What is your name; what is your age, residence, occupation; where and how did you vote at the last election?—Answer. B. M. Stone. I am forty-six years old; live near Matthews Bluff, Beaufort County, South Carolina. I am a planter, and voted on the 7th November last at Perryville; voted Democratic ticket.

Q. Did you hold any official position at said election?—A. I was a manager.

Q. Was there any poll opened on that day immediately at the place called Matthews Bluff?—A. Not that I know of.

Q. How far is Perryville from Matthews Bluff?—A. I do not know the exact distance; about three-quarters of a mile, or perhaps one mile.

Q. By whom were you and the other managers sworn in, and how, when, and where?—A. Trial Justice Rushing, on the morning of the election, at Perryville. We had no Bible at the time; did not swear by holding up right hand; signed blank oath in presence of trial justice.

Q. When did you have first meeting as managers, and who was elected chairman?—A. Had first meeting at Perryville, on the morning of the election, and I was elected chairman.

Q. Who were the other managers?—A. Thomas Bracy and Ben. Reid.

Q. Who administered oath to voters?—A. Thomas Bracy.

Q. At what hour were polls opened?—A. I do not now positively recollect; but it was after six o'clock a. m. It was dark and cloudy.

Q. Has there been any registration of voters in the last eight years in this county?—A. None that I know of; have heard of none.

Q. Who took possession of ballot-box and key after votes were counted?—A. Ben. Reid, a colored Republican.

Q. How were the votes counted?—A. Tickets were determined by the color of the ticket and the heading of the ticket. If no scratch appeared on the ticket it was regarded a straight ticket, and so counted; did not call over the different names on ticket; did not scrutinize each name on ballots.

Q. May there not have been other names than those you considered as the regular ticket, Republican or Democrat, on these tickets or ballots?—A. There may have been; would not swear there was or was not. I would say, with reference to scratched tickets, that when a scratch was apparent we gave credit to party in whose favor scratch was made.

Cross-examined:

Q. Is not the name Perryville a local name that has sprung up in the last few years?—A. I believe so.

Q. Was not this in consequence of a Mr. Perry's establishing a store there?—A. It was.

Q. To the best of your knowledge and belief, did not managers give a fair and square count at that poll on the day of election?—A. I think so.

Q. Did you notice any bogus tickets used that day calculated to deceive voters or managers?—A. I do not know of any.

Q. Who were the candidates for Congress voted for on that day at Perryville?—A. G. D. Tillman (Democrat) and Robert Smalls (Republican.)

Q. To your knowledge and information, how many years has poll been opened at Perryville previously to this election?—A. I think one election previous to this.

B. M. STONE.

Sworn to this 24th February, 1877.

[SEAL.]

JEFF. WARREN,  
Notary Public, Beaufort County, S. C.

Deposition of John E. Kittles, in matter of contest between G. D. Tillman, contestant, against Robert Smalls, contestee, for a seat in the Congress of the United States.

SOUTH CAROLINA,

*Beaufort County:*

JOHN E. KITTLES, a witness of legal age, produced by contestant on due notice to contestee, deposes as follows:

Question. What is your name and age; where do you reside; what is your occupation, and where and how did you vote at the last general election?—Answer. Lives near Matthews' Bluff; is a farmer; voted at Perryville, and voted Democratic ticket.

Q. How far is Perryville from Matthews Bluff?—A. About one mile.

Q. Was a poll opened at Matthews Bluff as well as Perryville on that day?—A. No.

Q. Do you know of any intimidation practiced by Republicans toward colored men who were going to vote the Democratic ticket before or on day of election?—A. I know of one colored man, named Sandy Green, who, when he arrived at Perryville, about 11 or 12 o'clock, and made the statement that he had voted the Democratic ticket at Lawtonville, there gathered around him a body of colored Republicans with raised clubs and threatened to kill him for so voting; they also cursed him loudly and otherwise menaced his person in a very violent manner, and I expected every moment to see him severely beaten. All the voters around to the amount of fifty or a hundred saw and heard this. There was another colored man named Edward Freeman. I asked him if he had voted; he said yes. After that I found he had not voted. I asked why he had lied, and he said he wanted to vote the Democratic ticket, and he and two others went up to the polls and pretended they had voted the Republican ticket to deceive the Republican party who had threatened them, and that they were afraid to vote at all for the fear of being beaten.

I heard threats made by various colored Republicans on that day against colored men who were going to vote Democratic ticket; threats were general. I remained until votes were counted. I apprehended trouble there that day. I arrived at the polls about 9 or 10 o'clock a. m.; heard threats, alluded to above, made as soon as I arrived, and at various times repeated until polls were closed.

Q. If it had not been for these threats would the result of the election have been different at that poll?—A. I think it would have been very different. I am certain that a great many more Democratic votes would have been polled. I mean, that a great many who voted Republican tickets would have voted Democratic tickets, and many who did not vote at all would have voted Democratic votes.

Q. Has there been any registration of voters in this county?—A. None since 1865; only partially then.

Q. Did they use any registration books or papers on the day of election at that precinct?—A. None.

Q. Were the polls ever opened at Matthews Bluff in previous elections?—A. I have voted at Matthews Bluff, and the elections were originally held there; but for the last six or seven years, for some unexplained reason, polls have been opened at Perryville.

Cross-examined:

Q. Were you present at the Lawtonville poll also?—A. I was not.

Q. Then of your own personal knowledge you don't know how Sandy Green voted?—A. Only what he told me.

Q. Can you give me the names of those who threatened the life of Sandy Green?—A. When threats are made in or by a crowd it is impossible to remember all. I do remember John Freeman, Joe Stanly, Bob Stanly, Jeffrey Curry, and Paul Anderson, and others, whose names for above reasons I do not recollect.

Q. Do you know from personal observation that Freeman and two others were personally threatened?—A. I state what they told me, and I heard threats myself.

Q. Are you aware that there is any statutory law requiring registration of voters in South Carolina?—A. I do not know, but the constitution requires it.

Q. Was not the election for the Matthews Bluff section of Beaufort County held at what you call Perryville in the years 1872 and 1874?—A. I do not remember.

Q. Did you vote in the years 1872 or 1874?—A. I did.

Q. Did you cast your vote at the place known as Matthews Bluff Landing?—A. No, sir; in 1872 and 1874 I voted at Beech Branch precinct.

JNO. E. KITTLES.

Sworn to this 24th February, 1877.

[L. S.]

JEFF. WARREN,

*Notary Public, Beaufort County, South Carolina.*

Deposition of E. S. Stuart in matter of contest by G. D. Tillman against Robert Smalls for Congress of the United States.

SOUTH CAROLINA,

*Beaufort County :*

E. S. STUART, a witness of the legal age, having been produced by contestant on due notice to contestee, deposes as follows :

Question. What is your name, what is your age, what is your occupation; where do you reside, and where did you vote at the last election?—Answer. E. L. Stuart. I am twenty-eight years old. I reside near Matthews Bluff, Beaufort County. I am engaged in merchandising. I voted at Perryville, near Matthews Bluff.

Q. What official position, if any, did you hold at the last general election?—A. Supervisor.

Q. Did you take an oath as supervisor of election?—A. I took no oath.

Q. What is the distance between Perryville and Matthews Bluff?—A. About one mile.

Q. Was there a poll opened at Matthews Bluff on the 7th of November last?—A. There was not.

Q. Did any of the managers, or any other parties, speak of moving the box from Perryville to any other point?—A. I heard Ben. Reed, who was Republican manager some time before election, say that they intended to move the box to Red Hill, seven miles distant. This was, I think, about one month before election.

Q. What time was the box opened that morning at election?—A. I do not know. I went off on business. When I returned the box was open.

Q. Who swore voters?—A. Thomas Bracey swore some of them, and I swore others during the absence of Bracey.

Q. Who acted as chairman of the board of managers?—A. Mr. Stone.

Q. How were voters sworn?—A. They were simply sworn without a Bible, and without holding up right hand; the oath was read to them; some bowed, others replied, "I do."

Q. How were votes counted?—A. There was no tally kept for each candidate. Colors of the Republican vote and Democratic vote differed in this: the Republican vote was printed in red ink, the Democratic vote in black ink. When we took up a Republican or Democratic ballot, we considered it a straight-out ticket; did not scrutinize names on separate ballots.

Q. What ticket did you vote?—A. Democratic ticket.

Q. Who took charge of ballot-box and key after votes were counted?—A. Ben. Reed, colored Republican manager.

Q. Was there any drums or drilling men at the polls on day of election?—A. Drum was beat; colored men and women walking up and down in mob order.

Cross examined:

Q. When you say Matthews Bluff, don't you mean Matthews Bluff Landing?—A. I mean that point at the landing containing warehouse, store, and residence of Mr. Bryant; there are also negro houses.

Q. How long have you lived in that neighborhood?—A. Up to time of election; about one year.

Q. When Ben. Reed spoke about moving box, do you know whether he had already been appointed manager for the last election?—A. I do not know when he was appointed; did not know who the managers were until I arrived at polls on morning of election.

E. S. STUART.

Sworn to before me this 24th February, 1877.

[SEAL.]

JEFF. WARREN,

*Notary Public, Beaufort County, South Carolina.*

Deposition of W. G. Roberds in matter of contest by G. D. Tillman for a seat in the Congress of the United States.

SOUTH CAROLINA,

*Beaufort County:*

W. G. ROBERDS, a witness of the legal age, being produced by contestant on due notice to contestee, deposes as follows:

Question. What is your name, age, place of residence, your occupation, and at what place, if any, did you vote at the last general election, and how did you vote?—Answer. W. G. Roberds; live near Matthews Bluff, Beaufort County. I am a planter, (at a place called Perryville, one mile distant from Matthews Bluff.) I voted Democratic ticket.

Q. Was there any poll opened or held at Matthews Bluff on that day?—A. None.

Q. Was the poll called Matthews Bluff always held at Perryville?—A. No, sir; it was formerly held at Matthews Bluff, one mile distant from Perryville.

Q. When did the change from Matthews Bluff to Perryville occur?—A. I do not know positively; perhaps about '72. I know that I voted at Matthews Bluff in 1870; election was held there at that time.

Q. What time did you arrive at the polls, and did you witness any intimidation practiced by colored Republicans on that day toward those colored men who wanted to vote Republican ticket—I mean who wanted to vote Democratic ticket?—A. I have heard threatening remarks made before the day of election. On that day at the polls I witnessed a regular organization of colored Republicans, both religious and military. They appeared with drums, marching continuously to and fro throughout the day, making a noise and confusion throughout the day. I saw in



several instances the leaders of these colored Republicans force their followers to the ballot-box and thrust Republican tickets in their hands. I would especially mention the case of Ben. Curry. The wife of Curry, assisted by Republican voters, forced him against his will, dragged him to the polls, and forced him to vote the Republican ticket, his wife declaring that she would desert him if he did not. Curry was surrounded by a number of colored Republicans, and seemed much frightened. I saw also, in another instance, a mob of one dozen Republican colored men gather around a Democratic voter, and threaten him with immediate punishment because he had voted Democratic ticket, and would have inflicted punishment had it not been for the presence and intervention of white men. The name of this man is Sandy Green, colored. The intimidation of this character was general before the election and during the election. I have heard threats made at different times.

Q. Do you know of any irregularities in the conduct of the electors?—

A. I do; the supervisor and one of the managers frequently left their post and were absent for long intervals; at one time the manager walked from the ballot-box one-quarter of a mile; during the absence of supervisor and manager several votes were polled; this happened at different times.

Q. Were any votes taken without the oath of voter being taken?—

A. Quite a number of them; that is, several votes were polled without the oath of voter; things were loosely conducted.

Q. Was there any registration of voters in this county before the election?—A. None that I know of.

Q. How long have you lived in the vicinity of Matthews Bluff?—A. All my life, with the exception of nine years.

Q. Do you or do you not know the faces or names of almost every one in that section?—A. I do.

Q. Did you see any strangers voting or attempting to vote at that precinct during the day?—A. I did; and some of them did vote; some of them known to be from the State of Georgia voted electoral tickets; several strangers also voted entire ticket.

Q. From the intimidation of which you speak and the irregularities you mentioned, would the result of the election have been changed had these causes been removed?—A. It was the opinion of all intelligent persons on the ground that but for this system of intimidation and other irregularities, that the result would have been different; that the Democrats would have received four votes to one Republican; that is, four Democrat, one Republican.

Q. What is the size of this county compared with the State of Rhode Island, as to its area?—A. The area is very nearly the same.

Cross-examined :

Q. How do you know that Ben Curry wanted to vote Democratic ticket?—A. From his own statement before and after and during the election.

Q. You say he was forced to the polls by colored Republicans; can you recall their names?—A. His wife, aided by some men. I did not charge my memory with the names, and I cannot recall them without reflection.

Q. Did you see Sandy Green vote Democratic ticket?—A. I did not, but he confessed it openly upon the grounds that he had done so, and this confession immediately brought about the disturbance against him by Republicans.

Q. At any one time was there less than two manager present at the

polls while they were receiving votes?—A. I am quite positive that at one time the officials of the polls were reduced to one member present. B. M. Stone never left poll.

Q. Did Mr. Stone ever take a vote when alone?—A. I am not positively certain, but think he did, as matters, or as the voting toward the close was conducted in a very loose and irregular manner.

Q. What number do you mean when you say you saw votes polled without swearing?—A. About one dozen.

Q. When did you open your store in Port Royal?—A. In February, 1875.

Q. When did you leave Port Royal and return to Matthews Bluff?—A. In December, 1875.

Q. Is it not possible during that time strangers might not have obtained a residence in that part of the county without your knowing their names?—A. Very few settled in that locality during my absence, and I think I became acquainted with most of the new settlers.

Q. As you know the faces and names of nearly all the people in that vicinity, and as but for intimidation the Democrats would have got four votes for one, cannot you give me the names of more than those you mention who were intimidated?—A. The intimidation was more general than special, and owing to the constant noise and confusion made by Republicans it was impossible, or rather I failed to note in numerous other cases; the case of Sandy Green occurred towards the close of the day and at a time of comparative quiet.

Q. Do not you base your opinion as to the number of votes the Democrats would have got upon your knowledge of the Democratic canvass rather than the intimidation you speak of?—A. No.

WM. G. ROBERTS.

Sworn to before me this 24th February, 1877.

[L. S.]

JEFF. WARREN,  
*Notary Public, Beaufort County, S. C.*

Met pursuant to adjournment on 22d, 1877.

Deposition of Steven Black, colored, in the matter of contest by G. D. Tillman against Robert Smalls for a seat in the Congress of the United States.

*SOUTH CAROLINA, Beaufort County:*

STEVEN BLACK, a witness of legal age, being produced by contestant on due notice to contestee, deposes as follows:

Question. What is your age, your occupation, residence, and where did you vote at the last general election?—Answer. I am twenty-two; am a farmer; live near Brighton, Beaufort County; voted at Brighton precinct.

Q. What is your name?—A. Steven Black.

Q. Do you know of any threats or other intimidation made or practiced by colored Republicans against those colored men who intended to vote the Democratic ticket before the election, during the election, or since the election? If so, state briefly.—A. I know of threats made by colored Republicans that if any colored man voted the Democratic ticket they would whip them; that a troop was coming from Brunson Station to see that they should not vote the Democratic ticket; by the threats made I was afraid to vote the Democratic ticket; I intended to vote the Democratic ticket and left home with the intention of doing so, and after I got to the precinct at Brighton I was afraid to do it, from the threats,

cursing, and swearing made by colored Republicans, and I therefore voted the Republican ticket.

Q. Did you hear these threats made frequently before the election or not?—A. I did.

Q. Did these people threaten you and others in a crowd; that is, were you threatened by men who were in a body?—A. These threats, made on the day of election and before were made publicly, in a crowd, and by a number of Republicans collected together.

Q. What time in the day was it that these threats you speak of were made on day of election?—A. I heard threats about 8 or 9 o'clock in the morning.

Q. Did these threats cause any other colored men who were going to vote Democratic tickets to vote Republican tickets?—A. I believe it did.

Q. Did threats you speak of as having been made before election-day cause colored men who intended to vote the Democratic ticket to remain at home and not vote on election-day?—A. I believe it did. A great many remained at home—did not vote at all—and a good many came out and voted Republican tickets on account of those threats who intended to vote Democratic tickets.

#### Cross-examined :

Q. Do you own land, rent land, or labor by contract?—A. I rent land and work for wages.

Q. From whom do you rent land and for whom do you labor?—A. I rent land from Ben Solomons for my labor.

Q. Do you know what ticket Mr. Solomons voted?—A. He voted the Democratic ticket.

Q. Do you know of any colored men who voted the Republican ticket who left Brighton recently?—A. I do; Wesley Relite and nine or ten families besides.

Q. Do you know what reason they left for?—A. I believe they were the leaders of the Republican party.

Q. Did not you hear of threats made by Democrats that colored men would have to leave their land unless they voted the Democratic ticket, and stay at home and not vote at all?—A. I never heard it myself.

Q. Was it not generally talked of in your vicinity?—A. I heard Republicans say it was, but did not hear it myself.

Q. Did not some of those who have left tell you so?—A. I believe some of them told me that they left for that reason.

Q. You say the Republicans curse and swear on that day?—A. Not in my presence.

Q. Did not you see Democrats on that day with pistols?—A. I did not see a pistol on that day among either party.

Q. You say they were in crowds. Can you give me the names in that crowd who threatened?—A. Starkey was one. Don't recollect others; don't know them.

Q. Can you give me the names of those who voted the Republican ticket in consequence of these threats?—A. Myself, Tom Dates, and Adam Patterson; this is all I can remember.

Q. Did you see Tom Dates and Adam Patterson vote?—A. Yes, sir.

Q. How do you know they wanted to vote the Democratic ticket?—A. They told me beforehand.

Q. Can you give me the names of those who staid away in consequence of these threats?—A. A few of them; Sam Wilson, Horace Allen. These are all I can remember.

Q. Do you know if Sam Wilson or Horace Allen owns land?—A.

Sam lives on A. Lawton's place, and Horace lives on F. Davis's place. Don't own land.

Q. Do you know what ticket they would have voted; and, if so, how do you know it?—A. They spoke like they would have voted with Democrats, so as to obviate hard feeling on either side.

Redirect examination:

Q. Did they speak anything about threats?—A. No, sir.

Q. How many parties besides the ones you have named would have voted with Democrats but for these threats?—A. I don't know how many, but I think there would have been a good many.

STEVEN <sup>his</sup> × BLACK.  
mark.

Sworn to before me this 22d February, 1877.

[L. S.]

JEFF. WARREN,  
*Notary Public, Beaufort County, South Carolina.*

Deposition of Thomas Dates, a colored man, in matter of contest by G. D. Tillman against Robert Smalls for a seat in the Congress of the United States.

*SOUTH CAROLINA, Beaufort County:*

THOMAS DATES, (colored,) a witness of legal age, being produced by contestant on due notice to contestee, deposes as follows:

Question. What is your name and age; what is your occupation; where do you reside, and where did you vote at the last election?—

Answer. Thomas Dates; twenty-three, will be in May next. I am a farmer and laborer. I live near Brighton, Beaufort County, South Carolina; voted at Brighton precinct; voted a Republican ticket against my will; intended to vote the Democratic ticket and was afraid to do it.

Q. Why were you afraid to vote the Democratic ticket?—A. Because colored radicals made so many threats that I feared to do it. They told me that they would whip me, and that I should not be countenanced again. This was a general thing; that is, their threats were general; threatened all colored men who wanted to vote Democratic ticket. I heard these threats before the election, and was frightened, but went to the polls with the intention to vote Democratic ticket any how. When I reached precinct colored Republicans threatened me, talking loud and cursing on the ground; said they would whip and play works with any colored man who voted Democratic ticket. I was frightened by the threats, and, as I said, voted Republican ticket in consequence.

Q. Were you and other colored men who were going to vote Democratic tickets intimidated by the threats made by colored Republicans before and on day of election?—A. Yes, sir.

Q. Would many other colored men have voted Democratic tickets at Brighton precinct on the day of election but for the intimidation practiced before and during the election by colored Republicans; and, if so, about how many?—A. There was a good many who staid at home—did not vote at all—who wanted to vote Democratic tickets, but were afraid to go. A good many voted Republican tickets who wanted to vote Democratic tickets. I cannot say positively how many; did not charge my mind with the number.

Cross-examined:

Q. Do you own land of your own or do you labor by contract? If so

on whose place?—A. I labor by contract on place belonging to Mr. John Solomons.

Q. Have any families left your neighborhood since election? If so, how many?—A. Yes, sir; lots of them.

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

Q. What reason, if any, did they assign for leaving?—A. I do not know why they left.

Q. Can you give me names of any of these families who have left?—A. Yes, sir; Watson Williams, Jake Solomons, Hercules Zimmerman, Jerre Solomons; about all that I know of as having left.

Q. Did you not hear about election-time of threats being made by Democrats that those colored men who did not vote Democratic tickets or refrained from voting altogether would be refused supplies and be pressed for the money they owed?—A. No, sir; I did not.

Q. Did any man that you can remember threaten to whip you personally?—A. Yes, sir; Joe Fraser.

Q. Can you give me the names of those scared as you were?—A. Did not charge my memory with the names.

Q. How, then, do you arrive at the conclusion that others were frightened as you were?—A. I heard them say that they were frightened.

Q. They told you so, and yet you cannot remember who told you?—A. I do not remember names.

Q. Can you give me the names of all who staid at home on account of these threats?—A. No, sir.

Q. How, then, do you know their reason for staying at home?—A. A great many of them have said so in my presence, but I did not take their names down.

Q. Do you owe Mr. Solomons any money, or does he owe you any?—A. I do not owe him, nor does he owe me any money.

Q. You mention something about troops. Did any come to Brighton on the day of election?—A. I said nothing of troops.

his  
THOMAS + DATES.  
mark.

Sworn to before me this 21st of February, 1877.

[SEAL.]

JEFF. WARREN,

*Notary Public, Beaufort County, South Carolina.*

Deposition of Joe Graham, a colored man, in matter of contest by G. D. Tillman against Robert Smalls for a seat in the Congress of the United States.

**SOUTH CAROLINA, Beaufort County :**

JOE GRAHAM, (colored,) of the legal age, produced by contestant on due notice to contestee, deposes as follows :

Question. What is your name, age, residence, occupation, and where did you vote at the last general election?—Answer. Joe Graham. I am in my twenty-second year; will soon be twenty-two. I live at Mr. John Solomons', near Brighton, Beaufort County. I voted a Republican ticket at Brighton precinct in the last election.

Q. Did you intend to vote Republican ticket?—A. I intended to vote Democratic ticket, but I voted Republican ticket because I heard that colored Republicans said that they would whip colored men who voted Democratic ticket. It was talked generally among colored men. I got to the polls pretty late.

Q. Were there any other colored men that you know of who intended

to vote Democratic ticket who were prevented on account of these threats?—A. I have heard many of them say they were so prevented. I do not now remember how many. I do not now remember that I heard any one who had voted Republican ticket on that day at Brighton express themselves that they did so from fright at the polls from threats made by colored Republicans.

Cross-examined:

Q. Do you rent land or work by contract with Mr. Solomons?—A. I work for wages with him.

Q. Did any Republican threaten to whip you personally?—A. Threats were general. No one threatened me personally that I now recollect.

Q. Were you ever present when any Republican threatened to whip any other man if he did not vote Republican ticket?—A. Not in my immediate presence.

Q. You say no one threatened you at the polls?—A. I reached polls late in the day; voted Republican ticket. No one threatened me personally at the polls.

Q. Did you hear any one personally threatened at the polls when you got there?—A. No, sir.

Q. You say a great many were scared; were you scared at the polls?—A. No one frightened me, as I did not vote the Democratic ticket.

Q. Mr. Solomons told you he would take you in his buggy to vote Democratic ticket?—A. He told me he would take me to the polls. I did not go with him.

JOE + GRAHAM.  
his  
mark.

Sworn to this 21st day of February, 1877.

[SEAL.]

JEFF. WARREN,  
*Notary Public, Beaufort County, South Carolina.*

Deposition of W. T. Blount in matter of contest by G. D. Tillman against Robert Smalls for a seat in Congress of the United States.

*SOUTH CAROLINA, Beaufort County:*

W. T. BLOUNT, witness of the legal age, being produced by contestant on due notice to contestee, deposes as follows:

Question. What is your name; where do you live; what is your occupation; where did you vote at the last general election?—Answer. W. T. Blount. I live near Brighton, Beaufort County. I am a planter. I voted at, I suppose, at what they intended to be Brighton precinct—near Brighton precinct—not at Brighton.

Q. How far from Brighton?—A. Three or four hundred yards.

Q. Did you hold any official position; and, if so, what was it?—A. I was clerk.

Q. How were you elected and by whom sworn in?—A. I was elected by managers and sworn in by chairman.

Q. What candidates were voted for for Congress?—A. G. D. Tillman, Democrat, and Robert Smalls, Republican.

Q. At about what time were the polls opened at Brighton on the 7th November last?—A. About 8 o'clock.

Q. Were there any irregularities or informalities on that occasion?—A. One of the managers, Daniel Brown, manager, a colored man, left the poll and distributed Republican tickets in the yard to voters.

Q. How were the votes counted?—A. The tickets were taken from

the box, and unless the ticket was scratched, the first name on the ticket was called, and from this name the tally was given Republican or Democratic candidates as first name on ticket indicated. All the names on the tickets were not read out; I mean they did not tally each name.

Q. How many votes were polled and how long did it take you to count the votes?—A. Something over three hundred as well as I recollect. Counted votes in less than an hour.

Q. Do you know of any intimidation practiced by colored Republicans toward those colored men who intended to vote the Democratic ticket? If so, please state what you know.—A. I had on my place a colored man whose brother-in-law threatened that he would kill him if he voted the Democratic ticket. I told him to go to the polls and vote as he pleased, he would be protected. He had joined our Democratic club previously. On the day of election, at the polls, he said he had been threatened, and feared that he would be killed if he voted the ticket, but did vote it when assured of protection, but seemed very much excited. I would mention that two months before the election a crowd of colored men were assembled in Brighton; during the time a negro or colored man passed; they stopped him, and told him that they understood that he intended to vote the Democratic ticket; that if he did they would whip or kill him. The crowd were very noisy. I was not sufficiently near to hear the remarks of the man, Bascom, who addressed the crowd assembled. The colored man threatened, named Calaeab Tison, reported the threat to me immediately. I heard the noise, saw the crowd, but did not distinguish words. I have heard several colored men say they had been threatened, and it was generally believed that colored Republicans would whip those colored men who voted the Democratic ticket.

Q. Who were the managers of the election?—A. John Tison, a democrat, (white,) Daniel Brown, and Simon Miller, colored Republicans.

Q. Who had charge of the key to the ballot-box?—A. Daniel Brown had charge of the key.

Q. Who had charge of the box that night after the count and who carried the box?—A. Brown—I mean Daniel Brown—carried the box to Beaufort. John Tison, as chairman, contended that he had the right to carry the box to Beaufort, but Brown contended, and Tison yielded.

#### Cross examined :

Q. How many yards from the nearest place of business in Brighton to the place where polls were held?—A. I suppose about two hundred yards.

Q. Did you hear the threat of the brother-in-law made to the man on your place?—A. The man reported the threat to me; did not hear it made.

Q. Who was the man threatened, and what ticket did he vote?—A. Daniel Watts; voted the republican ticket.

Q. You were not near enough to hear the language used to Calaeab Tison on the day you mention?—A. I saw him stopped; did not hear the language used; was probably one hundred yards away. Calaeab voted the Democratic ticket.

Q. You mentioned something about drawing a pistol in front of you; could the person who was going to vote see that pistol?—A. I think not.

Q. Did not a great many Democrats have pistols on that day?—A. I do not know, but suppose Democrats and Republicans were so armed. Pistols are usually concealed; cannot say who were armed and who not.

Q. Have you not sufficient confidence in Col. John Tison to beevlie

that when he signed his name as manager he had given a fair and square count for the vote taken at Brighton ?—A. I have.

Redirect examination :

Q. Might he not have made a mistake ?—A. I think not.

WILLIAM T. BLOUNT.

Sworn to before me this 21st February, 1877.

[SEAL.]

JEFF. WARREN,

*Notary Public, Beaufort County, South Carolina.*

Deposition of John Tison, a witness of legal age, in the matter of contest by G. D. Tillman against Robert Smalls for a seat in the Congress of the United States.

**SOUTH CAROLINA, Beaufort County :**

JOHN TISON, a witness of legal age, produced by contestant on due notice to contestee, deposes as follows :

Question. What is your name, age, residence, occupation, and where and how did you vote at the last general election ?—Answer. John A. Tison ; I am forty-eight years old ; live near Brighton, Beaufort County, South Carolina ; I am by profession a lawyer ; I voted Democratic ticket at the last general election ; voted at poll near Brighton.

Q. Did you hold any official position on day of election ?—A. I was chairman of the board of managers at this precinct.

Q. How were you elected chairman ? Who administered oath to you, and who swore other managers ?—A. I was elected chairman by the managers on the morning of the 7th November. On the evening before, I was sworn by a notary public. As chairman, I administered oath to the other two managers. (They were colored Republicans.)

Q. At what hour was the poll opened ?—A. I cannot say the precise hour, but about eight o'clock.

Q. Where was the poll held at Brighton precinct ?—A. It was not held at Brighton, but at the office of Lawrence McKenzie, three or four hundred yards distant. I insisted that the law required the poll to be opened at Brighton, but the republican managers overruled me ; replied that they had held it there before. This, I told them, did not make it legal.

Q. What candidates were voted for for Congress on that occasion ?—A. G. D. Tillman, Democrat, Robert Smalls, Republican.

Q. Who took possession of the box and key after the votes were counted ? Who carried box to Beaufort, and was there any opposition made ?—A. Daniel Brown, one of the Republican managers, and by him carried to Beaufort, he being elected for that purpose by his own vote and that of the other Republican manager. I contended for my right, as chairman, to keep possession of the box and carry it to Beaufort. Daniel Brown and other manager overruled me. Brown took possession of box that night ; suppose he carried it to Beaufort ; have not seen it since.

Q. Do you know of any intimidation practiced by Republicans towards colored men who wanted to vote the Democratic ticket ?—A. During the canvass, and before the election, at a Republican meeting in Brighton, at which a large colored audience were assembled, I heard the colored speaker in violent manner tell his audience that before the Democrats should carry the State of South Carolina that colored Republicans would make a grave-yard of it ; and that if any colored man voted the Democratic ticket the colored Republicans would take him out one side and kill him. Speaker's name, John Bascom, jr.



Q. Was there any informality or any irregularity in the conduct of the election?—A. I had it called to my attention that one of the managers was absent distributing tickets among colored men—Republican tickets.

Q. How were votes counted?—A. Ballots in the box were counted, but a tally-sheet was not kept of each candidate on the tickets. We counted when we came to a Republican ballot, recognized to be such by being printed in red ink. The first name upon the ballot was called out and marked opposite first name on sheet prepared for respective party, Democrat or Republican, 1, and this was counted as one for each of the respective candidates throughout that ticket, if the same ballot was not scratched; and we thus proceeded to count the entire unscratched ballots in the box, without calling each name on ballot and having it recorded by tellers. Where a scratch occurred on ballot the candidate in whose favor it was scratched received credit in the count. I examined each ballot to see whether it was scratched, but did not examine whether the names on each ballot were the same. Took this for granted from the color of the tickets.

Q. What was the number of votes polled at that precinct, and what was the vote for each party?—A. About 288. G. D. Tillman received 91; Robert Smalls 194. I took a memorandum at the time.

Cross-examined:

Q. Is Brighton an incorporated town or village, and has it any specific boundary?—A. It is not incorporated, and has no specific boundaries. It is a little county cross-road village, with two or three stores and two residences; no lines laid out.

Q. Do you, of your own knowledge, know of any person who desired to vote at Brighton who was unable to find the polling-place?—A. I know of colored men who went there to vote and did not vote; from what cause I cannot say.

Q. If you were a member of a returning-board and direct uncontroverted evidence was given of the count in the manner in which you know vote was counted at Brighton, would you not say that a fair and square count was had?—A. I would, unless some of the tickets had a different name on them.

Q. Have you any knowledge that different names were on the tickets?—A. I have not.

Redirect examination:

Q. May not some other name have been upon those ballots which you say you did not scrutinize with reference to names, other than the names which the color indicated?—A. There may have been a different name on them. I took it for granted that the Republican ticket being printed in red and the Democrat in black ink, that the names were the same as indicated by the respective color.

JOHN A. TISON.

Sworn to before me this 22d day of February, 1877.

[SEAL.]

JEFF. WARREN,  
Notary Public.

Deposition of Southwood Smith in matter of contest by G. D. Tillman against Robert Smalls for a seat in the Congress of the United States.

SOUTH CAROLINA, Beaufort County:

SOUTHWOOD SMITH, of the legal age, produced as a witness by contestant on due notice to contestee, deposes as follows:

Question. What is your name, age, residence, occupation ; where and how did you vote at the last general election ?—Answer. Southwood Smith ; thirty-seven years old ; physician and planter ; voted the Democratic ticket at Brighton ; reside half mile from Brighton, Beaufort County.

Q. When was the poll opened ?—A. Between 7½ and 8 o'clock a. m.

Q. Do you know who administered the oath to voters, if you were there ?—A. The voters were sworn by Tison ; that is, all that I saw sworn.

Q. Do you know of any intimidation, general or special, practiced by colored Republicans, against colored men who expressed themselves as intending to vote Democratic tickets before, during, or subsequent to this election ?—A. At a Democratic meeting in Brighton, when Zack Daniels, a colored man, who spoke in advocacy of the Democratic cause, a colored Republican, Henry Snooks, with a crowd of colored men, announced the intention to pull him from the stand, and the attempt was prevented by a white man, who informed him that any effort to do so would get him and his crowd into a more serious difficulty than he anticipated. He was only silenced by the strenuous efforts of this gentleman. A large crowd, six or eight hundred men, mostly colored, were present. The threat was spoken in a loud, angry tone, and was heard by a large number of persons ; loud enough to have been heard by all. The whole method and manner of the campaign, as conducted by Republicans in my section of country, was to intimidate colored voters, by telling them that in the event of Democratic success their rights would be taken away and slavery in its worst form re-established. Freedmen in my employ would, and did, frequently tell me that the colored Republican leaders announced to them that Democratic success would result in the necessity of colored men procuring passes to travel roads. They also frequently informed me that they dared not openly avow Democratic principles for fear of personal violence.

Q. What was the effect of these threats by colored Republicans upon the colored men generally ?—A. I know instances where colored men did not go to the polls, alleging this as the reason. Moses SAYS, Andrew SHEY, and Manly HOLMES, are three names that I recollect now, and others, I think. But for the influence of the intimidation of which I have spoken, the general intimidation practiced throughout the neighborhood, that the election at Brighton precinct would have resulted in a Democratic majority.

Cross-examined :

Q. Have you ever been satisfied in your own mind as to whether it was the free barbecue or the orators of the Democratic party who brought out those eight hundred people ?—A. I supposed both had their influence.

Q. You know of those threats except those reported to you ?—A. Only such as are given by the evidence given above.

Q. Was not the opposition to Zack Daniels spoken of by you occasioned by the fact that up to September the 12th he was a Republican and after that time he was supposed to be a paid agent of the Democratic party ?—A. I am not aware whether Snooks knew the above to be facts ; I do not know that he was a paid agent. Snooks and Daniels lived in different neighborhoods.

SOUTHWOOD SMITH.

Sworn to this 22d February, 1877.

[SEAL.]

JEFF. WARREN,

*Notary Public, Beaufort County, South Carolina.*

Adjourned.

Met pursuant to adjournment.

Deposition of S. E. Blount in matter of contest by G. D. Tillman against Robert Smalls for a seat in the Congress of the United States.

SOUTH CAROLINA,

*Beaufort County:*

S. E. BLOUNT, a witness of the legal age, produced by contestant on due notice to contestee, deposes as follows:

Question. What is your name, age, occupation? Where do you reside? Where and how did you vote at the last election?—Answer. S. E. Blount; am thirty-one years old; resided at time of the last election and previous to election near Brighton, Beaufort County, South Carolina; voted the Democratic ticket at or near Brighton.

Q. Did you hold any official position at said election; if so, what was it?—A. I acted as supervisor; was sworn in by Trial Justice Mulligan.

Q. At what time was poll open on day of election?—A. Between 7 and 8 o'clock a. m.

Q. Who swore the voters at Brighton on the day of election?—A. Tison.

Q. What did you do with the written oath you signed when sworn as supervisor?—A. I kept it, and have since destroyed it.

Q. Who took charge of the box and key after the poll was closed?—A. Daniel Brown, a colored Republican manager. Tison, as chairman, contended for the box, but was overruled by the other two managers, both colored and Republicans. Tison is a Democrat.

Q. How were the votes counted?—A. We counted the first name on the ballot, and counted it for the whole ticket; that is, called out the first name on the ballot, and counted it for the whole ticket, without calling out the other names. If we discovered that one name was scratched from a ballot and the name of another substituted, we gave the credit to that candidate who was substituted.

Q. May not some of the names on these tickets or ballots so counted have been other than the candidates upon the regular ticket, or who were regarded candidates of the different parties for the respective offices?—A. It may have been the case, but they were generally supposed to have been printed properly. The Republican ticket was printed in red ink, and the Democratic ticket in black ink. We did not scrutinize ballots as to the names on them, but simply noticed if they were scratched.

Q. Was the poll opened immediately in the village of Brighton or in its vicinity?—A. The cross-roads is known as Brighton. It was held below Brighton, between three and four hundred yards.

Q. Do you know of any system of intimidation practiced, general or special—practiced by colored Republicans against colored voters who intended to vote the Democratic ticket? If so, state such briefly.—A. There was a good many threats made by colored Republicans against colored persons who intended to vote the Democratic ticket; that they would whip, turn out of the church, and otherwise punished; that troops would be in attendance also to punish those colored men who voted the Democratic ticket. These threats were general. I know that some, a good many, remained at home who intended to vote the Democratic ticket, on account of these threats. Others who attended the polls voted the Republican ticket on account of these threats. James Gordon told me that he voted the Republican ticket because colored men on Asbury Lawton's place had threatened to kill him if he did not Republican ticket. He intended to vote the Democratic ticket. I know also

three others whose lives were threatened, Andrew Orange, Stephen Pinckney, and Clarence. Colored men told me that colored Republicans had threatened to kill them if they voted Democratic ticket. Threats were general against colored Democrats and against those colored men who were going to vote the Democratic ticket. At the polls on day of election at Brighton everything went off quiet, so far as I saw. Colored men assembled in groups and had loud talking at a little distance from the polls. Immediately round the polls there was comparative quiet.

Q. If it had not been for these threats, would the result of the election at that precinct have been different?—A. I believe the result would have been different.

Cross-examination :

Q. How many years, to your knowledge, have polls been held at McKensie's office, near Brighton?—A. Cannot say positively, but probably two or three years.

Q. Don't you think Mr. McKensie would say he lived at Brighton if asked the question?—A. Suppose he would.

Q. To your knowledge, do you know of any bogus tickets voted that day so similar in character as to deceive managers?—A. I do not know of any bogus tickets.

Q. In your opinion, was the count at Brighton fair and square? I mean the count of the votes.—A. I thought so.

Q. You do not know of threats, only from what you heard others say?—A. I have heard threats made myself.

Q. Do you know of any United States troops in this portion of the county?—A. I know of none.

Q. Can you give me the names of any of those parties who threatened and those who were threatened?—A. Daniel Watts, Jenkins Jenkin, and others; threats were so general I did not charge my memory with the names. Andrew Orange, Stephen Pinckney, Clarence, and others, were threatened.

Q. Can you give me the names of those who staid away from the polls and would have voted Democratic ticket but for these threats?—A. It has been some time since the election, and I do not remember the names.

S. E. BLOUNT.

Sworn to before me this 23d day of February, 1877.

[SEAL.]

JEFF. WARREN,

*Notary Public Beaufort County, South Carolina.*

SOUTH CAROLINA,

*Beaufort County :*

I, Jeff. Warren, a notary public in and for South Carolina, and the officer before whom the above depositions of twenty-six witnesses were taken in the matter of a contested election for a seat in the Forty-fifth Congress of the United States from the fifth district of South Carolina, do hereby certify that prefixed to the body of the above testimony, which consists of two hundred and fifty-four pages of manuscript, will be found ten other pages of matter relating to said election, consisting of notices to take testimony, Nos. 1 and 2 respectively, and original summons to witnesses, Nos. 1 and 2 respectively, with acceptance of service of notice No. 1 endorsed thereon by W. J. Whipper, attorney for contestee, and acceptance of No. 2 endorsed on the same by A. G. Thomas, dated, respectively, said first notice accepted 13th February, 1877, and said second notice, dated 17th, 1877. And I hereby further certify that the

following interlineations and erasures were made by me, or by my authority, before signing and sealing the same.

The last six lines on page 47 are erased.

On page 152, last line on said page erased.

On page 254, six last lines erased.

On page 95, 17th line, the word "your" erased.

On page 172, between lines 23 and '4, the word "Republican" interlined.

On page 245, the words "against colored men" interlined.

[SEAL.]

JEFF. WARREN,

*Notary Public, Beaufort County, South Carolina.*

### No. 31.

#### COLLETON COUNTY.

UNITED STATES OF AMERICA,

*State of South Carolina, ss :*

To Fred. Lavisay, Dr. Edward Bissell, Cæsar Penceal, Henry Green, John Mastifer, Tony Coyer, Paul Bea, Isaac Fields, Abraham Kelly, Billy Mitchell, Tom McCormick, jr., David Owens, M. Barnes, Robert Fishburne, W. T. Fishburne, C. P. Fishburne, L. I. Witsell, W. James Capers, E. W. Fraser, W. H. Nix, A. C. Williams, Mingo Sanders, Benjamin Franklin, and E. Bowers.

You and each of you are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, judge of the probate court of Colleton County, at my office in Walterborough, at the court-house building, in the said county of Colleton, on the 21st day of February, 1877, at 8 o'clock in the forenoon of said day, then and there to testify your knowledge in the contested election for the fifth congressional district of South Carolina, now pending, wherein George D. Tillman is contestant, and Robert Smalls contestee, on the part of the contestant; and this you are in no wise to omit under the penalty of \$20 and imprisonment.

Witness the said judge of probate, who hath hereunto set his hand and seal, the nineteenth day of February, A. D. 1877.

[SEAL.]

B. STOKES, *Judge of Probate.*

UNITED STATES OF AMERICA,

*State of South Carolina, ss :*

To John Graham, John Jeukins, George Bissell, Jonathan Lucas, W. W. Ikes, Henry Proctor, Pompey Burns, Alfred Smith, Jim Robertson, S. S. Savage, Robert Williams, Edwin McTeer, J. P. Thomas, Samuel Marvin, Robert Green, June Green, Henry Richards, Billy Higgins, Sampson Clark, Jack Snipes, Richard Koyer, R. E. Lane, C. H. Brownlee, W. W. Clement, Tillman Johnson, Samuel Williams, Toby Sargent, Benjamin Simmons, William Rivers, and Jack Holmes.

You and each of you are hereby required and commanded that, laying aside all business and excuses whatsoever, you be and appear before me, judge of probate court of Colleton County, at my office in Walterborough, at the court-house building in the said county of Colleton, on the 22d day of February, 1877, at 8 o'clock in the forenoon of said day, then and there to testify your knowledge in the contested election for the fifth Congressional district of South Carolina now pending, wherein Geo. D. Tillman

is contestant, and Robert Smalls contestee, on the part of the contestant; and this you are in no wise to omit, under the penalty of \$20 and imprisonment.

Witness the said judge of probate, who hath hereunto set his hand and seal the 21st day of February, A. D. 1877.

[SEAL.]

B. STOKES, *Judge of Probate.*

STATE OF SOUTH CAROLINA,  
*Colleton County:*

To Hon. ROBERT SMALLS:

You are hereby notified that I will examine the following-named witnesses, in addition to those named in my previous notice to you, 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 1876, for the fifth Congressional district of the State of South Carolina, before Benjamin Stokes, judge of the probate court of Colleton County, in the State aforesaid, at the court-house buildings in the town of Walterborough, on the 22d, 23d, 24th, 25th, 26th, and 27th days of February, instant, between the hours of 8 o'clock a. m. and 6 o'clock p. m., of said days, or so many and so much thereof as may be necessary for the examination of said witnesses, to wit:

John Graham and John Jenkins, George Bissell, Jonathan Lucas, W. W. Ike, Henry Proctor, Pompey Burns, Alfred Smith and Jim Robertson, S. S. Savage, Robert Williams, Edwin McTeer, J. P. Thomas, Samuel Marvin, Robert Green, June Green, Henry Richards, Billy Higgins, Sampson Clark, Jack Snipes, Richard Koyer, R. E. Lane, C. H. Brownlee, W. W. Clement, Tillman Johnson, Samuel Williams, Toby Sargent, Benjamin Simmons, William Rivers and Jack Holmes.

G. D. TILLMAN,

Per J. J. FOX, C. C. TRACY,

*Of Counsel for Contestant.*

We accept legal service of the within notice this 21st day of February, 1877, at Walterborough.

ROBERT SMALLS,

Per THOS. H. WHEELER, W. T. MYERS.

STATE OF SOUTH CAROLINA,  
*County of Beaufort:*

Hon. ROBERT SMALLS:

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 1876, for the fifth Congressional district of the State of South Carolina, before Benjamin Stokes, judge of the court of probate of Colleton County, in the State aforesaid, at the court-house building in the town of Walterborough, on the 21st, 22d, 23d, 24th, 25th, 26th, and 27th days of February, instant, between the hours of 8 o'clock a. m. and 6 o'clock p. m., of said days, or so many and so much thereof as may be necessary for the examination of said witnesses, to wit:

Joel Larrissa, Dr. Edward Bissell, Cæsar Penceol, Henry Green,

John Mustifu, Tony Coagao, Paul Bee, Isaac Fields, Abraham Kelley, Billy Mitchel, Tom McCormic, jr., David Owens, M. E. Barnes, Robert Fishburn, W. J. D. Fishburn, C. P. Fishburn, L. J. Witzell, W. James Capers, E. W. Frazer, W. H. Nix, A. C. Williams, Mingo Sanders, and Benjamin Frankliu and J. Bowers.

G. D. TILLMAN,  
Per WM. ELLIOTT,  
*Attorney.*

I accept legal service of the within notice this 1st February, 1877, at Port Royal.

M. J. WHIPPIR,  
*Attorney for Contestee.*

STATE OF SOUTH CAROLINA, *Colleton County* :

Now, on the 21st of February, A. D. 1877, comes Benjamin Stokes, judge of probate of Colleton County, State of South Carolina, pursuant to a notice of G. D. Tillman, contestant, served upon Robert Smalls, contestee, the said Stokes residing in the fifth Congressional district of the State of South Carolina, and examines the following-named witnesses, and takes the following testimony in the case of G. D. Tillman against Robert Smalls in the matter of contest for a seat in the House of Representatives, United States of America, Forty-fifth Congress, from the fifth Congressional district of the State of South Carolina.

Depositions taken in the court-house building at Walterborough, in Colleton County, the day and year above written, in the above-stated case, as follows :

Parties present : T. H. Wheeler, of counsel for contestee, and J. J. Fox and C. C. Tracy, counsel for contestant.

Contestant presents, in evidence, his notice of time and place of taking testimony at this point, service of which said notice was accepted by W. J. Whipper, attorney for contestee, at Port Royal, 10th February instant.

E. W. FRASER, a witness in behalf of contestant in the matter of contest for seat in the Forty fifth Congress of the United States from the fifth district of South Carolina, testifies as follows, after being duly sworn :

Question. Where did you vote at the last general election in November 7th ?—Answer. Voted Cross-Roads school-house.

Q. Were you there when the polls opened ?—A. Was on the ground, but not immediately at the box.

Q. When did that box open, at what hour the voting commenced ?—A. Voting commenced about 7 o'clock a. m.

Q. That is about, you mean to say, an hour later than time specified by law ?—A. Yes, sir ; that is what I mean.

Cross-examined by T. H. Wheeler, of counsel for contestee :

Q. How far were you from the polls at the time the voting commenced ?—A. About twenty or thirty steps.

Q. How did you ascertain or know when the voting commenced ?—A. It was so much after daylight that several persons inquired of others that had watched what time it was ; and among others inquired of was one of the managers, whose answer I did not hear, but heard several others say it was about an hour after the time appointed by law to open the boxes.

Q. Do you know, of your own knowledge, what time it was?—A. Not exactly. I do not.

Q. Do you know whether all the persons who desired to vote at that poll voted?—A. I think all voted who desired so to do.

Re-examined by contestant:

Q. Might not some persons come there before the legal hour to vote and gone away before the polls were opened?—A. Possible, but very improbable.

E. W. FRASER.

Sworn to and subscribed before me this 21st day of February, A. D. 1877.

[SEAL.]

B. STOKES,  
*Judge of Probate of Colleton County, South Carolina.*

ROBERT FISHBURNE, a witness, in behalf of contestant, in the matter of contest for seat in the Forty-fifth Congress of the United States from the fifth district of South Carolina, testifies as follows, after being duly sworn:

Question. What is your age? Where were you born and reared?—Answer. Thirty-five years of age, and born and reared in Colleton County.

Q. In what portion of the county have you resided and doing business for the last few years?—A. Lower portion, near the Charleston line.

Q. Does that portion of the county contain the rice plantations, where the colored population largely preponderates over the white?—A. Both rice and cotton, and the colored population preponderates.

Q. Was it in that portion of the county where strikes occurred among the agricultural laborers last fall, during the election canvass?—A. Yes; that is in the lower part of the county.

Q. Do you not mean the country lying between the Savannah and Charleston Railroad and the ocean, and particularly near that road, on both sides of it?—A. Yes.

Q. Are you not planting rice near that road, and, if so, at what point?—A. Yes; near Rantowle's station.

Q. How many voting-precincts are there on that road and near it? and name them.—A. Six: Rantowle's station, Ravenel station, Jacksonborough station, Ashpoo station; Adams Run precinct, two miles from the road, and Blue House, about four miles from the road.

Q. What part did you take in the election canvass last year?—A. I was the Democratic county chairman of Colleton County.

Q. What portion of the county were you in on the day of the election, and how many precincts did you attend, and how often did you visit them?—A. Was on the Savannah and Charleston Railroad with a chartered train; visited four precincts immediately upon, and visited them two or three times each; and received reports from two other precincts by couriers, Blue House and Adams Run, several times through the day.

Q. Did you see or hear any intimidation of any persons desiring to vote the Democratic ticket? and, if so, state when and where, giving incident by incident, of each person, and what precincts that they occurred.—A. I saw a great deal of intimidation at the Ravenel precinct of persons desiring to vote the Democratic ticket, so much so that I had started with the train to Adams Run station to bring down the



United States troops for the protection of Democratic voters, having previously arranged with the officer commanding United States troops at that point to come to our assistance if any disturbance occurred, when the intimidaters desisted for awhile, but several times during the day renewed their acts of intimidation. I several times spoke to the intimidaters, and threatened to have the box thrown out unless they desisted; that they, the Republicans, had a majority in the box and ought to be satisfied, but they still kept up the intimidation, off and on, during the greater part of the day. Benjamin Franklin, a colored voter, came to me just before the polls were opened, stated that he desired to vote the Democratic ticket, and would, if he was allowed to do so, as soon as the polls were open, and before the crowd collected, as his life was threatened if he voted the Democratic ticket. As soon as the box was open several of us walked up with him, and he voted and went immediately off. The next instance—later in the day—I saw a white man, by the name of Johnson, about being mobbed for voting the Democratic ticket, and went to his rescue and got him away from the crowd. The third instance noticed, about dusk, Mingo Sanders, a colored voter, came to me and said he would like to vote the Democratic ticket, but his life had been threatened if he did so. I then marked a Democratic ticket and sent it to him by Sam Williams, a colored man, with instructions to say that he was voting the Republican ticket, which he did.

Q. About what length of time do you suppose that you were present at the Ravenel precinct?—A. Off and on, about half the day.

Q. Did you hear any threats against Democratic voters?—A. I did; I heard threats made in language thus: "We ought to beat to death any damn black son of a bitch who would vote the Democratic ticket;" saw clubs being brandished, but no fire-arms; clubs were not walking-sticks, but short clubs.

Q. Were there any women there that day, and, if so, what did they say and do?—A. There were a few mixed up in the crowd; do not recollect of hearing any particular remark from them.

Q. Were there any boys there that were under age; and if so, were their votes challenged, and what was said and done about it?—A. I saw several there, young men whose votes were challenged, but were allowed to vote; did not know their ages; they were strangers to me.

Q. Why were they allowed to vote; was it by a majority of the managers deciding to let them vote, or did all the managers allow them to vote?—A. Generally by a majority of the managers.

Q. Were the majority of the managers at that precinct Republicans, and was not that the case of every precinct in the county?—A. Can state as to this precinct that a majority of the managers were Republicans, and I believe that there was a majority of Republicans, as managers, at all the precincts in the county.

Q. As chairman of the Democratic party of the county were you not very active yourself in the campaign, making speeches and visiting the large rice plantations, both by night and day?—A. I was.

Q. How many times during the canvass did you visit and speak to voters in the neighborhood of Ravenel precinct?—A. A great many; do not recollect how many. I lived between Ravenel and Rantowle's precinct, two and one-half miles from the one, and about two miles from the other.

Q. Were any strangers permitted to vote at Ravenel that you think were not entitled to vote?

(Objected to by counsel for contestee.)

A. I think there were. I am familiar with names and faces of the

most of the voters at that precinct, and I saw twenty-five or thirty faces that was generally understood to come from the island.

Q. Did or not the Republican managers, at all the precincts visited by you that day, permit any one to vote that applied, without regard to the objections of the Democratic managers?—A. In every case that came under my observation the party challenged was allowed to vote if he swore that he was entitled to vote according to law, even when proof was offered to the contrary by the Democratic challengers.

Q. Did not a great many persons, who had previously affiliated with the Republican party, promise to try Hampton and the Democratic party for two years at the Ravenel precinct; and if so, about what number?—A. Yes; at least one hundred, and I believe that they would have done it if let alone.

Q. Would the result been different at Ravenel's precinct had there been no intimidation practiced by Republican voters?—A. Undoubtedly, the Democrats would have got a great many more votes.

Q. Give us the particular and individual instances of intimidation practiced at Rantowle's precinct by Republicans, that came under your immediate observation.—A. Personally saw none.

Q. Was not the aggregate vote in Collettin County, at the last election, much larger than any vote given since the war?—A. It was.

Q. But for the intimidation practiced at the Ravenel poll would not the Democrats have carried the poll?—A. No; I do not think we would.

Q. Was there any intimidation practiced before the election by Republicans? and if so, give the individual and particular instances at that poll.—A. Plenty of it; I remember, about a month before the election, hearing threats used against the following persons: Thomas Field, Simon Butler, Jake Calder, Exmuth Washington, and others, because, it was said, they were going to vote the Democratic ticket.

Q. Did you have a colored Democratic club raised in the vicinity of Ravenel's; and if so, about what number?—A. Yes; about fifty.

Q. About how many Democratic clubs in the six precincts that you visited and had reports from that day; I mean colored Democratic clubs?—A. As far as I know, all colored Democrats joined the white, with the exception of the one colored club mentioned, which was a colored Democratic rifle-club.

Q. But for the intimidation practiced by the Republicans, before and on the day of election, would or not the Democrats have carried the Ravenel precinct?—A. I think we would.

Q. Had you not a great many colored Democrats, members of the white Democratic clubs, in the neighborhood of the six precincts mentioned; and if so, about what number?—A. We had a great many, but I am not sufficiently well informed to give the number.

Q. About what number of the colored Democrats that still voted the Democratic ticket after this intimidation at Ravenel's?—A. I am unable to answer, not knowing the relative strength of the two races.

Q. Was the intimidation towards colored Democrats general or only partial in the lower part of the county?—A. So far as my knowledge goes, it was general.

Q. Was there considerable rioting among the colored laborers in that portion of the county?—A. So far as my knowledge goes, there was?

Q. In your opinion, did the strikes in that portion of the county have any political significance, and what are the grounds of that belief if they did have a political significance?

(This question was objected to by counsel for the contestee.)

A. Think it did; I think the strike was gotten up by the leaders of the

Republican party with a view of arraying the black race against the white, and cause them to vote the Republican ticket.

Q. Did, or did not, the Republican officials attempt to prevent the riots; and, if not, was it not in their power to do so, if they had chosen?

—A. To the best of my knowledge, they made a pretended effort to do so, at the same time instigating the rioters to go on. They could certainly have put a stop to the riots if they had been in earnest.

Q. When did these riots first begin, and how long did they continue?

—A. About harvest time, say the first of September, and, to the best of my knowledge, they have not ended yet.

Q. What were the characteristics of these strikes, and did not some take place on your plantation, or in your immediate neighborhood?—A. They were brutal. There was a strike upon my own plantation, which was suppressed *vi et armis* by the planters and others. They were suppressed with ease; simply took their rifles and ran them into the river.

Q. State all the circumstances attending this strike.—A. I was informed by several of my laborers that there were certain parties in the field where they were working who had threatened that if they did not stop work they would flog them out of the field. There was a trial-justice present who heard their statement, and he authorized us, I think, verbally, to arrest said parties and bring them before him. We immediately armed ourselves and started in pursuit of the said parties, as we understood that they intended to make fight. We pursued as far as the Rantowle's Creek; some got across, and the balance scattered in the marsh. Did not succeed in taking any prisoners. The reason why, I suppose, that they left was, that a woman named Susan Ladson was present and heard the trial justice's verbal order to arrest them, and afterward went towards these men and told them.

(Counsel for contestee objected to witness swearing to his supposition.)

Q. What were the ostensible purpose of these riots, and what wages were paid the workingmen at that time, and what were the reasons given for their high-handed proceedings by the rioters?—A. To the best of my knowledge, the pretext of the rioters was, that the planters were not paying sufficient wages. The wages were the same as had been paid for four or five years past previous to the strike.

Q. Tell all you know of the riots that occurred on the plantations in the lower part of the county along the Combahee and Ashepoo Rivers?

—A. I only know that men were summoned out to protect property on these plantations from the rioters, but was not present at any disturbance other than the one I have already mentioned.

Q. Did you or did you not see any men who were beaten, or rice wasted by these rioters, and was there not a wide-spread terrorism or intimidation of a political nature in that county?—A. There was a wide-spread terrorism among the laborers in the lower part of the county during the strike; was not present upon the plantations where rice was wasted. Saw one man badly beaten—said to be done by strikers.

Q. Did or did not this wholesale intimidation change the result at all of these six polls; that is to say, would not the result of the election have been very different in the aggregate votes that the Democrats got and the aggregate votes that the Republicans got?—A. Undoubtedly.

Q. State what change, as nearly as you can—what changes would have taken place in vote of all these precincts if there had been no intimidation either before and during the election?

(Objected to, upon the ground that witness has no right to testify as to his opinion.)

A. To the best of my knowledge, the Democratic vote would have been largely increased. I cannot state specific number, without referring to the returns for each precinct.

Cross-examined :

Mr. W. F. Myers appeared at this stage of the proceedings for contestee as associate counsel with T. H. Wheeler, esq.

Q. What section of the county did you live in?—A. I lived in the lower part of the county, near Rantowle's station, on the Savannah & Charleston Railroad.

Q. Did these scenes of the riots embody that whole section of the county; and if not, what portion and locality?—A. Not in every locality, most in the Combahee, Ashepoo, and Edisto sections.

Q. Did it take in all the polls mentioned by you in your direct-examination?—A. All were more or less affected by the riots.

Q. Do you or do you not know that a reduction of wages was made, or attempted to be made, in the rice section before the strike?—A. To the best of my knowledge there was an attempt made in the Combahee and Ashepoo sections to reduce the wages of laborers during the summer months, in which the planters did not succeed. In the fall, at the commencement of the harvest, the laborers demanded more wages than they had hitherto received, which the planters refused, and thereupon the strike commenced.

Q. Are not the summer months the most important working season in the rice section?—A. Decidedly not. I think the fall the most important season.

Q. Are not the summer months *among* the most important of the working season?—A. The preparation of the land in the spring and the harvesting in the fall are the most important part of the rice-culture. In the summer months, in case labor is short, the fields can be flooded, and what is known as the water-culture used; therefore, I think that the summer work is the least important in rice-culture.

Q. Does not this process make a less productive harvest, and is not the use of water culture the exception rather than the rule?—A. On well-drained lands the dry and working culture is universally pursued. On lands that do not drain well the water-culture is universally pursued. I think the culture is about equally divided in South Carolina. The production is greater on the dry-culture system than the water-culture.

Q. Was the percentage of production greater or lesser than in former years?—A. I think it considerably less, not only on account of the water-culture, which the planters were obliged to use, but also on account of rice lost in consequence of the strikes in the rice region.

Q. Do you or do you not know that what is termed the check-system is general in the rice section, and a great deal of dissatisfaction expressed by the laborers against the use of these checks?—A. To the best of my knowledge, the planters in the rice region generally issue checks to their hands during the week and cash them on Saturday night. I have often heard laborers complain that they did not get their money every night. It is not usual for a planter to pay more than once a week, as it is impossible in certain sections of the rice region to get money every day; because on large rice plantations it is impossible for planters to ascertain what money they will require day by day; and, as a general thing, the rice planters along the coast [are in] impecunious circumstances, and cannot have a large amount of money at any one time on hand.

Q. Has it not often occurred that checks could not be cashed on Saturday night: that the holder either had to take it out in provision or

wait an indefinite term to have them cashed ?—A. Generally the planters cashed these checks on Saturday night, but there were certain impecunious planters who could not meet their obligations on Saturday night, and therefore obliged to pay their laborers in commissary goods.

Q. Has not this given rise to dissatisfaction among the holders, they being likewise impecunious ?—A. Certainly so, where impecunious planters have not been able to pay their checks.

Q. Are you or not aware that planters, with capital at their command, have issued checks bearing on their face "redeemable" in some future year ?—A. To the best of my knowledge there is one planter that has done so.

Q. What is the name of that planter ?—A. To the best of my knowledge J. B. Bissell issued such checks.

Q. Was not this check system one of the prime causes of the strike in Combahee ?—A. To the best of my knowledge the strike in Combahee was altogether due to politics, and that the labor question was not at all involved.

Q. Was it not one of the alleged causes of the strike ?—A. It was one of the alleged causes, but I do not think the real cause.

Q. Do you not know that an appeal was made to Robert Smalls, contestee in this case, to use his influence to suppress the riot, and that he did comply ?

(Objected to as irrelevant.)

A. To the best of my knowledge Robert Smalls was appealed to, as major general of the South Carolina militia, by the citizens of the Combahee section, to use his authority to suppress a riot that the county officials said they could not subdue; said Robert Smalls went to the place in Combahee, where the riot was going on, as major-general of the South Carolina militia. Thereupon, the strikers, despite his orders, refused to disperse; and said that if the said Robert Smalls attempted to interfere with them, the strikers, that "they would tie him up and give him one hundred and fifty lashes on his big, fat ass."

Adjourned until to-morrow, at 8 o'clock a. m.

Q. Did or did not Smalls, notwithstanding this threat, display an earnestness, and did finally succeed in dispersing the rioters ?—A. To the best of my knowledge, he was earnest in attempting, but did not succeed.

(Objected to as irrelevant and hearsay.)

Q. How many cases of intimidation came under your personal observation at Ravenel polls ?—A. Three individual cases; plenty of intimidation generally.

Q. Were there any one who desired to vote the Democratic ticket at poll that was prevented, to your own knowledge ?—A. One man had to vote secretly, saying that he was voting the Republican ticket; another begged to be allowed to vote as soon as the polls were opened and before the crowd had collected, because his life was in danger if he voted when the crowd was there, he said. I did not see the crowd run anybody from the polls who desired to vote.

Q. Do you know of your own knowledge whether those men voted the Democratic ticket ?—A. I do; the man Franklin voted in my presence; and I marked a ticket and sent it to Mingo Sanders; saw the marked ticket when the votes were being counted.

Q. Did you call on the troops to assist in allowing the voters to vote untrammelled ?—A. I did not; I started to go for the troops, when the

intimidation desisted for a while ; would have certainly brought them if I had thought they would have commenced again.

Q. Did not some vote the Republican ticket for Hampton for governor in place of Chamberlain, at your own suggestion ?—A. I think not, at that precinct.

Q. Did not they vote the ticket, Republican I mean, in this form at that poll ?—A. I think not. Hampton got a majority of votes, I think ; that is, run ahead of ticket ; but there were a good many votes cast only for State officers ; that accounts for Hampton being ahead of his ticket.

Q. What party has always received a majority of votes at this and the other polls on the line of the Savannah and Charleston Railroad ?—A. The Republican party.

Q. When you used the expression in your testimony, both in the direct and cross examination, "to the best of my knowledge," is it or is it not to denote the distinction which you make between that which you positively know and that which you have heard or that which you believe ? (Objected to for indefiniteness.)

A. When I use the words "to the best of my knowledge," I mean upon information and belief.

Q. Have you not, on several occasions, said that the canvass in this county was a very quiet and peaceable one ?—A. Up to a certain time before the election, I think I did.

Q. Did you or did you not say that you did not indorse the Edgefield policy ?—A. I did say that I did not indorse any violence whatever ; did not use the words "Edgefield policy," I think.

Q. Are you certain that you did not use the words "Edgefield policy ?"—A. I am not positive, but do not think I did use the words "Edgefield policy."

Q. Are you still chairman of the Democratic party of this county ?—A. I am.

#### Redirect examination :

Q. Why did the planters appeal to Smalls, and not attempt to stop the riot themselves ?—A. To the best of my knowledge (objected to on account of being hearsay) because Smalls was one of the leaders of the Republican party, and they thought that he could put a stop to it if he so desired. He also had authority as major-general of militia.

Q. What riot was this ? Was it or was it not the riot that took place at Ballouville, and on what date did it take place ?—A. It was the riot at Ballouville ; do not recollect the date.

Q. Can you approximate that date ?—A. I think about a month before the election.

Q. At what precinct do these rioters generally vote ?—A. At Blue House precinct.

Q. Do you remember the date at which Governor Chamberlain made his proclamation directing the rifle-clubs to disperse ?—A. I do not.

Q. Did or did not President Grant issue a proclamation on or about the 17th of October, 1876, following up that of Chamberlain ?

(Objected to as leading, as not being the best evidence of the subject-matter asked for.)

A. I recollect the proclamation of President Grant, but not the date.

Q. Did or did not the whites obey these proclamations and not attempt to disperse the rioters themselves ?—A. They did, and did not attempt to disperse the rioters in the Combahee section.

Q. When you said that J. B. Bissell issued checks, "redeemable at some future year," did you know it of your own knowledge, or had you only heard so?—A. Did not know it of my own knowledge; had been told so.

Q. How many tickets were run in this county at the election in November, 1876? What were they, and what were their relation to the congressional election?—A. Three county tickets; one Democratic, and two Republican; two Congressional tickets, the Democrats supporting one, and the Republicans supporting the other.

Q. Did any voters at the Ravenel's precinct promise and intend to vote the Democratic ticket who subsequently voted the Republican ticket; and, if so, what was the cause of such change, as far as your knowledge extends?—A. As far as my knowledge extends, a great many promised to vote the Democratic ticket that voted the Republican ticket; for fear of personal violence was the cause of change.

Q. Did the third individual mentioned by you, as intimidated at Ravenel's precinct, vote the Democratic ticket in spite of such intimidation?—A. He did; a number of us collected around and insisted upon his right to vote.

Q. Were there not more strenuous efforts made in this campaign than in any previous one?—A. There was.

Q. Is or is not your belief based, sometimes, on your own personal knowledge of circumstances tending to the establishment of the facts that you state, after the expression "to the best of your knowledge?"—A. No.

#### Recross-examination:

Q. Was the democratic vote increased at the last election?

(Objected to by counsel for the contestant as not in reply to new matter brought out on the redirect examination.)

A. I do not consider that there was any Democratic ticket run in this county since 1868, the democrats generally voting a mixed ticket.

ROBERT FISHBURN.

Sworn to and subscribed before me this 22d day of February, A. D. 1877, the counsel for both contestant and contestee being present, and first consenting to the following erasures and interlineations: on 12th page, fourth and fifth lines from top, the words "as I stated before" being erased; on 15th page, eighth line from top, the word "that" being interlined; same page, tenth line, the word "expressed" being interlined; same page, eleventh line, the words "expressed by" being erased, and the word "against" interlined; on 19th page, third line from bottom, being interlined the word "they;" on the same page, fourth line from bottom, the words "one of" being interlined.

[SEAL.]

B. STOKES,  
Probate Judge.

TONY KOGER, a witness in behalf of contestant, in the matter of contest for seat in the Forty-fifth Congress of the United States from the fifth district of South Carolina, testifies as follows, after being duly sworn:

Question. What is your name, how old are you, and where do you live?—Answer. Tony Koger; forty-six; live in Hendersonville.

Q. Where were you working before the election in November, 1876?—A. Cutting rice on the rammocks.

Q. Were you ever whipped?—A. I was whipped.

Q. Where were you whipped, and by whom?—A. On Bissell's Cypress

plantation, in the rice-field, and whipped by the strikers, 170 in a squad, consisting of boys, men, women, and girls, about thirty whipping at the same time, and some of them could not get up to me.

Q. What did they say to you?—A. They asked me, "What were you doing here?" Told them I was working. Asked me what I was getting a day. Answered that I was getting two dollars a day. I was cutting rice with scythe. I told them I was trying to make an honest living; had come a long ways from home. They cursed me for a damn Spanish Democratic son of a bitch. "I seed you the other night at the speech," they said. "You damn Democratic son of a bitch, I will kill you and put you in this trunk—run you in this trunk in the canal." Jeffrey Barnwell said, "Kill him anyhow, and throw him in the trunk anyhow. We got no use for him here; had planted the rice for their own use."

Q. What did they use to whip you?—A. With a raw cow-hide whip; beat me with sticks. In this time Thomas Hamilton came and took me away.

Q. Did they say anything to you about politics?—A. O, yes; nothing but politics. They said that "you been to that speech the other night." I said I had been dere. Asked me what I was doing dere. I told them that Mr. Bissell had put the horses in the wagon for all to go that wanted.

Q. What party was this speech for—Democrat or Republican? And where was it?—A. Democrat. At Green Pond, on the Savaunah and Charleston Railroad.

Q. Were you much hurt?—A. O, yes; was beat awfully. In my bed for three weeks with my arm.

Q. Describe all your hurts.—A. My right arm, and left eye, and two places on the head cut and knocked off the skin with a stick; cut my coat off of me; cut me in the face, and back, and breast, and arm; cut me all up.

Q. How long was it before you could work?—A. Three weeks.

Q. How many men were with you?—A. Wilse Lane, Reuben Lane, Mr. Thomas, my son—they run him into the river. Pompey Burns was there; he got away. Alonzo Elliott was there; he got away. They did not whip him much. Tobe Dessaussure was there; they did not whip him much, because they were Radicals, so they say. They did not whip them two when they whipped me and my son Richard.

Q. What time did this whipping occur—what time of the year, month, and time of the month?—A. About three o'clock in the day, on Thursday; I can't tell what month, whether it was November or October. I know that the rice ought all to have been in.

Q. Was this crowd of strikers—were they Democrats, or Republicans?—A. Republicans.

Q. Who appeared to direct the crowd what to do?—A. The captain was Sam Washington; the head man of Sam Washington was Jack Wineglass. The general or head of the strikers, he ride a mule. He said that he had the order from Governor Chamberlain to strike for higher wages; and every fortnight they came, the strikers, to get their papers renewed. Said that their orders were in their pockets to strike for one dollar per half acre. They told Dr. Bissell—that is, Jack Wineglass told Dr. Bissell—that if it was seven years they would get it.

Q. Where was it that Jack Wineglass told Dr. Bissell that?—A. At Ballouville store.

Q. Did you ever have anything else done to you besides this beating?—A. They threatened my life; they threaten now. I am in dread of it now. They cut up my cart, shot down one of my hogs.



Q. When was this?—A. Just before the election.

Q. Did they do anything to you on election-day?—A. No, nothing but threaten my life, to mob and kill. Had clubs with nails driven into them; hatchets, bayonets, old pieces of swords. Said all the old Democrats could vote, but any that join the Democrats to vote that ticket was to be killed or whipped. In five minutes longer, if the soldiers had not come, there would have been the worse time than ever was known about here.

Q. What sort of sticks did the Republicans have at the polls?—A. Hickory sticks, white oak, with four nails driven cross in the big end. The big end was about as big as my fist. The stick was drawn off with knife from the big end, like a policeman stick in shape.

Q. What sort of head did these sticks have, and how long were they?—A. Some three feet long, some two feet long. They had large heads, and drawn down.

Q. How many of these men had sticks of this kind?—A. About 500 or 600; and what did not have sticks had bayonets, old pieces swords, hatchets.

Q. What were the appearance of these sticks? Were they new, or old?

(Objected to by counsel for contestee, as leading.)

A. Appeared like they had these sticks all the time. They look slick.

Q. Did you see any fire-arms or knives there?—A. Did not see no knives or fire-arms.

Q. Was there any women in this crowd at this precinct on election-day?—A. Yes, sir; about thirty. It was said there was seventy.

(Counsel for contestee objects to the last clause of the answer upon the ground that a witness has no right to swear to rumor.)

Q. Did, or did you not, see any women dressed as men at that poll?

(Counsel for contestee objects to the question as indicating the answer desired.)

A. No, sir; but all the women had clubs; the women swore that if their husbands voted the Democratic ticket they intended to kill them.

Q. What kind of clubs did the women have?—A. The same as the men had.

Q. Were there or not any boys there; and, if so, about what number, and were they also armed?—A. There were not many there, but what was there had sticks; one of them that came from the pine-land, his mother came, there and made him throw away his stick. After the soldiers came, the women began to throw away their sticks, and also some of the men.

Q. What time did the soldiers get there?—A. About 11 o'clock.

Q. Were these boys fussy or not?—A. No; they seemed peaceable after the soldiers got there.

Q. How many men were whipped by the strikers before the election?—A. Six whipped on Mr. Vanderhorst's place; four whipped on the Cypress, when I was there. Two or three days before I was whipped there was one whipped at Combahee ferry. One woman was whipped on Mr. Vanderhorst's place. A great deal more was whipped, but I can't tell of any more.

Q. Did or did not the most of these strikers vote at the Blue House poll?—A. Yes, sir; the most of them voted there; the head ones voted there.

Q. Were there or were there not many colored people who promised

to try the Democrats for two years who had previously voted the Republican ticket, and still call themselves Republicans?—A. Yes, a good many.

Q. Were or were not nearly all of these voters frightened from voting the Democratic ticket at Blue House?

(Objected to by counsel as indicating the answer sought.)

A. Yes, a good many of them never went to the poll at all; a good many would have gone and voted the Democratic ticket, but were afraid to go, as they did not wish to get themselves hurt.

Q. Did or did not a good many join the Democratic clubs—colored Republicans, I mean—who were subsequently frightened off from voting the Democratic ticket?—A. Yes, sir.

Q. The Republicans got between six and seven hundred votes and the Democrats between two and three hundred votes at Blue House; how many more would the Democrats have gotten but for the intimidation practiced there, both before and at the election?—A. They would have got a great many more if the Radicals had not have made speeches to them that they would have been put back into slavery if they voted the Democratic ticket, and if they voted the Democratic ticket their right would be taken away, and they would have to have a ticket to sell a peck of corn or bushel of rice, chickens, and there would be no free schools, and put back into slavery.

Q. Would or would not more colored people have voted the Democratic ticket but for the fear of being beat or whipped at that precinct?—A. Yes, there would have voted more of them if they had not been afraid of being beat or whipped.

Q. You said something about cursing you a Spanish son of a bitch. What did they mean by that?—A. My father was a Spaniard, and I was a half Spaniard. I was of the old Bonaparte pluck, and was not afraid of any of them.

Cross-examined by Mr. Myers, for contestee:

Q. You spoke of being whipped by the rice-rioters while working in the rice-fields. State definitely, if you know, what was their object for whipping you?—A. I cannot tell, unless it was that I was getting two dollars a day; because they cut with the hook and I with the scythe, and I cut a great deal faster than they could with the hook. They allow for the hook ( $\frac{1}{2}$ ) half acre, which was a dollar, that is, to cut and tie it up, and with scythe I cut two acres and made two dollars a day, at that rate, and the reason why the scythe come in, the rice was wasting, and they would not cut it nor let nobody else cut it.

Q. In speaking of being whipped, did the whippers, or strikers, have any regard for party men, or was their object to prevent persons from working at a certain price?—A. They whipped me because I was a Democrat.

Q. Did they, or not, whip a great many of the laborers who were at that time, and are now, outspoken Republicans?—A. Yes, they whipped them too, as far as I know, and the ones that they whipped they turn Democrats.

Q. Do you know, of your own knowledge, that all of them turned Democrats?—A. They said there was no law in the country, and were going to try the Democrats to see if they could not do something for them, to see if the law would not be better. They tried the law for eight years, and they keep saying that it would be better every year, and it was not any better, and now they were going to try the Democrats.

Q. How many did you hear say this?—A. I heard thirty say so that joined our club the night Mr. Tillman was there at Green Pond.

Q. Have you ever heard them say that they were not in earnest in pledging themselves to the Democrats?—A. No; I never heard one of them say so.

Q. Did not the laborers say that they had planted and worked the rice and nobody should work and cut it for less money than they?—A. No; never heard any one say of the like of that.

Q. Do you understand the meaning of the word subsequent?—A. No, sir; not exactly, unless you will tell me the sense of it.

Q. Were any Republicans or radicals whipped during the strike?—A. Two of them whipped, but mighty lightly.

Q. Were any women whipped during the rice-strike that you know of?—A. Women were whipped, but not that day.

Q. Do you not know that the payment in checks was complained of a great deal by those who received them in payment for their work?—A. In the first of the spring was a great deal of complaint about the checks. Some wanted money to pay their tax, and the summer coming on, and there were so much complaint about these checks that the planters then paid in hard cash, silver.

Q. Did they keep up this payment in cash among all the planters?—A. All kept it up, as far as I know. They paid in money when they wanted it, and those that wanted checks got checks.

Q. As you stated that you were only on the Combahee twice, could they not have paid entirely in checks and you know nothing of it?—A. Of my own knowledge they paid in silver.

Q. How long were you at Blue House on the day of election? When did you go there?—A. I went there at one-half past six o'clock, and staid there until three o'clock.

Q. You reached there before the box was opened?—A. The polls were opened when I got there. The managers went ahead of me, and I followed on behind.

Q. Had they begun to vote before you got there, or did you follow the managers directly?—A. I followed the managers directly behind. They had just opened and the voting was going on when I got there.

Q. Did you vote the Democratic ticket on that day?—A. Yes, sir.

Q. What poll did you vote at, Ashpoo or Blue House?—A. I voted at Blue House.

Q. How many staid at home on that day, and what are their names?—A. As far as I know, Isaac Smalls, John Fields, Tobe Roberson, right around, close me.

Q. When you left the poll, at three o'clock, where did you go?—A. I went home.

Q. Do you know if any person was driven from the poll before voting, on that day? and, if so, name him.—A. No, sir; nobody was not, while I was there.

Q. You left the poll after the great crowd, that were there assembled, voted?—A. The biggest crowd had done left when I went in, and voted and left.

#### Redirect examination :

Q. Do you not know that the leaders of the strikers said, publicly, that they had to go to Walterborough, to the leaders of the Republican party, for instruction?

(Counsel objected on the ground, first, of being hearsay; second, that it is not in answer to new matter brought within the cross-examination; third, as being excessively leading.)

A. No, sir; I know this much, that the head striker got the paper from Shaffer, Jerry, Chamberlain, for higher wages, and anybody that worked for fifty cents a day had to be whipped up to seventy-five cents a day; had orders to that effect.

Q. Who is Shaffer?—A. He used to be clerk of the court, and now county treasurer, and the people now call him Sharper.

Q. You say you voted late, after the bulk of the voters had left; why did you wait until that hour to vote?—A. The radicals had crowded the door, with clubs in their hands, and I would not crowd up, rush in.

Q. How many people were working with you in rice-field on the day you were whipped, and how many got away?—A. Thirty hands at work with me in the field; all got away but four or five of us from the pine-land.

Q. You mention that nearly all the colored men who were whipped joined the Democratic club (colored) at Green Pond; now, about how many colored men, to the best of your knowledge, were members of the Democratic club at the election?—A. As far as I could understand it, about sixty or seventy.

Q. You mention the names of three or four colored men who promised and intended to vote the Democratic ticket, staid at home on the day of election, through fear; were they or not members of the colored Democratic club at Green Pond?

(Counsel for contestee objects on the following grounds: first, on account of its being leading; second, not being in answer to new matter brought out in cross-examination.)

A. One belong to the Hendersonville club, one to the Green Pond club, and two that did not belong to any club.

Q. You were asked, in your cross-examination, if women were not whipped by strikers. Did you see any women whipped by them?—A. No more than what I heard.

Q. You said, also, in your cross-examination, that it seemed that the strikers whipped you because you were a Democrat; what made you think so?—A. Because I ever was a Democrat since 1865, and always I voted the Democratic ticket, and they knew it; that made me think so.

Q. Did Wineglass tell you, at any time since the whipping, that if he had been there he would have whipped you more, and the reason he gave you for it?

(Objected to by counsel for contestee as excessively leading and not in answer to new matter brought out in cross-examination.)

A. I simply asked him at the election—Wineglass, I knowed you, and what you went on so for that day; said, "You damn son of a bitch, if I had come there, I would have given you more." Wineglass, I am going to try to vote an honest and square vote, and did not come here for any fuss; mind though, after election, when everything comes right, if the law ever comes good like we used to have it, that whipping would turn devil to him, and he said that he would have whipped me more because I was a Democrat.

Q. How many persons did you see whipped by the strikers?—A. I saw my son whipped, and Alonzo Elliott, Tobe Dessuressure and myself; that two of them I saw whipped at some distance away.

his  
TONEY + KOGER.  
mark.

Sworn to and subscribed before me this 22d day of February, A. D. 1877.

[SEAL.]

B. STOKES,  
Probate Judge.

I certify that prior to the subscription of the above, the counsel for contestant and contestee being present, and both consenting to the same, I made the following erasures and interlineations, to wit: On 23d page, first line from top, the word "were" interlined; on 24th page, third line from bottom, the word "turn" interlined; on 25th page, twelfth line from top, the word "in" erased; on 26th page, twelfth line from top, the words "object that" erased; on sixteenth line from top, on same page, the word "had;" on the 28th page, eighth line from top, the word "would" erased; on 29th page, fifth line from bottom, the word "scythe," interlined; on the 30th page, first line from top, the words "did they," erased, and on the first line from bottom the word "head" interlined; on the 33d page, second line from bottom, letter "A" erased.

[SEAL.]

B. STOKES,

*Probate Judge of Colleton County, South Carolina.*

Adjourned until to-morrow at 8.30 a. m.

[SEAL.]

B. STOKES,

*Probate Judge of Colleton County, South Carolina.*

Having met pursuant to adjournment, at 8½ a. m., this February 23d, 1877—present, W. F. Myers and J. H. Wheeler, counsel for contestee, and C. C. Tracy and J. J. Fox, counsel for contestant—administered oath to M. C. Connor to fairly and impartially act as clerk.

RICHARD KOGEE, a witness in behalf of contestant, in the matter of contest for seat in the Forty-fifth Congress of the United States from the fifth district of South Carolina, testifies as follows, after being duly sworn:

Question. How old are you, and where do you live?—Answer. I am twenty-three now, and live in Hendersonville.

Q. You are a son of Tony Koger's, are you not?—A. Yes, sir.

Q. Do you remember the time when your father was whipped?—A. Yes, sir.

Q. Who whipped him, and what did they say?—A. The strikers whipped him, and they said, "You damned Democrat son of a bitch, what are you doing here?"

Q. Did they whip you?—A. Yes, sir.

Q. To what party did those who whipped you belong—Democrat or Republican?—A. The Republican.

Q. Do you know what they whipped you for?—A. Because I was a Democrat.

Q. Did they say that it was because you were a Democrat?

(Counsel for contestee objected to the leading character of the above question.)

A. Yes, sir.

Q. Where did you vote at the election in November, 1876?—A. At Blue House.

Q. Did many Republicans vote there?—A. Yes, sir.

Q. Did or did not most of the strikers vote at that precinct?—A. The most of the strikers. I mean the most of them in that neighborhood that whipped me. I don't know anything about the other polls.

Q. How long were you at the polls on election-day?—A. I was there from sunrise till 3 o'clock.

Q. What did the Republican crowd say and do on that day?—A. Some of their wives said that if they voted the Democratic ticket it would be the death of them before they got home.

Q. Did the men say anything about politics?—A. Yes, sir.

Q. What did they say?—A. They asked who I was going to vote for, and showed them my ticket—the white and colored Democrats.

Q. Did, or did not, the Republicans curse and try to scare any one; and if so, what kind of weapons did they have?—A. I did not hear them curse any one but my father. They said if they had hold of him they would beat the damned Democrat out of him. They had muskets. Had swords that were broken off. Had clubs, with nails driven through them cross-ways. The women had their clothes tied up to their knees, and had their clubs on their shoulders. Clubs were three feet long.

Q. Would or would not more colored people have voted the Democratic ticket if they had not been scared?—A. Yes, sir.

Q. How many more?—A. Three more I know right there that did not go to the poll at all.

Q. What do you mean by right there?—A. I mean right at the place, but there were more.

Q. You said there were three more right there who did not go to the poll at all. Now what do you mean by right there?—A. I mean right there in the neighborhood, and there was one man that went to the poll who did not vote at all.

Q. About how many women were there?—A. About thirty was right there.

Q. Did you, or did you not, see any knives there, and, if so, what sort of knives?—A. Dirks, large meat-knives about a foot and a half long.

Cross-examined by Mr. T. H. Wheeler:

Q. Where were you working at the time that you say you were beaten?—A. Down at Mr. Bissell's plantation, on Combahee Ferry—Cypress plantation.

Q. How long had you been there?—A. I had been working there three or four days.

Q. At what time; where did you live?—A. I lived up at Hendersonville; I went there to work.

Q. How long had you lived at Hendersonville?—A. I been there since the second year after the war.

Q. How far is Hendersonville, the place where you lived, from Blue House precinct?—A. About four miles.

Q. How many men were in the crowd that you said whipped you and your father?—A. One hundred and seventy.

Q. How do you know their number?—A. Because they said so.

Q. Who said so?—A. The same ones that had me.

Q. Had you any other way of knowing their number, other than that which you heard?—A. I don't know any other way but what they told me.

Q. Where had you been working before you commenced working for Mr. Bissell?—A. I was working at home.

Q. How far is your home from Mr. Bissell's, the place where you were working?—A. About fifteen miles.

Q. Had you been in the habit of working in the rice-fields in the Combahee section?—A. Yes, sir.

Q. At what place or places?—A. At James Heyward's.

Q. When and how long did you work for James Heyward?—A. I would go down there Monday morning, and work till Saturday night, get paid off and come back home.

Q. How long did you work for James Heyward?—A. In the fall of

the year when I got done laying by, sometimes I would go down and work sometimes a week, and sometimes a fortnight.

Q. In what year, or years, did you work for James Heyward before the strike?—A. About four years before, and then I stopped and came back home, and see to my other business on the place home.

Q. How long did you work for James Heyward?—A. I would go down and work a week, and then come back home, and see to my other business, and then I would go down and work another week, and when I had worked two weeks, and got a little money, I would go home and stay a month, and shift and change about that way.

Q. Do you know how many seasons you worked there?—A. I worked there one season.

Q. How far were you from your father when the strikers came up to your father?—A. About five feet.

Q. What did they say?—A. They did not say anything but "you damned Democrat son of a bitch, you must leave down here." They were saying a heap, but I could not hear any more, for their whips were cracking. They were around me, and whipping me, and had such a fuss I could not hear any more.

Q. Did they ask you how much you were getting for working?—A. Yes, sir.

Q. Did you tell them?—A. Yes, sir; I told them I was getting two dollars a day.

Q. Did they tell you that was too little?—A. They didn't tell me anything at all. I tried to talk to them, but I couldn't.

Q. Did they say that they had worked the rice, and that no one else should cut it?—A. Yes, sir.

Q. Have you seen any of the checks issued by the planters on that river?—A. Not at that time; there was nothing there but money.

Q. Have you seen them at any other time?—A. Yes, sir; I have seen them before that time. I have been paid off with them myself.

Q. How long before that?—A. All the time before that they paid off in checks, and they were exchanged for money.

Q. You said, a few minutes ago, that you had only been working there three days, and that you had not worked in that section for four years; how do you know that the people were paid off in checks, and that their checks were cashed?—A. They were cashed, because they cashed mine, and I seen them cashing them.

Q. Have you heard any laborers grumble about being paid off in checks, and not in money?—A. No, sir.

Q. About what time in the year were you beaten?—A. The nineteenth of September.

Q. How do you know it was on the nineteenth of September?—Because I counted it up.

Q. When did you count it up?—A. I counted it up the same day.

Q. Can you read or figure; by figure, I mean count numbers?—A. Yes; as far as that was.

Q. Can you count any further?—A. Yes; I can count further, by counting right straight along.

Q. Can you read or can you write?—A. No, sir; I can spell some.

Q. Do you know the day of the month that to-day is?—A. No, sir; I never counted it up yet.

Q. Did you vote at the Blue House poll?—A. Yes.

Q. What ticket did you vote?—A. I voted the Democratic ticket.

Q. At what time did you vote?—A. About four o'clock.

Q. Do you know at what time your father voted; I mean Tony Koger?—A. In a gang, just before I did. They swore ten at a time.

Q. Did you leave the polls at the same time your father left?—A. Yes; we came home together.

Q. Was there any disturbance or fight at that poll?—A. No, sir; there was no fight, only they would run over each other when they were going in the door.

Q. At what time did you come to the poll?—A. Sunrise.

Q. Was that before the polls were opened?—A. The box was opened before I got there.

Q. Did you and your father go there together?—A. Yes, sir.

Q. Did you stay at the poll all the time that your father did; I mean Tony Koger?—A. Yes.

Q. How many men had fire-arms or guns?—A. I saw some four or five with muskets, some ten or twelve pistols were there. I could not see any further because I was on the ground, and there was such a big crowd.

Q. Did the crowd leave that poll; and, if so, at what time?—A. They never left it till they got through voting, the crowd didn't.

Q. At what time did they get through voting?—A. About five o'clock.

Q. Did they leave then?—A. Yes, sir.

Q. You have just said that you left at four o'clock (the polls;) how do you know that they had finished voting at five o'clock, when you had gone, and how do you know what time they left?—A. Mr. McTeer said so; he was one of the managers.

Q. Was he a Democratic or Republican manager?—A. A Democratic manager.

Q. Did you tell the crowd there what ticket you intended to vote?—A. Yes; I told the Democrat crowd that I was with I would vote a Democratic ticket.

Q. Did you tell any of the Republicans?—A. No, I didn't tell no Republican.

Q. Did the Republicans know what ticket you intended to vote?—A. I don't know whether they did, right there, or not.

Redirect examination by C. C. Tracy, esq., (white) for contestant:

Q. Whose land do you live on?—A. Mr. Haskell's.

Q. Does or does not your father own land?

(Counsel for contestee objects, because it is not in reply to new matter.)

A. Did use to own that same piece, but it was sold from him; he bought it back, but has not paid for it.

Q. What did you cut rice with?—A. A cradle.

Q. Can you cut much more with a scythe than with a reaping hook?—A. Yes, sir.

Q. You said that you voted about four o'clock; why did you vote so late?—A. Because I could not get in.

Q. Did the Democrats have to stand aside to wait on the Republicans, or did they vote right along with them?—A. No, sir, they didn't vote right along with the Republicans; the Democrats had to stand aside and wait on the Republicans.

Q. You said, in your cross-examination, that the people about the polls run over one another in going in the door; which was run over most, Radicals or Democrats?—A. The Radicals run over one another.

Q. You also said that there was no fighting at the polls that day; didn't it look like there would be a fight when the soldiers arrived?—A. Yes, it looked very much like it.

his  
RICHARD + KOGER.  
mark.



Sworn to and subscribed before me this 23d day of February, A. D. 1877, the counsel for contestant and contestee, being present, first consenting to the following erasures and interlineations: On thirty-ninth page, fourth line from bottom, letter "A" being erased; forty-fifth page, fifth line from bottom, words "was sold" interlined.

[SEAL.]

B. STOKES,

*Probate Judge of Colleton County, South Carolina.*

ALFRED SMITH, (colored,) a witness in behalf of contestant in the matter of contest for seat in the Forty-fifth Congress of the United States from the fifth district of South Carolina, testifies as follows, after being duly sworn.

C. C. Tracy, esq., for contestant.

Question. Where do you live?—Answer. At Mr. Bellinger's plantation.

Q. Where did you vote at the election in November, 1876?—A. Blue House.

Q. How far is that from where you live?—A. Counted to be five miles.

Q. How long were you at the polls on election-day?—A. From sunrise till half past three o'clock.

Q. About what time of the day did you vote?—A. Half past three.

Q. Did you see any weapons there—arms, guns, or clubs, or anything of that kind?—A. I saw two men with guns there, but they didn't come up to the polls. There were sticks with a large butt at one end, with nails driven through the butt.

Q. Did you see any women there; and, if so, how many?—A. Saw about thirty, to my remembrance.

Q. Did they have any arms of any kind?—A. They did; some had hatchets and large sticks.

Q. Did you hear them make any threats or do any cursing?

(Counsel for contestee objected to this question as leading.)

A. I did sir.

Q. State what they said.—A. They said if any voted for Wade Hampton they should be slaughtered that day; that they expected to knock down. They said that in the morning before many of us were there; for we Democrats expected tolerable times, and we all went together.

Q. What sort of tolerable times did you expect?—A. We expected tolerable times of fighting.

Q. Would or would not a great many more colored men have voted for the Democrats if they had not been afraid of the Republicans at that poll?—A. Yes, sir; they would.

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

Q. Do you know of any who were kept away by fear of the Republicans from that poll, and who did not vote at all; and, if so, how many?—A. I know of two who did not vote at that poll on regard of the Republicans for the threats they had made.

Q. Were you much frightened at the polls; and, if so, what was the cause of such fright?—A. I was much frightened at the polls, because there was a man asked me who I was going to vote for. I told him I was going to vote for Wade Hampton, and he said I had better look out, I would carry a bloody head back home; and after that I had to steal my chance to cast my vote. No one did not see my vote; I kept it in my pocket till I got to the box.

Cross-examination by T. H. Wheeler, esq., for contestee :

- Q. Have you been working in the rice-fields ?—A. No, sir.
- Q. How far do you live from the rice-fields ?—A. Nine miles, sir.
- Q. How many of you went to the polls together ?—A. About seventy.
- Q. Were you all Democrats ?—A. Yes, sir ; white and black.
- Q. How many were at the polls when you arrived there ?—A. I think about two hundred, as near as I can remember.
- Q. Do you know Tony Koger ?—A. Yes, sir.
- Q. Was he there ?—A. Yes, sir.
- Q. Did he come with you, or was he there before you ?—A. We went together, sir.
- Q. Did all the Democrats at the poll that day vote ?—A. They all did, to my remembrance. I don't know of any that didn't vote.
- Q. You said that there came near being a row ; between whom, do you mean ?—A. Between the Democrats and Republicans.
- Q. At what time in the day was this ?—A. It was about half past ten or eleven.
- Q. Who stopped it, if it was stopped ?—A. The deputy sheriff did all he could to keep the peace till the military soldiers came.
- Q. How many men were there armed ?—A. There was not any one at the polls armed, but a little ways off there were two men with guns.
- Q. Do you know when Tony Koger voted ; if so, when ?—A. I do not know exactly the time when he voted, because we had to vote separated, amongst the white people as well as we could.
- Q. Did any Democrats have arms or sticks ?—A. We did not, sir.
- Q. Did any of the white Democrats have revolvers ?—A. If they did, I did not see any.
- Q. How do you know that a great many colored men would have voted the Democratic ticket if they had not been afraid ?—A. I have heard them say that they were afraid of the Republicans, was the reason why they did not go to the polls. I know two men who did not go to the polls on this account.
- Q. Give me the names of those who told you, and the names of the two that staid away ?—A. Alonzo Elliott and Bose Frasier staid away. Another one by the name of Joe Eakham did not vote.
- Q. Is that all the names you know ?—A. Yes, sir.
- Q. You said, a few minutes ago, that no one except the Democrats knew how you were going to vote.
- (Question withdrawn, as a mistake in statement of what witness said.)
- Q. To how many persons did you speak concerning the manner you intended to vote ?—A. I spoke to three of them before I voted.
- Q. How long did you stay there after you voted ?—A. I think I staid there a quarter of an hour after I voted.
- Q. How do you know that the men whom you speak of did not vote ?—A. They told me so, and they weren't at the polls, for they were not seen.
- Q. Could they not have voted at some other poll ?—A. No, sir ; I know that one man was absent too late from home to get here to Walterboro' or to the Blue House ; the other two said that they would not vote for any side.

Redirect examination by C. C. Tracy, esq., attorney for contestant :

- Q. You said that there were no men armed at the polls, but a little way off there were two men with guns ; by being armed did you mean having something to shoot with, having clubs and hatchets ?—A. They had notice not to bring their guns with them, or they would get into

trouble, so they carried them a little ways back and hid them, but don't know whether they intended to use them or not; but it looked like it.

his  
ALFRED + SMITH.  
mark.

Sworn to and subscribed before me this 23d February, A. D. 1877, counsel for both sides being present, and first consenting to the following erasures and interlineations: On page 51, 11th line from bottom, the words "vote for" being interlined, and the word "on" erased; on 17th line, same page, the word "not" being interlined.

[SEAL.]

B. STOKES,

*Probate Judge of Colleton County, South Carolina.*

JOEL LARESCEY (white) sworn and examined on the part of contestant:

Question. Where do you live?—Answer. Seven miles from here, on the Blue House road.

Q. Where did you vote at the election on November 7, 1876?—A. Blue House.

Q. What is your age and occupation?—A. My occupation is planting or farming, and seventy-two next November.

Q. Where were you born and reared?—A. In Colleton.

Q. How long were you at the polls on the day of election?—A. My impression is I left there about 4 o'clock p. m.

Q. What time did you get there?—A. Between daylight and sunrise.

Q. Do you know of any threats being used or intimidation practiced by the Republicans before or on the day of the election?—A. Previous to the election, for some weeks, I had been making an effort in my neighborhood to swell the Democrats' ranks by getting voters. They told me, I mean Alfred Smith, Henry Proctor, Jim Roberson, and Anthony Gadsen, they could not vote for or join the Democrats because they were afraid of the Republicans of their race, and all they would do for the cause was to stay at home. I promised them protection if they would join the party and vote the Democratic ticket. They agreed to do so; went with them to the Blue House together; I gave them the Democratic votes, and desired to see them put in, but I saw they were afraid, the way they voted, to put in their votes publicly, by keeping them concealed, and I asked them if this was not so, and they said it was; and some of them are afraid to come up here to-day to testify, to wit, Henry Proctor and Pompey Burns. I saw a display of sticks at the day of the election. These things that I have stated are the evidences to my mind that there was intimidation practiced.

(Counsel on the part of contestee objects to the first part of the answer as being hearsay.)

Q. Did you see any arms among the Republicans on the day of the election; and, if so, name the different sorts, and describe them?—A. I do not recollect of seeing any arms.

Q. Did the Republicans have any weapons?—A. They did have sticks.

Q. Describe the sticks, and all the weapons they had.—A. Pretty hard to describe 200 or 300 sticks; they were large and dangerous weapons to be used; some of them had nails driven crosswise in the bottom part of the stick, the end next to the ground; I saw one with an old bayonet on the end of it.

Q. How were these sticks shaped?—A. The most of them were about three feet long, the biggest end towards the bottom; a good many of them, as well as I could see, were brought down nearly to the bottom

to an eight square; the nails were first driven in on one side, and then reversely driven in from the other side, forming a square; I mean driven across each other.

Q. Would not the Democrats have gotten a much larger colored vote at this poll, but for the intimidation practiced there both before and at the election?—A. I think so; I thought at the day of the election there were one hundred and fifty white Democrats, and there was but a little over two hundred votes of the Democrats in the box, and I am satisfied that there should have been near three hundred.

Q. You say, sir, that you are satisfied that there should have been near three hundred Democratic votes in the box. Do you speak from your own knowledge of men that you have spoken to, and who had promised to vote the Democratic ticket?—A. I speak from my knowledge regarding the number of white men there; there may have been more than one hundred and fifty.

Q. Did you see any women at the polls; and, if so, how many?—A. Yes; about twenty, or thirty, or forty; it was a hard matter to tell in that crowd.

Q. Did they also have sticks or not?—A. Some of them had; I could not say how many.

Q. Did you see any women in men's clothes?—A. If they had on any I did not know it.

Q. Were there any United States troops there; and, if so, who sent for them?—A. They were there, but I don't know how they came there; I think I heard Mr. Fishborne say that he had made application for them.

(Counsel for contestee objects to this answer as being hearsay.)

Q. How large is this county?—A. I do not think that I can answer it correctly. I should say that it is about thirty miles across—I was thinking of the parish—I should say sixty miles in length for the whole county, which formerly consisted of three parishes, which were formerly political sub-divisions; the width is irregular; it is about forty or forty-five miles wide.

Q. You are an old man, and lived all your life in the county. How many voters do you know by sight?—A. That is a hard question for me to answer. I know a great many; that is all I can say on this subject.

Q. Are there not a great many that you don't know?—A. Yes, sir.

Q. Do one-half of the white voters of this large county know the other half; I mean, are they personally acquainted?—A. I think not.

Q. Is not the same true of the colored voters?—A. Yes, sir; only more so, probably.

Q. Has there ever been any registration law passed since the constitution of 1868, as required by section third of article eight of said constitution?

(Objected to by counsel for contestee, on the ground that the witness cannot furnish the best evidence of the fact.)

A. I have seen no such law, but I was required to register at Ashepoo Ferry, in 1868, but not since.

Cross-examination by W. F. Myers, esq., colored:

Q. In speaking of securing votes to swell the Democratic ranks, what class of men did you try to persuade?—A. I tried to make converts of the colored people; the white people were pretty well all Democrats in my section of the county already, excepting a few who had sold out themselves about Walterborough.

Q. Why do you say that those few white men had sold out themselves?—A. I say so because I know it to be a fact.

Q. Being a fact, in what respect; is it because they voted in opposition to the Democratic party of this State?—A. My answer to that, I say no.

Q. What reasons have you for saying a few white men sold out?—A. I know men all over the county that have sacrificed the interests of county and State for the hope of getting office.

Q. Did the men you named in the direct-examination, in expressing their fear to you, name any particular person or persons they were fearful of if they voted the Democratic ticket?—A. No, sir. They spoke in allusion to those individuals who were whipping them in Combahee.

Q. Do these men live on the Combahee, or are not they, or some of them, your tenants?—A. They do not live on Combahee; neither do I consider them my tenants. They have titles for land that belong to me for four years, and are as free as I am in every respect. They pay me no rent.

Q. Do you mean to say by this that there is no consideration for their living there, such as clearing lands and other improvements that may be made during the time mentioned?—A. They clear, fence, and build for themselves, and, at the end of four years, turn over the same to me, or pay me rent.

Q. Did you or not, at any time during the canvass of 1876, threaten to turn any of them off if they refused openly to vote the Democratic ticket, or for Hampton?—A. No, sir; I did not. I told the tenants I had upon my Fish-Pond place that none of them would be required to move on account of their politics.

Q. What occasioned you to make this pledge?—A. Because I had heard, and they heard, that some people had talked that way, and I wished to remove that impression, as far as I was concerned; that all of them, or nearly all, I believe, voted the Republican ticket, and are Republicans now, and are still living on my place.

Q. How do you know that the one hundred and fifty white men you saw at the Blue House voted as an entirety the Democratic ticket?—A. I explained that fully when I spoke the words, in my direct examination, that the county was in a blaze of excitement, and I did not know of a single white man in that whole county but what was a Democrat.

Q. Why are you satisfied there should have been three hundred votes at Blue House for the Democrats?—A. I came to that conclusion from the whites I thought, or knew, were there, and from the number of colored Democrats I supposed to be there; from the information I had received from the various Democratic clubs.

Q. Who owns the greater portion of land in your section of the country, white or colored?—A. The white people.

Q. Are the colored people mostly tenants of these lands?—A. I suppose they are, but do not know the contracts their employers made with them.

Q. Were you near the polls on the day of the election?—A. Yes, sir; all the time.

Q. Did you hear any complain of not being able to vote?—A. No; I did not hear any one complain; but it was difficult, at times, for them to get to the box, on account of the press at the entrance, till after the soldiers got there; and I do not know if they would have been allowed to go to the box if it had not been for the United States soldiers. They paid no regard to instructions to "keep the way to the polls open." There were such a crowd, a way had to be kept open for the voters to walk to

the polls. The officer commanding ordered his lieutenant to take charge of "that man," and drew his sword, as if intending to strike, until the crowd gave way, touching with his sword and pushing many, and had frequently to raise his sword, as if intending to strike, before the crowd did give way, and a passage opened—and kept it open. The crowd was large.

Q. Did you see any one there that day who desired to vote, but could not do so?—A. No, sir.

Q. Is it not usual for the colored men in that section of the county to carry clubs or sticks?—A. No, I don't think so.

Q. Were any of the Democrats armed there that day?—A. Not as I know of. I saw no gun on the ground.

Q. Could they not have had small-arms and you not know it?—A. Certainly they could.

Q. Were you armed?—A. Yes, I had a pistol in my pocket; the only one I ever carried in my life. I borrowed it in the morning and returned it in the evening.

Q. Did you witness any demonstrations of arms on that day by either party? I mean Democrats or Republicans?—A. No, sir.

Q. What is the relative strength of the parties in your, or Blue House, precinct?—A. There was a little short of one thousand votes taken, and a little over two hundred Democratic votes in the box.

Q. Can you approximate the number of white voters at the Blue House precinct?—A. I have already said about one hundred and fifty.

Q. By whom were you appointed a trial-justice?—A. By Hampton.

Redirect examination:

Q. Why did you borrow and carry that pistol the day of the election?—A. Because it was expected that there would be a row there, and I was advised by my sons and other people that I should come to Walterborough; that I was too old a man; I would not take the advice, because I considered my duty I would perform, and I carried it to protect myself, and for no other purpose.

Q. What caused the impression to get abroad that there would be a row there that day?—A. Because at that time there was a great deal of feeling from the colored Republicans to the Democrats, as shown by their conduct at Ballinville.

Q. What sort of Republicans was it, the rice-strikers, that principally exhibited this feeling?

(Counsel for contestee objects on the ground that the question implies the answer sought.)

A. It was the rice-strikers, but there was a strong body of them at Blue House or its neighborhood.

Q. Was it Republicans or the Democrats who had the possession of the polls when the troops arrived?

(Counsel for contestee objects, because the question is not in reply to new matter.)

A. The way was blocked up by Republicans.

Q. Did not the arrival of the troops prevent a riot?—A. That was my impression.

Q. Did or did not a great many Republicans who voted at the Blue House promise to vote for Hampton and the Democratic nominees, so as to try the Democrats for two years, but were deterred from so voting by intimidation?—A. I came to that conclusion. That was my impression.

JOEL LARESEY.

Sworn to and subscribed before me this 23d day of February, A. D. 1877.

[SEAL.]

B. STOKES,

*Probate Judge of Colleton County, South Carolina.*

I certify that prior to the subscription of the above, both counsel for contestant and contestee being present and consenting to the same, I made the following erasures and interlineations, to wit: On 59th page, 13th line from top, the word "that" erased, and the words "that impression as" interlined.

[SEAL.]

B. STOKES,

*Probate Judge of Colleton County, South Carolina.*

Adjourned until to-morrow morning 9 o'clock a. m.

[SEAL.]

B. STOKES,

*Judge of Probate.*

Met pursuant to adjournment.

JOHN MUSTIFER (colored) sworn and examined.

Question. Where did you live last year?—Answer. Newport plantation.

Q. Where did you vote at the election in November, 1876?—A. At Blue House.

Q. How large a crowd of Republicans was there?—A. Pretty big crowd.

Q. State all you know about any intimidation practiced at that poll, either before or at the election. I mean by intimidation—

(Counsel objects to the latter part of the question as irrelevant, and it was withdrawn.)

A. The only thing I know about the practice of intimidation before I went to the polls, the last meeting we held in the camp-ground, Mr. Robert Smalls give us to understand any gentleman courting the ladies to not marry them until we get through voting. If a gentleman vote the Democratic ticket, to don't marry them. Dose what is married "don't service to them in bed." He got a little wife, and if he was to talk of voting the Democratic ticket, his wife would throw hot lead in his throat when sleeping; and in going to the polls, he wants every womens to follow her husband with her club in her hand, and dare him to vote any Democratic ticket, and all our mens that fail to vote the Republican ticket, and the womens to make a row, and all colored mens what vote the Democratic ticket selling their wives and children. I ask him myself, "I'se no land, and no home; how should I live, and I has no land and no home?" I employed to Mr. Haines, right 'side of him. Haines said to me, "Go to Mr. Shuman, and Mr. Shuman would show you the government land, and build there, and allow you three years to pay for that land."

Q. Was it, or was it not, a religious meeting at which Smalls made this speech, or was it just a meeting of the colored people, and where was it?—A. A meeting that we had at White Hall, at the public landing. It was a political meeting.

Q. Did you, or did you not, see any arms, sticks, or any weapons of that kind, among the Republicans at the Blue House poll, on the day of election?—A. Yes, sir.

Q. Please describe all the different kinds.—A. Womens had sticks; no mens were to go to the polls unless their wives were right alongside of them; some had hickory sticks; some had nails—four nails drive in

the shape of a cross—and dare their husbands to vote any other than the Republican ticket.

Q. Did they have—men or women I mean—anything else that could hurt people besides sticks?—A. A few pistols and razors they had ; that is all that I seed.

Q. Were many women there ?—A. Lots.

Q. About how many ?—A. The least calculation was over a hundred.

Q. Did you see any women in men's clothes ?—A. The furthest that I saw them with men's clothes, when the women went up with their husbands when they voted. No ; I did not understand the question at first. I did not see women dressed in men's clothes.

Q. Did you have anything to do with the strikes on the rice-fields ?—A. Yes, sir.

Q. Who did you get your instructions from, and what did you have to do with the strikes ?—A. All that I had to do with the strikes, pays me my old price. I done with it, and soon as I see Mr. Heyward he paid me my price, I stopped with it. Nothing more I had to do with it. I did not get no instructions from no man. That strike was raised on the plantation.

Q. You say that when you got your price you quit ? What do you mean by getting your price ?—A. Dollar a day.

Q. Did, or did you not, mean by "quitting" that you left the strikers ; and, if so, did not the rest still keep on ; the rest of the strikers I mean ?—A. Had nothing to do with the strikers. I strike myself. The rest of the strikers keep right straight through.

Q. You said "the rest of the strikers kept right straight through ;" what were they doing ?—A. They make you go in whether you are willing or no. Take any you got. If they want your "mule" they take it. If they want your "field" they take it.

Q. What made them keep on ? Who made them keep on ?—A. Abram Holmes.

Q. Who is Abram Holmes ?—A. The school-teacher. He promised us, if we would keep the strikes up, the government would ration us ; raise up a petition, bring it down to Captain Shaffer, he would send it up to Columbia, and they did do it.

Q. What did Holmes say he wanted the strikes kept up for ?—A. Democrats running a ticket in the field, and save the money to buy all of us up that vote the Democratic ticket ; must either make them pay us our price or lose their crop. That's what he said to me.

Q. Is Abram Holmes a Republican or a Democrat ?—A. Republican. Q. Is he, or is he not, a big man in the Republican party in this county ?—A. A big man.

Q. Who is Captain Shaffer that you refer to ?—A. He is a friend to all of our Republican party.

Q. What office does he hold ?—A. He used to hold the treasurer's office.

Q. Did Holmes ever hold any office ?—A. Was a trial-justice.

Q. Was he or was he not trial-justice at the time these strikes were occurring, or the time you said he got them up ?—A. No, sir ; he was not trial-justice.

Q. Did or did not Governor Chamberlain appoint him as trial-justice while these strikes were going on ?

(Objected to by counsel for contestee, on the ground that hearsay evidence is not admissible to prove a record, when said record can be obtained.)

A. I don't know.



Q. Is not Holmes a friend of Shaffer ?—A. Yes, sir.

Q. Was Holmes ever a member of the legislature before these strikes ?—A. I don't know.

Q. Did or did not the threats and intimidation, and display of arms, which you said the Republicans practiced before and at the election, change the result of the election at Blue House poll. I mean did these threats not scare and frighten a great many men from voting the Democratic ticket ?—A. Yes, sir ; has been scared one of my sons from voting the Democratic ticket. My sister went with my brother-in-law to the polls, and swear to God if he voted the Democratic ticket she " would kill him dead in his sleep." I got a son to-day was to have been married in December ; on the cause of his voting the Democratic ticket the woman refused to marry him. And many more went to the polls desire to vote the Democratic ticket, and on account of these women and the threats, they did not vote the Democratic ticket, but voted the Republican ticket ; myself has been reject March Jackson from voting at Blue House ; he belong to Beaufort County and had no right to vote dere, and he would do it.

Q. You said you had " been reject March Jackson ;" did you not mean objected to his voting at the polls, to the manager ?

(Counsel for contestee objects as leading.)

A. To one of the managers—Ceasar Roberson ; I said to Ceasar Roberson, " I don't think it was right (Roberson was on the piazza) for old man Jackson staying over to Beaufort County. come to Colleton poll and vote any ticket at the poll here, and he did do it."

Cross-examined by T. H. Wheeler, esq., (colored:)

Q. You were one of the strikers, were you not ?—A. Were not.

Q. Did you, just a few minutes ago, say that you struck ?—A. I struck for my money, but was never in no crowd. Mr. Heyward agreed to give me a dollar a day and one acre of rice land, and as soon as he refused to give me the acre of land, I refused to work for him ; and I strike upon his work, and as soon as he give me the land I went to work ; but I never was in no crowd ; that what I believe is a strike.

Q. Did you not say that Holmes made promises to us ?—A. Not to me.

Q. Did you hear Holmes yourself make any promises ?—A. Yes, sir.

Q. Were you at the place that he made the promises, or were you told of them ?—A. I was at the place.

Q. How many were there ?—A. About ten, at the least count.

Q. Was that before you commenced to work for Heyward, or afterward ?—A. I did not stop with Heyward for but two days ; one day the strikers made me stop, and the next day I went and saw Mr. Heyward. As soon as he agree with me, it was all right.

Q. How much more money did the strikers want than they were getting ?—A. The usual price, fifty cents ; will not work for less than seventy-five cents.

Q. Did the planters refuse to pay them that sum ?—A. The old agreement was fifty cents a half acre, and they raised up sets of committee of twelve men, went to Colonel Izard, agreed with him to hoe out all of the rice at sixty cents for a half acre ; next day they went into Mr. Izard's field and hoed out one hundred and fifty acres, at sixty cents for a half an acre ; then they stopped, and not hoe for less than seventy-five cents for a half acre, and that was the time that Mr. Holmes promised to keep the strike up.

Q. Did the planters then refuse to pay seventy-five cents ?—A. Yes, sir.

Q. Did you ever help to whip anybody?—A. No, sir.

Q. Did you encourage or advise any one to whip anybody?—A. I encouraged every man to go to work and work for the same old price.

Q. Did you hear any grumbling about being paid off in checks at or before that time?—A. All my working is checks; I get my checks, and I get my pay for them every Saturday night.

Q. Have you heard any other laborers besides yourself, at that place or any other place in that section, complain about being paid off in checks?—A. All around me get their checks and get them cashed every Saturday night.

Q. Do they everywhere else around you in that section?

(Question withdrawn.)

Q. Do you not carry yourself a large stick?—A. Yes, sir.

Q. Is it usual for people in your section to carry large sticks?—A. No, sir; I carry stick because of lameness in my right leg.

JOHN <sup>his</sup> + MUSTIFER.  
mark.

The counsel for contestee, before signing, objected to the alteration of the answer on the eleventh line, from the bottom page 69, from "No, sir," to the expression, "I do not know," made by witness after the testimony had been concluded, and while the same was being read over to him, by T. H. Wheeler, esq., (colored.)

Sworn to and subscribed to before me this 24th day of February, 1877.

[SEAL.]

B. STOKES,  
*Probate Judge of Colleton County, South Carolina.*

TOBY SARGENT, a witness in behalf of contestant in the matter of contest for a seat in the Forty-fifth Congress of the United States from the fifth district of South Carolina, testifies as follows, after being duly sworn:

Question. Where do you live?—Answer. At Rantowles, on Russell Island.

Q. Where did you vote on the day of election, in November, 1876?—A. At Rantowles poll.

Q. Were you whipped on that day?—A. Yes, sir.

Q. Who whipped you?—A. Toby Grant.

Q. What is Toby Grant; a Republican or Democrat?—A. Republican.

Q. What did he whip you for?—A. Because I voted the Democratic ticket.

Q. Were there any men helping him?—A. Yes, sir.

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

Q. What did he whip you with?—A. A horse-whip.

Q. Did he whip you much?—A. A good deal.

Q. Did they try to scare anybody else?—A. Yes, sir.

Q. Would not the result have been changed—I mean would not more colored people have voted the Democratic ticket—if they had not been afraid to do it?—A. A good deal was "fraid," but I was not.

Cross-examined by W. F. Myers, esq., colored:

Q. When were you whipped, before or after the election?—A. After I had thrown in my ticket.

Q. At what poll was this?—A. Rantowle's.

Q. Did Toby Grant say he whipped you for voting, or was it from

some other cause?—A. Because I voted the Democratic ticket. The reason that cause the whipping, when Mass Bob was complain, when he was talking to me about voting the Democrat ticket, and I promised him that I would vote it, and he said that the day I voted it he (Toby Grant) would whip me; I told him that I would vote it if I was shot; and after I threw in the vote and came away from the box; that was why he whip me.

Q. Do you or do you not live on Mr. Fishburn's place; or do you not at times work for him?—A. I am living there.

Q. Have you ever heard of any threats to turn off colored people if they refused to vote the Democratic ticket?—A. Never heard that.

Q. Did you at any time trade at Mr. Fishburn's store?—A. Yes, sir.

Q. Do you owe him now, or was ever indebted to him, for provisions?—A. No, sir.

Q. Who do you call Mass Bob?—A. Mr. Bob Fishburn.

TOBY <sup>his</sup> + SARGENT.  
mark.

Sworn to and subscribed before me this 24th day of February, A. D. 1877.

[SEAL.]

B. STOKES,  
*Probate Judge, Colleton County, South Carolina.*

ROBERT FISHBURN, already sworn, recalled :

Question. Do you know Abram Holmes?—Answer. I know Abram P. Holmes.

Q. Is he not a school-teacher on the Combahee or in the Blue House section, and connected with the strikes?—A. To the best of my knowledge he was a school-teacher and was connected with the strikes.

(Objected to by counsel for contestee on the ground of being hearsay.)

Q. Is he or is he not a prominent colored Republican leader in this county?—A. One of the most prominent.

Q. Did he ever fill any offices in this county; and, if so, what were they?—A. Member of the legislature for two terms; has since been appointed trial-justice by Chamberlain.

Q. When was he appointed trial-justice, taken in connection with the strikes mentioned in the testimony?—A. To the best of my knowledge, he was appointed during the strikes.

(Counsel for contestee objects to the answer upon the ground that it was hearsay.)

Cross-examination :

Q. Do you know of any other person who was appointed trial-justice during the strikes; and, if so, who was he?—A. To the best of my knowledge, R. H. Colcock was appointed trial-justice.

Q. Was he recommended by any one; and, if so, by whom?—A. Don't know.

Q. Do you or do you not know that he was recommended by the rice-planters?—A. I do not know, but J. B. Bissell told me that he had recommended him.

Q. Do you know Mr. Colcock? and, if so, state what is his business.—A. I do know him; he is a planter.

Q. Rice or cotton?—A. I think both.

Q. Are you certain of rice?—A. I am certain.

Q. Do you know what terms A. P. Holmes served in the legislature? and, if so, state them.—A. I think from 1870 to 1874.

Q. Do you or not know whether he was a candidate on either of the Republican tickets in this county at the last election?—A. He was a candidate for member of the legislature on one of the Republican tickets.

ROBERT FISHBURN.

Sworn to and subscribed before me this the 24th day of February, A. D. 1877.

[SEAL.]

B. STOKES,

*Probate Judge, Colleton County, South Carolina*

BENJAMIN SIMMONS, a witness in behalf of contestant in the matter of contest for seat in the Forty-fifth Congress of the United States from the fifth district of South Carolina, testifies as follows, after being duly sworn :

Question. Where do you live and where did you vote at the last election?—Answer. Rantowle's depot, sir; live upon a place I bought from Robert Fishburne.

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

Q. I mean before the election. What ticket did you intend to vote at the election when you started to the election—I mean for Hampton or Chamberlain?

(Objected to as irrelevant.)

A. Chamberlain.

Q. Did you hear any threats at the election made by Republicans against Democrats, colored or white?—A. I do not know; no, sir.

his  
BENJAMIN + SIMMONS.  
mark.

Sworn to and subscribed on this the 24th day of February, A. D. 1877.

[SEAL.]

B. GLOKES,

*Probate Judge, Colleton County, South Carolina.*

JACK HOLMES, (colored,) a witness in behalf of contestant in the matter of contest for seat in the Forty-fifth Congress of the United States from the fifth district of South Carolina, testifies as follows, after being duly sworn :

Question. Where did you vote at the election in November, 1876?—Answer. At Rantowle's poll.

Q. What ticket did you vote?—A. Democratic ticket.

Q. Were you not a president of a Democratic club—I mean colored Democratic club—at Rantowle's?—A. I was a captain of a club.

Q. Do you mean to say that you were a captain of a colored Democratic rifle-club?—A. Yes, sir.

Q. How many men did you have in your club?—A. Sixty-odd head.

Q. What did you all form yourselves into a rifle-club as well as Democratic club for?—A. To protect ourselves.

Q. To protect yourselves from whom and from what?—A. To protect ourselves from the Republican party, the opposite party.

Q. Had that party made any threats or abused the colored Democrats, or what was it that alarmed you all?—A. That party of course made several threats; abused a man that have just testified here, who was a member of my club.

Q. Did all of you men vote the Democratic ticket at the election? and, if not, state the reason why.—A. The man Benjamin Simmons, who has just testified here, did not vote it because his father, after I gave him

the ticket at the polls, said if he did vote it what all he would not do with him. For that reason he handed the ticket back to me, and I would not take it.

Q. Did anybody else get around Benjamin Simmons and try to scare him from voting the Democratic ticket?—A. Three other men.

Q. Did they keep him from voting the Democratic ticket by threats?—A. Yes, by threats.

Q. Were there any other men frightened from voting the Democratic ticket belonging to your club?—A. Yes, sir. A couple of days before the election, Benjamin Austin; his wife threatened him "that if he voted the Democratic ticket she would leave him," and that scared him off.

Q. How many others of your club were frightened from voting the Democratic ticket by intimidation?—A. One man by the name of Gage Morgan; I believe he did not vote the Democratic ticket from regular intimidation.

Q. Did you see any colored man whipped there that day for voting the Democratic ticket?—A. Yes, sir; Toby Sargent.

Q. Were there several in the crowd that whipped Toby?—A. Three of them.

Q. Did they tell Toby at the time that they were whipping him because he had voted the Democratic ticket?—A. Yes, sir; and they had threatened him long before that.

Q. Did they whip Toby very severely?—A. Not very severely; I took them off.

Q. Did or not the whipping of Toby frighten other colored men from voting the Democratic ticket?—A. To the best of my belief, I believe they were.

Q. Were any women there; and, if so, were they fussy—making threats?—A. Yes, sir; lots of them—were very fussy.

Q. Were there any clubs or fire-arms among the Republicans on that day?—A. I never see any.

Cross-examined:

Q. Who furnished the arms for your rifle-club?—A. Our club had no arms as yet.

Q. Why do you say that all the members of that club intended to vote the Democratic ticket?—A. Because they promised me so to do.

Q. Are you living on Mr. Fishburn's place?—A. Yes, sir.

Q. Are you not his foreman or head man on the plantation?—A. I am his foreman.

Q. Were you or were you not on the excursion-train on election-day?—A. Never touch it.

Q. Did all who desired to vote on election-day do so?—A. Did not.

Q. Do you know of any? and, if so, name them, and their reasons for not voting.—A. I know one Peter Brown, one Oliver Bendgen—because they were afraid of the Republican party, the reason why.

Q. Did or did not you get assistance in separating the men from Toby Sargent?—A. Did not.

Q. You separated them all by yourself?—A. I did so.

Q. Do you or do you not know anything of the threats that were made against the colored tenants in turning them off from the lands if they did not vote the Democratic ticket?—A. I do not know, because I have not seen any leave the place where I live because they did not vote the Democratic ticket.

Q. Was such a report current in your section of the country?—A. If it is, I don't know.

Q. Was there any other fuss on the day of the election besides the one you mentioned ?—A. No.

Redirect examination :

Q. Did or not a party of men come over from Charleston County, and tried to raise a fuss by threatening colored men for voting the Democratic ticket ?—A. Three Colleton colored men that had voted at Rantowle's, and went over into Charleston County, and saw how things were going on there and came back, and then said how the Republicans were doing the colored Democrats over in Charleston County, and they thought "the same thing ought to be done at our polls." Had "knocked down" two men in Charleston County at the Red-top church." After they came back to Rantowle's polls, I myself give them a friendly advice, seeming if they did not know what they were talking about, when "one freeman could not vote as he pleased, and they would just as well had been a slave as before." With that they did not say anything more. But myself, I solemnly believe 'twan't for so much talking before the day of the election, I certain that we may have git two vote to one.

Q. Was it before or after these men came back from Charleston County that Tobe Sargent was whipped ?—A. Before.

Q. You say that but for so much "talking" before the election you solemnly believe the Democrats would have carried the polls two to one. What do you meah by so much "talking?" Do you mean threats of violence or intimidation ?

(Objected to as leading.)

A. What I mean by that, during the campaign all those who intended to vote the Democratic ticket, and those that did not, using bitter language against them, speaking of all bitter things that ought to be done to them by their so doing.

his  
JACK + HOLMES.  
mark.

Sworn to and subscribed before me this 24th day of February, A. D. 1877.

[SEAL.]

B. STOKES,  
*Probate Judge, Colleton County, South Carolina.*

SAM. WILLIAMS, (colored,) a witness in behalf of contestant in the matter of contest for a seat in the Forty fifth Congress of the United States from the fifth district of South Carolina, testifies, after being duly sworn :

Question. Where did you live ?—Answer. In Saint Paul's, Chamberlain Township, Colleton County.

Q. Do you live on your own land or some one else's ?—A. No, sir ; I live on some one else's land.

Q. Where did you vote at the election in November, 1876 ?—A. At Ravenel's.

Q. What ticket did you vote ?—A. Democratic ticket.

Q. Was there a large crowd of Republicans at that poll on that day ?—A. Yes, sir.

Q. Did they have any arms, sticks, or weapons of any kind ?—A. Had sticks, sir.

Q. What sort of sticks were these ? Did they seem new or old ?—A. Some that had been just cut, 'pears like, that morning, and some seems a if they had been cut about a week or such a matter.

Q. How did they carry these sticks?—A. Some were in their hands, just loose, and some had strings tied around the wrist.

Q. Do you know of any one who were prevented from voting the Democratic ticket from fear of the Republicans at that poll?—A. Yes, sir; a good many.

Q. Can you name some of them?—A. All I do not know, personally, by name, but one man, Prince Smalls, and Charles Smalls, Mingo Sanders. Those all I know by name.

Q. Was there anybody that the Republicans tried to keep from voting the Democratic ticket at that poll on the day of election? and, if so, name them.—A. Yes, sir. A man by the name of Cornelius Williams, and three men that I have called the names already.

Q. What did they do to these men to keep them from voting?—A. Knocked them over the head with a stick.

Q. Were there many women there?—A. A great many.

Q. Did they also have sticks?—A. None but the men.

Q. Did they have any troops there that day?—A. None at Ravenel's.

Q. Did or did not Captain Fishburn start to go after the troops?—A. So he did, sir.

Q. Was there a white man there by the name of Johnson?—A. Yes, sir.

Q. Did the Republicans try to do anything to him?—A. Wanted to whip him.

Q. Why did they want to whip him?—A. Because he was going to vote the Democratic ticket.

Q. Did the intimidation practiced before and at the election at that poll change the result? I mean these threats, knocks on the head, keep the Democrats from getting as many votes as would otherwise have done?—A. Yes, sir.

Q. Would not the Democrats have beaten at this poll but for all of this?—A. To the best of my knowledge they would.

#### Cross-examined :

Q. How do you know that the Democratic party would have gotten more votes at this poll?—A. From the meetings that they generally have—had over a hundred and fifty-odd men belonging to the Democratic party, and after raising up the crowd of the Republican party, saying they would whip any man what voted the Democratic ticket, then a large number failed to vote the Democratic ticket.

Q. Did you not on several occasions promise to vote the Republican ticket and then change to the Democrats; could not others who promised to vote the Democratic ticket change to the Republican?—A. So I did—not by threat.

Q. Were you not on the excursion-train on the day of the election?—A. So I was.

Q. Did you on that day carry a gun, pistol, stick, club, or any other weapon?—A. No, sir; never tote any guns, sticks, or pistols.

Q. Did or did not many vote the Republican ticket, with Hampton for governor?—A. Not to my knowledge.

Q. How do you know that the men you named would have voted the Democratic ticket if they had come out?—A. From the intimidation of the people the reason they did not do it.

Q. Did you or did you not see them intimidated, or is it what they told you?—A. In the morning, when they came to the polls, the Republican party said that "any man voted the Democratic ticket that day that they would whip them."

Q. Did or did not the Democrats, or some of them, carry arms?—A. None as I see, sir.

Q. Did you vote at Ravenel's?—A. Yes, sir.

Q. Did Mr. Brownley vote at that poll; and, if so, did he vote the Democrat or Republican ticket?—A. I can't tell.

SAMUEL WILLIAMS.

Sworn to and subscribed before me this the 24th of February, A. D. 1877.

[SEAL.]

B. STOKES,

*Judge of Probate of Colleton County, South Carolina.*

C. P. FISHBURNE, (white,) a witness in behalf of contestant in the matter of contest for seat in the Forty-fifth Congress of the United States from the fifth district of South Carolina, testifies as follows, after being duly sworn :

Question. Were you or were you not the Democratic manager of election at Ashpoo precinct during the election held in November, 1876?—Answer. I was.

Q. Please state at what hour the polls were opened at that precinct, and what hour they closed, and also whether there was any intermission or adjournment.—A. About two hours after sunrise, or about half past 8 or between 8 and 9 o'clock a. m., I called out several times "where the managers were," and almost made a speech about it, and no other managers were on the ground, and did that from two to four hours, and consulted the crowd "what was to be done;" sending message after message to one of the managers who lived immediately in the neighborhood; after my persistent efforts at that time, one came, S. Q. A. Gailliard, who told me that he did not know anything about his being a manager, and had not been sworn in. I told him the afternoon before the election that he was a manager, but he said that he had no notification that he "was a manager by the proper authorities, and had not been sworn in." I however accepted him as a manager, although through ignorance, that is, not aware he was a manager; however, at that time he came into the room where I had carried the box, and acted as a manager. We jointly then went into business—the two. I was not satisfied that he was the proper manager, because it was late in the afternoon on the day before the election. He told me he was not sworn in and had not time to go to the trial-justice to be sworn in, and next morning he did not tell me whether he was sworn or not, but I accepted him as manager. Late in the day, about two hours after we had opened the polls, the third manager came, — Chapman. It might have been an hour and a half when he came.

(Counsel for contestee objects on the grounds, first, that it is hearsay; second, that it is secondary evidence.)

Q. Were there any of the managers at that poll sworn in on the day of the election or before, as far as your knowledge extends; and, if any were so sworn in, by whom?—A. None were sworn the day of the election, nor none before, as far as my knowledge extends.

Q. Were you sworn in at any time?—A. Yes; I was sworn in here—I do not know how many days before the election—by Commissioner Fox; some two or three days before the election, perhaps.

Q. Who was chairman of the board of managers at Ashpoo?—A. I was elected chairman by my vote and Gailliard's vote, if he was a manager at all.

Q. Was or was not Gailliard a candidate on one of the Republican



tickets; and, if so, for what office?—A. He was; for the office of representative for the legislature.

Cross-examined:

Q. How did you ascertain the time?—A. I had my watch.

Q. How did you know that your watch was correct, if it was?—A. I had railroad-time, and there were other watches there, and I compared my watch with theirs. The cars passed through twice a day, and I was right with them.

Q. Did all your watches agree?—A. Perhaps some variation of a few minutes' difference.

Q. How many people left the polls before the polls were opened who did not vote?—A. If any left, I never counted them to know how many.

Q. Do you know of any that left without voting?—A. I am unable to say, as I was in the house pretty nearly the whole day.

Q. Are you unable to say whether you saw any leave?—A. I am unable to say, as I was in the house, and don't know at all.

Q. Did you see any leave?—A. Was not in a position to see.

Redirect examination:

Q. Did not the greater part of the voters assemble before the polls were opened, and was or was not the crowd there assembled very impatient about the polls opening?—A. There was a large crowd, and they were crying out for the opening of the box. Some were very impatient and speaking boisterously.

Q. You say you were in the house the most of the day; what time did the polls close?—A. Closed at the regular hour.

C. P. FISHBURNE.

Sworn to and subscribed before me this the 24th day of February, A. D. 1877.

[SEAL.]

B. STOKES,

*Probate Judge of Colleton County, South Carolina.*

Adjourned until 9 o'clock a. m. Monday, the 26th instant.

B. STOKES,

*Probate Judge of Colleton County, South Carolina.*

Having met, pursuant to adjournment, at 9 o'clock a. m., this February the 26th, 1877, at the office of judge of probate. Present: Benjamin Stokes, probate judge; T. H. Wheeler and W. F. Myers, of counsel for contestee; C. C. Tracy, for contestant, and William J. Fishburne, witness.

WILLIAM J. FISHBURNE sworn:

Question. Where did you vote at the election in November, 1876?—Answer. At Ashepoo, for Presidential electors only.

Q. At what time did the polls open at that precinct?—A. At or about half past 8 o'clock a. m.

Q. What fixed the time in your mind?—A. Comparison of watches. Q. Was there a large crowd there before the opening of the polls; and, if so, were they quiet or impatient?—A. 'Twas a large crowd. There was considerable discussion whether there would be any voting there that day. I remember a rumor which had large circulation, that the Republican managers had opened a poll at some distance off, where voting was being held. This proved to be incorrect; entirely so. They were certainly impatient and anxious.

Q. Did not this tend to intimidate the Democratic voters?—A. It did. That was my firm impression from observation.

Q. Were or were not the colored Democrats desirous of voting early in the morning, in order to escape the crowd of Republicans?—A. They were. The colored voters present early in the morning were Democrats—the most of them.

Q. Did any colored voters go away before the polls were opened?—A. Everybody was exceedingly impatient, and it was under discussion whether it would better to resort to some other poll for fear of losing their vote entirely. It is probable that some did, but I cannot say that any did.

Q. Did you see any money offered to voters on that day at Ashepoo poll?—A. I saw something that every appearance of it.

(Objected to by counsel for contestee on the ground of being too indefinite.)

Q. State minutely what you saw, sir?—A. The voters at Ashepoo came mostly from three directions. The greatest number came from the railroad; that is, that I saw hundreds of them. About 10 o'clock, or perhaps a little before, I saw James W. Grace walk up the railroad to meet a crowd who were coming. He would hail them; at least salute them. They would stop and surround him in squads of six and eight; parley a moment—about two minutes; appeared to receive something, each apparently coming closer before leaving him, as though they were receiving something; would then proceed to the polls, with the expression of countenance most fixed and determined. Grace continued to stand there the most of the day, and these squads continued to arrive, with the same performance being enacted. All day there was a rumor prevalent, and generally accepted, that Grace was paying out fifty-cent notes, United States currency—one note to each voter that would vote his ticket, which was the Republican ticket. They had a large majority there.

Q. Who was this James W. Grace?—A. He was a Republican, and a candidate on his ticket for county commissioner.

Q. Did these squads leave Grace with tickets in their hands, or without them?—A. With tickets in their hands, the most of them.

Q. Was it not generally believed that money was paid by Grace for votes on that day?

(Objected to by counsel for contestee, on the ground that witness cannot swear to general belief.)

A. Yes, sir.

Q. Was there any intimidating threats of any kind practiced by Republicans at that poll on the day of election?—A. I saw one man's jacket torn off of his back, but he did not seem to be much frightened. It appeared to me to be a grab for the ticket which he had in his hand. I think they succeeded in getting it, but he voted afterwards a ticket. He was carried up—led up—to the polls. I saw no such intimidation that inspired a fear of immediate actual personal injury, but everything betokened ultimate trouble. There was a terrible moral pressure. I saw a man with a monstrous stick; had met him before at Green Pond, and remembered him well. He had a ferocious aspect, and if a man was easily intimidated, would scare him half to death; was flourishing that stick pretty loosely.

Q. Was this man a Democrat or a Republican?—A. Was with the Republicans, and electioneered for them.

Q. You say you saw a man have his jacket torn off in an apparent attempt to get his ticket from him; do you know what ticket he had?—A. I don't know.

Q. Did, or did not, the intimidation, bribery, and late opening the polls, each one of them, change the result of the election at that poll; or, in other words, would not the Democrats have received more votes but for them?—A. It would affect. It did affect the result, most unquestionably. They certainly would. I don't like to swear that the Democrats lost certain votes on account of intimidation, because I did not see the votes in their hands; but the voting was attended with great turbulence, loud talking—fierce and loud—brandishing of sticks.

Q. Were any managers of elections candidates on either Republican ticket? And, if so, state their names and the offices for which they ran.—A. Yes, sir; S. Q. A. Gailliard was a candidate for the legislature; was also manager of election at that poll.

Q. How many managers were candidates for office on either Republican ticket in this county?—A. I cannot state as a matter of fact except as to Ashpoo poll, because many were substituted after being appointed.

Q. Were any holders of offices in the gift of the governor, commissioners in this county; and, if so, what offices did they hold, what are their names, and what party did they belong to?

(Objected to by counsel for contestee, for being irrelevant.)

A. First answer, yes, sir; A. C. Shaffer and C. B. Brock were commissioners of election in this county. A. C. Shaffer at the time of his appointment of commissioner was treasurer of the county. C. B. Brock at the time of his appointment of commissioner of elections was trial-justice. They were Republicans.

Q. Were these offices of profit, and were they not appointed to these offices by D. H. Chamberlain, candidate for governor on the Republican ticket?—A. They are offices of profit, and appointed and held at the pleasure of the governor.

Q. What is the size of Colleton County?—A. One of the largest counties in this State. I think it approximates the size of the State of Rhode Island.

Q. Are half the voters in the county known to the other half?—A. They are not.

Q. Has any registration law been passed since the adoption of the constitution of 1868, and if none has been passed would not repeating be easy and detection difficult? I mean repeating at the ballot-boxes.—A. No registration law has been passed. The people in the county are not known to each other except in immediate vicinity. Repeating at the polls could be practiced with the greatest facility.

Q. What was the number of votes cast at the last election, that in 1876, as compared with the number cast at any previous one?—A. To my mind there is every indication there was in the neighborhood of one thousand illegal votes cast in this county at the last election.

Q. How many more votes were polled than at the election previous?—A. Somewhere in the neighborhood of fifteen hundred, is my impression.

Cross-examined by J. H. Wheeler, Esq.:

Q. What ticket did you vote?—A. I voted the Democratic electoral ticket of the State.

Q. Were you a citizen of this State and by law qualified to vote for the State and county officers and for member of Congress?—A. I regarded it as an open question at the time, and it being necessary to take an oath that I was qualified, I neglected to vote for those offices.

Q. Have you always lived in this State, and, if not, where?—A. In the State of Maryland.

Q. How long did you live there?—A. About five years.

Q. How long had you been in this county at the time of the election?—

A. I returned to this county about the middle of December, 1875.

Q. Did you remain in this county from that time to the time of the election?—A. Yes, sir.

Q. Where had you been residing?—A. Walterborough.

Q. At what time did you arrive at the polls; was it before the crowd collected?—A. I got at the polls about three o'clock the morning of 7th, carrying the poll-box with me, long before the crowd collected.

Q. How long did you stay there?—A. About twelve o'clock the following night.

Q. Did any leave the polls of your own knowledge before the polls were opened, or in consequence of their not being allowed to vote at the time they desired; and, if so, how many?—A. I cannot swear to this man or that man having left, but can only speak as to the seeming uneasiness and anxiety of every one I came into contact with, and I infer it possible, or probable, that some left.

Q. Did you see any go without voting?—A. Did not see any actually go.

Q. How far were you from Grace when he was standing up the railroad talking to the squads which you describe?—A. About from thirty to fifty yards.

Q. Did you see Grace give any voters money?—A. I did not see him actually give any voters money, but it had the semblance of it.

Q. Were there not two factions among the Republicans at that poll?—A. Yes, sir; as to county ticket; it merged into one as to State officers, and as to members of Congress, Presidential electors.

Q. Was not Grace what is termed a rallier for one of those factions?—A. As far as the factions contending for county officers, he was.

Q. Was not the rumor of which you have spoken made and circulated by the faction opposed to Grace and charging him with buying or attempting to buy the adherents of Mr. Drifflé?—A. It was everybody's rumor as soon as it became such, and met with the condemnation of every one, though it was supposed that the Drifflé faction was the sufferers greatly.

Q. When you speak of having tickets in their hands, was that before or after leaving Grace?—A. After; but some had tickets before.

Q. Did Grace have any tickets, and was he issuing the same?—A. He did have tickets, and was giving them to every one that would receive them.

Q. You speak of considerable turbulence; was it between the two factions mainly, or was it directed against the Democrats?—A. I think it was mostly between the factions.

Q. Do you know whether the man whose jacket was torn off was a Republican or Democrat?—A. I don't know.

Q. Have you any reason to believe that he was?—A. I have no reason to believe that he was committed to either.

Q. Was it done in what appeared to be a friendly way or in anger?—A. Not being accustomed to ways and doings of the people down there I do not know really what were their intentions, but any community in which I have lived I should take it to forebode serious trouble; men rushed to him from different directions, and he seemed to be frightened, but not much.

Q. Against whom did the efforts of the large and ferocious man of whom you have spoken seem to be directed?—A. He was making for where this row was going on.

Q. While in Maryland did you participate in voting in the elections there?—A. Yes, sir; once, I think.

Q. Do you know the population of this county?—A. I have made repeated estimates of it before and after the election, based on the census reports, which I have always thought were incorrect. I have always thought that the voting population about 6,000, and perhaps one or two hundred more.

Redirect :

Q. Were you or were you not born and reared in this county?—A. I was.

Q. How long did you live here before going to Maryland?—A. About 21 years.

Q. Do you or your family have planting interest on Ashepoo River, near the polls?—A. I have not; my brother has.

Q. You said in cross-examination that you did not actually see any voters leave the polls before they were opened. Did you pay particular attention as to whether any did so leave? In other words, could not many have left without your noticing it?—A. I, of course, could not pay that attention; Ashepoo is one of the largest polls in the county; numbers could have left without my seeing them.

Q. You said that you did not see any money passing between Grace and the squads of voters; did not everything have the appearance of such being the case?—A. Yes, sir; and it was taken for granted as a fact by every one I had any conversation with.

Q. Were you not the Democratic rallier at that poll, and what is meant by "rallier" in Colleton politics?—A. I carried the poll-box there. I took some quiet interest in the election, but if I did issue any tickets do not recollect it; certainly did not act in that sense as a distributor of tickets.

WILLIAM J. FISHBURNE.

Sworn to and subscribed before me this the 26th day of February, A. D. 1877.

[SEAL.]

B. STOKES,

*Probate Judge of Colleton County, South Carolina.*

ABRAHAM KELLY, (colored,) a witness in behalf of contestant, in the matter of contest for seat in the Forty-fifth Congress of the United States from the fifth district of South Carolina, testifies as follows, after being duly sworn :

Question. Where did you live last year?—Answer. I lived on Mr. Bernard Elliott's plantation, in this county.

Q. Where did you vote at the last election, in November, 1876?—A. At the Blue House poll.

Q. What ticket did you vote, and why did you vote it?—A. I voted the Republican ticket, and I voted it because I was compelled to vote it.

Q. Who compelled you, and how did they compel you?—A. Some of the Republican boys said if I did not vote it they would kill me.

Q. Did they whip or beat you about voting, and, if so, when?—A. At the election they did not whip me, but threatened me and made me dread.

Q. Did they whip you before the election or since the election about voting?—A. Before the election they threatened me.

Q. When you went to the election that morning which ticket did you want to vote, the Democratic or Republican ticket?—A. I went there to vote the Democratic ticket.

Q. Were the Republicans there that day armed, and, if so, what sort of arms did they have?—A. I saw some with guns and some with clubs.

Q. What did they do with their guns?—A. They carried them in sight of the polls and stacked them up in the woods; and if we don't come together and we are compelled to use them they would; would use them, they said.

Q. You said they had clubs; what sort of clubs did they have?—A. Short, stiff clubs, about as long as my arm, with strings in them.

Q. Any nails driven in the clubs anywhere?—A. I did not see any nails, but saw some tacks driven around the head of the sticks.

Q. Were there any women there; and if so, how many, and what side were they on, the Republican or Democratic side?—A. Yes, sir; there was plenty of women there; but I could not number them. They were all on the Republican side.

Q. Did the women have any clubs or arms?—A. Not to my knowing, but followed their husbands all about to make them vote the Republican ticket.

Cross-examined by Mr. W. F. Myers:

Q. How long have you lived on the Bernard Elliott plantation?—A. About nine years.

Q. Who plants the place?—A. Mr. J. B. Bissell.

Q. Do you or did you not work for Mr. J. B. Bissell?—A. I do.

Q. Do you or do you not pay rent to Mr. Bissell, and, if so, in what way?—A. I pay him rent in labor.

Q. Was or was not Mr. Bissell a candidate on the Democratic ticket in the last election?—A. That I don't know.

Q. Did Dr. Bissell run for any office?—A. If he is he never say so to me.

Q. Do you, of your own knowledge, know that he run for an office?—A. I don't know.

Q. Was it not reported in your neighborhood that he was running for an office?—A. I never heard it.

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

Q. You speak of being threatened; in what way were you threatened, and by whom?—A. Threatened by my own color: John Scott, Robert Scott, William Mitchell, John Green; them's the ones I know that caused the Republican party to come in upon me.

Q. Did you or did you not ask one of the men for a Republican ticket, on the day of election, and if not who gave you the ticket, and how did you come by it?—A. I did get a Republican ticket from one of the men. I did not ask for it; he gave it to me.

Q. Did you or did you not accept the ticket when he, the man, handed it to you?—A. Yes, sir; I accepted it from him, according to I was obliged to take it.

Q. When did you reach the poll, and how long did you stay?—A. Staid there from seven to five.

Q. Did you on that day carry any stick, club, or fire-arm?—A. No, sir.

Q. Did you or did you not have a Democratic ticket when the Republican ticket was handed to you, and, if so, what did you do with it?—A. I got the Republican ticket first, and after that I could not take the Democratic ticket when it was handed to me.

Q. Did or did not a great many men, colored men, vote the Democratic ticket on that day?—A. Many voted it, and many more wanted to do it and could not do it.

Q. Did you not, before the election, say to some of your colored

friends that you intended to vote the Republican ticket ?—A. I promised to vote the Democratic ticket and try them another season.

Q. Did you at any time promise to vote the Republican ticket ?—A. I all along, but not this time.

his  
ABRAHAM + KELLY.  
mark.

Sworn to and subscribed before me this 26th February, A. D. 1877.  
[SEAL.]

B. STOKES,

*Probate Judge of Colleton County, South Carolina.*

ISAAC FIELDS, (colored,) a witness in behalf of contestant in the matter of contest for seat in the Forty-fifth Congress of the United States, from the fifth district of South Carolina, testifies as follows, after being duly sworn :

Question. Where did you live last year, and where did you vote in November, 1876 ?—Answer. I lived then where I have lived since the war, at the Bernard Elliott plantation, on Combahee. I voted at the Blue House poll.

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

Q. Did anybody threaten you that day for voting it, and, if so, what was the character of the threats ?—A. Yes, sir ; the threat was my life, and my life is still being threatened.

Q. Have you or not been voting the Democratic ticket ever since you have been free ?—A. I have been voting it every time ; never voted any other.

Q. Did you or not hear colored Republicans threaten other colored Democrats on the day of election ?—A. I did hear them ; I was among them.

Q. Did you or not see any sticks, swords, pistols, or guns there that day, and, if so, did Republicans or Democrats have them ?—A. Republicans had sticks, clubs, and half-rails, any amount of them, say 500. There were women among them, and had the same.

Q. Did you see any nails in any of the clubs ?—A. Yes, sir ; I saw clubs with nails and I saw clubs with lead in them—plenty of them.

Q. Did you see any guns or muskets, and, if so, how many, where at, and under what circumstances ?—A. I did ; I saw about fifteen guns about one-half mile from the poll, as near as I can guess at it, nicely racked up. I saw one man with a gun in 300 yards of the poll in the road going to the polls. We asked him where he was going with his gun. He said he was going to the polls to vote. I heard that there were to be guns at the polls ; and that knowing of the threats, the reason I asked him. I said to the same man, " Is it not a dangerous place for you to carry up to the crowd a loaded gun ? " Said he did not think so, if it was dangerous, from the orders he received from Captain Shaffer and Robert Smalls, for them to carry their arms—Republicans, all Republicans, said in a speech by Robert Smalls, made at the public landing a short time before.

(Counsel for contestee objects to all of the latter part of the above answer on the ground of being hearsay.)

Q. Was there anything said about colored Democrats carrying coffins to the polls before the election, and, if so, what, and by whom ?

(Counsel for the contestee objects on the ground of being leading.)

A. It is a general thing said at the church, so much so that the Democrats could not associate with the Republicans, and that General Robert

Smalls said so. I heard him say so myself, standing on the platform at the depot.

Q. What did Smalls say about coffins, and when and where did he say it?—A. As a general thing in passing through from Beaufort County on to this. He would get out at every depot, and it was an understanding that there was to be a crowd there to meet him always. He said that he heard a great many men were going to vote the Democratic ticket, and he then said "that they must bear upon their minds (all those who are going to vote the Democratic ticket,) to bring their coffins"—all those who expected to vote the Democratic ticket.

Q. Did you, before the election, get into a row at Ballouville or anywhere else on account of politics, and what was said and done to you on that occasion?—A. I did get into a row with Republicans, in August, at Ballouville. I planted a vegetable garden, and am a sort of a butcher on Combahee River, and furnish the people there. Ballouville store is the place I do my trading. In going there it was always arranged so as to meet certain customers of mine, it being a half-way ground. My customers trade there, and I trade there. Right there came along a large crowd of strikers, men, women, and children, about 500 in number. These strikers taking some of my produce I had in the cart, right then I spoke, and right there I got into a row. They said, "It did not make a damn bit of difference; that the damn Democrats had no laws, no how." Never got any pay for my goods, and I was glad to let them go, as I was afraid they would take my life.

Q. You say you had "another row" like this at the same place "in July." Did they threaten you at that row because you were a Democrat?

(Objected to by counsel for contestee on the following grounds: First, irrelevant; second, leading; third, that there does not appear on the record the words "another row in July.")

A. They threatened me at that, the row in July, because I was a Democrat; that all Democratic sons of bitches is what we want to get at, black and white.

(The latter part of the objection withdrawn. The omission of the words "another row in July" was through the inadvertence of the judge of probate.)

Q. Do you know anything of Republican voters threatening to assassinate June Green, a colored Democrat, for distributing Democratic tickets on the day of election; and, if so, give us the particulars.—A. I am acquainted with that young man. I was sitting in the buggy by the side of the fence. It was said there, "Is not he running a great risk of his life, issuing them Democratic tickets?" I heard that frequently. Then the women on the opposite side hollowed to some of the men in the crowd and called them out; they "wished somebody would kill June Green, and if the men would not do it that they would do it, and tear up all the papers (the Democratic tickets) that he was issuing." At the time he had a practice of walking backward and forward to the polls, and one hundred and fifty yards off, meeting the persons as they were coming, trying to get off his tickets. The tickets he did give to the men that intended to vote them, were not allowed to vote them after they came up. Finally they raised a club of about five men. I was outside, they were inside, and I heard their conversation; that is, what was passed. They said, "We will follow this fellow down the road; this thing won't do." As soon as they said they would follow him down the road, one of the men says, "Let me have your pistol. Now when you go down



you attract his attention—talk to him, and just as soon as we knock him down—one talk to him and the other knock him down—be sure and get away every ticket he has; take away all the tickets. It would be a great help to the Republican party at the polls to kill him and tear the tickets up.”

(Objected to by counsel for contestee, on the ground that it is hearsay.)

Q. Did you ever hear any body say that the constitution and laws of South Carolina do not permit a colored man to be a Democrat; and, if so, who was it; when and where?

(Objected to by counsel for contestee, as leading.)

A. Yes, sir; it is generally run around the county. I heard Smalls say so myself twice. I heard him once at Ballouville, at the time of the strikes, and once passing on the train of Savannah and Charleston Railroad, at the White Hall depot.

Q. Have you ever heard any body say that soldiers would be brought to South Carolina by Governor Chamberlain, to protect Republicans in no matter what they did to Democrats; and, if so, when and where, and who said it?

(Objected to by counsel for contestee, on the ground of its being leading.)

A. I did, sir; I heard it at Captain Shaffer's meeting about the latter end of August, at Stock's Bridge; Captain Shaffer said it.

Q. What sort of a meeting was that?—A. It was a general Republican political meeting.

Q. Have you ever heard any one say so; and, if yea, when and where?—A. I heard Smalls and Shaffer issuing it out, and after that every body that I met that was a Republican, say the same thing—that I have met since then. I heard Smalls say, passing up and down the railroad, and when he comes in this county, it is known, and a crowd generally meets him.

Q. Were or were not a great many colored voters at the last election deterred or kept from voting the Democratic ticket at Blue House and at other precincts, because they thought the soldiers would make them vote the Republican ticket?—A. If it had not been for the threats and the soldiers that came, the whole county would have gone Democratic, and I am certain that we lost 300 votes at the Blue House polls by the threats and the soldiers.

Q. Did you or not ever hear any Republican leaders tell a large crowd of Republican voters to crush every Democratic negro?—A. Many a time; I heard them on the stump.

Q. Who said it?—A. Captain Shaffer was the first man I heard say it, and other leaders at different meetings.

Q. Did you ever hear Congressman Smalls say anything like that?—A. I did, sir, at his meetings.

Q. At what place did the biggest riot of the rice strikers occur last fall, and how many rioters, men, women, and children, assembled there?—A. On this side of the river, at White Hall, the number was three or four hundred.

Q. How far is White Hall from Blue House poll, and did or not the most of the rice strikers vote at the Blue House polls?—A. Six or seven miles; the most of the rice strikers in this county do vote there.

Q. Did or not a large body of rioters, rice strikers, assembled at Ballouville for a riot, and if so, about how many were engaged in it?—

A. Five hundred men and women. Two days and two nights the men never went home; sent their wives home for their grub.

Q. Did these Ballouville rioters make any violent threats, and, if so, what were those threats, what was the character of them?—A. I went to Ballouville to do my trading, as I usually do, but could not get into the store. I found it surrounded. I then laid outside until it was dark. Then they raised a song and put out their pickets all around the store. All they wanted was the white Democratic sons of bitches to poke their heads out of the store. There were about forty white men shut up there. They were run there by the strikers. They had to get off of their plantations; agents, owners and all, had to go there. It was the nearest course to the pine-land; they had to stop there.

Q. While that Ballouville riot was going on, did any deputy sheriff, or other peace officer, go there to quell the riot, and, if so, who was he, and what did he say and do?—A. On the second day Captain Shaffer, the deputy sheriff, he did not do anything but said, "Men, for God's sake stop this riot." But before he left the ranks he said "Bully, boys; go on, boys, with the strike until after election; there is no law to do anything with you. I will stand to your back and the Republican party; there is no law to hurt you."

Q. While that Ballouville riot was going on, did Congressman Smalls go there, and, if so, what did he say and do to the rioters?—A. Yes, he came there, and went into the house, and came out and told the people they were decidedly wrong. The men then got into a rage, and none of them could stop them, until they had a mind to, but none of them did not try hard enough. They got outrageous with Smalls; said in his presence that they "got to have these damn Democrats out there if they had to burn the house down." Smalls's reply then was, "Look here, men, don't talk that way, because if you were to burn it down now it would be known now who did it and how it happened. You men can burn down, but say nothing about it how it happened. Say nothing, and you can burn every Democrat in the country out."

Q. Were or were not the colored Republicans more violent, and did or did not they threaten colored Democrats more in this last election than at any election since emancipation?—A. Most decidedly.

Adjourned until to-morrow, 9 o'clock a. m.

[SEAL.]

B. STOKES,

*Probate Judge of Colleton County, South Carolina.*

Met pursuant to adjournment, 9 o'clock a. m., February 27, A. D. 1877. Present: Judge of probate, B. Stokes; C. C. Tracy for contestant, and Messrs. T. H. Wheeler and W. F. Myers for contestec.

Witness, ISAAC FIELDS, already sworn.

Cross-examination commenced:

Q. Where do you live now?—A. Combahee.

Q. On whose place?—A. W. S. Bissell, the man in charge.

Q. Is that Dr. Bissell's place?—A. W. S. Bissell is brother of Dr. H. E. Bissell.

Q. Where did you vote on the 7th November last?—A. Blue House.

Q. What ticket did you vote?—A. Democratic ticket.

Q. At what time did you go to the polls?—A. It was said to be about half past six o'clock.

Q. With whom did you go?—A. I went under the protection of a few white men; that is, they overtook me and others on the way. They overtook us and said, "Hallo, men; where are you going—to the elec-

tion?" To which we answered, "Yes." "Ain't you afraid?" We said, "Not exactly." At the time we were not afraid, as we thought ourselves out of danger. There was nobody else on the way except those who overtook us. After we left the White Hall depot there was a party of about eighty-odd, according to my judgment, were ahead of us. Then there was a great yowling and firing—whooping and firing continually. At that time one of the men in my crowd, he came to the conclusion, said, "Look here; we are rather in a dangerous fix now; what will we do?" I made answer, "Nobody here got anything—nothing to defend themselves. Let us make another arrangement; those white men, there are more of them in that crowd than we are." And we called to the white men and they stopped, and ask them, "Can you tell me what all this firing is about that are ahead of us?" To which they replied that they did not know themselves—did not understand it. I said, "From the threats that was made to the colored Democratic voters." A few of my crowd then said, "Look here, Fields; great God, man, we can't go to that place; I swear we can't go there; let us turn back and go home; them 'Publicans that is firing ahead of us will kill us certain." I said, "Then, men, it would be as bad to turn back as to go forward; we would be sure to meet the same thing if we turn back as to go forward." I came to the conclusion and advised the crowd it was better to go forward than to turn back, as we had the white men between us, and then we would follow them up. I made a reference to one of the gentlemen in the crowd, "Suppose, now," says I, "that these fellows shoot us—kill us; we got nothing to protect ourselves; could you mens protect us as far as the polls—through and out from the polls?" They made answer to us, "It may be a hard matter for us to protect ourselves." Then they said, "We will give you an advice: to have nothing to say to nobody, injure nobody, and harm nobody; go along quietly, make the best way you can to the polls; I expect we all have to do this from the firing that is ahead of us." We took that advice, and in my opinion a very correct one, and we got to the polls in that way.

Q. At what time did you vote?—A. In the evening some time. It was not in the morning, I know.

Q. Did you stay at the polls from the time that you arrived in the morning until you voted?—A. I was, or near there, pretty well all day.

Q. Were you not electioneering for your ticket?—A. Not there.

Q. How many men were with you in the crowd that you speak of; I mean the crowd that was with you, and what was their names?—A. Several. Thomas McCormick, John Lessington, Quogan Brown, Abram Kelly, myself, and a man whose name I do not now remember.

Q. Then, there were six in your crowd?—A. Yes, sir; along thereabout.

Q. Did they all vote the Democratic ticket?—A. Not to my seeing.

Q. Do you know whether any did not vote the Democratic ticket?—Abram Kelly did not, and he went there with the intention of doing it.

Q. Did you get your ticket from Dr. Bissell or from any one else?—

A. I got my ticket from Mr. Savage, a white man.

Q. How many men were in the crowd of white men that you speak of?—A. Don't know exactly.

Q. Was it a large crowd?—A. It was not a large crowd.

Q. Do you know the names of any of them? and, if so, state them.—

A. I do not know the names of them, except one that I spoke to.

Q. What was his name?—A. They call him Mr. Blocker.

Q. Was he the same man that gave you the information and advice?—

A. Yes, sir.

Q. You spoke of being "threatened." Can you tell me the names of those who threatened you?—A. When a man is threatened, is generally so scared in my part of the country that when a man is threatened he generally gets out of the way as fast as he can, and the men who make these threats are the ones that you will surely not know the names.

Q. Then, you do not know the names of any who threatened you?—A. I do not know the names.

Q. How often have you voted before the last election?—A. As many times as there were elections.

Q. For whom did you vote in 1870?—A. I voted for the man I thought was the best man.

Q. What was his name?—A. I do not remember.

Q. Did you not, in that year, vote for General Butler?—A. I don't remember in what year he ran, but I did vote for him when he ran.

Q. Did you not vote for Scott in 1872?—A. Never voted for him in my life.

Q. Did you see at Blue House any Democrats armed with guns or pistols?—A. No, sir.

Q. Did you hear any one say that they had arms?

(Objected to by counsel for contestant as hearsay.)

A. Never.

Q. Did you see Mr. Lausey there?—A. I don't remember whether I did or not.

Q. How far were you from the crowd which you said were "yelling?"—

A. About six hundred yards, behind a bend in the road, so that I could not tell exactly.

Q. How many men did you see at the polls with sticks?—A. I saw everybody there except a few—the most of the men and women.

Q. How many?—A. My opinion is about four or five hundred. I went there to vote, not to count men, therefore I could not positively state how many.

Q. When was it you saw Smalls at the depot, and what depot was it?—A. White Hall. I can't state precisely the time.

Q. What did he say?—A. The first I heard of him he said this "Mens, you Republican mens must all keep together," and applied to the women who were there at the time, "be sure and not allow their husbands to vote the Democratic ticket; that they were selling them out and their children; no colored man was allowed to vote the Democratic ticket, and none could be a Democrat; that their wives had better leave their husbands if they do."

Q. Did he leave the station then?—A. Yes, sir.

Q. Did you stand there the whole time he was talking?—A. Yes, sir.

Q. Did he not say that anybody could vote as they pleased?—A. Never to my hearing.

Q. Then you are certain that was all he said at that time?—A. At that time.

Q. Did you see him again; and, if so, where?—A. Yes; at Ballouville.

Q. Did he not at that place try to stop the riot?—A. He came out and said to the people that he thought they were wrong with their carryings on.

Q. Did you ever see him after that?—A. I saw him passing up and down on the railroad train; I go pretty frequently there for goods.

Q. Did you ever hear him make any speeches there, or talking, other than the one you spoke of?—A. Yes, sir; I have heard him since that.

Q. When was it?—A. I have it not in mind. I cannot keep the time exactly.

Q. About what time was it?—A. I have no idea.

Q. What did he say?—A. He allowed that every colored man who would vote the Democratic ticket, that their wives ought to kill them in their sleep, or pour hot lead in their ear at night.

Q. You speak something about the Republicans would not associate; did the Republicans advise them not to do it?—A. Yes, sir. Let them Democrats alone; have nothing to do with them; don't associate with them, and as soon as election the United States will put them where they ought to be; every one of them ought to be here; point them out to the soldiers.

Q. Have you not said that there was no "intimidation" at that poll, and that all you saw was "rough play," peculiar to that neighborhood, or words to the same effect?—A. Never said anything about rough playing.

Q. Were you one of the strikers?—A. No, sir.

Q. How long have you lived in the neighborhood of the Blue House poll?—A. I lived within ten miles of it thirty years, fully.

Q. Are you acquainted generally with the people in that section?—A. In the lower part I am.

Q. Was June Green beaten on the day of election?—A. He was not struck to my knowing.

Q. You speak of "five men" who "were talking inside the polling;" what were their names?—A. I am unable to say; I am not well acquainted with the people in the upper part of the precinct.

Q. How many meetings did you attend at which Robert Smalls spoke?—A. At one. I did not see the man; there was such a crowd there; that is near as I wanted to get to him.

Q. How many Republican meetings did you attend?—A. I attended several.

Q. Where were they?—A. At Stock's Road, White Hall, (Public Landing,) Blue House.

Q. How often have you heard Captain Shaffer speak during the last campaign?—A. I heard twice; once at Stock's Road, at a meeting, and once at Ballouville, at the time of the riot.

Q. Did the rioters threaten to whip Captain Shaffer?—A. Not to my knowing.

Q. Did Shaffer at that place attempt to stop the riot?—A. He did not *hard*; what he said did no good. The rioters staid there until they felt disposed to leave themselves.

Redirect:

Q. You spoke of Captain Shaffer; is he a carpet-bagger, or native-born?

(Objected to by counsel for contestee as irrelevant.)

A. He is a carpet-bagger.

Q. What do you mean by carpet-bagger; do you or do you not mean "politician"?

(Objected to by counsel as irrelevant and leading, and not in answer to any matter brought out in cross-examination.)

A. Yes, sir.

Q. You say that you saw Smalls on the railroad, passing up and down; did you not see him a good many times?—A. Frequently, at the depots.

(Objections presented by T. H. Wheeler, esq., counsel for contestee, against the refusal of the probate judge to allow him to cross-examine

the witness upon the new matter brought out in the redirect examination.)

his  
ISAAC + FIELDS.  
mark.

Sworn to and subscribed before me this the 27th day of February, A. D. 1877.

[SEAL.]

B. STOKES,  
*Probate Judge of Colleton County, South Carolina.*

THOMAS MCCORMICK, (colored,) a witness on behalf of contestant in the matter of contest for seat in the Forty-fifth Congress of the United States from the fifth district of South Carolina, testifies as follows, after being duly sworn :

Question. Where did you live ?—Answer. Live on Cheraw.

Q. Where did you vote at the election in November, 1876 ?—A. At Blue House.

Q. What ticket did you vote ?—A. I voted the Democratic ticket.

Q. Did anybody ever threaten you before or at the election ; and, if so, who was he, and what did he say ?—A. Yes, sir ; there were threats before and after. Several said to me before the election that if I voted the Democratic ticket I should be killed ; after a man said to me, if I voted the Democratic ticket I would be killed, I then concluded I would go to a Republican caucus meeting ; and whilst I was going to the meeting I asked one man to go with me ; and after I got to the meeting then Captain Shaffer got up and he instructed the caucus that night that when they going to the polls that each man must take their arms with them, and those that had not arms, the party must “ throw in so much to get them ; ” and when they go to the polls, must stop just in sight and reach and leave some one to guard the arms, because these fellows don't know what we are going to do ; Chamberlain is going to disband the rifle-clubs, and they won't have any protection ; and when you go up the first fellow that votes the Democratic ticket give a signal, and kill him ; after killing three or four the rest of them will be afraid to vote the Democratic ticket.

Q. Did you hear Shaffer say anything about the soldiers at that caucus, or anywhere else ; and, if so, what did he say ?—A. He says that thousands of soldiers is ordered to distribute at each poll, and those black people that voted the Democratic ticket will be sent to the penitentiary. I also went to another caucus at Mr. L. Shuman's. *He* said if any of the black people voted the Democratic ticket they would be sent to the penitentiary, because it is against all law that a black man should vote the Democratic ticket.

Q. Did or did not Shaffer say anything about the soldiers helping the Republicans ?—A. Yes, sir.

Q. What did he say ?—A. He said “ the soldiers would be there to protect the Republicans.”

Q. You said you were threatened by several men ; were these men Democrats or Republicans ?—A. Republicans.

Q. You said that Shaffer told the men at that secret caucus which you attended that they must carry their arms to the polls ; did you see any arms there, and, if so, what kind ?—A. Some of them muskets, some double-barrel guns, and just before I got to the polls some one fired a pistol ahead of us.

Q. Where were these arms placed ?—A. Was placed a little ways off from the poll.

Q. Did you see any clubs there? and, if so, describe what kind.—A. Hickory clubs; they were about a foot and a half long, with strings around the wrist; men and women—I don't know how many of them—a crowd of them.

Q. Did or did not these clubs have nails in them?—A. Yes, sir; they were built what is called eight squares with nails driven through them.

Q. You said that Shaffer told the men in a secret caucus which you attended that the soldiers would help the Republicans, and take all the colored Democrats and put them in the penitentiary; did or did not this frighten several men at the polls from voting the Democratic ticket?—A. It frightened my brother and Cuffy Scott, and Solomon Proctor.

Q. Were there any soldiers at the polls at Blue House that day?—A. Yes, sir.

Q. When the colored Democrats or men who intended to vote the Democratic ticket saw the soldiers come were they not still more frightened?—A. They was, because they said—one of the managers, Mr. Paul, said—"There comes the blue-jackets; now we will put them through."

Q. Was Paul a Democrat or Republican?—A. Republican.

Q. Did or did not the Republicans threaten to beat or kill your brother if he voted the Democratic ticket?—A. They did before and after the election.

Q. What poll do you generally vote at?—A. Ashepoo poll.

Q. Why did you not vote at the Ashepoo poll in the election of November, 1876?—A. Because they said that if I went to the Ashepoo poll they would either beat me to death or kill me.

Q. Why did you go to Blue House, then?—A. Because it was some protection to go along with the rest of the Democrats.

Q. Do you know anything about the Republicans threatening to kill June Green at Blue House for "distributing Democratic tickets;" and, if so, what do you know?—A. One said they would beat him to death and one said they would kill him.

Q. Did you see any women at Blue House on the day of election dressed in men's clothes?—A. I did, but their names I did not know.

Q. Do you know anything of the riot in Ballouville?—A. Yes, sir; Mr. Shaffer went down there and said they must strike, and they would be protected.

Q. Did you see Congressman Smalls there; and, if so, what did he say?—A. He said they must strike.

Q. Did he attempt or pretend to attempt to stop the riot?—A. He said these white fellows told me just now that you all said that you are going to burn down these buildings, and if you are going to do it, say nothing about it.

Q. Do you know of any threats made since the election against any man who was believed to have voted the Democratic ticket?—A. Yes, sir; I do.

Q. Who were they made against?—A. John Mustifer; they said they would kill all of his stock.

Q. Did you or did you not ever hear them threaten Abram Kelly, because they believed he had voted the Democratic ticket?—A. Yes, sir; I did.

Q. What did they say, and what did he say?—A. They asked Abram Kelly if he did not vote the Democratic ticket; he told them "no;" they told Abram Kelly that "he did," and he said "he did not;" there were four of them.

Q. Did or did they not—these four men, I mean—threaten to beat Kelly if they found out that he had voted the Democratic ticket?—A. They did.

Q. Did or did not the threats of the Republicans, the fear that the soldiers would take the colored Democrats and put them in the penitentiary, and the arms of the Republicans change the result of the election at Blue House poll—I mean would not the Democrats have gotten more votes if the colored people had not been afraid of all these things?—A. They would.

Cross-examined :

Q. On whose place do you live?—A. Mr. Robert Chisolm's.

Q. Who has charge of the place?—A. I have.

Q. Have you charge of the place for Mr. Chisolm, or some one else?—A. I have charge of it for the firm of Messrs. Meminger, Pinckney & Jervey.

Q. Who plants the place?—A. There is very little planting there; what little I plant.

Q. Do you or do you not pay rent for the place?—A. I do.

Q. Did you at any time during the campaign work for Mr. Bissell, or trade at any of his stores?—A. I did for five years before the election, and have since.

Q. Are you or are you not one of his foremen?—A. I am his sawyer; also foreman of the mill.

Q. Was or was not Dr. Bissell a candidate for an office at the election in November, 1876?—A. He was.

Q. Did you ever attend any Democratic caucus during the campaign?—A. Yes; I did.

Q. Were or were not the white rifle-clubs of your section organized or formed during the campaign?—A. I do not know.

Q. Did you ever see them drill before the campaign?—A. I did not.

Q. Did you ever see them drill, or make preparations for drilling, during the campaign?—A. I did not see them.

Q. Were or were not, during the campaign, arms sent to your section or carried there by individuals?—A. Not as I know of.

Q. Do you or do you not know of the existence, during the campaign, of rifle-clubs in your section?—A. I don't.

Q. Did you or did you not speak at any of the Republican caucuses, or any way approve or indorse the proceedings?—A. I did not speak, for I was not able; and while I was in that secret caucus I was compelled to indorse it.

Q. Were or were you not armed on the day of the election, or were you at any time advised to carry arms?—A. I never was before, nor then, nor after.

Q. Do you know positively that Shuman said "they would be sent," or did he say that they ought to be sent to the penitentiary?—A. He said they would be sent.

Q. Name the men who threatened you, the time, and the place.—A. I knew one man, Solomon Middleton; Nero Speights, Cæsar White. They told me; at the farm place was the place; October of the last year the time.

Q. How near were the soldiers to the polls on election-day?—A. They went up to the polls.

Q. When Paul spoke of the blue-jackets, was he not before trying to keep the people in order and prevent the rush at the box and spoke of their coming in this connection, or did he name any particular man or



set of men ?—A. He was on the outside distributing tickets. He was not trying to keep the crowd from rushing on the polls, and was not trying to keep the people quiet. He was talking to Republicans.

Q. What ticket did you vote on election-day ?—A. Democratic ticket.

Q. Were any of the Democrats armed either with guns, pistols, or other weapons on the day of election ?—A. I did not see any weapons at all with the Democrats.

Q. Where is your brother ?—A. Living in the same place I am living.

Q. Did you hear the threats against Mustifer and Green, or only the report of them ?—A. The threats.

Q. Who made them ?—A. I don't know their positive names.

Q. How long have you lived on the Chehaw, or in that section of the country ?—A. About 20 years.

Q. Have you, or have you not, heard many colored voters say they "were only fooling the Democrats ?"—A. I did not.

Q. Do you know, or have you ever heard, the rumor among the colored people that they would be turned off the lands if they did not vote for Hampton ?

(Objected to by counsel for contestant as hearsay.)

A. I did not.

Q. Did, or did you not, have a conversation with Isaac Fields, or any one else, as to what you ought to testify in reference to the Ballenville riot, or anything else connected with your testimony in this case ?—A. I did not.

Q. Did you hear yourself, or only the rumor, that you would "be killed at Ashepoo ?" If so, give the names of the parties.—A. I did myself, and gave the names of the parties.

Q. What are those names ?—A. Solomon Middleton, Cæsar White, and Nero Speights.

Q. When, and at what time, was this secret caucus held at which Shaffer spoke ?—A. Chehaw. The time, in October.

THOMAS McCORMICK.

Sworn to and subscribed before me this the 27th February, A. D. 1877.  
[SEAL.]

B. STOKES,

*Judge of Probate of Colleton County, South Carolina.*

SAMPSON CLARK, (colored,) a witness in behalf of contestant, in the matter of contest for seat in the Forty-fifth Congress of the United States from the fifth district of South Carolina, testifies as follows, after being duly sworn :

Question. Where do you live ?—A. On Chehaw, on Chisolmville plantation.

Q. Where did you vote at the time of the election in November, 1876 ?—A. At Blue House.

Q. What ticket did you vote ?—A. A Democratic ticket.

Q. What poll do you usually vote at ?—A. Ashepoo poll.

Q. Why did you vote at the Blue House poll this time ?—A. Because I heard the threat and was in dread of it.

Q. Did or not more Democrats vote at Blue House than at Ashepoo ?—A. More Democrats voted at Blue House.

Q. Did any Republicans threaten you before or at the election ? And if so, what did they say to you ?—A. Captain Shaffer. He, of course, claims to be a Republican, and I have been to his caucus, and I heard what he said in his caucus. To get into that caucus I had to pass myself as a Republican. If not so, I never would have got in.

Q. What did Shaffer say?—A. We must go to the polls, not one by one, but in squads, and *do* remember to take our guns along and what little ammunition we have got, vote, and vote often, and any colored Democrat that goes there to vote the Democratic ticket, the *signal* would be given to the guard that guards the guns that the governor's orders were to disband the Democratic rifle-clubs before this election takes place, and this rifle-club only mean to make them a coward; but they would see that it sha'n't be. The boys must strike, and keep striking. *That* would help us to carry this election through and elect Daniel H. Chamberlain governor.

Q. Did Captain Shaffer say anything about soldiers; and, if so, what? Objected to by counsel for contestee as leading.

A. Captain Shaffer said that the United States soldiers will be at the polls to protect the Republican party. I have known that there was threats made to prevent the colored Democrats from voting.

Q. Did any soldiers go to the polls on the day of election at Blue House?—A. Yes, sir; they did.

Q. Did or did not their coming frighten off some colored men from voting the Democratic ticket? and, if so, tell us the names of the men.—A. Lewis McCormick went with intention to vote it and did not vote; Abram Kelly, Solomon Proctor, Cuffy Scott; that what was about what I could recollect, but there were several others.

Q. You said Captain Shaffer told the men to carry their arms to the polls; did you see any arms there? I mean at the polls.—A. Not right up to the polls, but not far.

Q. Did you see any weapons, clubs, or sticks, at the polls?

(Objected to by counsel for contestee as leading.)

A. I saw one ride up on an ox with saber hung to his side, and a good many with sticks came up.

Q. What sort of sticks were these?—A. Mostly newly-cut sticks.

Q. How were they made, and did they have anything in their heads?—A. I did not notice particularly, but think the length was about three feet, with nails strung around and around the heads.

Q. When the soldiers came up, did you hear any Republican say anything about them; and, if so, what?—A. Paul was there when I got there; what he said before I got up I don't know; but after I got up, I heard him say that any colored man that would come here to vote a Democratic ticket was selling his wife to General Hampton, the Democratic governor.

Q. Where was the secret caucus at which you heard Captain Shaffer speak, and who went there with you?—A. I went there by myself; it was on a place that Captain Shaffer owned, the Chaplain place, as it was called.

Q. Do you know anything of the riot at Ballouville? And, if so, state whether you saw Captain Shaffer and Congressman Smalls there or not.—A. I do know something of the riot at Ballouville. I did see Captain Shaffer and Congressman Smalls there; they met me there.

Q. What did Captain Shaffer say to the rioters while attempting or pretending to attempt to quiet them?

(Objected to by counsel for contestee as indicating the answer desired.)

A. I cannot say what Captain Shaffer said without going back to Smalls.

Q. State then, first, what Smalls said.—A. The white mens was there speaking to Smalls inside of the yard; after they did do that, Smalls came outside where the strikers were, and told them that the

report he got this morning was a threat to burn down the store with them in there, but that is against law. If they burn down the store or rice-stacks or rice-mills, of course they will be punished for it if they let it be known. Keep your tongue concealed with notice, and go on and do what you are going to do; nothing yet to his acknowledge ever defiled the body of a man but what is off of his lips and tongue. I then came out of the yard a little after he did; I said to the mens, "My Lord, it is a shame to see my race act in the way they do, from all the advice and all the blind, that they told you and put you up to; I am now compelled to draw from you all."

Q. Who were inside the store that they threatened to burn down?  
—A. A good many white men.

Q. How many men, strikers I mean, were outside?—A. About 500 men, as near as I could come to it, and about 150 women.

Q. What did Captain Shaffer say?—A. "Go on, men; go on; free fight; we will carry the election better for all of this carryings on campaign time.

Q. Did you see or did you not see any women dressed in men's clothes at the polls at Blue House on the day of election?—A. Met one on the road near to the polls.

Q. Did not these threats, the coming of the soldiers to the polls, and the sticks and other weapons borne there by the Republicans, change the result of the election at that poll? I mean, would not the Democrats have gotten more votes from the colored men if they had not been frightened by all these things?

(Counsel for contestee objects, on the ground that it is leading.)

A. Pretty certain of it.

Cross-examined :

Q. How far do you live from Blue House poll?—A. About nine miles.

Q. How far do you live from Ballouville?—A. About four miles.

Q. What were you doing at Ballouville at the time you say that Congressman Smalls and Captain Shaffer were there?—A. I was doing business for another man.

Q. Were you one of the strikers?—A. Never in my life.

Q. At what time was that second meeting of which you speak of?  
A. Never kept the date.

Q. About what time was it?—A. Very nearly the time of the election.

Q. Where do you live, and how long have you lived there?—A. On Cheehaw, Chisholmville plantation; about seven years.

Q. Have you ever been in jail here at Walterborouh?—A. Yes; for an assault.

Q. Was that the only offense for which you were imprisoned?

(Counsel for contestant objects to the question as one which may be liable to compel the witness to render himself infamous.

Refused to answer that question.)

Q. How many soldiers came to the polls?—A. Very few—did not keep an account of them.

SAMPSON <sup>his</sup> + CLARK.  
mark.

Sworn to and subscribed before me this 27th day of February, A. D. 1877.

[SEAL.]

B. STOKES,  
*Probate Judge of Colleton County, South Carolina.*

ROBERT FISHBURN, already sworn, recalled :

Question. Are you or are you not clerk of the court of common pleas and general sessions of Colleton County ?—A. I am.

Q. Will you please say if the book before you is a record in your office, and if it is, what record ?—A. It is a record. It is a journal of court of general sessions. Clerk reads: "The State *vs.* Sampson Clark; indictment for burglary and larceny. The arraignment in this case having been waived by counsel, after various drawings and challenges, the following jury was made up: Benjamin Stokes, Brutus Grant, Nelson Stewart, June Moore, Daniel Hill, Monday Garrett, Harry Fields, John Ryems, Washington Handy, Joseph Singleton, Jonas Magby, Samuel Garrett; and they returned a verdict as follows: 'Not guilty,' B. Stokes, foreman." Entered on page 354. Clerk also read from page 359 from the same journal: "Wednesday, the 24th February, 1875. State *vs.* Sampson Clark, indictment for perjury. *Nol. pros.*"

(Counsel for contestee objects to the answer above on the ground that the record has not been properly proven )

Q. Do you know from your own knowledge, or from a careful inspection of the journal in your office, whether Sampson Clark appears in other case or cases as a defendant ?—A. Not having read the whole sessions-docket, I cannot say.

ROBERT FISHBURN.

Sworn to and subscribed before me this the 27th day of February, A. D. 1877.

[SEAL.]

B. STOKES,

*Probate Judge of Colleton County, South Carolina.*

Contestant offers in evidence an extract from a compendium of the ninth census of June 1, 1870, compiled pursuant to a concurrent resolution of Congress, under the direction of the Secretary of the Interior, by Francis Walker, Superintendent of the Census, pages 88 and 584, showing the total population of counties of Beaufort and Colleton and the number of males of each of the said counties above the age of 21 years in 1870:

Total population of Beaufort .....	34,359
Total population of Colleton .....	25,410
Males above 21 in Beaufort .....	8,242
Males above 21 in Colleton .....	5,656

(The counsel for contestee objects to the presentation of the above extract, on the ground that the contestant gave no notice to the contestee that the same would be presented.)

[SEAL.]

B. STOKES,

*Judge of Probate, Colleton County, South Caro! na.*

STATE OF SOUTH CAROLINA,

*Colleton County, ss :*

In the case of G. D. Tillman, esq., contestant, against Hon. Robert Smalls, returned as member of the Forty-fifth Congress from the fifth Congressional district of South Carolina, at an election held on the 7th day of November, 1876.

I certify that for and on the behalf of G. D. Tillman, esq., contestant in the above-named case, I took, at Walterborough, the county seat of Colleton County, in the State of South Carolina, between the 21st and 27th days

of February, both the first and last mentioned days included, the testimony of Edward W. Fraser, Robert Fishburne, Tony Roger, Richard Roger, Alfred Smith, Joel Laisey, John Mustifer, Toby Sargent, Benjamin Simmons, Jack Holmes, Sam Williams, C. P. Fishburne, W. J. Fishburne, Abram Kelly, Isaac Fields, Thomas McCormick, and Sampson Clark, citizens of Colleton County, South Carolina; also, at the same time, the said G. D. Tillman put in evidence other papers and extracts from records, referring to the aforesaid contested election. The whole of said testimony comprising one hundred and fifty pages of legal cap.

Witness my hand and seal of court this the 28th day of February, A. D. 1877.

[SEAL.]

B. STOKES,  
*Probate Judge Colleton County, South Carolina.*

No. 4.

EDGEFIELD COUNTY.

*Notice to take depositions.*

STATE OF SOUTH CAROLINA,  
*Beaufort County:*

Hon. ROBERT SMALLS:

You are hereby notified 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 November election of 1876 for the fifth Congressional district of the State of South Carolina, before Mr. Marsh, intendant of the town of Edgefield, at the court-house building in said county and State, on the 24th, 26th, and 27th days of February, instant, A. D. 1877, between the hours of 8 a. m. and 6 p. m. of said days, or so much thereof as may be necessary for the examination of said witnesses, to wit:

M. W. Gary, D. R. Durisol, George W. Holland, and Mr. A. Markert and O. Sheppard, Wm. Brunson.

G. D. TILLMAN,  
Per WM. ELLIOTT.  
*Attorney.*

We, the counsel for contestee, hereby consent to the examination of O. Sheppard and Wm. Brunson, and agree to waive the required notice of said examination.

GEO. W. HOLLAND,  
*Of Counsel for Contestee.*

FEBRUARY 26, 1877.

I acknowledge legal service of a copy of the within notice this 13th February, 1877, at Port Royal.

W. J. WHIPPER,  
*Attorney for Contestee.*

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

To M. W. Gary, D. R. Durisol, George W. Holland, and M. A. Markert, W. H. Brunson, and O. Sheppard:

You and each of you are hereby summoned to appear before me at



Question. Where do you live?—Answer. At Edgefield Court-House; age, forty-five years.

Q. Did you vote during the election on November 7, 1876?—A. Yes.

Q. Were you or not one of the commissioners of election?—A. I was.

Q. Who composed that commission?—A. Myself, as chairman of the board, G. W. Holland, and Jesse Jones.

Q. Previous to the election did your board have a meeting and organize according to law?—A. They did.

Q. You appointed the managers to each precinct during the election, did you not?—Yes, sir.

Q. Did you know that the treasurer's and auditor's office were both held in the same room?—A. Yes, sir.

Q. In your instructions was there not a precinct known at the treasurer's office?—A. Yes.

Q. Does it come to your knowledge that that box was held at that office in November, 1876?—A. It was not.

Q. Where had that box been formerly held?—A. At the treasurer's or auditor's office.

Q. Do you know that that box was removed from there that day?—A. I do.

Q. Did you, as chairman of the board of commissioners, give notice of that box?—A. I did, in connection with the other members of the board.

(Exhibit A hereto attached.)

Q. Was there sufficient notice given of the removal of that box?—A. No.

Q. Does it come within your knowledge where that box was removed to?—A. Yes; at the school-house near Macedonia church.

Q. By whom was that notice signed?—A. By George W. Holland and Jesse Jones.

Q. Did you not, as chairman of that commission, object to the removal of that box?—A. I did, to that point.

Q. Had that school-house near the church ever been used as a voting precinct?—A. Never, in my knowledge.

Q. Is not that school-house near the church very inaccessible?—A. It is not.

Q. In riding along the public road could one see that an election was being held at that school-house?—A. They could not.

Q. What is the distance from the treasurer's office, or precinct No. 2, where the election was usually held, to the school-house?—A. Something over a half a mile.

Q. Is there any nearer way of getting to the school-house or church?—A. No.

Q. How far is it from the treasurer's office to the barracks?—A. Not over two hundred yards.

Q. How far is it from precinct No. 1 to the barracks?—A. Not quite one hundred yards.

Q. How many companies were stationed here that day?—A. Three companies.

Q. Did not General Brannon command all the troops in this county?—A. I think he did.

Q. Do you know how many companies or detachments there were in the county?—A. Seven.

Q. Were they not distributed about the county?—A. Yes; one at Shaw's Mill, one at Richardsonville, one at Ridge Springs, and one at Liberty Hill.

Q. How did the election pass off on that day?—A. All quiet, as far as I know.

Q. Would you have known of any acts of violence if any had have happened?—A. I would.

Q. Is it not your opinion that the election could have been held at the treasurer's office without any fear of violence or intimidation?—A. I think so.

Q. Why do you think the box was removed from the treasurer's office to the church, and for what purposes?

(Objected to by counsel for contestee on the ground that it is a matter of opinion.)

Witness declines to answer.

Q. Were there troops stationed at Macedonia church on that day?—A. There was.

Q. Does it come within your knowledge that the troops were used here as a means to intimidate colored Democratic voters?—A. No.

Q. Does it come within your knowledge that any acts of intimidation were used by white Democrats as to Republican voters?—A. No.

Q. About how many votes were cast at precinct No. 1?—A. Not prepared to answer without reference to returns.

Q. About how many at precinct No. 2?—A. Same answer as above.

Q. Was there not a larger vote polled here that day than at any previous election?—A. We always polled a heavy vote here.

Q. Do you know of any acts of intimidation practiced on colored Democratic voters by Republicans?—A. Heard of some; one in this town on one George Norris.

Q. What did they do to George Norris?—A. I heard they fired into his house.

Q. Does it not come to your knowledge that Dick Ware and Mike Sargent were arrested as perpetrators of the act?—A. I have heard of it.

Q. On the day of election did not most of the colored voters vote at precinct No. 2 or Malldown school-house?—A. Yes; but I saw colored voters voting at precinct No. 1.

Q. Was it not an agreement that white voters should vote at precinct No. 1 and colored voters at precinct No. 2?—A. I know of no such arrangement by any one authorized to make it.

Q. As far as you know, the election on the 7th of November, 1876, was a fair one?—A. It was.

By counsel for contestee, W. J. Whipper:

Q. How long before the election was the legal notice given of the general election?—A. About fifteen days.

Q. Did you at that time have permission to have the box No. 2 at the treasurer's office?—A. It was designated, as it was better to hold it there.

Q. You had no permission to hold the box there?—A. It belonged to the county commissioners, and they raised no objections, for they rented it.

Q. Did or not the lady owning the property make objection?—A. Not to my knowledge.

Q. Did you not have a conversation with her on that subject, and report to your board of commission?—A. I did not.

Q. Had you any conversation with any of your board in reference to moving that box?—A. I did.

Q. Was it not agreed by a majority of your board that that box should be removed?—A. It was.

Q. Did you dissent from that decision?—A. I did not.



Q. How long was this before the election?—A. On Monday previous.

Q. Was it also agreed to give notice of the removal?—A. Not by my consent as to the place, which was out of the village.

Q. By saying out of the village, do you mean out of the incorporate limits?—A. Out of the business limits of the village.

Q. You agreed to the removal, but objected to the removal to that place?—A. Yes.

Q. Was there any particular reason for removing that box?—A. I heard Bellenger say Mrs. Ryan objected to its being held there.

(Objected to by counsel for contestant.)

Q. Is Mrs. Ryan the owner of that property?—A. She is understood to be the owner.

Q. What relation is Mr. Bellenger and Mrs. Ryan?—A. Son-in-law.

Q. How many elections have been held at that place, (treasurer's office)?—A. I don't know.

Q. Do you know that there was more than one?—A. Yes.

Q. Was the attack on George Norris made before the election?—A. Yes; a short time.

Q. Have you not heard that Norris fired into his own house?

(Objected to by counsel for contestant.)

A. Yes; I heard the rumor.

Q. Do you know what Norris's politics were?—A. Supposed to be Democrat.

Redirect by N. L. Griffin, of counsel for contestant:

Q. Mr. Durisoe, you say you consented to the removal of that box; did you not protest against its being carried to that school-house?—A. I did.

Q. Where did you consent to its being carried?—A. To Holland's house, or the place where Mike Griffin's barber shop is. Holland's house is about one hundred and twenty-five yards, and to the shop one hundred yards from precinct No. 2, treasurer's office.

Q. In changing the precinct did you consider the notice sufficient, and did you consent to the change?—A. I did not.

Q. Why did you consent to the change to Holland's house or to the shop, and object to the church?—A. Because it was more convenient for the voters, and better to keep down any disturbance which might arise there at the church.

Q. By holding the precinct at either of those places they would have been more under the protection of the troops than otherwise?—A. Yes.

Q. What political party do you belong to?—A. Democratic.

Q. And the other two?—A. Republican.

Q. Are not the other two commissioners on the board with you colored men?—A. Yes.

D. R. DURISOE.

Sworn to before me and subscribed this the 26th day of February, 1877.

[SEAL.]



C. S. B. MARSH,  
*Intendant.*

D. R. DURISOE recalled.

Question. Do you know of any wagon with arms, claiming to be a Democratic wagon, near precinct No. 2?—Answer. I saw a wagon near precinct No. 2. Stopped and talked with the party at the fire and in the wagon. Saw no arms. Saw no other wagon that day at that place.

Q. Were you in a position to know if there had been a wagon with

arms, if on the grounds?—A. I was passing about through the grounds that day and saw no arms.

Q. Did you see any Republican voters or colored men armed with clubs or sticks?—A. I saw a number of colored men with clubs that day. On one occasion I saw a company, most of them armed with them, larger than a usual walking-stick. At least twenty-five or thirty in that crowd.

Q. Could not the guns have been in the wagon and you not seen them?—A. They might have been, but it is very probable that if they were that some of the party would have mentioned it to me, as we were on good terms and all Democrats.

Q. Did you or not see white men riding up and down the street with guns?—A. Don't remember seeing a white man, a citizen, that day with a gun, except soldiers.

D. R. DURISOE.

Sworn to before me and subscribed this the 26th day of February, 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

STATE OF SOUTH CAROLINA,  
*County of Edgefield :*

O. SHEPPARD, a witness of lawful age, produced by contestant upon due notice to contestee, in the matter of George D. Tillman vs. Robert Smalls for a seat in the Congress of the United States, deposes as follows :

Question. Where do you live?—Answer. Edgefield Court-House.

Q. Were you present on November 7, 1876, during the election? If so, state where.—A. I was at the school-house near Macedonia church as supervisor of election.

Q. As supervisor of election, does it not come to your knowledge that the commissioners of election ordered the box No. 2 to be held at the treasurer's office?—A. As supervisor that was my understanding of the order promulgated by the commissioners of election, and I expected to go to that place to perform my duties at that box.

Q. Did you not protest as to the removal of that box?—A. I was not consulted with reference to the removal of the box, nor was I notified of such removal until about sundown on the evening before the election. I met Mr. Markert on the street and asked him if he had been qualified as manager. He replied he had not. He and I, at my suggestion, went to the clerk's office for the purpose of his being qualified, and at that time I was first informed by Jesse Jones, one of the commissioners, that the box would be held at the school-house near Macedonia church.

Q. Has it not been customary to hold that precinct box No. 2 at the treasurer's office?—A. I have never been present at any election except the town election before, but have always understood that precinct No. 2 was held at the treasurer's office.

Q. Do you not know the fact that the auditor's and treasurer's office have always been held in the same rooms?—A. I have always understood that the auditor's and treasurer's office were held in the Ryan Hotel, and have seen the auditors and treasurers hold their office in the same rooms in that hotel.

Q. About how far from the place where the box was ordered to be held is it to the school-house where it was held?—A. Nearly three-quarters of a mile, if not quite.

Q. Is not that school-house a very inaccessible place to hold an elec-

tion?—A. I do not think the place is a fit place for the holding of an election, because of the fact that according to the best of my knowledge and belief that there was only one road by which the school-house could be approached, a part of which was through a long, narrow lane, and in my judgment an election could not be held at that place without danger of trespassing upon the rights of private individuals.

Q. Does it not come to your knowledge that, owing to the facts stated in the previous answer, a great many voters were kept from voting on that day?—A. Being closely confined all day long in discharge of my duties as supervisor, I do not know anything in regard to the question.

Q. Do you not consider the treasurer's office a much better place to have held the box?—A. I do; in the first place it is more accessible, and in the second place there was not near the danger of repeating, if the two boxes had been held close together.

Q. How far is it from precinct No. 1 to the treasurer's office?—A. About seventy-five yards.

Q. About how many companies of troops were stationed here on that day, and where?—A. I think there were three companies, but as to where they were stationed, for the reason given above, I do not know where they were stationed, except I saw a part or the whole of two companies stationed at box No. 2 during the day.

Q. Where were those troops garrisoned, and about how far from the treasurer's office?—A. Two of the companies were in the Soludo Hotel, I suppose about one hundred and fifty yards from the treasurer's office and about seventy-five yards from precinct No. 1.

Q. Did you consider the notice of the removal of that box sufficient notice to the voters of the county?—A. I did not.

Q. Did you know of any threats of violence or intimidation that could cause the removal of that box?—A. I did not.

Q. Do you know of any threats or of any intimidation on the day of election?—A. I do not; being somewhat conversant of the plan of the campaign of the Democrats—being secretary of the executive committee—all of our efforts were exerted for the preservation of the peace.

Q. Do you know, during the election or previous, of any violence said to have been committed by the Republicans?—A. Of my own knowledge I do not, but have understood, and did understand, that one Gilmer was murdered and that one George Norris had his house fired into and was otherwise maltreated on account of his political principles, as I believe, on account of his Democratic principles. Also, a colored man, whose name I do not recollect, who lived on the place of Mr. Nicholson, was badly beaten and otherwise maltreated on account of his Democratic principles, as the assaulting party at the time stated; and also, there was a colored man murdered near Mount Willing on account of his professed Democratic principles; and other cases the details of which I do not now remember or recollect.

Q. Does it not come to your knowledge that colored men professed to be Republicans were arrested for the murder of Gilmer?—A. It does.

Q. Do you not believe that the removal of this box from the treasurer's office to Macedonia church school-house was for the purpose of repeating?—A. I cannot possibly see why that box was removed, except for some sinister or unlawful purpose; more especially when in my opinion the treasurer's office was the most suitable place to hold it.

Q. Do you not believe that a number of colored people were prevented from voting the Democratic ticket through fear of their party leaders?—A. I do believe that a great many colored men who did not vote the

Democratic ticket would have done so had it not been from fear not only from their party leaders, but from the rank and file of the Republican party, and even from the females of their race.

Q. Do you not consider the election held on the 7th of November a fair and square election?—A. I do; but know only particulars of precinct No. 2.

Q. Were not United States troops during the day in the school-house and immediately around the box?—A. They were.

Q. Were not United States troops stationed around the house that day?—A. I think there were four sentinels posted at the entrance and one at the place of exit most of the day.

Q. In what manner was the election conducted and in what manner were voters admitted to the school-house on that day?—A. The election was conducted in accordance with law, and voters were admitted in numbers of ten, except on two occasions, when fourteen were admitted.

Q. How many Democratic and how many Republican voters were polled that day at that precinct?—A. My recollection is that there were a few over three hundred Democrats and something over eight hundred Republicans voted.

Q. During the counting of the votes were not some of the troops present in the school-house?—A. Yes.

Q. Did you and Mr. Markert remain at the polls near the box during the entire day?—A. We did, and saw no acts of violence. I went out at one time to stop what I supposed from the noise without might be a row; when I got out I ran up to the crowd and met my brother, Dr. Sheppard. He told me that this colored man he had, had drawn a pistol on Mr. Quailes. He, my brother, acted as deputy sheriff. I told him to arrest him and bring him to jail; which he did.

Q. Did you not on that day challenge a number of voters?—A. Yes: white and colored.

Q. On that day did not Mardenborough and Holmes take up the box and leave the school-house?—A. Mr. Markert and I got there very early, before the time to open the polls. They were all, Mardenborough, Holmes, Markert, Norris, and myself, standing inside, preparing for arranging for the voting, and without any intimation on their part or knowledge on our part, Mardenborough and Holmes, managers, (Republicans,) suddenly picked up the box and walked out. We, not knowing what they were going to do, followed them and told them that they had changed the voting-precinct one time arbitrarily, and without any notice, (no legal notice,) as we believed, with the intention of committing fraud, and that we did not intend that they should do it again; that we were there prepared to hold the election, and they carried the box back, and we held the election at that place.

Cross-examined by G. W. Holland, counsel for contestee:

Q. Mr. Sheppard, were all the voters you challenged sworn in?—A. None were challenged until after they were sworn, and two whom we knew to be under age, after they were challenged, refused to deposit their ballots, though urged by Mardenborough and Holmes to do so.

Q. Do you know the names of those who were challenged and refused to vote after they were challenged?—A. I think one's name is Dave Oliphant, and the other was a little bright mulatto boy, whose name I do not remember.

Q. Do you know the fact that a great many horsemen were riding up and down this lane which you spoke of?—A. I do not. From my position I could not see the lane at all.

Q. Do you know of a wagon-load of arms or guns belonging to Democrats being placed near box No. 2, and were guarded by Democrats all that day?—A. I know nothing of such wagon-load of guns; saw no guns, but in connection therewith heard some way or other that Chamberlain militia had a number of government guns secreted just beyond that little swamp down there.

Q. Do you know of any colored Republicans being beat over the head and otherwise maltreated by Democrats in their attempt to vote at box No. 2?—A. I do not, sir, except that I saw one colored man, after he got inside to vote, with blood running down his face. He voted. Mardenborough told him that Mr. David Harris, sr., wanted to see him at his house to-morrow, and remarked to me on his sight that that man is a martyr; but as to who struck him I do not know.

Q. How much time was consumed in swearing the ten men let in by the guard before another ten were admitted?—A. I cannot approximate the time.

Q. Was it before or after the election that the man was killed at Mount Willing, as before stated by you?—A. I think it was after.

Q. Why did you challenge the voters? Did you think they were under age or non-residents?—A. I suppose I was appointed by the district judge a supervisor because he thought I was fitted to fill the position; and, therefore, in the discharge of my duty as supervisor, I challenged voters for various causes, and, with deference to the court and counsel, think the question of the counsel impertinent and irrelevant.

Q. Was it not before six o'clock that you protested against Mardenborough and Holmes moving that box?—A. I think immediately before six o'clock.

Re-direct examination :

Q. Did you see any violent demonstration on the part of Republican voters that day?—A. I walked out at one time about a minute and saw a crowd of colored men congregated just below the entrance to the door, and while standing at the farther corner of the house I saw one or two colored men cut down a sapling and cut off a huge club about between 3 and 4 feet long, and approach with their clubs this crowd of colored men standing at the corner of the house. The crowd seemed to be excited, and were making threatening gestures and nodding their heads in the same manner. I then went back in the house to my post immediately, and in a very short while I heard this crowd at the corner of the house shout with "God d——n you, come on, we are ready for you." I ran to the window and told them that they had better hush; that they were trying to get the Democrats into a difficulty, and if they succeeded it would not go well with them.

O. SHEPPARD.

Sworn to and subscribed before me this 27th day of February, 1877.

[SEAL.]

C. S. B. MARSH,

*Intendant.*

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

In the matter of the contest of G. D. Tillman against Robert Smalls for a seat in the Congress of United States.

W. H. BRUNSON, a witness of legal age, introduced by contestant upon due notice to contestee, deposes as follows :

Question. Where do you live?—Answer. Edgefield Court-House, S. C.

Q. Were you present on the day of election November 7, 1876?—A. I was.

Q. Were you not supervisor at precinct No. 1?—A. I was.

Q. What time did you go to the polls that day?—A. I went there a little before 6 o'clock a. m., and remained there all day, until after all the votes were counted.

Q. Were not the colored people massed in great numbers around the court-house on that morning where precinct No. 1 was held?—A. They commenced assembling a little before the polls opened, I suppose a thousand strong, about day-light at the court-house.

Q. As supervisor did you not challenge a number of votes that day?—A. I challenged a number of both colors; mostly white men.

Q. Did not certain colored men try to vote at precinct No. 1 who you believe had already voted?—A. I remember distinctly only one. His vote was challenged by a party who had followed him from precinct No. 2, where the said party saw him vote; one of the Republican managers complained that a white man had voted twice. When it was explained that it was one of two brothers who resembled each other very much the manager was satisfied; I did not know the parties.

Q. Did not colored voters vote at that box without regard to party on that day?—A. They did.

Q. You saw no acts of violence or threats of intimidation by Democrats toward Republicans on that day?—A. None whatever.

Q. You know of no act of repeating on the part of the Democrats on that day?—A. None to my knowledge.

Q. Do you not consider the election held on that day a fair and square one?—A. I do; much more quiet than at the two preceding Presidential elections, where I was a messenger.

Q. Has not the box No. 2 been held at the treasurer's office previous to the election of November 7th, 1876, since the establishment of that precinct?—A. To the best of my recollection it has.

Q. Was it held there on the 7th November, 1876?—It was not.

Examined by G. W. Holland, of counsel for contestee:

Q. Do you remember for what cause these white men were challenged?—A. For different causes.

Q. Did you observe many strangers on that day here?—A. I know a majority of the voters, and did not observe many strangers.

Redirect by N. S. Griffin, of counsel for contestant:

Q. Do you not know that there were a great many colored people there that day who were strangers?—A. I do not know.

W. H. BRUNSON.

Sworn to and subscribed to before me this the 27th day of February, 1877.

[SEAL.]

C. S. B. MARSH.

*Intendant.*

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

In the matter of the contest of George D. Tillman and Robert Smalls for a seat in the Congress of the United States.

M. A. MARKERT, a witness of legal age, introduced by contestant upon due notice to contestee, deposes as follows:

Question. Where do you live?—Answer. At Edgefield Court-House.

Q. You were present and voted on November 7, 1876?—A. I was present and voted.

Q. Were you not a manager of the election that day?—A. I was.

Q. Who were the other managers with you?—A. Mardenborough and Charles Holmes.

Q. To what party do you belong?—A. To the Democrat party.

Q. To what party did the other two belong?—A. To the Republican; both colored.

Q. How long have you lived in Edgefield?—A. About twenty years.

Q. How many years do you know the precinct No. 2 to have been held at the treasurer's office?—A. From '72 to '74.

Q. Previous to the Republican party coming in power did you ever know of two boxes at this Edgefield Court-House?—A. Never.

Q. Since the holding of the two boxes do you remember of the box, precinct No. 2, being held in any other place than the treasurer's office?—A. Never.

Q. Do you know of the box, precinct No. 2, being held at that place November 7, 1876?—A. It was not; it was held at the school-house near Macedonia Church.

Q. Did you have any notice of the removal of the box to the school-house?—A. No; I had no official notice of it.

Q. Were you consulted as to the propriety of removing that box?—A. I was not.

Q. Did you not protest to the removal of that box?—A. I did, to Jones and Mardenborough.

Q. In your opinion was there cause for the removal of that box on account of intimidation, violence, threats, or anything of that nature?—A. No; none.

Q. Any contagious diseases which would cause the removal of that box?—A. None.

Q. How far is it from the treasurer's office to the school-house by the usual mode of travel?—A. About one thousand yards, or a half mile.

Q. In your opinion as manager would not the treasurer's office have been the better place for holding that box?—A. I think so.

(Objected to by counsel for contestee.)

I thought it would have been unlawful to move the box from the treasurer's office outside the business limits of the village, as it had been previously advertised by the commissioners that it would be held at the treasurer's office. I suggested several other places convenient, and they said it made no difference whether I consented or not, it would be carried to the school-house. The remark was made by Mardenborough.

Q. Who was supervising at that box on that day?—A. Mr. O. Sheppard and a colored man, whose name I do not now recollect.

Q. Who was clerk there?—A. Mr. Norris, Democrat, and Dinkins, Republican.

Q. Were there any military companies there? State how they were arranged.—A. Yes; they were formed in front of school-house in the shape of a horseshoe. Officers in charge of the guard would pick out the voters by tens and admit them; they were armed with rifles and bayonets.

Q. Were there not a guard of two in the school-house?—A. No.

Q. Were the officers not in the school-house during the day?—A. Yes, but not regularly.

Q. How many Republicans and how many Democrats voted at that box?—A. Over three hundred Democrats and over eight hundred Republicans.

Q. During the day the election was conducted quietly and orderly?—A. Yes; I saw no acts of violence or intimidation.

Q. Who carried the box over to the school-house?—A. When I first saw the box Mardenborough had it.

Q. Do you know that the treasurer's and auditor's offices have been held in the same rooms?—A. Yes, sir.

Q. As a manager of the election, did you not know that the commissioners of election ordered that the box No. 2 be held at the treasurer's office?—A. Yes; I saw the notice of it in the Advertiser, and considered it legal.

Q. In your knowledge of elections, do you not think the treasurer's office would have been the best place to hold the polls?—A. I do.

Q. How far do you think it is from precinct No. 1 to the treasurer's office, where precinct No. 2 was ordered to be held?—A. About forty or fifty yards.

Q. Would it not have been easier to have prevented repeating and fraud at the treasurer's office than at the school-house?—A. Yes; I was afraid of their repeating, and that is the reason why I was so opposed to having it over at the school-house. We could have more easily detected repeating if it had been at the treasurer's office.

Q. Does it come to your knowledge that any registration has been made in this county in the last five years?—A. It has not.

Q. Owing to the fact that the colored people have recently been enfranchised, and there being no registration in the State, would it not have been more easy to repeat than otherwise?—A. I think it would.

(Objected to by counsel for contestee.)

Q. Was it not generally understood that the colored people practiced repeating?—A. It was.

(Objected to by counsel for contestee.)

Q. Do you not know that colored Democratic voters have been intimidated by Republicans?—A. Yes; I know what Geo. Norris told me, that he was shot at in his own house by Republicans; he said they wanted to kill him because he was a Democrat.

Q. Did you hear the firing, and did you not examine the place where the ball went in; was it not fired from the direction indicated by Geo. Norris?—A. I did hear the firing, and examined the direction of the ball, and found it did come in the direction indicated by him.

Q. What was your impression of the size of the ball?—A. Usual size of a military rifle.

Q. Was there on the 18th of October, 1876, a mass-meeting known as the Hampton meeting, and about dusk a young man was killed on the road home from that meeting? Please state the circumstances.—A. Yes; Gilmer was killed on the road home, near a house; he was shot from a pine thicket, a hundred yards from the road.

Cross-examined by G. W. Holland for contestee:

Q. Have you been a manager of an election before the last?—A. I have not.

Q. Do you believe that the election at box No. 2 was a fair one?—A. I do think so.

Q. Do you know of any white men having Winchester rifles?—A. I know of men having them on the street.

Q. Do you know of any white persons being passed in at box No. 2 by the guard, with the ten?—A. I saw some white persons go in with them.

Q. Do you know of any Democrats being killed by Republicans?—A. Yes; Gilmer was said to be.



Q. What time was it you went out there with General Gary?—A. About 8 o'clock p. m.

Q. Was it very dark at the place where Gilmer was killed; could you not have seen a house near?—A. I think I could, if my attention had been called to it. I looked towards the pine thicket several times, for fear some parties concealed might open fire on me from there.

Q. Do you know, during the campaign, that any Republicans were killed by Democrats in the county?—A. I do not.

Redirect by counsel for contestant, N. L. Griffin :

Q. You spoke of a notice at the court-house. Did you consider that sufficient notice?—A. I did not.

Q. Did you call for the box as a manager, and when?—A. I called late in the afternoon.

Q. Were you at that time qualified as a manager?—A. Not at that time.

Q. After that were you regularly qualified and called for the box?—A. I was, and called for the box and was informed it was in the country.

Q. In your knowledge as a manager, was it necessary for you to qualify before calling for the box?—A. It was not.

Q. When you called for the box what did Mr. Durisoe tell you?—A. That Mardenborough had it.

Q. When Holland and Jones informed you of the fact that the managers had charge of the box at the school-house, was it not too late to advertise it?—A. Yes; there was no paper printed at that time. It was the evening before the election.

Q. Did not the white rifle-clubs disband in obedience to the proclamation of President Grant?—A. They did.

Q. Do you know that the colored men who killed Gilmer are to be tried in this county?—A. I am so informed.

Q. On the night you went out to see Gilmer, did you expect to be shot by a Democrat from the pine thicket?—A. I did not.

M. A. MARKERT.

Sworn to before me and subscribed this the 26th, 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

In the matter of the contest of George D. Tillman against Robert Smalls, for a seat in the Congress of the United States.

M. W. GARY, a witness of legal age, introduced by contestant upon due notice to contestee, deposes as follows :

Question. Where do you live?—Answer. In Edgefield, South Carolina.

Q. How long have you lived here?—A. Twenty years.

Q. During the late canvass were you not chairman of the Democratic executive committee of Edgefield County?—A. I was.

Q. Please state the policy of the campaign by your party as to preserving the peace?—A. The object was to have a quiet and peaceable election, and to abstain from personal violence to voters.

Q. As far as you know, that policy was carried out?—A. As far as I know, it was. I knew of no violence. No one was killed on the day of election, and I heard of no serious cases of assault and battery. It was as quiet and as peaceable as I have known since I have been living here.

Q. Previous to the coming into power of the Republican party, was there ever two precincts at Edgefield Court-House?—A. No.

Q. In your opinion why were two boxes established here?—A. I think it was for the purpose of facilitating election frauds. I think colored voters were taught by their leaders that they had a right to vote, and they did it. I think that voters were drawn here from Johnson's, Landram's, Red Hill, Cheatham's Store, and Meeting Street—all these places within ten miles of this—for the purpose of repeating. After voting them here in the morning, some of them occupied the steps of the court-house, precinct No. 1. Afterward, the white voters got possession of the steps. The colored voters massed in great numbers, one thousand strong, and tried to get possession again of the porch and steps. They then went to Macedonia church and voted there until the afternoon, when about four or five hundred of them came back to try to vote here. They were headed by Lawrence Cain. Several of them who did vote here in the evening were detected as having voted at the school-house.

Q. How many voting-precincts are there in Edgefield County?—A. Eighteen.

Q. How were the managers divided at these precincts?—A. Two Republicans and one Democrat.

Q. How were the commissioners divided?—A. Two Republicans and one Democrat. They had full charge of the election machinery of the county, besides having seven companies of United States troops and four companies of artillery to help them.

Q. Since the establishment of two precincts here has not box No. 2 always been held at the treasurer's office?—A. That is my recollection.

Q. Do you know why the present one was not held there?—A. I know of no reason why it was taken away from there. Two of the commissioners, who overruled the Democrats, took it away. The same reason for violence would apply to precinct No. 1. I am satisfied that it was for the purpose of repeating. But for the Democrats getting here in time they would have carried out their plans of voting at precinct No. 1 in the morning and at the school-house in the evening.

Q. Do you not know the fact that the treasurer's and auditor's office have been for years held at the same room?—A. I do.

Q. How far is it from the treasurer's office, where it was ordered to be held, to the school-house where it was held?—A. Between a half and three-quarters of a mile.

Q. Do you not think the treasurer's office would have been the best place to hold the box?—A. I think it would, from the fact that it would have been more directly under the supervision of the sheriff, the town marshal, and the United States troops who were sent here to preserve order.

Q. Owing to the proximity of the two boxes if held at the original place of appointment, do you not think that fraud and repeating could have been more easily detected?—A. I do.

Q. Do you know of any threats of violence or intimidation which would have made it necessary to remove that box from the treasurer's office?—A. I do not.

Q. Do you know of any acts of violence committed by Democrats during the campaign?—A. No; none in my knowledge, except one; on the day of the Chamberlain meeting here a young man from Georgia rode up against a colored man with his horse and knocked his hat in with his pistol and drew the pistol on the man. I then drew my pistol and told him if he shot the colored man I would shoot him; that we did not intend to have a row that day, or did we have one.

Q. Do you know of any violence being committed by the Republican party?—A. On the day of the Hampton meeting a young man of the

Democratic party was ambuscaded, shot, and killed as he was returning home, which was eighteen miles from here; a young man who was with him named Yeldel was shot in the arm and Mr. Outz was also shot in the foot. I have no doubt they were put up to be shot by the leaders of the Republican party and by Ex-Governor D. H. Chamberlain. After Gilmer was shot I heard a large crowd of colored men left the town and went out there with guns. I heard them yelling in the woods where Gilmer was shot. Mr. Outz was shot from another place on the road, this way from Gilmer, and some time after Mr. Gilmer was. I think it was done to provoke the Democrats to acts of violence in retaliation and to justify their sending United States troops to this county, but no acts of retaliation was done by the Democrats, but they applied to the law and several persons were arrested for it who were Republicans.

Q. Do you not think that the United States troops were sent here for the purpose of intimidating the Democrats and to give confidence to the Republicans?—A. I do think President Grant sent them here for that purpose.

Q. Do you not think that a great many colored Democrats were prevented from voting by the Republicans?—A. I think so. I know that a great many who did vote the Democratic ticket wished to do so secretly and that they were badly treated by them in many parts of the county; one at Edgefield was shot at, one at Meeting street was badly and violently assaulted, and one was assaulted with a pistol on the Saluda, and one whipped at the Ridge.

Q. Was there any fear of violence if the polls had been held at the treasurer's office?—A. No; as I said before it was the safest plan, as it was under the supervision of the sheriff and the town marshal and also the United States troops.

Q. Did you see a wagon with arms in it near precinct No. 2 on November 7, 1876?—A. I did not.

Q. Do you not know the fact that colored voters voted at precinct No. 1 as well as at precinct No. 2?—A. Yes; they voted at both boxes all during the day. After the colored men came up to box No. 2, I advised the white men to let them have that box to themselves, and I think they nearly all did act upon my suggestion and gave up the box to them the balance of the day.

Q. Do you think it a fair, square election?—A. I think so; the vote polled here was the usual vote polled here since they had two boxes.

Q. Do you think the notice given to the voters of the removal of box No. 2 was a sufficient one?—A. I do not think it sufficient or legal.

Cross-examined by Lawrence Cain, counsel for contestee:

Q. At what time of day was it that you advised the white men to give up the box?—A. I think between 8 and 9 o'clock a. m.

Q. Are you aware of the fact that during the day, as the two were admitted, two and three white men were admitted with them?—A. I am not.

Q. Do you remember seeing any white men on horseback armed with Winchester rifles or shot-guns?—A. No; but I saw several white men with pistols. It is customary for our people to go armed, both white and black.

Q. Do you know of any Republicans being killed for their political opinions previous to the election?—A. I do not.

Q. Do you know that any colored men were attacked on election-day?—A. I understood that at Macedonia church a colored man struck a white man and the white man struck him back.

Q. Did you not see a great many strangers here on election-day?—  
A. I know almost every man in the county, and saw very few strangers here that day.

Q. Were you not at the head of a party of horsemen who met the men coming from box No. 2 and told them they could not vote at box No. 1?—A. I was on horseback with two or three men and met the men from box No. 2 and told them that those who had voted had better go home; that the law did not allow them to vote but once, and that they who had voted could not vote at box No. 1. One of these men attempted to vote at box No. 1 and was detected, and confessed the fact of having voted at precinct No. 2.

Q. Were you not at box No. 2, off and on, during the day? Was not the place very much crowded?—A. They crowded around the box; but there was ample time and room for all if those who had voted had given way and made room for the rest. There was a field in front of the place, and a long lane a quarter of a mile long from the big road.

Q. Did you not publish a statement subsequent to the election that there were six hundred colored men who did not vote?—A. I did not.

Redirect by U. L. Griffin, attorney for contestant :

Q. Was it not your object in riding about that day to preserve the peace?—A. My object was to have an orderly and peaceable election.

M. W. GARY.

Sworn to and subscribed before me this the 27th day of February, 1877.  
[SEAL.]

C. S. B. MARSH,  
*Intendant.*

#### EXHIBIT A.

#### *Election Notice.*

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

By the commissioners of election for Edgefield County :

Whereas in pursuance of the constitution and of an act providing for the general elections and the manner of conducting the same, approved March 1, 1870, amended by an act approved March 12, 1872, the following-named persons are hereby appointed as managers of election for Edgefield County at the several precincts hereinafter named to conduct the election to be held on the 7th day of November, as provided for in the constitution and acts of dates aforesaid, for Presidential electors, one Representative in Congress, governor and lieutenant-governor of the State, secretary of state, and other State officers, one State senator, five members of the house of representatives, one probate judge, one sheriff, one school commissioner, three county commissioners, and coroner, viz :

Edgefield, box No. 1, at the court-house—D. B. Cotton, A. A. Glover, Abraham Landrum.

Edgefield, box No. 2, at the county treasurer's office—I. C. Mardenborough, M. A. Markert, Charles Holmes.

Meeting street—Budd Stevens, D. C. Tompkins, Aaron Dean.

Johnston Depot—P. B. Moore, Thos. Jones, Joseph Hammond.

Shaw's Mills—Sebron Merriweather, Joseph Merriweather, Jerry Mackey.

Curryton—Joseph Simmons, Pickens Delaughter, Jas. L. Blair.

Red Hill—A. J. Lee, B. F. Glanton, W. M. Heath.

Liberty Hill—Wm. H. Gilchrist, G. J. Sheppard, Nelson Palmer.

Talbert's store—Willis Brunson, R. A. Cochran, Wesley Settles.  
 Cheatham's store—Lucian Devore, Felix Lake, jr., Brister J. Yeldell.  
 Haltiwanger's store—Thos. P. Carroll, D. H. Tompkins, Levi H. Graham.

Richardsonville—Richmond Mobley, S. E. Owens, Charles Johnson.  
 Coleman's Cross-Roads—Chs. Linsey, J. C. Strother, George Graham.  
 Perry's Crass Roads—Edward Butler, Bennett Perry, Millidge Abney.  
 Mount Willing, (or Mount Willery, as designated in the act of the legislature establishing voting precincts)—Sampson Pope, D. J. Gogans, Hillery Thomas.

Ridge Spring—M. D. Lott, I. R. Watson, George Pope.  
 Landrum's store—Handy T. Panksley, B. R. Tillman, Aaron Miles.  
 Trapp's Mill—John Stouks, Jas. G. Penn, Jasper Booker.  
 Managers of election will call on the commissioners for ballot-boxes and instructions on Saturday, 4th November.

D. R. DURISOE,  
*Chairman Commissioners of Election.*  
 GEO. W. HOLLAND.  
 JESSE JONES.

SOUTH CAROLINA,  
*Edgefield County :*

I hereby certify that the within paper, marked "Exhibit A," is an exact copy of the printed notice to managers and voters published by the commissioners of election of Edgefield County at the last general election and referred to by witness D. R. Durisoe in his examination before me.

Witness my hand and seal this the 26th of February, A. D. 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

STATE OF SOUTH CAROLINA,  
*Edgefield County :*

I, C. S. B. Marsh, intendant in and for the village of Edgefield, State aforesaid, do hereby certify that the annexed depositions of D. K. Durisoe, O. Sheppard, M. A. Markert, W. H. Brunson, and M. W. Gary were taken on the 26th and 27th days of February, instant, 1877, pursuant and in all things conformable to the attached notices, between the hours of 8 o'clock a. m. and 6 p. m. of said days, and that contestant was present, by his counsel, N. L. Griffin; and that contestee was also present, by one or all of the following attorneys, to wit: W. J. Whipper, attorney of record; G. W. Holland and Lawrence Cain, of counsel, all of counsel.

That the said witnesses, whose depositions are herewith attached, and whose names are contained in said notice, were by me first duly sworn, according to law, to tell the truth, the whole truth, and nothing but the truth, touching the matters in controversy with 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 and counsel for contestant and contestee, and after being carefully read over to witnesses were by them attested by signing their names to the respective depositions in my presence.

In testimony whereof I hereunto affix my name and official seal this the 3d day of March, A. D. 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

## CONTESTEE'S PAPERS.

No. 5.

SOUTH CAROLINA,  
*Edgefield County:*

GEORGE D. TILLMAN, CONTESTANT,	}	Contested election case, fifth Congressional district.
<i>vs.</i> ROBERT SMALLS, CONTESTEE.		

To Hon. GEO. D. TILLMAN:

You are hereby notified that I will examine the following witnesses, all of whom reside in the counties of Richland and Spartanburg, South Carolina, 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 1876, for the fifth Congressional district of South Carolina, and in reply to matters and things set forth in said notice of contest and evidence produced by you, before John Agnew, mayor of the city of Columbia, and ————, intendant in and for the town of Spartanburg, at the court-house building in said county and State, on the 3d, 4th, and 5th and 6th days of April, A. D. 1877, between the hours of 8 o'clock a. m. and 6 o'clock p. m., and will continue thereafter from day to day until closed: At Columbia, James A. Beaty; at Spartanburg, Maj. E. R. Kellogg and Lieutenant Hoyt.

ROBERT SMALLS,  
Per GEO. W. HOLLAND,  
*Attorney for Contestee.*

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

G. D. TILLMAN, CONTESTANT,	}
<i>vs.</i> ROBERT SMALLS, CONTESTEE.	

To Hon. G. D. TILLMAN:

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 1876, 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 Mr. Marsh, intendant in and for the town of Edgefield, at the court-house building in said county and State, on the 20th, 21st, 22d, 23d, and succeeding days of March, A. D. 1877, between the hours of 8 a. m. and 7 p. m. of said days, or so much thereof as may be necessary, and to adjourn from day to day, for the examination of said witnesses, to wit:

Thomas P. Carroll, Levi H. Graham, David Graham, Aaron Miles, H. T. Tanksley, James L. Blair, Coleman Morgan, Robert Chandler, Denuis L. Sullivan, Jerry McKee, Sebron Meriweather, Ambrose Cartledge, Willis Brunson, William Gilchrist, Thomas Bettis, Burton Stroud, Willis Adams, H. N. Boney, Moses D. Lott, George Jackson, Jesse Jones, Jack Pixley, Thomas Mathis, Pleasant Mills, Myer Weldou, Major Jacob Kline, Charles Cobb, Jonas Hammond, P. B. Moore.

ROBERT SMALLS,  
Per M. J. WHIPPER,  
*Attorney.*

MARCH 14, 1877.

Service accepted.

B. W. BETTIS, JR.,  
*Attorney for Contestant.*

You and each of you are hereby notified and summoned to appear before me, in said county and State, on the 3d, 4th, 5th, and 6th days of April, A. D. 1877, between the hours of 8 a. m. and 6 p. m., and from day to day until discharged, to be then and there examined under oath by me respecting the contest of G. D. Tillman against Robert Smalls to a seat in the Congress of the United States. You will not fail herein, under penalty of twenty dollars each.

Given under my hand and seal this the 1st day of April, A. D. 1877.  
[SEAL.] C. S. B. MARSH,

*Intendant.*

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

I, C. S. B. Marsh, intendant of the town of Edgefield, of Edgefield County, of the State of South Carolina, do hereby certify that the annexed deposition of Wiley J. Williams, John Mardenborough, D. B. Cotten, Jesse Jones, Thomas Mathis, Ples. Mills, Willis Adams, T. P. Carroll, Jack Pixley, Meyer Weldon, Levy H. Graham, J. McKee, Sebin Meriwether, H. N. Boney, George Jackson, M. D. Lott, H. T. Tankersley, Bob Chandler, Charles Cobb, Coleman Morgan, J. L. Blair, Dennis Sullivan, Tom Bittes, and Burton Stroud, were, on the 3d, 4th, 5th, 6th, and to the 28th days of April, 1877, present, and in all things conformable to law and the attached notice, between the hours of 8 a. m. and 6 p. m. of said days, and that contestee was present by his counsel at the examination, and that contestant was present himself, and that the said witnesses whose depositions are hereunto attached, and whose names are contained in this 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 attorney for contestee; that is, all except the witness; and after being carefully read over to witness was 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 10th day of April, 1877.

[SEAL.] C. S. B. MARSH,  
*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

WILEY J. WILLIAMS, 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?—Answer. Edgefield Court-House.

Q. How old are you?—A. Twenty-three years old.

Q. Were you a manager of election in November last?—A. I was.

Q. For which polling-place were you appointed?—A. Polling-place No. 1; at the court-house.

Q. At what time in the morning did you reach the place?—A. About ten or fifteen minutes before six.

Q. At what place at the court-house were you directed by the commissioners to open the box No. 1?—A. Under the arch of the court-house.

Q. Was the poll opened there according to directions?—A. No, sir.

Q. State why it was not.—A. The manager who had charge of the box when we went to his store said he was not going there; he was going up in the court-house.

Q. Did you try to go to the place designated, or protest against going to the court-room?—A. I asked the manager if he was going under the arch; he gave me no answer, but went up to the court-room.

Q. What was the condition of the steps and the court-room when you entered?—A. The steps and the court-room were pretty well crowded with red-shirters.

Q. About how many men were in the court-room when you entered?—A. About one hundred and twenty—and fifty.

Q. Did or did not you see any fire-arms in the court-room that day?—A. When we first met in the room in the morning I saw two or three men with guns.

Q. State, if you can, what kind of guns these were.—A. Sixteen-shooters.

Q. Were these white or colored men who had the guns?—A. They were white men.

Q. You stated that the court-house steps and court-room were crowded with men wearing red shirts. Did any of this party act as doorkeeper to your knowledge?—A. Yes; two of them staid at the door all the while.

Q. State whether they were appointed by the managers to act in that capacity.—A. They were not.

Q. Did you know either of the men who acted as doorkeeper?—A. I did not.

Q. Did you notice any demonstration by the crowd at the door calculated to prevent colored men or Republicans from voting?—A. I did.

Q. State what those demonstrations were, and about what time of day did they occur?—A. I saw three or four colored men come to the door, and were prevented by these parties at the door from coming in. They said to them that no negro should vote there that day unless he voted a Democratic ticket; about 9 or 10 o'clock a. m.

Q. Were these three or four permitted to vote, or did they have to go back?—A. They had to leave without voting.

Q. State whether or not you saw any display of arms by those at the door during the day, such as pistols or clubs.—A. I did not.

Q. How many colored men voted at box No. 1, and how many white men?—A. Twenty-seven colored and about six hundred whites.

Q. State how many votes were found there in favor of Robert Smalls for Congress.—A. Twenty-seven.

Q. State as near as you can how many was found for George D. Tillman for Congress.—A. About six hundred.

Q. Do you know about how many votes were polled at this box for the Republicans in 1874?—A. About seven or eight hundred, I think.

Q. Did you leave the polling-place during the day?—A. No, sir.

Q. Did you try?—A. I said to one of the commissioners of election that I was going, and he told me I could not.

Q. State who that commissioner was.—A. Mr. Roper Durisoe.

Q. Was he the Democratic commissioner for Edgefield County?—A. Yes, sir.

Q. State now why you wanted to leave there before the closing of the



polls.—A. Because I saw men who had voted once come up and vote again. I protested, but saw it did no good, so I thought I would leave and give them up the box.

Q. Did either of the other managers protest against this repeating?—A. The other Republican manager did.

Q. I understood you to state that they kept repeating, and that you protested, and the other Republican manager did so. State why, if you know why, a majority of the board could not prevent them repeating.—A. When we protested against a man voting, whom we knew had voted once, the by-standers would say this man had not voted here to-day, and we are going to see that he does vote; these by-standers were the red-shirters whom I mentioned.

Q. When the by-standers were making the declarations, did they do it in a threatening manner or civilly?—A. They made them in a threatening manner.

Q. State whether or not you felt apprehensions of danger.—A. I did, sir.

Q. State whether this repeating continued after that.—A. Yes; it continued all day until the polls closed.

Q. State whether you protested any further against repeating.—A. I protested all the time.

Q. When you use the word "red-shirter," do you mean white or colored men?—A. I mean white men.

Q. Did you assist in the counting of the votes after the closing of the polls?—A. I did.

Q. About what time in the night was it you completed the counting of the votes?—A. About 11 o'clock.

Q. Did any other parties assist in counting, except the manager's clerk and supervisor?—A. Yes, sir.

Q. State who those parties were.—A. Mr. W. T. Gary and W. M. Cobb.

Q. Were they appointed by the managers to assist?—A. The Democratic manager asked me if I did not think it best that he should get some one to assist us. I told him no, I did not want any one to help me; if he could not make them out, I could. He said he knew very little about it.

Q. State, then, whether or not you protested against Mr. Gary and Cobb acting.—A. I did.

Q. During the counting of the votes, was or was not there a crowd of red-shirters hanging around?—A. There was.

Q. Did you sign the returns there as manager?—A. I did so, through fear of being injured if I did not.

Q. If you had have been allowed to act your own free will would you have signed those returns?—A. No, sir.

Cross-examined by Geo. D. Tillman :

Q. You say if you had been allowed your own free will you would not have signed those returns. Did any white man threaten you there that day; and if so, who was he?—A. I was not threatened there by any man.

Q. Did anybody draw a weapon on you?—A. No.

Q. Who told you that you could not leave the polls?—A. Mr. Durisoe.

Q. Does not the law require the polls to be kept open without intermission or adjournment from 6 a. m. to 6 p. m.?—A. It does.

Q. What United States marshal was there that day?—A. Mr. Baty was up there in the morning; he only staid a few minutes.

Q. Did not Mr. Baty, United States marshal, return and appear about

the polls that day, and especially about the time you began counting the votes that evening?—A. I did not see him any more after he left there that morning.

Q. Did not United States Marshal Baty, in the afternoon of that day, order a colored man away from the polls who came there to vote after he had voted at box No. 2?—A. Not to my knowledge.

Q. Did you not see a colored man who lived at Jesse Jones's come there to vote, and was kept from it on the ground that he had voted?—A. There was a colored man who lived at Jesse Jones's come there to vote; a crowd of white men followed him in and stated to us that he had voted at No. 2, and if we allowed him to vote there he would be pitched out of the court-house.

Q. Did not that colored man acknowledge that he had voted, but that he saw white men voting twice and he thought he ought to be allowed to do so too?—A. I did not hear him make any such statements.

Q. Did not Marshal Baty tell him that he could not vote, and order him to leave?

(Objected to on the ground that the question has been asked.)

A. Do not remember seeing Mr. Baty up there but once, and that was in the morning; this was in the afternoon.

Q. What time in the morning was he there?—A. Between 10 and 12 o'clock.

Q. Did you complain to Marshal Baty about any threats or intimidation when he was present that day?—A. I had no talk with him; he staid in the court-house only a few minutes.

Q. Did not Marshal Baty have some of his assistant marshals with him?—A. Not to my knowledge.

Q. Did not he ask the managers and supervisors if they needed his assistance?—A. I don't recollect him asking us any questions.

Q. If you had seen anything going on wrong was it not your duty to complain to the United States marshal, and ask him to correct it?—A. I had no time to make any complaint to the marshal, for he did not stay in there long enough.

Q. How many different Army officers—I mean commissioned officers—did you see in the court-house that day?—A. I saw two, I believe.

Q. Were their names Major Kline and Lieutenant White?—A. I knew Major Kline, but did not know the other officer's name.

Q. Did you not see Major Kline and that other officer in and about the court-house during that day several times?—A. Yes, sir. When Major Kline was about to leave he asked us could he render us any assistance. We said that we would like for him to stay. He said he could not stay himself, but would go down and send another officer, which he did, and this officer staid until we nearly got through counting the votes.

Q. Did you complain to either of those officers about any misconduct on the part of the Democrats that day; and, if so, what did the officer do?—A. I did not complain to either of them.

Q. Where do you live—on whose land or plantation?—A. On Lawrence Cain's place.

Q. How many years have you been living with him?—A. I have been staying at his house two years or more.

Q. Did he not send you to school before that, and is he not a very particular friend of yours?—A. Yes; he sent me to school, and I tell him to be a very particular friend of mine.

Q. Was he not a candidate for the State senate at the last election?—A. He was.

Q. Was he not also county chairman of the Republican party of this county?—A. Yes, sir.

Q. Were not all the managers perfectly willing to go upstairs in the court-room to hold the election; and, if any manager objected, who was he, and to whom did he object, and when, and where?—A. They were not. The two Republican managers objected to Mr. Glover, the Democratic manager, at his store on the morning of the 7th.

Q. Have not all the elections here, before the 7th of last November, been held in the court-room, when held anywhere about the court-house building, even when the Republicans had all three managers and the Democrats were allowed no managers?—A. No; I never did see an election held anywhere else except in the court-room.

Q. When you first went to the court-house, on the morning of the election, did you not see a vast crowd of colored voters around the court-house and on the steps?—A. I did not.

Q. You mentioned that you saw some white men with guns that day; give us the names of some of them, and how many guns did you see them have about the polls or in the court-house?—A. Don't know the names of any of the men; I saw two or three guns.

Q. Do you know a white man by the name of Nick. Broadwater, who lives four or five miles east of this village?—A. I think I do.

Q. Did not the same man act as doorkeeper at the court-house all day?—A. No, sir; they kept about two men all the time.

Q. Was not Mr. Nick. Broadwater one of those two men?—A. I did not see Mr. Broadwater.

Q. When did Mr. Durisoe tell you you could not leave the polls?—A. When he came up there I called him and asked him if I could leave the polls.

Q. Did he tell you that it was the law for you to remain, or did he threaten and command you to remain?—A. He made no threats; I guess he meant to tell me that it was the law to remain. I told him that I thought the men were repeating, and did not want to stay. He said he guessed not; that I must stay—it was my duty.

Q. Was not the chief doorkeeper clothed in citizen's dress?—A. I don't recollect.

Q. Are you certain that the man who kept the door had on a red shirt?—A. I am not positive what kind of a dress he had on.

Q. Was there not a crowd generally passing to and fro in the court-room?—A. There was a crowd in there all the time.

Q. Was not the voting done near the judge's bench, in the back part of the court-room?—A. Yes, sir.

Q. What distance from the entrance-door?—A. Eight or ten steps.

Q. Were you not kept busy about the polls, so busy that you had but little opportunity to observe who kept the door, and could you see through the crowd so as to notice who the doorkeeper was?—A. Was not kept very busy, and the most of the crowd were sitting down.

Q. You mentioned that two or three colored men came to the door, but were ordered away by the doorkeeper. What is the name of some or all of those colored men ordered away?—A. I don't know their names.

Q. How could you see them through the door?—A. They had the door open wide enough for one man to pass.

Q. Who was the man that ordered those colored men away?—A. I do not know what his name was.

Q. You said the Democrats kept repeating their votes; give us the

names of some democrats whom you saw voting twice.—A. Those men who repeated I don't recollect having seen before.

Q. You said that the by-standers were armed with pistols; give us the names whom you saw with pistols.—A. I don't recollect saying that.

Q. You said the by-standers threatened Republicans; give us the names of some of them.—A. I don't recollect saying that by-standers threatened Republicans.

Adjourned until Wednesday morning, March 21, at 9 o'clock.

Cross-examination continued by the counsel for contestant :

Q. When you was counting the ballots, who took them out of the box ?—A. Mr. Glover and myself.

Q. What did you do with the ballots after you read them off ?—A. We placed the Democratic tickets in one pile, and the Republican in another.

Q. Did not you have considerable botheration in counting the votes; and, if so, who helped you to overcome that botheration ?—A. I was not bothered. After we had counted the votes Mr. Gary and Cobb were troubled in making out the returns; Mr. Gary suggested to put them in three piles.

Q. After the tickets were put in three piles, did not you recount them ?—A. Yes; we called them off again for the benefit of Mr. Gary and Cobb.

Q. In recounting, did not every ticket pass through your hands ?—A. I think they did.

Q. Before the tickets were counted the second time, did you not all try, and try, and try, without succeeding in agreeing upon what count to return of the election ?—A. I was not bothered, but Mr. Gary and Cobb were, and we had to count the votes over in order to get them straight.

Q. In counting the votes, did you do anything except call off the names on the tickets ?—A. No, sir.

Q. Who kept the tally-sheets ?—A. Mr. Gary, Cobb, and Brunson.

Q. Did you object to any of them keeping tally ?—A. Before we commenced counting the votes I objected to any one having anything to do with the count except the managers, clerk, and supervisor.

Q. Did you not, when you went to count the votes the second time, agree that Major Gary might help ?—A. I made no such agreement; he commenced as soon as we began taking the votes out of the box.

Q. Who else kept tally except Major Gary ?—A. Mr. Brunson, supervisor, and Mr. Cobb.

Q. How many voters are you certain repeated there that day; who were they; where did they come from; how did they look ?—A. I don't know how many repeaters there were. I do know that several men voted there three and four times; I know their faces; don't know where they came from or how they looked. I asked some of them where they came from; if they lived in Edgefield County. They said it was none of my business where they lived.

Q. Did you make any complaint of this to the Army officer who was present ?—A. No, sir.

Q. Can you give the name of a single man who repeated his vote there that day ?—A. I cannot.

Q. Were you not born and reared in Edgefield ?—A. I was.

Q. Did you not sign the returns of the election as being all right and proper ?—A. I signed them, because if I did not do so I would not live to get home.

Q. Did any democrat threaten you there that day or night ; if so, who was it ?—A. I was not threatened by any one.

Q. Are you not the half-brother of Colonel Cain, one of the counsel for the contestee in this case, and the defeated candidate for the State senate at the late election ?—A. I am half-brother to Lawrence Cain.

Redirect :

Q. You stated that you were not threatened by any man ; state whether or not the general department of the Democrats was not calculated to cause you to feel apprehensive of danger.—A. It was. If I had not been I would not have signed the returns.

Q. You stated on yesterday you did not see Marshal Baty but once ; how near was he to you when you saw him that time ?—A. I don't know how far. I saw him standing at the bar of the railing.

Q. Could he not have been there in such a crowd and you not see him ?—A. Yes.

Q. You stated that you made no complaint to Mr. Baty or the officer who was there of the manner the election was being conducted ; state why it is you did not complain to them.—A. I would have complained to Mr. Baty, but he staid such a short time I had no opportunity to speak to him.

WILEY J. WILLIAMS.

Sworn to before me this the 21st day of March, 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

JOHN MARDENBOROUGH, a witness of legal age produced by contestee upon due notice to contestant, deposes as follows, in reference to questions propounded to him by attorney for contestee :

Question. What is your name, age, occupation, and residence ?—Answer. My name is John Mardenborough ; age, twenty-five years ; lawyer ; Edgefield.

Q. Were you present on the 7th of November, the day of the last election ?—A. I was.

Q. What, if any, official position did you hold on that day ?—A. I held no official position ; none other than of a manager of election.

Q. At what polling-precinct were you a manager ?—A. At poll No. 2, at Macedonia school-house.

Q. By whom, if any one, were you ordered to open the polls at that place ?—A. By the commissioners of election.

Q. From which one of them did you get their instructions ?—A. I consider that I got it from all three of them.

Q. Was there any threats, violence, or intimidation at that poll on that day ?—A. There was.

Q. Will you, in your own language, and without being interrogated by me, state what it was ?—A. There was a show of arms, beating, cursing, riding over men, barring the door with horses, threats, and every other means which would tend to intimidate a man.

Q. By whom was this carried on ?—A. By white men ; Democrats, the majority of them, wearing red shirts.

Q. Did it at any time become necessary to ask the intervention of the military ?—A. It did.

Q. Was it so asked ; and, if so, by whom and for what purpose ?—A.

It was asked ; I asked the United States deputy marshal, because I was it would be impossible for colored men to vote did not the soldiers intervene.

Q. Was or was there not a large number who were unable to vote, even with the assistance of the soldiers ?—A. A large number of colored men were unable to vote, even with the assistance of the soldiers.

Q. Did either the officers or soldiers take any other part except to preserve the peace ?—A. They did not.

Q. They did not assume to dictate as to who should or should not vote ?—A. They did not.

Q. From what hour to what hour were you present at that poll ?—A. From half past five o'clock of the morning of the 7th of November until about one o'clock of the morning of the 8th.

Q. Did you find it necessary to keep a portion of the soldiers with you until you got through ?—A. I did.

Q. Why was it necessary ?—A. I was afraid that the managers and the clerk might be interfered with during the counting of the votes, as the Republicans were in a majority at that poll.

Cross-examined by Mr. Ben. Betts, for the contestant, of counsel for contestant :

Q. How long have you been a resident of Edgefield ?—A. Nearly two years.

Q. Where did you formerly reside ?—A. New York City.

Q. What was your occupation while in New York City ?—A. I was in the newspaper business, and a printer.

Q. What was the name of the newspaper ?—A. The Enterprise.

Q. Was that paper published in New York City ?—A. In New York City.

Q. Who did you read law with, Mr. Mardenborough ?—A. C. H. Spencer, in New York, and R. W. Seamore, in Charleston.

Q. How long did you read law before you were admitted ?—A. About four years ; but not under Seamore and Spencer the entire time.

Q. Where were you admitted at, and at what time ?—A. Edgefield village, about the 23d or 24th of March, of last year.

Q. Before what judge ?—A. R. B. Carpenter.

Q. Did you say that the three commissioners of election ordered you to hold the box at the school-house ?—A. I said that I considered they did.

Q. Upon what ground ; what led you to consider that they ordered you to hold the box No. 2 at the school-house ?—A. Jesse Jones and George Holland told me in the presence of Mr. Durisoe, the three being commissioners of election, and Mr. Durisoe made no objection to it.

Q. Did he directly assent ?—A. He said neither no nor yes.

Q. Where did this take place ?—A. In the office of the clerk of the court.

Q. At what time did it take place, and who else besides yourself and the commissioners of election were present ?—A. On the day preceding the election ; many persons were present.

Q. Name some of those present.—A. I did not know them.

Q. At what time of the day was it ?—A. I have no idea of the time ; it was the day preceding the election.

Q. Do you know whether it was in the morning or in the evening ?—A. Between nine o'clock in the morning and three in the evening.

Q. On the day of the election, did you not take box No. 1 and carry it to precinct No. 2 from the clerk's office without consulting Mr. Maskert, the Democratic manager ?—A. I did not.

Q. Who did carry the box to precinct No. 2?—A. I did, from my residence.

Q. Where did you go when you went to precinct No. 2; in the house, or did you remain out of it?—A. I went in the house.

Q. Did you close the door?—A. I did not.

Q. Was the door closed?—A. It was not closed generally during the day of the election.

Q. Was it open?—A. It was open.

Q. Did you not have a doorkeeper?—A. There was a doorkeeper.

Q. Did he not open the door at times and let in voters, and then close the door while they were casting their votes?—A. He did; and opened immediately after they had cast their votes.

Q. What did he open it for, to let in others?—A. To let in others to be sworn and vote.

Q. How long did the door remain open at a time to let in voters?—A. Long enough for them to come in.

Q. About what length of time did it take them to come in?—A. It took white men but a little while to come in; it took colored men some time, for they were under restraint.

Q. Did the officers of the United States Army not remove the restraint?—A. Not until quite late in the day; even then there were white men about the doors, and, from previous demonstrations during the day by white men, the colored men were afraid to come in and vote as rapidly as white men did.

Q. How many white men voted at that box that day?—A. I can't give you the number accurately, but I can guess at it; about three hundred and fourteen or twenty-five; somewhere about that.

Q. How many colored men, you think, voted there?—A. A little over eight hundred—between eight and nine hundred.

Q. How did you see this violence—cursing, show of arms, and so on?—A. The building had about two windows. I saw the violence through them, and heard the cursing.

Q. What men did you see make any show of arms?—A. I saw John Swarengen—him I knew—and many others.

Q. You can't mention any other names but one?—A. I can't now.

Q. What sort of arms did John Swarengen have?—A. He had a pistol, and a club about twenty-eight or thirty inches long.

Q. What sort of a pistol did John Swarengen have, and where did you see it; on what part of his person?—A. It was a revolver, and he had it in the vicinity of his waist.

Q. About what size was the pistol?—A. The ordinary size of a revolver.

Q. Was the pistol in a holster?—A. I can't recollect distinctly. I saw it on his waist.

Q. Was it outside of his coat or not?—A. He wore no coat.

Q. Was it covered by any of his clothing?—A. It might have been partially.

Q. Do you remember seeing the barrel of the pistol?—A. I might have seen it. I don't recollect.

Q. What sort of a looking man is John Swarengen?—A. He is a tall, heavy fellow. On the day of the election he wore a mustache.

Q. Was John Swarengen not requested by the United States officers to use his efforts to keep order?—A. I don't know. I saw him strike a colored man with a club.

Q. Was not John Swarengen appointed to act as deputy sheriff on that day by James Richardson, sheriff?—A. I don't know.

Q. Don't you know that Sheriff Richardson did appoint a number of both white and colored deputy sheriffs to keep order on that day?—A. No, I don't.

Q. Was not the colored man, at the time Swarengen struck him, attempting to rush by and take possession of the polls?—A. He was not.

Q. Was he standing still when Swarengen struck him?—A. He was trying to come in the house to vote.

Q. You don't remember the names of any but Swarengen whom you saw have arms that day?—A. I do not.

Q. Do you remember seeing any man ride over another that day?—A. I saw a horse over the body of a colored man.

Q. Did you see the man before he was on the ground or not?—A. I may have seen him before.

Q. Where was it you saw this man on the ground and the horse over him?—A. In the vicinity of the window of the school-house.

Q. On which side of the school-house?—A. Near the left window.

Q. What was the name of the man on the horse?—A. I do not know.

Q. Did you see any other man under horses that day?—A. I saw no other man under the body of the horse that day, but I saw some men passing under the necks of horses, trying to get in the house to vote.

Q. These things took place early in the morning, did they not?—A. Mostly before the soldiers arrived. I don't think the soldiers came before 10 or 11 o'clock a. m.

Q. Did the soldiers come as soon as you made requisition, or did they delay?—A. They delayed.

Q. About how long did they delay?—A. About two hours, or two and a half.

Q. About what time did you make the requisition?—A. About eight or half past.

Q. Do you know of any man that you know barring the door with his horse?—A. No; I don't know the name of any of them.

Q. Do you know the name of any man that you heard cursing that day?—A. Yes; Swarengen and O. Sheppard.

Q. What were the oaths they used?—A. God damn you, damn Radicals, sons of bitches, dog on you, dog gon you.

Q. Do you not know all of the voters who live in Edgefield village by name?—A. I do not.

Q. Do you not know the names of the white voters of Edgefield village, and know them when you meet them?—A. I do not.

Q. Do you not know half of them?—A. I don't know how many there are in the village.

Q. About how many white voters do you know in Edgefield village?—A. I think about twenty-five.

Q. Did you see those white voters at the precinct No. 2 on the day of election?—A. I did not see all of them.

Q. About how many of them?—A. I saw Mr. Cobb, Glover, Penn, O. Sheppard, Mr. Markert.

Q. Did you see any of these that you have seen draw pistols, brandish clubs, ride over men, or bar doors with horses?—A. I did not.

Q. Did any man draw a pistol on you that day?—A. I don't recollect any one drawing a pistol directly on me that day.

Q. Did M. A. Markert draw a pistol on you that day?—A. No.

Q. Did you, or did you not, swear before any referee or any committee in Columbia that M. A. Markert drew a pistol on you that day?—A. I did not.

Q. You said that you saw men use every other means of intimidation



besides making a show of arms, beating, cursing, riding over men, and barring the door with horses. What other means were there? State them.—A. Riding to and fro, turbulently shouting, brandishing weapons.

Q. Name those men that you saw riding and brandishing weapons.—A. Swarengen, I know.

Q. Do you think that you could identify any of those men now? (Objected to by counsel for contestee.)

A. I think I could.

Q. Could you recognize the men who were committing these acts if you were to have seen them afterward?—A. Yes, I could; I saw them afterward.

Q. Did those men who were committing those acts vote at that precinct?—A. They did.

Q. Were you at the box at the time they voted?—A. I was at the box.

Q. Did you hear their names?—A. I heard some of their names.

Q. Did you hear half of them?—A. I think I heard half of the names of the white men who voted there that day.

Q. Did you hear half of the names of those men whom you say were committing those acts?—A. I can't say I did.

Q. Was it not your duty to have heard all of those names when they were given to the clerk?—A. I think it was my duty, but I considered it unsafe to myself to fulfill it that day.

Q. You did not think it too dangerous to remain at the polls, but thought it dangerous to hear the names of voters?—A. I did not think it dangerous to hear them, but to force them to pronounce their names so as I could hear it.

Q. Could you not have got close to the clerk so that if he heard them you could have heard them too?—A. I would ask some of them their names; they would tell me it was none of my business, and go to the clerk and say, you know my name.

Q. How far was the clerk's book from the box?—A. About six or eight feet.

Q. Could you not have stood near the clerk, next the box, and heard the name as they gave it and see the clerk write it on the record?—A. I could not hear the name if it was whispered. I could have seen him write it.

Q. Do you know that any body did whisper their names that day?—A. I know they spoke their names so low I could not hear them.

Q. Do you know any man who did whisper his name so low you could not hear it?—A. I don't the man, but men spoke so low I could not hear them.

Q. Was there not a man there who kept a list of the voters, and who acted as clerk for the Democratic supervisors?—A. No man acted as clerk for the Democratic supervisors.

Q. Did you see Mr. A. J. Norris there that day; and, if so, what was he doing?—A. I saw Mr. A. J. Norris there that day; he was writing.

Q. Did he not keep a list of the voters who voted at that precinct, and was he not sworn in to keep a correct list?—A. I believe he kept a list, but he was not sworn to keep a correct list.

Q. What was he sworn to do on that day?—A. He took the oath to protect the Constitutions of the United States and the State. If you can find any oath requiring Mr. Norris to keep a correct list, I would like to see it.

Q. Was there not a clerk there appointed by the Republican managers;

and, if so, what was his name ?—A. There was no clerk there appointed exclusively by the Republican managers.

Q. Was there any clerk there at all ?—A. There was.

Q. Who was he, and by whom appointed ?—A. His name was John Dinkins ; appointed by the board of managers.

Q. Did the Democratic manager agree to John Dinkins as clerk ?—A. He did.

Q. Did not A. J. Norris take the same oath, or, in other words, were they not sworn in together ?—A. They were not sworn in together. Dinkins was sworn in first and Norris after.

Q. What was the length of time between the time that Dinkins was sworn in and the time Norris was sworn in ?—A. About one minute.

Q. Why was Mr. Norris sworn in at all ?—A. Mr. Norris was sworn at the request of Mr. Markert.

Q. Did Mr. Sheppard, as Democratic supervisor, join in the request ?—A. I do not recollect it.

Q. Why did Mr. Markert request that A. J. Norris should be sworn in as clerk when one clerk had already been sworn in, according to your testimony ?—A. I don't know.

Q. Did Mr. Markert consent that John Dinkins be sworn in as clerk before the other managers agreed to swear in Mr. Norris to act as clerk, also ?—A. Mr. Markert consented to Mr. Dinkins acting as clerk ; the other managers did not consent to Mr. Norris acting as clerk for the board.

Q. Which other managers did not consent to Norris acting as clerk of the board ?—A. Myself and Holmes.

Q. Who administered the oath to Mr. Norris ?—A. I did.

Q. You administered to Mr. Norris the same oath that you did to Mr. Dinkins ?—A. I did.

Q. Why did you administer that oath to Mr. Norris ?—A. At the request of Mr. Markert. His motive for it I don't know, as the board of managers had already selected their clerk and sworn him.

Q. Did you state any objections to administering that oath to Mr. A. J. Norris ?—A. I made no great objection ; I knew it was of no avail, as we already had a clerk.

Q. Did Mr. Norris and Mr. Dinkins both keep a list of voters who voted at that box ?—A. I presume Mr. Dinkins did ; I don't know what Mr. Norris did.

Q. Did you not sign and consent to Mr. Norris's return as a true and correct return of the votes cast at that precinct on that day ?—A. Mr. Norris had no return ; I signed the board of managers' return.

Q. Did Mr. Dinkins become unable to perform the duties of clerk during that evening of that day of election ?—A. I don't know.

Q. Who did most of the writing that day in making out the returns after the polls were closed ?—A. Mr. A. J. Norris did, at my request, and assented to by the other managers.

Q. Did you not sign the return he made out, and approve it as a correct return ?—A. I did, as he made it at the request of the managers.

Q. Did he make out that return by tallying the votes in the box with the names of the voters on the poll-list kept by A. J. Norris ?—A. He did not.

Q. From what poll-list did he make out the returns ?—A. From the one kept by Dinkins, which was turned over to the board of commissioners of election.

Q. Did he not compare the list which he kept with the one kept by Dinkins, and found that they tallied, before the votes were counted ; and

was the list, after having been compared, not approved by the managers?—A. No, it did not. I saw Norris make amendments to his own, (Norris's.)

Q. How many amendments did he make?—A. I don't know.

Q. About how many did he make?—A. I don't know how many.

Q. Do you know how far it is from the court-house to the place where box No. 2 was kept?—A. I don't.

Q. About how far is it?—A. I have no idea.

Adjourned until Monday morning at nine o'clock.

Cross-examination resumed:

Q. When the two poll-lists kept by Norris and Dinkins were read over to compare them with each other, were not some corrections made in Dinkins's list as well as Norris's?—A. I did not see the list kept by Mr. Dinkins corrected.

Q. Do you or not remember that there were some names of voters on Norris's list which were not on Dinkins's list at the close of the polls, but that when Norris read out the names they were transferred to Dinkins's list?—A. I do not remember.

Q. Who appointed Dinkins clerk of election at that poll? Did the commissioners order the managers to appoint him, or did the managers appoint him without any command from the commissioners?—A. The managers appointed him without any command or suggestion from the commissioners.

Q. Is Dinkins a white or colored man, is he Republican or Democrat in his politics?—A. Dinkins is a white man. I believe him to be a Republican, but on that election-day he voted the Democratic ticket from motives of personal safety.

(Words "motives of personal safety," objected to by contestant's counsel.)

Q. How do you know that he did it from personal safety?—A. He told me so, in the presence of others.

Q. Is not Dinkins a common drunkard and habitual sot?

(Objected to by counsel for contestee.)

A. I never saw him drunk.

Q. Was he not drunk while acting as clerk that day, in the evening?—

A. I did not see him drunk.

Q. Then how came Norris to have to act as clerk for the managers for the last eight hours of that day in counting the votes and making up the returns of the election?

(Objected to on the ground that it assumes what has not been proved by counsel for contestee.)

A. Dinkins, when he was selected to act as clerk for the managers, said "He had eaten no breakfast," and about the closing of the polls on that day he became tired and hungry and asked the managers to relieve him. He was relieved, and immediately afterward Mr. Norris was requested to, by myself, and assented to by the other managers, to help count the ballots and make up the returns for the board.

Q. Did you not see Dinkins lying drunk in or around that building while you were making up the returns and counting the votes?—A. I did not.

Q. When did the managers get through counting the votes and making up the returns?—A. About one o'clock, I think, on the morning of the eighth.

Q. Did you see any colored men with clubs and sticks there that day?—A. I did not.

Q. Did you see any colored men with guns or pistols there that day?—A. I saw no colored men there with guns or pistols that day.

Q. Did you see any colored men make a rush through or over white men to get to the polls that day?—A. I did not.

Q. Did you hear any colored men make any threats about voting at all hazards that day?—A. I did not.

Q. Is not Dinkins, the clerk the Republican managers appointed that day, the brother-in-law of John H. McDevitt, the absconding county treasurer?

(Objected to on the ground that there is no such party known to the record.)

A. Dinkins was the person appointed by the managers as their clerk on that day. I do not know that he is related to McDevitt at all.

Q. Do you not know that Dinkins is a notorious liar, and unreliable in everything?

(Objected to by counsel for contestee, on the ground that Dinkins's character is not in question, and, if it was, could not be attacked collaterally.)

A. I do not.

Q. Do you know anything about his character?

(Objected to on the grounds before stated.)

A. I don't know anything about his character.

Q. Did or not a United States officer, with drawn sword and a file of men, with fixed bayonets, enter the building where you were holding the election that day; and, if so, what was his name, and what else did he and his men do?—A. They did not so enter the building.

Q. Did no United States officer or soldier enter the building that day; and if so, how many officers and soldiers, and what did they do in the building?—A. A United States officer and five soldiers entered the building and passed through without impeding the voting.

Q. Did they have arms?—A. They had arms.

Q. At what entrance did they get into the building?—A. They came in through a window where voters after voting had to pass out, the window being about 18 inches from the ground.

Q. Where did that officer and soldiers go to when they passed through the building, and what did they do?—A. They went out through the door of the building and dispersed a crowd of armed white men who had congregated around the door beating colored men and preventing them from voting; the majority of these white men had already voted.

Q. What did the officer and soldiers do after dispersing these white men?—A. They told the men generally to go in and vote.

Q. What was that officer's name?—A. I don't know.

Q. Was he or not Captain Kellogg, the same officer who lately entered the State-house in Columbia, and had command there while the legislature was trying to organize?

(Objected to on the ground that it assumes what is not in proof.)

A. I don't know.

Q. Did not that officer station a file of men as sentinals at intervals in a semicircle in front of the door where voters entered?—A. I don't know.

Q. Did not those soldiers have bayonets in their guns?—A. Yes.

Q. Did not that officer have a sword drawn?—A. I did not see it.

Q. How many voters were allowed to enter the door at a time to vote?—A. Ten; they were sworn together, each one voting and passed out of the window.

Q. Did not the officer in command point at or touch with his sword each of the ten voters who were to enter together to vote, throughout the whole day?—A. I don't know.

Q. Then, do you know how the chosen ten voters were selected to enter each time?—A. After the ten that were in had voted, the doorkeeper would call ten more; ten would come in, be sworn, vote, and go out.

Q. Were not the ten voters already standing at the door when the doorkeeper would open the door?—A. I don't know.

Q. Are you certain the doorkeeper called the voters by name, or did he just open the door, and after the voters had entered close it?—A. He cried out "ten more;" ten would come in, be sworn, vote, and go out.

Q. You spoke of white men beating colored men in front of the door that day. How many colored men did you see so beaten? And give the names of some of the whites who beat them.

(Object to the question on the grounds that the same thing has been gone through in the testimony of the witness at least twice before.)

A. I don't know the number of the colored men beaten, but I know that John Swaringen did strike one. I can't name any other white man I saw strike them.

Q. What was that colored man doing when Swaringen struck him?—A. He was trying to come in the house to vote.

Q. Were not more votes polled at your box that day than at any other precinct in Edgefield County?—A. I don't know.

Q. What was the whole number of votes polled at that box?—A. Between eleven and twelve hundred.

Q. How many of the white voters did you personally know there that day?—A. About 20 or 25.

Q. About how many colored voters did you know there that day?—A. About 100.

JOHN MARDENBOROUGH.

Sworn to before me this the 19th day of March, A. D. 1877.

[SEAL.]

C. S. B. MARSH,

*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

D. B. COTTON, a witness of legal age, produced by contestee after due notice to contestant, deposes as follows, in reference to questions propounded to him by contestee:

Examined by Lawrence Cain, of counsel for contestee:

Question. State your name, age, and residence.—Answer. D. B. Cotton; twenty-three years of age; in Edgefield village.

Q. State, if any, what official position you held at the last election.—A. I was clerk of the board of managers of precinct No. 1.

Q. What time did you get to precinct No. 1 on the morning of November 7th last?—A. About fifteen minutes before 6 in the morning.

Q. Where was poll No. 1 held?—A. In the court-house, in the courtroom.

Q. Did the commissioners of election designate any other place to hold box No. 1?—A. Yes; they designated the arch under the court-house.

Q. State the reason why it was not held there.—A. On the 7th one

of the Republican managers asked Mr. Glover, one of the managers, was he going to hold the box there. Mr. Glover's reply was that it was too cold. He said he was going up in the court-house.

Q. Did Wiley Williams, one of the Republican managers, object to its being moved up in the court-house?—A. He did object.

Q. What was the condition of the court-room when that box was moved up there?—A. There was a dense ring formed around the court-house, and on the court-house steps was a crowd of red-shirters, armed with revolvers.

Q. What was the size of the crowd inside the court-room?—A. About one hundred and fifty in the court-room.

Q. Were they white or colored men?—A. They were white men.

Q. Were any of this party acting as doorkeepers; and, if they were, were they appointed by the managers?—A. There was no one appointed by the managers as I know of. There was a red-shirter kept at the door all day.

Q. Was this red-shirter a colored man or white man?—A. He was a white man.

Q. How many colored men voted there that day?—A. About twenty-seven.

Q. How many colored Democrats and Republicans voted there that day?—A. Twenty-seven, altogether; I can't tell how many of each party.

Q. Did not the colored Republican manager contend with the Democrat manager that morning that the names of the colored men should be kept in the column marked "Colored" and the white ones in the column marked "White" in the poll-list?—A. They did; Wiley Williams and Abram Landrum, Republican managers, contended for it, and I. C. Sheppard said no, he wanted them all put together; and he had them put that way.

Examination continued by Cain:

Q. Did Mr. I. C. Sheppard occupy any official position that day?—A. He did not.

Q. You stated you thought there were about one hundred and fifty men in the court-house that day. Were there any fire-arms stacked there?—A. Yes; about 10 o'clock I went in the back room, and found three guns in there.

Q. State what kind of guns were they.—A. One was a double-barrel gun, and the other two were single-barrel guns. I do not know their names.

Q. You stated that the court-house steps were densely crowded, and that one of this crowd acted as doorkeeper. Were there, to your knowledge, any efforts made to prevent Republicans from voting there?—A. There was, in the afternoon, three Republican voters came there, and this inside sentry said to them that no Radical could vote here. Go off to your own box and vote there.

Q. Were these three men admitted to vote, or did they go back?—A. They were not admitted to vote.

Q. Can you state any other obstruction that was put in the way of Republican voters that day?—A. Yes.

Q. Please state those obstructions.—A. When the Democrats commenced voting in the morning, one or two of them detained time about a half hour talking about the constitutional amendments, and at the time some Republicans came to the door and tried to get in, and this inside sentry held the door-knob and prevented them.

Q. You stated that there were guns stacked in the back room, and

that there was a crowd obstructing the steps. Did you see any display of short arms, such as clubs, pistols, and such like, by that crowd?—A. About 4 o'clock in the evening about four or five hundred Republican voters came there to vote, and one red-shirted got one of the guns and ran out on the steps, and some of them drew their revolvers, but I did not see any clubs.

Q. Did any of this four or five hundred you mentioned come up and vote?—A. They did not.

Q. You state that this was about 3 or 4 o'clock p. m. Did you see any demonstration of that kind in the morning?—A. I did not.

Q. You stated that the court-house steps were densely crowded, and that the court-room had about one hundred and fifty men in it. Did not these men vote very rapidly in the morning until they had all gotten through?—A. They did.

Q. About what hour in the day did they get through?—A. They voted very rapidly until 1 o'clock. After that they voted three and four at a time until 6 in the evening.

Q. Were there not intervals of great length between the voting of these crowds of four and five?—A. Yes.

Q. Did or did they not almost cease voting about this time in the day, 4 o'clock?—A. They did, from 3 to 4.

Q. State whether or not the court-house steps were taken possession of that evening, and political speeches made.—A. Yes; about 4 o'clock.

Q. By whom were these speeches made?—A. General Butler and I. C. Sheppard.

Q. This was done at the time the voting was going on in the court-house?—A. Yes.

Q. How long did you remain there that evening?—A. Until 11 o'clock at night.

Q. Did you witness the counting of the votes?—A. I did.

Q. State, to the best of your knowledge, how many votes were found in the box in favor of George D. Tillman and how many in favor of Robert Smalls for Congress.—A. Six hundred for Mr. Tillman and about twenty-five for Mr. Smalls.

Q. As clerk of the board, you assisted in the counting of the votes, did you not?—A. I did at the commencement.

Q. State why you did not continue until the counting was completed.—A. Because Messrs. J. M. Cobb, J. C. Sheppard, W. H. Brunson, and W. T. Gary, of Augusta, counted them in my place.

Q. Were they appointed by the managers to do so?—A. They were not.

Q. Did either of these gentlemen occupy any official position as election officers?—A. No; except W. H. Brunson, who was supervisor.

Q. Were you, directly or indirectly, threatened on the day of election by any of these parties?—A. No, sir.

Q. Did you not make an attempt to come out of the court-house that day, and was afraid to from an apprehension of danger?—A. I stated to Mr. Sheppard I wanted to go out, and he said no, I should not.

Cross-examined by George D. Tillman :

Q. When Mr. Sheppard told you you should not go out, was it in a threatening way—in an angry tone?—A. He simply said I could not go out.

Q. Was his tone and manner that of anger?—A. I could not say; afterwards he laughed.

Q. Where was Mr. Arthur Glover at the time Mr. Sheppard told you you could not go out?—A. He was there.

Q: Did not you tell Mr. Arthur Glover frequently during the day that you apprehended no danger while you were there with him?—A. No, sir.

Q. You said that James Cobb, W. T. Gary, J. C. Sheppard, who were not officers of the election, yet counted or helped count the votes. Did any of these parties touch or read a single ballot until one of the regular managers had read and counted them?—A. While Mr. Glover took them out of the box Mr. Gary assisted in separating the split tickets.

Q. Did any person around the box except Mr. Glover and Wiley Williams, one of the Republican managers, take any tickets out of the box?—A. I do not remember that any one but Mr. Glover, the Democratic manager, took them out of the box.

Q. Was there not some split tickets—that is, some Democratic and some Republican names on the same tickets?—A. I don't remember any on the Republican tickets, but on some of the Democratic tickets Mr. Sheppard's name was rubbed off and the Paris Suukens in its place.

Q. Were not all of those split tickets put in a pile to themselves by Wiley Williams and Mr. Glover?—A. Yes; they were.

Q. Did these three gentlemen do anything more about counting the votes than just to keep tally?—A. Mr. Brunson and Mr. Cobb kept tally, and Mr. Sheppard and Mr. Gary called. After they got through, Mr. Gary made out the returns; filled out the blanks.

Q. Did Mr. Sheppard and Mr. Gary call off any except the split tickets?—A. They called off all of them.

Q. Before or after Mr. Glover took them out of the box?—A. After he had taken them out of the box.

Q. Were not all three of the managers present all the while that the counting was going on?—A. Yes; they were.

Q. Did not all the managers agree that these gentlemen should help to count the votes?—A. Not that I know of.

Q. Did you hear any manager object to any of these gentlemen call off the split tickets, or keeping tally, or making out the returns?—A. Yes; Wiley Williams objected to it.

Q. Did not all the managers and yourself, as clerk, sign those returns?—A. Yes.

Q. Did you not all certify that the returns were right and proper?—A. I simply signed the returns.

Q. Did you sign them of your own accord, or did anybody compel you to sign them?—A. I signed them after the managers signed. I believe if I had not signed them I would have been compelled to do so.

Q. Did anybody order you to quit acting as clerk, or did you stop when you found you had some one to do the work for you?—A. After I saw they took possession of the whole matter I stopped. No one compelled me to stop.

Q. Did not you keep tally till all the votes were counted, and did not your tally correspond with Mr. Cobb's?—A. I did not; and my tally did not correspond with Mr. Cobb's.

Q. Whose poll-list was signed, yours or Mr. Cobb's?—A. The poll-list was not signed at all.

Q. Could not you hear the votes called out, and did not you keep your seat all the time?—A. I heard the votes called out, and afterward I went around by Mr. Gary and stood by him until the returns were made out.

Q. Then did you not keep tally yourself, or stand over Mr. Gary and see him keep tally till all the votes were counted?—A. I did not keep



tally more than five minutes, and kept my seat till all the votes were counted.

Q. You said a man with a red shirt kept the door of the court-house that day; who was he?—A. I do not know.

Q. You said another man with a red shirt on took a gun out of the room, and came out on the steps; who was he?—A. I do not know.

Q. Where were you born?—A. At Port Gibson, Mississippi.

Q. How long have you been living in Edgefield?—A. About two years.

Q. What State did you come from when you came here?—A. From the State of Ohio.

Q. What office was you holding at the time of the election in this county?—A. I was not holding any office at all, except a clerk of election.

Q. Were you not a deputy in the office of Jesse Jones, clerk of the court of common pleas and general sessions for the county?—A. I was deputy clerk for him.

Q. Was not Jones beaten for clerk at the last election, and have you not lost your position thereby?—A. Jones was beaten, but I would not have lost my position if his office had not been usurped.

Q. Have you not been reading law preparatory to admission to the bar?—A. No, sir.

Q. You said the commissioners of election ordered the box No. 1 to be held under the arcade entrance to the basement of the court-house. What commissioner ordered the box to be held there, and when?—A. Jesse Jones, and Holland, and United States commissioner.

Q. Is not that entrance to the court house at the end of a long passage, where there is always a draught of wind?—A. Yes, it is a mighty cool place.

Q. Has not every election that has ever been held here, been held up in the court-room?—A. I do not know.

Q. How many men will the court-room hold?—A. About four or five hundred.

Q. You said there was a hundred and fifty white men in the court-room. Were they not all sitting down on the benches quietly?—A. They were all standing up except four or five; they were lying down on the benches asleep.

Q. Did an hundred and fifty white men stay in the court-room all the while during the election?—A. No sir; after they voted they went out.

Q. Name any hour of the day when there was a hundred and fifty white men in that room?—A. At six o'clock in the morning.

Q. How many were in the court-room at seven o'clock in the morning?—A. I do not know; they commenced voting at six and went out as they voted.

Q. At how many different times during the day did you observe as many as one hundred and fifty men in that court-room—I mean white men?—A. At six o'clock in the morning.

Q. How many Republican votes were cast at that box?—A. About twenty-five.

Q. If the red-shirt doorkeeper would not let Republicans enter, how came twenty-five to vote there.

(Objected to by L. Cane, attorney of contestee.)

A. I do not know; but I saw three that were told to go to the other box; that no damn Radicals could vote here.

Q. Don't you know the fact that Mr. Glover, the Democratic manager, sent messengers to tell the Republican voters on the public square, and to box No. 2, to come up and vote; and don't you know the names of

some who were sent?—A. I never heard Mr. Glover send any messengers. If there were any messages sent, I do not know it.

Q. Don't you know the fact that the United States marshal, with two or three soldiers, came up and asked, if they wanted any one to keep order or to protect any one in the right to vote?—A. I know the United States marshal, Mr. Baty, came up and brought two or three men; they voted and went out. If there were any soldiers there, I did not see them; none inside the court-house.

Q. How far is it from box No. 1 to the Saludy hotel, where the soldiers were then quartered and are now quartered?—A. About one hundred yards.

Q. You said that white men crowded around and on the court-house steps, and that Butler and Sheppard made speeches; could any one pass up or down, in and out of the court-room that wanted to?—A. No; no one could pass in or out; could not get in fifteen feet of the house for horsemen and footmen.

Q. Can't a man walk through a crowd?—A. No one could walk through that crowd without walking over them.

Q. Was not Sheppard and Butler called on for speeches late in the evening, because the voting was all over and the crowd had nothing else to do?—A. I do not know; but while the speaking was going on I walked to the window and saw four or five hundred Republican voters in front of the Saludy hotel.

Q. By the Saludy hotel, do you mean where the United States soldiers were quartered?—A. At that time the United States soldiers were stationed there.

Q. What were the four or five hundred Republican voters standing about the Saludy hotel for?—A. Waiting patiently to see whether they could get to vote at box No. 1 or not.

Q. How do you know but that those Republican voters had already voted at box No. 2?—A. I know that if they had voted at box No. 2 Colonel Cain would not have brought them there to vote.

Q. Who was Colonel Cain, and what is he doing now?—A. Lawrence Cain; here as counsel for General Smalls.

Q. Was he county chairman for the Republican party at the last canvass?—A. He was.

Q. He carried those Republican voters to the Saludy house to get United States Army officers and soldiers to aid him in having those voters enter the court-house and have them to vote at box No. 1, did he not?

(Objected to by counsel for contestee.)

A. I do not know.

Q. Did or not an Army officer or United States marshal take some of those Republican voters who were at the Saludy house and carry them up into the court-house to see that they should vote, when it was proven that they had already voted at box No. 2?—A. If the officer made any attempt to bring them there, he never brought them in the court-house. As far as proving that any who voted at box No. 2, they never proved it in the court-house.

Q. Did not you hear some Democrats charge some Republicans with trying to vote a second time, and those Republicans did not deny it, although they were in the act of voting, and withdrew without voting, and had not a United States marshal carried them up there?—A. I remember that a crowd followed one Press Baxley up there and charged him, with having voted at box No. 2. I asked him had he voted at box

No. 2. He said "No;" they would not let him vote there. He was a one-armed man. Did not see the United States marshal bring him there.

Q. Don't you remember that when those men were standing around the Saludy house that Mr. William Penn challenged some two or three Republican voters on the ground that they had already voted, and they did not deny it, and withdrew without voting?—A. I remember that William Penn was one who came with Baxley and objected to his voting. There was no men around the Saludy house at that time.

Q. Did Baxley vote at box No. 1; and, if not, did he decline on his own accord, or did the managers prevent him?—A. Baxley did not vote. I don't remember the managers saying anything, but the crowd said he should not vote. They said that he had voted at box No. 2. Some said, "Pitch him down the steps."

Q. If there was any obstruction or intimidation against colored Republicans voting at box No. 1, why did not the troops interfere, just as they interfered at box No. 2, to prevent alleged intimidation of colored Republicans?—A. I do not know why soldiers were not ordered to box No. 1.

Q. Were there not, several times during the day, not more than fifteen white men around the box No. 1 in the court-house?—A. I do not remember. They voted rapidly till the afternoon. About then twenty voted, and one or two went out, and, after the others got through, these two came back and voted again.

Q. What were the names of those two men who repeated?—A. I don't know their names, but recognize their faces. It took one of them one or two minutes to think of his name.

Q. You do not remember the names of either of these two men?—A. No, sir.

Q. Did they vote the Republican or Democratic ticket?—A. They voted the Democrat ticket. Mr. Sheppard handed them these tickets.

Q. How could you see what Mr. Sheppard did and then write as clerk, and men voting rapidly?—A. Mr. Sheppard was writing on the same desk that I was, on the tickets, "Constitutional amendment—No."

Q. How many of the voters that voted there that day do you know?—A. I don't know. All that I know live around the village.

Q. Can you name any of the twenty voters in the afternoon among whom were those two repeaters?—A. No.

Q. As you are acquainted with so few people in Edgefield, and have been here so short a time, do you think yourself a fit person to be a clerk or manager of the court-house precinct of so large a county as Edgefield?—A. I do.

Q. You spoke of Mr. Cobb keeping tally and helping count the votes in the evening. Was he not regularly sworn in as one of the clerks of the election by the Democratic supervisor?—A. No; if he was, he was not sworn in there.

Q. Did not Mr. Cobb keep a poll-list and tally-sheet as well as yourself?—A. Yes; he kept a poll-list of his own.

Q. Was not Mr. W. H. Brunson the Democratic supervisor who helped to count the votes at that precinct?—A. He was.

Q. How many ballots were in the box more than names on the poll-list?—A. Five or six.

Q. Were they not all Democratic ballots, and were they not all destroyed, without putting the Republican tickets and Democratic tickets all back in the box and shaking them up, as required by law, and drawing out the surplus tickets to be destroyed?—A. I do not remember whether they were put in the box. They were destroyed.

Redirect :

Q. You stated you signed the returns of the election at box No. 1 because you believed you would have been compelled had you refused; was not there a crowd hanging around the court-house, so late at night as ten or eleven o'clock?—A. Yes; there was about forty. All the work I did through the day was under duress.

Q. Something was said by the counsel for contestant about your certifying as to the correctness of the returns; are not those words printed on the returns, "I certify that the above is correct?"—A. Yes, sir.

Q. Are you sure that you were acting as clerk for Mr. Jones on the 7th of November last?—A. Yes, sir.

Q. You stated that Mr. Jones was beaten at the last election; was he a candidate for the office of clerk; and if not, why not?—A. He was not a candidate; he held the office for four years from the unexpired term of Mr. Ramsey.

Q. Can you state whether he holds a commission from Governor Chamberlain which entitles him to hold his office until his successor is elected and qualified in seventy-eight?—A. Yes, sir.

Q. At what election was Mr. Jones elected clerk of the court?—A. In seventy-four.

Q. You stated that Baxley was followed by a crowd, and when objected to did not vote; was not this crowd acting in rather a threatening attitude?—A. Yes; they were cursing.

Q. Do you not believe that their mode of threatening was calculated to frighten and intimidate almost any voter from the polls?—A. Yes, by the way they conducted themselves.

Q. In what way did they conduct themselves?—A. By swearing and yelling.

Q. Were not white Democrats objected to by the Republican managers on the ground that they had voted there that day?—A. Yes; they were objected to by the two Republican managers.

(Objected to by counsel for contestant.)

Q. State why they said they knew these men.—A. They said they recognized their faces.

Q. Did they vote notwithstanding that objection?

(Objected to as new matter.)

A. They did.

Q. Do you not know the faces of several persons who live in the village and the vicinity whose names you do not know; their faces are familiar to you from the fact that they came to office of clerk of court when you were clerk?—A. Yes.

D. B. COTTEN.

Sworn to before me this the 20th day of March, 1877.

[SEAL.]

C. S. B. MARSH,  
Intendant.

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

JESSE JONES, 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 and what is your age?—Answer. Edgefield Court-House; between twenty four and five years old.

Q. Were you an election officer on November last?—A. I was.

Q. What position did you hold?—A. Commissioner of election.

Q. State the names of the other commissioners associated with you.—A. George Holland and D. R. Durisoe.

Q. Did the commissioners give notice of the election previous to the 7th of November?—A. Yes, sir.

Q. State through what medium that notice was given.—A. Through the Edgefield Advertiser.

Q. State whether or not, through that notice, the court-room of the court-house was designaed as the place for holding the poll, box No. 1.—A. No.

Q. You know that the box No. 1 has previously been held in the court-room. Why was it that the arch under the court-house was designated for the election in 1876?—A. I do not know that the box was previously held in the court-room. Because I had charge of the furniture in court-room, and because it was previously agreed upon to hold the election in the archway under the court-house.

Q. By whom was it agreed upon?—A. It was agreed upon by the commissioners of election and the United States commissioner, who suggested that it ought to be placed there so as the voters could pass through as they voted.

Q. Was not the treasurer's office in the Ryan Hotel designated in that notice as the place for holding box No. 2?—A. It was.

Q. State, then, why it was that box No. 2 was changed to Macedonia school-house.—A. We were informed by the chairman of the board of commissioners of election that she (Mrs. Ryan) would not allow the box to be held in the treasurer's office.

Q. Is Mrs. Ryan the reputed owner of the house where the treasurer's office is?—A. She is.

Q. When the chairman of the board of commissioners informed you that Mrs. Ryan would not agree to the box being held at the treasurer's office, did he agree that you should select another place?—A. He did.

Q. Did he suggest any other place?—A. Yes, sir.

Q. What place did he suggest?—A. George Holland's house as one of the places.

Q. Did any of the other two commissioners agree with him as to that place?—A. No, sir.

Q. Failing to select that place, did he suggest any other place?—A. Yes, sir.

Q. State what place.—A. Martin Griffin's barber-shop.

Q. Did any of the other two commissioners agree with him as to that place?—A. No, sir.

Q. Do you consider either one of those places suitable for holding an election?—A. No, sir.

Q. How many of the commissioners agreed to a change of the box from the treasurer's office, after finding they could not hold it there, to Macedonia school-house?—A. All.

Q. Please give the name of the chairman of your board of commissioners?—A. D. R. Durisoe.

Q. Is Mr. Durisoe a Republican or a Democrat?—A. Democrat, straight-out.

Q. Then I understand you to say that the change was made by a unanimous vote of the board?—A. Yes, sir.

Q. State whether or not you were present at Edgefield Court-House on the day of the election.—A. I was.

Q. State whether or not you saw any armed men on the street or around the polling-places on that day?—A. I did.

Q. Were they white or colored men ?—A. White.

Q. What was the deportment of these armed men you speak of ?—A. They were cursing, swearing, pistols drawn, swearing that no damn Chamberlain man should vote.

Q. Did you vote on the day of election ?—A. No, sir ; I did not, for fear if I went in my life would be taken.

Q. Did you make an effort to vote at box No. 1 ; if so, what prevented you ?—A. I made an effort, and was told if I did I would be killed.

Q. Were there any other parties with you when you tried to vote ?—A. Yes.

Q. Were they trying to vote too ?—A. Yes, sir.

Q. About how many men were with you when you made the trial ?—A. About three hundred.

Q. Do you know whether this crowd voted or not that day ?—A. They did not.

Q. State, if you can, some of the names of this party who were with you.—A. George Holland, I believe, was one ; Wash. Conner, I think, was another ; Charles Outz, I think, was another ; great many more I can't think of right now.

Q. State in what way you and this crowd were prevented from reaching box No. 1 to vote.—A. By armed men who blockaded the way, and said if we attempted to vote they would kill us.

Q. Were these men on horses, or were they dismounted ?—A. Some on horses and some on foot.

Q. Were they white or colored men ?—A. White men.

Q. You say that there were about three hundred men with you. Were they Democrats or Republicans, white or black ?—A. Republicans : black.

Q. As commissioner of election, were not all or most all of the county boxes delivered to you by the managers ?—A. No, sir.

Q. To whom were they delivered ?—A. I found them in possession of Mr. Durisoe.

Q. Did or did not the commissioners of election examine the returns as made by the managers ?—A. In no single instance did they examine them ; that is, they never counted the ballots over, but did examine the returns so as to aggregate them.

Q. State, Mr. Jones, how many managers signed the returns from Holtewanger's store.—A. One, I think, sir.

Q. How many of the managers signed the returns from Curryton ?—A. I think two.

Q. Do you consider the election held in Edgefield last a fair election ?—A. I do not.

Q. State, then, why it is that you signed the returns as being correct that were forwarded to the secretary of state.—A. I believed I would have been murdered had I refused.

Q. Why did you apprehend danger ?—A. Threats, sir.

Q. State whether or not there were crowds of white men at Edgefield Village for four or five days after the election.—A. Yes, sir.

Cross-examined by George D. Tillman :

Q. You say the commissioners of election ordered box No. 1 to be held at the arcade entrance to the basement to the court-house ; what commissioner ?—A. All three of the commissioners.

Q. When did they agree to do so ?—A. Previous to the election.

Q. How long before the election ?—A. I think it was mentioned about a week before.

Q. Mentioned by whom, when, and how?—A. I think it was brought up the day when we were speaking of moving box No. 2. I suggested; Mr. Durisoe and Mr. Holland agreed to it. I think it occurred in the clerk's office.

Q. Did you determine to make that change, and agree in writing or verbally?—A. I think it is in the minutes of the board.

Q. In how many different issues of the county paper, the Edgefield Advertiser, did the notice of the commissioners ordering the election appear before the election came off?—A. I am not able to say, as the paper is a weekly paper.

Q. Did not that notice appear at least twice in the Advertiser before the election?—A. Do not think so.

Q. Did not the notice to voters, as published in the newspaper, designate the places where box No. 1 and box No. 2 at Edgefield Court-House should respectively be held?—A. It designated Edgefield Court-House, box No. 1, and box No. 2 at treasurer's office.

Q. Was that advertisement in the paper ever changed, so as to inform voters that box No. 1 was not to be held in the court-room, and that box No. 2 was not to be held in the county treasurer's office?—A. It never was advertised that box No. 1 should be held in the court-room, but at the court house at Edgefield, box No. 2. Notice was given of the change.

Q. What sort of notice was given of the change of place for holding box No. 2?—A. Postal notice.

Q. What sort of postal notice?—A. Posted by commissioners of election.

Q. Where was this notice posted, and in how many places?—A. At Edgefield Court-House, in one place, day before the election.

Q. What time in the day?—A. In the forenoon, I think.

Q. Did Mr. Durisoe, the Democratic commissioner, sign that notice; and, if not, why not?—A. He did not sign it. After agreeing that it should go up to the school-house he changed his mind and would not sign the notice.

Q. Did not yourself and the other commissioner of election agree with Mr. Durisoe to postpone determining the place where box No. 2 should be held until 4 o'clock p. m. of the day previous to the election?—A. Don't think so.

Q. You said the original notice of the election was not published but once in the newspaper, to the best of your recollection; do you not distinctly remember that it was also published in hand-bill form and stuck up in different places?—A. I do not. I think one or two hand-bills were struck off for the use of the commissioners for reference to the managers.

Q. Was the change of places for holding boxes No. 1 and 2 for Edgefield Court-House made in that hand-bill notice?—A. I think it was a verbatim statement from the advertisement in the newspaper.

Q. Is not the arcade entrance to the basement of the court-house a very bad place, very cold and dark in bad weather?—A. I don't think so.

Q. Is it not a long, narrow, and unlighted hall between the public offices?—A. Not more so than the court-room up stairs.

Q. How wide is the court-room up stairs?—A. I am not prepared to say how wide.

Q. Is it forty feet?—I never measured it. I can't tell.

Q. Is it thirty feet?—A. Same answer as above.

Q. Is it twenty feet?—A. Can't tell; I never measured; I don't know that it is ten feet or five feet. I never measured it.

Q. Is not the court-room up stairs the whole width of the building ?—  
A. I suppose so.

Q. Is not the basement story divided by the clerk's office on one side, the sheriff's office on the opposite side, and the arcade entrance hall, where the election was to be held, between those two public offices ?—A. It is.

Q. How many windows to the court-room up-stairs ?—A. There on each side.

Q. How many windows to that passage-way down-stairs ?—A. No windows; just a door at each end.

Q. You said the United States commissioner advised you to hold the election down in the basement hall; what was his name ?—A. Wright is his name.

Q. What business did he have here, and what did he have to do with the election ?—A. There were some colored men murdered up the country, and I think he was sent here to investigate the matter.

Q. Did he also investigate the best place for holding the election ?—  
A. No, sir. We asked his advice in reference to the matter.

Q. Did he likewise advise you to change the box No. 2 from the treasurer's office to Macedonia school-house ?—No, sir.

Q. Who asked his advice about what part of the court-house building in which box No. 1 should be held ?—A. I did.

Q. Why did you ask him ?—A. I thought he was experienced in such matters.

Q. Did the other commissioners ask his advice also ?—A. I think Mr. Holland did, too.

Q. Who first suggested Macedonia school-house as a proper place to which to remove box No. 2 ?—A. After Mr. Durisoe asked to have it carried to Mr. Holland's private dwelling, I suggested it.

Q. Whenever a general election has been held anywhere in the court-house building has it not always been held in the court-room ?—A. Not to my knowledge.

Q. In what part of the court-house was the election held in 1874 ?—A. I don't know; I was not there.

Q. In what part of the building was it held in 1872 ?—A. I don't think it was held there at all in 1872.

Q. Was not the room at the Ryan hotel, where the treasurer's and auditor's offices were kept at the time of the election, rented by the county commissioners for public use ?—A. I don't know.

Q. Did Durisoe, the Democratic commissioner of election, agree to the removal of box No. 2 to the school-house ?—A. Yes, sir.

Q. When did he agree to it ?—A. I think it was a day or two before the election.

Q. Did not Durisoe want the two boxes to be held as near to each other as he could conveniently ?—A. He did agree to the box being taken to the school-house, and after he changed his mind he wanted the boxes held as near together as he could get them.

Q. You said you saw arms about the polls; at what box was that ?—  
A. At box No. 1, in the court-house.

Q. When, at what hour or hours in the day ?—A. I saw from 6 o'clock a. m. till 6 p. m. on November 7th.

Q. What kind of arms ?—A. Some Remington rifles, sixteen-shooters, and some with three or four pistols.

Q. How many of each kind of rifles did you see; how many in all ?—  
A. About six in all that were strapped on their backs.

Q. Can you give us the names of some of those six men ?—A. No, sir.



Q. How many men did you see with pistols that day?—A. I don't think I saw one without one.

Q. Did you see any colored men with guns or pistols that day?—A. I saw none with guns; I saw one or two with pistols.

Q. Give the names of some of the white men you saw that day with pistols.—A. If the court can give me assurance that my life will be protected in the court-room and outside, I will give some of the names.

Q. You state that some of the white men that day had drawn pistols. Will you name one of those men?—A. I shall ask the court to excuse me from answering the question on the same ground as before.

Q. You stated that some of the white men said there that day that no damn Chamberlain man should vote. Will you name some of the white men who said that?—A. I beg the court again to excuse me from specifying names.

Q. You said you tried to vote at box No. 1, but were prevented. Who prevented you?—A. I ask the court again to excuse me from answering that question, as he was among one of the first men in the county.

Q. You said that you were told that day if you voted you would be killed. Who told you so?—A. Beg the court again to excuse me.

Q. Where were you all of the 7th of November, when the election occurred?—A. First at box No. 1 and box No. 2.

Q. At which box did you spend the most of the day?—A. At box No. 1.

Q. Did you go inside of the court-room that day?—A. I could not get in. I did not go in.

Q. What time of the day did you try to vote at box No. 1?—A. At 6 o'clock a. m., and tried from six till ten, and went to the other box, No. 2.

Q. Did you try to vote at box No. 2; if so, how often, and when?—A. I got as far as the window, and heard Mr. O. Sheppard asking all sorts of questions of voters, and I got tired waiting and came back to box No. 1.

Q. Did you try to vote again at either of the boxes; and, if so, when and how often?—A. After I came back to box No. 1, I tried again. I was prevented by the same process from voting.

Q. Did you apply to the United States marshal or United States officer to protect you in your right to vote?—A. I did before I left box No. 1. I applied to the marshal.

Q. Why did you not vote then? Was it not because there were so many voters standing ahead of you waiting to vote?—A. It was because there were so many men standing on the steps who had already voted and stood on the steps to prevent others from voting.

Q. How do you know that they had already voted, as you stated you never went up in the court-house that day?—A. I saw them go in the court-room and go out, and stand on the steps.

Q. Could not the marshal or a United States officer have carried you up if other voters had not have been ahead of you waiting to cast their ballots?—A. I suppose so, but I don't believe they were waiting to vote.

Adjourned to Thursday, March the 22d.

Q. Could you see up in the court-room from the ground where you were standing?—A. Yes, sir.

Q. Was it not a rainy, cloudy, windy cold day?—A. It was in the early portion of the day, rainy and cloudy, not windy.

Q. Were the sash in these windows of the court-house up or down.—A. I do not remember.

Q. Was the door of the court-house open?—A. It was open when I saw it.

Q. On which side of the court-house building were you standing so that you could see up into the building and ascertain who had voted and who had not voted?—A. In front of the building.

Q. Are there any windows to the court-room on the front side of the building?—A. There are side-lights to the door.

Q. With sash and glass?—A. They had glass lights.

Q. If there was a big crowd in front of the court-room and you could see to the back side of the court-room to where the voting was going on, how far were you from the court-house door?—A. Can't say how many yards.

Q. About how many yards?—A. About thirty or forty, may be fifty yards.

Q. Was not there a large crowd on the steps, in the court-room, and about the front of the court-house, especially in the portico entrance as a general thing all day?—A. The court-house steps and the portico was completely blocked all day, or most of the day.

Q. Then how could you see through that crowd, as you were on the front side of the building, so as to ascertain who had and who had not voted?—A. One a sufficient distance from the court-house can see almost every thing going on in the court-room.

Q. You could see the crowd moving about, but could you identify what any particular person was doing?—A. I could see parties go inside the court-room and come back to the door and stand on the portico purposely to prevent parties coming up.

Q. You mention that a large number of Republicans as well as yourself were kept from voting that day by intimidation. How do you know but what those Republicans had previously voted or voted after the time that you were with them?—A. They had not voted, and I know they did not vote afterwards.

Q. How do you know it? Were you with the same crowd of Republican voters all day, and did you keep your eye on every man of them to see what they did throughout the day?—A. They were with me all day; if they had have voted I would have known it.

Q. How many were with you?—A. I think there were about two hundred.

Q. Give us the names of as many of those intimidated voters who were with you all day as you can remember?—A. Charles Outz, George Holland, Wash. Conner. I have a long list of them, but cannot remember any more now.

Q. What length of time did you spend that day at box No. 2?—A. I am not prepared to say exactly how long.

Q. State about how long?—A. Perhaps an hour, or it might have been a half hour; can't state exactly.

Q. What time of the day did you go to the school-house or box No. 2?—A. It might have been after ten or a little before.

Q. Did you go around by the public road or through the fields and lots?—A. Went round by the public road off and on all day—returned until late in the afternoon, when I was at school-house box, and myself and Mr. Holland came back through the fields and lots. We left there about the time the polls closed.

Q. How many times throughout the day did you go from box No. 1 up to box No. 2?—A. It might have been four or five times or six or seven times.

Q. Who went with you the first time you went up?—This crowd of men that I spoke of.

Q. Do you mean the two hundred men?—A. Yes; there might have been more or less; I don't speak accurately.

Q. Did a hundred and fifty of these intimidated voters go with you that time?—A. These same men that I spoke of; I am not accurate as to the number.

Q. Did one hundred men go with you the first time?—A. Yes, sir.

Q. Give us as many of their names as you can?—A. I had a list of those parties. I have given the names of some two or three, but I don't remember the names of any others now.

Q. How long did you and they remain at box No. 2 before you came back to box No. 1?—A. It might have been an hour, a half hour, or three-quarters of an hour. I am not accurate.

Q. Did two hundred come back with you to box No. 1?—A. I think so.

Q. Did you count them?—A. No.

Q. You said you had a list of Republican voters who were prevented from voting that day by intimidation. When did you make out that list?—A. I don't remember exactly what day.

Q. Name the day on which you made out that list as near as you can?—A. A day or two after the election.

Q. For what purpose did you make out that list?—A. For the benefit of the State board of canvassers.

Q. Who helped you to make out that list?—A. Judge Boney.

Q. Did any one else help you?—A. Colin Cane, I think.

Q. Did no one else but you, then, help to make out the list?—A. I am not prepared to say; there might have been more.

Q. Who called out the names that went on that list?—A. I answer the parties would come up and give their names.

Q. Were you acquainted on the day of election with half the men whose names were on that list?—A. I could answer that question if I had the list before me; not having it, cannot answer it now.

Q. You said the way to box No. 1 was blocked up by white men; give us the names of some of those white men.—A. I beg the court to excuse me from giving the names.

Q. Did you try to pass through the crowd to vote at box No. 1?—A. Yes, sir.

Q. If you were pushed back from voting, who pushed you back?—A. I was told that if I and that crowd who were with me made further attempt to vote at box No. 1, God damn us, we would be killed. We were told further, that that box no damn nigger should vote at it; that it was for the white people voting, and in reply to the question I said I know of no law that required boxes to be specially assigned for white men to vote, and that I would attempt to vote; the reply to me was, we can damned easily kill you. I made further attempts to vote, when the men were ordered to dismount and defend themselves—the white men I mean.

Q. Who ordered the white men to dismount and defend themselves?—A. With great respect, I again ask the court to excuse me.

Q. Who told you they could damned easily kill you?—A. I beg the court to excuse me.

Q. Who prevented you and your crowd from voting up at box No. 2?—A. As I went to box No. 2, the Democrat supervisor there would ask from twenty to thirty and forty questions before one voter could vote, and I saw very little chance; hence I returned to box No. 1.

Q. Where did you eat dinner that day ?—A. Did not eat a mouthful that day—dinner, breakfast, or supper.

Q. Why did you not eat that day ; were you sick ?—A. I don't know that I was sick ; fraud and intimidation of the Democrats filled me up.

Q. Did you not spend a part of that day at home ?—A. I did not.

Q. Did you not spend a part of that day in the house of somebody else ?—A. I did not. I went to the door of Mr. Harris and came right out again, right on the street, on the road between box No. 1 and No. 2.

Q. Did you apply to any marshal, Army officer, manager of election, or supervisor to protect you in your rights to vote that day ?—A. I applied to the marshal.

Q. At what precinct, and what hour of the day ?—A. Court house, box No. 1. I don't remember the hour, somewhere about 9 or 10 o'clock a. m.

Q. Did he refuse to protect you ?—A. No.

Q. Then did you not fail to vote because there were so many other voters waiting ahead of you at the time ?—A. I failed to vote, not because voters were waiting to vote, but they were there to block the way to keep me from voting.

Q. Were there not seven companies of United States troops in Edgefield County on the day of election ? And could not, and would not those troops have protected you if you had asked it ?—A. I can't speak as to the number of companies in the county. As to my asking the troops, I knew of no law requiring me to ask them to protect me. I was under the impression it was the duty of marshal, therefore I did not deem it my duty to ask the officers for protection.

Q. Did not the marshal spend nearly all his time that day up at box No. 2, and did he not leave Army officers to represent him at box No. 1 in his absence ?—A. I don't know that he did detail Army officers to represent him at box No. 1, and think he did spend most of his time at box No. 2.

Q. Have you not been clerk of the court of Edgefield County, and therefore are you not pretty well acquainted with the names and faces of the white voters of the county ?—A. I am still clerk of the court of Edgefield County. I was elected in 1874, and the term of the office is for four years. I am pretty well acquainted with the names and faces of our white voters.

Q. Were you not elected to fill an unexpired term of the clerk ?—A. The supreme court has decided that that term was no unexpired term.

Q. Was not Mr. O. F. Cheatham elected clerk at the last election by the Democratic party ?—A. Am not aware that Mr. Cheatham was elected or there was no election ordered, but he was voted for, and during my absence took possession of the office, and now holds it.

Q. Is he not recognized as *de facto* clerk of the court by Judge R. B. Carpenter, of this circuit, and by the other officers of the county and by the people generally ?—A. I answer he is not.

Q. Has not Judge Carpenter held court here three days this week, and has any other person but O. F. Cheatham acted as clerk of the court ?—A. I answer upon the express agreement of counsel in civil cases, he has.

Redirect by Lawrence Cain :

Q. You stated that the court-house door was opened. When you saw it, how long did you look at it as being open ?—A. A short while.

Q. How often during the day did you see it so wide open as you expressed in your cross-examination ?—A. Once or twice.

Q. You say Mr. O. F. Cheatham took possession of your office during your absence; in what way did he take possession of it as told to you by your deputy?

(Objected to as hearsay and irrelevant.)

A. I was informed by my deputy that Mr. O. F. Cheatham came into the office and told him, Bill, I like you very well, and don't care to have any fuss with you, but I demand possession. He told Mr. Cheatham in reply, please to wait until I came home, as he had no right to give up the office. Mr. C. said it was no use talking, by God he was going to have it; fastened up the windows and took the key from the door and locked it, and he walked out before the door was locked.

Q. Were you a candidate for office of clerk of the court at the last election?—A. I was not.

Q. State if you have not a commission from Governor Chamberlain which is given you in view of a decision of the supreme court given in case of Wright against Charles, which commission entitles you to the said office until 1878?—A. Yes.

Q. You declined to give names, when cross-examined by the contestant, and stated that you could not unless the court would give you security for your safety in and out of the court. Why did you decline to answer these questions and give their names?—A. Because of the threats I have heard.

JESSE JONES.

Sworn to me this the 22d day of March, 1877.

C. S. B. MARSH,  
*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

THOMAS MATHIS, a witness of legal age, being introduced by the contestee after due notice to contestant, after being duly sworn, deposes as follows to questions propounded to him by attorney for contestee:

Question. Where do you reside?—Answer. In Edgefield County.

Q. How long have you lived in this county?—A. Six years.

Q. How far from the court-house do you reside?—A. Three and a half miles.

Q. Where were you on the 7th of November last, the day of election?—A. I was here at the court-house.

Q. What time did you reach here?—A. About daylight.

Q. Did you go to either one of the polling-places to vote, and if so which place, and what time did you get there?—A. I went to the court-house steps about sunrise.

Q. Did you vote there that time?—A. No, sir.

Q. Did you try to vote?—A. Yes, sir.

Q. State why you did not vote.—A. They told me to wait until the white people got through voting; there was horses and men crowded around the steps; then they told me to go to the school-house.

Q. Did you go to the school-house?—A. Yes, sir.

Q. Did you vote up there?—A. No, sir.

Q. Did you come back to the court-house, box No. 1, during that day?—A. Yes, sir.

Q. Did you make another effort to vote there?—A. Yes, sir.

Q. Did you succeed the second time?—A. No, sir.

Q. State what obstacles were in the way.—A. No quicker than there

was orders given for us to go to the court-house there were so many men on horses ahead of us we could not get to the steps or the polls to vote.

Q. How near to the court-house, or box No. 1, did you get the second time?—A. Right to the steps.

Q. Did any one say anything to you to prevent you from going up, or put any obstacles in the way?—A. They said if I had not voted at the school-house I could not vote here.

Q. What was the condition of the court-house steps at that time?—A. The men were up on the steps as thick as ants on a stump.

Q. Were there any mounted men around or near the court-house steps?—A. Yes, sir.

Q. About what number?—A. There was a large number; I cannot tell how many.

Q. Were these white or colored men that you speak of, and how dressed?—A. White men, dressed in red shirts.

Q. Did you see any fire-arms among them, such as pistols or guns?—A. Yes, sir.

Q. Did you see any display made with these arms; how did you see them?

(These questions objected to.)

A. Saw them in their hauds.

Q. State whether or not you voted that day?—A. No; did not vote that day.

Q. State whether or not you made another attempt to vote, and if so what time was it and who were you with?—A. Did not make another attempt after the second time; I went back to the school-house I think about three o'clock, with Rich Thompson, Ned Weaver, Isaac Frazier, Giles Frazier, Anderson Weaver, John Waldo.

Q. How long did you stay up there at box No. 2?—A. I staid there till sundown.

Q. Were you with the parties you named there during the remainder of the evening?—A. Yes, sir.

Q. State whether or not, if you can, those parties voted that day?—A. They did not vote.

Q. Were they with you when you made the two attempts to vote at box No. 1?—A. They were with me.

Q. You stated in the beginning that when you reached the court-house steps they told you to wait until the white men got through. Who told you this? Were they white men or colored men?—A. They were white men.

Q. About what time did you leave the town that day to go home?—A. At sunset.

Q. You did not get to vote at all?—A. No, sir.

Q. If you had voted would you have voted the Democrat or Republican ticket?—A. Republican ticket.

Q. You stated that those parties had their pistols in their hands. State if they said anything to voters when they were approaching.—A. They were whooping and hollowing, and said if we had not voted at the school-house we could not vote here.

Q. State whether or not Republican voters were threatened by Democrats that day in your presence.—A. I saw some struck.

Q. State who you saw struck, and who struck them.—A. I saw two men struck, don't know their names; don't know who struck them.

Q. Where were they when they were struck?—A. One was struck in the street—near Mr. Boney's—at the entrance of the lane, going to the school house.

Cross-examined by Mr. B. Bettes for contestant :

Q. About how far from any voting-box were these men when they were struck ?—A. About three hundred and fifty yards—the first; the other about three hundred yards.

Q. Where did you come from when you came to Edgefield County ?—A. From the upper part of Georgia.

Q. What part of Edgefield County have you lived in since you came here ?—A. In Blocker, Pickens, and Moss Townships.

Q. Have you lived in any other part of the county ?—A. I have been in other places, but have not lived there.

Q. Are you not pretty well acquainted in the county ?—A. Tolerably well. I was raised in this country.

Q. How many men did you see when you reached the court-house steps the first time ?—A. So many I cannot tell how many.

Q. Did you see any one man that you knew ?—A. I did not. I might have if they had been in citizens' clothes.

Q. They told you to wait till the whites got through voting. Did the whites not get there before you did, and were they not waiting to vote ?—A. I met them there when I came.

Q. Who told you to wait ?—A. I don't know who, so many holloed.

Q. Did you wait at box No. 1 until those who were ahead of you had voted ?—A. I can't tell whether they had got through or not.

Q. Did you not see men going up the steps as long as you staid there ?—A. The white men was on the steps; some would go and vote and others come and fill their places.

Q. Who told you to go to the school-house and vote ?—A. United States Marshal Bently.

Q. Who went to the court-house steps with you about sun-up ?—A. Rich Tompson and Charles Oritz.

Q. About what time did you go to the school-house ?—A. A little after 10 o'clock a. m.

Q. Who went there with you ?—A. Rich Tompson.

Q. How long did you stay there ?—A. Until about half after ten o'clock.

Q. How came you to leave them ?—A. They were getting along so slow in voting. Colonel Cain told me to go to the court-house.

Q. Were you not voting ten at a time ?—A. Yes; I believe they were.

Q. How close to the school-house door did you get ?—A. About fifteen steps.

Q. Why did you not go on to the door and vote ?—A. There was so many men between me and the door, I could not get there.

Q. Were they colored men or white ?—A. Both.

Q. Were there many white men between you and the school-house door ?—A. Not as many white as colored.

Q. Were there near as many ?—A. I don't think there was.

Q. What sort of white men were they between you and the door; what was their uniform ?—A. Some red shirts; the balance were United States troops.

Q. Was there an officer among the United States troops ?—A. Looked liked there might have one or two; I saw one with stripes on his shoulder and a sword.

Q. What was he doing with that sword ?—A. He had it in his hand.

Q. Did you not see him point out the voters who were to vote ?—A. I saw him pointing at the men, but did not know what it meant.

Q. Did those men he pointed at go and vote immediately after he pointed at them ?—A. As soon as orders were given for ten more, a good

many were making for the door, he pointed with his sword, and counted ten and they went in.

Q. How thick were they standing around the door?—A. As thick as men could stand.

Q. Were they not pushing forward to get to the door as quick as they could?—A. I saw men trying to get to the door, but did not see them pushing.

Q. What kept them back?—A. The United States troops.

Q. What did these troops have in their hands?—A. Muskets.

Q. Did the muskets have bayonets on them?—A. Yes, sir.

Q. Were they not walking up and down in front of the crowd with their muskets in their hands?—A. Some were, and some were standing.

Q. When they called for ten more voters, would the whole crowd pass by these soldiers, or would the officer not point at the ones who were to go and vote?—A. Being so far back, I cannot tell what was done in front.

Q. Could you see whether the whole crowd went to the door or not?—A. Can't tell you that.

Q. Did all the men in front go to the door when two voters were called for?—A. I only saw ten men go in the door.

Q. You said you could see the soldiers walking up and down with muskets in their hands, and bayonets on; could you see anybody between the soldiers and the door?—A. No, sir; I could not.

Q. Did the officer point at the men while they were in the door or before they reached the door?—A. I saw the officer pointing at the men before they got to the door.

Q. Did you see the men before they reached the door at whom he pointed?—A. Sometimes I could and sometimes I could not.

Q. You say you saw the men some time before they got to the door; had they passed the soldiers before he pointed at them or not?—A. Can't tell you that.

Q. You saw the officer point at the men; saw the men pointed at; saw the soldiers standing by; could you not tell whether those men pointed at had passed the soldiers or not?—A. Cannot tell that.

Q. Could you not see whether they had passed on?—A. Could not see whether they had passed or not.

Q. Was the sword not drawn out of his scabbard?—A. When I saw it, it was out.

Q. Did any voters go up to the door except those pointed at?—A. Cannot tell you.

Q. You said you came to the court-house from the school-house. When you were ordered to come to the court-house, who, and what right did anybody have to order you to the court-house?—A. Colonel Cain told us to come, that we could vote here. I cannot tell that.

Q. Did he tell the men generally to come to the court-house?—A. He said, "Men, some of you go to the court-house; some of you can vote there now."

Q. What time was that?—A. About half after 2 o'clock p. m.

Q. Did the men leave soon as they voted, or would they stand around and talk awhile?—A. I cannot tell you that.

Q. When you came to box No. 1 the second time to vote, how long did you remain?—A. As soon as I heard them say, "If you have not voted at the school-house you cannot vote here"—

Q. Who told you that?—A. I cannot tell; I heard it spoken.

Q. How far were you from the court-house steps when he told you?—A. Right at the steps.

Q. Black or white man tell you?—A. A white man spoke the words.



Q. You say you saw guns and pistols that day. Who had them ?—A. White men had them.

Q. What were their names ?—A. Cannot tell you who they were.

Q. Who came back with you from the school-house to the court-house ?—A. Rich Tompson, Ned Weaver, Con Wando, Isaac Frazer—others whose names I do not remember.

Q. When did these parties get with you ?—A. We came from home together that morning.

Q. You said that Rich Tompson went to the court-house steps with you the first time you went there. Where were these other parties at that time ?—A. We all were together.

Q. Did you see those parties all the time during that day ?—A. From the time we met here in the morning till we left here in the evening we were all together.

Q. You say that when you were at the school-house you were crowded all around by men ; were any of those men crowding around you so thick, white men ?—A. Yes, sir ; there were some.

Q. Were they near you ?—A. None right against me.

Q. Who were in front of you ; were they white or colored men ?—A. They were colored men.

Q. Did those colored men right in front of you get out of your way or not ?—A. They did not ; they were trying to get to the polls as well as I.

Q. Did you ask them to get out of your way ?—A. No, sir ; I knew it was no use.

Q. Why was it no use ?—A. If there was a piece of meat out there, and you wanted it and I wanted it, would you get out of the way for me to get it ?

Q. Then they wanted you to wait for them to vote ?—A. They wanted to get there and I wanted to get there.

Q. Did you not find things to exist at the court-house, when you reached there, except there were a crowd of white men instead of colored men in your way ?—A. Yes, sir.

Adjourned to Friday, the 23d day of March, 1877.

Q. You said that you saw two men struck, one about three hundred yards from box No. 2, the other about three hundred and fifty yards from box No. 1. How far were you from those men when they were struck ?—A. The first one ; I was between ten and fifteen steps—about ten steps from the second one, when they were struck.

Q. How do you know that Rich Tompson and Ed Weaver, Isaac Frazier, and John Wando did not vote that day ?—A. We were together all day.

Q. Did the same circumstances keep the others from voting which kept you from voting ?—A. I think so.

Redirect, by Lawrence Cain :

Q. You stated to the counsel for the contestant that you came from Georgia ; you afterwards stated to him that you were raised in this country. State now how this happened.—A. I was sold at nineteen years old from here to a man in Georgia, and when I was free I came back here.

Q. I understand you to mean that you were born and raised in this county and State ?—A. Yes, sir.

Q. You also stated to the counsel for contestant that you did not know the men who turned you back when you went to the court-house steps

Why is it that you did not know these men?—A. By my not commonly seeing them I did not know them.

Q. Did they have on regular citizens' dress?—A. They had on red shirts.

Q. You stated that when you went to the school-house that Rich Tompson was with him. Were not other parties with you besides Rich Tompson?—A. Yes, sir.

Q. You also stated that there was a crowd between you and the school-house door when you attempted to vote. State now whether or not there were any white men in this crowd, and were they armed and on their horses?

(Objection to this question by attorney for contestant, on the ground that it is new matter and a leading question.)

A. There were some in the crowd, and I saw pistols buckled around them, and the troops had muskets in their hands; they were on horses, except the troops.

Q. Speaking of the officer picking out ten men at the school-house door to vote, were these ten all colored or were there white as well as colored men?—A. They were mixed; sometimes I saw whites and sometimes no whites. Sometimes they were all colored, I think.

Q. You said that you saw the officer pointing his sword at the men. State now, if you can, whether he was soliciting ten more to vote or was he counting ten men to vote?—A. I thought he was counting; I don't know.

his  
THOMAS + MATHIS.  
mark.

Sworn to before me this the 23d day of March, 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

In the matter of the contest of Geo. D. Tillman against Robert Smalls for a seat in the Congress of the United States.

PLEASANT MILLS, a witness, of legal age, introduced by contestee, after due notice to contestant, deposed as follows to questions propounded to him by counsel for contestee:

Question. Where do you reside?—Answer. Two or three miles from the village.

Q. Are you a native of this State and county?—A. Was not born and raised here, but have been here for thirty or forty years.

Q. How old are you?—A. Between forty-five and fifty.

Q. Where were you on the 7th of November last, the day of election?—A. Here at the court-house, at 6 o'clock in the morning, near the steps.

Q. State now if you voted that day; and if not, why.—A. I did not vote that day. I tried to vote, and got down before breakfast. There were others ahead of me, who said they were going to vote to-day, and I stood back until about 10 o'clock. At 10 o'clock there came along a troop of soldiers, and I followed them to the school-house. I was sick all the time before the election. I got up to box No. 2 nearly once, and came near fainting, and I gave back. I stood around there until word came up there that I could vote at the court-house. I came down with a crowd, and met Mr. Sheppard and Mr. Ware talking together. Mr. Sheppard and Col. Cain were talking together, and Mr. Sheppard said he would see that we had a chance to vote. We followed him till we met his brother and a crowd, and he had a shot-gun (Dr. Sheppard.)

He said he be damned if we should vote at this box here to-day. We had a chance at the other box all day. Then we went back till after six, and did not get a chance to vote.

Q. Which Mr. Sheppard was it that Col. Cain was talking to?—A. Mr. John Sheppard, the lawyer.

Q. When he met his brother, the doctor, that you speak of, were there any other parties with the doctor?—A. Numbers of them with him. They had a line drawn across the street.

Q. Were any of these parties armed except Dr. Sheppard?—A. I saw them have pistols.

Q. When the crowd which was following Mr. John Sheppard met the crowd that was with Dr. Sheppard, what did Dr. Sheppard's crowd do and say?—A. They hallooed, and said they had us. He cursed, and said he be damned if we should vote at this box to-day.

Q. What did Mr. John Sheppard, the gentleman who brought you there and said he would see that you should vote, do?—A. He turned around with his face towards us and stood there.

Q. Did he say anything?—A. I did not hear him say anything.

Q. State why you did not pass by that crowd and go to box No. 1 and vote as you intended to do?—A. It would be a right hard matter for a fellow to go into the muzzle of a gun not having any himself either, as there was none in our crowd at that time.

Q. Were there any in the crowd at any other time during the day?—A. Not any as I know of.

Q. State as near as you can how many guns and pistols you saw in that crowd with Dr. Sheppard?—A. Between twelve and fifteen I know.

Q. Were they making any demonstration with these arms?—A. They had them in their hands.

Q. Could you see around and about the court-house steps at that time?—A. No, sir; could not see the steps.

Q. Why could you not see the steps?—A. So many people on them, I could not.

Q. Were these white or colored?—A. White.

Q. When you attempted to vote at the court-house in the morning, what was done or said to prevent you?—A. I started up in the court-house and they pushed me back; it was said to me to wait until ten o'clock and I could get a chance.

Q. Do you know who it was pushed you back and told you to wait?—A. I don't know.

Q. You did not vote that day at all?—A. Did not vote that day; staid from six till six.

Q. If you had voted, would you have voted for G. D. Tillman or Robert Smalls?—A. For Robert Smalls.

Q. About how many was in the crowd with you when you were met by Dr. Sheppard and turned back?—A. Twelve.

Q. Name as many of that twelve as you can?—A. Myer Weldon, Jordan Simkins; can't remember any others.

Q. You spoke of a crowd being around the court-house. Was this crowd mounted or dismounted?—A. A part of them were and part were not.

Q. Were they white or colored men?—A. All white, as far as I could see.

Q. How were they dressed?—A. Red shirts and red coats.

Q. State whether you saw any guns or pistols in this crowd near the court-house steps?—A. I did not get near enough to see in the evening; I saw them in the morning.

Q. When you were turned back by Dr. Sheppard, was the whole crowd turned back?—A. All of us turned back.

Q. Did any of that crowd get to vote that day?—A. Not that I know of; I don't think they did.

Q. State whether or not you saw any other demonstrations, other than those you have spoken of that day, made by the Democrats that were calculated to intimidate Republicans and keep them from the polls.—A. I saw several efforts made by the crowd which I was in, in saying that we would slip around and get to the school-house and get a chance to vote. Every time we would start those horsemen would run around and get between us. We did that two or three times, and they would follow us.

Q. Were those horsemen at the school-house as well as at the court-house?—A. When I got there they were there.

Cross-examined by Mr. Bettes, for contestant :

Q. Are you well acquainted in Edgefield County?—A. I am.

Q. Did you know many of the white men whom you saw on election-day?—A. I did not recognize a great many of them that day.

Q. About what time did you go from box No. 1 to box No. 2 that day?—A. Between eleven and twelve o'clock.

Q. How long did you stay at box No. 2 before you started back?—A. I have no idea; I had no watch.

Q. The first time you went from box No. 1 to box No. 2, was it between the hours of eleven and twelve o'clock?—A. To the best of my knowledge; I had no watch.

Q. When you came back from box No. 2 to box No. 1 you say that you met Mr. John Sheppard; had you met Dr. Sheppard before that or not?—A. No, sir.

Q. Was there any person with Mr. John Sheppard when you met him?—A. When I saw him Colonel Cain was talking with him.

Q. Where was Mr. John Sheppard standing?—A. In front of the lawyers' offices, down there.

Q. Did you go where Dr. Sheppard was, or did he come where you were?—A. I followed his brother to where he was.

Q. How far did you go before you met him?—A. Nearly across one block.

Q. Was he standing still, or was he coming towards you?—A. He was standing still till we got pretty close to him.

Q. Did you meet any other crowd before you got to him?—A. None at all.

Q. While you were standing in front of those law-offices could you not see up the street in which Dr. Sheppard was standing?—A. No, sir.

Q. Why could you not?—A. Houses were between us.

Q. Did Dr. Sheppard have his gun concealed, or was he holding it out where any one could see it?—A. Had it in the position of present arms.

Q. Was he facing toward you, or did he have his back to you?—A. He was looking right at us.

Q. Were the men with him fronting toward you, or did they have their backs turned toward you?—A. With their faces toward me.

Q. Did they have their pistols in their hands, all those who were with Dr. Sheppard?—A. I don't say they did. I saw some of them with them—with their pistols in their hands.

Q. Did you see any who did not have pistols in their hands?—A. There was a large crowd, and I could not see the hands of all of them.

Q. How many pistols did you see?—A. Between twelve and fifteen; that I am certain I saw.

Q. Were those men who had pistols in their hands standing in front of the crowd, so that you could see them plainly, or not?—A. They were.

Q. In what part of the street were these men with Dr. Sheppard who had pistols in their hands?—A. In the cross street, by Holson's store.

Q. At what end of the cross-street were they standing; the one near Holson's store, or the one near Colonel Cain's house?—A. The one near the store.

Q. Does this cross-street not run perpendicular to the street in which you met Mr. John Sheppard?—A. Yes; it does.

Q. If you had passed Dr. Sheppard, would you not have been compelled to turn at a right angle when you reached the end of the cross-street, in order to have gone to a precinct?—A. Yes; I would.

Q. You say you met Mr. John Sheppard in front of the law-office; how far is that law-office from the corner of the street at Cain's house where you turned, and in which you met Dr. Sheppard?—A. Between seventy-five and a hundred yards.

Q. Was Mr. John Sheppard standing in front of the law-office when you came up to where you were?—A. I was standing there talking to Colonel Cain.

Q. Where were you coming from when you saw him standing there?—A. From over to the school-house.

Q. Did you hear Colonel Cain tell him that you could not vote at the school-house on account of the crowd over there?—A. Did not hear him.

Q. Do you know whether Mr. Sheppard knew that you had come from the school-house, and why, or not?—A. Don't know.

Q. Did you not come by Colonel Cain's house when you came to where Mr. Sheppard was talking to Colonel Cain?—A. I did.

Q. How far is the law-office, where Mr. Sheppard was standing, from the barracks, where the United States troops were quartered?—A. About seventy-five or a hundred yards.

Q. Are the barracks on the same street upon which Colonel Cain and Mr. Sheppard were standing?—A. Yes; it is.

Q. How far are the barracks from the court-house?—A. About seventy-five or one hundred yards.

Q. Is there not a straight street running from the barracks to the court-house?—A. There is.

Q. Suppose you had not turned the corner at Colonel Cain's house, could you not have gone on down the street until you came to the next cross-street, and have gone to the next cross-street to precinct No. 2, without going out of your way?—A. I don't know that there is any difference.

Q. Was there no nearer way to the court-house, from the place where Mr. Sheppard was standing, than by Mr. Holson's store?—A. There was a nearer way.

Q. Was it sundown when you saw Dr. Sheppard standing in the street, near Mr. Holson's store?—A. Not sundown.

Q. When you got to the corner of the street, at Colonel Cain's house, did you see anybody between you and Dr. Sheppard?—A. Not that I remember, but his brother, who was before me.

Q. Were you walking directly behind his brother, or could you see up the street ahead of you?—A. I could have seen as much another man.

Q. When you were at the corner of the street at Colonel Cain's

house, did you look up the cross-street before you turned to go up ?—A. I think I did.

Q. Did you see Dr. Sheppard and his men, when you looked up, with their pistols and guns ?—A. I saw the men, but did not see their guns and pistols until I got near them.

Q. How far had you gone up the cross-street before you saw the guns and pistols ?—A. Half-way, or a little over.

Q. Could you not have turned around then and gone another way up to the box ?—A. Yes; I could.

Q. When you went up to where Colonel Cain was talking to Mr. Sheppard, Mr. Sheppard immediately turned you back, and carried you the way you had come, until you got to Colonel Cain's house, and then turned you up a cross-street, and carried you up to a body of armed men, did he not ?—A. He did.

Q. Do you believe that Mr. John Sheppard was sincere when he told Colonel Cain that he would give you a chance to vote ?—A. I thought he was sincere at first.

Q. Did Colonel Cain leave before you started back from the office with Mr. Sheppard ?—A. I turned my back on him, to follow Mr. Sheppard.

Q. Who did you get word from to come over from the school-house to the court-house ?—A. I don't remember who; I just heard it going through the crowd.

Q. Do you know whether Colonel Cain knew that you could not vote at the school-house or not ?—A. I imagined he knew it by his sending word.

Q. Was there any crowd of men in front of you in the street toward the court-house when you were standing at the office ?—A. There were some down there.

Q. Was there enough to make the street impassable, and did they look as though they would prevent your going along the street ?—A. They did.

Q. How far were they from you ?—A. Ten or fifteen yards.

Q. Did you know any of them ?—A. I can't say I did. I did not know any of them.

Q. Did you hear them say anything ?—A. They were talking like everybody else.

Q. Do you remember anything they said ?—A. No, sir; I don't remember anything they said.

Q. How many men came up there with you to where Mr. Cain and Mr. Sheppard were talking ?—A. Eleven came with me; I was the twelfth.

Q. Why did not you or Colonel Cain, or some one of the crowd with you, tell Mr. Sheppard, when you saw him carrying you away from precinct No. 1 toward precinct No. 2, that you could not vote at precinct No. 2 on account of the crowd that was over there ?—A. I knew he was not going to the school-house; he and Colonel Cain were talking there together, and I said there were so many at precinct No. 2 that we could not vote there.

Q. Did he say anything to make you know that he was not going to the school-house ?—A. I had just come from the school-house, and he said he would see me vote.

Q. Was it understood by the crowd that you were to go to the school-house or to the court-house ?—A. We thought we were going to the court-house.

Q. Did you not think that he was going a very roundabout way to the court-house?—A. I did not think much about it.

Q. Don't you think now that he was going a very roundabout way to the court house?—A. It did not look like he was going the nearest way.

Q. You said that there was a nearer way to the court-house than by Colonel Cain's and Mr. Holson's store. Did you or Colonel Cain, or any one in your party, suggest to Mr. Sheppard to go the nearer way to the court-house when he started from where he and Colonel Cain were standing?—A. I did not hear any one suggest it. I did not.

Q. When you started from the place, did you not go in almost an opposite direction from the direction of the court-house?—A. Yes.

Q. When you and Mr. Sheppard came up to where Dr. Sheppard and his men were, how long did you stand there before you turned around and went back?—A. Five or ten minutes.

Q. Did you see anybody in the street when you turned around to go back?—A. I saw those who were with . Did not see anybody else that I remember.

Q. When you got to Colonel Cain's house, which way did you go?—A. I went back down the back street toward No. 2.

Q. How far did you go up that street before you turned out of it?—A. Went up to Mr. Bacon's, got over the fence, and went through the fields.

Q. After you got to Colonel Cain's did you see anybody between you and the place where you got over the fence?—A. Only those with . Did not see anybody else.

Q. Did you go through the fields all the way after you got over the fence until you got to box No. 2?—A. Until I got to the church.

Q. Did you see anybody in the fields while you were going through there, except your own party?—A. No, sir.

Q. How far is the Macedonia church from the school-house?—A. About fifty or sixty yards.

Q. Where did you go when you got to the church?—A. I went down to the school-house as near as I could get.

Q. What prevented you from getting nearer?—A. Horsemen and footmen were crowded around the place.

Q. You were then at the crowd of men, standing around box No. 2, were you not?—A. I was at them when I got to them.

Q. Did any crowd of men get before you after you left the church, and before you got to the crowd standing around the door?—A. I met no crowd; they were all one crowd.

Q. You say some of those men were mounted and some on foot; were the footmen and mounted men standing around promiscuously, or were they mixed up?—A. The horsemen were nearest the house mostly.

Q. Did you go up behind horsemen or footmen?—A. I went up behind the footmen.

Q. After you left the crowd of men where Dr. Sheppard was, did you go anywhere else than by Colonel Cain's, down the back street, to the place where you got over the at Mr. Bacon's, through the field to the church, and from there to precinct No. 2?—A. No.

Q. After you got to precinct No. 2 this second time, did you leave there before 6 o'clock that evening?—A. I did not.

Q. Why did you leave there at that time?—A. I saw there were so many there, and I was told the time was out.

Q. You said in your direct examination this morning, "After we left the crowd in which Dr. Sheppard , the crowd that I was in made several efforts to get to the school-house, and those horsemen would run

around and get before us." When did those horsemen do this?—A. That was in the morning, when I made the first start to box No. 2.

Q. Do you know the names of any of those men who were with Dr. Sheppard, and had pistols in their hands?—A. I did not.

Q. About what time of day was it when you left the crowd where Dr. Sheppard was?—A. Late in the evening.

Q. You say at the time you and your party came up to where John Sheppard and Colonel Cain were standing, the court-house steps were crowded; did you see any of those men on the steps moving about?—A. I don't say I did; I was not close enough.

Q. You do not know, then, whether they were voting or not?—A. I could not tell that.

Q. When you got word to come from the school-house to the court-house, did you come up the back street or Main street?—A. Part of the way of Main street. When I got to Dr. Morisee's I turned in to the back street.

Q. You say that you remained under the court-house steps until about 10 o'clock, when you saw United States soldiers come out of the barracks and go over to the school-house, and that you then went over to the school-house with them, did you not?—A. I did.

Q. Up what street did you and the United States soldiers go?—A. We went up Main street.

Q. Did you stop anywhere on the way between the court-house and the school-house?—A. Did not stop anywhere until I got to the crowd at the school-house.

Q. Did the soldiers permit any one to trouble you on the way?—A. They, the Democrat party, like to rode over me a time or two while I was going with the soldiers.

Q. Did you keep close up to the soldiers or not?—A. As close as I could, running out the way of the horses.

Q. Did horsemen ride up behind you, or did they come up from in front of you?—A. After we started they came out of a side street and rode up amongst us.

Q. Where did that take place?—A. The side street below the hotel.

Q. They rode promiscuously among you then, did they not?—A. They mixed up with us; we ran to get out of the way of them.

Q. Which way did you run?—A. I run out on the left.

Q. How long did the horsemen stay there?—A. They remained until the crowd got to the school house.

Q. Did you stay there as long as they remained?—A. The horsemen remained in the crowd until we got to the school-house.

Q. After the horsemen rode among you at the cross-street, the crowd together with the horsemen proceeded over to the school-house, did they not?—A. A portion of the horsemen remained with us until we got there.

Q. About how long did you stay at the cross-road where the horsemen rode among you before you moved on?—A. We went on immediately after.

Q. Did you stop any time after that between the cross-street and the school-house?—A. We made the best advance in our power.

Q. Did you keep up with the soldiers?—A. As close as we could keep to them.

Q. Did the soldiers get ten steps in front of the crowd following them?—A. No, sir.

Q. Of the crowd following them?—A. No, sir.

Q. Did the soldiers halt at any time after they started to box No. 2 before they reached there?—A. They did not.



Q. Did the crowd which you were in stop at any time after starting with the soldiers, except when you were interrupted at the cross-street before you reached the school-house?—A. I never have reached the school-house, but did not stop until I reached the crowd at the school-house.

Q. How many times did you leave box No. 2, after you got there the first time?—A. Once.

Q. When you left that time you came over to where you saw Mr. John Sheppard and Colonel Cain talking in front of the law-office called "Law Range," did you not?—A. I did.

Q. When you reached the court-house early in the morning and was told to wait until 10 o'clock before you could vote, did you attempt to go away from the court-house until 10 o'clock, when you saw the United States soldiers going over to the school-house, or not?—A. Was pressed and was giving back. I did not attempt to go to the school-house.

Q. You said yesterday, in your direct examination, that every time your crowd would start to the school-house, saying to yourselves that you would slip around and get to the school-house and get a chance to vote, those horsemen would run around and get before you, and that you did that two or three times. Tell us where those things happened, and when.—A. Did I not tell you yesterday that I was feeble and not able to get around good? I did not attempt myself, but saw my crowd try, and every time the horsemen would get in their way. In the morning. Between the court-house and the bridge, at the Dobson turnout.

Q. In your examination yesterday you said that you went to the school-house about ten o'clock with the United States soldiers, and that after you first reached there you did not leave there but one time during the day; you also said that you went over to the school-house between the hours of eleven and twelve o'clock, and again that you went over there in the evening, late, after you left Dr. Sheppard with his crowd of armed men; how does it happen that you could have left the school-house only once and have gone there three times?—A. I did not go over there three times.

Q. You said that there were no men in your crowd who had arms, when you reached Dr. Sheppard and his crowd, and that you only remember the names of one or two of the men with you. How do you know that the men with you had no arms?—A. They had none that I know of.

Q. Did you know that crowd of men who were with you well?—A. I did not know all of them. I knew the two men whose names I mentioned.

Q. Did that crowd of men who were with you at that time, twelve or fifteen in number, come with you to the court-house when you first came there?—A. One of them came with me.

Q. Where did you first get with that crowd of men who were with you when you met Dr. Sheppard?—A. I got with them in the street when Mr. Sheppard and Colonel Cain were talking.

Q. Was that before noon or after noon?—A. After noon.

Q. When you left Dr. Sheppard and went to the school-house did those men in your crowd whom you did not know, mingle in the crowd, or did they stay with you the remainder of the evening?—A. I don't know that they did. Don't know whether I saw them or not; because I would have recognized them.

Q. You have said in your direct testimony that the crowd whom you were with, you don't think voted that day. If you did not see those men until the afternoon; did not know but two of them when you did

see them, and did not see any of them after you got back to the school-house except the two whom you know, how could you form any opinion as to whether that crowd had voted or not?—A. Because they were trying to vote.

Q. Did you know the name of the man who pushed you back off the steps that morning?—A. I did not.

Redirect by Lawrence Cain, for contestee:

(I object to all of the questions on the last eight or ten pages asked by the counsel for the contestant, on account of repetition of questions, and the other ground that the said questions are irrelevant and impertinent and asked for the apparent purpose of delay. I say the apparent purpose of delay, because the counsel has detained the witness on the cross-examination all of the afternoon session of yesterday and all of the forenoon session of to-day, an entire day of our sitting, while the witness was only detained one-half hour by counsel for contestee in his direct examination.)

Q. You stated you thought Mr. Sheppard was sincere at first in promising to see that you should vote. Now state what you thought when you and your crowd was confronted by Dr. Sheppard and his armed crowd.—A. I did not think he wanted to see me vote.

Q. You also stated that when Colonel Cain and Mr. Sheppard were standing talking, nine or ten men came up; was not there a very large crowd of Republicans standing within sight of Mr. Sheppard and Colonel Cain awaiting the result of that interview?

(Objected to by counsel for contestant on the ground of new matter.)

A. There was.

Q. You stated that when you were on your way from the court-house to the school-house you were just behind the soldiers, and that there was a crowd of horsemen who tried to ride over you and that you would have to step aside to get out of their way; were these horsemen white Democrats?—A. They were.

(Objected to on the ground that it was a leading question.)

Q. Did they do anything or make any-hostile demonstrations to prevent your going to box No. 2 to vote? And, if so, state what those demonstrations were.—A. They were on their horses, riding and turning about, cursing.

Q. What did they say?—A. Hurrah for Hampton.

Q. You were asked if the soldiers permitted any one to trouble you while on your way up there; you have stated that the troops were ahead of you; could not some one have troubled you without the knowledge of the soldiers?—A. I think they could.

Q. You stated that you did not see the crowd who went with you to the school-house. Was there not a great deal of anxiety among the crowd about voting, and could not they have been near you without your seeing them?—A. They could have near me and I could not have seen them.

Q. You stated you went to the school-house about ten o'clock, and between eleven and twelve, and again in the evening, and yet you state that you did not leave there but once after the first time.—A. I started for box No. 1 between ten and eleven; that was the first time; I came back in the afternoon and went back again, and left there after 6 o'clock p. m.

PLESENT <sup>his</sup> + MILLS.  
mark.

Sworn to before me this the 23d day of March, 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

WILLIS ADAMS, a witness of legal age, being duly sworn, deposes as follows, in reference to questions propounded to him by contestee :

Question. Where do you live ?—Answer. On the Martin Town road, in the county of Edgefield.

Q. How far from the court-house ?—A. Nine miles.

Q. Were you born and raised in this county ?—A. Yes.

Q. How old are you ?—A. Fifty-two years old.

Q. Where were you on the 7th of November last, the day of the election ?—A. I was here, on the hill.

Q. State, to the best of your recollection, what was done to you, and what you saw that day.—A. That day at the school-house I attempted to vote. As I got on the first step of the door Mr. Swarengen struck me with a stick, and he bled me mightily. At last I got in and voted, and came out again.

Q. Where did he strike you at ?—A. Here, on my head, [pointing to the scar.]

Q. I understand you to mean that this was before you voted. State whether anything was said to you then or before you were struck ; and, if so, what was said ?—A. Nothing particular, as I could hear.

Q. What Swarengen was it that struck you ?—A. John Swarengen.

Q. Did you see anybody else struck that day ?—A. No, sir ; I did not see any one else struck.

Q. When you went to the school-house door and was struck by Mr. Swarengen, was there any other persons with him ? And, if so, state if they were white or colored, armed, mounted or dismounted.—A. Yes, sir. They were white men. Not that I can say. They were on horse-back ; not armed in particular.

Q. How near the school-house door were their horses standing ?—A. About five feet of the door.

Q. Were there many horses there ?—A. As much as a half-dozen that close.

Q. Nothing was said to you about voting that day ?—A. No, sir.

Cross-examination by Mr. Bettes, for contestee :

Q. Did you attempt to vote as soon as you got to the school-house, or did you wait a while ?—A. We waited a while.

Q. Did not you see a Democrat standing near the door, who told the crowd you were with to come on and vote ?—A. No, sir.

Q. Did you see the doorkeeper, and was he a white man or colored man ?—A. I did not see the doorkeeper

Q. Who were the men you saw with Swarengen ?—A. Don't know.

Q. Was there not a path along by the side of the school-house where voters went in and voted ?—A. Not then.

Q. Were there a great many men there then ?—A. Yes, sir.

Q. Were they mounted ?—A. Yes, sir.

Q. Were they near the door ?—A. About half a dozen right at the door.

Q. Were these half-dozen separate or were they with the crowd ?—A. Pretty much all together.

Q. Could you get between the horses and the door?—A. Yes; after shoving up to the door.

his  
WILLIS + ADAMS.  
mark.

Sworn to before me this the 23d day of March, 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

THOMAS P. CARROLL, a witness of legal age, introduced by contestee after due notice to contestant, deposeth as follows to questions propounded by attorney for contestee:

Question. Where do you live?—Answer. Edgefield County.

Q. How long have you lived in this county?—A. All my life.

Q. How old are you?—A. Twenty-seven years old.

Q. Where were you on the 7th of November, election day, last?—A. At Holliwanger's store.

Q. Had you any official connection with the election?—A. I was manager there.

Q. What time in the morning did you reach the store?—A. At 6 o'clock in the morning.

Q. State now, as near as you can, what took place at that poll that day.—A. When I arrived there in the morning, in sight of the place, I had about one hundred and twenty-four colored Republicans with me. I was met by a band of Democrats, and they were singing, "We will hang Tom Carroll to a sour-apple tree;" some saying, "Where is he?" and some said, "Yonder he is, a son-of-a-bitch, on the lower side." This time we all rush together in front of the store-house door. Some said, "Why ain't you here sooner, you cowardly son-of-a-bitch?" I said to Mr. Tompkins, the Democrat manager, I tho't, to my judgment, that I was in time. He said, "You are too late; we can't have any election here." I said, "We will go on and have it anyhow. I think it will be all right." He said, "No; we are going to have the box thrown out; we are going to throw it out." I told him no; if the election was illegal he had better wait, and let it be thrown out at Edgefield Court-House. At this time, the other manager, Levi H. Graham, took the box out of the wagon. Then him and Mr. Tompkins started in the house, and I right behind them. After they were in the store, I asked Mr. Hotte-wanger for a private room to organize the managers and elect a clerk. He told me to go into a room alongside the store and organize. Myself, Graham, and Mr. Tompkins proceeded to elect a chairman of the board, and we elected Mr. Tompkins. The next thing, we elected Capt. I. H. Brooks as clerk. After this, I asked Mr. Tompkins to go out and bring Mr. Brooks in to take the oath. He came in with Captain Brooks. Then Captain Brooks said, "Tom, I understand you have elected me clerk of election." I told him yes; I thought him a proper man to act as clerk. He said, "Do you think that I would act as clerk for a set of God-damned dogs like you?" I said, "Captain, I don't think there is any use of that; you have known me too long to treat me this way." He said, "When I think of my children sitting in your lap teaching you—to follow up such damned rascals as Lawrence Cain and Governor Chamberlain, it makes me feel like putting a light-hole through you, God-damn you." I said it is no use treating me this way. He says, "Treat you what way, you damned puppy, you." This time he walked out.

Q. Is Mr. Brooks a white man?—A. He is, and a Democrat.

Q. Did any other parties do or say anything to you that day?—A. Some of them came and kicked the door open and said, "Yonder he stands" one of them had a pistol in his hand—they were both strangers to me—and placed himself in position to fire or attempt to fire. And then they went out; as they went out of the door I got out of the window; I got over the fence and called several of the Republicans to where I was standing and told them I thought we had better leave there, and go to Richdsonsouville, where we could vote as we pleased and for whoever we pleased. Some of them asked me why. I think I told some of them from the way I was treated in the outset I believed I would be murdered or badly hurt if I did stay there.

Q. Did they go off as you requested?—A. They said they would never leave until he did.

Q. Did you go back in the room where they were holding the polls?—A. At that time Mr. Hips spoke to me and said, "Tom, what is the matter?" I said, "It seems I am going to be imposed upon; would you protect me?" He said, "Yes; go on back; I will stick to you if no one else wont." Then I asked him, "Would he keep his men quiet; that my people had come there to do no harm, but just to vote;" he said, "I can't promise you that, because every man can do as he pleases, but I tell you I will stick to you."

Q. Did you go back in the room?—A. After Mr. Hipp and I had talked he stepped off and brought Capt. J. H. Brooks. Capt. Brooks said to me, "Tom, I did speak to you too hastily while ago; I was thinking of a personal matter which has nothing to do with to-day; go back and let's proceed with the election." I said to him, "Won't you and Mr. Hipp try and keep your party quiet? I can keep mine so." I know Captain Brooks said, "I can't promise you; every man is his own man and yours had better be quiet." Then I went back in the house; then the board of managers elected Mr. Geo. Holtewanger as clerk.

Q. Did he accept?—A. Yes; he did.

Q. Is Mr. Geo. Holtewanger a Democrat?—A. He is.

Q. About what time of the day was it when you went back?—A. I think it was half after six in the morning.

Q. Do you mean to say that it was half after six that you opened the polls at that place?—A. Yes; after discussing several questions with the other party, which I think consumed about a half hour's time.

Q. State if you saw any fire-arms in this room, and, if so, how many and what kind?—A. I saw some double-barrel shot-guns and some old Winfield muskets; they were behind the counter. I would not like to tell how many; there were more than two.

Q. How long after you went into this room the second time did you stay in there?—A. I think until about eleven o'clock a. m., before I went out again.

Q. Was there any threats made against you and the other Republican manager while you were in there?—A. Mr. Eldred S. Addison walked up to me and, said, "Tom, are you a good Republican? I am one. If you are a Republican we will both vote for Chamberlain." He said, "If you are mean enough to vote for him you will kill me to-night." I told him no, I would not have that much against him; he said, "Well, God damn you, won't have the chance after a little;" he said, "By God, we are going to take care of all such radicals as you." Did not have anything to say to him after that.

Q. After you left the box at 11 a. m., did you return again?—A. I returned again in two minutes.

Q. State whether you were threatened again.—A. About this time some strangers came in; I don't know who they were. As they came up I heard a Democrat negro say, "Here comes our Newberry cavalry;" then one of them, as he walked by the window so I could see him, said, "How are you getting along with your managers?" Who he spoke to I cannot say. One said, "We will keep them here until night, and if they don't certify to this election while we vote as we damn please, as many times as we damn please, I will put a light-hole through him, and he won't certify to anything else."

Q. How much longer did you stay in there?—A. About three-quarters of an hour.

Q. Did you return there any more that day?—A. No, sir.

Q. Why is it you left there and did not return?—A. Because I believed they would do as they said they would.

Q. About what time of the day do you think it was when you left?—A. About a quarter after twelve.

Q. Did you leave the other Republican manager there, or did he leave with you?—A. I left him there.

Q. Did you leave the Democratic manager there, too?—A. Yes, sir.

Q. As manager did you not certify to the correctness of the returns at that place?—A. I did not.

Q. Tell, if you can, how many of the managers did certify to the returns.—A. I saw the poll-list in the office of the secretary of state at Columbia, a few weeks ago, and only saw one name.

Q. Whose name was that?—A. Mr. Danl. H. Tompkins.

Q. Was he the Democratic manager for that place?—A. Yes, sir.

Q. State, Carroll, whether or not you were offered any money if you would do a certain thing there that day.—A. Not that day.

Q. At any time prior to the election?—A. Yes, sir. Captain Brooks told me once if I would vote with them and use my influence with my party, he would guarantee me a pretty good sum; did not fix the amount; he would guarantee me a home, and he never would betray me.

Q. What did you say to Captain Brooks?—A. I told him nobody of my party would do that; but whoremongers and liquor-drinkers.

Q. State whether or not, to your knowledge, any party or parties voted under assumed names there that day?—A. Three did so that I know.

Q. Can you give their names?—A. Yes; Mr. D. A. J. Bell was one. Mr. Abuey Cleg was another, Mr. Pierce Mathews the third.

Q. Can you give their assumed names?—A. Mr. Bell voted as Alfred Bell, Mr. Cleg voted as Henry Jackson, Mr. Mathews voted as T. J. Delong.

Q. How long have you been acquainted with these parties?—A. I was hired to Mr. Bell in the year sixty-four. Myself and Mr. Cleg's hands worked together that year. Mr. Cleg was overseer for Mr. Bell. I have known Mr. Mathews ever since sixty-two.

Q. You mean to say that you were personal'y acquainted with these three men, were you not?—A. Yes, sir.

Q. State whether or not these three gentlemen, or either of them, voted by their real names while you were present at the polling-place?—A. They did not at that box.

Q. Did you challenge their votes when they voted under their assumed names?—A. I turned to Mr. Tompkins, the Democrat manager and said these men have changed their names. He said to me you had better keep your damn mouth. Did not say anything more to him about it, but took their names on a piece of paper and put it in my pocket.

Q. You stated that when you arrived there in the morning early you

were met by a band of Democrats. What was the attitude of this band of Democrats?—A. Singing "We will hang Tom," &c., slapping their hands and shouting.

Q. State whether this band of men was armed; and, if so, what were they doing with those arms?—A. They only had small-arms, such as pistols. I judged from the belts some of them I could see had pistols.

Q. I understand you that some of them had their pistols drawn?—A. None of them at that time; there was a large crowd of colored men between me and them.

Q. Did you at any other time during the day see them with their pistols drawn?—A. Only when we were in the room trying to organize the board and elect a clerk.

Q. You stated that you left the place about twelve o'clock; where did you go to then?—A. I went from there home.

Q. Did you go directly from the poll home?—A. Not exactly.

Q. State whether or not you were pursued after leaving the polls?—A. In about two miles from the polls I came to Mr. Deloach's field; there was a woman and some children picking pease; this woman said to me, you better not go through this field, because a crowd of Red Shirts passed through here, and asked if I had seen you, and said they intended to kill you if they could find you this evening. I saw three of them across the field; they were going from me.

Q. Did you get home before or after dark?—A. I got home before dark.

Q. And is that all you know about the election?—A. That is all.

Cross-examined by Mr. B. Betts for contestant.

Q. Was not the 7th of November last a dark, cloudy morning?—A. Yes, sir.

Q. Did you have a watch?—A. No, sir.

Q. Could you see the sun shining?—A. No, sir.

Q. How did you know then the time of day it was when you reached Mr. Holtewanger's store?—A. On the morning of the election, I stopped at a house where they had a clock; the man of the house said it was half after four.

Q. What was this man's name?—A. I think his name was Silas Brown.

Q. How far did you live on the day of election from Holtewanger's store?—A. About five miles.

Q. Did you go directly from home to the polls?—A. I did, except when I stopped at Mr. Silas Brown's house.

Q. Does Mr. Silas Brown live on the most direct road from your house to Mr. Holtewanger's store?—A. He does.

Q. How far does Silas Brown live from your house?—A. Two miles and three-quarters.

Q. You say, in going from your house by Silas Brown's, the distance is about five miles.—A. About five miles and a half.

Q. Could you see well when you got to Holtewanger's store?—A. About a hundred yards.

Q. Did you go right on from Silas Brown's house, or did you stop there?—A. I stopped there about a half-hour.

Q. It had been day some time when you got to Holtewanger's store, had it not?—A. Day broke on me about a mile of the place.

Q. You say that you left Brown's house about one hour and a half before day?—A. Yes, sir.

Q. Brown's house was about two miles and a half from Holtewanger's store, was it not?—A. Yes; I think about that.

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Q. As day broke on you when you were within a mile of Holtewanger's store, must you not have been an hour and half traveling a mile and a quarter?—A. I think I was about that.

Q. You traveled the same speed all the way from Silas Brown's to Holtewanger's store?—A. I did until day broke.

Q. How were you traveling?—A. Walking.

Q. Did you run after day broke, or did you increase or diminish your speed?—A. I walked as fast again.

Q. When you came in sight of Holtewanger's store did the crowd whom you saw there in front of his store leave their position or not?—A. They did.

Q. Did all the crowd leave?—A. I think all left except Capt. J. H. Brooks and William Holtewanger.

Q. Were you in front of the men with you or behind them?—A. I was walking by the side of them.

Q. Was anybody between you and the crowd at Holtewanger's store?—A. These colored men who were with me were.

Q. Was the crowd at the store not standing in front of the store?—A. When I first saw them they were.

Q. How far were you from them when you first saw them?—A. About two hundred yards.

Q. Could you tell whether they were white or colored men when you first saw them?—A. When I got in a hundred yards of them I could.

Q. You came within a hundred yards of them before they moved, did you not?—A. Yes, sir.

Q. Did the road by which you went lead directly up in front of the store?—A. It does not, but passes by in front.

Q. Which way does the house front?—A. Near about south.

Q. Then the road runs north and south?—A. It runs southeast and northwest.

Q. Is the store north or south of the road?—A. North.

Q. Your men came up the road, walking in a column, and you at their side, did they not?—A. They came up in no military position; they were walking all over the road.

Q. On which side of the crowd were you?—A. On the south side.

Q. Were you at the front or rear end?—A. About middle way of the men.

Q. Then your men walked up between you and the crowd at the store, did they not?—A. The crowd at the store came meeting us, except two.

Q. How many of your men were between you and the crowd of white men when you met?—A. About the time the crowds met my crowd stopped, and I walked round in front.

Q. How close did the white men come to you?—A. Right up to us; some of them among us.

Q. Could you see them good?—A. I did.

Q. That was the time, then, that you saw the pistols in their belts which you alluded to in your direct examination, was it not?—A. About that time and after that time.

Q. You said in your direct testimony that when you, coming up to the store, saw the crowd of Democrats there, you saw pistols in their belts; did you not allude to the time you met them?—A. That was the time I alluded to.

Q. You also said that at that time (the time you met them on the road) you could not see whether the Democrats had pistols in their hands because your colored men were in front of you. Now, you say that you walked around to the front of your men, where you could see



the men well. Tell us how it was that you could be in front of your colored men where you could see the white men well, so well that you could see pistols in their belts, and yet that your colored men should still be between you and the white men, so much so that you could not see whether they had pistols or not in their hands?—A. There was nothing to prevent me from seeing them after walking around the colored men.

Q. Did you see the pistols after you walked around, or before?—A. After I walked around.

Q. Could you see them before you walked around?—A. I did not see them until after I walked around.

Q. Did you not say in your direct examination that at the time you saw the pistols in their belts your colored men were in front of you?—A. I, after walking around in front of my men, saw some of the white men walking through the crowd with pistols in their hands, cursing me, and some of them, and saying what they were going to do with us.

Q. Were those men who came with you not under your direction and control?—A. They were.

Q. Did they not have clubs in their hands?—A. Nothing more than ordinary-sized walking-sticks.

Q. Did the crowd of white men remain in front of the door when you went in the store—with the other managers?—A. They did; and on the piazza, as thick as they could stand.

Q. After you went into the store you went into a small room at the side of the store. Did that small room not have a window on the south side, and was that window not closed?—A. There was no window on the south side; there was a door.

Q. Did you go in at that door?—A. Yes, sir.

Q. Did you close the door?—A. Yes, sir.

Q. You could not see the crowd after you went in the small room?—A. Not after I went in and closed the door.

Q. Did the other managers go in the room before you, or did you go in first?—A. We all started at once, but I do not remember who entered the door first.

Q. As you went in you shut the door, did you not?—A. I did.

Q. Did you or one of the other managers shut it?—A. I did; and fastened it.

Q. Did you look back at the crowd in front of the door?—A. Not after I started in the room.

Q. Did not all the Democrats crowd around the door?—A. I heard them yelling and walking in the larger store, but could not see them.

Q. Did you see any of the Democrats while you were in the room?—A. None; except the managers and two or three who broke the door open.

Q. You said that while you were in Mr. Deloach's field you saw two or three men with red shirts on; were you passing through or just out of it at the time?—A. Just got in the field.

Q. You said in your direct testimony that you saw one or two guns in the store-room in which you held the election; did you look at them to see what kind were they?—A. Since thinking of it, there were two piles; but how many were in the piles I don't know. They looked like they had been lately put there. I had been in the store before, and had not seen them.

Q. How many guns, about, did you see in those piles?—A. I can't say how many; about seventy-five or a hundred.

Q. You say you had been in the store often before that time?—A. About once a month during the year.

Q. Had you ever looked to see if those guns were there before?—A. I had not until that day.

Q. When those two or three men broke open the door to the small room at the side of the house, did they not get out of the door before you left the room?—A. They did.

Q. You say that your crowd had walking-sticks when they came up to the store; how many of them had sticks?—A. About nine or ten.

Q. Were they fresh cut?—A. I remember seeing one of them cut one before he got there.

Q. You said in your direct testimony that some men rode up to the store, and you heard some one halloo, "There comes our Newberry cavalry;" did you see the man who said that?—A. I saw him.

Q. Do you know his name?—A. I know his given name.

Q. What is his given name?—A. They call him Calvin.

Q. Was he a Democrat or Republican?—A. He was a Democrat nigger; I saw him vote.

Q. Do you know how many votes were polled there that day before you left?—A. I don't know any more than what the clerk told me, and as regards the colored men who came with me, I guess their votes were all right; and as many more came with the Republican supervisor; they all voted except two, who were challenged because they were not of age.

Q. How many votes did the clerk tell you had been polled before you left there?—A. I think he said two hundred and twenty-five or thirty Republican.

Q. Did you see any other Republicans there except your crowd and those who came with the supervisor?—A. There was about twenty-five or thirty who come from Cambridge; the most of them voted.

Q. There was a large crowd of Democrats there in the morning when you got there, was there not?—A. Yes; I think about one hundred and twenty-five.

Q. How many Democrat votes did the clerk tell you had been polled before you left?—A. About two hundred and seventy-five or eighty; somewhere along there.

Q. The Democrats were ahead, were they not?—A. Yes; in the way they had voted they were.

Q. Did you ever act as sheriff of Edgefield while the Republicans were in power?—A. Yes, sir.

Q. Did any money ever come into your hand while you were acting sheriff?—A. Yes, sir.

Q. What became of that money, and how much was it?—A. I was robbed of the largest amount; it was five thousand dollars.

Q. Did you every pay it back?—A. I never have.

Q. Where were you robbed, and who did it?—A. About fifteen miles above here, on the road; don't know who did it.

Q. Was there more than one?—A. I only saw two, and it was in the night.

Q. Were you walking or riding?—A. Walking.

Q. How far was you from your home?—A. About eight miles.

Q. Was anybody with you?—A. No, sir.

Q. Have the parties to whom this money was due ever got one cent of it?—A. Not that I know.

Redirect by Lawrence Cain :

Q. You stated you had no watch on the 7th of November last; can you tell about what time in the morning 6 o'clock comes in November?—A. About a half hour after daylight.

Q. How long was it after daylight you opened the polls at Holte-wanger's store?—A. When I commenced it was not 6 o'clock, I think. It was half after six before we got the board organized and opened the polls.

Q. You say day broke on you when you were about a mile from the store; what do you mean by day broke?—A. I just could discern day.

Q. The threat you met when you got there early in the morning, how near to the store was it?—A. About seventy-five yards when we met.

Q. You said in your cross-examination there were nine or ten sticks of ordinary size in your crowd; is this number more than is usually carried by a crowd of that size?—A. Nothing like as many as is usually carried.

Q. There were a great many old colored men in your crowd, were there not?—A. Yes, sir.

T. P. CARROLL.

Sworn to before me, this, the 28th day of March, 1877.

[SEAL.]

C. S. B. MARSH,

*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

JACKSON PIXLEY, a witness of legal age, introduced by contestee, after due notice to contestant, deposes as follows to questions propounded to him by contestee's attorney:

Question. Where do you reside?—Answer. Edgefield County.

Q. How far do you live from the court-house?—A. Two miles and a half.

Q. How long have you lived in this county?—A. All my life.

Q. How old are you?—A. Sixty-two years old.

Q. Where were you on the 7th of November last, the day of election?—A. At Edgefield Court-House.

Q. State at what time in the morning you reached the court-house.—A. About a quarter before six a. m.

Q. To which of the two boxes did you first go to?—A. To the one at the court-house, No. 1.

Q. State if you voted at the court-house that morning; and, if not, why not?—A. I did not vote; when I came to vote the crowd was so big that I could not get to vote. I then waited, first and last, until ten o'clock and after. I then found there was no chance, and we were ordered up to No. 2 box. I then staid there until three o'clock and past, trying to vote there. I saw no chance there; tried hard. After staying there as stated, we were ordered to come back down to No. 1. I tried again here to vote, and I found it the same thing; no chance to do so. I staid until about sundown. I then finally gave it up. I went down to the barracks; and from there went home.

Q. When you came down from the school-house that afternoon, were there any parties with you; and, if so, how many?—A. Over two hundred. I was in the rear of them.

Q. State why it is you and that crowd did not vote at the court-house box No. 1.—A. When I got along by Mr. Lynch's store, there was such a raging of the men at the court-house our men all stopped; and the word reached me through the crowd that there was no chance of voting.

Q. What crowd was it raging so?—A. The white people.

Q. Was this crowd all at the court-house, or all over the street?—A. On the court-house and all over the street.

Q. What did they do?—A. I heard a good deal of cursing.

Q. Did you see any arms among them?

(Objected to on the grounds of a leading question.)

A. Yes, sir.

Q. Were these arms guns or pistols?—A. I saw one Remington rifle, several shot-guns, and lots of pistols.

Q. What was the position of these arms which you saw?—A. Some of them were drawn and some were not drawn.

Q. State at what place you saw these parties with drawn arms.—A. At the court-house.

Q. State whether you were with the crowd who started with Mr. John Sheppard to the court-house.—A. I was not with the crowd.

Q. You say you did not get to vote that day?—A. No, sir; I have got my ticket in my pocket now.

Q. If you had voted would you have voted for G. D. Tillman or Robert Smalls?—A. For Mr. Robert Smalls.

Q. You spoke of there being a crowd on the court-house steps. Were these white or colored men?—A. White men—next to the court-house.

Q. State whether these men were on horses or not.—A. Some on horses and some on foot.

Q. How near to the court-house steps were their horses standing?—A. Very close up, on the side next to the jail.

Q. You also spoke of a crowd being at No. 2. Was there any white men in this crowd?—A. Yes, sir.

Q. State whether they were mounted or not.—A. Some were on horses and some on foot; most of them on horses.

Q. How near to the school-house door were their horses standing?—A. They were all round in front till the Yankees backed them out.

Q. Did you see any fire-arms in that crowd?—A. Yes, sir.

Q. Were they guns or pistols?—A. All pistols, that I saw.

Q. What were they doing with their pistols?—A. Some had them out and some did not.

Q. State now, Mr. Pixley, whether or not you were assaulted by any Democrats previous to the election; and if so, by whom, and where at.—A. About the 14th of October I was going to a mass meeting here; just before I got to the two-mile post, a couple of men, riding horseback, one named Frank Sharpton, halted me, jammed me in the corner of the fence, and asked me if I had a pistol; I told him, "No, sir." I told him I had not toted one in forty years; he said I was a damn liar; he then snatched my coat open to search me. I had two knives to butcher with; he robbed me of them; he searched me three times before I got home. One of the party took my stick from me. I was crippled in my back and knee; one of them struck me on my arm; there was a dozen in the crowd; did not know who he was.

Q. Did they say anything to you about your politics?—A. Yes, sir; they asked me who I was going to vote for; I told them I did not know that I should vote for anybody, and one of the party called me a damn liar; some of them then said that I would vote for Chamberlain. I told them if I could not vote quietly I did not know that I would vote for anybody. They said so many words to me I don't remember all they said abusing me. They tried to make me give my name that I would vote the Democrat ticket; I contended against it, and would not give my name; they then made me get up behind one on his horse. I surrendered very kindly to them. I asked them please let me go home to my family, that I was crippled and not well; about that time Mr. Gus White came up; told them to let me alone. He said he had known me

for six years; said I was a good old neighbor who never troubled anybody. They rode me on then up to my gate, something over a half mile, and they put me down. I went home.

Q. Did they have pistols, and if so, how?—A. They drew them and presented them right at my body. Never felt death nigher.

Cross examined by Mr. Betts, attorney for contestant:

Q. Do you not live on land known as the promise land?—A. Yes, sir.

Q. Did the Republican party not let you have that land?—A. Yes, sir; the State government did.

Q. Did they not let you have it on credit, and how long?—A. Yes; eight years.

Q. Have you paid anything on it yet?—A. Yes, sir; some of the interest.

Q. How much interest have you paid?—A. I do not remember.

Q. Did you have any property before you bought this land from the State government administered by the Republican party?—A. No, sir.

Q. Did you give the State government any security for the purchase-money and interest on it?—A. They held the land under mortgage until paid for. I gave them no security.

Q. Did any other persons purchase lands from the State on the same terms as you did?—A. Yes, sir.

Q. About how many of them?—A. There were seven hundred acres of land cut up in twenty-five-acre lots, and several parties purchased.

Q. Do you know of any other tracts of land bought by the State and sold on those terms?—A. Yes; Mr. Burnes, Mr. John Walker, and Mr. Whit Jennings's tracts were so bought and disposed of.

Q. About what size were these last three tracts?—A. Don't know.

Q. Do you know whether any of the other parties who purchased land from the State government have paid for it or not?—A. Don't know.

Q. How many years since you bought that land?—A. About seven.

Q. Did you pay the interest on the money last year?—A. Don't think I did.

Q. Why did you not?—A. The drought and losses on my crop was so severe I could not.

Q. Did you pay the year before last?—A. I don't remember.

Q. Tell us how many times you remember to have paid on that land.—A. Think I have paid three times.

Q. How much interest do you pay?—A. I do not know how much; I think I have paid fifty-odd dollars.

Q. Tell me who you paid it to.—A. Mr. Wolley got the best part.

Q. Whom did you pay the rest to?—A. Think I paid some to Mr. Cain.

Q. Did you tell Mr. Cain that it was interest?—A. I paid some as principal and some as interest; don't recollect telling Mr. Cain that I was paying for the land.

Q. How came you to pay it to Mr. Cain?—A. He was sent round by the land-agent to collect.

Q. How do you know that?—A. He told me so.

Q. You say that you went from the court-house to box No. 2 on the 7th of November, about ten o'clock; did you not go with a file of United States soldiers?—A. I went on a little ahead of them.

Q. You say these soldiers backed the crowd away from the school-house door; did they have guns in their hands and bayonets on their guns?—A. Yes, sir.

Q. How did they back the crowd back?—A. I could not say, but they

went in near the door and formed a sort of a square, and the soldiers walked up and down the line.

Q. Did you see many men leave there after the soldiers came there? —A. Some white men left and some staid; in fact a great many left, and a great many staid.

Q. You say the soldiers were walking up and down in a line in front of the door; did a crowd of men press up close to the soldiers?—A. Yes, sir.

Q. Were not the most of that crowd who pressed up together near the soldiers in front of the door, colored men?—A. Yes, sir.

Q. Did you see any white man in that thick crowd that was crowded up close to the soldiers in front of the door?—A. Not in front of the door.

Q. Was the crowd not a large one—very dense?—A. Yes, sir.

Q. After the soldiers went there did voters pass by them going to vote at their pleasure, or were they pointed at before they passed the soldiers?—A. They were not allowed to go as they pleased; they were pointed out by the soldiers and went in ten at a time.

Q. Did not the voters go principally, in fact almost entirely, from the dense crowd in front of the soldiers when they went into the school-house to vote?—A. Yes, they came in that way.

Q. You say after you staid at box No. 2 a long time you got orders to come back to the court-house. Did you not act under Colonel Cain's orders that day?—A. I did, late in the evening.

Q. You say that you came from the school-house in the rear of about two hundred. Was Blis Mills and Myer Weldou in that crowd?—A. I think so.

Q. Which way did you come when you came from the school-house to the court-house?—A. Down Main street.

Q. Did you come all the way down Main street?—A. I did, as far as the corner of Mr. Cheatham's store.

Q. Did the crowd remain in front of you until you got to Mr. Cheatham's store?—A. A great many of them did.

Q. Were you standing in front of Mr. Cheatham's store, or in front of the alley by Mr. Lynch's?—A. I was standing near the corner of Mr. Cheatham's store, near the alley.

Q. Were the crowd of men whom you spoke of in your direct testimony as having guns and pistols, when you came to the court-house in the evening, between you and the court-house, or were they in the alley?—A. I never saw any in the alley.

Q. Did the crowd of colored men who came in front of you to Mr. Cheatham's store remain in front of you as long as you staid there?—A. The greatest portion of the time.

Q. Do you know the name of any person in the crowd between you and the court-house, or upon the court-house steps, whom you saw have a gun that day, or a pistol?—A. No, sir; not particular.

Q. About how long did it take you to come from the school-house that evening to Mr. Cheatham's store?—A. About twenty-five minutes.

Q. Which way did you go when you left there?—A. I went home.

Q. Did you see a crowd of armed men block the alley?—A. No, sir; I did not pay any attention to the alley but kept my eyes in front of me.

Q. Were you standing in front of the alley by Mr. Cheatham's store?—A. Yes, sir.

Q. Could you have seen down the alley if you had looked?—A. Yes, sir.

Q. Did you hear any cursing down there to attract your attention?—  
A. No, sir.

Q. You said in your direct testimony that the crowd of horsemen near the court-house were standing to the left of the steps. Was there not a crowd of footmen in front of the court-house steps?—A. Yes, sir.

Q. Are you a butcher?—A. Have been thirty years.

Q. Why is it you carry butcher-knives to public meetings; do you butcher there?—A. Sometimes; I get jobs around town sometimes.

Q. You said there was about a dozen men with Mr. Frauk Sharpton when he took your knives away from you?—A. There was; Mr. Gus White was the head man.

Q. Did those men see Mr. Sharpton back you up in the corner of the fence?—A. They came up afterwards.

Q. How many of them were with him?—A. One other.

Q. How far were the rest of the crowd from you?—A. About two hundred yards, bothering with a drunken man in the road—one of their own crowd.

Q. They were drinking, were they not?—A. Yes, sir; one or two badly drunk; I saw one or two fall off on the ground.

Q. Did you see any of them take a drink?—A. No, sir.

Q. Did they offer you a drink?—A. No, sir.

Q. They took you up on a horse and carried you home to your gate?—  
A. Yes, sir.

Q. Did Mr. Gus White and his crowd, soon after Mr. Sharpton backed you up in the fence, come up to where you was?—A. Yes, sir.

Q. Did he let them trouble you?—A. He told them not to, but they did; they hit me one lick.

Q. When you got to the court-house early in the morning, was there not such a crowd in front of you that you could not get to the box to vote?—A. There was.

Q. Was the crowd not going up and down?—A. Now and then I saw some white men going up and down.

Q. When you went over to the school-house, were you not kept from voting because there was such a big crowd of colored men before you that you could not get to the box to vote?—A. Colored and white men before me.

Q. Were not colored men crowded up immediately in front of you?—  
A. I did not stay in one place; I moved about.

Q. Everywhere you went you found a crowd before you?—A. Yes, sir.

Q. Sometimes that crowd would be white, and sometimes colored men, would they not?—A. Yes, sir.

Q. Do you think you would have voted that day if there had not been such a crowd you could not get to the poll?—A. If they had got out of the way as they voted, I believe I would.

Q. When they voted they go and get in the way, would they not?—  
A. It looked so to me.

Q. It was at the school-house that you saw the men doing this?—A. I saw them vote and stand around in the crowd.

Q. You said you saw very few vote at box No. 1, did you not?—A. Yes, sir; the crowd was so thick I could not see.

Q. So far as you could see did they not start early in the morning, and vote rapidly all day, at Edgefield Village until the polls was closed?—  
A. Could not tell particularly; they stood packed, and worked in and out slowly all day.

Redirect, by Lawrence Cain:

Q. In your cross-examination you stated that at the school-house ten

men were pointed at a time. Was this man counting them, or was he selecting them?—A. He took the first that came; don't know that he counted them.

Q. Were there at any time any whites with the ten who went in?—A. I did not see any whites with the black men.

Q. You said you was acting from orders from Colonel Cain in the evening; did you hear him give any orders?—A. I heard you say that the best part of them could vote at the court-house, and they had better go down there.

Q. You stated that when you made an attempt to vote in the evening you reached the corner of Cheatham's store; state why you went no further.

(Objected to on the grounds of new matter.)

A. A voice reached me that I could not vote from the front; I heard loud cursing and gave back.

Q. You state that there was a crowd of footmen near the court-house; were they white or colored?—A. White and colored; white men near the steps.

Q. You stated that you would have voted when they got out of the way; who were they?—A. They were white men on the steps. At one time at the court-house I tried, and once at the school-house. What I saw at the school-house I saw looking through the window.

JACKSON + <sup>his</sup>PIXLEY.  
mark.

Sworn to before me this the 26th day of March, 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

MYER WELDON, a witness of legal age, was introduced by contestee, after due notice to contestant, deposes as follows in reference to questions propounded by attorney for contestee:

Question. Where do you reside?—Answer. Edgefield County.

Q. How long have you lived in this county?—A. All my life.

Q. How old are you?—A. About thirty-two.

Q. How far do you live from Edgefield Court-House?—A. About three miles.

Q. Where were you on the 7th of November last, the day of election?—A. At Edgefield Court-House.

Q. About what time in the day did you reach the court-house?—A. About six o'clock in the morning.

Q. To which one of the voting-places did you go to first?—A. To No. 1 box at the court-house.

Q. State, now, what condition things were in when you got there, and what came under your observation the entire day.—A. When I got to box No. 1 I expected to vote, and the box was so crowded I did not get a chance. The place where I thought the box was, under the court house, it was not there. I waited a good while, still after a while General Butler came down out of the court-house and said to the United States marshal, "Just let these colored men be easy; they shall have a chance to vote after a while; as they have been voting first all the time before, I think we have the right to vote first this time." I still waited yet a while, thinking and depending on his word that I could vote



after a while. It was my intention to vote and get out of the way so as to give others a chance. I still waited, depending on the words of General Butler, and it was getting late in the day; it had been raining that morning, and I was wet and cold. I then went down to some of the neighbors' houses and staid there until I got pretty well dry, as warm as I could. I came out again, that time to No. 1, and when I got to No. 1 it was no better. About half past ten o'clock the marshal ordered a file of soldiers to the school-house, and I, after seeing the soldiers and about two or three hundred colored men going, went too, thinking I could vote there and get out of the way. When I got there I found a great crowd there, and I undertook to press my way through that crowd. I pressed and pressed and packed, but could not get in, so I fell back and I went up and tried it, and in that time the way was so crowded with horsemen the marshal brought in ten soldiers and opened the way. He would count ten himself and let them go in. I still tried. Now, it was getting late, and I staid there until half past three o'clock. This time Gunton Cain came up and said it was getting late, and said, "There a great many of you here, seven or eight hundred; I think if you, a good many of you, go to the court-house you will get a chance to vote there." I was glad of the chance and made my way back, and I was coming up the street, I got in about one hundred and fifty yards of the court-house, and by this time General Butler had a crowd of red shirts, and they had crossed the street, and he rode right up to me and said, "Where is Laurence Cain?" I said, "He has gone on to his house." He said, "Could not you vote at the school-house?" I then turned to the right; he went to Colonel Cain's house and then said, "If you did not vote there you cannot vote here. I don't propose to have any more fooling about it. I intend to have a couple of rounds." I went on then and just as I got to the house I saw Colonel Cain and Mr. John Sheppard talking; then he called us, (Colonel Cain,) he said, "Mr. Sheppard, these men have not voted." And he (Mr. Sheppard) said, "Are you certain of it?" Cain said, "I believe it." And Mr. Sheppard said, "Who has not voted?" I pulled out my ticket and showed it, with several others, and Mr. Sheppard said follow me, and Mr. Cain said follow him. We followed him up to the end of the street, and when we got there his brother, Dr. Sheppard, halted us and said, "These men have voted over to the school-house." And he pulled out his pistol and said, "Damned if you can vote here, then." We turned and went back to the school-house with a crowd. I staid there until six o'clock, then returned to Colonel Cain's house. He asked me had I voted; I told him I had not; told me, well, go on home, I had done my duty. I went then on home.

Q. You did not get to vote that day?—A. No, sir.

Q. When you met Dr. Sheppard you said he pulled out his pistol. Were there any other parties with him; did they have pistols and draw them?—A. Yes; there was a crowd with him. I did not see their pistols.

Q. Was this crowd with him white or colored men?—A. They were white men.

Q. State whether any one said to you that day that you could vote if you would vote a certain way.—A. I was at the school-house when Mr. Swarengen said to me, "You can go and vote if you will vote the Democrat ticket; vote for Hampton, who is an honest man." I said to him I would rather vote my own ticket.

Q. Had you been allowed to vote, would you have voted for Tillman or for Smalls?—A. I would have voted for Robert Smalls.

Q. State, now, whether you saw any other white men with guns, pistols, or other weapons that day on the street!—A. I saw one white man with one of these Remington rifles, but do not know who he was.

Q. When you were met by Dr. Sheppard and his crowd and turned back, what did Mr. Sheppard (who was leading) say or do?—A. He turned round and said to us, "If you have voted, why have you come here?" and his brother said to him, "You are too damn smart, anyhow."

Cross-examined by Mr. Bettes for contestant:

Q. At what time of day did you get to box No. 1?—A. About six o'clock in the morning.

Q. What was the crowd doing when you reached box No. 1?—A. They were going up and down the steps. I think they were voting.

Q. When did you leave the court-house?—A. At half past ten o'clock.

Q. Who came to the court-house with you?—A. A good crowd. George Frazier, Will Landram, Ned Simkins, Barney Perry, Mose Pixley, and a great many more I don't remember.

Q. Did all of this crowd go under the court-house steps with you?—A. The biggest part of them did.

Q. Do you remember to have seen Pleasant Mills in the crowd?—A. Yes, sir.

Q. Did he come there with the crowd?—A. I think he came there with the crowd.

Q. Do you remember seeing him in the crowd before you reached the court-house?—A. I think he was in the crowd.

Q. Did Pleasant Mills remain with the crowd and go under the court steps with them or not?—A. There was such a crowd I cannot tell.

Q. You said you went with the soldiers over to box No. 2. Were you halted on the way when you were going to No. 2?—A. No, sir.

Q. You say when you got to the school-house you found a great crowd there, and pressed and pressed and could not get through the crowd to vote. What kind of men were those whom you were trying to press through?—A. The crowd on horseback.

Q. Were you interrupted at any time while on your way to the school-house with the soldiers?—A. I don't remember it.

Q. You said that the marshal would count ten men himself and let them go in to vote at the school-house. What time of day did he commence and how long did he continue it?—A. As near as I can recollect, it was about twelve o'clock, and continued as long as I staid there.

Q. Did the marshal not go over there with the soldiers?—A. I think he did, sir.

Q. Did he commence counting the ten men who were to vote as soon as he got there?—A. As soon as he could make the arrangements after he got there.

Q. Did he count the men before they started in or after they started?—A. One at a time came out of the crowd, and counted them, let them in.

Q. Were not United States soldiers standing before the crowd to keep them back?—A. They did.

Q. Were these men pointed at before they passed the soldiers or not?—A. They were.

Q. Did the man who pointed at them have a sword or not?—A. I think so.

Q. How long did you stay at box No. 2?—A. About half past three in the evening.

Q. Who came back with you, and about how many?—A. Two hundred and fifty or three hundred.

Q. Do you remember whether or not Ples. Mills was in that crowd?—  
A. I am certain he was in that crowd.

Q. When General Butler met you with this crowd of "red shirts," could you see the court-house?—A. Yes; I saw it, and the steps were crowded with people from bottom to top.

Q. Were these men on the steps not apparently waiting to vote?—A. They were speaking, and Mr. Sheppard said, "We have got the election fairly; dismount your horses and defend your rights."

Q. Which way did you go when you met General Butler?—A. Down the street to Colonel Cain's house.

Q. Did you go down the cross-street to Colonel Cain's, by Mr. Holson's store?—A. Yes, sir.

Q. Did Ples. Mills go with you?—A. Yes, sir.

Q. Was Colonel Cain with you when you saw Mr. John Sheppard?—  
A. He went on in front and was talking to him when we saw him.

Q. Where were Mr. John Sheppard and Colonel Cain standing talking when you saw them?—A. In the street, between Colonel Cain's house and the barracks.

Q. Was Ples. Mills in the crowd when you went up to where John Sheppard and Colonel Cain were talking?—A. I am certain he was.

Q. How many were in the crowd with you at that time?—A. About fifty or sixty.

Q. Did Colonel Cain pick out of that crowd of fifty or sixty and send them anywhere?—A. He did.

Q. Was it before or after Mr. Sheppard left your crowd?—A. He had left our crowd and was at the court-house speaking.

Q. When Mr. Sheppard said "follow me," did he lead you back up the street by Colonel Cain's house and turn in the cross-street toward Mr. Holson's store?—A. No, sir.

Q. Did he not lead you in a directly opposite direction toward the court-house and carry you by the barracks?—A. He started in an opposite direction from Colonel Cain's house, but turned up the alley to the street leading to the court-house, between Lynch's and Cheatham's store.

Q. Did he lead you up that alley?—A. Yes, sir.

Q. How many men were with you when you met Mr. Sheppard between Mr. Lynch's and Mr. Cheatham's store?—A. About fifty of us at that time.

Q. How many men besides Mr. Sheppard did you see have pistols?—  
A. I saw his pistol, but saw no others.

Q. Were you in a position to see the men around him in the street who were next to your crowd?—A. I saw a good many with him.

Q. Do you think you would have seen their pistols if they had had them in their hands?—A. I think I could have seen them.

Q. Did those men form a line across the street who were with Dr. Sheppard or not?—A. They were in a crowd.

Q. Was Ples Mills in the crowd with you when you went up to where Dr. Sheppard was standing?—A. Yes, sir; he was in the crowd.

Q. Was he in front of you or not?—A. He was walking by my side.

Q. Was anybody between you and Dr. Sheppard but Mr. John Sheppard?—A. No, sir.

Q. Was Mr. John Sheppard any more before you than he was before Ples Mills?—A. I can only say he was in front.

Q. Did he obstruct your view?—A. He did not obstruct my view. I saw Dr. Sheppard and his men plainly.

Q. When Dr. Sheppard drew his pistol where did your crowd go?—  
A. We went to Colonel Cain's, and he sent twelve of us back to try again

at No. 1 box, and found Mr. John Sheppard speaking on the court-house steps.

Q. Did you see Dr. Sheppard the second time you came back?—A. I did not see him.

Q. Was Ples Mills in this crowd of twelve men sent back the second time?—A. Yes, sir. I am certain he was in the crowd.

Q. What prevented you from voting the second time?—A. The second time I came around by the barracks the red-shirts told me we could not come there, and then I returned to the school-house.

Q. When you got to the school-house this time, why did you not vote?—A. The crowd of white and colored people was so great that I could not get to the polls.

Q. Did you at any time during the day go in a crowd of men with Ples Mills by Colonel Cain's, house up the cross-street by Mr. Holsen's store, and was met at the end of the street, by Mr. Holsen's store, by an armed body of men who had a gun or pistols or not?—A. I don't think I did.

Redirect:

Q. You say when you went to the school-house in the morning that you met a large crowd there. State if there were any white Democrats in this crowd and if they were mounted.—A. There was a large crowd of mounted white men there.

Q. State if these men were armed and if they made any display with their guns or pistols.

(Objected to by attorney for contestant on the ground of new matter.)

A. In the morning when I was there I saw a young man come riding up with a gun and I saw pistols in their hands.

Q. Did you know any of that crowd with pistols in their hands?—A. I saw Jerry Gardner with a pistol in his hand, and others I did not know.

Q. State whether or not you, and other colored men in company with you, met at any time during the day an armed body.

Question recalled.

MYER WELDON.

Sworn to before me this the 26th day of March, 1877.

[SEAL.]

C. S. B. MARCH

*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

LEVY H. GRAHAM, a witness of legal age, introduced by contestee, on due notice to contestant, deposes as follows to questions propounded to him:

Question. Where do you live?—Answer. Cooper's Township, Edgefield County.

Q. How long have you lived in the county?—A. About two years.

Q. Are you a native of this State?—A. Yes, sir.

Q. How old are you?—A. Twenty-two years old.

Q. Where were you on November 7 last, the day of the election?—

A. At Holtewanger's store some portion of the day.

Q. Were you connected with the election in any way?—A. Yes, sir. I was a manager.

Q. What time on the morning of the 7th did you reach Holtewanger's store?—A. About six or a little before.

Q. What was the condition of things when you arrived there?—A.

When I arrived at the polls we were met by a gang of red-shirters, yelling and singing that "We will hang Tom Carroll on a sour apple tree."

Q. Did this gang say anything to you?—A. The first thing I heard them say was, "Damn if we should hold any election there."

Q. Did they have any fire-arms? And, if so, state what position those arms were in.—A. They had fire-arms in the back part of the store where we held the polls.

Q. Did that gang that you met have any arms; if so, what did they do with them?—A. Yes, sir. When I and the other Republican manager entered the house we were met by some of them with revolvers in their hands. We then went to the Democratic manager and spoke to him, and told him we wish he would try to quiet his people, his men, in order that we may organize the board of managers, and proceed to the election. His reply was that he did not care whether there was any election held there or not; that was his first reply. We then spoke to the owner of the store, Mr. Holtewanger, and got the privilege to go in the room to organize the board.

Q. At what time did you open the polls.—A. About six or after.

Q. Did you stay in that room all day, where you held the poll that day?—A. No, sir.

Q. How long did you stay there?—A. I think I staid there until one or two o'clock.

Q. Why did you leave the polling-place at that time?—A. Because we were threatened by the Democrats, that would mob us if we did not agree to let them vote just as they pleased.

Q. Did you see any guns in this room where you held the polls?—A. Yes, sir; they were pointed out to us; and they said if we did not do as they wanted us to do they would use them.

Q. What kind of guns did you see?—A. Some double-barrel shot-guns and rifles, and I think some sixteen-shooters among them.

Q. About how many guns did you see in that room?—A. I think there was about seventy-five or eighty.

Q. When you left the polling-place at 3 o'clock did you return any more that day?—A. No, sir.

Q. Did you not, as manager, certify to the returns of the election at Holtewanger's store?—A. No, sir, I did not.

Q. What was the name of the other Republican manager?—A. Thomas P. Carroll.

Q. State whether he left the polling-place before you did?—A. Yes, sir, he left first.

Q. What was the name of the Democratic manager for that box?—A. Daniel H. Tompkins.

Q. Then you left him alone?—A. Yes, sir.

Q. Did you inform him that you did not intend to return?—A. I did not; I thought it unwise to do so for my own personal safety.

Q. Did you notice any person voting under assumed names there that day?—A. Yes, sir; a great many did.

Q. State, if you can, some of their names, (assumed).—A. Mr. Pierce Mathews voted as T. J. Delong; Mr. A. J. A. Bell only gave his name as Alfred Bell; Mr. Abner Cleg voted as Henry Jackson. Those are all the parties I can name. Our clerk was a Democrat; and a great many would not give any name at all. In fact we, the managers, challenged several; asked them if they were residents of this county; they said to us it was none of our damn business.

Q. How would the clerk manage to get their names on the poll-list if

they would not give any?—A. We saw several of them holding up their hands and showing so many fingers. I was very close to the clerk and noticed him a great deal; and it was said by several of them if I did not quit noticing the clerk they intended to blow my brains out.

Q. Did you have to desist?—A. Yes.

Q. State whether you are acquainted with Messrs. Bell, Mathews, and Cleg.—A. Never was introduced to them, but know them when I see them.

Q. Are you very well acquainted in that neighborhood?—A. O, yes, sir; very well acquainted in that neighborhood.

Q. State whether you noticed many strangers there that day.—A. Yes, sir.

Q. Did these strangers vote there that day before you left?—A. A great many of them did.

Cross-examined by George D. Tillman:

Q. On whose land did you live then, and on whose land do you live now?—A. John R. Tolbert's land, on the day of election, and do yet.

Q. Is that land in Abbeville or Edgefield County?—A. In Edgefield County.

Q. On whose land did Tom Carroll live at the time of the election?—A. On Mr. Donevent's.

Q. You said you had been in Edgefield about two years; from what county in the State did you come when you settled in Edgefield County?—A. From Newberry County.

Q. You stated that they said you should not hold any election at Hottewanger's store. Who said so?—A. Mr. Eldrid S. Addison said so for one, and a great many I did not pay any attention to; they were all around in a crowd.

Q. Cannot you give us the name of any one other man who said so?—A. I did not pay any attention to them, because we were looking for them to fire upon us every minute from the way they were going on.

Q. You mention that you saw seventy-five or eighty guns. Were they in the store behind the counter or in the room?—A. They were in the store.

Q. Were they rusty or bright guns?—A. They were bright guns; looked to be in very good order; the Democratic manager carried his gun down on his shoulder.

Q. How far does the Democratic manager live from the polls?—A. Five or six miles.

Q. Were the guns that you saw in the store stacked up in one corner of the building, or were they lying on the floor or lying on a shelf, a table, or the counter?—A. They were on the floor.

Q. Did the muzzles all point one way?—A. I did not look at them so much as to see that.

Q. About how many of the muzzles pointed one way?—A. I don't know; the democrats pointed at them and told us they intended to carry the election with them. I never looked at them much. I was attending to my official business.

Q. Did any one stand guard over those guns that day?—A. I guess they were standing guard, for there were forty or fifty men in the house all day, or, that is, as long as I staid there, and did not allow a colored man to come in, except the managers.

Q. You stated that when you entered the house they met you with revolvers in their hands. Who met you with a revolver in his hand?—A. Capt. H. Brooks, Mr. Hipp, Mr. Eldrid S. Addison, and Pierce Addison I am certain did; and the whole Democratic house.

Q. How many met you with pistols; forty or fifty?—A. A great many; the house was full and more were trying to get in.

Q. Did they point their pistols at you?—A. Not at that time; not immediately they did not point their pistols at me.

Q. Then when did they point their pistols at you; how many of them did it, and who were they?—A. A short time after that, seven or eight, who came up to vote; they were not residents of the county. When this party came up to vote the democratic party holloed, "Newberry has come over to help us." They came to be sworn; the Republican managers objected to their being sworn, and the Democrat manager said he be damned if they should not vote; he swore them, and they voted without the consent of the Republican managers. I spoke to the clerk and told him to mark them challenged; the other Republican manager did the same.

Q. Do you remember any of their names?—A. No, sir; because we did not know them.

Q. Is not Hottewanger's precinct in one corner of Edgefield, next to the Newberry line?—A. Yes, sir; divided, I think, by Saluda River.

Q. Who carried the polling-box to Hottewanger's that morning?—A. We two Republican managers.

Q. You said you opened the polls about six o'clock; how do you know it was about six o'clock?—A. When we got there we asked the Democratic manager what time it was. He looked at his watch, and said it lacked a quarter to six then.

Q. How high was the sun at that time?—A. I don't know, from the fact I could not see the sun; it was drizzling rain.

Q. How high do you think it was?—A. If it was up, that was all. I don't think it was up.

Q. How many Republican votes had been polled when you left the polls?—A. I can't say any number; I disremember.

Q. How many Democratic votes were polled?—A. I expect there was a great many, for there was a great deal of repeating.

Q. Had not nearly every voter deposited his vote, Democratic and Republican, before you quit and went home?—A. No; there were a great many Republicans run away by the Democrats, and told if they voted there they intended to kill them.

Q. Name some of the Democrats who told the Republicans that.—A. I can't name them, for the Republicans were down in a piece of woods, while we managers were up in the house.

Q. Then, if you were in the house and the Republican voters were in a piece of woods, how do you know that Republican voters were run away from there that day by Democrats?—A. I heard them from the house, whooping and holloing, trying to make them go away, and saying if they did not vote their ticket they should not stay there; and they went away on the grounds that if they staid there they would be lynched.

Q. How many colored Republicans went away, through fear, without voting?—A. I think there was about twenty who left, through fear, without voting.

Q. Give their names.—A. Henry Martin, Smith Holloway, Wyley Deane—I can't identify the balance of their names.

Q. Did not over two hundred colored Republicans vote there that day?—A. Yes, sir; from the poll-list there was over two hundred, and from the Republican tickets in the box.

Q. Did you see any white man threaten or attempt to use any violence at the polls or around the box to prevent any colored man from voting as he pleased? If so, name the white man, the colored man,

and state what the white said or did.—A. From the first Mr. Frank Cooper, Democratic supervisor, stated to keep all the Republicans out of the house; if there was any colored Democrats who wanted to vote, to let them in, and the Republican managers should not object to it. I and the other Republican manager stated we had already agreed for them to vote through the window, and we thought it best for all to do so. Mr. Cooper said they would vote as they damn pleased and where they damn pleased, and no nigger could not prevent it. We stated to him it was only our business to discharge our duty according to law. Yes, I saw a white man threaten and intimidate a colored man. His name was Eldrid S. Addison. He spoke to Johnson Glover. He said to him if he did not vote the Democratic ticket he had to leave his place, and said the same things to several others who worked on his place. At another time a crowd of red shirters ran up and said the Republicans are going to vote, and let's run them away from the polls. Then I went out on the porch and told them not to leave until they had deposited their ballots, and they staid and voted.

Q. Did Johnson Glover vote that day? If so, what ticket did he vote?—A. Yes, sir; he voted the Republican ticket.

Q. Did not a great many colored men vote the Democratic ticket that day?—A. No, sir; they said if they could not get a chance to vote the Republican ticket, they would not vote any.

Q. Did not the colored men who voted the Democratic ticket associate with the white people?—A. They were followed up by the white people to compel them to vote their ticket.

Q. Were there not a great many colored men there with red shirts on?—A. Yes, sir; I saw a few there with red shirts on.

Q. What time in the day did you quit the polls?—A. About two o'clock, or it might have been three.

Q. Was not the voting all pretty well over when you went away?—A. They had ceased voting, but at the time I left there was some Democrats came in to vote again, just before I left. I stated to them that they had voted, and did not think it right to vote again; one said he had voted, and would vote a hundred times if he wanted to.

Q. Who was that one Democrat?—A. I did not know him, but knew his face, and knew he had voted there an hour or so before.

Q. When you left the polls, which party was ahead in votes?—A. The Democrats, I suppose; they had repeated enough to be so.

Q. Did you not quit the polls in consequence of the Democrats being ahead?—A. I did not.

Q. What time in the day did Carrol, the other Republican manager, quit the polls?—A. About a half-hour before I did.

Q. What time in the day did the Republican supervisor quit the polls, and who was he?—A. He quit about a half-hour after I left. Lewis Williams is his name; at least he told me he quit about a half-hour after I left.

Q. You stated that it was threats by Democrats which made you quit the polls; give the names of the Democrats who threatened you, and what were the threats.—A. I can't identify who they were, but it was stated in the house that if we did not sign the returns of the election, that it was fair they would kill us that night.

Q. You stated that a crowd of Democrats told you they would mob you if you did not let them vote as they pleased. Give the names of as many of those Democrats as you can.—A. I am unable to give the names of any of them.

Q. Who pointed out the guns to you, and said if you did not do as



you were wanted in regard to the election that the guns would be used against you?—A. It was done by the Democrats, but I am not able to state their names.

Q. Can't you state one name?—A. No, sir; from the fact that they were men not residents of the county, a great many of them.

Q. How many white men do you know in Edgefield County?—A. I am unable to say how many I do know in the county; I never counted.

Q. Do you know a hundred?—A. I guess I do.

Q. Do you know two hundred?—A. I don't know exactly how many I do know in the county.

Q. About how many shot-guns did you see that day? How many rifles, how many muskets, and how many carbines?—A. I can't testify to any number.

Q. Did you see any white man with a shot-gun in his hand that day? If so, who was he, and what time in the day did you see him?—A. About ten o'clock a company of men came there on horses. Some of them had shot-guns, or guns. We were unable to recognize them.

Q. How many of that party had guns, and what did they do with their guns?—A. They came in and placed them in a position in the back part of the store. I am unable to say how many, for I did not count them.

Q. Did you see any guns in a box or wagon that day?—A. No, sir; I did not. I was in the house all the time.

Q. How many pistols did you see in all that day?—A. I saw a great many, but how many I can't tell. I did not count them.

Q. Give the names of as many men as you can who had pistols.—A. Mr. Addison; Mr. Tompkins, Democrat manager; Mr. Wyun; can't think of any other names.

Q. Did you see the pistols, or guess they had them?—A. I saw them.

Q. Did not some of the colored men have pistols who were there?—A. They might have had, but did not see them.

Q. How many colored men had sticks in their hands?—A. I guess there was twenty-five or thirty men who had sticks.

Q. Did you not see a great many fresh-cut sticks?—A. I did not.

Q. Was any colored man struck by democrats there that day about voting or anything else?—A. Not as I knows of.

Q. You said a great many white men voted under assumed names and repeated those votes. Give the names of some of their white men, and how do you know they repeated those votes?—A. Mr. Bell, Mr. Cleg, and Mr. Mathews. They voted under assumed names. I know they voted at other polls.

Q. How do you know that they voted at other places?—A. Mr. Bell and Mr. Cleg stated that they voted at Trap's mills.

Q. When and to whom did Mr. Bell and Mr. Cleg acknowledge that they voted at Trap's mills?—A. To Mr. C. H. Wright, the commissioner, some time in November, a short time after the election.

Q. Are you certain that Bell and Cleg voted at Holtwanger?—A. Yes, sir; I am certain.

Q. Are you certain that Mathews voted there?—A. Yes, sir.

Q. How many other white men voted under assumed names, and repeated their votes there that day?—A. I don't know whether there were any others who repeated, or voted under assumed names. There were a great many whom we were unable to recognize, for we did not know them.

Q. What number of white men were there that voted whom none of

you managers knew?—A. I did not take any certified copy of them, from the fact that I supposed that there was from thirty-five to forty.

Q. You say a great many white Democrats voted there that day who would not give any name at all; about how many did that?—A. There was a vast multitude of them; I don't know how many. I know there was about forty who gave no names.

Q. You stated that you challenged a great many Democratic voters that day by asking if they were residents of the county; if you were afraid of your life being taken, how could you be so bold as to do that?—A. I proposed to discharge my duty according to law as far as I could, but I saw after that that I was in a very dangerous condition.

Q. You mentioned that you staid at the polls until two or three o'clock in the afternoon, and until the voting had about ceased; if you were afraid of violence, why did you not leave earlier in the day?—A. Because if I had have left and been seen by the Democratic party, I would have been assassinated or mobbed.

Q. You stated that no colored man was struck there that day by anybody; was any colored man shot at that day by any Democrat?—A. Not as I know of.

Q. You mention that you caught several Democrats holding up their hands, showing their fingers; what did they do that for?—A. I think they must have did it in order to instruct the clerk how many names to write down for them.

Q. Name some of the white Democrats whom you caught holding up their hands and showing their fingers.—A. I am unable to name them.

Q. You stated that several Democrats told you if you did not quit noticing the clerk of the election they would kill you; who were some of the Democrats that told you so?—A. I ask the court from giving any certain name, for fear that I will be killed.

Redirect by L. Cain :

Q. You said in your cross-examination that Republicans were ordered by Democrats to leave the place, and that they were a piece from the house when they did this; how far were they?—A. I suppose they were about fifty yards.

LEVI H. GRAHAM.

Sworn to before me this the 29th day of March, 1877.

C. S. B. MARSH,  
*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

JERRIE M. MCKIE, a witness of legal age, introduced by contestee after due notice to contestant, deposes as follows to questions propounded to him by Cain :

Question. Where do you reside?—Answer. Edgefield County.

Q. How long have you lived in the county?—A. All my life.

Q. How old are you?—A. About fifty-two.

Q. Where were you on the 7th of November last, the day of election?—A. At Shaw's mill.

Q. Were you any way connected with the election officially?—A. I was appointed there as a manager.

Q. Did you act as manager?—A. I did not.

Q. Did you go there to act as manager?—A. Yes, sir.

Q. What time in the morning did you reach there?—A. Good day-light.

Q. State now why you did not act as manager that day.—A. I was objected to.

Q. By whom?—A. Mr. Joseph Meriwether.

Q. Can you give his grounds of objection?—A. That I could not act because I was not sworn before the clerk here.

Q. What clerk?—A. The county clerk, where he was sworn.

Q. Did he raise any other objection?—A. No, sir.

Q. How long did you remain at the polling-place that day?—A. About an hour, to the best of my recollection.

Q. State whether or not you saw any fire-arms there that day, and who had them.—A. Yes, sir; I saw some just at daylight. I passed by them, and only know two that had them—young Mr. Thomas Meriwether and Robert Holsonback, a colored man.

Q. Is Holsonback known as a Democrat or Republican?—A. A Democrat in this campaign; was a Republican before that.

Q. About how many guns did you see?—A. About fifteen. I just passed by. They did not interfere with me.

Q. You saw these guns while on your way to the polling-place?—A. Yes, sir.

Q. Are you certain they were carried to the polling-place, Shaw's Mill?—A. Yes; they were carried there.

Q. State, if you can, what kind of guns these were.—A. They were long arms; cannot tell what kind they were.

Q. How long have you lived in the neighborhood of Shaw's Mill?—A. All my life.

Q. You are well acquainted in that neighborhood, are you not?—A. Yes, sir.

Q. State whether or not you saw any strangers at that polling-place on the day of the election; and if so, how many?—A. I saw three, to my knowledge, the length of time I staid there.

Q. Were these white or colored men?—A. White.

Q. Did you see these strangers vote?—A. I did not.

Q. How near to the Savannah River do you live?—A. Right at the crossing-place, in four hundred yards.

Q. Are you acquainted with any of the citizens of Georgia who live on the other side?—A. Yes, sir.

Q. Did you see any of them on this side of the river at Shaw's Mill on the day of election?—A. Yes, sir.

Q. About how many Georgians do you think you saw there?—A. Three.

Q. Did you see these Georgians vote?—A. I did not.

Q. You say you remained at the polling-place one hour, did you not?—A. Yes, sir.

Q. How many times have you voted at Shaw's Mill in your life?—A. Three times.

Q. Can you tell about the majority the Republicans had always before at that place?—A. I cannot tell.

Cross-examined by G. D. Tillman :

Q. Did anybody say anything to you about swearing you in as manager; if so, who, when, and where?—A. Nothing, except that Mr. Meriwether objected to me because I had not been sworn in.

Q. Were you present when the ballot-box was opened preparatory for the voting to begin?—A. I was there when it was opened.

Q. Was there not a blank oath in that box for you to sign as manager, and was not Jesse Jones's name signed to that oath, certifying that as clerk of the court of Edgefield County, that you had taken the manager's oath before him, and does not Jones reside at the court-house, twenty miles from Ferry's Ferry, where you reside?—A. I know nothing about it. I was only told there was an oath in the box for me to sign.

Q. Did you not see a company of United States soldiers there that day?—A. I did, at their camps.

Q. Was not their camp about a hundred yards of the polling-place and in full view of it?—A. It was in that distance, but not in full view.

Q. Did you or not consult the officers in command of those soldiers about your acting as a manager? And if so, state what he said to you and what occurred.—A. No, sir; I did not.

Q. Does it not come within your knowledge that some other Republican consulted him, and what occurred?—A. He said I could not be a manager, not being sworn.

Q. What time did you reach the mill?—A. About good daylight.

Q. Where did you pass Holsonback and Meriwether when you saw them with guns?—A. Coming out of the pines where they had camped, to the road.

Q. Were you not acquainted with all the men, both white and colored, that you saw with Meriwether and Holsonback; and if so, can you not name some other men who had guns, if as many as ten or fifteen of them had guns?—A. I cannot name any but those two, because it was not good daylight and I did not get close to them; those two were on the side of the road next me.

Q. Might not what you took to be guns have been the staffs of Democratic flags or bannerettes?—A. I am satisfied they were guns, although they did not shoot.

Q. Did you see any guns at Shaw's Mill, except what the United States soldiers had; if you did, who had them, how many, and where were they?—A. Yes, sir. Do not know how many. I suppose ten or fifteen. Don't know who had them, except the two I mentioned on the side of the road. I saw them in their hands; saw them put them in the house. All was quick; saw no more.

Q. Is not Shaw's Mill precinct the largest voting-precinct generally, except the court-house, in the county?—A. Don't know anything about that, sir.

Q. Do not most of the voters at Shaw's Mill usually come from the east side of Big Stevens Creek, and do you not reside on the west side of the creek?—A. I don't know anything about that, only I know I am on the west side.

Q. Have you not until the last two or three years resided 8 miles or more from Shaw's Mill?—A. Don't know anything about the distance; only I know that the last two or three years I resided two miles and a half nearer the mill. I think you are right in the distance, but don't know for certain.

Q. You spoke of seeing a great many strangers at Shaw's Mill on the day of election. Were there not hundreds of voters, both white and colored, from the east side of Big Stevens Creek, who were strangers to you?—A. There were a great many strangers from that side, but I only spoke of three Georgians.

Q. Who were those three Georgians? Give us their names.—A. Two of them were Joneses, the other, I have forgotten his name.

Q. Was not the name of the other, whose name you have forgotten, George Boswell, and that he owns a plantation in Edgefield County, and

was on his way to the said plantation that day?—A. I don't know what his name was.

Q. On whose land were you living at the time of the election?—A. Mr. George Dearman's.

Q. Does he not own the ferry known as Ferry's, across the Savannah River, where the Joneses came over that day?—A. He does.

Q. Are not the Joneses the brothers-in-law of Dearman?—A. One was a brother-in-law and the other a nephew-in-law.

Q. Were they not on a visit to him, and did they not ride down to the election with him that day as his guests?—A. I thought they did, as they usually do.

Q. Did you not see a great many colored men at Shaw's Mill that day who were strangers to you?—A. I did.

Q. Did you not see a great many colored men with red shirts that day?—A. Some dozen or more; not a great many, unless they gathered after I left.

Q. Did you not see or hear of colored Republicans having guns stacked on an island in Big Creek near Shaw's Mill that day?—A. I did not see it, but I heard it.

Q. Did you vote that day, and if not, why not?—A. I voted; I was the eighth man.

Redirect:

Q. You say, McKie, that the officer said you could not act as manager because you had not been sworn. Did you hear him or was you told he said it?—A. I was told he said it. I did not hear him.

Q. You say you heard the colored people had guns stacked a short distance from the polling-place. Did not some parties go down to that place where the guns were reported to be and come back and report that none could be found?—A. They did.

J. M. MCKIE.

Sworn to before me this the 29th day of March, 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

SEBORNE MERIWETHER, a witness of legal age, introduced by contestee after due notice to contestant, deposes as follows:

Question. Where do you reside?—Answer. Edgefield County, on a place I rent from Mr. Joseph Meriwether.

Q. How long have you lived in Edgefield County?—A. All my life.

Q. How old are you now?—A. Thirty-eight years and ten months.

Q. Where were you on the 7th of November last, the day of election?—A. I was at Shaw's Mill.

Q. Were you in any way officially connected with the election; in what way?—A. I was a manager.

Q. At what time in the morning did you reach the mill?—A. About daylight.

Q. What time did you open the poll?—A. I had no time-piece with me, though it was later than six, I suppose.

Q. How long after daylight was it?—A. It was a very rainy time; I could not tell what time it was.

Q. Are you a Republican?—A. Yes, sir.

Q. How many Republican managers had you that day?—A. One; only one sworn.

Q. Was not there another Republican appointed by the commissioners of this county? What was his name?—A. Yes, sir. Jerre Mackee.

Q. State why he did not act.—A. It was contrary to the reading of the election-law.

Q. Contrary in what way?—A. The managers should be sworn by the clerk of the court, or by the secretary of state, or by any officer authorized to administer an oath, and that immediately filed with the clerk of the court of the county.

Q. Did you as manager object to Mr. Mackee because he had not subscribed to his oath before the clerk of the court?—A. No, sir.

Q. Who objected to him?—A. The colonel of the Yankee soldiers down there.

Q. How did you know he objected; did you hear him?—A. No, sir. Myself and Mr. Joseph Meriwether, the other manager, sent the supervisors down to see the officer with the election-law in their hands. The colonel read it and said to the supervisors that according to that law Mr. Jerre Mackee could not manage.

Q. Did you not as manager read that law very carefully yourself?—A. Yes, sir.

Q. Do you remember reading in that law a clause authorizing one manager to administer the oath to the other manager and the clerk, after the oath shall have been administered to him by the commissioner of elections?—A. No, sir; not well.

Q. Did you not carry that oath down there for Jerre Mackee to subscribe to yourself?—A. Yes.

Q. If you knew it was contrary to law for him to do so, why did you carry it down there?—A. The clerk of the court told me to carry it to swear the other manager in by.

Q. Did the clerk of the court tell you who this manager should go before to subscribe to this oath?—Yes, sir; he told me I could swear him in myself.

Q. By whom were you sworn?—A. By the clerk of the court.

Q. Do you know whether he subscribed his name as clerk of the court, or commissioner of election?—A. I understood from him and he told me that he was commissioner of election.

Q. You say you think it was after six o'clock before you opened the polls; state whether you left that polling place before 6 p. m.—A. Yes; a short space of time.

Q. About what time in the day was it you left?—A. The first time, in about fifteen minutes after the box opened.

Q. How long did you stay?—A. Near thirty minutes.

Q. Had any votes been polled before you left this time?—A. A few, sir.

Q. When you left the polling-place with whom did you leave the box?—A. Mr. Joseph Meriwether.

Q. When you left there were the men voting?—A. They were not.

Q. They suspended, then, did they not?—A. I don't know of their voting while I was gone.

Q. Why did you leave there that time?—A. I was told by the white men that my men had some guns stacked about forty steps off the polls, and went to have them removed if they were there.

Q. Did you find any guns?—A. I did not get to where the guns were said to be. I went to the colonel's quarters and asked him to have the guns removed if any were there. He sent one of the soldiers to look for the guns. They told me he was a lieutenant. He reported to the supervisor that he found no guns.

Q. Then you went back to the polling-place did you not?—A. Yes, sir.

Q. When you reached there this time were they voting?—A. No, sir.

Q. State, then, what was done when you got back to the box?—A. We unlocked the box and started new to voting.

Q. What did you do with the ballots which you took out of the box which had already been voted?—A. Took out the ballots which were polled before I left and threw them away.

Q. This was the second time that you opened the polls there that day, was it not?—A. Yes, it was.

A. About what time in the day do you think it was when you opened the polls the second time?—A. I think it was about three-quarters of an hour, or less, after we opened the first time.

Q. And you said you think it was something after six when you opened first?—A. I had no time-piece, but was told it was.

Q. State whether you left there again any time before 6 p. m.—A. A short while, just before the polls closed.

Q. Why did you leave this time?—A. I went to the fire to warm, being very wet and cold.

Q. Was the voting carried on upstairs or downstairs?—A. Downstairs. We started to hold it upstairs, but as my colored men were not willing, they moved it downstairs.

Q. Were you upstairs, acting as managers?—A. I was; but there was no voting done up there. Mr. Meriwether, the Democratic manager, wanted it up there so we would not be so much crowded, but the men objected and we moved downstairs.

Q. Was that box at any other time during the day out of your sight, except the two times you went off?—A. No, sir.

Q. Did you see any fire-arms at this polling-place that day?—A. I saw none at the polling-place.

Q. State if you saw any at all; if so, how near the polling-place?—A. I can't say that I saw any.

Q. Did you not state to a party in this village to-day, that you saw a gun there that day?—A. I don't know that I did.

Q. You say you lived in that neighborhood all your life. You are well acquainted there?—A. I am very well acquainted.

Q. State whether you saw any strangers there that day.—A. I saw some I could not call the names of; don't know young men lately grown up.

Q. State whether or not parties voted there that day who refused to give their names when asked by the managers, but would say to the clerk "You know my name."—A. I don't know anything about that, sir.

Q. Did you see any men over there that day who live in Georgia?—A. Don't know any men who live in Georgia, any further than Mr. Henry Sterlings, in Augusta, and others.

Q. How near do you live to the Savannah River?—A. About five miles.

Q. And you don't know any of the citizens residing on the other side of the river?—A. Not one.

#### Cross-examined:

Q. When you say you lived about five miles from the Savannah River, do you not mean that it is about that distance by the usual route of travel by the road to Ferry's ferry, where people cross the river?—A. Yes, sir; that is what I mean.

Q. Was there any voting done upstairs at all that day?—A. I was

gone away to the colonel's quarters a short while; there was none when I went away, and none when I came back.

Q. Then you were just making arrangements to vote when you went to the colonel's quarters?—A. Yes, sir; when I went to see about removing the guns.

Q. Was that not the first time you left the polls, mentioned in your direct examination?—A. Yes, sir.

Q. When you left the polls in the evening to go to the fire, how many minutes were you absent?—A. Very short while.

Q. About how many steps was it from the box to the fire?—A. About twenty-one or twenty-three, as near as I can come at it.

Q. Could you not see all that was going on at the box from the fire?—A. I never tried to see, sir, leaving my supervisor there till I returned.

Q. Who carried the box to the mill that day?—A. I carried it.

Q. You stated that after you returned from your first absence the box was unlocked and everything but the ballots were thrown out. Did you mean anything more by that than to say that the box was turned upside down to clean it out, preparatory to relocking it and commencing the election?—A. We destroyed all that was in it and locked it up and commenced voting.

Q. Was there not a blank oath in the box for Jerre Mackee, the other Republican manager, to sign; and if so, did you destroy that oath, or what was done with it?—A. I think Mr. Meriwether put it in his pocket.

Q. Was, or not, the name of Jesse Jones, with the letters C. C. C. P., signed to that paper after the words "sworn to and subscribed before me"?—A. I did not closely afterwards examine the paper, as the colonel said he could not act as manager according to law.

Q. When and where were you sworn in as manager of that election, and by whom?—A. I was sworn by Jesse Jones, clerk of the court, in his office, on Saturday before the election.

Q. At the time he swore you did Jesse Jones tell you anything about swearing Jerre Mackee, the other Republican manager, and did he say anything about a blank oath being in the box?—A. Yes, sir; he put it in the box and told me to swear the other manager in by that oath. He was signing papers, but whether he signed that one I do not remember.

Q. Did he, or not, tell you all Jerre Mackee had to do was to sign that paper?—A. I disremember whether he told me that or not.

Q. When you took that oath out of the box at the mill, was not Jones's name signed to it, either as clerk of the court or as commissioner of election?—A. I don't remember now, having so many things to think of.

Q. Did not Jesse Jones tell you that all that was necessary to be done was for Jerre Mackee to sign that paper and send it to him, and he would put it on file in the clerk's office?—A. Don't remember that.

Q. What did you mean by up-stairs when you spoke about the colored people objecting to hold the election up there?—A. It was not up-stairs in a room, but up a flight of steps six feet high, on a platform open under the mill-house, which could be seen by all standing around.

Q. Was the platform anything more than a passage-way to the cotton-press?—A. No, sir; not where the box was.

Q. Is the lower story of that mill-house all open or is it planked up?—A. All open.

Q. Could not the voters and by-standers see all that was going on?—A. All standing near enough to see could as well as they could if they had been in the open air.



Q. How high is it from the ground to the first floor of the mill-house?—  
A. I never measured it, but think it is near nine or eleven feet.

Q. Is it not nearer fifteen or eighteen feet?—A. I hardly think it is.

Q. Is not Stevens Creek in a freshet a very angry stream?—A. Yes; right severe in time of big rains.

Q. Is not the lower story of the mill-house unweatherboarded and the first floor high up from the ground to guard against damage to the mill from freshets?—A. Yes, sir.

Q. When complaint was made to Colonel Falk by the colored people about the box being held up on that platform, did Colonel Falk not order the box to be brought down on the ground by the platform?—A. He did order it to be brought down, sir.

Q. On which side of the platform was the voting done, on the east side or on the west side?—A. On the east side.

Q. How many feet down was it from the platform to the ground where the voting was done?—A. I suppose near about six feet.

Q. How was the box and the table brought down and who brought them down?—A. I don't remember now how we brought them down.

Q. Did anybody carry the box away from the polling-place after it was cleared out and locked preparatory for the voting to begin, until after the voting had ceased in the evening?—A. No, sir.

Q. Have you ever given an affidavit that the box was carried around the house by Mr. Joseph Meriwether while the election was going on, and kept in his exclusive possession for about thirty minutes?—A. If I have I do not remember it now.

Q. Have you not stated to Mr. Willie Meriwether that you were asked for such an affidavit, but that you refused to give it?—A. I don't remember that, sir.

Q. Do you ever remember swearing to any affidavit before Jesse Jones, clerk of the court of common pleas for Edgefield County, except when he swore you as manager of election at Shaw's Mill, last November?—A. Yes, sir; I remember one.

Q. Is this the affidavit, which I will read from Congressional Record Forty-fifth Congress, second session, volume fifth, page twenty-one:

“SOUTH CAROLINA, *Edgefield County*:

“Personally appeared before me, the undersigned deponent, Seaborn Meriwether, manager, who, being duly sworn, made oath as follows: That Joseph Meriwether, Democratic manager, took the box from him, Seaborn Meriwether, Republican manager, and then Joseph Meriwether had both box and key, and Joseph Meriwether carried said box off a short distance and took out the blank oath which was for the other Republican manager to take, and thereby defeated him acting as such manager that day. The voting was commenced down-stairs and Joseph Meriwether took the box and carried it up-stairs and had it in his exclusive possession for about thirty minutes, while I and the United States marshal were protesting against carrying said box up-stairs, and when the box was brought down it was carried behind the house and the table and chair were brought down the same way they went up. Joseph Meriwether carried the box around the house; deponent was intimidated and not allowed to challenge any voter except a colored man who he thought was an illegal voter; that white voters came up and refused to give their names and said to the clerk, who was a Democrat, ‘you know my name.’ When the poll was closed Joseph Meriwether took the box off without sealing it and without locking it, so far as he knows, and he did not feel safe in questioning anything that Joseph Meri-

wether did ; that he pronounces the election at Shaw's precinct or polling-place unfair, and it should not be counted. Herein he enters his solemn protest against the same.

"SEABORN MERIWETHER.

"Sworn to before me November 13, 1876.

"JESSE JONES,

"*Clerk of the Court of Common Pleas.*"

Q. I mean to ask is the affidavit just read a copy of the one you swore to before Jones, besides your oath in writing as manager?—A. I remember a portion of the same words, the date and my name, and I do not remember a portion of it, though I might have said it.

Q. You are made to say in the affidavit that you were not allowed to challenge any voter except a colored man whom you thought an illegal voter. Did not you and the colored supervisor challenge a great many white voters that day in regard to their age and residence and right to vote?—A. At the beginning of the voting we did challenge some; afterwards I was afraid to so do, thinking it would be unsafe for me.

Q. Did anybody threaten you; if so, who did it?—A. Not at that present time.

Q. Did anybody threaten you before the election; if so, who was it, where was it, and what did he say?—A. When we went up-stairs and I heard the colored men had guns posted within forty steps of the polls, Mr. Joseph Meriwether said to me, "If I am fired on from that island by your colored men I mean to kill you." No one ever threatened me before the election with my life.

Q. Was any other threat made against you that day by anybody; if so, by whom?—A. No, sir; no one at all.

Q. Did not you and the colored Republican supervisor challenge white voters, off and on, all day long, only that you challenged more in the forenoon than in the afternoon?—A. No, sir; we did not do it all day.

Q. Did Mr. Joseph Meriwether threaten you about anything else?—A. No, sir

Q. You stated that no one else threatened you; then did you not fail to challenge white voters in the evening because you did not see any white man offering to vote except those you thought were entitled to vote?—A. No, sir; that was not the cause.

Q. Tell us the cause.—A. I was afraid of those red-shirt men I saw about there.

Q. You said nobody threatened you; did you see any red-shirt men do any violence to any colored men, or strike any one that day?—A. No, sir.

Q. Did not Mr. Meriwether, the Democratic manager, tell you that he would protect you, and you not have a large company of United States soldiers there to protect you?—A. I know the soldiers were there, but don't remember what Mr. Meriwether said about that.

Q. Did not the colored voters crowd around the polls so as to break down plank and other barriers that the managers put up to keep them from pressing too closely on the voting place?—A. Don't remember what they broke, but know they crowded us pretty bad, until we sent for soldiers to keep them back.

Q. Did not an Army officer remain at the polls for several hours that day at the request of the managers, to keep the colored voters from pressing on the box in a disorderly manner?—A. Yes, sir; he kept back both white and colored.

Q. Did not that officer alternately direct that three white men should vote and then three colored men should vote, and so on throughout the day? I mean more explicitly to ask, if he did not require that three Republicans should vote at a time together and then three Democrats?—A. I don't remember any such being spoken.

Q. Were not all the Republican voters massed on the side of the polls down the creek, and the Democratic voters on the side of the polls up the creek?—A. Yes, sir.

Q. While that officer stood there to regulate things, did not three voters step out from the Republican side and deposit their ballots, then did not three Democratic voters step out from the Democratic side and deposit their ballots, and then three more Republicans, then three more Democrats, and so on?—A. They sometimes mixed, but that was the arrangement of the men.

Q. Did not a great many colored men vote the Democratic ticket that day?—A. I can't tell; every man voted his ticket folded up.

Q. Did you not see a great many colored men there with red shirts on, and did they not vote from the place where the white Democrats massed?—A. Several did, but I can't say how many.

Q. Except when you went to the fire late in the evening, did you not remain near the box from the time you opened the polls until you got done counting the votes and signed the returns of the election?—A. I don't have any remembrance of doing any other way.

Q. Did you not see the votes all counted and help to count them?—A. Yes, sir.

Q. Were they not fairly counted?—A. As well as I could see, they were fairly counted.

Q. Did not you sign the returns of the election, certifying that it had been properly held?—A. I did not understand the signing to be altogether that way. I thought I had to sign them for them to come back; that is, to the court-house.

Q. Which party pressed strongest on the polls to get to vote that day, the Democrats or Republicans?—A. From down the creek among the colored men was the strongest pressure.

Q. Did you not catch a colored man trying to vote two tickets that day?—A. Yes, sir.

Q. Was he a Republican or Democrat?—A. He was a Republican. I opened his tickets and looked at them.

Q. How many United States marshals were there that day; was there any but Cole Kinner, and was he a Republican or Democrat, colored or white?—A. Cole Kinner, colored, Republican. No other.

Q. Was not Cole Kinner very active that day in distributing Republican tickets?—A. I don't know that he distributed any.

Q. Did not Cole Kinner, United States deputy marshal, go to Colonel Falck and ask him to order the polling-box to be brought down from the platform to the ground, and did not Marshal Kinner come to the polling-place and order the box to be removed by authority of Colonel Falck?—A. I think he did.

Q. How many more tickets were there in the box than names on the poll-list, and what was done with those tickets?—A. I remember we drawing the tickets down according to law by putting them all in the box and shaking them up and destroying the excess.

Redirect:

Q. Do you remember having challenged any voter in the afternoon at all?—A. Don't think I did.

Q. The counsel for the contestant in one of his questions used these words: "You are made to say in this affidavit that you were not allowed to challenge any voters except a colored man whom you thought an illegal voter." State whether or not you were made by any one to sign this affidavit, or did you do it of your own accord?—A. I signed it of my own free will.

Q. You said the soldiers were sent for when the voters were crowding; who sent for them?—A. Mr. Meriwether and myself.

Q. You said in your cross-examination that you do not remember now whether Mr. Meriwether told you on the day of election that he would protect you. Do you know whether Mr. Meriwether could have protected you from the assaults and violence of the red-shirters who were there that day?—A. No, sir; I don't know.

Q. Did not the soldiers have to keep red-shirters back from crowding the polls as well as Republicans?—A. Yes, sir; he said he could not speak to one side without speaking to both.

Q. Might there not have been some red-shirters in the crowd of Republicans that were massed on the side of the polls down the creek that you might not have seen?—A. Yes; it was not possible that I could see everybody.

Q. You stated that you assisted in the counting of the votes, and signed the returns. Had you detected any unfair and improper counting of the votes would you have felt safe in questioning or objecting to them?—A. No, sir.

Q. I understood you to say that you took out the blank oath that was sent to McKie when you first opened the box. State, now, whether or not there was anything in the box when you cleaned it out the second time except the eight or ten votes that you mentioned.—A. Not as I can remember.

Q. You said that you were crowded at the polls by the voters. State if you were not crowded by both white and colored.—A. Yes; we were crowded by both, but by the colored the most.

Q. You say you assisted in counting the votes. Was the box sealed in your presence after the votes were counted?—A. Yes, sir; on the next morning.

(Objected to.)

Q. Did the box go out of your presence that night, and if so, who took it?

(Objected to on the ground of new matter.)

A. Mr. Meriwether, the other manager, took the box and I the key; in fact it was nearly morning when we quit counting.

SEBORNE MERIWETHER.

Sworn to before me this 30th day of March, 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

H. N. BONEY, a witness of legal age, being introduced by contestee after due notice to contestant, deposes as follows to questions propounded to him:

Question. Where do you reside?—Answer. Edgefield Court-House.

Q. How old are you?—A. Twenty-eight.

Q. Where were you on November 7, last, the day of election?—A. At Ridge Spring.

Q. Were you there all day long?—A. From half past 8 till about 4 o'clock p. m.

Q. State if you saw any irregularity or any threats towards Republican voters there that day.—A. About 11 o'clock a crowd of Republican voters numbering about two hundred came up to the polls cheering the candidates of their choice, Chamberlain and Hayes; there were Democrats who met them and ordered them to desist cheering, and they did not; they threatened that if they did not they should not be allowed to come up; that this was a white man's government and they meant to maintain it as such, saying that they were not voters of Edgefield, and they should not vote there; heard some say that the lines had been changed, and some of them had not paid their poll-tax and they were not proper voters, and if they voted there they would do so illegally, and they would have them put in the penitentiary, and that Chamberlain's government was not strong enough to protect them.

Q. What was the result of those threats?—A. A great many of that crowd refused to vote and came to me asking me had the lines been changed, and were they compelled to pay their poll-tax before voting. I endeavored to satisfy them that the county line had not been changed, and they still refused to vote for fear that they would do so illegally.

Q. State whether you were on that day threatened, directly or indirectly.—A. I saw Mr. Carnele call a colored man to him and pointed at me and heard him say, "Go tell him right now it is best that he leave here;" this man came to me and delivered the message, which was that he came there to kill me, and if I crooked my finger he would do it.

Q. Was it in consequence of these threats that you left the place about 4 o'clock?—A. Yes, sir; because it was repeated.

Q. What position did you hold in this county in November last?—A. Probate judge.

Q. Prior to your election to that office, did you not reside at Ridge Spring?—A. I did.

Q. Are you not well acquainted with the inhabitants of that neighborhood?—A. Yes, sir.

Q. State whether you saw any strangers there on the 7th of November; and if so, about how many?—A. Yes, sir; I saw strangers. Judging from the crowds that came up horseback, there were about two hundred.

Q. Did you see any of these strangers vote while you were there?—A. Yes, sir.

Q. Were you there at the arrival of any of the Augusta or Columbia trains?—A. Yes, sir.

Q. State whether or not you saw any strangers get off of those trains; and if so, about how many?—A. Between twenty and thirty during the day on different trains coming from towards Augusta.

Q. Did you see any of these parties vote?—A. Did not see any of them off the trains because I did not go in the house.

Q. Were you not a manager at this polling-place in 1874?—A. Yes, sir.

Q. Do you remember how many Democratic votes were polled there at that time?—A. Yes, sir. Up to the time the box was destroyed, three hundred and seventy-one; and everybody had quit voting there about two hours.

Q. Can you state how many Democratic votes were polled there on

the 7th of November, 1876?—A. I know six hundred and something; but don't remember the fraction.

Q. Did you see any fire-arms there on that day; and, if so, in what position were they?—A. Did not see any in any position.

Q. You are satisfied by statements made to you by Republican voters that a number left there without voting?—A. Yes, sir; saw a great many Republican voters go off.

Cross-examined by George D. Tillman :

Q. Where were you born?—A. Richmond County, Georgia.

Q. How long have you been living in Edgefield?—A. Since the 6th of June, 1873.

Q. What made you leave Richmond County?—A. Because I felt like it, and it was a privilege of mine.

Q. Were you treasurer of any society of colored people there before you left?—A. Never was, of any society.

Q. Were there any warrants out against you charging you with any crime at the time you left Richmond County?—A. I can defy the records of that county, or any other county in that State, or any other State, up to the time I came to this State, to show a warrant issued against me for any offense, or that I ever was arrested for any offense.

Q. At the time you left Richmond County were you not in trouble about having spent some money which you had in your hands as trust-funds? I mean were you not a defaulter, charged with embezzlement after trust?—A. No, sir; and any man who says so makes an unwarranted, mendacious, and malignant statement.

Q. When were you in Augusta last?—A. About the latter part of last summer.

Q. How long did you remain there at that time?—A. From the arrival of the morning train until the departure of the evening train.

Q. How many times have you revisited Augusta, Ga., since you left and moved to Edgefield—in the day-time, I mean?—A. Before I moved my mother and father from there, which was something over two years after I left, I don't know that I missed two consecutive months visiting the city of Augusta, Ga.

Q. When you revisited Augusta have you appeared on Broad street in the day-time?—A. Yes; and on every other street. Have staid there two weeks at once; have visited the chief of police twice on business, in company with Augustus Harris once, and A. W. Simkins once. Am known by the chief of police; he and my father were boys together, and raised up together.

Q. Then did you not leave Richmond County because you felt like seeking an office in Edgefield County, South Carolina?—A. No, sir.

Q. You say that you came to Edgefield in June, 1873. Were you not elected judge of probate for this county shortly after your arrival here?—A. Going near on to two years it was.

Q. When were you elected judge of probate?—A. In November, 1874.

Q. Were you or not a candidate for re-election to the same office at the general election last November?—A. No, sir.

Q. Then for what office were you a candidate at the last election?—A. I was candidate for the office of sheriff, and was elected, justly.

Q. Have you received your commission as sheriff of this county; and, if so, from whom, and who is now acting as sheriff of the county?—A. I have received no commission, because the State board of canvassers gave certificates of election to no one, on account of the gross frauds which appeared to them. I think John T. Gaston, esq., the Democrat

candidate for sheriff, is acting under a commission of General Wade Hampton.

Q. You stated that about eleven o'clock a. m., about two hundred Republican voters came up to the polls at Ridge Springs cheering for the candidates of their choice, Chamberlain and others, and that certain Democrats ordered them to desist, which the Republican voters refused to do, and that then the Democrats told them that if they did not desist from cheering they should not vote. Now, were not that large crowd of Republican voters or some of them cursing Hampton with one breath and cheering Chamberlain with another at the time the white Democrats spoke to the crowd, and did not the white Democrats speak to the crowd of Republicans to stop the curses which were being heaped upon Hampton?—A. I heard none of that crowd cursing Hampton. The only colored man I heard curse Hampton was one Democratic colored man, who took ten Democratic tickets from Mr. Watson to give out to colored voters and brought them to use, and asked me to say nothing about it. My reply to him was, "You could better curse him by voting against him." He said he had voted for him, and that he was compelled to do it.

(Objected to as hearsay.)

Q. What was the name of the colored man that brought you those tickets and told you that?—A. Joe Barnes.

Q. You stated that some of the white Democrats who ordered that crowd of Republicans to desist cheering said that this is a white man's government and that they intended to maintain it as such. Give the names of those white Democrats who said that.—A. I do not feel safe in doing so, but I know the parties.

Q. You mentioned that a lot of Republicans in that crowd refused to vote. Give the names of as many as you can of those who refused to vote.—A. I do not remember now that I know the names (but I then knew the names) of but one old man, Steven Cur.

Q. Does it or not come within your knowledge that Steven Cur then lived in Aiken County, about two hundred and fifty yards beyond the Edgefield line?—A. No, sir.

Q. Do you know, then, that he lived within the line of Edgefield County?—A. No, sir; and because of the uncertainty which side of the line he lived on, I did not insist upon his voting, though he was satisfied that he lived in Edgefield, and went off professing that he wished to vote.

Q. Were a good many Republican voters refused permission to vote because the managers thought said voters were residents of Aiken County?—A. Don't know, sir.

Q. Was any colored man struck that day or shot or pushed or stabbed, to prevent him from voting as he pleased?—A. I saw none, sir.

Q. Was there not a commissioned officer of the United States Army with a detachment of soldiers there stationed near the polls that day?—A. Did not see any, sir.

Q. Do you not remember passing a house a time or two that day where the troops were quartered?—A. No, sir.

Q. Was there not a colored United States marshal named Samuel Youngblood there that day to overlook the election?—A. Yes, sir; he was there to preserve the peace.

Q. Was there any disturbance there that day to make it necessary to call upon the marshal or the troops? If so, give the particulars.—A. Yes, sir; but it was over so quick they were not called for; it was the occurrence that took place about eleven o'clock, which made a great many Republicans leave without voting.

Q. How many colored Republicans left without voting on account of that occurrence?—A. Between twenty and thirty; probably more.

Q. Did they leave immediately; if not, when did they leave?—A. No, sir; they stood around awhile and talked with me, stating that they did not feel that they would be safe in voting, and dropped off, one and two together, until they were all gone.

Q. How far does the Aiken line run from the Ridge Spring precinct?—A. I suppose in the neighborhood of three miles in the nearest place.

Q. Did not most of the voters who went away, telling you they did not feel safe to vote, live near or beyond the Aiken line?—A. Some of them lived near the line.

Q. Did not most of those voters, or all who told you they did not feel safe in voting, and who went away without voting, do so because the Democrats told them they lived in Aiken County, and that if they voted in Edgefield County they would be sent to the penitentiary for it?—A. No, sir.

Q. Did not some of those voters tell you that they were afraid to vote for fear of being sent to the penitentiary, because they lived in Aiken County, if they voted in Edgefield?—A. Yes, sir.

Q. Did not a majority of them tell you that?—A. No, sir.

Q. Do you know precisely where the boundary-line runs, between Aiken and Edgefield Counties, through the territory whence the voters from near the line came who voted at Ridge Spring that day?—A. Don't know it all the way.

Q. Did not both white and colored Democrats, in the afternoon, stand in the door of the store-house where the voting was going on, and again and again call upon Republicans to come up and vote?—A. No, sir; not that I heard.

Q. You left the polls, did you not, early in the afternoon, and went two or three hundred yards off to a friend's house, where you remained the rest of the day?—A. Did not go until four o'clock, after a conversation with Mr. Watson, in which I stated to him that I had received two messages from Mr. Carwile, threatening my life, and that I did not know but that he would undertake it. As the Republicans were all gone nearly, and that I thought I had better go; he joined in my opinion and advised me to go. About dark he (Mr. Watson) came to where I was, and said to me he wished my safety, and that he did not think it was prudent for me to go where the votes were being counted.

Q. Have you not said to several people in conversation, that the election at Ridge Spring was a quiet and peaceable one, and did you not say so on the night of the day when the election was held?—A. No, sir.

Q. You stated that a colored man after talking with Mr. Carwile came to you and told you that Mr. Carwile said he came there to kill you, and if you crooked your finger he would do it. What is the name of the colored man who delivered that message to you?—A. Don't remember, but think it was Joe Barnes. My attention was called off quickly to a voter who had been refused permission to enter the house where the voting was going on, on the ground that he was too young.

Q. Was not Mr. Carwile drinking?—A. Don't know; did not get close to him but once.

Q. How do you know that Joe Barnes delivered Mr. Carwile's message correctly?—A. All the evidence that I have is that he pointed directly at me and the messenger came directly to me.

Q. You said you received two threatening messages from Mr. Carwile that day. What was the second message, who brought it, and what time in the day?—A. As near as I remember, the messenger said I had



been there long enough, and that I had better hide out; this was about three o'clock; don't remember who brought the second message.

Q. At what hour of the day did you receive the first message from Carwile?—A. I think about eleven in the forenoon.

Q. You said you remained about the polls until four o'clock in the afternoon; had not the voting all pretty well all ceased when you went away?—A. Yes, sir; except as crowds of mounted men would come in occasionally and go in and vote.

Q. Did you not remain at your friend Jim Rusford's house in the village of Ridge Spring, or somewhere else in the village, until all the votes had been counted and the result of the election declared?—A. Yes, sir.

Q. As soon as you heard the result of the election at Ridge Springs that night, did you not mount your horse and come on to the court-house to ascertain further news of the election?—A. I did come on to the court-house.

Q. Did you not tell Mr. Robert Watson that night that you would go to the court-house if every red-shirt in the county was in the road?—A. Don't remember that I did or did not.

Q. Did you or not try next day after the election to get the Republican managers of Ridge Spring box to swear that they had been forced to sign the returns of the election?—A. No, sir; and know of no one who asked them to do so.

Q. You spoke of seeing a great many strangers at Ridge Springs that day; did you not see a great many black men who were strangers to you, as well as white men?—A. I saw a few.

Q. You spoke of seeing twenty or thirty white men get off of the evening train from Augusta, and other trains from that direction. Do you remember seeing crowds of colored men get off of the trains which came from Columbia, and if so how many were in the crowds?—A. Did not see any, sir.

Q. Has not the population of the village of Ridge Spring largely increased within the last two or three years?—A. I don't think it has, sir.

Q. Are there not a great many more white voters there now, and in the vicinity, than when you lived there three or four years ago?—A. I know cases connected with the history of that place why there should be more Democratic voters now there than when I staid there.

Q. Are there not a great many more houses there now than then?—A. There are more houses, I will admit; but don't know about a great many.

Q. Did not a great many colored men vote the Democratic ticket on the 7th of last November at Ridge Spring?—A. I know some did; but don't know a great many.

Q. How many colored men voted the Democratic ticket in the previous elections there?—A. I suppose between five and ten at the election next preceding the last.

Q. Between the election in 1874 and that of 1876 did not the large land-owners in the neighborhood of Ridge Spring discharge their colored laborers and introduce white laborers in their stead who voted at Ridge Spring in 1876?—A. I know of several instances, I believe, that a great many colored voters who did leave the Springs and go into Aiken, and I know that white men were put there in their places, and I presume they voted the Democratic ticket at the last election.

Q. What relation is George Basting to you, and was he or not president of a colored Democratic club at Ridge Spring during the last can-

vass?—A. He is no kin to me, and don't know that he was president of a club. I know that he professed to be a Democrat.

Q. Do you not know that he wore a red shirt and voted the Democratic ticket?—A. I know he wore a red shirt, but have heard him say that he did not vote the Democratic ticket, because he had a Republican ticket up his sleeve and ran the Republican down in his hand and voted it.

Q. In the last canvass was there not a colored Democratic club, with headquarters at Ridge Springs, consisting of about thirty members, of which George Basting was president or a very active member?—A. Only heard that he was, and heard he was president before he told me so.

Q. Did you not threaten George Basting, on the day that General Hampton spoke at Edgefield Court-House, that if he did not quit acting as president of that colored Democratic club at Ridge Spring, that you would have him arrested by the sheriff, and break the club up for violating the Republican law of the land, which prohibits a colored man from joining the Democratic party?—A. No, sir.

Q. During the last political campaign did you not say to Maj. J. A. Dozier that if the negroes were defeated in the election and expelled from office, you would recommend them to use the secret bullet and apply the midnight torch against the property of the whites, or words to that effect?—A. No, sir; and he will not say so.

Redirect:

Q. Something was said by contestant in relation to the message sent you by Mr. Carwile. Did you not state in your direct examination that you heard some of the words used by Mr. Carwile?—A. Yes; I did.

Q. You said in your cross-examination that some of the colored laborers had moved off and supplemented by white laborers. Did these white laborers emigrate from other States or countries, or were they natives of this county, or were they here in 1874, at the election?—A. I don't know.

A. W. BANEY.

Sworn to before me this the 31st of March, 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls, for a seat in the Congress of the United States.

GEORGE JACKSON, a witness of legal age, introduced by contestee, after due notice to contestant, deposes as follows to questions propounded to him:

Question. Where do you reside?—Answer. At Ridge Spring, in Edgefield County.

Q. How long have you lived there?—A. I have lived there ever since I was eleven years old.

Q. How old are you now?—A. Going on fifty-six years old.

Q. Where were you on the 7th of November last, the day of election?—A. At the Ridge.

Q. Were you connected in any way officially with the election?—A. I was supervisor.

Q. What time in the morning did you open the polls?—A. At six o'clock.

Q. What time in the evening did you close?—A. At six o'clock.

Q. Did you remain at the polling-place during the entire day?—A. Yes, sir.

Q. State if you saw any fire-arms in the possession of any one there that day?—A. Not any more than body arms.

Q. What do you call body arms?—A. Pistols hung around the body.

Q. State whether you saw any displays made by any one?—A. I never saw any.

Q. In which position were they when you saw them?—A. In the way they usually took them.

Q. State whether you heard any threats made by Democrats to Republican voters that day?—A. No further than I heard some insinuations passed, that if you vote you will have to leave my place.

Q. Were those words spoken out so that any one could hear them?—A. Very openly.

Q. State whether you saw any other demonstrations made that were calculated to keep Republicans from voting?—A. Not at all, sir.

Q. How long have you lived in the vicinity of the Ridge?—A. Ever since I was eleven.

Q. You are well acquainted in that neighborhood, are you not? Did you see any strangers there that day, and if so, how many?—A. Yes, sir. I can't tell how many strangers I did see.

Q. Did you see any of these strangers vote?—A. I saw lots of them vote.

Q. Were they challenged by the managers or by any one?—A. Not at all.

Q. You did not challenge any of them as supervisor?—A. No, sir.

Q. State why you did not?—A. I did not feel that it was required for me to interfere.

Q. What do you mean by the word required?—A. I did not feel it was right.

Q. Do you remember whether or not any parties refused to give their names when they voted there that day?—A. I do. I saw one man in particular, when asked, say, "You know my name."

Q. To whom was he speaking when he said, "You know my name?"—A. To the clerk.

Q. Was the clerk a Democrat or a Republican?—A. Democrat.

Q. Give his name?—A. Samuel Cartelege.

Q. Did you witness the counting of the votes after the polls were closed?—A. Yes, sir.

Q. State then in what condition you found the ballot-box, that is whether the ballots in the box exceeded the names on the poll-list, and if so, by what number?—A. There was one hundred and thirteen over the number on the poll-list.

Q. Were any of these ballots folded together when you opened the box?—A. Yes, sir.

Q. How many do you remember having seen in any one package folded together?—A. From two to three.

Q. When you would find as many as three folded together what disposition was made of them?—A. Throw away one and counted the other two, thinking they certainly would not try to put in three. We believed they got hung together.

Q. Did you find them folded together in a great many instances or were there only a few instances?—A. It was frequently two; and an uncommon thing to find three, though we sometimes did.

Q. Were these folded ballots on examination found to be in favor of the Democratic candidates or the Republican?—A. In favor of the Democrats.

Q. You stated that the number of the ballots found in the box were

in excess of the poll-list one hundred and thirteen ; do you mean that after throwing away those found three together that you had one hundred and thirteen to put back in the box to draw from, over the filling of poll-list ?—A. After throwing away one when we found three together we had then one hundred and thirteen left.

Q. What disposition did you make of the 113 that were in excess of the names on the poll-list ?—A. We put all back in the box and drew them out according to law.

Cross-examined :

Q. You mentioned that you saw men there with pistols ; did you not see a great many colored men there with pistols, as well as white men ?—A. Yes, sir.

Q. You spoke of seeing a great many strangers there that day ; did you not see lots of colored strangers there ?—A. Not altogether like I did white men.

Q. You stated that some of those white strangers voted ; did not a good many of the colored strangers vote also ; if not why ?—A. When there was any out of another county they would not allow him to vote, but there were colored men there whose names and faces I did not know and who voted.

Q. Did you or not see fifteen or twenty colored men get off the train from Columbia and try to vote there that day ?—A. No, nothing about ; never heard of it.

Q. Did not the Reverend Mr. Kaufman, of Leesville, in Lexington County, come to the polls at Ridge Spring and stop two colored men from voting by telling them they had already voted in Leesville ?—A. I did not hear him say so, although he might have done so.

Q. You mention that you heard one man refuse to give his name to the clerk except to say, "You know my name ;" did you hear any other say that ?—A. Not particularly that I noticed.

Q. Did not the clerk write down that man's name immediately, as though he knew it ?—A. He wrote it down immediately ; I won't say that the clerk did not know him, but I did not.

Q. Was there not a commissioned officer and a detachment of soldiers there that day ; and, if so, how far were they from the polling-place ?—A. Across the street a hundred and twenty-five yards.

Q. You stated that two and sometimes three Democratic tickets were folded together or hung together, as they were taken out of the box to be counted ; did you not find a single Republican ticket where two or three hung or folded together ?—A. Never found three ; I found two together seven times.

Q. Which party, the Democratic or Republican put in the first hundred or hundred and fifty votes ; or in other words which voted the heaviest in the early part of the day ?—A. The Democrats.

Q. Who took the votes out of the box to count them ?—A. Colonel Bates and George Pope.

Q. How far were you from the box when they were counting the votes ?—A. In arm's reach of them the whole time.

Q. Please say how many times, as near as you can, you found three tickets folded or hung together ?—A. If I say a dozen times, don't think I would tell any tale.

Q. You stated you found two Republican tickets folded together seven times. As you remember the exact number of times you detected double Republican tickets, specify, as near as you can, the number of times you found two Democratic tickets folded together.—A. If I was to say an hundred and fifty times I don't think I would tell any tale.

Q. You say there were a hundred and thirteen tickets more in the box than names on the poll-list. Did you count to see whether most of those tickets left in the box were Republican or Democratic?—A. We did not particularly count them, but I know the majority were Democrats.

Q. Were not those votes fairly counted, and did you not sign the returns of the election, certifying that it had been properly held?—A. I signed the returns, but never said it was fair done.

Q. When you drew the surplus votes out of the box to destroy them, about how many Democratic and how many Republican votes were destroyed?—A. As near as my memory serves me, there was sixty some odd Republican and forty some odd Democrats.

his  
GEORGE + JACKSON.  
mark.

Sworn to before me this the 31st day of March, 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

M. D. LOTT, a witness of legal age, introduced by contestee after due notice to contestant, deposes as follows to questions propounded to him :

Question. Where do you live, and how old are you?—Answer. Edgefield County, and twenty-three.

Q. How long have you lived in this county?—A. Twenty-two years.

Q. Where were you on the 7th of November last, the day of election?—A. At Ridge Springs.

Q. Were you connected officially with the election there that day?—A. Yes, sir.

Q. What position did you hold?—A. I was manager at Ridge Springs.

Q. At what time did you open the polls?—A. At six o'clock.

Q. What time did you close in the evening?—A. At six o'clock.

Q. Did you notice any hostile demonstrations on the part of the Democrats toward Republican voters, such as to intimidate and prevent their voting?—A. No, sir.

Q. Did you see any fire-arms at the polling-place that day?—A. I did.

Q. Who had them?—A. Democrats.

Q. In what position were they?—A. In the scabbard around the waist.

Q. Did you hear any threats toward Republican voters, and if you say yes, state what those threats were.—A. I did not.

Q. You say you have lived near the Ridge Spring near twenty-two years. You are well acquainted in that neighborhood, are you not?—A. I am.

Q. State whether you saw any stranger there that day; and if you say yes, state what number.—A. Yes, sir, I did; about forty or fifty.

Q. Did those strangers vote there?—A. Yes, sir.

Q. Did you as manager raise any objection to their voting?—A. No, sir, I did not.

Q. Did any one?—A. No, sir, not any one.

Q. Did you think they had a right to vote there?—A. No, sir, I did not.

Q. Why is it that you raised no objection?—A. My reason for not raising any was that they were white men, and I thought if I did I might get myself hurt.

Q. Did you ask any of those strangers to give their names?—A. I did.

Q. Did they do so? If not, what did they do?—A. They would say to the clerk "You know my name."

Q. Would the clerk write down names for such parties?—A. He did.

Q. Who acted as clerk that day?—A. Samuel Cartelege.

Q. Was he a white or colored man? Democrat or Republican?—A. White. Democrat.

Q. As manager, you assisted in counting the votes, did you not?—A. I did.

Q. State now what condition you found the ballots in, when you unlocked the box.—A. We found from two to three folded in each other.

Q. Were these folded tickets in favor of the Republican or Democratic candidate?—A. The Democratic candidate.

Q. When you would find as many as three ballots folded together, all being for the same candidate, in what way would you dispose of them?—A. Throw away one and count two.

Q. Do you know what the election law directs you to do in cases of that kind? And if you say yes, what does it direct?—A. The law is when you find two or more ballots folded together to destroy all but one.

Q. State why it is you did not execute the law when you found ballots folded thus.—A. In my opinion, if I had have executed the law I would have been hurt.

Q. Did any object to throwing away two of those ballots? And if you say yes, state who objected.—A. The Democratic supervisor, Capt. Jack Bates.

Q. When you got through counting the votes and destroying those you thought illegal, what did you do with the legal votes?—A. Placed them back in the box.

Q. Did the number returned to the box exceed the names on the poll-list? And if you say yes, state what number.—A. Yes. One hundred and thirteen.

Q. How did you dispose of the excess?—A. Put them back in the box, and drew them out even with the poll-list.

Q. What was the Democratic vote at Ridge Spring on November 7th last?—A. Something more than six hundred.

Q. Do you know how many was polled there by the Democrats before at elections previous to that?—A. I do not know.

Q. Something has been said here by witnesses about colored laborers leaving the Springs vicinity since the election in 1874, and their places being filled by white laborers. Do you know any cases of this kind? And if you say yes, state about what number of cases.—A. About fifteen or twenty have left, and their places filled by white men.

Q. Are you personally acquainted with the white men who took these places?—A. Yes, some of them.

Q. State, if you can, whether these white men emigrated from other States or countries, or whether they resided in the vicinity of the Ridge in 1874.—A. Those I am personally acquainted with resided in the vicinity of the Ridge in 1874.

Q. At the polling-place, on the 7th of November last, did you notice any maneuvers being made by Democrats in the way of holding up or singling out two or three of their fingers in sight of the clerk when they were about to vote?—A. I did.

Q. In what way would they make these demonstrations?—A. Holding two or three fingers to the side of their head.

Cross-examined by George D. Tillman :

Q. When will you be twenty-three years of age?—A. On the 25th of July coming.

Q. How many times have you voted at Ridge Springs?—A. Only once.

Q. On whose land did you live in November last?—A. On my own.

Q. Your own land or your father's?—A. I consider it my own; I helped pay for it.

Q. How far is that land from Ridge Springs?—A. Five or six miles on the north side of Ridge Springs.

Q. Did not you and the other Republican manager agree to appoint Mr. Cartelege clerk of the election?—A. Yes, sir.

Q. How many different men did you see holding up their fingers to the clerk?—A. About two or three.

Q. Give their names.—A. I can't do so. I don't know them.

Q. Did not you hear a colored Republican tell the clerk "You know my name?"—A. I did not.

Q. Do you not remember that a colored Republican was caught trying to vote two tickets?—A. Don't know.

Q. What manager got the names from the voters and called them out to the clerk so they could be entered?—A. I, myself, did it.

Q. Did you see Mr. Cartelege enter any names on the poll-list, except those you gave him?—A. I did. Some five or six.

Q. Were they not men with whom Mr. Cartelege was well acquainted?—A. I don't know.

Q. Has not Mr. Cartelege been a merchant, residing at Ridge Springs for many years?—A. Yes, he has.

Q. About how old is Mr. Cartelege?—A. About thirty.

Q. Did I understand you to say that nearly every Democratic ticket was folded two or three together?—A. No; I never said so.

Q. How many times did you find three Democratic tickets folded together?—A. Nothing under fifty times.

Q. How many times did you find two folded together?—A. Ten or twelve times.

Q. You stated that the reason you did not destroy the excess of tickets when you found two or three folded together was because the Democratic supervisor, Capt. Jack Bates, objected to throwing away any tickets or destroying them; how many times did Capt. Jack Bates object to destroying tickets when there was an excess of them?—A. I said he objected to us throwing away two when there was three; when there was two he would throw away one.

Q. You stated that in your opinion, if you had attempted to execute the law you was afraid you might have been hurt; of whom were you afraid, Captain Bates?—A. I was afraid of the Democrats.

Q. Did anybody in a single instance threaten you that day for trying to do your duty in enforcing the election law; and, if so, who was it and what about?—A. I challenged a young Democrat vote and was very rashly cursed for it. I don't know who it was cursed me; after that I stood back.

Q. Did the Democratic supervisor or Democratic manager threaten you for insisting on destroying two Democratic tickets when three were folded together?—A. They did not.

Q. Did you see any colored Republicans refused the privilege of voting that day, except on the grounds that he was too young or lived in another county, such as Aiken or Lexington?—A. I did not.

Q. You stated that you saw a great many white men with pistols that day; did you see any colored men with pistols, also?—A. I did.

Q. When that crowd of about two hundred Republicans came up to the polls, did they not have two buggies with shot-guns or rifles in them?—A. I don't know anything about that.

Q. You spoke of seeing a great many white strangers there; did you not see many colored strangers there, also?—A. I did.

Q. You stated that you know of fifteen or        colored voters having left the Ridge Spring neighborhood since the election in 1874, and that their places were supplied with white laborers. Do you not know that several hundred colored laborers have left that neighborhood and that the land-owners have employed white men from Newberry and Lexington in their places since 1874, and before the last election?—A. I do not know whether there were several hundred, but there are a great many more, white men, and less colored men than before the last election.

Q. Do you not know that Mr. Robert Watson, one single land-owner in the neighborhood of the Ridge, discharged about fifty colored laborers since 1875, and has employed white men instead?—A. I hardly ever go to Mr. Bob Watson's—have only been to the Ridge once last year, and that was to church.

Q. Did not a great many colored men vote the Democratic ticket there that day?—A. Yes, sir; they did.

Q. Were there not several Democratic colored clubs whose members voted at Ridge Springs that day?—A. I don't know anything about the clubs.

Q. How did you find that you had more votes in the box than names on the poll-list?—A. We counted all in the box, and the poll-list called for one thousand and twenty names, and we found after counting the votes we had 113 votes over that number.

Q. Did you take that 113 votes out and count them to themselves, or did you count all the votes in the box before you made a calculation of what the excess was.—A. We counted the 113 to themselves.

Q. How many times did you count 113 votes out of the box?—A. We only counted them once.

Q. Was that when you drew out the 113 to destroy them?—A. Yes, sir.

Q. Did you not first count every vote in the ballot-box, purging the poll as you went along, and after computing the count, then, on a recount of the ballots, did you not find that there were 113 more tickets than names on the poll-list?—A. We counted the ballots from the box up to 1,020, and that was the number on the poll-list. Then there were ballots in the box yet. We counted them out to themselves, and the number was 113. We put all back in the box, and drew this 113 out, and destroyed them.

Q. In counting that 113 surplus ballots, how many Republican tickets did you find folded together and how many Democratic tickets were folded together?—A. About six or seven Republican and twelve or fourteen Democrats.

Q. In counting the 1,020 tickets, how many Republican tickets did you find folded together and about how many Democratic tickets did you find folded together?—A. About fifteen or twenty times Republicans, I guess; about fifty or sixty times, the number would not come under that, for the Democrats.

Q. Were the Democratic tickets usually folded two or three together?—A. Three, sir, most frequently.



Q. How many times did you find three Republican tickets folded together?—A. I never saw that many time.

Q. Which party voted heaviest early in the morning; that is, about how many of the first two hundred votes were cast by the Democrats?—

A. Of that number, they put in about one hundred and thirty or forty.

Q. Did not the Democrats monopolize the voting for the first two hours in the morning?—A. They did the most of it, I know.

Q. Did you keep any tally of the folded votes respectively cast by the Republicans or Democrats?—A. I did that.

Q. Did anybody keep a tally?—A. If they did, I did not know it.

Q. Did you not remain by the box all day, until the voting was over, and until the votes were counted, and until the returns of the election was written out; and did you not sign those returns, certifying that the election was properly held?—A. I remained by the box all day, until the votes were counted and the returns made out, and I signed the returns; but if I had not been a little doubtful about getting hurt, I would not have signed them.

Q. Did not the Republican managers and supervisors and United States marshal, when they went to count the votes, insist that all voters, both white and black, should withdraw from the polls, and was not the storehouse locked, the votes counted, and returns written out without the presence of anybody, except the State and Federal officers and United States marshal? I mean by officers, election-officers.—A. Yes, sir.

Q. After completing your duties as election-officers and you came out of the house, was not the place deserted, except a few who lingered there to hear the result of the election?—A. That was so.

Redirect by L. Cain :

Q. You said in your cross-examination that no one threatened you while destroying one from packages when you found three. State whether or not any one objected to it.—A. Yes; Captain Boltes did.

Q. State how many colored men you saw with pistols.—A. About twenty-five or thirty.

Q. You stated in your cross-examination that you saw colored men there who were strangers to you; did any of these colored men refuse to give their names when asked, and would say to the clerk, "You know my name?"—A. They did not.

Q. You said that when you were proceeding with the count you would destroy one ballot when three were found together. If you had included those destroyed in that way, to what extent would the ballots on the poll-list exceed the ballots in the box?—A. Something near three hundred.

Q. You say when you commenced counting the vote that all were excluded from the room except the officers of election. Did you see any parties standing around when you went out; and, if so, what number?—A. About five or six.

Q. You stated you would not have signed the returns had you not been a little doubtful about getting hurt. What do you mean by being doubtful about getting hurt?—A. I mean I was a little fearful of being hurt.

M. D. LOTT.

Sworn to before me this the 2d day of April, 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

H. T. TANKERSLY, a witness of legal age, introduced by contestee after due notice to contestant, deposes as follows to questions propounded to him :

Question. Where do you live?—Answer. Wise Township, Edgefield County.

Q. How long have you lived there?—A. Born and raised there.

Q. How old are you now?—A. Going on twenty-seven years.

Q. Where were you on the 7th of November last, the day of election?—A. At Landrum's Store.

Q. Were you in any way connected with the election officially?—A. I was manager of the box.

Q. What time did you open the box that morning?—A. I had no time-piece; I think it was about six o'clock; between daylight and sun-up.

Q. What time did you close in the evening?—A. About six o'clock.

Q. How many managers acted there that day?—A. Two.

Q. Why is it that the third manager did not act?—A. He was belated.

Q. How long after six do you think it was when he got there?—A. Between seven and eight.

Q. Did you object to his acting after he arrived?—A. I did not.

Q. Did you not insist that he should be sworn and allowed to act?—A. I did.

Q. Who objected to his being sworn?—A. I don't know that any one objected to his being sworn.

Q. Did any one object to his acting as manager that day?—A. The Democrat manager said to him: "Miles, you are too late; but wait until I see what the election law says about you coming up here this time of day." Then me and him consulted, and he agreed for him (Aaron Miles) to serve; and when I called for him, he was gone.

Q. How long was it after Aaron Miles made his application before the Democratic manager came to this conclusion?—A. About ten or fifteen minutes.

Q. You were at the polling-place the election-day, were you not?—A. Yes, sir.

Q. State whether you saw any fire-arms there.—A. I saw one gun there in the evening; saw no pistols.

Q. State, if you can, who had this gun.—A. Don't know; it was a white man.

Q. Did you hear any threats toward Republican voters there that day?—A. Did not.

Q. How many Republican votes were polled there that day?—A. Two.

Q. How many Democratic votes?—A. Two hundred and eleven.

Q. Can you tell how many Republican votes were polled there in November, 1874?—A. One hundred and eighty.

Q. How many Democratic votes were polled there in 1874?—A. I think one hundred and four.

Q. You say you lived near Landrum's Store all your life; you are well acquainted there, are you not?—A. I am.

Q. State whether or not you noticed many strangers there on the 7th of November last.—A. I saw a great many strangers there.

Q. Did these strangers vote?—A. All voted but four or five.

Q. Did any one object to their voting there?—A. No objection.

Q. Did you not look upon those strangers, or a great many of them, as non-residents of Edgefield County?—A. They were strangers to me, but I thought at the time they were citizens of the county.

Q. Were these strangers white or colored men?—A. Colored and white.

Q. Did the colored strangers you saw there vote?—A. Some of them did and some did not.

Q. How many colored men voted there that day?—A. I think there was eighteen or twenty.

Q. A great deal has been said about an affidavit which it was said was made by you. I desire to read an affidavit which purports to have come from you, and want to know whether you ever signed such an affidavit. I read from the report of the Senate committee on the election of South Carolina, 2d vol., page 19, report of the State canvassers' documents:

"STATE OF SOUTH CAROLINA,

*"Edgefield County:*

"Personally appeared before me H. T. Tanksley, who, being duly sworn, made oath as follows:

"That he was a manager at Lanham's Store precinct, in said State and county, of the election held on the 7th November, 1876; that he was born and raised in that settlement, and knows very near or quite every voter in said settlement. And a great number of white men voted at that precinct on said day at said election that he never saw before in his life, and he has never heard of their names before said day; that he has been informed that Marshal Mays, who voted at said precinct, voted elsewhere; that there was only 2 managers, one Republican and one Democrat; that the other Republican manager was refused by the Democratic manager, who was chairman of the board; that he wanted the other manager to act; that the other manager went off when he was refused the right to act by the Democratic manager; that when the votes or tickets were counted, they outnumbered the names by about eleven or twelve; that the clerk was a Democrat, and sat behind the managers all the while.

"HANDY TANKERSLY.

"Sworn to before me November 14, 1876.

"JESSE JONES,  
"C. C. C. P."

A. I did sign it.

Q. Was there, or was there not, a great crowd present when you signed this affidavit?—A. There was a great crowd in the house.

Q. Can you give the names of any who were present?—A. Aaron Miles, Laurence Cain, and Boney, Robert Chandler. That is all I can remember.

Q. This affidavit purported to have been signed before Jesse Jones; do you remember having seen him there that day? Could he have been in that crowd without your seeing him?—A. He might have been there, but I did not see him.

Q. State whether or not you remember having seen Paris Sinkins and Charles Ryon in that room that day?—A. I did not see Paris Sinkins in the room; saw him on the piazza; don't remember seeing Charles Ryon.

Q. Did you see G. W. Holland there that day?—A. Did not.

Q. You stated that there was a very large crowd in the room; could

not Jesse Jones have been near you in your rear and seen you sign that affidavit without your noticing him?—A. Yes, he could have been in there, but I did not see him all day.

Q. Was not there a great deal of stirring about and noise in the room at the time you signed the affidavit?—A. Yes, a great deal of noise and fuss.

Q. Did any one force you or urge you to sign that affidavit, or did you of your own accord sign it?—A. I did of my own accord.

Cross-examined by George D. Tillman :

Q. You stated that there was a large crowd in the house and on the piazza when you signed that paper purporting to be an affidavit before Jesse Jones. Whose house was it?—A. Laurence Cain's house, the lawyer who has been examining me.

Q. Who wrote that paper?—A. Boney wrote it, the late judge of probate.

Q. Was the paper read over to you?—A. Yes, sir.

Q. When you signed that paper did anybody make you hold up your hand or make you kiss the Bible?—A. Boney did.

Q. Did you take off your hat?—A. Yes, at the time Boney swore me.

Q. You are positive, then, that Boney swore you, and not Jesse Jones?—A. Yes, I am positive Boney swore me.

Q. After you signed your name to that paper purporting to be an affidavit, did Boney take his pen and write anything?—A. Could not say.

Q. When Boney was writing out that affidavit, did not Cain try to get you to swear that the Democratic manager at Landrum's Store would not let Aaron Miles, the other republican manager, serve, and did you not refuse to put that in the affidavit and did you not tell Cain that it was Miles's own fault that he did not serve as manager?—A. No, sir; Cain did not. My statement was to Boney, when Cain was present, that I did not blame any one but Miles himself for not serving. Miles told me that he came off because Mr. Tillman objected; Mr. Tillman, who was the Democratic manager.

Q. Did you not hear all that passed between Mr. Tillman and Miles about the latter serving as manager?—A. Yes, sir; I heard all.

Q. After you told Boney, in Cain's presence, that you did not blame anybody but Miles himself for not acting as manager, did you not also tell him that you were not going to tell any lies about the election, and after you said that and signed the paper, did not Cain tell you that he had no further use for you, and said that you need not go to Columbia as a witness?—A. No, sir; did not say that. Cain said he did not know whether he would have much use for me or not; but if he needed me he would send for me; that is, to go to Columbia.

Q. Have you been to Columbia as a witness?—A. I went down there, but was taken sick and came home.

Q. Did you see anything of Bob Chandler there that day—the day of election, I mean?—A. No, sir, did not see him.

Q. Was not Bob Chandler selected by the Republican party to distribute their tickets at Landrum's Store, and were any Republican tickets there that day for distribution?—A. I heard him there was no Republican tickets there for distribution that day.

Q. You said that there were two Republican votes cast there that day. How did they make out their tickets, and who were the men who voted those tickets?—A. Myself and my brother Sam Tankersly. John Briggs came up there from Currytown with one, and Mr. Tillman told him that he had better let him have that ticket, he wanted to see it; he

wanted to write one for Sam to vote. I told him to let me vote that other. He said, "All right."

Q. Did not a great many Republicans go to Landrum's to vote, and, finding no ticket, come on up to the village to vote?—A. Yes, they did.

Q. You stated that you saw a great many white men who were strangers there that day; did you not also see a great many colored men who voted the Democratic ticket that were also strangers to you?—A. I saw several.

Q. You stated that fifteen or twenty colored men voted there that day; did you mean by that, that fifteen or twenty colored strangers voted, and no more colored men voted?—A. There were a great many colored men who voted there that day, but fifteen or twenty were strangers to me.

Q. After you and the Democratic manager consulted about Miles acting as manager, did you not call for Miles and send for some one to hunt him?—A. Yes, we sent Mr. Mose Harris to hunt him.

Q. In the morning, before the voting commenced, did you or not appoint the Democrat manager your chairman?—A. We did.

Q. Did not the Democratic manager offer to let you be chairman, and did you not decline it?—A. I did decline.

Q. Did you not vote with the Democratic manager to elect Mr. James Lanhan as clerk, and was not Mr. Lanhan sworn to act as clerk?—A. I did, and he was sworn in as clerk.

Q. Before the voting commenced, was not the box cleaned and locked; and, if so, who kept the key?—A. The box was cleaned out and locked, and I kept the key.

Q. How long did you keep the key?—A. From the time the poll was opened until nine o'clock next morning. We came to Edgefield Court-House.

Q. Was not Mr. John Wise the regular Democratic supervisor at your poll?—A. He was.

Q. You stated that all the strangers, except four or five, who came there voted. Were not those four or five refused the privilege of voting, either because they were under age, had already voted, or were not residents of the county?—A. One was refused because he was under age, the others did not offer to vote.

Q. You mention that you saw one shot-gun there that day; did not that gun look as if it looked to somebody who had brought it to shoot game going to and returning from the election?—A. I don't know, sir; it was a Winchester rifle; they asked no questions, and I asked none.

Q. Did anybody threaten you there that day, or any other Republican there?—A. Not as I know of.

Q. Who helped you to count the votes?—A. The Democratic manager and the clerk; the supervisor was present.

Q. Do you, or not, consider that the votes were fairly counted and the election was fairly held?—A. To my knowledge, it was.

Q. Did you not sign the returns of the election, certifying that they were all right, of your own accord and without any compulsion?—A. Of my own accord.

Redirect by G. W. Holland:

Q. You said in your cross-examination that Cain said to you that he did not know that he had any use for you as a witness, but if he wanted you he would send for you; did he afterwards send for you to go to Columbia, and did you not go?—A. Whether he sent for me or not, but the message came and I went.

Q. You said you got sick and came back; did you see Cain before you left Columbia, and did you or not ask him for money to pay your way back home?—A. I did not see him.

Q. Did you pay your own way home or did some one else pay it for you; and, if yea, who paid it?—A. He paid my way down there and I paid my way back.

Q. Are you positive that Robert Chandler was not there at the polls at any time during the day distributing Republican tickets?—A. I don't know; did not see him.

Q. Could you have seen every person about the polls that day?—A. I could not.

Q. Might not Chandler have been there distributing Republican tickets and you not see him?—A. I don't know.

Q. Did the Democratic manager vote there that day; if so, who swore him, and did you vote, and who swore you?—A. We swore each other.

Q. Was the man who had this Winchester rifle on foot or on horseback?—A. On horseback.

Q. When he saw you after you had come from Columbia, did he or not tell you that he was sorry that you came home before he saw you?—A. He did.

HANDY TANKSLY.

Sworn to before me this the 3d day of April, 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

ROBERT CHANDLER, a witness of legal age, introduced by contestee after due notice to contestant, deposes as follows to questions propounded to him:

Question. Where do you live?—Answer. Edgefield County.

Q. How long have you lived in this county?—A. Fifty years.

Q. How old are you?—A. About fifty one or two years old.

Q. Where were you on the 7th of November last, the day of the election?—A. At Mr. Landrum's store.

Q. Were you in any way officially connected with the election?—A. Yes, sir; to distribute Republican tickets.

Q. What time in the morning did you get there?—A. As near as I can guess, half past 5 o'clock a. m.

Q. Were there a great many persons there when you reached the polls?—A. Yes, sir.

Q. Were the most of them Democrats or Republicans?—A. The most of them at that time were Democrats.

Q. Did you notice any hostile demonstration on the part of the Democrats toward Republican voters such as were calculated to intimidate them and keep them from voting?—A. Yes, sir. When I got there that morning I was surrounded by the Democrat party. Mr. John Swarengen said there should not be a Republican ticket distributed there that day. If it was, it should be done through blood. I did not distribute any Republican tickets there that day, because the Democrat party there threatened my life.

Q. Were you personally threatened with violence on that day by Democrats? If so, state what those threats were.—A. Yes, sir. They

drew their pistols on me. Benny Tillman said they had been the rulers of Carolina, and they intended to rule it.

Q. Did you remain there all day? If not, what time did you leave that polling-place?—A. I left there at a quarter of seven by Dr. Jennings's time.

Q. Were these threats made to you by the Democrats the cause of your leaving the polls?—A. Yes, sir; they was.

Q. Did you attempt to vote there any time before you left?—A. Yes; I tried the second time, and the Democrat party would not let me.

Q. Did you see any other colored Republicans prevented from voting, and who left the polls without voting?—A. Yes, sir.

Q. Did you see any fire-arms at the polling-place that day?—A. Yes, sir. Alfred Holmes had two. He opened his coat and showed them to me. He said if the Democrat party did not carry the election this time they were going to take it.

Q. Did you see any more pistols besides those two?—A. Yes, sir; I saw a great number of pistols that day.

Q. Did you see any guns?—A. No, sir; I did not see any that day.

Q. Did you vote anywhere on the day of election; if so, where?—A. No, sir. I left Mr. Landrum's to come up here. When I got up here it was wusser here than it was there.

Q. Was the general demeanor of the Democrats at Landrum's Store, on the day of the election, when you arrived there, quiet and orderly, or was it disorderly and boisterous?—A. They were whooping and hollowing. John Carpenter he drewd his pistol. Jerrie Whitlock he come a running wid his pistol in his hand. Hart Quarles he wanted to shoot anyhow. Several of them caught him. That's all I saw and knew there that day.

Cross-examined by George D. Tillman :

Q. When you reached Landrum's Store the morning of the election, who did you talk with and who were they?—A. Charles Ryans, William Wood, Aaron Blocker. I never got in fifty yards of the store-house.

Q. Did you not get nearer than fifty yards of the store-house any time that day?—A. No, sir; I did not.

Q. Did you talk with any white men at the store that morning; and if so, who were they?—A. No, sir; I did not talk with any.

Q. Did any white men talk with you there that morning; if so, who were they?—A. I want to tell you the reason I did not talk with any of them. I was just allowed such a distance, and if I come any further I would come through blood.

Q. Who told you that you would have to come through blood?—A. John Swarengen was one of the men; Bennie Tillman, Alfred Holmes, John Carpenter, Dr. W. D. Jennings, jr., Jerrie Whitlock, Hart Quarles, and many others I don't know.

Q. How many of those men are colored men?—A. Two that I have named.

Q. What time in the morning did this occur?—A. It was about half after 6 o'clock a. m.

Q. What did you do then?—A. I just give back a little, and stopped and studied. I then decided to come to Edgefield Court-House. I studied about seven minutes.

Q. Did you offer any of the managers a ticket to vote? Did you offer to vote?—A. Yes, sir.

Q. Did you go back any time that day and offer to vote a second time?—A. Yes, sir.

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Q. What time in the day was it and who was with you and who stopped you?—A. The second time I went back I got in twenty or thirty yards from the polls; the same party stopped me. I said, "Well, if I can't get to that poll I will make to Edgefield."

Q. What did you do with the Republican tickets you had that day?—A. About five weeks ago, when I was driven off from Jerrie Gardner's, my son took forty; the rest are in my press at home now.

Q. If you offered a single Republican a ticket there that morning, who was he?—A. They threatened my life so I had to get away from there, and I did not have a chance.

Q. On which side of the store did you stop, and how long did you stop there?—A. On a little red hill, near a chiny-tree, this side of the store. I stopped there about seven minutes.

Q. How long after you got in the neighborhood of Landrum's Store did this party meet?—A. About half past five or six o'clock.

Q. Which one of the party came meeting you and spoke first?—A. I can't tell which spoke first.

Q. How many Democrats were they there?—A. There was twenty-five or thirty.

Q. Was the sun up then?—A. Yes, she was near about rising.

Q. You could see all their faces then plainly, so you could tell each one?—A. Yes, I could see their faces plain; there was some I did not know. Those whom I knew I called their names.

Q. How close did any one of that party come to you, who was it, and what did he do?—A. John Carpenter, in twenty-five or thirty steps of me; he pointed his pistol at me; he told me not to come any farther; I should not go to the poll. Jerry Whitlock was next; he pointed a pistol at me, too. He said I was a damn fool, voting for a man I did not know anything about. Then I had to get out of the way; there was such a whooping and holloing, I looked for some of them to shoot every minute.

Q. Did Mr. B. R. Tillman say anything to you; if so, what did he say?—A. He said he was manager, and he would see any Republican ticket that was thrown there that day.

Q. Did he speak to you after Carpenter and Whitlock did?—A. Yes, sir, after that.

Q. Who, on horseback, of that crowd, was it?—A. There was none of them on horseback.

Q. Who was it out there in that field trying to shoot at you?—A. I did not see any of that.

Q. Who did you have the longest talk with that morning?—A. I did not talk with any of them; they would not let me.

Q. Do you know where the election was held that day?—A. In the new part, where there is a window.

Q. Did Mr. John Swarengen say anything to you that morning, and what did he say, and what did he do?—A. He did not say anything to me in particular; he only said there should not be a Republican ticket polled there that day.

Q. When did he say that, what time in the morning?—A. Directly after I got there.

Q. Who spoke to you first, of the Democrats, that morning?—A. That's hard to say, so many men coming up all at once.

Q. You stated that Mr. Alfred Holmes opened his coat and showed you two pistols; what did he say?—A. He opened his coat, and said, "Damn it, this is Alfred Holmes."

Q. Was that all he said?—A. Yes, that was all.



Q. Was the sun shining then?—A. Don't know.

Q. How high was the sun, or what time of day was it?—A. It was about six o'clock.

Q. Who was the last man who spoke to you, in that party?—A. I can't tell you, there was so many.

Q. Did anybody try to shoot you that morning, and who was he, and who caught him?—A. John Carpenter was the man; he come breaking to the crowd; don't know who stopped him.

Q. Did Handy Tanksley come up to the court-house that day?—A. No, sir.

Q. Did not you tell the Senate committee in Columbia that Handy Tanksley came up to the court-house?—A. No; that's a mistake. I said Sam Tanksley.

Q. How many Republican votes were cast that day?—A. Don't know.

Q. When you came up to the court-house, did you tell Cain that he had better do something about tickets at Landraeu's?—A. No, sir.

Q. Who was it told you that morning of the election that this was a white man's country, and they intended to keep it so?—A. Dr. Jennings said Edgefield belonged to the white folks, and it should remain so.

Q. Did you say anything to the Democrats, white or black, that morning; if so, what did you say, and to whom did you say it?—A. Yes, sir. When the party got after me I said to the party, the polls are opened here to-day, and all men have a right to vote. I never had anything more to say. When a man threatens my life, I have no time to talk.

Q. Did you and your party keep straight on to the polls that morning until you met those Democrats?—A. We did.

Q. What time was that?—A. Near about six o'clock.

Q. How long did you and your party remain there parleying with the Democrats when they were threatening you?—A. About seven minutes.

Q. Did you and your party leave in seven minutes?—A. Yes, sir.

Q. Were the Democrats standing in the road when you first saw them?—A. They were standing around the store-door when I first saw them. Then they came meeting us, walking past. John Carpenter and Jerry Whitlock, they were the leaders.

Q. Did you tell any of the Republican leaders that they ought to send some one to Landrum's store with tickets that I could distribute?—A. No, sir. The next day after the election I told them that we could not vote there.

Q. What time did you arrive at the court-house that day?—A. Between 9 and 10 o'clock a. m.

Q. Was it not cold, cloudy, and rainy that day until 9 or 10 o'clock a. m.?—A. Now I am going to tell it just like it was. It was raining, and tolerable cold rain, and just about the sun rose that morning, and a while after that, it rained until some time in the day.

Q. Was it raining when these white and colored Democrats were threatening you and your party?—A. It was drizzling rain.

Q. For how long a time did you and your party remain in the neighborhood of Landraeu's store?—A. From half past five until a quarter of seven.

Q. Did you remain within 80 yards of the store all that time?—A. No; we came up to the big road and staid there some time.

Q. If it was drizzling rain, would the Democrats have been standing

out at the door while your party was coming up?—A. When I saw them they were coming meeting us.

Q. Was it or not about sun up when this threatening parley occurred between the Democrats and your party?—A. About six o'clock.

Q. Was it sort a clear and red in the east when this threatening parley occurred?—A. It was near about six o'clock.

Redirect by G. W. Holland:

Q. You said, in your cross-examination, that four or five colored Republicans were with you. Was it not the reason that they had Republican tickets with them that you did not give them tickets?—A. No, they had none.

Q. Might you not have given them tickets on that day, and this great length of time after the election your memory does not serve you now?—A. No, I had no chance to give them tickets; the Democrats would not let me.

Q. Are you sure that Dr. Jennings did not say, "This is a white man's country," and might you not have forgotten what his exact words were?—A. He said Edgefield belongs to the white folks, and should remain so.

Q. Did he not also use the words, "This is a white man's country"?—A. Yes; he said this country.

Q. You said that you and your party remained there about seven minutes studying what to do. Did you not see, during that time, such hostile demonstrations made on the part of Democrats that you and your party would not be safe in staying there?—A. No, sir; we would not have been safe in staying there.

Q. You said that you did not have any talk with any of them; they would not let you. Do you mean to say they were colored men or Democrats?—A. They were colored and white Democrats.

ROBERT + <sup>his</sup>CHANDLER.  
mark.

Sworn to before me this the 3d day of April, 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

CHARLES COBB, a witness of legal age, introduced by contestee after due notice to contestant, deposes as follows to questions propounded to him:

Question. Where do you live?—Answer. Edgefield County.

Q. How long have you lived here?—A. I was raised here.

Q. How old are you now?—A. I have not got my age exactly, but am about thirty.

Q. Where were you on the 7th November last—the day of election?—A. I was at Johnson's early in the morning.

Q. Were you in any way connected with the election officially?—A. I was appointed United States deputy marshal.

Q. What time in the morning did you arrive at Johnson's?—A. About half past six.

Q. Did you act as deputy United States marshal there that day?—A. That was my business there, but I did not stay there to do it.

Q. State why you did not stay there and act.—A. I was threatened by the Democrat party.

Q. What time did you leave there that morning?—A. About half past seven.

Q. At the time you arrived there in the morning, did you see a great many Democrats there?—A. Yes, a great many.

Q. Were there many colored Republicans there?—A. A great many Republicans there.

Q. Were you personally threatened by anybody; if so, who were they?—A. I don't know who they were, but know they were Democrats.

Q. Did you vote at Johnson's?—A. I did not.

Q. Did you see on the part of the Democrats there that day any demonstrations calculated to intimidate or frighten Republican voters from the polls?—A. Not while I was there.

Q. So, then, you do not know whether any other Republican voters were intimidated or frightened so as to desist from voting at that place?—A. Don't know.

Cross-examined by George D. Tillman :

Q. Were you or not a candidate for the legislature on the Republican ticket at the last election?—A. I was candidate for nomination on the Republican ticket, but was defeated.

Q. Who appointed you United States deputy marshal to act at the Johnson box?—A. I don't recollect. The name was on the appointment.

Q. Where is your commission as deputy United States marshal? Who delivered it to you? Where did he deliver it to you, and when and how?—A. It is at home. Lawrence Cain delivered it to me some days before the election at his house, under an oath by the clerk of the court. I brought it over to him, Jesse Jones, and he swore me.

Q. When you reached Johnson's that morning, what official acts did you undertake to accomplish that the Democratic voters objected to?—A. I went up where they were voting, up-stairs, and when I came down and was giving out the Republican tickets to the voters, I started back up there where they were voting again, and some of the Democrat party were clustered around the door; they objected to my going back up there. I showed them the badge I had wearing, and they clustered around me and cursed me, and threatened that they would kill me, and I offered to pull my authority, but they said they did not want to see it.

Q. Who were some of the men who threatened you?—A. I don't know who any of them were.

Q. Did you see any of those men with arms?—A. I did not.

Q. Tell the names of some colored Republicans who heard them cursing you.—A. I can't give the names.

Q. Cannot you give the name of one colored or white man who heard those people curse you?—A. Can't tell.

Q. If you did not vote at Johnson's that day, where did you vote?—A. At Edgefield, box No. 2.

Q. On whose plantation did you reside last year?—A. On Mr. Burnett Holland's place.

Q. What was threatened which made you leave Johnson's?—A. Saying that if I did not leave there they would kill me.

Q. Did you offer to vote at all at Johnson's; and, if so, did any one prevent you or tell you you should not vote?—A. I did not offer to vote, and no one told me I should not vote.

Q. How do you know it was Democrats that threatened you, if you

cannot give some of their names?—A. They said we Democrats were going to carry this election.

Q. Did you or not distribute your Republican tickets?—A. When I went up the first time I laid down a big pile on the manager's table, and after coming down I gave out some to the voters.

C. COBB.

Sworn to before me this the 4th day of April, 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

COLEMAN MORGAN, a witness of legal age, introduced by contestee, after due notice to contestant, deposes as follows to questions propounded:

Question. Where do you live?—Answer. Edgefield County.

Q. How long have you lived there?—A. Always lived in Edgefield County.

Q. How old are you?—A. Twenty-eight.

Q. Where were you on the 7th of November, the day of election?—A. At Curryton precinct.

Q. Did you hold any position there that day?—A. Yes; I was marshal there that day.

Q. Were you United States deputy marshal?—A. I was.

Q. At what time in the morning of the 7th did you arrive at the polling-place?—A. About seven o'clock.

Q. When you arrived there was the poll open and were the men voting?—A. The poll was opened and the men were voting.

Q. How many managers did you find there, and who was it?—A. Only one; his name was Pick Delaughton.

Q. Was he the Democratic or one of the Republican managers?—A. Democratic manager.

Q. When you arrived at the polling-place how was the place in regard to order?—A. They were voting; there was no disturbance at that time.

Q. Did you see any fire-arms there that day, and who had them?—A. I saw some there, but do not know who had them. One double-barrel shot-gun, one or two rifles, one or two pistols—that was all I saw.

Q. What were they doing with them?—A. Nothing; just had them there.

Q. Did you remain at that polling-place all day?—A. No, sir; not all day.

Q. At what time of day did you leave there; why did you leave, and where did you go?—A. I left about 9 o'clock a. m. I did not feel satisfied there. I went to Shaw's mill.

Q. What do you mean by not feeling satisfied there?—A. I did not think I would be safe by staying there.

Q. Why did you apprehend danger?—A. I had not conversed with any of the men who had the guns at that time; after that I talked with them, and went back from Shaw's mill to Curryton with them.

Q. What time in the day did you return to Curryton from Shaw's mill?—A. About half past nine o'clock.

Q. Did you remain there then until the closing of the polls that evening?—A. Yes, sir.

Q. Did you see either of the Republican managers there at any time during the day?—A. No, sir.

Q. You are personally acquainted with the men appointed?—A. I only know one of them.

Q. Did you witness the counting of the votes?—A. Yes, sir.

Q. Who assisted Mr. Delaughton, the Democratic manager, in counting the votes?—A. I don't know, sir, who did.

Q. Were the parties assisting him strangers to you?—A. Yes, sir.

Q. After counting the votes the returns were signed by one manager, were they not?—A. Yes, sir; by one.

Q. Was the box sealed in your presence?—A. No, sir.

Q. Who took the box, the key, and the poll-list after the votes were counted?—A. I don't know. Mr. Delaughton must have taken them, as he was the only one there who was a manager.

Q. State, if you can, how many Republican votes were polled there that day?—A. Only 2.

Q. How many Democratic votes were polled?—A. I think there was 106.

Q. Do you remember how many Republican votes were polled there in 1874?—A. I do not remember.

Q. You state that you saw men with guns there; were they white or colored?—A. White men.

Q. What was their dress?—A. All of them had on red shirts or red coats.

Q. You are well acquainted there, are you not?—A. Not very well.

Cross-examined by B. Bettes:

Q. Who appointed you United States marshal?—A. Mr. Bentley.

Q. Before whom did you take the oath of office?—A. By the clerk of the court.

Q. Did you read the appointment?—A. No, sir; I had it read.

Q. Did you understand your duties as United States marshal?—A. By the way the document read I understood it.

Q. What did it tell you your duties were?—A. It told me my duties were to observe the peace.

Q. Was that all it told you?—A. It told me if any man violated the law to arrest him.

Q. You were there, then, to see that everything was fair and quiet, were you not?—A. Yes, sir.

Q. You did your duty in that respect, did you not?—A. Yes, sir; as near as I could.

Q. You had no occasion to use your authority as United States marshal, did you?—A. No, sir.

Q. So far as you saw there, at that place, everything was fair and quiet?—A. Yes, sir.

Q. You did not see anything unfair in the election, did you?—A. No, sir.

Q. After you came back from Shaw's Mill did you notice to see whether there was one, two, or three managers there?—A. Yes, sir; there was but one manager there.

Q. You said you did not know but two of the managers; how, then, do you know that the one you did not know was not present?—A. I asked the one I did know and he said he was not present.

Q. Which one of the managers did you ask?—A. Mr. Peck Delaughton.

Q. The Republicans mostly went over to Shaw's Mill to vote that day, where the troops were, did they not?—A. I don't know.

Q. Did you vote at Shaw's Mill or at Curryton?—A. At Curryton.

Q. You would not have voted if you did not think it fair there, would you?—A. I thought it correct; I mean everything is right.

Q. Do you know Mr. Tom Shaw?—A. No, sir.

Q. Don't you think anybody could have voted there that day who had a right to vote?—A. I saw no objection.

Q. You did not see anything to keep any one from voting if they had wanted to?—A. No, sir.

Q. You did not see many Republicans there that day?—A. Not many that I knew.

Q. Did you see many at Shaw's Mill?—A. I don't know; saw a great many people at both places.

Q. How many colored men did you see at Curryton?—A. Can't tell.

Q. Did you see any colored people voting at Curryton?—A. I don't remember seeing many vote at Curryton.

Q. All the colored people who were at Curryton voted, did they not?—A. Don't know.

Q. You saw a great many colored people at Shaw's Mill, but a few at Curryton?—A. I saw a great many at both places.

Q. While at Shaw's Mill, did you see any colored people have firearms?—A. No, sir.

Q. You witnessed the counting to see it was done right, did you not?—A. All was right which I saw.

Q. You staid in the house after you came from the mill all the time, did you not?—A. I was out doors as often as anywhere else.

Redirect by L. Cain:

Q. Are you certain whether it was Beatty or Judge Geo. S. Bryan who gave you your commission as United States marshal?—A. I am not certain, but think it was Beatty.

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

Q. You stated that you did not know whether all the colored men voted at Curryton or not; did not a great many of the colored men accompany you to Shaw's Mill, and you left them there?—A. Not many; one or two.

Q. You say that everything was conducted fairly there, as far as you know. As you were out of the house a great part of the day, could not things have been conducted unfairly without your knowledge?—A. As far as I know, I say.

his  
COLEMAN + MORGAN.  
mark.

Sworn to before me this the 5th day of April, 1877.

[SEAL.]

C. S. B. MARSH,  
Intendant.

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

JAMES L. BLAIR, a witness of legal age, introduced by contestee after due notice to contestant, deposes as follows to questions propounded:

Question. Where do you reside?—Answer. Edgefield County.

Q. How long have you lived here?—A. Three years.

Q. How old are you?—A. Twenty-five years old.

Q. Were you in any way officially connected with the election? And if you say yes, state what position you held.—A. I was manager of Curryton box last November.

Q. By whom were you appointed?—A. By Jesse Jones, clerk of court.

Q. Was he not commissioner of election?—A. He was.

Q. Who informed you that you were appointed manager?—A. Coleman Morgan informed me that I was.

Q. Did you not subscribe to your oath as manager; if so, before whom?—A. Yes, sir; I took the oath before Jesse Jones, clerk of court.

Q. Did you go to Curryton and act as manager on the 7th of November last?—A. No, sir; did not get there.

Q. Why did you not get there?—A. I was on my way to Curryton to attend to my duty, and when I got in about four miles and a half from the poll a crowd of red-shirt white men met me and halted me and asked me where was I going, and I told them I was going to Curryton, and they asked me for what. I told them I was a manager for Curryton box. Then they began with curses, and abused me for all the damn Hayes and Chamberlain sons of bitches, and drew their pistols, and said if I went any further they would mob me to death, and said we will have you damned Radical thieves to know that we Democrats intend to rule. Then they said I could go any way I wanted to—through the woods or the foot-path—but we will meet you there and show you how we will mob you. They went then toward the Curryton box, and I took them at their word and went on back.

Q. Were there any colored men with you?—A. No, sir; by myself.

Q. Give the names, if you can, of some of this party who thus treated you.—A. I did not know any of them; they all seemed strangers.

Q. Did you see any guns?—A. Yes; seven or eight of them had guns.

Q. When you turned back where did you go to?—A. I went to Shaw's Mill.

Q. Were these men you saw mounted?—A. Yes; on horses and mules.

Q. After you were turned back and was on your way to Shaw's Mill, did you meet any Republicans going toward Curryton?—A. No, sir.

Q. You stated that there were seven or eight guns in the crowd. What kind were they?—A. They looked like Remington rifles.

Cross-examined by Bettes :

Q. Where did you live before you came to Edgefield Court-House?—A. In Georgia.

Q. How long had you been here before the election?—A. Two years.

Q. What did you leave Georgia for?—A. Because I felt like leaving.

Q. When did you take the oath before Jesse Jones as manager?—A. When he was giving the boxes out to go to these places.

Q. Who received your box?—A. Peck Delaughton.

Q. About what time did you get to Shaw's Mill?—A. About 6 o'clock a. m.

Q. Did you stay there all day; if not, how long?—A. Not all day; until two or three o'clock in the evening.

Q. Did you see Cole Morgan there?—A. Yes; at a distance.

Q. Did you speak to him any time during that day?—A. No, sir.

Q. Was he not United States deputy marshal?—A. He was.

Q. Was it not his business to see that the managers were protected?—A. I don't know.

Q. Did you tell anybody about these men halting and abusing you?—A. No, sir.

Q. When you got to Shaw's Mill, why did you not go to the United States authorities, consisting of United States officers and marshal, and

ask that you be protected as manager of the Curryton box?—A. I was afraid to say anything about it—afraid those men might get hold of it and kill me for it.

Q. About what time of day was it those men met you in the road?—A. Before six o'clock.

Q. How long before six?—A. About a half hour, I suppose.

Q. How far was you then from Shaw's Mill?—A. About a half mile.

Q. How far is Shaw's Mill from Curryton?—A. About five miles.

Q. Did you see the other Republican manager who was to manage the box at Curryton that day?—A. No, sir.

Q. Did you attempt to go to Curryton any more that day?—A. No, sir.

Q. Did you inquire of anybody that day how the voting was going on at Curryton?—A. No, sir.

Q. It was about a half mile from the United States troops these men met you, was it not?—A. Yes, sir, about.

Q. You did not go to the United States marshal and ask his protection?—A. No, sir; I was afraid to do so for fear these people would get hold of it, and kill me some time.

Q. Was everything perfectly quiet and peaceable at Shaw's Mill while you staid there?—A. No, sir; it did not seem so to me.

Q. Did you know the name of a single one of those men who met you in the road?—A. No, sir.

Q. Did not the troops and the United States marshal not keep things quiet at Shaw's Mill?—A. No; they were in a quandary about guns a while. I left them quiet when I left.

Q. Where were those guns they were fussing about?—A. I did not see them; they looked for them but did not find them.

Q. How do you know they did not find them?—A. They came back and said they did not.

Q. Did you see them when they came back?—A. Yes, sir.

Q. Did they have guns when they came back?—A. They did not have the guns.

Q. It was the United States soldiers who went off and searched for the guns and came back without them?—A. They did not carry any with them or bring any back.

Q. After the fuss about the guns was over all was quiet, was it not?—A. Yes, sir.

Q. You saw nothing wrong after that, did you?—A. Saw nothing wrong, except a little grumbling about the guns the white people had there; had no more row as long as I staid there.

Q. Any and every body could vote there who had a right to, could they?—A. Yes; they objected to one man on account he broke jail.

Q. How many men met you in the crowd four miles from Curryton?—A. About twenty.

Q. Were they coming toward Shaw's Mill, were they not?—A. Yes, sir.

Q. When they met you, did you turn back or did they turn back?—A. We both turned back, they to Curryton and I to Shaw's Mill.

Q. Was that crowd standing still or moving?—A. They were coming toward me.

Q. Did you know any one of those twenty men?—A. No, sir.

Q. Are you certain you did not intimidate those twenty men and turn them back?—A. I don't know whether they got frightened or not, but I got frightened at them.

Q. Before the day of election, when was the last time you had seen



the other Republican manager ?—A. I had not seen him since I left the court-house, the time I took my oath.

JAS. L. BLAIR.

Sworn to before me this the 5th day of April, 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

DENNIS SULLIVAN, a witness of legal age, introduced by contestee after due notice to contestant, deposes as follows :

Question. Where do you live ?—Answer. Edgefield Court-House.

Q. How old are you ?—A. Thirty-eight.

Q. Where were you on November 7th last, the day of election ?—A. At Shaw's Mill.

Q. Did you hold official position that day ? If so, state what it was.—A. Yes, sir ; I was supervisor of election.

Q. At what time did you get to Shaw's Mill ?—A. A little before six.

Q. What was the condition of things there ; were they quiet or disorderly ?—A. All quiet when I arrived.

Q. Did it remain so all day ?—A. No, sir.

Q. Tell us, then, what occurred ?—A. They got to disputing where to put the box ; the Democrats carried the box upstairs, any how, against the will of the Republican manager. It was reported to their colonel who had the soldiers in charge. The Democrats brought the box down by order of the colonel.

Q. Was that the only disorder you saw that day ?—A. No, sir.

Q. State what else occurred.—A. There was a crowd of men had some guns, Democrats ; they brought them there and put them in a house. Dr. Shaw reported that the colored people had guns on the island, and Mr. Joe Meriwether said that if there was a gun fired there he would kill me and Seaborn Meriwether, the Republican manager. Then Dr. Shaw asked the colonel to have them removed. The soldiers searched for them and could not find any.

Q. Were you there when Jerry Mackee came up and wanted to subscribe to his oath ?

(Objected to on the ground it is a leading question.)

A. Yes, sir.

Q. Was any objection made to Jerry Mackee ; and, if so, by whom ?—

A. Mr. Joe Meriwether.

Q. Was Mr. Meriwether the Democratic manager, or Republican ?—

A. Democratic.

Q. State whether or not the Republican manager was willing for Jerry Mackee to act.—A. Yes, sir ; he was.

Q. After you returned from the colonel's quarters, did you remain at the polling-place until six o'clock in the evening ?—A. Yes, sir.

Q. State whether or not any parties, when attempting to vote, refused to give their names to the clerk or managers.—A. Yes ; they did.

Q. What did they say ?—A. "The clerk knows me."

Q. Was this clerk a Democrat or Republican ? You witnessed the counting of the votes, did you not ?—A. Yes, sir.

Q. State whether or not the box was sealed in your presence.—A. It was not.

Q. Who took the box off after counting the votes and poll-list ?—A. Mr. J. Meriwether, but gave the key to Seaborn Meriwether.

Q. Soon after the election did you not make an affidavit setting forth the unfairness of the election at Shaw's Mill?—A. Yes, sir.

Q. State whether or not any one has been to you since the making of that affidavit with a copy of it, and tried to get you to sign a counter-affidavit, or to deny that you made such an affidavit.—A. Yes, sir.

Q. State who the party was who came to you.—A. Mr. Joseph Meriwether.

Q. Did he leave that copy with you or did he retain it?—A. He left it with me.

Cross-examined by Mr. Bettes:

Q. Was the voting carried on at Shaw's Mill in a house or not?—A. It was not.

Q. How, then, did the United States colonel of troops order the box to be brought downstairs?—A. Because it was upstairs in a house, and voters could not get to it.

Q. How many Republican votes were polled there that day and how many Democrats?—A. I did have a list, but have lost it; can't say now.

Q. The votes were counted and the returns made out at the precinct, were they not?—A. The votes were counted, but the returns not made out there.

Q. Do you know where the returns were made out?—A. No, sir.

Q. Did not the Republican manager who acted sign the returns as correct?—A. He did not do it there.

Q. Did he not go away from there with Mr. Joe Meriwether?—A. No; he went the next morning to meet him.

Q. Did not he sign the returns next morning as correct?—A. I don't know that he signed them at all.

Q. Did you not sign a return to the United States marshal and forward it to him?—A. I signed nothing but that affidavit.

Q. Who did you send that affidavit to?—A. Did not send it to anybody.

Q. Who did you make it before?—A. Before Colonel Cain.

Q. Did you send a return to anybody after the election?—A. No, sir.

Q. When the votes were counted did they not tally with the poll-list kept by the clerk?—A. They did not.

Q. When those men would say the clerk knew them, would the clerk not write down their names?—A. I don't know whether he was writing their names or not; he would write something.

Q. In which way did the vote not tally with the poll-list?—A. There were more tickets than names on the list.

Q. How many more tickets than names was there?—A. Twenty-seven.

Q. Why did Mr. Joe Meriwether object to Jerre Mackee as manager?—A. He said it was not lawful for him to be sworn there.

Q. Had Jerre Mackee been sworn before?—A. No, sir.

Q. Except when they objected to Jerre Mackee, and when they were quarreling about the guns on the island, everything went on quietly, did it not?—A. No, sir.

Q. What did they do?—A. There were three men who were qualified to vote, and they would not let them. They went off quietly. That was fuss enough; a man could not vote who was qualified to do so.

Q. Did you not vote there?—A. Yes, sir.

Q. Did you see any others who could not vote there except those three?—A. I saw others who wanted to vote and could not; but don't know that they were qualified.

Q. Tell me the names of all you saw who were qualified to vote and could not?—A. Randal Middleton, Conway Lamar, Robert Kenner; don't know the rest.

Q. They were objected to when they went to vote, were they not? Who objected to them, and on what grounds?—A. Joseph Meriwether objected and Nick Hancock; they said they were not old enough.

Redirect by Cain :

Q. You say they had not finished making out the returns when they left the polling-place the night of the election. State, then, when and where they did make out the returns.—A. I don't know.

Q. You stated you made that affidavit before Colonel Cain. Was not Jesse Jones present when you made that affidavit?—A. Yes, sir.

Q. When you state that you made that affidavit before Colonel Cain, do you mean to say that he administered the oath, or that he was present?—A. He was present, but did not swear me.

his  
DENNIS + SULLIVAN.  
mark.

Sworn to before me this the 5th day of April, 1877.

[SEAL.]

O. S. B. MARSH,  
*Intendant.*

In the matter [of the contest of Geo. D. Tillman against Robert Smalls for a seat in the Congress of the United States.

THOMAS BETTES, a witness of legal age, introduced by contestee after due notice to contestant, deposed as follows to questions propounded to him :

Question. Where do you live?—Answer. Edgefield County.

Q. How long have you lived in this county?—A. All my life.

Q. How old are you?—A. Twenty-four.

Q. Where were you on last November 7th, the day of election?—A.

At Liberty Hill.

Q. Were you an officer of election that day?—A. I was United States deputy marshal.

Q. Were you at the polling-place during the entire day?—A. Yes, sir.

Q. Did you notice any disorder among the voters; if so, by whom?—A. There was no disorder there that day; heard no threats.

Q. Did you see any guns or pistols there that day? If so, state who had them.—A. Yes; I saw pistols there, in the white men's sides by a belt.

Q. You say you lived in that neighborhood all your life. You are well acquainted, then, are you not? Did you see many strangers at Liberty Hill that day?—A. Yes, I am pretty well acquainted; saw a good many strangers there.

Q. Did these strangers vote?—A. Yes, sir.

Q. Did any one ask them their names as they voted?—A. Yes; William and Wade Gilchrist. William Gilchrist was supervisor, and Wade was manager.

Q. What answer would these parties give when asked their names?—A. They gave their names.

Q. Were you there after the polls closed, and at the counting of the votes did you see them counting them?—A. Yes, sir.

Q. State whether or not you saw ballots taken from the box; and, if

so, what was done with them after the poll-list was full ?—A. Mr. George Sheppard took some out and put in his pocket, and some he threw behind the counter.

Q. Who was Mr. Sheppard ?—A. He was the Democratic manager.

Q. When Mr. Sheppard took those ballots from the box, did any one speak to him about it ?

(Objected to on the ground that it is not evidence.)

A. William Chancy spoke to him about it.

Q. Did you hear William Chancy speak to him ?—A. Yes, sir; I was right there.

Q. What did William Chancy say to Mr. Sheppard about those votes, and what did Mr. George Sheppard do or say ?—A. He said, "Mr. Sheppard, I think there are some tickets down on the floor," and then he took the lamp to look behind the counter. Mr. Sheppard said "Yes, I believe there is a whole raft of them down here."

Q. Did any one tell Mr. Sheppard that he had thrown them there ?—A. Yes; William Chancy did.

Q. After these tickets were discovered on the floor, what became of them ?—A. William Chancy took them up and put them in the box.

Q. When Mr. Sheppard was told by Chancy that he had taken the tickets out the box and thrown them down there, what did he say ?—A. When Chancy took the lamp to show him the tickets, Mr. Sheppard said "Yes, there is a whole raft of them."

Q. You say you saw Mr. Sheppard take these votes out, did you not ?—A. Yes, sir.

Q. Upon examination were the tickets found to be Republican tickets or Democratic ?—A. Republican, sir.

Cross-examined by Mr. B. Bettes :

Q. Who appointed you United States deputy marshal ?—A. I think Mr. Cain did.

Q. Was not Mr. Cain a candidate for State senate last election ?—A. I don't know.

Q. Was he a candidate for any office ?—A. I don't know.

Q. Was his name on the Republican ticket ?—A. I cannot read, and do not know.

Q. How do you know that you was appointed United States marshal ?—A. Because I know I was.

Q. Did anybody ever swear you in office, and who was it ?—A. Mr. Cain.

Q. What were your duties as United States marshal ?—A. It was my duty to keep order.

Q. About how many pistols did you see there ?—A. I can't tell how many there were; all had them who come there of the white men.

Q. You knew a great many there that day ?—A. Not a great many. I knew some; there was not many there from around the neighborhood.

Q. Can you tell me the name of a single man who had a pistol there that day ?—A. After the thing was over, I saw Mr. Yeldel have one; don't know any others.

Q. Did you see anybody have any before that ?—A. I tell you they were there all day.

Q. Could you see the box good while Mr. Sheppard was counting the vote ?—A. I did; the box was setting on the counter.

Q. Was Mr. Sheppard behind the counter or not ?—A. He was behind the counter.

Q. Where was the other two managers standing?—A. In front of the counter.

Q. Where were you standing?—A. By the side of them.

Q. Where was the Republican supervisor standing?—A. He was setting right by the box on the counter.

Q. How many votes did Mr. Sheppard take out of box at a time?—A. Don't know.

Q. Which side of Mr. Sheppard were you standing?—A. Right in front of him.

Q. How many votes were there thrown out on the floor?—A. About forty.

Q. Did he throw any more out after he was told of it?—A. No, sir; he did not.

Q. You say Chancy picked them up and put them back in the box?—A. Yes, sir.

Q. Were the votes folded up or open?—A. They were open.

Q. Did they look like they had been folded?—A. Some were and some were not.

Q. He put all those forty back in the box?—A. Yes, sir.

Q. When Chancy picked those votes up from behind the counter, did he put them back in the box immediately or not?—A. He did nothing more than count them and put them back.

Q. Can Chancy read?—A. Yes, sir.

Q. Are you certain Mr. Sheppard threw all those tickets out of the box, those not folded and those folded?—A. I am certain.

Q. How do you know that they were already on the floor?—A. I saw none there when they commenced to count, and I saw him throw them down there.

Q. Are you certain that you looked good behind the counter and saw no votes there?—A. Yes, sir.

Q. When they commenced to count the votes was there any lamp there except on the counter?—A. Yes, sir; there was two.

Q. Where were those lamps?—A. One was hanging in the center of the store, and one was on the counter.

Q. By the light of those lamps that there was no tickets on the floor?—A. Yes, sir.

Q. Were the lamps moved during the counting?—A. Yes; one was, to look for the votes on the floor.

Q. You were standing in front of the counter from the commencement of the counting, were you?—A. Yes, sir.

Q. If, by the lamp on the counter, you could see that there were no votes behind the counter, how does it happen that the Republican manager had to take the lamp to look for them?—A. He saw these; then he took the lamp to look under the counter to see if there was any more there.

Q. It was from under the counter the manager got them?—A. After those from behind were taken up he found some under the counter.

Q. You said you were standing in front of the counter at the commencement of the counting of the votes, and that there were no votes in the place where the Republican manager found those forty votes. How could you see under the counter to see whether there were any there or not?—A. We were sitting on the counter and the box was on the table. Before it was moved to the counter, the lamp showed so we could see down there; the lamp was sitting on the counter.

Q. How can a lamp sitting on the counter shine under it?—A. It cannot do it.

Q. How was it that the light showed so that you could see under the counter where you saw the votes?—A. When we went in the room we lit the lamp, and brought it back to sit it on the counter. We saw then there were no votes there. I was standing in front of Mr. Sheppard and saw him drop those tickets on the floor.

Q. Did you see him take the tickets out of the box?—A. Yes, sir.

Q. Could you see the tickets in his hand?—A. Yes, sir.

Q. Was the tickets folded or not when he took them out of the box?—A. They were folded, but were so stiff they would spread out.

Q. Those which did not spread out remained folded, did they not?—A. Yes, sir.

Q. If some were folded and some were spread out, how is it they were all open when you found them?—A. I said some were folded and some were spread out when we found them.

Q. Was Mr. Sheppard's hand open when he took the votes out of the box?—A. Between his fingers, where they could be seen.

Q. Standing in front of two Republican managers, one United States deputy marshal and supervisor of election, a Democratic manager openly took Republican tickets between his fingers, so that you could all see them, threw them behind the counter, and as soon as he was told about it consented to put them back in the box and let them be counted, did he, or did he not?—A. Yes, he never said anything. The Republican manager put them in the box.

Redirect by L. Cain.

Q. You say there was a center light or lamp. Did it give a bright light? State if the center-light was so bright that any one could see under the counter?—A. Yes.

THOMAS H. <sup>his</sup> + BETTES.  
mark.

Sworn to before me this the 6th day of April, 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

BURTON STROWD, a witness of legal age, introduced by contestee, after due notice to contestant, deposes as follows to questions propounded to him:

Question. Where do you live?—Answer. Edgefield County.

Q. How long have you lived here?—A. Four years.

Q. How old are you?—A. Thirty-two years old.

Q. Where were you on the 7th of November last, the day of election?—A. At Edgefield village.

Q. Did you vote here that day?—A. No, sir.

Q. State to us why you did not vote.—A. I tried to vote at the court-house and could not. I heard we could vote at the school-house, and went over there. When I first got there they were having a fuss, and there was such a crowd there I could not get in. I staid there until dark trying to vote and could not.

Q. You only made one trial at the court-house then?—A. Yes, only one.

Q. What time in the day was it you tried to vote at the court-house?—A. About 8 o'clock.

Q. How near to the steps did you get here?—A. I got to the steps.

Q. How were you prevented from going up to vote?—A. It was crowded.

Q. Did any of this crowd say anything to you threatening to prevent you from going up, or any one with you?—A. Not to me particularly, but they did to some of the party with me; they said there was no chance to get up here; they were cursing, and we gave back.

Q. The men crowded on the steps, were they white or colored?—A. White men.

Q. Were there any mounted men at or near the court-house steps?—A. Yes, sir; they were off a little from the steps.

Q. Were these men who were mounted white or colored?—A. White men; there were two or three colored men, Democrats.

Q. Did these two or three colored men have on red shirts?—A. Yes, sir; one had on a red sash.

Q. Did you see any fire-arms here that day?—A. Yes, pistols I saw.

Q. Who had them?—A. White men.

Q. Did they make any hostile demonstrations with their pistols?—A. At the school-house they did. I saw them striking with them; they struck Willis Adams.

Q. Do you know who it was struck him?—A. I don't know.

Q. State, now, whether you were interfered with before the election on account of your politics or not; and, if you say yes, by whom, and what did they do to you?—A. James Woods and Lewis Woods and Guise Woods started it on the 11th of October. I went up to Guise Woods's to pick cotton about eight or nine o'clock. There was a little boy in the field by the name of Starling. Lewis Woods, Guise Woods's son, said to Starling, "You don't look like picking cotton this morning, you have got too much God damn Radical in you." Then Starling said, "If I was old enough, Mass Lewis, I would vote the Radical ticket." Lewis Woods said to him, "If you say that again I will knock you down and stomp you to death, God damn you." Then Lewis said to me, "Burton looks like he was going to have old Chamberlain make a speech Saturday." He said, "Burton, you have not told us what you are, but I think you are going to vote for Chamberlain." Mr. Guise Woods said then, "I have a speech to make in my cotton-patch Saturday, and I would advise you, Burton, to stay away from the village. You go down to the village to hear Chamberlain make a speech, and coming home some fellow will say, as you come home, there is Burton; been to hear Chamberlain speak; and he will shoot you dead." Then, on the 12th, I was in the woods getting boards; Guise Woods came down there and said, "Why in hell ain't you up yonder picking cotton for me;" and he struck me, and jumped on his mule and said to me, "I am going to have you killed, you damned Radical son of a b——."

Q. Is Mr. Woods a white or colored man?—A. White man.

Q. Did he or any other white man try to get you to join the Democratic club?—A. Yes; Lewis Woods did. He said if I did not I would have no protection. They (Lewis and Jim Woods) came to my house and shot at me and hallooed to me, "We will kill you, God damn you, and put your head on a pole, and then you will vote your next ticket in hell." They said to my wife, "We have been trying to get your husband to join our club all the year, but now he shan't be either Democrat or Radical now;" because they intended to kill me.

Q. Did you remain in that settlement to gather your crop, or did you have to leave it?—A. I had to leave, and lost all my crop, for fear of being killed.

Cross-examined by Mr. Bettes:

Q. Where did you come from when you came here?—A. Chester County.

Q. Where did you go when you left your crop?—A. To the village.

Q. How far did you live from the village when you left your crop, and who were you living with?—A. Eight miles from the village, on a place Woods rented from Mr. Scott Allen.

Q. Do you know where those men live now who threatened you?—A. No, sir.

Q. They threatened and commenced shooting at you as soon as they saw you, did they not?—A. Yes, sir.

Q. How far were they from you when they shot first?—A. About thirty-five yards.

Q. You ran off as soon as they commenced shooting, and they shot at you ran?—A. Yes, sir.

Q. You say you were lying in the weeds and heard them tell your wife that they intended to kill you?—A. Yes, sir.

Q. These men went in the house as soon as they got up to the house?—A. They rode by the house first after me and missed me, but came back and went in.

Q. Were they in the house when they told your wife they intended to kill you, and shooting and cursing all the time?—A. Yes, sir.

Q. You say you were lying off about seventy yards in the weeds, and could hear these two men, who were cursing and shooting, in the house say to your wife that they intended to kill you?—A. Yes, sir; I heard that.

Q. They did not by their threats prevent you from coming to the polls to vote, did they?—A. No; they did not.

his  
BURTON + STROWD.  
mark.

Sworn to before me this the 7th day of April, 1877.

[SEAL.]

C. S. B. MARSH,  
Intendant.

No. 6.

STATE OF SOUTH CAROLINA,  
*County of Aiken:*

G. D. TILLMAN, CONTESTANT, }  
vs. }  
ROBERT SMALLS, CONTESTEE. }

To Hon. G. D. TILLMAN:

You are hereby notified 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 answer to your notice of your contest of my seat in the Congress of the United States, to which you claim to have been elected at the November election for 1876, for the fifth Congressional district of the State of South Carolina, and in reply to matters and things set forth in said notice of contest, before N. R. Williams, esq., a notary public in and for said State, in the town of Aiken, at the town hall, on the 20th, 21st, 22d, and 23d days of March, 1877, between the hours of 8 a. m. and 6 p. m. of said days, or so much thereof as may be necessary for the examination of said witnesses, to wit:

John Woolley, Alexander Williams, Thomas W. Wert, Firman Brodie, Joseph E. Coleman, W. T. Rodenback, Cyrus Wiggins, Hen



Lawrence, Aaron W. Gilbert, E. P. Stoney, Peter A. Waggles, D. W. Johnson, Isaac Johnson, G. G. Brodie, L. W. James.

ROBERT SMALLS,  
Per S. J. LEE,  
*Attorney for Contestee.*

STATE OF SOUTH CAROLINA,  
*County of Aiken :*

Contested election for seat in the Forty-fifth Congress.

G. D. TILLMAN, CONTESTANT, }  
vs. }  
ROBERT SMALLS, CONTESTEE. }

Personally appeared ISAAC JOHNSON, who, being duly sworn, deposes and says :

Questions by Mr. Whipper, counsel for contestee :

Question. State your name, residence, age, and occupation.—Answer. Isaac Johnson ; Aiken County ; 30 years ; farmer.

Q. Where were you on the 7th day of November, the day of the last general election ?—A. I was at two polls on that day ; Merrill's Bridge and Fountain Academy on that day.

Q. What time were you at Fountain Academy—between what hours ?—A. I was there the last time about half past five. I left after the polls closed.

Q. Did you see a band of armed men there during your stay ?—A. Yes, a crowd came there after night, armed ; about twenty or twenty-five came there.

Q. Was it after the time for closing the polls ?—A. That was what the chairman said. He said it was after the time. I don't know myself.

Q. How long did they remain there ?—A. I left them there about eight o'clock.

Q. Did they vote ?—A. Yes, sir ; all but one.

Q. How did they conduct themselves, orderly or disorderly ?—A. The best part conducted themselves pretty bad. Four or five came up on horseback and went in the house before the crowd got there. One of them had a gun in his hand. The crowd came up and were told they could not vote, as it was after six o'clock ; commenced cursing and going, and told him to "shut his damn mouth ;" they voted all but one ; Johnson tried to close the poll ; put his hand over the hole.

Q. Was their conduct such as to prevent the poll being closed ? If so, state what it was.—A. Crowded off the colored men by pushing them away. They came away ; I mean the colored men. The whites were cursing and rearing.

Cross-examined by Mr. Croft, counsel for contestant :

Q. How many and what were the names of the colored men they crowded away from the poll ?—A. About ten.

Q. Had the polls closed then ?—A. No, sir ; he told them the time was up.

Q. Had these colored persons voted ? I mean the ten that were standing there.—A. Don't know.

Q. Were they trying to vote ?—A. I never saw them.

Q. Did you and Waggles vote there ; if so, what time did you ?—A. After half past five.

Q. Were you armed on that day ?—A. I had my pistol.

Q. State who composed this crowd.—A. Doc Howard, Jeff Howard,

George Howard, John Murry, one Floyd, a red headed fellow, Joe Ryans, and several others I know but can't recollect.

Q. When you left the polls how many people did you leave there!—

A. Over one hundred.

The word "there" interlined before signing.

ISAAC JOHNSON.

Sworn to before me this 23d day of March, A. D. 1877.

[SEAL.]

N. R. WILLIAMS,

Notary Public South Carolina.

STATE OF SOUTH CAROLINA,

County of Aiken :

Contested election for seat in Forty fifth Congress.

G. D. TILLMAN, CONTESTANT, }

vs.

ROBERT SMALLS, CONTESTEE. }

Personally appeared D. W. JOHNSON, who, being sworn, deposes and says :

By Mr. Whipper, counsel for contestee :

Question. State your name, age, residence, and occupation.—Answer. D. W. Johnson; thirty-two years; Aiken County; farmer.

Q. Where were you on the 7th day of November last, the day of the last general election?—A. Fountain Academy.

Q. In what capacity?—A. As chairman of the board of managers.

Q. Were you there, and did you see all that occurred that day?—A. I was, and did see all that occurred.

Q. Did an armed band of men come there that day?—A. They did; about six o'clock when we heard them coming.

Q. About how many were there; what kind of arms did they have; and what did they do?—A. There was about twenty or twenty-five armed with pistols and guns—double-barreled. They looked to me as pretty near all of them had pistols; some was in their breast-pocket and some in their holsters. Just before the crowd came up, there came one or two ahead to let the Democrat manager know he had a crowd coming behind him, and I could hear the rest hollering and whooping a long ways off, and asked the Democratic supervisor who was then hollering so, and he stated it was bad people, and in this time the one or two men who had come ahead come in and offered to vote. I asked him where he was from. He first said from Augusta, then said he was from Langley, and I began to ask the men around if any of them knew him. Then he was qualified to vote, sworn I mean, and he went out and did not vote. At this time the crowd came up, and I said it was six o'clock and you can't vote. The men then commenced rearing and charging and cursing. They said they didn't care a damn, six o'clock or no six o'clock, they had come to vote and they was going to do it, and for me to shut up my damned mouth; they wasn't going to have any foolishness about it. His box had been smashed up at Langley, and they had lost all day; been to Graniteville, Miles's Mill, and it was so crowded they could not vote; and while he was rearing and charging so—I mean the crowd, but I speak of the one that was talking to me—one man run in with his double-barreled gun, and white men gathered around to squash the fuss.

At this time the deputy United States marshal spoke to him, and the Democratic supervisor hushed him up and told him he was not assigned to that poll, and said to me, "it was not six o'clock by his watch." And I said the poll had opened by mine and must close by mine, and he ac-

caused me of running mine up. The men voted anyhow. No, sir, I could not prevent it, for I talked until I thought I was going to get killed, and I let them vote. Some of them were sworn, and some I was satisfied were not.

Q. Did you sign the returns?—A. I did.

Q. You knew these men had no right to vote, and that some of them hadn't been sworn?—A. I did.

Q. Then why did you sign the returns?—A. I thought from what I had seen I had better make my escape from there the best way I could, and in order to keep down the fuss.

Q. Would you have refused to sign the returns if you had thought you would have been safe in doing so?—A. I would. I thought about not signing them when the row was going on.

Cross examined by O. C. Jordon, counsel for contestant :

Q. What party was in the majority as managers at poll?—A. Republican.

Q. How many votes were polled at that precinct?—A. I disremember.

Q. Did any colored people vote the Democratic ticket at that poll?—A. One, that I know of.

Q. What was the largest number of persons at that poll at any one time during the day?—A. I have no idea.

Q. What time at night did you finish counting the votes?—A. Eight or nine o'clock.

Q. What became of this crowd you speak of in your direct examination after they voted?—A. Don't know what became of them.

Q. At six o'clock in the afternoon about how many men were about that poll?—A. There was a pretty large crowd about there—a hundred or more. There might have been more.

Q. Did the men that voted there in the morning remain there all day?—A. They did not.

Q. What was the number of men that came up in that crowd at six o'clock that you spoke of?—A. Twenty or twenty-five.

Q. Did they remain until the polls were closed?—A. Some I think were about there.

Q. How many men were present when the returns were signed?—A. Ten, fifteen, twenty, or they may be more.

Q. Did they have double-barreled guns?—A. They did not. One was sitting in the corner.

Q. Was anything said to you as a manager of election to induce you to sign the returns?—A. There was not. I did not want anything said to me. I thought there was too much said to me already.

Q. Was any act of violence committed on your person to induce you to sign the returns?—A. Yes, sir; the man cursed me, and I thought I had better sign them and get away the best I could.

Q. What time was it that this man cursed you?—A. A few minutes after six o'clock.

Q. Was this man present when you signed the returns?—A. I don't think he was. I thought he was somewhere behind him.

Redirect :

Q. Who brought that box to Aiken ?

(Question withdrawn by counsel.)

The words "about" and "of violence" inserted before signing; also, "one that I know of," "ten, fifteen, or there may be more," "somewhere behind me," "twenty-five" stricken out.

D. W. JOHNSON.

Sworn to before me this 23d day of March, 1877.

[SEAL.]

N. R. WILLIAMS,  
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA,  
County of Aiken :

Contested election for seat in Forty-fifth Congress.

G. D. TILLMAN, CONTESTANT, }  
vs.  
ROBERT SMALLS, CONTESTEE. }

Personally appeared E. P. STONEY, who, being duly sworn, deposes and says :

Examined by Mr. Whipper, counsel for contestant;

Question. State your name, residence, age, and occupation.—Answer. Edward P. Stoney; Aiken; tailor; 39 years.

Q. Where were you on the 7th day of November last, the day of the last general election?—A. At Silverton.

Q. Were you there in any official capacity?—A. No, sir. I was a candidate for senator from this county.

Q. Did you see the votes counted at that precinct on the 7th day of November last?—A. I did.

Q. State, if you know, how many votes there were for Robert Smalls for Congress, and how many for G. D. Tillman?—A. Robert Smalls, two hundred and thirty-two; Tillman one hundred and eighty-two.

Q. Do you know if those votes cast at Silverton precinct were footed up, signed, attested, and forwarded to the county board of canvassers as required by law?—A. I do, sir.

Q. Do you know if they reached the county canvassers or not?—A. Mr. Dunbar and myself took charge of the poll-box with the returns and brought them here.

Q. State, if you know, to whom it was delivered?—A. I can't say positively to whom it was delivered; it was put among the other boxes from the different precincts.

Q. Where was that?—A. At the Court-House.

Cross-examined by Mr. Croft, counsel for contestant:

Q. On what ticket were you a candidate for senator?—A. On the Republican ticket.

Q. Do you know W. T. Rodenbach, who was United States deputy marshal at that precinct on that day?—A. I do.

Q. What were his politics?—A. Republican.

Q. Where did you stay during the voting?—A. Sometime inside and sometime outside where the box was kept.

Q. What was the politics of the managers at that box?—A. One Democrat and two Republicans.

Q. Were you elected senator from this county?—A. I believe I was, taking out frauds and repeating, but the other man was counted in.

Q. What was the politics of the county board of canvassers for this county?—A. One Democrat and two Republicans.

Q. Was every one permitted to go in where the box was kept, or were you permitted on account of your candidacy?—A. Not every one was permitted; some few were allowed to pass in and out.

Q. Did you protest or contest the election for State senator from this county?—A. I did.

Q. Before what body did you make this contest or protest?—A. Before the State senate.

Q. What party is in the majority in the State senate?—A. Republican; very small, though.

Q. How did they decide upon your contest?—A. No decision.

Q. Has that body been in session since election?—A. They have.

Q. Well, you can state what they have done in your case.—A. They have not completed it yet; the senate adjourned before they finished the evidence.

Q. Have you not withdrawn your protest or contest?—A. I did not.

E. P. STONEY.

Sworn to before me this 22d day of March, A. D. 1877.

[SEAL.]

STATE OF SOUTH CAROLINA,  
*County of Aiken :*

Contested election for seat in Forty-fifth Congress.

G. D. TILLMAN, CONTESTANT, }

*vs.*

ROBERT SMALLS, CONTESTEE. }

Personally appeared before me ALEXANDER WILLIAMS, who, being duly sworn, deposes and says:

Question. State your name, residence, occupation, and age.—Answer. Alexander Williams; 26 years; shoemaker; Aiken town.

Q. Where were you on the 7th day of November last, the day of the last general election?—A. At Graniteville.

Q. Were you there all of that day?—A. I was.

Q. What, if any, official capacity did you act in?—A. A manager of election.

Q. What were the conduct of affairs at that poll; good or bad?—A. Well, sir, a kind of middling. There was no fuss that I saw. I did not see any fuss. I saw this man Less Courtney and some colored man having a few words. I think the colored man's name was Ed. Patterson, if I mistake not. They were cursing one another around there. Less Courtney attempted to draw his pistol, but I don't think he did. That was all the fuss I seen about there. I seen crowds of men coming in all day hollering and whooping.

Q. Do you remember how many votes were polled on that day?—A. There were eight hundred and some sixty, seventy, or eighty. I have never thought over the matter since. Eight hundred and sixty-six, I think.

Q. Do you remember what number were Republican; what number Democratic?—A. I think there was seventy-five Republicans; seven hundred and something Democratic. Can't say how many.

Q. State, if you know, if there was any repeating at that box on that day.—A. There was one I was pretty certain was a repeater. One K. T. Tyler; he voted under the assumed name of Lamar. I know him personally.

Q. Do you know of any others who repeated?—A. The list that I got from here was the only one that voted. They was another one that voted under an assumed name. I don't know his right name.

Q. There was another one that voted under an assumed name there?—A. Yes, sir; Horton Jordon. He voted there as James H. Jordon.

Q. What do you mean by the poll-list that you got from here?—A. A list of names that Mr. Clyde sent me from here.

Q. Was it a list of men that had voted at this poll—Aiken poll?—A. Yes, sir.

Q. Are you acquainted with the voters in the vicinity of Graniteville generally?—A. Very few of the whites.

Q. Were you ever manager there before?—A. I was not, sir.

Q. Did you assist in footing up the returns and did you sign the same?—A. I signed them, sir, and was there at the time they was footed up. The clerk done the footing up.

Q. Did you refuse to sign the returns in the first instance or sign them with reluctance?

(Objected to by Mr. Croft, counsel for contestant. "I object to the question on the ground that it is a leading question and that he has already answered it.")

A. I refused at first.

Q. Why did you refuse in the first instance?—A. Because, under the election laws that they gave me, that the managers were to be perfectly satisfied with everything that went on that day; I understood it that way; and I was not exactly satisfied with the way the things went on that day; in fact, boys had voted there that day that was not of age.

Q. Any other reason?—A. There was no other.

Q. How many boys voted there that day to your knowledge?—A. I could not say how many; there looked to me as if there was a good number of them.

Q. About how many; approximate it as near as you can?—A. I don't like to say how many, because I don't know any of their ages; I only judged by their looks that they were boys—by their looks.

Q. Who were the managers at that poll besides yourself?—A. John Woolley and Pope Padgett.

Cross by George W. Croft, counsel for contestant:

Q. Was they a large crowd in Graniteville that day?—A. They was.

Q. You saw no disturbance other than that of which you have spoken?—A. I seen them confusing some colored man about voting.

Q. I mean fights or anything of the kind.—A. I did not see any fights.

Q. On your board of managers, how many Democrats and how many Republicans?—A. One was a Democrat and two Republicans; they said Mr. Woolley was a Republican.

Q. Did you allow all to vote who were entitled to do so; did you not?—A. Yes, sir.

Q. Did you ever make an affidavit in regard to the election at poll for Mr. Porter?—A. I remember here, at the January term of court, signing the tally-list.

Q. Anything else?—A. He read it to me and stated that the returns of the Graniteville box had lost, and that I recognized that as the tally-list of the Graniteville box.

Q. Well, I suppose what was on that paper was so, or you would not have signed it for Mr. Porter?—A. Yes, sir.

Q. When you speak of Tyler as repeating, you mean that he voted once or twice?—A. He only voted once at the Graniteville box.

Q. You live in Aiken; when did you leave Graniteville to come back to Aiken?—A. On the morning of the 8th, on the half past nine o'clock train; I mean the 8th of November.

Q. Do you not know that the white population in and around Graniteville far exceeds the number of the blacks?—A. Not to my knowledge that the whites exceeds the blacks, but I believe they do.

Q. You speak of Mr. Clyde sending you a list; do you know in what capacity Mr. Clyde acted during the election?—A. I think he was a clerk, sir.

Q. Had you any United States deputy marshals at Graniteville during the election?—A. Mr. Clem Satterthwaite was there; they said he was one.

Q. When did you sign that return?—A. That night, about twelve o'clock, I judge it was, sir.

ALEXANDER WILLIAMS.

Sworn to before me this 20th day of March, 1877.

[SEAL.]

N. R. WILLIAMS.

Notary Public, South Carolina.

STATE OF SOUTH CAROLINA,

County of Aiken :

Contested election for seat in Forty-fifth Congress.

G. D. TILLMAN, CONTESTANT, }  
   *vs.* }  
 ROBERT SMALLS, CONTESTEE. }

Personally appeared before me JOHN WOOLLEY, who, being duly sworn, deposes and says :

Question. State your name, residence, occupation, and age.—Answer. John Woolley ; Graniteville, Aiken County, South Carolina ; trial-justice ; 52 years.

Q. Where were you on the 7th day of last November, 1876, the day of the last general election?—A. I was in George Hatcher's store, Graniteville, as a manager of election and chairman of the board of managers.

Q. Then Hatcher's store was the place for holding the election for Graniteville precinct?—A. Yes, sir.

Q. What was the number of votes polled at that poll on that day?—A. Seven hundred and twenty-one whites and one hundred and sixty-one colored ; eight hundred and eighty-two in all.

Q. How many of those were Republicans?—A. Seventy-five ; the balance Democrats.

Q. Are you acquainted with the people around Graniteville generally?—A. Yes, sir ; have been living there the last twenty years ; have lived there steady for the last twenty years.

Q. Have you attended each general election there since reconstruction?—A. Every time.

Q. Can you tell what was the largest previous white Democratic vote at that poll since you have been there?—A. I don't know as I can tell exactly, but I think it was about three hundred and fifty ; except the last, which was the largest.

Q. Have you any way of accounting for this large vote at the last election ; if so, what is it?—A. I don't know, unless it was repeating, which I believe it was done.

(Objected to by Mr. G. W. Croft, counsel for contestant, on the grounds that it is his belief, which is incompetent, and that he must state facts.)

Q. You say you have lived in Graniteville for twenty years ; were any considerable number of white Democrats who voted that day strangers in that place?—A. Yes ; and some black ones, too.

Q. About what proportion of the Democratic voters who were strangers?—A. I can't say as to the number, as I did not take them down ; but there was a good many strangers voted there.

Q. Are you acquainted with John Murray?—A. Yes, sir ; he is a son of Frank Murray.

Q. Did he vote at Graniteville that day?—A. Yes, sir; he voted there.

(Objected to by Mr. Croft, counsel for contestant, on the grounds that the poll-list is the best evidence, and should be produced.)

Q. Are you acquainted with Toliver Heron?—A. Yes, sir; have been for many years.

Q. Did he vote at Graniteville on that day—the 7th of November?

(Objected to by Mr. Croft, on the same grounds as above.)

A. He did. After he voted, he stepped back and said, "Woolley, we have got you, and will make you cut wood for 30 cents a cord." I saw him vote.

Q. What was Heron's and Murray's politics?—A. They have always been Democrats, and have always known them to be so.

Q. Are you acquainted with Car Haney?—A. I am acquainted with one Car Haney, who has a cloven foot. His feet turn in.

Q. Did he vote at Graniteville on the 7th day of November last?

(Objected to by Mr. Croft, the same as above.)

A. He did, certain. I know the man. Have known him from a boy.

Q. What was his politics?—A. I judge him to be a Democrat.

Q. Do you know George Palmer?—A. I do; he is an intimate friend of mine.

Q. Did he vote at Graniteville on the 7th of November last?—A. He did, sir.

Q. What ticket did he vote on that day?—A. I can't say.

Q. With what party did he affiliate before the last election?—A. I am satisfied he did not vote the Republican ticket.

Q. Are you acquainted with Jerry Whitlock?—A. I am, sir.

Q. Did he vote at Graniteville on the 7th day of last November?—A. He did, sir; he had a red shirt on.

Q. Are you acquainted with George W. Howard?—A. I am, sir. Known him from a child.

Q. Did he vote at Graniteville on the 7th day of November last?

A. He did, sir. The reason why I know he voted, I challenged his vote on the grounds of non-residence, he being a resident of Georgia, and his business being in Georgia. He swore his vote in, swearing that he lived in the State one year and in the county sixty days.

Q. Where did he reside at that time?—A. To the best of my knowledge, he resided in Georgia.

Q. What was his politics?—A. I never knew anything but a Democrat.

Q. Do you know Doctor Howard?—A. I know a gentleman named A. J. Howard. They call him Doc, on account of his being named after his uncle.

Q. Did he vote at Graniteville on the 7th day of last November?—A. He did not, sir; he is too much of a gentleman to do that, I think.

Q. Where does he reside?—A. Augusta, Ga.

Q. Did he reside there on the day of the last general election?—A. His family did, I believe, sir.

Q. Do you know Joseph Ryan?—A. Yes, sir.

Q. Did he vote at Graniteville on the 7th day of November last?—A. Yes, sir.

Q. State, if you know, what was his politics?—A. It was not Republican, and I don't think he knows himself.

Q. Do you know G. H. Chaffee?—A. I don't know if I would know him if I saw him.



Q. Do you know William Walker?—A. I know him. He is a one-eyed man; have known him for eighteen years.

Q. Did he vote at Graniteville on the 7th day of November last?—A. He did, sir.

Q. What was his politics?—A. I don't know, sir. He was not a Republican to my knowledge certain.

Q. Are you acquainted with John Jacobs?—A. No, sir.

Q. Are you acquainted with George F. Wilson?—A. There is a young man at Langley by the name of Wilson. I forget his Christian name.

Q. Did he vote at Graniteville on the 7th day of November last?—A. Yes, sir.

Q. State, if you know, what were his politics?—A. I never heard him say, to my recollection.

Q. Do you know what ticket he voted that day?—A. I do not.

Q. Are you acquainted with O. N. Butler?—A. Yes, sir.

Q. Where did he reside on the 7th day of November last?—A. Do not know.

(The above questions were objected to by Mr. Croft, counsel for contestant, so far as relates to who voted at Graniteville, as the poll-list is the best evidence and should be produced.)

Q. Mr. Woolley, did you keep or have kept a list of the voters at Graniteville precinct on the 7th of November last?—A. Yes, sir.

Q. Have you in your possession, and can you produce, that list?—A. Yes, sir; it is here.

Q. Do you know from your own knowledge whether that list is a correct one?—A. I believe it is. It was compared with the other and found to be correct. It was compared with the one kept by the regular clerk.

(The following papers were submitted to the counsel for contestee and contestant, marked A, 1 to 20, both inclusive.)

(Objected to by Mr. Croft, counsel for contestant, upon the following grounds: First, that the papers are inadmissible as evidence on the following grounds: Because the original poll-list is the best evidence and should have been produced; second, because they have no official certificate that they are true copies.)

Q. Are there any names in this list who swore in their votes that you know to be residents of Georgia?—A. George W. Howard. I challenged his vote on the grounds that he was a resident of Georgia. He is, to the best of my knowledge.

Q. Do you know of any other?—A. No; I am not positive.

Q. By whom were these parties challenged whose names appear on page 20 of Exhibit A?—A. Challenged by different parties.

Q. Can you point out the names who you challenged?—A. G. W. Howard. I don't see any other.

Cross-examined by Mr. Croft, counsel for contestant:

Q. State the manner in which you conducted the challenges; did you allow a man to vote who swore he was entitled to, or did the board of managers pass upon his right to vote?—A. When a man was challenged, the grounds was asked. Some was non-residents; that was the ground they was challenged on, and others on the grounds of being minors. I think in all cases but two or three they were allowed to swear their vote in.

Q. Did not the board of managers refuse to take men's votes—Democrats—after they had sworn that they were entitled to vote?—A. I

think they was two or three cases. I recollect one in particular—I forget his name—where we was satisfied that he was a non-resident.

Q. Did you allow a man to vote when you were satisfied he was not entitled to vote?—A. In the case of Mr. Howard, was the only one that I was satisfied he was a non-resident. We did not allow one to vote if we were positive of the fact.

Q. When you were in doubt, did a majority of your board decide the question?—A. They did, sir. The board worked in harmony.

Q. What was the politics of the majority of your board of managers?—A. Two Republicans and one Democrat.

Q. Was not the vote polled in November last the largest vote ever polled in this county?—A. I think it was, sir; to the best of my knowledge.

Q. Was not the canvass—the last one—an earnest and vigorous one?—A. Yes, sir.

Q. You have already stated that the large white vote polled at Graniteville at the last election was the largest polled since reconstruction; was not the black vote the largest one, too?—A. No, sir; I don't think it was.

Q. When was the largest?—A. In 1863.

Q. Did not more colored people vote the Democratic ticket than ever voted it there before?—A. Yes, sir.

Q. How many colored people voted the Democratic ticket at the last election at Graniteville?—A. More than voted the Republican. I think the whole colored vote was one hundred and sixty-one, and only seventy-five Republican votes.

Q. You stated yesterday that three hundred and fifty votes was the largest white Democratic majority ever had at Graniteville. Do you mean the largest vote or the largest majority?—A. I mean the majority.

Q. Do you know that heretofore that Langley was a poll in the same township that Graniteville was in?—A. In 1874 a poll was established there.

Q. Do you not know that there was no poll at Langley at the last election?—A. A majority of the Langley people came and voted at Graniteville.

Q. Do you know of any family by the name of Lamar that reside in this county?—A. Yes, sir.

Q. Were the number of whites who voted the Republican ticket as large as at the previous elections?—A. No, sir; except '74, of which year I have no recollection.

Q. How many white Republican votes were cast at Graniteville at the last election?—A. I only know of one, myself.

Q. Can you state the number of white Republican votes cast at Graniteville in '72, '74?—A. '74, I cannot. '70, there was twenty-five. '72, I forget the number; I should think from ten to fifteen.

Q. Do you know whether the polls in this county were fewer in number than they were in '74?—A. I know of one less—the Langley box.

Q. Do you know what year the Langley factory dam was broken?—A. I don't recollect.

Q. Don't you know that it was in the last four or five years?—A. Yes; it is inside of that time.

Q. Since that dam has been repaired, that factory has been in full operation?—A. I think so; I know nothing to the contrary.

Q. Have not quite a number of people moved to Langley since the factory has been put in operation?—A. Yes, sir.

Q. Are not the operatives nearly all white?—A. Yes, sir.

Q. What is the population of Langley village?—A. Nearly eight hundred, or in that neighborhood.

Redirect :

Q. You state that there was but one white Republican vote at Graniteville at the last election.—A. I don't know of but one.

Q. Who was that one?—A. Myself.

Q. Might there not have been more?—A. Yes, there may have been more.

Q. What is the general politics of the inhabitants of Langley?—A. I do not know of one Republican.

Q. What is the population of Langley, their complexion?—A. Whites.  
JOHN WOOLLEY.

Sworn to before me this 21st day of March, A. D. 1877.

[SEAL.]

N. R. WILLIAMS,  
*Notary Public, South Carolina.*

ALEXANDER WILLIAMS recalled.

By W. I. Whipper :

Question. Are you acquainted with William Chaffee?—Answer. I am, sir.

Q. Did he vote at Graniteville on the 7th day of November last?—

A. He did, sir.

Q. What was his politics, Democrat or Republican?—A. I think Democrat.

Q. Do you know Kinloch Chaffee?—A. I do, sir.

Q. Did he vote at Graniteville on the 7th day of November last?—

A. He did, sir.

Q. State, if you know, his politics.—A. I think he is a Democrat ; he voted a white ticket.

(Objected to by Mr. Croft on the following grounds: That he must state facts and not belief as regards politics.)

Q. Do you know Robert Chaffee?—A. I do, sir.

Q. Did he vote at Graniteville on the 7th day of November last?—

A. He did, sir.

Q. What were his politics?—A. His politics were Democrat, for he said he voted for Hampton.

Q. Did or did not all three of these Chaffees belong to and affiliate with the red-shirts on that day?—A. They did affiliate with them.

Cross-examined by Mr. Croft, counsel for contestant :

Q. Did you know of your own knowledge whether these Chaffees are Democrats ; or do you judge by their complexion, or by the company they keep?—A. I judge Mr. Robert Chaffee by his saying that he voted for Hampton, and judge the others by their coming with a crowd of red-shirts, and wearing red shirts themselves, and voting the white ticket.

(Objected to by Mr. Croft, counsel for contestant, on the grounds that the poll-list is the best evidence and should be produced.)

ALEXANDER WILLIAMS.

Sworn to before me this 21st day of March, A. D. 1877.

[SEAL.]

N. R. WILLIAMS,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,  
*County of Aiken :*

Contested election for seat in the Forty-fifth Congress.

G. D. TILLMAN, CONTESTANT, }  
*vs.* }  
 ROBERT SMALLS, CONTESTEE. }

Personally appeared ROBERT COLEMAN, who, being duly sworn, deposes and says:

Question. State your name, age, occupation, and residence.—Answer. Joseph E. Coleman; 32 years; Graniteville; cook.

Q. Where were you on the 7th day of November last, the day of the last general election?—A. At Miles's Mill.

Q. In what capacity was you there?—A. As a manager of election.

Q. Were you obstructed or interfered with as a manager of election; how, if so, and by whom?—A. I was, sir; I don't know the gentlemen. A crowd of gentlemen came up there after the polls had been opened about an hour and a half; Mr. Willie Chaffee, and Mr. C. E. Sawyer was another, and two or three others; I did not know their names. One of the three of the last mentioned was the one that interfered with me by asking for some of the Republican tickets; I handed him the tickets; he tore them in two, and said, "The idea of any damn son of a bitch handling a white gentleman a y such tickets as those were." They then took some of the tickets (Democratic) and said they wanted (I mean he) to vote, and said, "Come up boys, let's vote," and pushed the latch from over the hole. I then said, "Gentlemen, please be sworn;" this same gentleman said, "Who is going to administer the oath?" I told him that I would, and he said, "All right, go ahead." Those men voted there (five or more) and then went out. The next was, one of the first five along toward the middle of the day came back toward the "Old Mill;" they came across Mr. Delevan Yates, the supervisor, and they had some words with him, but don't know what they was. After Mr. Yates had come in the building, this young man came up to the door and begged him to come out and they would whip him. They told Mr. Yates that if he would just cheep he would come in there and mash his mouth. "Any God damned white man that would vote the Radical ticket was a God damued thief," and other words pretty much of the same nature; then he turned to me, the same young man, and asked me what I thought of Mr. Yates. I told him I did not know much about Mr. Yates; that I judged Mr. Yates, as I judged him, to be a gentleman. And he said Mr. Yates was a God damned rascal, and I was on too if I did not think so; he then asked me how I liked him for tearing up the tickets; I told him that I didn't know, but I can't say that I don't like it. He said, "If you don't like it, all you will have to do is to say so." But he said he was going off, and he would let us go on with our business. They went off to Mrs. Cabil's house, in a skirt of woods, and staid there about two hours and one-half; and then they got on their horses and came back, and called for that "long-legged manager," and told me to tell Yates that he could come out and make water, if he wanted to; that they had kept us in there long enough; they guessed our bladders would burst directly, and to come out. Then they went on to the mill near by where the polls were held; staid about one-quarter of an hour and then came back in front of the door, with their guns lying across their horses, and cursed the managers and supervisors some more. Then they followed this man Sam Stewart off, and I never seen any more of them

Q. Were there any other armed bands there that day?—A. Yes, sir; another crowd came there in the middle of the day.

Q. About how many and who were they?—A. About eight or nine—not less than eight nor more than ; one of them was A. J. Butler, and young Getzen, son-in-law of Robert Butler, and young Anderson. I don't know their first names. They were also armed, and said that they had come to vote; and there was one colored man in there and they asked him how they were going to vote, a Democrat or Republican ticket; he said, "Republican," and one of that crowd told him that he couldn't vote there, as he was from Georgia; and Sam Stewart, who was the man, told him that he wasn't from Georgia, and appealed to me to prove that he wasn't from Georgia. They said that it did not make any difference, that he could not vote there. They came up there and voted, and then went up to Cabil's house, and at three or four o'clock they went off, coming by the old mill; yelled and cheered, and said that they intended to have a "white man's government."

Q. Were you, as managers, or were you not, prevented from doing your duty that day in fear of those men?—A. We were.

Q. Could you, with safety, refused or challenged the votes—with safety to yourselves—that you thought to be illegal?—A. No, sir.

Q. State whether or not you know O. N. Butler, what was his politics, and whether he voted at that poll on the 7th day of November last.—A. I cannot say that I know O. N. Butler personally or not. I know him when I see him, and he voted the Democratic ticket at Miles's mill on the 7th day of November last.

Q. Are you acquainted with Jessie Nappier, Ira Nappier, and George Palmer?—A. I am, sir.

Q. State whether they voted at Miles's mill on the 7th of last November, and what was their politics.—A. They voted the democratic ticket on the 7th day of November last.

Q. Do you know John Palmer, Toliver Herron, Jerry Whitlock, Reuben Labord, Arthur Burton, W. B. Whitlock or Medlock, John Jacobs, John Murry, W. F. Wilson, George Howard, Doctor or C. T. Howard, States or H. Lee, George Fagin, Ned Fagin, Joseph W. Ryan, Stephen Hill, Dick or Buck Satcher, Darling Jackson, William Chaffee, Car Haney, W. M. Walker, Horton Quarels, Peter Renew?—A. Yes, sir. I am acquainted with all of them.

Q. State, if you know, what were their politics, and if they voted at Miles's mill on the 7th day of November last?—A. They did vote at Miles's mill, and voted Democratic tickets.

Q. Did you not know at the time that some of them were voting illegally at the time, and why didn't you stop them?—A. On account of their actions, I was afraid to do it. I asked the Democratic manager, Mr. Bell, to challenge them; he answered that it would be as bad for him to do it as it would for me.

Q. Who were the other managers?—A. T. L. Brodie and John M. Bell.

Q. Who was the supervisors?—A. Mr. Lanham, Democrat, and Delevan Yates was the supervisor on the Republican side.

Cross examined by Mr. Croft, counsel for contestant :

Q. What were the politics of the managers at Miles's mill?—A. Two Republicans and one Democrat.

Q. In all matters that came before the board, did a majority decide?—A. A majority decided.

Q. Was there a United States deputy marshal at that poll?—A. Yes, sir.

Q. Was he a Republican or Democrat?—A. He voted a Republican ticket, but not straight.

Q. Who was he?—A. James Powell.

Q. Who was chairman of the board of managers?—A. I was.

Q. Who was the clerk?—A. George Thorpe.

Q. Was any violence done your person that day by those men you speak of?—A. There was not, sir.

Q. Do you state that these five men you spoke of were all armed?—A. Yes, sir; they all had guns, and pistols, too.

Q. Who was the man who took the tickets from you, or that spoke to you?—A. I did not know his name.

Q. Do you know his name now?—A. No, sir.

Q. Tell me the name of the man who said that Sam Stewart was from Georgia and that he could not vote.—A. I don't know his name. I would know it if I heard it called again, for I tried to keep it in remembrance.

Q. Was that remark to Sam Stewart made in the presence of young Getzen and A. J. Butler, of whom you have spoken?—A. Yes, sir.

Q. Nobody was hurt in your presence that day at that poll?—A. No, sir; not in my presence.

Q. You say you were afraid to discharge your duty as an officer; in what way did you neglect your duty?—A. I was afraid, and I neglected my duty by letting persons vote who were not citizens of South Carolina, and children who were too young to vote.

Q. Name those who voted who were not citizens and those who voted who were too young to vote.—A. John Jacobs lives in Augusta; Stephen Hill lives in Augusta; C. T. or Dr. Howard lives in Augusta, and also G. W. Howard; Arthur Burton was not old enough; Reuben Labord was not old enough; William Watson was not old enough; Vorgus Franklin's two sons who voted were; Buddy Brown was not old enough; Buck Satcher was not old enough; and then there was a big colored man who stays in a grocery store in Augusta; his name is Peter; I forget the last name; this is all that was too young to vote.

Q. Did you at any time that day call on the United States deputy marshal for protection?—A. I did not directly, but did indirectly. I told Mr. Powell the way those men was going on the men couldn't vote; that the men would be scared off from the polls; he said that he would attend to it, but they shoved the box about, and he did not do anything to them.

Q. Were there any colored Democrat votes polled at that precinct?—A. Yes, sir.

Q. What means have you of knowing the ages of those parties that voted under age, that you say were under age?—A. From their appearance; they were not large than Willie there, (pointing to a boy in court who is not more than fifteen years of age;) some of them were stouter, but not any taller, but they were boys.

Q. Under what name did the man vote to whom you handed the tickets? I mean the man who tore up the tickets.—A. I don't know what his name was or under what name he voted; I was afraid to write it down at that time, and when I was ready I had forgotten it.

(Mr. Croft objected to so much of the evidence as relates to who voted at Miles's mill, on the grounds that the poll-list is the best evidence and should be produced.)

JOSEPH E. COLEMAN.

Sworn to before me this 21st day of March, A. D. 1877.

[SEAL.]

N. R. WILLIAMS,

Notary Public, South Carolina.

STATE OF SOUTH CAROLINA,  
County of Aiken:

Contested election for a seat in the Forty-fifth Congress.

G. D. TILLMAN, CONTESTANT, }  
vs. }  
ROBERT SMALLS, CONTESTEE. }

Personally appeared W. T. RODENBACK, who, being sworn, deposes and says:

By Mr. Whipper, counsel for contestee:

Question. State your name, occupation, age, and residence.—Answer. W. T. Rodenback; teacher; Aiken; twenty-two years.

Q. Where were you on the 7th day of November last, the day of the last general election?—A. In Silverton precinct.

Q. In what capacity were you there?—A. As a deputy United States marshal.

Q. Were you present at the time the returns were footed up at that precinct?—A. I was.

Q. State, if you know, how many votes Robert Smalls received for Congress, and how many G. T. Tillman received.—A. Robert Smalls received two hundred and thirty-two; G. T. Tillman, one hundred and eighty-two.

Q. State, if you know, whether or not they were properly footed up, signed, attested, and forwarded to the county board of canvassers as required by law?—A. They were.

Q. Do you know whether or not they reached the county board of canvassers?—A. I do not.

WM. T. RODENBACK.

Sworn to before me this 22d day of March, A. D. 1877.

[SEAL.]

N. R. WILLIAMS,  
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA,  
County of Aiken:

Contested election for seat in Forty-fifth Congress.

G. D. TILLMAN, CONTESTANT, }  
vs. }  
ROBERT SMALLS, CONTESTEE. }

Personally appeared FIRMAN L. BRODIE, who, being duly sworn, deposes and says:

By Mr. Whipper, counsel for contestee:

Question. State your name, residence, occupation, and age.—Answer. Firman L. Brodie; Tabernacle Township, in this county; farmer; twenty-two years, three months, and eighteen days.

Q. Where were you on the 7th day of November last, the day of the last general election?—A. At Miles' Mill.

Q. In what capacity were you there?—A. As a manager of election.

Q. Were you as a manager interfered with in any way in the discharge of your duty? If so, how and by whom?—A. I was. A crowd of men on the train—I suppose between 7 and 8 o'clock—they got off and came down to the mill, and they asked who was the managers there. I told them who they were; they said they wanted to vote. The chairman of the board said: "We swear first;" they said, "What are you

going to swear about?" They said, "I am a citizen of the United States certainly," and cursed all the time the chairman was administering the oath, and did not recognize the oath, and eight or ten voted then. Next crowd was six or more men, mounted. They came armed with guns and pistols and cartridge-boxes. One of them was talking with the supervisor. The supervisor came in the room where I was. This man came in and said he wanted some of the Republican tickets, and the chairman of the board gave him some of the tickets. He then tore them in two, and asked if it was not a "damned shame;" told him to say it; he knew he thought so; and afterwards he got a Democratic ticket, and voted without recognizing the oath. He then pushed the box about, and said he wanted to see if there was any votes in it; and said, "Mind, boys, they will forge boxes on       ," and "If you do, we will hang you."

This man also came to the door and tried to get the supervisor out of the room, and dared him to cheap; if he did he would come in there and mash his mouth. He told him if he would come out he would change ends with him and stand on his own protection; said he did not care anything about the deputy marshal. He said also the pier-head would also be a good place to put some of them in the room. He then went up to Mr. Cabil's house after that, and came back with a large new pistol buckled around on the outside of his coat, and asked the supervisor if he was in there yet. He asked the chairman didn't he think he was as mean as hell, (the supervisor he meant,) and a man of his color to vote the Republican ticket. He then left and went back to this house, him and the crowd all mounted, and rode by the mill a piece and stopped about fifteen minutes. Then they came along back by the room we was in in the mill, and told that "long-legged" manager to tell Yates to come out from there, and that he could make water and straighten his joints, for they were going to leave now; and before they left there was a colored man in the room and asked how he was going to vote; and Mr. Bell told him he was not entitled to vote, that he was from Georgia; so he left, and some of the crew followed him off and whipped him. I did not see the whipping. They said they was going to have a "white man's government."

Q. Could you discharge your duty as a manager without danger to yourself?—A. I could not.

Q. Did you not know of men who voted illegally that you dare not stop?—A. I did.

Q. Do you know whether or not the following men voted at Miles's Mill on the 7th day of November last: Horton H. Jordon, Toliver Heron, Jerry Whitlock, M. B. Medlock, John Murry, W. F. Wilson, George Howard, Car Haney, W. M. Walker?—A. I do; and one Chaffee, which one I do not know.

Q. Would it have been safe for you or any of your board to have tried to prevent any one from voting?—A. It would not.

Cross-examined by O. C. Jordon, esq., counsel for contestant:

Q. Where was the election; in what building, if a building at all?—A. In the room of the mill.

Q. Did you remain in that room all day?—A. I did, sir.

Q. Were any votes polled at that precinct that you did not see put in the box?—A. I don't think there were any polled but what I saw.

Q. You can't answer that positively?—A. I will say none were polled but what I saw.

Q. Did you as a manager vote at any time upon the eligibility of any one offering to vote?—A. I did not.



Q. Did all men vote at that poll that offered themselves?—A. All except two colored men.

Q. Was there any difficulty at that poll upon that day?—A. There was.

Q. Did you witness it?—A. I did.

Q. What was the nature of it?—A. Cursing and making great threats.

Q. By what means do you know that Horton H. Jordon, Toliver Heron, Jerry Whitlock, M. B. Medlock, John Murry, M. F. Wilson, George Howard, Car Haney, W. M. Walker, and one Chaffee voted at that precinct?—A. By hearing them give their names to the clerk.

Q. From your memory you remember these names? You have no writing or anything in your possession?—A. I have no writing.

Q. Were they white or colored, every one of them?—A. White.

Q. How many were there?—A. I don't exactly remember how many there were.

Q. Can you name them?—A. I can't name them all.

Q. Name as many as you can.—A. Car Haney, Walker.

Q. What Walker?—A. I disremember the initials.

Q. Is that all you can name?—A. I believe it is. I know the names when I hear them called.

F. L. BRODIE.

Sworn to before me this 22d day of March, A. D. 1877.

[SEAL.]

N. R. WILLIAMS,

Notary Public, South Carolina.

STATE OF SOUTH CAROLINA,

County of Aiken:

Contested election for seat in Forty-fifth Congress.

J. D. TILLMAN, CONTESTANT, }  
*vs.*  
 ROBERT SMALLS, CONTESTEE. }

Personally appeared G. G. BRODIE, who, being sworn, deposes and says:

By Mr. Whipper:

Question. State your name, age, occupation, and residence.—Answer.

G. Brodie; 23 years; Aiken County; school-teaching.

Q. Where were you on the 7th day of November last, the day of the last general election?—A. Fountain Academy, seven miles from this place.

Q. In what capacity were you there?—A. As a manager of election at that precinct.

Q. Was there, at any time during the day, a band of armed men come here?—A. There was.

Q. Go on and state when they came, what they did, and how they demeaned themselves generally.—A. About six in the evening they came rushing into the house. Mr. Johnson, the chairman of the board, said the time is out; it is now six o'clock. The Democrat manager or supervisor, Mr. Courtney—both were "Courtneys"—says to Mr. Johnson, "You have run your watch up; it is not quite six by my watch." And Mr. Johnson said, "I did not open by your watch, nor I won't close by it." The crowd that came to vote said that they had been—they said that their poll or box at Langley Mill had been broken up, and they had come on down to Graniteville and Miles's Mill, and the places were so tightly crowded that they could not vote there." One gentleman said, "Be God damned if he didn't intend to vote. We agreed to let them

vote. I think there was about six we had to swear in at once, and every man there that hadn't voted of that crew that came last rushed in and voted unsworn. I would ask them if they had been sworn; they all would say, "Yes."

Q. Why did you allow these men to vote without being sworn?—A. I thought it would be best in order to keep down a fuss or row.

Q. Were those men all armed; and, if so, what did they have?—A. The most of them had pistols; one had a double-barreled gun.

Q. How did they conduct themselves, good or bad?—A. Bad.

Q. What did they do?—A. Cursing and going on.

Q. Did you at the time know that those men were not entitled to vote, or some of them?—A. I did not. I knew it was after the time, and some were not sworn.

Q. Could you or could your board, with safety to yourselves, compel these men to be sworn or prevent them from voting?—A. I don't know as we could.

Q. You knew, as a manager, that it was your duty to do it, and why didn't you?—A. I believe they would vote any way whether we wanted them to or not.

Cross-examination by Mr. Croft, counsel for contestant:

Q. What were the politics of the board of managers at that poll?—A. Two Republicans and one Democrat.

Q. Did you have there a Democrat and Republican supervisor? If so, state their names.—A. Courtney was the Democrat, and W. F. Carster the Republican.

Q. How many men came up in that crowd at six o'clock?—A. Twenty.

Q. Do you call those men bad because they cursed so much?—A. I call them bad because they said they intended to vote whether we wanted them to or not.

Q. Did they beat, bruise, or hurt anybody?—A. Not to my knowing.

Q. Give the names of as many of those men as you can that voted without being sworn.—A. I did not know any one of them.

Q. Who had the double-barrel gun?—A. I don't know who he was.

Q. Who had the pistols?—A. I don't know them, either.

Q. Where did they have them?—A. Some would have them in their breast-pockets and some in their holsters.

Q. Did you try to prevent those men from voting?—A. No, sir; did not.

Q. Where was the box when they voted?—A. On a table; I had my hands on it.

Q. Did you have it where it was during the whole day?—A. We did.

Q. How long after they voted before you opened the box and commenced to count the ballots?—A. Some few minutes.

Q. Did you foot up the returns and forward them to the county board of canvassers at Aiken as required by law?—A. Yes, sir; we sent them to Aiken.

Q. By whom?—A. Mr. Courtney, the manager.

Q. Did you all sign them as required by law?—A. We did.

Q. Did you tell them not to vote when they said they wanted to vote?—A. No, sir.

Q. Did you use any force to prevent them from voting?—A. No, sir.

Q. Then there was no violence on either side?—A. No, sir; we worked to prevent it.

Q. Did Courtney's watch differ in time from Johnson's watch; I mean the manager's?—A. It did; so he said.

Q. Did they not dispute about this time, and Courtney accuse Johnson of pushing up his watch?—A. There was no dispute between them, but Courtney accused Johnson of pushing up his watch. Johnson gave him no answer, and denied it afterward.

Redirect:

Q. You state you all signed the returns?—A. Yes, sir.

Q. Did Mr. Courtney sign the returns; the Democratic manager, I mean?—A. He did.

Q. Who brought the box in from Fountain Academy to the court-house?—A. Mr. Courtney, the Democratic manager.

Q. Did this armed band stay there, or any portion of them, until the returns were signed?—A. Not to my knowledge.

Q. You have stated that you knew a portion of these men voted without being sworn, and you believe it was unsafe for you or your board either to prevent them from voting, or be sworn. Why, then, did you sign the returns?—A. I did it in order to get away safe.

Q. Did I understand you to say that you regarded your life to be in danger if you did not sign them?—A. I really did.

Cross-examined to redirect by Mr. Croft, counsel for contestant:

Q. You have stated that there were no one around there when you signed the returns; of whom were you afraid; armed men I mean.—A. I was afraid of my opponents, white men.

Q. You have stated that you were afraid that your life was in danger if you did not sign the returns; state if any one threatened you, either by word or gesture, if you refused?—A. Not threatened.

Q. Did you not have, in addition to the two United States supervisors, also a Republican deputy marshal at that poll?—A. They had been there all day, but they was gone. The Democratic supervisor was there. The deputy marshal was not inside the house, but can't say he was not there.

Q. How many people were around there when you signed the returns?—A. Only two inside of the house, colored. Twenty whites, or over, were in the house.

Q. Who was your clerk?—A. Robert Smoot, colored.

Q. You had five colored men, then?—A. No, sir; only three with myself.

Q. Name as many of these white men as you can?—A. Mr. Courtney, Democratic manager, Jabus Courtney, supervisor, Edward Siegler; that is all that I know.

Q. State how many were armed, if so, and what kind?—A. I can't tell definitely how many were armed. All that I could see standing before me had pistols.

Q. How many could you see?—A. About ten that I could see.

Q. Did you have a pistol?—A. No, sir.

The words "time," "then," "not," "know," "ed," and "was not inside the house, but can't say he was not there," were interlined before signing. The word "was" was erased before signing.

G. G. BRODIE.

Sworn to before me this 23d day of March, A. D. 1877.

N. R. WILLIAMS,  
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA, *Aiken County* :

Contested election for seat in Forty-fifth Congress.

G. D. TILLMAN, CONTESTANT, }  
   *vs.*  
 ROBERT SMALLS, CONTESTEE. }

Personally appeared S. I. LEE, who, being duly sworn, deposes and says :

By Mr. Whipper, counsel for contestee :

Question. State your name, residence, age, and occupation.—Answer. Samuel I. Lee ; age 32 years ; Aiken ; attorney at law, and solicitor of second circuit, South Carolina.

Q. How long have you lived in Aiken County ?—A. Since the formation of the county ; October 4, 1872.

Q. Did you live in this vicinity before the formation of the county of Aiken ?—A. Yes ; I lived at Hamburg, 16 miles from the town of Aiken.

Q. And you have been acquainted with the territory comprising the county of Aiken for a number of years ?—A. I have.

Q. You will please to state the location of Miles Mill, Graniteville, and Fountain Academy. I mean their relative location and distance from each other ?—A. Graniteville is five miles west from Aiken town, on the Charlotte, Columbia and Augusta Railroad. Miles Mill eight miles north from Graniteville, on the same road. Fountain Academy is about eight miles east from Miles Mill on the "Two-notch" road, public highway.

Q. By the ordinary road of travel is the distance the same as you have designated ?—A. The distance I have given is the ordinary route of travel.

Cross-examined by Mr. Croft, counsel for contestant :

Q. State whether there is a public highway leading from Miles Mill to Fountain Academy ?—A. There is not ; only what is called the "Neighborhood road."

Q. Have you been from Miles Mill to Fountain Academy ?—A. I have.

Q. State what railroad is nearest to Fountain Academy ?—A. The town of Aiken ; it is seven miles from Fountain Academy, on the South Carolina Railroad.

Q. Is Hamburg on the same railroad that leads to the town of Aiken ?—A. It is on both the South Carolina and Charlotte, Columbia and Augusta Railroads.

Q. By what authority were the Aiken County polling-precincts established ?—A. By an act of the general assembly of this State.

Redirect :

Q. You have stated in your cross-examination that there was no public, but a neighborhood road leading from Miles Mill to Fountain Academy. State if that road is open or not, and is it the general route of travel.—A. It is open to the public, and is the general route of travel. When I say public road I mean a road kept up and worked by the public.

(The words "South Carolina Railroad," inserted before signing.)

• SAMUEL I. LEE.

Sworn to before me this 23d day of March, A. D. 1877.

[SEAL.]

N. R. WILLIAMS,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,  
County of Aiken :

Contested election for seat in Forty-fifth Congress.

G. D. TILLMAN, CONTESTANT, }  
  *vs.* }  
ROBERT SMALLS, CONTESTEE. }

Personally appeared THOMAS W. WEST, who, being duly sworn, deposes and says :

By Mr. Whipper, counsel for contestee :

Question. State your name, residence, age, and occupation.—Answer. Thomas W. West ; Aiken ; waiter ; 33 years.

Q. Where were you on the 7th day of November last, the day of the last general election ?—A. Miles Mill precinct.

Q. In what capacity were you there ?—A. I was there as one interested, and according to the arrangement of the different candidates one was to be at each polling-precinct.

Q. Was there any disturbance there that day ?—A. None.

Q. Were you present there at the polls all day ?—A. I was, from about five minutes after the polls opened until they closed.

Q. Were there any bands of armed men about there that day ?—A. There was when we arrived there in the morning ; when we arrived there there were parties with pistols. About nine o'clock a train came from Augusta or from that way with about seven or nine men—a freight-train had cotton on—and among those men was a man that walked club-footed, and a stout man with one arm, said to be named O. N. Butler. He jumped off the train and came down to the mill. They all had revolvers on. Butler had on two. When he came to the door, which was open, he turned around, pulling his pistol in front of him, and said to the men, "Come in here and shut the door." He then went up to the chairman of the board of managers and said, "We want to vote." The chairman told him to hold up his right hand, and as he commenced to administer the oath he asked him, "Butler, are you a citizen of the United States ?" He answered, "I always have been." He then asked him, "Are you a citizen of South Carolina ?" He said, "I ain't got time ; I want to vote."

Q. Did he vote ?—A. He did, and the men with him.

Q. Did they take the oath, any of them ?—A. The chairman of the board went on administering the oath, and I think before he got through they said we must vote and get away from here ; the chairman then took his hand from the box and they voted.

Q. Where did they go to from there ?—A. They went on the train towards Edgefield ; they said they were going to Edgefield.

Q. From what you saw, would it have been safe for the managers to have tried to stop those men from voting ?—A. It would not ; before those men got there, I said to the manager, Mr. Coleman, "Don't you see some boys voting here ; you have a majority of the board ; why don't you stop them ?" After those men went there came an old colored man there and when he got there, and a white man told him he wanted to see him, the colored man went with him. The white man asked him where his son was ; he said his son was afraid to stay there, and had gone to Aiken. This man talked to him awhile and then I saw him hand him a ticket. The old man asked him if that was the "right ticket ;" he told him "yes, it was ;" the old man said he wanted the "Radical ticket ;" the white man then turned off and came to me and asked me if I had any tickets ; I

told him I had, and gave him one. He then started to the mill, and asked him if he was going to vote that ticket; he said he was; the man told him that it would not be safe for him to do it. The man asked, "Why won't it be safe?" He replied, "We don't intend to have many of those tickets voted here," and said, "Damn you, if you vote it we will see you." He said, "I will vote it if I die." The next crowd of men that came there were armed with pistols, between twelve or thirteen; one man I knew; his name is John Murry; he stays at Langley; he came in and said to Coleman; "I want to vote; our polls are so crowded I couldn't vote there;" himself and those men voted; I can't tell the exact number. When the colored men would come up to the polls, one or two at a time, and vote and go off, I asked one man if there was not more colored people living in that section.

Q. You did not know any more except this man Murry?—A. I didn't know any other.

Q. What tickets did they vote?—A. Democratic ticket. There was, in my judgment, several boys, both white and colored ones; I challenged their votes; he, the manager, Joseph E. Coleman, thought so too; I called the attention of the supervisor, Mr. Yates.

Q. Did they come up in charge of any one?—A. They came up with men.

Q. Did the boys vote, and what ticket did they vote?—A. Voted the Democratic ticket; I did not know their names; they were all strangers to me.

Q. You could tell the Democratic ticket from the Republican ticket, and how could you tell?—A. They was all white tickets, until later in the day a gentleman came to me—I did not know him—and said "Let me see the color of your tickets;" I handed him one; when these two colored men came up, I saw him take them aside and talk to them; they then came to the polls; these two men voted tickets—imitation Republican; these were the first tickets of that kind I saw.

Q. What was the color of the tickets these boys voted?—A. White tickets; the Republicans had no white tickets; I carried the only tickets that were carried there; I gave them to Mr. Yates; he was afraid to present them, and gave them to me; then there came up a crowd of five—a white man, two colored men, a white boy, and a colored boy; I challenged the votes of two boys; they stated that they were old enough, and voted the Democratic ticket; after a while came up some more men, and among them was some boys; I told the boys, and managers, that I objected to their voting, on the ground that they were minors; he said he could not prevent them from voting; I then threw the package of tickets down, and said if he could not manage any better than that I would go home.

Q. Could he with safety have prevented those parties from voting?—A. He could not; I carried in my pocket a pencil and paper to take the names of parties challenged, and from the looks that was given me I was afraid to use them; when a man came up to vote with another crowd—I did not know his name—which I thought had voted before, I went to Mr. Yates, the supervisor, and said to him, "There is that man with a red shirt, black cap and pants, that voted once before; he is going to vote again;" he said "I will—" and the man did vote again. I came out the house then; a colored man came up to the fire—by the name of Sam Stewart—asked me if I had any Republican tickets; I told him Manager Coleman had them; he went into the house, and I went to the front of the door to see if he was going to vote and what ticket he would vote; he said they would not allow him to vote, because, they said, he

was from Georgia; I heard them say he was from Georgia; "You can't vote here." While he was talking to me there came up a crowd of seven or nine men; two or three had shot-guns; they stopped at Mr. Cahil's house, and then they all came to the polls; I did not know but three of them; one was Mr. W. H. Chaffee; Mr. Kinloch Chaffee, and Mr. Henry Getzen; I know him very well; he threatened to kill me while I was speaking on the stump at Beech Island; they were all armed; they left their guns at the store; they did not come to the polls armed.

Q. How far was it from the polls that they left their guns?—A. About two hundred or two hundred and fifty yards.

Q. Did these men vote?—A. I don't know; I went into the mill after these men came out.

Cross-examined by O. C. Jordon, esq., counsel for contestant:

Q. Were you a candidate on the Republican ticket at the last election for office?—A. I was a candidate for county commissioner.

Q. Were you elected or not?—A. By the decision of the board of State canvassers, we were not elected.

Q. By what majority were you defeated in Aiken County?—A. I could not state; I saw in the papers that the Democrats carried the county by a majority of 742.

Q. Have you contested the election in Aiken County, or not?—A. Not yet.

Q. Was any violence used by any person upon anybody at Miles's Mill, actual violence?—A. No, sir; not as I seen.

Q. Did you exercise the right as a citizen in challenging voters at Miles's Mill as they offered to vote?—A. I did not, sir.

Q. As a matter of fact, did you challenge any one offering to vote?—A. I did, sir.

Q. Were you molested for so doing?—A. I was not.

Q. Do you know Toliver Heron?—A. I do not, sir.

Q. Do you know Horton H. Jordon?—A. I do, sir.

Q. Did he vote at Miles's Mill?—A. He did not, sir, to my knowledge.

Q. Did you know Kinlock Chaffee, and did he vote at Miles's Mill?—A. He was there, but did not see him vote; I was standing outdoors.

Q. When you left the mill and went to the house for water, was Horton H. Jordon and Kinlock Chaffee there?—A. They was not, sir; Horton H. Jordon did not come near the polls; I did not see him at all.

Q. What was the greatest number of persons at the poll during the day?—A. Not more than twenty-five or thirty; all of them white except myself, Boston Weaver, and the two managers, who were colored; the other colored were afraid to stay.

Q. Did either of the last four named receive any harm from remaining there all day?—A. They did not.

Q. Did any colored boys vote there under the age of twenty-one years?—A. I don't know; none to my knowledge; challenged their votes on grounds of being minors; they were strangers to me; challenged one in particular that I thought to be a minor.

Q. Did all those who you thought under age vote the Democratic ticket?—A. Yes, sir.

Q. Did you see a colored man receive a whipping there that day?—A. I did not.

Q. Were you very attentive as to what was going on there that day?—A. I was, sir.

Q. Was there any man or number of men that voted there that day

that you did not see?—A. There might have been some; I was away for four or five minutes.

Q. What number of votes were polled at Miles's Mill?—A. One hundred and forty-two Democratic and thirty-four Republican. One Republican candidate received thirty-five, either Lawson or myself.

Q. How many colored men voted at Miles's Mill?—A. I can't tell.

Q. How many colored men voted the Democratic ticket?—A. I don't recollect.

Q. There was a number of colored men voted the Democratic ticket?—A. There was; can't tell the number. They came on horseback and in wagons.

Q. Miles's Mill returned a Democratic, or Republican majority two years ago?—A. I don't know.

Q. Has the number of precincts in Aiken County increased or lessened since the last election?—A. Lessened, sir.

Q. Do you remember how many election-precincts there were in '74?—A. Fifteen.

Q. How many were there in '76?—A. Eleven.

Redirect, by Mr. W. J. Whipper:

Q. You stated in your cross-examination that Jordon did not vote to your knowledge. May he not have voted without your knowing?—A. He might.

Q. Is not the same true as regards Kinlock Chaffee?—A. Yes, sir.  
THOS. W. WEST.

Sworn to before me this 22d day of March, 1877.

[SEAL.]

N. R. WILLIAMS,

*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,

*County of Aiken:*

Contested election for seat in Forty-fifth Congress.

G. D. TILLMAN, CONTESTANT, }  
vs. }  
ROBERT SMALLS, CONTESTEE. }

Personally appeared AARON W. GILBERT, who, being duly sworn, deposes and says:

By Mr. Whipper, counsel for contestant:

Question. State your name, residence, age, and occupation.—A. Aaron W. Gilbert; Aiken; 35 years; trial-justice.

Q. Where were you on the 7th day of November last, the day of the last general election?—A. Silverton precinct.

Q. In what capacity were you there?—A. Clerk of the board of managers of election.

Q. Did you as such clerk make up and attest the returns from that precinct?—A. I did.

Q. State, if you know, how many votes there were for Robert Smalls for Congress, and how many for George D. Tillman.—A. Smalls received two hundred and thirty-two, and Tillman one hundred and eighty-two.

Q. Were the returns bearing these numbers forwarded to the board of county canvassers, as required by law?—A. they were.

Q. By whom?—A. By the managers.

Q. Were you called upon to give testimony in regard to those before a committee in Columbia?—A. I was.

Q. State, if you know, what was the difficulty and what gave rise to



the necessity for your testifying?—A. I am unable to state what was the difficulty. I saw a dispatch requesting the managers and clerks to appear there.

Q. Do you know whether or not those votes were accredited to Mr. Small or not by the county or State board of canvassers?—A. I think not.

(Objected to by Mr. Croft, counsel for contestant, on the grounds that the returns are the best evidence, and should be produced.)

Q. Have you any means of knowing why they were not?—A. I have not.

Q. Are you certain that they were cast at Silverton precinct on the 7th day of November last, footed up by the managers, attested by yourself, and forwarded to the county board of canvassers?—A. I am certain.

**Cross-examined by Mr. Croft, counsel for contestant:**

Q. You stated that Mr. Smalls, you thought, had not been credited with these votes. What means have you of knowing that it is so?—A. I heard the secretary of state say that he had not received the Silver-ton vote.

Q. Did you hear the secretary of state say that he had not received the vote of any other precinct in Aiken County?—A. I did not.

Q. Were you present when the State board of canvassers footed up the returns and declared the election to the Forty-fifth Congress for the fifth Congressional district in South Carolina?—A. No, sir; I was in Aiken.

Q. Were you present when the board of county canvassers footed up and declared the vote that Robert Smalls and G. D. Tillman received for Congress in Aiken County at the last election?—A. No, sir.

Q. Then your statement as regards the vote that Robert Smalls received at Silverton is only what you think?—A. Is what I believe.

AARON W. GILBERT.

Sworn to before me this 22d day of March, A. D. 1877.

[SEAL.]

N. R. WILLIAMS,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,  
County of Aiken:

**Contested election for seat in Forty-fifth Congress.**

G. D. TILLMAN, CONTESTANT, }  
*vs.*  
 ROBERT SMALLS, CONTESTEE. }

Personally appeared **PETER A. WAGGILLS**, who, being duly sworn,  
deposes and says :

**Examined by Mr. Whipper, counsel for contestant:**

Question. State your name, residence, age, and occupation.—Answer. Peter Waggills; Aiken; twenty-nine years; United States deputy marshal.

Q. Where were you on the 7th day of November last, the day of the last general election?—A. At Merritt's Bridge precinct until half past four in the evening; then left and went to Fountain Academy.

Q. What time did you get to Fountain Academy?—A. About twenty or twenty-five minutes to six.

Q. How long did you remain there ?—A. About half past seven or eight o'clock.

Q. Was or was there not a body of armed men came there during your stay ?—A. There was.

Q. At what time did they come ?—A. About ten minutes to six.

Q. Had the polls closed when they got there ?—A. No, sir.

Q. How long after they got there before the polls closed ?—A. Twenty-five minutes to seven by my watch when the polls closed.

Q. Did those men vote ?—A. They did.

Q. Was not the polls kept open by them, and on their account ?—A. Yes, sir.

Q. State how they conducted themselves, and how they managed to keep the polls open.—A. Ten minutes to six heard a crowd of men coming north from the direction of Miles's Mill. The first man that got in the house was a man by the name of John Murry; lives at Langley; he came in and seemed to be very much excited, and asked how long he had before the polls closed; said he had some men he wanted to vote there. The manager told them that they would have to vote very quick, as it was ten minutes of six, and soon as the hour arrived he would close the poll. At that time another man interfered and said it was not ten minutes to six, it was twenty minutes to six. This man Murry took the oath; and after he took the oath the manager said, "Hold on; I want to see if anybody knows you; it strikes me that you have voted before." The manager called upon all the whites around to see if any one knew "this man Murry." After being identified by Isaac Johnson, who was standing by, he went out and did not vote. As soon as he went out a crowd of other men, with pistols in their hands; the manager told them that the box must be closed as the hour had arrived. A man by the name of Howard told the manager, cursing him, and said, "My poll has been broke up and I intend to vote, and you must keep this poll open." When he began to curse so loud a crowd of white men rushed into the house; a crowd was standing outside at the east end of the house also. I demanded the peace, but was powerless to do any good. After they began to vote men that I knew were residents of Georgia; I was afraid to object to them.

Q. Do you know of those men who voted ?—A. I know some of them.

Q. Was John Jacobs, C. T. Howard, States or H. Lee, W. F. Wilson, George Howard, Car Haney, Jerry Whitlock, among them, and did they vote ?—A. Yes, sir; they did.

Q. About how many were there in this crowd ?—A. About twenty or twenty-five.

Q. Did they all vote, and what ticket ?—A. They all voted Democratic tickets; they were white; they got them from the manager.

Q. Did the Republicans have any white tickets at that poll ?—A. No, sir.

Q. State the names and describe the persons who you knew were from Georgia.—A. The two Howards, a man by the name of Beach, a sewing-machine agent, a colored man by the name of John Jacobs, another man, (one-eyed;) he is on the detective force in Augusta.

Q. What kind of tickets did the Republicans have at that poll ?—A. Red ticket with an eagle at the head.

Q. By a red ticket you mean it was printed in red ink ?—A. Yes, sir.

Q. Could you or the managers, or all of you, prevented these men from voting ?—A. We could not.

Q. What response did you receive from them when you commanded

the peace?—A. No reply from the men, but one of the supervisors said I had no jurisdiction at that poll.

Q. Which one of the supervisors was it?—A. Democratic supervisor.

Cross-examined by Mr. Croft, counsel for the contestant:

Q. At which poll were you appointed for at the last election, as deputy marshal?—A. Merritt's Bridge.

Q. How many miles is it from Merritt's Bridge to Fountain Academy?—A. Six miles.

Q. Anybody hurt at Fountain Academy?—A. Not as I know of.

Q. Did you see any actual violence while you were there?—A. No farther than cursing towards the managers.

Q. State particularly who cursed the managers.—A. Can't state particularly, but Howard, C. T., started the cursing.

Q. What did he curse him?—A. Curse him a son of a bitch.

Q. You state the reason you did not challenge was because you were afraid?—A. I did, sir.

Q. This cursing made you afraid?—A. Yes, sir.

Q. Do you mean that it was six o'clock by your watch or by the manager's?—A. By both watches.

Q. What are your politics?—A. I am a Republican.

Q. What were the politics of the board of managers?—A. I don't know.

Q. Any fire-arms pointed at the managers?—A. No, sir; but they were in their hands.

Q. State the names of those who had fire-arms in their hands.—A. Both of the Howards, both of the colored men from Augusta, and others who I can't identify.

Q. Was not the Republican ticket printed on white paper?—A. Yes, sir; in red ink.

Q. Was it not white on the back?—A. Yes, sir.

Q. What was the name of the United States deputy marshal appointed for Fountain Academy?—A. E. L. Anderson.

Q. Was he a Republican?—A. Yes, sir.

Q. Did you or any one else use any force to prevent those men from voting?—A. No, sir.

Q. Who were the Republican and Democratic supervisors?—A. W. F. Carsten, Republican, and Courtney, Democrat.

Q. You state you do not know the politics of the managers. What was their complexion?—A. Two black and one white.

Q. How did you get from Merritt's Bridge to Fountain Academy?—A. Horseback.

Q. How many miles did you ride an hour on that day?—A. About one hour that day in coming the six miles.

Q. Have you not been a soldier in the Army?—A. I was, sir.

Q. Have you not acted as constable, town marshal, deputy sheriff, and made numerous arrests?—A. I have.

Q. Did you have a pistol on the day of election?—A. Yes, sir; I had a No. 1 cartridge shooter.

PETER A. WAGGILLS.

Sworn to before me this 22d day of March, A. D. 1877.

[SEAL.]

N. R. WILLIAMS,  
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA,  
County of Aiken :

Contested election for seat in Forty-fifth Congress.

G. D. TILLMAN, CONTESTANT, }  
                                  *vs.* }  
ROBERT SMALLS, CONTESTEE. }

Personally appeared GEORGE WASHINGTON, who, being sworn, deposes and says :

By Mr. Whipper, counsel for contestee :

Question. State your name, age, residence, and occupation.—Answer. George Washington ; twenty-eight years ; Aiken County ; farmer.

Q. Were you in this county during the last election?—A. I was.

Q. What official position, if any, did you hold in connection with that election?—A. Commissioner of election, sir.

Q. Who, besides yourself, constituted the board of commissioners of election?—A. Mr. Charles Edmondson and S. B. Spencer.

Q. Did you, as commissioners of election, meet and canvass the vote ; when did you, and where?—A. I was not present at the canvassing of the vote for Aiken County. My reasons for not being present at the canvassing of the vote in Aiken County : the commissioners of election met on Friday, the 10th, and organized the county board of canvassers, and elected Sam. B. Spencer chairman and N. R. Williams clerk ; then adjourned to meet on Tuesday at ten o'clock, and on Monday morning, the 13th, I went into the court-house yard about sun-up and met Mr. John Ford, and asked me why I was not present at the canvassing of the vote. I went into the clerk's office in the court-house ; I found the boxes in possession of a number of gentlemen ; Charles Edmondson and S. B. Spencer were present. George W. Croft was calling out the returns from Silvertown, and I did not know what it meant, for I knew he was not commissioner of election. I whispered to Spencer and asked him what it meant. I came out then.

Q. Had you been summoned to meet them on that day?—A. No, sir ; nor did they summons me that day.

Q. Did you meet here on Tuesday, as adjourned to meet?—A. No, sir ; met in Columbia.

Q. Did they present you at any time the report of the county board of canvassers for your signature?—A. No, sir.

Q. Did you and Spencer meet anywhere, canvass the votes, and make up another report?—A. Yes, sir ; we made another report from a copy of the secretary of state.

Q. Did you sign that report?—A. I did, sir.

Q. Did you exclude from that report any of the results from any of the boxes ; and, if so, which one ?

(Objected to by Mr. Croft, counsel for contestant, upon the grounds that it is inadmissible, for that or any other report made by the county canvassers other than the one made at the court-house of the county, pursuant to law, on the 13th of November, is illegal ; second, that if the report is legal it should be produced, as it is the best evidence.)

A. We did ; we excluded the boxes of Miles's Mill, Graniteville, and Fountain Academy.

Q. Why did you exclude those boxes?—A. On account of fraud and intimidation.

Cross-examined by Mr. Croft, counsel for contestant :

Q. When and where did you hold this second meeting?—A. At the State-house in Columbia, about the 16th of November.

Q. Who told you to hold that meeting?—A. Spencer and myself agreed to hold it.

Q. Did you summons Mr. Chas. Edmondston to meet with you?—A. No, sir.

Q. Do you state that you declared election from a copy of the returns you got from the secretary of state?—A. Yes, sir.

Q. Who all did you notify that you was going to have this meeting?—A. Nathan R. Williams, clerk of the board.

Q. Upon what evidence did you throw out those precincts?—A. Upon affidavits of managers of election, and voters who attempted to vote at those precincts.

Q. Were these affidavits made by Republican or Democrat managers?—A. By Republican managers.

Q. Were the affidavits made by the parties who attempted to vote made by Democrats or Republicans?—A. Republicans.

Q. Then you made your report upon *ex parte* evidence?—A. Yes, sir.

Q. Did you declare the whole Republican ticket in Aiken County elected?—A. I think we did.

Q. By what majority?—A. I do not remember what majority.

Q. Will you state what officers are installed in Aiken County; whether they are Democratic or Republican; on which ticket at the last election?—A. Democrats, except the school commissioner, who claims to hold over on the ground that his opponent did not qualify within the legal time.

Q. Did you not receive a written summons from Chas. Edmondston to meet the county board of canvassers on Monday, the 13th day of November last?—A. I did not, until the canvassing of the votes were over.

Q. What time was it that you went into the clerk's office on the morning they were canvassing the votes?—A. About sun-up.

Q. How many miles do you reside from Aiken?—A. Eight miles.

Q. If you did not receive the summons, what brought you so early to the clerk's office where the board of canvassers met?—A. I was here at Aiken on the Sunday night previous.

Q. Why did you not stay to canvass the votes when you saw them canvassing them?—A. I had no notice of the meeting, and the chairman did not invite me to stay.

Q. Do you know which report the State board acted upon?—A. I do; Spencer's and Edmondston's.

Q. What candidates were elected by Spencer's and Edmondston's report?—A. The Democratic county was declared elected.

Q. As to Congress, who was elected by that report in Aiken County?—A. I don't

The word "remember" underlined before signing.

GEORGE WASHINGTON.

Sworn to before me this 23d day of March, 1877.

[SEAL.]

N. R. WILLIAMS,

Notary Public, South Carolina.

SAMUEL J. LEE recalled.

By Mr. Whipper, counsel for contestee :

Question. Are you acquainted with Samuel B. Spencer, chairman county board of canvassers for the last general election?—Answer. I am.

Q. Do you know his signature?—A. I do.

Q. Please examine that paper marked "Exhibit B," and see if you recognize the signature.—A. I recognize the signature in Exhibit B to be genuine—I mean Samuel B. Spencer's signature to the affidavit.

(The papers marked "Exhibit B" were presented as evidence by counsel for contestee and objected to by Mr. Croft, counsel for contestant, on the following grounds: That the papers are inadmissible; was taken without the opportunity of cross-examination; second, said Samuel B. Spencer resides in this county, and should have been examined in this court.)

SAMUEL J. LEE.

Sworn to before me this 7th day of March, 1877.

[SEAL.]

N. R. WILLIAMS,  
Notary Public, South Carolina.

### EXHIBIT A.

STATE OF SOUTH CAROLINA,  
County of Richland:

Personally appears Samuel B. Spencer, who, on oath, says that he was chairman of the board of commissioners of election in the recent election in Aiken County, South Carolina.

That on the 10th day of November, 1876, the board of commissioners of election met and organized as a board of county canvassers, and elected Nathan R. Williams as secretary, and adjourned, after instructing said Williams, together with Charles Edmondston, to place the ballot-boxes in a cell in the county jail, to be safely kept until otherwise ordered by the board; the said adjournment to continue until Tuesday the 14th day of November, A. D. 1876, at 10 a. m. On Sunday morning, the 12th day of November, A. D. 1876, a writ was served upon the said deponent by George W. Croft, county chairman of the Democratic party, which writ is hereto annexed, marked "Exhibit A."

On Sunday night, the 12th of November, A. D. 1876, I proceeded to Aiken, and on Monday morning, November 13, at six o'clock, the returns were canvassed, the board being assisted by members of the Democratic party, as stated in the affidavit of Nathan R. Williams, the secretary of the board, only two Republicans besides this deponent being present. Deponent further says that when the Fountain Academy box was opened no returns were found in it. Mr. Edmondston thereupon stated that the returns and poll-lists were in the possession of W. F. Carston. The returns for said box (Fountain Academy) were shortly afterward brought in. That in the Windsor box the returns of the managers for the Presidential electors was not filled up, except as to the names of the persons voted for, the number of votes not having been put down in words or figures. Mr. George W. Croft called the number of votes for the electors from a supervisor's report. This deponent has since been informed by affidavits and reports of the managers, marshals, and supervisors of the precincts of Graniteville, Miles's Mill, and Fountain Academy that gross frauds were committed at said precincts on the day of election aforesaid; and had this deponent known of said frauds at the time of canvassing the votes aforesaid, he would have objected to the counting of the votes contained in said boxes.

And deponent further says that he would now sign the accompanying supplemental report made by George Washington, one of the members of the board of commissioners of election, but for the reason that before the frauds herein named were brought to the official knowledge of said

deponent he had signed a return with Charles Edmondston, one of the members of said board.

S. B. SPENCER.

Sworn to before me this 17th November, 1876, at Columbia, S. C.

[SEAL.]

H. H. D. BYRON,  
*Notary Public, South Carolina.*

### EXHIBIT B.

THE STATE OF SOUTH CAROLINA,  
*County of Aiken :*

To S. B. Spencer and George Washington, commissioners of election of Aiken County:

Take notice that at six o'clock in the forenoon of Monday, the 13th day of November, 1876, at the Gregg mansion in the town of Aiken, a meeting of the board of commissioners of election for Aiken County will be held, to proceed to canvass the returns of managers of election in said county; that such returns, with all papers connected with the election, shall be forwarded to the secretary of state by the 9.30 a. m. train on said day.

And further take notice that should you fail to be present at such meeting, I shall myself proceed to make out such returns, and to canvass the returns of said managers of election, and to forward the same as aforesaid to the secretary of state as aforesaid, protesting upon your absence as willful, and a premeditated fraud upon the candidates who have received an honest majority in the late election.

Dated this 11th day of November, 1876.

CHAS. EDMONDSTON,  
*Commissioner of Election.*

### No. 7.

*Notice of contestee for taking testimony in Barnwell County.*

STATE OF SOUTH CAROLINA,  
*Barnwell County :*

G. D. TILLMAN, CONTESTANT, }  
*vs.*  
ROBERT SMALLS, CONTESTEE. }

To Hon. G. D. TILLMAN:

You are hereby notified that I will examine the following-named witnesses, all of whom reside in Barnwell, 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 1876, for the fifth Congressional district of the State of South Carolina, and in reply to matters and things set forth in said notice of contest, before N. R. Williams, esq., a notary public in and for said State, in the town of Blackville, at the court-house, on the 26th, 27th, 28th, and 29th days of March, 1877, between the hours of 8 a. m. and 10 p. m. of said days, or so much thereof as may be necessary for the examination of said witnesses, and from day to day until completed, to wit:

William Bush, Daniel Mixon, Wallace Bailey, B. K. Matt, A. C. Cave, P. B. McKnight, J. T. Hogg, and Hayward Bailey.

ROBERT SMALLS,  
Per N. J. WHIPPER, *Attorney.*

Service accepted March 22, 1877.

G. W. CROFT,  
*Attorney for Contestant.*

STATE OF SOUTH CAROLINA,  
*County of Barnwell:*

Contested election for seat in Forty-fifth Congress.

G. D. TILLMAN, CONTESTANT, }  
*vs.*  
ROBERT SMALLS, CONTESTEE. }

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

By Mr. Whipper, counsel for contestee:

Question. State your name, age, residence, and occupation.—  
Answer. A. C. Cave; 27 years; Barnwell County; farmer.

Q. Where were you on the 7th of November, the day of the last general election?—A. In Allendale.

Q. In what capacity were you there?—A. Manager of the election.

Q. From what hour until what hour were you engaged as manager?—  
A. Commenced at eight o'clock, and closed at seven in the evening, I think.

Q. At the time you had closed the polls, had all parties there had an opportunity to vote?—A. No, sir.

Q. About how many were they that did not have an opportunity?—  
A. I reckon they was close to rise three hundred.

Q. Was there during the day any man or set of men that prevented Republicans from voting there, or tried to?—A. There was men there that had books with names in them, and if they could not find the names they would not let them vote.

Q. About how many of these men were they that were stopping voters?—A. Three that had those books.

Q. Did these men hold any official relation there?—A. None.

Q. How did they prevent them from voting?—A. By not finding the names on those books. They said some came out of Beaufort County; some voted after being sworn, and others were not allowed to vote.

Q. Were these men who compelled them to go out officers of the election or private citizens?—A. No, sir; they were private citizens.

Q. Were they white or black men?—A. White men.

Q. Were they Republicans or Democrats?

(Objected to by T. R. Bellinger, counsel for contestant, on the ground that it is a matter of opinion with the witness and not a matter of fact.)

A. They was white men. They didn't tell me; but that was the way they was working.

Q. Had it not been for these interruptions, could you not have voted all the men present that day?—A. A great part of them could have voted.

Q. By saying a great part, what do you mean; those that went away without voting?—A. Yes, sir; a great part who went away without voting might have voted but for the interruption.

Q. Was there or not a large crowd of men around the polls that day,



and was not the military called upon to clear the polls?—A. I did not see it.

Q. By saying you did not see it, do you mean that there was not a large crowd around the polls, or that the military was not called upon to clear them away?—A. A large number was around the polls, but I did not see the military called upon.

Q. Of whom was this crowd chiefly composed; white or colored men?—A. White men.

Q. State, if you know, whether these men were working for the Democrats?—A. That's the way they was voting. They were voting that ticket.

Cross-examined by Mr. Bellinger, counsel for contestant:

Q. How do you know that the parties prevented from voting were Republicans?—A. Whites voted first, and that's they was voting; and that at the time the Republicans was voting these men was stopped.

Q. Did no Democrats vote after the Republicans began to vote?—A. When the colored men came in to vote, I could not tell how they voted; their tickets were folded up.

Q. Did any white men vote after the Republicans began to vote?—A. Yes.

Q. Were the men who were stopped from voting white or colored?—A. Colored.

Q. Is that the reason you say they were Republicans?—A. The Republicans were voting at that time.

Q. Did or did not any colored men vote the Democratic ticket that day?—A. A part of the colored people voted with the whites in the morning.

Q. Why were those who were sworn prevented from voting?—A. All that were sworn voted.

Q. Did you allow any person to vote without swearing them?—A. I didn't swear them.

Q. Did the managers swear them?—A. I didn't swear them; what was sworn the supervisors swore.

Q. Do you mean to say the supervisors swore everybody that came up to vote, or only those that were objected to?—A. Only those that were objected to, the supervisors swore.

Q. Did the board of managers, upon objections being made, decide upon the question to allow the parties to vote?—A. When they said they couldn't vote, we could do nothing.

Q. Why didn't they let them vote?—A. They said some were too young.

Q. Who said so?—A. The supervisors.

Q. What was the crowd around the polls doing, and how many do you call a large crowd?—A. I couldn't tell what they was doing, nor can't say how many there was.

Q. Were they interfering with the voters?—A. I can't tell what they were doing.

Q. Where was the United States deputy marshal?—A. I can't say where he was.

Q. Was he around the polls at all?—Yes; he came there during the day several times.

Q. How far were the United States soldiers stationed from the polls?—A. The polls were on one side of the railroad, the soldiers on the other, about one hundred and fifty or seventy-five yards from the polls; they could be seen from the polls.

Q. Did any approach the ballot-box?—A. I saw none but the captain.

Q. Did the managers call on the soldiers for assistance?—A. I did not; don't know whether McKnight or Hogg, the other managers, called on them.

Q. Did the managers call upon the deputy United States marshal?—A. They told Hughes to fix a way so that all could vote; he didn't, or couldn't, I don't know which.

Q. When you, as a manager, discovered that parties were being prevented from voting, why did you not call on the marshal or military to see that their rights were protected?—A. They told Hughes to fix a way so that all could vote; it was late in the evening when it was done.

Q. Did Hughes fix the way?—A. If he fixed it, it was two o'clock in the day.

Q. Did you have any occasion to call for the military that day?—A. They told Hughes to fix a way so all could vote.

Q. How many men went away without voting?—A. Three hundred or upwards; all colored men. I don't know their politics.

Q. Is it not a fact that these men were prevented from voting because the Democrats got there first, and the time expired before these men could vote?—A. When these men commenced voting a great part of both parties were there, and the whites voted first, and they did not give back until about two o'clock in the afternoon; the whites voted until that time as near as I come to it.

Q. Did any Republicans vote before two o'clock?—A. Yes; they was some.

Redirect:

Q. State, if you know, for what purpose the captain came.—A. When he came there he removed the whites from the door; that's what they ld me.

(Objected to by Mr. Bellinger, counsel for contestant, on the following grounds, that its hearsay evidence.)

The words "who first" interlined before signing. The word "did" erased before signing. The word "they" written in lieu of "we" before signing.

A. C. CAVE.

Sworn to before me this 27th day of March, 1877.

[SEAL.]

N. R. WILLIAMS,

Notary Public, South Carolina.

STATE OF SOUTH CAROLINA,

County of Barnwell:

Contested election for seat in Forty-fifth Congress.

G. D. TILLMAN, CONTESTANT, }

vs.

ROBERT SMALLS, CONTESTEE. }

Personally appeared before me THOMAS H. MOSES, who, being sworn, deposes and says:

By Mr. Whipper, counsel for contestee:

Question. State your name, age, residence, and occupation.—Answer. Thomas H. Moses; twenty-five years; Barnwell County; school-teaching and mechanic.

Q. Where were you on the 7th of November, the day of the last general election?—A. Allendale.

Q. In what, if any, official capacity were you there?—A. Supervisor of election.

Q. You will please make a general statement of what occurred there

that day.—A. From some cause unknown to myself the polls did not open until eight o'clock. I arrived there at six o'clock in the morning. The members were not present. Mr. Cave and McKnight were not present. They commenced polling the votes as soon Cave and McKnight got there. There was no way around the door; it was completely crowded with Democrats. No one voted but Democrats until two o'clock in the afternoon, when they did commence to vote the Republicans. Some private citizens, white and colored, insisted that the Democrats should bring in every fourth man. No one was sworn, unless he was challenged, on either side. Had a great deal of trouble with a little book called "Qualified Negro Voters." I never saw the book before I reached the polls; did not know any one had been taking census. Mr. Mixon insisted that I should take the book and find the township of every negro voter—Mr. Mixon was the Democratic supervisor—the name and township of every negro voter. I did take the book, as I thought it would save us a great deal of trouble; but, upon examining it, there were several names of persons whom I knew were not there. Mine was not there. Several were challenged whose names were not down. They were sworn and allowed to vote, with two or three exceptions. After they were sworn they were not allowed to vote on the grounds that they were minors, and their fathers were receiving their wages.

After their votes was finally objected to Mr. Mixon and myself decided they should go and bring sufficient witness. They went and returned with witnesses. A young man came to the poll with an open vote in his hand, Republican vote, and a Democratic citizen said he had gone back on his word, and he would want to live next year; he said he wouldn't vote at all; as he had been sworn I insisted he should vote. A citizen standing by handed him a Democratic ticket and he voted.

At four o'clock in the afternoon we had voted two hundred Republican votes. The way to the polls was completely crowded by persons, a few of whom had voted. Told Mr. Mixon of this, and he laughed and said nothing; went out and looked for the marshal and did not find him, and I did not see him from 12 m. until at night after the polls were closed. Found him in a lawyer's room crying in Devant's office. The polls closed at six o'clock, precisely. There was some two hundred and fifty who had not voted, Republicans. The reason why they hadn't was because some persons who had voted had gone around and got in the doorway, and prevented them from coming through as fast as they might have. Did not see any one making preparations for them to vote. The crowd was so thick that a man trying to get in would leave his coat-tail out almost.

Q. Do you mean, then, this crowd prevented the two hundred and fifty from voting?—A. Yes, pretty much so.

Q. State, if you know, whether the military was called and by whom.—A. Don't know, sir.

Q. State, if you know, what were the politics of these men who gathered around and obstructed the door.—A. Democrats.

Q. Had the door not been obstructed could all these men have voted?—A. A great part that did not vote could have voted.

Q. How many men were they there with these books known as the list of "qualified negro voters"?—A. I saw several. Don't know the exact number.

Q. State whether these men did not materially hinder and impede the progress of voting that day?—A. They did, sir; as they did not have all the names of qualified voters.

Q. About what was the average number of white Democrats around

the poll that day?—A. About fifteen or twenty in the room where the voting was going on.

Q. About how many white Democrats were outside?—A. About two hundred and fifty.

Cross-examined by Mr. Bellinger, counsel for contestant :

Q. What was the number of Republicans outside?—A. About two hundred and seventy-five or three hundred.

Q. When the parties objected to returned with witnesses, did they prove satisfactorily that they were of age?—A. Their fathers said they were of age, or rather his father, one only returned ; he was sworn and voted.

Q. When you found the polls crowded why did you not apply to the military authorities to remove the crowd?—A. It was not in my power to do so—I could not find the marshal—except through the marshal and I could not find him.

Q. Did you see any person present commit any overt act tending to prevent any party from voting?—A. Only by standing there and keeping up a conversation and hallooing.

Q. You say the progress of the voting was impeded by these men, as they did not have down the names of all the qualified voters; what do you mean by this?—A. By the time they took to find these names we could have voted two or three men. They never did find them; and objections were then raised, and this necessarily impeded the progress of the work.

Q. You say there was fifteen or twenty in the room; why didn't you have them put out if they impeded the election?—A. It was not in my power. Why, the marshal could not be found.

Q. Were there any Republicans in the room?—A. Managers two, and supervisors one.

Q. What was the size of the room?—A. Thirteen or fourteen feet by ten feet, or a little larger.

Redirect :

Q. You have stated that there was about two hundred and fifty Democrats and two hundred and seventy-five Republicans outside; were the Republicans doing anything to prevent anybody from coming in to vote?—A. No; they were trying to get in themselves.

By Mr. Bellinger, counsel for contestant, by consent :

Q. Could the Republicans got in if they wanted to?—A. No, sir; they had considerable trouble to get in.

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

The word "tail" inserted before signing.

THOMAS H. MOSES.

Sworn to before me this 27th day of March, 1877.

[SEAL.]

N. R. WILLIAMS,

*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,  
*County of Barnwell :*

Contested election for seat in Forty-fifth Congress.

G. D. TILLMAN, CONTESTANT, }  
vs. }  
ROBERT SMALLS, CONTESTEE. }

Personally appeared B. G. HUGHES, who, being sworn, deposes and says :

By Mr. Whipper, counsel for contestee :

Question. State your name, age, residence, and occupation.—Answer. Benjamin G. Hughes ; 38 years ; Allendale ; constable.

Q. Where were you on the 7th of November, the day of the last general election ?—A. Allendale.

Q. In what official capacity, if any, were you there ?—A. United States deputy marshal.

Q. Were you appointed specially for that election ?—A. I was.

Q. From what hour until what hour were you on duty there ?—A. From five o'clock in the morning of the day of election until six or seven the next morning.

Q. State what, if any, difficulty you had there in discharging your duty ?—A. About six o'clock on the morning of the election I went to the polls. There was about one hundred and fifty or two hundred whites present ; five or six colored persons were there. The whites were going on with a great excitement. My attention was called by Doctor O'Gilvie. He said to me, "I want you to act for the whites as well as the colored." I answered him by saying that I was neither there to act for the whites or blacks, but would do my duty as an officer, which I would do. About eight or nine o'clock Mr. Cave and Mr. McKnight arrived with the boxes. The whites had made a box by that time. They said to me, "Hughes, can't we go to voting ?" I encouraged them to wait until Mr. Cave and McKnight come. I asked Cave and McKnight why was they so long. They said, "They couldn't be there by the reason was the way to Allendale from where they stopped was stopped by the whites."

We then proceeded to ballot. I was inside the room. I then came out, and the crowd of whites was still about two hundred around the door. A great many had their pistols in their hands, declaring that no Republican would vote there that day. I called Dr. O'Gilvie's attention to that. He said, "Hughes, I mean to do right. The white men are done voting." Then it was near eleven o'clock. He told me to "Go and get your men and bring them to the polls." In numbers my men was five or six hundred. I called them to me by waving a paper in my hand. They was about fifty yards off. They then come to within 20 feet of the polls, where I met them. At that time O'Gilvie came to me and said, "Hughes, stop your men there until I can go in and move the white voters." He insisted that I should go along with him. When he spoke to them he said, "Men, you are about done voting. It is about eleven or twelve o'clock. Let the colored people come in and vote." The answers were returned by voices in the crowd, "You go to hell. We will do no such damn thing."

I then called the attention of Captain McLaughlin to it. McLaughlin said to me, "You go and see some prominent white man among the voters," which I did. I went to Dr. O'Gilvie and Jones Williams. Mr. Williams said he knew it was very wrong. Mr. O'Gilvie went with me back to Captain McLaughlin. He was requested by Captain McLaughlin to go back and move his men. The doctor went, and no respect was shown him at that time. The excitement began to be greater. I then started out of the crowd. I saw Dr. O'Gilvie across the railroad toward McLaughlin's office, at the hotel. I was accompanied from the polls to the railroad by twenty-five or thirty whites, whooping and hollering. I then looked back among them. It seems to me as if five or ten pistols were pointed toward me. I said to them, "Gentlemen, I am doing only my duty." They answered back to me by some "ageable"

white gentlemen, "They shan't hurt you. I will carry them back," which they did at that time.

I then went on to McLaughlin's office, and there I found Dr. O'Gilvie in conversation with Mr. McLaughlin. He quit his conversation with Dr. O'Gilvie, and came to me and asked me what I wanted. I told him there was five or six hundred colored men out there that wanted to vote, and said they were "gagged" off by the whites. He said to O'Gilvie and me that "You go back and try to get them to move away if they are done voting. I hate to take my men there, for they might think I was trying to control the election." McLaughlin, Dr. O'Gilvie, and myself went back to the polls. The whites then quit the door. McLaughlin said he thought it was all right; go ahead again. They drew their pistols as soon as McLaughlin left. The blacks backed out again, and the whites obstructed the door. I then went for Captain McLaughlin again, and told him to make the men get out the way who had voted, and demanded him to do it in the name of the United States, which he failed to do. About this time the colored people were leaving to go home. To the best of my judgment, some two or three hundred left and went home; said they had not voted.

When the polls were closed I was chased by seventy-five or a hundred white men. I goes into McLaughlin's office, and the captain says, "You stay here, and you can sleep with my boy that waits on me." Being in there about an hour, O'Gilvie came in, accompanied with Laurence Youmans, and asked McLaughlin to let me go back to the rooms where they was going to count the votes, saying he was going to protect me if I staid; he said I might go to where they were counting the votes, but he would not say go. I was then attacked by Lawyer O'Bryant, that him and his crowd did not care a damu for the United States, or any of the marshals. Mr. Youmans stood between me and him, and said if he want to fight to fight him, and he would take care of me. The door was locked, and the key was handed to me. We staid in and kept the rowdies outside.

Q. Was it necessary, to count the votes, to stay there all night?—A. Yes.

BENJ. G. HUGHES.

Sworn to before me this 28th day of March, 1877.

[SEAL.]

N. R. WILLIAMS,  
Notary Public, South Carolina.

No. 8.

THE STATE OF SOUTH CAROLINA,  
*County of Colleton :*

To G. D. TILLMAN, Esq.:

You are hereby notified that I will examine the following witnesses, J. B. Green, James White, Titus Burns, J. K. Terry, James Campbell, Wm. Moultrie, Prince Smalls, and Richard Campbell, all of whom reside in Colleton County, relative and touching the many things set forth in my answer to the charges made by you in your notice to me that you would contest my right to a seat in the Congress of the United States, to which I was elected at the election of November, 1876, for the fifth Congressional district of the State of South Carolina, before W. F. Myers, notary public for the State of South Carolina, at the store of Smith Leach, near White Hall Station, on the 29th, 30th, and 31st days of March, and on the 1st, 2d, 3d, 4th, 5th, 6th, 7th, and 8th days of April, A. D. 1877,

commencing at 8 o'clock a. m. of said days, and continuing until adjournment on said days, or so much or so many thereof as may be necessary for the examination of said witnesses; said witnesses to be examined in addition to those of whom notice has been given.

ROBT. SMALLS,  
Per THOS. H. WHEELER.

WALTERBOROUGH, S. C., *March 28, 1877.*

I accept service of the within notice this day.

C. C. TRACY, *of Counsel.*

THE STATE OF SOUTH CAROLINA,

*County of Beaufort:*

To G. D. TILLMAN, Esq.:

You are hereby notified that I will examine the following-named witnesses: Jack Snipe, Wm. Higgins, W. A. Paul, T. D. Richardson, A. C. Shaffer, A. P. Holmes, T. L. Martin, Cyrus Singleton, A. P. Campbell, Daniel Sanders, Robert Glover, S. Q. A. Galliard, W. B. Scott, H. Simmons, Robert Talbert, P. A. Ferguson, Joseph Samms, Tobey Grant, C. B. Brock, all of whom reside in Colleton County, relative to and touching the many things set forth in my answer to the charges made by you in your notice to me that you would contest my right to a seat in the Congress of the United States to which I was elected at the November election, in 1876, for the fifth Congressional district of the State of South Carolina, before Wm. F. Myers, notary public for South Carolina, at the store of Smith Leach, near White Hall Station, on the 29th, 30th, 31st days of March, and on the 1st, 2d, 3d, 4th, 5th, 6th, 7th, and 8th days of April, 1877, commencing at 8 a. m. of said days, and continuing until adjournment of said days, or of so many or so much thereof as may be necessary for the examination of said witnesses.

ROBT. SMALLS,  
Per THOS. H. WHEELER.

WALTERBOROUGH, S. C., *March 26, 1877.*

We accept service of the within notice this day at 12 m.

C. C. TRACY,  
*Of Counsel.*  
J. J. FOX.

THE STATE OF SOUTH CAROLINA,

*County of Colleton:*

To G. D. TILLMAN, Esq.:

You are hereby notified that I will examine the following witnesses: A. Rivers, J. W. G. Grant, Logan Williams, ——— White, C. C. Robinson, Toby Grant, Joseph Brown, Daniel Hill, and Smith Leach, all of whom reside in Colleton County, relative to and touching the many things set forth in my answer to the charges made by you in your notice to me that you would contest my right to a seat in the Congress of the United States, to which I was elected at the election of November, 1876, for the fifth Congressional district of the State of South Carolina, before William F. Myers, notary public for the State of South Carolina, at the store of Smith Leach, near White Hall Station, on the 29th, 30th, and 31st days of March, and on the 1st, 2d, 3d, 4th, 5th, 6th, 7th, and 8th days of April, 1877, commencing at 8 o'clock a. m. of said days, and continuing until adjournment on said days, or of so much or so many thereof as may be necessary for the examination of said witnesses.

ROBT. SMALLS,  
Per THOS. H. WHEELER.

WALTERBOROUGH, S. C., *March 28, 1877.*

We accept service of the within notice this day at seven and a half o'clock.

C. C. TRACY,  
*Of Counsel.*

G. D. TILLMAN, CONTESTANT, }  
*vs.*  
ROBERT SMALLS, CONTESTEE. }

STATE OF SOUTH CAROLINA,  
*Colleton County:*

To A. Rivers J. W. G. Grant, Logan Williams, James White, C. C. Robinson, Toby Grant, Joseph Brown, Daniel Hill, and Smith Leach:

By virtue of this writ of subpœna, to you directed and herewith shown unto you, you are personally required to be and appear before me at White Hall, (Smith Leach's store,) in Colleton County, on the 29th, 30th, and 31st days of March, and the 1st, 2d, 3d, 4th, 5th, 6th, 7th, and 8th days of April, A. D. 1877, to testify in behalf of the contestee, at 8 o'clock a. m., and from day to day until discharged.

Hereof fail not on pain of the penalties of the law.

Dated at Walterborough, the 26th day of March, A. D. 1877.

W. F. MYERS,  
*Notary Public, South Carolina.*

G. D. TILLMAN, CONTESTANT, }  
*vs.*  
ROBERT SMALLS, CONTESTEE. }

STATE OF SOUTH CAROLINA,  
*Colleton County:*

To Jack Snipe, William Higgins, W. A. Paul, T. D. Richardson, A. C. Shaffer, A. P. Holmes, T. L. Martin, Cyrus Singleton, A. P. Campbell, Daniel Sanders, Robert Glover, S. Q. A. Gilliard, W. B. Scott, H. Simons, Robert Talbert, P. A. Ferguson, Joseph Sams, Toby Grant, C. B. Brock:

By virtue of this writ of subpœna, to you directed and herewith shown unto you, you are personally required to be and appear before me at White Hall, (Smith Leach's store,) in Colleton County, on the 29th, 30th, and 31st days of March, and the 1st, 2d, 3d, 4th, 5th, 6th, 7th, and 8th days of April, 1877, to testify in behalf of the contestee, at 8 o'clock a. m., and from day to day until discharged.

Hereof fail not on pain of the penalties of the law.

Dated at Walterborough, the 26th day of March, A. D. 1877.

W. F. MYERS,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,  
*Colleton County:*

Now, on the 29th day of March, A. D. 1877, comes William F. Myers, notary public for the State of South Carolina, pursuant to a notice of Robert Smalls, contestee, served upon G. D. Tillman, contestant, the said William F. Myers, 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 G. D. Tillman against Robert Smalls in the matter of contest for a seat in the House of Representatives, Forty-fifth Congress, from the fifth Congressional district of the State of South Carolina. Depositions taken at the store of Smith Leach, near White Hall Station, Savannah and Charleston Rail-



road, Colleton County, the day and year above written, in the above-stated case, as follows: Parties present, C. C. Tracy, counsel for contestant, and T. H. Wheeler, 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 C. C. Tracy, esq., counsel for contestant, and also J. J. Fox, of counsel, at Walterborough, on the 26th day of March instant.

And now comes C. C. Tracy, counsel for contestant, who attends the examination of witnesses on behalf of contestee, and cross-examines the same, before William M. Myers, esq., as ministerial officer, under protest, objecting to the action of the said William F. Myers as such ministerial officer, he having been of counsel for contestee in the case of G. D. Tillman against Robert Smalls, contested election for a seat in the Forty-fifth Congress of the United States for the fifth Congressional district of South Carolina, as by reference to the testimony taken before B. Stokes, esq., judge of probate for Colleton County, on behalf of contestant, will more fully appear.

W. A. PAUL, a witness in behalf of contestee in the matter of contest for a seat in the Forty-fifth 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 what position do you hold?—Answer. I live at Walterborough, Colleton County. I hold the position of county auditor.

Q. Did you or not take an active part in the canvass at the last election?—A. I did.

Q. Where were you at on the day of election?—A. At the Blue House poll.

Q. Were there many there?—A. There were.

Q. State whether or not the voters assembled there were orderly or disorderly; and state whether there was any intimidation of colored or white Democratic voters at that poll?—A. They were orderly; as to intimidation, there was none to the best of my knowledge, as I know of.

Q. How long did you remain there?—A. From 5 a. m. to 12 that night.

Q. Did you or not see any colored men vote the Democratic ticket?—A. Yes; I did.

Q. Were they molested or threatened by any one?—A. Not to my knowledge.

Q. If they had been at the poll would you or not have seen or heard it?—A. Yes; I ought to have seen it. I spoke to several Democrats, and they told me that they were desirous of voting the Democratic ticket, and they thought that they would have some trouble in doing so, and I told them that I was at the poll as deputy United States marshal for the purpose of arresting any party or parties I found interfering with the voters of either party, Democrats or Republicans.

Q. Was there or not any disposition, as far as you could see, on the part of the Republicans at that poll to intimidate or molest in any way colored or white Democratic voters?—A. They were none, as I could see.

Q. Did any of the crowd there assembled bear arms, and, if so, how many?—A. There were none, to my knowledge.

Q. Were there any persons there with sticks; and, if so, what kind of sticks were they?—A. I did not see any with sticks.

Q. Do you know Isaac Fields?—A. I do not.

Q. Were there any women there, and if so how many?—A. There were about a half-dozen women who came up to the polls between eleven and twelve o'clock.

Q. Did they or not do anything?—A. They did not.

Q. Did you remain there the entire day?—A. I did.

Q. Was there any disturbance of any character during the day at that poll?—A. There were none.

Q. At what time did the soldiers come, and how far from the polls were they quartered?—A. The soldiers arrived at the poll between eleven and twelve o'clock, and they camped about two or three hundred yards from the poll.

Q. Did they in any way interfere with or influence the voters at that precinct?—A. They did not. I requested the lieutenant in charge to come up to the poll and assist me in making a clearance at the window of the room that was occupied by the managers of election. My object for doing so was that there was such a large crowd on the piazza that it was impossible for one to deposit his vote.

Q. Did you succeed in clearing the window, and did all who desired to vote have an opportunity to vote?—A. Yes, I did; and every one that were present voted their ticket.

Q. Was the cause of the large crowd at the window the desire of many persons eager to vote at that time, or was it to prevent Democrats from voting?

(Objected to as leading.)

A. They were very anxious to deposit their votes and not to prevent Democrats from voting.

Q. Are you acquainted with the politics of the people of this county?—

A. I am.

Q. Did or did not the Democratic party poll their full strength at this precinct—the Blue House precinct, I mean?—A. They did, to the best of my knowledge.

Q. Do you not know many men who never intended to vote the Democratic ticket who promised the Democrats to vote with them for the sake of obtaining work or favors?—A. I do not know of any one, but I have heard of a great many.

Q. Was there or not any advice given to voters before the election by Republican leaders intending to create a strike among the laborers or to continue the same, or to molest, intimidate, or in any way interfere with Democratic voters of the county?—A. None that I know of.

Q. Were you present at any of the meetings at which General Smalls spoke; and, if so, where were they?—A. I was present at a meeting in Walterborough when he spoke.

Q. Did he or not there advocate peace, and advise the colored Republicans to maintain order on the day of election?—A. He did.

Q. Was or was not that the advice given to colored Republicans during the whole campaign by the Republican leaders?—A. All that I know of.

Q. Do you or not know of any intimidation practiced by colored Republicans directed against colored Democrats?—A. I do not.

Q. Was the last campaign a peaceful or a disorderly one?—A. I thought a peaceful one; I mean in Colleton County.

Q. Was or was not the feeling exhibited in this county confined mostly to the struggle between the two factions of the Republican party known as the Terry and the Driffler factions?—A. Yes; undoubtedly so.

Q. Did not many colored men vote the Republican ticket with Daniel

H. Chamberlain scratched, and was not that the advice of the leading Democrats in this county?

(Objected to as leading, indicating the answer sought.)

A. They did, and it was the advice of the white Democrats.

Q. Was or was not in this county a strong feeling expressed against what is known as the Edgefield policy, and against men from Edgefield, by leading Democrats?—A. Yes.

Q. From your knowledge of the politics of this county, did or did not the Democratic party poll their full strength at the last election?—A. I think they did.

Q. Do you or not know the cause or causes of the strikes in this county? And, if so, state it or them.—A. I do. The cause is that the planters did reduce the wages of the laborers in this portion of the county, and they struck for higher wages.

Q. Do you or not know anything of what is called the check-system, and was or was it not the cause of great complaint among the laborers, and was or was it not one of the causes of the strike?—A. I do, and I saw several checks that was payable in 1878, which caused a great deal of dissatisfaction among the laborers in the Combahee strike. I believe it was one of the causes of the strike.

Q. Did any voters leave the Blue House poll without voting on account of any threats, violence, or intimidation of any character, or were prevented from reaching the window on account of the crowd you spoke of?—A. I did not see nor did I hear of any.

Q. Was there not or was there any intimidation that you know of practiced by Republicans against Democrats before the election?—A. I know of none.

Cross-examined by C. C. Tracy for contestant:

Q. In what part of the county do you live?—A. In Walterborough, the county-seat.

Q. Have you much acquaintance with the Blue House or Combahee precinct, at which you were on the day of election?—A. I cannot say to a great extent that I have.

Q. You said that the crowd at that precinct on the day of the election was a large and orderly one. Will you please state on which side the numbers preponderated?—A. Of course, the Republicans.

Q. Of what did that crowd chiefly consist; that is, of what class of people as to intelligence?—A. Well, it is hard for me to say; about as intelligent as the people generally be in this section of the county.

Q. What is the character of the people of this section as to intelligence?—A. Very good for an uneducated people.

Q. They are then uneducated and ignorant?—A. I will say that they are uneducated, but cannot say that they all are ignorant.

Q. Why cannot you speak as well to the one as to the other?—A. Because I find that we meet with men every day of our lives that are men with sound judgments; therefore I cannot say a man is entirely ignorant that is deprived of an education.

Q. Is it not the general habit of uneducated crowds to be disorderly, and more especially the habit of what is known as the Combahee crowd?—A. Not generally. I have never heard of them being rough, only among their own party.

Q. What is the general feeling in the Republican ranks toward the Democrats?—A. In my opinion the feeling is very good, and I think better than that of the Democrats toward Republicans.

Q. What is the feeling among the Combahee crowd as to Democrats?—A. I am unable to answer.

Q. Why?—A. Because I have heard of the whites treating the blacks roughly, and I have not heard of the blacks intruding upon the feeling of the white people; not knowing that that is so, I am unable to say whether they are on good terms with the white people.

Q. You have never heard, then, of a large party of blacks surrounding a small body of whites, cursing them, and refusing to allow them to leave the store in which they were surrounded?—A. Yes, I heard of it.

Q. How did it happen, then, that you never heard of the blacks intruding upon the white people?—A. I do not call that intruding, because they were simply defending themselves from a band of armed white men that went down there for the purpose of arresting as many, perhaps, as they could get hold of, for no other cause than that of striking for higher wages.

Q. Is that your idea of defending themselves, by resisting arrest on a warrant regularly issued, and by imprisoning, threatening, and cursing a posse?—A. Was the warrant regularly issued? And for whom was it issued; was it for a particular man, or for the strikers in general, on the Combahee?

Q. How is Blue House poll situated?—A. It is situated on the old Charleston and Savannah Road, about three miles from White Hall Station. The house faces the north, being bounded on the east by a road leading from the Charleston and Savannah State road to White Hall Station; south, by an old field; and west by the same field, setting on the left-hand side of the Savannah and Charleston old State road.

Q. Now, where were the soldiers camped?—A. They camped about two or three hundred yards from the Blue House poll, on the old State road going toward Jacksonborough.

Q. They then passed by the poll in going from Walterborough?—A. They did.

Q. Why did you call on the officer commanding?—A. Because when he arrived he sent for me and said that he was there for the purpose of keeping the peace if his services were needed, and if I stood in need of him during the day I must call upon him and he would assist me in any disturbance that might have taken place at the poll.

Q. You called on him, did you not?—A. I did.

Q. If the crowd was as orderly as you represent it to be, why could you not open a passage for the voters to get to the window without the assistance of the military?—A. Because the crowd was large, and when I would get one portion of them off the piazza, before I could get to the other end to keep them off they would rush into the piazza again, and after I found that I could not get them off with the assistance of my assistant deputy United States marshal, I thought it best to call upon the officer in charge, who came up at once and advised the voters to fall back and allow five at a time to go up to the window so that they would have sufficient room to be sworn and deposit their votes; he did nothing more; simply came up and advised them to fall back and give those who were in the front a chance to vote without crowding them.

Q. Did this crowd in the piazza consist mostly of Republicans or Democrats?—A. Cannot say as to whether in that particular crowd they were more Democrats than Republicans or more Republicans than they were Democrats.

Q. What was the ratio of Republicans to Democrats—that is, what was their relative strength?—A. They were seven hundred and some

odd votes cast for the Republicans, and two hundred and some odd cast for the Democratic party.

Q. What do you estimate the crowd in the piazza at?—A. Between seventy-five and one hundred.

Q. What do you estimate the number of white men on the ground at?—A. Not over a hundred at a time.

Q. Were the larger portion of the Democrats white or black?—A. I cannot say as to the number.

Q. What do you estimate the total number of white men who voted on that day at that poll?—A. I cannot say.

Q. Did you ever go and look at the poll-list?—A. I did not.

Q. Did you see the votes counted?—A. I did.

Q. What position were you in when the votes were counted?—A. I was in the room where the votes were being counted.

Q. Near them or far from them?—A. I was near them.

Q. How are the poll-lists usually kept; are they not so kept under the headings of white and colored?—A. Cannot say, as I have never looked over the poll-list to see its form.

Q. Weren't you a pretty active politician and canvasser in the last campaign?—A. Yes; I spoke in the interest of the Republican party wherever I went.

Q. Don't you understand the *modus operandi* of elections?—A. I cannot say I understand it well, as I have had very little to do with it.

Q. You never considered it worth your while to study it during your career as a politician and canvasser?—A. Yes; I considered it worth studying, and expect to acquaint myself with politics more than I have in the past, at a future day.

Q. Do not most of the Combahee men among whom the strikes prevailed vote at Blue House precinct?—A. Yes; I think so.

Q. Which faction got the largest vote at Blue House precinct; I mean which faction of the Republican party, the Terry or Drifflie faction?—A. The Terry faction got the largest number of votes at the Blue House poll.

Q. Do you remember their relative strength?—A. As near as I can recollect, the Terry faction got six hundred and some odd votes and the Drifflie faction got seventy two or three votes.

Q. Which faction did you belong to?—A. To the Drifflie faction.

Q. Were you in the secrets of the other faction?—A. I was not.

Q. You asserted just now that the strikes were caused by an attempt of the planters to reduce wages; did they have no political significance?—A. I am unable to answer.

Q. You heard Robert Smalls make a speech in Walterborough counseling peace and advocating good-fellowship between the parties; were they any white men or Democrats to overhear him?—A. Yes; they were Democrats on the ground.

Q. You never heard him make a speech entirely to Republicans with no Democrats near?—A. No; I have never.

Q. You say that you know of or have heard of no intimidation or violence or threats used or practiced to colored Democrats by Republicans. Did you never hear of Tony Koger having been whipped by a band of men under pretense of a strike?—A. I have heard of Tony Koger being whipped in a strike, but do not know the cause of his being whipped.

Q. Tony Koger is a Democrat, is he not?—A. I do not know.

Q. What do you estimate, claiming as you do that you know very well the politics of the county, the total number of colored Democrats at?—A. I cannot say as to the exact number.

Q. Who are the two most prominent leaders of the Terry faction ?—  
A. They seem to be several; it is hard for me to say which are the most prominent.

Q. What are the three names by which the faction goes ?—A. I have heard the name of Terry, Shaffer, and Holmes.

Q. What prominent Democrats stigmatized Edgefield men, and at what place and time did they do so ?—A. I have heard several Democrats condemning the action of the Edgefield rioters.

Q. That is what the Republicans pretend to call the Edgefield policy and not men; I wish to know concerning the men.—A. I do not know about the men.

WM. A. PAUL.

Sworn to and subscribed before me this 29th day of March. A. D. 1877.  
[L. S.]

W. F. MYERS,

*Notary Public for South Carolina.*

C. B. BROCK, a witness in behalf of contestee in the matter of contest for a seat in the Forty-fifth 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. Walterborough, S. C.

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

Q. Were you in any way active during the last canvass ?—A. Yes, sir.

Q. Was there or was there not in this county a peaceful election ?—  
A. To the best of my knowledge, there was.

Q. Are you acquainted with the politics of this county ?—A. Yes, sir.

Q. From your knowledge, did the Democratic party receive their full vote, especially in the lower country; I mean the lower portion of this, Colleton County ?—A. No, sir.

Q. Did they ever receive a larger vote ?—A. No, sir.

Q. I asked a moment ago if the Democrats received their full vote; did you understand me to mean that they had received all the votes or did you mean that they had polled or should have polled a larger vote ?—A. I mean they should have polled a larger vote.

Q. Why should they have polled a larger vote ?—A. They should have done it to get the majority of the votes in this county.

Q. I see that you do not understand me. What I want to know is whether any Democrats were prevented from voting by Republicans ?

(Objected to as indicating the answer sought.)

A. Not to my knowledge they wan't.

Q. Did the Democratic party have more votes at this election than they did at the last ?

(Objected to as leading.)

A. I believe they did.

Q. Was there or was there not any intimidation or threats by Republicans against Democrats ?—A. Not to my knowledge.

Q. Did or did not the Democrats obtain all the votes they could possibly get at the last election ?—A. They did.

Q. Did or did not many who never intended to vote the Democratic ticket promise to vote with the Democrats for the purpose of obtaining employment or favors ?—A. Yes, sir.

Q. Did not prominent Democrats advise the colored people to vote

the Republican ticket with the exception of Chamberlain, and did not many vote that way?

(Objected to as leading.)

A. Yes, sir; they did, in my presence.

Q. Did not most of the colored men who were called Democrats vote that way?

(Objected to as leading.)

A. Yes, sir.

Q. Do you know anything concerning the strikes in the lower section of the county? and, if so, state the cause or causes of the same.—A. I do; the causes of the strike was a reduction of wages.

Q. Did the prominent Republican leaders and the Republican officials of the county attempt to suppress it and prevent violence?—A. Yes, sir; I can name them if necessary.

Q. Please name them.—A. First, L. Shuman, W. F. Myers, T. D. Richardson, Robert Smalls, addressed them, and advised them against it.

Q. Did or did not Mr. Shaffer also, as deputy sheriff, assist in its suppression?—A. He did, by warrants issued by me.

Q. Did he execute your warrants?—A. He did not.

Q. Did you know why?—A. Because the resistance was too great at that time. He did on one occasion execute one, and the party was brought to justice. The case was disposed of according to law.

Q. Did you ever hear Captain Shaffer advising the strikers to cease committing acts of violence, and using his influence to suppress the riots?

(Objected to as leading.)

A. I have.

Q. At what place or places?—A. I have heard him advising them at Walterborough.

Q. Did the strikers have anything to do with politics; was it only a question of low wages and checks?—A. It was a question of low wages and checks, to the best of my belief.

Q. Did the Republican leaders, throughout the canvass, advocate peace?

(Objected to as leading.)

A. They did, for I was present on several occasions when they were addressed in that respect by the Republican leaders.

Q. Was there any colored Democrats that you know of prevented from going to the polls or threatened on account of their opinion?—A. Not to my knowledge. They could not be rejected by the Republicans, because they were too well guarded by the white Democrats.

Cross-examined by C. C. Tracy, counsel for contestant:

Q. You say that the Democrats got a larger vote at the last election than ever before. Are you a native of this county?—A. I am; but I was not born in the county, neither the State.

Q. How long have you been in this county?—A. About ten years.

Q. What part of the county have you mostly lived in?—A. At the county-seat, Walterborough.

Q. Have you ever lived in the lower section, in the rice-planting portion; and, if so, how long?—A. I have never lived in the rice-planting section.

Q. Are you well acquainted with that section?—A. Not as a whole, but a certain portion of it.

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Q. Which portion?—A. Round and about White Hall section and Ashepoo.

Q. In what way have you acquired your knowledge of that section?—A. By working and canvassing during the campaign.

Q. You said that the Democrats had polled their full vote in the lower section of the county. If you are only acquainted with a certain part of that section, how do you come to make such a broad statement as to the whole?—A. First, I believe they have obtained all the votes they could possibly get. The majority of that portion of the county are Republicans.

Q. It is only a matter of belief, then, and you know no facts on which to predicate your belief?—A. Not particularly.

Q. You said that you heard Mr. Shaffer advise the rioters to desist. Did you ever hear him when on Combahee advise them to do so?—A. I did not at Combahee, but I have heard him advise numbers of them at Walterborough.

Q. In whose presence?—A. In my presence, Merrick Sykes, and numbers of others.

Q. Were any white men ever present?—A. Not to my knowledge, at that time. What drew my attention to his advice, he was present in my office the time I was trying one of the rioters.

Q. You belong to the Driffle faction, do you not?—A. Yes, sir.

Q. Captain Shaffer belongs to the Terry faction, does he not?—A. Yes, sir.

Q. Were not the two factions very much opposed to each other?—A. They were politically.

Q. Did you know the secrets of the other faction?—A. I did not know all, but I knew a great deal. I was not extreme against that faction politically.

Q. Were you not a commissioner of election in last November?—A. I was.

Q. Did you not then hold the office of trial justice under an appointment of D. H. Chamberlain, then governor, and a candidate for re-election on the Republican ticket?

(Objected to as irrelevant and having not the slightest reference to anything brought out on the direct examination.)

A. I did.

Q. Did you receive all the returns, poll-lists, and ballot-boxes, or did they come into your possession as such commissioner? I mean the poll-lists, ballot-boxes, and returns from all the precincts in this county at which the boxes were opened.

(Objected to as irrelevant and not having the slightest reference to any matter or any inference from any matter brought out in the direct examination.)

A. They came in our possession as a body.

Q. Was Rantoul's Precinct box among them?—A. I think it was. All the boxes except Bennett's Point box, I think.

Q. Were the ballots in the Rantoul box counted and a return made up and signed by the managers of that precinct when it was first presented to you?—A. It was not.

Q. What day was it first presented to you; I mean how many days after the election was held?

(Objected to by counsel on the grounds stated in the above objection.)

A. I do not remember.

Q. It was certainly one day after, was it not?—A. I am sure of that; one or more.



Q. Were those ballots subsequently counted by the managers, by order of the county board of election commissioners, and included in the general returns of votes for the county?—A. I think they were, but am not certain.

Q. Do you remember whether they were unanimously ordered to be counted by the board, or, if any one opposed it, who was he?—A. They were ordered by the board to be counted, and I do not remember any one opposing it.

(Examined in reply, after objecting to all the questions asked by counsel for contestant, the said objections having been made at the time of asking the questions described as follows: those questions relating to the acts of the county board of election commissioners, by T. H. Wheeler.)

Q. What was the political complexion of the board of county canvassers?—A. They were two Republicans and one Democrat.

C. B. BROCK.

Sworn to and subscribed before me this 29th day of March, A. D 1877.

[L. S.]

W. F. MYERS,

*Notary Public for South Carolina.*

At 5.30 p. m. the commission adjourned to meet at 8 o'clock a. m. the 30th day of March.

Pursuant to adjournment, the commission met at 8 o'clock a. m. Present, C. C. Tracy, counsel for contestant, and T. H. Wheeler, counsel for contestee.

SMITH LEACH, a witness in behalf of contestee, in the matter of contest for a seat in the Forty-fifth Congress of the United States from the fifth Congressional district of South Carolina, testifies as follows, after being duly sworn :

Question. What is your present occupation?—Answer. Storekeeping.

Q. Is or is not your store situated in what is called the lower section of Colleton County, or what is known as the rice section?—A. Yes; it is situated near White Hall.

Q. Where were you on the day of the election, or rather at what poll did you vote?—A. I voted at Blue House poll; was there a part of the day; balance, I was at my store.

Q. Was there a crowd collected at that poll; and, if so, was it orderly or disorderly?—A. There were a large number of voters there and very orderly.

Q. Did you see or hear of any disturbance or intimidation, or threats by Republicans against Democrats?—A. I did not.

Q. Did any Democrats—colored Democrats I mean—vote at that poll? And, if so, state whether or not they were disturbed.—A. I was not a manager and could not tell, as the tickets were folded, except by their own statement, that they voted the Democratic ticket; they were not disturbed. At elections there is always an excitement by persons desiring to get off as many tickets as they can for the party they represent.

Q. Was that confined to the Republicans or was it true of both Democrats and Republicans?—A. Both Democrats and Republicans.

Q. Are you acquainted with the politics of the people of this section?—A. I am acquainted with the politics of a great part of this (Blue House) precinct.

Q. Did or did not the Democratic party receive their full vote at the last election?—A. To the best of my knowledge, they did.

Q. Did you or not see any armed men at the Blue House precinct on the day of election; and, if so, how many and who were they?—A. I saw United States troops there—a squad; I do not know how many.

Q. Were the colored people there assembled armed either with clubs, swords, or guns?—A. I saw no swords or guns; I saw some with walking-sticks.

Q. Is or is it not usual for the people to carry, on all occasions, walking-sticks?—A. It is very seldom you see a footman without one.

Q. Was the election at Blue House precinct a quiet one?—A. So far as I saw it was a very quiet one.

Q. Living in this section, do you know the cause or causes of the rice-strikes?—A. The cause of the strike was on account of the reduction of wages; the planters for the last four or five years paid 50 cents to the laborers and then reduced it to 40 cents.

Q. Did or did not the Republican leaders and officials in this county, together with General Smalls, advise and attempt to stop the violence then being committed by the strikers?—A. I can only answer for what came under my observation. Captain Shaffer, Mr. Terry, and Robert Smalls, I heard them on different occasions advise the people not to meddle with or interfere with anybody that was at work; if they choosed to work for ten cents a day let them do it.

Q. Did or did not the strikers have anything to do with politics?—A. Not when they commenced; it was on account of a reduction of wages, and checks given by the planter, and would not cash them.

Q. What was the character of those checks?—A. They were payable two years after they were issued, or sooner, at their pleasure; that is in regard to Mr. Bissell's checks; other planters cashed every Saturday night.

Q. Who is the largest rice-planter in this section?—A. Mr. Bissell.

Q. Can you tell about how many hands he employs, and how many places he controls or are in his name?—A. I could not tell the number of hands; it is a large number; last year he planted from seven to ten places.

Q. Did the presence of the United States troops stationed near the poll or the news of their coming have any influence upon the voters or cause them to vote contrary to their opinion, either the Democratic or Republican ticket?—A. I do not think it did, for the reason that it was very quiet before the troops came, and also afterward.

Q. Do you know of any intimidation practiced against colored Democrats by Republicans before or on the day of the election?—A. I know of none.

Cross-examined by C. C. Tracy, counsel for contestant:

Q. Of what place are you a native?—A. I was born in Vermont.

Q. How long have you lived in this State and county?—A. Over ten years.

Q. Have you lived all that time in this section of the county?—A. I have not.

Q. How much of that time?—A. Five years.

Q. How much of the day were you at Blue House poll during the election in last November?—A. About six hours, I think.

Q. What time did you go there and what time did you leave?—A. I got there about sunrise and I staid about two hours and a half or three hours, then came home; and about twelve or one o'clock, hearing that

United States soldiers had come there, I went up to Blue House and staid about three or three and a half hours.

Q. Then there was time while you were absent from the poll for the crowd to become disorderly?—A. They only had two or three hours to do it in without my seeing them.

Q. A dozen men could have been killed in two or three hours, could they not?—A. I have seen a hundred men killed in less than a minute and a half, but not at elections.

Q. What precincts are in the rice-field section?—A. Blue House and Ashepoo. I do not know whether you call Jacksonborough in the rice-region or not.

Q. Was there not a precinct at Stork's Causeway formerly, in which the voting-place was subsequently removed to Bennett's Point, which is also in the rice region?—A. I understand that the box at Stork's Causeway was there for only one year—that is two years ago—but was not there in November last. Where it was removed to I don't know.

Q. Still there is such a precinct in the rice-region, is it not?—A. I do not know.

Q. How far is Stork's Causeway from where you live?—A. I never was there. I should judge about ten miles.

Q. So you live in the neighborhood of such a precinct, and yet don't know anything about it?—A. Yes.

Q. Did all the men who voted at Blue House come from that part of the precinct, whose politics you are acquainted with?—A. The inhabitants, as I stated before, voted at Blue House.

Q. What men—colored men I mean—told you that they had voted the Democratic ticket at Blue House, and at what time and place did they so tell you?—A. Shell White, John Mustifer, William Singleton, Cornwell Cross, several others that I do not know their names; time I could not tell when White told me—I think it was the night of the election or the next morning; the place was at my store.

Q. Be very careful in your statement as to White and Singleton, as I expect to contradict you as to that matter.—A. Very well.

Q. What were your opportunities of understanding the strikes in the Blue House section?—A. One was that the sheriff (Terry) and Shaffer staid here with me three or four nights, and a quantity of people came for advice and information from Shaffer and Terry, also stating their trouble and giving their reasons for striking; also a great number were people that traded with me and made their complaints to me.

Q. Do Shaffer and Terry have any influence with the men in this Blue House section?—A. I consider that every man has more or less influence, and suppose they may have some influence in this section on account of one reason in particular: Captain Shaffer being county treasurer and acquainted with the people, and is well liked by the colored people, therefore must have some influence. Ike Terry being sheriff, they come to him for advice in various matters, therefore he must have some influence, in my opinion.

Q. What class of people, as to intelligence and education, comprise a greater part of the voting-population of the Blue House section?—A. I have never examined any of them.

Q. Do they generally have leaders, or does every man act and think for himself without advice or influence from any quarter?—A. I have already stated they took advice from Terry and Shaffer. I suppose every man is liable to take advice. I do myself.

Q. Do they have any recognized leaders?—A. Not that I am aware of.

Q. And yet you are acquainted with the politics of this section?—A.

I am acquainted with it so far as this: the Terry faction polled six hundred and some odd votes; the Duffle faction twenty, or thereabouts; the Democrats something over two hundred.

Q. You then know nothing of the politics of the Blue House section, except the number of votes polled, which is a matter patent to all the world?—A. I consider it, that the number of votes cast at a precinct decides the political complexion.

Q. You think, then, politics are pieces of paper with names written or printed on them, and not the sentiments, or opinions, or feelings of the voter, either expressed or suppressed by fear or any other influence?—A. I consider that a man's opinion is expressed on a piece of paper or vote.

Q. You spoke just now of the Terry faction; Terry is, therefore, the head or leader of that faction?—A. He might be.

Q. What time was it that Terry and Shaffer staid with you, when the men came to ask their advice and information from them?—A. When the striking first commenced.

Q. Was there any striking after that?—A. Yes, I am certain there was striking.

Q. You say that the strikes did not have any political significance at the commencement?—A. I do not think politics had anything to do with it, for the reason there was Democrats, Duffle men and Terry men, in the strike; that is the reason I do not think politics had anything to do with it at the commencement.

Q. The strikes had no political significance at the commencement. The strikers asked advice and got information from Shaffer and from Terry, the man after whose name six hundred and odd, out of about seven hundred Republican voters at the Blue House precinct, were called as a faction. The strikes continued and were not ended after such advice and information from these heads or leaders. Now, what would you call that, if you did not belong to that party; would you not consider it rather curious?—A. I do not consider that Mr. Terry and Captain Shaffer were here at that time, only as officers of the law to preserve peace and order. I did not hear politics mentioned at all.

Q. What time of the year was that?—A. I think it was in June, perhaps the last of May.

Q. Was there any excitement in the country at large at that time or in the county, between the factions, or between Republicans and Democrats?—A. At that time the Democrats had not organized, and their papers, daily and weeklies, spoke in favor of Chamberlain for re-election. No excitement in regard to politics, as I am aware of.

Q. You are a supporter of Mr. Shaffer and Terry, are you not?—A. I cast my vote for them.

Q. So Mr. Shaffer and Mr. Terry, heads of a faction, were with you, their supporter politically, and among their political friends for three or four days, and yet you heard nothing said about politics?—A. They staid here three or four nights, but during the days were traveling from one plantation to the other, to quell the disturbance between the strikers and planters. At the time they came back at night they spent the time, until bed-time, in advising and counseling parties that were here to get advice, he being the sheriff, (Terry.)

Q. They might have talked politics all day without you knowing anything about it?—A. Certainly.

Redirect by T. H. Wheeler, counsel for contestee:

Q. Was, or was not, Mr. Terry a known supporter of D. H. Chamberlain for governor?—A. He was generally considered so.

Q. What was the character of the advice given by both Messrs. Terry and Shaffer to the strikers or to the persons who asked for advice?—A. They advised them, in one respect, that if any one wished to work for ten cents a day they must not meddle or interfere with those that wished to work.

SMITH LEACH.

Sworn to and subscribed before me this 30th day of March, A. D. 1877.

[L. S.]

W. F. MYERS,  
*Notary Public for South Carolina.*

THOMAS D. RICHARDSON, a witness in behalf of contestee in the matter of contest for a seat in the Forty-fifth 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. Walterborough, Colleton County.

Q. Where were you on the day of the election?—A. At the Blue House poll.

Q. How much of the day did you spend there?—A. All day and the greater part of that night.

Q. Did, or did not, there occur any riot or disturbance during the day of the election?—A. There was none there the day of election.

Q. Was there quite a crowd of voters there assembled; and, if so, was it a quiet or a disorderly one?—A. There was quite a crowd of voters there; larger than I have ever seen since reconstruction, or I may say, in my life. They were more orderly than I have ever seen since reconstruction at that poll.

Q. Did the presence of the United States troops or the news that they were coming have any influence upon the result at that poll, and did it deter any from voting according to their own opinion, either the Democratic or Republican ticket?—A. I think not.

Q. Are you acquainted with the politics of that poll and of the county generally?—A. I am.

Q. Did the Democrats receive their full vote at this poll?—A. A larger vote than they have ever received since reconstruction.

Q. Did you see any colored Democrats vote there? and, if so, state whether they were molested or threatened.—A. I did see colored Democrats vote there; they were not molested nor threatened.

Q. Did you see any women there, and, if so, were they armed with clubs, sticks, or any other weapons?—A. I did see women not very near the poll; they were not armed; I suppose they might have had something about the size of a cane, hardly to be noticed by any one; they were some old maumers there.

Q. Did they threaten, or attempt in any way to intimidate colored Democrats?—A. None at all.

Q. Did you see Isaac Fields and June Green there?—A. I did see Isaac Fields; don't know June Green.

Q. Did any one attempt to intimidate, or did any one threaten Isaac Fields while you were there?—A. None whatever; he was among the first that voted.

Q. Was there any intimidation practiced by Republicans against Democrats either before or after the election, that you know of?—A. None whatever to my knowledge.

Q. Do you know of any person having been whipped because he was

a Democrat?—A. None to my personal knowledge; I have only heard so.

Q. Did the strikers whip people because they were Democrats, or were they whipped because they would not strike with them for higher wages?—A. All that I could gather was that the whipping was on account of they not striking for higher wages; never heard that any were whipped because they were Democrats.

Q. Did not many men who never intended to vote the Democratic ticket promise the Democrats to vote with them for the sake of obtaining favors or employment?

(Objected to, as leading.)

A. I was so told by a good number who had made such a promise.

Q. Did not many colored men vote the Republican ticket with D. H. Chamberlain scratched therefrom, and were they not called Democrats?

(Objected to, as leading.)

A. They were a good many voted the Republican ticket with Chamberlain scratched, with Hampton inserted, and were called Democrats.

Q. Did not the Democratic party have leaders whose advice they took and whose example they followed?

(Objected to, as leading.)

A. They did have leaders, and did follow their advice.

Q. Was the last election in this county peaceful or otherwise?—A. At Blue House it was very peaceable, with one exception; that is, there were guns discovered in the woods about seventy-five yards from the polls, in the woods, by some of the colored voters; that got up a little excitement; said to have been Democratic guns to kill the colored voters with, or to prevent them from voting. Some said they would take the guns away from the place; others said let them alone, and they were let alone, watched, and saw, as I suppose, the committee going back and forth watching the guns; that was all the excitement that appeared there that day.

Q. What was the advice given by Republicans to the people during the canvass?—A. On several occasions at several meetings we have had the advice was to be peaceable and quiet at all meetings, and particularly on the day of election at the polls; that if men were Democrats, it was no use to be cursing and fighting them about it; if they could not advise them to vote the Republican ticket, leave them alone peaceably.

Q. Did or did not the people follow that advice?—A. I believe they did; I never heard of any disturbance because men of color were Democrats.

Q. How long did the excitement you speak of last at the Blue House poll?—Not longer than twenty or twenty-five minutes.

Q. Do you or not know the cause or causes of the rice-strikes in this county? And, if so, state it or them?—A. The cause, I believe, was that the planters fell from the price of fifty cents a half acre to forty cents; that was not paid in cash, with one or two exceptions. The planters issued checks redeemable in two years, were not good in any other store except their own; if any other merchant took them they would not be cashed; the general complaint that they could buy cheaper out of other stores than they could out of the commissary, and they could not well live at it; they contended they must have forty cents cash or fifty cents in checks, redeemable every Saturday night. These caused the strike.

Q. Did or not politics have anything to do with the strike?—A. I

think not on the Republican side of the question, but it was with some of the Democrats, that if they (the colored people) did not vote the Democratic ticket they would be turned out of employment. I heard one Democrat myself state that if they could not vote together they could not live together.

Q. Did or did not the Republicans in this county, together with General Smalls—I mean the Republican officials and what are called leaders—use their influence in attempting to prevent violence during the strike?—A. I know the Republican officials and those termed leaders, to my personal knowledge, did all they could to avoid any trouble in our county, whether by strike or otherwise. I have heard of General Smalls doing the same on Combahee with Republicans and Democrats.

Q. Was or was it not the advice of the Democratic leaders of this county to colored men to vote their own ticket (the Republican ticket I mean) with Chamberlain scratched?

(Objected to as leading.)

A. They did say just give us Hampton; it is all we want; and right at the Blue House poll the day of the election I was sought, with others, by the Democrats to swap; that they would vote for our candidates if we would use our influence with our friends to get them to vote for Hampton. We told them we could not see the point.

Q. Did or did not the Democratic leaders in this county profess to be opposed to the Edgefield policy and Edgefield men?—A. I so understood them.

Cross-examined by C. C. Tracy, counsel for contestant:

Q. Of what place are you a native?—A. Colleton County, South Carolina.

Q. Where were you born and reared?—A. I was born on the Ashepoo River, near Bowling Point place, and raised in Walterborough?

Q. Upon what grounds do you base your knowledge of the politics of this county?—A. On the grounds of taking an active part for the Republican party in this county from 1868 to the present time.

Q. You are, then, a politician?—A. I do not profess to be a politician, but have held political positions.

Q. Have you ever lived in the Blue House section?—A. Never lived here.

Q. How, then, do you specially know its politics?—A. From coming in this section of the country from 1868 to the present time.

Q. Were you not a bitter opponent of what is termed the Terry faction in your party?—A. Not very bitter.

Q. Were you not a participant in a general fight between the factions on the Court Hill in Walterborough some time before the election?

(Objected to as irrelevant.)

A. I did participate in a fight; it was a personal and not a political fight.

Q. Were you not an ardent supporter of the Drifflie faction and a candidate on its ticket?—A. I was.

Q. Did those factions ever admit each other into their secret caucuses or private councils?—A. Not to my knowledge.

Q. Which faction polled the largest vote at Blue House?—A. The Terry faction.

Q. How large was the vote polled by them?—A. I do not remember the number polled by them.

Q. Were you very intimate with any of that faction on the day of

election?—A. I think I was; I took dinner with some of them, and we were very friendly.

Q. Were you very intimate with the colored Democrats at that poll on that day, or with any colored men who were likely to vote the Democratic ticket or for any of its candidates?—A. I was intimate with a wagon-load, I think, from Colonel Izard's place; we took breakfast together; we drank coffee out of one coffee-pot, as we had no cups. The only candidate (Democrat) I know was there was Dr. Bissell; he was very friendly; he handed out segars, and we smoked.

Q. You are a Driffle man, and took breakfast with the Democrats, took dinner with the Terry men; the only persons left for you to take supper with, I suppose, were the soldiers?—A. The soldiers were not there; they left before supper time; I took supper with my friend Mr. Garrett.

Q. You say that the strikes had no political significance as to the Republicans, but as to the Democrats they had. Can you tell me whether the Democrats had any able men as leaders or among their ranks in this county during the last campaign?—A. I think they did; Mr. Fishburn I consider an able man, Colonel Fox—I believe all the leading Democrats were able men, Captain Tracy himself.

Q. You think, then, that able men got up a strike or fostered it, which destroyed their crops, emptied their pockets, and only did not prevent their success in the county by their being a split in the Republican party, all for political effect?—A. I think this, that the Democrats were very interested in the last election, that they were determined to carry the election, no matter what it cost, for they have so said to me.

Q. Did you know all the colored Democrats, their characters, and dispositions, who were at the Blue House on the day of election?—A. I do not.

Q. You were not admitted to the secret caucuses of the Terry party, you did not know all the Democrats at the poll, and yet you can say that the coming of the soldiers had no effect in making any man vote against his convictions, either for the Democrats or Republicans. Can you tell me how that is?—A. I don't know how to answer that question; the soldiers got there about 11 o'clock, and there was perfect peace as could be expected at that poll for the number of persons there, and it is no uncommon thing for men in this section to see soldiers, and I don't think their appearance there would cause persons to vote against their wishes. I certainly saw no such effect. Furthermore, I have attended meetings where it is a very common thing to see mounted men or Democrats with their, I think, fourteen-shooters, and revolvers, hooping, and firing off, that did not frighten us so as not to hold our meetings; we had meetings right on. I do not think the few soldiers at Blue House could excite either Republicans, or Democrats either, to vote against their wishes.

Q. You say that it is not uncommon to see soldiers; when was the last time soldiers appeared at Blue House poll on the day of election?—A. Never before; it would not have been this time, if United States marshals did not listen to some school-boy.

Q. What sort of guns that you said was discovered near the polls on election-day?—A. Well, there were some, I think; I never put my hands on them, never raked off the bushes; double-barrel shot-guns; not being acquainted at the time with these fourteen shooters, but since I am impressed they were fourteen shooters.

Q. Did you ever know a disorderly crowd to be at Blue House on election-day or any other time?

(Objected to as irrelevant.)



A. About six years ago there was a little disorder there, not enough to hurt.

Q. Is not that poll considered always as rather a disorderly one?—A. No, sir; I cannot say so. I have been there in every election except one. Persons were anxious to vote. Being the largest poll in our county, they became impatient. Never saw any one knocked or hindered from voting except owing to the shortness of time.

Q. You have known disorder to occur there, have you not?—A. The one I spoke of, it is of no consequence. I had better explain that. Once an old leader favored a side that some females thought not right, and contended against the old man, and threatened to whip him if he voted a certain way, but never did.

Q. Were the leaders of the strike Terry men or Duffle men?—A. I do not know, sir.

Q. How do you happen to know anything of its causes?—A. Nothing more than going around the country, sometimes stop at a man's house all night, and happen to talk about these things among others, hearing the general complaint and seeing checks—the plantation checks.

Q. You could know, then, nothing of its secret causes, but have only *heard* the ostensible cause which was given out to all the world?—A. Nothing more than the secret groanings, and hunger makes them halloo out loud.

Q. Was not the last campaign an active, vigorous, and exciting one?—A. Very vigorous. I do not think very exciting in this county.

Q. Did you ever know one in this county more excited?—A. I think the campaign of 1868 was a little more exciting than this—that is, in this county.

Q. In this campaign, which was only surpassed in one election with excitement, at a poll at which disorders have occurred, with the largest crowd you have ever seen there, with three tickets in the field, the crowd was very orderly?—A. Yes. The election before this last there were three tickets in the field. There was no excitement then, and I believed that the persons that had their minds made up to vote the Democratic ticket, with the exception of a few who did not want any Republican to know how they voted.

Q. At whose request were the troops stationed at the Blue-House poll?—A. I think at the request of the Democrats; said to have been to protect the colored Democrats.

Q. Why were the colored Democrats afraid to vote the Democratic ticket?—A. I do not think the colored Democrats were at all afraid, but the whites were more scared than hurt.

T. D. RICHARDSON.

Sworn to and subscribed before me this 30th day of March, A. D. 1877.  
[SEAL.]

W. F. MYERS,  
*Notary Public for South Carolina.*

A. P. HOLMES, a witness in behalf of the contestee, in the matter of contest for a seat in the Forty-fifth Congress of the United States from the fifth congressional district of South Carolina, testifies as follows, after being duly sworn:

Question. Where do you reside?—Answer. At Clover Hill, near Green Pond.

Q. Where were you on the day of election?—A. At Ravenel's poll.

Q. How long during that day did you stay there?—A. From six in the morning until the votes were canvassed that night.

Q. Was or was not there any disturbance during that day ?—A. There was none.

Q. So far as you saw, you being there the entire day, was or was it not a peaceful election ?—A. It was a peaceful election.

Q. Did all the voters at that poll have an opportunity to vote the ticket of their choice without the fear of violence or without being threatened ?—A. They did.

Q. Did you see any colored Democrats vote at that poll ; and, if so, were they threatened or molested by any one ?—A. Yes ; I saw colored Democrats vote at that poll ; they were allowed to vote without any threats or intimidation whatever.

Q. Was there quite a number of voters collected there ; and, if so, were they orderly or disorderly ?—A. As a general thing they were orderly.

Q. Did you see any intimidation practiced by Republicans against Democrats, or do you know of any that occurred at that poll ?—A. No ; I have never seen or heard of any.

Q. Are you acquainted with the politics of this the lower section of the county known as the rice section ?—A. I am.

Q. From your knowledge of the political opinions of the people can you tell whether or not the Democratic party received their full vote at the Ravenel precinct ?—A. They did receive a full vote, in fact more than at any election prior to this one, in 1876.

Q. What is your occupation ?—A. Merchandizing at present.

Q. What was your occupation at or about the time of the strikes in this section—Blue House ?—A. n or about the time the striking commenced I was a school-teacher, subsequently I held the position of trial justice.

Q. Did you or not on any occasion at any meeting or place, either private or public, either directly or indirectly by any words or acts give encouragement or aid to the strikers ?—A. I have never in the commission of any unlawful gathering, neither private, public, nor by word or action.

Q. Did you at any private caucuses or public meeting, or private conversation, make use of the words "Go on with the strikes, boys, the Republicans will protect you, there is no law that can harm you," or of any expressions whose import and meaning would be the same ?

(Counsel for contestant objects to the question on the ground of its being leading, and objects to any witness being contradicted on any specific point that he would be so contradicted.)

A. I have never. I have at different times and places told the men that were on the strike that while they had the right to strike, they had no right to interfere or go on the premises of any person to interfere with their laborers.

Q. Was or was not that the advice given by Republicans generally ; I mean Republican officials ?—A. It was ; and I have never heard of any to the contrary until recently.

Q. Did or did not Congressman Smalls come into this county and suppress the riots then existing, aided by the Republican officials of this country ?—A. He did.

Q. There were two factions in the Republican party of this county, were there not ?—A. There was.

Q. Will you state the name of the candidate for Congress that each faction voted for ?—A. Each faction voted for Robert Smalls for Congress and did all they could lawfully to have him elected.

Q. Then so far as relates to the candidate for Congress, the party was united, I mean the Republican party in this county?—A. They were.

Q. Was there or was there not any intimidation of, or threats issued against, Democrats in this county by Republicans?—A. Not in this—Blue House—section or any other that I know of.

Q. When you speak of the Blue-House section, what section do you mean, and how far does it extend?—A. I mean the whole of the Combahee, of the Colleton section, I mean, and the Ashepoo region.

Q. Living in this section as you do, can you tell the cause or the causes of the rice strikes in this section?—A. The cause seemed to have been from the low wages, in fact the wages paid laborers was so low they refused to work for it; the strike I regard as an institution to itself and had no political significance.

Q. Do you or not know anything of what is called the check system?—A. I know the planters issue checks to the laborers in lieu of United States currency, some payable from one to two years after date. These checks are made payable to the foremen on plantations and issued to the laborers.

Q. Did or did not they cause much hardship and complaint?—A. They did.

Q. Did or did not they have any marketable value outside of the plantation or the store of the man who issued them?—A. They had none; no one would take them in lieu of money or trade.

Q. Did or did not those plantation stores charge exorbitant rates for their goods, when payment for the same was to be made in checks?—A. Such was the general complaint; not that I know of from personal knowledge.

Q. How did you regard the last canvass, especially so much of it as directly related between the Democratic party and the Republican party; was it a quiet and peaceful one, or was it otherwise?—A. In this county I regard the canvass peaceable and quiet as between the two parties.

Q. Have not the Democratic party leaders in this county, whose advice they take and whose example they follow?—A. Yes, sir.

Q. Have not the Democratic leaders in this county professed to be opposed to the Edgefield policy and Edgefield men?—A. They professed to an extent to be opposed to it.

Q. Did not they also advise colored people to vote the Republican ticket with Daniel H. Chamberlain scratched therefrom?

(Objected to as leading.)

A. They did; it has been the general advice of the Democratic leaders of this county.

Q. And did not some so vote, and were they not called Democrats?

(Objected to as leading.)

A. They were some who voted so, and were called Democrats.

Q. Did you ever hear Congressman Smalls speak at any public meeting; if so, state where and when?—A. I heard Congressman Smalls speak at several meetings in this county during the canvass; I think twice in Walterborough and twice at White Hall, and once at Green Pond. I do not remember the particular date.

Q. Did you ever hear him or any other Republicans at those meetings say that Governor Chamberlain would bring troops in this county to protect Republican voters in no matter what they did?

(Objected to as leading, and as tending to contradict a witness who was not warned on the cross-examination that he would be so contradicted.)

A. I have never heard Congressman Smalls or any of the Republican leaders, in private or public, give any such advice, or say any such thing.

Q. Were you at Bellevueville the day the strikers there assembled, and the day General Smalls spoke to them?—A. I was not.

Cross examined by C. C. Tracy, counsel for contestee:

Q. How long have you lived at Clover Hill?—A. Since the 15th of April, 1876.

Q. Is not this—the Blue House—section the stronghold of that faction of the Republican party which Jerry Shaffer and yourself are the acknowledged heads?—A. It was.

Q. You then have considerable influence in this section?—A. It was so considered.

Q. Have not the people in this section of the country the fashion of following implicitly the advice of those in whom they have confidence?—A. Politically they have.

Q. Have they not also in other instances—church matters, for instance?—A. I believe so.

Q. Were you a trial-justice when these strikes commenced?—A. I was not, but was appointed afterwards.

Q. Were you not appointed for the alleged express purpose of suppressing these strikes, you being a man of influence in this section?—A. I believe I was; I was so instructed to use my official power and private advice to suppress it, and I did so.

Q. Did the strikes continue after you were appointed a trial-justice, or did they ever commence afresh at any subsequent time to your appointment?—A. There would be small outbreaks or strikes; it was not a continual thing. I have never had but one complaint made to me against the strikers.

Q. Did you arrest any parties for striking in a riotous manner; and, if so, what punishment did you award against them?—A. I issued my warrant for the arrest, I think of three men, for striking in a riotous manner, and before the warrants were returned "duly executed" the prosecuting witnesses came before me and said they desired to drop the case, and they did so.

Q. Were these prosecuting witnesses, as you call them, white or colored? and please name them.—A. They were two colored men; one name was Rogers; I do not remember his other name; and the other was William Alston.

Q. Do you know whether these witnesses were Democrats or Republicans?—A. I am not certain as to their politics; some of the neighbors call them Democrats.

Q. So, in a section of country the stronghold of the wing of the party of which you are the acknowledged leader, among a people following implicitly the advice of those in whom they have confidence, backed by the official position of a trial-justice, you were unable to prevent the strikes from constantly breaking out, and never punished any man for the offenses which you were expressly put there to punish. Can you explain this?—A. I can. I did not so understand my duty, to punish men for refusing to work at wages for which they could not work. I did not so understand my duty to punish men for striking without violating the law, and no case of violation of the law was reported to me but the one I have already stated, and was discontinued at the request of the prosecutors.

Q. Are you acquainted with the people of the Ravenel precinct, at the polling-place of which you were on the day of election?—A. I am.

Q. Have you ever lived in that section?—A. No, sir.

Q. How did you become acquainted with the people of that section?—

A. By constant visits and short stays, for the last five years.

Q. Did you on that day see no disturbance whatever?—A. None of a political character; the only instance of any disturbance at the poll was that one of the Democratic managers of the poll was cursing furiously. I think the cause was, a hand-car ran over one of his sons on the railroad.

Q. Do you know a white man by the name of Johnson in that section?—A. I know a man by the name of Johnson in that section.

Q. Did you see him there that day?—A. I did, I think.

Q. What were the circumstances under which you saw him?—A. Nothing special, only I observed him there as other men.

Q. Did you not hear Mr. Robert Fishburn, chairman of the Democratic party in this county, threaten to bring soldiers there if the intimidation was not stopped?—A. I did not, nor did I observe any intimidation there.

Q. Did you not hear of his having so threatened?

(Objected to as hearsay.)

A. I might have heard. I do not remember. There was no cause for him to so threaten.

Q. Were you a manager of election or United States supervisor at that poll?—A. I was neither, but there as a representative a faction of the Republican party of this county, and watched with interest the progress of the election at that poll.

A. P. HOLMES.

Sworn to and subscribed this 30th day of March, before me, A. D. 1877.

[SEAL.]

W. F. MYERS,  
*Notary Public for South Carolina.*

Adjourned at 6 o'clock p. m.

Pursuant to adjournment, the commission met at 8 o'clock a. m., March 31, 1877.

Present, C. C. Tracy and J. H. Wheeler.

T. H. GRANT, a witness in behalf of the contestee in the matter of contest for a seat in the Forty-fifth Congress of the United States from the fifth Congressional district of South Carolina, testifies as follows, after being duly sworn:

Question. Where do you reside?—Answer. At the Blue House, Colleton County.

Q. Where were you on the day of election?—A. At the Blue House poll.

Q. How long did you remain there?—A. From six in the morning until the votes were counted that night; I suppose until ten or eleven o'clock.

Q. Were there a great many voters collected there; and, if so, were they orderly or disorderly?—A. A good many, and I consider they were very orderly.

Q. Was there any disturbance from any cause at that poll during the day?—A. No, sir.

Q. State whether or not any person was prevented from voting the

ticket of their choice, or whether any were threatened for so doing.—A. Not to my knowledge.

Q. You being at the poll during the entire day, if any person had been prevented from voting or had been threatened would you not have seen or heard of it?

(Objected to as leading.)

A. I think I would.

Q. Did or did not the coming of the soldiers, or the news of their coming, have any effect upon the result at that poll?—A. I think it did. I think their coming gave peace. Some apprehended trouble.

Q. Was the crowd there assembled before the soldiers came orderly or disorderly?—A. Quite orderly, I considered.

Q. Do you know of any intimidation practiced by Republicans against Democrats, either before or on the day of the election? And, if so, state it.—A. I do not know of any.

Q. Was the Republican party in this county composed of two factions; and, if so, who did they support for Congress?—A. They were in two factions, and both factions supported for Congress Robert Smalls.

Q. Then the Republican party, so far as the candidate for Congress was concerned, were united in their support of General Smalls?—A. They were.

Q. Did or did not some colored men vote the Republican ticket with Daniel H. Chamberlain's name scratched therefrom?—A. I think they did.

Q. What were those men called?—A. I think they called themselves Republicans.

Q. I mean how were they considered by the Republicans generally?—A. Not as very prompt Republicans, but they called themselves Republicans.

Q. Do you know anything concerning the rice-strikes in this section?—A. I do, a little.

Q. State, if you know, the cause or causes of the strikes.—A. The causes were the planters reduced their price to forty cents per day, and that was less than they really could live by, and for that reason they struck for better wages.

Q. Do you or not know anything concerning the check system? And, if so, please describe it.—A. There was a great many complaints among the laborers as to the taking of checks, because they could not dispose of them as they wished, only at the store issuing them. I know myself. They have come to me and offered me a dollar and a half in checks for one dollar in cash, so as to raise money to go on the train.

Q. How is it that you would not take it?—A. I did from one at that offer.

Q. Were these checks redeemable at the places from which they were issued at their full face value in money?—A. It is not always you could get money, and only on certain days you could get your full value in trade.

Q. Would you know one of these checks if you were to see one?—A. Yes, sir.

Q. Is this one?—A. This is one.

(The check offered in evidence objected to on the ground that no notice was given to contestant, or his attorneys, that it would be so offered.)

The check is here appended, as follows :

10	DUE TEN CENTS	10
To S. A. HAMLIN,		
Or bearer, for labor, under special contract.		
Payable on the 1st of January, 1880.		
J. B. BISSELL.		

(On the back :) 10 cents. Cypress Plantation.

Q. Did or did not the strikes have anything to do with politics ?—A. They did not, to my knowledge.

Q. Then, living in this section of the country and knowing the people, do you regard the reduction of wages and the introduction of the check system the sole causes of the strikes on the Combahee ?

(Objected to on the grounds that the question is leading, and that witness has no right to swear to his suppositions or opinions.)

A. I know it, as I have had sons and daughters in it.

Q. Did or did not Congressman Smalls, aided by the Republican officials in this county, suppress the strikes and prevent violence ?—A. I think they did ; Congressman Smalls's advice did a great deal of good.

Q. Did you ever hear Congressman Smalls, during the last campaign, speak ; and, if so, where ?—A. Yes, sir ; at White Hall, Walterborough, and Green Pond, on the Charleston and Savannah Railroad.

Q. On those occasions, what was his advice to the people ?—A. To commit no violence on no man's plantation ; that they had a perfect right to get what price they could, but to disturb no man if he choose to work for ten cents a day.

Q. Did he, at any of those meetings, or at any other time that you have known or heard of, ever make use of the expression, " that Governor Chamberlain intended to bring troops into this county to protect Republicans in no matter what they did ; that there was no law in South Carolina," or words having the same meaning or import ?

(Counsel for contestant objects to the question as one tending to contradict a witness who was not warned in the cross-examination that he would be so contradicted on this specific point.)

A. I did not.

Q. At the Blue House poll was any person or persons prevented from voting, or molested, or threatened, on account of their political opinion ?—A. I do not think there was.

Q. Do you know of any intimidation practiced by Republicans against Democrats, either before or on the day of the election ?—A. I do not.

Cross-examined by C. C. Tracy, counsel for contestant :

Q. In what part of the Blue House precinct do you reside ?—A. It is called the Catholic Church Hill.

Q. How far from the poll ?—A. One mile and three-quarters.

Q. How far from Combahee or rice-planting section ?—A. Between four and five miles.

Q. Have you always resided in this section ?—A. Yes, sir.

Q. Were you one of the strikers yourself ?—A. No, sir.

Q. Then how do you know what might have been its secret causes ?—A. If there was anything secret among the house and family I do not know, but what was done in public I know, for I have been among them

very often, day and night, on the different plantations during the campaign.

Q. Were you a manager of election at Blue House poll?—A. No, sir.

Q. How long did you continue at the poll?—A. From six in the morning until the votes were counted that night; I suppose ten or eleven o'clock.

Q. Was the last campaign an exciting one?—A. I do not think it was so very exciting; I found everything went peaceably and quiet.

Q. I did not ask whether it was peaceful or not, but whether it was active, vigorous, or excited?—A. I do not consider it was excited; that is, it was not so to me.

Q. How many tickets were run in this county in the last campaign?—A. Three.

Q. How was the vote, large or small?—A. Largest that was ever polled at the Blue House.

Q. And yet, with three tickets in the field, the largest vote ever polled at that precinct, you do not consider the campaign excited; if the voters were not excited for the success of their party or faction, why did they turn out so strongly?—A. In my estimation, I do not consider that it was very excited, for the reason I have heard talks that some people thought there would have been bloodshed, but during the whole campaign I do not know a man in our polling-precinct that ever got hurt.

Q. You do not know of any man getting hurt during the campaign; how long did the campaign continue, or rather when did it start?—A. I think it commenced about March, and ended in November; nine months.

Q. What time did the strikes occur?—A. I think they commenced about February; I am not sure.

Q. What open act was committed in February or at the commencement of the strike?—A. I do not know if there was anything, only the people objected to work for a certain price. The Democratic party, or planters I mean, had their meetings and there reduced the wages from fifty cents to forty. As soon as that was done, the bigger portion of the laborers then came together and agreed that they would not work until they could get a better price.

Q. When was this reduction made?—A. I think some time in January; I am not certain about the exact time.

Q. Do you read the newspapers?—A. Yes, sir.

Q. Did you ever hear of the Hawaiian treaty reducing the duty on rice and sugar as an import?—A. I have.

Q. Do you know when that was passed?

(Objected to as irrelevant.)

A. I do not.

Q. Was this reduction which you speak of made before or after the passage of this treaty?

(Same objection as above.)

A. I really do not know.

Q. Do you remember any dates at all positively?—A. If you allude to the strikes and the reduction of wages, I do know some dates.

Q. You said that there was some talk of bloodshed during the campaign; there was apprehension of violence, then?—A. I do not think so; my reason for not thinking so is because I have several times on the road met with a common voter that would say to me, they thought this would be the worst campaign we have ever had. I always encouraged them by telling them no danger.



Q. What is the disposition of the people in this section as to temper; are they hot-tempered, quick to resent anything?—A. I do not consider very much so.

Q. Have you not heard some of them say that they expected to be put into slavery if the Democrats were successful?—A. No, sir, I have never heard; they have better sense.

Q. Are they much devoted to their party?—A. In some instances they are, so long as their leaders lead them right.

Q. So they follow their leaders implicitly?—A. In some instances they do so, long as you go right.

Q. Did you ever see them fight in convention in support of some particular man?

(Objected to as irrelevant.)

A. No, sir; I have seen them harangue, but no particular fight.

Q. Do they not consider that every colored man is properly a Republican?—A. They do not.

Q. Are you a republican?—A. I am.

Q. Did the strikes continue during the campaign?—A. They did not; they stopped, I think, some time in May, and I heard no more of it until some time in August.

Q. How did they stop in May if you heard of them in August?—A. The latter part of May and the first of June among the rice-planters the work pretty much go down, until in August, time for harvesting.

Q. The campaign commenced in March. The strikes did not continue during the campaign, and yet they did not stop until May, and then commenced again in August. That is what you stated, is it not?—A. That is just what I have said.

Q. Do you know Tony Koger?—A. I do.

Q. Is he a Democrat or a Republican?—A. I think he is a Democrat.

Q. Don't you know he is a Democrat?—A. I do not, to my knowledge, though he say so himself.

Q. Was he whipped during the strikes?—A. I do not know; I heard so; and I do not think it well to state what I heard.

(Objected to, on the grounds that the witness has no right to be interrogated upon matters the best knowledge of which is obtained by him from something he may have heard.)

Q. When did you hear of his being whipped?—A. Just a few days ago.

Q. I mean as to the time when he was whipped.—A. I heard a few days ago that he was whipped some time during the harvest season.

(Objected to on the ground of hearsay.)

Q. When is the harvest season?—A. Commence generally in August; goes on until October or November.

Q. You had a son and a daughter in the strike, knew all about them, and heard only a few days ago of Tony Koger's having been whipped in last August? You heard of no one being hurt during the campaign which commenced in March and ended in November. That is what you said, is it not?—A. It is not. I said there was no one, to my knowledge, got hurt politically. The campaign and the strike, in my estimation, are two different things.

TOBY H. GRANT.

Sworn to and subscribed before me this 31st day of March, A. D. 1877.

[SEAL.]

W. F. MYERS,

Notary Public for South Carolina.

J. P. GREEN, a witness in behalf of the contestee, in the matter of contest for a seat in the Forty-fifth 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 the Blue House precinct.

Q. Where were you at the last election in November last ? I mean on the day of the election.—A. At Blue House, Colleton County.

Q. Will you state in your own words the character of the election there ?—A. It was the most peaceable and quiet election I have ever seen there.

Q. Was there a large crowd of voters there ? And, if so, state whether they were orderly or not.—A. There was a larger crowd than I have ever seen. They were very orderly.

Q. Was there any disturbance at that poll on that day ?—A. None whatever.

Q. How long were you there ?—A. Very near all day.

Q. Was any person, or persons, either Republicans or Democrats, prevented by violence or threats, so far as you know, from voting the ticket of their choice ?—A. None on either side.

Q. Did you see any colored men there vote the Democratic ticket ; and, if so, state what was said or done ?—A. Yes, there was quite a number who voted the Democratic ticket, but nothing was said or done against them.

Q. Are you acquainted with the politics of the people of this section ? I mean the Blue House section.—A. Yes, sir.

Q. State whether or not the Democratic party received their full vote at the last election at the Blue House poll.—A. They got their full vote as far as I recollect.

Q. Do you know of any intimidation practiced by Republicans against Democrats, either before or on the day of election in this county ?—A. None whatever.

Q. Was the canvass in this county a quiet or disorderly one, or rather, what kind of canvass did you have in this county ?—A. A very quiet and peaceable canvass.

Q. How many factions were there in the Republican party of this county ?—A. Two.

Q. Did they support the same candidate for Congress ; and, if so, what was the name of that candidate ?—A. Yes, sir ; they did. Robert Smalls.

Q. Then the factions in this county were united in their support of Robert Smalls for Congress ?—A. They were.

Q. Do you know anything concerning the rice-strikes that occurred on the Combahee and the rice-regions generally ? I mean in this county.—A. I was here when the strikes commenced. They struck on account of wages. The planters reduced the wages to forty cents, and it was impossible for the laborers to live at that, so they struck for higher wages.

Q. Did the rice-strikes have anything to do with politics ?—A. Nothing at all.

Q. Did the Republican officials of this county suppress these strikes, aided by Congressman Smalls ?—A. No, sir.

Q. Did they attempt to do so ?—A. As far as I know, Congressman Smalls advised them to go home and not use any violence whatever ; that if they did not want to work for forty cents no one could make them ; that they were free people and at liberty, and if they had made a contract they must fulfill it ; that they must be peaceable and not interfere with any person's property or trespass on any person's place.

Q. At Blue House precinct, on the day of election, did the voters come armed or not?—A. They did not.

Q. What was the advice given by the Republican leaders as to carrying arms?—A. That they must leave all their arms at home and not to carry any.

Q. Were there any women at that poll; and, if so, how many?—A. I suppose about fifteen or twenty women, as near as I can judge.

Q. Did they have any weapons of any character?—A. They did not.

Q. Were the men in possession of any arms?—A. None, as I saw.

Q. Did you see June Green or July Green at the poll?—A. I saw June Green.

Q. State what he was doing.—A. He was distributing Democratic tickets to those that wanted them.

Q. Was he molested or disturbed by any one?

(Objected to by counsel for contestant on the ground that the question tends to contradict a witness who was not warned on the cross-examination that he would be so contradicted on this specific point.)

A. No one as I know of.

Q. If he had been, would you not have seen it?—A. I certainly would have seen it.

Q. Did not or did the presence of the troops near that poll have an influence that would cause the voters at that precinct to vote contrary to their opinions?

(Objected to as leading.)

A. The voters voted as they pleased; the troops did not molest them one way or the other.

Cross-examined by C. C. Tracy, for contestant:

Q. In what part of Blue House precinct do you reside?—A. Near the Savannah and Charleston Railroad.

Q. How long have you there resided?—A. About four years.

Q. How old are you?—A. Twenty-seven the 5th of January, 1877.

Q. Upon what do you base your knowledge of the politics of this section?—A. I was an aspirant for the house of representatives, (State.)

Q. How long were you at the poll on the day of election?—A. I was there from about half past six until about five o'clock, when I left.

Q. You say it was the largest crowd and the most orderly that you ever saw there; how many crowds have you seen there on election-day?—

A. On that election-day I saw one crowd.

Q. How many election-days have you seen there?—A. Three.

Q. How many times have you voted?—A. Three times.

Q. How did you come to be at the Blue House poll in 1872, when you have only lived in this section four years?—A. I never said I was there in '72, as I know of.

Q. Did you not say you had been there on election-day three times?—A. I did.

Q. Do not elections take place every two years, and was not the last held in seventy-six?—A. Yes, they do take place every two years; an election was held in November, 1876.

Q. Then if elections take place every two years, and the last was held in '76, and you have attended three, must you not have been there in '72?—A. Yes; I was there in '72, but it slipped my remembrance.

Q. Well, then, how did you come to be at that poll in '72?—A. If there was an election there, certainly I went to vote.

Q. From what section of the country did you come there to vote?—A. From this section.

Q. But I thought you had been in this section only four years, and that is nearly five years ago.—A. You asked me how long I had been living near the Savannah and Charleston Railroad. I said four years. I have been living in this county for the last ten years.

Q. Were you ever in the employ of Mr. Fishburn?—A. Never was.

(Objected to as irrelevant.)

Q. Were you ever in the employ of a man for whom you were manager?—A. I was in the employment of a man who planted with Mr. Fishburn, but I had nothing to do with Fishburn.

Q. Were you not then accused of stealing money or checks from Mr. Fishburn, or the man with whom he was planting?

(Objected to as irrelevant.)

A. No, never was; if Fishburn said so, he tells what is not so. (Witness warned that he will be contradicted.) I will bring my recommendations from Mr. Haskell to prove that it is no such thing. Haskell is the man that was planting with Fishburn. I was in his employ five years.

Q. Were you one of the strikers?—A. No; never had anything to do with it.

Q. Might they not, then, have had secret causes of which you know nothing?—A. No; not as I know of. I had nothing to do with them, one way or the other.

Q. Where did you live before you moved near the Savannah and Charleston Railroad, and how far is it from Blue House station?—A. A place called Price, about a mile and a half from the railroad.

J. P. GREEN.

Sworn to before me and subscribed this 31st day of March, A. D. 1877.  
[SEAL.]

W. F. MYERS,

*Notary Public for South Carolina.*

LOGAN WILLIAMS, a witness in behalf of the contestee in the matter of contest for a seat in the Forty-fifth Congress of the United States from the fifth Congressional district of South Carolina, testified as follows, after being duly sworn:

Question. Where do you live?—Answer. At White Hall.

Q. Where were you on the day of election in last November?—A. At Blue House.

Q. That is in Colleton County, is it not?—A. Yes, sir.

Q. What was the character of the election that day?—A. Very quiet.

Q. Was there a large crowd of voters there; and, if so, were they quiet and orderly, or otherwise?—A. They were very quiet and orderly.

Q. Were there any women at the polls?—A. None that I saw at the poll.

Q. Were the men that were at the poll armed with any weapons of any character?—A. No, sir.

Q. Did you see any colored Democrats vote there?—A. I saw them there, and they said they were going to vote; but I am not certain whether they voted the Democrat ticket or not.

Q. State whether or not they were molested by any one?—A. Not at the poll, at all.

Q. Did you see June Green there; and, if so, state what he was doing?—A. Yes, sir; I saw him there, and the first and last he said to me was that he was going to issue out tickets.

Q. Did he issue out tickets; and, if so, was he molested by any one?

(Counsel for contestant objects to the last clause of the question as one tending to contradict a witness who was not warned on his cross-examination that he would be so contradicted on this specific point.)

A. He issued out tickets ; he was molested by no one as I saw.

Q. Were there two factions in this county of the Republican party ?—

A. Yes, sir.

Q. Did both of these factions support the same man for Congress ; and, if so, who did they support ?—A. One man, sir, and that was Mr. Smalls.

Q. Do you know of any intimidation practiced by Republicans against Democrats in this county either before or on the day of election ?—A. No, sir.

Q. Did the presence of the troops at the Blue House precinct, or the news of their coming, have any influence tending to prevent voters from voting according to their opinion ?

(Objected to as leading.)

A. No, sir.

Q. Did you attend any meeting or meetings at which General Smalls spoke ?—A. Yes, sir.

Q. State when and where.—A. One at White Hall and one at Walterborough.

Q. Was that at White Hall Station, or the public landing ?—A. At the public landing.

Q. Did or did not he there say that Governor Chamberlain intended to bring troops into this county to protect Republicans in no matter what they did, and that there was no law in South Carolina, or words having the same meaning or import ?

(Counsel for contestant objects to the question as one tending to contradict a witness who was not warned on the cross-examination that he would be so contradicted on this specific point.)

A. No, sir ; he did not say it.

Q. What was the advice, if any was given, in relation to the carrying of arms on election-day ?—A. No such advice was given.

Q. I see you do not understand me. Were you told to carry or not to carry your arms to the polls, or was there nothing said about it ?—A. There was nothing said about it.

Q. Was this a quiet or disorderly canvass ?—A. It was very orderly.

Q. Do you know anything about the rice-strike ? And, if so, state its cause or causes.—A. I know nothing about it.

Cross-examined by C. C. Tracy, for contestant :

Q. How long have you lived in this section of country ?—A. I have lived here thirty-one years.

Q. How large a crowd did you say was at the Blue House poll on the day of the election ?—A. A very large crowd.

Q. Are you a political character ?—A. No, sir.

Q. Are you accustomed to seeing large crowds in this section ?—A. Yes, sir.

Q. What is the general character of those crowds ?—A. Of very good character.

Q. Are they orderly or disorderly, as a general rule ?—A. They are not disorderly at all.

Q. Was the last campaign an exciting one. Did people get excited over it ?—A. No, sir.

Q. Were there no meetings held at which considerable disturbance, a

great deal of noise, pushing, and cursing occurred?—A. No, sir; not to my knowledge.

Q. Are you very intimate with all the men who voted the Democratic ticket, or had promised to do so?—A. I am friendly to all men.

Q. I do not mean intimacy as mere absence of hostile feelings, but as close personal relations; that is, are they what you call great friends of yours?—A. Yes, sir; friends.

Q. Are you acquainted with all the Democrats who voted at Blue House poll?—A. No, sir.

Q. You then do not know their characters, feelings, or dispositions?—A. Well, no, sir.

Q. How, then, can you say that the coming of the soldiers to the Blue House poll had no effect upon the minds of any one, so as to make them change their votes?—A. As far as I saw, I did not see any change from the coming of the soldiers.

Q. You do not know; you only think that it had no effect?—A. By the movements, it had no effect by the soldiers coming.

Q. So, in fact, though you did not know the men, nor anything about some of them, you can yet speak positively as to what they felt?—A. Yes, sir; by what I saw.

L. WILLIAMS.

Sworn to and subscribed before me this 31st day of March, A. D. 1877.  
[SEAL.]

W. F. MYERS,

*Notary Public for South Carolina.*

JAMES WHITE, a witness in behalf of the contestee in the matter of contest for a seat in the Forty-fifth 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. I live in the Blue House precinct.

Q. Where were you on the day of the election last November?—A. I was to Blue House.

Q. Were there many voters there; and, if so, were they orderly or disorderly?—A. There were many there. They were orderly.

Q. Were there any colored Democrats there; and, if so, did any of them vote the Democratic ticket?—A. Yes; there were colored Democrats there. They voted the Democratic ticket.

Q. Were they molested or threatened by any one?—A. No, sir.

Q. Did you see any women there; and, if so, did they have weapons of any character?—A. There were women there. They did not have any weapons.

Q. Were the men collected there armed with any weapons of any character?—A. No, sir.

Q. Did you see June Green there?—A. Yes, sir; I did.

Q. State what he was doing.—A. During the time I saw him he was doing nothing but standing up and getting ready to vote.

Q. Do you know of any intimidation practiced by any Republican against Democrats either before or on the day of the election?—A. No, sir; never knew before or on the day of election.

Q. Did the presence of the United States troops, or the news of their coming, have any influence upon the voters of the Blue House precinct?—A. No, sir; not as I know of.

Q. Did, at the Blue House precinct, every voter have an opportunity to vote without fear the ticket of his choice?—A. Yes, sir; they did.

Q. Do you know the cause or causes of the rice-strikes ?—A. Yes ; I do.

Q. State it or them.—A. The cause of the rice-strike in May was, forty cents was given, when the agreement was first made to give us fifty cents cash, and they fell from that, and after that we struck for higher wages ; we walked about in the road and meddled no one ; we went from place to place.

Q. Did you ever hear General Smalls speak, and, if so, where and when ?—A. Yes, sir ; at Public Landing, and he told us not to interfere with any man. If they wanted to work for ten cents, let them work ; and who do not want to work let them stay until they can get more ; but do not interfere.

Q. Were there two factions in this county ; and, if so, whom did they support for Congress ?—A. Yes, sir ; and they supported Robert Smalls.

Q. You mean, I suppose, that they were two factions in the Republican party ?—A. No, I don't ; I mean the Democrats is one party and the Republicans the other.

Q. Was there not a split in the Republican party in this county ? What I want to know is, did the members of both portions of the split support the same man for Congress ?—A. There was a split in the party, but they supported one man for Congress ; that was Robert Smalls.

Cross-examined by C. C. Tracy, for contestant :

Q. You say that there was no intimidation practiced by Republicans against Democrats in this county ; do you know the meaning of the word intimidation ?—A. Yes, sir.

Q. What does it mean ?—A. It means not molesting any one or kicking up a riot between any one.

Q. Then, if I was to curse you and scare you from doing anything, I would not be intimidating you, would I ?—A. No ; not if I intended to do anything.

Q. What was the strike in August caused by ?—A. Caused by the forty cents.

Q. I thought you said the strike in May was caused by the forty cents.—A. The striking was in May.

Q. Was there none in August or September ?—A. The striking first commenced in May, and after that they did not strike until September.

Q. Did you belong to the strikers ?—A. Yes, sir ; I am one of the strikers.

Q. Did the strikers whip anybody ?—A. No ; never whip no one.

Q. Never whip anybody at all ?—A. Not to my knowing.

Q. Who whipped Tony Koger, on the Cypress plantation ?—A. I do not know.

Q. How long were you at the polls at Blue House on the day of the election ?—A. I was there when the polls first opened.

Q. When did you leave ?—A. I left twelve o'clock that night.

Q. What were you doing all that time ?—A. I was there at the box.

Q. Just standing there and doing nothing ?—A. No ; I had my hand at the box, and as fast as men voted I covered the hole.

Q. What did you have to do with the box ; were you a manager or supervisor ?—A. I was a manager.

Q. How many Democratic votes were polled at that box ?—A. If I could remember, it was two hundred and ten.

Q. Can you read and write ?—A. No, sir ; I cannot.

Q. How do you know, then, how many votes were polled there if you could neither read them nor write the result ?—A. Because they were counted before me.

Q. You only heard some one count them there?—A. Yes; by standing to the table and seeing it done.

Q. Was there no disturbance of any kind at that poll?—A. No, sir; not during the time I was there.

Q. If you were all the time at the box, how could you tell what was going on outside?—A. I was close to the window, and could see very well.

Q. Could you see behind the house, on the road coming from White Hall side?—A. No; but the most body of people was right before the window.

Q. If you were attending to your duty as manager, how could you look out of the window?—A. I was obliged to look out of the window, as people were coming up all the time.

Q. Do you know all the Democrats at that poll?—A. No; I do not know all.

Q. How, then, can you speak as to the effect the soldiers had on them; that is, their coming?—A. I saw them.

Q. What effect did the soldiers coming have on them?—A. No effect at all, as I saw; they had nothing in their hand as I could see; they drove right past.

Q. You do not know the meaning of the word effect, then?—A. I do not know the meaning of the word.

Reply, by Mr. T. H. Wheeler :

Q. You can read and write a little, can you not ?  
(Objected to as leading.)

A. I have tried it.

Q. You can write your name, can't you ?  
(Objected to as leading.)

A. I suppose I can, if I tried it; I do not know.

Q. You can count money, can you not ?  
(Objected to as leading, irrelevant, and not in reply.)

A. Yes, sir.

J. WHITE.

Sworn to before me and subscribed this 31st day of March, A. D. 1877.  
[L. S.] W. F. MYERS,

*Notary Public for South Carolina.*

Adjourned at 4 o'clock p. m. to meet Monday, April 2, at 8½ a. m.

Pursuant to adjournment, the commission met. Present, C. C. Tracy, counsel for contestant, and T. H. Wheeler, counsel for contestee.

WILLIAM HIGGINS, a witness in behalf of the contestee, in the matter of contest for a seat in the Forty-fifth 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 Green Pond.

Q. What is your occupation?—A. Wheelwright and blacksmith.

Q. Where did you vote at the last election?—A. Ashepoo.

Q. What kind of an election did you have there?—A. A quiet one.

Q. Did or did not every person have an opportunity to vote who desired to?—A. They all voted as they desired to vote.

Q. Was there any intimidation or threats or violence offered to Democrats by Republicans, either before or after the election, in that section; I mean the Ashepoo section?—A. None during the time I was there.



Q. Did anybody attempt at any time to intimidate you?—A. No; none.

Q. Did you at any time see a large body of strikers; and, if so, state where they were.—A. I saw a crowd at Bellevueville about two months before the election.

Q. Will you please state all that occurred there that day that you saw?—A. The evening before the day I went to Bellevueville there was a crowd of strikers at the store, and I went to the doctor for medicine for my child, and I could not go in, as one of the women told me if I went in I could not come out. I went back home, and came the next morning about seven o'clock; and when I got there I met Smalls, and Shaffer was talking to this crowd—that they must disband and stop this striking. I got my medicine and left; that is all I know of it.

Q. Do you know, Mr. Higgins, why Tony Koger was whipped? and, if so, state it.—A. All I know, I heard that Koger was whipped. All I know about it, he made some threats to the strikers, and they whipped him on Mr. Bissell's place. I saw him down at Ashepoo after the occurrence, on the cars. I went in and looked at him. I saw his face bound up. He told me he got it from the strikers.

(First part objected to as hearsay.)

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

Cross-examined by C. C. Tracy, for contestant:

Q. Have you always lived at Green Pond?—A. No; I moved there a year last February. I always lived at Bellevueville.

Q. What is your understanding of the word intimidation?—A. What I understand, it is threats or quarreling.

Q. Who induced you to vote the Democratic ticket?

(Objected to as irrelevant.)

A. No one induced me. I always voted it since emancipation.

WM. <sup>his</sup> + HIGGINS.  
mark.

Sworn to and subscribed before me this 2d day of April, A. D. 1877.

[SEAL.]

W. F. MYERS,

*Notary Public for South Carolina.*

JACK SNIPE, a witness in behalf of the contestee in the matter of contest for a seat in the Forty-fifth 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 what is your occupation?—Answer. I live near Green Pond Station. I am a planter.

Q. Where were you on the day of election in last November?—A. At Ashepoo.

Q. What kind of an election did you have there?—A. We had a very good and quiet election indeed.

Q. Was there any intimidation or threats used against or violence offered to Democrats by Republicans either before or on the day of election?—A. No, sir; not a shadow of it.

Q. Did you see James W. Grace there?—A. Yes, sir.

Q. Were you with him or near him any portion of the day?—A. Yes; I was with him about three hours or better, side by side.

Q. Did he at any time while you were with him, or to your knowledge, buy, or attempt to buy, any voters?—A. No, sir.

Q. State what he was doing, Mr. Snipe.—A. He was issuing out tickets and so was I—he for the Republicans and I for the Democrats.

Q. Was that in the morning or afternoon?—A. In the morning.

Q. What time did you vote and what ticket did you vote?—A. I voted just after the managers were sworn in; the first one that voted the Democratic ticket.

Q. Did you visit any other poll during that day, and, if so, what one?—A. I did. I went as far as Ravenel's that day.

Q. How did you go and with whom?—A. I went down on the excursion-train with Mr. Robert Fishburn.

Q. How were things at Ravenel's when you got there?—A. I met everything peaceable and quiet; fine times going on, like at Ashepoo.

Q. Do you know or did you hear of any disturbance at that poll?—A. No, sir; not during the time I was there.

Q. Did you know of or hear of any threats made by Mr. Fishburn that the box would be thrown out if the people did not stop their disturbance?

(Counsel for contestant objects to the question as leading, and as one tending to contradict a witness, who was not warned on the cross-examination that he would be so contradicted on this specific point.)

A. No, sir; I heard nothing like that.

Cross-examined by C. C. Tracy, counsel for contestant:

Q. What position was Grace in while you were alongside of him?—A. We were both standing on the side of the railroad with our tickets, and as the voters came they choosed and we gave them.

Q. Was any one else with you two distributing tickets?—A. Not right at that spot.

Q. Which direction did most of the voters come from?—A. From across the Ashepoo River.

Q. Passing by you to get to the polls?—A. Yes, sir.

Q. Who was the Driffler canvasser at that poll?—A. I do not know particularly. A great many men had tickets.

Q. Were there any Shwend men among them?—A. I did not pay any attention. I do not know.

Q. How did the Driffler men come to let you and Grace meet the voters first, thus getting a chance to get more voters than they did?—A. We were not first; there were two or three squads before they could reach us.

Q. How did you and Grace come to let them get ahead of you, then?—A. I suppose it was their choice.

Q. Are you a man of influence in those parts?—A. No; very little.

Q. Did you know whether Grace bought any voters while you were away?—A. No, sir; that is more than I can answer.

Q. Grace and yourself, you say, belong to different parties?—A. Yes.

Q. Would it be your custom if you were going to do a dirty political trick, or commit an indictable offense, to do it in presence of a political opponent?—A. No.

Q. What is Grace's character, good or bad?—A. I do not know. I merely know him when I see him.

Q. You would, then, have been considerably surprised if Grace had attempted to bribe voters in your presence?—A. Yes, I would.

Q. Which faction of the Republican party was considered to be the stronger at Ashepoo poll before the election?—A. As far as I could hear the people talk, the Driffler faction was the stronger.

Q. Which faction got the largest vote at that box?—A. I am unable to tell you, but I hear the Terry faction was in the majority.

Q. From your knowledge of the people and of their talk before the election, would you have considered that probable, if underhanded means had not been used?

(Objected to as irrelevant.)

A. I am unable to say.

Q. How many times did you go to Ravenel precinct, and how long did you remain there?—A. I went there once; about two hours and a half I remained there.

Q. How long did you stay at Ashepoo poll altogetuer?—A. From six until about half past twelve.

Q. So, then, you can only speak as to no intimidation having been practiced at those polls during the respective times you were at each?—A. Yes, sir.

Q. How many times did the excursion-train, with Mr. Fishburn, go up and down the railroad on election-day?—A. Once up and once down.

Q. Did it come from Ravenel's before you went up there?—A. I cannot tell where it was from; I only saw when they came to Ashepoo.

Q. Did it come from that direction?—A. Yes, sir.

Q. Consequently, then, it must have passed through Ravenel's twice?—A. I do not know.

Q. Where does Mr. Fishburn live?—A. I am quite unacquainted with his place of residence.

Q. Where do all the trains that come from that direction start from?—A. I suppose from Charleston.

Q. Is not Ravenel's between Charleston and Ashepoo?—A. It is.

Q. So a train coming from Charleston to Ashepoo must have passed through Ravenel?—A. Yes.

Q. So a fact you did not know at first you now know?—A. Simply because there are other stopping-places on the road. He may have come from Jacksonborough, for all I know.

Q. Do you know of anything that would not advantage the Republican party?—A. I do not.

J. P. SNIPPES.

Sworn to and subscribed before me this 2d day of April, A. D. 1877.

[L. S.]

W. F. MYERS,

*Notary Public for South Carolina.*

THOMAS L. MARTIN, a witness in behalf of the contestee in the matter of contest for a seat in the Forty-fifth 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 Waterborough.

Q. Where were you on the day of election in last November?—A. Rantow's.

Q. State what kind of an election they had there.—A. I went down there to carry the box and to act as manager in place of one of the managers that was not there. On my arrival I found him there; so I began issuing tickets. I staid there until two o'clock. During that time everything was as quiet as could be, with the exception of a white man—I do not know his name—who came there in a wagon. He was trying to make two colored men vote the Democratic ticket. They had had Mr. Driffle's tickets, and was going up to the box with them, when he tried to fool them. The ticket he had was a Republican ticket. I saw

another man, as I thought, foolish. He was taken around the side of the depot, and the Drifflie ticket taken out of his hand and the Democrat ticket put in, and he was shoved up to the box. Before I got ready to leave Robert Fishburn came down there in his train. He asked me how everything was going. I told him everything was quiet. The people did not seem to trust me, as they would take none of my tickets. He walked off from me. I walked toward the depot, and he started for the train. He asked me if I would care if the votes was not counted. I told him as far as the county was concerned, what few votes our ticket got would not make much matter, but would hurt the governor. He told me he had gotten a good many votes there, but he did not care for it, and "the votes won't be counted, for I have got it 'busted.'" He said he intended to do that at every Republican poll where there was a majority.

(Counsel for contestant objects to all the answer after the words "as quiet as could be," as irrelevant, non-responsive, and as touching matters not charged in the notice of contestant, nor charged or denied in the answer of contestee.)

Q. Did you see any colored Democrats there, and, if so, what were some of them doing?—A. I saw six or eight of them; there were two of them distributing tickets.

Q. Did or did not any person disturb, threaten, or molest them in any manner?—A. Nobody troubled them; whenever anybody came up and would vote the ticket, they gave them the ticket, and they went in and voted it.

Q. Did Fishburn or anybody else have to quiet the crowd there, or prevent them from intimidating or molesting Democrats?

(Counsel for contestant objects to the question as one tending to contradict a witness who was not warned in the cross-examination that he would be so contradicted on this specific point.)

A. No, sir.

Q. How long did Fishburn stay there?—A. He staid there about half hour, I should judge.

Cross-examination by C. C. Tracy, for contestant:

Q. Was there a large crowd at Rantow's?—A. There was at first, and as soon as they voted they would leave.

Q. Was there no intimidation or violence of any kind practiced by Republicans against Democrats?—A. No, sir.

Q. How long did you stay at Rantow's?—A. I staid there from six until about half after one or two o'clock.

Q. Do you know Jack Holmes?—A. No, sir; I know one Holmes they call a Democrat.

Q. Do you know Toby Grant?—A. I do.

Q. Was he at Rantow's precinct?—A. Not the one I know was not: that is, the one down to White Hall.

Q. Can you say whether any intimidation was practiced after you left?—A. I cannot say, but I can say this: before I left the people say they were pretty near done voting.

Q. Were the votes counted at that box?—A. Yes, sir.

Q. Were they counted that day or night?—A. That I know nothing of.

THOMAS L. MARTIN.

Sworn to and subscribed before me this 2d day of April, A. D. 1877.  
[L. S.]

W. F. MYERS,  
Notary Public for South Carolina.

H. SIMMONS, a witness in behalf of the contestee in the matter of contest for a seat in the Forty-fifth 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. In Colleton County.

Q. In what portion of Colleton County ?—A. About two and a half or three miles of Rantow's Station.

Q. Where were you on the day of the election last November ?—A. At Rantow's poll.

Q. State what kind of an election did they have there.—A. A very peaceable election.

Q. Was there any intimidation of Democrats by Republicans, either before or on the day of election ?—A. Not to my knowledge.

Q. You know the people pretty well in that section, do you not ?—A. Yes, sir ; I know them all pretty well.

Q. Did the Democrats at that poll receive their full vote ?—A. I do not know the number of Democrats there, and I cannot say.

Q. Did all the voters at that poll have an opportunity to vote the ticket of their choice ?—A. I think they had.

Q. Were there any men—colored men, I mean—who never intended to vote the Democratic ticket who joined the Democratic clubs in that section ?

(Objected to as leading.)

A. I know men that were with me during the campaign, and have sworn out they would never vote a Democratic ticket, after attending their night meetings, and up to the morning of election. I found them after coming to the poll ready to vote the Democratic ticket, but for what cause I cannot say ; they have made a sudden change.

Q. I see you do not understand me. Did any colored men pretend to be Democrats and yet voted the Republican ticket ?—A. Not to my knowledge ; many men who said they were democrats they claimed afterward they did not.

Cross-examined by C. C. Tracy, for contestant :

Q. How long were you at the poll on the day of election ?—A. During the day I was one of the managers.

Q. Were you not also a candidate on the Drifflie ticket ?—A. I was.

Q. Did no disturbance of any character take place there ?—A. None at all.

Q. Were the votes regularly counted, and return made up on that night, as the law requires ?

(Objected to on the ground that it is not in answer to anything brought out in the direct examination, and having no reference to any evidence or facts brought out in the evidence of contestant.)

A. The ballots were counted, and there was some disagreement with the managers, so we agreed to place the ballots in the box and take them up to the county commissioners of election.

Q. That was without the return being made up ?—A. The return was not made up, only our agreement was made out and placed in the box.

Reply by T. H. Wheeler :

Q. Did all the managers concur in that agreement ?—A. We all concurred.

Q. Did the Democrats have a manager that was a member of the board at that poll ?—A. Yes.

Q. The ballots were placed in the box, you say ; was that done in the presence of the managers ?—A. Yes ; we were all three present.

Q. What did you do to the box, if you did anything, after the ballots were placed in the box ?—A. The box was locked and sealed up, and returned to the chairman of the board that night, to meet me at the train the next morning to go to Walterborough.

Q. Who was the chairman ?—A. Mr. Edward Fishburn, the Democratic member.

Q. He was then the chairman of the managers at that poll ?—A. Yes.  
HERCES SIMMS.

Sworn to before me and subscribed this 2d day of April, A. D. 1877.  
[L. S.] W. F. MYERS,

*Notary Public of South Carolina.*

Adjourned at 2 o'clock p. m. to meet to-morrow at 8 o'clock a. m.

Met pursuant to adjournment. Present, Tracy and Wheeler.

S. Q. A. GILLEARD, a witness in behalf of contestee in the matter of contest for a seat in the Forty-fifth 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. In Colleton County.

Q. What portion of Colleton County ?—A. At Ashepoo.

Q. Where were you on the day of election in last November ?—A. At the election-poll Ashepoo.

Q. State what time you got there.—A. I got there about ten minutes before six in the morning.

Q. How do you know it was about ten minutes of six ?—A. I had a watch.

Q. Just state all that you said or done before the opening of that poll.—A. I was appointed a manager for that poll. I desired to have another man in my place, as I did not care about serving. After I got there we waited for the man I expected to serve in my place. The time was arriving and he did not come. Mr. Fishburn said to me if the man did not come by six o'clock, and if I agreed not to be sworn in, the polls will have to be closed. Then I told him I would be sworn in. I was sworn in by him, as he was a manager and already qualified. Then he out with his watch and said the time had arrived, and we took up the box, opened it, and locked it again, placed it on the stand, and the men began voting, after they were sworn as the law requires.

Q. Did any voters leave the polls before they were opened ?—A. No, sir.

Q. Then every voter who desired to vote had an opportunity to do so ?—A. Every voter who presented themselves to the poll voted, except one very young youth, who was refused, as it was decided he was not old enough.

Q. Then, if I understand you, you did not desire to be a manager ?—A. No, sir ; if I could have avoided it.

Q. You say that you qualified before Mr. Fishburn, who was chairman of the board ?—A. I did, sir.

Q. Was there any confusion at the poll concerning the opening of it or the not opening ?—A. There was not. Everybody was very cheerful at the opening of the poll, and they immediately began voting.

Q. What portion of the morning was it ? I mean how dark or how light it was.—A. It was a very dull light, as it was cloudy, and at six o'clock it was impossible to see but a very short distance.

Cross-examined by C. C. Tracy, for contestant.

Q. What time did you say you got to the polls in the morning?—A. About ten minutes to six o'clock.

Q. Did you not tell Mr. Fishburn, the evening before the election, that you had received no official notification of your appointment as manager and therefore could not act?—A. I did not.

Q. When did the third manager come to the poll?—A. I think about seven o'clock, as near as I can judge.

Q. Why can you not speak as positively to that as you can to the time when you got there?—A. The time when I got there I noticed the time from my watch, and when he got there I was engaged at the poll receiving votes and could not give any attention to him or the time of his arrival.

Q. What did Mr. Fishburn say when you came up?—A. He said, "Let us open the poll," and I told him the time had not arrived, and I was waiting the coming of a man to serve in my place, and if he did not come when the time arrived I would serve.

Q. Who did you expect to put in your place, and who gave you authority to put any one there?—A. I expected to put one Simon Scott. Knowing that the law did not compel me to serve if I desired not to, so I got a man that was capable and qualified to serve in my place.

Q. How far do you live from the poll?—A. About three-quarters of a mile.

Q. Who was the third manager?—A. Chapman.

Q. He was a Terry man, you a Drifflie man, and Mr. Fishburn a Democrat, was not that it?—A. I believe so. I know all three of us were managers.

Q. What time did you leave home that morning?—A. I left home that morning about twenty five minutes to six o'clock.

Q. What has become of your watch now; I see you wear none?—A. The watch I had was not mine; I borrowed it for that purpose.

Q. Who did you borrow it from?—A. Charles Ward.

Q. How high was the sun when you got to the poll?—A. When I saw the sun that day nearly every one had voted, as it was late in the day before the sun did come out.

Q. So you might have seen the sun if it had not been cloudy?—A. I could not, not at the time I went to the poll; the sun was not up yet.

Q. Why did you object to acting as manager?—A. Because I was a candidate on the ticket, and being relieved from managing I could increase strength to my ticket.

Q. Where was the ballot-box kept for polling votes?—A. On a shelf at a window in the depot of the Savannah and Charleston Railroad.

Q. Where were the managers, inside or outside of the house?—A. Inside.

Q. How are you able to tell, then, whether anybody left without voting or not?—A. The people went there to vote, and as the poll was opened at six o'clock and the manner the people stood around the poll, I presume they were all satisfied; when the poll was opened I knew about two-thirds of the voters by face. I was there a little while before I went in the depot and many were present when I got there. I am willing to swear that every man who was there voted before he left.

Q. Were you not sent for before the poll was opened?—A. I was not sent for, but was notified that Captain Grace had arrived at the poll with his ticket, so I thought it was best to be out there in the interest of my ticket.

Q. Who called you?—A. A crowd of little boys came to the door

while I was in the house, and cried out that Captain Grace was issuing out tickets to the men.

Q. About what time was that?—A. I suppose about half past five that morning, for when I got up and put on my clothes it was about twenty-five minutes to six.

Q. You went to the poll then without breakfast?—A. O, yes, sir; I never had a mouthful to eat until between eleven and twelve o'clock, when nearly every one had voted.

S. Q. A. GILLIARD.

Sworn to and subscribed before me this 3d day of April, A. D. 1877.  
[L. S.]

W. F. MYERS,  
*Notary Public for South Carolina.*

TITUS BURNS, a witness in behalf of contestee in the matter of contest for a seat in the Forty-fifth 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 what is your occupation or calling?—Answer. I live in Ashepoo. I am a licensed minister.

Q. Where were you on the day of election in last November?—A. At Ashepoo poll.

Q. What time did you get there?—A. Five minutes after six o'clock by my watch.

Q. What kind of morning was it?—A. It was very foggy that morning. Mr. Grace met me about four miles from Ashepoo depot that morning, and stopped and talked to me a while; then saying he had to go on to open the office about six, I told him he had a plenty of time, as it now wanted a quarter of five, and he had about four miles and a half to reach the polls. I told him to go on, I would be there directly.

Q. What were they doing when you got there?—A. I met them voting; I met Gilliard with his hand in the box.

Q. How long did you stay there?—A. I staid there until six o'clock, when they began counting the votes, and we all left together.

Q. Did any person on that day, so far as you know, heard, or seen, buy or attempt to buy any voters?—A. No, sir.

Cross-examined by Tracy, for contestant:

Q. To which faction of the Republican party do you belong?—A. The Terry faction.

Q. Grace, then, was a political friend of yours?—A. I do not think him more friend to me than you are.

Q. I mean, did he belong to the same faction that you did?—A. I believe he did; I saw him there.

Q. What time did you meet Grace?—A. It wanted a quarter of five when I spoke to him, and told him he had a plenty of time, at Munday Gantt's house.

Q. Was it in the house or outside?—A. Right on the road; we had a sick horse on the road when he met us.

Q. Was it light yet?—A. No, sir; I tell you it wanted a quarter of five.

Q. Did you have any fire or light of any kind there?—A. No, sir.

Q. How did you find out it was a quarter of five o'clock?—A. I pulled out my watch when he said he wanted to get on, and I told him he had a plenty of time.

Q. It was not day, you had no light or fire of any kind, you looked at



your watch, and told him it was quarter of five. That is what you said, is it not?—A. Yes, sir; I told him he had a plenty of time.

TITUS <sup>his</sup> + BURNS.  
mark.

Sworn to and subscribed before me this 3d day of April, A. D. 1877.

[SEAL.]

W. F. MYERS,

*Notary Public, South Carolina.*

ABRAHAM RIVERS, a witness in behalf of contestee in the matter of contest for a seat in the Forty-fifth 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 where were you on the day of election in last November?—Answer. I live at Fee-farm plantation; I was at Ashepoo poll on the day of election.

Q. What time did you get there in the morning?—A. Six o'clock.

Q. How do you know it was six o'clock?—A. I saw the managers look at their watch and proceed to vote.

Q. How long did you remain there?—A. I staid there until sundown.

Q. Did you know of any person or persons buying or attempting to buy any voters at that poll?—A. No, sir.

Q. If any person had done so, don't you think you would have known it or heard of it?—A. I think I would.

Q. You are a Republican, are you not?—A. I am.

Q. To what faction did you belong?—A. I supported the Drifflie faction.

Q. Did any person leave the poll, that you know of, who desired to vote, without voting?—A. No, sir.

Cross-examined by Tracy, for contestant:

Q. Did you see a watch yourself at the time you say the polls were opened?—A. I did; I was at the window.

Q. Whose watch did you see?—A. I saw Mr. Fishburn's watch, one of the managers.

Q. How far were you from him?—A. About 10 feet.

Q. Is Mr. Fishburn's watch a large or a small one?—A. About a middling-sized.

Q. What sort of figures did it have on it?—A. I did not particularly notice the figures.

Q. Is this the figure six, (VII?) Look at it and see.—A. I did not examine the watch.

Q. How then can you tell what figure the hand was on?—A. I don't know; I did not examine the watch.

Q. How then could you tell the time by seeing Mr. Fishburn's watch?—A. I heard it from his own mouth, saying it was six.

Q. And that was just as the polls were opened?—A. Yes; as he said that, he proceeded to open the polls.

Q. Did you not say just now you had seen a watch at the time the polls were opened?—A. I did say I saw a watch, but did not say I examined it.

Q. Are you a political friend or a political opponent of Grace's?—A. I am no personal friend, or a political friend; just as a man.

Q. Is he not a man of very bad character?—A. I know nothing of his character.

Q. Were all three of the managers there when the polls were opened?  
—A. No, sir.

ABRAM RINERD.

Sworn to and subscribed before me this 3d day of April, A. D. 1877.  
[L. S.]

W. F. MYERS,  
*Notary Public, South Carolina.*

W. B. SCOTT, a witness in behalf of contestee, in the matter of contest for a seat in the Forty-fifth Congress of the United States from the fifth Congressional district of South Carolina, testifies as follows, after being duly sworn :

(At this stage the commission adjourned (2 o'clock) until to-morrow at 8 o'clock a. m.

Met pursuant to adjournment. Present, C. C. Tracy and J. H. Wheeler.

Question. Where do you live ?—Answer. At Ashepoo.

Q. Where were you on the day of election in last November ?—A. At Ashepoo poll.

Q. At what time did you go to the poll ?—A. I was out there at 4 o'clock.

Q. At 4 o'clock, you say ; what portion of the day ?—A. Before daylight.

Q. Then you mean 4 o'clock in the morning ?—A. Yes, sir.

Q. How long did you stay there ?—A. I staid until 6 o'clock that night.

Q. At what time did the polls open there ?—A. Six o'clock.

Q. How do you know it was 6 o'clock ?—A. Gilliard had a watch.

Q. What kind of an election did you have there ?—A. A very pleasant election.

Q. Did or did you not see or hear of anybody buying voters there ?—A. No, sir ; I did not see any.

Q. Did you hear of any ?—A. No.

Q. Was it generally reported at that poll that Captain Grace was paying men to vote his ticket ?

(Counsel for contestant objects to the question as one tending to contradict a witness who was not named on the cross-examination that he would be so contradicted on this specific point.)

A. No.

Cross-examined by C. C. Tracy, for contestant :

Q. What time did you say you got to the poll ?—A. I was there at 4 o'clock.

Q. Was that before day ?—A. Before day broke.

Q. How did you know it was 4 o'clock ?—A. Because Gilliard had a watch.

Q. What Gilliard was this ?—A. S. Q. A. Gilliard.

Q. He was there at 4 o'clock ?—A. He was there before 4.

Q. How did he come to swear, then, that he did not get there until ten minutes of 6 ?—A. He told me then he was going up for the tickets, and would be back time enough to vote at 6 o'clock.

Q. How did he then come to swear that he did not get up until half past 5 ?—A. Because he went home about ten minutes after 4, and may have gone to bed ; I only talk as to what I saw.

Q. You swear positively that Gilliard was at the poll at 4 o'clock ; he swears positively he was there at ten minutes to 6 and no sooner.

You can account for that in no other way than you have accounted above?—A. Yes; he was there before 4, went home, and came again, as he told me he would be back about 6 o'clock.

Q. Did you have any light there?—A. We had a large fire there the whole night; they had a supper there.

Q. What time did Mr. Fishburn get there—the Democratic manager, I mean?—A. He was there the night before, and until the next morning, as I saw him come out of the depot in the morning and supposed he was there all night.

Q. Which faction did you belong to?—A. I belonged to the Drifflie faction.

Q. Grace belonged to the Terry faction, did he not?—A. Yes.

Q. Which faction did you expect to get the largest vote at that poll?—A. More than I am able to say until then, as I did not know.

Q. Was not that considered a strong Drifflie poll then?—A. Not at that time.

Q. Were you with Grace all day?—A. He did not stay there all day, but as far as he went I could see, as he could go no farther than the river, and I stood on the platform all day watching around.

Q. You staid at the platform and he went as far as the river, backwards and forwards, talking to the voters, eh?—A. I did not see him talking to any voter, only walking up and down as other men.

Q. Did he have any tickets to distribute?—A. Yes.

Q. As he did not talk to the voters, I don't suppose he distributed any, did he?—A. Yes; he distributed.

Q. Just pointed them at them without saying anything, did he?—A. I do not know; I never discoursed with him, only saw him with the tickets.

Q. So you don't know whether he spoke to them or not?—A. I did not hear him.

Q. So then, in fact, he might have bribed the voters without you, hearing them?—A. If he did do anything like that, some of the voters would have spoken of it, because they were skinning their eyes when they saw him about.

Q. So Grace was a man you suspected of doingsuch things?—A. O, no; I had no such idea.

Q. What made the voters skin their eyes when they saw Grace about there?—A. Some of them said they never saw Grace down there only to a speech because they knew he belonged to the Terry faction and they knew he would work for the Terry faction, but never had any idea about bribery.

Reply, by T. H. Wheeler:

Q. When you say that he did no talking to the voters, you mean that he did not make any speech that day, do you not?

(Objected to as leading.)

A. Yes; I mean that he made no speech.

Q. Do you know who gave the supper the night before the election?

(Objected to as irrelevant and not in reply.)

A. The Democratic party.

W. B. SCOTT.

Sworn to and subscribed before me this 4th day of April, A. D. 1877.

[L. S.]

W. F. MYERS,  
Notary Public.

P. A. FERGUSON, a witness in behalf of contestee in the matter of contest for a seat in the Forty-fifth 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. I live in Saint Paul Parish, about two miles and a half from Ravenel's Station.

Q. Where were you on the day of election in last November?—A. At Ravenel's Station.

Q. What kind of an election did you have there?—A. A very quiet election.

Q. Did every voter at that poll, so far as you know, have an opportunity to vote without fear any ticket that he might choose to vote?—A. Yes, sir; Mr. Altman, one of the Democratic managers, told me no longer than last Thursday that it was the most quiet election held at Ravenel's or since he had been living there.

(Objected to as hearsay.)

Q. Was there any disturbance there during the day?—A. None at all.

Q. Was there any threat by any person, or any speech made to the crowd that the poll would be thrown out on account of disturbances?

(Counsel for contestant objects to the question as one tending to contradict a witness who was not warned on the cross-examination that he would be so contradicted on this specific point.)

A. No, sir. If there was, I was there during all day and very likely I would have heard it.

Q. If there had been any disturbance, would you or not have seen or heard of it?—A. Certainly; because I was there during the day and until the next morning.

Q. Did Mr. Fishburn make any speech to the crowd that day?—A. No, sir; he did not.

Q. Did he threaten to have the box thrown out on account of intimidation of Democrats by Republicans?

(Counsel for contestant objects to the question as one tending to contradict a witness who was not warned in the cross-examination that he would be so contradicted on this specific point.)

A. No, sir; he did not.

Q. Was there any cause for any one saying so?—A. No, sir, there was no cause; if there was, I would have seen or heard something of it, as I was knocking around the whole day.

Q. You say that you live near Ravenel. Are you well acquainted with the people in your section?—A. I know nearly every person in that section, and nearly every person knows me.

Q. From your knowledge of the people, did the Democratic party poll their full vote at that poll?—A. They did poll a great deal more than I thought they would have polled, and more than they themselves thought.

Q. Do you know of any intimidation or threats used by Republicans of either faction against Democrats, either white or colored, before the election?—A. No, sir; if there was I would have heard it, because I knock around that country as much as any other man.

Q. Did you see any colored Democrats at the Ravenel poll?—A. I did, sir.

Q. Were they molested or disturbed in any way?—A. No one molested or disturbed them.

Q. Were there any colored men there issuing out Democratic tickets; and if so, who were they?—A. Yes, there was one to my knowledge;

there may have been more, but I did not see them. Sam Williams is the man I saw.

Q. Did any one disturb or molest him, or threaten him for so doing?—

A. No one at all.

Cross-examined by C. C. Tracy, for contestant:

Q. You say that you were at the polls all day—election-day. What kept you there so long?—A. I was one of the managers.

Q. Were you not also a candidate on the Drifflie ticket?—A. I was.

Q. Where was the box kept?—A. Kept in a house opposite the depot; I suppose about twenty yards from the depot.

Q. Were the managers in the house?—A. They were. The table was near the door, and all three sat around the table; the door was wide open.

Q. Were you at the table all day?—A. I was, except when I was necessitated to leave for a few minutes at a time.

Q. How then can you say whether Mr. Fishburn or any other person did or did not make a threat to have the box thrown out on account of intimidation?—A. If he did I would have heard it, because I spoke with him myself.

Q. Did you speak to him all the time he was there?—A. Not all the time, sir.

Q. When he was away from you, then he might have made that threat without your hearing it.—A. If he did I would have heard it, because some one would have told me.

Q. You don't know of your own knowledge, then?—A. I did not hear him myself, and I did not hear any one say that he did.

Q. Was the entire crowd collected immediately in front of the door, or was it scattered around it?—A. When the polls were first opened in the morning there was a tremendous crowd fighting to get in.

Q. There was considerable noise and disturbance, then, when the polls were first opened?—A. No, sir; we appointed Sam Williams and another man sergeant-at-arms to keep the crowd from coming in, and let them come in two or three at a time.

Q. Could you see the crowd—the whole crowd—the whole time you were there?—A. I could not; as they voted, they scattered off.

Q. So, then, you cannot say of your own knowledge no intimidation was practiced or threats used by Republicans against Democrats on that day?—A. If there was I would have heard it, because it would have created a disturbance.

Q. Was not the last election quite an excited one?—A. It may have been among the Democrats. There was no excitement to me.

P. A. FERGUSON.

Sworn to and subscribed before me this 4th day of April, A. D. 1877.

[SEAL.]

W. F. MYERS,

*Notary Public, South Carolina.*

J. K. TERRY, a witness in behalf of contestee in the matter of contest for a seat in the Forty-fifth 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 what position did you hold before the last election?—Answer. I live in Walterborough. I held the position of sheriff.

Q. As sheriff, were you ever called upon to quell any disturbances in this county? And if you know the causes of the same, please state them,

together with what was done by you, or those who aided you, during the time of the disturbances.—A. I was called upon to quiet the disturbances at the Combahee. The first crowd I met was at this store, (Smith Leach's.) I stopped at Green Pond first. I met more of the rice-planters than I did the strikers. I held a conversation with them. I met Captain Colcoch there at the same time. Mr. Bissell was anxious that I should make arrests at once. He took out no warrants of arrest. Captain Colcoch did not approve of his course in the matter, and agreed with me it was better to quiet the thing down without making any arrests, if possible. He did not think it necessary to make any arrests. He said Bissell was excited, and he thought his course was not the best to take, and we agreed on that. I came here and met a crowd of about fifty or seventy-five. I inquired of them what their difficulty was and their grievances. The complaint seemed to have been a reduction of wages from fifty cents to forty cents a day. I told them it was their privilege to work or let it alone, but they had no right to interfere with those who were disposed to work for forty cents; that they would not be allowed to interfere with them—with those who were disposed to work for the reduced wages. They said to me they had formed themselves into a society or made a rule among themselves to not allow any man to work at the reduced wages on the rice-plantations; that a majority of them were in favor of that, and they thought a majority ought to rule. They seemed to be honest in it that a majority should rule. After talking to them, I persuaded them that they had no right to interfere with outsiders. This is about the sum and substance of the conversation that night. I spoke to them about an hour or two.

Q. From your investigations can you state the causes of the strikes?—A. I think I can; that is, as I got it from them, the reduction of the price of labor.

Q. Do you know anything concerning what was called the check system?—A. I was going to add in connection with the above answer, as I got it from them, that they were paid in checks by Mr. Bissell, checks made payable in two years; that they could not use those checks except they traded them out at his stores; they were sick and wanted medicines he had not; that they could not raise money on their checks to buy it with; some of them told me that.

Q. Did you ever have any conversations with Mr. Bissell and with the people regarding his checks?—A. I did.

Q. State what it was.—A. After visiting several plantations and talking with the people, my mission on the plantations was to quiet them down and persuade them to go to work, if possible. The last of his plantations I visited I think is called the Vineyard. I called on the foreman, who is a white man, a Mr. Hayne, I think; told him my business. He called the people up at my request, so as I could talk to them. In substance, they said they could not afford to work for forty cents a day in checks, and get no money. I asked them if they would be willing to work if Mr. Bissell paid them half cash and half check every Saturday, or at the end of every week. They said they would. After having considerable conversation with them I then left them, and called on Mr. Bissell. I told him in substance the conversation I had had with the people at Vineyard. I advised Mr. Bissell to accede to their terms, in order to quiet things down and save his crop. I told him I thought it was the best thing I could do from the way I looked at matters. I told him I had done the best I could with the people, for his interest and the interest of the rice-planters. He said he could not do it; he could not get the money. I might state here that I had had similar

conversations with the people on other plantations; at Mr. Heyward's. Captain Shaffer was with me at all of these plantations, Heyward's, Bissell's, and Izard's, and talked to the people.

Q. Then Mr. Bissell, from his own statements, was either a bankrupt or on the verge of bankruptcy?—A. That I do not know. He said he could get goods to pay them, but could not get money.

Q. When were you notified of the strikes?—A. I do not recollect the time; it must have been in June, perhaps a week after they struck, is the first I heard of it. I got the information on a Sunday, I think, through Captain Shaffer. He told me he got it from Colonel Izard.

Q. Did the rice-planters co-operate with you?—A. I can't say that they did give me any assistance. Colonel Izard took a little more pains to co-operate with me than any one. In fact, I cannot say that they gave me any assistance at all, except Colonel Izard. They did not seem to like to mix up in the matter. I hardly know what their ideas were.

Q. What was the conduct generally of Mr. Bissell toward aiding you?—A. He told me his troubles, but in actions he was perfectly indifferent; he put no warrants in my hands for arrests.

Q. Who was Captain Colcoch, and what was his politics?—A. A trial-justice and a Democrat.

Q. Were any warrants taken by the rice-planters for the arrest of any strikers, and issued by him?—A. I only know from Colcoch's conversation with me, they had a warrant issued for one man; this man went on the "Vineyard" plantation and advised the people not to work for forty cents a day.

Q. Did the trial take place, and, if not, can you tell me the reason?—A. I only know from what Captain Colcoch told me; I was not present.

Q. What did he tell you?

(Objected to as requiring the witness to state hearsay as evidence.)

A. That he put him in charge of his constable, and that he was taken away by some parties near White Hall.

Q. Was Mr. Colcoch appointed a trial-justice in this section on account of the strikes; and, if so, on whose recommendation?—A. He was appointed during the strikes, to help keep peace and order, but on whose recommendation I do not know.

Q. Do you know the express cause of his resignation?—A. Yes, I think I do; he told me there was such a state of feelings he could not execute the laws; that the rice-planters did not co-operate with him, and that he had no backing; that the man Mr. Bissell had arrested, on the day of trial Mr. Bissell did not appear, but went to Charleston.

Q. Did the strikes have any political significance?—A. I don't think politics had anything to do with it, between the two political parties. Republican and Democrats politics were not mentioned when I first came down here, to my knowledge.

Q. Was it mentioned at any other time?—A. Well, Saturday there was a political meeting at, I think, Hickory Hill; I attended that meeting; thought it would be a good place to meet a large body of people, and talk with them regarding the strike; a report had gotten out that Governor Chamberlain had appointed Mr. Colcoch, and sent me down there to make them work for forty cents a day; to convince them to the contrary I got up on the stand and read a telegram from Governor Chamberlain, showing them that Governor Chamberlain had nothing to do or say about wages.

Q. What part, if any, did Congressman Smalls in assisting you?—A. His assistance came after I had been taken sick. I know that he did assist Captain Shaffer, my deputy, when I was on my sick-bed.

Q. What was the advice given by the prominent Republicans to the people concerning the strikes?—A. That was for them to be quiet; not to violate law or interfere with those who were disposed to work; that if they did not wish to work for forty cents a day they must not interfere with those who did, because they would be violating the law and would be punished accordingly.

Q. Did the two factions in this county support the same candidate for Congress? and, if so, who did they support?—A. They did; supported Robert Smalls. There was two factions of the Republican party.

Q. Are you acquainted with the politics generally of the people of this county? and if so, state whether or not the Democratic party received their full vote at the last election at the precincts situated in the lower section of the county, or what is known as the rice section?—A. I think I am pretty well acquainted with the politics of the county, having been a resident for ten years. I have been in politics about nine years. In regard to a full vote in the lower precincts they polled a larger vote than I supposed they had voters, perhaps in consequence of their not turning out heretofore at previous elections; I cannot say.

Q. Was there any intimidation that you know of practiced by Republicans of either faction against Democrats?—A. Not any to my knowledge.

Q. Did the arrival of the troops in this county, or the news of their coming, have any effect upon the votes?—A. I think not.

Q. Did the strikes have any effect upon the vote in the lower section; and, if so, what party was damaged?—A. I think it did, some; and the Republican party was damaged by it, from information I got.

Cross-examined by C. C. Tracy:

Q. Were you not very sick in bed during nearly the whole of the last campaign?—A. During a part of it. I attended a number of meetings before I was taken sick.

Q. Please state how long.—A. I do not know when the campaign opened. I was taken sick in August, I think. I am not certain whether it was July or August.

Q. When did the second strike occur?—A. I don't recollect the time. After I was taken sick; I think July or August.

Q. Did you send to Governor Chamberlain a report stating that you were unable to suppress the riots?—A. That was not the second outbreak; that was the last end of the riots on the Ashepoo. That strike was on the Ashepoo; the last strike that was made. The strike was on Mr. Warley's plantation, planted by C. P. Fishburn. He sent a request to me that I should send a colored deputy. I carried out his wishes; deputized a man by the name of Sykes. Sykes summoned a posse—about a half-dozen men. He made one or two arrests. The crowd of strikers gathered, took the prisoners away from them and ran them off.

Q. Had you at any time previous to making such report exercised your prerogative as high sheriff of the county and summoned out the posse comitatus?—A. It never had been necessary for me to do so.

Q. You then reported to Governor Chamberlain that you were unable to perform your duty as sheriff, although you had never considered it necessary and never had exercised the powers conferred upon you by law?—A. From the reports of the deputy, I thought it would be useless to send a posse down there, as the strikers said if I sent a posse of fifty they would raise a posse of a hundred and fifty. I thought it would be useless to send a colored posse. I then consulted with John D. Edwards, Mr. Fox, and Willie Fishburn in regard to sending a white



posse; after holding a consultation over the matter, they advised me not to do it, but report the case to Governor Chamberlain. I did so.

Q. So then you took the advice of certain men and reported to the governor your inability to perform a duty plainly imposed upon you by law when such inability had not been made apparent?—A. I did not report to him that I could not suppress the riots or make the arrests; I thought it could be done much easier by the troops than it could by a posse of white men, and save bloodshed. Deputy Hiott said he would make the arrest with a posse of twenty white men; he would not go with less. The result of the consultation was that I had better not send them.

Q. Are the people in this section, (the Combahee section I mean,) credulous or easily imposed upon?—A. I do not know that they are any more so than in any other section of the country.

Q. Why, then, did you deem it necessary to refute the ridiculous story which you said was spreading that Governor Chamberlain had sent you down here to make them work for forty cents?—A. If there had been but one man who said so, I thought it well enough to read Governor Chamberlain's telegram to refute it, as I did not know how extensive it would spread. Such a report had reached my ears. I thought I had better give it the lie on the start by reading Governor Chamberlain's telegram.

Q. You deemed, then, that such a report might be credited?—A. Yes.

Q. Do you think that any but an ignorant or credulous people would have believed such a report?—A. I do not know if that would be confined to ignorant people or credulous people; all men are credulous, more or less.

Q. You stated that when you met the planters at Green Pond that Mr. Bissell wanted an arrest made, but could get no warrants, Captain Colcoch and yourself disapproving of such a course.

(Objected to as misrepresenting what the witness said, he never having stated that Mr. Bissell could not get warrants.)

A. I did not make any such statement.

Q. You will please state what you did say.—A. He thought arrests better be made, but did not ask for any warrants in my presence or to my knowledge.

Q. Will you please state what you said subsequently as to Mr. Bissell's action in regard to arrests?—A. That he had one man arrested by Captain Colcoch issuing a warrant; that when the day for trial came Mr. Bissell did not appear, but went to Charleston; so I was informed by Trial-Justice Colcoch.

Q. You say the rice-planters made no efforts to assist you in suppressing the riots; do you not mean that they would consent to no compromise which you suggested?—A. There was no riot when I was here; if you would say put an end to the strike it would be more proper. I did not go on any plantation where there was a riot; the people were quiet and orderly on all the plantations I visited, only they refused to work for forty cents a day.

Q. Why, then, did you advise them, as you say you did, that they could not interfere with any one else in their striking, if they had as yet shown no disposition or made no overt act in the line of such interference?—A. The reason I advised them to not interfere with outsiders, it would be in violation of law; that they had no right to do so.

Q. They never had, previous to such advice on your part, shown any disposition to so interfere?—A. I was informed by the planters that

they did interfere with those who were disposed to work. That is what I wanted to get in before.

Q. According to your own showing, then, there were no riots, and yet there had been such interference?—A. I did not say there had been no riots, not to my knowledge, not in my presence, but had been informed that parties who were willing to work had been interfered with and prevented, and in some cases whipped and driven out of the field.

Q. Then the planters gave you no assistance in suppressing the strikes, as they would not consent to any compromise. Do I understand you aright?—A. I said only Mr. Bissell would not consent to a compromise. Colonel Izard and Mr. Heyward offered to pay the old prices if the hands would go to work.

Q. Had Colonel Izard ever made any reduction from the old prices?—A. Colonel Izard told me that his foreman had done so; he would be governed by James B. Heyward's prices.

Q. Is not this section the stronghold of the faction of the Republican party which goes by your name?—A. Well, a pretty strong place; a pretty good vote at this poll.

Q. Did not your faction poll a much larger vote at the last election than the Holmes faction, of which you were a leader, polled in 1874 at this, the Blue House poll?—A. I will explain. There was a poll at Stock's Causeway in 1876. That poll was done away with, and the voters had to go to Blue House. Taking the two polls together, I don't think they polled more than their full vote.

Q. Did not many of the voters from Stock's Causeway precinct vote at Ashepoo, having first gone to Bennett's Point and finding that poll closed?—A. I don't know.

Q. Did not the Myers faction beat the Holmes faction in 1874, and did not yours or the Holmes faction beat the Myers in 1876?

(Objected to as irrelevant.)

A. I think they did.

Q. You state where the strength was gained, if not at Blue House.—A. I don't think I got any more votes there; that is, I mean the Holmes got no more votes in 1876 than they did in 1874; that is, taking the two polls in consideration.

Q. Will you state the cause of the riot in August, or during the rice-cutting season, if you know such cause of your own knowledge?—A. I do not know. I think I was sick in bed about that time. I understood they wanted an increase of wages, is all I know about it.

Q. You did not understand that there had been a reduction, did you?—A. Not at that time; they wanted an increase for cutting rice; so I was informed.

Q. Then you know nothing, of your own knowledge, of the second, or more violent, strikes which occurred during the heat of the political campaign?—A. No.

Q. If you were sick during a great part of the campaign you can know very little of any intimidation practiced in this section of the country, can you?—A. Not personally; I know of some cases of intimidation.

Reply by T. H. Wheeler, for contestee:

Q. What cases were they, and against whom were they directed?—A. One was the case of Thomas Fields, another by the name of Sam Butler. They were bound over to court for stealing calves; bound over by Trial-Justice Brownlee for their appearance to court the November term. They were told by the foreman of the grand jury, and one other member of the grand jury, and other parties, that they would compro-

mise the matter with Mr. Sauls, from whom they stole the calves; that the proof was clear against them; that they would convict them; but in consideration they would settle the matter, and the matter should not come before the grand jury, if they would vote the Hampton ticket. These are the only two cases that I know of personally.

(Objected as not in reply, and as hearsay, and as not touching what is charged in the notice of contestant, or charged or denied in the notice of contestee.)

Q. Was it not the general rumor, and the practice of some Democrats throughout the county, that hands would be discharged or rejected from their places, if they voted and did not vote the Democratic ticket?

(Question objected to on the same grounds as above, and as leading.)

A. I heard a good many rumors of that kind, and a good many people came to me inquiring what they should do. They told me that men whose land they were living on said they should move off it if they did not vote the Democratic ticket. I told them they had a right to vote as they pleased, they were free, and if they thought it to their interest they had a right to do so. I told them it was rather a hard case; that if they were turned off in consequence of voting as they saw fit that I would try and find them a place to live where people would not turn them off for voting or carrying out their wishes. I sent some of them to James Glover, who would sell them lands. He was a Democrat and was willing they should vote as they saw fit. My advice to them invariably was that if they thought it to the best of their interest to vote the Democratic ticket, to do so.

Q. Who are J. J. Fox, J. D. Edwards, and William Fishburn, and what are their politics?—A. They are all lawyers and Democrats.

J. K. TERRY.

Sworn to and subscribed before me this 4th day of April, A. D. 1877.  
[L. S.]

W. F. MYERS,

*Notary Public, South Carolina.*

A. C. SHAFER, a witness in behalf of contestee in the matter of contest for a seat in the Forty-fifth Congress, from the fifth Congressional district of South Carolina, testifies as follows after being duly sworn:

Question. In what position did you act, where did you go, and what did you do during a portion of the summer and fall of 1876?—Answer. I was deputy sheriff a portion of the time; I was also down here with the sheriff; I visited the Combahee in that capacity; I was with General Smalls at Bellevueville; I made arrests under warrants placed in my hands at Bellevueville; I turned the parties over to the trial justice who issued the warrants, with the warrants.

Q. Please give a description of what occurred at Bellevueville the day Congressman Smalls was there, and state, if you know, the cause or causes of the strikes or their continuance.—A. We found an assembly of colored people there, probably a hundred or a hundred and fifty, in the road; the cause of their being there, as they stated, was that Deputy Hiatt, (sheriff's deputy,) after arresting a party or parties connected with the strike, I think, had beaten them with a whip after they had surrendered to him. Congressman Smalls and myself told them to go to their homes, disperse, that these men had their redress under the law. We succeeded in dispersing the crowd, and I arrested the prisoners then and there. I always understood the cause of the strike to be a reduction of wages; the planters wanted to pay forty cents a day, is what the strikers told the sheriff when he came down here, and the

greater majority of them in checks payable in two years, except they could trade at their stores.

Q. Was there any complaint made by the laborers on account of the prices charged at the commissary's at which they were compelled to deal, if paid in checks?—A. Yes.

Q. Did you at any time ever state to a crowd of strikers or any other crowd, the expression, "Bully, boys; go on with the strike until after the election?"

(Counsel for contestant objects to the question as one tending to contradict a witness who was not warned in the cross-examination that he would be so contradicted on this specific point.)

A. No.

Q. What was the advice given by General Smalls and yourself on that and every other occasion?—A. I have always advised them, as to the matter of wages, that they were the masters of that, but try to arrange the matter satisfactory with the employers, try and settle matters amicably between them, avoid all riotous demonstrations; if the price offered was not enough, why, stay at home and not interfere in any shape or manner. My efforts were to get them to work, even for the forty cents, or anything they could get along with.

Q. Upon whose recommendation, if you know, was Captain Colcock appointed, or rather at whose request?—A. I do not know. I understood it was the request of the planters down here, Mr. Bissell and the rest of them; I was not consulted in the matter at all.

Q. Did he ever complain to you or to Sheriff Terry concerning his inability to stop the strikes? And if so, state what causes were alleged.—A. He did; the cause alleged was he did not get the backing from the planters he desired. I think he was speaking to the sheriff; it was in the sheriff's office.

Q. Did the strikers have anything to do with politics?—A. No; I think not.

Q. Do you know of any acts of intimidation in this county on account of the political opinions of any one; and if so, against whom were they directed?—A. A number of Republicans did complain to me that Democrats to whom they were indebted for lands or personal property, threatened to foreclose or force the collection if they did not support the Democratic ticket.

(Objected to as not touching matters charged in notice of contestant or charged or denied in the answer of contestee.)

Q. Where were you on the day of election?—A. At Blue House precinct.

Q. What kind of an election did they have there?—A. Perfectly quiet.

Q. Did you see any colored Democrats vote there; and if so, were they molested or disturbed by any one?—A. Yes, I saw them; they were not molested as I saw, not at the precinct.

Q. How many Democrats voted there, (colored Democrats,) and at what time did you see most of them vote?—A. I could not state how many; as soon as the polls were opened; all that I saw voted at once.

Q. Was there a large crowd there then?—A. There was.

Q. Was there any intimidation during the day practiced by Republicans against Democrats?—A. I was at the polls the whole day; I did not see any.

Q. Did the coming of the troops, their presence there, have any influence to prevent any person from voting as he desired?—A. They did not.

Q. Did the strikes injure either party; and if so, what party?—A. I think they did; they injured the Republican party.

Q. Was the crowd at the Blue House poll armed with weapons of any character?—A. I did not see any.

Q. Were there any women there; and if so, what did they do?—A. I think there were a few women in the road. They did not do anything; they were not near the poll and did not interfere.

Cross-examined by C. C. Tracy, for contestee :

Q. In what way did the strikes injure the Republican party?—A. Political capital was made of it through the newspapers, through being misrepresented.

Q. Did it have any effect in that way in this county?—A. I think it did.

Q. What class of people did the newspapers reach in this county, who would likely be influenced by such representation?—A. The newspapers reach all classes.

Q. Are there any classes in this county who would be influenced by any such representations? And if so, state what class.—A. All; the rich and poor classes more or less.

Q. How do you know that the coming of the soldiers had no influence on the voters of the Blue House poll?—A. The rush was principally through; they did not get there before eight or nine o'clock, and then they must have been five or six hundred yards from the precinct.

Q. Did Paul have to obtain their assistance in opening a way to the polls for the voters?—A. I don't know that he did; if he did, it was to expedite matters and not on account of any intimidations or rows.

Q. Did he not call the lieutenant to come and open a way for them?—A. I saw the lieutenant open a way different from which they had been voting, but I thought no improvement.

Q. If the rush was over why was it necessary to open a way?—A. It was a little more convenient in swearing the voters.

Q. Did all the Democrats (colored) vote before the soldiers got there?—A. I think they did, at least an hour before.

Q. Then, as none voted after they came, might not their coming have changed some votes?—A. The soldiers did not electioneer or come near the poll.

Q. How many strikes were there?—A. I don't know whether there was one or more. I cannot state.

Q. Did not one ebullition or breaking out take place in May or June, and another in August or September?—A. There was one some time previous to the other. I cannot state the exact months unless I have something to refresh my memory.

Q. One was caused by the reduction of wages. Was there any reduction made at the time of the other?—A. I do not recollect. Deputy Sheriff Hiatt had charge of that.

A. C. SHAFFER.

Sworn to and subscribed before me this 4th day of April, A. D. 1877.  
[L. S.]

W. F. MYERS,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,  
*Colleton County :*

In the case of G. D. Tillman, esq., against Robert Smalls, returned as a member of the Forty-fifth Congress from the fifth Congressional district of South Carolina at an election held on the 7th day of No-

vember, 1876, I certify that for and in behalf of Robert Smalls, contestee in the above-named case, I took, at Smith Leach's Store, near White Hall Station, in the county of Colleton, between the 29th, 30th, 31st days of March, 1st, 2d, 3d, and 4th days of April, 1877, inclusive, the testimony of William A. Paul, C. B. Broch, Smith Leach, T. D. Richardson, A. P. Holmes, T. H. Grant, T. L. Martin, Logan Williams, James White, J. P. Green, Titus Burns, Abram Rivers, J. P. Snipe, William Higgins, H. Simmons, S. Q. A. Gilliard, W. B. Scott, P. A. Ferguson, J. K. Terry, and A. C. Shaffer, citizens of Colleton County, in South Carolina; also, at the said time and place, was taken in evidence one hundred and seventeen pages of testimony, of legal cap.

[L. S.]

W. F. MYERS,

*Notary Public, South Carolina.*

No. 9.

STATE OF SOUTH CAROLINA,  
*Beaufort County:*

G. D. TILLMAN, CONTESTANT, }  
*vs.*  
ROBERT SMALLS, CONTESTEE. }

To Hon. G. D. TILLMAN:

You are hereby notified that I will examine the following-named witnesses, all of whom reside in Beaufort 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 1876, for the fifth Congressional district of the State of South Carolina, and in reply to matters and things set forth in said notice of contest, and to evidence produced by you, before Shepard D. Gilbert, esq., notary public, at Mitchellville, Hilton Head, in the county and State aforesaid, on the 2d day of April, 1877, commencing at 8 o'clock a. m., and continuing thereafter from day to day until the following witnesses shall be examined, to wit: Renty F. Graves, Dr. F. E. Wilder, Alfred Noble, William Reed, Thomas Frazier, Edward Murray, Phoenix Robinson, G. P. Gardner, Simon Grant, Fred. Orage, Isaac Jones, W. H. Peebles, Thomas Chisolm, Thomas Bell.

ROBT. SMALLS,  
Per ALFRED WILLIAMS,  
*Attorney.*

In the matter of contest between G. D. Tillman, contestant, and Robert Smalls, contestee, for a seat in the Forty-fifth Congress of the United States from the fifth Congressional district of South Carolina.

SCHOOL-HOUSE, MITCHELLVILLE PRECINCT,  
*Hilton Head, S. C., April 2, 1877.*

At 9 o'clock a. m. the counsel for the contestee, Robert Smalls, with the counsel for the contestant, G. D. Tillman, appeared before me, Shepard D. Gilbert, notary public, to examine witnesses, all of whom reside in Beaufort County, relative to and touching matters and things set forth in the answer of Hon. Robert Smalls, contestee, to the notice of G. D. Tillman, contestant, to contest his right to a seat in the Forty-fifth Congress of the United States, to which the said G. D. Tillman is contestant, and in reply to evidence produced, so far as it relates to the precinct of Mitchellville, Hilton Head.

Alfred Williams, esq., appeared as counsel for contestee, and John G. Barnwell, esq., as counsel for contestant.

G. D. TILLMAN, CONTESTANT, )  
   *vs.*

ROBERT SMALLS, CONTESTEE. )

STATE OF SOUTH CAROLINA,

*County of Beaufort :*

Personally appeared before me, Shepard D. Gilbert, notary public, ALFRED NOBLE, a witness for the contestee, who, being duly sworn according to law, deposes and says :

Question. State your name, age, residence, and occupation.—Answer. Alfred Noble ; residence, Hilton Head, S. C. ; age, sixty-one ; occupation, a planter.

Q. Did you vote at the recent election held in November last ?—A. I did, sir.

Q. At what precinct did you deposit your vote ?—A. At Mitchellville precinct, Hilton Head.

Q. How long did you remain at the polls on the day of election ?—A. From about seven o'clock in the morning until the poll was counted.

Q. Were you employed in any capacity at the poll ?—A. None at all, except to distribute tickets.

Q. State whether or not the election passed off in a quiet and orderly manner.—A. It did pass off very quietly during the day.

Q. State whether or not any one was prevented, hindered, or obstructed in depositing their ballot for any particular candidate.—A. None, sir.

Q. State whether or not Democrats and Republicans alike were suffered to deposit their ballots without molestation.—A. There was no hinderance ; all voted together peaceably.

Q. If there had been any hinderance or interference with voters on the day of election would you have been aware of it ?—A. I would, sir.

Q. How many tickets were there distributed on the day of election ?—A. Three.

Q. Name them.—A. One straight Republican ticket, one straight Democratic ticket, and one outside ticket—a ticket imitating the Republican ticket.

Q. Did not this imitation ticket of which you speak so closely resemble the straight Republican ticket that persons who could not read would be deceived into voting the ticket, believing it to be the Republican ticket ?—A. Yes, sir.

Q. Was that ticket distributed to Republicans under the pretense that it was a Republican ticket ?—A. It was so, sir.

Q. Who was distributing these tickets in imitation of Republican tickets ?—A. Mr. McFall, sir.

Q. Were there any other persons distributing these tickets in imitation of the Republican tickets on the day of election ?—A. None that I saw.

Q. Can you describe this imitation ticket ?—A. I can.

Q. Please do so.—A. The same length, width, and same ink, except that the Republican ticket was printed on good, substantial, stiff paper, and the other was on weak, sickly-looking paper, like the man that was issuing them out.

Q. State whether the color of the ink was identical on each paper, and whether the emblem was the same.—A. Each was red ink and the same emblem, and no difference could be told except by one able to read.

Q. Was there any money offered or paid to any person to vote this imitation ticket?—A. Not to me or in my presence.

Q. Did this imitation ticket contain the names of any Republican candidate for office?—A. No, sir; it was headed "Tilden and Hendricks."

Q. State whether or not this Democrat imitation ticket was headed "Union Republican ticket?"—A. I do not recollect how it was headed.

Q. Do you know of any assault being made on Mr. McFall on the day of election?—A. I know of none; if any, it must have been away from the polls.

Q. Do you mean to say that you know of no one who distributed Democratic tickets taken from the polls and beaten?—A. I know of no one.

Q. How did the Democratic vote at the last election compare with that on former years; was it larger or smaller?—A. Smaller.

Q. What was the Democratic vote in former years?—A. I cannot say exactly. No colored man ever voted the Democratic ticket, to my knowing, here, nor wouldn't.

Q. If any colored man had offered to vote the Democratic ticket, would he have been interfered with?—A. No, sir; every man was allowed to vote as he pleased.

(Counsel for contestant expressed desire that witnesses be examined separately and apart from each other, and such request was acceded to.)

Cross-examined:

Q. You were at the polls, you say, all day?—A. I was there a little while after the polls opened until the vote was counted.

Q. Were you there when the polls were opened?—A. I got there after they were opened.

Q. And all that time the election passed off quietly?—A. Yes, sir; except that Pollitzer was asked if he was of age, and insulted the crowd.

Q. Do you say he insulted the crowd?—A. He gave no satisfaction about his age.

Q. Was Mr. Pollitzer there all day?—A. No, sir; he was there long enough to vote, and went off.

Q. Were you at the polls when he came there?—A. I was, sir.

Q. Were you there all the time he was there?—A. I was there when he rode up and when he rode off. As he went away he said he'd be damned if he didn't do all he could against Hilton Head.

Q. Did he come back again?—A. I did not see him.

Q. Was there any excitement while he was there?—A. Some of the people were not satisfied that he was of age, and thought they had a right to challenge him.

Q. Did the colored people get excited?—A. No.

Q. Were no threats made to Mr. Pollitzer?—A. Not that I heard of.

Q. If any threats had been made would you have heard them?—A. I should have heard them.

Q. You never heard any threats offered while you were there?—A. No, sir.

Q. No threats against anybody?—A. I heard none.

Q. No cursing?—A. I paid no attention whether there was or not any cursing.

Q. You say there were three tickets there?—A. Yes, sir.

Q. Did you see McFall distribute the imitation tickets?—A. I saw him issue two, one of which he gave me on my asking for it.



Q. Why did you ask for one?—A. I asked to see the imitation ticket and he gave me one.

Q. Did he give you the ticket in order that you might vote it?—A. No, sir, I had voted already.

Q. About what time of day was it?—A. Between eleven and twelve, I should think.

Q. Who were the other persons he gave the tickets to?—A. Tom Bell and Jim Giles.

Q. Did he give them openly?—A. He gave them openly, but they did not seem satisfied, and came to the window to ask if they were the right tickets, and that is how the cat got out of the bag.

Q. What time was it?—A. Between eleven and twelve o'clock, as near as I can guess.

Q. Was Mr. McFall here all day?—A. He was not. When he was detected in giving out those imitation tickets he went up the road, and soon after men came up with those tickets and said a white man gave them out up the road, over the bridge.

Q. Who did you see come up the road with these tickets?—A. I am not sure who they were. Men from the country.

Q. What way did Mr. McFall leave?—A. I do not know. When he was detected, he went off.

Q. Did you see him go?—A. I saw him go from where he was standing up the street. Was busy myself giving out tickets.

Q. Did he go by himself?—A. I do not know.

Q. Did you hear any person cursing him that day?—A. No sir, I did not.

Q. Did you hear any one threaten him?—A. No, sir.

Q. Had any one threatened him or cursed him, would you have heard them?—A. I would while he was standing at the polls.

Q. When you were asked about the heading of the imitation ticket, you spoke of the excitement breaking out; what do you mean by the excitement?—A. The imitation ticket being so exactly alike.

Q. Then there was an excitement?—A. I mean the people were hovering around, looking at the imitation of the ticket; at the moment people thought a great many of them had got out.

Q. Was that the time McFall left?—A. He left directly after this excitement.

Q. Did you hear any threats uttered during this excitement?—A. There were no threats. People got around asking to look at one of the tickets, laughing and talking.

Q. Do you know Mr. William S. Drayton?—A. I do. He was one of the managers of election.

Q. Did you hear him read any paper during the election?—A. No, sir.

Q. Did he attempt to read any paper?—A. Not to my knowing. I was outside issuing tickets.

Q. If he had read any paper to the crowd would you have heard him?—A. From the time I came, I would.

Q. Then you swear that from the time you came Mr. Drayton read no paper to the crowd?—A. Not in my hearing.

Q. And you were at the polls all day?—A. From seven o'clock until the poll was counted.

ALFRED NOBLE.

Sworn to and subscribed before me this 2d day of April, A. D. 1877.  
[SEAL.]

SHEPARD D. GILBERT,  
*Notary Public, South Carolina.*



STATE OF SOUTH CAROLINA,  
*County of Beaufort :*

Personally appeared before me, Shepard D. Gilbert, notary public, WILLIAM REED, a witness for the contestee, who, being duly sworn according to law, deposes and says :

Question. State your age, name, residence, and occupation.—Answer. William Reed ; aged 39, in November next ; Hilton Head is my residence ; by occupation a farmer.

Q. Did you vote at the election held in November last ?—A. Yes, sir.

Q. Where did you vote ?—A. At Hilton Head precinct.

Q. Is there more than one precinct on Hilton Head Island ?—A. I do not know of more than one.

Q. In what capacity were you engaged on the day of election ?—A. As peace-officer.

Q. How many kinds of tickets were distributed on the day of election ?—A. I saw two kinds.

Q. What were they ?—A. One red print Republican ticket, and one white Democratic ticket.

Q. State whether or not there were any Democratic tickets on the day of election printed in imitation of the regular Republican ticket ?—A. No, sir ; I never saw any distributed.

Q. At what time in the day did you arrive at the polls and at what time did you leave it ?—A. At six o'clock in the morning I arrived at the polls, and left after the polls were counted in the evening.

(Mr. Pollitzer being present, counsel for contestee requested his withdrawal, inasmuch as he had been summoned as a witness for contestant, and had failed to appear, and might be called in rebuttal.)

Q. State whether or not the election passed off in a quiet and orderly manner ?—A. The election was quiet and orderly.

Q. Were any complaints made to you as peace-officer by any persons who had been interfered with while at the polls on the day of election ?—A. No, sir.

Q. Was there any interference or hinderance on the part of any person or persons against those who desired to vote the Democratic ticket ?—A. None, sir.

Q. Was there any one at the polls on the day of election distributing Democratic tickets ?—A. I saw the ticket, but did not see who was distributing it.

Q. Did you see Mr. McFall on the day of election ?—A. Yes, sir.

Q. Where did you see him ?—A. At the poll ; he was the second man who voted after I got there.

Q. Was he assaulted in any manner, by any one, while he was in the vicinity of the polls ?—A. No, sir.

Q. Was there any violence used against any person while in the vicinity of the polls on the day of the election ?—A. None, sir.

Q. Was any person appointed to distribute Democratic tickets to voters on the day of the election captured by Republicans and carried away from the poll or injured in any manner ?—A. None, that I know of.

Q. If any person had been interfered with, hindered, or obstructed in any manner, or driven away from the polls while you were there, would you have known of it ?—A. Yes, sir, I would ; but there was no one.

Q. Had any colored man attempted to vote the Democratic ticket would he have been interfered with ?

(Objected to.)

A. No, sir, I guess not; he wouldn't, because the boys did as they pleased.

Cross examined :

Q. You say you were a peace-officer. What was your authority?—A. I was a trial justice constable, appointed to keep peace at the polls.

Q. Did Mr. McFall remain at the polls all day?—A. He did not remain at the polls all day.

Q. Did you see him leave?—A. Yes, sir; I saw him walk off somewhere.

Q. Do you know why he left?—A. No, sir; I do not know the reason.

Q. Was there any excitement in the vicinity of the polls before he left?—A. No, sir.

Q. Did you hear any talk about the imitation Democratic ticket?—A. No, sir.

Q. Did you see Mr. Pollitzer on that day?—A. Yes, sir.

Q. Did you see him vote?—A. Yes, sir; I saw him vote.

Q. Did any one object to his vote?—A. No, sir; no one objected in my presence.

Q. If anyone had objected would you have known of it?—A. I should have known of it; I was back and forward from the store all the time.

Q. Do you know Mr. W. S. Drayton?—A. Yes, sir.

Q. Was he a manager of the election?—A. Yes, sir.

Q. Did you hear him read any paper that day?—A. No, sir; he was outside and I was outside.

Q. Were you there when Dr. Wilder came?—A. Yes, sir.

Q. Was there any excitement at the polls when he came?—A. No, sir.

Q. Was everything perfectly quiet?—A. It was; he asked me if all was quiet, and I told him it was.

Q. Do you know Nathaniel Lightburn?—A. Yes, sir; I have been acquainted with him a few days, since he left his ship.

Q. Did you know him the day of the election, by sight?—A. Yes, sir.

Q. Did he vote at the election?—A. Not so far as I know; he did not vote in my presence.

Q. Do you know whether he attempted to vote?—A. No, sir; I do not.

Q. Was there any dispute at the polls about his voting?—A. No, sir; there had been any dispute at the polls I should have known he attempted to vote.

Q. Was there any threatening language used that day at the polls?—A. No, sir; not in my presence.

Q. Did you hear any abusive language used against any one?—A. No, sir.

Redirect :

Q. Was Mr. Lightburn a resident and citizen of Hilton Head and entitled to vote here?

(Objected to.)

A. I had opinion he ought not to vote as he hadn't been ashore long enough.

Q. Do you know in what capacity he had been employed before coming to Hilton Head?—A. No, sir; I do not.

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

Sworn and subscribed before me this 2d day of April, A. D. 1877.

[SEAL.]

SHEPARD D. GILBERT,  
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA,  
*County of Beaufort :*

Personally appeared before me, Shepard D. Gilbert, notary public, SIMON GRANT, a witness for the contestee, who, being duly sworn, deposes and says :

Question. State your name, age, residence, and occupation.—Answer. Simon Grant ; aged thirty-five ; residence Hilton Head precinct ; a farmer by occupation.

Q. Did you vote on the day of election ?—A. I did.

Q. Where did you vote ?—A. At Mitchellville.

Q. How long did you remain at the polls ?—A. From seven to four.

Q. Was there any person distributing Democratic tickets at the polls while you were present ?—A. Yes, sir.

Q. Who were they ?—A. Mr. McFall.

Q. What kind of a ticket ? Describe its general appearance.—A. He had one straight-out Democratic ticket, and another ticket looked just like the Republican ticket ; you would not know it, except you could read.

Q. Were there the names of any Republicans printed on this imitation ticket ?—A. On the top of the ticket was printed the words " Union Republican."

Q. Were the names printed on the ticket the names of Democrats or Republicans ?—A. They were names of Democrats.

Q. State whether or not Mr. McFall offered you one of these imitation tickets as the straight Republican ticket.—A. After I had refused the straight-out Democratic ticket, he offered me one of these imitation tickets, saying, " Here is one of your Republican tickets."

Q. Was it a Republican ticket ?—A. It was not.

Q. How did you discover it was not a Republican ticket ?—A. By examining it. I read the names.

Q. If you had not read the ticket would you not have voted it, thinking it to be the Republican ticket ?—A. I would have voted it, thinking it to be the Republican ticket.

Q. Do you know of any interference by any person with those who attempted to vote the Democratic ticket ?—A. No, sir.

Q. Were there any threats made or violence offered to Democrats by Republicans while in the vicinity of the polls on the day of the election ?—A. Not in my presence ; not that I know of.

Q. Were you at the polls all the time between seven and four o'clock ?—A. Not very far from the polls, as I was distributing tickets.

Q. If there had been any violence offered to any person, would you have been likely to have seen it ?—A. Yes, sir.

Q. Do you know of any person appointed to distribute tickets to Democratic voters, captured or carried away from the polls, or beaten or injured by Republicans ?—A. No, sir ; not that I know of.

Q. Do you know why Mr. McFall left the polls on the day of election ?—A. I do not know. After his ticket was found out he went away ; after standing awhile I heard that he and some women had some difficulty over at Drayton's.

Q. How far from the polls is Drayton's ?—A. About a quarter of a mile.

Q. Did Mr. McFall live at the Drayton place ?—A. I do not know where he lived.

Q. This was after he left the polls ?—A. After he had left the polls.

Cross examined :

Q. Who was with you when McFall gave you the ticket ?—A. No one

was nearer than five feet, which was the distance of Mr. McFall and others from me.

Q. Did you ask him for a ticket?—A. No, sir; McFall asked me if I wanted to vote; I told him yes, and he gave me one of his tickets.

Q. Were you distributing Republican tickets at the time?—A. Yes, sir.

Q. Did you have Republican tickets in your hands?—A. I had a few of them.

Q. Did Mr. McFall see those tickets?—A. I suppose so; he could not help seeing them.

Q. You could read and did read the imitation ticket when he gave it to you?—A. I did, sir.

Q. What did you do when he gave it to you and you had read it?—A. I took it and gave it to the rest of the men.

Q. Did it cause any great excitement when you showed it to them?—A. Not very great.

Q. Did it make them angry?—A. Not many, for they appeared to know what it was.

Q. Did you see any one angry about it?—A. No, sir.

Q. You heard no expression used about it?—A. What I heard generally used was, "That is a Democrat ticket, and I don't want it."

Q. Did you see Mr. McFall leave?—A. Yes, sir.

Q. Do you know why he left?—A. I don't know, sir.

Q. How long after he showed you that ticket before he left?—A. About an hour.

Q. Did you hear any one say what he got into the difficulty with the women about?—A. No, sir; I heard no one say.

Q. When did you hear about this difficulty?—A. About a quarter of an hour after he left.

Q. Did you ask any one what the difficulty was about?—A. Not any one at all.

Q. Did you see any one vote a Democratic ticket that day?—A. Yes, sir.

Q. Whom did you see vote it?—A. I saw McFall himself vote it.

Q. At what time did he vote it?—A. He voted it about eight o'clock in the morning.

Q. About an hour after you got here?—A. Yes, sir.

Q. Did you see many vote before he did?—A. A good many of the boys I saw voting.

Q. The voting had got under way, then, before you got there?—A. Yes, sir.

Q. Were you there when Mr. Pollitzer voted?—A. Yes, sir.

Q. Did you see him vote?—A. I saw him at the window, and thought he was voting then.

Q. How near were you to him?—A. About twenty feet from him.

Q. Was anything said about his voting?—A. A man was speaking to him about ages. Don't know whether he asked the man or the man asked him.

Q. Was there any interference to prevent his voting?—A. He had already voted.

Q. Who was the man he was talking with?—A. I do not know.

Q. Did you hear any one use any insulting language?—A. No, sir.

Q. Did you hear any one challenge his vote before he put it in?—A. No, sir.

Q. Were you at the polls when Dr. Wilder came up?—A. I was there.

Q. Was there any excitement there at that time?—A. Not except the talk between Mr. Pollitzer and the man with whom he was talking

about ages. He heard the man ask Mr. Pollitzer if he was a citizen of the island. I heard Mr. Pollitzer say he would vote where he damned please.

Q. You heard no threats against Mr. Pollitzer?—A. None that I know of.

Q. Do you know Mr. W. S. Drayton?—A. Yes, sir.

Q. Do you know at what time he read a paper?—A. I do not. I was busy outside.

his  
SIMON + GRANT.  
mark.

Sworn and subscribed before me this 2d day of April, A. D. 1877.

[SEAL.]

SHEPARD D. GILBERT,  
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA,  
County of Beaufort:

Personally appeared before me, Shepard D. Gilbert, notary public, EDWARD MURRAY, a witness for the contestee, who, being duly sworn according to law, deposes and says:

Question. State your name, age, residence, and occupation.—Answer. Edward Murray; residence on Hilton Head; aged about twenty-eight years; by occupation a farmer.

Q. Did you vote on the last election held in November?—A. I did vote.

Q. Where did you vote?—A. At Mitchellville.

Q. In what capacity were you employed on the day of the election?—A. To distribute tickets.

Q. How many different kinds of tickets were there?—A. Three.

Q. What were they?—A. One straight-out Republican ticket, one straight-out Democratic ticket, and one imitation ticket.

Q. Was this imitation ticket printed in the same colored ink as the straight Republican ticket?—A. I don't know.

Q. Did you see any disturbance on the day of election at or near the polls?—A. I did not.

Q. Was any one interfered with in the exercise of their right to vote?—A. No, sir; no one was interfered with at all. Every man cast his ballot as he desired on that day.

Q. At what time did you arrive at the polls that morning?—A. At eight o'clock.

Q. What time did you leave?—A. I left at five o'clock.

Q. Was any persons appointed to distribute Democratic tickets captured by Republicans, or driven away from the polls, beaten, or otherwise injured or insulted?—A. No, sir; I saw none of that done.

Q. If any such interference had happened would you have known it?—A. I should have, as I was there from seven to five.

Q. Were you away from the polls during those hours?—A. I was not away.

Q. Were threats made against Democrats at the polls on the day on election?—A. No threats were made against Democrats or Republicans.

Cross-examined:

Q. Can you read?—A. I can, a little.

Q. Did you read any of the tickets?—A. I read some of the tickets.

Q. How did you know the imitation ticket?—A. By looking after it.

Q. Who gave you the one you had?—A. One of the boys gave it to me to read for him.

Q. Did any one get mad about it?—A. No one did. Took it easy and cool.

Q. Then this ticket did not deceive anybody?—A. It did not deceive me. I cannot say whether it deceived others or not.

Q. Then no one was angry about it?—A. No, sir; no one was angry.

Q. Did you hear any one say anything to McFall about it?—A. No; I heard nothing said to McFall.

Q. Did you see any one vote the Democratic ticket?—A. I did not.

Q. Did you hear any dispute during the whole day?—A. I did not hear any dispute.

Q. Did you hear of any difficulty between Mr. McFall and some women?—A. I did not.

Q. Then there was no excitement at or near the polls at all?—A. No, sir; none at all.

EDWARD MURRAY.

Sworn and subscribed before me this 2d day of April, A. D. 1877.

[SEAL.]

SHEPARD D. GILBERT,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,

*County of Beaufort:*

TUESDAY, April 3, 1877.

Personally appeared before me, Shepard D. Gilbert, notary public, PHENIX ROBINSON, a witness for the contestee, who, being duly sworn according to law, deposes and says:

Question. State your name, age, place of residence, and occupation.—Answer. Phoenix Robinson; aged thirty-four; reside on Hilton Head, Marshland plantation; a planter by occupation.

Q. Did you vote at the last election, held last November?—A. Yes, sir.

Q. At what precinct did you vote?—A. At Mitchellville, Hilton Head Island.

Q. At what time did you arrive at the polls, and how long did you remain?—A. I arrived at eight o'clock in the morning and was here till five in the afternoon; then went away and returned again.

Q. Were you at the polls all the time between eight o'clock and five?—A. I was in sight of the polls all of the time.

Q. Were you near enough to the polls during that time to see and hear all that transpired at the polls all of the time?—A. I was.

Q. How many different kind of tickets were there at the polls on the day of election?—A. There were two kind of tickets out in the morning, one a Republican and one a Democrat.

Q. Was there another ticket?—A. Yes, sir; there was one came out about nine o'clock.

Q. Describe that ticket.—A. It was an imitation ticket, precisely like the Republican ticket. It was one width and one length, and headed "Union Republican."

Q. Did this imitation ticket, headed "Union Republican ticket," contain the names of any Republicans?—A. No, sir.

Q. Is this the regular Republican ticket and is this the imitation ticket? (Handing witness tickets hereto annexed, as follows.)

UNION REPUBLICAN TICKET.

For President.—Samuel J. Tilden.

For Vice-President.—Thomas A. Hendricks.

For Presidential electors At large: Theo. G. Barker, Samuel McGowan. First district, John W. Harrington. Second district, John Isaac Ingram. Third district, William Wallace. Fourth district, John B. Erwin. Fifth district, Robert Aldrich.

For governor.—Wade Hampton.  
 For lieutenant-governor.—W. D. Simpson.  
 For secretary of state.—R. M. Sims.  
 For comptroller-general.—Johnson Hagood.  
 For State treasurer.—S. L. Leaphart.  
 For attorney-general.—James Conner.  
 For State superintendent of education.—H. S. Thompson.  
 For adjutant and inspector-general.—E. W. Moise.  
 For Forty-fifth Congress, fifth district.—G. D. Tillman.  
 For solicitor, second circuit.—F. Hay Gantt.  
 For State senator.—William Elliott.  
 For house of representatives.—James W. Moore, John Lawton, C. J. C. Hutson,  
 Daniel Washington, Abram P. Jenkins, William J. Gooding.  
 Sheriff.—Owen F. Duke.  
 For clerk of court.—H. G. Judd.  
 For judge of probate.—Charles E. Bell.  
 For school commissioner.—B. F. Buckner.  
 For county commissioners.—Henry R. Williams, William Russell, Cupid Heyward.  
 For coroner.—W. S. Washington.  
 Constitutional amendment—Yes.

## UNION REPUBLICAN TICKET.

For President.—Rutherford B. Hayes.  
 For Vice-President.—William A. Wheeler.  
 For Presidential electors.—At large : Christopher C. Bowen, John Winsmith. First  
 district, Thomas B. Johnston. Second district, Timothy Hurley. Third district, Will-  
 iam B. Nash. Fourth district, Wilson Cook. Fifth district, William F. Myers.  
 For governor.—Daniel H. Chamberlain.  
 For lieutenant-governor.—Richard H. Gleaves.  
 For secretary of state.—Henry E. Hayne.  
 For comptroller-general.—Thomas C. Dunn.  
 For State treasurer.—Francis L. Cardozo.  
 For attorney-general.—Robert B. Elliott.  
 For State superintendent of education.—John R. Tolbert.  
 For adjutant and inspector general.—James Kennedy.  
 For Forty-fifth Congress, fifth district.—Robert Smalls.  
 For solicitor, second circuit.—Samuel J. Lee.  
 For State senate.—Samuel Green.  
 For house of representatives.—Thomas Hamilton, Hastings Gantt, Joseph Robinson,  
 George A. Reed, Nathaniel B. Myers, Thomas E. Miller.  
 For sheriff.—William Wilson.  
 For clerk of court.—Samuel J. Bampfield.  
 For judge of probate.—A. B. Addison.  
 For school commissioner.—Thomas H. Wheeler.  
 For county commissioners.—Robert J. Martin, Renty F. Greaves, Vincent S. Scott.  
 For coroner.—Allen W. Muckenfuss.  
 Constitutional amendment—Yes.

A. They are the tickets.

Q. Were these the tickets used on the day of election?—A. The Re-  
 publican ticket was used in the morning and also a straight Democratic  
 ticket. The other, the imitation Republican ticket, was used later in the  
 day, about nine o'clock or after.

Q. Who was it distributed this fraudulent ticket in imitation of the  
 Republican ticket?—A. Mr. McFall.

Q. Were there any persons, Republicans, who had received these  
 tickets under the belief that they were Republican tickets?

(Objected to.)

A. A person could not tell that they were not Republican tickets  
 unless they could read the names and see the difference between those  
 called Republicans and Democrats.

Q. Was there any one beside Mr. McFall distributing Democratic  
 tickets?—A. No one except Mr. McFall.

Q. Did he distribute these fraudulent Democratic tickets as Republi-  
 can tickets?—A. Yes, sir.



**Q.** How were they discovered ?—**A.** An old citizen, named Thomas Bell, a very particular old man, had one given him by Mr. McFall. He brought it to the window and asked Mr. Gardner, a manager of election, if that was right. Mr. Gardner did not read the ticket, but looked at the heading, and told him it was. He then did not vote, but took the ticket to Renty Greaves, and asked him to read the ticket to him, as he got it from Mr. McFall. Mr. Greaves read the ticket, and found out it was "Tilden and Hendricks," and then the alarm was made that there were three tickets in the field.

**Q.** How long did Mr. McFall remain in the vicinity of the polls after this counterfeit ticket had been discovered ?—**A.** Mr. McFall was not at the polls then. The people were coming up rapidly, and Mr. McFall was at a store three or four hundred yards from the polls.

**Q.** Was there any insults or threats made or violence offered Mr. McFall while he was in the vicinity of the polls by Republicans ?—**A.** No, sir ; there was no one made disturbance towards him, one way or the other, while he had the straight Democratic ticket. When the other ticket was discovered he was away from the polls.

**Q.** Was any person or persons appointed to distribute Democratic tickets to Democratic voters captured, carried away from the polls, beaten, insulted, or threatened in any manner ?—**A.** No one at all, sir. Nothing of the kind around this poll.

**Q.** Was any Democrat interfered with in any manner while at the polls or attempting to vote ?—**A.** No, sir.

**Q.** Were any of the managers applied to by Mr. McFall for protection ?—**A.** No, sir.

**Q.** Do you know of any person having been interfered with or threatened because of their political opinion, prior to or subsequent to the election, on Hilton Head ?—**A.** No, sir.

**Q.** Were you present at the polls when Mr. Lightburn offered to vote ?—**A.** Yes, sir.

**Q.** Did he vote ?—**A.** No, sir.

**Q.** Do you know the reason why he did not deposit his ballot ?—**A.** No, sir.

**Q.** Do you know whether or not his right to vote at this precinct was questioned ?—**A.** No, sir.

**Q.** Had he desired to cast his ballot would he have been interfered with ?—**A.** No, sir.

**Q.** Was there any disturbance of any kind at the polls on the day of election ?—**A.** No, sir.

**Q.** Was anybody appointed to examine by Republicans ?—**A.** No, sir.

**Q.** Were any tickets examined by Republicans, to your knowledge, except at the request of persons who could not read ?—**A.** No, sir.

**Q.** Were any threats of any kind made on the day of election against persons who wanted to vote the Democratic ticket ?—**A.** No, sir ; everybody voted as they chose.

**Q.** Were you present at the polls when Mr. Pollitzer and Mr. Klein came to vote ?—**A.** No, sir, not directly at the polls, but I saw them come up.

**Q.** Do you know whether Mr. McFall returned to the polls again after he left ?—**A.** I never saw him.

**Q.** Do you know where he went to ?—**A.** No, sir.

**Q.** What was the vote at Hilton Head at the last election ?—**A.** I do not know directly ; I know what the Democratic vote was.

**Q.** What was the Democratic vote ?—**A.** Three white Democratic votes.

Q. Do you know how many white voters there are on the island?—A. No, sir.

Q. How many white Republican votes are there?—A. Three.

Q. Do you know of any disturbance taking place between some women and Mr. McFall?—A. No, sir.

Q. Did you see or hear of Mr. Drayton leaving his seat as a manager and coming out to read the riot act, or anything of that kind, to the people?—A. No, sir, not in my presence.

Q. Were any of the people armed with sticks or clubs, or any kind of weapons, any time during the day?—A. No, sir; I saw nothing of the kind around the poll—not in the village.

Cross-examined :

Q. You say you reached the poll at eight o'clock?—A. Yes, sir.

Q. How do you know?—A. I met Mr. Greaves and asked him, and he looked at his watch and told me, as I dismounted at the polls.

Q. Did you see Mr. McFall vote?—A. No, sir.

Q. Was he at the polls when you came?—A. Yes, sir.

Q. Did you see him leave?—A. No, sir.

Q. Do you know when he left?—A. No, sir.

Q. How do you know McFall issued the imitation Republican ticket?—A. Because the man who had it said he got it from McFall.

Q. Who told you so?—A. Thomas Bell.

Q. What time was this?—A. About nine o'clock or after; late in the day.

Q. Why do you say late? Only an hour after you got there?—A. The poll opened at six, and it was some time after.

Q. Had McFall gone away?—A. He was missing. I don't know where he had gone.

Q. Did you see McFall issue Democratic tickets?—A. No; I saw him issuing tickets.

Q. How long did you see him issuing tickets after you got there?—A. About half an hour, I allow.

Q. Were all of the votes open before they were put in the box?—A. No, sir, not as I know; not to show them except for their own satisfaction.

Q. You say McFall was not at the polls when this ticket was issued?—A. I say he was away from the polls.

Q. Was there any talk about this ticket before McFall left?—A. No, sir.

Q. Was McFall there when Pollitzer and Klein came to vote?—A. I do not know.

Q. At what time did they come?—A. I do not know.

Q. You saw them come?—A. Yes, sir.

Q. Was it twelve o'clock?—A. I don't know, sir.

Q. Was it before or after this ticket was shown that they voted?—A. They voted before Tom Bell showed this ticket.

Q. You say it was nine when this ticket was shown?—A. About nine, as far as I can tell.

Q. Do you know what time it was when this imitation ticket came out?—A. I do not. I think it was nine or after.

Q. What do you mean by "after"?—A. I don't know whether it was nine or ten.

Q. Do you know if it was eleven?—A. I don't know whether it was nine or ten.

Q. Do you know when Dr. Wilder came?—A. I saw him when he came.

Q. Was that before or after Mr. Pollitzer voted?—A. I think Mr. Pollitzer had voted the first time Dr. Wilder came; it was the first time I saw Dr. Wilder.

Q. You were not at the polls the whole time?—A. No; it was not my business to see every person that came.

Q. Was there any excitement at the polls when Dr. Wilder came up?—A. No, sir; I saw none.

Q. Were you near the polls when he came?—A. About sixty yards from the polls.

Q. Did you hear him say anything?—A. No, sir.

Q. Had there been any excitement at the polls when Dr. Wilder came, would you have known it?—A. If there had been a riot I would have known it.

Q. What do you mean by a riot?—A. I mean if any person wanted to fight, and other persons tried to prevent them.

Q. Did you hear any angry remarks made about this imitation ticket?—A. No, sir.

Q. Was it before or after Tom Bell showed you this ticket that Dr. Wilder came up?—A. He came up after.

Q. McFall was not about the polls after Dr. Wilder came?—A. I did not see him.

Q. Did you hear any talk at the polls when Mr. Pollitzer came to vote?—A. I did not. I think I was not near enough unless he had hollered. I was resting myself side of the fence.

Q. How near to the polls were you when Lightburn offered to vote?—A. About forty-five yards.

Q. How do you know he did not vote?—A. Because I heard he did not vote.

Q. Did you see him go up to the polls?—A. I saw him come toward the window, but not as if he was going to deposit his ballot.

Q. Did you hear any discussion going on while he was there?—A. No, sir.

Q. If there had been any discussion would you have heard it?—A. Yes, sir.

Q. Was there any excitement at the polls while he was there?—A. No, sir.

Q. Was there any excitement at the polls at any time while you were there?—A. No, sir.

Q. Did you hear of any disturbance between women and McFall?—A. I heard a talk about it.

Q. What did you hear?—A. I heard in the afternoon that Mr. McFall and some women had a tangle in the cane-patch.

Q. Do you know at what time it took place?—A. No, sir.

Q. Did you see Tom Bell show the ticket to Gardner?—A. Yes, sir.

Q. Did you see him show it to Greaves?—A. Yes, sir.

Q. How far was Greaves from Gardner?—A. Greaves was about 25 feet distant from the polls where Gardner was.

Q. Do you know why Bell carried it to Greaves after Gardner had told him it was all right?—A. It was because Gardner did not read it, I believe.

Q. How do you know Gardner did not read it?—A. I did not see him take it out of Bell's hand.

Q. Then you don't know whether Gardner read it or not?—A. No, sir.

Redirect:

Q. How far is the cane-patch from the polls?—A. One-quarter of a mile.

Q. Did you hear the cause of the disturbance between McFall and the women?

(Objected to.)

A. I heard Mr. McFall was trying to get one of the women off.

(Counsel for contestee asks the foregoing question in explanation of an answer made by witnesses on cross-examination with reference to same matter.)

Q. Then the disturbance between Mr. McFall and these women had nothing to do with the election?—A. No, sir.

Recross-examination:

Q. Who told you this?—A. I do not remember who told me; no one told me in particular; I heard it around from one to another.

Q. Where were you when you first heard it?—A. Over on Mr. Gardner's stoop; children and other people were talking it over.

Q. What time of day was it you heard it?—A. I do not know what time of day.

Q. Was it before five o'clock or after?—A. It was before five o'clock.

Q. Before the poll was closed?—A. Yes, sir.

his  
PHOENIX + ROBINSON.  
mark.

Sworn and subscribed before me this 3d of April, A. D. 1877.

[SEAL.]

SHEPARD D. GILBERT,  
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA,

*County of Beaufort:*

Personally appeared before me, Shepard D. Gilbert, notary public, THOMAS FRASER, a witness for the contestee, who, being duly sworn according to law, deposes and says:

Question. State your name, age, residence, and occupation.—A. Thomas Fraser; born in 1847, September 11; reside on Lawton plantation, Hilton Head Island; planter by occupation.

Q. Did you vote at the election held the 7th of last November?—A. Yes, sir.

Q. Where did you vote?—A. At Mitchellville, Hilton Head.

Q. How long were you at or near the polls on that day?—A. About ten or fifteen minutes.

Q. At what time in the day?—A. Between eight and nine o'clock.

Q. Was there any disturbance at the polls while you were present?—A. No, sir; everything was right quiet.

Q. Did you see any person distributing Democratic tickets that day at the polls?—A. No, sir.

Q. Did you get any Democratic tickets from any person?—A. Yes, sir; I got two from Mr. McFall.

Q. Was the cause of the disturbance between Mr. McFall and some women at the Drayton place a matter of common report and conversation?

(Objected to.)

A. It was common among children and grown people.

Q. State what it was.

(Objected to.)

A. I heard they had a riot and great talking between the women and Mr. McFall. I heard he asked a woman indecent questions, and she went off and told others; so they began to talk about it.

Q. What do you mean by riot?—A. I mean a great, a loud talking.

Q. How far was this from the polls?—A. About a quarter of a mile.

Q. Then this disturbance had nothing to do with the election, had it?—A. No, sir.

Q. While you were at the polls was any person interfered with, hindered, or obstructed in any manner from casting their ballots?—A. No, sir.

Q. Do you know of any person appointed to distribute Democratic tickets being driven from the polls, insulted, or injured?—A. No, sir.

Q. So far as you observed was it a free and fair election?—A. Yes, sir.

Q. Were any of the voters compelled to show their tickets before voting, by any one?—A. No, sir.

Q. Did you see any person or persons talking with Mr. McFall while you were at the polls; if so, were they pleasant and good-natured in their conversation?—A. No, sir; everything went on lovely while I was here.

**Cross-examined :**

Q. You say McFall gave you two tickets; what sort of tickets were they?—A. They were in red ink, in imitation of the Republican ticket.

Q. How far were you from the polls when McFall gave you these tickets?—A. About ten or twelve feet.

Q. Did you ask him for them?—A. Yes, sir.

Q. Did you see him give them to anybody else?—A. No, sir.

Q. What made you ask him for them?—A. I saw him sitting down with them in his hand, and thought I would ask him to let me look at them.

Q. And he gave you two of them?—A. Yes, sir.

Q. Did you read them?—A. Yes, sir; I only looked at the heading of them.

Q. What did you do with them?—A. I gave them to a gentleman to look at, and have not seen them since.

Q. To what gentleman?—A. Peter Hamilton, who lives over at Dawfuskie.

Q. Had you heard of these imitation tickets before you asked for them?—A. Yes, sir; I had heard that there were two tickets in the field.

Q. What do you mean by two?—A. One Democratic and one Republican straight ticket.

Q. Was there any talk made about these tickets he gave you?—A. I did not hear anybody talk much about them.

Q. You heard no angry expression?—A. I did not, sir.

THOMAS FRAZERE.

Sworn and subscribed before me this 3d day of April, A. D. 1877.

[SEAL.]

SHEPARD D. GILBERT,  
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA,  
County of Beaufort:

Personally appeared before me, Shepard D. Gilbert, notary public, FREDERICK ORAGE, a witness for the contestee, who, being duly sworn according to law, deposes and says:

Question. State your name, age, residence, and occupation.—Answer. My name is Frederick Orage. I will be twenty-two years old in May

coming; residence, Pope plantation, Hilton Head Island; a farmer by occupation.

Q. Did you vote at the election held on the 7th of last November?—A. Yes, sir.

Q. Where did you vote?—A. At Mitchellville, Hilton Head.

Q. When did you arrive at the polls and at what time did you leave?—A. I arrived about nine o'clock and left about half past one.

Q. Did you see Mr. McFall distributing tickets at the polls on that day?—A. Yes, sir.

Q. How many kinds of tickets did Mr. McFall have?—A. Two.

Q. State whether or not they were both Democratic tickets.—A. Yes, sir.

Q. Describe them.—A. He had a paper with a Union Republican ticket on top, with an eagle with the word "Victory," which was, like the Republican ticket, in red ink.

Q. Did he offer you one of those imitation tickets as the regular Republican ticket?—A. Yes, sir; he offered me one when I first came up.

Q. Did he pay you any money to vote that ticket as the Republican ticket?—A. Yes, sir; he paid me \$1.

Q. Did you vote that ticket?—A. No, sir.

Q. Then you took his money, and voted the Republican ticket?—A. Yes, sir; he gave me three of them, and I tore one of them up, and gave one to Greaves, and the other one I kept.

Q. Describe these three tickets.—A. The first was a black-printed ticket, the next was one just like the Republican ticket, the third one was a true Republican ticket.

Q. Did he pay you this money to vote this fraudulent Democratic ticket in imitation of the Republican ticket, or to vote some other ticket?—A. He gave it to me to vote the Democratic ticket.

Q. From whom did you get the ticket that you voted?—A. From Mr. Renty Greaves.

Q. Would you have been prevented from voting the Democratic ticket if you had felt so disposed?—A. No, sir.

Q. Was it generally known by Republicans that you had this imitation ticket in your possession before you had voted?—A. Yes, sir.

Q. Were any threats made or violence offered to you by Republicans that prevented you from voting this imitation Republican ticket?—A. No, sir.

Q. Then you could have voted a Democratic ticket openly, without fear of molestation or violence; could you not?—A. Yes, sir.

Q. Was any person interfered with, insulted, or threatened because of their political opinions on the day of the election?—A. No, sir.

Q. Was any person who distributed Democratic tickets on the day of election captured, carried away from the polls, beaten, injured, or threatened in any way?—A. No, sir.

Q. Was Mr. McFall treated kindly and good naturedly by Republicans while he was in the vicinity of the polls?—A. Yes, sir.

Q. Was there any disturbance of any kind while you were at the polls?—A. No, sir.

Cross-examined:

Q. Were there many people at the polls when you got there?—A. Yes, sir; there were a good many.

Q. Were there many there all the time you were there?—A. Yes, sir.

Q. How long after you got there did you meet Mr. McFall?—A. He was the first one I met at Mr. Gardner's store.

Q. In what part of the store was he?—A. In the first part of the garden-way.

Q. What did he say to you?—A. He called me and asked me if I wanted to vote.

Q. Did he know you before?—A. No, sir.

Q. How did he call you, then?—A. There were two or three men with him, and when I came up he called us in a corner of the garden.

Q. What did he say?—A. He said if I wanted to vote he would give me a ticket.

Q. Did he say anything else?—A. No, sir; not to me.

Q. What other men were with you?—A. John Grant and Ned Wigg and Aaron Christopher.

Q. After he said that to you, what did you do?—A. I walked off from him after I found out he had Democratic tickets.

Q. Did you make any answer to him before you walked off?—A. No, sir.

Q. Where did you go then?—A. I came up to the poll.

Q. Did you vote then?—A. No, sir.

Q. When did you vote?—A. I voted a little while after I had spoken with him.

Q. How long after?—A. I think about three-quarters of an hour.

Q. Did you see him again before you voted?—A. Yes, sir.

Q. Where did you see him?—A. Near Mr. Gardner's door.

Q. How far from you was he?—A. He was no distance from me. I was going up the steps he was sitting upon.

Q. Was any one with you then?—A. No, sir; except people passing backward and forward.

Q. Did you have any conversation with him?—A. Yes, sir.

Q. What was that conversation?—A. He called to me and asked me if I wasn't going to take the ticket.

Q. What did you tell him?—A. I and he walked off a piece.

Q. Did you say nothing to him?—A. After he had asked me that I asked him what he was going to give me to vote the ticket.

Q. What did he tell you?—A. He told me he would give me \$1.

Q. What did he do then?—A. I told him \$1 wasn't enough. He told me that was the best he could do. Then I took the \$1.

Q. What did you do then?—A. I then came right to the poll and voted.

Q. Did you vote right straight off?—A. Yes, sir; right square off.

Q. Did you have any conversation with anybody before you voted?—A. No, sir.

Q. What ticket did you vote?—A. I voted the Republican ticket.

Q. Whom did you get that ticket from?—A. Renty Greaves.

Q. When did you get it?—A. I got it just before I voted. As soon as I could get the ticket, I voted right off.

Q. Did you ask him for it?—A. Yes, sir.

Q. When did you get those three tickets from McFall; before or after you had voted?—A. Before I had voted.

Q. Well, what time before; how long?—A. I could not tell rightly. I had no watch of my own.

Q. Did he give you all three of those tickets together?—A. No, sir.

Q. What ticket did he give you first?—A. He gave me the white one first.

Q. When did he give you that?—A. He gave it me as soon as I came up to the corner of Gardner's store.

Q. Was anybody there when he gave it you?—A. No, sir.

H. Mis. 11—30

Q. Was that the same time you spoke of before—when you met him at the corner the first time?—A. Yes, sir.

Q. What was the next ticket he gave you?—A. The next one looked most like the Republican ticket.

Q. When did he give you that?—A. He gave me that after I went in the store and came out.

Q. Where were you when he gave it to you?—A. I was at Gardner's store.

Q. When did he give you the third ticket?—A. He gave it me a little while after he gave me the second one.

Q. What did he say to you when he gave you the third ticket?—A. He said nothing, because I walked off as soon as he gave it to me.

Q. What did you do with that first ticket he gave you?—A. I tore it up.

Q. When did you tear it up?—A. I tore it up soon after he gave it to me. I had not left him before I tore the paper.

Q. What did you do with the second ticket?—A. I carried it home.

Q. What did you do with the third ticket?—A. I gave it to Greaves and got one of Greaves' own.

Q. What sort of a ticket did you carry home?—A. One most like the imitation tickets.

Q. Was it an imitation ticket you carried home?—A. Yes, sir.

Q. Did Mr. McFall see you tear up the first ticket?—A. Yes, sir.

Q. When he gave you the dollar did he give you another ticket?—A. He never gave me the dollar until I had done vote. He gave me all of these tickets first; then I folded this imitation ticket as if I was going to vote it, and I walked off and he followed me, and I went to Greaves and got one of Greaves' papers and then came to the poll. Then McFall stood on the opposite corner, about two feet and a half from me, and when I had polled the vote, I and him walked right off, and he went to Gardner's store and gave me a dollar.

Q. Where was Greaves when you got the ticket from him?—A. Right in front of the polls.

Q. Where was McFall when Greaves gave you the ticket?—A. About twenty feet from me, under a tree.

Q. Do you know whether he saw you give the ticket to Greaves?—A. No, sir; I didn't know whether he saw me or not.

Q. What did Greaves do with the ticket you gave him?—A. I don't know; I walked off and left him with the ticket in his hand.

Q. Did you say anything to him?—A. I told him that was a ticket that McFall gave to me.

Q. What did he say?—A. He said nothing, because I walked off.

Q. How came he then to give you another ticket?—A. I came right up to him and said, "Greaves, give me one of your tickets," and handed mine to him, and told him this is one McFall gave me, and I knew it was wrong and I did not tarry at all.

Q. What sort of a ticket was it you gave Greaves?—A. I gave him the straight Republican ticket.

Q. Why did you give it to him, if it was a straight Republican ticket?—A. Because I had dealings with him, and saw he was the wrong man and did not care to keep anything he gave to me.

Q. What did McFall give you that dollar for?—A. He gave me the dollar to vote the Democratic ticket.

Q. Did you promise him you would vote it when he gave it to you?—A. Yes, sir, I told him I would vote the ticket.

Q. Did you vote before or after he had given you the money?



(Objected to by counsel for contestee.)

A. He gave me the money after I had got through voting.

Redirect examination :

Q. When you say you had no conversation with anybody, what do you mean by that statement ?—A. I mean by it that I did not speak with anybody.

Q. Do you wish to be understood to say that you did not ask for a ticket after you saw Mr. McFall ?—A. I did not ask for a ticket.

Q. Did you get this ticket from Mr. Greaves after you had first seen Mr. McFall, or after you had seen McFall the second time ?—A. Mr. McFall saw me twice before Mr. Greaves gave me any ticket.

Q. When was it you got the ticket from Mr. Greaves ? After you had seen Mr. McFall the last time ?

(Objected to.)

A. Yes, sir.

Q. Then you stopped on your way to the polls and received a ticket from Mr. Greaves, did you ?

(Objected to.)

A. Yes, sir.

Q. State whether or no Mr. Greaves handed you a ticket as you went by, without your having any conversation.—A. I come right square up to him and handed him a ticket this man gave me, and took one of his, and walked right square away.

Q. Did Mr. McFall pay you this money after you had come to him and told him you had voted his ticket, or was it before you had deposited his ballot ?

(Objected to.)

A. He gave me the money after I had voted. He followed me to the polls to see whether I would vote his ticket or not. After I voted he did not know whether I voted his ticket or not. He gave me the dollar.

FREDERICK ORAGE.

Sworn and subscribed before me this 3d day of April, A. D. 1877.

[SEAL.]

SHEPARD D. GILBERT,

*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,

*County of Beaufort :*

Personally appeared before me, Shepard D. Gilbert, notary public, ISAAC JONES, a witness for the contestee, who, being sworn according to law, deposes and says :

Question. State your name, age, residence, and occupation.—Answer. Isaac Jones; about twenty-four years of age. Pope plantation, on Hilton Head, is my residence, and by occupation I am a farmer.

Q. State whether or not you voted at the election held last November.—A. Yes, sir; I did vote.

Q. At what precinct did you vote ?—A. At Hilton Head precinct.

Q. State at what time you arrived and at what time you left the polls.—A. I arrived about half past seven and I left about four o'clock.

Q. State how many kind of tickets there were distributed the day of the election.—A. Three.

Q. Describe them.—A. Two were nearly alike, but one was of stouter paper, and one was on white paper with black ink.

Q. What was the color of the Republican ticket ?—A. The color of the paper was not bright; the color of the ink was red.

Q. Was there any ticket in imitation of the Republican ticket?—A. Nearly, but the ink was not as bright.

Q. Who was it that distributed these imitation tickets?—A. Mr. McFall distributed two kinds of tickets.

Q. Did he distribute this fraudulent Democratic ticket printed in imitation of the Republican ticket?—A. Yes, he did. Said it was the right ticket.

Q. Did you hear him tell voters that it was the regular Republican ticket?—A. But three or four of us were together when he handed the ticket to me.

Q. What did he say?—A. He told me, "I am the right man. Come and vote my ticket."

Q. State whether or not he offered you money to vote the Democratic ticket.—A. Yes, he did offer me money, and gave it to me, too.

Q. How much money did he give you?—A. One dollar and eighty-five cents.

Q. Did you vote the Democratic ticket?—A. No, sir, I did not.

Q. State whether or not it was generally known that Mr. McFall had offered money to vote the Democratic ticket.—A. It was generally known.

Q. Were you threatened with violence if you voted the Democratic ticket?—A. No, sir; I was not.

Q. Was any person appointed to distribute tickets to Democratic voters on the day of election captured by Republicans, carried away from the polls, insulted or beaten in any manner?—A. No, sir; I did not know of it nor see anything of it.

Q. Was there any disturbance of any kind at the polls on the day of the election?—A. Not that I know of. I thought it was the most peaceful election I ever saw on the island.

Q. Was any person hindered, obstructed, or in any way interfered with in depositing his ballot on the day of the election?—A. No, sir; not that I know of.

#### Cross-examined :

Q. You say McFall was issuing this imitation ticket?—A. Yes, sir.

Q. Did he tell you when he gave you that ticket—the imitation ticket—that it was a Democratic or Republican ticket?—A. He made no exception. He said it was the right ticket.

Q. Did you ask him what sort of a ticket it was?—A. Yes, sir. He said I needn't mind; it was the right ticket.

Q. Did he try to make you believe it was a Republican ticket?—A. Yes, sir; he tried to make me believe. He knew I wouldn't vote a Democratic ticket.

Q. Then he wished you to vote that ticket as a Republican ticket?—A. Yes, sir; he must have wished me as he wouldn't tell me whether it was Republican or Democratic.

Q. What did you do with that ticket?—A. I took that ticket home with me.

Q. From whom did you get the ticket that you voted?—A. I got it from a man that was issuing them. I have forgotten his name.

Q. What time did he give you that dollar and eighty-five cents?—A. Between nine and ten o'clock.

Q. Did he give you the money before or after you voted?—A. Before I voted. I was here some time before I voted.

Q. Did he give you the money before or after he gave you the ticket?—A. He gave me the ticket first.

Q. How soon after he gave you the ticket did he give you the money?—  
A. He gave me the ticket and told me he would give me the money as soon as I voted, and I told him to give me the money then, and he gave me the money.

Q. Were you about the polls all the time after you came?—A. I was; right between the polls and Mr. Gardner's store.

Q. Was McFall here all day?—A. No, sir; he was not.

Q. Do you know when he went away?—A. Yes, sir; I did know.

Q. About what time did he leave?—A. I never noticed precisely.

Q. How soon after you got here?—A. Soon after he gave me the money. It might have been ten o'clock; am not sure.

Q. Do you know why he left?—A. No, sir; I did not know why he left.

Q. Did any one tell you why he left?—A. No, sir.

Q. Do you know when Dr. Welder came to the polls?—A. Yes, sir I did.

Q. Was McFall at the polls when Dr. Welder came?—A. He was not at the polls. He might have been at Gardner's store.

Q. Did you see him after Dr. Welder came?—A. No, sir; I did not pay attention.

Q. Did you hear any talk about these imitation tickets during the election?—A. No, sir; not particularly. People said Mr. McFall had the tickets.

Q. Was there any excitement about it?—A. No, sir; I saw none.

Q. Do you know when Mr. Pollitzer voted?—A. I did.

Q. How near were you to him when he voted?—A. I was about twenty-five feet from him. I was wrong in what I just said. I was near by when he and Mr. Klein and Mr. Lightburn came in a buggy. I did not watch particularly to see whether he voted or not.

Q. Was there any excitement about either Mr. Pollitzer or Mr. Lightburn voting?—A. No, sir; there was no excitement. Some one asked if Mr. Lightburn was a citizen of the island. That is all I know about that.

Q. Was there—was any loud talking about it?—A. No, sir; except Mr. Pollitzer. He was around damning. He was the only one who damned at the poll.

Q. Was there any loud talking among the colored people about either of these men voting?—A. No, sir. If there was, I was not here. I saw nothing of the kind. It was the most peaceable voting I ever saw.

Q. Was there any excitement when Dr. Wilder came?—A. The only excitement was when we met Dr. Wilder, and asked him if the Democrats over in Bluffton would not let Republicans vote.

Q. Was that the only excitement at the polls that day?—A. That was all that I saw.

Q. Had there been any would you have known it?—A. Yes, sir; I would have known it.

ISAAC JONES.

Sworn and subscribed before me this 3d day of April, A. D. 1877.

[SEAL.]

SHEPARD D. GILBERT,  
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA,  
County of Beaufort:

WEDNESDAY, April 4, 1877.

Personally appeared before me, Shepard D. Gilbert, notary public,

THOMAS CHISOLM, a witness for the contestee, who, being duly sworn according to law, deposes and says:

Question. State your name, age, residence, and occupation.—Answer. Thomas Chisolm; aged about twenty-seven years; reside at Sand Hill, Hilton Head Island; by occupation a planter.

Q. Did you vote at the election held the 7th of last November?—A. Yes, sir.

Q. At what precinct did you vote?—A. At Hilton Head.

Q. State the time you arrived at the polls and the time you left.—A. At seven o'clock in the morning, and left at two p. m.

Q. How many different kind of tickets were being distributed on the day of election?—A. Three of them; one of them was a straight-out Democratic ticket, which was white, and another was like the Republican ticket, headed in the same way, and the straight Republican ticket, headed "Hayes and Wheeler."

Q. State who was distributing the Democratic ticket?—A. Old McFall, I believe, sir.

Q. State who was distributing the fraudulent Democratic ticket, printed in imitation of the Republican.—A. McFall.

Q. Did he distribute this imitation ticket as a straight Republican ticket?—A. He did; he handed it to me first.

Q. Do you know of any other persons who received this imitation ticket?—A. No other; I know but old Thomas Bell.

Q. Did you hear him offer, or did you see him give money to persons to vote that imitation ticket?—A. No, sir; I did not, because I paid no attention.

Q. Was there any disturbance of any kind at the polls on the day of the election?—A. Not while I was present.

Q. Were any voters prevented by threats or violence from voting the Democratic ticket?—A. No, sir; I don't believe none at all. Men voted as they chose.

Q. Was any person appointed to distribute Democratic tickets captured by Republicans; carried away from the polls, beaten, or threatened in any manner?—A. I did not see any at all on that day.

Q. If there had been any such disturbance at the polls would you have known of it?—A. Yes, sir; I was present from seven to two, and I did not know of it, and should have if it had been.

Cross-examined:

Q. Was McFall distributing these imitation tickets generally?—A. I am not certain. After I told him I didn't want it I left him. After he gave it to old Bell I don't know what he did.

Q. Did he give it you near the poll?—A. I was standing near the polls.

Q. Was it generally known among the people that he was giving these tickets out?—A. After he gave it to old Bell they found it out, and then it became generally known.

Q. Did you tell any one when he gave it to you?—A. I told the boys McFall had two tickets, and better not take it, as I didn't think it was the right one.

Q. Did you tell everybody you could?—A. I did not.

Q. Did you try to make it generally known?—A. I did not make it known, because I knew he would not give it those who could read, but to the old men who could not.

Q. Didn't you think it necessary to warn those who could not read?—A. I did think it was necessary.

Q. Did you try to do it?—A. I told all I saw at the time.

Q. Do you know when McFall left?—A. I do not. I was distributing tickets that day, and kept to my business and did not notice him.

Q. How long after McFall offered you this ticket before you knew that he offered it to Bell?—A. About a quarter of an hour before Bell came up he offered me the ticket.

Q. Did you see McFall after Bell told you that?—A. I did not see him myself. I paid no attention to him.

Q. Was there any excitement about this ticket?—A. I did not know of any at all. I paid no attention to McFall. I was issuing mine.

Q. Did you see Mr. Pollitzer at the polls that day?—A. He must have come after I had gone. I did not see him myself.

Q. Were you near the polls all the time?—A. After McFall offered me that ticket I went up the street a little way.

Q. Did you see Mr. Klein at the polls?—A. I did not see him.

Q. Did you see Dr. Wilder come?—A. I saw Dr. Wilder come while I was at the head of the street.

Q. Did you see Lightburn at the polls?—A. I don't know him.

Q. Did you see Mr. Clarence Kirk?—A. I did not see him.

Q. Where were you when Dr. Wilder rode up on horseback?—A. I was up at the head of the street.

Q. After you had voted, then, you say you went away from the polls.—A. I went to issue tickets up the head of the street.

Q. How far is the head of the street from the polls?—A. About three or four hundred yards, I believe.

Q. How long were you at the head of the street?—A. A good while; I cannot tell how long.

Q. Were you there an hour?—A. I must have been. I had no way to tell the time; it might have been two or three hours.

Q. Then there might have been an excitement at the polls and you hear nothing about it?—A. If there had been I should have heard it. I was not so far but what I could have heard it.

THOMAS <sup>his</sup> + CHISOLM.  
mark.

Sworn to and subscribed before me this 4th day of April, A. D. 1877.  
[SEAL.]

SHEPARD D. GILBERT,  
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA,  
County of Beaufort:

Personally appeared before me, Shepard D. Gilbert, notary public, W. H. PEEPLES, a witness for the contestee, who, being duly sworn according to law, deposes and says:

Question. State your name, age, residence, and occupation.—A. William Henry Peeples; aged fifty-two; reside on Gardner's plantation; by occupation a licensed minister of the Gospel.

Q. Did you vote on the election held the 7th of last November?—A. Yes, sir.

Q. Where did you vote?—A. At the Mitchellville poll.

Q. Were you employed in any official capacity on the day of election?—A. I was a manager of election.

Q. At what time did you arrive at the polls; and what time did you leave?—A. I arrived at four o'clock, the polls opened at six, and closed the polls at 6 p. m., and left at half past eleven that night.

Q. Were you at the polls constantly during that time?—A. All day, sir.

Q. Was there any disturbance of any kind at the polls on the day of election?—A. Not any, sir.

Q. Were Democratic voters interfered with in their right to vote?—A. None, sir.

Q. Did you hear any threats made by Republicans against Democrats on that day?—A. No, sir; none.

Q. Did you see any one distributing Democratic tickets on the day of election?—A. No, sir; I did not. I was within doors.

Q. Was any application made to the managers of election by any person for protection on the day of election?—A. None, sir, that I know of.

Q. Were there any complaints made to the managers of election by any person that they had been interfered with by any person in their right to vote?—A. One, I think, sir; Mr. Pollitzer.

Q. Did he vote?—A. Yes, sir.

Q. State whether or not Mr. Pollitzer's vote was not challenged or questioned because of his not being a resident of the island.

(Objected to as a leading question.)

A. He was challenged as not being a resident of the island.

Q. Was any violence of any kind offered Mr. Pollitzer?—A. None to my knowing, sir.

Q. Were any threats made against him by Republicans?—A. Not as far as I know.

Q. If any threats had been made or violence offered Mr. Pollitzer, would you have known it?—A. Yes, sir; I would have known it.

Q. Was there any opposition to or interference with Democrats by Republicans in depositing their ballots on the day of election?—A. None, sir.

Q. Do you know of any person appointed to distribute Democratic tickets, that was captured, carried away from the polls, beaten, injured, or threatened in any manner?—A. None that I know of, sir.

Q. Had anything of that kind happened you would have known it?—A. I would have known it if it had been near the poll.

Q. State whether or not the election was conducted in a quiet and orderly manner by the Republicans?—A. It was in a quiet and orderly manner all day.

Q. State whether or not had any colored man offered to vote the Democratic ticket, would he have been interfered with?—A. He would not have been interfered with.

Q. Did you assist in counting the ballots cast on the day of election?—A. Yes, sir.

Q. Do you remember how many votes were cast?—A. Yes, sir; four hundred and seventy-four were polled.

Q. How many of those were Democratic?—A. Ten.

Q. Do you know anything about Mr. Lightburn offering to vote?—A. Yes, sir; he did not vote.

Q. Do you know why he did not vote?—A. Because he was not a citizen of the county.

Q. Was he questioned by the managers as to his right?—A. Yes, sir.

Q. Did he state how long he had been a resident of the county and State?—A. He did not. He said he was on the light-ship, and then he was not considered a citizen of the county from his being on the light-ship.

Q. Was the board of managers of election unanimous in that opinion?—A. Unanimous, I think, in that opinion.

Q. Was any member of the board of managers a Democrat?—A. Yes, sir; Mr. Fripp was the clerk, and also Mr. Drayton, one of the managers.

Q. Was Mr. Drayton of the opinion that Lightburn was not entitled to vote?—A. Yes, sir.

Q. Then the vote of Mr. Lightburn was rejected by the board of managers because he was not a citizen of South Carolina, and not entitled to vote at this precinct?—A. That was the cause, sir.

Q. Do you know how many white residents there are on Hilton Head?—A. I cannot say exactly.

Q. Are all of the white residents on Hilton Head Democrats, or are some Republicans?—A. Some are Republicans and some are Democrats.

Q. Can you tell how many colored votes were polled on the day of election?—A. I cannot say exactly; there were more colored than white.

Q. Do you remember how many white votes were polled?—A. I do not remember exactly.

Q. Did you see Dr. Wilder at the polls?—A. I did, sir.

Q. Were all persons who deposited ballots sworn as to their qualifications and right to vote at this precinct?—A. All persons.

Q. State whether or not Lightburn refused to take the oath.—A. He did not try; Mr. Drayton hindered him and said he was not a citizen of South Carolina.

Q. Was Mr. Drayton the Democratic manager at the polls on that day?—A. He was.

Q. Did you hear Mr. Pollitzer in any conversation at the polls on the day of election?—A. I did not, sir.

Q. Did you see any persons at the polls armed with sticks or clubs or deadly weapons?—A. No person that I saw.

Cross-examined:

Q. Can you read?—A. I can read print.

Q. Do you know who polled those ten Democratic votes?—A. I do not.

Q. Did you see Mr. McFall at or near the polls?—A. I did.

Q. Did you see him vote?—A. I did.

Q. At what time did he vote?—A. Early in the morning.

Q. How long after the opening of the polls?—A. I think between seven and eight o'clock; he and Mr. Drayton, the manager, came together.

Q. Had many persons voted before him?—A. Not a great many.

Q. How long after the polls were opened was it before any one voted?—A. About three-quarters of an hour, I guess.

Q. How many votes do you suppose were cast before Mr. McFall voted?—A. I cannot say how many.

Q. Were any votes cast before Mr. Drayton got there?—A. There was.

Q. How many?—A. Not many.

Q. As many as a dozen?—A. I don't think; not much more than the managers that were there.

Q. Did you see Mr. McFall before he voted?—A. I did not see him until he came to the poll.

Q. Did you see him after he had voted?—A. I did not see him.

Q. You say Mr. Pollitzer complained to you; what did he say?—A. He said they hindered him to vote at this poll, and that they said he was not old enough; not a man of age.

Q. Did he give any other reason?—A. He said folks tried to hinder him; he said he had property here and he thought he had a right to vote here.

Q. Who challenged Mr. Pollitzer's vote?—A. The people about the polls.

Q. Can you name any one person that challenged his vote?—A. I cannot.

Q. How many persons do you suppose challenged him?—A. I could not say how many.

Q. Could you see any person who challenged him?—A. I could not until I came to the door. I said he had a right to vote; that he lived in Beaufort County.

Q. What made you go to the door?—A. I went to the door because the people were saying to him, "You belong to Beaufort;" "You belong to Beaufort; you shant vote here."

Q. Is that all you heard them say?—A. That is all I heard them say.

Q. About what time did Mr. Pollitzer vote?—A. I think about ten o'clock in the day, as near as I could guess; I did not charge my memory.

Q. When you went to the door and heard them saying that, did you recognize any particular person as saying it?—A. I did not.

Q. Why did you not?—A. As soon as I came to the door I heard all saying this. I said, "Hush! Mr. Pullitzer owns property at Hilton Head," and they all stopped, and I returned to my seat, and he was sworn and voted.

Q. How many persons were about the poll at the time?—A. I think there was a heavy crowd; all the people were coming up at that time.

Q. Was this before or after Lightburn had attempted to vote?—A. I think it was before.

Q. How long before?—A. It could not have been a great while, because white men were coming in about that time to vote.

Q. How many white men voted there that day?—A. I don't know exactly now how many.

Q. Did any white men vote after Lightburn attempted to vote?—A. There were some with Mr. Lightburn. I think Mr. Riley voted after.

Q. Is Mr. Riley a Democrat?—A. I cannot tell whether he is a Democrat or what.

Q. Were there as many as twenty white votes cast that day?—A. I don't think there were.

Q. Do you know all the white men on this island?—A. I do.

Q. About how many white men live here?—A. About eight or nine, I guess.

Q. Do you know Mr. Riley?—A. I know him when I see him. He is one who belongs to the light-ship.

Q. How long have you known him?—A. About four years ago.

Q. Do you know Mr. Clarence Kirk?—A. I do.

Q. Did you see him vote?—A. I don't remember whether I did or not.

Q. Did any white men vote after Riley?—A. I cannot say whether they did or not.

Q. Do you know Randall Heyward?—A. I do.

Q. Do you know when he voted?—A. I do know when he voted.

Q. At what time did he vote?—A. Just about between ten and eleven o'clock.

Q. Where was the poll held?—A. In a school-house with the door closed and a window opened.

Q. Could you see everything that went on?—A. I could not.

Q. Could you hear everything that went on?—A. About the poll I could.

Q. At what time did Dr. Wilder get there?—A. About nine o'clock that day, I guess, sir.



Q. Was there any excitement when he got there?—A. I do not know.

Q. Did he read any law to the people?—A. He did not to my knowing. Mr. Drayton did.

Q. What law did Mr. Drayton read?—A. United States marshals' law.

Q. What made him read that law?—A. At the same time when they were hindering Mr. Pollitzer from voting.

Q. Did he read it aloud?—A. Not very loud. He read it out of the door to the assembly.

Q. For whose satisfaction did he read it?—A. Read it because the managers asked him to let the people know he was there as United States marshal.

Q. Why did the managers want him to let the people know he was there as United States marshal?—A. Because, after they hindered Mr. Pollitzer, the managers wanted to let the people know they could not, doing thus, interfere with a citizen of the county.

Redirect :

Q. Were these instructions read after or before Mr. Pollitzer had voted?—A. After he had voted.

Q. What do you mean when you say they hindered Mr. Pollitzer? Did they make any threats or use any violence toward him?—A. They made no violence in my hearing; they only said he should not vote.

Q. Then his right to vote was only questioned by those appointed to challenge voters?

(Objected to.)

A. Only questioned.

Q. Did they make any threats against Mr. Pollitzer?—A. I did not hear any.

Q. Was his right to vote questioned by others than those appointed to challenge voters?

(Objected to.)

A. It was.

Q. When you say there was a heavy crowd at the door at the time Mr. Pollitzer came up and attempted to vote, do you know for what purpose that crowd had assembled?

(Objected to.)

A. Just about that time a crowd came in from the country to vote—in pretty heavy, waiting for each other.

Q. Did that crowd that came in to vote have anything to do with Mr. Pollitzer, or question his right to vote?

(Objected to.)

A. I could not tell.

Q. State whether or not the majority of the board of managers for this precinct were present at the opening of the polls.—A. A majority was present.

Q. How soon after the polls opened did Mr. Drayton arrive?—A. About three-quarters of an hour, or an hour; nearly an hour.

Recross-examined :

Q. Why did Mr. Drayton read the law to the crowd after Mr. Pollitzer had voted?

(Objected to.)

A. Soon after Mr. Pollitzer had been objected to Mr. Riley was objected to. I am mistaken about that; it was some of the men from the Navy; they were over here, and they were objected to, in voting; and then the citizens of the precinct said that people were coming from all about to vote here, and that they should not vote. And then Mr. Drayton was called upon to read the law, that the people might know who had a right to vote; and he also stopped, the board did, the people from the naval ship from voting here.

Q. How many men from the Navy were here?—A. Some three or four of them.

Q. Did any of them offer to vote?—A. Some did vote.

Q. How many voted?—A. Two, to my knowledge.

Q. What were their names?—A. I could not tell their names.

Q. Did they take the oath?—A. They did.

Q. Did any one challenge their votes?—A. They did.

Q. Did the board decide that they could vote?—A. They did.

Q. Was it before or after these two men voted that the law was read?—A. After.

Q. Why did they read the law then, after these men had voted?—A. To show to the people who should be allowed to vote—to show the people that these men were citizens of Hilton Head precinct, because their families were here.

Q. How long after Mr. Pollitzer did these two men vote?—A. I could not say directly.

Q. Were these two men Republicans or Democrats?—A. I do not know.

Q. Were the men that challenged them Republicans or Democrats?—A. Republicans.

Q. Did these two men vote black-ink or red-ink tickets?—A. I don't know what tickets men put in at the poll.

Q. Did Mr. Drayton have to read the law twice?—A. He did not.

Q. Did he read the law then on account of these two men or on account of Mr. Pollitzer?—A. He was asked by us to read the law to show who had a right to vote and who could not, as we were in doubt as to who could vote under the constitution and who could not.

his  
WILLIAM H. + PEEPLES.  
mark.

Sworn and subscribed before me this 4th day of April, A. D. 1877.  
[SEAL.]

SHEPARD D. GILBERT,  
*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,  
*County of Beaufort:*

Personally appeared before me, Shepard D. Gilbert, notary public, THOMAS BELL, a witness for the contestee, who, being duly sworn according to law, deposes and says:

Question. State your name, age, residence, and occupation.—Answer. Thomas Bell; aged over seventy years; reside at Folly Field, Hilton Head; by occupation a farmer.

Q. Did you vote at the election held on the 7th of last November?—A. Yes, sir.

Q. Where did you vote?—A. At Mitchellville, Hilton Head.

Q. How many kinds of tickets were there on the day of election?—A. Three tickets were in the field.

Q. What were they? Describe them?—A. Two tickets were printed red, with a red flag. The other one was white.

Q. State whether or not one of these red tickets was printed in imitation of the Republican ticket?—A. Yes, sir; and that had "Tilden and Hendricks."

Q. Was one of these fraudulent Democratic tickets, printed in imitation of the Republican ticket, handed to you to vote as the Republican ticket?—A. McFall gave me this ticket.

Q. What did he say when he gave you the ticket?—A. He handed me this ticket and said he would pay me to vote this ticket.

Q. Did he tell you it was the Republican ticket?—A. No, sir; he didn't tell me it was the Republican ticket; he told me to vote it and said he would pay me.

Q. Did you vote that ticket?—A. No, sir.

Q. Why did you not vote it?—A. Because I cannot read, and when I usually go to the polls I usually take it to some one who can read, and I took it to Renty Greaves, and he looked at it and at first thought it was right, but when he turned it over he said it was not the right ticket. So he gave me the right ticket, and I put the McFall ticket in my pocket, and kept it there until it was worn-out.

Q. What time did you arrive at the polls and at what time did you leave?—A. I arrived at ten o'clock and I left in the evening near sunset.

Q. Were there threats made of any kind against any voters on the day of election?—A. I never saw any at all while I was here.

Q. Was it generally known among the people at the polls that you had this imitation ticket in your possession?—A. Yes, sir; I showed it them. I showed it to Gardner at the box.

Q. Could you have voted that ticket if you had felt inclined without interference on the part of Republicans?—A. I could if I had wanted to, but I did not want to vote it.

Q. Was the election conducted in a quiet, orderly manner?—A. About as quiet an election as I ever saw since the war.

Q. Was any person appointed to distribute Democratic tickets to voters captured, carried away from the polls, interfered with, beaten, or insulted in any manner while you were at the polls?—A. No, sir; I never saw any.

#### Cross-examined:

Q. Were you in the neighborhood of the polls all the time you were here?—A. After I had voted I went and sat down on a porch about one hundred and fifty yards from the polls.

Q. What time did you vote?—A. I voted at ten o'clock.

Q. At what time did it become generally known that you had this ticket?—A. Soon after it was given me; before I had voted; when I had got the right ticket.

Q. Was any talk made about it?—A. No talk was made about it.

Q. Did you get angry about it?—A. No, sir; I always go and get both tickets. The one I want I vote; the other I put in my pocket.

Q. Did you see Mr. McFall leave?—A. I saw Mr. McFall leave.

Q. What time did you see him leave?—A. I should think about twelve o'clock; I had no more to say to him after I got the ticket; I vote whatever ticket I please.

Q. How did you know there were two red tickets?—A. After I took McFall's red ticket and took the Republican ticket, I saw there were two red tickets in the field.

Q. You could tell then that the two red tickets were different?—A. Yes, sir.

Q. Without being able to read?—A. Yes, sir.

Q. You staid at Gardner's store until you left?—A. I staid at Gardner's store until about three o'clock, way in the evening; then I went home.

Redirect examination:

Q. How could you tell these two red tickets without being able to read them?—A. I told you I carried them to a man to read them for me.

Recross-examination:

Q. Could you see any difference in these tickets without reading them?—A. No, sir; I said you could see no difference unless you could read.

Q. Well, then, when you said before that you could tell the difference, what did you mean?—A. I did not tell you that; I tell I could tell the difference, but I took them to men that could read; I could tell the difference in the white one.

Q. Then you did not know there were two red tickets except by what other people told you?—A. Not until Renty Greaves told me.

THOMAS + <sup>his</sup>BELL  
mark.

Sworn and subscribed before me this 4th day of April, A. D. 1877.  
[SEAL.]

SHEPARD D. GILBERT,  
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA,  
County of Beaufort:

Personally appeared before me, Shepard D. Gilbert, notary public, RENTY F. GREAVES, a witness for the contestee, who, being duly sworn according to law, deposes and says:

Question. State your name, age, residence, and occupation?—Answer. Renty Franklin Greaves; aged thirty-two; Hilton Head Island; by occupation a merchant.

Q. Did you vote at the recent election held on the 7th of November?—A. I did.

Q. State where you voted?—A. At Mitchellville precinct, Hilton Head.

Q. State at what time you arrived at the polls and at what time you left?—A. I arrived at six o'clock in the morning and I was off and on at the polls during the day, but I finally left after the vote was counted.

Q. Did you see Thomas Bell on the day of election?—A. I did.

Q. State whether or not he brought to you a ticket for examination.—A. He did.

Q. Tell what took place at that time.—A. After I had examined the ticket, I told him it was a Democratic ticket, but it was marked "Union Republican," and resembled our ticket in every respect except that the paper was not so stout as the Republican.

Q. Did it contain the names of Republican candidates for office or the names of Democrats?—A. All Democrats.

Q. Would any person who could not read be deceived into voting that ticket, believing it to be a Republican ticket?

(Objected to.)

A. They would be deceived.

Q. Did Mr. Bell vote this imitation ticket, or did you give him another to vote?—A. I gave him another, a straight Republican ticket.

Q. In the interest of which ticket were you canvassing on the day of election?—A. In the Republican.

Q. Did you see any one on the day of election distributing Democratic tickets ?—A. I did see Mr. McFall.

Q. Was there any other person distributing Democratic tickets at the polls, beside Mr. McFall ?—A. Not as I know of.

Q. Was there any disturbance of any kind at the polls on the day of the election ?—A. Not as I saw, except they called attention to Mr. Pollitzer. Some thought he was a boy, and some thought he was from Beaufort and had no right to vote here, and they challenged his vote on those grounds.

Q. Was there any interference with Mr. Pollitzer, except challenging his right to vote ?—A. None at all, sir.

Q. Was he insulted, threatened, or any violence offered him by Republicans ?—A. All that was said was that he had no right to vote ; he belonged in Beaufort, and must go and vote there.

Q. Upon his swearing that he was a duly qualified elector was he permitted to vote ?—A. Yes, sir.

Q. Was there any person prevented from voting on the day of election through threats made or violence offered to him ?—A. None to my knowledge.

Q. If such had been the case would you have known of it ?—A. Yes, sir.

Q. Do you know of any person appointed to distribute tickets to Democratic voters captured by Republicans, carried away from the polls, beaten, or ill treated in any manner ?—A. There was no interference at the poll with any men issuing tickets.

Q. Were voters compelled to allow their tickets to be examined before depositing them in the ballot-box ?—A. No, sir. All that had their tickets examined were those that could not read or write, and after the discovery of these counterfeit tickets they would not vote until they had their tickets read over, as there was so little difference in them, they looked so alike.

Q. Do you know how many Democratic voters there were on Hilton Head on the day of election ?—A. To my knowledge about ten outspoken, advocating the Democratic cause. I don't know how they voted.

Q. Are there any white persons living on Hilton Head who claim to be Republicans ?—A. Yes, sir.

Q. Did they openly advocate the Republican candidates ?—A. They did.

Q. How many Democratic votes were polled at this precinct on the day of election ?—A. Ten ; nine scratched, and one imitation ticket.

Q. How many Republican votes were polled ?—A. To the best of my recollection, four hundred and sixty-four.

Q. Was the number of straight Democratic votes polled at the last election larger or smaller than that cast at recent elections since reconstruction ?—A. To the best of my recollection this was the largest vote ever polled by the Democrats since reconstruction.

Q. Had there ever been a straight-out Democratic ticket advocated on Hilton Head prior to this election ?—A. No, sir ; not straight-out.

Q. What was the general disposition of colored Republicans towards white Democrats ? Was it friendly, or otherwise ?—A. There was no particular feeling. It depended on the man ; they liked him according as their feelings were towards him.

Q. Could a Democrat publicly announce his political convictions without fear of molestation, insult, or violence ?—A. They always could, to my recollection. I never knew them to be interfered with on any political account.

Q. Were any threats made against colored men in case they attempted to vote the Democratic ticket?—A. None at all, to my knowledge.

Cross-examined:

Q. You state you arrived at 6 a. m., and left finally after the vote was counted, and were off and on all day. Explain what you mean by "off and on."—A. That I was not out of sight or hearing of the polls for more than three or four minutes during the day.

Q. Did you see McFall when he came to the polls that day?—A. I did, sir.

Q. Did you see him vote?—A. I did, sir.

Q. About what time did he vote?—A. About half past seven o'clock, I think.

Q. Had many persons voted before him?—A. About ten or twelve of them.

Q. How long was he at the polls before he voted?—A. About ten minutes.

Q. You say you saw him issue Democratic tickets. To whom did you see him issue them?—A. To several men at the poll. That was the straight Democratic ticket.

Q. Did you see him issue any red tickets?—A. I did not.

Q. Then you don't know that he did issue any red tickets?—A. Not to my knowledge.

Q. Did Thomas Bell give you a ticket?—A. Yes; asked me to read it and tell him what it was.

Q. What did you do with that ticket?—A. I handed it back to him after reading it.

Q. At what time was this?—A. About nine or ten o'clock.

Q. When last did you see Mr. McFall?—A. About nine o'clock I spoke last to him. I last saw him in sight about two o'clock.

Q. What was he doing then?—A. He seemed to be talking to some men.

Q. How far from you?—A. About three hundred yards.

Q. You saw him with a crowd of men?—A. About five or six of them.

Q. Could you hear them?—A. Not at that distance. After they had got through talking, I saw him going some way off, and some women following with him.

Q. Could not those men have used threatening language to him without your hearing it?—A. Yes, sir; I could not hear what was said.

Q. Do you know what those women were going off with him for?—A. No, sir.

Q. Did you see Mr. Pollitzer come up to vote?—A. I did, sir.

Q. How far were you from him when he voted?—A. About six feet.

Q. Did you hear his vote challenged?—A. Yes, sir.

Q. Who challenged it?—A. Some men outside there by the poll.

Q. Did all challenge him together?—A. Only two men challenged him, one at a time. One said he was a boy, and the other said he belonged in Beaufort.

Q. Who were those two men?—A. One was named Riley; the other I forget.

Q. Did you hear any one read the law?—A. Yes, sir; Manager Drayton read the law.

Q. What was the cause of the reading of the law?—A. To give satisfaction to those who did not know the law. To show that when they qualified, and so forth, that that was sufficient.

Q. What caused the reading of the law at that time?—A. Because Mr. Pollitzer came up to vote and was challenged.

Q. Do you know any men in the Navy who offered to vote that day?—  
A. I do.

Q. Name them.—A. A man named Lightburn I knew.

Q. Was he allowed to vote?—A. No, sir.

Q. Did any Navy man vote that day?—A. No, sir; not to my knowledge.

Q. Had any voted would you have known it?—A. Yes, sir.

Q. Was any other law read that day except the time you mentioned?—  
A. Not unless in very short time, as I was not away.

Q. You say you were away from the polls three or four minutes. Could not threats have been made during that three or four minutes you were absent without your hearing it?—A. I think not, as very few were around the polls at the times I selected to leave.

Q. Will you swear that no threatening language could have been uttered at the polls without your hearing it?—A. No, sir; I would not. I could not hear if they spoke out of my hearing, and could not tell whether they used threatening language or not.

Q. You say that only those who were unable to read had their tickets examined at the polls. How do you know it was only those who were unable to read?—A. Because they brought the ticket to myself, Mr. Noble, Edward Murray, and Peter Wiley to read for them, and would not take tickets from any one else to vote after they had found out this imitation ticket.

Q. Are these men influential men on the island?—A. They are. One is clerk in the Methodist church, the other clerk in the Baptist church.

Q. Where did they stand when they examined these tickets?—A. They were right in the vicinity of the polls.

Q. How many of these tickets did you examine?—A. I examined a good many.

Q. Do you know what men voted the Democratic ticket that day?—  
A. I know one of them; that was Mr. McFall.

Q. Do you know of any others?—A. Not to my knowledge.

R. F. GREAVES.

Sworn and subscribed before me this 4th day of April, A. D. 1877.

[SEAL.]

SHEPARD D. GILBERT,

*Notary Public, South Carolina.*

STATE OF SOUTH CAROLINA,  
*County of Beaufort:*

THURSDAY, April 5, 1877.

Personally appeared before me, Shepard D. Gilbert, notary public, GABRIEL P. GARDNER, a witness for the contestee, who, being duly sworn according to law, deposes and says:

Question. State your name, age, place of residence, and occupation.—  
Answer. Gabriel P. Gardner; aged forty-nine years; Mitchellville, Hilton Head, is my residence; and by occupation a merchant.

Q. Did you vote at the recent election held on the 7th of last November, at which a member of Congress was voted for?—A. Yes, sir.

Q. Where did you deposit your ballot?—A. At Mitchellville precinct, Hilton Head.

Q. Were you employed in any official capacity on the day of the election?—A. Yes, sir; as a manager of election.

Q. At what time did you arrive at the polls and at what time did you leave?—A. Before six o'clock in the morning, and left after ten o'clock in the night.

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Q. Were the polls opened at the usual hour, and in accordance with law?—A. Yes, sir; at precisely six o'clock.

Q. Was there a fair and free election, and was it conducted in a quiet and orderly manner?—A. Yes, sir.

Q. Was there any disturbance about the polls, or was any violence offered to any one while at the polls on the day of the election?—A. No, sir.

Q. State whether or not any person was interfered with in their right to vote?—A. No, sir; none but Mr. Pollitzer. Some one asked if he had a right to vote here, as they didn't believe he was of age, and he told me he had a right to vote here, and I said he had, and I swore him, and he voted and went off. And then some sailors came up and wanted to vote, and Mr. McIntire said they should not, and some of the colored men who stood outside said yes, they had a right to, as they had wives here. Mr. McIntire said none of them should vote, because they were not citizens, and Mr. Lightburn, who was working for Mr. McIntire at the time, he came up and wanted to vote, and Mr. McIntire said he prohibited any sailors from voting; that he had not been in the county long enough. And they all went off, and the election went on very nicely during the day.

Q. Was anybody prevented from voting on the day of election who was entitled to vote at this precinct?—A. No, sir; not to my knowing.

Q. How many white votes were polled at this precinct on the day of the election?—A. I could not tell positively.

Q. Do you know how many Democratic votes were polled?—A. Ten.

Q. Was that a larger or smaller Democratic vote than was ever polled at this precinct since reconstruction?—A. A great deal larger Democratic vote.

Q. Was any one appointed to distribute Democratic tickets to voters captured, or driven away from the polls, beaten, injured, or insulted in any manner?—A. Not to my knowledge.

Q. If anything of this kind had occurred at or near the polls on the day of election would you have known it?—A. Yes, sir; I should have known it, as I swore all the people that came in.

Q. Do you know how many Republican votes were polled on the day of election?—A. Yes, sir; 464.

Q. How many different kinds of tickets did you see on the day of election?—A. Three.

Q. Can you describe these tickets?—A. Yes, sir. One straight white Democratic ticket; one straight Republican ticket in red ink, and one Democratic ticket in red ink, headed "Union Republican."

Q. Was this Democratic ticket in red ink an imitation of the Republican ticket?—A. Just alike, only the names were different. Any one that could not read could not distinguish them.

Q. How long have you been engaged in business at Hilton Head?—A. About twelve years.

Q. Are you acquainted with the people on the island generally?—A. Yes, sir.

Q. What is their general disposition; are they peaceable, quiet, and orderly, or otherwise?—A. Very peaceable.

Q. Did you see Mr. McFall on the day of the election?—A. Yes, sir.

Q. Was he interfered with by Republicans while at or near the polls on that day?—A. No, sir. He came up to the polls to vote and took out of his pocket a straight white ticket and lay it on the sill of the window; then took out of his pocket a pencil and hollowed for Benty Greaves and told Greaves he was going to give him a lift; and Greaves



said, "All right;" and he said to Greaves, "You and Tom Hamilton I'll go for every time;" while he said this he erased some name and added Greaves, after which he folded the paper up, was sworn, and voted, and went away from the polls.

Q. Then he voted the Democratic ticket openly?—A. Yes, sir.

Q. Did you see Mr. McFall near the polls after he had voted?—A. No, sir; after he had voted he went away.

Q. What time did he vote?—A. Near nine or ten o'clock.

Q. Were all of the voters sworn on the day of the election?—A. Yes, sir; I swore every one.

Cross-examined :

Q. How many managers were present when the poll was opened?—A. Two of us.

Q. How long was the poll opened before the third manager came?—A. About an hour or an hour and a half.

Q. Who was the third manager?—A. W. S. Drayton.

Q. Were many votes polled before Mr. Drayton came?—A. Just the people in the village were voting.

Q. How many of them had voted when Mr. Drayton came?—A. I never took any particular account.

Q. Were many persons at the polls when he came?—A. Not many, sir.

Q. Had as many as twenty votes been cast when he came?—A. I could not safely say.

Q. Had as many as ten?—A. O, yes; I think as many as ten.

Q. Did you notice whether any one came with Mr. Drayton when he came?—A. I did not notice. We sat in the house with a window open, and Mr. Drayton came and knocked at the door; we opened the door, and he came in. He said he was a little lated, and I asked him if Dr. Wilder had sworn him.

Q. When did you see Mr. McFall?—A. Mr. McFall was outside a good while before he came up to vote.

Q. How long after Mr. Drayton came was it before you saw him?—A. I had been some two hours; though I took no particular notice of it.

Q. Had or had not many votes been cast when McFall voted?—A. There had been a good many cast; it was late in the day.

Q. Had you heard of this imitation ticket before McFall voted?—A. I saw it, sir.

Q. Who gave it to you?—A. Tom Bell brought it up to the poll and asked me if it was a Republican ticket. While he opened the ticket I looked and saw it headed "Union Republican ticket," and told him yes; and then he said no; and after he said no I thought it strange and looked at the ticket and saw the names were different, and I told him no; and he went off for some time and came back with a Republican ticket, and voted it.

Q. You read the ticket he handed you, then?—A. Yes, sir; I read the two first names.

Q. What did you do with the ticket then?—A. I just handed it back to him.

Q. How do you know that Tom Bell voted a Republican ticket?—A. He said it was.

Q. Did you ask him?—A. No, sir.

Q. What time did Mr. Pollitzer offer to vote?—A. I couldn't say what hour it was.

Q. Was it before or after McFall voted?—A. I am not very certain;

I think it was before; because when Mr. Pollitzer called on me some one said he was not of age, and that he belonged in Beaufort.

Q. Did Mr. Pollitzer first say that, or did some one else say that?—A. Mr. Pollitzer said he called on me as a citizen of the United States to ask me if he had a right to vote here.

Q. Did you hear any one speak about Mr. Pollitzer's voting before he asked you that?—A. No, sir.

Q. Was Mr. Pollitzer's vote challenged?—A. Some of the men said he was not of age, and belonged in Beaufort.

Q. Where were these men when they said so?—A. They were near the poll; not very far off.

Q. How many of them were they?—A. I could not tell how many.

Q. Do you know the name of any particular person who challenged his vote?—A. No, sir.

Q. Was his vote challenged after he spoke to you?—A. Before; as soon as he came up to the polls. He was not around the polls any time.

Q. Was his vote challenged after you answered him?—A. No, sir; after he voted he got in his wagon and went right off.

Q. Did you see him go off?—A. Yes, sir; he went off from the window.

Q. Did you see W. H. Peeples go to the door about that time?—A. I never noticed him; I was swearing the people at that time.

Q. Were you swearing the people while Mr. Pollitzer was talking to you?—A. Mr. Pollitzer came up and called me and asked me if he was liable to vote at this poll, and I told him yes.

Q. Did W. H. Peeples go to the door at any time during the day and speak to the people?—A. I never observed him.

Q. Had he done so would you have known it?—A. Yes, sir. He did not go to the door about Mr. Pollitzer.

Q. Did he go to the door and speak to the people about any one?—A. No, sir; not to my knowing.

Q. Was there any excitement at the polls when Mr. Pollitzer offered to vote?—A. No, sir; there was no excitement at all of any consequence.

Q. How long after Mr. Pollitzer voted was it before Dr. Wilder came?—A. Not very long.

Q. Did you hear Mr. Drayton read any law?—A. Yes, sir.

Q. What law did he read?—A. He said he had power of attorney at the polls.

Q. What was the law about?—A. He read it when Mr. Pollitzer asked me if he had a right to vote.

Q. To whom did he read it?—A. He opened the door and read it to everybody who was present outside.

Q. What caused him to read it?—A. Some one outside told Mr. Pollitzer he had no right to vote; that he was not of age, and belonged in Beaufort.

Q. Did you see Lightburn offer to vote?—A. Yes, sir.

Q. How long after Mr. Pollitzer voted was it before Lightburn offered to vote?—A. I could not tell; I took no notice.

Q. Did any one vote after Pollitzer voted, and before Lightburn came up?—A. Yes, sir; I believe they did.

Q. Who challenged Lightburn's vote?—A. R. C. McIntire.

Q. Was Lightburn a Republican?—A. I could not tell.

Q. Did you hear any one say whether he was a Republican or a Democrat?—A. No, sir.

Q. Was McIntire a Republican?—A. No, sir.

Q. Was he a Democrat?—A. Yes, sir.

Q. Was any law read on the occasion of Lightburn offering to vote?—  
A. No, sir.

Q. Did anybody besides McIntire object to Lightburn voting?—A.  
No, sir.

Q. Was there any excitement about his voting?—A. No, sir.

Q. When did those sailors come up and try to vote; before or after  
Lightburn offered?—A. I think it was directly after; I am not certain.

Q. Did anybody object to their voting?—A. Yes, sir.

Q. Who objected?—A. Mr. R. C. McIntire.

Q. Did any one else object?—A. No, sir.

Q. Was any law read about any sailors' or Navy men right to vote?—  
A. Not to my knowing; not at the polls.

Q. Were any sailors or Navy men allowed to vote, and, if so, how many?  
—A. None to my knowledge, except that Mr. Riley came up and wanted  
to vote, and Mr. McIntire said he could because he did not belong to  
the Navy.

Q. Did any one object to Riley's voting?—A. Not to my knowing.

Q. How long after Mr. Pollitzer voted was it that Riley voted?—A. He  
voted some time after, I believe.

Q. Were you in the house all day?—A. Yes, sir; all day.

Q. Could you see all around the polls from where you were?—A. Yes,  
sir. I sat in the window.

Q. Did Dr. Wilder read any law that day?—A. If he did it was away  
from the polls, for I never heard him.

Q. Did he speak to the people at all?—A. Not to my knowing.

Q. If he had read any law or spoken to the people during the election  
on that day would you have known it?—A. If it was near the polls I  
should have been obliged to have known it.

Q. What do mean by "near the polls?"—A. Any way near the win-  
dow.

Q. Within what distance?—A. Within thirty, forty, or fifty feet.

Q. Had he read the law or spoken to the people beyond that distance  
you would not have known it, then?—A. No, sir.

Q. Then you couldn't tell what was going on beyond that distance?—  
A. I could see what was going on, but I couldn't hear what anybody was  
saying.

Q. Could you see anywhere else except through the window?—A.  
No, sir.

Q. Was there any Democratic ticket run on Hilton Head previous to  
election of '76?—A. Yes, sir.

Q. When was that?—A. In the election before '76, when Green and  
Chamberlain ran.

Q. Was Green a Democrat?—A. They styled him "Democrat;" I  
don't know positively.

Q. Do you know Renty Greaves, Alfred Noble, William Reed, Thomas  
Fraser, Edward Murray, Phoenix Robinson, Simon Grant, Frederick  
Brage, Isaac Jones, W. H. Peeples, Thomas Chisolm, Thomas Bell, the  
witnesses examined before Mr. Gilbert?—A. Yes, sir.

Q. Are they all Republicans?—A. Yes, sir; they all speak Republi-  
can.

Q. Are they all colored men?—A. Yes, sir.

Q. Are you not one?—A. Yes, sir; I am a true Republican and a col-  
ored man.

Redirect:

Q. What is the general character of all these men?—A. They all sus-  
tain a good character.

Q. Are they such men as you would be willing to trust in doing business?—A. Yes, sir.

Q. Did Mr. Drayton come to the door more than once?—A. No, sir; not to my knowing.

Q. When he came to the door, state whether or not he had any conversation in reference to his brother.

(Objected to.)

A. He said to Mr. Jesse Wells through the window to take his brother home, saying, "You know how he is. He may get interrupted by some of these people." Mr. Wells told him yes, he would.

Recross-examination :

Q. Did you or did you not say on your direct examination that Mr. Drayton went to the door to read the law to the people?

(Objected to.)

A. I did.

Q. Did he read the law to the people and speak about his brother at the same time?—A. No.

Q. Did he go to the door to speak about his brother?—A. He did not go the door to speak about his brother.

Q. What did he go to the door for?—A. He went to the door to read the law and let the people know that Mr. Pollitzer had a right to vote there.

Q. If he went to the door to speak to the people about Mr. Pollitzer's right to vote, what made him speak about his brother?—A. He did not say anything about his brother at that time.

Q. What time was it, then, when he said something about his brother?—A. It was at another time. His brother was talking high to some men across the street, and he spoke to Mr. Wells through the window.

Q. What was his brother talking about?—A. I do not know.

Q. How far off was he from you?—A. It was about sixty or seventy feet.

Q. Then a man might speak high sixty or seventy feet off and you could not tell what he was saying?—A. No, sir; not as I was attending to my business—swearing the men that came up.

G. P. GARDNER

Sworn and subscribed before me this 5th day of April, A. D. 1877.

[SEAL.]

SHEPARD D. GILBERT,  
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA,  
Beaufort County:

G. D. TILLMAN, CONTESTANT,	} Contested election for seat in the Forty-fifth Congress.
vs.	
ROBERT SMALLS, CONTESTEE.	}

I, Shepard D. Gilbert, a public notary in and for said county and State, duly commissioned and sworn, do hereby certify the foregoing depositions, taken in behalf of Hon. Robert Smalls, contestee, were duly taken before me, and that all interlineations and corrections were made prior to the subscribing to the same of the deposing witnesses.

In testimony whereof I hereunto set my hand and notarial seal this 7th day of April, in the year of our Lord one thousand eight hundred and seventy-seven.

[SEAL.]

SHEPARD D. GILBERT,  
Notary Public, South Carolina.

*Notice to take testimony.*

STATE OF SOUTH CAROLINA,  
Beaufort County:

G. D. TILLMAN, CONTESTANT, }  
vs.  
ROBERT SMALLS, CONTESTEE. }

To Hon. G. D. TILLMAN:

You are hereby notified that I will examine the following additional-named witnesses, all of whom reside in Beaufort 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, 1876, for the fifth Congressional district of the State of South Carolina, and in reply to matters and things set forth in said notice of contest before L. S. Langley, esq., a notary public in and for said State, in the town of Beaufort, at the council-chamber, on the 4th, 5th, 6th, 7th, and 8th days of April, 1877, or so much thereof as may be necessary to examine the following-named witnesses, to wit: W. H. McGill, William Lawrence, Richard Howard, William Middleton, Nat Heyward, Prince Heyward, and N. R. Williams, who resides in the county of Aiken and State aforesaid.

W. J. WHIPPER,  
*Attorney for Contestee.*

I accept service of the within notice at Beaufort this 3d April, 1877.

WM. ELLIOTT,  
*Counsel for G. D. Tillman.*

STATE OF SOUTH CAROLINA,  
County of Beaufort:

G. D. TILLMAN, CONTESTANT, }  
vs.  
ROBERT SMALLS, CONTESTEE. }

To Hon. G. D. TILLMAN:

You are hereby notified that I will examine the following-named witness, who reside in Beaufort 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 1876, for the fifth Congressional district of the State of South Carolina, and in reply to matters and things set forth in said notice of contest, and to evidence produced by you in your behalf before L. S. Langley, esq., notary public, in the town hall, in the town of Beaufort, on the 7th day of April, or so much thereof as may be necessary for the examination of Jacob Pettigrew, late of Paris Island.

ROBERT SMALLS,  
Per W. J. WHIPPER,  
*Counsel for Contestee.*

THE STATE OF SOUTH CAROLINA,  
County of Beaufort:

Personally appeared D. W. Powell, who, being duly sworn, deposes and says that he served a copy of the within notice personally on William Elliott, counsel for G. D. Tillman, on the 6th day of April, 1877, at 6 o'clock p. m.

D. W. POWELL.

Sworn to before me this 6th day of April, 1877.

[L. S.]

L. S. LANGLEY,  
Notary Public, South Carolina.

STATE OF SOUTH CAROLINA,  
*Beaufort County:*

Contested-election case for a seat in the Forty-fifth Congress of the  
United States.

GEO. D. TILLMAN, CONTESTANT, }  
vs. }  
ROBERT SMALLS, CONTESTEE.

You are hereby notified that I will examine the following-named witnesses, all of whom reside in Beaufort County, relative to and touching the matters and things set forth in my answer to your notice of as to 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 1876, for the fifth Congressional district of the State of South Carolina, and in reply to matters and things set forth in said notice of contest, and to evidence produced by you in your behalf before L. S. Langley, esq., notary public, in the town-hall, in the town of Beaufort, on the 4th, 5th, 6th, 7th, and 8th days of April, or as much thereof as may be necessary, to wit:

Stepney Deveaux, Dick Scott, jr., and Anna Smart, of Paris Island; J. G. Call, and Henry Simons, of Ladies Island; Samuel Mack, Rulin Bryant, J. M. Brown, and Marcus Simons, of Myrtle Bush.

ROBERT SMALLS,  
Per W. J. WHIPPER,  
Counsel for Contestee.

Service accepted this 4th day of April, 1877.

WM. ELLIOTT,  
Attorney for Contestant.

*Evidence in behalf of contestee.*

#### BEAUFORT POLL.

SOUTH CAROLINA, *Beaufort County:*

Contested election for seat in the Forty-fifth Congress.

G. D. TILLMAN, CONTESTANT, }  
vs. }  
ROBERT SMALLS, CONTESTEE.

JOSEPH COHEN SWORN.

Question. State your age, residence, and occupation.—Answer. Thirty-two is my age; my residence, Beaufort, and my occupation is town marshal.

Q. Where were you on the 7th day of November last, the day of the last general election?—A. In the town of Beaufort, round and about the polls.

Q. Were you town marshal at that time; and, if so, what part of the day did you spend at the polls?—A. I was town marshal at the time, and was at the polls from 7 a. m. till 11 a. m. I then left the poll, and returned at 1 p. m., and remained until the polls closed.

Q. What was the character of the election held at the Beaufort precinct?—A. I consider the election as peaceful and quiet.

Q. Was there any disturbance at the polls or any effort made to pre-

vent parties from voting ?—A. There was no disturbance at all. Every person entitled to vote voted as he felt disposed.

Q. State whether there was or could have been any considerable number of illegal votes polled at that precinct on that day without your knowledge.—A. There could not have been. I was at the polls most all day, and know most every person who voted there.

Q. Have you attended the elections at the Beaufort precinct heretofore since reconstruction ?—A. As a general thing. I have attended most every election.

Q. Is it common for parties to come from the islands adjacent and vote at Beaufort on election-days ?—A. I am positive that parties living on those islands near Beaufort always vote at the Beaufort poll.

Q. Is it not a fact that many voters living on those islands are nearer the Beaufort poll than the polls established for voting purposes on their respective islands ?—A. It is nearer for such voters to come to Beaufort by three or four miles.

Q. Were you present at the Hampton meeting held at Beaufort, just before the election ?—A. I was.

Q. State what was the conduct of Republicans generally at that meeting, particularly of yourself, Monday Williams, Alfred Williams, and L. S. Langley.—A. The Republicans generally were peaceable and quiet. The parties named tried all in their power to maintain peace. We went through the crowd when there was a disposition apparently manifested to make a noise, and requested that the speakers might have a peaceable hearing. When Mr. Le Roy F. Youmans was speaking, L. S. Langley arose and questioned the speaker, which created some excitement, but nothing serious. All the speakers had a quiet hearing, save Judge Cook. When he arose to speak the Republicans declared they would not hear him, because he was a traitor to the Republican party. Mr. Intendant (Mayor) Williams and myself remonstrated with the crowd, who were so loud in their objections that Judge Cook discontinued. The only real disturber of the peace on that occasion was one Jones, (colored,) who claimed to be a Democrat. He came from the speakers' stand, under the influence of strong drink, (I mean under the influence of whisky,) and commenced to curse the crowd, and struck one Auderson; after which Ben Holmes got into it, and the crowd rushed and created some excitement. I had the police force on the ground and arrested the parties making disturbance, placing them in the guard-house and keeping them there until the meeting adjourned, after which I released them.

Q. What is the color and politics of Ben. Holmes ?—A. He is a colored man, and acted and voted with the Democrats.

Q. State, if you know, what Judge Cook claimed to be, a Republican or a Democrat ?—A. I have known him to be a Republican. He stated that day that he was a Republican.

Q. State if any of the Democratic speakers were prevented from speaking.—A. I state positively, no, sir. All Democratic speakers were heard without being interrupted. Just before the meeting concluded Wade Hampton got up and bid the meeting good-bye, and they cheered him. I would like to state that Judge Cook when he commenced began by abusing the police officers. I had two policemen stationed to prevent the crowd from coming up on the stoop, and as he began to speak he ordered the policemen to move and allow the people to come up on the step. The police refused, stating they had orders to keep the people from off the step. He accused them of creating a disturbance, and threatened if he had his way he would lock them up.

Q. What, if any, tickets did you examine on election-day, and how?—

A. I did not examine any tickets at all. I was stationed at the poll by one side of the window where the box was, for the purpose of keeping off persons already voted and allowing persons desiring to vote to get at the poll. One man came up there with his ticket opened in his hand and tried to put it in the box. I told him to fold his ticket; he seemingly did not know how to do it, and handed it to me to fold for him, and I did so. I handed it back to him, and he deposited it in the box. Objection was made to my doing it by Mr. Melvin, a Democrat, who was inside the room, and I never again took a ticket from any one else.

Q. How many men (white and colored) were around the poll distributing Democratic tickets?—A. I cannot answer definitely; there were several around there.

Q. Were any of them disturbed or molested in any way?—A. No, sir; not to my knowledge.

Q. State whether or not it would have come to your knowledge if any were molested?—A. It would have, as marshal.

Cross-examined by William Elliott, counsel for contestant :

Q. When you reached the polls on the morning of the election, how many votes had been cast?—A. I think it was about ten or fifteen. I don't think it was more.

Q. Under our laws have not voters the right to vote at any precinct in the county in which they reside?—A. I cannot state definitely on that point. There is an oath they are required to take.

Q. Did not residents of Ladies' Island vote at Beaufort precinct?—A. I state positively, yes.

Q. Could they not have voted at the polls on Ladies' Island if they had desired, instead of at the Beaufort poll?—A. I stated they could have voted there by putting themselves to a longer walk, three or four miles.

Q. Is it not true, then, that a voter can vote at any poll in the county that he desires?—A. I cannot answer that question definitely, because I am not conversant enough with the law.

Q. What is the custom?—A. The custom is, as I understand, if he swears that he is a resident of the county of Beaufort and a citizen of South Carolina, and has not voted anywhere else on that day, he is allowed to vote.

Q. At any precinct?—A. Yes, as I understand it.

Q. Was there any registration of voters at the Beaufort poll before the last election?—A. I answer no; not to my knowledge.

Q. When you left the polls at eleven o'clock on that day, how many votes had been cast?—A. I cannot state accurately, but there was a good many votes up to eleven o'clock.

Q. About how many were polled during the day?—A. I cannot state positively, but there was a very large vote polled.

Q. Do you know whether the voters who voted at this precinct had not voted at some other precinct before voting here?—A. I do not know as to all, but I am positive as to some; could not have voted at any other precinct prior to voting here.

Q. Why could they not have voted at some other precinct prior to voting here?—A. Because, from the time the poll opened to the time they voted, they could not have got from any other precinct to this one.

Q. Do you know whether they did not vote at some other precinct after voting at this?—A. I do not know.



Q. Was it not possible for a man to have voted at several precincts in this vicinity on that day?—A. Yes. I would state that it is possible for a man to attempt to do it if he felt so disposed.

Q. Was it not possible for him to do it?—A. That is a question I cannot answer.

Q. Could not a man starting at Woodlawn precinct at 6 o'clock a. m. have reached Beaufort at 8 a. m.?—A. Such is possible.

Q. How long would it take the same man to go to Port Royal from Beaufort?—A. He would be at Port Royal at half past nine.

Q. In what time could he go from Port Royal to Myrtle Bush?—A. He could be there about twelve o'clock.

Q. By what time could he be at Gray's Mill from Myrtle Bush?—A. Be about three or four o'clock.

Q. What was there there to prevent a man from voting at all of the above-named precincts on election-day, had he been so disposed?—A. Nothing but his required oath, if he was so disposed.

Q. Upon what then do you make your statement that no considerable number of illegal votes could have been cast at Beaufort precinct on election-day?—A. From the fact I was at the poll and knew most of the persons who voted, and did not see them attempt to vote the second time at this precinct.

Q. That is all then on which you base your statement?—A. As to this precinct. I know nothing as to any other.

Q. At the Hampton meeting, did not Monday Williams interrupt the speakers very often with questions?—A. Not to my knowledge. I was so informed, but on going to Monday Williams I found to the contrary. He was trying to persuade the crowd not to disturb the speakers.

Q. Did you not see him standing in the foot of the steps asking questions of Mr. Youmans or Judge Cook?—A. I cannot state positively that he did or did not.

Q. Was he not standing at the steps directly in front of the speakers?—A. He was standing at the steps directly in front of the speakers, for when I went to speak to him I found him there.

Q. Did you not hear him asking questions of the speakers?—A. I did not.

Q. Were there not a good many questions asked Mr. Youmans by members of the Republican party?—A. I would state that there were several questions asked him.

Q. Was he not at one time compelled to stop speaking?—A. He did stop speaking, but I cannot say he was compelled to stop. He was asked a question which produced a great deal of excitement. After the excitement he did not attempt to speak again.

Q. Did not General Hampton state to the crowd that the meeting was ended in consequence of the disturbance?—A. I cannot say that he used those exact words, but he used words to that effect. He said he was sorry that they could not get as peaceable a hearing here as in other parts of the county.

Q. Was the meeting then closed?—A. I think not. I think that was just after Mr. Youmans retired from the stand, and afterward Mr. Gibbs came on the stand and spoke at length.

Q. Did not General Hampton retire immediately after making these remarks?—A. Not then. He came back on the stand after Mr. Gibbs got through, and bid the crowd good bye, stating when he was elected governor he would come down here and address them.

Q. Was it not then that General Hampton stated, in effect, that the

meeting was at an end in consequence of the disturbance?—A. I don't know that he stated that at all. I certainly did not hear him.

Q. Did he not at that time call the attention of the crowd to the fact that officers of the United States Navy were present and had witnessed the scene?—A. Yes, he did.

Q. State further what you were about to state in this connection and were interrupted.

(Counsel for contestee objects to answer being given to this question, on the ground it assumes what the record does not show.)

A. I have nothing more to state on that point.

Q. Were you not about to state something further on that point?—A. I was not. I had concluded the answer to the question.

Q. Were you not proceeding to state something further when interrupted by the notary?—A. I must certainly answer "No," from the fact I cannot think what it was I was about to state.

Q. Was it not that General Hampton said he was sorry that the officers had witnessed this scene, or words to that effect?—A. He said there were United States officers on the porch who had witnessed the scene and would take cognizance of it.

Q. Was there not a great deal of singing by Republicans at the meeting on that day?—A. There was not any singing during the speaking, there were cheers. There was singing after the meeting.

Q. Who were the cheers for?—A. I cannot say for whom they cheered, but they were cheering.

Q. Whom did you or any of your police arrest on that day?—A. Thaddeus Jones and Ben. Holmes, the two men who created disturbance at the meeting.

Q. Were these all?—A. These are the only two.

Q. Are not they both Democrats?—A. They profess to be Democrats.

Q. To what party does Mr. Youmans belong?—A. He is a Democrat. He certainly advocated Democratic principles.

Q. Were you called, on the night previous to the Hampton meeting, to protect the decorations made for the occasion?—A. I was called on and I went, and stationed a policeman there to prevent any one from tearing down or interfering with the building in the least.

Q. At the polls on election-day, did not Mr. Barnwell, United States supervisor, object to your examining tickets of voters?—A. I state no, that he did not. Mr. Melvin called attention to my folding a ticket for a man, or having anything to do with it one way or the other.

Q. Did not Mr. Barnwell make some objection to your conduct at the polls; and, if so, what?—A. No; that was the only instance I was called in question.

Q. To what party did you and your policemen, on election-day, belong?—A. I do not know as to the policemen, but I am a Republican. The police were not questioned as to whether they were Democrats or Republicans.

Q. Were the policemen Democrats?—A. I cannot answer definitely. Byas Middleton belongs, I think, to the Democratic club, and he was one of the police.

Q. Are you sure he was one of the policemen on election-day?—A. I think he was.

Q. Was he a policeman at the time of the Hampton meeting?—A. I cannot state positively.

Q. Who were the policemen on the day of the Hampton meeting?—A. I cannot state positively as to that now; I have a list of them in my office.

Q. Who were some of them?—A. Tom Barnes was one.

Q. To what party did he belong?—A. I can't state what Tom is, whether he is a Democrat or Republican.

Q. With what party did he act during the last campaign?—A. I can't state that, even; he has been away some time.

Q. To what party did he claim to belong?—A. I don't know; I do know two years ago he voted for Chamberlain.

Q. Has he changed his politics since then?—A. I don't know.

Q. Were not all the other policemen on that day Republicans?—A. I don't know that.

Q. Mention some of the others.—A. Joe Fields was one.

Q. To what party did he belong?—A. I don't know.

Q. With what party does he act?—A. I cannot state that he acts with any party.

Q. Has he a reputation of being a Democrat?—A. I have never heard his political opinion questioned; I don't know what he is.

Q. Name some of the others.—A. Toney Green, Hamilton Robinson, Joe Robinson.

Q. To what party did they belong?—A. I believe they are Republicans.

Redirect examination:

Q. Who called on you to protect the decorations the day before the Hampton meeting?—A. Mr. William "Boot" Elliott, (I mean W. W. Elliott,) Mr. Middleton Elliott, Barney Fuller, and Mr. Van Ness.

Q. Had there been any threats made that led to the calling of the police force?—A. They stated that boys were going backward and forward singing, and as they pass throw brickbats at the decorations.

Q. Did you or your force see anything of this kind, or any disturbance whatever?—A. I did not see any disturbance, but I did see the boys passing up and down, singing.

Q. At the time Hampton made reference to the officers, did or did not those officers leave?—A. I don't know.

Q. Were or were not the questions asked Hampton and the other Democratic speakers asked in a friendly way and simply for information?

(Counsel for contestant objects to this question as a leading one.)

A. I cannot state the exact nature of the questions, but I am rather impressed that they were.

Q. How long was this Hampton meeting before election-day?—A. I think the meeting was between the 20th and 25th of October; I cannot state the exact day.

Q. Are you certain it was not later than the 25th?—A. I don't think it was later, but it might be.

The word "there," p. 2, the name "Melvin," p. 8, "to," p. 14, "that," p. 20, "man," p. 22, "singing," p. 27, were interlined before signing, and the words "Patterson," p. 8, "from," and the termination "ing," p. 14, were struck out before signing.

JOSEPH COHEN.

Sworn and subscribed to this 2d day of April, A. D. 1877, before me.  
[SEAL.]

L. S. LONGLEY,

Notary Public, South Carolina.

MONDAY W. WILLIAMS sworn.

Question. State your age, residence, and occupation.—Answer. Age is thirty-two; live in New Building, Beaufort County, and am a constable.

Q. Where were you on the 7th day of November, the day of the last general election?—A. In the town of Beaufort, Beaufort precinct, and acted as United States deputy marshal.

Q. From what hour to what hour were you present at the poll on that day?—A. From 6 a. m. to 9 or 10 p. m.

Q. What were the general demeanor of the people and voters around the poll on that day?—A. Better, sir, than I ever seen at any election held here since reconstruction.

Q. State whether or not elections at this poll have always been orderly and quiet.—A. At other elections there has been quarrels or a fight, but at this one there was no such thing. No one was insulted, to my knowledge.

Q. State whether or not the bar-rooms were closed on that day, or all places that sold liquor.—A. I believe they were all closed. All that I been into were closed.

Q. State whether or not any liquor was around the polls; and if so, who had it, what party they belonged to, and what disposition was made of it.

(Counsel for contestant objects to this question, because it was not put in issue by counsel for the contestee.)

A. My attention was called that there was some one giving away or disposing of liquor in some shape or form in a building not more than a hundred or a hundred and twenty-five feet from the polls. I went to that building and found parties there just in the act of taking a drink as I entered. Found two small demijohns there, each containing whisky, (about one-third or half full.) I took charge of the whisky as United States deputy marshal. The parties in possession of the whisky, some I recognized and some were unknown to me. I recognized one Franklin Chaplin and Charles Simmons. I judge they belonged to the Democratic party. I also recognized John Smith. I delivered the whisky to the jailer and told him to keep the same, as something might turn up about it.

Q. Were you present at the Hampton meeting held in this town shortly before the election?—A. I was, sir.

Q. About how long before election was it held?—A. I disremember. There has been so much confusion in the country that I don't recollect; I should judge it was one or two weeks.

Q. What was the conduct of Republicans there generally—yourself, Joseph Cohen, Intendant Alfred Williams, and L. S. Langley in particular?—A. I should judge that they were in the onset very orderly. By and by they commenced each one to ask the speakers questions, (I mean different ones,) which raised a kind of confusion in the crowd. After awhile a member belonging to the Democratic party came over and struck one belonging to the Republican party; then that raised a confusion greater than it had been before. That called the attention of the town-marshal, and the intendant more especially, to put a stop to the quarreling going on at the time. The intendant took an active part to preserve the peace, so did the marshal and his policemen. I took an active part in asking the different speakers questions, touching matters they spoke of. I also took an active part in preserving the peace. In regard to Mr. Langley, the part he took was in asking a few questions, especially to Speaker Cook.

Q. Were those questions asked in a friendly way and with a view of eliciting information?

(Counsel for contestant objects to this question as leading.)

A. Yes, sir; I believe they were. Before a question was asked the

speaker was asked if he would yield to a question or not. If the speaker replied state your question, then the question was asked. There was different speakers who spoke there and obtained as good a hearing as any Republican speaker in the town of Beaufort.

Q. Would there have been any difficulty there if the Democrats had not struck that blow?—A. I don't believe, sir, that there would have been. All things were going on lovely until that happened.

Q. State what is the custom here at political meetings in regard to asking questions.—A. The custom here, sir, has been, whenever a speaker gets on the stand, especially in opposition to another, he always gives it out in the onset that any one desiring to ask questions can do so. I won't say for certain, but I think that they stated in the onset they were ready to answer any questions or charges made against the party.

Q. State whether or not that meeting was broken up by this fuss.—A. I don't think it was. I think the hour for adjournment had arrived; that they had to go off on the train. Parties then called for three cheers for Hampton, when the cheers called for were given for Chamberlain, as a heavy majority there were for Chamberlain.

Q. Was the Democrat who struck this Republican a white or colored man?—A. Colored.

Q. Was there any parties around the polls on election-day distributing Democratic tickets; and, if so, about how many?—A. There was about twelve or more distributing tickets. No less than twelve.

Q. Was they disturbed or interfered with in any way?—A. As I have stated in the onset, it was the quietest election ever held here since reconstruction. I base that on the fact, because there was not a quarrel to my knowledge among those electioneering.

#### Cross-examined :

Q. How long have you been deputy United States marshal?—A. I can't exactly tell, as I have not my appointment with me, but my appointment expired on the 1st of December. I think I was appointed some time in October, but can't tell certain.

Q. Did you hold that office at the time of the Hampton meeting in Beaufort?—A. I think I did. I think I received notice of appointment a day or two before.

Q. Was it in that capacity you tried to preserve peace at the meeting?—A. I don't know, sir, exactly; I think I acted the same as any good citizen to try to preserve the peace.

Q. Did you consider it a part of your duty, as deputy marshal, to take a prominent part in asking questions at that meeting?—A. I did not.

Q. Who was the first person who asked questions at that meeting?—A. I don't know. A crowd was there and I was not standing close—was off near the sea-wall.

Q. Was it not L. S. Langley?—A. I can speak of a certainty, it was not, for he came up afterwards.

Q. After what?—A. After the meeting had been going on, and I feel sure I heard questions asked before I heard them asked by L. S. Langley.

Q. Of what speaker were the questions first asked?—A. Disremember now, sir.

Q. Don't you remember L. S. Langley asking questions of LeRoy F. Youmans?—A. I can't say for certain, but it strikes me since question has been put to me that I did hear questions asked by Mr. Langley, but am not positive.

Q. Did not Mr. Youmans speak before Judge Cook ?—A. Yes, sir ; I think he did.

Q. To what party do Alfred Williams, Joseph Cohen, L. S. Langley, and yourself belong ?—A. I can only say for myself ; I belong to the Republican party. They have always affiliated with the Republican party.

Q. Have you any doubt in your mind that they are Republicans ?—A. I have no doubt but they are Republicans.

Q. Where were you when the confusion commenced ?—A. I was standing about six or eight feet from the sea-wall, and about six or eight feet from the man who got struck.

Q. Who was the man struck ?—A. Anderson Reed.

Q. Where does he live ?—A. In town of Beaufort.

Q. Who struck him ?—A. A man by the name of Thaddeus Jones.

Q. Do you know why he struck him ?—A. Am not positive, but think Anderson Reed called out three cheers for Chamberlain, and upon that he struck him.

Q. Was the crowd cheering for Chamberlain at that time ?—A. Not certain, sir, but think they were.

Q. Cheering loudly ?—A. Yes, sir.

Q. And repeatedly ?—A. I think about every time a speaker got through they cheered for Chamberlain.

Q. Don't you know that cheers were given for Chamberlain more than once while a speaker was speaking ?—A. I think while some of the speakers were speaking there was more than one cheer given ; not exactly by the crowd, but one or two would cheer.

Q. Were not the cheers so loud as to make it impossible for the speakers to be heard ?—A. Sometimes they were—whenever the crowd cheered.

Q. I understand you to say the confusion was raised by asking questions ; am I correct ?—A. Yes, sir.

Q. If these questions were asked in a friendly way, as you have testified, why did they make a confusion ?—A. When one man asked a question, when the answer was given, if it did not satisfy the crowd, there was a kind of a yell or cheer.

Q. Do you mean to swear positively that these questions were asked in a friendly way, and solely for the purpose of getting information ?—A. For myself, I can say yes. I can't say about the others. I asked the crowd to let me put the questions in a proper way.

Q. But they refused ?—A. Some did and some did not.

Q. Were not you standing at the foot of the steps within a few feet of some of the speakers ?—A. Yes, sir.

Q. Did you not repeatedly ask questions of Mr. Youmans and others ?—A. I did, sir. I don't know exactly about Mr. Youmans, but I did ask questions repeatedly.

Q. Did you not ask the same question repeatedly ?—A. No, sir.

Q. Did you not several times appeal to the crowd to be quiet, so your questions could be heard ?—A. Yes, sir.

Q. Why could they not be heard ?—A. At that time Judge Cooke, one of the speakers, said something that was insulting to the marshal and the crowd, and it was about that time I was putting this question.

Q. How far were you from Judge Cooke ?—A. When he first commenced to speak I was standing some twelve or fifteen steps from him. He then invited the crowd to draw near, and told the marshal to let the crowd come up near. He then criticized the marshal's action. I then drew as near as eight steps from him.

Q. How long have you attended political meetings in Beaufort?—A. Ever since reconstruction, sir.

Q. Were you present at the Carpenter and Butler meeting in this town in 1870?—A. I was.

Q. Was Judge Carpenter allowed to speak on that occasion?—A. I don't know whether he spoke at length or not, but he did speak, I know.

Q. Don't you know he could not finish his speech in consequence of interruptions?—A. I remember now, sir, there was a kind of a row that day, but I don't know whether he was speaking at the time or not.

Q. Don't you remember that L. S. Langley was conspicuous in interrupting the meeting on that day?—A. Strikes me that he did ask questions on that day. Afterwards there was another stand erected, and L. S. Langley spoke, I think, from that stand. I can't say positively, it has been so long.

Q. Don't you know that he spoke from a stand on the opposite side of the street while General Butler or some other speaker were addressing the audience?—A. I don't know, sir, whether it was at the same time General Butler was addressing the audience or not. It strikes me it was later in the evening.

Q. At the Hampton meeting, when it was closed, did not General Hampton state it was at an end in consequence of the interruptions and confusion?—A. I don't remember. I think he said "I care not whether I get a hearing here or not, but I will be governor of South Carolina."

Q. Have troops ever been stationed in Beaufort during any election prior to this last?—A. Not to my knowledge.

Q. Does not that account in your mind for the last election being unusually quiet?—A. No, sir.

Q. Was there not more excitement among the people in this town during the last election than ever before?—A. No, sir.

Redirect examination :

Q. How near were the troops to the polls?—A. About two blocks.

Q. Did either officers or soldiers interfere with or attend around the polls on that day?—A. No, sir.

Q. Was anybody intimidated by the presence of the troops, either Democrat or Republican?—A. Not to my knowing, sir.

Q. State, if you know, whether it was at the instance of Republicans or Democrats that soldiers were ordered here.—A. It was generally reported that they were ordered here at the instance of the Democrats.

The words "term of office," p. 38, and "him," p. 44, were struck out before signing. The letter "W," p. 30, and the words "stated in the onset they," p. 36, and "me," p. 44, and "unusually," p. 49, were interlined before signing.

M. W. WILLIAMS.

Sworn and subscribed to this 3d day April, 1877, before me.

L. S. LANGLEY,  
*Notary Public, South Carolina.*

PETER ROBINSON, (colored,) sworn.

Question. State your age, residence, and occupation?—Answer. Age, twenty-eight; residence, Beaufort; occupation, constable.

Q. Where were you on the 7th day of November, the day of the last general election?—A. Beaufort; Beaufort precinct.

Q. From what hour to what hour were you at the polls?—A. From 5 a. m. to the close.

H. Mis. 11—32

Q. State what was the conduct and demeanor of voters and others around the polls on that day?—A. Everything was quiet and harmonious; so much so, that one of the Democratic distributors remarked about its quietness, saying it was more a day of pleasure than an election.

Cross-examination:

Q. Did you hold any official position on the day of election?—A. None.

Q. Were you constable at that time?—A. No.

Q. What position did you hold in the Republican party at that time?—A. None.

Q. Had you not been county chairman of the Republican party?—A. Never was.

Q. Had you not been Republican chairman of this precinct?—A. Not at that time. My successor was elected by the Republican nominating convention held in October.

Q. In the interest of what party were you at the polls?—A. The Republican party.

Q. To perform what part?—A. Distributing tickets.

Q. Who was the Democrat who made the remark to which you referred?—A. John H. Clancey.

Q. Was the election unusually quiet for Beaufort?—A. Don't know that it was more quiet than others; but it was very quiet.

PETER ROBINSON.

Sworn and subscribed to this 3d day of April, 1877, before me.

[SEAL.]

L. S. LANGLEY,

*Notary Public, South Carolina.*

JAMES H. TOMKING (white) sworn.

Question. State your age, residence, and occupation.—Answer. Born in 1835; residence, Beaufort precinct; occupation, a butcher.

Q. Were you in the town of Beaufort on the day of the last general election?—A. Yes. I was one of the managers.

Q. Did or did you not see Mr. Cohen examine any tickets on the day of the election?—A. Well, not tickets, but I did see him looking a little too long, as I thought, at a ticket taken from a voter at the polls. He took it by the tacit consent of the voter for the purpose of folding it up properly. He was in the habit, during the day, of folding tickets properly, so the box could contain all the votes.

Q. Did you see Mr. Cohen take tickets from any one at all without their consent?—A. No, sir. I corrected him in this instance, and told him if he attempted to read the tickets again he would have to leave; I would not allow it.

Q. Did he attempt to read any other tickets during the day?—A. He did not while I was there. I was there all the time except when going to dinner. I also was away for a minute or two in the yard twice. When I left, two managers were there.

Q. What party did you represent as one of the managers?—A. The Democratic party.

Q. Did any one attempt to molest you on that day, when you voted, or did you vote at all on that day?—A. I voted openly; showed my ticket to all who was there, and no one molested me.

Q. Was election as quiet on that day as on previous occasions?—A. Well, being in the house, I am not able to say positively.

Q. Did you see anybody molest any one on that day who desired to vote the Democratic ticket, or prevented from so doing?—A. No.



## Cross-examination :

Q. Was Cohen, whom you referred to, the town marshal?—A. Yes, sir.

Q. What position at the polls did he occupy during the day? I mean, where was he standing?—A. He kept the crowd back and kept order. He was standing at the window where the votes were deposited.

Q. Directly at the window?—A. Sometimes one side and sometimes the other.

Q. Was not objection made to his standing in front of and so near the polls?—A. Only by me, as before stated, you know.

Q. Was he not at that time quite prominent in the Republican party?—A. Yes, sir.

Q. While folding these tickets, could he not tell what tickets they were?—A. Not to a certainty.

Q. Were there any other officials occupying similar positions to himself at the polls?—A. As policemen, there were.

Q. Where did they stand?—A. Sometimes one side of the window and sometimes the other.

Q. To what party did they belong?—A. Republican party, I am pretty sure.

Q. Did not some of them take tickets of voters into their hands, or otherwise examine them?—A. They might have taken them to fold them tight, but not to examine them.

Q. Would it not have been an easy matter in this way to have changed the ticket held by an ignorant voter?—A. Could not have done so without sleight of hand, seven or eight people looking at them at the time.

Q. What, in your opinion, would have been the character of the election if United States troops had not been stationed here?—A. There being more excitement prior to this election than at any other time I remember, possibly the presence of the troops tended to preserve the peace.

Q. If violence at the polls was apprehended, from what party was it apprehended?—A. There was no violence apprehended, in my opinion.

Q. What was the state of mind as to Democrats of this town, prior to election, as to apprehension of violence?—A. I think a great many felt a dread, the Democrats being so much in the minority.

Q. Was there not a good deal of public bantering of colored Democratic voters at the polls?—A. Not at the polls, but a little distance off there was. The police kept order there.

Q. How far from the polls?—A. About ten feet and farther.

Q. Was not the pressure against colored Democrats very strong?—A. Before election, yes; at the polls, no; i. e., within ten feet of the polls.

Q. How wide was the window at which the polls were held?—A. About three feet.

Q. How far from the ground?—A. I think from two and a half to three feet.

## Redirect examination :

Q. You state, at the window the marshal was on one side and policemen on the other, and that they belonged to the Republican party. Were there any Democrats at the window, either inside or outside, except the managers?—A. Yes; Democrats were inside, and one of the leading Democrats was outside nearly all day, close to the window, and challenging votes.

The words "at," p. 57, and "other," p. 61, interlined before signing; one erasure, on p. 59, made before signing.

JAMES H. TONKING.

Sworn and subscribed to this 3d day of April, 1877, before me.

[SEAL.]

L. S. LANGLEY,  
Notary Public, South Carolina.

GEORGE GAGE (white) sworn.

Question. State your age, residence, and occupation.—Answer. Forty-six; Beaufort precinct, and am an engineer; (civil engineer.)

Q. Were you in the town of Beaufort on the 7th day of last November?—A. Yes.

Q. Did you vote on that day?—A. I did.

Q. While at the polls on the day of election, did you see any disturbance whatsoever?—A. No.

Q. Were you at the polls at any election prior to the one held on the 7th day of November?—A. Yes.

Q. Was the election on 7th November as peaceable as any other election you ever attended in Beaufort?—A. Yes.

Q. Do you know of any one attempting to prevent, or did prevent, any one from voting on election-day as they pleased?—A. No.

Q. Did you see any United States troops on the street on the day of election; and, if so, in what part of the town did you see them?—A. I think I did. If so, in the Stephens House, corner of Bay and Carteret streets.

Q. How far is the Stephens House from the polls?—A. About six hundred feet.

Q. Do you know how many soldiers there were in town?—A. No.

Q. Were the soldiers quartered in the Stephens House, or were they round the streets?—A. I saw none on the streets; I supposed they were quartered there; they were standing near the door; I saw none except about the house.

Q. Did you apprehend any danger prior to the arrival of the troops from political excitement?—A. None whatever; I mean none beyond excitement incident to ordinary elections.

Q. Were you at the polls at the time the United States deputy marshal seized the whisky in the house near the polls?—A. No.

Cross-examination:

Q. Are you collector of customs at this place?—A. Yes.

Q. How long were you at the polls?—A. From fifteen minutes to half or three-quarters of an hour.

Q. To what party do you belong?—A. To the Republican; but I voted for three Democrats and scratched some three or four Republicans. I voted for Robert Smalls for Congress.

The words "prior to," p. 64, and the word "them," p. 66, were stricken out before signing; the word "none," p. 66, interlined before signing.

GEORGE GAGE.

Sworn and subscribed to this 3d April, 1877, before me.

[SEAL.]

L. S. LANGLEY,  
Notary Public, South Carolina.

GEORGE WATERHOUSE (white) sworn.

Question. State your age, residence, and occupation.—Answer. Age thirty-eight; residence Beaufort precinct, and am a merchant.

Q. Where were you on the 7th day of last November, the day of the last general election?—A. At Beaufort precinct, town of Beaufort.

Q. State, so far as you know, the general conduct and demeanor of the people and voters around the poll in the town of Beaufort on that day.—A. Very quiet and orderly. Nothing unusual in any way. I was about the polls several times.

Q. How with regard to the town generally on that day?—A. Very quiet. What we call in trade "a dull day."

Q. State whether or not there were United States troops in town on that day?—A. There were United States troops.

Q. Do you know at whose instance the troops were brought here, and, if so, please state.—A. There were quite a number of citizens made application for them. I don't know the names of all who made application for them. A telegram was sent, I think, by Mr. Lockwood. A meeting was held in the bank to consider the matter. The meeting consisted of three or four.

Q. Did you ever see the other application for troops?—A. No, sir; I understood that Mr. William Elliott made application for troops, stating he thought it would be wise to send them here.

Q. What was the complexion, political and otherwise, of those who met at the bank?—A. If I remember correctly there were Mr. Verdier, Mr. Lockwood, Mr. Pollitzer, and myself. I believe those three gentlemen voted for Tilden and Hampton. I voted for Hayes and Chamberlain.

Q. State the politics of Mr. William Elliott.—A. I have always understood him to be a Democrat.

Q. State, if you know, the position Mr. Elliott occupied in the Democratic party at the time.—A. He was one of the county committee.

Q. Was he chairman of the Democratic party?—A. I do not know, but think he acted as such sometimes.

Q. State, if you know, if any colored men (Republicans) joined in that request for troops?—A. I don't know of any.

Q. Did you see anything in the conduct and demeanor prior to election that led you to believe it necessary to bring troops here?—A. No, sir; I did not see anything.

Cross-examined:

Q. What was the answer received from that telegram?—A. I did not see the answer, but understood it was affirmative.

Q. How long was this before election-day?—A. I think it was Friday or Saturday; I should say it was Saturday.

Q. On what day did the troops arrive?—A. Monday; the day before election.

Q. Do you know certainly who else signed the telegram besides yourself?—A. I am positive of Mr. Lockwood, Mr. Pollitzer, and myself. Mr. Verdier was there, but am not positive whether he signed it or not.

Q. Do you remember the words of the dispatch or its general effect?—A. I cannot recall the words of the dispatch.

Q. What was its general purport?—A. That some precautionary measures ought to be taken.

Q. Do you remember whether that dispatch was prepared for the signatures of Northern men only?—A. It impresses me, now that you have mentioned it, that it was so prepared.

Q. Are Messrs. Lockwood, Pollitzer, and yourself, Northern men?—A. Yes, sir.

Q. To what party have Messrs. Lockwood and Pollitzer always belonged?—A. Mr. Pollitzer has always been a Republican; Mr. Lock-

wood was understood to be a Republican, but his politics has never been brought to the test before in a Presidential campaign.

Q. You stated that you did not see anything prior to the election to render it necessary to bring troops; what was it that caused this meeting at the bank and the sending of this telegram?—A. It was all imaginary. No one had any real ground to base apprehension on except fears. As troops were in the State they thought it wise to have some of them here as a precautionary measure. It was understood that there were some colored men in town who would vote the Democratic ticket and this might lead to some row.

Q. Was it not believed that colored men would not be permitted to vote the Democratic ticket quietly?—A. No evidence was produced there to show to my mind further than apprehension. It was an experiment.

Q. Was it not generally believed that this experiment would be resisted forcibly by colored men?—A. I was not aware that such was the general belief. There was a great deal of apprehension, but no firm conviction that it would happen.

Q. Was not that the only consideration that induced you to sign the application?—A. I can conceive of no other reason but that; I signed it more on the judgment of others than on my own.

Q. How long were you at the polls on election-day?—A. I loitered around some time in the morning; I came around again at dinner, (two o'clock,) and chatted some time with George Holmes.

The word "Messrs.," p. 74, interlined before signing, and the words "the only," p. 76, stricken out before signing.

GEORGE WATERHOUSE.

Sworn and subscribed to this 3d day of April, 1877, before me.

[SEAL.]

L. S. LANGLEY,

*Notary Public, South Carolina.*

JOHN N. WALLACE (white) sworn.

Question. State your age, residence, and occupation.—A. Answer. Am twenty-six; Beaufort precinct; and am a grain merchant.

Q. Where were you on the 7th day of last November, the day of the last general election?—A. I was in Beaufort precinct; at the house until 11 o'clock a. m., when I came on to the street.

Q. Were you in town all day, and what part thereof; were you at the polls?—A. I came to the polls about eleven o'clock, and were at the polls about one hour.

Q. State what was the general conduct of voters and others around the polls on that day.—A. I did not see any disorder; everything I saw was peaceable throughout the day.

Q. Did you help count the votes that night?—A. I kept tally with Mr. Lockwood, and suppose I really helped count them.

Q. Did you see or learn of any repeating, or any other irregularity at this box?—A. No, sir; I did not.

Q. State whether or not the Democratic party were represented the time the votes were counted.—A. Yes, sir; they were represented.

Q. Did they complain of frauds of any character at the time?—A. No, sir; none that I heard of.

Cross-examined:

Q. To what party do you belong?—A. To the Republican party.

Q. Of Northern or Southern birth?—A. Northern; was born in Ohio.

Q. How long have you resided in Beaufort?—A. Came here in 1872;

spent summer of 1874 North, and returned here, where I have been ever since.

JOHN N. WALLACE.

Sworn and subscribed to this 3d day of April, 1877, before me.

[SEAL.]

L. S. LANGLEY,

*Notary Public, South Carolina.*

# GREY'S HILL POLL.

WILLIAM LAWRENCE (colored) sworn.

Question. State your age, residence, and occupation.—Answer. Age, twenty-nine; residence, Grey's Hill precinct; occupation, grocer.

Q. Where were you on the 7th of November, the day of the last general election?—A. At Grey's Hill precinct, and one of the managers of the polls.

Q. State what was the general conduct and demeanor of the people and voters around the poll on that day.—A. The conduct of voting was very quiet. After awhile, until about 10 or 11 a. m., Mr. Porteous went out and began to talk, when some parties got at him about some money he owed them for cutting wood.

Q. Did any of them strike or commit any violence whatever on Mr. Porteous?—A. Nothing of the kind I see that day.

Q. State whether or not the election was altogether quiet except the talk with Mr. Porteous.—A. It was quiet except the talk about the wood.

Q. State whether or not Mr. Porteous had not employed a large number of voters of that precinct to cut and get out wood the summer previous to the election.—A. He did.

Cross-examined:

Q. Who were the other managers at Grey's Hill?—A. William Middleton and William H. McGill.

Q. Was McGill there when the polls were opened?—A. No, sir; he was not there at the time promptly.

Q. Who did you put in his place?—A. William Lawrence, (myself.)

Q. Was not H. P. Van Ness a manager?—A. He was.

Q. Who put you in McGill's place?—A. Mr. Van Ness and Mr. Middleton.

Q. Then you, H. P. Van Ness, and William Middleton acted as managers until McGill came?—A. Exactly, sir; and I continued to act after McGill came. McGill kept poll-list with Mr. Van Ness.

Q. Did you act the whole day?—A. I did, sir.

Q. Did you sign the manager's returns?—A. Yes, sir.

Q. Did McGill sign them?—A. He did, sir.

Q. What was Mr. Porteous on that day?—A. He was there to see justice; to see that everything went on quietly. He was supervisor.

Q. Where was he before he went out into the crowd?—A. He was in the room with us.

Q. Did you hear what he said when he went out?—A. I did not hear what he said.

Q. What was the first thing you did hear?—A. I did not hear him, because they were arguing about the wood, different ones.

Q. Why could you not hear?—A. Because he was listening to them about the wood.

Q. He did not say anything then?—A. He did talk after they slacked off.

Q. What did they say to him?—A. They wanted to know what time he intended to pay them for the cutting they have done.

Q. Who were these that spoke to him?—A. Well, I don't recollect their names so very well.

Q. Can't you state some of the names?—A. Not one of those who were talking there. The most of them were strangers.

Q. You had never seen them before?—A. No, sir; not until that time.

Q. You don't know where they live, then?—A. No, sir; they were strangers to me.

Q. How long have you lived in that precinct?—A. Ever since emancipation.

Q. Did they talk to Mr. Porteous in a rude and angry way?—A. No, sir; but before one could get through another one would commence.

Q. Did they not abuse him?—A. Not to my hearing, sir.

Q. Was there not a great noise and confusion made?—A. No, sir; not by that talking.

Q. What made him come back in the house?—A. Because there was where his business was.

Q. Did not you or one of the managers advise him to come in?—A. I think I was the one that told him not to go out at first.

Q. Did you not advise him to come back?—A. No, sir; I did not. Porteous was outside and I was at the box.

Q. He could not hear you, then?—A. I did not try. He could have heard me.

Q. Why did you advise him not to go out?—A. Because his business was in the house at the polls.

Q. Don't you know that the people there took away from Mr. Porteous the printed instructions that he had?—A. Not at that poll that day?

Q. Did you not hear him say so?—A. Never did.

Q. Did they not pull and shove him about?—A. I never seen them, sir. They never did.

Q. Did they not threaten to strike him?—A. No, sir; not out there.

Q. Did you not see sticks raised over his head?—A. Nothing of the kind, sir.

Q. Did you not hear them curse him?—A. Never did, sir.

Q. Did you not hear them curse Mr. Van Ness?—A. Never did, sir.

Q. Do you not know that Mr. Porteous was afraid to go out of the house afterward on that day?—A. No, sir.

Q. Were you at the polls in the room all day?—A. Yes, sir.

Q. And you swear that during the whole day, with the exception of this talk with Mr. Porteous, there was no row or violence of any kind?—A. I do.

Q. To what party do you belong?—A. Republican party.

Q. Did you hold any office in the party at that time; or do you now?—A. No, sir.

The words "of voting," p. 81, interlined before signing.

WM. LAWRENCE

Sworn and subscribed to this 4th day of April, 1877, before me.

[SEAL.]

L. S. LANGLEY,

Notary Public, South Carolina.

NAT W. HEYWARD (colored) sworn.

Question. State your age, residence, and occupation.—Answer. I don't know my age exactly, but think I was born in 1847, 10th April; live at Grey's Hill precinct, and am a farmer.

Q. Where were you on the 7th day of last November, the day of the last general election?—A. At Grey's Hill, sir.

Q. State what part of the day you spent at the polls.—A. I went to the polls at half past five in the morning and remained there until 8 or 9 o'clock p. m.

Q. Was there any difficulty at the polls that day; and, if so, what was it?—A. Was none there to my knowledge, sir. If there was I did not know.

Q. Did you see Mr. Porteous there that day?—A. I did, sir.

Q. Do you know what position he held there?—A. I believe he was supervisor, sir.

Q. Did he have any trouble that day? If so, state what it was.—A. The trouble that I know that he had, sir, was some men was asking him for some money that he owed them for cutting wood, and they were asking him for it.

Q. State whether or not he was struck, assaulted, or abused in any way.—A. He was not struck nor assaulted at all. I think I was as close to him as two or three feet off. I individually asked Mr. Porteous (being an old master of mine) to go into the house, as his business was there, and not outside electioneering. The only abuse that he got was in connection with this wood. The abuse was that these men asked him for the money that he owed them for chopping wood. He called it abuse. I don't know what it is myself.

Q. Was this the only fuss, difficulty, or confusion at Grey's Hill precinct on that day?—A. That was the only fuss that I know of with Mr. Porteous, so far as the wood is concerned. After the wood matter was decided, Mr. Porteous came out again electioneering, and said if we would vote for Wade Hampton we would be a man.

Q. What, if any, fuss did that bring about?—A. The men said to Mr. Porteous that we want no man to tell us how to vote. Mr. Porteous went back in the house and said if he had his way about it he would kill a half a dozen niggers, and then the rest would vote the way he wanted them to. I told him then he better not speak that word, for nobody aint going to take that word from him. I asked him to please go back in the house, because if the men heard him say that word here they would raise a row with him. He started back in the house, and when he got upon the step he returned back again, and came to me and brought me a bundle of Wade Hampton's tickets, and asked me if I could get the men to vote that ticket, telling them that they were Republican tickets. I told him that I could not do it. He said I did not know what I was saying, and asked me if I was not tired of working hard and some one else toting the money in their pocket. I told him that I never tired working for my bread. He said I could make money easier than working hard. Then some men came up to us and I walked away from him. Some of the men asked him what long conversation he and I were on, and I returned back and told them it was a private conversation between Mr. Porteous and I. This was the end of the trouble that day with Mr. Porteous.

Q. In all of this was there any man who laid his hand on Mr. Porteous at all?—A. There was none.

Q. Was he threatened in any way?—A. No, sir.

Q. Did this fuss of which you speak disturb the election or intimidate any voters?—A. No, sir.

Cross-examined:

Q. Did you testify before the Congressional committee in Charleston last fall or winter?—A. Yes, sir.

Q. Did you testify there that Mr. Porteous said he would like to kill a half a dozen niggers?—A. I started to testify, but it was objected.

Q. Who heard this remark besides yourself?—A. Several.

Q. Who were they?—A. Am not prepared to say. There were several around, and I did not take notice.

Q. Was this the private conversation you spoke of?—A. No, sir; not the killing. The voting was the private conversation.

Q. Did the talk about the killing take place with the crowd around and within hearing?—A. He spoke that in the house.

Q. Did any person to your knowledge hear the remark?—A. I think they did.

Q. How many, and who were they?—A. Cannot tell, sir.

Q. Was it in the room where the box was?—A. Yes, sir.

Q. How many persons were in there?—A. I could not tell, sir.

Q. How did you get in to the managers' room?—A. I was called in there, sir.

Q. By whom, and for what purpose?—A. By the managers, to give some statement in regard to age.

Q. Were you the only one called in?—A. Yes, sir.

Q. Then you and the managers and Mr. Porteous were all that were in the room?—A. At that time.

Q. Did McGill hear this remark?—A. Am not prepared to say whether he did or not.

Q. Did William Lawrence hear it, or William Middleton?—A. Am not prepared to say who did hear it.

Q. Why did you say, then, that several heard it?—A. I believe, according to my knowledge, that several heard it.

Q. Did any one say or do anything about it at the time?—A. They did not do anything, nor say anything.

Q. You said you advised Mr. Porteous to go in the house, because had been your master. How did this cause you to do it?—A. I did it because I did not want him to be out door electioneering.

Q. What had that to do with his having been your master?—A. That had this to do with it: he being out of door, and men would be at him for the money that he owed them, and he is a short-patience man, and I knew he would make a fuss directly.

Q. Did he make a fuss?—A. He did not, because I advised him to go into the house.

Q. Who were the men who spoke to him about the work?—A. There was a good deal of men; some fourteen or fifteen men.

Q. Can you give their names?—A. I cannot give all of their names, because I was not taking particular notice.

Q. Were they strangers to you?—A. Some is and some aint.

Q. State the language they used to Mr. Porteous.—A. The language they used to Mr. Porteous: "Please pay me that money you owe us for chopping wood since last spring."

Q. Did they ask him in a rude or violent manner?—A. Perhaps it may be rude and violent for the general run of people; don't know how to ask for a thing any how.

Q. Well, were they not rude and violent?—A. I am not prepared to say. What you may take for rude and violent, I may not.

Q. How many white men were there at the time at the polls?—A. Two; Mr. Van Ness and Mr. Porteous.

Q. How many colored people about?—A. I cannot say.

Q. Were there a great number?—A. Not at that time of day.



Q. Were there two hundred ?—A. Am not prepared to say whether there were two hundred, or twenty-five, or ten.

Q. You can't say whether there were ten there ?—A. I can't say, because I never count them.

Q. How did you count the fourteen people who talked about the wood ?—A. I never counted them, according to my judgment.

Q. I did not ask you if you ever counted them, I asked you if there were not a great many colored people there.—A. I say I don't know how much ; I never counted them.

Q. Was not Mr. Porteous cursed during the day ?—A. No, sir ; not to my knowledge.

Q. Did you not hear some one curse Mr. Van Ness ?—A. I did not, sir.

Q. Did you not think Mr. Porteous was treated very badly by these men who spoke to him about the wood, and did you not so testify in Charleston ?—A. I did not so testify in Charleston. So far as he being badly treated, I am not prepared to say whether he was or not.

Q. Don't you know that he was in fear of his life that day ?—A. No, sir. We were more in fear by his threatening than he was by ours.

Q. Did he threaten the whole crowd ?—A. He did not threaten the whole crowd, but he said " half a dozen," and we did not know who it might be.

Q. Did you not see sticks raised over his head ?—A. I did not, sir.

Q. Do you swear that there was no other difficulty or disturbance there that day except that already spoken of ?—A. No, sir ; I don't so swear.

Q. What other difficulty was there ?—A. None, sir.

Q. Did not the people attack Robert Hamilton ?—A. The people did not attack him, but one man individually did.

Q. Wasn't there more than one ?—A. If there was I did not know.

Q. Did you see the difficulty ?—A. I did see what so called difficulty.

Q. Can't you tell how many people attacked him ?—A. I saw one.

Q. Did you not see more than one ?—A. No, sir.

Q. How did this man attack him ; what with ?—A. A man named Frank Bolden went to him for a ticket, and he gave him a Democratic ticket.

Q. Did Bolden strike him ?—A. He did not.

Q. How did he attack him ?—A. Bolden went to Hamilton and said to him, " You are the precinct chairman, and I asked you for a Republican ticket, and you gave me a Democratic ticket." I meant he attacked him in words.

Q. Did nobody lay hands on him ?—A. No, sir.

Q. Did nobody strike Hamilton ?—A. No, sir.

Q. Wasn't there some other difficulty there that day ?—A. Not to my knowledge.

Q. Was the election at that precinct quiet and orderly ?—A. Just as quiet as it ever could be.

Q. Did you hold any office in the Republican party at that time ?—A. No, sir.

Q. To what party do you belong ?—A. I am no party man.

Q. You have always voted with the Republican party ?—A. Always voted straight Republican ticket.

The words " of voting," p. 81 ; " that were," p. 100 ; " to go into," p. 101, were interlined before signing ; and the words " Mr. Porteous," p. 96 ; " at," p. 101, and one erasure, p. 108, were made before signing.

N. W. HAYWARD.

Sworn and subscribed to this 4th April, 1877, before me.

[SEAL].

L. S. LANGLEY,  
*Notary Public, South Carolina.*

WILLIAM H. MCGILL (colored) sworn.

Question. State your age, residence, and occupation.—Answer. Age, thirty-four; residence, Grey's Hill precinct. Storekeeper is my occupation.

Q. Where were you on the 7th day of November, the day of the last general election?—A. At Grey's Hill poll; was a manager there.

Q. What was the general conduct and demeanor of parties around the polls?—A. Good.

Q. Was John F. Porteous present; and, if so, in what capacity?—A. He was supervisor.

Q. Was there any attack made on him? And, if so, state the nature and extent of it.—A. There was no attack made on him to my knowledge, with the exception he went out and started to electioneer with the other ticket, when a great many got around him and commenced to ask him about some money he owed them for cutting wood. One to the other came up and got round him, consequently a good large crowd got around him, and he commenced to back toward the door, when myself or Van Ness opened the door and let him in, and told him he had no right out there. When he got in Van Ness asked him if he was not scared. He said, "No. If I had the will of some of these niggers I would kill a half a dozen of them."

Q. Did any one strike or assault him in any way?—A. No one at all.

Q. Did this disturbance interfere with the election or intimidate anybody?—A. None at all. We all kept right on. We were in the house, and everybody was outside talking.

Q. State what portion of the day you spent at the polls.—A. I arrived there a quarter after six and remained there until one that night. I mean a quarter after 6 a. m.

Q. State whether or not there was any other disturbance there that day.—A. No other disturbance to my knowledge.

Q. State whether or not there was any defiance of the law or its officers on that day at the polls.—A. None.

Q. Were there any tickets taken from Mr. Porteous forcibly and against his will?—A. None.

Cross-examined:

Q. How many were around Mr. Porteous when he was outside?—A. I guess about fifty.

Q. What were they doing?—A. They were only talking.

Q. Was not the talking loud and violent?—A. Not any more than usual; they had been talking pretty loud all day.

Q. Was not their manner angry and rude?—A. I did not think so. Some of them did talk pretty loud about the wood.

Q. Were they not insulting in what they said?—A. Good many of them talked very loud about that, and said if he did not pay them they would go into the woods and cut wood until they got pay.

Q. I asked you if they were not insulting in their manner toward him?—A. I don't think so.

Q. Was he not threatened during the day?—A. No. We were sitting alongside of each other all day, except when he went out.

Q. Did you not see sticks raised over his head?—A. No, sir.

Q. Do you not know that his printed instructions as supervisor were taken from him by force?—A. No; we acted all together until we closed.

Q. Did you hear nothing of it at the time?—A. No.

Q. Did you hear nothing of it during the day?—A. No.

Q. Why was it necessary for you and Van Ness to open the door for him?—A. Because we had closed the door when he went out, and there was a large crowd there, and we had to close the door to keep them out. He knocked at the door.

Q. Was it locked or fastened on the inside?—A. Fastened on the inside.

Q. Did you not consider him in danger at that time?—A. None at all.

Q. Why did he back toward the door?—A. Because the crowd was in front of him, and I expect he thought he was outdoors long enough. And I thought so too.

Q. They were after him pretty sharp, then?—A. I did not think so at all.

Q. Did the crowd have sticks?—A. No; I did not see but few with sticks.

Q. Is it not the custom for colored people in the country to carry sticks?—A. Not all of them.

Q. Is it not with the majority of them?—A. No; I don't think so.

Q. You live in the country at present, do you not?—A. Yes.

Q. Do you swear that the voting was not interrupted on that day by any violence that occurred?—A. I do solemnly swear.

Q. Was it interrupted by any cause?—A. None at all.

Q. Did you hear Mr. Van Ness cursed?—A. No; I did not hear him cursed in my life; I did not hear him cursed on that day.

Q. Did he not express apprehension for his safety?—A. No. We sat side by side; he kept one poll-list and I the other.

Q. How many colored people were at the polls at the time of this difficulty with Mr. Porteous?—A. I guess about a hundred.

Q. Did you not hear threats that day made against colored men who would vote the Democratic ticket?—A. No.

Q. Was there no other disturbance except that with Mr. Porteous, about which you have testified?—A. None to my knowledge.

Q. Did you sign the returns that night?—A. I did, sir.

Q. Who else signed them?—A. Mr. Van Ness, myself, and Middleton signed them.

Q. Did William Lawrence sign them?—A. I don't remember that he did. After I got through signing, it was pretty cool, and I went to the fire.

Q. Did William Lawrence not act as manager that day?—A. He did; they swore him in as a clerk.

Q. Was he not sworn in before you got there?—A. Yes.

Q. After the election, was you not applied to by some one to sign other returns from that poll?—A. I did have a blank from Columbia; I did not sign it.

Q. Who asked you to sign it?—A. It was sent from Columbia, I think. I don't remember the man's name who sent it.

Q. Was it not Dr. Wilder, the chairman of the election commissioners, who sent it?—A. It was left at my house. I heard Dr. Wilder left it there.

Q. About how long was this after the election?—A. About two or three weeks after.

Redirect examination:

Q. You say a few had sticks; what kind of sticks were they?—A. They were walking-sticks.

Q. State, if you know, if Porteous had his printed instructions all day.—A. I do not know.

Q. Was there any reason assigned for that second return being presented to you; and, if so, what was it?—A. They said there was something on the other return not signed; something we had not signed.

The word "two," p. 118, struck out and the word "few," same p., interlined before signing.

WM. H. MCGILL.

Sworn and subscribed to this 4th day of April, 1877, before me.

[SEAL.]

L. S. LANGLEY,

*Notary Public, South Carolina.*

PRINCE HEYWARD (colored) sworn.

Question. State your age, residence, and occupation.—Answer. Age, twenty-two years; reside at Grey's Hill precinct; and occupation, store-keeper and farmer.

Q. Where were you on the 7th day of November last, during the last general election?—A. Was at the Grey's Hill poll.

Q. What was the general conduct of parties and voters around the poll there?—A. All right.

Q. Do you know John F. Porteous?—A. Yes, sir.

Q. Was he there; and, if so, in what capacity?—A. He was manager of election.

Q. What do you understand by manager of election?—A. He was there on the Democratic side, I suppose.

Q. Do you know how many managers were there?—A. As far as my recollection concerned, there were Mr. Van Ness, John F. Porteous, and William H. McGill.

Q. Was there any disturbance of any kind there that day?—A. There was no disturbance at all.

Q. Was John F. Porteous struck, insulted, or abused by any one at all?—A. By no means.

Q. What portion of the day were you at the polls?—A. From 6 a. m. to 6 p. m.

Cross-examined:

Q. Was there no noise or confusion around the polls?—A. No, sir.

Q. No loud talking?—A. No, sir.

Q. Did not somebody have a row with Robert Hamilton?—A. No, sir; harmoniously, to my knowledge.

Q. Did anybody have a dispute, harmoniously, with Mr. Porteous?—A. No, sir. No one had a dispute with Mr. Porteous.

Q. How many elections did you ever attend at Grey's Hill?—A. I attended two.

Q. How many times did you ever vote there?—A. Voted there once.

Q. When was that?—A. Last November.

Q. Did you see any colored men vote the Democratic there that day?—A. I did not see any.

Q. If they had voted the Democratic ticket, what would the people have done with them?—A. Hard for me to tell.

Q. Why can't you tell?—A. I don't know what they desire to do.

Q. What would you desire to do with a colored man who voted the Democratic ticket?—A. Nothing; let every man to vote their own desire.

Q. Do all the people there agree with you about that?—A. There was no agreement; only that is my desire.

Q. Do others desire the same thing?—A. I don't know.

Q. Did you hear people out there curse or abuse Democrats at the last election?—A. Nothing of the kind.

Q. Did you not hear people say on election-day that this is Republican ground and no Democrat should vote there?—A. I did not.

Q. Can you read and write?—A. Yes, sir, a little; not much.

One erasure, p. 127, made before signing.

PRINCE HEYWARD.

Sworn and subscribed to this 4th April, 1877, before me.

[SEAL.]

L. S. LANGLEY,  
*Notary Public, South Carolina.*

RICHARD HOWARD (colored) sworn.

Question. State your age, residence, and occupation.—Answer. Age, twenty-eight; residence, Grey's Hill precinct, and occupation, a farmer.

Q. Were you at that precinct during the last election?—A. Yes, sir.

Q. What portion of the day were you there?—A. Went there at 7 a. m. and left at 12 m.

Q. Was there any disturbance at that poll during the time you were there?—A. No, sir.

Q. Do you know John F. Porteous?—A. Yes, sir; I know him.

Q. State if he was there that day.—A. He was there, sir.

Q. Was he assaulted or abused by any one during the time you were there?—A. No, sir.

Cross-examined:

Q. What made you leave so soon?—A. Because I had business to attend to. I was working on the phosphates at that time.

Q. What happened after Mr. Porteous came out of the house?—A. I heard some men asking him something about wood affairs.

Q. What happened then?—A. In the time the men asked him the questions he told them he was going to pay them; then he went in the house.

Q. Did they follow him to the door?—A. No, sir.

Q. No one went after him?—A. No, sir.

Q. Did he turn round and walk in the house quietly?—A. Quietly, sir; quietly.

Q. Did he turn and walk to the house or did he back to the door?—A. He turned and walked to the house, quietly.

Q. There was no loud talking?—A. No loud talking, sir.

Q. How many people asked him about the wood?—A. I did not take notice how many people asked him.

Q. Did not the crowd gather around when they commenced talking to him?—A. No, sir.

Q. Did not the people have sticks?—A. Not those that were speaking with him.

Q. Did all the others have sticks?—A. One or two old men.

Q. Did any colored men vote the Democratic ticket there that day?—A. I really could not say.

Q. It would not have been safe for them to do it, would it?—A. I could not say that. It was safe for me to vote the Republican ticket.

Redirect examination:

Q. Was anybody threatened if they voted the Democratic ticket; did you hear anybody threatened?—A. No, sir.

Q. If any man had wanted to vote the Democratic ticket, could not he

have done so just as safely as you voted the Republican ticket?—A. No, sir; nobody would have hurt him.

Q. Do you mean to say he could have voted it safely?—A. That is what I mean to say, sir.

One erasure on p. 131 made before signing.

RICHARD HOWARD.

Sworn and subscribed to this 4th day April, 1877, before me.

[SEAL.]

L. S. LANGLEY,

*Notary Public, South Carolina.*

#### LADIES' ISLAND POLL.

HENRY SIMMONS (colored) sworn.

Question. State your age, residence, and occupation.—Answer. Age about forty-five; Beaufort; laborer is my occupation.

Q. Where were you on the 7th day of last November, the day of the last general election?—A. Ladies' Island, Woodlawn precinct.

Q. In what capacity were you there?—A. I was manager of election.

Q. What was the general conduct and demeanor of voters and others around the polls on that day?—A. Everything in my presence went very quiet and civilized. There was no disturbance at all. Everyone voted just as they pleased.

Q. Was there any Democrats voted there?—A. After we counted the votes we found eight Democratic votes.

Q. How many white Democrats have you in that precinct?—A. Not able to tell; only two white votes. I don't think there was more than one white Democratic vote.

Q. Was there anything to obstruct admission to the polls; I mean access to and from the polls?—A. Nothing at all.

Q. What portion of the day were you at the polls?—A. From 6 a. m. till 6 p. m.

Q. You are certain, then, if there had been anything to prevent Democrats voting you would have known it?—A. Yes, sir; I would have known it.

Q. Are you equally certain there was no disturbance there that day?—A. Certainly not, no disturbance at all.

#### Cross-examination:

Q. Were the polls held in the house?—A. Yes, sir; in the house.

Q. Were you in the house all the time?—A. Yes, sir; all the time.

Q. Where did the crowd stand while at the polls?—A. No particular place. Sometimes they come by tens and sometimes by twenties. They would vote and back away; I mean go right away.

HENRY SIMMONS.

Sworn and subscribed to this 5th day of April, 1877, before me.

[SEAL.]

L. S. LANGLEY,

*Notary Public, South Carolina.*

JAMES G. COLE (white) sworn.

Question. State your age, residence, and occupation?—Answer. Age, 36; residence, Ladies' Island; occupation, a farmer.

Q. Where were you on the 7th day of November, the day of the last general election?—A. At the Woodlawn poll on Ladies' Island.

Q. In what capacity were you there?—A. One of the managers of election.

Q. What was the general conduct and demeanor of voters and other parties around the polls?—A. Very quiet and peaceable.

Q. Was there any disturbance there, or any attempt to intimidate voters?—A. None, as I know of.

Q. Was there a gate or entrance some distance from the polls, through which parties had to enter to get to the polls?—A. There was. The poll was held inside of the garden.

Q. Were parties required to show their tickets before they could come in the gate or entrance referred to?—A. No, sir; not as I know of.

Q. What is your political faith?—A. Democratic.

#### Cross-examination:

Q. Are you acquainted with the political sentiment on Ladies' Island?—A. I think I am tolerably acquainted with it.

Q. What was it on the 7th day of last November, or some time prior thereto?—A. I think it was strongly Republican.

Q. What was the feeling toward Democrats on that island?—A. Bitter.

Q. How was it generally manifested?—A. By the conversation of the people during the canvass.

Q. From your knowledge and observation, could colored Democrats have voted peaceably and quietly on that island?—A. They could.

Q. How far was this gate you testified as being near the poll and through which persons had to enter?—A. About ten feet from the door of the house.

Q. Could persons have been required to show their tickets at the gate without your knowing it?—A. I don't think they could.

Q. Was there, or not, particular enmity shown to colored men who professed to affiliate with the Democratic party?—A. All I know is hearsay. I never heard any threats myself.

Q. Are you a white or a colored man?—A. A white man.

Q. Do you know what the vote at Woodlawn was during the last election?—A. Three hundred and twenty-one.

Q. Do you know what it was at the previous general election?—A. I think it was about a hundred less. As near as I can recollect, it was about two hundred and twenty or twenty-five.

#### Redirect examination:

Q. You state the feeling was very bitter; did it ever manifest itself in acts of violence?—A. Only in talk.

Q. Can you tell from your memorandum how many Democratic votes there were at Woodlawn poll during the last election?—A. Eight.

Q. How many of those were white?—A. One.

Q. Was that yourself?—A. It was.

Q. When a colored man voted the Democratic ticket, what was the feeling around the poll?—A. There was but one man who voted it openly, and he was cheered amid shouts of laughter.

Two erasures made in p. 144 before signing. The word "any" interlined (same p. 144) before signing.

JAMES G. COLE.

Sworn and subscribed to this 5th April, 1877, before me.

L. S. LANGLEY,  
Notary Public, South Carolina.

#### MYRTLE BUSH POLL.

MARCUS L. SIMMONS (colored) sworn.

Question. State your age, residence, and occupation?—Answer. Age, 4; residence, Myrtle Bush precinct, and am a farmer.

H. Mis. 11—33

Q. Where were you on the 7th day of November, the day of the last general election?—A. At Myrtle Bush poll.

Q. In what capacity were you there?—A. As manager of election.

Q. At what hour did the poll open?—A. After seven o'clock, sir.

Q. Why did it not open at 6 o'clock a. m., as provided by law?—A. One of the managers was absent.

Q. Were you waiting for him?—A. We did, sir.

Q. Which one of the managers was that?—A. Andrew McFall, the Democratic manager.

Q. How many persons were around the poll when you opened; about how many?—A. I suppose there were about a hundred; there might have been more.

Q. Did any of them leave without voting, or did they agree to wait until the arrival of the Democratic manager?—A. They did agree to wait. None of them left to my knowledge.

Q. As two managers were present, (a majority,) why did you not open the poll at 6 a. m.?—A. I did not think it would be legal to open the poll without the Democratic manager being present.

Q. Did all the voters who wanted to vote have an opportunity to vote that day?—A. All did, sir.

Q. The result, then, at that poll was not affected in any way by this delay in the morning?—A. No, sir, not as I know of.

Q. What time did the Democratic manager get there?—A. A little after seven o'clock.

Q. Did you open immediately on his arrival?—A. Yes, sir.

Q. Was there any complaint made by either Democrats or Republicans about the poll not being opened at 6 a. m.?—A. No, sir; no one at all.

Cross-examined:

Q. How long after seven was it that the poll opened?—A. Cannot say the exact minute.

Q. Was it not after eight o'clock?—A. No, sir.

Q. Did you not send into Beaufort for instructions before opening the poll?—A. I did, sir.

Q. Did you await those instructions?—A. I did; but the other manager arrived before the instructions got there.

Q. How far is it from Myrtle Bush poll to Beaufort?—A. Six miles.

Q. You say there was quite a crowd awaiting the opening of the poll. Can you tell how many there were?—A. I suppose about a hundred probably more; my attention was in the house; don't know much about the people outside.

Q. How then do you know that they agreed to await the arrival of the Democratic manager?—A. A majority of the voters there visited the house and said they thought they ought not to go to voting before the Democratic manager arrived.

Q. What became of the minority?—A. I have not heard them say anything about it.

Q. Do you know whether they left or not?—A. I think every man there voted.

Q. I asked you whether you know or not?—A. No, sir; I don't know.

Q. Then how do you know that the result was not affected by the poll not being opened at the proper hour?—A. Because those that were there were very willing to wait until the poll was opened.

Q. Is that all upon which you base your knowledge?—A. Yes, sir.

M. L. SIMMONS.



Sworn and subscribed to this 5th April, 1877, before me.

[SEAL.]

L. S. LANGLEY,  
Notary Public, South Carolina.

ROBIN S. BRYAN (colored) sworn.

Question. State your age, residence, and occupation.—Answer. Age, 53; residence, Myrtle Bush precinct; occupation, a farmer.

Q. Where were you on the 7th day of November, the day of the last general election?—A. Myrtle Bush poll.

Q. In what capacity were you there?—A. Manager of election.

Q. At what hour did the polls open?—A. At half past seven.

Q. Why were they not opened at 6 a. m., the time required by law?—A. Because only two were present.

Q. Who was absent, and what is his name and politics?—A. The Democratic manager, Mr. McFall.

Q. Did you open the poll immediately upon his arrival?—A. Immediately.

Q. Did any one suggest that you ought to wait until his arrival?—A. Yes, sir; the supervisor, Mr. Benton, who was a Democrat.

Q. Was that request and suggestion generally agreed to by the managers and voters?—A. Yes, sir.

Q. Did you hear any complaint about it or any objection whatever?—A. No, sir; I never heard any.

Q. Did everybody have ample time to vote?—A. Yes, sir.

Cross-examination:

Q. What was your politics at the last general election?—A. Republican.

Q. How many voters did you hear agree to Mr. Benton's suggestion not to open the poll until the arrival of the Democratic manager?—A. I did not hear none; there was none inside there at all; only a few were out in the road.

Q. What was the feeling at that precinct in regard to Democratic voters?—A. The feeling was against it.

Redirect examination:

Q. There was no threats there against Democrats, was there?—A. None at all.

Q. Was there any Democratic votes polled there?—A. I believe there was five.

Q. When you say the feeling was against it, you mean they were Republicans, don't you?—A. Yes, sir.

The word "were," p. 155, interlined before signing.

ROBIN S. BRYAN.

Sworn to and subscribed before me this 5th April, 1877.

[SEAL.]

L. S. LANGLEY,  
Notary Public, South Carolina.

SAMUEL MACK (colored) sworn.

Question. State your age, residence, and occupation.—Answer. Age, about 37; residence, Myrtle Bush precinct, and occupation, a farmer.

Q. Where were you on the 7th day of November last, the day of the last general election?—A. At Myrtle Bush poll.

Q. What time did that poll open?—A. I had nary watch, but to my judgment the poll was open a little after seven o'clock.

Q. Why was it not opened at six o'clock, as required by law?—A. Because Mr. McFall was not there at six o'clock.

Q. Who was Mr. McFall, and what was he that day?—A. He was Democratic manager.

Q. Did the poll open as soon as he arrived?—A. As soon as he (McFall) arrived the voting commenced.

Q. Was it agreed among the voters generally that they would wait until McFall got there?—A. Yes.

Q. Were you outside among the crowd?—A. I was outside.

Q. Was there any one who expressed any dissatisfaction at the delay?—A. No.

Q. Did everybody have ample time to vote at that poll?—A. Plenty of time.

SAMUEL MACK.

Sworn and subscribed to this 5th April, 1877, before me.

[SEAL.]

L. S. LANGLEY,  
Notary Public, South Carolina.

#### PARIS ISLAND POLL.

RICHARD W. SCOTT, Jr., (colored,) sworn.

Question. State your age, residence, and occupation.—Answer. Agt twenty-three; residence, Paris Island, and occupation, a farmer.

Q. Where were you on the 7th day of November, the day of the last general election?—A. At Paris Island precinct.

Q. In what capacity were you there?—A. As manager of election.

Q. What portion of the day were you there?—A. I was there quarter to 6 a. m. to a quarter to 6 p. m.

Q. Are you acquainted with C. W. Niver?—A. I am.

Q. Was he there that day?—A. He was.

Q. Did he have any difficulty there that day, and, if so, with whom?—A. He had, with a boy by the name of John Burns, or John Bull.

Q. How did this fuss occur, and who commenced it?—A. A man was going to vote the Republican ticket, and Niver handed him a red Democratic ticket, which resembled the Republican ticket, and some one detected it, and told the man the ticket was the wrong ticket, and the man said he wanted to vote the Republican ticket; and they handed him one; and then Niver he got into a rage, and went to make the man vote the ticket he gave him, when this boy cursed him. Niver then kicked the boy, and told him if he did not look out he would make him suffer the consequence. That is all I know about it. I afterwards heard some fuss to the window, but I was busy writing.

Q. Are you certain that Niver kicked the boy first?—A. Yes, sir, I am certain.

Q. Was the election disturbed by this fuss at the window?—A. Yes, sir; not one bit.

Q. Was the election quiet and peaceable, with the exception of the disturbance of which you have spoken?—A. It was, sir.

Q. At what time did you open the poll that morning?—A. I do not recollect, because Snyder was not there in time. I was there at a quarter to six. I should judge Mr. Snyder came half an hour after I got there.

Q. What time did you close the poll—about what time?—A. At half past four.

Q. Why did you close so early?—A. Because everybody had voted and two-thirds of the board agreed to close the polls.

Q. Did you agree to it?—A. I never did, sir.

Q. Was there one entitled to vote who lived on the island that did not

vote on that day?—A. One man by the name of William Mattis, whose wife was sick and died about six o'clock the same day.

Q. Do you know John Bird, and was he present on that day?—A. Yes, sir.

Q. Was he put out of the school-house, and, if so, by whom, and under what circumstances?—A. If he was put out I don't know.

Q. How many Democratic votes were there polled?—A. Twelve.

Q. How many white voters are there on the island?—A. Six.

Q. Could the colored men have voted the Democratic ticket there without being disturbed?—A. They could.

Q. Do you mean to say that every man voted there as he pleased?—A. I do, sir.

Q. Do you swear that every voter had ample time to vote and did vote except the man referred to?—A. Yes, sir; they were done voting by 2 o'clock p. m.

Q. About how far is the farthest voter on the island to the polls?—A. About two miles.

Q. What is the average distance voters had to travel to the polls?—A. About a half a mile.

Q. Do you mean to say that most of the voters lived close to the polls?—A. Yes, sir.

Cross-examined :

Q. How many people were in the room at the time of this difficulty?—A. Don't know.

Q. Were they few or many?—A. There were many.

Q. Was the room pretty well filled?—A. About two-thirds full.

Q. Were they not around the table?—A. They were in front, voting.

Q. How far was Mr. Niver from you when he handed the man the ticket?—A. About seven feet.

Q. Did you examine the ticket?—A. I did not; but the man showed the ticket to others who showed it to me.

Q. When?—A. After it was discovered.

Q. Did you see Nivers give him a ticket?—A. I did, sir.

Q. Was it in the room?—A. It was.

Q. How long after he gave him the ticket was it discovered?—A. The same time.

Q. Do you swear that John Burns or Bull did not strike Mr. Nivers?—A. He did not strike him as I know of. He did not in the house.

Q. Don't you know that he struck at him?—A. I do not.

Q. Did you not stop the voting for a time in consequence of the row and confusion?—A. We did not.

Q. Do not the people from Spring and other islands usually vote at that poll?—A. No, sir.

Q. Why do you call John Burns or Bull a boy? Is he a boy?—A. Because he is under age.

Q. How old is he and how large?—A. I don't know; he is a pretty large fellow.

Q. How many times did he vote that day?—A. He did not vote at all.

The letter "W" (page 163) and the words "school-house" were interlined before signing, and the word "church" erased before signing.

RICHARD W. SCOTT, JR.

Sworn and subscribed to this 6th day April, 1877, before me.

[SEAL.]

L. S. LANGLEY,

Notary Public, South Carolina.

S. P. De Veaux (colored) sworn.

Question. State your age, residence, and occupation.—Answer. Age, about twenty-six; residence, Paris Island, and occupation, a farmer.

Q. Where were you on the 7th day of November, the day of the last general election?—A. Paris Island precinct.

Q. Did you vote there that day?—A. Yes, sir.

Q. What portion of the day were you at the polls?—A. From daylight in the morning until the poll was closed and the box went off.

Q. Do you know C. W. Nivers?—A. Yes, sir.

Q. Was he there that day?—A. Yes, sir. He would come there occasionally and go back.

Q. Did he have any difficulty there that day, and with whom, and what about?—A. With a boy. I can't remember what it was about exactly.

Q. What was Niver doing at the time the difficulty occurred?—A. I do remember now what it was about; I could not think of it before. Niver had a Democratic ticket that resembled those of the Republicans, and he tried to fool a man that it was a Republican ticket, and after it was found out, Niver and John Bull got into a contact about it.

Q. Did you see the ticket?—A. I did.

Q. Could you recognize the Democratic and Republican tickets if you were to see them?—A. Yes, sir.

(Counsel for contestee here gave witness two tickets.)

Q. Do you recognize these as the respective tickets to which you have referred; and, if so, which ticket did Niver give the man?—A. I do; Niver gave the man a ticket of this kind:

(Hereunto attached is ticket referred to, marked Exhibit A.)

#### EXHIBIT A.

##### *Union Republican ticket.*

For President.—Samuel J. Tilden.

For Vice-President.—Thomas A. Hendricks.

For Presidential electors.—At large: Theo. G. Barker, Samuel McGowan. First district, John W. Harrington. Second district, John Isaac Ingram. Third district, William Wallace. Fourth district, John B. Erwin. Fifth district, Robert Aldrich.

For governor.—Wade Hampton.

For lieutenant-governor.—W. D. Simpson.

For secretary of state.—R. M. Sims.

For comptroller-general.—Johnson Hagood.

For State treasurer.—S. L. Leaphart.

For attorney-general.—James Conner.

For State superintendent of education.—H. S. Thompson.

For adjutant and inspector general.—E. W. Moise.

For Forty-fifth Congress, fifth district.—G. D. Tillman.

For solicitor, second circuit.—F. Hay Gantt.

For State senator.—William Elliott.

For house of representatives.—James W. Moore, John Lawton, C. J. C. Hutson, Daniel Washington, Abram P. Jenkins, William J. Gooding.

Sheriff.—Owen F. Duke.

For clerk of court.—H. G. Judd.

For judge of probate.—Charles E. Bell.

For school-commissioner.—B. F. Buckner.

For county commissioners.—Henry R. Williams, William Russell, Cnpid Heyward.

For coroner.—W. S. Washington.

Constitutional amendment.—Yes.

Q. Do you recognize this ticket as the regular Republican ticket?—A. Yes, sir.

(Hereunto attached is ticket referred to, marked Exhibit B.)

## EXHIBIT B.

*Union Republican ticket.*

For President.—Rutherford B. Hayes.  
 For Vice-President.—William A. Wheeler.  
 For Presidential electors.—At large : Christopher C. Bowen, John Wiusmith. First district, Thomas B. Johnston. Second district, Timothy Hurley. Third district, William B. Naah. Fourth district, Wilson Cook. Fifth district, William F. Myers.  
 For governor.—Daniel H. Chamberlain.  
 For lieutenant-governor.—Richard H. Gleaves.  
 For secretary of state.—Henry E. Hayne.  
 For comptroller-general.—Thomas C. Dunn.  
 For State treasurer.—Francis L. Cardozo.  
 For attorney-general.—Robert B. Elliott.  
 For State superintendent of education.—John R. Tolbert.  
 For adjutant and inspector general.—James Kennedy.  
 For Forty-fifth Congress, fifth district.—Robert Smalls.  
 For solicitor, second circuit.—Samuel J. Lee.  
 For State senate.—Samuel Green.  
 For house of representatives.—Thomas Hamilton, Hastings Gantt, Joseph Robinson, George A. Reed, Nathaniel B. Myers, Thomas E. Miller.  
 For sheriff.—William Wilson.  
 For clerk of court.—Samuel J. Bampffield.  
 For judge of probate.—A. B. Addison.  
 For school commissioner.—Thomas H. Wheeler.  
 For county commissioners.—Robert J. Martin, Renty F. Greaves, Vincent S. Scott.  
 For coroner.—Allen W. Mukenfuss.  
 Constitutional amendment.—Yes.

Q. Who struck first in the melee that followed the presentation of the ticket to this man?—A. I saw Niver strike at him, (the boy,) but cannot say that he hit him.

Q. Was there any other difficulty around the polls that day?—A. No, sir.

Q. Was it otherwise quiet and peaceable?—A. Yes, sir.

Q. Are you acquainted with John Bird, and was he there that day?—A. Yes, sir; and he was there.

Q. Was he put out of the school-house; and, if so, by whom and under what circumstances?—A. He was put out by some women; I think they were funning, (for they laughed and talked,) so far as I could see; I know they were funning.

Q. Was Bird laughing and funning, too?—A. Yes.

Q. Did the fuss between Niver and the boy disturb the election?—A. No, sir; it did not.

Q. Did all the voters in the island have ample opportunity to vote, and did they vote?—A. All voted except one man, who did not vote because his wife was at the point of death, and she died the same day.

## Cross-examined:

Q. How much larger is John Bull than you are?—A. He is not as large as I am; he is a boy; I don't believe he is any stouter than I am.

Q. Is he not about the size of most grown men?—A. No, sir.

Q. How tall do you take him to be?—A. Not as tall as I am.

Q. Where was Niver when he gave the man the ticket?—A. Niver was coming from his store, and was at the school-house.

Q. Where was the man?—A. The man had just arrived at the school-house.

Q. Where was the man standing?—A. The man went in the school-house, and just as he got in Niver took him aside and gave him the ticket, and told him it was a Republican ticket.

Q. Where were you at that time?—A. I was right there, in the house.

Q. Did you not see John Bull strike Niver?—A. I did not.

Q. Don't you know that he did strike him?—A. I do not.

Q. When John Bird was put out was there not a good deal of noise?—

A. No, sir.

Q. How many women did it take to put him out?—A. Not many.

Q. How large was this room?—A. About 25 by 20.

Q. Could everybody in the room see them put Bird out?—A. No, sir.

Q. Did the managers interfere to stop it?—A. No, sir; I don't know as they knew about it. They were funning.

Q. Are you a Republican?—A. Yes, sir.

Q. Did you hold any office in the Republican party at that time?—

A. No, sir; I helped distribute tickets.

A. To what party does Richard W. Scott, jr., belong?—A. I think he is a Republican.

Redirect examination:

Q. How much do you weigh?—A. One hundred and thirty-five pounds.

The word "about," p. 174, erased before signing. The word "about," p. 180, erased before signing.

S. P. DEVEAUX.

Sworn and subscribed to this 6th April, 1877, before me.

[SEAL.]

L. S. LANGLEY,

*Notary Public, South Carolina.*

JACOB PETTIGRU sworn.

Question. State your age, residence, and occupation.—Answer. Age, 53; live on Paris Island, and am a farmer.

Q. Were you at the polls on Paris Island on the 7th day of November last, the day of the last general election?—A. Yes, sir.

Q. What portion of the day were you at the polls?—A. I was there before the sun was up in the morning, and remained until after 5 or 6 o'clock p. m.

Q. What time in the day did the poll close?—A. Nobody voted after 4 o'clock p. m., for all the voting was done in the morning.

Q. Do you or do you not know whether all the people entitled to vote did vote on Paris Island that day?—A. Everybody who intended to vote, or was going to vote, voted.

Q. Did you see any disturbance at the poll that day?—A. I saw one disturbance there.

Q. What was that disturbance? Please state all about it.—A. It was between Niver and the boy he had employed.

Q. Please state just what that disturbance was, and how it took place.—A. I cannot tell how the disturbance arose, for I was outdoor, and came in in the disturbance, and saw a man have hold of the boy to keep him from going to Niver.

Q. Did this boy get to Niver?—A. He did not get to him at all; they took him out of the house.

Q. Was everything peaceable after they took the boy out of the house?—A. Everything was as pleasant as it could be.

Q. What time of day did this disturbance between Mr. Niver and the boy take place?—A. As near as my recollection can bring me, I think it was between twelve and one o'clock.

Q. Do you know if the boy went back to Niver's store after the disturbance?—A. Yes; I met him in the store as cool as a cucumber.

Q. Did you meet the boy in Niver's store on the same day, or a day after the disturbance?—A. The same day.

Q. How many white men live on Paris Island?—A. Not but two at that time.

Q. Do you know how many Democratic votes were polled in Paris Island on the day of the election?—A. I do not, sir, how many votes were polled, but I do know that four colored men voted that ticket.

Q. Do you know of any colored men being threatened in any way whatsoever for voting the Democratic ticket?—A. Not in my hearing, sir.

Q. Did anybody ever ask you to go and testify in behalf of Mr. Tillman in regard to any fuss in Paris Island?—A. Yes.

Q. Who was that person, and what did he say to you?—A. It was Mr. Snyder. He said if I knew anything about the fuss at the school-house I could get pay for it.

Q. Did he tell you who you must report it to?—A. Yes; to Mr. Elliott, and he would see into it.

Q. Did you report it to Mr. Elliott?—A. I could not report what I did not see.

Q. Did you ever see a more quiet election in Paris Island than the one held on the 7th day of November last?—A. No.

Cross-examined:

Q. You say you were at the polls from sun-up until to six o'clock. Were you immediately at the polls all of that time?—A. Yes; I was immediately at the polls all day, except when I went to the store to get a piece of tobacco, and that was the time I met the boy.

Q. Do you know when the poll closed?—A. I do not; but I left the polls between half past five and six o'clock, and there was no one there except the managers.

Q. How far is it from Niver's store to the polls?—A. About four or five hundred yards, as near as I can guess at it.

Q. What time of day was it when you went to the store?—A. That I cannot tell. It was before dinner.

Q. What time did you eat dinner?—A. About one or half past one.

Q. How long were you at the store?—A. About five minutes.

Q. Where were you when the disturbance with Niver commenced?—A. At the door. At the school-house door. I could not get in for the crowd.

Q. Did the disturbance commence before you got in?—A. Yes.

Q. Was the poll inside the house?—A. Yes, sir.

The erasure "you," p. 183, and the erasure and interlineation p. 189, were made before signing.

his  
JACOB + PETTIGRU.  
mark.

Sworn and subscribed to this 7th day of April, 1877, before me.

[SEAL.]

L. S. LANGLEY,  
*Notary Public, South Carolina.*

BEAUFORT, S. C., April 7, 1877.

I hereby certify that the foregoing one hundred and ninety-one pages (191 pages) contain correct questions and answers as propounded by counsel and answered by witnesses, together with such objections as counsel from time to time made.

[SEAL.]

L. S. LANGLEY,  
*Notary Public, South Carolina.*

No. 10.

THE STATE OF SOUTH CAROLINA,  
*Richland County :*

G. D. TILLMAN, CONTESTANT, }  
  *vs.* }  
ROBERT SMALLS, CONTESTEE. }

Appearances: For the contestant, W. K. Bachman ; for the contestee, N. R. Williams.

Testimony taken by Henry B. Johnson, a notary public in and for the State of South Carolina, in the above-entitled cause, at Columbia, on the 7th day of April, 1877.

N. R. WILLIAMS, being duly sworn, says :

I reside in Aiken County ; have resided there eight years. On the 7th of November last was at Beach Island precinct, in Aiken County. Was there in the capacity of United States deputy marshal. I arrived at the poll about half past eight o'clock in the morning. I was met by Samuel P. Picksley, who informed me that in the end of the building where the voting was going on there were some two or three hundred guns stored. I went to Mr. Dunbar Lamar, a prominent citizen, and informed him that according to my printed instructions from the United States marshal, I should require the guns to be removed. He said he would go and consult with the captain of the club. I went then and consulted with Lieutenant Quintin, commanding the United States soldiers at the poll, and he came up with me to the front of the store in which the poll was. When we got in front of the store Mr. Dunbar Lamar came to where we were standing, and said to me, "Long Nath., I will be God damned if you or your soldiers can take those guns out." He said, "My blood is too precious to have any God damned nigger to spill it out for me. We ain't going to have any Cainhoy in ours." Lieutenant Quintin then placed a guard of two men over the guns. Milledge Cooper, one of the managers, called me to the poll and asked me my construction of the law in regard to persons who had not lived in the State one year voting for electors, State and Congressional officers. I told him that they had to live in the State one year and in the county sixty days before they would be entitled to vote. He said that people could vote for those officers whether they lived in the State one year or not. I said, if that is the way you are going to vote the men, you will please make a note of their names on the margin of the poll-list, so that when it came before the board of county canvassers it would be brought to their attention.

I was clerk to the board of county canvassers. On the 3d day of November the commissioners of election of Aiken County organized by electing Samuel B. Spencer, chairman, and myself clerk. The managers for the different precincts in the county were sworn in, the instructions for conducting the election and the ballot-boxes were given them, and the commissioners adjourned *sine die*.

The board of county canvassers met and elected Samuel B. Spencer chairman and myself secretary. The board ordered me, as clerk, and Mr. Edmondston, one of the canvassers, to take the boxes and place them in a cell in the jail, seal the lock, and to take them out again in the presence of the full board on Tuesday the 14th of November. Mr. George W. Croft, chairman of the Democratic party of Aiken County, objected to the boxes being deposited, on the ground that the election law of the State was not definite in regard to the day on which



the votes should be counted. Mr. Croft telegraphed Mr. Haskell, and the answer came, "Count the votes immediately, and be sure and get them here by Monday night." Mr. Spencer telegraphed to Attorney-General Stone, and the answer was, "You are right." The board then adjourned to meet on Tuesday, the 14th. On Sunday, the 12th, I received notice privately that the ballots would be counted the next morning. I went to General Rivers's house that night at half-past seven, and, upon the advice of Mr. Spencer, I assisted in filling out the returns, so far as the names of the different officers are concerned. After the names were written in, I did the papers up and started to hand them to Mr. Spencer, when Mr. Edmondston, Mr. Croft, and O. C. Jordon tried to take them away from me forcibly. I managed to get them to Mr. Spencer, and said to him, "Mr. Spencer, the board of county canvassers have adjourned until the 14th. What do you mean by doing this?" He said, "Never mind; I will tell you to-morrow night in Columbia." The next morning about fifteen minutes past six I went to the court-house, in the clerk of court's office, and found there Mr. George W. Croft, Mr. Williams, candidate for probate judge on the Democratic ticket, Mr. St. Julien Yates, Mr. James Aldrich, Mr. Hutson, General P. R. Rivers, and Mr. Spencer and Mr. Edmondston. On the table there was a pile of papers, purporting to be the returns of the election at the several precincts in Aiken County. Mr. Croft asked me, "Mr. Williams, are you clerk of the board of county canvassers?" He said, "Will you please examine these returns?" I said, "I will, as a private citizen, but not as clerk." I examined them; there were nine precincts there. I found that the returns from the precincts of Fountain Academy and Silvertown were not there. I said to Mr. Croft that these precincts were missing. Mr. Edmondston spoke up and said, "Cartson has taken Fountain Academy out to get Fuller Courtney to sign it. He was the Democratic manager at the poll. In about ten minutes Mr. Cartson brought it in and laid it on the table. I looked at it. It was the return from Fountain Academy. Silvertown I never did see. Mr. Yates and Mr. Jordon sat on one side of the room; Mr. Aldrich and Mr. Hutson sat in front of me; Mr. Edmondston next. I opened the Fountain Academy box at the request of Mr. Croft. The return was not there. There was about twenty-five or thirty ballots in the box. Mr. Croft commenced to call off the returns; one man kept the tally of the electors, another kept the tally for governor and lieutenant-governor, and another the State officers. They were added up by these gentlemen and handed to Mr. Edmondston, who put down the total on the return which was to be sent to the State canvassers. Mr. Spencer was in the back yard during this time trying to get a man to go after George Washington, the other Republican canvasser. Before they commenced canvassing the county officers Mr. Washington came in and asked me if I was acting officially, and, if so, to read my minutes. I read the minutes, showing where the board had adjourned as county canvassers, according to law, until the 14th. Mr. Washington then went out, refusing to have anything to do with it as a county canvasser, on the ground that the board had adjourned to meet on the 14th. Mr. Croft then proceeded to call off the county officers, the different parties mentioned keeping tally. Mr. Wm. M. Hutson kept the tally for Congressman. After he had added them up, Mr. Croft asked me to "see if Hutson has added them up right." There were ten rows of figures for Mr. Smalls and eleven for Mr. Tillman. I said, Mr. Croft, Smalls has got left off here once. He replied, "I have called them off right; add them up." Mr. Smalls was 298 votes behind the ticket according to the count handed me by Mr. Croft. I mentioned this to him. He went over it again but made no change. He said it

was fifteen minutes before train time, and he would make the changes when he got in Columbia. Mr. Spencer, the Republican county canvasser and chairman of the board, never saw a figure put down on the aggregate or return which went to the State canvassers; never saw a figure of the precinct managers' returns, but signed them without seeing anything but the last page, which had the certificate on it. He called me off to one corner of the room and said, "I will meet you in Columbia to-night and tell you why I signed those returns." He told me why he signed the returns, and made an affidavit which will be found in Aiken County testimony, marked Exhibit B and C. I never signed the returns as clerk, nor did I see a figure, nor any of the totals.

N. R. WILLIAMS.

Sworn to before me this April 7th, 1877.

[L. s.]

HENRY B. JOHNSON,  
*Notary Public, South Carolina.*

Cross-examination waived.

Hon. H. E. HAYNE, being duly sworn, deposes and answers as follows:

Examination by Mr. Williams:

Question. State your name, residence, and occupation.—Answer. H. E. Hayne, Columbia; secretary of state.

Q. How long have you been secretary of state?—A. Four years.

Q. What was the vote that Robert Smalls received for Congress in Edgefield County in 1874?—A. Thirty-three hundred and ninety-six votes.

Q. How many did Mr. Epping receive?—A. Twenty-eight hundred and seventy-nine votes.

Q. What did Mr. Smalls receive in Colleton County in 1874, and how many Mr. Epping?—A. Smalls received 3,515; Epping, 85.

Q. What did Mr. Smalls receive in Aiken County in 1874, and what did Mr. Epping?—A. Smalls, 2,002; Epping, none.

Q. What did Mr. Smalls receive in Barnwell in 1874, and what did Mr. Epping?—A. Smalls, 3,770; Epping, 78.

Q. What did Mr. Smalls receive in Beaufort in 1874, and what did Mr. Epping?—A. Smalls, 5,069; Epping, 1,419.

Q. What is the total Mr. Smalls received, and what Mr. Epping?—A. Smalls, 17,752; Epping, 4,461. Mr. Smalls majority was 13,291. These figures are taken from the records in my office.

Q. What is the white and colored vote of the several counties in the fifth district according to the census of 1875?—A. Edgefield: white, 2,722; colored, 4,400. Aiken: white, 2,494; colored, 3,473. Barnwell: white, 2,583; colored, 4,734. Colleton: white, 2,478; colored, 4,217. Beaufort: white, 1,760; colored, 3,241. All this is from the official records in my office.

Q. What was the vote received by Smalls and Tillman, respectively, in the fifth district in 1876?—A. Aiken: Smalls, 2,194; Tillman, 3,190. Colleton: Smalls, 4,232; Tillman, 2,904. Beaufort: Smalls, 7,616; Tillman, 2,231. Barnwell: Smalls, 2,792; Tillman, 3,939. Edgefield: Smalls, 3,120; Tillman, 6,252. Total, Smalls, 19,954; total, Tillman, 18,516.

Q. Were you a member of the board of State canvassers in 1876?—A. Yes.

Q. In declaring the election, did the board include the vote of Edgefield County for Congressman?—A. They did.

Q. What was the white and colored vote in the several counties in the fifth district in 1876?—A. Colleton: white, 2,440; colored, 4,728. Beaufort: white, 1,867; colored, 8,096. Barnwell: white, 2,999; colored, 3,763.

Aiken: white, 2,614; colored, 2,685. This does not include the precinct of Windsor, in Aiken County, where the managers did not distinguish as to color. The managers of Edgefield County also failed to preserve the distinction.

Q. In Aiken County, what was the vote by precincts in 1876?—A.

Precinct.	Smalls.	Tillman.
Beech Island .....	302	236
Jordan's Mills .....	124	274
Boyd's Store .....	266	100
Fountain Academy .....	86	163
Merritt's Bridge .....	68	312
Silverton .....	232	182
Windsor .....	71	377
Hamburg .....	535	246
Miles's Mill .....	35	142
Aiken Court-House .....	698	371
Graniteville, (no return.)		

(Examination closed here, and cross-examination waived.)

H. E. HAYNE.

Sworn to before me this 7th day of April, 1877.

[L. S.]

HENRY B. JOHNSON,  
Notary Public, South Carolina.

The accompanying papers, marked A, B, C, D, and E, were produced in evidence and used in examination.

HENRY B. JOHNSON,  
Notary Public, South Carolina.

A.

*Statement showing the number of votes cast by white and colored persons for Congressman from the fifth district of South Carolina at the election of 1876.*

Counties.	Number of votes cast by white persons.	Number of votes cast by colored persons.
Colleton .....	2,440	4,728
Beaufort .....	1,867	8,096
Barnwell .....	2,999	3,763
Edgefield* .....		
Aiken† .....	2,614	2,685
Total .....	9,920	19,272

\* The number of votes cast by white and colored persons respectively, not returned by the commissioners.

† This statement does not include the vote at Windsor precinct.

**SOUTH CAROLINA,**  
*Office Secretary of State :*

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct statement of the number of white and colored

persons voting for Congressman from the fifth district of South Carolina at the election held on the 7th day of November, 1876, as appears by the returns now on file in this office.

Given under my hand and the seal of the State, at Columbia, this 6th day of April, 1877, and in the one hundred and first year of American Independence.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

B.

*Vote for Congressman, fifth district election of 1876.*

Counties.	Robert Smalls.	G. D. Tillman.	Scattering.
Colleton .....	4,232	2,902	....
Beaufort .....	7,616	2,231	1
Barnwell .....	2,792	3,939	....
Edgefield .....	3,120	6,252	....
Aiken .....	2,194	3,190	1
Total .....	19,954	18,516	2

SOUTH CAROLINA,

*Office Secretary of State :*

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct statement of the vote for member of Congress from the fifth district of South Carolina at the election held on the 7th day of November, 1876, as appears by the returns of the commissioners of election of the several counties, now on file in this office.

Given under my hand and the seal of the State, at Columbia, this 6th day of April, 1877, and in the one hundred and first year of American Independence.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

C.

*Vote for Congressman, fifth district, election 1874.*

Counties.	Robert Smalls.	J. P. M. Epping.	Scattering.
Colleton .....	3,515	85	....
Beaufort .....	5,069	1,419	....
Barnwell .....	3,770	78	....
Edgefield .....	3,396	2,879	1
Aiken .....	2,002	.....	148
Total .....	17,752	4,461	149

## SOUTH CAROLINA,

*Office Secretary of State :*

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct statement of the vote for member of Congress from the fifth district of South Carolina, at the election held on the 3d day of November, 1874, as appears by the returns thereof, now on file in this office.

Given under my hand and the seal of the State, at Columbia, this 6th day of April, 1877, and in the one hundred and first year of American Independence.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

D.

*Vote for Congressman, fifth district South Carolina, election 1876.*

Aiken County.	G. D. Tillman.	Robert Smalls.
Beech Island.....	236	302
Jordan's Mills.....	274	124
Boyd's Store.....	100	266
Fountain Academy.....	163	86
Merritt's Bridge.....	312	68
Silverton.....	182	232
Windsor.....	377	71
Hamburg.....	246	535
Miles' Mill.....	142	35
Aiken Court-House.....	371	698
Graniteville, (no return).....		
Total.....	2,403	2,417

## SOUTH CAROLINA,

*Office Secretary of State :*

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct statement of the vote cast for Congressman from the fifth district at the several precincts in Aiken County, at the election held on the 7th day of November, 1876, as appears from the managers' returns, now on file in this office.

Given under my hand and the seal of the State, at Columbia, this 26th day of March, 1877.

[SEAL.]

H. E. HAYNE,  
*Secretary of State.*

E.

*Report of the secretary of state of South Carolina to the general assembly, at regular session, 1875.*

STATE OF SOUTH CAROLINA,  
OFFICE SECRETARY OF STATE,  
Columbia, S. C., November 20, 1875.

*To the honorable the senate and house of representatives of the State of South Carolina :*

GENTLEMEN: I have the honor to submit herewith, in accordance with law, the annual report of the duties performed in this office during the fiscal year ending October 31, 1875.

Commissions have been issued to the following officers appointed by the governor:

Trial-justices.....	324
Notaries public.....	152
County treasurers.....	34
County auditors.....	33
Census-takers.....	32
Commissioners of deeds.....	24
Jury commissioners.....	22
Commissioners of pilotage.....	5
Health officers.....	2

The following notices have been issued:

Notices of appointment to office.....	557
Notices of removal from office.....	211
Acceptances of resignation.....	37
Suspensions from office.....	7

The following documents have been recorded:

Pardons.....	111
Mortgages.....	75
Official bonds.....	35
Liens.....	21
Trust-deeds.....	9
Deeds of conveyance.....	7
Bills of sale.....	4
Marriage settlements.....	5
Releases.....	2

The seal of the State has been affixed to ninety-seven tax-deeds.

The fees of the office for the year amount to two thousand six hundred and sixty-four dollars and fifty cents, (\$2,664.50,) which sum I have turned over to the State treasurer, and hold his receipts therefor.

Exhibit A, annexed hereto, gives a tabular statement of the poor returns as made by the several boards of county commissioners, in accordance with the provisions of an act entitled "An act to provide for the care of the poor," approved February 28, 1870.

Exhibit B gives a detailed statement of expenditures on account of contingent fund, appropriated for this office for the fiscal year ending October 31, 1875.

Exhibit C shows the deeds issued by me to parties who have completed payments due on the lands purchased by them from the State.

I have appended hereto exhibits marked D, E, F, G and H, which comprise a complete compilation of the census returns received from the census-takers of the several counties.

Exhibit D shows the entire population of the State by counties, subdivided under the captions: "Number of children under six years of age," "Number of children between six and sixteen years of age," "Number of persons between sixteen and twenty-one years of age," and "Number of persons over twenty-one years of age."

It will be seen that the total population of the State is 925,145, which is an increase of 219,539, as compared with the United States census of 1870. This abnormal increase cannot be accounted for in any satisfactory manner; and while I have no doubt but that there has been an increase in the population, I would not for a moment assert that it is to the extent returned by the census-takers.

As a test of accuracy, the present census will doubtless be compared with the last made by the United States. This, however, will not be a fair criterion, as the United States census is full of inaccuracies. Take, for example, the county of Orangeburg. In 1870, by the United States census, the population is fixed at 16,865, while the vote of the county for governor in the same year was 5,490; while, allowing the usual proportion, (one voter to every five inhabitants,) the county could not have contained less than 27,450 people. Let us go further. It may be advanced that the vote for governor in 1870 is no criterion by which to judge of the population, as there were doubtless many illegal votes cast at the election in that year.

Accepting this as true, let us look at the vote for governor in 1874—admittedly a fair and impartial election—and we find the vote of Orangeburg to be 5,793, an increase of 303, and a corresponding increase in the population, following the usual ratio, of 1,515, making the total number of inhabitants 28,965, or 13,100 more than returned in the United States census. The same will be found of Charleston and other counties, which I have not enumerated.

In regard to the "returns of crops and other statistics," I think I can vouch for their accuracy, with some exceptions, which I here note. The acreage of "peas and beans" and "potatoes" cannot be relied on as correct; for, in nearly every instance, the farmer plants his peas along with his corn; and the census-takers, finding that they were unable to condense and separate the area planted in each, in nearly every instance reported the whole as corn, and took no note whatever of the acreage in peas. The quantity, however, will be found correct, as also will the potatoes. In all respects, other than these here mentioned, the returns are as nearly right as possible.

Exhibit E shows the crops raised by the colored farmers of the State. This statement includes only such as are producers in their own right, with the absolute power of disposal. Laborers working for a "share of the crop" are not included, for the reason that the share to which they are entitled is given as an equivalent for wages merely, and they have no interest whatever in the crop itself, other than that existing in the proceeds of sale. The product of their labor is, therefore, credited in every instance to their employer.

Exhibit F, in like manner, shows the crops raised by the white farmers.

Exhibit G is the aggregate of crops produced in the State, and is, consequently, Exhibits F and G combined.

Exhibit H shows the population of some of the principal cities, towns, and villages in the State.

The census-takers appointed by the governor have, with a single exception, made reports of their work to this office. It is true that some of the returns were not received until the 15th instant, when they should properly have been in on the 1st of October. The reasons given for the delay, however, were in all cases good and sufficient; and the only inconvenience which has resulted therefrom has been my consequent inability to report to your honorable bodies sooner the result of the work

#### LAND-COMMISSION DEPARTMENT.

There has been no material change in the workings of this department. The settlers, as a general rule, pay promptly, and manifest a gratifying ambition to obtain deeds for their lands, and thus secure to themselves the benefits of a homestead.

The collections for the year amounted to \$17,314.09. Of this I have

paid to the State treasurer \$11,400, paid agents' expenses and commissions, and expenses of surveying, ejecting trespassers, &c., \$2,267.27, and have a balance on hand of \$3,646.82.

The vouchers for the amounts disbursed, and turned over to the State treasurer, are on file, and subject to your inspection.

I am again prompted to urge upon your honorable bodies the necessity of making an appropriation of, say, \$3,000 for rebinding the books in this office. I make this recommendation because if the books are allowed to remain in their present condition much longer they will be beyond repair, by reason of the constant attacks of moths and book-worms.

A comparatively small outlay now will prove a lasting benefit, and be the means of preventing serious inconvenience to the people of the State, by the preservation of these valuable records. I trust that you will see fit to make the appropriation.

Very respectfully, your obedient servant,

H. E. HAYNE,  
*Secretary of State.*



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## EXHIBITS.

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EXHIBIT A.—Poor-returns for the year ending June 30, 1875.

County.	Number of—						Value of poor-house establishment, (real).	Value of poor-house establishment, (personal).	Number supported in whole or any part of year.	Average number supported in poor-house.	Average weekly cost of supporting each pauper in poor-house.	Number of inmates made to perform any kind of amount of labor.	Estimated value of all labor performed by the poor in poor-house.	Value of crops sold, (F. T. crops raised on farms, see notes.)	Estimated value of crops retained for use on farms.	Supported, out of the whole or any part of the year.	Average weekly cost of supporting each pauper out of poor-house.	Number aided out of the poor-house.	Number of insane relieved or supported.	Supported at public charge made dependent by intervention in themselves.	Number by whom made dependent by intervention in themselves.	Total cost of poor-house during the year, including interest on poor-house establishment.	No. supported in poor-house at present time.	Supported out of poor-house at present time.	Assisted out of poor-house at present time.	Children under 14 years of age supported at public charge.	White.	Colored.	
	Persons relieved or supported during year ending September 30, 1875.	Persons having legal settlement.	Persons (foreign and colored) persons.	White persons.	Inmate admitted to poor-house.	Acres of land attached to poor-house.																							
Abbeville	96	135	115	30	2	1	270	\$800	36	18	\$2 40	22	\$300	\$60	\$783	135	\$29 38	135	1	1	1	1	\$2,074 00	30	28	38	1	2	19
Albany	135	52	115	30	2	14	325	4,350	56	40	1 00	22	\$360	\$60	\$783	1	1 25	1	3	6	2	2	9,074 00	28	1	1	2	2	1
Anderson	52	120	100	20	4	3	40	50	10	10	1 25	10	10	10	110	43	1	1	2	1	1	1	9,844 00	10	110	3	6	1	1
Barnwell	120	62	100	20	7	1	4	3,500	49	36	94	62	62	62	62	110	1 25	6	1	1	1	1	4,358 95	42	3	6	1	1	1
Beaufort	62	62	100	20	7	1	4	3,500	49	36	94	62	62	62	62	110	1 25	6	1	1	1	1	4,358 95	42	3	6	1	1	1
Charleston	101	101	81	20	1	8	3,000	750	24	24	1 25	15	250	389	500	45	50	45	3	13	1	1	1,056 00	21	45	45	8	1	1
Chester	69	23	1	32	3	1	511	1,250	4	30	3 91	7	200	250	250	32	58	32	3	1	1	1	1,056 00	21	45	45	8	1	1
Chesterfield	32	17	10	22	4	1	175	500	10	30	3 91	7	200	250	250	32	58	32	3	1	1	1	1,056 00	21	45	45	8	1	1
Clarendon	17	17	13	4	4	1	175	500	10	30	3 91	7	200	250	250	32	58	32	3	1	1	1	1,056 00	21	45	45	8	1	1
Colleton	300	300	225	75	3	7	93	5,500	30	34	75	13	30	400	400	300	204	300	1	1	1	1	3,120 00	7	3	300	4	1	1
Darlington	43	43	14	8	6	7	93	5,500	30	34	75	13	30	400	400	300	204	300	1	1	1	1	3,120 00	7	3	300	4	1	1
Edgefield	34	54	29	5	4	1	300	1,500	34	30	1 10	22	200	347	45	3	40	3	2	1	1	1,793 35	32	26	26	8	1	1	
Fairfield	34	33	8	19	1	1	288	300	33	30	1 34	23	500	347	45	3	40	3	2	1	1	1,793 35	32	26	26	8	1	1	
Georgetown	44	44	37	7	5	1	500	500	10	28	9 00	10	50	100	250	21	35	42	2	2	1	1	1,050 00	21	37	37	8	1	1
Greenville	70	70	31	39	1	1	911	1,500	28	21	2 25	19	50	100	250	21	35	42	2	2	1	1	1,050 00	21	37	37	8	1	1
Horry	7	7	7	7	3	2	300	500	7	7	1 56	1	56	1	1	1	1	1	1	1	1	1	525 38	1	1	1	5	1	1
Kershaw	51	16	23	28	4	98	196	100	21	16	1 00	6	100	25	25	3	49	51	2	2	1	1	596 40	1	51	51	1	1	1
Laurens	21	54	12	9	1	300	1,000	100	21	16	1 00	6	100	25	25	3	49	51	2	2	1	1	596 40	1	51	51	1	1	1
Lexington	57	57	26	31	2	2	90	270	15	7	1 09	2	90	270	270	941	35	42	2	2	1	1	1,194 94	18	33	33	4	1	1
Martin	27	26	1	7	4	5	90	100	20	20	1 00	20	100	100	100	7	100	7	1	1	1	1	9,000 00	17	7	7	3	1	1
Marlborough	37	37	98	9	9	7	315	1,000	37	29	2 31	37	37	150	150	1	1	1	1	1	1	1	3,495 00	94	10	10	3	1	1
Newberry	37	37	98	9	9	7	315	1,000	37	29	2 31	37	37	150	150	1	1	1	1	1	1	1	3,495 00	94	10	10	3	1	1
Orangeburg	18	29	1	96	4	2	1317	2,000	18	10	1 42	16	50	10	402	3	49	51	2	2	1	1	753 35	10	10	10	94	1	1
Pickens	30	25	1	96	4	2	140	2,000	10	4	1 00	9	25	10	300	1	115	1	1	1	1	1	750 00	13	1	1	94	1	1
Richland	12	16	5	11	2	4	150	500	16	14	1 00	2	25	10	300	1	115	1	1	1	1	1	750 00	13	1	1	94	1	1
Salisbury	160	151	1	90	7	2	250	500	30	25	1 00	8	100	100	300	110	115	1	1	1	1	1	3,000 00	36	37	37	3	1	1
Spartanburg	63	19	14	11	300	900	300	300	30	25	4 00	8	100	100	300	35	5 00	5	33	2	9	1	1,000 00	33	30	30	1	1	1
Sumter	13	13	13	3	1	250	2,000	300	13	10	3 50	3	250	2,000	300	35	5 00	5	33	2	9	1	1,000 00	33	30	30	1	1	1
Union	49	49	9	39	3	1	250	1,500	40	35	1 25	1	250	1,500	40	35	1 25	1	1	1	1	1	9,350 00	32	4	5	1	1	1
Walden	20	20	16	4	6	1	100	500	40	16	1 00	4	35	35	1,600	35	4	75	4	3	1	1	1,000 00	11	4	4	3	1	1
Walden	20	20	16	4	6	1	100	500	40	16	1 00	4	35	35	1,600	35	4	75	4	3	1	1	1,000 00	11	4	4	3	1	1
York	70	70	36	36	1	471	3,000	700	46	35	1 53	35	150	346	470	470	30	30	1	1	1	1	2,770 00	30	30	30	3	1	1

a No poor-house.  
b Corn, potatoes, peas, and oats.  
c Corn, potatoes, peas, and oats.  
d 18 bales cotton, 1000 lbs. cotton, 1

a No poor-house.  
b Corn, cotton, wheat, and oats.  
c Corn, peas, and potatoes.  
d 19 bales cotton, 500 bushels corn.  
e Corn, peas, and potatoes.  
f Corn, peas, and potatoes.  
g Corn.  
h 19 bales cotton, 500 bushels corn.  
i Corn, peas, and potatoes.  
j Land not cultivated.  
k Garden and garden vegetables.  
l Potatoes, peas, and potatoes.  
m Corn and vegetables.  
n Corn, peas, and potatoes.  
o Cotton, corn, peas, and potatoes.  
p Corn and potatoes.  
q Cotton, corn, and oats.

EXHIBIT B.—*Expenditures on account contingent fund.*

1874.			
Nov.	16	By R. A. Keenan, coal.....	\$25 00
	18	R. L. Bryan, stationery.....	100 00
	21	Columbia Gas-Light Company, gas.....	12 00
	23	Western Union Telegraph Company.....	25 00
	26	Postage-stamps.....	41 20
	26	Subscription to News and Courier.....	10 00
	30	William Vaughn, messenger.....	10 00
	30	Sundries.....	6 00
Dec.	2	Postage-stamps.....	7 00
	21	Postage-stamps.....	10 00
	22	Stationery.....	15 00
1875.			
Jan.	4	Western Union Telegraph Company.....	9 15
	18	Postage-stamps.....	10 00
	19	T. J. Harper, coal.....	25 00
	24	Sundries.....	2 00
Feb.	9	Postage-stamps.....	10 00
	12	Western Union Telegraph Company.....	11 65
	25	T. J. Harper, coal.....	25 00
March	2	Postage-stamps.....	10 00
	9	Repairing State seal.....	17 50
	27	Postage-stamps.....	10 00
April	1	City directory.....	3 00
	9	Howie & Allen.....	9 00
	19	Postage-stamps.....	10 00
	22	W. S. Scott.....	1 00
	26	E. R. Stokes.....	1 50
May	5	T. J. Gregory, janitor.....	5 00
	31	A. Palmer.....	1 50
June	7	T. J. Gregory, janitor.....	5 00
	11	Postage-stamps.....	10 00
	29	Post-office box-rent.....	4 48
July	12	Western Union Telegraph Company.....	24 80
	28	Postage-stamps.....	10 00
Aug.	5	Western Union Telegraph Company.....	1 05
	7	Thomas Gregory, janitor.....	5 00
Sept.	1	Thomas Gregory, janitor.....	5 00
	3	Postage-stamps.....	5 00
Oct.	1	T. J. Gregory, janitor.....	10 00
Total.....			502 83

EXHIBIT C.—*Deeds issued since November 1, 1874.*

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TILMAN VS. SMALLS.

Name of Purchaser.	Date of deed.	County.	Tract.	Number of acres.	Number of lot.	Amount.
Thomas Murphy .....	November 30, 1874..	Richland ....	O'Haulon....	100	23	\$700 00
Hilliard Trezevant .....	December 2, 1874 ..	Orangeburg ..	Tynah .....	49	17 and 44	147 00
Scipio Green .....	December 12, 1874 ..	Richland .....	Adams .....	48½	6	211 00
William Brown .....	December 15, 1874 ..	Richland .....	Adams .....	61	2	244 00
Z. T. Melton .....	December 17, 1874 ..	Chesterfield ..	Long .....	92	7 and 8	92 00
A. A. Sanders .....	December 17, 1874 ..	Chesterfield ..	Long .....	76½	5 and 6	77 00
D. T. Redfearne .....	December 17, 1874 ..	Chesterfield ..	Long .....	90½	11 and 12	113 12
W. A. Spires .....	January 4, 1875 .....	Lexington....	Geiger .....	64	part of 2	128 00
Mary Worrell .....	January 8, 1875 .....	Marion .....	Moody .....	120	1	600 00
James Fields .....	January 8, 1875 .....	Abbeville....	Marshall .....	100	52	600 00
Ben Deane .....	January 8, 1875 .....	Oconee .....	Lewis .....	47	21	141 00
James Burrows .....	January 8, 1875 .....	Kershaw ....	Burrows .....	94	24	153 16
Isaac K. Hunter .....	January 18, 1875 .....	Oconee .....	Lewis .....	36	27	108 00
Friday Kennedy .....	January 18, 1875 .....	Orangeburg ..	Tynah .....	45	22 and 45	180 00
Joel Butler .....	January 18, 1875 .....	Orangeburg ..	Tynah .....	53	19 and 40	212 00
Peter Malley .....	January 18, 1875 .....	Orangeburg ..	Tynah .....	52	16 and 47	208 00
Elf Spires .....	January 18, 1875 .....	Lexington....	Geiger .....	35	part of 23	70 00
David Bonaparte .....	January 20, 1875 .....	Orangeburg ..	Tynah .....	52	18 and 41	208 00
Phillis Johnson, et al. ....	January 23, 1875 .....	Charleston ..	Rushland .....	10	3	95 00
Andrew Hollington .....	January 23, 1875 .....	Charleston ..	Rushland .....	10	½ of 8	100 00
Maria Hendrix .....	January 28, 1875 .....	Lexington....	Geiger .....	31	1	31 00
Hercules Smith .....	January 28, 1875 .....	Richland ....	Hickory Hill..	35	8 and ½ of 10	175 00
Trustees O'Haulon School .....	February 6, 1875 .....	Richland ....	O'Haulon....	1	16	1 00
Isaiah Fay .....	February 24, 1875 ..	Richland ....	Hickory Hill..	52½	7, 15, 32	211 00
James Anderson .....	March 14, 1875 .....	Lexington....	Ensor .....	51	7	255 00
James Grant .....	April 1, 1875 .....	Beaufort .....	Johnson .....	48	4	72 00
Benjamin Hopkins .....	April 1, 1875 .....	Beaufort .....	Johnson .....	87½	13 and 14	130 87
Peter Johnson .....	April 1, 1875 .....	Beaufort .....	Johnson .....	41	7	61 50
Benjamin E. Taylor .....	April 1, 1875 .....	Beaufort .....	Johnson .....	56	12	84 00
Benjamin Hopkins .....	April 1, 1875 .....	Beaufort .....	Johnson .....	38	10	45 00
Frances Taylor .....	April 1, 1875 .....	Beaufort .....	Johnson .....	60	6	90 00
Paul Jones .....	April 1, 1875 .....	Beaufort .....	Johnson .....	44	9	66 00
John Addis .....	April 16, 1875 .....	Oconee .....	Lewis .....	46	4	184 00

Abraham Levin.....	April 24, 1875 .....	Beaufort .....	Gilbert .....	25	38	125 00
Sancho White.....	April 26, 1875 .....	Charleston ..	Greenwich ..	22	16	230 00
Carolina Holman .....	April 29, 1875 .....	Barnwell .....	Nerland .....	68	8	208 00
James White .....	April 26, 1875 .....	Charleston ..	Woodville ...	31	11	93 00
Mary Washington .....	April 26, 1875 .....	Charleston ..	Greenwich ..	20	1	200 00
M. A. and H. W. Smith.....	May 5, 1875 .....	Barnwell .....	Nerland .....	41	House tract.	164 00
William Real .....	May 5, 1875 .....	Charleston ..	Greenwich ..	15	18	144 00
Edward Heyward .....	May 26, 1875 .....	Charleston ..	Greenwich ..	10	$\frac{1}{4}$ of 4	70 00
Thomas Thompson .....	June 2, 1875 .....	Greenville ...	Farr No. 1...	53	3	424 00
Gabriel Thompson .....	June 2, 1875 .....	Greenville ...	Farr No. 1. .	60	2	480 00
James Walker .....	September 29, 1875 .....	Richland ....	Hickory Hill.	31 $\frac{1}{2}$	10 and $\frac{1}{4}$ of 13	157 50
Rial Brown.....	October 13, 1875 .....	Richland ....	Hickory Hill.	27 $\frac{1}{2}$	19 and 36	136 25

EXHIBIT D.—Population of the State by counties—Census of 1875.

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TILLMAN VS. SMALLS.

Counties.	Number of children under 6 years of age.				Number of children between 6 and 16 years of age.				Number of persons between 16 and 21 years of age.			
	Males.		Females.		Males.		Females.		Males.		Females.	
	White.	Colored.	White.	Colored.	White.	Colored.	White.	Colored.	White.	Colored.	White.	Colored.
Abbeville .....	1,271	3,290	1,170	3,259	1,442	3,213	1,433	3,114	723	1,096	664	984
Aiken .....	1,279	2,136	1,189	2,044	1,422	2,129	1,455	2,106	719	1,127	842	1,126
Anderson .....	1,801	1,722	1,690	1,659	1,976	1,712	1,769	1,583	814	623	791	552
Barnwell .....	1,460	3,580	1,301	3,459	1,454	3,177	1,307	2,946	594	1,051	517	967
Beaufort .....	788	4,048	797	4,223	822	4,081	746	4,201	302	1,057	301	938
Charleston .....	2,884	9,886	3,069	9,925	3,661	9,196	4,042	10,476	1,843	4,714	2,005	5,407
Chester .....	665	2,248	699	2,216	781	2,101	779	1,911	365	722	392	584
Chesterfield .....	792	605	761	646	1,070	796	1,014	833	335	305	371	248
Clarendon .....	568	1,492	536	1,553	618	1,301	592	1,199	271	426	262	351
Colleton .....	1,462	2,640	1,335	2,482	1,515	2,872	1,568	2,709	561	978	744	1,357
Darlington .....	1,306	2,492	1,187	2,406	1,386	2,642	1,261	2,355	600	6-2	538	628
Edgefield .....	1,292	2,735	1,295	2,8-5	1,607	3,109	1,350	2,922	645	933	582	677
Fairfield .....	590	2,133	598	2,091	708	2,061	636	1,786	328	625	258	542
Georgetown .....	289	1,688	265	1,820	425	1,531	369	1,799	157	415	151	511
Greenville .....	2,292	1,736	2,257	1,626	2,371	1,451	2,073	1,377	1,009	634	1,000	653
Horry .....	975	465	928	472	1,115	467	993	480	369	122	381	140
Kershaw .....	774	1,862	730	1,966	840	2,094	740	1,850	310	598	272	460
Lancaster .....	776	1,161	747	1,034	861	992	754	890	359	343	285	349
Laurens .....	1,060	2,228	1,014	2,263	1,072	2,153	1,034	1,959	509	729	519	567
Lexington .....	1,058	821	1,036	836	1,137	873	1,049	849	474	301	442	296
Marion .....	1,805	2,530	1,675	2,425	1,758	1,968	1,685	2,033	762	740	751	646
Marlborough .....	827	1,354	7-2	1,421	908	1,343	755	1,156	352	424	326	415
Newberry .....	682	1,948	647	2,010	707	2,055	714	1,942	379	683	388	556
Oconee .....	1,241	533	1,063	449	1,277	432	1,207	485	447	161	506	156
Orangeburg .....	1,388	3,606	1,340	3,394	1,392	2,808	1,117	2,730	526	904	452	702

Pickens .....	1,034	407	991	363	1,022	411	959	350	422	137	378	99
Richland .....	1,037	3,173	966	3,066	959	2,986	989	2,823	531	1,108	565	949
Spartanburg .....	2,148	1,369	2,135	1,452	2,449	1,345	2,407	1,285	1,088	520	1,122	496
Sumter .....	897	2,902	859	3,009	1,016	3,171	904	2,817	410	924	425	810
Union .....	951	1,497	992	1,525	1,100	1,656	990	1,421	526	638	485	669
Williamsburg .....	822	1,921	725	1,916	940	2,080	822	2,050	293	381	257	381
York .....	1,223	2,126	1,259	2,200	1,684	2,627	1,582	2,250	905	1,252	817	939
Totals .....	37,387	72,234	36,066	72,035	41,365	70,923	39,099	68,646	17,927	25,353	17,789	24,215

EXHIBIT D.—Population of the State by counties—Census of 1875—Continued.

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TILLMAN VS. SMALLS.

Counties.	Number of person over 21 years of age.				Total number of persons, all ages.				Grand total.
	Males.		Females.		Males.		Females.		
	White.	Colored.	White.	Colored.	White.	Colored.	White.	Colored.	
Abbeville .....	2,928	4,951	3,404	6,026	6,364	12,550	6,671	13,383	38,968
Aiken .....	2,494	3,473	2,997	3,766	5,914	8,865	6,483	9,042	30,304
Anderson .....	3,329	2,215	4,237	2,654	7,920	6,272	8,487	6,448	29,127
Barnwell .....	2,583	4,734	2,860	5,533	6,091	12,542	5,985	12,905	37,523
Beaufort .....	1,760	8,241	1,663	9,094	3,672	17,427	3,507	18,456	43,062
Charleston .....	7,398	17,687	8,704	22,592	15,786	41,483	17,820	48,400	123,489
Chester .....	1,604	3,290	1,943	3,917	3,415	8,371	3,813	8,625	24,227
Chesterfield .....	1,543	1,199	1,974	1,334	3,740	2,905	4,120	3,061	13,826
Clarendon .....	1,171	2,202	1,299	2,402	2,628	5,421	2,689	5,505	16,243
Colleton .....	2,478	4,217	2,797	4,168	6,016	10,707	6,444	10,716	33,883
Darlington .....	2,362	3,747	2,609	4,260	5,654	9,563	5,595	9,649	30,461
Edgefield .....	2,722	4,400	2,973	4,972	6,266	11,177	6,200	11,396	35,039
Fairfield .....	1,451	3,370	1,648	3,966	3,077	8,189	3,140	8,385	22,791
Georgetown .....	643	3,119	630	3,834	1,514	6,753	1,415	7,964	17,646
Greenville .....	4,165	2,146	5,046	2,870	9,837	5,967	10,376	6,526	32,706
Horry .....	1,696	712	1,855	844	4,155	1,766	4,155	1,936	12,012
Kershaw .....	1,285	2,421	1,552	3,148	3,209	6,975	3,224	7,424	20,902
Lancaster .....	1,330	1,364	1,750	1,740	3,326	3,860	3,536	4,013	14,735
Laurens .....	2,259	2,844	2,807	3,384	4,900	7,954	5,378	8,173	26,405
Lexington .....	2,031	1,378	2,564	1,468	4,700	3,373	5,091	3,449	16,613
Marion .....	3,081	2,883	3,495	3,417	7,406	8,121	7,606	8,521	31,654
Marlborough .....	1,583	1,925	1,791	2,321	3,670	5,046	3,664	5,313	17,683
Newberry .....	1,725	3,254	1,890	3,737	3,493	7,940	3,648	8,245	23,326
Orangeburg .....	2,046	703	2,550	849	6,011	1,819	6,356	1,829	14,075
Spartanburg .....	2,181	4,284	2,342	4,929	5,300	11,609	5,949	11,823	34,070



Richland .....	1,815	545	2,215	659	4,293	1,500	4,543	1,471	11,807
Spartanburg .....	2,162	5,036	2,176	5,719	4,689	12,303	4,696	12,557	34,245
Sumter .....	4,367	2,015	5,621	2,365	10,052	5,249	11,285	5,598	32,184
Union .....	1,827	4,362	2,056	5,091	4,150	11,359	4,244	11,727	31,480
Williamsburg .....	1,979	2,356	2,437	2,743	4,556	6,147	4,904	6,358	21,965
York .....	1,412	2,576	1,550	2,929	3,467	6,954	3,354	7,276	21,055
	2,789	2,995	3,480	3,511	6,601	9,000	7,138	8,900	31,639
<b>Totals .....</b>	<b>74,199</b>	<b>110,744</b>	<b>86,922</b>	<b>130,241</b>	<b>170,878</b>	<b>279,254</b>	<b>179,876</b>	<b>295,137</b>	<b>925,145</b>

EXHIBIT E.—*Crops produced by, and other statistics concerning, the colored inhabitants of the State.—Census of 1875.*

540

TILLMAN VS. SMALLS.

Counties.	Total number of acres under cultivation.	Cotton.				Rice.		Corn.	
		Number of acres planted.	Number pounds long staple produced.	Number pounds short staple produced.	Number pounds cotton-seed.	Number of acres planted.	Number of bushels produced.	Number of acres planted.	Number of bushels produced.
Abbeville .....	26,332	13,611	.....	1,870,346	6,740,692	.....	.....	10,453	68,243
Aiken .....	25,120	11,392	.....	1,670,762	5,230,526	11	111	12,459	142,413
Anderson .....	5,481	2,326	.....	365,833	731,666	.....	.....	2,458	26,760
Barwell .....	20,489	8,570	.....	1,256,963	2,327,726	141	1,342	9,613	62,462
Beaufort .....	44,815	17,109	466,416	770,050	3,180,728	1,917	36,755	21,311	158,657
Charleston .....	41,329	13,171	710,856	619,760	4,702,704	2,183	50,390	19,739	271,303
Chester .....	13,159	6,085	.....	863,550	1,727,100	.....	.....	4,943	41,318
Chesterfield .....	8,318	3,607	.....	522,610	1,045,220	.....	.....	4,261	37,061
Clarendon .....	2,489	1,047	.....	153,515	460,545	25	256	1,384	10,895
Colleton .....	11,274	1,154	.....	196,500	478,150	2,990	38,240	5,969	62,661
Darlington .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Edgefield .....	45,992	23,421	.....	3,439,760	7,601,000	5	20	18,562	142,460
Fairfield .....	19,023	11,416	.....	1,652,000	3,280,800	.....	.....	6,473	59,540
Georgetown .....	1,176	25	.....	4,200	1,850	548	11,858	493	6,679
Greenville .....	5,802	1,901	.....	276,417	559,924	.....	.....	3,424	47,793
Horry .....	1,343	11	.....	1,470	2,940	138	1,112	987	5,773
Kershaw .....	6,630	3,962	.....	529,560	1,059,120	.....	.....	2,462	22,994
Lancaster .....	8,243	4,069	.....	622,695	1,244,810	.....	.....	3,389	32,181
Laurens .....	6,746	2,883	.....	437,600	875,200	.....	.....	3,125	25,592
Lexington .....	7,345	2,592	.....	361,252	753,937	4	45	3,043	26,484
Marion .....	12,422	4,838	.....	659,066	.....	139	1,200	7,136	35,976
Marlboro .....	12,316	6,832	.....	1,041,600	2,083,200	.....	.....	5,425	40,825
Newberry .....	3,455	1,817	.....	243,690	692,819	.....	.....	1,083	10,263
Oconee .....	1,986	484	.....	73,150	148,556	1	20	1,322	15,512
Orangeburg .....	45,468	19,104	460	2,781,930	5,663,860	1,575	16,618	23,346	188,947

Richland .....	1, 574	609	.....	135, 510	197, 712	.....	.....	1, 141	14, 932
Spartanburg .....	15, 257	8, 222	.....	1, 391, 250	2, 782, 480	10	108	6, 652	64, 240
Sumter .....	478	127	.....	17, 650	35, 400	.....	.....	164	1, 369
Union .....	43, 830	18, 758	.....	3, 141, 168	6, 282, 336	954	9, 438	21, 704	179, 341
Williamsburg .....	4, 292	2, 205	.....	342, 800	685, 600	.....	.....	1, 923	18, 735
York .....	11, 461	2, 896	.....	425, 289	850, 578	818	8, 681	7, 397	54, 111
Totals .....	5, 830	2, 540	.....	285, 925	574, 300	.....	.....	2, 850	28, 473
Totals .....	459, 895	196, 784	1, 177, 732	27, 153, 871	61, 801, 479	11, 459	176, 194	214, 691	1, 903, 993

**EXHIBIT E.—Crops produced by, and other statistics concerning, the colored inhabitants, &c.—Continued.**

Counties.	Wheat.		Rye.		Oats.		Barley.		Buckwheat.		Hay.		Pease and beans.	
	Number of acres planted.	Number of bush-els produced.	Number of acres planted.	Number of bush-els produced.	Number of acres planted.	Number of bush-els produced.	Number of acres planted.	Number of bush-els produced.	Number of acres planted.	Number of bush-els produced.	Number of acres planted.	Number of tons produced.	Number of acres planted.	Number of bush-els produced.
Abbeville .....	1, 090	6, 677			991	5, 645	7	44					71	197
Aiken .....	244	1, 789	22	105	78	420					12			17, 451
Anderson .....	501	3, 197			139	710							15	16
Barnwell .....	36	143	7	40	90	270							1, 900	4, 280
Beaufort .....	3	17			7	35							1, 465	14, 835
Charleston .....											103	570	3, 212	39, 611
Chester .....	861	4, 771			1, 107	6, 426				8	9		134	518
Chesterfield .....	101	400	31	56	122	640					5		20	4, 981
Clarendon .....														
Colleton .....	100	539			146	2, 724					763		621	9, 465
Darlington .....														
Edgefield .....	888	5, 681			2, 213	16, 045							562	5, 643
Fairfield .....	271	1, 484			541	3, 529					7		138	564
Georgetown .....													17	1, 573
Greenville .....	296	1, 729	33	1, 143	79	407								146
Horry .....														
Kershaw .....	13	69			20	75							8	86
Lancaster .....	321	1, 420			298	1, 628				1	60		116	603
Laurens .....	317	1, 710			378	2, 358							9	22
Lexington .....	303	1, 281			95	489				3	1		1, 191	2, 070
Marion .....	1	15	6	92	51	471							20	811
Marlborough .....					59	500								1, 675
Newberry .....	222	1, 415			233	2, 555	4	68		2	1		61	247
Oconee .....	103	552	30	103	20	143								
Orangeburg .....	27	118	16	75	81	418							327	13, 163

Richland.....	56	450	.....	.....	57	861	.....	.....	.....	105	.....	.....
Spartanburg.....	24	114	.....	.....	15	24	.....	.....	.....	10	56	2, 059
Sumter.....	4	17	.....	.....	60	614	3	30	.....	.....	46	18, 386
Union.....	123	601	10	64	26	155	.....	.....	.....	.....	1, 440	2
Williamsburg.....	.....	.....	.....	.....	3	10	.....	.....	.....	.....	.....	4, 487
York.....	342	1, 522	.....	.....	75	331	.....	.....	.....	.....	.....	.....
<b>Totals .....</b>	<b>6, 436</b>	<b>36, 793</b>	<b>162</b>	<b>1, 697</b>	<b>7, 041</b>	<b>47, 555</b>	<b>14</b>	<b>142</b>	<b>.....</b>	<b>120</b>	<b>1, 544</b>	<b>143, 016</b>

EXHIBIT E.—Crops produced by, and other statistics concerning, the colored inhabitants of the State.—Census of 1875—Concluded.

544

TILLMAN VS. SMALLS.

Counties.	Potatoes.			Tobacco.		Live stock.						Number of pounds of butter made.	Number of pounds of honey made.
	Number of acres planted.	Number of bushels, Irish, produced.	Number of bushels, sweet, produced.	Number of acres planted.	Number pounds produced.	Horses.	Mules and asses.	Milch cows.	Working oxen.	Sheep.	Swine.		
Abbeville.....	109		5,560			784	1,053	3,047	461	137	5,295	47,960	507
Aiken.....	913	497	32,307	1	90	563	631	1,560	350	474	7,614	12,367	11,459
Anderson.....	42	35	3,986			251	221	879	137	220	1,992	26,727	974
Barnwell.....	131		4,911	1	20	376	319	523	90	124	2,826	3,187	308
Beaufort.....	3,003	164	11,102			1,018	473	2,459	788	91	6,228	1,026	450
Charleston.....	2,921	17,657	73,310			1,405	1,075	2,045	253	167	4,248	1,229	449
Chester.....	21	219	703				359	675	32	86	1,007	26,400	496
Cheserfield.....	176		26,362			136	115	385	462	170	1,711	10,637	24
Clarendon.....	33		1,944			39	56	55	20		225	494	
Colleton.....	294	533	24,786			318	212	1,084	283	354	6,372	1,807	610
Darlington.....													
Edgefield.....	341	555	15,394			775	992	1,625	244	190	755	33,655	804
Fairfield.....	184		4,222			172	497	733	153	185	840		
Georgetown.....	93	339	2,526			99	21	366	177		41	81	34
Greenville.....	69	110	4,402		6	149	71	294	78	108	792	9,542	205
Horry.....	200		8,123	7	121	24	5	186	279	186	1,665	68	182
Kershaw.....	165		4,860			78	115	224	214	9	310	2,511	
Lancaster.....	44	440	2,913	5	475	150	214	656	202	263	1,488	12,590	545
Laurens.....	34	279	1,535			140	199	386	8		576	15,220	20
Lexington.....	114	105	4,398			95	130	251	91	41	1,090	1,573	46
Marion.....	231	119	10,424			174	141	358	598	9	2,797	526	50
Marlborough.....		25	8,705			212	196	234	140		1,655	350	10
Newberry.....	33	102	1,833		70	305	515	1,183	64	75	2,642	22,870	375
Orange.....	22	30	2,320	1	300	93	80	115	115	101	801	6,685	935
Orangeburg.....	993	145	99,429			878	700	1,205	331	190	8,843	2,503	676

Richland .....	171	212	7,942	.....	105	46	32	118	28	16	356	6,160	150
Spartanburg .....	143	909	9,048	5	598	280	470	808	299	156	1,676	3,285	415
Sumter .....	897	50	33,322	.....	.....	260	252	979	112	158	2,333	21,402	411
Union .....	13	80	565	.....	.....	819	616	1,389	492	224	6,250	2,843	45
Williamsburg .....	347	.....	18,379	.....	.....	103	141	307	31	3	633	7,645	375
York .....	23	.....	1,517	.....	.....	264	142	681	582	46	4,092	4,350	.....
Total .....	11,783	22,695	361,802	20	1,835	10,431	10,244	25,253	7,365	3,856	78,185	319,938	20,555

EXHIBIT E.—Crops produced by, and other statistics concerning, the colored inhabitants, &c.—Continued.

546

TILMAN VS. SMALLS

Counties.	Number of pounds of beeswax made.	Number of pounds of flax produced.	Number of pounds of wool made.	Number of gallons of wine made.	Number of pounds of cane and sorghum sugar made.	Number of gallons of cane and sorghum molasses made.	Number of barrels of rosin made.	Number of gallons of turpentine made.	Value of all orchard productions.	Value of farming and mechanical implements.	Value of slaughtered animals.	Value of market garden productions.	Number of tons of fertilizers used.
Abbeville.....	8		42	21		137			35	1,257	10,330	919	209½
Aiken.....	580	1,080	504		15	10			579	8,784	22,031	245	790
Anderson.....	75		333	7		139			184	5,289	12,498	15	105
Barnwell.....	75		24		39	265			51	12,633	6,783		227½
Beaufort.....	49		177		1,472	1,497			346	18,305	4,936	6,857	916
Charleston.....	466		86				492		915	91,658	46,010	196,173	1,514½
Chester.....	27		152	10					282	7,314	5,287		152
Chesterfield.....	2		277	5		44			7	5,539	11,368		158
Clarendon.....										1,569	1,242		227½
Colleton.....	147	64	84	132	1,184	1,574	238		41	3,909	1,852	1,818	546
Darlington.....													
Edgefield.....	94		301			34			494	26,063	20,995	352	902½
Fairfield.....													159
Georgetown.....	9						26,304	210,920		566	312		42
Greenville.....	10		94			103			65	2,522	5,112	79	87½
Horry.....	21		237			25			30	2,924	4,968		
Kershaw.....			28							2,134	1,031		254
Lancaster.....	76		248			277			200	2,610	3,997		97
Laurens.....									28	4,043	2,378	150	53
Lexington.....	2		53	15		353			319	3,232	2,420	409	202
Marion.....				10						4,227	5,221		207
Marlborough.....										6,140	9,140		162
Newberry.....	21		56	72					676	4,608	2,930		69½
Oconee.....	2		19			193		200	5	1,310	2,930	4	50
						2,192	303		308	10,630	2,322	2,003	1,722½



Pickens.....	6	.....	21	5	.....	.....	.....	.....	.....	451	2,609	.....	34
Richland.....	45	.....	2	1	87	.....	.....	.....	.....	3,282	656	577	240
Spartanburg.....	21	.....	197	74	.....	33	.....	.....	5	2,415	9,246	24	74
Sumter.....	.....	.....	.....	.....	.....	.....	20	70	401	14,741	7,180	1,418	2,126½
Union.....	.....	.....	7	1	.....	.....	.....	.....	150	2,589	3,170	.....	19
Williamsburg.....	.....	.....	120	.....	.....	.....	.....	.....	.....	7,500	9,810	.....	228
York.....	.....	.....	173	.....	.....	.....	.....	.....	.....	3,703	2,023	.....	18½
Total.....	1,767	1,144	3,612	357	2,817	6,786	27,357	211,190	5,171	265,956	227,067	211,051	11,531½

EXHIBIT\* F.—Crops produced by, and other statistics concerning, the white inhabitants of the State.—Census of 1875.

548

TILMAN VS. SMALLS.

Counties.	Total number of acres under cultivation.	Cotton.				Rice.		Corn.	
		Number of acres planted.	Number pounds long staple produced.	Number pounds short staple produced.	Number pounds cotton-seed.	Number of acres planted.	Number of bushels produced.	Number of acres planted.	Number of bushels produced.
Abbeville .....	94, 813	43, 174	.....	6, 687, 720	13, 375, 440	.....	.....	34, 161	349, 657
Aiken .....	70, 051	25, 801	.....	5, 356, 944	12, 139, 307	23	383	38, 008	494, 304
Anderson .....	82, 271	29, 428	.....	5, 780, 777	11, 561, 540	5	125	35, 325	445, 825
Barnwell .....	102, 098	43, 646	.....	6, 568, 111	13, 460, 746	295	4, 262	45, 145	354, 567
Beaufort .....	41, 634	11, 885	32, 225	2, 011, 052	4, 232, 903	8, 831	270, 394	18, 821	155, 614
Charleston .....	22, 614	7, 795	578, 054	529, 867	3, 901, 817	4, 297	122, 375	6, 950	111, 745
Chester .....	72, 705	33, 041	.....	5, 688, 039	11, 376, 078	.....	.....	25, 715	240, 769
Chesterfield .....	30, 999	9, 441	.....	1, 746, 826	3, 493, 662	1	40	16, 338	175, 485
Clarendon .....	15, 509	5, 968	.....	1, 171, 035	3, 513, 105	150	1, 589	8, 922	89, 903
Colleton .....	19, 500	3, 159	.....	633, 150	1, 384, 815	2, 309	38, 456	12, 460	122, 310
Darlington .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Edgefield .....	93, 385	36, 798	.....	6, 776, 997	12, 270, 994	71	450	34, 550	276, 742
Fairfield .....	55, 330	28, 689	.....	4, 831, 760	8, 863, 447	.....	.....	21, 054	160, 252
Georgetown .....	12, 033	391	26, 653	37, 119	38, 980	9, 836	217, 858	1, 751	11, 648
Greenville .....	72, 966	22, 610	.....	3, 963, 778	7, 669, 810	.....	.....	38, 261	495, 428
Horry .....	14, 200	628	.....	134, 207	268, 414	1, 037	19, 382	10, 903	72, 394
Kershaw .....	6, 955	3, 084	.....	459, 875	919, 750	.....	.....	3, 165	30, 163
Lancaster .....	41, 777	18, 188	.....	3, 356, 077	6, 664, 232	.....	.....	15, 731	177, 955
Laurens .....	86, 321	35, 304	.....	6, 167, 800	12, 335, 600	.....	.....	36, 048	319, 965
Lexington .....	57, 021	11, 227	1, 325	1, 982, 361	4, 744, 028	22	283	23, 456	183, 779
Marion .....	72, 263	27, 017	.....	6, 346, 833	.....	413	4, 444	38, 418	275, 320
Marlborough .....	48, 395	23, 084	.....	5, 485, 780	10, 883, 580	8	60	21, 441	213, 221
Newberry .....	63, 880	31, 315	.....	5, 047, 080	13, 420, 810	20	200	10, 825	164, 788
Oconee .....	20, 082	6, 004	.....	1, 204, 380	2, 398, 137	1	40	18, 348	282, 880
Orangeburg .....	60, 253	24, 950	0, 000	4, 707, 730	0, 415, 400	2, 106	24, 211	30, 323	370, 709

Pickens .....	32,784	8,500	1,659,495	3,337,760	5	25	12,478	281,320	
Richland .....	15,630	7,062	1,076,836	2,649,658			7,144	74,537	
Spartanburg .....	79,767	26,369	4,898,521	9,791,101			38,251	471,934	
Sumter .....	46,459	19,434	5,030,676	10,061,352	429	4,236	22,251	217,591	
Union .....	72,443	34,547	6,459,522	12,919,044			30,631	350,998	
Williamsburg .....	23,041	6,010	1,056,606	2,113,212	695	8,129	15,238	128,444	
York .....	88,357	37,467	5,850,725	11,373,910			37,791	449,983	
Totals .....	1,630,546	621,413	644,257	112,785,587	220,987,698	30,554	720,952	730,903	7,550,348

EXHIBIT F.—Crops produced by, and other statistics concerning, the white inhabitants of the State, &amp;c.—Continued.

Counties.	Wheat.		Rye.		Oats.		Barley.		Buckwheat.		Hay.		Pease and beans.	
	Number of acres planted.	Number of bushels produced.	Number of acres planted.	Number of bushels produced.	Number of acres planted.	Number of bushels produced.	Number of acres planted.	Number of bushels produced.	Number of acres planted.	Number of bushels produced.	Number of acres planted.	Number of tons produced.	Number of acres planted.	Number of bushels produced.
Abbeville .....	7,229	49,519	62	289	9,521	75,885	177	1,059	.....	.....	.....	.....	161	263
Aiken .....	3,697	18,751	212	1,298	907	6,875	.....	.....	.....	.....	91	89	.....	40,434
Anderson .....	11,120	82,460	18	87	5,256	35,308	33	498	.....	.....	4	8	336	1,261
Barnwell .....	320	1,559	213	977	1,204	8,750	.....	.....	.....	.....	.....	.....	10,831	19,374
Beaufort .....	5	12	45	251	446	3,378	.....	.....	.....	.....	.....	.....	1,148	9,090
Charleston .....	.....	.....	.....	.....	58	670	.....	.....	.....	.....	294	635	2,084	71,237
Chester .....	4,994	29,100	22	89	6,504	43,392	7	85	.....	.....	13	20	2,169	7,432
Chesterfield .....	1,616	6,837	70	157	2,515	13,885	.....	.....	.....	.....	11	38	325	22,120
Clarendon .....	1	25	.....	.....	237	2,950	.....	.....	.....	.....	.....	.....	2	160
Colleton .....	.....	2,786	.....	.....	.....	14,597	.....	.....	.....	.....	.....	2,448	949	13,419
Darlington .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Edgefield .....	6,068	85,384	45	120	14,532	91,093	8	210	.....	.....	2	4	630	8,552
Fairfield .....	1,547	9,655	2	10	2,826	19,120	2	20	.....	.....	.....	10	1,021	2,989
Georgetown .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	32	290
Greenville .....	7,840	45,489	559	2,344	2,955	18,379	27	163	3	17	.....	.....	10	3,579
Horry .....	.....	.....	22	55	17	140	.....	.....	.....	.....	.....	.....	30	483
Kershaw .....	198	802	36	136	298	2,214	.....	.....	.....	.....	.....	.....	32	382
Lancaster .....	2,652	12,832	20	63	4,628	25,345	.....	.....	.....	.....	15	248	390	2,684
Laurens .....	5,750	35,648	17	76	8,396	66,718	106	1,963	.....	.....	.....	.....	138	268
Lexington .....	6,868	28,519	38	122	3,996	39,695	1	15	.....	.....	8	13	10,646	19,308
Marion .....	304	2,783	260	932	4,160	42,256	.....	.....	.....	.....	8	15	311	8,812
Marlborough .....	406	2,512	35	102	3,228	25,981	.....	.....	.....	.....	52	91	80	18,978
Newberry .....	4,707	30,006	181	1,012	6,348	67,417	92	1,163	3	35	56	90	920	4,288
Oconee .....	2,348	10,510	438	1,571	1,300	7,265	.....	.....	1	4	42	53	51	3-3
Orangeburg .....	681	4,407	69	243	782	7,410	.....	.....	.....	.....	20	233	995	32,215

Pickens .....	3,911	24,799	298	1,091	1,217	6,258	6	70	.....	.....	1,152	46	991	
Richland .....	249	19,259	.....	.....	814	9,705	60	600	.....	8	18	43	2,884	
Spartanburg .....	8,705	55,720	185	524	5,210	26,096	22	282	.....	159	226	.....	4,241	
Sumter .....	58	391	26	256	1,073	8,396	1	100	.....	.....	.....	2,520	17,448	
Union .....	3,796	21,007	23	165	3,070	20,307	3	25	.....	27	40	119	972	
Williamsburg .....	15	53	10	50	358	2,556	.....	.....	.....	.....	75	8,292	.....	
York .....	7,249	38,296	10	52	5,519	32,994	1	6	.....	.....	.....	.....	.....	
Totals .....	92,237	626,119	2,916	12,075	97,465	725,035	546	6,259	7	56	819	5,431	36,094	323,434



EXHIBIT F.—*Crops produced by, and other statistics concerning, the white inhabitants of the State, &c.—Continued.*

Counties.	Potatoes.			Tobacco.		Live stock.						Number of pounds butter made.	Number of pounds honey made.
	Number of acres planted.	Number of bushels, Irish, produced.	Number of bushels, sweet, produced.	Number of acres planted.	Number pounds produced.	Horses.	Mules and asses.	Milch-cows.	Working-oxen.	Sheep.	Swine.		
Abbeville	328		23,473			2,156	2,446	5,067	978	4,334	10,286	140,385	10,068
Aiken	1,312	1,339	71,409			1,395	1,844	4,634	1,168	2,506	16,524	47,704	19,691
Anderson	235	2,371	76,222	11	1,793	2,055	1,771	4,146	809	7,375	11,045	162,442	15,408
Barnwell	443	300	33,208	1	30	1,612	1,774	2,990	264	1,789	13,450	22,864	1,864
Beaufort	453	2,989	36,819			973	966	4,214	120	2,495	8,223	11,946	1,804
Charleston	1,136	46,592	36,525			1,839	1,450	4,111	404	2,408	5,373	4,608	151
Chester	240	2,979	10,008			1,154	1,884	2,433	36	1,326	4,967	117,394	5,776
Chesterfield	682	11	105,621			838	516	2,400	1,040	3,927	9,557	64,335	1,281
Clarendon	229		20,700			246	418	806	21	46	3,047	8,373	705
Colleton	623	5,174	45,506			731	593	4,015	319	3,354	8,357	6,164	5,333
Darlington													
Edgefield	676	3,034	48,660	5	2,550	2,176	2,418	4,804	468	5,978	11,915	113,312	9,522
Fairfield	189	189	9,033			776	1,715	1,996	169	1,843	3,227	5,636	1,105
Georgetown	113	780	4,858			209	212	903	513	543	1,247	270	10
Greenville	701	2,253	52,798		408	1,987	1,652	3,835	795	5,777	19,509	148,228	14,820
Horry	1,543	1,433	96,649	20	2,645	510	247	2,459	1,365	5,607	18,049	2,272	8,846
Kershaw	142		6,737			147	145	434	93	425	1,414	6,251	100
Lancaster	143	1,609	11,487	10	1,362	840	287	2,090	369	3,123	6,191	48,047	3,528
Laurens	553	5,803	29,251			1,463	2,232	3,415	86	3,213	7,264	162,097	3,015
Lexington	758	714	36,356	1	210	1,328	1,139	2,633	328	4,145	17,142	10,836	7,479
Macon	1,292	2,511	50,635			1,591	1,221	3,613	1,120	3,738	18,306	18,703	5,604
Marion	61	485	34,931			889	933	1,264	146	662	8,402	11,687	1,885
Mecklenburg	413	2,645	21,422			1,207	1,563	2,275	49	2,258	3,705	47,510	4,005
Monroe	340	2,429	38,972	1	650	1,160	583	2,381	930	6,268	9,561	98,240	19,603
Murphy	1,100	335	47,312			1,721	1,293	3,278	191	3,028	16,620	10,379	7,923

Richland .....	320	500	20,282	8	2,047	1,235	767	2,280	662	5,171	11,201	79,907	9,463
Spartanburg .....	245	523	18,578			589	561	2,281	379	1,149	3,426	7,488	1,438
Sumter .....	834	7,030	63,945	32	4,946	2,524	2,347	5,579	688	10,603	15,514	197,291	16,558
Union .....	663		46,654			1,005	971	2,002	278	891	7,957	4,846	1,352
Williamsburg .....	227	4,858	12,490			1,519	2,149	3,986	225	3,375	8,643	126,567	23,475
York .....	640		46,687			770	523	2,634	837	4,891	11,036	23,680	310
Totals .....	320	850	31,504			1,884	2,509	4,126	131	5,393	10,482	188,022	1,900
Totals .....	17,503	99,766	1,206,731	89	16,641	38,638	39,769	93,084	14,981	107,701	301,649	1,903,484	204,022

EXHIBIT F.—Crops produced by, and other statistics concerning, the white inhabitants of the State, &amp;c.—Concluded.

Counties.	Number of pounds of beeswax made.	Number of pounds of flax produced.	Number of pounds of wool made.	Number of gallons of wine made.	Number of pounds of cane and sorghum sugar made.	Number of gallons of cane and sorghum molasses made.	Number of barrels of rosin made.	Number of gallons of turpentine made.	Value of all orchard productions.	Value of farming and mechanical implements.	Value of slaughtered animals.	Value market garden productions.	Number of tons of fertilizers used.
Abbeville .....	336		8,195	399		315			\$1,805	\$59,630	\$55,302	\$1,556	1,784
Aiken .....	667	2	7,070	171	553	346	28	50	7,139	2,684	63,339	1,281	1,880½
Anderson .....	1,482	20	11,184	527		2,642			9,394	80,847	106,701	7	2,946
Barnwell .....	378		1,064		2,890	11,326			1,261	100,598	49,421	20	2,055½
Beaufort .....	212	4	3,870	138	12,270	16,360	22,186	160,363	273	102,743	24,468	3,313	2,923
Charleston .....	29		3,350	94		61	52,354	357,802	1,049	68,713	118,715	155,668	12,826
Chester .....	554		3,330	117					11,786	72,289	28,669	325	3,214
Chesterfield .....	112	1	5,449	315	30	66	23,175	198,120	1,022	28,856	88,097		1,490
Clarendon .....	69			80		296	20,600	241,200		29,864	18,761		1,564
Colleton .....	1,483		1,970		2,589	1,681	12,000	27,950	3,425	15,473	15,100		540
Darlington .....													
Edgefield .....	545		15,067	165	1,000	595	1,800	2,044	9,787	46,301	31,402	1,670	3,663½
Fairfield .....	14	7	280	200					721	17,855	1,367	545	531
Georgetown .....	1		230	41			43,657	363,335	41	8,021	455	100	24
Greenville .....	1,088		9,493	260		3,416			2,251	53,644	105,144	5,396	1,203½
Horry .....	803		8,347	1,006	200	502	58,322	541,926	200	42,623	69,723		375
Kershaw .....	50		885	70						4,966	7,017		493
Lancaster .....	383		3,998	49		754			1,160	15,753	26,711		859
Laurens .....	72		10,470	83		115			12,308	62,855	50,479	1,650	1,965
Lexington .....	580		5,693	154		1,177	2,900	38,000	3,419	40,743	43,493	1,024	2,622½
Marion .....	459		5,488	1,828		80	16,495	210,784	7,636	76,994	105,900		2,536
Marlborough .....	71		1,089	465		140	4,000	35,750		42,925	69,752		1,810
Newberry .....	154	78	3,330	399	243				9,194	20,162	32,763		1,125
Oconee .....	576			103		3,430			660	22,715	52,564	203	1,253
Orangeburg .....	310	95		506	202	10,082	5,400	12,000	7,205	53,008	35,453	6,984	4,792



Richland.....	43	.....	602	160	.....	163	4,250	36,799	2,117	12,324	66,7192	2,429	774
Spartanburg.....	1,318	.....	16,634	698	.....	4,633	.....	.....	1,534	11,374	6,346	2,267	566
Sumter.....	48	.....	1,171	47	15	.....	1,575	24,821	3,491	27,653	96,819	65	1,951
Union.....	710	75	6,256	626	7	743	.....	.....	9,620	68,035	30,554	2,597	3,589½
Williamsburg.....	51	.....	14,177	262	.....	.....	47,047	930,528	.....	26,766	66,033	635	789
York.....	35	.....	8,875	18	.....	75	.....	.....	54	66,815	41,257	.....	1,009
Totals.....	14,076	1,442	181,874	9,149	19,999	60,384	315,729	3,210,072	109,762	1,334,268	1,567,511	188,103	64,490½

EXHIBIT G.—Aggregate of crops produced, and other statistics.—Census of 1875.

Counties.	Total number of acres under cultivation.	Cotton.				Rice.		Corn.	
		Number of acres planted.	Number pounds long staple produced.	Number pounds short staple produced.	Number of pounds cotton-seed.	Number of acres planted.	Number of bushels produced.	Number of acres planted.	Number of bushels produced.
Abbeville.....	121, 145	56, 785	.....	8, 558, 066	20, 116, 132	.....	.....	44, 614	417, 900
Aiken.....	95, 171	37, 193	.....	7, 027, 706	17, 369, 833	34	494	50, 467	636, 717
Anderson.....	87, 752	31, 754	.....	6, 146, 610	12, 293, 206	5	125	37, 783	472, 585
Barnwell.....	122, 587	52, 216	.....	7, 825, 074	15, 788, 472	436	5, 604	54, 758	417, 029
Beaufort.....	86, 449	28, 994	498, 641	2, 781, 102	7, 413, 631	10, 748	307, 149	40, 132	314, 271
Charleston.....	63, 943	20, 966	1, 288, 910	1, 149, 627	8, 604, 521	6, 480	172, 765	26, 689	383, 048
Chester.....	85, 864	39, 126	.....	6, 551, 589	13, 103, 178	.....	.....	30, 658	282, 087
Chesterfield.....	39, 317	13, 048	.....	2, 269, 436	4, 538, 882	1	40	20, 599	212, 546
Clarendon.....	17, 998	7, 015	.....	1, 324, 550	3, 973, 650	175	1, 845	10, 306	100, 798
Colleton.....	30, 774	4, 313	.....	829, 650	1, 862, 965	5, 299	76, 696	18, 429	184, 971
Darlington.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Edgefield.....	139, 377	60, 219	.....	10, 216, 757	19, 871, 904	76	470	53, 112	419, 202
Fairfield.....	74, 353	40, 105	.....	6, 483, 760	12, 144, 247	.....	.....	27, 527	219, 792
Georgetown.....	13, 209	326	26, 653	41, 319	40, 830	10, 384	229, 696	2, 244	18, 327
Greenville.....	78, 768	24, 511	.....	4, 240, 195	8, 229, 934	.....	.....	41, 685	543, 221
Horry.....	15, 543	639	.....	135, 677	271, 354	1, 175	20, 494	11, 890	78, 167
Kershaw.....	13, 585	7, 046	.....	989, 435	1, 978, 870	.....	.....	5, 627	53, 157
Lancaster.....	50, 020	22, 257	.....	3, 978, 772	7, 909, 042	.....	.....	19, 120	210, 136
Laurens.....	93, 067	38, 187	.....	6, 605, 400	13, 210, 800	.....	.....	39, 173	345, 557
Lexington.....	64, 386	13, 819	1, 325	2, 343, 613	5, 497, 965	26	324	26, 490	210, 263
Marion.....	84, 686	31, 935	.....	7, 005, 809	.....	552	5, 644	45, 554	311, 305
Marlborough.....	60, 711	20, 916	.....	6, 527, 380	12, 966, 780	8	60	26, 866	254, 046
Newberry.....	67, 335	33, 132	.....	5, 201, 679	14, 122, 629	20	200	20, 908	175, 051
Oconee.....	67, 078	0, 582	.....	1, 354, 530	2, 546, 023	2	60	19, 670	298, 411
Orangeburg.....	.....	.....	0, 460	7, 480, 000	14, 070, 320	3, 624	44, 850	60, 660	559, 746

Pickens .....	34,778	9,109	.....	1,995,005	3,535,478	.....	.....	19,619	296,252
Richland .....	30,887	15,284	.....	2,468,076	5,432,138	15	133	13,796	138,777
Spartanburg .....	80,245	26,496	.....	4,916,171	9,826,501	.....	.....	38,415	473,303
Sumter .....	90,289	38,196	.....	8,171,844	16,343,688	1,383	13,674	43,955	396,932
Union .....	76,735	36,752	.....	6,802,322	13,604,644	.....	.....	32,554	369,733
Williamsburg .....	34,502	8,906	.....	1,481,895	2,963,790	9,513	16,810	22,635	182,555
York .....	94,187	40,007	.....	6,136,650	11,948,210	.....	.....	40,641	478,456
Totals .....	2,090,441	818,197	1,821,989	130,939,458	282,789,177	42,013	897,146	945,594	9,454,341

EXHIBIT G.—Aggregate of crops produced, and other statistics.—Census of 1875—Continued.

Counties.	Wheat.		Rye.		Oats.		Barley.		Buckwheat.		Hay.		Pease and beans.	
	Number of acres planted.	Number of bush-els produced.	Number of acres planted.	Number of bush-els produced.	Number of acres planted.	Number of bush-els produced.	Number of acres planted.	Number of bush-els produced.	Number of acres planted.	Number of bush-els produced.	Number of acres planted.	Number of tons produced.	Number of acres planted.	Number of bush-els produced.
Abbeville.....	8,319	56,196	62	289	10,512	81,530	184	1,103	.....	.....	.....	.....	232	460
Aiken.....	3,941	20,540	234	1,403	985	7,295	.....	.....	.....	.....	91	101	.....	57,885
Anderson.....	11,621	75,657	18	87	5,395	30,018	33	498	.....	.....	4	8	351	1,277
Barnwell.....	356	1,702	220	1,017	1,294	9,020	.....	.....	.....	.....	.....	.....	12,731	23,654
Beaufort.....	8	29	45	251	453	3,413	.....	.....	.....	.....	.....	.....	2,613	23,925
Charleston.....	.....	.....	.....	58	670	.....	.....	.....	.....	.....	397	1,205	5,296	110,848
Chester.....	5,855	33,871	22	89	7,611	49,818	7	85	.....	.....	21	29	2,303	7,950
Chesterfield.....	1,717	7,237	101	213	2,637	14,525	.....	.....	.....	.....	11	43	345	27,101
Clarendon.....	1	25	.....	.....	237	2,950	.....	.....	.....	.....	.....	.....	2	160
Colleton.....	100	3,325	.....	.....	146	17,321	.....	.....	.....	.....	.....	3,211	1,570	22,884
Darlington.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Edgefield.....	6,956	91,065	45	120	16,745	107,138	8	210	.....	.....	2	4	1,192	14,195
Fairfield.....	1,818	11,139	2	10	3,367	22,649	2	20	.....	.....	.....	17	1,159	3,553
Georgetown.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	49	2,463
Greenville.....	8,136	47,218	592	3,487	3,034	18,786	27	163	3	17	.....	.....	10	3,725
Hampton.....	.....	.....	22	55	17	140	.....	.....	.....	.....	.....	.....	30	488
Jefferson.....	211	871	36	136	318	2,229	.....	.....	.....	.....	.....	.....	40	468
Kershaw.....	2,973	14,252	20	63	4,928	26,973	.....	.....	.....	.....	16	308	506	3,287
Lexington.....	6,078	37,358	17	78	8,774	69,076	106	1,963	.....	.....	.....	.....	147	290
Lincoln.....	7,171	29,800	38	122	4,091	40,184	1	15	.....	.....	11	14	11,837	21,378
Maryland.....	305	2,798	206	1,024	4,211	42,727	.....	.....	.....	.....	8	15	331	9,623
Mecklenburg.....	406	2,612	35	102	3,287	26,481	.....	.....	.....	.....	52	91	80	20,653
Monroe.....	4,389	32,320	181	1,012	6,581	69,072	106	1,231	3	35	58	91	981	4,636
Muskeget.....	17,101	1,674	408	1,674	1,410	7,409	.....	.....	1	4	42	53	51	383
North.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,322	45,368

Pickens .....	4,097	25,842	306	1,110	1,144	6,339	6	70	.....	.....	.....	1,258	46	1,052
Richland .....	305	19,718	.....	.....	901	10,556	60	600	.....	.....	11	28	99	4,943
Spartanburg.....	8,729	55,834	185	524	5,225	26,120	22	282	.....	.....	159	226	.....	4,287
Sumter.....	62	438	36	320	1,133	9,010	4	130	.....	.....	.....	.....	3,960	35,834
Union.....	3,919	21,608	23	165	3,096	20,462	3	25	.....	.....	27	40	121	1,002
Williamsburg.....	15	53	10	50	361	2,566	.....	.....	.....	.....	.....	.....	75	12,779
York .....	7,591	39,818	10	52	5,594	33,325	1	6	.....	.....	.....	.....	.....	.....
Totals.....	98,673	662,912	3,078	13,772	104,506	772,590	560	6,401	7	56	939	6,975	47,479	466,450

EXHIBIT G.—Aggregate of crops produced, and other statistics.—Census of 1875—Continued.

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TILMAN VS. SMALLS.

Counties.	Potatoes.			Tobacco.		Live stock.						Number of pounds of butter made.	Number of pounds of honey made.
	Number of acres planted.	Number bushels Irish, produced.	Number of bushels sweet, produced.	Number of acres planted.	Number pounds produced.	Horses.	Mules and asses.	Milch-cow.	Working oxen.	Sheep.	Swine.		
Abbeville.....	437	.....	34,033	.....	.....	2,944	3,499	8,114	1,439	4,471	15,581	188,345	10,575
Aiken.....	2,225	1,836	103,716	1	90	1,958	2,475	6,194	1,518	2,980	24,138	60,071	31,150
Anderson.....	777	2,406	80,208	11	1,793	2,306	1,992	5,025	946	7,595	13,037	189,169	16,382
Barnwell.....	574	300	38,119	2	50	1,988	2,093	3,513	354	1,913	16,276	26,051	2,172
Beaufort.....	3,456	3,053	47,920	.....	.....	1,991	1,439	6,673	908	2,586	14,451	12,972	2,254
Charleston.....	4,057	64,249	109,835	.....	.....	3,244	2,525	6,156	657	2,575	9,621	5,837	600
Chester.....	261	3,198	10,711	.....	.....	1,433	2,243	3,108	68	1,412	5,974	143,794	6,272
Chesterfield.....	858	11	131,983	.....	.....	974	631	2,785	1,502	4,097	11,268	74,972	1,305
Clarendon.....	262	.....	22,644	.....	.....	285	474	861	41	746	3,272	8,867	705
Colleton.....	917	5,707	70,292	.....	.....	1,049	805	5,099	602	3,708	14,729	7,971	5,943
Darlington.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Edgefield.....	1,017	3,589	64,054	5	2,550	2,951	3,410	6,429	712	6,168	12,670	146,967	10,326
Fairfield.....	373	189	13,255	.....	.....	948	2,212	2,729	322	2,028	4,067	5,636	1,105
Georgetown.....	206	1,119	7,384	.....	.....	308	233	1,269	690	543	1,708	351	44
Greenville.....	770	2,363	57,200	.....	414	2,136	1,723	4,129	873	5,885	20,301	157,770	15,025
Horry.....	1,743	1,433	104,772	27	2,766	534	292	2,645	1,644	5,853	19,714	2,340	9,028
Kershaw.....	307	.....	11,597	.....	.....	225	260	658	307	434	1,724	8,762	100
Lancaster.....	187	2,049	14,400	15	1,837	990	1,101	2,746	571	3,386	7,679	60,637	4,173
Laurens.....	587	6,172	30,786	.....	.....	1,603	2,431	3,801	94	3,213	7,840	177,317	3,035
Lexington.....	872	819	40,754	1	210	1,423	1,269	2,884	419	4,186	18,232	12,409	7,525
Marion.....	1,523	2,630	61,059	.....	.....	1,765	1,362	3,971	1,716	3,747	21,103	19,229	5,654
Marlborough.....	61	510	47,696	.....	.....	1,101	1,129	1,498	286	662	10,057	12,037	1,895
Newberry.....	446	2,877	23,255	.....	70	1,512	2,068	3,454	103	2,333	6,347	70,380	4,380
Oconee.....	402	2,459	41,301	2	950	1,202	673	2,602	1,045	6,284	10,362	104,925	20,639
Orangeburg.....	2,102	480	60,734	.....	.....	2,699	2,053	4,483	522	3,224	25,472	18,972	8,599

Pickens .....	343	500	31,191	8	2,202	1,281	790	2,398	600	5,187	11,557	86,067	9,613
Richland .....	416	735	26,520	.....	.....	869	1,031	3,089	678	1,305	5,102	10,773	1,853
Spartanburg...	977	7,939	72,993	37	5,544	2,784	2,609	6,558	800	10,761	17,857	221,693	16,969
Sumter .....	1,560	50	79,976	.....	.....	1,824	1,587	3,391	770	1,115	14,207	7,689	1,397
Union .....	240	4,938	13,055	.....	.....	1,622	2,290	4,293	256	3,378	9,276	134,212	23,850
Williamsburg.	987	.....	65,066	.....	.....	1,034	665	3,315	1,419	4,937	15,124	28,030	310
York .....	343	850	33,021	.....	.....	2,026	2,650	4,413	194	5,545	11,094	200,177	1,900
Totals .....	29,286	122,461	1,568,533	109	18,476	49,069	50,013	118,337	22,346	111,557	379,834	2,223,422	224,577

EXHIBIT G.—Aggregate of crops produced, and other statistics.—Census of 1875—Concluded.

Counties.	Number of pounds of bees-wax made.	Number of pounds of flax produced.	Number of pounds of wool made.	Number of gallons of wine made.	Number of pounds of cane and sorghum sugar made.	Number of gallons of cane and sorghum molasses made.	Number of barrels of rosin made.	Number of gallons of turpentine made.	Value of all orchard productions.	Value of farming and mechanical implements.	Value of slaughtered animals.	Value of market-garden productions.	Number of tons of fertilizers used.
Abbeville .....	344	.....	8,237	420	.....	452	.....	.....	1,840	60,887	65,632	2,475	1,993½
Aiken .....	1,247	1,082	7,574	171	568	356	28	50	7,718	11,468	85,370	1,526	2,670½
Anderson .....	1,557	20	11,517	534	.....	2,781	.....	.....	9,578	86,136	119,199	22	3,051
Barnwell .....	453	.....	1,088	.....	2,929	11,591	.....	.....	1,312	113,231	56,204	20	2,283
Beaufort .....	261	4	4,047	138	13,742	17,857	22,186	160,363	619	121,048	29,404	10,170	3,839
Charleston .....	495	.....	3,436	94	.....	61	52,846	357,802	1,964	160,371	164,725	351,841	14,340½
Chester .....	581	.....	3,482	127	.....	.....	.....	.....	12,068	79,603	33,956	325	3,366
Chesterfield .....	114	1	5,726	320	30	110	23,175	198,120	1,029	34,395	99,465	.....	1,648
Clarendon .....	69	.....	.....	80	.....	296	20,600	241,200	.....	31,433	20,003	.....	1,791½
Colleton .....	1,630	64	2,054	132	3,773	3,255	12,238	27,950	3,466	19,382	16,952	1,818	1,086
Darlington .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Edgefield .....	639	.....	15,388	165	1,000	629	1,800	2,044	10,281	72,364	52,397	2,022	4,565½
Fairfield .....	14	7	280	200	.....	.....	.....	.....	721	17,855	1,367	545	690
Georgetown .....	10	.....	230	41	.....	.....	69,961	574,255	41	8,587	767	100	66
Greenville .....	1,098	.....	9,587	260	.....	3,519	.....	.....	2,316	56,166	110,256	5,475	1,291
Horry .....	824	.....	8,584	1,006	200	527	58,322	541,926	230	45,547	74,691	.....	375
Kershaw .....	50	.....	913	70	.....	.....	.....	.....	.....	7,100	8,048	.....	747
Laurens .....	459	.....	4,244	49	.....	1,031	.....	.....	1,450	18,363	30,708	.....	956
Lexington .....	72	.....	10,470	83	.....	115	.....	.....	12,336	66,898	52,867	1,800	2,018
Marion .....	582	.....	5,746	169	.....	1,530	2,900	36,000	5,738	43,975	46,913	1,433	2,824½
Marlborough .....	459	.....	5,420	1,838	.....	80	16,495	210,784	7,636	81,221	111,121	.....	2,743
Newberry .....	71	.....	1,080	465	.....	140	4,000	35,750	960	49,065	78,802	.....	1,972
Oconee .....	177	72	4,152	471	243	.....	.....	.....	9,770	33,770	35,683	211	1,195½
Orangeburg .....	578	.....	10,938	103	.....	3,829	.....	.....	661	24,025	56,778	368	1,303
Pickens .....	370	25	6,574	569	222	12,724	5,703	42,800	7,573	69,047	44,175	8,991	6,514
Sumter .....	1,418	1,236	6,505	114	.....	640	.....	.....	130	12,778	68,401	2,420	612



Sumter.....	80	.....	604	101	87	163	4,250	36,799	2,241	14,656	7,002	2,844	806
Spartanburg.....	1,339	.....	16,831	772	.....	4,666	.....	.....	1,539	42,451	106,065	89	1,958½
Sumter.....	48	.....	1,171	47	15	.....	1,595	24,891	3,892	42,394	37,734	4,015	5,716
Union.....	710	75	6,263	627	7	743	.....	.....	9,770	70,624	69,203	635	808
Williamsburg.....	51	.....	14,297	262	.....	.....	47,047	930,528	.....	34,266	51,067	.....	1,237
York.....	35	.....	9,048	18	.....	75	.....	.....	54	70,518	61,533	.....	1,355½
Totals.....	15,843	2,586	185,486	9,506	22,816	67,170	343,146	3,421,262	114,933	1,600,224	1,794,578	399,154	76,022½

EXHIBIT H.—Population of the principal cities, towns, and villages in the State.

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TILLMAN VS. SMALLS

	Number of children between 1 and 6 years of age.				Number of children between 6 and 16 years of age.			
	Males.		Females.		Males.		Females.	
	White.	Colored.	White.	Colored.	White.	Colored.	White.	Colored.
Charleston, ward 1 .....	165	165	155	153	183	195	247	203
Charleston, ward 2 .....	192	226	173	226	204	264	219	248
Charleston, ward 3 .....	204	260	266	323	454	377	443	420
Charleston, ward 4 .....	408	579	479	653	531	643	626	770
Charleston, ward 5 .....	154	323	160	336	269	284	288	415
Charleston, ward 6 .....	293	570	324	744	456	438	384	755
Charleston, ward 7 .....	261	224	316	245	300	215	407	363
Charleston, ward 8 .....	231	313	210	305	335	383	272	356
Total Charleston City .....	1,908	2,684	2,083	3,025	2,732	2,803	2,890	3,570
Columbia, ward 1 .....	153	418	141	377	109	243	121	360
Columbia, ward 2 .....	81	113	59	119	91	121	115	149
Columbia, ward 3 .....	138	291	93	212	104	245	132	230
Columbia, ward 4 .....	190	346	140	236	148	277	136	272
Total Columbia .....	562	1,168	434	944	452	986	504	1,011
Greenville .....	231	350	250	244	272	281	260	286
Sumter .....	97	106	88	123	100	98	131	104
Winnsborough .....	55	79	47	82	66	108	68	73
Anderson .....	69	82	84	76	95	115	91	87

	Number of persons between 16 and 21 years of age.				Number of persons over 21 years of age.				Total number of persons, all ages.				Grand total.
	Males.		Females.		Males.		Females.		Males.		Females.		
	White.	Colored.	White.	Colored.	White.	Colored.	White.	Colored.	White.	Colored.	White.	Colored.	
Charleston, ward 1.....	96	60	118	66	552	520	687	834	996	940	207	1,256	4,399
Charleston, ward 2.....	93	61	141	113	580	681	719	1,047	1,069	1,232	1,252	1,674	5,227
Charleston, ward 3.....	216	163	118	183	799	740	1,017	1,016	1,673	1,560	1,844	1,942	7,019
Charleston, ward 4.....	278	289	239	340	1,349	1,536	1,644	2,266	2,566	3,047	2,988	4,029	12,630
Charleston, ward 5.....	74	134	99	197	528	849	639	1,178	1,025	1,594	1,186	2,126	5,931
Charleston, ward 6.....	191	282	276	549	714	1,172	904	1,823	1,654	2,462	1,892	3,931	9,939
Charleston, ward 7.....	154	158	111	99	496	424	562	605	1,211	1,025	1,396	1,352	4,984
Charleston, ward 8.....	106	141	145	184	604	900	666	1,260	1,276	1,737	1,293	2,105	6,411
Total Charleston City.....	1,208	1,288	1,247	1,731	5,622	6,822	6,838	10,089	11,470	13,597	13,058	18,415	56,540
Columbia, ward 1.....	36	113	38	75	198	476	331	762	496	1,350	631	1,574	4,051
Columbia, ward 2.....	38	50	33	62	261	315	268	490	471	599	475	820	2,365
Columbia, ward 3.....	44	113	49	118	402	748	312	622	688	1,397	591	1,182	3,858
Columbia, ward 4.....	78	118	203	212	462	478	363	516	877	1,219	842	1,236	4,175
Total Columbia.....	196	394	323	467	1,323	2,017	1,274	2,390	2,533	4,565	2,539	4,812	14,449
Greenville.....	107	148	152	162	702	510	781	771	1,312	1,289	1,443	1,503	5,547
Sumter.....	46	44	73	52	234	228	298	325	477	476	590	604	2,147
Winnaborough.....	29	20	21	36	151	160	164	239	301	367	300	430	1,398
Anderson.....	50	22	45	33	185	128	229	189	398	347	449	355	1,579

TILLMAN VS. SMALLS.

**SOUTH CAROLINA,**  
*Office Secretary of State:*

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing report contains a true statement of the census of the State of South Carolina, as made in the year 1875, and that the same is correct.

Given under my hand and the seal of the State at Columbia this 6th day of April, 1877, and the 101st year of American Independence.

[SEAL.]

**H. E. HAYNE,**  
*Secretary of State.*

No. 11.

### CONTESTANT IN REBUTTAL.

No. 1.—EDGEFIELD COUNTY.

*Notice to take depositions in Edgefield County.*

**STATE OF SOUTH CAROLINA,**  
*Edgefield County:*

**ROBERT SMALLS, Esq.:**

You are hereby notified that I will examine the following-named witnesses, all of whom reside in Edgefield County, relative to and in rebuttal of the evidence produced by you to support your answer to 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 1876, for the fifth Congressional district of the State of South Carolina, before C. L. B. Marsh, esq., intendant in and for the village of Edgefield, State of South Carolina, at Edgefield Court-House, in the court-house building, in said county of Edgefield, of the said State on the 9th, 10th, 11th, 12th, 13th, 14th, 16th, 17th, and 18th days of April inclusive, or so much thereof as may be necessary for the examination of said witnesses, to wit:

Author Glover, W. T. Gary, James Cobb, William B. Penn, John C. Sheppard, Francis Ryan, D. R. Durisoe, James Richardson, T. J. Adams, John C. Swearingen, D. H. Tompkins, George Haltiwanger, Frank V. Cooper, G. H. Brooks, John R. Watson, Samuel Cartledge, A. D. Bates, J. T. Gaston, Dr. H. A. Shaw, Joseph Meriweather, Dionysius Hancock, James M. Lanham, B. R. Tillman, James Coleman, Thomas Jones, John Gibson, Abraham Jones, B. P. Covar, Pickens Delaughter, John Briggs, John Cheatham, George Sheppard.

Respectfully, &c.,

**G. D. TILLMAN,**  
 Per **B. W. BETTIS, JR.,** and  
**L. CHARLTON,**  
*Attorneys for Contestant.*

Service of the above notice accepted 4th April, 1877.

**GEO. W. HOLLAND,**  
*Attorney pro Contestee.*

In the matter of the contest of G. D. Tillman against Robert Smalls.

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

To Author Glover, W. T. Gary, James Cobb, William B. Penn, John C. Sheppard, Francis Ryan, D. R. Durisoe, James Richardson, T. J. Adams, John C. Swearingen, D. H. Tompkins, George Haltiwanger, Frank V. Cooper, G. H. Brooks, John B. Watson, Samuel Cartledge, A. D. Bates, J. T. Gaston, Dr. H. A. Shaw, Joseph Meriweather, Dionysius Hancock, James M. Lanham, B. R. Tillman, James Coleman, Thomas Jones, John Gibson, Abraham Jones, B. P. Covar, Pickens Delaughter, John Briggs, John Cheatham, Thomas, Jones:

You and each of you are hereby summoned to appear before me at Edgefield Court-House, in said county and State, on the 9th, 10th, 11th, 12th, 13th, 14th, 16th, 17th, 18th days of April, A. D. 1875, at eight o'clock, to be then and there examined under oath by me respecting the contest by G. D. Tillman of the right of Robert Smalls 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 3d day of April, A. D. 1877.

[SEAL.]

C. S. B. MARSH,

*Intendant.*

STATE OF SOUTH CAROLINA,  
*Edgefield County:*

I, C. S. B. Marsh, 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. Durisoe, J. C. Sheppard, T. J. Adams, W. H. Brunson, Author Glover, John C. Swearingen, D. H. Tompkins, G. H. Brooks, J. R. Watson, Samuel Cartledge, J. T. Gaston, Joseph Meriweather, Thomas Jones, Abraham Jones, B. P. Covar, Pickens Delaughter, John Briggs, J. T. Cheatham, George Sheppard, were taken on the 9th, 10th, 11th, 12th, 13th, 14th, and 16th days of April, 1877, 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 was present himself at the examination, and that contestee was present 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 attorney 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 and sealed by me this the 16th day of April, A. D. 1877.

[SEAL.]

C. S. B. MARSH,

*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the United States Congress.

JOHN R. WATSON, a witness of legal age, sworn, deposes as follows:

Question. State your age and occupation, and your place of residence, as well as where you voted at the election on November 7 last.—Answer.

Twenty-eight; merchant and farmer; near Ridge Spring, Edgefield Court-House, at Ridge Spring precinct.

Q. Were you an officer of the election; and if so, what time did you go to the polls, and how long did you remain there?—A. I was a manager of the election. I was there about 4 o'clock a. m. and remained until the returns were made out that night.

Q. Did you witness any intimidation of Republican voters by Democrats there that day?—A. I did not.

Q. Between the election in 1874 and that of 1876, did not a great many colored Republican voters who had been in the habit of voting at Ridge Spring, go away from that section of the county?—A. I have been told that a great many did; I know of some few who did.

Q. Since 1874, have not a great many, say seventy-five or one hundred white voters come into that neighborhood from Newberry, and Lexington Center, and from elsewhere, and did not those white men vote the Democratic ticket at Ridge Spring at the last election?—A. There has seventy-five or one hundred come into that section since the election of 1874, and did vote at Ridge Spring the Democratic ticket.

Q. Did not a great many colored men, say nearly half of those who voted at Ridge Spring at the last election, vote the Democratic ticket?—A. I think they did.

Q. During the last two or three years have not the villages of Batesburg, Ridge Spring, Johnston, and Pine House, the four depots on the C. C. & A. R. R., grown largely in population?—A. They have.

Q. What is the distance between Pine House and Batesburg?—A. About thirty miles.

Q. Does not that railroad run through a level, fertile, desirable, and prosperous country?—A. It does.

Q. Have not the large plantations within five or six miles on either side of that railroad been much subdivided into small farms and sold to new-comers, who voted at the last election?—A. I think they have to a great extent been so divided and sold; and I suppose the parties buying them voted at the last election.

Q. In counting the ballots, how often did you find two and three tickets folded together, and when you unfolded them, for which party were most of those double or treble tickets cast, Democrat or Republican?—A. I don't know of a great many, but they were equally divided.

Cross-examined:

Q. You stated that there were a great many farms divided and sold to new-comers. Give the names of as many of these parties as you can who have bought these farms.—A. One named White, one named Fal-low; that is all I remember right now. There are none right around me.

Q. Give the names of some colored men who have bought farms in your neighborhood.—A. I know of none except Tom Watson, who voted the Democrat ticket. I do remember of two others now; James Lott and Burt Lott, colored men.

Q. Have not the colored people settled in and near the villages of Batesburg, Ridge Springs, Johnston's, and Pine House in great numbers, as well as the white people?—A. I suppose a few have, but not a great many.

Q. You have stated that seventy-five or one hundred white men from Newberry and Lexington Counties, and elsewhere, have settled in Ridge Springs and vicinity. Were any of these parties living in your place?—A. None now; there were some there on last November the 7th.

Q. Please give the names of as many of these seventy-five or one hundred new-comers as you can.—A. Noah Kelley, Levy Kelley, several of the Ricard family, Enry Paddeyed, and one other Paddeyed, Preu Hudson. I cannot remember any more now.

Q. Did not a great number of the white laborers who took the places of the colored laborers who left the Ridge since 1874, reside in the county of Edgefield prior to the election of 1872?—A. Very few.

Q. You say you think that half of the colored men who voted at the Ridge in 1876, voted the Democratic ticket. What means had you of knowing how they voted; were not their ballots folded?—A. They told me they voted the Democratic ticket. A good many told me the next day they voted the Democratic. All who voted first voted the Democratic ticket.

Q. You stated that a good many colored laborers had left the Ridge Springs since 1874. Were not these colored men proscribed and refused employment because of their political proclivities?—A. Not that I know of.

Redirect:

Q. Were not those colored men discharged and refused employment because there was no profit in the labor, and they could not feed themselves, and the white people were not able to feed them?—A. They were, or I know some were.

JNO. R. WATSON.

Sworn to and subscribed before me this the 14th day of April, 1877.

[SEAL.]

C. S. B. MARSH,  
Intendant.

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

JOHN T. CHEATHAM, a witness of legal age, introduced by contestant after due notice to contestee, deposes as follows to questions propounded to him:

Question. Where do you live?—Answer. Edgefield County.

Q. Where were you on November 7th last, the day of election?—A. At Liberty Hill precinct.

Q. Did you hold any office?—A. I did; supervisor.

Q. Were you there from the opening of the polls to the closing of the same?—A. I was.

Q. Did you see the votes counted?—A. Yes, sir.

Q. Did you see any votes taken from the box after the poll-list was all; if so, what was done with them?—A. I saw no ballots taken from the box at all.

Q. Were you in a position to see the box during the entire day?—A. was.

Q. If Mr. George Sheppard had taken any ballots from the box would you not have seen him?—A. I certainly know he did not. I was there all the time, and would have seen him if he had done so. I was present all the time during the counting.

Q. Do you know William M. Gilchrist, Wade H. Gilchrist, and Thomas Bettes?—A. I do.

Q. State what office they filled that day, if any.—A. Wade H. Gilchrist was manager, William M. Gilchrist was the supervisor, and Thomas Bettes was marshal.

Q. Were those three officers there all day and until after the counting as finished?—A. They were.

Q. Did you hear William Cheney, *alias* W. M. Gilchrist, tell Mr. George Sheppard that he had taken ballots from the box?—A. I did not.

Q. Were you or were you not in a position to have heard it if he had so said?—A. I was.

Q. Did you hear him tell Mr. George Sheppard that there were some tickets down on the floor behind the counter?—A. I did not. I was there all the time, and did not hear him tell Mr. Sheppard any such thing.

Q. Did you hear William Cheney, *alias* W. M. Gilchrist, tell Mr. George Sheppard that he had thrown those tickets on the floor behind the counter?—A. I did not.

Q. Were any tickets discovered on the floor behind the counter?—A. I did not see them.

Q. Did you see William Cheney, *alias* W. M. Gilchrist, take any tickets from the floor and put them in the box?—A. I did not.

Q. Would you not have seen him if he had?—A. I could not have helped seeing him if he had done so.

Q. Did you see William Cheney, *alias* W. M. Gilchrist, after telling Mr. George Sheppard that he had taken tickets from the box, did you see him take a lamp and look under the counter for them?—A. I did not hear him tell Mr. Sheppard so, therefore did not see him look for them.

Q. Did you see Tom Bettes before the polls were opened, or after, go behind the counter?—A. I did not.

Q. Where was the box placed?—A. In the piazza, when they were voting, and when we were counting the vote, on the counter in the store.

Q. Did William Cheney, *alias* W. M. Gilchrist, Wade H. Gilchrist, or Thomas Bettes go behind the counter during the entire counting of the vote?—A. They did not.

Q. Was it possible for any one standing on the outside of the counter to have seen anything under the counter, much less a ticket?—A. It was not possible.

Q. Was any Republican or Democratic voter prevented from voting at that precinct on the 7th day of November last?—A. It was quiet and peaceable all day, and they were not denied the right to vote.

Q. Do you state now that it was a fair election, a fair count, and a fair declaration of the result?—A. It was.

JOHN T. CHEATHAM.

Sworn to and subscribed to before me this the 16th day of April, 1877.

[SEAL.]

C. S. B. MARSH,

*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

GEORGE J. SHEPPARD, a witness of legal age, introduced by contestant, deposes as follows to questions propounded to him:

Question. Where do you live?—Answer. Liberty Hill, in Edgefield County.

Q. Where were you on the 7th day of November last, the day of election?—A. Manager at Liberty Hill precinct.

Q. Were you there all day from the time the polls opened until the counting was finished?—A. I was; all day and all night.

Q. Did you see the votes counted?—A. I did.

Q. Did you see any votes taken from the box after the poll-list was full; if so, state what was done with them.—A. There was none taken from the box.



Q. You being chairman of the board of managers, were you or were you not, during the entire day, in a position to see what was going on with reference to the box?—A. I was.

Q. Did you take any ballots from that box before the counting was commenced?—A. I did not.

Q. Did you, after the counting was commenced, except by virtue of your position as manager, count them?—A. I did not.

Q. By what other name is William M. Gilchrust known in his neighborhood?—A. He is called Bill Cheney.

Q. Do you know William M. Gilchrust alias Bill Cheney, Wade H. Gilchrust, and Thomas Bettes?—A. Yes; I do.

Q. State what offices they filled on the day of the last election, if any.—A. W. H. Gilchrust was manager; W. M. Gilchrust, or Bill Cheney, as supervisor, and Tom Bettes was marshal.

Q. Were these three officers there all day and until the counting was finished?—A. Generally, they were there.

Q. Did or did not William Cheney, alias W. M. Gilchrust, tell you on that day that you had taken ballots from the box?—A. He did not; he knew better than to do it, for he knew it could have been proven to the contrary right then.

Q. Did you take any ballots from the box before the polls were closed before you were ready to proceed to count them?—A. I did not.

Q. Did Bill Cheney, alias W. M. Gilchrust, tell you that there were tickets down on the floor below the counter?—A. He did not.

Q. Did he tell you that you had thrown those tickets there?—A. He did not.

Q. Did you see William Cheney, alias W. M. Gilchrust, take any tickets from the floor behind the counter and put them in the box?—A. I did not; he was not behind the counter.

Q. Would you not have seen him if he had?—A. Well, I would.

Q. Did Tom Bettes, either before the polls were opened or after they were closed, go behind your counter?—A. He did not, to my knowledge.

Q. Did Bill Cheney, alias W. M. Gilchrust, or Wade H. Gilchrust go behind the counter during the entire counting of the vote?—A. They did not.

Q. Was it possible for any one standing in front of the counter to see anything under the counter, much less so small a thing as a ballot?—A. Not possible.

Q. Was any Republican or Democratic voter prevented from voting for his own cause at that precinct on that day?—A. Yes; there were two colored and one white one, after being challenged, refused the privilege of voting, and after being advised quietly without any cause they were known to be boys. No question was asked as to whether they intended to vote.

Q. Did you ask either of these three boys before-mentioned how they voted?—A. No, I did not.

Q. Was it a fair election at that precinct; was it a peaceable election; was the count fairly and squarely made?—A. As much so as I ever saw.

**Re-examined:**

Q. Do you remember having seen any votes at all on the floor while counting the votes or behind the counter?—A. I did not.

Q. Did you understand that not one word was said to you by Wade H. Gilchrust, or Thomas Bettes about votes being on the floor or behind the counter?—A. Not one word.

Q. How often have you acted as manager at that precinct?—A. About four times since the war.

Q. What was the difference between the Republican and Democratic vote at Liberty Hill in 1870, 1872, and 1874?

(Objected to on the ground that there is, or ought to be, a record of the vote taken at this poll, and all other polls, filed in the office of the clerk of court of this county and secretary of state of South Carolina, which is the highest evidence in answer to the question propounded, and therefore secondary evidence cannot be introduced.)

A. I kept no record of it, and cannot say.

Q. You are well acquainted in the neighborhood of Liberty Hill?—A. I am.

Q. Did you see a great many strangers on the day of election, at Liberty Hill, of 1876?—A. I don't think I did.

G. I. SHEPPARD.

Sworn to and subscribed before me this the 16th day of April, 1877.

[SEAL.]

C. S. B. MARSH,  
Intendant.

In the matter of the contest of Geo. D. Tillman against Robert Smalls for a seat in the Congress of the United States.

J. P. DELUGHTER, a witness of legal age, sworn.

Question. Where do you reside, and where were you on the 7th of November the day of the election?—Answer. Thirty-seven years old; live in Edgefield County; I was manager at Curryton precinct on the 7th of last November.

Q. Was the precinct at Curryton established as a voting-place by the legislature, and was not the polls held there last election by order of the commissioners of election for Edgefield County?—A. It was so designated, and the poll was held there by order of the commissioners of election.

Q. Were all the managers appointed for that precinct present?—A. None but myself that day.

Q. You will state the officers appointed by the law who were present, and how you organized.—A. I swore in the clerk; the United States marshal and supervisor were present.

Q. How long did you wait for the other managers?—A. About three-quarters of an hour. I had a trial-justice there to swear them in, as I had promised to commissioners. I understood before the election that one of them was under arrest for highway robbery, and asked to have another one appointed; but no other was, that I know of. I told the United States officer in command of the troops the day before that there would be no other managers there; he told me to go on myself.

Q. Was there any intimidation there that day?—A. None; the most quiet election I ever saw.

Q. Who was present when the votes were counted?—A. The supervisors and United States marshal all were there, and I showed them every ticket for themselves, so that there should be no fraud.

Q. Was the returns received by the county commissioners and counted?—A. The returns were received from me, and I understood they were counted.

Q. Where did the colored Republicans of that vicinity vote on the last election?—A. Some of the colored Republicans came there to vote, but finding no tickets, left. I heard they voted at Shaw's Mill. I sent

and got tickets for the United States marshal and Republican supervisor to vote.

Q. Did you hear of any person being intimidated on the road?—A. No; did not.

Cross-examined:

Q. Who was it you sent for the tickets?—A. It was a white man, to Shaw's Mill; he brought them, and they voted.

Q. About what time was it you opened the polls?—A. At six o'clock we opened the polls, but waited three-quarters of an hour for the other manager; only expected one; but he did not come, and we started to vote.

Q. You said you heard that the Republican manager was under arrest; did you appoint one in his place?—A. I did not.

J. P. DELAUGHTER.

Sworn to and subscribed before me this the 16th day of April, 1877.

[SEAL.]

C. S. B. MARSH,

*Intendant.*

JOHN BRIGGS, a witness of legal age, sworn, deposes as follows:

Question. Tell us your age, residence, and where were you on the 7th of November last, the day of election?—Answer. I am thirty-nine; reside in Edgefield County; I was at Shaw's Mill from 8 o'clock a. m. until 1 p. m.

Q. Did you see any arms, and who had them?—A. I saw some colored men or boys on the brink of the creek near the polls, on an island, have about six or seven guns, or about six or seven persons with guns.

Q. Did you see any intimidation on the part of the Democrats there that day?—A. No, sir; all voted as he wished, as far as I could see.

Cross-examined:

Q. Did you see any Democrats have arms there that day?—A. I saw no guns, but am not certain about pistols.

Q. Could you see what kind of guns those six or seven boys or men had?—A. No, sir.

Q. You are not positive as to whether they were boys or men?—A. No; cannot say; they were large enough to use them if they had chose to do so.

Q. Do you know whether these six or seven men came over and tried to vote there?—A. I don't know.

JOHN BRIGGS.

Sworn to and subscribed before me this the 16th day of April, 1877.

[SEAL.]

C. S. B. MARSH,

*Intendant.*

THOMAS JONES, a witness of legal age, sworn:

Question. Where do you reside, and where were you on the 7th of November last?—Answer. Fifty-eight years old; resided in Edgefield several years, say forty years; at Johnston Depot, as one of the board managers of that precinct.

Q. Are you acquainted with Charles Cobb, United States marshal at that precinct?—A. He informed me that day that he was, and I told him I would render him all the assistance in my power, and that I expected him to see that we had a quiet and peaceable election.

Q. Was there any effort at intimidation toward him that day?—A. No; I know of none. There was a boy who tried to vote, and was too

young; he had two tickets in his hand, folded together, and said Charles Cobb gave them to him. Mr. Huett, one of the supervisors of election, told Charles Cobb that, as a United States marshal, he could not give tickets out and that way, and must not do it, but did not threaten him; only said it was a very poor way for an officer of the law to do. I saw no more of Charles Cobb that day.

Q. Do you know of any colored Republican being intimidated that day?—A. No; on the contrary, the Republican managers gave me a certificate to the effect that it was the most quiet and peaceable election ever held there, and entirely in accordance with law.

Cross-examined:

Q. You were near the box during the entire day, were you not?—A. Yes, sir, all day; never left the room.

Q. You stated that Charles Cobb was not threatened that day; could he not have been so threatened while you were in the room and he out-doors?—A. I don't think likely he could have been. I had deputy constables outside, with instructions to report to me any disturbance which might occur, and they did not report.

Q. From where you were sitting could you see the arrivals and departure of all trains?—A. Yes, sir; perfect view of the road, both ways, for a quarter of a mile.

Q. Did a great many men get off the train there that day who were strangers to you?—A. No; there was not a white man there whose name I did not know.

[SEAL.]

THOMAS JONES.

Sworn to and subscribed before me this the 16th day of April, 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls, for a seat in Congress of the United States.

D. R. DURISOE, a witness of legal age, introduced by contestant, after due notice to contestee, deposed as follows to questions propounded to him:

Question. State your name, age, residence, and office, if you held any on the last election.—Answer. D. R. Durisoe; 45 years; Edgefield Village; one of the board of canvassers of election for Edgefield County.

Q. State whether, or not, you objected to the removal of the box from the treasurer's office to the school-house near Macedonia church.—A. I did.

Q. Did you ever consent to its being moved?—A. I raised no objection to its being moved near here, but never consented to its being at the school-house near Macedonia church.

Q. Do you know the distance from the treasurer's office to the school-house where box No. 2 was held; and, if so, what is the distance?—A. Yes; nine hundred and fifty yards.

Cross-examined by L. Cain:

Q. You stated, Mr. Durisoe, that you never did agree to the removal of the box to the school-house. State whether you agreed to move it to any place from the treasurer's office.—A. I agreed to moving it to Holland's house, about one hundred yards distant from the treasurer's office, or to the barber-shop; also one hundred yards from the treasurer's office.

Q. Were you not, as commissioner of election, informed by Mrs. Ryan, the owner of the property where box No. 2 was to be held, or by her agent, that you should not hold the election in the treasurer's office?—A. I was notified by Captain F. H. Bellanger, Mrs. Ryan's son-in-law, that we could not hold it there.

Q. After such notification did not a majority of the board commissioners of election decide upon holding box No. 2 at the school-house near Macedonia church?—A. They, without consulting me, posted a notice to that effect.

Q. Do you mean to say that the commissioners of election never held a meeting at all, but that two of them selected the school-house without consulting you?—A. I mean to say we had several meetings, but that in regard to the removal of the box to Macedonia school-house the board had agreed to have a meeting in the afternoon previous to the election at four o'clock for the purpose of consulting in regard to the removal of the box to that point; but previous to that hour I came to the court-house, and to my surprise found a notice posted on the court-house door, signed by G. W. Holland and Jesse Jones, announcing that box No. 2 would be held at the school-house.

Q. What position did G. W. Holland and Jesse Jones hold?—A. They, with myself, constituted the board of commissioners for Edgefield county.

Q. Did you not, in one of the meetings you speak of, give your assent to the removal of the box to the school-house and subsequently change your mind about it?—A. I never consented, but always strenuously objected to its being carried there.

You say the distance from the treasurer's office is nine hundred and fifty yards; if you strike an air-line from the court-house to the school-house what distance would it be?—A. An air-line from the court-house to the school-house is not an accessible route. I would, though, say it to be about seven hundred and fifty yards.

The Macedonia school-house, where the box No. 2 was held, is in corporate limits, is it not?—A. Yes, but near four hundred yards from the public highway.

Is not there a wide lane leading from the public highway which is accessible for voters?—A. Yes.

Redirect by B. Bettes:

Did not the county commissioner have the treasurer's office rented for S. Ryan for the year 1876, and did the board of commissioners then apply to the board of county commissioners for the use of it?—A. Yes, (as being new matter.)

Was it the duty of the county commissioners to provide an office for the treasurer, and the treasurer was occupying the office in that building?—A. Yes, as chairman of the board of commissioners of election, I made it my duty to them to hold the election in the treasurer's office.

On what day and at what time of the day was notice of the removal of the box No. 2 posted?—A. On the 6th of November, the day before the election, between 12 m. and 4 p. m.

D. R. DURISOE.

Before me this the 9th day of April, 1877.

A. B. MARSH,  
Intendant.

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

T. J. ADAMS, a witness of legal age, introduced by contestant after due notice to contestee, deposes as follows to questions propounded to him :

Question. State your name, age, and residence.—Answer. T. J. Adams; 30 years old; Edgefield Court-House.

Q. How long have you lived in Edgefield County ?—A. Twenty-nine.

Q. Where were you on the 7th day of November last ?—A. In Edgefield Village.

Q. Which box did you vote at that day ?—A. At box No. 2, the school-house.

Q. State, Mr. Adams, what you saw while standing in the school-house waiting to vote.—A. I saw Lieutenant Hoyt jump in the window; from three to five soldiers followed him; he went up very near the box and drew his saber and had the soldiers fix their bayonets.

Q. When he drew his sword was his attitude a threatening one ?—A. It was; it would have frightened a timid man, to say the least of it.

Q. What did the soldiers do after they fixed their bayonets ?—A. They remained in that attitude until I left. I was there about thirty minutes. There was a company outside of the house in plain view of the building.

Q. Did you at any time during the day see anybody brandishing any arms ?—A. No, I did not. I saw a good many clubs and sticks.

Q. Who had those clubs ?—A. They were in the hands of colored men. They were too large for walking purposes, and I supposed they were weapons.

Cross examined by L. Cain :

Q. What time on the morning of the 7th did you reach box No. 2 ?—A. About between ten and eleven.

Q. How long were you there before the troops arrived ?—A. They were there when I arrived.

Q. You say Lieutenant Hoyt drew his sword in a threatening attitude. Did he make an effort to strike any one, or did he threaten any one ?—A. He made no threats or any effort to strike; the threat was in the act of drawing his sword.

Q. When Lieutenant Hoyt and his file of soldiers arrived, was not the school-house densely crowded, and were they not white men ?—A. There was a crowd outside; not many inside. I remember only three in the house; they were white men, and can give their names, except the managers.

Q. Did not Lieutenant Hoyt and his file of men come in at the window and go out of the door ?—A. They came in at the window, and I left before they went out of the house, or I did not see them go out.

Q. You say that the drawing of his sword had the tendency to frighten a timid man. Do you know of your own knowledge that any man did become alarmed and leave the polls without voting ?—A. I do not.

Q. When you reached box No. 2, were not the grounds in front of the entrance of the school-house, and both sides, densely crowded; and were there not a great many horsemen in the crowd ?—A. There was a crowd in front of the house; not many on the sides. I think there was twenty or thirty horsemen in front of the house.

Q. Were not the men on those horses white men?—A. The large majority of them were.

Q. Did you see any pistols in the hands of these men?—A. Did not see any; don't remember to have seen any that day.

Q. How far from the school-house is it to the fence in front of the house?—A. I think it about thirty yards. Never went there.

Q. Were not these men on horses standing as near the door as they could get?—A. I think so; they were, I think, struggling to get in to vote.

Q. You say you saw a gun there that day. Who had it?—A. I did not see the gun there, but I am certain I saw a man with a gun that day. It was a white man.

Q. The clubs that you speak of being in the hands of colored men—were they newly cut?—A. I did not see whether they were or not. They had them by the little end, and I thought that looked like business.

Q. About how many clubs did you see there that day?—A. I can't say; it looked like a general arming with clubs.

Q. Did you see any clubs or ax-handles in the hands of white men that day?—A. I don't remember to have seen any.

Q. Did you not see during the day a great many white men riding up and down the streets that day, and was not their demeanor a very threatening one?—A. I saw quite a number of horsemen. I did not see any threatening; they were boisterous and happy.

Redirect:

How long did you remain on the street that day?—A. I was here all day.

THOS. J. ADAMS.

The matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

C. SHEPPARD, a witness of legal age, introduced by the contestant after due notice to contestee, deposes as follows to questions proposed to him:

What is your name, age, and residence?—A. J. C. Sheppard, 27 years old, and reside in Edgetfield Village.

How long have you lived here?—A. All my life, except when off to college.

Where were you on the 7th of November last?—A. In the village of Edgetfield.

Did Col. Cain with other colored men come to you any time during the day, and say that there were some colored men there who had had the right to vote? If so, state what you said to them, and the circumstances connected therewith.—A. As well as I remember, I was in the village from the time of the opening of the polls to about three or four o'clock p. m.; between about three and four o'clock in the afternoon, I went down towards my office. When I got to the headquarters of General Branham, which is in fifteen steps of my office, my attention was attracted to a crowd in front of General Branham's office. Seeing there, Dr. W. S. Sheppard, in the crowd, I went in myself and inquired into the cause of the seeming excitement. I requested my brother-in-law, and stated to him I would do the talking if any was necessary, and marked that if there was any colored man there who had not the right to vote that day, I would go with him to the court-house and see him vote if he was being molested. Colonel Cain said, "Well, sir, all these

people have not voted." I said, "Well, let them follow me to the court-house and I will see that they vote."

I then went up the alley which leads from law-range to the public square; and when I reached the end of the alley, between the stores occupied by W. E. Lynch and O. F. Cheatham, some one inquired where I was going. I stated that these people said that they had not had an opportunity of voting, and that I was going with them to show them that they could vote peaceably and without interference; whereupon he replied, "This man," (pointing to a colored man immediately behind me,) "This man has voted at precinct No. 2 to-day, for I saw him, and I'll be damned if he shall vote any more." I said, "If he has voted before he shall not vote any more, and we can examine him as to that." He replied, "Well, I saw him vote at precinct No. 2, and I know he has voted." No denial was made of the charge, but the entire party turned around and went back down the alley. In the entire matter I acted in perfect good faith, and was only actuated by a desire to do justice in the premises, and to promote the fairness of the election, as far as I was able, every word of which Cain himself will corroborate, if he tells the truth. There was no occurrence sufficient to prevent the party then following me from going to the polls, so far as my knowledge enables me to form a belief.

Q. State which portion of the day you were on the street, and if you saw any parties with pistols.—A. As I before stated, I do not think I went out of the court-house before three o'clock in the afternoon, and was in the court-house and in front of the court-house off and on from that time till about the time the poll closed. During that time, to the best of my recollection, I did not see a gun in the streets, but I saw pistols buckled around the bodies of numbers of men, both white and colored.

Q. State if it is not customary for citizens to carry pistols with them.—A. It is a matter of reputation that it is.

Q. Did you, at any time during the day of election, forbid D. B. Cotton, the clerk at precinct No. 1, from leaving the court-house?—A. Any statement that I did, by him or any other party, is unqualifiedly false, and I defy him to tell me so. My whole purpose during the entire day was to see to it, as far as I could, that the proceedings at precinct No. 1 was regularly, fairly, and lawfully conducted, and in my judgment they were so conducted.

Q. Did you interfere with the clerk, or did any one else interfere with him in the counting of the votes?—A. I did not interfere, nor did any one else, so far as I know. The true state of the case was this: When I returned to the court-house, after the polls had been closed, the ballots had been taken from the box and were laid out on the table in appropriate piles. When the tally begun it was ascertained that there was a discrepancy of a single ballot, and there was a re-examination of the ballots in my presence. It was thereupon concluded that one Democratic ballot had been destroyed more than was right, and by the consent of the managers, with the approval of Lieutenant White, of the United States Army, the ballot was restored. This result was acquiesced in by all parties engaged in the count. The return of the managers was thereupon prepared in the presence and without objection on the part of the managers or any other party or parties, and the return thus prepared was signed by each and every of the managers, without objection, and, so far as I could see, willingly and cheerfully.

Cross-examined:

Q. You stated that when you were going to your office you saw your



brother in a crowd in front of General Brannan's office. Do you remember what Doctor Sheppard was saying, and to whom he was talking?—A. I do not remember what he said, but as well as I know he was talking to L. Cain, and seemed to be excited, and I told him to get away and I would do the talking if any was necessary.

Q. Do you not remember hearing him cursing and threatening L. Cain, and using these words toward L. Cain: "God damn your soul, I would give one hundred dollars to get hold of you." And did you not at the time walk up to him and ask him to hush?—A. I did do all in my power to keep the peace, and did hear Doctor Sheppard use profane language at that time, but cannot recall his phraseology or his expressions; do not remember whether he did or did not make use of the language referred to in the question.

Q. Did you see General Butler in General Brannan's office at the time?—A. I did.

Q. Did you hear General Butler say that box No. 2 had been given to the Republicans to vote at?—A. I did not, as well as I remember.

Q. You say when you went with Cain to Mrs. Adams's gate, this crowd as pointed out by him, and he told you they had not voted; about how many men were in this crowd?—A. It was not a large crowd, as well as remember, but cannot say how many there were.

Q. Have you any idea how many followed you up the alley?—A. I not undertake to say how many there were who followed me up the alley between Lynch & Cheatham's store; nor do I remember a name one of them at this time.

Q. You stated when you reached the end of the alley between Lynch & Cheatham's store, some one inquired of you where you were going, that you said to the party that those people said to you that they not had a chance to vote, that you was going with them to show them they could vote without molestation; do you know who this man who spoke to you?—A. I cannot remember who it was, and cannot recall the name of a single white man I saw there; he was a white man.

Was there not a crowd of men with him?—A. I do not know that was any one with him for the purpose of that inquiry; there were men in the street near by, but no crowd with him.

You say that this man pointed at a colored man between you, and said "This man has voted." Do you know the name of the colored man he pointed at?—A. As I have already stated, I do not recall the name of a colored man who followed me.

Did not a man near the one who addressed the inquiry to you say that it was none of your business if these men have not voted?—A. In my judgment, the white men that were there knew that I knew what was doing, but I don't remember whether the remark was made.

You say that when you came up the alley-way that there was a crowd of men in the street, in front of the court-house; was this crowd still or moving about?—A. I have no idea that every man in the crowd was standing still.

Did you see pistols in the hands of any of this crowd?—A. I did not see a pistol in the hands of a single man, and I believe if any one had drawn a pistol I would have seen it.

Did any of this crowd, or any other party or parties, except the man already spoken of, make any hostile demonstration toward the crowd?—A. I have not spoken of any man as having made a hostile demonstration toward me or any other party there; according to

my understanding of the term hostile no such demonstration of the kind was made by any party or parties in that immediate vicinity. At that time of the performance our party had no interest in nor disposition to violent demonstrations, but were unalterably and solemnly determined at any risk to protect the box at precinct No. 1.

Q. You stated you did not see any guns in the street that day?—A. I did not make such a statement; but did state that I do not remember to have seen a gun in the streets after about three o'clock in the afternoon.

Q. Did you see any guns in the hands of any parties before three o'clock that afternoon?—A. As I have already stated, I was within the court-house, almost without intermission, from the time of the opening of the polls to about three o'clock in the afternoon. About the time the polls opened, and as I was going there, I do think that I saw one gun in the streets. There might have been others without my seeing them.

Q. Do you know who had the gun?—A. A white man had it. I don't know who he was.

Q. When you went in the court-house early in the morning, were not the grounds around the court-house steps densely crowded with horsemen?—A. I do not remember that it was densely crowded with horsemen, but there was a good crowd of footmen there. There were some horsemen there. At that time by far the greater portion of the crowd was on foot. We anticipated a repetition of the scheme of the Republicans in taking possession of the polls at the beginning, which has been their practice heretofore at every State election that I have attended at Edgefield Court-House.

Q. How near to the court-house steps were the horsemen you saw there?—A. The question is nonsensical, impertinent, and too indefinite to admit of an intelligent answer. It so happened that I did not measure the distance from every horse to the steps.

Q. Were not these men standing between the square and the court-house steps?—A. Some of them might have been and some of them were not.

Q. When you went in the court-room did you see any guns where box No. 1 was held?—A. So far as my personal knowledge is concerned I do not know that there was one there; any additional statement would be based upon information derived from others.

Q. You stated that your whole purpose during the entire day was to see to it, "as far as I could, that the proceedings at precinct No. 1 were regularly, fairly, and lawfully conducted." Were you in any way connected with the election officially?—A. I was not, but as a citizen of the country I was interested in its results, and desired to see that no fraud should be perpetrated, as I had reason to believe had been something of a heritage in the Republican party of this county. I desired to prevent an application of the law of eight to seven, although that law had not been enacted.

Q. It has been stated that you delivered a public speech on the court-house steps before the polls were closed that day. Is this statement true?—A. It is.

Q. Were not the court-house steps and the grounds around the court-house steps so densely crowded by white men while you were delivering that speech that it was impossible for voters to pass in and out of the court-house to vote?—A. No, sir, most emphatically; on the contrary, at that time six colored men passed freely and without obstruction through the crowd and up the court-house steps and into the court-house, and, as I am informed, voted the Republican ticket, and came down again. I did not see anything done, nor did I hear anything said, tha

could in any way have impeded their passage or interfered with their comfort.

Q. Were not these six men led by J. A. Beatty, United States marshal?—A. I do not know that they were led by, but they were with a United States marshal.

Q. You were in the court-room where box No. 1 was held from the closing of the poll until the completing of the count, were you not?—A. I was not in the court-room when the polls closed, and did not get there until the box had been opened and the ballots taken thence and arranged upon the table in appropriate piles.

Q. After you arrived there did you assist in any way in the counting of the votes?—A. There seemed to be the discrepancy of one ballot, and assisted indifferently, with the knowledge and without objection on the part of the managers or any of them, in undertaking to detect the difference.

Q. Were you requested by the managers to assist them in this undertaking?—A. I do not remember whether I was or was not, and do not care, but I think that Mr. Glover, one of the managers, asked me to assist. At any rate no manner of objection was made.

Q. Did any other parties other than the managers, supervisors, and yourself assist in the counting of the vote?—A. I think that D. B. Cotton, colored republican, and W. T. Gary had more or less to do with it. J. M. Cobb also sat near, but I do not think he did more than keep tally as the count progressed. I understood that D. B. Cotton was a member of the board of managers.

Was not W. T. Gary, the man you speak of here, a resident of the State of Georgia, and had he not been there more than one year preceding the day of election?—A. I do not remember how long he had living in the State of Georgia, but had gone there to practice law probably more than one year before that time; at any rate I think he was a citizen in Georgia.

J. C. SHEPPARD.

sworn to before me this the 10th day of April, 1877.

L.] C. S. B. MARSH,  
*Intendant.*

Sheppard recalled and states:

These six men spoken of as having gone to the polls in company with the United States marshal could, I do not doubt, have gone as well with my presence.

J. C. SHEPPARD.

sworn to before me this 10th day of April, 1877.

] C. S. B. MARSH.

Matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

MIN P. COVAB, a witness of legal age, introduced by contestant as notice to contestee, deposes as follows to questions propounded

Q. Tell us your age, residence, and where you were on the 7th of November last, the day of election.—Answer. Twenty-eight years of age; I was in the village on the 7th of last

November, was sheriff on November 7, the day of election?—A. L. A.

Q. You his deputy; and, if you were, how long have you been

such?—A. I was his deputy from the 22d of last June, 1876, until the present sheriff took charge.

Q. Did Sheriff Richardson appoint a number of special deputies to keep the peace on November 7, last; if so, how many?—A. He did, sir; he appointed ten or twelve.

Q. Name some of them.—A. T. H. Cheatham, F. Cheatham, J. J. Harrison, Phil Johnson, Robert Green, Moses Eidson, S. C. Swaringen, Abner Covar, John R. Bee, Scott Allen.

Q. Did you have any occasion during the day at Edgefield Village to exercise your authority as deputy sheriff?—A. I did not.

Q. Was the court-house steps so crowded during the whole day as to prevent voters from reaching box No. 1 and casting their votes?—A. They were not.

Q. Was not this the reason that colored Republicans did not vote—that they had concentrated from different parts of the county too many voters at box No. 2?—A. It was. I saw a man from Shaw's Mill vote here; he had served his time out in jail, and I challenged his vote.

Cross-examined by L. Cain :

Q. You speak of seeing one colored man here from Shaw's Mill; did you not see white men here from Dark Corner, Liberty Hill, and Kirksey's Cross-Roads?—A. Yes, sir.

Q. Are not there several polling-places between here and those places, and were they not open on November 7 last?—Q. I know of one—Mr. Cheatham's store.

Q. Are not Talbert's store and Liberty Hill nearer to the people of Dark Corner than the court-house?—A. Liberty Hill is, but I do not know anything about Talbert's store.

Q. You have stated that you were a deputy sheriff appointed by J. A. Richardson; have you your appointment signed by him as sheriff?—A. I have.

Q. You were principal of all the others appointed on the 7th of November last?—A. They were not.

Q. Was not General M. W. Gary also a deputy sheriff that day?—A. I think he was.

Q. You have stated that Phil Johnson, Robert Green, and Moses Eidson were deputy sheriffs; do you know whether these parties were notified of their appointment, and did they act that day?—A. I served them with the written appointment myself, signed by J. A. Richardson; don't know whether they served or not.

Q. Was not a colored man arrested and lodged in jail that day?—A. I don't remember now.

Q. Were you at or near box No. 1 during the entire day?—A. I was not.

Q. About how long at any one time were you absent?—A. About two hours and a half.

Q. You say now you were absent about two hours and a half; could not the steps have been crowded during this time so that voters could not pass up and vote without your knowing it?—A. Yes.

Q. Were you at box No. 2 at any time during the day?—A. I was.

Q. It has been stated to this court that several colored men were struck over the head there; did you see any of this?—A. I did not.

B. P. COVAR.

Sworn to before me this the 10th day of April, 1877.

[SEAL.]

C. S. B. MARSH,  
Intendant.

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the United States .

J. C. SWARINGEN, a witness of legal age, introduced by contestant, after due notice to contestee, deposes as follows to questions propounded :

Question. State your age, residence, and where you were on November 7 last, the day of election.—Answer. Thirty-five years old; Edgefield County. I was at box No. 2, at the school-house.

Q. Who was sheriff of Edgefield on that day?—A. J. A. Richardson.

Q. Did you receive an appointment as deputy sheriff, to keep the peace, from him?—A. I did.

Q. At what time did you arrive at the box No. 2?—At five o'clock in the morning.

Q. Was the business of the election organized quietly and peaceably?—A. Yes, sir.

Q. At what hour did the military appear?—A. About 10 a. m.

Q. Did the military then take charge of the box and voting?—A. Yes, sir.

Q. How were voters admitted to the box?—A. The officer in command selected ten at a time, and admitted them.

Q. Did you have occasion to exercise your authority as deputy sheriff during the whole day?—A. I did not.

Q. Did colored Republicans come to the polls with clubs, pistols, sticks, and such things, cursing and swearing around?—A. Yes, sir; they did.

Q. Were these clubs, pistols, swearing, and so forth, intended to intimidate the Democrats?—A. They were.

Q. Was this not the reason that a great number of colored Republican voters did not vote on the day of election: that they had massed in such great numbers that there was not time for them to vote?—A. It was.

Q. Were they not assembled there from every section of the county?—A. I know they were from my section, and believe they were from all over the county.

Q. Did you strike any one there that day; and, if so, why did you do it?—A. I did; because they looked like they wanted to run over me. It was altogether a personal matter, which was soon settled.

Cross-examined L. Cain :

Q. How many men did you strike that day, Mr. Swaringen?—A. I think, two.

Q. Were these colored men?—A. They were.

Q. Did you have any difficulty with any one of these men prior to the election?—A. No.

Q. Did you not, as deputy sheriff, assist in arresting a colored man here that day?—A. There was one said to have been arrested. I knew nothing about it.

Q. You say colored men were there from your section, and you believe they were there from all over the county. State whether or not here were any white men from your section—from Dark Corner, Liberty Hill, Kirksey's Cross-Roads, Johnson's Depot, and Ridge Springs.—A. There were some there from my section; some from Dark Corner. I can't say as to the other places. They may have been there.

Q. You say that the colored men were so massed at box No. 2 that they could not vote. Do you know that some of those men made frequent application to vote at box No. 1?—A. I do not.

Q. Before the arrival of the troops at box No. 2, was not the ground immediately in front of the school-house door occupied by horsemen, and were not you on your horse in this crowd?—A. Yes; there were some horsemen there, and some on foot. I went there myself on foot, but afterwards did send for my horse and was on my horse there about nine o'clock and after that.

Q. Did you see any white men there with ax-handles and pistols?—A. I saw them there with pistols and sticks; saw no ax-handles that I recollect.

Q. You stated that the military took charge of the box and voting. In what way did they take charge of the box and voting?—A. They placed a guard around the door and then admitted ten or twelve at a time to vote.

Q. When they entered the school-house, did they go out the door and clear away in front of the door?—A. They did.

Q. In admitting the ten or twelve voters did they admit colored men exclusively, or white and colored together?—A. They very often went in together.

Q. Were you at Landrum's store at any time during the day?—A. I was not.

J. C. SWEARINGEN.

Sworn to before me this the 10th day of April, 1877.

[SEAL.]

C. S. B. MARSH,

*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

W. H. BRUNSON, a witness of legal age, introduced by contestant after due notice to contestee, deposes as follows to questions propounded to him:

Question. State your age, residence, and where were you on the 7th of November last, the day of election?—Answer. Forty years old; in Edgefield. I was supervisor at box No. 1.

Q. Did you remain there all day?—A. Yes, sir.

Q. Was the court-house or steps so crowded as to prevent voters from voting any time during the day?—A. I passed in and out during the day, and found no difficulty in doing so.

Q. Could not any voter have voted freely and without restraint?—A. Yes, they could.

Q. Did you see any arms in the court-house or on the steps?—A. I saw no arms.

Q. Was there any messenger sent out to invite voters in to vote?—A. I have no recollection of that.

Q. Was you present at the counting and certifying of the votes?—A. I was.

Q. Was this done in order and in accordance with law?—A. All orderly and according to law.

Q. Do you know the fact that W. T. Gary, J. M. Cobb, and J. C. Sheppard were invited to assist in counting by the managers, or by their consent?—A. I think it was at the request of the managers, and I heard no objections, and was near enough to have heard if there had been.

Cross-examined by Cain:

Q. As supervisor did you not stay in the court-room during the most of the day? While you were in the court-room could you have seen

everything going on—see any move outside on the steps?—A. I don't know that I could.

Q. At times when you would pass out, was not there a crowd of horsemen near the steps, and were the steps not crowded densely with white men?—A. At times the steps were crowded; at one time of the day I saw horsemen around the steps.

Q. Who assisted in the counting of the vote besides the clerk, managers, and supervisors?—A. Mr. W. T. Gary, J. C. Sheppard, and Lieutenant White was present; so far as the actual counting of the vote was concerned, it was done by the clerk, managers, and Mr. W. T. Gary.

Q. Is Mr. W. T. Gary a resident of the State of Georgia?—A. I think he is.

Q. Neither Mr. Gary or Mr. Sheppard had any official connection with the election, did they?—A. I think not.

Q. Are you positive that the managers requested these men to act?—A. I don't know that they were requested by the managers, but know they raised no objection.

Redirect by Mr. Charlton :

Q. Did not W. T. Gary reside at Edgefield Court-House and practice law for ten years, and is he not well known here?—A. Yes.

W. H. BRUNSON.

Sworn to before me this the 10th day of April, 1877.

SEAL.]

C. S. B. MARSH,

*Intendant.*

be matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

A. GLOVER, a witness of legal age, introduced by contestant after notice to contestee, deposes as follows to questions propounded to

question. State your age, residence, and where were you on the 7th November, the day of election?—Answer. Forty-three years old; Edgefield Court-House; and was at Edgefield Court-House, and man- box No. 1.

On your organization of the business for the day, was there any agreement between you and the Republican managers as to where it should be located?—A. Not on that day.

Was not the court-room the place where the voting has been done precinct for years past?—A. Yes; it has for several years.

Did you have notice that the election was to be held at another place?—A. Not that day.

Did you take the ballot-box from under the arch of the court-house in the other managers against their will up in the court-house?—A. I did not carry the box up-stairs; one of the others did so. It was under the arch.

Was the court-room too much crowded for business, or the steps crowded in any way to prevent Republican or Democratic voters from casting their votes without fear?—A. Not that I know of.

Were there any arms in the court-house or armed men on the steps to intimidate Republican voters from the polls?—A. Not to my knowledge. I had my double-barrel gun up in the back room, but no one saw it but the managers. I said to them, "We will take this up for the record."

Q. Was any lawful voter denied the privilege of voting that day?—  
A. None.

Q. Were messengers sent to invite Republicans to come up and vote?—  
A. Yes; and one squad did come and vote.

Q. Did W. T. Gary and J. C. Sheppard assist in counting and certifying the vote?—A. They did; they did it in this way: myself and Wiley Williams took out the votes and these parties kept the tally.

Q. Did they do this at the request and by the consent of the managers and clerk?—A. Yes, sir.

Q. Is not W. T. Gary a lawyer, and well known in Edgefield Court-House?—A. He is.

Q. Was not the election held in accordance with the law and usages of the State?—A. It was.

Cross-examined by Cain :

Q. Mr. Glover, you stated there was no disagreement with the managers about the moving of the box on that day. Was there at any other time?—A. Very little. We talked it over, and I told them I did not want to set them in the cold, and they did not object, and we moved it.

Q. Were you not notified that box No. 1 was to be held under the arch of the court-house by the commissioners?—A. I received no notice. Jessie Jones spoke of it, but it was only in conversation.

Q. When you and the Republican managers talked over the matter first, did not they hold to the desire of holding it where the commission designated?—A. Don't think they did; they raised no serious objection to holding it in the court-room.

Q. What time of the morning did you go in the court-room to open the box?—A. About half an hour before six o'clock. I was in there several times during the night before the box was opened; but we never carried the box there until six o'clock.

Q. What was the condition of the court-room when you entered to open the box?—A. There was forty or fifty men in there at that time.

Q. Were they white or colored men?—A. White men.

Q. Did you pass out of the court-house any time during the day?—  
A. I did not.

Q. Could you, standing where you were acting as manager, see the condition of things on the steps and around the court-house?—A. I could not.

Q. How many Republican votes were polled at box No. 1?—A. I cannot remember.

Q. Do you remember how many Democratic votes were polled?—A. I do not.

Q. Were any public speeches delivered on the steps of the court-house during the day?—A. I heard speaking, but do not know whether it was on the steps or on the ground—the door was closed.

Q. You say that a messenger was sent out to invite voters in to vote. By whom was this messenger sent?—A. He was sent by the manager. We heard they could not vote at box No. 2. One of the messengers was Gus Senkins and the United States marshal, Batey. After that there was some came up and voted with Batey. He said he had heard that they could not vote there, and he would put it to the test.

Q. Did not the voting at the court-house almost cease about one or two o'clock?—A. It almost ceased about that time. That's the reason we sent after them to come up; we were doing nothing.

Q. You stated that W. T. Gary was well known in this country. Was he not, on the 7th of November, a resident of Georgia?—A. He was.



Q. Had either he or Mr. Sheppard any official connection with the election?—A. None; they acted by consent of the managers, and by request of them.

A. A. GLOVER.

Sworn to before me this the 11th day of April, 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

DANIEL H. TOMPKINS, a witness of legal age, introduced by contestant after due notice to contestee, deposes as follows to questions propounded to him:

Question. What is your age, and where were you born and reared?—Answer. I am thirty years, and was born and reared in Edgefield.

Q. Where were you on the 7th of November last, and what official connection did you have with the election, if any?—A. At Holtewaner's store, and a manager.

Q. Did you open the polls later than a legal hour; and, if so, state by they were opened later than six o'clock.—A. We opened the polls seven o'clock, and the reason was that Carroll and Graham, the Republican managers, did not get there with the box until that time.

Q. Did you raise any objection to opening the polls and beginning election when the two Republican managers came with the box?—I told them that they were too late, an hour or more, and I was afraid the box would be thrown out. They said, "Well, we will let that tried at Edgefield Court-House."

Q. Did you elect a clerk of election who refused to serve; and, if so, was he?—A. Yes; they elected Captain Brooks, who refused to

do. In refusing, did Capt. J. H. Brooks do so simply by declining, or did he do so by oaths and threats to the Republican managers?—A. He declined the clerkship, but after doing so he spoke to Tom Carroll, one of the Republican managers, about riding through his plantation day or two before the election with rifles and pistols, threatening them for promising or saying they were going to stay away from the polls. He said nothing to Graham, the other Republican manager. He is or not Mr. Brooks a middle-aged man and in feeble health; and did it not have taxed his energies to have acted as clerk?—A. Yes,

did not Mr. Brooks complain more of Carroll threatening Brooks's safety than of anything else?—A. Yes; that is all he talked of. I went out and told him he could settle that with Carroll some other

time. After you elected the chairman and the clerk of the election, did you not proceed to hold the election in a small room of the store, at the window of the room?—A. No. We held the election in a room of the store house, at the window.

Was the door of the store-house open all day, or especially in the afternoon?—A. It was open all day; never shut. The store-room was all day with men passing in and out. They voted on the piazza, at the window. Both colored and white men were in the store. The Democrats came in a body, and remained so all the time outside. It was not that the Democrats who were in the store, but no one was excluded from the store at any time.

Q. Did you hear any Democrats singing, "We'll hang Tom Carroll on a sour-apple tree," at any time, and particularly as Tom Carroll approached the polls that morning?—A. When Tom came in sight I thought he had two hundred Republicans with him; he said one hundred and twenty-five. He had kept this body of men at General Donovan's plantation all night, making speeches to them. They came in sight, singing, yelling, and hallooing, and the Democrats went out hallooing and yelling too. I don't know the words of the song. It was more in fun than in anger; don't think any one intended to hurt anybody, and no one expected to get hurt. They were singing that old song, "We'll hang Jeff Davis," and substituting Tom Carroll for Jeff Davis. I am certain no Republican was run off, and I am certain there was never more than thirty-five or forty white men there during the day at any one time.

Q. Was the door of the room in the store-house where they were holding the polls violently kicked open at any time by Democrats?—A. The door of the store was never shut where the polls was held, but Tom asked me to go in a room to organize, and the door was shut. Some white man came and pushed it open, and looked in, and I told him to go back. He did so, and I went out of the door to call the clerk; did not leave the door out of sight. When I came back I found Tom out of the window talking to a body of Republicans outside. When I came in the room he got back in the window again. We swore the clerk then, and went out in the body of the house and opened the polls.

Q. Did the man who opened the door of the room in which were the managers have a pistol in his hand, and say or do anything to Carroll or any other manager?—A. He had no pistol and did not speak to any of the managers at all.

Q. Was there any violence or intimidation, by word or act, practiced by Democrats there that day toward republicans?—A. No; I did not see or hear of any.

Q. State if you saw any fire-arms in the body of the store that day, or in the room.—A. Did not see any.

Q. Did you hear Mr. Eldred Addison or any one else except Mr. Brooks speak harshly to Tom Carroll that day?—A. No; I did not hear anybody else speak harsh to him except Mr. Brooks, and he spoke to him before the polls were opened. I staid about the box all day. Carroll went out in the crowd a time or two. No one spoke harshly to him at the box, and I don't think any Democrats spoke to him at all outside.

Q. Was anything said by white or colored Democrats about Newberry cavalry coming over to help them at that precinct?—A. I never heard anything of the kind; don't think it was.

Q. Did you hear any Democrats say they intended to vote as they damned pleased, and as many times as they pleased, and if Tom Carroll refused to certify that the election was fair and square that they intended to put a light hole through him?—A. No, sir; no one supposed that he would refuse to certify until after he left.

Q. About what time in day did he leave, and did he vote before he left?—A. He left about twelve o'clock, and voted just before he left.

Q. Did every voter entitled to vote deposit his ballot there that day without molestation, and was or not the voting about over when Tom Carroll left?—A. Yes; all voted without molestation except a few Democrats who went down to Tropp's Mill and voted. We took no votes after the Republican managers left. We kept the box open until six o'clock, but no one offered to vote.

Q. Did any one threaten Tom Carroll with violence before he left?—

A. No; Tom was sitting down talking to me pleasantly just before he left; he asked me how I thought the election was going; I told him I thought we had about a hundred the advantage of him. Some one else came in and asked him how he was getting along; he said the Democrats were beating them.

Q. Did Levy Graham, the other Republican manager, vote before he left, and how long did he remain after Carroll had quit the polls?—A. Yes; he voted before he left. He remained about fifteen minutes after Tom left the house.

Q. Give us the particulars of how Carroll and Graham left the polls.—A. Carroll went out of the house, I suppose, for water, or something of the kind; in a few minutes Graham's father-in-law came to the window and held a whispered conversation with Graham; he came to me and asked me to watch the box until he came back. I told him he had better wait until Carroll came in; that I had heard Jesse Jones, commissioner of election, tell them to watch the clerk and Democratic manager the day of election, and I prefer he would stay until Tom come in. A few minutes he came to me again, and said he was compelled to go. I told him then to tell Lewis Williams, the Republican supervisor, come in and watch the box until he came back. Lewis sat in the window and Graham went out. In a few moments Lewis walked out on the piazza and I saw no more of him. I walked to the door to see what become of them all, and there was not a Republican on the hill except the United States marshal, Crist Harris. He came back and remained on the piazza until night.

Q. What caused the Republican managers and supervisors to quit the polls?—A. I think they left because they thought if they did so they would be thrown out.

Who was present when the votes were counted, and who helped to count the votes, and who signed the returns?—A. There were a many people in the house. The clerk, Mr. Holtewanger, the Democratic supervisor, Mr. Cooper, and myself were the officials who did the counting. I signed the returns myself, but no one else did.

Was the election at Holtewanger's a fair and square one, and conducted according to law in counting the ballots and making out the returns?—A. Yes, it was, except Tom Carroll and Levy Graham, Republican managers, and Lewis Williams, Republican supervisor, abusing.

Did any Democrats, as far as you observed that day, vote more once at that poll?—A. No, they did not.

Do you know Mr. D. H. I. Bell, of that township; and, if so, did he vote that day?—A. I don't think there is any man named Bell in the township.

Do you know Mr. Abney Klegg?—A. Don't know him.

Do you know Pierce Mathews, and did he vote there that day?—A. He did not vote there. I know him.

Did either of these men vote there in an assumed name or in their own name, and did you observe faces and names?—A. Nobody ever voted that day under an assumed name. I asked every one his name early, and swore every one, of course. I did not ask a man his name until I knew it.

Tom Carroll, one of the Republican managers, complain to you of not repeating their votes that day?—A. No; he never said anything about it.

Q. Did you see any guns in any part of the store-house that day ?—A. No; I don't think there was any in there.

Q. Did the Republicans, when they came up in a body, have clubs and walking-sticks ?—A. I did not notice about the sticks.

Q. Have you visited Holtewanger's store before the election, and did you see any more guns there than usual ?—A. Did not see any there at all.

Q. Were there not a great many colored Democrats voted there that day ?—A. Yes; a great many were afraid to come in at the door and crawled in at the window.

Q. Did you carry your gun with you to the polls; if so, tell us the reason why.—A. I carried my gun to the neighborhood and left it at a farm-house. I carried it because I heard that the colored people were going to meet at General Donovan's plantation and go in a solid body to the polls, and I thought I might have use for it, as they threatened to have things their own way.

Cross-examined by L. CAIN:

Q. How near were you to Mr. Brooks when he was talking to Tom Carroll ?—A. Right by his side.

Q. When talking to Carroll about riding across his field, did he threaten him ?—A. No; he just abused him.

Q. Did Carroll make any reply to Captain Brooks ?—A. No; he did not open his mouth.

Q. Do you know Captain Brooks's age ?—A. About forty-seven or eight; he is a middle-aged man.

Q. Do you know whether his eyes are affected in any way ?—A. Do not know it.

Q. I understood you to say colored Democrats were in the room where the polls were held. Were there any colored Republicans in there ?—A. Yes, there were a few in there; they came in when they wanted to.

Q. How do you know that the colored men you speak of were Democrats ?—A. They belonged to the club.

Q. How many colored men belonged to the Democratic club in that vicinity ?—A. Don't know; have no idea.

Q. Were you at General Donovan's plantation on the night previous to the election ?—A. No.

Q. How do you know, then, that Carroll kept the colored people there all night making speeches to them ?—A. It is a notorious fact; you don't deny it, or those who were with him.

Q. Did you ever hear Carroll say he had them there ?—A. No; never heard Carroll say so, but they said they were ordered there by Carroll, and Mr. Donovan left because they did come.

Q. All you know about the assembling of these men was from hearsay, was it not ?—A. The Republicans themselves told me they were going to assemble there.

Q. You stated in your direct examination that as Carroll's crowd was approaching the store they were met by a crowd of Democrats. How far from the store-house did the crowd go to meet Carroll's crowd ?—A. About one hundred yards.

Q. Did you on any day previous to the election hear the men singing, "Hang Tom Carroll on a sour apple tree ?"—A. I heard them singing hang Jeff Davis, and substituting Tom Carroll for Jeff Davis.

Q. You stated that Tom Carroll was talking to a crowd outside the window. Was this before or after the opening of the polls ?—A. Before the opening of the polls.

Q. Did you hear what he was saying to this crowd ?—A. No ; did not hear.

Q. I understand that you went to or near the polling-place on the day previous to the election. Did you carry your gun with you ?—A. I went near the polling-place and staid all night and left my gun there; did not carry it with me to the polls next day.

Q. At whose house did you stay that night ?—A. At Mr. William Holtewanger's.

Q. Does he not own the store-house where the election was held ?—A. Yes ; it is said he does.

Q. How far is it from Mr. William Holtewanger's dwelling-house where you staid that night to where you opened the polls next morning ?—A. One hundred and fifty or two hundred yards.

Q. Do you know, Mr. Tompkins, whether any other parties carried their guns there with them ?—A. I don't know ; it was a special order of the club that no arms should be carried to the polls. I carried mine because I expected to come to the Court-House with the box and wanted to bring mine with me, and did bring it with me to the Court-House.

Q. You stated that Carroll was gone before you knew it. How long was Graham gone before you knew it ?—A. A very short time.

Q. Did any one assist you in the counting of the votes but the clerk and supervisor ?—A. Two other parties assorted them, but we counted them.

Q. Who were those parties ?—A. Mr. Townsend and Trial Justice Walker, Republican.

Q. Had any of these parties any official connection with the election ?—A. No.

Q. You stated that Pierce Mathews did not vote there that day ?—A. He did not, and was not there.

Q. Does Mr. Pierce Mathews live in your neighborhood ?—A. He lives six or seven miles from me.

Q. Were you acquainted with all the men who voted there that day ?—A. No.

Q. Were there not quite a number of strangers there that day ?—A. I don't know all the men in my township, but there was more strange negroes than white men.

Q. You stated that some colored Democrats came in the window to vote because they were afraid to come in at the door ; did any of these colored Democrats tell you this ?—A. Yes.

Q. You stated that the general rumor was that the colored people were going to have things their own way ; did any of them make these threats to you ?—A. No ; they did not.

Q. What is the name of the township in which you live ?—A. Cooper.

Q. What is the name of the township which joins that on the south ?—A. Dean's.

Q. Does not Gray Township also join yours ?—A. Yes ; think it does.

Q. Do not voters from all three of these townships vote at Holtewanger's store ?—A. A great many from Gray did, but if any from Dean's did I don't know it.

Q. Are you certain as to whether there is a man named Bell in either of the townships named above ?—A. There may be, but I don't know it.

Redirect by George D. Tillman :

Q. Is not the Donovan plantation a large and fertile one, without any white person living on it to exercise control over it ?—A. General

Donovant's son lives there; but there were so many colored persons gathered there on that night he had to leave, as I stated before.

Q. Did you not keep a close eye on those who helped you count the votes to see they did nothing wrong?—A. The clerk and myself counted, and they only assorted them out for us.

D. H. TOMPKINS.

Sworn to before me this the 11th day of April, 1877.

[SEAL.]

C. S. B. MARSH,

*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

J. H. BROOKS, a witness of legal age, introduced by contestant, after due notice to contestee, deposes as follows to questions propounded:

Question. State your age, residence, and where you were on the 7th of November last, election-day.—Answer. Forty-three years; Edgefield Court-House, and have resided here all my life; at Holtewanger's store on the day of election.

Q. Are you a brother of the Hon. Preston S. Brooks, formerly a Congressman from this State?—A. Yes, sir.

Q. Did you hold any official position on the day of election?—A. No, sir.

Q. Were you present at the opening of the polls at Holtewanger's store?—A. Yes, sir.

Q. Was there any dispute or difference of opinion about organizing the business of the day, that is, holding the election? If so, state it.—A. Yes, sir; the Republican managers were late—I suppose from a half to one hour behind the time. They had possession of the ballot-box, and the Democrats hesitated and discussed the propriety of holding the election at all. The managers discussed the point, and concluded to open the polls.

Q. Did you use any profane or abusive language that day? If so, to whom, and for what cause, when, and where?—A. I only remember to have used language of that kind once during the day; that was to a man named Tom Carroll. The issue was purely personal. In reference to the point of time, it was very early, in a back room of the store-house.

Q. Where was the ballot held, and could voters, white and colored, go in and out without intimidation and deposit their vote?—A. The box was placed in the front room of the store, near a front window, and near the door, and voters could go in and out with perfect facility.

Q. Was there any body of armed Democrats there, and was there any intimidation by that party that day?—A. There were no armed Democrats there, and I can state most positively that there was no intimidation or attempted intimidation.

Q. Do you know whether there were any arms in the store, left there by the militia before the war?—A. Upon that occasion, I do not know. Previous to this I had seen several old shot-guns, without locks and without rammers, lying about the store, and was told they had been left there by members of militia companies.

Q. Was there many colored Democrats who voted at that box that day?—A. Yes, sir; a good many.

Q. Did Thomas Carroll and Levy Graham, managers of election, together with about one hundred and twenty-five or two hundred Repub-

icans, come charging and whooping around the polls?—A. I don't remember any whooping. They came in two bodies, in company style.

Q. Was not many of these men armed with pistols or clubs?—A. I saw a great many with clubs; some few with pistols.

Q. Was not this demonstration made to intimidate white and colored Democrats?—A. I saw no demonstration made that seemed to be indicative of anything of that sort.

Q. Did you hear Democrats singing "We'll hang Tom Carroll on a sour-apple tree"?—A. I heard two or three young men singing it.

Q. Was the door of the store-house violently broken open that day, or any molestation of those holding the election by any one?—A. No, sir.

Q. Do you know of any repeating at that box?—A. None, sir.

Q. Did you hear anything of the Newberry Cavalry?—A. I did not; and did not see a man from Newberry there, and I am very well acquainted with the people of Newberry.

Q. Did you hear Democrats say they would vote as they damned pleased, and as often; and if Tom Carroll did not certify to the returns they would blow a hole through him?—A. I heard no such remarks.

Q. Do you know any cause why Graham and Carroll left the box?—None whatever; and was very much surprised when I heard they were gone.

Q. Have you witnessed many elections in Edgefield County heretofore?—A. Yes, sir.

Q. Was not the election on the 7th of November last at Holtewanger's a fair and lawful one in every respect?—A. As far as I could observe, as fair an election as I ever witnessed. It seemed to me that there was less challenging and more free intercourse among voters than I ever before, and I was at and about the polls all day, except when I went to dinner, when the Republican managers left. Early in the morning there seemed to be an inclination to crowd the polls in order to vote but very soon they dispersed, when the negroes came forward and freely without interruption or hinderance, and I am satisfied that every man who desired to vote, and who was entitled to it, of either party, voted that day. A few of the white men did not vote because they were afraid they would lose their vote on account of the man-leaving. They then went to another precinct and voted. Even the Republican managers and the supervisor voted before they left the polls.

Q. You have stated that you had a personal difficulty with Thomas Carroll, one of the Republican managers. When did that occur, what was the occasion, and what was said and done?—A. It occurred very early in the morning when he first arrived, chiefly about his having, contrary to orders, visited my premises and openly displaying army guns on the premises.

Q. I don't remember what was said. I abused him, and was not satisfied about the words I used.

Q. The matter was then dropped, was it not?—A. He having expressed no apprehension afterwards, as was repeated to me by a friend, I called on him and told him to proceed with his duties. I had no idea of quarrelling with him, and stated that it was a personal matter altogether. I did not speak of the character of Thomas Carroll as to industry and his gentleness of temper—his general character.—A. He is regarded by the white people as being a turbulent and bad character, and by the blacks as a for-nothing politician.

Witness examined by Cain :

Testimony of Mr. Brooks, that the issue between you and Tom Carroll is. 11—38

was purely personal, and it was brought about chiefly by his displaying arms on your place; how long before the election was it that he made this display?—A. I think it was the Sunday previous.

Q. Did you see him at any time after he was making these displays on Sunday before Tuesday morning?—A. No.

Q. Did you see him making these displays yourself?—A. I was told so by a white man who lives on my place, and also by one of the colored men in my employ.

Q. This colored man, does he claim to be a Democrat or a Republican?—A. He claims to be a neutral.

Q. Have you any idea how he voted in the last election?—A. I know he did not vote at all.

Q. Were you with the crowd of men who went to meet Tom Carroll as they were approaching the polling-place?—A. I was there, but not with the crowd.

Q. I understood you to say they did sing the song "Hang Tom Carroll on a sour-apple tree." Who were they singing?—A. Three young men.

Q. Were these three young men white or colored men?—A. They were white men.

Q. Can you give their names?—A. Yes, two; George Addison and Preston Brooks.

Q. Have you had anything to say to Tom Carroll since the election about your personal difficulties?—A. No; I told him that day I had said all I intended to say.

Q. I understand you to say, then, that you had nothing to say to him prior to the election, nor subsequent to the election, but that on the day of election, when at the polling-place you accosted him there and used abusive language toward him?—A. I state in reference to that: A short time before the election I met him on my place, and I told him mildly that his presence was disagreeable to me, and that I would rather he would keep away. After that, this Sunday visit was paid with the arms, and on the day of election was the first occasion of my meeting him.

Q. Was not Tom Carroll formerly owned by you or your mother?—A. No.

Q. Has he not been in your employ nearly ever since the war, and did he not reside on the premises you forbade his coming on?—A. He was in my employment for several years after the war, and during that time did reside on the premises.

Q. To whom did he belong before the war?—A. A man name Williams.

Q. Was not Tom Carroll's father owned by your mother, and has he not resided on your place ever since the war?—A. Yes; and is a tenant now of mine, living on the outskirts of my plantation.

Q. On the Sunday previous to the election, when Tom Carroll was on your premises, do you know whether he visited his father?—A. I do not know, though I think it doubtful, from the fact that he was in a buggy, and it is inconvenient to get to his father's house in a buggy.

Q. You say Carroll is regarded by the white people as being a turbulent and bad character; has he ever, to your knowledge, been tried and convicted of theft or of perjury?—A. I don't know that he has been convicted of either, but has been charged with both.

Q. You say you saw colored men with pistols that day; did you see any white men with pistols?—A. Yes.

Q. Did you see any white men with clubs or walking-sticks?—A. Not that I remember.

Q. You stated that you saw colored men with clubs; did you notice



particularly to see whether they were clubs or walking-sticks ?—A. I observed that they were large, fresh-cut sticks, larger than a walking-stick; don't remember how long they were.

Q. Were you acquainted with all the men you saw there ?—A. Nearly all the white men, but not a great many of the colored men.

Q. Might not white men have been there from the county of Newberry, and you not have seen them ?—A. Undoubtedly.

Q. You said that the whites showed a disposition early in the morning to crowd the polling-place, but subsequently they dispersed; about what time did they disperse ?—A. Very shortly after the polls were opened.

Q. Did not a number of colored men leave there while these white men were crowding so ?—A. I did not see one go off or leave the place.

Q. Were you present at the counting of the votes ?—A. I was not.

Redirect by Mr. Charleton :

Q. When the two bodies of voters, Democratic and Republican, met the polls, were not their manner that of frolic and fun more than tile ?—A. The utmost good humor prevailed on both sides, and interchange of laughter and occasional cheers.

Q. Was not the matter of singing the song that of amusement ?—A. Together, I think.

Q. Was there any other cause of difference, except the display of force on your premises, between you and T. Carroll ?—A. Yes; he was sheriff I had made advances to his family, which he refused to accept, or he did not pay, and refused to give his note for.

J. H. BROOKS.

Returned to before me this the 12th day of April, 1877.

AL.] C. S. B. MARSH,  
Intendant.

matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

ABRAHAM JONES, a witness of legal age, introduced by contestant, gave notice to contestee, deposes as follows to questions propounded

Question. Name your age, residence, and where were you on the 7th of November, the day of election ?—Answer. I am seventy years; was born and raised in Edgefield County; was at Edgefield Court-House on the day of election.

Q. Have you not been a member of the legislature, and have you not held other offices in the county ?—A. I was elected to the legislature in 1868, and have held other offices ever since from the time I was elected.

Q. Did you vote, and, if you did, where did you vote ?—A. At Morristown school-house that day.

Q. How long did you remain there that day ?—A. I was there from 2 o'clock until nearly dark.

Q. Where you were there did you see any intimidation by the whites ?—A. I did not. I saw men with red shirts riding about the streets, but I did not see any intimidation attempted by them.

Q. Did you notice anything peculiar about the way the election was conducted ?—A. If so, state it fully.—A. I saw the United States soldiers as they entered the room, and the door outside and a crowd of voters outside pressing against the door who kept them back with their guns, and an officer in command with his sword drawn; and he would select with his sword by

touching those who were to go in next to vote. As the colored man at the door would call out, "Send in ten men," the officer would again select by touching with his sword those to go, not taking them as they came, but selecting them from the crowd, sometimes reaching over to touch one behind another, and sometimes skipping two or three. I was selected from the crowd with another white man at the same time, and none dared go in but those who were so touched by this officer. When they had voted, they were let out of a window.

Q. When you were returning home from the polls, about dark, did you meet a crowd of colored voters, or rather overtake such a crowd, and did you have any conversation with them? And, if so, state the substance of that conversation.—A. We overtook a crowd of twenty-five or thirty. I asked them if they had all voted. One of them spoke and said, "None of us did vote." Another one said, "You're a liar; I voted," and the other said, "Well, if you voted, you are the only one." Then I asked them, "Why did you not vote?" and they said, "There were so many there we could not get in." Then I asked them, "Where did you come from?" They said, "From the other side of Curryton." I asked why they did not vote at Curryton. Said, "We were all told to come here to vote, at Edgefield." I said, "You came right from Red Hill." They said they heard the box was broken up at Red Hill. I asked them why they did not vote at Landrum's. They said, "We were told to come to Edgefield, and we came here." They said they came right by Landrum's store. I asked them who told them to come here. They said Cain sent them word to come; "that the Yankees were here, and we would have protection; but they were not Yankees; they are damned rebels."

Q. Did you recognize any of the men in that crowd?—A. No; I did not; they were strangers to me; it was so dark I could not see them, but I did not recognize any of them.

Q. Were those men not on the direct road to Aiken, and on a right-angle road from the direct route to Curryton?—A. They were.

Cross-examined:

Q. How far were these men from the court-house when you overtook them?—A. About a mile.

Q. What time in the evening was it you overtook them? Was it so dark you could not distinguish their faces?—A. Yes; I only know they were colored men.

Q. You are positive there were no white men with them?—A. None only myself and Mr. Kirksey, who was in the buggy with me.

Q. Did I understand you to say that these men came from the other side of Curryton and Shaw's mill?—A. Shaw's mill was not mentioned; I said from the other side of Curryton.

Q. Do you know the distance from Shaw's mill to Curryton?—A. To my knowledge it is five or six miles.

Q. You say that one of this party you overtook said to you that he was told that Cain said he must come to Edgefield Court-House because the Yankees were here; were not troops stationed at Shaw's mill?—A. I don't know; I know that they were sent out, but never knew where they went.

Q. Did you see any white men here from a distance, say twenty or thirty miles?—A. I did not; they may have been here, but I did not see them. I saw persons here from Pine House and Johnson's, and between these points.

Q. Did you see I. P. Blackwell and John Swarengen?—A. I saw Mr. Sawrengen, but not the other.

Q. How far does Mr. Swarengen live from Landrum's store, the voting-precinct?—A. Between two and three miles.

Q. You say you saw parties here from Johnson's. Is not Johnson's a voting-precinct, and was not the box opened there on November 7th last?—A. I believe so, from what I heard. I did not see it.

Q. Did you not see persons here from Ridge Springs that day?—A. I do not remember that I did.

Q. You say that the officer, in pointing out ten men, would sometimes skip some and take others. Did they skip white as well as black?—A. There were more black than white men, a great many more, but sometimes one and sometimes two white men would go in to make ten.

Q. In your opinion did this officer have any regard for either political party in his selecting the ten?—A. I think not; he seemed to skip those who seemed more anxious to go and select those who were more quiet.

Q. When the ten men would come in to vote, did you notice how long it took to vote?—A. No; I had no time-piece, but I thought it took some time to do it. I thought that the Republican manager wanted to challenge all the white men, and the Democrat managers the same with the colored voters. They killed more time than anybody else. The Republican manager, I mean, would challenge all whom he thought too young or who was a stranger. Some he did not challenge. He did not challenge me. And the same way with the Democratic manager. I just say that they occupied more time than was absolutely necessary. Q. Did you at any time during that day hear the Republican manager ask any white man had he been convicted of any crime?—A. I did

Did you not, on the other hand, hear the Democratic manager or supervisor ask this question to colored men: "Don't you live in Aiken county? Have you not served a term in the penitentiary? Did you live in Georgia last year? Are you certain that you are twenty-

And have you not already voted to-day?"—A. I heard them ask, you live in Edgefield County? Have you not voted before at this election? And have you not been convicted of any crime?" And they would ask if they were twenty-one years old, if they looked serious.

Do you not remember that on several occasions, when colored men would attempt to vote, some white man would say, "That man is not qualified;" then the voting would stop until the poll-list was perused for his name?—A. I think I did in two instances.

Do you not remember that they failed, and then let them vote?—A. Yes; I remember the two instances.

What time in the day did you reach box No. 2?—A. About 2 p. m.

You said you saw men with red shirts riding up and down the street. Was not their demeanor rather a boisterous one?—A. They were not having their fun. They were laughing, talking, and holding on. I did not see them interfere with anybody.

Did you see any pistols, guns, or sticks with the crowd?—A. I saw guns or pistols only those the soldiers had. I saw John Swarengen have a large stick. I did not see him use it in a good humor.

You were going up the lane to the school-house, did you not see a great many red-shirters riding toward the court-house?—A. I saw three together riding about both ways. Saw no crowd of men up at the school-house there were forty or fifty sitting on benches outside the crowd. They were forty yards from the door.

Q. Do you remember seeing a covered wagon near that place that day?—A. No, I did not; don't think there was any wagon there.

Q. When you left there how many men did you leave there trying to vote?—A. I think there were two hundred, or nearer three hundred, on the palings and around the place.

Q. Did voters, as soon as they deposited their ballots, linger around there or go home?—A. Yes, they did. I lingered myself; did not leave until dark. I think the most of them lingered around there.

Q. Have you any reason to believe, from all you saw and heard, but what most of the crowd whom you left at the polls had voted?—A. I don't know, but have no reason to believe they had not. I saw some standing at the line with tickets in their hands or papers. I thought them tickets.

ABHM. JONES.

Sworn to before me this the 12th day of April, 1877.

[SEAL.]

C. S. B. MARSH,

*Intendent.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

JOEL MERIWETHER, a witness of legal age, introduced by contestant, after due notice to contestee, deposes as follows to questions propounded to him:

Question. State your age, residence, and where you were on the 7th of November last, the day of election.—Answer. Fifty-five years old; live in Edgefield Court House all my life, and was at Shaw's mill precinct on 7th November last as manager of election.

Q. You were the Democratic manager, were you not?—A. I was.

Q. Were there two Republican managers? If not, why?—A. There was said to be appointed, which I have no proof of except a blank oath sworn to and subscribed to before Mr. Jesse Jones, C. C. C. P.—which letters mean, clerk of the court of common pleas—dated November 4, A. D. 1876. He (the clerk) being at Edgefield Court-House; the Republican manager said to be (Jerrie Mackee) twenty-two miles off.

Q. Does not the law of South Carolina require a manager of election before he can act to subscribe to a written oath, and for that oath to be filed immediately in the clerk's office of that county?—A. That is my understanding of the law, and what I was required as manager to do by Jones, the clerk, who was also commissioner of election.

Q. Did Seaborn Meriwether act as manager for the Republicans and did he subscribe to a written oath before the day of election, like yourself?—A. He did act as manager for the Republicans with me at Shaw's mills, and did subscribe to the oath likewise before the election, and file it with Jones, the clerk of the county, as I did.

Q. When you and Seaborn Meriwether qualified as managers before Jones, was anything said about Jerrie Mackee qualifying as the other Republican manager; and, if so, what and by whom?—A. There was this said by Jones, holding the oath in his hand, to Seaborn Meriwether, which I now show, "Make him sign this and send it to me to place on file."

(Paper marked "Exhibit A" offered by contestant's counsel, purporting to be the oath spoken of.)

Q. Did you see Jones hand a paper to Seaborn Meriwether that day; and, if so, do you identify it as the paper you have produced in court?—A. I did; and this Exhibit A is the paper:

## "EXHIBIT A.—C. S. B. Marsh.

"EDGEFIELD, S. C., November, 1876.

"I do solemnly swear that I am duly qualified according to the Constitution of the United States and of this State to exercise the duties of the office to which I have been appointed, and that I will faithfully discharge, to the best of my abilities, the duties thereof; that I recognize the supremacy of the Constitution and laws of the United States over the constitution and laws of any State; and that I will support, protect, and defend the Constitution of the United States and the constitution of South Carolina as ratified by the people on the 16th day of April, 1868: So help me God.

"Sworn to and subscribed before me this 4th day of November, A. D. 1876.

[SEAL.]

"JESSE JONES,

"Clerk of the Court of Common Pleas."

Q. Who prevented Jerrie Mackee, the other Republican manager, from acting as such that day, and what was said and done about it?—

It was referred to Colonel Falck, commanding the post, and he decided that he could not act.

Q. Who was elected chairman of the board and by what vote?—A. As, and by Seaborn Meriwether's vote.

Q. Who was elected clerk of the board, and by what vote?—A. H. Scott; and by the vote of Seaborn Meriwether and myself.

Q. Did you see any guns in the hands of the white people at any time on that day?—A. I did not see one gun except those in the hands of United States soldiers.

Q. Did you see Bob Holsonback, the colored Democrat, and Tom Meriwether, not far from Shaw's Mill, at their camps, with guns, or did any party with whom they were camping have guns, on the morning of the election?—A. I was at the camp at night and saw no guns.

Q. How many men were in that camp; and what caused them to go to the polls on the night before?—A. There were twenty-five or thirty, many more at a distance from their homes at the polls to vote; they had to leave, some of them, twenty miles at least, being hemmed up between Biggins Creek and the Savannah River, the Rocky Pond precinct having been abolished for no reasonable cause why it should have been.

Q. Had the men at that camp been in the habit of voting at Rocky Pond precinct; and by what political party had that precinct been used?—A. They had; and it was abolished by the thieving rule that had been in South Carolina for the last ten years, for the purpose, in my judgment, of allowing the colored Republicans a chance to repeat the result at Shaw's Mill, Curryton, and Lawrence's Store, three precincts in the neighborhood, in a right line of eight or ten miles.

Q. Was any intimidation or violence practiced by Democrats there on the day of the election toward Republicans?—A. None whatever that I saw.

Q. Do you or not consider that the election at that poll was a fair one of the people's will?—A. I do think so.

Q. Who participated in counting the votes, and if any cheating was done while the count was going on, who did it, and what was it?—A. Seaborn Meriwether, Republican manager, H. H. Scott, the clerk of the board, Dennis Sullivan, the Republican supervisor, D. O. Hancock, Democratic supervisor, and myself. Dennis Sullivan, an infernal

thief, stole three votes while counting, threw them out of the box, and were picked up under his feet; those votes were all Democrat votes.

Q. What time did you get through the count, and what time were the returns signed?—A. I suppose between two and three o'clock at night. I being very unwell the whole day and night, closed and finished the next morning, giving Seaborn Meriwether the key and I kept the box.

Q. Were the returns written out and signed early the next morning, and did you not finish the count before returning the ballots to the box and locking it?—A. They were written out and signed early the next morning. Everything was finished up so far as the counting was concerned before the box was locked and the key given to the other manager.

Q. Do you remember three colored men, respectively named Randal Middleton, Conway Lamar, and Robert Kinner, who attempted to vote there that day, and if they did not vote can you state the reason why?—A. I remember Kinner and Middleton, being under age, one of my own knowledge and the other from the knowledge of another person who said he was under age. Conway Lamar was recently from Georgia, within three or four weeks, and they were refused to vote for the reason stated.

Q. Of which race did you see the most strangers to you there that day, white or colored?—A. The colored, and large numbers of them. I a few years ago knew every colored man within ten miles of that place, or nearly so.

Q. Was the box removed at any time from where you first proposed to have the voting, and, if so, by whose order?—A. It was, and by the order of the commander of the post.

Q. At whose instance did the commandant of the post order the box to be removed to another place?—A. At the instance of United States Deputy Field-Marshal Colonel Kinner.

Q. Had the voting commenced when the commandant of the post ordered the box to be removed to another place?—A. It had not; it has been so stated, but it's a willful, malicious, unmitigated lie.

Q. Where was it proposed to open the polls at first, and for what reason was the place selected?—A. It was proposed to be held on a platform between the packing-room and cotton-press, which was six feet from the ground, and was proposed to put the box there to keep from being crowded, for it is a notorious fact that when negroes get to the polls they all want to vote at once.

Q. When the box was brought down from the platform, did you carry it behind any house or have it in your private keeping, after it had been cleaned out preparatory to receiving the votes after it had been locked?—A. I did not carry it behind any house, for there was no house convenient to carry it behind. Nor did I have it in my possession privately or exclusively that day; and Dennis Sullivan, when he so stated, knew that he was telling a willful, malicious, unmitigated lie.

Q. Which party, Democratic or Republican, was most disorderly that day?—A. The Republican party; I could not keep them off my feet. I requested the United States marshal and supervisor, and they could do nothing with them; they broke down the barrier we erected and crowded on us.

Cross-examined by L. Cain:

Q. Did you not read the names of all the managers appointed by the commissioners of election in the Edgefield Advertiser, a week or ten

days before the election?—A. To the best of my recollection I did not or never have.

Q. Had you any knowledge of the appointment of Jerry Mackee as manager at Shaw's Mill before the morning of the 7th of November?—A. Except this thing of Jesse Jones, and from hearsay; that was on Saturday before the election.

Q. Were you not at Edgefield Court-House on Saturday previous to the election, and were you not informed by one of the commissioners of election that Jerry Mackee had been appointed one of the managers at Shaw's Mill?—A. I was at Edgefield Court-House on the 4th of November, Saturday. No commissioner gave me any information concerning Jerry Mackee, whatever.

Q. You have exhibited a blank oath here, purporting to have been signed by Jesse Jones, clerk of the court of common pleas. Did you see Jesse Jones when he affixed his name to that blank oath?—A. Jones held the blank oath in his hand when he handed it to Seaborn Meriwether, and said, "This is for the other man, Jerry Mackee, to sign and return to me." I did not see him sign it.

Q. Did you, Mr. Meriwether, notice that blank oath to see whether Jerry Mackee's name was on it when Jones handed it to Seaborn Meriwether, or can you inform me as to whether or not Jerry Mackee's name is on the blank oath you exhibited here?—A. It never was; was not when Jones handed it to Seaborn Meriwether, and is not now.

Q. Are you familiar with Jesse Jones's signature?—A. I am not, and never want to be.

Q. Did Jerry Mackee, on the morning of the 7th of November, apply to you as manager to administer the oath to him?—A. My recollection that Jerry Mackee asked me where Mr. W. G. Harris, trial justice, was, I asked if he could not qualify him, and did not apply to me, as I remember. I told him we could qualify him, and I did not know where Harris was.

Q. What time in the morning was it you told Jerry Mackee this?—A. I don't know positively. It was early in the morning, before the polls opened.

Q. Did Jerry Mackee apply to you a second time about taking the oath and entering upon his duties as manager?—A. He did not in person.

Q. Did you refer the matter about Jerry Mackee to Colonel Falck, or did you go to Colonel Falck and see him yourself?—A. I did not go to see Colonel Falck; if I referred it, it was through another party. I only sent him the election law. I have no recollection of sending any party. Are you positive that Colonel Falck decided that Jerry Mackee should not act?—A. Only from the evidence of D. O. Hancock, Democratic supervisor, and Dennis Sullivan, Republican supervisor, and Jerry insisting to serve as manager after the decision of the commandant post.

Q. You say that Mr. H. H. Scott was elected clerk of the board of elections. Is he a native of South Carolina?—A. He was born and within seven or eight miles of Shaw's Mills.

Q. Did he not reside in the State of Georgia a short while before the election?—A. He resided in Augusta, Ga., two or three years, but has since moved to South Carolina four or five years.

Q. You stated in your direct examination that white men came from the neighborhood, twenty miles distant, to vote. Did any men cross the creek to vote at Shaw's Mill that day?—A. Lots of Republican and some white men.

Q. The creek was not so high they could not cross over—I mean Big Stevens Creek—from this side to vote?—A. No, it was low.

Q. At how many elections since the war have you known the polls to be held at Rocky Pond?—A. I know it has been held there twice since the war, but not since that thieving ring has been in power; I mean the Republicans.

Q. You say that in establishing the voting-precincts, Shaw's, Curryton, and Landrum's, that, in your judgment, the Radical party did so in order that their party might repeat. Have you ever known any of the Radical voters to repeat at these precincts; and, if so, have you reported them to any of the authorities?—A. The election of November, 1874, I was supervisor at Shaw's Mill precinct. Two cases were reported to me as having voted at Curryton, three miles and a half from Shaw's Mill, after being refused at Shaw's Mill for being under age; one of them to my certain knowledge was—having raised him. Other cases having been reported, the poll-list being destroyed, there was no evidence from poll-list that would convict, nor no judge honest enough to punish.

Q. Are these the kind of cases you call repeating?—A. Other cases voting at Landrum's Store the same way and at Shaw's Mill.

Q. Do you know this to be a fact, or were you so informed by some one else?—A. I was so informed through lists of names sent back and forth.

Q. Did you ever examine the poll-list at Landrum's Store to see if you could find the same names on as those at Shaw's Mill when you were supervisor?—A. I never did.

Q. Were you not a manager at Shaw's Mill in 1870 and 1872; and, if you were not manager, were you in any way officially connected with the election there?—A. I was never manager or supervisor or officially connected with the election, except in 1874 and 1876.

Q. Do you know anything about how the vote stood there in 1870 and 1872?—A. I have no recollection of the election in 1870 and 1872.

Q. Did you see Sullivan when he took the votes out of the box which you claim he had stolen?—A. I did not see him, but saw the votes under his feet, where there was no necessity for the Democratic votes to be, or any other votes.

Q. Was the box not immediately in your front?—A. Not that he held. The votes were drawn from the polling-box and put in another box, which he held.

Q. As you were drawing them from the polling-box and putting them in the box he held, were you not counting them?—A. Yes; and that is the way we found out the missing votes.

Q. I understood you to state that you met early next morning for the purpose of certifying to the returns. Was the box containing the votes sealed that night, or did you not seal it until next morning?—A. Next morning.

Q. Did the managers, supervisors, and clerk all reassemble the next morning for the purpose of certifying to the election and sealing the box?—A. One of the supervisors, Daniel Sullivan, refused to have anything to do with it. The other supervisor, D. O. Hancock, the manager, Seaborn Meriwether, met. The box was opened in the presence of us all. The clerk being sick, he was not there.

Q. Did you and these parties reassemble at the polling-place?—A. No; we assembled at Mr. Rives's, one mile from the polling place, where I staid all night, being very sick; and we reopened the box.

Q. You stated that some colored men attempted to vote, and were refused on account of being minors. Did they vote?—A. No.



Q. You say colored men stepped on your toes and crowded you. Did any white men step on your toes?—A. Not one.

JOS. MERIWETHER.

Sworn to before me this the 12th day of April, 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

JOHN T. GASTON, a witness of legal age, introduced by contestant after due notice to contestee, deposes as follows to questions propounded to him :

Question. What is your age, residence, and where were you on the 7th of November last, the day of election ?—Answer. Thirty-six years old; born near Ridge Spring, and was at Ridge Spring on 7th of November last.

Q. Were the polls opened according to law, and did the voting proceed quietly and orderly during the day ?—A. According to my judgment they did, and the polls were opened according to law.

Q. Were you present at the box during the whole day ?—A. I was on the grounds all day ; sometimes at the box and sometimes outdoors.

Q. Were you present when the counting of the vote and the returns were made by the officers of the election ?—A. I was present when the polls closed, and was asked by the managers to leave the room with the balance of the crowd, and did so.

Q. What manager requested it ?—A. First and the supervisor, (the Republican,) after consulting with others ; all agreed to leave but the officials.

Q. Was there any dispute or disagreement in regard to the count or signing the returns, as far as you know ?—A. None that I heard of.

Q. State if you saw a demonstration made by about two hundred Republican voters that day, and what was said and done about it ; give us the full particulars.—A. It was, I suppose, about 10 o'clock a. m. ; some two hundred colored men came up the road hollowing and cursing—cheering Chamberlain and cursing Hampton. The crowd had clubs and sticks ; one man had a foot-adze, with a long handle to it ; two vehicles behind the crowd both had guns in them ; the crowd went over to the polls, and I suppose all voted ; going to the polls I met them ; I told them that they could hollow for Chamberlain, but must not curse Wade Hampton again ; if they did, those who did it would be sorry for it ; no other man that I know of said anything to them but myself. Robert Watson came up and said to me, " Let them say what they please, for it is the last chance they will ever have to hollow." He went through the crowd patting the men on the shoulder, and telling them to cheer for Chamberlain as much as they please. Mr. Watson is a white democrat, and employs a large number of colored men on his plantation.

Q. Who was the leader of this large crowd, and what was the bearing of this leader ?—A. It is generally known that George Jackson, the Republican supervisor, was the leader of them, but he was not with them that morning. He arrived there some little time before they came up.

Q. Was not this demonstration intended to intimidate the colored Democratic clubs as well as the whites, and to take possession of the polls, as they had done at previous elections ? Did they not say, " Clear the way, we are coming," or something to that effect ?—A. I fully believe

it was intended to intimidate the colored Democratic clubs as well as the white men. Some one hollowed out, "Clear the way, we are coming." It had been their custom before to take possession of the polls at previous elections.

Q. Did they not approach the polls in a threatening and menacing manner, and was there many white men there at any time during the day?—A. They did advance to the polls in a body, crowding around the door, yelling and hollowing, as they did up the road. Do not think there was exceeding one hundred white men there at any one time during the day.

Q. Do you know of any intimidation there by white men that day toward Republicans?—A. I do not, unless what Mr. Carwile said to Boney. Every body was of the impression that the colored Republicans were going to get up a difficulty. We had heard so several times from several colored Democrats. Members of my club—in fact one of them had been beaten the day or two before that by Republicans on account of politics. This is the reason why Mr. Carwile said what he did to this colored man. Said he, (Carwile,) go tell Boney that if he and George Jackson gets up the difficulty here to-day, that I hear they intend to do, I intend to kill him, (Boney.)

Q. Was not H. U. Boney around that day; and, if so, what was his deportment?—A. I am not certain about his arms; think he had a pistol in his overcoat pocket. He walked about there just as he pleased; no one disturbed him; I shook hands with him myself.

Q. How many colored Democrats voted at that box that day?—A. I don't know how many. I had thirty in my club, and there were others in the neighborhood. Mr. Nicholson had a club of ten, and a great many came in with citizens that did not belong to any club and voted.

Q. Was any man, legally entitled to vote, denied the privilege of voting that day at that box?—A. Not that I know or heard of.

Q. Did you see a large number of strangers at that box that day, both colored and white?—A. I don't know that I saw many white men whom I did not know. I saw lots of colored people there whom I did not know. I saw one man (colored) from Binknight's ferry, twenty-five miles away, whom I knew; he lives on Banknight's place now.

Q. Did you see any colored Republicans from Aiken, Lexington, or any other county than Edgefield, who tried to vote at that box that day?—A. I saw a few from Aiken, a few from Lexington, and twelve got off the train, whom, the conductor informed me, got on in Columbia, and five from Leesville, in Lexington County; he called my attention to them, and told me to watch them, and the Rev. Mr. Kauffman followed those five from Leesville, in Lexington County, and said they had voted in Leesville before they left.

Q. Did not the Democratic manager and supervisor object to those men voting there, especially those from Aiken and Lexington Counties?—A. I don't know that they did; don't know that they knew them or not.

Q. Was not some colored Republicans refused the privilege of voting because they were non-residents of Edgefield County and not entitled to vote?—A. Those who lived nearest there, but out of the county. One or two from Aiken County, one or two from Lexington County, who were known to the officers of election, were refused; and they were also known to me, and I challenged two of their votes myself.

Q. Was there not from one hundred and twenty-five to one hundred and seventy-five colored Republicans who moved away from Ridge Spring vicinity and adjoining townships of Edgefield County in the

years 1874 and 1875?—A. Suppose there were at least that many. I know of Robert Watson sending off from his plantation twenty-five or thirty, and T. Watson sent off a large lot, and it was a general thing throughout the neighborhood to send them off.

Q. Was not the place of this labor supplied in a great measure by the introduction of white laborers from Newberry and Lexington Counties and other places who voted the Democratic ticket on November 7 last?—A. It was.

Cross-examined by L. Cain.

Q. You stated it was a general understanding among the planters to send the laborers off; when was this agreed upon? and state why this system was inaugurated.—A. It was some time after the election of 1874. They claimed that under the Radical rule they would not be able to feed them, and that everything was going to destruction.

Q. Did not about as many white laborers come in to take their place as those you sent off?—A. I suppose pretty much the same.

Q. Is it cheaper to feed white laborers than colored, or does it not cost more?—A. The laborers that was brought there—a large portion of it fed themselves.

Q. You stated that the colored laborers were sent off; in what way; did they pay their way, or did you assist them, or just discharge them from their farms?—A. I made no inquiry as to the way they left; I know they went.

Q. Were not the colored laborers that you speak of, in a great measure, proscribed and refused employment on account of their political proclivities?—A. Not that I know of.

Q. You say their places were filled by white laborers; were not a large number of the white laborers found in Edgefield County and in the vicinity of the Ridge?—A. Some came from Newberry and some from Lexington. None from Edgefield, that I remember, or in the vicinity of the Ridge.

Q. You stated that Mr. Robert Watson sent off twenty-five or thirty. Have all them been sent off since the election of 1874?—A. They have.

Q. Has he employed fully that many white laborers in their stead?—His place is all in cultivation, and the greater portion of it by white men; and the colored men on his place did not vote at all, or voted the Democratic ticket at the last election.

Q. Give as many of the names of the white laborers on Mr. Watson's place as you can, who came from Newberry.—A. D. C. Dominick, Preston Rickard, Levy Rickard, John Rickard. I don't remember the others.

Q. Name as many as you can who came from Lexington to Mr. Watson's.—A. Spradleys, I don't know how many, and Folan. I don't remember the rest.

Q. How many white men have been employed on Maj. T. Watson's place in lieu of the colored ones sent off?—A. I don't know how many. There are some of the Padgetts, from Georgia, on his place, under the supervision of Mr. James Padgett.

Q. Can you give the names of any of the white laborers on T. Watson's place who came from Newberry?—A. I don't remember where the laborers came from on these other places as well as I do those on Mr. Watson's.

Q. Can you give the names of any of the white laborers on Mr. John Watson's place?—A. I have not been to John Watson's place. Don't know who lives on it.

Q. Are you positive that none of the colored laborers who left there since 1874 were supplanted by white laborers who resided in Edgefield County prior to the election in 1874?—A. Don't know; can't remember any from Edgefield at this time.

Q. You stated that if the laborers on Robert Watson's, I mean colored laborers, if they voted at all voted the Democratic ticket, What means had you of knowing if they did?—A. They told me so themselves. I gave some of them the tickets. Mr. Robert Watson told me they voted the Democratic ticket.

Q. Do you know whether these colored laborers you speak of resided on Mr. Robert Watson's place previous to and on that day?—A. I think they did.

Q. You spoke of distributing tickets there that day; do you remember seeing any tickets that day printed in red ink like the Republican tickets, except the names of the candidates?—A. I think I did.

Q. Do you know who had those tickets or who distributed them?—A. Don't know.

Q. You say there where colored men there from Aiken and Lexington Counties who offered to vote. Please give the name of the colored from Aiken County.—A. Steven Cew, Bob Robinson, and, I think, Stephen Cew voted; his name was on the poll-list.

Q. How far is the Aiken County line from Ridge Springs?—A. About a mile and a half or two miles.

Q. Give the names of the colored men from Lexington County who attempted to vote.—A. I don't know their names. I have seen them on Goose Platter in that county. One of them, I think, is named Garnet.

Q. You stated that you saw colored men get off the train, at the Ridge, from Lexington that day. Did you see any white men get off at that time?—A. I saw two or three. The young Ethridges got off there; they are from Germanville Township in this county. No white men got off there who were strangers to me.

Q. You stated you saw a colored man there from Banknight's ferry. Did you see any white men there from Banknight's ferry, or other distant portions of the county?—A. I don't remember that I did.

Q. You stated you had a Democratic club consisting of thirty colored men. Are you certain all of these colored men voted the Democratic ticket?—A. They have all told me so since.

Q. Give the names of the thirty colored men, members of the club.—A. George Bastin, Richard Lott, Sam Archer, Joe Barnes, Sam Holmes, Toney Lightsey, Joe Merrett, Lewis Pompy, Lott Sawyer, William Lee, Peter Weaver. I can't call any more names right now. Tom Coleman, George Samuels, Columbus Blair, and others. If I had known that you wanted the names I could have gotten them.

Q. You say you thought Boney had a pistol in his overcoat-pocket. Did you see the pistol?—A. I saw what I thought to be the pistol, and from what he said; he said he had bought two pistols, and paid thirty-three dollars for them, as well as I remember.

Q. Did you see any white men with pistols or guns there that day?—A. I saw no white men with guns. I saw a few white men with pistols; saw them under the bottom of their coats—their coats being short; did not see any drawn.

Q. You stated that a colored Democrat told you that the Republicans intended to raise a row there that day. Give the name of these colored Democrats.—A. One of them who told me has been killed since, Richard Lott; the other man, Samuel Holmes.

Q. By whom was Richard Lott killed, and for what was he killed?—

A. He was killed by a colored Republican. Reports say that it was for going to this man's house after his wife. Other reports say he was killed for being a Democrat; but it is all hearsay with me.

Q. Have you not been informed that he was killed in this man's wife's house?—A. I have heard so. I know nothing of my own knowledge.

Q. You stated that a colored Democrat was severely beaten some time previous to the election. Do you know who it was who beat him?—A. He told me the name, but have forgotten now. Dick Wash was one of them. There were three of them—colored Republicans. This man came to me with a hole shot through his coat and his head bleeding, and told me what he was beaten for.

Q. You say that Mr. Carwile sent word to Boney that if he and George Jackson got up the difficulty there that day, that he heard they intended to get up, that he (Carwile) would kill Boney. At the time this message was sent, was not George Jackson in the room where the polls were open, attending to his official duties?—A. I don't know where he was. Did not see him.

Q. You stated that once during the day there came a crowd of colored Republicans cheering Chamberlain and cursing Hampton; that you told them that if they cursed Hampton again they would be sorry for it. Did they desist after you there threatened them?—A. They did not curse Hampton any more, but continued to hallow.

Q. Did you hear any white man cursing Chamberlain that day, or any time preceding the election?—A. I may have; don't remember; heard a good many curse him since the election.

Q. I understood you to say that you heard no threats that day except what you said to that man?—A. Yes; I said that.

Q. You stated that you believed it was the intention of that crowd of colored men to take charge of the polling-place as they had done on previous occasions; did you ever know the colored men to take possession of the ballot-box at the Ridge?—A. I did; in 1874 they took possession of the house and box, and put guards in the door, and up to two o'clock in the evening no white man had been admitted through the door that I know of. Those who voted crawled in at the window; I did it myself.

Q. Do you know how many Republican votes were polled there in 1874, and how many Democratic?—A. I do not.

Q. Was not the ballot-box that night taken from the managers and destroyed; and was it not done by white men?—A. I was not there; don't know who did it; heard it was destroyed.

Q. When this crowd of colored men came up hallooing were there a great many white men around the polling-place?—A. Not many; principally colored men.

Q. The white men had pretty well all voted at that time, had they not?—A. Some had and some had not.

Q. You say when this crowd came up they were accompanied by two vehicles with guns in them?—A. I did.

Q. What kind were they, and how many?—A. I don't know what kind, or how many.

Q. They made no display with them, did they?—A. None, except to drive up in a hundred and fifty yards and stop, (of the polls.)

Q. When the question was put as to whether all parties should leave the room when the polls were closed to canvass the vote, did the Democratic manager and supervisor agree to it?—A. They did after a while,

to satisfy managers; they said the crowd would confuse them and we all left.

Q. You heard no threats or saw no hostile demonstration on the part of the Republicans that day, did you?—A. None, except what I have already stated.

Redirect by Captain Charlton:

Q. Do you know whether H. N. Boney, late judge of probate, voted at that box that day or not?—A. He was there, and he told me since that he did vote there; he also told me that if he had had his way he would have beaten the Democrats; he would not have given them any manager; that Cain relied too much on returning-boards; that the Republican party had organized a clan of repeaters, but they did not do enough.

Q. Do you know of any colored Republicans who were entitled to vote that left the polls that day without voting on account of intimidation by the whites?

(Objected to on the ground of new matter.)

A. I do not; on the contrary, I think every man voted there who was entitled to vote; from twelve o'clock until night a man stood in the door and called to all who had not voted to come up and vote.

JOHN T. GASTON.

Sworn to before me this the 13th day of April, 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

WILLIAM WOODS, a witness of legal age, introduced by contestant after due notice to contestee, deposes as follows to questions propounded to him:

Question. What is your age; where did you live last year; what is your occupation?—Answer. Thirty-five years old; at Gus Glover's, in Edgefield County; plantation hand.

Q. Where did you vote on the 7th of November, and what time did you go to the polls; and did you go to more than one precinct that day?—

A. I voted at Edgefield Court-House; I reached here about eleven o'clock; I went to Landrum's Store precinct.

Q. What time in the day did you get to Landrum's store, and how long did you stay there?—A. It was after sunrise. I never staid there more than a quarter of an hour.

Q. Did you see anything of Bob Chandler the night before or on the morning of the day of the election?—A. Yes; I saw him the night before, and on the morning of the election.

Q. What time in the morning, and where did you see him?—A. The sun was up; don't know what time it was; saw him at Henry May's house, between a half and a quarter of a mile from Landrum's store.

Q. Did you have any conversation with Robert Chandler; and, if so, did he tell you that he had been to Landrum's store?—A. No, sir; had no conversation with him.

Q. Had Chandler already been to Landrum's store when you saw him at Henry May's?—A. I can't tell you.

Q. When Chandler left Henry May's, what direction did he go?—A. He went toward Landrum's store.

Q. Was anybody with him at that time?—A. No, sir.

Q. How long after Chandler left May's was it before you went over to Landrum's store?—A. About a quarter of an hour.

Q. Can you not see very distinctly from Henry May's house to Landrum's store; and is not the land cleared between; and May's house on a very high hill and Landrum's Store on another, and everything open to full view?—A. Yes, sir, to all those questions.

Q. Did you see or hear anything more of Bob Chandler that day?—A. Yes, sir; I saw him at Edgefield Court-House, but did not see him about then.

Q. If Chandler had had any high words with anybody within fifty yards of Landrum's store, would you not have heard it?—A. Of course I would.

Q. Were you at any time with Robert Chandler, near Landrum's store, the morning of the election?—A. No, sir. I was no nearer with him than when at Henry May's.

Q. Did John Swarengen, Benjamin Tillman, Jerry Whitlock, or any other Democrats, white or black, threaten you or Bob Chandler to prevent you from voting at Landrum's store, or prevent you from going to Landrum's store that morning?—A. No, sir; I went up there myself.

Q. What prevented you from voting at Landrum's store, if you tried to vote there?—A. There were no tickets there when I got there.

Q. You said you saw Bob Chandler the night before. Where did you see him, and how long were you with him?—A. At my house; he came there to see his brother; he was there about an hour.

Cross-examined by L. Cain:

Q. What is Bob Chandler's brother named?—A. Charles Ryons.

Q. Did he live on Mr. Glover's place, too?—A. Yes, sir; he lived with me.

Q. How far is Mr. Gus Glover's place from Landrum's store?—A. About two miles.

Q. How far is Mr. Henry May's place from Landrum's store?—A. About a half mile and a quarter.

Q. Who left Henry May's house first, you or Chandler; about how long first?—A. He left first; about a half or quarter of an hour. I was there fooling with some girls, and was not thinking about the matter; I was not thinking about the election; I knew I would get time enough to vote, any way.

Q. As Chandler left Mr. May's a quarter or half hour before you did, could he not have reached Landrum's store, been threatened by parties, and left there, and you not know anything about it—or before you got here?—A. I should suppose he could.

Q. You are not willing to swear that he was not threatened there that day?—A. I don't know what was done before I got there, and can't wear about it.

Q. When you saw him at Mr. May's, you had no conversation with him, you say; with whom was he talking?—A. He was not talking with any one; he was waiting for a crowd of men, and they never came.

Q. As you had no conversation with him, how do you know that he was waiting for a crowd?—A. Because others were behind, and I was one of the men to go with him; one of his main men.

Q. You were waiting for a crowd, too, were you not?—A. Yes; I was waiting for them.

Q. Were you waiting with Chandler?—A. No, sir.

Q. How was it that you were waiting there at May's, and Chandler

waiting there too; had you and Chandler entered into an agreement for crowds of men to meet there on the morning of the election?—A. No, sir.

Q. What time did you get to the May's place that morning?—A. About sun-up.

Q. As you were one of the main men to meet there with Robert Chandler, why is it that you had no conversation with him, or go with him?—A. I overslept myself, as many others do, and when I got up I broke and run.

Q. You broke and ran, then, from Mr. Glover's place to Henry May's, did you not?—A. No, I did not run from Mr. Glover's place then.

Q. Did you not stay at Mr. Glover's place on the night previous to the election?—A. Yes, sir.

Q. How far did you run the next morning, when you found you had overslept yourself?—A. I don't know how far; I ran till I heard the others going round the road, then I went to Henry May's and waited for them.

Q. You stated that you and Robert Chandler were waiting at May's for a crowd; give the names of some of the parties you were waiting for?—A. I was waiting for Lewis Miller, Milledge Tompkins, William Harris, Griffin Clark, and a crowd of others.

Q. Did these men come up while you were waiting for them?—A. Yes, sir.

Q. Did you and these men go to Landrum's store together?—A. Yes, sir.

Q. You stated that you entered into no agreement to meet parties at Mr. May's; as you made no such agreement, how is it you were waiting there for Lewis Miller, Milledge Tompkins, and a crowd of others?—A. We all agreed to go together.

Q. Where did you agree to meet at?—A. We agreed to meet there or at Brother Crafton's, at the forks of the road.

Q. As you agreed to meet at Brother Crafton's, why is it you waited at the May place?—A. Because other men behind me gone down the road.

Q. How far does Brother Crafton live from Mr. May's house?—A. Something over a mile.

Q. You stated that Mr. May's house is on a high hill, and that Landrum's store is on a high hill; is there not a valley between the two places?—A. Up one hill and down the other; the bottom is cleared up.

Q. On the road from May's house to Landrum's store are there no trees at all?—A. No, sir.

Q. Are there not a great many trees on each side of the road?—A. Plenty in the woods, but not on the road.

Q. You say you remained at Landrum's store about fifteen minutes and then came to Edgefield Court-House; how long were you at Edgefield Court-House before you saw Bob Chandler?—A. In the evening; can't tell what time; it was getting late in the day.

Q. Did you have any conversation with him after you saw him here?—A. No, sir.

Q. You stated that there was no tickets at Landrum's store when you got there; who did you ask for tickets?—A. I did not ask any one, because the man who had the tickets was not there, that I saw.

Q. You have been asked if you had been threatened by John Swearingen, Benjamin Tillman, Jerry Whitlock, or any other Democrats, white or colored. Did you see Mr. Swearingen, Mr. Ben Tillman, or Whitlock



there that day?—A. I saw Mr. Ben Tillman and Whitlock; did not see Mr. Swarengen.

Q. After you came to Edgefield Court-House, did you vote?—A. Yes, sir.

Q. At what polling place did you vote, and what ticket did you vote?—A. At the school-house, and voted the Republican ticket.

Redirect by G. D. Tillman:

Q. You spoke of some trees out in the woods on the side of the road between May's house and Landrum's store; is not the road between the two houses a curved one, and are not the trees to which you alluded in a different direction from a straight line between the two houses?—

A. These trees are in a different direction from a straight line from the store.

WILLIAM <sup>his</sup> + WOODS.  
ma.k.

Sworn to before me this the 14th day of April, 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

in the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

LEWIS MILLER, a witness of legal age, sworn.

Question. How old are you, where did you live last year, and where did you vote at the last election?—Answer. Thirty-eight or nine; at Mr. Glover's plantation, Edgefield County; at the school-house in Edgefield Village.

Q. Did you go to Landrum's store or any other precinct to vote that day?—A. I went to Landrum's store.

Q. Who went with you to Landrum's store that morning; about what time in the day; and how long did you stay?—A. John Johnson and William Woods and many others; about daylight I started and got a little while before sunrise; staid about fifteen minutes.

Did you see or hear anything of Bob Chandler at or near Landrum's store that morning?—A. No, sir; he left my house before day.

Did you see Chandler about Henry May's house as you passed?—A. No, sir; I never saw him.

Did you see or hear anything anywhere that day about any Democrats threatening Chandler at or near Landrum's store and driving away from there?—A. No, sir; I never heard nothing.

When did you first hear that Chandler had been threatened at Landrum's store, and who told you?—A. I never heard it; don't remember.

Cross-examined by L. Cain:

You stated that you went to Landrum's store that morning with William Woods, John Johnson, and others; did you and William Woods go to Mr. Gus Glover's place together?—A. Yes, sir.

About what time did you leave home?—A. Just about light.

Did you and William Woods go directly to Landrum's store, or stop on the way?—A. We did not stop; went straight on.

Mr. Henry May's place on the direct road to Landrum's store or Glover's place, or is it off the road, and how far off?—A. A little off the road; about a hundred and fifty yards.

Q. When you and William Woods passed by Mr. Henry May's place, did not William Woods stop there and stay a half hour?—A. When we got to Landrum's he was with us in company.

Q. And you say you started from home together?—A. Yes, sir.

Q. Did you and William Woods run any?—A. I did not, and we were all together.

Q. Tell me if the following-named persons were with you when you were going from Glover's to Landrum's: Lewis Miller, Millege Tompkins, William Harris, Griffin Clark?—A. William Harris and Millege Tompkins was, but not Griffin Clark.

Q. You say that Robert Chandler left your house before day; did he tell you where he was going to?—A. Yes, sir; told me he was going to Landrum's store.

Q. When you reached Landrum's store was there not a large crowd of men there?—A. Yes, sir; a very large crowd.

Q. Could not Robert Chandler have been there and you not see him?—A. Yes, sir; I suppose he could.

Q. You are well acquainted with the public road leading from Mr. Henry May's to Landrum's store, are you not?—A. Yes, sir.

Q. Are there any trees on either side of this road near to the road?—A. No big trees; on the left-hand side of the road, near Mr. Henry May's house, there is a piece of woods.

Q. If a man were to start from May's place to Landrum's store, could you stand at May's place and see him all along the road, or are there not places along the road where the trees and bushes would screen him from you?—A. There is a bottom between Mr. May's and Landrum's, which I don't think I could well see how; but that's all.

Redirect:

Q. Is not the road between May's house and Landrum's store a curved one, and are not the trees or woods you allude to in the bend of the road?—A. You can see from one house to the other. Yes; on the left of the road.

Q. How many men started with you from Glover's to Landrum's?—A. Ten or fifteen started with me, and ten or fifteen went all the way to Landrum's store.

Q. Did Woods or any one with you stop to talk to the girls at May's that you noticed?—A. Not that I noticed.

Q. Did you stop at any time to talk to anybody between Glover's and May's, or between May's to Landrum's store?—A. Went right straight on.

Q. Did Woods start with you and keep with you all the way to Landrum's store, or did he stop?—A. We started together, and when we got to Landrum's he was there.

Q. You mentioned there was a large crowd at Landrum's when you got there; how many colored men did you see in that crowd?—A. A great many, but the most were white people.

Q. Did any Democrat, white or black, threaten you or your party to try to prevent you from voting as you pleased?—A. Not whilst I was there.

his  
LEWIS + MILLER.  
mark.

Sworn to before me this the 14th day of April, 1877.

[SEAL.]

C. S. B. MARSH.

In the matter of the contest of George D. Tillman against Robert Smalls for a seat in the Congress of the United States.

SAMUEL C. CARTLEDGE, a witness of legal age, sworn, introduced by contestant.

Question. How old are you, and where do you reside? Did you vote at the last election, and where?—Answer. Thirty-one years old; Ridge Spring, Edgefield County. I voted at Ridge Spring.

Q. What is your occupation, and what office did you hold, if any, in the election?—A. I was at that time a merchant, and clerk of the board of managers of election.

Q. Were you regularly elected clerk and sworn in; and, if so, by whom?—A. I was sworn in by George Pope, the Republican chairman of the board of managers.

Q. Did Harrison U. Boney, late judge of probate of Edgefield County, vote there that day?—A. He did; I saw him vote myself.

Q. Was any person who was entitled to a vote denied the privilege of voting there that day, as far as you saw?—A. There was not.

Q. Did you detect any persons trying to vote two or three tickets at the same time; if so, who were they, and of what politics?—A. There was one negro who attempted to vote his ticket; was too large to go in the box; it had to be unfolded to be refolded, and there were found to be four Republican tickets together.

Q. Did you notice the presence of many strangers at Ridge Springs that day; and, if so, were they mostly white or colored?—A. There were a great many there of both colors strangers to me, but mostly colored; very few whites whom I did not know.

Q. Were not several colored persons denied the privilege to vote on the ground that they were citizens of the neighboring counties of Aiken and Lexington?—A. No one was denied the privilege that I know of. I heard there were some, but they were outside, and I did not see them. George Jackson, the supervisor, Republican, heard that there was a crowd outside from Lexington and Aiken; he sent them word to go back; they could not vote.

Q. When you went to count the vote, were the citizens and crowd prevented from being present; and, if they were, at whose instance were they expelled?—A. There was no one present at the counting of the vote but the managers and clerk, two supervisors, and the United States marshal. It was at the instance of the Republican supervisor and at his request the United States marshal was admitted.

Q. Were there more ballots in the box than names on the poll-list; and, if so, how many more?—A. There was one hundred and eleven.

Q. In counting the votes did you sometimes find two or more tickets folded together at any time; and, if so, how often did you find two tickets together, how often three together, &c.?—A. There were several instances where such was the case; do not remember how often, but do remember that most of them were Republican tickets.

Q. Did all the officers of the election sign the returns of the election cheerfully and without objection?—A. They did.

Cross-examined by L. Cain:

Q. Of the one hundred and eleven tickets you found in excess of the poll-list, how many were folded together?—A. I don't know; I was busy keeping the tally.

Q. You stated that you were informed that there were thirty or forty men from adjoining counties, and that George Jackson sent them word

that they could not vote there; to go back. Did they come in the room when the polls were open and persist in their right to vote after this?—A. They did not as a body. Afterward several came in, and their votes were challenged by the Rev. Mr. Kauffman, from Lexington County. He lives in Leesville. He found out before leaving home that they were coming to vote, and he came to challenge them and prevent them from voting. They then were not allowed to vote.

Q. I understood you to state in your direct examination that you knew of no one who was denied the privilege of voting; that you heard of some, but they were outside. You state now that Rev. Mr. Kauffman challenged their votes, and the parties were not allowed to vote. How will you harmonize these two answers?—A. My memory was that no one was denied the right to vote who was entitled to vote. After reflection, I remembered these parties did come in. I was speaking of that crowd who was ordered off by George Jackson.

Q. State how many parties came in to vote who were denied the privilege to vote on account of being from other counties.—A. I disremember; some four or five.

Q. You stated that a negro tried to vote four tickets but was detected. Did you see those tickets unfolded?—A. I saw them unfolded. I don't know his name. I was busy writing down names on the poll-list.

Q. After it was discovered that he tried to vote four tickets, was he sworn, and did he vote, and allow his name to go down on the poll-list?—A. He had already been sworn. He cast his ballot, and his name was on the poll-list.

Q. You stated that you saw very few strangers (white men) there. Did these strangers vote?—A. They did.

Q. Did not the Democratic manager and Democratic supervisor concur in the wishes of George Jackson, Republican supervisor, that all parties other than the election officials should leave the room until the counting was over?—A. I think they did.

S. C. CARTLEDGE.

Sworn to before me this the 14th day of April, 1877.

[SEAL.]

C. S. B. MARSH,

*Intendant.*

Samuel C. Cartledge recalled by contestant.

Question. When any of the Democratic voters at Ridge Spring had deposited their ballots, would they say to you, as clerk, "You know my name," or words to that effect; and, if so, who were they and what did they mean by it?—Answer. There were no Democratic voters who said so. There were some colored Republicans who would to Mose Lott, Republican manager, "You know my name," and he would call them out to me and I would write them down. One old colored man, a Republican, who worked for me, a good old man, said to me, "You know my name," and I wrote it down.

Cross examined by L. Cain:

Q. How near to the box in which the ballots were deposited were you sitting, acting as clerk?—A. Some five or six feet, perhaps.

Q. Do you remember hearing the Republican managers asking white men their names who refused to give their names?—A. There was one man who came in there drunk who refused to give his name, but it was insisted upon by both parties, but he was too drunk to talk. After a while they got it out of him.

Q. When asked his name by the managers, did he not curse at them ?  
 —A. Don't know that he cursed at the managers. He cursed generally, as all drunken men will do.

S. C. CARTLEDGE.

Subscribed before me this the 14th day of April, 1877.

[SEAL.]

C. S. B. MARSH,  
*Intendant.*

No. 12.

AIKEN COUNTY.

*Notice to take depositions in Aiken.*

In the matter of the contest of G. D. Tillman against Robert Smalls.

STATE OF SOUTH CAROLINA,

*Aiken County:*

To W. J. Moseley, D. S. Henderson, John Dent, J. St. Julien Yates, T. H. Hayne, A. P. Butler, A. P. Padgett, James Quinby, C. T. or Dock Howard, John Murray, George W. Howard, John M. Bell, B. F. Landrum, jr., J. J. Cahill, C. E. Sawyer, Carr Haney, Joseph Rion, George F. Wilson, William Chafee, Henry Getzen, A. J. Butler, Toliver Heron, Jerry Whitlock, John Palmer, W. F. Wilson, James Powell, George Thorpe, Reuben Laboard, Buck Salcher, W. M. Walker, J. W. Dunbar, A. P. Brown, Jabez Courtney, Fuller Courtney, Edward Segler, W. F. Carsten, States Lee, ——— Becch, T. J. Davies, W. W. Miller, O. C. Jordan, James Aldrich, Charles Edmunston, G. W. Croft, and W. M. Hutson, and Burgess Franklin.

You and each of you are hereby summoned to appear before me at Aiken, in said county and State, on the 14th, 16th, 17th, and 18th days of April, A. D. 1877, at seven o'clock, to be then and there examined under oath by me respecting the contest by G. D. Tillman of the right of Robert Smalls 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, at Aiken, this 7th day of April, A. D. 1877.

[SEAL.]

W. W. WILLIAMS,  
*Judge of Probate, Aiken County.*

STATE OF SOUTH CAROLINA,

*Aiken County:*

To ROBERT SMALLS, Esq.:

You are hereby notified that I will examine the following-named witnesses, all of whom reside in Aiken County, relative to and in rebuttal of the evidence produced by you to support your answer to 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 1876, for the fifth Congressional district of the State of South Carolina, before W. W. Williams, esq., judge of the probate court in and for the county of Aiken, in the State of South Carolina, in the town hall, in the town and county of Aiken, in the State aforesaid, on the 14th, 16th, 17th, and 18th days of April, instant, commencing at 7 o'clock in the forenoon of the first-named day, and continuing without interruption, except as may be agreed upon for necessary adjournments, or as

much of these days as may be necessary for the examining of W. J. Moseley, D. S. Henderson, John Dent, J. St. Julien Yates, T. H. Hayne, A. P. Butler, A. P. Padgett, James Quinby, C. T. or Dock Howard, John Murray, George W. Howard, John M. Bell, B. F. Landrum, jr., J. J. Cahill, C. E. Sawyer, Carr Hauey, Joseph Rion, George F. Wilson, William Chafee, Henry Getzen, A. J. Butler, Toliver Heron, Jerry Whitlock, John Palmer, W. F. Wilson, James Powell, George Thorpe, Reuben Laboard, Buck Salcher, W. M. Walker, J. W. Dunbar, A. P. Brown, Jabez Courtney, Fuller Courtney, Edward Segler, W. F. Carsten, States Lee, ——— Beech, T. J. Davis, W. W. Miller, A. C. Jordan, James Aldrich, Charles Edmonston, G. W. Croft, and W. M. Hutson.

April 6, 1877.

Respectfully, &c.,

G. D. TILLMAN,  
Per G. W. CROFT,  
*Attorney for Contestant.*

I accept legal service of the foregoing notice upon me at Beaufort, S. C., this ninth day of April, A. D. 1877.

ROBERT SMALLS,  
Per W. J. WHIPPER,  
*Attorney.*

STATE OF SOUTH CAROLINA,  
*County of Aiken:*

I, W. W. Williams, judge of the probate court in and for the county of Aiken, State aforesaid, do hereby certify that the annexed depositions of Jas. L. Quinby, John M. Bell, Benj. F. Laudrum, jr., N. P. Butler, R. A. Chafee, Toby Murphy, and John Dent were taken on the 14th day of April, 1877, pursuant and in all things conformable to the attached notice, between the hours of 9 o'clock a. m. and 6 o'clock p. m. of said day; and that contestant was represented by G. W. Croft, his attorney, at the examination, and that contestee was neither represented by counsel or in person; and that the annexed depositions of A. P. Padgett, K. J. Tyler, C. E. Sawyer, D. S. Henderson, J. St. Julien Yates, and Angers P. Brown were taken on the 16th and 17th days of April, 1877, between the hours of 9.30 o'clock of the 16th, and continuously till the following morning to 1.30 o'clock a. m. Tuesday; that the annexed depositions of G. W. Croft, Burgess Franklin, W. J. Courtney, John F. Murray, and W. F. Wilson were taken on the 17th day of April, 1877, between the hours of 10 o'clock a. m. of said day and 3.30 o'clock a. m. the 18th, following; and that the annexed depositions of G. W. E. Thorpe, T. J. Davies, Wordie B. Courtney, and Reuben Laboard were taken on the 18th day of April, 1877, between the hours of 11 o'clock a. m. and 9 o'clock p. m. of said day; that W. J. Whipper represented contestee as his attorney, and the contestant was represented by G. W. Croft on the three last-mentioned days, namely: 16th, 17th, and 18th, except at the examination of G. W. Croft, one of the above-mentioned witnesses, during which examination the contestant was personally present, and conducted said examination; that the said witnesses, whose depositions are hereto attached, and whose names are contained in said notice, were first by me duly sworn according to law to tell the truth, the whole truth, and nothing but the truth, touching the matters 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 attorney for the contestant, that is, all except the witnesses Jas. L. Quinby, John M. Bell, Benj. F. Laudrum, jr., N. P. Butler, R. A. Chafee,

Toby Murphy, and John Dent, whose examinations and testimony, together with the questions propounded to them by the attorney of the contestant, and reduced to writing by me and in my presence, was neither in the presence of the contestee or his attorney, who were not present; and, after being carefully read over to witnesses, were by them attested, by signing their names or making their marks to their depositions, in my presence.

In testimony whereof I hereunto affix my name and official seal this 19th day of April, 1877.

[SEAL.]

W. W. WILLIAMS,  
*Judge of Probate, Aiken County.*

SOUTH CAROLINA,  
*Aiken County:*

G. D. TILLMAN, CONTESTANT, } For a seat in the Forty-fifth Congress  
vs. } of the United States from fifth dis-  
ROBERT SMALLS, CONTESTEE. } trict of South Carolina.

JAMES L. QUINBY, being duly sworn, says :

Question. State your name, age, residence, and occupation.—Answer. James L. Quinby; twenty-five years; Graniteville; clerk in store.

Q. Where were you on 7th November last, day of last general election?—A. I was at Hatcher's store, in Graniteville, where the election was held.

Q. Had you any official capacity connected with that election; and, if any, state what?—A. Clerk of board of managers of election.

Q. How was that election conducted at that poll on that day?—A. Peaceably, quietly, and orderly.

Q. State the number of votes cast for G. D. Tillman for Congress and Robert Smalls for Congress.—A. Seven hundred and eighty-seven for G. D. Tillman and seventy-seven for Robert Smalls.

Q. State how many Republicans and how many Democrats composed the board of managers at that poll.—A. Two Republicans and one Democrat.

Q. What was the complexion of the Republican managers, and give their names?—A. John Wooley, white, Alexander Williams, colored.

Q. In deciding the right to vote, was the board governed by a majority of the managers?—A. Yes, sir. Wooley seemed to manage everything, the others acquiescing.

D. Do you know of any Democratic voters who were refused the right to vote that you knew were of age?—One; Robert Gibbes.

Q. How was he prevented from voting?—A. Wooley argued that he was not old enough, and he was not allowed to vote.

Q. Did he offer to swear that he was old enough, and to bring evidence to prove it?—A. He did; offered to prove it by his mother.

Q. Do you know of any parties there who voted that were under age?—A. Yes, sir; Gus Homes; voted the Republican ticket.

Q. From the appearance of all other voters, would you judge that they were of full age; those I mean that voted there?—A. They appeared to be so, except two or three, but these I knew to be of age—twenty-one years.

Q. Did not the people from Langley vote there?—A. Yes, sir.

Q. What is the population of Langley, white or black?—A. Almost entirely white.

Q. How did the people from Langley vote; that is, what ticket?—A. I feel sure that they voted the Democratic ticket, both white and black.

Q. What ticket did a majority of the voters, that is the colored portion, vote at Graniteville on that day?—A. A small majority voted Democratic tickets.

Q. Did not the people turn out more generally at the last election than at any previous election you have ever attended?—A. Yes, sir; they did.

Q. Were there not fewer white Republicans who voted the Republican ticket than at any previous election since reconstruction?—A. Yes; I only know one, John Wooley.

Q. Were you present when the votes were counted, and the returns footed up and signed?—A. I was; footed them up myself, and saw the managers sign them.

Q. Were they sent to the board of county canvassers at Aiken; and, if so, by whom?—A. They were; by one of the managers.

Q. When were they sent to Aiken?—A. On the morning after the election.

Q. Did you proceed to count the votes, foot up returns, and the managers sign the same immediately after the polls were closed?—A. We did.

Q. State whether John Wooley kept a list of the voters who voted at Graniteville on the 7th November last?—A. He did not; it was impossible for him to do so, as he was chairman of the board of managers, and conducted the swearing, voting, &c.

Q. Was the white vote at Graniteville at the election in November last larger than at previous elections; and, if so, why?—A. It was, on account of the village of Langley having been built in the last four or five years, and there was no polling-precinct there during the last election, as there had previously been.

JAS. L. QUINBY.

Sworn to before me this 14th April, 1877.

[SEAL.]

W. W. WILLIAMS,

*Judge of Probate, Aiken County.*

NOTE BY W. W. WILLIAMS.—There was no counsel representing Robert Smalls, contestee, nor was he represented in person.

JOHN M. BELL, sworn, says:

Question. State your name, age, residence, and occupation.—Answer. John M. Bell; thirty-eight years old; Aiken County; farmer.

Q. Where were you on the 7th November last, the day of last general election?—A. At Miles Mill precinct, Aiken County.

Q. Had you any official position at that election? If so, state what.—A. I was manager at that poll—Miles Mill.

Q. Who were the other managers?—A. Joe Coleman and Brodie, both colored.

Q. What was their politics?—A. Republicans.

Q. How were all questions decided that came before the board?—A. By a majority of the board.

Q. State the manner in which the election was conducted at that precinct.—A. Everything was peaceable, every one voting as he saw fit, and no one left without voting, except those refused by the board.

Q. Was there any intimidations shown toward any one offering to vote?—A. None. Joe Coleman, (colored,) chairman of the board, seemed to be worried at seeing so many colored voters vote the Democratic ticket.

Q. How many colored Democrats voted at that precinct?—A. From twenty to thirty.



Q. Was there any repeating done at that poll?—A. None that I know of.

Q. Were you at that poll the entire day?—A. Yes, sir.

Q. Did any bands of armed men visit that poll during the day?—A. No; I saw some few with side-arms, both white and colored.

Q. Is it customary for persons to carry pistols?—A. It is very common.

Q. Did you see a white man take any tickets from Joe Coleman that day?—A. I did; he asked "Where are your tickets?" I replied, "There are some on the table; I don't know that they will suit; you may look at them." He looked at them and says, "Haven't you got any more? I want to see all you have." I told him probably Joe Coleman has some others, and Joe pulled out some two or three hundred tickets out of his pocket and handed them to him, from which he got about half dozen; he looked at them and folded them up, and tore them in two, and remarked, "They are not worth a damn; I'll look at those on the table again," and says, "They will do," and voted.

Q. What was the manner of this man in getting the tickets from Coleman?—A. It was done in a good-natured way, without any violence whatever.

Q. Did you see Joe Coleman challenge the vote of any one that day?—A. I did, on several occasions.

Q. Was anything done to frighten the managers or prevent them from doing their duty?—A. Nothing whatever.

Q. Was not the proportion of colored persons who voted the Democratic ticket at the last election larger than at any previous election?—A. Yes, sir; far greater.

Q. Did Horton H. Jordan vote there that day?—A. He did not.

Q. Did any person vote at that precinct who was under age?—A. None that I know of; several persons were challenged on that ground by Joe Coleman; but they looked to be twenty-one years of age, swore to that, and the chairman allowed them to vote.

Q. Was there any person whipped in sight of or in hearing of the managers on that day anywhere in the vicinity of the precinct?—A. No, sir; there were none threatened that I know of.

Q. How long have you resided in Aiken County?—A. Since it became a county.

Q. Are you familiar with the roads leading to and from Miles' Mill?—A. I am.

Q. Is there any direct road leading from Miles' Mill to Fountain Academy?—A. None that I know of. No; there is no direct road.

Q. Had any bands of armed men visited that poll that day, would you not have seen them?—A. Yes, sir.

Q. Did you hear any one ask for the long-legged manager or a son of a bitch, or tell any one that they could come out and make water; that their bladders must be near bursting?—A. No, sir.

Q. If such language had been used in the presence or hearing of the managers, would you not have heard it?—A. It strikes me that I would.

JOHN M. BELL.

Sworn to before me this 14th April, 1877.

[SEAL.] -

W. W. WILLIAMS,  
*Judge of Probate, Aiken County.*

NOTE.—Robert Smalls was not present or represented by counsel.

W. W. WILLIAMS.

BENJ. F. LANDRUM, jr., sworn, says :

Question. State your name, age, residence, and occupation.—Answer. Benj. F. Landrum, jr.; about thirty years; Aiken County; farmer.

Q. Where were you on the 7th day of last November, day of last general election?—A. At Miles's Mill precinct, in this county.

Q. Were you there the entire day?—A. I was, sir.

Q. Did any bands of armed men visit that precinct on that day?—A. No; I saw a few with pistols.

Q. Were these men who had the pistols white or colored, Democrats or Republicans?—A. Both white and colored, both Democrats and Republicans.

Q. Was there any violence or threats used toward any one there on that day?—A. None.

Q. Was there any repeating done there on that day?—A. None that I know of.

Q. Were there any parties under age of 21 years who voted there?—A. None that I know of.

Q. From the appearance of the voters who voted there, would you judge that they were of age?—A. Yes, sir.

Q. What was the conduct of the election at that poll on that day?—A. Very peaceable, quiet, and orderly. The deputy United States marshal, who was a Republican, James Powell, remarked to me, after the polls were closed, that everything was peaceable and quiet.

Q. Did any one interfere with the ballot-box during the day?—A. None at all. The manager, Brodie, had his hand on it, and kept it under his control all the time.

Q. Did any one say to Delevan Yates that if he would just cheep he would come in and mash his mouth, or that he might come out and make water, that his bladder might burst?—A. No, sir; no such language was used.

Q. Had it been used, would you not have heard it?—A. Yes; for I was near the box the entire day.

Q. Did you hear any one curse the managers that day?—A. I did not, sir.

Q. Were any guns brought there or near the polls that day?—A. There was not; I never saw a gun.

Q. Was anything done to prevent the managers from doing their duty that day?—A. There was not.

Q. Were all the men who voted properly sworn in due form of law?—A. They were.

Q. Was there any man who voted who refused to recognize the oath?—A. No, sir; there was not.

Q. Who distributed the Republican tickets?—A. Tom W. West.

Q. Did Horton H. Jordan vote at that precinct?—A. He did not.

Q. Was any colored man told that it would not be safe to vote the Republican ticket at that precinct that day?—A. No, sir.

Q. Was there any act done or words used at that precinct on that day that was calculated to intimidate or frighten any one?—A. No, sir; there was not.

Q. Was the voting free and fair, and did every one vote as he chose?—A. It was; and they voted as they chose.

Q. Was there any cursing going on while the oath was being administered?—A. No, sir.

Q. Did not a large proportion of the colored voters vote the Demo-

cratic ticket?—A. Yes, sir; a good many who voted the Democratic ticket—from twenty to thirty.

B. F. LANDRUM, JR.

Sworn to before me this 14th day of April, 1877.

[SEAL.]

W. W. WILLIAMS,  
*Judge of Probate, Aiken County.*

NOTE.—Robert Smalls was not represented by counsel or in person.

JOHN M. BELL recalled.

Question. Were all persons sworn who voted at Miles's Mill precinct?—Answer. Yes, sir.

Q. Did any person who voted there refuse to be sworn?—A. No, sir.

JOHN M. BELL.

Sworn to and subscribed before me this 14th April, 1877.

[SEAL.]

W. W. WILLIAMS,  
*Judge of Probate, Aiken County.*

NOTE.—Robert Smalls was not represented by counsel or in person.

W. W. WILLIAMS.

NELSON P. BUTLER, being sworn, says:

Question. State your name, age, residence, and occupation.—Answer. Nelson P. Butler; twenty-nine years; Aiken Village; porter.

Q. What are your politics?—A. Democrat.

Q. How long have you been a Democrat?—A. For four years.

Q. Have you ever been abused or threatened on account of your politics? If so, state by whom and in what way were you abused or threatened.—A. Yes, sir; I have been, by a colored man named Harrison Voluntine, who told me that he intended to wait till election-day and see if I voted the Democratic ticket, and if so, he had a militia gun and forty rounds of cartridges to keep me from walking the road by his house. I asked him if he was drunk or in earnest, and he said that "I am in earnest, God knows I am." In a short time after that I was brickbated by a crowd near Dabney Dickerson's, on my way from a Democratic meeting shortly before the election in last November. The cry among the parties who brickbated me was, "Kill the damn Democratic son of a bitch." I had to run to save myself. I am quite sure that Pierce and George Smith (brothers-in-law of Harrison Voluntine) and the Dickerson boys, all colored, were of the party. On the day of election Charles Neal, colored, drew a pistol on me and called me a damned lying Democrat son of a bitch while I was going with another colored man to vote, and took the ticket from the man I was carrying up to vote. I have been abused and threatened on various occasions on account of my being a colored Democrat.

Q. Were the parties who threatened and abused you all Republicans?—A. They were all Republicans; and I remember Isaac Johnson, a colored Republican, drawing a knife on me because I was a Democrat, and some white men, Mr. Henderson, Mr. Sam. Courtney, and Mr. Lloyd Courtney, made them leave me alone.

Q. State whether you know of any other colored Democrats being abused and threatened on account of their politics.—A. I saw my brother, Henry Peterson, caught hold of by colored Republicans and taken off from me, and they told him that if he voted the ticket I gave him he should never go back to Captain Seigler's alive. Willis James was one of the party, also Major Miller, and others whose names I do

not now remember. I have seen Tom Hayne, Toby Murphy, John Dent colored Democrats, threatened and abused by colored Republicans on several occasions. On the day of election I saw July Lythgoe, who was brought to town by Julius Brown, attempt to vote, but the colored people got around him and threatened him so that the old colored man became so frightened that Mr. Brown had to carry him to Graniteville to vote. I also saw some four colored men with red shirts, who were Democrats, attempt to vote here in Aiken, but they were immediately surrounded by colored Republicans and were abused so that they were compelled to go to Graniteville to vote. Any colored man who was a Democrat was subject to continuous abuse and threats on account of his politics, before and during the election; it was actually not safe for them to declare their politics.

Q. Do you know of any colored men who voted the Democratic ticket secretly on account of being afraid to avow their politics openly?—A. Yes, sir; I do know several. Mills Samuels, Major Samuels, and Josh Screnar were among them, and several others.

N. P. BUTLER.

Sworn to before me this 14th day of April, 1877.

[SEAL.]

W. W. WILLIAMS,

*Judge of Probate, Aiken County.*

NOTE BY W. W. WILLIAMS.—Robert Smalls was not represented by counsel or in person.

ROBERT A. CHAFEE, being sworn, says:

Q. State where you voted in Aiken County in the last general election on the 7th November last.—A. At Graniteville.

Q. It has been stated by witnesses for the contestee that you voted more than once. Is that true or not?—A. It is a willful falsehood.

Q. Have you a brother by name of William Chafee?—A. I have.

Q. Have you not another brother by name of W. H. Chafee, who is a competent voter?—A. I have.

Q. Did W. H. Chafee, your brother, vote at Graniteville at last general election?—A. He did not, to my own knowledge.

R. A. CHAFEE.

Sworn to before me this 14th April, 1877.

[SEAL.]

W. W. WILLIAMS,

*Judge of Probate, Aiken County.*

NOTE BY W. W. WILLIAMS.—Robert Smalls was not represented by counsel or in person.

TOBY MURPHY, (colored,) sworn, says:

Q. State your name, residence, age, and occupation.—A. Toby Murphy; Aiken; thirty-one; carpenter.

Q. What are your politics?—A. It has always been Democratic since I have been a voter.

Q. State whether you have ever been abused or threatened by colored Republicans on account of your being a colored Democrat?—A. I have, sir.

Q. State when and by whom.—A. Before the last general election, by Thornton Morris, a colored Republican.

Q. Has any one else ever abused you on account of your politics?—A. Yes, sir, frequently, by a number of colored people, and Thornton Morris drew a pistol on me, presented it against my side, and threatened to shoot me.

Q. Have you ever seen any other colored Democrats abused or threatened on account of their politics?—A. I have frequently. Nelson Butler, Willis Watson, March Harrison, and Dave Harrison and all of the colored men who voted that ticket threatened and abused.

Q. What were the politics and complexion of the parties who abused them?—A. Colored; Republicans.

Q. Do you know of any colored people who voted the Democratic ticket, but who were afraid to declare their votes openly?—A. Yes, sir. John Scott and his two brothers and several others whose names I do not now remember, who voted the Democratic ticket, but were afraid to do it openly.

Q. At what precinct did you vote on the 7th of November last?—A. At Aiken precinct.

Q. Did you see any colored Democrats abused or threatened that day on account of their voting the Democratic ticket?—A. I did, sir. Some were so abused and threatened that they were compelled to go to Graniteville to vote. Jake Oliphant was one, and several whose names I have forgotten.

Q. Was it safe for a colored man to declare himself a Democrat openly previous to the election?—A. It was not; he was liable to be beat or mobbed at any time; my reasons for saying so is, that I was jerked down by two colored Republicans a few nights before the last general election.

his  
TOBY + MURPHY.  
mark.

Sworn to before me this 14th April, 1877.

[SEAL.]

W. W. WILLIAMS,  
*Judge of Probate, Aiken County.*

Note by W. W. WILLIAMS.—Robert Smalls was not represented by counsel or in person.

JOHN DENT, (colored,) being sworn, says:

Question. State your name, age, residence, and occupation.—Answer. John Dent; about 28 years; Aiken, S. C.; porter.

Q. What are your politics?—A. I am a Democrat.

Q. How long have you been a Democrat?—A. Five years.

Q. Where did you vote on the 7th of November last, the day of the last general election?—A. I voted at Graniteville.

Q. Why did you vote at Graniteville instead of at Aiken, where you reside?—A. Because the colored Republicans threatened me so I was afraid to vote in Aiken, where there were so many colored people, but I went to Graniteville, where I knew the Democrats were largely in the majority. I was afraid to go home that night, because I was afraid of the Republicans, and staid in Mr. Hahn's kitchen; my reasons for being afraid that night was that I had been previously beaten on account of my politics, and on one occasion Tom Cheatham cut me with a knife severely.

Q. Was it safe for a colored man before and during the election to declare himself openly a Democrat?—A. It was not, for he was liable to be beaten and mobbed at any time for declaring himself a Democrat.

Q. Do you know of any other colored Democrats who went to Graniteville to vote because they were afraid to vote in Aiken?—A. Yes, sir; I do. Douglas Robinson was one, Ephraim Smith, Miles Samuels, Major Samuels, Sumter Samuels, Robert Schofield, and several other colored Democrats that I know of.

Q. Did not more colored people vote the Democratic ticket at the last general election than at any previous election that you know of?—A. Yes, sir; a great many more.

Q. Did not a great many colored people vote the Democratic ticket who were afraid to declare their politics openly?—A. Yes, sir; I know a great many who voted that ticket and were afraid to do so openly.

Q. Do you know of any colored people who would have voted the Democratic ticket, but were afraid and staid away on account of having been threatened by colored Republicans?—A. Yes, sir; I know a good many.

his  
JOHN + DENT.  
mark.

Sworn to before me this 14th April, 1877.

[SEAL.]

W. W. WILLIAMS,  
*Judge of Probate, Aiken County.*

NOTE.—Robert Smalls was not represented by counsel or in person.

STATE OF SOUTH CAROLINA,  
*County of Aiken :*

G. D. TILLMAN, CONTESTANT, }  
  *vs.* } Contested election for seat in Forty-  
ROBERT SMALLS, CONTESTER. } fifth Congress.

W. J. Whipper, counsel for contestee, objects to all the testimony taken in this case on Saturday, the 14th of April, A. D. 1877, on the grounds that legal notice to take such testimony was not served on contestee or his counsel. A notice was served on the 9th of April, and under the law contestant could not take testimony before the 15th day of April, A. D. 1877, at which time the counsel for contestant arrived at the place designated for taking testimony.

W. J. WHIPPER,  
*Attorney for Contestee.*

AIKEN, S. C., *April 18, 1877.*

A. P. PADGETT, being duly sworn, says :

Question. State your name, age, residence, and occupation.—Answer. A. P. Padgett; thirty-one; Graniteville, Aiken County, South Carolina; merchant.

Q. Where were you on the 7th of November last—the day of last general election?—A. At Graniteville.

Q. Did you hold any official position connected with that election?—A. I was a manager at Graniteville.

Q. State the conduct of that election on that day at Graniteville.—A. Generally everything was very quiet; no disturbance or anything of the kind.

Q. State the number of votes that were given for G. D. Tillman for Congress and the number of votes that were given for Robert Smalls for Congress.—A. Seven hundred and eighty-seven for G. D. Tillman and seventy-seven for Robert Smalls.

Q. Were you present when the votes were counted, the returns footed up, and signed by the managers?—A. I was, sir.

Q. Were these returns signed by all the managers, as required by law?—A. They were.

Q. Were these returns and the box containing the poll-list and the ballots sent to Aiken, to the board of county canvassers?

(Question objected to by General W. J. Whipper, on the ground that it is not in rebuttal to testimony given by the contestee.)

A. They were.

Q. By whom were they brought to Aiken, and by whose authority did that person bring them?—A. They were brought by myself and the other two managers—John Wooley and Alexander Williams.

Q. Who did you deposit the box returns, &c., with, and where?—A. With Charles Edmonston, one of the board of county canvassers of election for Aiken County, at the Court-House.

Q. State which one of the managers administered the oath to the voters at Graniteville and controlled voting generally.—A. John Wooley, chairman of the board.

Q. What were his politics, and what were the politics of the other manager, Alexander Williams, colored?—A. Republican.

Q. You have stated that John Wooley did the swearing of the voters and managed the voting generally; now state whether he kept a list of the voters himself, and whether it was possible for him to do so.—A. He kept no list; it was impossible for him to do so.

Q. Did John Wooley compare any private list of the voters with the list that was kept by your clerk?—A. Not to my knowledge.

Q. Were you not at the polls until the poll-list was sealed up in the ballot-box, and if any list was compared with the regular list kept by the clerk would you have not seen it being so compared?—A. I was there until the ballot-box was sealed, and put the poll-list in it myself, and if any comparison made with the list I would have seen it.

Q. State whether any repeating was done at that box, or any boys under age voting that you or the managers had any knowledge of?—A. There was no repeating to my knowledge; no boys under age voted to my knowledge.

Q. Did not a majority of your managers decide whether party offering to vote was entitled to vote or not?—A. Yes, sir; a majority decided.

Q. Were or were not the managers satisfied with every vote cast there?—A. I think they were; I heard no complaint.

Q. What was the politics of a majority of the managers?—A. Republican.

(The cross-examination was conducted by General W. J. Whipper, counsel for contestee.)

Q. What are your politics?—A. Democrat.

Q. In stating the number of votes for the two candidates, do you state them from memory or from memoranda?—A. From memorandum.

Q. Have you that memorandum now with you?—A. I have by figures.

Q. Have you looked at it or referred to it in giving this testimony?—A. I have.

Q. Will you let us see it?—A. I will. (Witness produces paper with Tillman having 787 and Smalls 77.)

Q. At what time and from what were those figures obtained?—A. They were obtained from a memorandum of the returns this morning.

Q. By whom was the memorandum kept from which those figures were obtained?—A. Kept by Mr. G. W. Croft.

Q. State, if you know, where Mr. Croft obtained his memorandum?—A. He obtained it from a memorandum I took from the returns.

Q. At what time did he obtain it from you?—A. Next morning after election, November 8, 1876.

Q. Have you ever seen it from that time until this morning?—A. I don't remember whether I have or not.

Q. Who besides yourself was present at the counting and footing up the vote?—A. John Wooley, Alex. Williams, and the supervisors of election and the clerk of the board.

Q. You state that John Wooley controlled things generally; what do you mean by that?—A. He was chairman; administered the oath to voters.

Q. Is it not the custom for the chairman to administer the oath?—A. Don't know. Never was a manager before.

Q. Beyond the administering the oath, had he any more control than the rest of you; and, if so, what?—A. He was chairman of board, and I don't know that he had any authority otherwise.

Q. Who was your clerk?—A. James L. Quinby.

Q. Did he keep the poll-list?—A. Yes, sir; he did.

Q. Did any other party or parties keep a poll-list?—A. There was but one that I saw—the clerk's.

Q. Did you not see other party or parties there keeping tally, whether you saw their list or not?—A. All through the day parties would ask how the vote stood, and would take it from our clerk.

Q. Where was the election held?—A. In Hatcher's (G. W.) store.

Q. Do you say that there was no one in the store that took down a list, or kept tally of the votes that day?—A. No one, to my knowledge, except our clerk.

Q. Could it have been done without your knowledge?—A. It might have been done, but I don't see how it could be done without my knowledge.

Q. State, if you know, whether you know if your clerk certified to another return than the one placed in the box?—A. I don't know whether he did or not.

Q. When was it that the managers brought the box with returns to Aiken?—A. On the 8th day of November, 1876.

Q. By whom were they delivered, and to whom?—A. To Mr. Edmondston, one of the board of canvassers, by myself and John Wooley, and Alex. Williams, I think; am positive by Wooley and myself.

Q. Which of the three actually handed the box to Mr. Edmondston?—A. I can't exactly say; we were all present; the box was set on the floor, and Mr. Edmondston says, I will take charge of it.

Q. Do you remember which of you set the box on the floor?—A. I can't say positively.

Q. Did either of you take a receipt for it?—A. I don't remember if a receipt was given or not. I think I asked for one, and Mr. Edmondston said it was not necessary.

Q. How long have you lived in Graniteville?—A. Some eight or ten years.

Q. Was there any question raised as to the illegality of votes on that day, either as to age, repeating, or otherwise?—A. None for repeating; a few, three or four, on account of age, were rejected; some were rejected because they could not show naturalization papers.

Q. About how many were challenged on account of age?—A. I can't exactly say; three, or may be more.

Redirect by Mr. Croft for contestant:

Q. Did the parties who were rejected on the ground of not having their naturalization papers offer to swear that they were legal voters?—A. In two cases they did.

Q. What were their politics; those who were rejected on account of



not having naturalization papers?—A. They wanted to vote the Democratic ticket.

Q. Did these parties who were rejected on account of their age offer to swear that they were legal voters?—A. They did in one or two cases.

Q. What ticket did they want to vote?—A. Democratic ticket.

Q. Were they rejected by a majority vote of your board; and, if so, state who voted to reject their votes?—A. Yes, sir; they were rejected by a majority; John Wooley and Alex. Williams voted to reject them.

Q. Were any Republican voters objected to on account of age?

(General Whipper objects to the question as not being in rebuttal.)

A. A good many were objected to on that ground.

Q. Were they allowed to vote in all cases where they offered to swear they were of age? I mean those Republicans?

(Objected to by counsel for contestee on same ground as above.)

A. I don't know of any that were prevented; all were allowed to vote.

A. R. PADGETT.

Sworn to and subscribed before me this 16th April, 1877.

[SEAL.]

W. W. WILLIAMS,

*Judge of Probate, Aiken County.*

NOTE.—The erasure made in the 17th line because witness did not understand question.

W. W. WILLIAMS.

W. J. Whipper appeared for contestee.

K. J. TYLER, sworn, says:

Question. State your name, age, residence, and occupation.—Answer. K. J. Tyler; 27 years; Aiken County; farmer.

Q. Alex. Williams, one of the managers of election at Graniteville precinct on the 7th November last, the day of last general election, has sworn that you voted there on that day under the assumed name of Lamar; is that true or false?—A. It is false.

Q. Did you vote at Graniteville at all?—A. I did not, sir.

Q. At what precinct did you vote on that day?—A. Aiken.

Q. Are there not a good many people in this county by the name of Lamar?—A. Yes; a good many.

Cross-examined by General Whipper for contestee:

Q. How do you spell your first name?—A. K-a-y.

Q. How do you spell your middle name?—A. J-e-n-n-i-n-g-s.

Q. Last name?—A. T-y-l-e-r.

Q. From what time to what time were you in Aiken on that day?—

A. I was here pretty well all day. I came about daylight that morning and left after sundown, near dark.

Q. In what portion of the county do you live?—A. I live seven and a half miles south of Aiken.

Redirect:

Q. State in what direction Graniteville is from Aiken.—A. Nearly west.

Q. Have you ever heard or known of a man in Aiken County by name of K. J. Taylor?

(Objected to by counsel for contestee as not being in rebuttal.)

A. I have not, sir.

K. J. TYLER.

Sworn to and subscribed before me this 16th April, 1877.

[SEAL.]

W. W. WILLIAMS,

*Judge of Probate, Aiken County.*

W. J. Whipper appears for contestee.

C. E. SAWYER, being sworn, says:

Question. State your name, age, residence, and occupation?—Answer. C. E. Sawyer; twenty-five years; Merritt's Bridge post-office, Aiken County; farmer.

Q. Were you elected a member of the house of representatives from Aiken County at the last general election, held on the 7th day of November last?—A. I was.

Q. On what ticket were you elected?—A. Democratic.

Q. Joseph Coleman, a colored man, who was a manager of election at Miles's Mill at the last general election, held on the 7th day of November last, has stated that you were at or near Miles's Mill on that day with a party of armed men. Is that true or false?—A. It is false.

Q. State whether you were near or at Miles's Mill precinct on that day.—A. I was not at it nor near it.

Q. Where were you on that day?—A. I was in the town of Aiken during the whole day.

Q. Were you anywhere on the road leading from Graniteville to Miles's Mill on that day?—A. I was not; no nearer than the town of Aiken.

Cross-examined by General W. J. Whipper, counsel for contestee:  
No questions put by counsel for contestee.

C. E. SAWYER.

Sworn to and subscribed before me this 16th day of April, 1877.

[SEAL.]

W. W. WILLIAMS,

*Judge of Probate, Aiken County.*

General W. J. Whipper appeared for contestee.

D. S. HENDERSON, sworn, says:

Question. State your name, age, residence, and occupation.—Answer. D. S. Henderson; twenty-seven years; Aiken; attorney at law.

Q. How long have you resided in Aiken?—A. Ever since it has been a county.

Q. Were you in Aiken County at the general election held in 1874?—A. Yes, sir.

Q. Had you any official connection at that election? And, if any, state what.—A. I was chairman of the Democratic party for this county; and chairman of the board of county canvassers of election for this county.

Q. Will you state how many precincts were in Aiken County at that election?—A. Fifteen.

Q. In what township is Graniteville precinct; and was there any other precinct in the same township in 1874?—A. Graniteville is in Gregg Township; Langley, in the same township, was a voting-precinct in 1874.

Q. Do you know whether or not if there was any voting-precinct in Langley at the general election held on 7th November, 1876?—A. There was not.

Q. You have stated that there were fifteen voting-precincts in this county at the general election held in 1874. Can you state how many precincts there were at the election held on the 7th November last?—A. Eleven.

Q. Do you know the Democratic vote at Graniteville at the general election held in 1874?—A. The average vote was 384.

Q. State the Democratic vote at Langley precinct the same year.—A. One hundred and sixty-eight.

Q. Was Montmorenci a precinct at the general election held in 1874?—A. Yes, sir.

Q. Was there a precinct at Montmorenci at the general election held on the 7th November last?—A. There was not.

Q. State the Democratic vote at Montmorenci at the general election held in 1874.—A. One hundred and four Democratic votes, and 2 Republican votes.

Q. Was there a precinct at Barney Glover's mill at the general election held in 1874? If so, state the Democratic vote at that precinct polled there that year.—A. There was a precinct there that year. Sixty-one Democratic votes and 17 Republican votes polled there that year. There was no precinct there at last general election.

Q. Was there a precinct at Lybrand's store at the general election held in 1874? And, if so, state the vote.—A. There was. Democratic vote, 105; Republican, 18. There was no precinct there in 1876.

Q. Do you know the locality of the Bath paper-mill?—A. Yes, sir. The Bath paper-mill is one mile to two miles below Langley, and between three and four miles from Graniteville.

Q. There being no poll at Langley in 1876, which is the nearest precinct then left to the Bath paper-mill?—A. Graniteville. The instructions from Democratic executive committee of this county (of which I was a member) were that Bath and Langley should go to Graniteville to vote. In fact, the Democratic vote was concentrated there.

Q. State the total vote at Graniteville in 1874.—A. Total, 451; average, 384 white and 66 colored.

Q. John Woolley, Republican manager at Graniteville at the last election, has accounted for the increased vote at that precinct at that election by repeating. Can you account for or give a reason why it should be greater at Graniteville at that election than it was at previous elections?

(General Whipper, counsel for contestee, objects to question.)

A. There are many reasons which would account for the Democratic vote at Graniteville being larger in 1876 than in 1874 or in previous years. A great many of the colored people there who voted the Republican ticket in previous years voted the Democratic ticket in 1876. It being a large Democratic poll, orders were given to concentrate much of the Democratic force there. In 1874 the voters at Bath and Langley voted at Langley, while in 1876 they voted at Graniteville. In 1874 the voters in a region up above Graniteville voted at Lybrand's store and at Miles's Mill. In 1876, as there was no precinct at Lybrand's, they were instructed to vote at Miles's Mill and Graniteville. A great many colored Democrats, who were afraid of voting where the Republicans were in the majority, such as Aiken, were carried to Graniteville and voted. The towns of Langley, Graniteville, and Bath are thriving manufacturing towns, and their population increases yearly. The population of these towns are white, and their politics Democratic. I think all these reasons will account for the increase of vote in 1876.

Q. Is not the factory and village at Langley a new enterprise that has only been in active operation in the last four or five years?—A. I think the Langley factory went into operation in 1868 or 1869, but the population has steadily increased for the last four or five years, the manufacturing power of the factory having been increased within that time.

Q. Is not the population of Langley made up almost exclusively of

white inhabitants?—A. Yes; factory employes; a few colored hands; and they vote the Democratic ticket; so I am informed by the superintendent of the factory.

Q. Were there fewer or more white Republican voters in Aiken County at the last general election, held on the 7th of November last, as compared with previous elections in this county?—A. There were a great many less white Republicans who voted the Republican ticket at last election than previously; a good many of their leaders came over to the Democrats, bringing with them their followers; notably the high sheriff of the county.

Q. Are you acquainted with one Nathan R. Williams, who was clerk of the board of county canvassers at the general election held in this county on the 7th of November last?—A. I am, and have known him since October, 1872.

Q. Do you know his general reputation for veracity in this community?—A. I do.

Q. Is it good or bad?

(General Whipper, counsel for contestee, objects to question, on the ground that you cannot impeach veracity of witnesses in proceedings of this kind.)

A. Very bad.

Q. Would you feel bound to believe him on his oath, where he conceives himself interested?

(General Whipper objects, on the ground that witness's character cannot be impeached on rebuttal, where he has not an opportunity of defending himself.)

A. I would not.

A. Was not the canvass before the last general election more thorough, and did not the voters of the Democratic party turn out more than at any previous election since reconstruction?—A. They did. The reason is this: the Democratic party never before had a leader in South Carolina that they would follow, all previous canvasses being run on compromise candidates for governor and State officers. In the last canvass they had leaders of their own party, and everybody turned out at the polls.

Cross-examined by General W. J. Whipper, for the contestee:

Q. What was the total vote in 1874 of Aiken County?—A. Four thousand seven hundred and twenty-eight.

Q. What was the proportion of white and colored?—A. I can't give it from the table I have before me; can approximate; it was about 2,370 colored to about 2,310 white, or thereabout.

Q. What was the proportion of Republicans and Democrats?—A. About the same.

Q. What was the total vote of 1876?—A. I have not the figures before me, and cannot testify to it only from recollection.

Q. You state that Langley Mills went into operation in 1868 or '69. Had they not been in operation before that time?—A. Not to my knowledge.

Q. State, if you know, what was the voting population of Graniteville, Langley, and Bath in 1874 and what in 1876?—A. I cannot say definitely.

Q. Do you know what the actual population was in either of those years, and what, if any, the increase?—A. I cannot state the actual population in numbers in either of those years, but I know there has been an increase, especially at Langley and Graniteville, on account of

the increase of the manufacturing power, and hence the necessity of an increase of hands.

Q. State, if you know, what has been the increase in manufacturing capacity in either of those places.—A. I do not know exactly the increase; am informed it is considerable.

Q. Do you know whether their reports show a greater amount of work done during the year 1876 than in the years 1874 and '75; and, if so, how much?—A. As attorney of the Graniteville Company, I was informed by the superintendent, not more than a week ago, that their sales for the last year and their assets were larger than in previous years. As to Langley I cannot speak.

Q. State, if you know, how much greater, and if those goods were made in 1876 or previously.—A. I do not know how much greater. The sales spoken of were sales made during the last fiscal year. Don't know when the goods were made.

Q. Do you know of your own knowledge if there were a greater number of employes in 1876 than in 1874; and, if so, how many?—A. I do not know how many. I know a considerable force has been added.

Q. Don't you know that a large portion of their operatives are females?—A. I know that there are some females in the factory, and that was so in 1874 as well as 1876.

Q. Do you know if this increase that you speak of was males or females?—A. I do not.

Q. You have stated that the Democratic vote in 1874 was 384 at Graniteville and 168 at Langley. Do you state that from memory or from memoranda?—A. I state that from a printed copy of the official count, published in the Aiken Tribune of November 14, 1874, and my recollection of the official count corresponds with this. I made out the official count myself.

Q. Is that account signed as an official account?—A. No, it is headed official account, but I am sure that it corresponds with the official account.

Q. Is this nothing more than a newspaper item?—A. It is a statement of the official count in the local paper. As chairman of the board of county canvassers, I furnished to Mr. Sparnick, editor of that paper, a copy of that count.

Q. Why did you not sign it officially?—A. I did not think it necessary; I merely gave it as a newspaper item.

Q. Have you had occasion to examine it; if so, when and how often?—A. I remember noticing it at the time it was published; did not notice any discrepancy; did not compare it with official count; according to my recollection it was correct.

Q. Have you ever seen it from the time you first examined it until you got it to refresh your memory?—A. I did once, just previous to last election.

Q. In the 168 votes cast by the Democrats in 1874, did not that include Bath?—A. In 1874 I think the Bath people voted at Hamburg as well as at Langley.

Q. How do you know that, and what number of them?—A. What number I cannot say, but in 1874, as there was a poll at Langley and one at Hamburg, the Bath voters were allowed to go to Langley or Hamburg, as they pleased, not being instructed where to go; but in 1876, as it was the desire of the Democratic party to concentrate their vote at Graniteville, the people of Bath were requested and instructed to go to Graniteville, there being no poll at Langley.

Q. How far is Hamburg from Bath?—A. Not more than six miles.

There were wagon-teams employed to carry the voters from Langley and Bath to Graniteville in this last election, hired by the Democratic party.

Q. You stated that Hamburg is six miles from Bath, and Langley from one to two miles; what could have been the inducement for the voters to go to Hamburg from Bath instead of Langley?—A. The voters of Bath are factory people, generally speaking; having the whole day before them, many of them would like to go to Augusta, where they trade, and of course would pass directly through Hamburg. Besides that, there is an accommodation-train running to Augusta daily, by which they could go to Hamburg and vote, go to Augusta and come back.

Q. Was there not a train also that comes from Bath this way in the morning and returns to Bath in the afternoon?—A. Yes; but Langley is not a trading-town of much capacity.

Q. Do you know of actual instances of parties going to Hamburg to vote, or do you form it from the reasons given?—A. Being surprised at the small vote at Langley in 1874, it being smaller than I had expected, I inquired of some of the officers of the Bath company where their operatives voted, and they told me some voted at Langley, some at Hamburg, and some did not vote at all.

Q. What was the Democratic vote at Hamburg that year?—A. One hundred and one.

Q. Was or was there not a Democratic ticket for the house and for all the vacant offices in the county in that election?—A. There was.

Q. Was it not well known that the vote was very close previous to election?—A. It was generally believed that the Democrats would beat, and there was no general turning out of the Democratic vote, as that party had no candidate for governor. If we had then had Hampton on the ticket the election would have been certain for the Democrats, as it was in the last election.

Q. You stated that in no previous election that the Democrats had no leader that they could trust. Have the Democrats ever put up a candidate for governor; did they ever conduct a campaign before and since reconstruction; and, if so, when?—A. There has not been a campaign, as a Democratic campaign, since reconstruction in which the Democrats had their hearts, previous to the last.

Q. You have stated that in no previous election did the Democrats have a leader whom they would follow; that they were all compromise candidates. What compromise candidate have they had since reconstruction; who is he, or who are they?—A. R. B. Carpenter in 1870, Reuben Tomlison in 1872, John T. Green in 1874, were all candidates for governor, acquiesced in by some Democrats as compromise and repudiated by a great many others, and such is my friend Mr. Tillman. It took such men as Governor Hampton and Mr. Tillman to bring out the white vote.

Q. Do you not know that John T. Green was nominated by a Republican convention, which adopted the identical platform which his opponent ran upon, without a Democratic delegate in the convention, and was he not an avowed Republican during the entire campaign?—A. I know that he was nominated by a convention representing those Republicans who were opposed to the corrupt ring of the Republican party of South Carolina, and that the Democratic convention which met shortly afterwards, of which I was a member, declined to make any nomination, thinking it was best to ally themselves with the honest wing of the Republican party; but there were some Republicans who came with

Judge Green that the people did not trust, and this movement had no following among the people worth anything.

Q. Do I understand, then, that you call him your candidate?—A. Judge Green was the candidate of the Democratic party and I voted for him. He was not nominated by the Democratic party, but his nomination was acquiesced in by them.

Q. Do I understand you to say that Renben Tomlison was a candidate of the Democratic party?—A. He was regarded in the same light as Judge Green; looked upon as the choice of two evils, being better than Moses, his opponent.

Q. Is the same true of Carpenter?—A. I so regard it, though my experience in politics does not date back to that time actively.

Redirect:

Q. Did the Republican party poll a full colored vote in 1874?

(General Whipper, counsel for contestee, objects on the ground that new matter is being brought out in the redirect.)

A. They did, and I'll give the reason that compelled them to do it: they were lead in this county by R. B. Elliott, who desired to be speaker of the house of representatives, and every effort possible was made to secure his election.

D. S. HENDERSON.

Sworn to and subscribed before me this 16th April, 1877.

[SEAL.]

W. W. WILLIAMS,

*Judge of Probate, Aiken County.*

Contestee was represented by W. J. Whipper.

J. ST. JULIEN YATES, being sworn, says:

Question. State your name, age, residence, and occupation.—Answer.

J. St. Julien Yates; 24 years; Aiken; attorney at law.

Q. How long have you resided in Aiken County?—A. Since May, 1872.

Q. Were you in Aiken County during the political canvass the summer and fall of 1876?—A. I was, and took an active part in that canvass, on the Democratic side, being one of the Democratic canvassers for this county.

Q. Did you attend any political meetings during the canvass in the county?—A. I was present at every Democratic meeting in the lower campaign, and all but two of the Republicans.

Q. Did you meet any United States soldiers at those meetings.

(General Whipper objects on ground that the question is not in rebuttal.)

A. I met a squad of United States soldiers at every Republican meeting, and two United States marshals at most of the meetings.

Q. State whether the Democrats who attended those meetings were interfered with by the soldiers; and, if so, state in what manner.

(General Whipper, counsel for contestee, objects on the ground that it is bringing out affirmative testimony, and by all the rules governing such cases they are strictly confined to rebuttal. The contestee has not brought out anything about public meetings, Democrat or Republican, in Aiken County. Further objects, because they have not in their notice of contest informed us of their intention to take affirmative testimony in this county, either generally or specifically.)

A. At Rouse's Bridge, several of us being sent there by the Democratic executive committee to ask for a reply, made such a request in as

polite language as we knew how, but were refused. Upon our asking questions of the speakers the United States marshal stopped us, and said if we didn't desist they would arrest us. This was not quite a month before election. At Silverton, two weeks later, I was present at another meeting; made similar request to the former to be allowed to reply, when I was stopped by United States soldiers, threatening me that if I continued to put any questions that he would arrest me and the parties with me. About ten days before the election this happened. A few days later I was at Beech Island, attending another Republican meeting; some of the most rabid Republicans, colored people, said that they wanted to hear Capt. Paul F. Hammond (James Wigfall, Milledge Cooper, and others were of the number) and myself. Dr. Palmer said that he would not consent to any such proposition, and called Lieutenant Hinton, in command of a detachment of soldiers, to him, and told him that I was a great source of annoyance to him, whereupon Lieutenant Hinton told me that he had come with a detachment of United States soldiers to keep us away from Republican meetings; that we were neither to ask questions nor to attend the meeting; that if these orders were disobeyed he would arrest us and take us to jail in Aiken. Whereupon many of the whites, being ignorant country people, dispersed and left the meeting.

Q. How many soldiers were in the detachment at Rouse's Bridge?—

A. At Silverton there was a lieutenant and six or eight privates.

Q. Were these soldiers armed and equipped with their bayonets and cartridges?—A. The soldiers were armed and equipped with bayonets fixed and guns loaded; they had their cartridge boxes.

Q. State how many soldiers were at Beech Island, and if they were equipped as those at Silverton?—A. Lieutenant Hinton, with about same number of soldiers, with guns, cartridge-boxes, and their bayonets fixed.

Q. Did you meet soldiers at any other meetings? and, if so, state when and where.—A. A few days previous to the election at a Democratic meeting at Rouse's Bridge, while I was addressing a large crowd, a lieutenant and detachment of soldiers (Lieutenant Goodwin) came to the meeting and arrested a large number of my hearers, who were Democrats, which scared many of the others to such an extent that they left the ground. W. E. Hankinson, a number of Dicks—Seth Dicks, Jack Dicks, Captain Dicks—one of the Dunbars, and many others that I cannot call the names of.

Q. State whether or not any arrest with soldiers was made during the night-time in this county previous to the election?—A. A few days previous to the election the house of Mrs. Simkins was surrounded by United States soldiers, and two United States deputy marshals went into the house and demanded of Mrs. Simkins her two sons; they were brought to Aiken and placed in jail.

Q. What effect did this conduct of the United States soldiers have upon the Democratic voters of this county?—A. A few days after I was going through that section of country. It was hard to meet a single man. Those that I did meet appeared very much alarmed and terrified, and inquired of me if they went out to vote on election-day would they be arrested by the soldiers. Many of them also told me that their sons and brothers had fled to the swamps and others had gone to Georgia to prevent themselves from being arrested by the soldiers. Two or three days before the election this occurred. That night I stopped with Mr. Isaac Foreman's family, who had a son and several young men besides myself stopping with him. About bed-time it was remarked that United



States soldiers were in the neighborhood for making arrests. The inmates of the house became panic stricken and alarmed. The men were beyond all reasoning power, and fled to the State of Georgia. These were Seth Dicks, Myers, and Jacob Foreman.

Q. Have you had any conversation with any commissioned officer previous to and about the election? If so, state who with and the purport of it.—A. I did a few days previous to the election. I was conversing with Lieutenant Catley, of this post, at Aiken. During that conversation Lieutenant Catley became very much warmed up about politics and said that if Tilden was elected that such men as Hampton, Gary, Tillman, and Butler would hang up the negroes on the roadside like so many blackbirds. I told him that he ought to be ashamed of himself, occupying the position he did, to express such sentiments, though he believed them. He said that he was a little excited in the argument, but that Hayes was an intimate friend of his, and that he knew if he was elected that he would do something for his (Catley's) promotion, and that was his reason for manifesting an interest in the campaign.

Q. Do you know Nathan R. Williams, clerk of the board of county canvassers, at the election held 7th November last?—A. I am sorry to say that I do.

Q. How long have you known him?—A. Since the fall of 1873.

Q. Do you know his general reputation for veracity in this community?—A. I do, sir.

Q. Is it good or bad?—A. It is notoriously bad.

Q. Would you feel bound to believe him on his oath in any matter in which he conceives himself to be interested?—A. I would not believe him under any circumstances; not even under his oath.

Q. Where is Mr. N. R. Williams from?—A. From the North.

Q. State by what name you would class him in society.—A. He is a carpet-bagger.

Q. Did you ever know of his doing any work except office-holding under the Radical party?—A. No, sir.

(General Whipper, for contestee, objects to the entire matter from last objection to the attempted impeachment of N. R. Williams, inclusive, upon the ground that it is not in rebuttal, and the largest portion of it is hearsay, and to so much as refers to the attempt to impeach N. R. Williams, upon the ground that a man cannot be impeached on rebuttal, where he has no opportunity of defending himself.)

Cross-examined by General Whipper:

Q. You state that you were present in all the Democratic meetings in the lower campaign, and some Republican. How many Democratic meetings were there in the lower?—A. To the best of my recollection, eight. The county was divided into two campaigns, called the upper and the lower, the South Carolina Railroad the dividing line. North of the railroad was called the upper and south of it the lower.

Q. How many Republican meetings did you attend?—A. Six or seven, I think.

Q. At what time did your lower campaign open?—A. About the 12th or 15th of October, to the best of my recollection.

Q. Was that your first meeting, and where was it?—A. My first meeting was at the Levels on the South Carolina Railroad.

Q. Where was it that you first attended a Republican meeting?—A. At Rouse's Bridge, about the middle of October last.

Q. What were the questions that you were propounding there when you were informed that you must desist or be arrested?—A. I asked Dr.

Palmer, the spiritualist, why the affinity was not sufficient to warrant him with living with his colored wife in Florida, as it was sufficient to warrant him in taking her money and leaving her. I asked Mr. Palmer to explain his connections with Mr. Keyser, in the Tweed ring. I also asked if he had said when he first came South that his mind was unsettled with which party he would fall in with. I asked Mr. Storey, candidate for the senate, to explain to the people what he had done with the Barnwell funds he had embezzled, and for which he was indicted. May have put some more, but don't remember.

Q. Did you pursue this course at all the Republican meetings that you attended?—A. No, sir; I was stopped by United States troops, and threatened with imprisonment if I did.

Q. This was done, then, at Rouse's Bridge?—A. It was, and at Silverton.

Q. Had you not already asked for a division of time and been refused before you put these questions?—A. I had, and while they would not consent to a division of time, they did consent that we should ask them questions.

Q. Do I understand, then, that Dr. Palmer and Mr. Storey gave you permission to ask those questions?—A. I mean to say that Dr. Palmer acted as spokesman for the Republican party and consented for me to ask questions.

Q. At whose instance, then, did the troops interfere?—A. When Dr. Palmer found that he could not answer the questions with satisfaction to his hearers, he called on the troops to come to his rescue.

Q. Did he call on these soldiers without requesting you to desist after giving you permission?—A. I do not recollect.

Q. Did the soldiers or officers approach you?—A. An officer.

Q. Did he not first ask you to desist, or was his first salutation, stop or I'll put you in jail?—A. The first information that I received was that my questions were distasteful to Dr. Palmer or other Republican speakers, was from a United States officer, that I was particular distasteful to Dr. Palmer and his colleagues; this to the best of my recollection.

Q. Were your questions selected with a view to good taste; had you any idea that they would be pleasant to Dr. Palmer and his associates?—A. On all occasions I endeavor to use such language that will be in accordance with good taste.

Q. This you say was about a month before election?—A. I think about a month.

Q. Was this before or after the difficulty in that portion of the country known as the Ellenton riot?—A. Some time after.

Q. Were there any soldiers in that portion of the country before the Ellenton riot that you know of?—A. I cannot say, as I was never in that section of country previous to the occasion mentioned above.

Q. When was your Silverton meeting; before or after the Rouse's Bridge meeting?—A. Some time after.

Q. Were the questions that you propounded at Silverton the same or similar to those you propounded at Rouse's Bridge?—A. To the same effect.

Q. Had you obtained permission to ask them there before asking them?—A. I was so informed by Capt. Paul Hammond, when I arrived upon the ground.

Q. Was the same officer in command there as at Rouse's Bridge; if not, who was?—A. I don't remember.

Q. Was you approached by the officers or soldiers in the same man-

ner and told to desist or you would be arrested?—A. Pretty much the same way. To the best of my recollection, a United States marshal approached me at Silverton.

Q. Do you know who it was?—A. Bardeen.

Q. Had you not on both those occasions interrupted the meeting by asking questions before you were interfered with by the soldiers?—A. If I asked questions, it was by the consent of the speakers, and I am not aware that I interrupted any one.

Q. How long before election was it that arrests were made, when you were addressing a Democratic meeting at Rouse's Bridge?—A. But a very few days.

Q. How many were arrested?—A. Quite a number; can't exactly say.

Q. Do you know the names of any of the parties that were arrested?—A. At the time I did; since then, their names have escaped my memory.

Q. Can't you approximate the number that was then arrested?—A. About twelve or fifteen.

Q. You say that you knew the names of them all at that time; can't you call the names of any now?—A. I cannot.

Q. State, if you know, for what they were arrested.—A. I do not know of my own knowledge, but I believe for the purpose of encouraging the Republicans and intimidating the Democrats, both classes of whom being uninformed country people.

Q. Do you know what was done with them after they were arrested?—A. They were brought to Aiken. I found them in jail next day, and many of them said they had been without food since their arrest.

Q. Did you ascertain then what, if anything, they were charged with?—A. I did not; and many of the prisoners themselves said they did not know for what they had been arrested.

Q. Are they still in jail? If not, how did they get out?—A. To my knowledge they are not in jail now. As to the reasons of their discharge, I do not, of my own knowledge, know.

Q. Are you not aware that from shortly after the Ellenton riot till election or thereabouts that United States marshals and soldiers were engaged in arresting men charged with complicity in said riot?—A. I have been so informed.

Q. Are you not aware that United States District Attorney D. T. Corbin was then in this town shortly after Ellenton riot till about election, taking testimony and binding over to United States court persons charged with complicity in Ellenton riot?—A. I have been so informed, but never saw District Attorney Corbin but once; that was when he was leaving here some time before election.

Q. Do you not know that a large number were bound over and are still bound over to United States court for alleged complicity in Ellenton riots?—A. I have been so informed.

Q. Have you not also been informed that there are a number of warrants for parties who are now in Georgia or in the swamps?—A. I have not; nor do I believe, nor do I know of any such parties.

Q. Was or was there not warrants out for those young men who left the house at Mrs. Simkins' the night you mention?—A. As to one of them I do not know; as to the other two I do know that warrants were never issued for them then or since.

Q. You state that you never knew N. R. Williams to do anything but hold office in the Radical party; what office has he held in that party?—A. He has been clerk of the county commissioners of this county and clerk of the legislature—committee clerk.

Q. What evidence have you that he was ever committee clerk for legislature?—A. He told me that he was clerk for railroad committee and have charge of tickets; offered to take me to Columbia whenever I wanted to go.

Q. Is that the only evidence that you have of his being committee clerk?—A. It is not; I have seen him in Columbia in the committee-rooms performing the duties of clerk.

Redirect:

Q. You stated that you have been informed that a number of men were arrested previous to election on the charge of complicity in the Ellenton riots; were not those arrests stopped as soon as the election was over?—A. For whatever purpose those arrests were made, they certainly ended with the election. Nothing has been seen of the United States marshals in their official capacity since the election.

Q. Do you not know that both white and colored Democrats were arrested upon that charge?—A. I do.

Q. Do you not know that no Republican, white or colored, has ever been arrested or charged with complicity in the Ellenton riots?—A. I know of none.

Q. Do you not know that the testimony taken by District Attorney Corbin was entirely *ex parte*, and taken from one political party?—A. I have been so informed; from the Republican party.

J. ST. JULIEN YATES.

Sworn to and subscribed before me this April 16, 1877.

[SEAL.]

W. W. WILLIAMS,  
*Judge of Probate, Aiken County.*

W. J. Whipper represented the contestee.

ANGUS P. BROWN, being sworn, says:

Question. State your name, age, residence, and occupation.—Answer. Angus P. Brown; fifty-one years; Aiken, S. C.; clerk court Aiken County.

Q. State whether you know a man by the name of William Watson living in Aiken County.—A. I do.

Q. It has been alleged by Joseph Coleman, a colored manager of election of Miles's Mill precinct, that said William Watson voted at that precinct on the 7th November last, and that he was under the age of a legal voter. Will you state of your own knowledge whether the said William Watson was above the age of twenty-one years?—A. He is above the age of twenty-one years, and did not vote at Miles's Mill on 7th November last.

Q. Did he vote at the general election held in 1874?—A. Yes, sir.

Q. Do you know of a young man by the name of Buddie Brown in Aiken County?—A. Yes; for the last twenty-three or twenty-four years.

Q. Joseph Coleman, manager of election at Miles's Mill precinct, alleges that he voted at that precinct on 7th November last, and that he was under the age of a legal voter. Can you say of your own knowledge whether he was at Miles's Mill that day? If not, state where he was.—A. He is a legal voter above the age of twenty-one years. He did not vote at Miles's Mill on the 7th November last; that he voted at Silverton and no other precinct.

Q. Did he, of your own knowledge, remain at Silverton all that day?—A. He was with me all that day.

Q. Where were you on the day of that election?—A. I was at Silverton the whole of that day.

Q. Did you see anything of United States soldiers that day at or near the voting-precinct?—A. I did.

Q. Were they armed and equipped with guns and cartridge-boxes?—A. They were.

Q. Did they or any of them at any time come up to where the ballot-boxes were kept?—A. Yes; four of them were brought up and placed immediately in front of the door of the house in which the box was, and where the election was held.

Q. State whether they came up to or interfered with the ballot-box that day.—A. After they had closed the box it was placed in a wagon, and my attention was called to some words passing between Mr. Dunbar, the Democratic manager at that precinct, and a soldier, who had seated himself on the ballot-box and apparently had taken possession of it. Upon some remonstrance by Mr. Dunbar he got off.

Q. How many soldiers were stationed at that precinct that day, and who was in command of them?—A. I think there were eight, under command of a lieutenant; but I don't know who he was.

Q. State what effect their appearance and this interference at that precinct had upon the election that day.—A. From the arrests just previous to the election, and the appearance of troops there that day, it was calculated to intimidate the Democratic party, these arrests having been confined to that party and in that section of country.

Cross-examined by General Whipper:

Q. You say you know William Watson, of Aiken County?—A. I do.

Q. About how old is he, and where does he reside?—A. I don't know how old he is. He is of age, and resides in Hammond Township.

Q. What is the polling-precinct of Hammond Township?—A. Beech Island; but he resides much nearer the Silverton precinct than the Beech Island precinct.

Q. How far does he live from Miles's Mill?—A. I suppose about twenty-five or twenty-six miles.

Q. Is he a white or colored man?—A. He is white.

Q. Do you know whether or not he is the man J. E. Coleman referred to?—A. I do not. He is the only William Watson I know in Aiken County.

Q. Do you know whether the man J. E. Coleman referred to was a white or colored man?—A. I do not.

Q. Do you know all the men, white or colored, in this county?—A. I do not. Can come as near as anybody else.

Q. Where does Buddie Brown live, and what is his age?—A. Lives in Silverton Township, and is about twenty-three or twenty-four years old.

Q. How far does he live from Miles's Mill?—A. About twenty-seven miles.

Q. What is his given name?—A. G. R. Brown, but always called Buddie Brown.

Q. Is he a white or colored man?—A. A white man.

Q. Do you know whether or not he is the same Buddie Brown that Coleman referred to?—A. I do not. I know many Browns, but he is the only Buddie Brown I know.

Q. You say they both voted at Silverton?—A. Yes.

Q. What time that day did they vote?—A. I can't tell you. I know it was late in the day, as he was watching a colored Republican from Georgia who was trying to vote.

Q. What portion of the day did they put in at that precinct?—A. Buddie Brown was there when the polls opened and William Watson came soon after. Buddie Brown remained till after the polls were closed. William Watson left just before sunset.

Q. How far is it from Silverton, where the poll was kept, to Miles's Mill?—A. About twenty-eight miles.

Q. It is impossible, then, for them to be the men that Coleman saw?—A. It is impossible for either of them to have voted at Miles's Mill on the 7th of November last.

Q. You say there was four soldiers brought up in front the door. Why were they brought there?—A. I can't say; do not know.

Q. From where were they brought when they were brought there?—A. From their camp, which was but a short distance off.

Q. Was there any disturbance that caused them to be brought there?—A. There was no difficulty there that day.

Q. Were they not placed there to clear the polls in order that all parties might have a chance to vote?—A. They were not.

Q. Do you know of no reason why they were placed there?—A. I do not.

Q. How long did they remain there?—A. About an hour, I reckon; perhaps longer.

Q. What, then, was done with them?—A. An officer took command of them, and I don't know what was done with them.

Q. You don't know whether they were taken back to camp or not?—A. I do not.

A. They were taken away from the polls, were they not?—A. They were.

Q. About what time were they taken away?—A. About time the polls closed.

Q. Were they taken away before the vote was counted?—A. I think not.

Q. Was there any reason to suppose that the box would be disturbed by either party?—A. I don't think so.

Q. Did the soldiers come away in the same wagon the box was in?—A. I can't say they were in it.

Q. Did you hear the words that passed between Mr. Dunbar and the soldier?—A. I heard Dunbar tell him that he had no right to take possession of the box, that it belonged to the managers.

Q. The soldier at that time was sitting on the box, was he not?—A. He was.

Q. Did you hear what, if any, reply he made to Mr. Dunbar?—A. Never heard him make any. Mr. Dunbar made some expletives; that is, spoke crossly, cursed him, and the soldier left the box.

Q. Do you know what the vote was in 1876 at Silverton?—A. I do not. The Republicans had the majority.

Q. Was not the Democratic vote at that poll larger than ever before at the last election?—A. It must have been larger, for a good many colored people voted the Democratic ticket and a good many staid at home.

Q. Do you not know that the Republican vote was larger, also?—A. It could not have been as large, for a good many voted the Democratic ticket and a good many staid at home.

Q. When, if ever, was the Republican vote larger than in 1876?—A. It was larger in 1874.

Q. What was the Republican vote in 1874 and 1876?—A. I can't recollect the exact figures.

Q. Can you state how many hundreds in each year?—A. In 1874 there was three hundred and some odd, and in 1876 there was two hundred and some odd.

Q. You say that the arrests previous to the election was calculated to intimidate the white voters. If we judge by the increased vote it did not have that effect, did it?—A. No, sir; it did not intimidate a good many colored people who did vote the Democratic ticket.

Q. How many colored men voted the Democratic ticket that day?—A. A good many, to my personal knowledge; don't know how many.

Q. State your politics.—A. A full-blooded Democrat, from the crown of my head to the sole of my feet.

Redirect:

Q. Have you not a thorough knowledge of the people of Aiken?—A. I am. My reason for so saying is that I have been a candidate for the last three elections, and attended the meetings through every campaign.

Q. Is your homestead place within the limits of the county of Aiken?—A. Yes, sir.

Q. State how long you have lived there.—A. Since 1847 in that immediate neighborhood.

Q. Within this period, from 1847 to the present date, have you ever heard of any other William Watson or Buddie Brown, white or colored, black or brown, other than those you mentioned just now?—A. I have never known any other in Aiken County.

Q. With your knowledge of Aiken County, and your acquaintance with the inhabitants thereof, would you not have known or heard of any other William Watson or Buddie Brown had such persons ever existed?—A. I would have, if they were citizens of this county.

Q. Were there not a great many more colored people who voted the Democratic ticket at Silverton at the election held on 7th November last than at any other previous election since reconstruction?—A. It is the first time any ever voted there, and a great many voted it. More would have voted had they not been intimidated by colored Republicans.

ANGUS P. BROWN.

Sworn to and subscribed before me this 16th April, 1877.

[SEAL.]

W. W. WILLIAMS,

*Judge of Probate, Aiken County.*

W. J. Whipper represented the contestee.

G. W. CROFT, being sworn, says:

Question. State your name, age, residence, and occupation.—Answer. George W. Croft; thirty years; Aiken; attorney at law.

Q. How long have you resided in Aiken County, and where did you vote on the 7th November last?—A. I have resided in Aiken County continuously for the last seven years. A great part of my boyhood was spent within four miles of the town of Aiken. I voted at Aiken precinct at the election on 7th November last.

Q. Did you have any official connection with the last election? And if so, please state what.—A. I was chairman of the Democratic party of Aiken County.

Q. Do you know of any intimidation that was practiced by either political party toward the other at or before the last election? And, if so, state particulars, and mention what connection United States troops

had with it, if any.—A. I do. I know that colored Democrats on many occasions were abused and cursed, and in several instances violence was used against them by colored Republicans on account of their political opinions. I know of John Dent, in the month of September last, being beat and cut with a knife by Thomas Cheatham, a colored Republican, at Aiken precinct, within the corporate limits of the town of Aiken, on account of his (Dent) being a Democrat. I also know of Thomas H. Hayne being abused and threatened, and on one occasion preceding the election some two or three days, came near being mobbed in the town of Aiken by a number of colored Republicans, noticeably among them Charley Neal, on account of his (Hayne) being a Democrat; so much so that Hayne became frightened, and asked me to loan him a pistol to protect himself, which I did. On that same occasion Hayne would have been beaten had not a number of our citizens come to his assistance.

On the day of election I know of Jake Oliphant and John Dent and four negroes, who came to Aiken in company with a man by name of Heron, going to Graniteville to vote, because they were afraid to vote at this precinct on account of the abuse and threats that here in presence of the polls were made against them by colored Republicans. On many occasions I know of colored men voting the Democratic ticket who were afraid to announce their political opinion openly, among these Josh Screven, Sumpter Samuels, Miles Samuels. I know of one man (colored) by name of John Jolifer, who would have voted the Democratic ticket at the last election at this precinct, but was afraid to, and rather than vote against it, and to keep away from the abuse that he would have had from the colored Republicans at the polls, he secreted himself in the woods all day. There are many other instances of intimidation of colored Democrats that occurred at this precinct beside those that I have enumerated.

In regard to the United States soldiers I will say this, that at the election held in November last, and for some time previous thereto, there were quartered in this county some five or six companies; that preceding the election some four weeks the United States marshals, accompanied by soldiers, and many times in the night, paraded the lower portion of our county, making numerous arrests of old and young white and colored Democrats. In many instances these men were confined in jail, and were on no occasion furnished meals by the United States Government or the marshals representing the United States Government, but were entirely dependent for their food upon the public spirit of our community. These men, a part of them, were carried to Columbia and lodged in jail, were not even furnished their meals by the marshal who had them in charge, but there, as at this place, were dependent upon the public spirit of the citizens for their food. I will state further that, to avoid this parade over the county making arrests, I offered for myself and the parties who were charged with being implicated in the Ellenton riots, to come forward voluntarily and surrender, if the authorities would give me the names of those parties who were charged, and let me know the place and day they wished them to come forward. This United States Deputy Marshal Blackwell promised to do, and I advised many of the people of his promise; but in bad faith and without my knowledge, on the night of the second day thereafter, and about the middle of October, he started detachments of soldiers from Aiken, under cover of night, to make the arrest of the very parties who had offered to give themselves up on being notified.

I then called on Capt. William Mills, who at that time commanded the post at Aiken, and told him that the effect of these soldiers parad-



ing the country immediately before the election would intimidate the Democratic voters, and again offered to him, if he would have the names given to me whom he desired to arrest, that I would have the parties to come forward on such day and at such place as he might designate. He answered that his orders were to furnish the United States deputy marshals with soldiers whenever they called for them; that they had called upon him for soldiers; that he had furnished them as called for, and beyond that he had no control of the matter. These arrests were continued to be made until within a very few days previous to the election, and none have ever been made since.

On the day that we had the meeting at the Court-House, when Governor Hampton addressed us, which was the 20th day of October last, numerous arrests were made of Democratic voters, who had come to attend that meeting, who were ready and willing to give their bonds upon the spot, but, to suit the convenience and purposes of United States Commissioner Boozer, were detained under the custody of the marshal for a day or two before they were bailed. I will also state that many of the colored people who were willing to join with us and vote the Democratic ticket at the last election were deterred from doing so by this display of force by the United States authorities against the Democratic party.

On the day of election, United States troops were stationed at the following precincts in the county: Aiken, Hamburg, Beech Island, Silverton, Boyd's Store, and Jordan's Mills. I will further state that United States troops, armed and equipped, were freely furnished the Republican party to attend their political meetings in the county; that this fact alone had a great moral effect to deter the colored people from allying themselves with the Democratic party, because they conceived the United States Government and its Army were hostile to that party. I will further state that United States Marshal Wallace, for the district of South Carolina, made numerous appointments of deputy marshals in this county, but in no instance did he appoint a democrat to that position. I will further state that numerous complaints were made by the Democratic citizens of this county of those officers overstepping their duty under the law, but we were powerless to prevent it. I will further state that some of the deputy marshals who had entire control of the different polls in the county at the last election were the candidates for different offices in the county. I will mention particularly one William Peel, a worthless, drunken fellow, who was a candidate for sheriff and a deputy marshal at Jordan's Mill; also Dr. E. R. Bardeen, who was the candidate for probate judge on the Republican ticket, was the chief deputy United States marshal in the county. Dr. Bardeen had complete control of the Aiken box on day of last election; let no man vote unless as he saw fit.

Q. So far from the democrats having practiced intimidation on the day of election or previous to that time toward Republicans, either in detail at the different precincts or in the county as a whole, do you not consider that the intimidation used in the election in this county was really practiced by Republicans toward Democrats?—A. I do. The Democrats practiced no intimidation toward the Republican voters either in detail or at large; but, to the contrary, the whole civil force of the State and United States, and the military power of the United States, was oppressively used for the purpose of intimidating the voters belonging to the Democratic party.

Q. Do you know anything of it having been industriously circulated among the colored people that it was against the constitution and the

laws of South Carolina for a colored man to vote the Democratic ticket, and that the United States troops had been sent hither to prevent colored men from voting the Democratic ticket?—A. I do not know that anything was said that it was against the constitution or the laws of South Carolina for the colored people to vote the Democratic ticket, but I do know it was industriously circulated and spoken in their political meetings that the Democratic party, if put in power, would put the colored people back into slavery, and that General Grant had the soldiers sent here to prevent the colored people from voting the Democratic ticket, and after the soldiers came I believe their presence had the effect to confirm that report with the colored people, because up to that time they were joining our clubs rapidly, and after that they were deterred from doing so.

Q. Does it not come within your knowledge that a great many colored men were afraid to affiliate openly with the Democracy before the election, and voted the Democratic ticket slyly on the day of election?—A. I answer yes; I have already stated several instances of that kind, and now recall to my mind two other instances, namely: this man Middleton Shepherd is one, and another colored man by name of Nat Butler. The last named, on day of election, came to my office and told me that he wanted to vote the Democratic ticket, but was afraid to do so at Aiken, and requested me to send him to Graniteville to vote. At Aiken the Republicans had concentrated more than a fourth of their vote in the entire county, and this precinct therefore was Republican by a large majority. At Graniteville the Democrats had concentrated a large number of their votes, and he felt assured that he would there be protected in the full exercise of his franchise. I accordingly got a vehicle and sent him over. Middleton Shepherd told me some two or three weeks before the election that he intended to vote the Democratic ticket, but begged that I would not mention it, for if it were known, it would subject him to abuse and bad treatment from the hands of the Republicans of this county.

Q. Do not the great bulk of the colored voters of Aiken County reside in the lower, or Savannah River, section of the county, and were not the United States troops employed, before and on the day of election, almost exclusively in that section of the county and in the town of Aiken, to control the colored vote in the whole interest of the Republican party?—A. A great bulk of the colored people who reside in this county are confined to the Savannah River section and to the lower portion of the county. The United States soldiers were used before the election exclusively in that section and at Aiken on the day of the election. Jordan's Mills was the only precinct north of the South Carolina Railroad that United States troops were stationed at, all of the other detachment of troops being at Aiken and the Savannah River section and the lower part of the county, and the colored population at and around Jordan's Mill precinct is more dense than in any other portion of the county that lies north of the South Carolina Railroad.

(Objections by General Whipper, counsel for contestee. The entire testimony thus far given by G. W. Croft is objected to on the grounds that it is not in rebuttal, but affirmative testimony, and that no notice has been given contestee that affirmative testimony would be taken in this county. A large portion of it relates to polls at which, and in regard to which, the contestee took no testimony whatever.)

Q. Can you approximate the relative vote of Tillman and Smalls at the Graniteville precinct at the last election?—A. I can. G. D. Tillman received at that precinct 787 votes, and Robert Smalls received 77.

Q. Was any proper return of the election at Graniteville precinct made out and signed by the officers who held the election last November and delivered to the board of county canvassers; and does it or not come within your knowledge that the election returns of the Graniteville precinct were delivered to the secretary of state, in Columbia, in the month of November last?—A. I know of my own knowledge that a proper election return, duly made out according to law by the authorized officers who managed Graniteville precinct at the last election, was sent to the county board of canvassers here at Aiken, and by them sent to H. E. Hayne, secretary of state, at Columbia, and in my presence to him personally delivered.

Q. Are you personally acquainted with one N. R. Williams, clerk of the board of county canvassers of election, at the election held in November last; and, if so, how long have you known him?—A. I am personally acquainted with him, and have known him for upwards of five years.

Q. Are you well acquainted with his general character for veracity in this community?—A. I know his general character for veracity in this community.

Q. Is that reputation good or bad?—A. It is bad.

Q. From your knowledge of his general reputation would you feel bound to believe him on his oath in any matter in which he was personally interested or felt himself interested?—A. I would not.

(General Whipper objects to the question on ground as before.)

Q. I will read to you now the testimony of N. R. Williams, lately taken in Columbia, before Henry B. Johnson, notary public, in the matter of this contested election of Tillman *vs.* Smalls. Please state in what particulars you know this testimony to be false.—A. So much of the testimony of N. R. Williams as alleges that force was used upon him by O. C. Jordan, Charles Edmondston, and myself, to take away from him the blank returns of the county board of canvassers, is false. These blanks properly belonged to and should be in the custody of the county board of canvassers, and on the night of the 12th of November last, when they were filled up, as Williams alleges, and by law were compelled to be in Columbia the next day, Williams desired to take them out of the custody of the board of county canvassers. Knowing the depravity of the man's character, and feeling sure, as I have since learned, that he intended to disappear with said blanks in order to prevent the board of county canvassers from making out a return for Aiken County, I requested S. B. Spencer, chairman of the board, and Charles Edmondston, another member, to retain those blanks and prevent Williams from carrying them off.

They did so request him, but Williams, notwithstanding, made towards the door with the returns. Mr. Edmondston thereupon stood between the door and Williams, and told him that he could not carry the blanks off; Spencer also demanded that the returns be made to him; it is absolutely false that any force was used upon him, but at Spencer's demand he handed up to Spencer the blanks. As to what occurred in the clerk's office when the votes were being canvassed the next morning, his entire statement, with one or two minor exceptions, is false. I deny that he ever called to my attention any mistake that occurred in adding up the vote for Robert Smalls. I never heard of any mistake in that addition until the testimony was taken in this contested case. Williams has stated that there were but about twenty-five or thirty ballots in the Fountain Academy box. His statement in that respect was entirely false, for the box was properly locked and sealed; and when we

opened it, from the appearance of the ballots, I am sure the number of votes as returned by the managers of election from that precinct agreed with the number of ballots in the box.

It is true that, owing to the fault of George Washington and S. B. Spencer, the two Republican members of the county board of canvassers, that the time for them to get their returns to Columbia became limited, yet all that Williams says concerning Spencer's connection with that return is false; for I allege, to the contrary, that Spencer was present and he stood by my side, and we jointly looked over and inspected the returns from each precinct, and that Spencer was present and saw the additions that were made for the respective candidates and signed the returns, and did himself carry them to Columbia and deliver them to the secretary of the State and the governor, in my presence, Spencer being appointed messenger by the board to carry the returns to Columbia. George Washington, the other Republican manager of the board of canvassers, did come into the room where the votes were being counted very soon after the count first commenced. Williams read no minutes to him, and he staid but a little while, and left of his own accord.

On the Saturday previous, when the board of canvassers were in Aiken, I did telegraph Mr. Haskell, and received an answer that the returns should be made out at once and sent to Columbia. I urged them, the board of canvassers, to declare the vote at once; but Spencer and Washington, Republican members, and who constituted a majority of the board, for some reason refused to do so. I got Spencer, at my expense, to telegraph Attorney-General William Stone concerning the same matter. The answer came, "You should declare the vote at once." It was then a few minutes before four o'clock in the afternoon. Instead of counting the votes then, Spencer insisted on returning to Hamburg that evening. I caused notices to be given Washington and Spencer to meet in the clerk's office on Monday morning at eight o'clock. At that hour Spencer met with Edmondston, and the vote was declared. Washington came in, as I above stated. N. R. Williams was also notified to appear. I will state further that in the first of the vote I detected N. R. Williams, in the count, of an error in 100 votes in favor of Chamberlain against Hampton. After that I did not trust him any more, but got Mr. James Aldrich and Mr. W. W. Williams to notice him.

Q. Has not the said N. R. Williams been a carpet bag resident of Aiken for many years, and, as far as you know, does he not still regard the town of Aiken as his home; and, if so, is it not unusual, if not suspicious, that he should go to Columbia to be examined in this contested election of Tillman *vs.* Smalls, instead of being examined in Aiken, where the contestee has been taking a great deal of testimony?

(Objected to by General Whipper as being irrelevant and not in rebuttal.)

A. I should style him a carpet-bagger. He has never made his living outside of office-holding under the Republican party since he has been in this State. He does no work, and brought nothing with him. His home is at Aiken, at his mother's homestead. It is unusual for a witness to be carried many miles from his home to be examined. The contestee examined many witnesses here, and Williams was present.

Q. Did you, as county chairman of the Democratic party of Aiken County, during the last election, have occasion to require an accurate census or roster to be made of the white voters and of the colored voters of the county? And, if so, please state as near as you can the relative number of voters of each race in the county.—A. I did. I am unable to say now the exact number of the voters of each race, but I can approxi-

mate it. The colored vote was between twenty-three and four hundred, and the white vote exceeded that by one hundred and fifty, making about twenty-five hundred. The State census as shown in the evidence of H. E. Hayne, secretary of state, taken in this contested-election case for Aiken County, affirms that the colored voting population exceeds the white voting population by almost 1,000. That is plainly an error, and I desire to call attention to the Compendium of the Census of the United States for 1870, at pages 325, 326, and 327, where the population by races is given of the various townships now composing the county of Aiken, but those in the counties of Barnwell, Edgefield, Lexington, and Orangeburg, in the county of Barnwell, refer to the townships of Aiken, Millbrook, Silvertown, Sleepy Hollow, and Windsor; in Edgefield County, refer to the townships of Gregg, Hammond, Schultz, Shaw's Creek; in Lexington, refer to the townships of Chinquapin, Giddy Swamp, McTice, Rocky Spring; and, in the county of Orangeburg, refer to the townships of Hopewell, Rocky Grove, and Tabernacle. By reference to those townships it will be seen that the white population of Aiken County exceeds that of the colored by about two hundred. The line dividing the counties of Edgefield and Aiken runs in a direct course from the mouth of Fox's Creek, on the Savannah River, to where the South branch of Chinquapin Falls Creek, a tributary of the North Edisto River, intersects the Edgefield and Lexington line. This line dividing the counties of Aiken and Edgefield also divides the townships of Shaw and Ward, as appears on the map of Edgefield County made for Isaac Bowles in 1871. The part of those townships lying north of that line is still in Edgefield County, and the part of those townships lying south of that line is now in Aiken County; and those parts in Edgefield are better lands, and are more densely settled, by both white and colored, than those portions in Aiken County; in the Aiken portion of those two townships the white population far exceeds that of the colored.

Q. Can you approximate the number of colored men who voted the Democratic ticket in this county at last election?—A. I can. I am certain that at least four hundred of them voted with us, and may be more. We had over three hundred on our club-rolls, and a great many voted who were not on our rolls.

Q. Do you or not regard the general election of last November as a fair expression of the popular will, as regards the conduct of the Democratic party, in the election?—A. I do.

Q. Can you say as much for the Republican party, at that election in this county?—A. I cannot. I know of intimidation being practiced upon colored Democratic voters. I know of repeating by colored Republican voters at Aiken precinct. One Robert Moore, a colored Republican, voted three times at this precinct. I know of one Republican voter who was under age who voted; he admitted to me that he was under age, but was persuaded to take the oath, and voted. At every precinct in this county two of the managers of election were Republican and one Democrat.

(General Whipper objects to the last three questions as not being in rebuttal.)

Cross-examined by W. J. Whipper for contestee:

Q. You stated that you knew of instances where colored Democrats were cursed and abused by colored Republicans. Do you know of any others, besides those you have already cited?—A. I might recall some others on reflection. I do know of one March Harrison being abused,

and of Nelson P. Butler, both colored, being abused on the streets. Cases of violence against him (Butler) has been before the city council of which I am a member.

Q. Will you state in each case in what the abuse or violence, if any, consisted?—A. In the case of Dent of actual violence to the person; in case of Hayne a show of violence, and threats to beat him, which was prevented by white Democrats who interfered to keep the peace. I did not see the violence perpetrated against Harrison and Butler; know of them being abused; but I know of Butler bringing up a case before council for violence.

Q. Did you as member of council hear that case?—A. I did not hear the case on trial; only know of the complaint being made.

Q. In the case of Butler, do you know who made the first assault?—A. I could not tell.

Q. Was the cause of the assault not personal rather than political? Was his politics not a mere incident rather than a cause?—A. I only know what Butler has told me; he told me it was on account of his politics.

Q. By whom was Dent cut?—A. Thomas Cheatham.

Q. Was it not a personal quarrel, neither of them representing a party?—A. It grew out of a quarrel, commenced by Cheatham cursing him on account of his politics. I may say that Cheatham went into his yard, too.

Q. Are you speaking of your own knowledge, or what Dent told?—A. I speak from seeing the wound of Dent; from Dent's own statement; and from conversations had with Thomas Cheatham himself concerning it.

Q. Then you saw no portion of the difficulty yourself?—A. No.

Q. From any or all of the sources, do you know who commenced the difficulty?—A. I am satisfied from what the parties have told me it was brought on by Cheatham cursing Dent on account of his being a Democrat.

Q. Are you not also satisfied that Dent committed the first assault?—A. I am not about that; I can only believe as I was told.

Q. Did you see the attack upon Hayne?—A. I did.

Q. Who was it that attacked Hayne?—A. There were several parties; among them was Charles Neal.

Q. Was that purely in relation to politics?—A. It was.

Q. Is there anything unusual in seeing a show of violence in political discussions?—A. It was unusual to see such show of violence as that was. I do think it unusual for violence to be shown when political matters are being discussed.

Q. Did you see the difficulty with Harrison?—A. I have seen no actual violence to Harrison, only seen him abused and cursed.

Q. What was this abuse, and state whether or not to his face?—A. He was cursed for a damned Democrat in his hearing. This was in front of Hahn's store, not long before election, when he would come in to attend our Democratic meetings.

Q. Please state, if you know, what ticket Dent, Harrison, Butler, and Hayne voted, and where.—A. I do not know of my own knowledge where they voted. I am satisfied they voted the Democratic ticket.

Q. Then they were not intimidated so as to prevent the free exercise of their franchise?—A. It appears not; but from Dent's own statement he was afraid to vote here where he lived, but went to Graniteville.

Q. How long before election was it you heard these parties abusing Butler, cut Dent, show of violence toward Hayne, and abuse of Harri-

son?—The abuse of Butler and Harrison occurred in the month of October last; the violence against Dent in September, and the show of violence against Hayne was the 8th November last.

Q. You speak of Oliphant, Dent, and four negroes who came to Aiken with Heron, and went to Graniteville to vote because they were afraid to vote here. Do you know of anything being said to either of them on the day of election; anything abusive?—A. I know of these four colored men who came with Heron being abused and ridiculed to their hearing. They had on red shirts. A crowd of colored Republicans immediately got around them and abused them. As to those other two, Oliphant and Dent—and I remember particularly Oliphant—came to me on day of election and said that he wanted to vote for us, but would go to Graniteville and vote, and that he would not vote at Aiken because he would be abused for so doing. He seemed afraid to vote here.

Q. Were not the instructions given by the officers of party organizations of the Democrats to concentrate the colored Democratic vote at Graniteville?—A. That instruction was given to carry the colored Democrats to Graniteville who lived at a distance from the precinct, and to keep them from Aiken; but it was our plan to vote as soon as the polls were opened the colored Democrats who resided in the town of Aiken. Some of them did vote here, but others insisted on going to Graniteville.

Q. You state that you know colored men who would have voted the Democratic ticket if they were not afraid; among them John Jolifer. How do you know that he would have voted the Democratic ticket?—A. Simply because he said so, and I believe it.

Q. And the only evidence that he did not vote the other ticket was his say so?—A. He did not vote here, to my certain knowledge, and I never heard of his voting anywhere else.

Q. You stated that there were some five or six companies in the town and county previous to and during the election. About how many men did these companies average?—A. That I can't say. They were infantry companies, and belonged to the Second, Fourteenth, and Eighteenth Infantry regiments.

Q. Do you not know that they were far from full companies?—A. I saw one company from Eighteenth Regiment drilling, and I should say it contained at that time about thirty-six men, I think. Can't say as to the others. Never heard their roll called or saw them parade.

Q. You don't know if that would be an average company or not?—A. I cannot say.

Q. How many companies of soldiers were quartered here at time of the Ellenton riot?—A. There were two companies here at Aiken and part of one at Hamburg.

Q. Were there any soldiers in Aiken County before the Hamburg riot? If so, how many?—A. None.

Q. Those arrests made by the deputy United States marshals, and assisted by United States soldiers, were made after the Ellenton riot, and the parties therein, were they not?—A. They were made after the Ellenton riots, and of parties who were charged with complicity in that riot; but some of the parties who were arrested were candidates upon the Democratic ticket and prominent Democratic citizens of Aiken County, who it was well known had never left the town of Aiken, and who had no participation in that riot.

Q. Are you not aware that an examination was made by the district attorney, and only such parties arrested as witnesses appeared against?

A. I am aware that District-Attorney Corbin came here for the avowed purpose of making an impartial inquiry in that matter; and after hearing the witnesses who participated on one side of the riot, and without an opportunity given to a single witness who participated on the other side in that riot, he made an ex-parte statement to the governor, had printed affidavits struck off promiscuously, and arrested Democratic citizens, both white and colored, indiscriminately.

Q. Who was the marshal that had charge of the jail here, in which those prisoners were kept, and did not feed them?—A. E. K. Bardeen.

Q. About how many were in the jail?—A. From ten to fifteen.

Q. When you say that they were not fed, do you mean to say that they were not allowed anything?—A. I mean to say that marshal did not provide for them; they were fed by the citizens; and while in Columbia, in open court before Judges Bond and Bryan, this complaint was made on that account by their attorney, in behalf of these prisoners.

Q. Are you not aware throughout this and other States, where there is no place of confinement under the control of the United States, to place the United States prisoners in the county jail, where they receive the regular jail fare, and that it is paid for by the United States?—A. I have never had occasion to look into this matter, and do not know whether it be the law or not; and I do know on two occasions that prisoners were kept in the Lyceum Hall in this town, when they were in nowise under the control or management of the sheriff of this county, without being fed except by the citizens.

Q. Do you know whether they were kept there by the orders of the marshal or at their own instance to keep from going to jail?—A. On one occasion they were put there at their own instance, and on another occasion under instruction from the marshal. As far as I am personally concerned, Dr. Bardeen treated me with kindness, but grievous complaints were made against him by others.

Q. How long were those kept there that were put there by his orders?—A. All of them until the next day, and a part of them for two days.

Q. Did they make any request to be fed, or did they feed themselves?—A. I have been informed by some of them that they called upon the marshal to be fed. Some of them I am not aware ever made that request of him.

Q. Do not you know what, if any, reply the marshal made to that demand?—A. Only what I have been informed; they said that he was not prepared to furnish them with meals.

Q. Do you know whether or not jail-fare was tendered to those in jail?—A. I do know that some of the men were in jail for several days, and were neither fed by the sheriff nor marshal, but by the citizens of Aiken; but some time afterward there were other parties put in jail in Aiken, and meals were furnished them by Sheriff Jordan. Before meals were furnished by the sheriff, I myself proposed to a deputy marshal, named Canton, that the sheriff should feed them, and that the sheriff be allowed such fees therefor as was allowed the marshal; and after that the sheriff did feed some of the prisoners who were in his charge; before that I am certain he did not.

Q. After you made that arrangement they received their meals, not regular jail-fare?—A. I am unable to say what fare they received.

Q. Do you say that they could not even have got the ordinary jail-fare before this arrangement was made?—A. I am certain they did not get it, and were dependent upon the citizens.

Q. Was it because they could not get it, or was it because they pre-



ferred that which the citizens gave?—A. In many of these cases it was because the marshal failed to provide for them.

Q. Which of the marshals was it that promised you he would give you the names of the parties wanted, if you would have them give up?—A. Mr. Blackwell.

Q. At the time that arrangement was made, was you not charged with complicity in those riots and bound over for it?—A. No, sir; no arrests had been made at that time.

Q. Were you at the time you went to Captain Mills?—A. No, sir; I was not arrested until the second day after the arrests had begun in the county.

Q. Did not they commence the investigation which led to these arrests immediately after the riot?—A. Investigations were commenced soon after the riot by Mr. Blackwell, then claiming to act under instructions from Governor Chamberlain, but no arrests were made after that investigation, nor have any been made at all by the State authorities; but some time after that, about the 2d or 3d of October, Mr. Corbin commenced to investigate, and, as well as I can recollect, the arrests were commenced about the middle of October. Mr. Blackwell, while acting for Governor Chamberlain, took evidence from both sides of the parties that were implicated in the Ellenton riots, and no arrests whatever were made under the State authorities after his investigation.

Q. You state that these arrests stopped just before the election. Had they not arrested all the parties that lived in this State against whom complaint had been made, or all that they could find?—A. They claimed to have had six hundred more warrants against parties residing in Aiken, Edgefield, and Barnwell Counties. If any of these parties against whom they had warrants had left the State I am not aware of it, for they would not say who the warrants were against.

Q. You state that some parties arrested on the 20th October, the day Hampton spoke here, were detained several days to suit the convenience of the commissioner; who were they?—A. I can't name them all. W. W. Miller was one, Mr. Thomas Page another, and a number of others whose names I cannot now recall. Col. A. P. Butler, Frank Dunbar, Claude Hammond, T. F. Dicks were also of the number.

Q. State whether you know if this was the fault of the commissioner, or was it because District Attorney Corbin was considering the question whether or not those parties should be bailed at all.—A. District Attorney Corbin withheld his consideration and determination upon that matter, as regards Col. Butler and Frank Dunbar, for several days; but as to the other parties, nothing was ever said about his considering their cases. I think Col. Butler and Frank Dunbar were held for some six or eight days.

Q. Have you any way of accounting for the delay in their case?—A. I am satisfied it was from a disregard of their rights as American citizens, and for the purpose of political ends.

Q. On the part of the marshals, or who?—A. On the parties higher in authority, I believe. The commissioner was nothing but a cat's-paw, I think.

Q. You have also stated that there were many colored Republicans who would have joined and voted with you had it not been for this display of United States force. Have you any evidence of that, or is it a mere conclusion of yours?—A. My reason for saying that is this, that after this display of the troops in the campaign the number of colored Republicans who united themselves with our club became suddenly and very much less; indeed some of them deserted us.

Q. You have stated that numerous complaints had been made against United States deputy marshals overstepping their bounds. Who were they, and in what way did they overstep their bounds?—A. William M. Peel was one, either Blackwell or Canton another in the lower part of our county at a meeting. The nature of the complaints were, that on one occasion a Republican and Democratic meeting was advertised to take place at Silvertown, both on the same day; and both parties at same time put up speakers and began to speak at same time in hearing distance of each other. The Democratic meeting was ordered to be removed, allowing the Republicans to remain in their same position. This the Democrats complained of as wrong, as the meeting was in a public place. Complaints were made against several of these United States marshals for stopping free speech in not allowing questions to be propounded to Republican speakers. The Democrats claimed that the deputy marshals were peace-officers, and should not act in the interest of any political party.

Q. You have also stated that some of these marshals were candidates for office in this county. You do not claim that that disqualifies a man from being marshal, supervisor, or manager of election, do you?—A. It would not disqualify them, but I would say is neither fair nor just, and is calculated to make an officer biased in his official duties.

Q. You speak of Dr. Bardeen, chief deputy for this county, and candidate for probate judge of this county, taking control of this precinct and doing as he saw fit. Did he interfere with the managers in the discharge of their duties in any way; and, if so, how?—A. He did not interfere with the managers, but he directed in what manner the voters should go to the polls, and in what direction they should leave after they had voted; and whenever he saw proper he would allow such voters as he saw fit to approach the poll from that direction in which the voters were to leave after they had deposited their ballots, and he would allow no one else to take this liberty besides himself.

Q. Did the course Dr. Bardeen took impede or facilitate the voting?—A. It would impede the voting for a short time, because it stopped the regular order of the voting.

Q. Would it not ultimately facilitate the voting?—A. It would not; it was done to favor such persons whom he saw fit to favor in that manner.

Q. You say that you know it was industriously circulated that if the Democrats got in power the colored people would be placed in slavery, and that it was spoken at their public meetings. By whom was it spoken?—A. I have heard that it came from several of their speakers, but especially Dr. Palmer, a candidate on the Republican ticket, and Warren Driver, another candidate on same ticket.

Q. Did you ever hear either of them say so in public speeches?—A. No; I never was at their meetings, but I have been so informed by credible witnesses who did attend their meetings.

Q. You state that the vote for Tillman at Graniteville is 787, and for Small 77. Do you speak from memory or memoranda?—A. From both.

Q. You have stated that the returns from Graniteville, properly signed and attested, were sent to the county board of canvassers, and through the regular channel to H. E. Hayne, secretary of state, in your presence delivered to him. Did you see him open the box?—A. He had no box, the returns were in a bundle; I saw him count them in the presence of Spencer and myself.

Q. Did he receipt for them?—A. Am under the impression that he did not.

Q. Are you not aware that he furnished a receipt at that time or since, and that the returns from Graniteville were not in it?—A. I am not aware of it.

Q. At the time of the controversy concerning the blanks in counting of the votes, did no one lay hands on N. R. Williams at all?—A. I have no recollection of any one laying their hands on him at all; if they did it was not in a forcible manner; no force used at all.

Q. You state that the blanks properly belonged to the board of county canvassers, and should be in their custody. Is not the properly-elected clerk their custodian for all intents and purposes?—A. I simply refer you to the election law; my construction is that the board should take into their possession all property belonging to the election.

Q. Is not a paper or papers in the hands of a duly-appointed clerk, by their direction, actually in the hands of the board itself?—A. If you mean by actually that it is physically in their hands, I should say no; and they were not in his custody up to that time; and when they were completed they were put in the hands of a messenger, as directed by law.

Q. You state that you afterwards learned that it was his intention to disappear with the blanks. How did you learn that?—A. My authority is Charles Edmondston, one of the county board of canvassers.

Q. You state that Williams never called your attention to any mistakes in the addition of the vote for Small. From what you have since learned was there a mistake?—A. I believe there was.

Q. Are you able to state from any information in your possession how great that mistake was?—A. I could approximate by comparing the data I have, which is not footed up; I should think that the error would be 250.

Q. Is that an estimate, or the result obtained from your data?—A. It is the result obtained from my data, except the returns from Fountain Academy and Windsor, and those two precincts I take from the testimony of the secretary of state; this is not a close figuring; it may be more and it may be less.

Q. You state that you telegraphed Mr. Haskell as to the time of declaring the vote. What if any position did Mr. Haskell hold?—A. He was chairman of the State executive committee of the Democratic party.

Q. Did you have any official capacity in connection with the canvass made by the board of county canvassers?—A. I had no legal position connected with that. I was county chairman of the Democratic party of Aiken County and conceived it my right and privilege to see that this vote was counted and declared according to law; that counting under the law is to be open, and as a citizen of this county I had a right under the law to be present.

Q. When you caused notices to be served upon Washington Williams, who was it caused you to do it?—A. I got Mr. Edmondston, one of the board of county canvassers, to make out and sign a notice to be served on Washington and Spencer, and I saw that those notices were sent to those parties. I do not know whether Williams's was a similar notice, but I caused him to be notified.

Q. By whom were those notices sent and at what time?—A. The notice to S. B. Spencer was delivered to him by myself on the morning of the 12th of November, the day before election was declared. The notice to George Washington was sent by Frank Coffin; it was sent on the 12th of November, to his place of residence some 7 or 8 miles from Aiken.

Q. Was Coffin sent as a special messenger or was he going that way?  
—A. He was sent as a special messenger; he lives in town.

Q. Washington stated in his testimony that he never received any notice till he came in town the morning the vote was declared; can you explain that?—A. I think Washington testified that he never had received that notice. I cannot explain anything he says.

Q. You state that all N. R. Williams said about Spencer is false except in one or two minor particulars. Do you mean to include what Williams says Spencer did in Columbia or what he says he did here?—A. I mean what Williams says Spencer did here at the court-house on the day the vote was counted and declared. I know nothing about what Spencer and Williams did in Columbia.

Q. You stated that it is unusual to take a witness many miles from home to testify, and that contestee examined many witnesses at Aiken, and Williams was present; are you not aware that all the witnesses examined in Aiken and Barnwell were examined before Williams himself?—A. Those who were examined in Aiken I know were examined before Williams himself. I was not present in Barnwell, and know not who took it.

Q. Was not the notice to take testimony in Barnwell served on you as attorney for contestant, and was not Williams mentioned as the officer in that notice before whom the testimony would be taken?—A. It was.

Q. Are you not aware that contestee has taken testimony in this case on two different occasions in Columbia, and that that is the nearest point, except Edgefield, to Aiken, the residence of Williams, at which this contestee has taken testimony, except where it was taken before Williams himself; and are you not also aware that there is no railroad communication between Aiken and Edgefield?—A. I am only aware that the contestee took testimony in Columbia once in this case, and that was on the 7th day of April instant, when N. R. Williams and H. E. Hayne were examined, and my knowledge of that is derived from a copy of the testimony taken there, sent to me by Mr. Youmans, counsel for contestant. I have heard that testimony in this case was taken also in the counties of Beaufort and Colleton; not knowing in what part of those counties testimony was taken, I am unable to say if it was as far from Aiken as Columbia is. The railroad passes within six miles of Edgefield, and a daily hack runs to Edgefield from the railroad.

Q. In stating the townships taken from Edgefield, Barnwell, Lexington, and Orangeburg, of which the county of Aiken is now composed, you refer to the census taken in 1870, pages 325-327, to show the population of those townships. Are you not aware that in laying off the county of Aiken several of those townships were cut so as to materially change the population of those townships, so as to render the population of those townships in this county incorrect in the census of 1870? Are you not also aware that since the formation of Aiken County a portion of territory taken from Barnwell for the purpose of increasing, and that it did increase the colored population of this county?—A. I am aware that in forming the county of Aiken the townships of Ward's and Shaw, as appears in the census-book referred to, were so cut by the dividing line between Aiken and Edgefield so as to leave a portion of those townships still in Edgefield and a portion of them in Aiken, but the portion of those townships which still remain in Edgefield contains by far the greater portion, and indeed almost all the colored portion of the people that lived in those townships and the parts of those townships in Aiken are inhabited almost exclusively by white persons, so that the actual majority of the white population in Aiken County over the col-

ored population would be considerably more than appears from the figures of those townships, as set forth in the said census-book. I do know that in the year 1874 the Republican legislature of South Carolina cut off a small portion from the upper part of Barnwell County and added it to Aiken, for the avowed purpose of increasing the comparative colored vote in this county, but the increased colored vote added to Aiken by that piece cut from Barnwell in 1874 would not counterbalance for the number of colored votes that are computed in the census-book in Shaw's and Ward's Townships that now actually belong to Edgefield.

Q. You state that there were four hundred colored voters at least in Aiken County that voted the Democratic ticket at last election. How do you know this?—A. I know it from the numbers that voted the Democratic ticket at several of the precincts, there being between 80 and 90 at Graniteville, being about 100 at Beech Island, a number at Silverton, at Fountain Academy, at Windsor, Miles's Mill, and at Hamburg, and at Aiken.

Q. How do you know there were 80 or 90 at Graniteville, or 100 at Beech Island?—A. The poll-list at Graniteville shows 161 colored people voted there, and there were only 74 colored Republican votes polled there; take 74 from 161, and it leaves 87. By actual comparison of the poll-list—the number of colored people who voted there and the number who voted the Democratic and Republican ticket—subtract the one from the other, you will find the colored Democratic vote.

Q. What is your political faith?—A. I am a Democrat.

Redirect:

Q. Are not United States troops now quartered in the heart of the town of Aiken; and have not the bugle, the fife, and the drum been familiar sounds to the people of this county for the last seven or eight months?—A. Yes, sir; we have had soldiers quartered in our town since the month of July, 1876.

Q. In the cross-examination you have been asked a great many questions about the Ellenton riot. Please state the occasion on which that riot occurred, and cause of the riot.—A. That riot was caused by two colored men, one named Frederick Pope, the other Peter —, entering, on or about the 15th of September last, the house of a Mr. Alonzo Harley, in this county, during his absence, and while there was no one on his premises but his wife and a new-born infant and two small boys, the eldest being under ten years of age, for the purpose of robbing; and they did then and there strike her and her little son with a club; and by the resistance of the colored population to the arrest of said Frederick Pope for that offense, upon a warrant duly issued for him.

Q. Do you mean to say that said riot was brought about by the resistance to the constituted civil authorities of the State by the colored population?—A. I have already said that was the origin and cause of that riot.

Q. After the riot had occurred, did not Hiram Jordan, high sheriff of Aiken County, both telegraph and write to Governor Chamberlain that he could enforce any legal process in Aiken County against those rioters, or against any other person in said county, without the help of United States troops?—A. He did not so telegraph Governor Chamberlain, but he telegraphed the substance what you have stated to Colonel Haskell, and for this reason Governor Chamberlain had falsely published that the sheriff of Aiken County was powerless to arrest the parties charged with that offense. Colonel Haskell telegraphed the sheriff and desired to know if that was true. The sheriff answered

Colonel Haskehl by telegram, the substance of what you have said, and this besides, that no warrants in those cases had ever been delivered to him for service; that if they were he could serve them or any other process that he might be required to serve; that he had never been resisted in the discharge of his duties as sheriff.

Q. Has there ever been a time since the Ellenton riot occurred, up to the present hour, when the sheriff of Aiken County could not have enforced any legal process without the intervention of the Army?—A. I answer no; the sheriff of this county has never been resisted, and has always been able to serve any legal process that might have been given him to serve.

Q. Has any Republican in politics ever been arrested or had a warrant issued for him, by either Federal or State authorities, for complicity in the Ellenton riot?—A. No.

Q. In the cross-examination something was said about the last State census of 1875. Was not that census very inaccurately taken by incompetent persons, who were paid per capita for their labor in taking it?—A. I should say that the census-taker for this county was fully competent, but he was paid per capita for the work done, and that he is thoroughly a dishonest man, who has appropriated to his own uses almost every dollar that came into his hands while acting as probate judge for this county for the last four years, and is now under indictment for his malfeasance in office.

(The redirect is objected to by counsel for contestee as entirely new matter from the direct, and not in rebuttal.)

G. W. CROFT.

Sworn to and subscribed before me this 17th April, 1877.

[SEAL.]

W. W. WILLIAMS,  
*Judge of Probate, Aiken County.*

W. J. Whipper represented contestee.

BURGES FRANKLIN sworn.

Question. State your name, age, residence, and occupation.—Answer My name is Burges Franklin; age, fifty-five; residence, in Aiken County; my occupation is that of a farmer.

Q. Where did you vote 7th November last?—A. At Miles Mill precinct, in this county.

Q. Did two of your sons vote at that precinct, on that day, with you?—A. Yes, sir.

Q. Joseph Coleman, colored manager, and also one of the Republican managers of election at that precinct, has stated that your sons were under the legal age to vote; is that true or false?—A. It is false.

Q. Will you state whether or not both of your sons who voted there that day were of legal age to vote?—A. I do say they were above the age of twenty-one years.

Q. Is there any other man besides yourself in this county by the name of Burges Franklin?—A. No other that I know of.

Q. How long have you resided at your present homestead?—A. I cannot tell exactly, but I reckon about forty years.

Q. You say your name is Burges Franklin, and your two sons voted at Miles Mill that day; have you ever known a man named Virges Franklin?—A. No, sir.

Q. Are you acquainted with Buck Satcher and Reuben Taboorda?—A. I am not.

Cross-examined by Mr. Whipper:

Q. How far do you live from the polls—I mean Miles Brills?—A. I suppose some eight or nine miles.

Q. What are the names of your two sons that voted there that day?—A. One is named Millege Blanford and the other John Marshall Franklin.

Q. Have you any other sons?—A. Have one more.

Q. What is his name?—A. James Tillman Franklin.

Q. How old is Millege Blanford?—A. He was born in 1854.

Q. How old is John Marshall?—A. He was born in 1855.

Q. How old is your youngest son?—A. I disremember when he was born, but about 1856-'57.

Q. How much of the day did you spend at the polls?—A. I cannot exactly say; it may have been an hour and a half or more.

Q. Have you ever heard of any other Burges Franklin?—A. I do not know of any other Burges Franklin.

Q. Do you know all the people in a scope of ten miles around there?—A. I do not, but I would know a Burges Franklin if one were that close.

Q. Do you know whether Coleman meant your children when he spoke of Burgis Franklin's sons?—A. I do not know.

BURGES FRANKLIN.

Sworn to and subscribed before me this 17th April, 1877.

[SEAL.]

*Judge of Probate, Aiken County.*

W. J. Whipper represented the contestee.

W. J. COURTNEY, sworn, says:

Question. State your name, age, residence, and occupation?—Answer. W. J. Courtney; 45 years; Aiken County; farmer.

Q. What, if any, official capacity had you at the general election held on the 7th November last?—A. United States supervisor of election at Fountain Academy precinct, in this county.

Q. Were you at that poll during the whole of that day?—A. Yes, sir.

Q. Were you at that poll till the box was closed in the afternoon?—A. Yes.

Q. Did any band of armed men come to that poll on that day?—A. No; saw nothing of the kind.

Q. Was not your position such that you would have seen them had they come to that poll?—A. I certainly should have seen them had they come.

Q. Did any one intimidate or curse D. N. Johnson, G. G. Brodie, on that day, managers of election?—A. No, sir; I heard nothing of the kind.

Q. Had they have been intimidated or cursed that day would you not have seen it or heard it?—A. I would, for I was there all day and never left the box.

Q. You were in company with D. N. Johnson, G. G. Brodie, all day, were you not?—A. I was.

Q. Was anything said or done toward those managers, either or both of them, that prevented them from discharging their duties as managers?—A. Nothing at all; not a harsh word was passed.

Q. They have stated that the Democratic voters would not allow that box to be closed at the proper hours; is that true or false?—A. It is false.

Q. Was not that box closed at six o'clock in the afternoon?—A. It was closed at six o'clock.

Q. Will you state which one of the managers kept his hand on the box all the time?—A. Brodie.

Q. Brodie and Johnson have stated that after that box had been closed at six o'clock in the evening, a body of Democrats came up and pushed the latch from over the hole, and voted anyhow, and against the wish of the chairman, Johnson; is that true or false?—A. It is false.

Q. Was not all of the voting at that box conducted in a legal and orderly manner, and within the legal hours?—A. Yes, as much so as any election I was ever at; and the voting was in the legal hours.

Q. Were you present when the votes were counted and returns footed up and signed?—A. Yes; I helped to count them myself.

Q. Did the managers of election count those votes, foot up and sign those returns, freely, voluntarily, and of their own accord?—A. Yes, they did; there was one remark that D. N. Johnson, chairman of the board, made, which was this: that every thing went on so smooth and quiet.

Q. Was any thing said to or done toward either D. N. Johnson or G. G. Brodie, or both of them, that induced them to count those votes, foot up, and sign those returns?—A. No, they did it of their own accord and free will.

Q. They have said that they signed these returns to get away alive; was anything done or said to induce such fear or belief on their part?—A. I saw nothing of the kind.

Q. They have stated that there were a hundred or more white men at and around those polls, and some of them armed, and but three colored men, counting themselves, after the box was closed and until after the returns were signed. State whether this be true or false, and the number of white and colored men that were around those polls at that time, and if any were armed; and, if so, who?—A. There was a big fire just outside the door, and the colored people were around it thick; more colored people than whites were there. I saw one man with a gun; some had pistols, both white and black. Jim Walker had the gun; he had been hunting and came by there; he lives in that neighborhood.

Q. Was it after the polls were closed that you saw him with the gun?—A. Before and after too.

Q. Is this James Walker a son of F. L. Walker?—A. He is.

Q. Will you state if F. L. Walker is a Republican or Democrat, and if he has held office in this county? And, if he has, under what party?—A. He is a Republican; he was coroner, elected by Republican party, and held his office up to this last election.

Q. You have seen Mr. John Murray and Mr. W. F. Wilson just now. State whether or not they voted at Fountain Academy at the election in November last.—A. I have no recollection of seeing those men there, and I don't think they voted there.

Q. Did you not see every one who voted there?—A. I did; and knew nearly every man who voted there.

Q. If they had voted you would have seen them there?—A. Yes, sir; I should have seen them, as I stood just in front of the box all day.

Q. Did George W. Howard vote at that precinct that day?—A. No; I don't think he did; there are no Howards in my settlement, and if he had been there I should have noticed the name.

Q. During the voting, did any man walk into the room where you had



the box, and lean his gun up?—A. No, sir; if it had happened I would have seen it.

Q. Do you know W. F. Carsten; was he Republican supervisor of election that day? Did not D. W. Johnson exercise the right to challenge any vote whenever they saw proper?—A. He did; he challenged all day till the very last.

Q. Did you see E. L. Anderson, United States marshal, at that poll that day?—A. I did; he claimed to be deputy United States marshal; he is a colored man.

Q. Did you see on that day a crowd of men come in that house with pistols in their hands?—A. No, sir; no such a crowd came in there.

Cross-examined by W. J. Whipper, for contestee:

Q. Was there a crowd of men came up there at all, armed or unarmed, about six o'clock?—A. No; some who went home during the day came back in the afternoon.

Q. Was there any one offered to vote after Johnson claimed it was six o'clock?—A. No; Johnson held the watch in his hand, and when it was six the box was closed; Johnson said he had opened by that watch and would close by it.

Q. Did you say anything to Johnson about his having moved his watch up?—A. No; it was another Courtney; his watch did gain ten minutes on my watch, but whether he pushed it up I do not know.

Q. About what time was it the other Courtney charged him with running his watch up?—A. It was late in the evening; I think near time to close.

Q. Was there no one came up there about the time the box was closed, or a little before, and said the Langley box was broken, and that they had been to Graniteville and it was so crowded they could not vote there, but they would vote at your poll?—A. No, sir; there was no crowd came at all.

Q. Was there not one or two men came up and said there was a crowd coming behind?—A. I was in the house all the time; heard nothing of the kind.

Q. Did you or not hear some men whooping and hallooing somewhere off, and did not Johnson ask you who they were, and you stated that they were bad people?—A. No such talk occurred.

Q. Was there or not a man came there and offered to vote, when asked where he was from, first said from Augusta and afterward said he was from Langley, and when asked to be sworn went out and would not vote?—A. I never saw a man refuse to be sworn all day.

Q. Didn't Johnson say to one or more men offering to vote, "It is six o'clock, and you can't vote?"—A. I didn't hear him say it; he had his watch in his hand, and when six came he said, "No more voting."

Q. Do you say that Johnson did not close or attempt to close the poll and afterward consent to let it remain open?—A. As I before said, Johnson showed his watch at six o'clock and said, "No more voting," and there was no voting after that, nor was anything said about voting.

Q. Didn't he attempt to close the polls before he said it was six o'clock?—A. He didn't attempt to close them until he did close them, and that was at six o'clock.

Q. Did you see Peter Waggles there?—A. Yes; I saw him.

Q. Was he acting as United States marshal?—A. Not there.

Q. Didn't he attempt to act there, and was he not told by yourself that he had no authority to act?—A. Don't remember anything of the kind; he was in the way of the voters once, and I told him to move out of the way.

Redirect :

Q. It is not unusual for men to wear pistols in this country, is it?—A. No; it is very common with both black and white.

W. J. COURTNEY.

Sworn to and subscribed before me this 17th day of April, 1877.

[SEAL.]

W. W. WILLIAMS,

*Judge of Probate, Aiken County.*

W. J. Whipper represented contestee.

JOHN F. MURRAY, being sworn, says:

Question. State your name, age, residence, and occupation.—Answer. John F. Murray; twenty-three years; Langley, S. C.; merchant.

Q. How long have you resided in Aiken County?—A. Since 1870.

Q. Are you the son of Mr. Frank Murray?—A. Yes, sir.

Q. Did you vote in this county at the general election held on the 7th November last? And, if so, state where.—A. I did, at Graniteville, my nearest precinct.

Q. It has been alleged by Joe Coleman that you voted at Miles's Mill precinct that day. Is it true or false?—A. It is false.

Q. Were you at Miles's Mill precinct on that day at all, sir?—A. I was not.

Q. It has been stated by Peter Waggles that you were also at Fountain Academy precinct on that day, and, after being sworn, you were identified as John Murray, and thereupon you refused to vote. State whether that be true or false, and whether or not you were at Fountain Academy on that day or not.—A. That is also false. I have no idea where Fountain Academy is.

Q. Does any other John Murray live at Langley?—A. No, sir.

Q. There are plenty of other Murrays in this county, ain't there?—A. There are.

Q. Do you know if there are any other John Murrays, or do you know the initials of any other Murrays?—A. There is a Joe Murray, and a Joseph E. Murray, who lives in Beech Island, and a sewing-machine agent named J. P. Murray.

Q. Are you acquainted with Arthur Burton?—A. I am well acquainted with one Arthur Burton that used to live in Graniteville.

Q. Do you know whether he has moved outside of Graniteville?—A. I am not positive; think he has.

Q. In what portion does he live?—A. Toward Vancluse, in the direction of Miles's mill.

Q. That direction is in the vicinity of Vancluse, is it not?—A. Yes, sir.

Q. State whether you know him to be above the age of 21 years.—A. He is fully as large as I am and I think as old.

Q. How long have you known him, sir?—A. Since 1864.

Q. Was he then a boy of your size and apparently of your age?—A. He was working in the Graniteville factory at that time; about my size and age.

Q. How long had he been in the factory?—A. Have no idea.

Q. What age is the earliest they are usually entered in the factory?—A. Some at Langley they take in at 9 years of age; these are exceptional cases, unless they are hardy boys.

Q. Is that the earliest age that they are ever taken in the factory?—A. It is the earliest I have ever known.

Q. The same rules as regards this prevail at Graniteville, do they

not?—A. Well, I can't say for certain, but don't think they would take them under nine; it is tough work for a child, anyhow.

Q. From what you know of Arthur Burton, would you say that he was of the age of 21 years at the last general election held on 7th November last?—A. I should think he was, sir.

Q. Do you know Stephen Hill, a colored man?—A. I know one that used to work on the Langley dam.

Q. Was he a resident of Aiken County at the time of the general election held in November last?—A. When he left the Langley Mill, he went up above Miles's Mill to work on a farm; something over a year ago. He was then a resident of Aiken County.

Q. Did he arrange to make a crop with Mr. Brandt that year?—A. I don't know; think he hired to him.

Q. It is not probable that a crop could be made, gathered, housed, and disposed of that same year before 7th November, is it?—A. Unless it were all pease.

Q. The last you knew of or heard of Stephen Hill, he was then a resident of Aiken County?—A. Yes, sir.

Q. State whether you are acquainted with George W. Howard?—A. Yes, sir.

Q. Were you at Graniteville the whole of the 7th day of November last?—A. I was there from nine in the morning till about five o'clock in the evening.

Q. Did you see Mr. George Howard at that precinct on that day?—A. Yes, sir.

Q. Was he there all the time that you were there?—A. I would see him at short periods during the whole day.

Q. Do you know the distance from Graniteville to Miles's Mill?—A. To the best of my knowledge, 10 or 12 miles.

Q. Would it have been possible for Mr. Howard to have left Graniteville and gone as far as Miles's Mill and returned between the intervals at which you saw him that day?—A. No, sir; it was not possible.

Q. It has been proven in this case, that Fountain Academy is some eight miles beyond Miles's Mill; state whether it would have been possible for Mr. Howard to have gone from Graniteville to Fountain Academy and return between the intervals at which you saw him in Graniteville that day?—A. He could not possibly have gone there in that time.

Q. Were you arrested at any time last fall by United States deputy marshal with soldiers?—A. Yes, sir.

Q. State when and where you were arrested?—A. I was arrested at Langley, in November, about 22d or 23d.

Q. Were you carried to Columbia?—A. I was carried to this Aiken jail first on Wednesday; was arrested and carried to Columbia on following Saturday; kept in Columbia jail till next Tuesday.

Q. State what treatment you received at the hands of the United States marshal while in his custody.—A. When I was arrested at Langley I was carried to Aiken jail and turned over to Dr. Bardeen by Silas Yates, who made the arrest. Bardeen put me in jail without bedclothes or anything. Mr. Robert Dunbar offered me a part of his. The next morning, when breakfast came, I could not stomach it. So I made arrangements with parties outside to bring my meals. I was guarded every night by United States soldiers. Saturday morning had breakfast and took train for Columbia under custody of Bardeen, deputy United States marshal. As we were approaching Branchville he would not let me get something to eat, nor would he furnish me with it. The first

meal we had after leaving Aiken was Sunday morning, eleven o'clock; furnished meal by sheriff of Columbia. We were locked in cells without bedding. Dent got four blankets for six of us. It was a very cold night, and my feet got frost-bitten from that night's exposure. The citizens of Columbia brought us bedding Sunday evening.

Q. Did you call on United States marshal for coverings?—A. We did, but he did not furnish it. They kept me in jail six days.

Q. What was your treatment in that jail outside the treatment from the citizens of Columbia?—A. It was very rough. When we complained to Bardeen, Sunday morning, he said he would get us some, but he never returned. We got some fare that the jailer fed his prisoners on.

Q. How many soldiers came with the squad to arrest you?—A. Eleven, besides detective and deputy marshal.

Q. You were not charged as being implicated in the Ellenton riot, were you?—A. No, sir. There was no affidavit attached to the warrant. I asked for a copy of the warrant and his authority, and Yates pointed to the soldiers and said, "There is my authority." I was advised not to give up, because the affidavit did not accompany the warrant. R. J. Southall, H. L. Allen, advised me, but I did give up.

Cross-examination waived.

(Counsel for contestee objects to so much of the testimony as refers to the arrest as being affirmative testimony without notice, and not in rebuttal.)

JOHN F. MURRAY.

Sworn to and subscribed before me this 18th day of April, 1877.

[SEAL.]

W. W. WILLIAMS,

*Judge of Probate, Aiken County.*

W. J. Whipper represented contestee.

WILLIAM F. WILSON sworn.

Question. State your name, age, residence, and occupation.—Answer. William F. Wilson; twenty-six years old; reside at Langley Factory, in Aiken County; clerk in store.

Q. Did you vote at the election held on 7th day November last in this county?—A. Yes, sir; at Miles's Mill.

Q. It has been stated that you also voted at Fountain Academy precinct, in this county; is that true?—A. I did not vote there.

Q. Were you at Fountain Academy at all that day?—A. No, sir.

Q. Are you acquainted with George W. Howard?—A. Yes, sir.

Q. Has he a store or place of business at Langley?—A. Yes, sir; a store and a farm near Langley.

Q. For whom do you clerk at Langley?—A. For Messrs. A. G. & G. W. Howard.

Q. Is this G. W. Howard the same you spoke of at first?—Yes, sir.

Q. State whether G. W. Howard is a resident of South Carolina or not.—A. Yes, sir; he is.

Q. State whether he is above the age of twenty-one years or not.—A. I suppose he is about thirty.

Q. Does one "Doc" Howard do business in South Carolina?—A. "Doc" is a nickname of Mr. A. G. Howard, the senior partner of the firm for whom I clerk at Langley, and therefore he does do business in South Carolina.

Q. Do you know of any such man as C. T. Howard in Aiken County?—A. I do not.

Q. Were you at Miles's Mill on the 7th day of November last?—A.

Yes, sir; I was there the best part of the day; was there from about ten o'clock until about five in the evening.

Q. Did George W. Howard vote at that precinct on that day?—A. No, sir.

Q. Of what State is this man "Doc" Howard, and where does he exercise the right of voting?—A. He does business in both Georgia and South Carolina, but lives in Georgia. I do not know where he votes, but presume in Georgia.

Q. What are his right initials?—A. "A. G." Howard.

Q. Do you know a colored man by the name of John Jacobs?—A. Yes, sir; I know him.

Q. Did any such man as John Jacobs vote at Miles's Mill while you were there?—A. No, sir.

Q. Was he a resident of this county last year at time of last election?—A. Yes, sir; he was.

Q. Do you know Horton H. Jordan?—A. Yes, sir.

Q. Did he vote at Miles's Mill while you were there?—A. No, sir; I did not see him vote there.

Q. Do you know Car Haney?—A. Yes, sir.

Q. Did he vote at Miles's Mill while you were there?—A. No, sir.

Q. Do you know States Lee?—A. Yes, sir.

Q. Did he vote at Miles's Mill while you were there?—A. No, sir; he did not.

Q. Do you know Joe Rider?—A. Yes, sir.

Q. Did Joe Rider vote at Miles's Mill while you were there?—A. No, sir.

Q. Repeat again from what hour in the morning you were there and until what hour in the afternoon?—A. From ten till five.

Cross-examination waived by Mr. Whipper, for contestee.

W. F. WILSON.

Sworn to and subscribed before me this 18th April, 1877.

[SEAL.]

W. W. WILLIAMS,

*Judge of Probate, Aiken County.*

W. J. Whipper represented contestee.

GEORGE W. E. THORPE, being sworn, says:

Question. State your name, age, residence, and occupation.—Answer. George W. E. Thorpe; nineteen years; Graniteville; bookkeeper.

Q. Were you at Miles' Mill precinct on the 7th day of November last, the day of last general election?—A. Yes, sir.

Q. Will you state from what time in the morning until what time in the afternoon or night you were there?—A. From six o'clock in the morning until shortly after nine in the evening.

Q. State whether you had any official capacity at that election at that precinct on that day?—A. I was clerk of the board of managers at that precinct.

Q. Did you remain at that box from six o'clock in the morning, when the polls were first opened, until the box was closed in the evening, the votes counted, the returns footed up and signed?—A. I did, sir.

Q. Were those returns duly signed by all the managers?—A. Yes, sir.

Q. What was the conduct of the election at that poll on that day?—A. Peaceable, orderly, and quiet.

Q. Did you remain at the box with the managers the whole time the voting was going on?—A. I was there the whole time.

Q. It has been alleged by Joseph Coleman, one of the colored Republican managers at that poll on that day, that he was cursed and abused by Democrats to such an extent that he could not discharge his duty as manager; is that true or false?—A. It is not true. Mr. Coleman swore all the voters and exercised his duties as chairman of the board of managers quietly, and challenged voters all day.

Q. Joseph Coleman and other witnesses for the contestee have sworn that two different bands of armed men visited that poll that day; is that true or false?—A. I do not believe they did: I did not see them.

Q. Was your position such that you would have seen any armed men had they visited that poll?—A. Yes, sir.

Q. Was anything said to or done towards Joseph Coleman or Ferman L. Brodie, the two Republican managers at that poll, that was calculated to prevent them from discharging their duties as managers of election?—A. No, sir; Brodie opened and shut the box when each man voted; had charge of it the whole time.

Q. They have stated that they were put in fear for their safety, and believed that it would not have been safe for them to have discharged their duty as managers. Was anything said or done towards them that could have induced such fear or belief on their part?—A. No, sir; they did not seem afraid while I was there.

Q. Did any one vote at that box on that day who refused to be sworn or who did not take the oath?—A. I don't remember seeing any one vote who refused to take the oath; am pretty sure they did not.

Q. Did any one move or push that box about on that day; I mean the ballot-box?—A. I did not see any one do it.

Q. If it had been done wouldn't you have seen it?—A. I certainly would.

Q. Did you, as clerk, keep the poll-list and write the names down of all the voters that voted there that day?—A. Yes, sir.

Q. Coleman, Republican manager, has stated that men by the following names: George W. Howard, John Murray, States Lee, and Joseph U. Rivon, voted at that precinct on that day. Is that true or false?—A. I don't remember their voting there.

Q. Brodie stated that Horton H. Jordan voted at that precinct that day. Is that true or false?—A. I did not see him there.

Q. Have you any recollection of seeing any of these parties whose names I have above mentioned at that poll on that day?—A. No, sir.

Q. From your position as clerk, would not you have seen them had they have been there?—A. Yes, sir.

Q. Joseph Coleman and F. L. Brodie have stated that a man told Delevan Yates, Republican supervisor of election at that precinct, that he dared Yates to cheat; if he did he would whip him. Was any such threat made towards Mr. Yates?—A. I did not hear it.

Q. If any such threat had been made to him in the room where you kept the box, would you not have heard it?—A. Yes, sir; I would.

Q. Joseph Coleman states that a white Democrat came up to the box and pushed the latch from over the hole in it. Is that true or false?—A. I did not see it; if it had been done I would have seen it.

Q. Joseph Coleman states that a party of five white men, with their guns laying across their saddles, (they being mounted,) cursed the managers and supervisors of election. Is that true or false?—A. I didn't hear anything of the kind; if such language had been used I certainly would have heard it.

Q. Coleman has stated that a man came up to that box and told him, Coleman, to say to Yates that he might come out and make water if

he wanted to; that they had kept us (meaning the managers and supervisors of election) in there long enough; that he guessed our bladders would burst directly; that we might come out; that they were not going to bother us any more. Was any such remark made to Coleman at that box on that day?—A. If there was I didn't hear it; I certainly would have heard it if it had been made.

Q. Did any crowd of eight or ten men, among whom were a young Getzen, a son-in-law of Robert Butler, and A. J. Butler, say to a colored man by name of Sam Stuart that he could not vote at that box?—A. No, sir; no such remarks were made.

Q. Was any man, white or colored, prevented from voting at that poll who was legally entitled to vote?—A. No, sir.

Q. Was not J. E. Coleman the chairman of the board of managers, and did he not administer the oath to the voters and direct the manner of voting through the entire day?—A. Yes, sir.

Cross-examined by General Whipper, for contestee:

Q. You have stated that you were there all day. Do you mean that you were there at the box without leaving it all day?—A. No, sir; I went out a few times for a few minutes.

Q. About how often during the day did you leave the box?—A. About four or five times.

Q. About how far did you leave it at any one time, and about how long did you leave it at any one time?—A. About the farthest I went was about twenty-five to thirty-five yards, and not exceeding five or ten minutes each time.

Q. You state that you did not see Joe Coleman cursed and abused. Was there not ample opportunity while you were away for him to have been cursed and abused—while you were away?—A. I don't think there was. Whenever I saw any one approach the box I went there.

Q. When you were twenty-five to thirty yards from the box, what were you doing?—A. I went out several times for private purposes.

Q. Were you on any of those occasions that you left the polls engaged in conversations or mingling with the crowd?—A. Only once, I believe.

Q. You went out on several occasions on private purposes, on one occasion mingling with the crowd or engaged in conversation, the period of your absence ranging from five to ten minutes, the distance that you were from the poll twenty-five to thirty-five yards, and yet do you mean to say that you heard everything that went on at the polls?—A. While I was at the polls I heard everything; there was no one around the polls when I was away but the managers and supervisors.

Q. You have stated that Mr. Coleman challenged as he pleased all day. About how many did he challenge that day?—A. About one or two.

Q. Who were they, and what time of day was it when he challenged them?—A. One of them, I remember, was a yellow fellow, don't remember his name; can't tell exactly the time of day—think about noon.

Q. When you said he challenged all day as he pleased, you simply meant that he challenged these one or two men?—A. I suppose he challenged as he saw fit.

Q. You saw no armed men there that day?—A. No, sir.

Q. About how many men were there there at any one time?—A. About seven or eight when they voted; others were lounging around.

Q. I mean how many were at the poll, including those scattered and lounging around, at any one time.—A. About a dozen; can't exactly tell, as they were always going and coming.

Q. How many votes was there polled there that day?—A. One hundred and seventy-seven.

Q. Who was the Democratic supervisor there?—A. B. F. Landrum, jr.

Q. Who was the Republican supervisor?—A. D. Yates.

Q. Where was the poll held?—A. In a room of the saw-mill.

Q. Was Yates in that room; if so, what portion of the day was he there?—A. All through the day, I believe.

Q. What am I to understand by all through the day?—A. I mean in the room; so was Captain Bell.

Q. Was there anybody cursed or threatened him (Yates) that day?—A. I didn't hear him cursed or threatened.

Q. Did any one say to him if he came out of there he would break his mouth?—A. I did not hear any one say so.

Q. Are you acquainted with Willie Chafee?—A. No, sir.

Q. Was there not a crowd of six or eight men armed or unarmed that came to the poll about an hour after it was opened, asked for some Republican tickets, got them, and tore them up?—A. It may have been later in the day, but there was one young man that asked for some Republican tickets; Coleman gave them to him. He kept about half-dozen in his hand, and laid balance on the table, and said, in a joking way, "I don't want those," and tore up about half-dozen; that was all that passed.

Q. Did he not say the idea of a damned son of a bitch handing a white gentleman such tickets?—A. I did not hear him use any such language.

Q. How many were with him at the time he got those tickets and tore them up?—A. To the best of my recollection, about five or six.

Q. Didn't this same party go away and then come back again about the middle of the day?—A. I don't remember.

Q. Didn't this party try to get D. Gates to come out of the building?—A. I don't believe they did.

Q. Didn't they have some talk of some kind or character with Gates, or to him?—A. No, sir; not in my presence.

Q. Did he not ask Coleman, chairman of board of managers, how he liked his tearing up those tickets, or words to that effect?—A. I didn't hear him.

Q. Did he at any time come to the poll and call for "that long-legged manager"?—A. No, sir; not to my recollection.

Q. Were there nobody at the polls that day with guns?—A. I did not see any one with guns.

Q. When you said that there were no armed men that came to the polls, do you know whether they had pistols or not?—A. I do not.

Q. Do you know Sandy or Sam Stuart?—A. Only by sight.

Q. Was he there that day?—A. I do not remember.

Q. Do you know A. P. Butler and Henry Getzen?—A. No, sir.

Q. When these men left the polls, did they go off cheering, yelling, and halloaing, saying they intended to have a white man's government, or words to that effect?—A. I do not remember hearing any such remarks as those; don't remember hearing any yelling or halloaing.

Q. Do you know O. N. Butler?—A. No, sir.

Q. Do you know Jessie Napier, John Napier, and George Palmer?—A. I do.

Q. Were they there that day, and did they vote there?—A. I think they did.

Q. Are you not certain they did vote there?—A. Can't say positively.

Q. Do you know John Palmer, Toliver Heron, Jerry Whitlock, Reu-



ben Labord, Arthur Burton, M. B. Medlock, John Jacobs, John Murray, W. F. Wilson, George W. Howard, Dr. or C. T. Howard, States or H. Lee, or any of them?—A. I know John Palmer, Toliver Heron, John Murray, but not very well; W. F. Wilson, by sight.

Q. Were either those you say you know at Miles's Mill on 7th November last, day of election; and, if so, who and how many of them?—

A. To the best of my recollection, Toliver Heron and John Palmer were there.

Q. Did they or either of them vote there?—A. I don't recollect.

Q. Do you know George Fagin, Ned Fagin, Joseph W. Rion, Stephen Hill, Buck Satcher, Dowling Jackson, William Napier, Kerr Hany, W. W. Walker, Horton Quarles, Peter Rouen, or any of them?—A. I don't know any of them.

Q. Did you hear no conversation between the chairman, Coleman, and Mr. Bell, manager, about challenging votes?—A. Don't remember.

Q. Was there not a controversy between Mr. Coleman and two young men who presented themselves there to vote, as to their age?—A. Don't remember two, only the one I spoke of before.

Q. Do you know Stephen Hill?—A. No, sir.

Q. Do you know William Watson?—A. No, sir.

Q. Do you know Burgiss Franklin?—A. No, sir.

Q. Do you know whether or not any parties by name of Franklin voted there that day?—A. I don't remember any.

Q. Do you know Buddie Brown?—A. No, sir.

Q. Was there nobody that shoved the box about that day, and didn't Mr. Coleman call the marshal's attention to it?—A. I did not see it, nor did I hear Coleman say anything about it.

Q. Are you certain that there was no one who refused to be sworn that day?—A. I never saw one who refused.

Q. You stated in your direct examination, George W. Howard, States Lee, and Joseph W. Rion did not vote at Miles's Mill precinct on last election-day, as you remember. You state in your cross-examination that you don't know either of them. Then you don't know whether they voted or not, do you?—A. No, sir; don't know anything about them.

Q. Do you know Horton H. Jordan?—A. No, sir.

Q. In answer to the question in your direct examination, as to whether Horton H. Jordan voted at Miles's Mill precinct last election-day, you said, "I did not see him." If you don't know him, how do you know whether he voted or not?—A. I don't know anything about it, where he voted.

Q. In your direct examination, speaking of George W. Howard, States Lee, and Horton H. Jordan, you said you did not recollect seeing any of them that day. From your position as clerk you would have seen them had they been there. In your cross-examination you state that you do not know any of them. What am I, then, to understand you mean by saying, that from your position as clerk you would have seen them if they had been there?—A. That does not infer that I know them. I could have seen anybody there.

Q. Then you do not know whether they were there or not, or whether they voted or not?—A. No, sir; I do not.

Q. As a matter of fact, you don't know anything about them, do you?—A. No, sir.

Q. You stated in your direct examination that there was no man prevented from voting who was legally entitled to vote there that day.

Was anybody prevented from voting; if so, who, and how many?—A. There was nobody prevented from voting.

Q. You are not a voter yourself, are you?—A. No, sir.

Q. With what political party do you sympathize?—A. Democratic.

Redirect:

Q. In your cross-examination you have said that you did not know Horton H. Jordan, States Lee, George W. Howard, Joseph Rion. Although you do not know such individuals personally, do you not know that their names do not appear on the poll-list?

(Question objected to by W. J. Whipper, on ground that it is a leading question.)

A. I do not remember hearing any such names called out.

Q. Did you not hear the names of all parties that were called out as they voted?—A. I wrote them down as they were called out.

Q. You stated that you reside in the town of Aiken. How far is it from the town of Aiken to Miles's Mill, where you acted as clerk of election?—A. I don't know how far it is.

Q. Did you not have but a very slight acquaintance with most of the voters at Miles's Mill on day of election?

(Objected to as strictly leading.)

A. Only slightly acquainted with a few of them.

Q. Being only nineteen years of age, and comparatively a stranger at Miles's Mill, were you not selected as clerk of election by reason of your expertness as a penman?—A. Yes, sir.

Q. Did not the other managers and supervisors of election at Miles's Mill freely challenge voters whenever they were mind to, just as Coleman did?—A. Yes, sir; they challenged whenever they saw proper.

G. W. E. THORPE.

Sworn to and subscribed before me this 18th April, 1877.

[SEAL.]

W. W. WILLIAMS,

*Judge of Probate, Aiken County.*

Contestee was represented by W. J. Whipper.

THOMAS J. DAVIES, sworn, says:

Question. State your name, age, residence, and occupation.—Answer. Thomas J. Davies; forty-five years of age; residence in Hammond Township, of Aiken County; planter and manufacturer.

Q. Had you any official connection with the last general election in this State?—A. I was a manager at Beech Island precinct for the Democratic party.

(Objected to any testimony being taken in regard to Beech Island precinct by the contestant, on the ground that no notice whatever has been given to contestee or his counsel, and because the contestee has taken no testimony at that precinct; withdraw so much as relates to contestee not taking testimony at Beech Island precinct.)

Q. State when you went to that box, and how long you remained there.—A. I went thither at 6 a. m., and remained until near midnight.

Q. Were you there when the polls were first opened, and did you stay until the box was closed and the ballots counted, and the work of the managers completed?—A. I was.

Q. State in what building or room you conducted the voting.—A. It was in a store house of Messrs. Honkerson & Page.

Q. N. R. Williams, who was the United States deputy marshal at that precinct on that day, has stated, in his testimony taken in this case, that there were between two and three hundred guns in the end of

the building where the voting was carried on. Is that true or false?—A. I utterly deny that. I should certainly have seen that if it had been there.

Q. Did Lieutenant Quinton, who commanded the detachment of United States soldiers stationed at that precinct on the day of election, have any conversation with Dunbar Lamar in front of the polls while the voting was going on?—A. I know nothing of that at all.

Q. Did Lieutenant Quinton place a guard of two men over any guns at that poll?—A. I never heard of it before. I would state also that I never saw or heard of any soldiers at the polls at all. The officers and soldiers were stationed about three hundred yards from the polls.

Q. Had a guard of two men been placed in that building to guard guns, or for any other purpose, would you know it or not?—A. Most assuredly I would have known it. The soldiers were in the woods, not visible.

Q. N. R. Williams has stated that the board of managers at that precinct, at the last general election, allowed persons to vote for Presidential electors and Congressional candidates who had not resided in the State one year and in the county sixty days. Is it true?—A. That is utterly false, except as to Presidential electors. Voters were challenged in every instance in Congressional elections as to whether they had been in the State one year and county sixty days.

Q. Did you allow any person to vote for a candidate to Congress who had not resided within the State for one year and in the county sixty days?—A. We did not allow such voting knowingly, and we challenged every stranger.

Q. Do you know how many soldiers were in that detachment at Beech Island?—A. About eight.

Q. You have stated that they were about three hundred yards from where the voting was carried on. Can you state how long they remained there?—A. Cannot state.

Q. Do you know N. R. Williams, who was United States deputy marshal at Beech Island precinct on the day of the last general election?—A. I do.

Q. Do you know his general reputation for veracity in this community?—A. Yes, sir; only from hearsay.

Q. Is it good or bad?—A. It is very bad.

Q. Would you feel bound to believe him under oath in a matter where he considered himself interested?—A. I certainly would not.

Cross-examined by Mr. Smalls, the contestee, in person:

Q. In regard to allowing parties to vote at Beech Island, did you allow any one to vote for President at that election who were not citizens of the State?—A. We did, after consultation with Mr. Williams himself.

Q. About how many votes did you allow to be cast for Presidential electors where the voters were not citizens of this State?—A. I do not recollect just now, but do not think more than half a dozen.

Q. You stated that you would not believe N. R. Williams on his oath. Have you ever had any business transactions with him?—A. I never have had.

Q. Do you know of any one who has, to whom he has proven false?—A. I do not.

Q. Do you know what Mr. Williams's politics are?—A. I do not, but infer that he is a Republican.

Q. Will you please state what are your politics?—A. I am a Democrat.

Q. Is it not generally circulated among the Democrats that a Republican cannot be believed on his oath?—A. I am not aware of it.

Q. Were you at the poll all day without leaving it at all?—A. Only about twenty minutes during the day, when I stepped out.

Q. Do you state positively that no guns were in that building that day?—A. I do not, as I did see one gun—a double-barrel shot-gun.

Q. Could not those guns that Mr. Williams speaks of have been in that building, and you not have seen them?—A. Not that number.

Q. Could there have been any number stored in the building without your seeing them?—A. There might have been two or three placed in a corner without my seeing them, but a larger number would have attracted my attention.

Q. Do you state positively that the officer in charge of the United States soldiers was at no time in the building where the voting was done that day?—A. Most positively, he was not in the building.

Q. Was he at the building or around it?—A. I did not see or hear of it, but I was in the building myself.

Q. Was there any interference at the poll that day at all?—A. Not the slightest disturbance.

Q. What were the number of votes cast at the Beech Island box?—A. Total about 538, of which Smalls received, for Congress, 302, and Tillman 236.

THOS. J. DAVIES.

Sworn to and subscribed before me this 18th day of April, 1877.

[SEAL.]

W. W. WILLIAMS,

*Judge of Probate, Aiken County.*

W. J. Whipper represented contestee, and cross-examined by Smalls, the contestee, in person.

W. B. COURTNEY, being sworn, says:

Question. State your name, age, residence, and occupation.—Answer. W. B. Courtney; 21 years; Aiken County; farmer.

Q. Were you at Fountain Academy precinct at any time during the day on the 7th November last, the day of last general election?—A. I was.

Q. At what time did you get to that precinct, and how long did you stay there?—A. About half-past six o'clock in the morning when I got there, and left about ten o'clock at night.

Q. Were you there when the votes were counted, the returns footed up, and signed?—A. I was.

Q. Were you there at the time the polls were closed?—A. I was.

Q. Will you state whether or not they were promptly closed at six o'clock in the evening?—A. They were closed by D. W. Johnson's watch at six o'clock; the watch they were opened by. Johnson was chairman of the board of managers; is a colored man, and a Republican.

Q. Do you know John Murray, George W. Howard, W. F. Wilson, Kerr Haney, and States or H. Lee?—A. I know Kerr Haney and none of the rest.

Q. Did Kerr Haney vote at Fountain Academy that day?—A. I was there two hours at least before the polls closed, and he never voted there while I was there.

Q. Did any band of armed men come to that precinct during the time that you were there?—A. I did not see any.

Q. Were you immediately at and near the polls within the period embraced between five o'clock and half past six o'clock in the afternoon?—A. Yes; I was very near the polls.

Q. Did you see all who approached the polls within that period?—A. I think that I saw all.

Q. Did any band of armed men come up to the poll within that period?—A. There was not.

Q. Were any persons allowed to vote at that precinct at or near six o'clock in the evening without being sworn?—A. There were not.

Q. Did any persons vote at that precinct after six o'clock in the evening?—A. There was no voting after six o'clock.

Q. Did any one curse or abuse either of the managers at or about six o'clock in the evening?—A. No one cursed or abused them.

Q. In what room or building was the voting conducted?—A. In the Fountain Academy school-house.

Q. You have said that you were immediately at the polls from two or three hours before it was closed until the voting was stopped. State whether within that time any band of men went in the building with pistols in their hands?—A. They did not. There was no band of men went in the building with pistols in their hands.

Q. Did any man within that time carry a gun into the room where the box was and lean it up against the side or wall of the room?—A. I saw no gun in the house.

Q. Would you not have seen it had it been carried in there at that time?—A. I think I would have seen it.

Q. D. W. Johnson and G. G. Brodie, colored managers of election at that precinct, said that they were induced to sign those returns in order to get away alive, and that they believed it would have been unsafe for them not to have signed the returns. Was anything said or done toward them, or either of them, that was calculated to induce them to form such belief or have such fear?—A. There was nothing done to them or said out of the way.

Q. State as near as you can how many men were at or near those polls after the box was closed and until the returns were signed?—A. I suppose about 50 or 60, of which about half of them were colored, and probably more.

Q. It has been stated that those white men, or a part of them, were armed with guns. Is that true or false?—A. It is false.

Q. Do you know who was chairman of the board of managers?—A. D. W. Johnson.

Q. Did you see him challenging parties who offered to vote there while you were at the box?—A. Yes; I saw him challenge whenever he saw fit.

Cross-examined by General Whipper:

Q. You state that Kerr Haney did not vote at Fountain Academy while you were there. Was there not ample time for him to vote while you were not there, or before you got there?—A. I suppose so.

Q. Did you see him there that day at all?—A. I did not. I was there from half past six till the polls closed.

Q. Was there any men came up here at all about six o'clock?—A. I don't think there was. Nobody came about the closing of the polls.

Q. Was there a crowd that came up at time during the day?—A. There were persons coming to vote all day.

Q. Were not those men generally armed?—A. I saw no armed men.

Q. Were you immediately around the polls all day?—A. I was, and saw everything that went on.

WORDIN B. COURTNEY.

Sworn to and subscribed before me this 18th April, 1877.

[SEAL.]

W. W. WILLIAMS,

*Judge of Probate, Aiken County.*

W. J. Whipper represented contestee.

REUBEN LABOARD, sworn, says :

Question. State your name, age, residence, and occupation, and whether white or colored.—Answer. Reuben Laboard: 21 years; Edgefield County, with George Turner; work at steam-mill; colored.

Q. Did you vote at Miles's Mill on 7th November last, at general election held in this county?—A. Yes, sir.

Q. Were you a citizen of this county at that time?—A. Yes, sir.

Q. How old are you?—A. I am 21 years old; was 21 last gone July.

Q. How tall are you?—A. Six feet and three inches high.

Q. What ticket did you vote at Miles's Mill?—A. Democrat ticket.

Cross-examined by General Whipper, counsel for contestee :

Q. Do you know what year you were born in?—A. Yes ; I did know, but have forgotten.

Q. How long ago was it that your mother told you your age?—A. Before the last election; about six months ago.

Q. Where is your mother now?—A. I left her at home in Edgefield County.

Q. Where did you live when you voted at last election?—A. I lived at George Turner's place, in Aiken County.

Q. How long had you been working in Aiken County before the election?—A. I had been working there from 1st January before, and worked until this last January, when I went to Edgefield.

Q. Do you know on what day in July you were born?—A. I do not.

REUBEN <sup>his</sup> LABOARD.  
mark.

Sworn to and subscribed before me this 18th April, 1877.

[SEAL.]

W. W. WILLIAMS,  
*Judge of Probate, Aiken County.*

W. J. Whipper represented contestee.

G. W. Croft, for contestant, offers in testimony the population of the counties of Barnwell, Edgefield, Beaufort, and Colleton, and also the populations of the townships of Chinquapin, Giddy Swamp, McTier, and Rocky Springs, in the county of Lexington, and the townships of Hopeweld, Rocky Groove, and Tabernacle, in the county of Orangeburg, as contained in the compendium of the Ninth Census of the United States, 1870, at pages 325, 326, and 327 in said book, said counties and townships being in the State of South Carolina; and also the population of the counties of Barnwell, Beaufort, Colleton, and Edgefield, in the State of South Carolina, as appears at pages 88 and 89 in said census book above-referred to.

STATE OF SOUTH CAROLINA,  
*County of Aiken :*

Contested seat to the Forty-fifth Congress of the United States from the fifth Congressional district in South Carolina.

G. D. TILLMAN, CONTESTANT, }  
vs. }  
ROBERT SMALLS, CONTESTEE. }

Please take notice that the contestant will use at the trial or investigation herein, before the Congress of the United States, and before the committees thereof, certified copies of the poll-lists from the secretary

Dated at Aiken, S. C., this 18th day of April, 1877.

TO ROBERT SMALLS, *Contestee*:

**W. J. WHIPPER,**  
*Attorney for Contestee.*

**Contested seat to the Forty-fifth Congress of the United States from the fifth Congressional district in South Carolina.**

Please take notice that the contestee will use in the trial or investigation for the Congress of the United States, and before the committee thereof, certified copies of the poll-list from the secretary of state of South Carolina, of the precincts of Windsor and Silverton, in the said county of Aiken, of the general election held in said State and county on the 7th day of November, A. D. 1876; also certified copies of the State census of South Carolina so far as the same relates to Aiken County.

AIKEN, S. C., *April* 18, 1877.

Due and legal service of a copy of the foregoing accepted at Aiken,  
S. C., this 18th day of April, 1877.

STATE OF SOUTH CAROLINA,  
Aiken County:

Personally appeared M. J. Whipper, who, being duly sworn, deposes and says: That he has this day served on G. W. Croft, attorney for contestant, a copy of the within notice during the legal hours of service.

**M. J. WHIPPER.**

Sworn to before me this 18th day of April, A. D. 1877.

W. W. WILLIAMS,  
*Judge of Probate, Aiken County.*

The following corrections were made during the examination by me in the presence of the respective attorneys, G. W. Croft, for contestant, and M. J. Whipper, for contestee, and before each witness subscribed his name to his deposition, to wit: On page 4, line 28, the word "last" interlined; on page 10, line 18, the word "white" erased on page 12, line 21, the word "at", erased and "on" written instead; page 14, line 2, "name" interlined; page 15, line 11, "all colored" interlined; page 15, thirteenth line, "colored" interlined; same page,

fourteenth line, "Democrat" interlined; page 19, line 16, "general" erased; page 20, line 26, "to vote" interlined; page 23, line 6, "Albert" erased; on page 23, line 13, "at" interlined; page 25, lines 23 and 24, "S. D." and "Rob't" interlined; page 29, line 12, "S. W." interlined; same page, line 26, "of election;" page 32, line 11, "three or four" interlined; page 4, line 27, read "were that Bath and Langley," &c.; page 41, line 21, "first" erased; page 46, line 8, "if any" interlined; page 55, line 17, "colored" interlined; page 61, line 10, "arrested" interlined; page 66, line 14, "consent" interlined; page 72, line 14, "but hold office" interlined; on page 85, line 29, "or before" interlined; page 123, line 13, "altering" erased; page 130, line 23, "is false" interlined; page 130, line 25, "Williams says" interlined; page 132, line 7, "in Columbia once" interlined; page 133, line 14, "colored" interlined; page 138, line 18, "yes there has" erased; page 146, line 22, "returns" interlined; page 148, line 22, "John and W. F." interlined; page 167, line 15, "seven" erased; page 168, line 19, "manager" erased and "voters" interlined; page 173, line 20, "to 35" interlined; page 176, line 21, "through the" interlined.

Given under my hand and seal of office at Aiken, S. C., this 19th day of April, 1877.

[SEAL.]

W. W. WILLIAMS,  
Judge of Probate, Aiken County.

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No. 13.

BARNEWELL COUNTY:

*Notice to take depositions at Allendale in the matter of the contest of G. D. Tillman against Robert Smalls.*

STATE OF SOUTH CAROLINA,  
County of Barnwell:

To ROBERT SMALLS, Esq.:

You are hereby notified that I will examine the following-named witnesses, all of whom live in Barnwell County, relative to, and in rebuttal of, the evidence produced by you to support your answer to 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 1876, for the fifth Congressional district of the State of South Carolina, before Joseph Erwin, esq., a notary public for South Carolina, at Allendale, in the county and State aforesaid, in the office of said Joseph Erwin, between the hours of 7 a. m. and 7 p. m., on the 16th, 17th, and 18th days of April, 1877, inclusive, or as much thereof as may be necessary for the examination of said witnesses, to wit: J. T. Hogg, J. S. Mixson, H. T. Farmer, J. C. Davant, and Dr. J. W. Ogilvie.

Respectfully, &c.,

G. D. TILLMAN,  
Per JNO. BELLINGER,  
Attorney for Contestant.

I accept legal service of the foregoing notice upon me at Beaufort, S. C., this 9th day of April, 1877.

ROBERT SMALLS,  
Per M. J. WHIPPER,  
Attorney.



*Notice to take depositions.*

In the matter of the contest of G. D. Tillman against Robert Smalls.  
STATE OF SOUTH CAROLINA,

*Barnwell County :*

To J. T. Hogg, J. S. Mixson, H. T. Farmer, J. C. Davant, and Dr. J. W. Ogilvie:

You and each of you are hereby summoned to appear before me at Allendale, in said county and State, on the 16th, 17th, and 18th days of April, instant, A. D. 1877, between the hours of seven o'clock in the forenoon and seven o'clock in the evening of each of said days, to be then and there examined under oath in rebuttal by me respecting the contest by George D. Tillman of the rights of Robert Smalls to a seat in the Congress of the United States.

You will not fail herein under penalty of twenty dollars each.

Given under my hand and official seal at Allendale, this 10th day of April, 1877.

JOS. ERWIN,  
*Notary Public.*

STATE OF SOUTH CAROLINA,

*County of Barnwell :*

I, Joseph Erwin, a notary public in and for the State of South Carolina, do hereby certify that the annexed depositions of J. S. Mixson, J. C. Davant, H. T. Farmer, and J. W. Ogilvie, were taken on the 16th and 17th days of April, instant, A. D. 1877, pursuant and in all things conformable to the attached notice, between the hours of 7 o'clock a. m. and 7 o'clock p. m. on each of said days, except the deposition of H. T. Farmer, which was taken by consent of contestant and contestee between the hours of 7 p. m. and 10 p. m. on the 16th instant; and that contestant was represented at such examination by John R. Bellinger, his counsel, and that contestee was present himself at the examination of J. C. Davant and J. W. Ogilvie, and was represented by his counsel, T. H. Wheeler, at the examination of all of the witnesses; that the said witnesses whose depositions are hereto attached, and whose names are contained in said notice, were by me first duly sworn according to law to tell the truth, the whole truth, and nothing but the truth, touching the matters in controversy between the parties, and their examination and testimony, together with questions propounded to them by the parties and reduced to writing by me, and in my presence, and in the presence of the attorney for contestant and contestee and in presence of contestee himself when there; and after being carefully read over to witnesses were by them attested by signing their names to their respective depositions in my presence.

In testimony whereof I hereby affix my name and official seal this 17th day of April, A. D. 1877.

[SEAL.]

JOS. ERWIN,  
*Notary Public.*

*Expenses at Allendale, Barnwell County, South Carolina, in the matter of  
G. D. Tillman vs. Robert Smalls.*

Witnesses:

J. S. Mixson, one day .....	\$0 75
H. T. Farmer, one day .....	75
J. C. Davant, one day .....	75
J. W. Ogilvie, one day .....	75

3 00

In the matter of the contest between G. D. Tillman and Robert Smalls for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,  
*County of Barnwell :*

J. C. DAVANT, a witness of legal age, produced by contestant upon due notice to the contestee, in rebuttal, deposes as follows in reference to questions propounded by contestant's attorney :

Question. Where do you reside?—Answer. I reside in Bull Pond Township, in this county, about four miles from Allendale Station.

Q. Where were you on the day of the last general election, the 7th of November last?—A. I was at this place, Allendale.

Q. Did you see B. G. Hughes during that day, and, if so, what was he doing?—A. I saw B. G. Hughes during the entire day and night of the 7th of November last; do not mean to say uninterruptedly. During the day B. G. Hughes was representing himself as deputy United States marshal, and was a part of the time immediately at the polling-box with the managers and supervisors. Afterward, I saw a column of colored citizens drawn up near the railroad, between the railroad and the polling-place. I was attracted by the voice of Hughes proclaiming to them; he was calling the colored men to fall in and to rally. He formed a column of several hundred colored men and marched them by twos, placing himself in front. He marched them about where the voters were assembled, and in one instance marched his column through the voters of white men, and at another time Hughes with the column of colored men marched as if intending to march through the center of the crowd; they then changed direction and marched very much as they had marched before. Hughes, with his crowd, marched and countermarched for some time—an hour or two; after which I saw Hughes again over the ballot-box, playing United States marshal; and through the day he was alternately over the box and through the crowd. Hughes was with the managers when I invited them into my office to count the ballots; he went with the managers and supervisors, and was with them during the entire counting that night. Hughes, during the counting of the ballots, became much disturbed by one Clarence Brown, a colored man of this county, (very appropriately named,) telling him that the Democrats had prevailed, and that he (Brown) would now open the slave trade with Hughes as his first subject. Brown kept this up for a long time; his remarks were not addressed to Hughes, but spoken generally. All present were amused at it except Hughes. Hughes would at times quarrel, threaten, and then appeal to Brown's sense of decorum. After Hughes had been fretted and worried by Brown, (Hughes had been drinking whisky,) I remember his expression of some fear to go out. I don't remember whether he expressed fear of any individual, or hurt generally. My impression is that the fear was of one or two men. With the conflict of emotions, tragic and comic, and possibly influences imbibed, Hughes was moved to tears, either directly in my office or immediately without.

Q. Did you see any violence offered to Hughes on the day of election?—A. I did not. So far from it, I heard men say that he should not be harmed in any way.

Q. Had Hughes been chased from the polls during the election, would you not have known it?—A. I was around the polls from the time the box was opened until it was closed, among the crowd. I don't think it possible for such an occurrence without my knowing it.

Q. Was anything done there that day to prevent the Republicans from voting?—A. I did not see a Republican hindered from voting at all.

Q. It has been stated that between two hundred and fifty and three hundred Republicans went away from the polls without voting. Is that true?—A. From my actual observation, I should say no such number of either political party went away without voting, and my conviction is confirmed by the number of votes polled. I heard that a little party of about twenty-five persons came by rail from Brunson's to vote, but they did not vote. I don't believe they voted; think I I would have known if they had voted. A telegram was received from Brunson's telling us that this party was from Beaufort County; do not know how they would have voted.

Cross-examined by T. H. Wheeler on the part of Robert Smalls :

Q. Did you at any time during the day leave the poll; and, if so, how long did you stay?—A. I was not in immediate attendance at the box after the crowd began to assemble, but was in the neighborhood of the polls all day, except twice, that I now recollect, probably oftener, when I was absent from the crowd for a short while. Once my absence was more extended, to perhaps an hour or an hour and a half. This was once in the forenoon, and in the afternoon. The absence in the afternoon was about half past four o'clock.

Q. During your absence anything might have occurred without your seeing it?—A. Yes; of course.

Q. You speak of the crowd at the polls. Of whom did they consist; were they white or colored?—A. That crowd consisted of the voters assembled. They were not distinctly divided as to color; that is, not absolutely. At the time of the marching around of Hughes, the crowd assembled at the polls was composed mostly of whites; but there were colored voters intermixed with them at that time.

Q. Did that crowd remain at the polls the greater or most part of the day?—A. I should say that the crowd did not perceptibly lessen until past noon. As the afternoon came on the crowd lessened. When the polls closed at six o'clock, my recollection is that there were not more than a dozen persons in the vicinity of the polls. When I say that, I mean standing where the voters approach the polls.

Q. Were there any disturbances there that day?—A. I remember none at all involving any personal or general conflict.

Q. Were you there when one man was put out of the room where the voting was progressing?—A. I was there when such an instance occurred late in the afternoon. He was recognized as having voted previously under a different name, and announced that he wanted to vote the Democratic ticket. He was put out without personal injury.

Q. Were you there when one man was put out violently?—A. Strictly speaking, the man was put out violently; that is, he was pushed out without opportunity of exercising his volition. I remember no other instance of expulsion.

Q. During that day, did you hear any expression of a character likely to intimidate, either of violence or threats of losing employment, used by any one to the voters?—A. I do not recall any I heard that day. I was talking to a colored boy I once owned, persuading him to vote as I voted, when a young white man approached and rudely interrupted me, with the remark, addressed to the colored man, "If you were staying at his (my) gate, he ought not to render you any assistance," or some such expression, "if you vote against him;" the colored man said "that would not be the result." The colored man was provoked, angered, not intimi-

dated, and said that was not the way to talk to him. This instance approaches more nearly to any I recall the character referred to.

Q. At what time did most of the colored men vote?—A. My impression is, (although I saw colored voters approaching the polls at all parts of the day, I cannot speak positively, as I was outside most of the time) but my impression is that they voted more generally toward and during the afternoon.

Q. Were they at the polls during the earlier portion of the day?—A. I went to the polling-place before the box was opened, and saw colored men standing there then. I know that B. G. Hughes was there, and was the first man who cast his vote; he is a colored man.

Q. Did any colored man who was known to have voted the Republican ticket vote in the morning?—A. B. G. Hughes voted in the morning, and voted the Republican ticket; he is the only one I know of or remember now.

Q. Did not the Democrats continue in force in and around the polling-place during all the morning and part of the afternoon?—A. There were a great many Democratic voters around the polling-place during almost the entire day, if not quite. But my impression is, from memory, that none were in the polling-place except the officers of the election.

Q. Were there not complaints made by the Republicans that they could not get to the poll?—A. I do not know that I heard any such complaint from any Republican.

Q. What is your profession?—A. The law.

Q. What is your politics?—A. I am identified with the Democratic party of the last campaign.

Q. On the day of the last election were you not electioneering for that party?—A. Wherever an opportunity offered I improved it.

Q. Did Brown go out of your office before Hughes?—A. I do not remember.

Q. Was Hughes drunk when in your office that night?—A. I considered him under the influence; he had not lost control of himself physically.

Q. Had he lost mental control?—A. Certainly, not entirely, but considered his nervous system affected.

Q. Having lost neither mental nor physical control, you say he was under the influence of liquor. What do you mean by "control"?—A. I mean to say that he had not lost the power of locomotion; that reason was not absolutely dethroned; but that he was in an unnatural, excitable condition.

Q. Does liquor generally have a tendency to make men cowardly?—A. I believe it produces widely different effects upon different temperaments. I have seen men who were made bellicose. I don't know the temperament of B. G. Hughes.

In reply:

Q. You stated that B. G. Hughes voted the Republican ticket in the morning; do you mean to say that no one else voted it?—A. I do not. I mean to say that I know no one else; he being the first voter I remember his vote; this fact impressed it upon my memory.

J. C. DAVANT.

Sworn and subscribed to before me this the 10th day of April, 1877, at Allendale, S. C.

JOS. ERWIN,  
Notary Public.

In the matter of the contest between G. D. Tillman and Robert Smalls for a seat in the Congress of the United states.

STATE OF SOUTH CAROLINA,

*County of Barnwell :*

H. T. FARMER, a witness of legal age, produced by contestant upon due notice to the contestee, in rebuttal, deposes as follows in reference to questions propounded by contestant's attorney:

Question. Where do you reside?—Answer. In the town of Allendale.

Q. Where were you on the 7th of November last, the day of election?—

A. In the town of Allendale.

Q. Did you fill any office connected with the election on that day?—

A. I was acting as clerk for the board of managers.

Q. Was there any violence shown to the Republicans by the Democrats on that day?—A. None that I saw, except in one case. In the latter part of the afternoon there was a young colored man detected in having voted twice, which he acknowledged; he was pushed out of the door rudely. I saw nothing more.

Q. Did you see any one make an attack on B. G. Hughes or chase him away that day from the polls?—A. I did not.

Q. Was Hughes much around the polls during the day?—A. He was there most of the time, off and on, from the time the polls opened until the polls were closed.

Q. It has been stated that Hughes was at the polls at about twelve o'clock meridian, and was not seen there again until after the closing of the polls. Was he there any time during that interim?—A. He was there, off and on, during the entire afternoon. My recollection is that he was there most of the time.

Q. Were any Republican voters prevented from voting by the Democrats?—A. None that I could see, except a few who were said to be from Beaufort County, who so acknowledged upon examination by the managers, who objected to their voting.

Q. Did any Republicans go away that day without having an opportunity to vote?—A. None that I saw.

Q. Were there any who went away without voting?—A. None that I know of.

Q. Did Thomas H. Moses make any remark to you as to the conduct of the election?

(This question is excepted to, on the ground that it is hearsay.)

A. After the polls were closed and we were canvassing the votes, I remarked to Moses that the election had passed off very quietly. He replied that he thought it had.

Q. Do you know why McKnight did not arrive at the polls until eight o'clock?—A. I inquired of McKnight that morning why he arrived at the polls so late. He replied that he had a long ride, and it was impossible for him to get there any earlier, and that he did not think it was so late.

(Answer excepted to, on the ground of hearsay.)

Q. Did he say where he had come from that morning?—A. My impression is he said he came from Barnwell; he brought the poll-box with him.

(The question and answer excepted to, on the grounds of hearsay and that the testimony is matter of impression only.)

Q. Did he say anything of the roads being blocked by Democrats or whites?—A. He did not.

Cross-examined by T. H. Wheeler, attorney for contestee:

Q. Were you in the room during the entire day, and were you not busy acting as clerk?—A. I was in the room the entire day, from the time the polls were opened until they were closed.

Q. Then you could not see what was going on outside?—A. The place where the election was held was an open-lattice room, and the outside was surrounded by men, both white and colored. Beyond that I could not see.

Q. Of whom did the men outside consist?—A. On my left there were all or mostly colored men, and on my right and in front were whites and colored—mostly whites on the right of the building.

Q. About how many Republican votes were polled in the forenoon?—A. It is impossible for me to tell what votes were polled.

Q. How many colored votes were polled in the forenoon?—A. About two hundred or more.

Q. How many whites?—A. My impression is about three hundred and fifty.

Q. Then nearly all the white voters had voted before twelve o'clock meridian?—A. The majority of them had.

Q. About how many votes were there polled?—A. About 550.

Q. Most of the colored people voted in the afternoon, did they not?—A. The majority of them did.

Q. At what time did your paper give out?—A. About four o'clock in the afternoon the paper on which the poll-list was kept gave out.

Q. You say you know of no violence, except the incident which you mentioned; did you not hear threats of discharging persons who would not vote with their employers?—A. I heard none.

Q. Did you at any time hear it; and, if so, when?—A. Before the day of election I heard individuals say that they would not assist those who voted against them.

Q. Do you mean employ by the term assist?—A. Some said they would neither employ nor assist.

Q. What do you mean by the term assist?—A. To give aid in any way.

Q. Did not some threaten to discharge?—A. I don't remember of any saying they would discharge immediately; that they would not employ or assist after January.

Q. Was that the general expression and opinion?—A. Can't say it was general; good deal of opposition.

Q. Was it not so decided by the club at this place?—A. The club first passed proscription resolutions, and subsequently they were modified.

In reply:

Q. Were colored people present when you heard the remarks of not employing and assisting them?—A. There were none.

Q. When was that modification in the proscription resolution enacted?—A. My impression is that it was after the election.

H. T. FARMER.

Sworn to and subscribed before me this 16th day of April, 1877.

[SEAL.]

JOS. ERWIN,  
Notary Public.

In the matter of the contest between G. D. Tillman and Robert Smalls for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

*County of Barnwell:*

J. S. MIXSON, a witness of legal age, produced by contestant upon due notice to the contestee, in rebuttal, deposes as follows in reference to questions propounded by contestant:

Answer. I reside in the town of Allendale, in the county of Barnwell, State of South Carolina.

Q. Where were you on the 7th of last November?—A. From 6 o'clock a. m. to 6 o'clock p. m. on that day I was at the polls of election at Allendale, when election for State and Federal offices were held.

Q. What official position did you fill on that day?—A. I was supervisor of election at Allendale.

Q. Were the voters at this precinct sworn or not on that day?—A. They were not sworn, as a general thing, only when charges were made.

Q. Why were they not sworn?—A. The managers did not require it.

Q. Did the managers have any consultation as to whether they would swear the voters or not?—A. They did, and concluded not to do so.

Q. State the politics of the managers.—A. One was an out and out Democrat, one was an out and out Republican, the other, I do not know.

Q. When challenges were made, who decided as to whether the vote should be taken or not?—A. The supervisors and managers consulted together and agreed, and in some cases ordered the clerk to mark the vote on the poll-list as challenged.

Q. Were any ones prevented from voting by other persons than officers of the election?—A. Not to my knowledge.

Q. Did the challengers, or parties having in possession the book entitled "List of qualified negro voters," prevent any one from voting?—A. No, sir, did not prevent any one from voting. When the voter pronounced his name reference was made to the book, and if his name was found then no objection was made, and he was allowed to vote. If his name was not found, the supervisors and managers took such evidence as they could get, and either refused or allowed the applicant to vote or not, as they saw fit from the evidence.

Q. Do you know why McKnight and Cave were late in getting to the polls?—A. Only from McKnight's statements. He said he had to go for the ballot-box to Barnwell, and could not get back any earlier.

Q. Did he say anything about the roads being blocked by white people as the reason he could not get back?—A. Not to my knowledge.

Q. Have you ever heard of the road being so blocked?—A. No, sir.

Q. Did you see B. G. Hughes at the polls on the day of election?—A. I did. He claimed to be United States marshal; saw him pretty often.

Q. Did you see any party or parties chasing Hughes from the polls that day?—A. I did not.

Q. Have you ever heard of it being done?—A. Yes; heard it was done in fun. He was not there at the polls.

Q. Was he interfered with that day in the discharge of his duties?—A. Not to my knowledge.

Q. Did anything occur during the day of the election which necessitated the calling upon of the troops?—A. Nothing that I know of.

Q. Were the polls so crowded at any time so as to render it impracticable for the voters to vote?—A. The entrance to the polls was at all times very much crowded, but there was no intermission in the voting on that account.

Q. Was it any more difficult for the blacks than the whites to vote?—A. No, I think not.

Q. Did the board of managers during the day, at any time, call upon Hughes to fix a way for the blacks to vote?—A. The board of managers did not, to my knowledge; but I heard voices in the crowd, outside of the polls, calling upon him.

Q. Do you know of any Republicans going away that day without voting?—A. I do not; don't think there were any. Toward the conclusion of the voting, the voting was done more slowly. Several minors presented themselves to vote and were refused.

Q. Before the polls were closed, had all parties an opportunity to vote?—A. After the polls were closed one man presented himself to vote and was told that he was too late.

Q. Do you know of anything done there that day tending to prevent the colored people from voting for whom they pleased?—A. I heard such expressions as, "Remember the mule," "Look out for another home." This did not prevent them from voting for whom they chose. The most that was done by way of intimidation was done by B. G. Hughes. I felt compelled, as supervisor, to call him to order.

Q. Is B. G. Hughes a Republican or Democrat?—A. He is a Republican; it is notorious.

Q. How many votes were polled at Allendale that day?—A. Eleven hundred and twenty-seven. The highest number of votes for a Democratic candidate was 678. The highest number of votes for a Republican candidate was 451.

Cross-examined by T. H. Wheeler on the part of contestee:

Q. What is your politics?—A. I am a Democrat.

Q. Was there a large crowd collected at the polls that day?—A. There was.

Q. About how many white men do you think were there that day?—A. About four hundred.

Q. Did you see any armed men at the polls that day; and, if so, how many?—A. I did not see any arms displayed that day at the polls.

Q. Did you see any near the polls?—A. I did not. I left the polls but once that day, about five minutes.

Q. When you speak of the polls, do you mean the building in which the box was situated; and, if so, describe the building.—A. I mean the building and the immediate vicinity—whatever was in sight. The polling-place was in the basement of the town-hall, and was inclosed by lattice-work, having a door for the entrance of the voters and an aperture for their exit. One of the town marshals was stationed at the place of exit to prevent persons from entering there, so that the stream of voters flowed in one direction.

Q. At what time did most of the colored men vote?—A. They were voting all day, but the majority of the colored votes were taken in the afternoon.

Q. You speak of hearing of such expressions as "Remember the mule" and "Look out for another home." Do you or not know by whom these expressions were used?—A. Don't remember the names of the individuals, but know that they were white Democrats.

Q. How often did you hear these expressions?—A. Two or three times.

Q. Was there any disturbance at the polls, or the appearance of any, that day?—A. I remember that a person presented himself to vote at the poll that day who was notoriously unqualified, he living in Beaufort



County. He was taken from the polls in a rude manner by some by-standers after his vote had been refused. That is the only case I remember.

Q. Who were the by-standers?—A. The by-standers spoken of were white Democrats.

Q. Who received the largest Republican vote at this place?—A. The candidates for President electors.

Q. At what time did you hear the colored people in the crowd asking Hughes, the United States marshal, to clear a way for them to vote?—A. In the afternoon. Soon after I saw Hughes heading a crowd of colored men and march up near the entrance of the polling-place.

Q. At what time did you hear Hughes was run from the polls?—A. It was just at the time, it was said, that the incident above spoken of occurred.

(To this Mr. Bellinger, attorney for G. D. Tillman, excepts, on the ground that this matter is hearsay.)

Q. You speak of a book in the hands of the Democratic challengers. Was it received as evidence by the managers?—A. Not as conclusive evidence. Several persons were allowed to vote whose names were not on the list.

Q. Was it *prima-facie* evidence?—A. It was taken as evidence so far as when a person's name was enrolled there he was allowed to vote without any question.

Q. By whom was the book compiled?—A. I think by James M. Ryan.

Q. Who is James M. Ryan; what are his politics?—A. James M. Ryan is a citizen of Barnwell County, is present judge of probate, and in politics a Democrat.

Q. Was James M. Ryan a candidate on the Democratic ticket for judge of probate?—A. He was.

Q. Were you inside the building the most of the day?—A. I was there all day, except about five minutes.

Q. What were your opportunities for seeing what was done outside?—A. My opportunities were not favorable.

Q. Then there could have been a disturbance without your knowing it?—A. Yes; if not too loud.

Reply :

Q. You speak of the large crowd that was outside; was this crowd different from those usually at elections?—A. No; only that there were more white men than usually turn out at elections.

Q. You said that there were about four hundred whites; how many colored were there present?—A. About seven hundred.

Q. Were there any colored men, if so how many, voted the Democratic ticket?

(Question objected to on the ground that it is not in reply to any new matter in cross-examination.)

A. There were more than two hundred colored men who voted the Democratic ticket.

Q. When you say that James M. Ryan compiled the little book spoken of, what do you mean by "compiled"?—A. I mean that he aggregated the census as taken by local township clubs and sent up to the Democratic executive committee of the county.

J. S. MIXSON.

Sworn to this the 16th day of April, 1877, before me, and subscribed by witness.

[SEAL.]

JOS. ERWIN,  
Notary Public.

In the matter of the contest between G. D. Tillman and Robert Smalls for a seat in the Congress of the United States.

STATE OF SOUTH CAROLINA,

*County of Barnwell :*

JOHN W. OGELVIE, a witness of legal age, produced by contestant upon due notice to the contestee in rebuttal, deposes as follows in reference to questions propounded by contestant :

Question. Where do you reside ?—Answer. In Allendale Township, Barnwell County.

Q. Where were you on the 7th of last November, the day of the last general election ?—A. I was at Allendale precinct.

Q. Did you hear on that day any one say that no one should vote the Republican ticket ?—A. No ; I did not.

Q. Did B. G. Hughes call your attention to any such fact ?—A. He did not.

Q. Did you see any one make an attack on B. G. Hughes that day or night ?—A. I did not.

Q. Hughes stated that you said to the whites, " Men, you are about done voting "—it was about eleven or twelve o'clock—" let the colored people come in and vote ;" and that they replied, " Do you go to hell ; we will do no such damn thing ;" did any such circumstance occur ?—A. My recollection is that at about one o'clock I went out and asked the colored Republicans why they did not press forward and vote ; the reply was, " We are afraid." I said, " it is all nonsense, for over two hundred of your men have already pressed in and voted ; there is no danger." I then said to some white men, " Gentlemen, give these colored men an opportunity to vote." The reply was, " We will, when we get through." If there was any going to hell I did not hear it. It may have been said ; I did not hear it. I don't think there is anybody in this country who would make such a reply to me.

Q. B. G. Hughes stated that he was chased away from the polls by seventy-five or one hundred white men with pistols. Did you see anything of this ?—A. I did not. Never heard of it except through B. G. Hughes, who told me of it that night when he had me up before the captain. I voluntarily went before the captain at the request of gentlemen and of Hughes.

Q. What occurred at the captain's office ?—A. I was twice at the captain's office, once about two o'clock in the afternoon, last time after night-fall, after the closing of the polls ; B. G. Hughes told me that the captain wanted to see me ; when in the captain's presence, in this office, he said that he was informed by Hughes that the Republicans were not allowed to vote. I told him that it was a grand mistake ; the voters were running into the polls as grist into a mill ; these were the words I used to the captain. In one-half hour the Democratic grist would be ground or through. To prove the correctness of my position, at my solicitation the captain walked to the polls with Hughes and myself. On our arrival there was not a white man obstructing the passage ; the Republicans had full sweep of the door. I said, " You see, captain, I am correct ;" to which he said, " Yes." I now appealed to the captain in this language : " Captain, one hour and forty minutes was lost this morning because the Republican managers were not here. I insist it is not equity for the Republicans to prevent us from voting any voters that may not have yet voted." " That is true," said the captain ; " Hughes, you will have to give the doctor the last half-hour at the polls." Hughes replied, " I'll tell you what I'll do, doctor ; I'll let you vote your men occa-

sionally through the side door." I replied, "Very well; only let us understand what 'occasionally' means. You let me vote every fourth voter as often as I have them, and I will be satisfied." He assented to this, and that compromise was rigidly followed until the closing of the polls. This ended the first interview before the captain.

Q. Did you see Mr. O'Bryan make an attack on Hughes that night in the captain's office?—A. I did not; never heard of it before.

Q. Did you hear Mr. O'Bryan tell him that he did not care a damn for the Federal Government or any of its marshals?—A. I did not. O'Bryan was not there. If he was, I don't recollect it. No such language was used while I was present. I am positive of it. I was the only man who did any talking at that interview except the captain and Hughes.

Q. Who do you mean by "the captain"?—A. I mean Captain McLaughlin, who was in command of a company of United States soldiers stationed at this place.

Q. Do you know of any Republicans who left the polls that day without having an opportunity to vote? Hughes said some two hundred and fifty or three hundred had so left.—A. From the number of boys under age which the challengers detected and the number of repeaters that were offered during the last hour of polling, I think it reasonable that every legal voter voted who desired to do so. I know the fact that some professed Republicans kept up the appearance of being anxious to vote who really did not wish to vote. I do not believe a man left the polls without voting who desired so to do.

Cross-examined by T. H. Wheeler on the part of contestee:

Q. How long did the Democrats have absolute control of the poll?—A. They never at any time had absolute control of the poll, for there was no one hour during the whole polling in which Republican votes were not polled.

Q. Was not the door-way leading to the polls surrounded the greater part of the day by Democrats?—A. Up to one o'clock the larger portion of the crowd at the door-way was Democratic.

Q. Up to that time had there been many Republican votes cast?—A. There had. When the Democrats had voted between 250 and 300 votes the Republicans had voted 60. I state this to the best of my knowledge. I draw this conclusion from Hammond's tally-sheet; this is my recollection of it. I remember being surprised that at an early hour in the day, when we thought Democrats were making a straight run, the Republicans had polled so large a vote.

Q. How many colored men do you think were there that day?—A. It is hard for me to answer. There were men, women, and children there. I estimate the number to be between 600 and 650 legal voters.

Q. Do you predicate your estimate upon the vote actually cast, or from your recollection of the appearance of those there assembled?—A. No estimate could be formed from the appearance of the crowd, as they were coming and going.

Q. Then you predicate your estimate upon the number of votes which you remember to have been cast?—A. I do; and from a certain number that did not care to vote.

Q. How do you know they did not care to vote?—A. It is well known among Democrats that certain colored men took that method of avoiding a vote. I myself can name, just now, one instance; think I could find a good many more.

Q. Who was that man?—A. Daniel Best, sr.

Q. Was he there?—A. He was there and told me that he intended to vote the Republican ticket. This was said in a crowd of colored men. Yet he did not vote.

Q. How many men were there whom you say did not intend to vote?—A. I can only guess. About fifty.

Q. Knowing of only one instance yourself, how can you pretend to answer that there were fifty men there who did not intend to vote?—A. Please bear in mind that I guessed.

Q. Your guess was rather liberal, was it not?—A. Guesses are generally liberal on the side on which they are made.

Q. Why was a compromise considered necessary?—A. What compromise do you refer to?

Q. You have said in your direct examination that you told the captain commanding the troops stationed there that the Democratic grists, meaning the Democratic voters, would soon be finished and the Republicans would have an opportunity to vote. What cause was there for a compromise if the Democrats had not previously had possession of the polls?—A. That is explained at that point. One hour and forty minutes had been lost in the morning on account of the absence of the Republican managers, as you will see in my statement made to Captain McLaughlin.

Q. If the Democrats had possession of the polls at any time, say so.—A. I have already stated that there was not an hour during the day in which Republican votes were not polled. It was the object and policy of the Democratic party to vote its strength as early as possible so as to liberate white and colored Democrats as soon as possible to engage in electioneering for their party.

Q. In carrying out that policy did not the Democrats at this poll have at least the apparent control of the same until or about the time you came from the captain's office?—A. The Democrats, white and colored, were certainly in the majority at the entrance. The getting into the polls was a mere question of squeezing; he that could stand squeezing best voted first.

Q. Were not those in front of the poll composed almost entirely of Democrats?—A. The mass of them in the forenoon were Democratic.

Q. How did Hammond know the politics of those who voted?—A. By the tickets. The Republican tickets were on larger and coarser paper. The red prints showed plainer through them. Another way of knowing them was by the voter trying to conceal them.

Q. Did you hear any threats of loss of work used by any one?—A. I heard nothing except this remark, which I made myself repeatedly, "Remember who are your friends."

Q. Did this sentence, "Remember who are your friends," have any peculiar significance?—A. It did. Our colored people had been told by their speakers that we white people could not live without them. A public speaker had said that if God Almighty would rain down flour, lard, bacon, and sugar that there was not a white woman in the land that could cook a decent breakfast. The Hon. Mr. Smalls had said, "I'll take care of you; come down to Beaufort." This remark, that was often made, referred to—meant that it was a common thing for us to tell colored men who voted against us that they would have to look to the Hon. Mr. Smalls and General Whipper for assistance next year.

Q. What do you mean by assistance?—A. Bread and meat and a house to live in.

Q. Do you give bread and meat and a house to live in in this country without remuneration?—A. No. We advance it to employes.

Q. Which they have to pay for?—A. It is always expected for them to do so but they do not always do it.

Q. Then what was really meant by the expression, "Remember who are your friends," was that they should not be employed or longer continue in employment who did not vote with their employers the Democratic ticket?—A. It meant that we expected to remember who our friends were.

Q. Then, if it only meant that you would only remember who your friends were, how came such an awkward expression as "Remember who are your friends," as applied to the colored people?—A. We meant to refer those colored people who voted against us to Messrs. Swalls and Whipper, and to the balance of the Republican party.

Q. Then it had no reference to the proscription policy decided by the club at this place?—A. I have never said so. It did mean that we would prefer our friends.

Q. Then it was the expression that meant the carrying out the proscription policy decided upon by the club at this place?—A. Proscription and preference are relative terms. If we expected to rigidly adhere to our friends, we expected to let alone most positively our political enemies.

Q. What do you mean by proscription and preference?—A. That I'll prefer my friends and proscribe my political enemies.

Q. How long were you at the polls that day?—A. All day.

Q. At what time were the polls opened?—A. Twenty minutes to eight.

Q. The speeches to which you refer, did you hear them yourself, or did you hear of them?—A. I heard of them.

Q. Then, from your own knowledge, you know nothing of it?—A. I do not; I heard of them.

Q. Did you leave the polls during that day, (I do not mean the time of interview with the captain;) if so, how long were you absent?—A. Perhaps, on three or four occasions, from five to ten minutes only.

Q. Were the voters at that poll sworn?—A. Only those who were challenged, of which there were a large number on both sides.

Q. Does not the law require that all voters should be sworn before voting?—A. If that be law, and the law be carried out, there would have to be two or three more polling-places at Allendale precinct.

Q. State if you know such is law?—A. I have heard so.

Q. At what time did most of the colored people vote?—A. Between one and two o'clock they had full possession of the polls.

In reply, by Mr. Bellinger :

Q. How long did they keep possession?—A. Without interruption until the close of the polls, except as before stated—that I was permitted to slip in every fourth voter from the side door as before stated, as long as I had them.

Q. How many Democratic votes do you think were polled after one or two o'clock?—A. From thirty to fifty.

Q. How did Hammond's tally-sheet compare with the official count?—A. It gave the Democrats forty-one more votes than they got, out of a total vote of eleven hundred and twenty-seven.

JOHN W. OGILVIE.

Sworn and subscribed to before me this the 17th day of April, 1877, at Allendale, S. C.

JOS. ERWIN,  
Notary Public.

## THE STATE OF SOUTH CAROLINA:

To the House of Representatives of the Congress of the United States:

The Hon. Henry E. Hayne, late secretary of state, as I am informed, has furnished to Robert Smalls a certificate that, according to the returns of the board of State canvassers then in office, he, the said Robert Smalls, has been (*prima facie*) elected to the Forty-fifth Congress of the United States as the Representative of the fifth Congressional district of the State of South Carolina.

In the discharge of what I deem an imperative duty, and as showing the views I entertain of the actual and substantial merits of the claim of said Smalls, and of the contestant, George D. Tillman, to the seat, I make the following statement of facts connected with the case, with a view of conducing to a proper decision of the case when submitted to your honorable body, which is to render final judgment thereon:

First. The board of State canvassers, upon whose returns said certificates of election to said Smalls was based, was, at the time when said returns were made, under prohibition, issued from the supreme court of the State, enjoined and prohibited from making and certifying said returns as to members of the State legislature, and said returns were made by them in contravention of the said order of the supreme court of the State.

Secondly. That on the 14th day of November the counsel for the Democratic party notified the said board of canvassers that he had applied to the supreme court of the State for a writ of prohibition and mandamus in every case of election coming before said board; in consequence of which notification the said board adjourned to await the result of said application; and that at their next meeting on the following day, 15th November, the said board unanimously adopted the following resolution, which was filed in the supreme court, viz: "*Resolved*, That this board will not act upon any proposition until the question of its jurisdiction and duties be decided by the supreme court." That, notwithstanding such resolution of the board of State canvassers, and the pending of the proceedings in prohibition in the supreme court of the State, the board of State canvassers proceeded to declare the result of the general election held on the 7th of November, 1876. And for such illegal action the said board of State canvassers were adjudged guilty of contempt, and punished by fine and imprisonment.

Thirdly. That said board of State canvassers, making the said returns upon which said certificate of election was certified to said Smalls, was composed of persons who themselves were candidates upon the same general ticket as said Smalls, and did thus pass upon and certify to their own election as well as that of said Smalls, but that each person composing said board who had so certified to his own election, after full investigation and proof under proceedings had in the supreme court of the State as to the correctness of said returns and their rights to the offices claimed thereunder, has been ousted by the judgment of the supreme court of the State of the several offices to which they had certified themselves elected.

Fourthly. That said board of State canvassers returned that George D. Tillman, the contestant, received eighteen thousand five hundred and sixteen votes at said election for said seat, and that Robert Smalls, according to his answer to the protest of said George D. Tillman to me

shown, has admitted that the said Tillman received said number of legal votes.

Fifthly. I find that eighteen thousand five hundred and sixteen votes is, according to the last United States census, a majority of all the legal votes in said Congressional district, and from the evidence within my knowledge and submitted to me I firmly and confidently believe that eighteen thousand five hundred and sixteen legal votes is a majority of all the legal votes cast at said election for said seat in said Congressional district.

Sixthly. I further find, upon evidence submitted to me and within my knowledge, that the election at which said Smalls appears by said returns to have been elected was accompanied by such widespread intimidation, resulting from the intrusion and presence in the State and in the said Congressional district of United States troops, as well as with such disorder, outrages, and frauds on the part of the political friends of said Smalls, as to satisfy me that the certificate held by said Robert Smalls based upon the said election returns is false as a certificate that he was duly elected by a majority of the legal and qualified votes of said Congressional district. Abundant and conclusive evidence of the facts and views above stated will be presented in due time to the Congress of the United States; but the certificate of election having been issued to the said Robert Smalls, I deem it due to truth and justice as well as to the contestant, George D. Tillman, and the constituency voting for him, that I should certify this statement that the whole case may be fully stated and explained.

Witness my hand and seal of State at Columbia, this 10th day October, 1877, and in the one hundred and second year of American Independence.

[SEAL.]

R. M. SIMS,  
*Secretary of State.*

H. Mis. 11—44

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