

8492

No. _____

Supreme Court of Illinois

Herman Boren

vs.

H. M. Smith & Co.

71641  7

1 Pleas at of the California, in the
2 County of Pulaski and State of Minn
3 sis, before the Circuit Court for the
4 said County, the said Court commencing
5 on Monday the 17th day of December,
6 in the year of our Lord one thousand
7 eight hundred and sixty seven,
8 Be it remembered, that Peter
9 Jure to wit, on the 25 day of Mar. 1865.
10 at Chambers, in Colorado, in the
11 County of Pope, and State of Illinois,
12 the Complainant, Heron Brown,
13 a tax payer, by Douglas & Dandridge
14 his attorneys, exhibited to the Honorable
15 George Sloan, Judge of the 19th Judicial
16 Circuit of the State of Illinois,
17 His Certain Bill in Chancery, affi
18 dant and et alia
19 And which said Bill in
20 Chancery, appeared and et alia
21 in their books, &c.

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Palauke County } Court of Palauke
County, at the April Term A.D. 1865

Bill

To the Honorable Wesley Sloan
 Judge of the Circuit Court of said
 County, in said State - in Chancery
 setting Humbly complaining,
 your orator Hiram Bowen a free
 person and citizen of said County,
 shows, that in the year of our Lord
 one thousand eight hundred
 and forty three, the County Seat of
 said Palauke County was lawfully
 located at North Caledonia, and from
 thence hitherto Courts of probate,
 County and Circuit have been held
 there, that the Circuit and County
 Clerks do reside at and keep their
 offices at North Caledonia, and
 your orator deposes, that the public
 buildings have been erected at
 North Caledonia at the expense
 of the County, that by virtue of an
 act entitled "An Act to remove
 the County Seat of Palauke County,"
 Passed in the last General Assem-
 bly of the State - Sec. 1st Amongst
 other matters provides - That an
 election shall be held in the

9

14

28

Page 4

Several Precincts and Places of holding Elections for County Officers of Meade County - on the second Monday in the month of March A.D. 1865 - at which election all legal voters of said County shall be entitled to vote for or against removal of the County of said County from Laramie to the City of Bonanza City in said County &c

Bill

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Section 2^d of said act, provides among other things, that the County of said County, shall give notice of said election, by posting conspicuously in each election precinct of said County, a written, or printed notice stating the time, place, and object of said election &c

Sec. 3 - Provides among other things that the County Clerk of said County, when the election returns shall have been made, to proceed to count the votes &c and when so counted to make out and certify two abstracts of the votes cast and file one in his ^{own} office and transmit the other to the Secretary of State

Sec. 4th. Provides that if it appears by the abstract filed in the

officer of the said court was a ma-
 jority of all the votes cast are in
 favor of removal to Ground City -
 it shall be the duty of the County
 Court within ten days thereafter
 to provide temporary buildings
 at said new County Seat for the
 accommodation of the County
 and Circuit Courts, and for the
 various County offices and it
 shall be the duty of the County
 officers to remove their offices
 books papers and all other
 things pertaining thereto to the
 new County Seat within twenty
 days after the filing of said
 Abstract in the office of the County
 Clerk and which said Act was
 approved 16th day of February
 A. D. 1865

22

And your orator further
 shows that at the same session
 of the General Assembly of the
 State a certain Act, entitled "An
 Act for the Registry of Electors and
 to prevent fraudulent voting!"
 Sec. 14 Provides, that judges or ins-
 pectors of elections shall constitute
 a Board of Registry, for their respec-

Page 6

election towns, cities, ward or other election district or precinct, and shall meet on Tuesday, three weeks preceding every state, county, city or town election (except in town meeting in towns adopting the township organization laws) at 9 o'clock A.M. and proceed to make a list of all persons qualified and entitled to vote at the ensuing election.

Bell

Provided, that at the last election in said district, prior to said meeting, the number of votes cast in said district exceeded two hundred,

15 Sec. 4. Provide, that said board shall again meet on Tuesday of the week preceding the said elections, in their respective election districts & for the purpose of revising, correcting and completing said lists &c

22

Section 7. Provides among other things, that after the completion of the lists of voters, the judges of election are carefully to preserve copies thereof for their use on election days, and to designate two of their number, at the opening of the polls to check the name of every voter

Page 7 is on the register and said Section further provides that no vote shall be received at any place, County, City or town election, in this class, except at town meetings in towns adopting township organization law, if the name of the person offering to vote be not on said register, made on Tuesday or Wednesday preceding the election &c &c, and which said act was approved February 15th A.D. 1865 and in force from and after its

Bill passage. And your orator further
16 er shews, that with a view illegally to remove the County Seat of said County on the 13th day of March A.D. 1865 a pretended election was held in the several precincts in said County in utter disregard of the provisions of the Registry Law to vote for or against removal of the County Seat of Pulaski County from Calcedonia to the City of Mound City. True it is that
27 pretended returns of said election were made and the said County Clerk proceeded to count the same

Page 8. And that in and at said pretended
 election 1160 pretended votes were
 cast: 735 pretended votes for rem-
 oval to Mound City and 425 Against
 removal to Mound City. But your
 orator shows and charges the
 fact to be that 638 of the said preten-
 ded votes were polled or cast for the
 removal to Mound City was cast or
 given in the Mound City Precinct -
 a precinct that in the last election
 in said district prior to the said
 pretended election for or against
 removal of the county seat, the
 number of votes cast in said in
 said district exceeded 200. to wit,
 440 votes. And your orator further
 shows and charges the fact to be,
 that the Board of Registry in said
 Mound City Precinct - if any - failed
 and refused to meet according
 to the Registry Law and made
 a list of all persons qualified
 and entitled to vote by virtue of
 said Registry Law, nor did they
 meet at at any any time for that
 purpose, nor did the said voters
 swear or prove themselves qualified
 to vote according to the provisions

1 of the said registry law, whereby
2 your orator charges that the entire
pretended vote of the said Howard
City Precinct is a nullity in law
and should not have been counted
by the said County Clerk, your orator
further charges and shows, that
the Secretary of State had not furnis-
hed the necessary blanks for making
the registers required by law under
the provisions of the said registry
act prior to the said pretended
election for the removal of the said
County seat, or if he did, the same
were wholly disregarded in making
out the said pretended returns
to the said County Clerk who should
have disregarded them and refused
to count the same or take any action
towards the removal of the said
County seat, your orator further
states, that in consequence of the
23 Board of Registry so failing to meet
and make a list of all persons
qualified and entitled to vote as
aforesaid, and the said voters not
proving themselves to be properly
qualified to vote as aforesaid - all
the votes polled in said Township

Bill

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precinct were illegal and your
 orator further claims that by reason
 of the non registry of the said votes,
 4 great frauds, were, at the said pretended
 election perpetrated as he is
 7 informed and verily believes, in
 this, that a number of persons, not
 entitled to vote, did, fraudulently cast
 their votes for the removal of the
 said County Seat to Council City
 amounting in number to about
 12 350 votes, which number, exceeds
 the entire pretended majority in
 favor of said removal - and your
 orator hereto appends the names
 of those persons thus fraudulently
 voting in said pretended election
 at Council City Precinct and charges
 that the persons thus fraudulently
 voting in said election, at said
 election precinct who were not
 lawfully domiciled and as your
 orator has been informed and
 verily believes, a great number
 thereof, will be found in the names
 20 as following viz: Allen J. N. Amos
 J. L. - Apple W. H. - Almy John -
 Allen S. W. - Alfred Ed. - Arthur M. -
 Anderson George - Armstrong John -

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Andersen Thomas - Amos Hugh -

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Alexander C. G. - Aberdeen D. - Burgoyn
A. G. - Boag E. A. - Burns W. H. - Bur
yon Henry - Bowers D. - Bales James
Bresnimmer P. - Bennet Robert -
Bodkin Asa - Boyd E. - Brown
D. H. - Bliburn C. - Butcher J. H.
Benjamin Walter - Bear S. S. - Billings
A. J. - Billings J. - Bear Jacob - Bates
G. - Bassett S. - Broad J. S. - Bratten
D. - Brishear W. J. - Baker Geo. H. -
Brasher Phil. - Benos M. - Benning
Henry - Barry R. - Batten Jas. H.
Brown Geo. R. - Cheler Fred. - Cady
H. A. - Chichester Daniel - Collins Fred.

Bill

Chambers J. W. - Council J. W. - Curren
Fred. - Collier P. - Collins M. - Cum
mings John - Chaney H. - Cunningham
David - Christiansen H. - Coffey D. -
Cunningham Jas. - Clancy P. - Carr
James - Coates J. M. - Casey Perry -
Cockerell Thos. - Cantine H. R. - Crosey
L. - Carroll Jas. - Clark V. - Chappell
Jas. - Connor H. - Cattrell W. - Campbell
Jas. - Calder Wm. - Curtis James -
Cowan John - Couch W. L. -
Crawford Jas. - Chesney W. C. - Cannon
Mike - Conley John - Cooper
David - Cornell W. R. - Cromer W. H.

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Buller W. - Carr Samuel - Cantrel
 John - Cating Michael - Donnelly
 J. H. - Deavin Bernard - Dunton
 D. M. - Marche A. - Davis John -
 Dean A. - Doyle J. - Devlin James -
 Dellow J. - Doley J. - Dunlop C. W. -
 Dillwath A. - Donnelly James - Davis
 M. - Deer Milton - Deum Ezra -
 Delaney G. M. - Devitt E. P. - Dodd
 W. H. - Downey A. - Drake James R. -
 Eaton S. M. - Epstein J. J. - Ellis Henry -
 Dwyer Evert - Elson W. A. - Edwards
 Sep. - Esping J. - Eldridge Moses -
 Evans A. - Elserode W. E. - Evans A. -
 English Patrick - Fletcher Chas. - Foster
 Louis - Frederick L. - Fry M. - Fleet-
 wood H. W. - Flecher H. - Fitch C. B. -
 Freeman C. D. - Ferrer G. W. - Fowler
 James - Fallaher G. - Ferguson B. H. -
 Felter C. W. - Flannigan S. - Friganga
 R. - Ford M. - Foster Henry - Francher
 Thomas - Funk John - Friedler J. J.
 Farrell James - Fosdick Chas. - Green
 J. P. - Gould C. H. - George Jos H. - Galla
 her J. R. - Goue Chas. - Gee A. G. -
 Golden J. - Graham James - Goldsm
 ith H. - Greathouse Slings. - Gaskill
 W. H. - Hough E. H. - Hengel H. - Hatsted
 Frank. - Harney Joseph - Huber R. -

Bill

Hering J. W. - Hertz H. C. - Howler Jacob -
 Himm Michael - Hall John - Hafner
 D. - Hafner A. - Halpin Mathew -
 Hawks J. - Hopkins L. W. - Hawes
 A. W. - Hilt Richard - Hill F. B. -
 Hulet J. H. - Hansury - Horen J. J. -
 Harlan J. B. - Hart D. D. - Hunter Ed.
 Harley John - Hercules C. - Halley
 G. W. - Hyslop Jas. - Heintzleman
 R. - Hoshier E. - Hawes Frank -
 Hardevick John - Hilderbrand F. -
 Holsey Chas. A. - Hope Pat. - Hutcherson
 D. C. - Josephs Joseph - Jones J. A. -
 James S. - Jorgensen Louis - Jones D. E.
 Bill Jacobs J. L. - Jackson W. P. - Jenkins Eli.
 Joyce M. - Jones J. G. - Jones David -
 Jarris Samuel - Jarris William -
 Jackson J. - Kinney James - Knapp
 J. P. - Kane Jeremiah - King D. W. -
 Killberry Edward, Keiser James -
 Kelly W. C. - Knapp C. H. - Kibber
 Frederick - Kernis Henry - Knapp Hiram
 Kane G. - Keener Mike - Kinney
 Lewis - Lepler George - Le Heere Joseph
 Lender Frank - Lovel Joseph -
 Lovell James - Lancaster G. - Legget
 D. - Lidwell Thos. - Lytle J. -
 Lockbridge Geo. W. - Lyerles J. B. -

Bell

Linsley D. - Logier Ed. - Law John -
 Lanier W. P. - Letford Joseph - Long H. -
 Labaugh P. J. - Lee Joseph A. - Munnings
 H. - Mallory George - McCreff B. -
 Moran John - Morrissey P. - McElr-
 arey J. - Murphy J. - Murney J. F. -
 Mulvohill B. - McHale Wm. - Horan
 Dennis - Mourae Wm. - Coppally Thos. -
 McLaughlin A. - Mitchell W. H. -
 McGeer J. T. - Moran E. H. - McKinn
 M. - McEade J. L. - McQuinn John -
 Miner Joseph - McLane B. - McMillan
 W. - McGraw John - Meeker W. -
 McGeer L. - Merrill S. S. - Mackey
 Wm. - Minton Wm. - Mewers Geo. A. -
 Mills Joseph - McLaughlin A. -
 Mon Edward - Mack John -
 McElime D. - Morehan Wm. -
 Murphy Pat. - McDevold Anthony -
 Murgent Wm. D. - Nisbet R. - Nolan M. B. -
 Nupper J. O. - Nailer John. - Nettles
 J. B. - Owens L. F. - Owens R. P. -
 Ott J. - Owens L. P. - Ogier L. B. -
 Everts Wm. - Orenter W. E. - O'Neil
 Jan. - Ott J. - Alder O. H. - Oweal
 E. - Oshen L. - O'Brien Wm. -
 Orford J. H. - O'burg Jos. -
 Phillips R. G. - Pennell J. H. -
 Pearce Benj. - Powers David -

Patterson B. A. - Patterson W. H. -
 Pratt J. E. - Huntington S. J.
 Phillips John. - Peterson John -
 Powers P. C. - Powers John. -
 Ouelmont Henry - Rollin Heram.
 Rollins C. - Roswick H. W. - Rowlet
 A. - Rogers Joseph. - Ritter Peter.
 Ruck John. - Rowe S. J. - Rummigan
 John - Rumold M. - Rogers Joseph
 W. - Rust Wm. - Roberts J. - Ready
 J. H. - Remy Thomas - Russell John.
 Rice Peter - Rockwell S. - Renfro
 Benjamin. - Reed George - Ryan
 John, Ryan Thomas - Roper James.
 Reed John - Ross Robert D. - Ruff
 John - Rardin Richard. - Ritter
 Peter - Slack James S. - Sevard G. W.
 Stockdale C. H. - Sterne W. A. -
 Smith Joseph. - Snyder P. - Schillman
 Aug. - Sherman H. - Streeter C. E.
 Shields H. C. - Shuler Jacob
 Scully John. - Smith Phil. - Schneidj
 Garret. - Simmons Ed. - Sutton S. B.
 Stroud J. C. - Smith John C. - Smith
 Benjamin. - Schuler John. -
 Smith E. H. - Springs S. H. - Sawyer
 H. - Smith C. - Stoddard R. P. - Scott
 John E. - Stephenson W. B. - Stanley
 Wm. - Smith J. W. - Sullivan M. -

Scott C. S. — ¹² Smith Eli. — Staley J. N.
 Sippel W. — Smith Geo. S. — Sabier
 Wm. — Skelley David. — Slatteray
 Michael. — ¹⁵ Smith A. C. — Underwood
 Lewis S. — Vogt Fred. — Voge John S.
 Vault S. — Vannon W. H. — Weidner
 Wm. — Nelson Roted. — Walton C. S. —
 Wright H. W. — Wafford M. L. — Williams
 John. — Walter H. — Wardner A. —
 Watson J. M. — Whitaker John.
 White Jonathan. — Wilson B. F. —
 Whitaker W. — Wagner Chas. —
 Williams Jacob. — Wilson Jacob.
 West John. — Walker W. H. — Wallace
 Wm. — Wilburn Rufus G. — Weil Mi-
 chael. — Ward F. M. — Wood John M.
 White G. W. — Young W. R. — Young W.
 Young Richard And your orator
 19 avers that there are other names
 which appear on said Census
 City Polls and not herein before
 inserted, as he truly believes, who
 were not entitled to take in, and
 at said election, and asks, that when
 the same are discovered that their
 names may be inserted herein
 prop. heard relative thereto and
 taken in computation for and on
 account of the premises And your

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Orator shews that the said County of
 2 Pulaski and its inhabitants hath
 not at any time adopted township
 organization, nor hath any part thereof
 done so. That in the Burkeville Pre-
 cinct many illegal votes were cast
 as your orator is informed and
 verily believes. Your orator further
 4 states and charges that the greatest
 number of persons entitled to vote
 in said Mound City Precinct - sub-
 joining their names had been prop-
 erly registered - and who did vote
 in, and at said election for removal
 and against removal, were not
 over 300 persons, that 11 of that num-
 17 ber voted against removal, leaving
 the number of persons voting for
 removal to be 289 persons.

Bill

Your orator further states and
 charges the fact to be, that the greatest
 number of persons sufficiently den-
 iciled entitled them to vote and
 voting in and at the said pretended
 election in the several Precincts in
 the County, were not more than
 27 825 - Eight hundred and twenty five
 400 for removal - Mound City, and
 425 against removal - Mound City

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1 That the election for removal
 2 to Mound City was the result of
 3 frauds in this, in permitting persons
 4 to vote who had not acquired a suff-
 5 icient residence in the State to entitle
 6 them to vote In suffering persons
 7 to vote in precinct in which they
 8 did not reside In suffering persons
 9 residents of other States, to vote
 10 In suffering persons residing in
 11 adjoining Counties to vote And
 12 permitting persons to vote more than
 13 once in and at said election, and
 14 from failure by the Board of Registry
 15 in said Mound City, Precinct to prepare
 16 and have present at the polls of the
 17 said Mound City Precinct, the list of
 18 electors required by the Registry
 19 Law of the State. That in and at
 20 said election - if any - a person rem-
 21 oval to Mound City was elected, that
 22 said election so far as respects the
 23 polls of the Mound City, Precinct, are
 24 void by reason of frauds, upon
 25 orator further states, that Henry M.
 26 Smith Clerk of the Circuit Court and
 27 Ephraim B. Watkins, Clerk of the Grant
 28 Court, both of removing their office
 29 to Mound City, that the County Court

Bell

1 of said County are threatening to hold
Page 182 2 Courts at Chennai City and to provide
3 temporary buildings at said Chennai
4 City for the accommodation of the County
5 and Circuit Courts and for the various
6 County Offices, necessarily involving
7 a heavy expenditure and waste of
8 public property of said County, and
9 also threaten to sell the public build-
10 ings at North Caledonia, and which
said Henry M. Smith Clerk of the Circuit
Court, Ephraim B. Watkins, Clerk of the
County Court, the County Judge and
County Judges, your orator prays may
be made dependant on this bill.

Bill

And your orator further shews
that all which aforesaid doings
are contrary to equity and good
conscience and tend to the manifest
injury and oppression of your
orator and other tax payers of
said County, against public policy,
vicious in its effects, and if per-
mitted to prevail will operate as a
disfranchisement of the voters, and
oppress, impoverish and greatly
injure the tax payers of the County.

In tender consideration whereof,
and for as much as your orator is

16 19

Page 19 remitted in the premises, according
2 to the strict rules of the Common Law,
3 and can only have relief in a Court
4 of equity, where matters of this nature
5 are properly cognizable. To the end
Bill 6 therefore, that the said Henry M. Smith
7 Clerk of the Circuit Court, Ephraim B.
8 Watkins Clerk of the County Court,
9 the County Judge and County Judges
10 and the rest of the Comptrolers, when
11 discovered, may full true, direct
12 and perfect answer make to all
13 and singular the matters herein
14 before charged - but without oath
15 as fully and particularly, as if the
16 same were herein repeated, and
17 they thereto interposed, and to that
18 end your orator prays that the
19 said Henry M. Smith Clerk of the
20 Circuit Court, Ephraim B. Watkins
21 County Clerk, the County Judge and
22 County Judges may be summoned
23 before this honorable Court. And that
24 the Peoples most gracious writ of
25 Dupunctio be awarded him ag-
26 ainst the said defendants issuing
27 out of and under the Seal of this
28 honorable Court directed to the
29 said defendants, thereby Com-

1 anding, enjoining and restraining
2 the said defendants - the said
Page 20 Kemper Smith Clerk of the Circuit
4 Court, the said Ephraim B. Watkins
5 Clerk of the County Court from remov-
6 ing their offices books, papers
7 & things thereto pertaining to Almond
8 City Also the said County Court be
9 restrained from any other or
10 further proceeding in Certifying
11 Abstracts of said Election
12 The County Court from providing
13 Temporary buildings at Almond
14 City for the accommodation of the
15 County and Circuit Court, and for
Bill 16 the various County offices and
17 from holding Courts at said Almond
18 City, and against any sale or
19 disposition of the public buildings
20 at said Almond till further
21 order in the premises and that
22 the said pretended Election be
23 declared null and void, and
24 upon a final hearing the prem-
25 ises fully considered may it
26 please your honor that the Infor-
27 mation herein prayed may by
28 order and decree of this honor-
29 able Court be made perpetual

Page 21 for and an account of said premium
 and all such other and further
 Bill relief as the nature of your orator's
 cause shall demand and to equity
 good conscience pertaineth, and
 will ever pray &c
 (Signed) Dougherty & Davidge
 for Complainant

Affidavit¹⁰ State of Illinois } Before the
 or Jurat Pulaski County } Undersigned
 to Bill Circuit Court Clerk of said County
 Personally appeared Hiram
 Borer, and on his oath says, that
 the matters, allegations and charges
 set forth and contained within the
 foregoing Bill, as stated of his
 own knowledge, are true, and
 those stated by the way of the
 information of others, he believes to
 be true. (Signed)

Sworn and subscribed } Hiram Borer
 (Signed) before me this 2nd day }
 of March A. D. 1865 }
 Henry M. Smith Clerk,

Copy of State of Illinois } We hereby
 notice Pulaski County } waive service on
 notice of the intended application

notice for disfranchisement as the instance of
Hiram Bowen a tax payer of said
County as Henry M. Smith Clerk of
the Circuit Court of said County, Eph
raim B. Watkins Clerk of the County
Court of said County and the County
Court which said application
is by "Bill in Chancery" and presents
the fact, that a pretended election

was held on the 13th day of March
A.D. 1865 for or against the removal
of the County Seat from Leadenwick
to Mound City, was not in compliance
with the Requisites of the State of Illinois
by which it is claimed that the County
Seat is removed to Mound City - complain
ant insists that said pretended electi
on is void in law

And that apparent frauds were com
mitted in the Mound City & other precincts
by casting illegal votes to amount
greater than the pretended majority
in favor of the removal to Mound

City	A. B. Watkins ^{Official Seal}
J. M. Davidge	Henry M. Smith ^{Official Seal}
A. Judge	Calvin Hopper
	Hugh McGeer
	County Justice of the Peace

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And afterwards to wit, on the said
25th day of March in the year of
our Lord one thousand eight hundred
and sixty five

The said complainant by Jonathan
and David his attorneys and
the said defendants by Samuel
P. Wheeler Esqr their attorneys,
appeared before the Honorable Wm. H.
Sloan Judge of the 19th judicial
circuit of the State, at Chambers,
in the town of Golconda Pope County,

whereupon the complainant
by his attorneys moved the Court,
the Judge thereof, to award him
the injunction as prayed for
in the said Bill. The defendants
resisted said motion - and which
being considered the Judge made
the following order vs; Copied to etc;

21 State of Illinois

Order

Pope County

At Chambers

for injunction

Ordered that the Clerk

of the Circuit Court of Pope County
issue the writ of injunction as pray
ed for in the within Bill - on
the complainant entering into
bond to the defendants in the sum

Page 24 of five thousand dollars with
William A. Hughes or William A.
Knight as his Security, conditioned
to prosecute this case with effect
and without delay and to pay
all such damages and costs as
may accrue or shall be awarded
against the complainant in
case said injunction shall be
dissolved

Given under my hand and
Seal this 25th day of March A.D.
1865

Levin Wesley Sloan

Judge of the Court

and which said order was
endorsed on a page of the
said Bill of record.

19 That after reading the within
the 24th day of March A.D. 1865
the complainant filed in the
office of the Clerk of the Circuit
Court of Peoria County, Illinois
his certain bond in the words
and figures following, to wit:

Copy of 1865
disposition of
Bond
[8492-13]
Known all men by these presents
that Heron Bower and William
A. Hughes of the County of Peoria
and State of Illinois are held

Copy of and firmly bound unto Himself
 Clerk of the Court
 Board
 Page 28
 and to the County Court [of said County]
 and to the County Court, in the sum
 of five thousand dollars for the
 payment of which well and
 truly to be made and performed
 we bind ourselves, our heirs, exe-
 cutors, administrators and assigns
 firmly by these presents
 Witness our hands and seals
 this 24th day of March A. D. 1865
 The condition of the above obligation
 is such that whereas the said Hiram
 Breen has exhibited his Bill in
 Chancery to the Honorable Wesley
 Sloan Judge of the 19th Judicial
 Circuit of the State, against the said
 obligors, praying amongst other
 matters that an injunction be an-
 awarded him on account of certain
 premises set forth in said Bill,
 and whereas said injunction has
 been awarded him, and the same
 being now about to be sued out
 according to the prayer of his said
 bill in Chancery, now of the said
 Hiram Breen shall prosecute his

copy of said Bill in Chancery with effect
refunding, and without delay, and pay all
Bond Costs, such damages and costs, as may
be decreed or shall be awarded
Page 26, against him in case said injun-
ction shall be dissolved then the
said bond to be void otherwise to
remain in full force and virtue
in law

(Signed) Hiram Bowen Seal
William D. Hughes Seal

Page 27

And that thereupon a writ of injunc-
tion issued under the Seal of said Court
directed J. C. Commanding &c. and
whereby said writ of injunction was
duly served on the defendants therein
named, to wit; On the 27th day of March A.D.
1865 And the following is a copy of
the said writ of injunction and the
service thereof by

John of Illinois. Richard A. Brown, J.C.

Page 28
part of
injunction

The People of the State of Illinois to the
Sherriff of said County Greeting,
Whereas Hiram Breen a taxpayer
of said County has exhibited before the
Honorable Wesley Sloan Judge of the 19th
Judicial Circuit of the State and presid-
ing judge of the Circuit Court of said
County his certain bill in chancery, tend-
ing therein amongst other matters that
on the 13th day of March A.D. 1865 a
pretended election was held in the
several precincts of the County of Illinois
for the removal and against the removal
of the County Seat of Pulaski County Illinois
from Galesburg to the City of Mound City
in said County, by which said pretended
election it is claimed that the County Seat
is removed to Mound City - and the said
Hiram Breen in and by said bill
in chancery has given us further to
be informed that on account of the
non registry of the votes of Mound City pre-
cinct and in utter disregard of the
provisions of the said registry law the
said complainant insists that the said
pretended is void in law also that by
reason of frauds perpetrated in, and
at said pretended election by casting
illegal votes to his various precincts

Page 28.

Wm

than the pretended majority in favor
of removal, that against removal
was elected in and at said pretended
election And whereas the said Circuit
Judge has awarded the said Hiram
Boren an injunction in the premises
on the said (Hiram) Boren executing
bond payable to the defendants in
the sum of Ten Thousand Dollars with
William S. Hughes or William S. Wight
Security, conditioned to prosecute his
bill in chancery with effect and
without delay and to pay all such
damages and costs as may be decreed
or awarded against him in case
said injunction shall be dissolved and
whereas the said Hiram Boren has
executed bond as ordered

Therefore - We command you the
said Sheriff of the said County, that you
make known to Henry M. Smith Clerk
of the Circuit Court, Ephraim B. Watkins
Clerk of the County Court, The County Court
of said County, their agents and abettors
that they, and each of them are hereby
restrained, enjoined, and inhibited,
the said Henry M. Smith Clerk as aforesaid
the said Ephraim B. Watkins Clerk
as aforesaid from removing their offices

with books papers and things thereto per-
 taining to Menna City, the said County
 Clerk from certifying any Abstract
 Page on a pt of said pretended election, and
 29 the said County Clerk from permitting
 temporary buildings at said Menna
 City for the accommodation of the County
 and Circuit Courts, and the various
 County Offices; and from holding
 Courts at Menna City, and against
 any sale or disposition of the public
 buildings at South Caladonia till fur-
 ther order in the premises, and that
 you summon the said Henry M. Smith
 Clerk of the Circuit Court, Ephraim
 B. Watkins Clerk of the County Court
 and the County Court of said County
 to be and appear before the Circuit
 Court of Pulaski County on the 10 day
 of the said term thereof on the 2^o day
 day in the month of April next, to
 answer the said William Brown
 a tax payer of said County, the
 matters, allegations and charges
 in said bill alleged and charged
 on account of the said pretended
 election & frauds, and to do, submit
 to receive what said Court shall
 in that behalf consider determine
 order and decree. And have for
 them and there this writ and the
 manner of the service thereof
 Witness my hand and the

Page 30 1865

Seal of said Court the 27th March 1865
Signed Henry M. Smith Clerk

(Seal)

See stamp
30 cents to } On which said writ
this writ is of certain area enclosed
as follows, to wit:
The true value of this writ is
readily copy, and here is returned
the Service thereof March 27th A.D.
1865

H. M. Smith
Clerk Circuit Court
E. B. Watkins
County Clerk
J. M. Hanesy Co. Judge
C. Hopper, Secy S.P.
R. H. H. H. S.P.

And at another day, to wit, at a
Circuit Court begun and held in the Court
house in State of Indiana in and for
the County of Pulaski and State of Illi-
ois commencing Sept 11th A.D. 1865.

Whence on said day the defendants
were sued to plead and the following
is a copy of the record on this behalf viz:
Cites on this corner the Complainant
Rule to 2 by Darius Doughty his attorney and
Plead 3 upon their motion, defendants shall
to plead answer by Wednesday morning
8 A.M. clock.

And after a day to wit, at the
Court house of said and on ^{Thursday} ~~Monday~~
of the said term being ^{the 12th} day of the month in the

1 year said of record Came the
 Page dependants and filed their demurrer
 31. 4 And which said demurrer is in
 5 their words of
 6 State of Missouri To the Sept Term
 7 Pulaski County Oct 1865 of the Circuit Court
 8 of said County
 9 Heron Buer a tax payer
 10 of Pulaski County Missouri
 11 Henry M. Smith Clerk of the
 12 Circuit Court } Chancery
 13 O. B. Wallens Clerk of the } Bill for injunction
 14 County Court of said }
 15 the demurrer of Henry M. Smith
 16 Clerk of the Circuit Court and O. B. Wallens
 17 Clerk of the County Court dependants & c.
 18 to the Complainant, bill
 19 their dependants, as protestations
 20 not confessing or acknowledging
 21 all or any of the matters and things
 22 in the said Complainant's bill to be true
 23 in such manner and form as the same
 24 are therein set forth and alleged, do
 25 demur thereunto and for cause of demurrer
 26 or show
 27 1 That the said Complainant does
 28 not in and by said bill of Complaint
 29 show himself entitled to the relief
 30 asked for
 31 2^d. That the Complainant does
 32 not in and by said bill show, that

Page 1 This Honorable Court has, or can take, Jurisdiction of said Cause and other Subject matter therein set forth.

Demurrer

3d That the said bill does not present a case, of which a Court of Equity can take, or has Jurisdiction,

4th Because the remedy of the Complainant was perfected and complete at law, as the Case is made out by the bill,

5th Because a Court of Chancery cannot take Jurisdiction of this Case, and enquire into the Validity of Statutes under its general power,

6th Because there is no express Mandate by which Courts of Chancery can enquire into the Validity of Statutes by bill, Wherefore and for divers other errors and ~~imperfections~~ imperfections in said bill, their defendants humbly demand the Judgment of this honorable Court whether they shall be compelled to make any further or other Answer to the said bill or any of the matters and things therein contained and pray to be hence dismissed with their reasonable Costs in this behalf sustained

J. H. Mulkey & S. R. Wheeler
attys for apts

To which said Demurrer the Complainant replied, and which said reply, is as follows

found
in
demonstr.

1 by:

- " Joinder in Demurrer
- " (Liams) Waiver & Abandonment
- " for Consent.

Page
32

And afterwards to trial on
 Wednesday the 30 day of the term
 appeared and being the 13th day of
 the month the said demurrer
 came on to be heard and was
 overruled and the following is
 a copy of the order overruling
 said demurrer to wit:

order overruling
demurrer &c.

And now on this
 14th order overruling }
 1 demurrer } day came, the defen-
 1 and called their attorneys and }
 1 interposed demurrer to bill, demurr- }
 1 or to bill overruled, and caused }
 1 down for hearing at the next term }
 1 with leave to both parties to take }
 1 depositions.

in founding it, the order of continuation

to

order / row after at the,

On g day comes the defendant,

Can 0

and on said last mentioned day
Page the defendants filed their answer
33 to Complainants bill, and which said
answer is as follows to
State of Illinois } To the September
Pulaski County } Term A. D. 1865 of
the Circuit Court of said County
Heran Breen a tax payer
of Pulaski County Illinois

Bill for
injunctive

Henry M. Smith Clerk of the
Circuit Court, Ephraim
B. Walker Clerk of the County
Court, the County Judge
and County Justices of
said County

The answer of Henry M. Smith Clerk
of the Circuit Court and Ephraim B. Walker
Clerk of the County Court, to the said
Complainants bill of complaint

These defendants, now and at all
times hereafter having and severing
to themselves, all manner of benefit and
advantage of exception to the many
errors and insufficiencies, in said bill
contained, for answer thereto, or unto so
much thereof as they are advised it is
material for them to make answer to,
say, that true it is the County Seat of
Pulaski County was located at North
Caledonia at the time in Complainants
bill mentioned, and from thence thence
Courts of Probate County and Circuit

Answer to Bill.

Answer to Bill.

84. " have been holden there and that the Circuit
 " and County Clerks do reside there, and
 " also keep their offices there as charged
 " in said bill, It is also true as in said
 " bill stated that public buildings have
 " been erected, but at whose expense their
 " defendants are not advised, It is also
 " true that the Complainant has in said
 " bill correctly stated and set out the
 " substance of a certain act passed by
 " the last General Assembly of the State of
 " Illinois entitled "An act to remove the
 " County Seat of Pulaski County" so far as
 " the said act is attempted to be set out,
 " and that said act was approved on
 " the 16th of February 1865, and that the
 " same was in force from and after its
 " passage, and it is now the law of the land,
 " the defendants also admit that the Compla-
 " nant has so far as he has attempted
 " to do, substantially set out the provi-
 " sions of a certain supposed act, entitled
 " An act for the Registry of Voters and
 " to prevent fraudulent voting, passed by
 " the last General Assembly of the State
 " of Illinois, approved February 15th 1865
 " but the said defendants deny that the said
 " supposed law had ever become of any
 " force or now is in force or effect and
 " charge that the same is unconstitutional
 " and null and void and that the
 " said registry law if it ever became such

Answer to Bill

Page 85
had no application directly or indirectly
by to the said election, for or against
removal of the County Seat, Defendants
admit that an election was held on
the 13th day of March 1865 in the several
precincts in said County, for or against
the removal of the County Seat of said
County as provided in said Act, but deny
that it was done with the view illegally to
remove the County Seat, and also deny
that it was a pretended Election, but on
the contrary charge the fact to be, that
13. Said election was held and conducted
in all respects, in accordance with the
provisions and directions of the said Act
under which it was held, and in no
17. wise in disregard of the provisions of
said pretended registry law, Defendants
admit that the returns show and charge
the fact to be that there were cast at said
election 1163 votes for and against removal
as aforesaid 738 of which votes were for rem-
oval to immediately and four hundred and
twenty five votes against removal, being
a majority in favor of said removal of
425 votes. They also admit that 838 of said
votes for removal were cast in Mount City
precinct, a precinct which at the last
general election polled over 200 votes, to wit,
446 votes. They also admit that the Secretary
of state did not furnish the blanks as pro-
vided in said registry law, and also that
the County of Pulaski has never adopted

Amount to be returned

Page 36 Township organization. They also admit that they were about removing to Mount City as by law they were bound to do, with the books papers and other things belonging to their respective offices

6 They expressly deny that there were cast either in the Mount City Precinct or in the Burkettle precinct or at any other precinct in said County any fraudulent or illegal votes for said removal, and charge that there were cast at said election against said removal a large number of fraudulent and illegal votes to wit, 200. Defendants expressly deny such and every allegation and charge in complainants bill which or not heretofore been admitted or denied, and having fully answered they pray to be hence dismissed with their reasonable costs and charges in this behalf most wrongfully expended

Answer Complainants

J. H. Muckey & S. P. Wheeler
attys for defts

And afterwards to wit, on the same day and year last appeared the Complainant filed his replication to said answer and which said replication is as follows to wit:

11 Berarr Brien a tax payer
11 of Pulaski County Arkansas
vs
11 Henry M. Smith Clerk of the Circuit Court

Replication

Page 87 "And P. B. Walkers At the September
 " Clerk of the County Court Term 1865 of the
 " in and for Pulaski Pulaski Circuit Court
 " Co. Ills 30 day of the September

Replication

6 " — Chancery —
 " In and the said Complain
 " ant Cornes and for replication to the
 " Answer of defendants, Says, that
 " the matters & things as above in def
 " endants answer in manner form
 " as therein pleaded are false, untrue,
 " and insufficient in law for them
 " the said defendants to bar or preclu
 " de the Complainant from obtaining
 " the relief sought & prayed for in
 " his said bill herein and that the alle
 " gations contained in his said bill are
 " true and sufficient in law to obtain
 " the relief sought therein as he is ready
 " and willing to prove and maintain
 " when, and as the Honorable Court
 " shall direct & he prays as in his said
 " bill for the relief sought & prayed
 " for therein &c. Done & signed

And at another day, to wit at
 a Grand Court begun and held in the
 Court House at North Caledonia in the
 County of Pulaski of aforesaid, Commencing
 on the 30 Monday in the month of April
 (the said 30 Monday being the 1st day of
 the month) in the year of our Lord, one

Page thousand eight hundred and one
 89 And on Thursday the 4th day
 after term leave was given both
 parties to open depositions
 and the following is the a copy of the
 entry in that behalf.

" Now on this day comes the
 " Entry of } plaintiffs by David G. Lee
 " leave to } attorney and the defendants
 " of. dep. } by Wheeler their attorney
 " and upon motion leave is given
 " both parties to open depositions.

And at another day of this
 term viz. on the 8th day of the term
 it being the 23rd day of the month last
 of year, the said cause was continued
 and the following is a copy of the
 order of continuance viz

" Now again at this day
 " order of } comes the defendants
 " cont. } and indisputable cause
 " appearing cause continued until
 " next term.

And at another day to
 wit at a circuit court before and
 held in the Court House at Hatter
 Beledonia in and for said County

On the 2nd Monday in September (being
 1st of the month), in the year of our Lord
 Our thousand eight hundred and sixty
 six And on the 3rd day of the term
 the following proceedings were had

Page was made a matter of record therein by
40 " Now on this day comes the

"Proceedings of Complainant by Hazard & King
in the Court O'Henry his attorney and enters
his motion for a change of venue

And at another day to wit
on Thursday the 4th day of the term
the application for change of venue
was overruled. Copy of order in this behalf.

"order " And now again at this
"order " day comes the said defendants
"order " by Wheeler & Chalkley their attorney
the same & as the Court being sufficiently
advised - orders and decrees that the motion
"for a change of venue be overruled.

And at another day to wit
on Saturday the 6th day of the term
of record. Complainant moves for a
continuance

"order " And now again at this day
"order " there is comes the said Complainant
and the said defendants and files
"their agreement for a continuance

And at another to wit on
Monday the 8th day of the term defendants
entered motion to strike agreement for
continuance from the files.

"order " And now comes the defendants
"order " by Wheeler & Chalkley and enters
"their motion to strike agreement to
"continue from the files. And the
Court being sufficiently advised orders
and decrees that the motion to strike

Page of the agreement to continue from the
41 files, be sustained. And that Amblain
and have until tomorrow morning
to file Bill of Honor. See on Friday.

Sub at another day, to act at
a ~~County Court~~ ~~before and~~ ~~before~~
Page ~~the Court House at State~~ ~~at their term~~ ~~at their term~~
42 ~~and~~ ~~for~~ ~~the~~ ~~County~~ ~~for~~ ~~and~~ ~~on~~ ~~at~~

18th day of September A.D. 1866 the
said Complainant aforesaid is an
Inhabitant of the County of Pulaski
Missouri, his certain
Bill of Revers and said Bill of
Revers is in this case as follows:

7th State of Missouri, Set
All Pulaski County } Circuit Court
of Missouri } of the September Term in the year
of our Lord one thousand eight hundred
and sixty six

To the Honorable Wesley Sloan Judge
of the Christiana Judicial Circuit
of the State of Missouri, and presiding
Judge of the Circuit Court of said County
in said State Humbly complaining
Sheweth unto your Honor, your orator

Heram Bour that at the April
Term in the year of our Lord one
thousand eight hundred and sixty
five of the Honorable Court, your
orator in the character of a taxpayer
of the said County aforesaid to the Court
his certain Bill in Equity against Henry
M. Smith Clerk of the Circuit Court
of Pulaski County Missouri, Abraham
B. Watkins Clerk of the County Court
of Pulaski County Missouri,
the County Juries, James M. Davenport
then and there being the County Juries,
and the County Justices of the Peace
of said County, John Hopper and
Hugh W. Gies then and there being the

1) County Judges of the peace of said County
Page Constituting and comprising the County
43 Court of said County of said, the
object and the prayer of said Bill
was to the effect and on the following
words viz: That the said Henry M
Smith Clerk of the Circuit Court, Ephraim
B. Watkins County Clerk, the County
Judge and County Judges of the Peace,
may be summoned before this
honorable Court, and that the Peoples
most gracious writ of Injunction be
awarded him against the said
defendants, issuing out of, and
under the Seal of this honorable Court
directed to the said defendants, thereby
Commanding, enjoining and restraining
the said defendants, the said
Henry M. Smith Clerk of the Circuit Court,
the said Ephraim B. Watkins, Clerk of
the County Court, from removing their
offices, books, papers or things thereto
pertaining to Mount Airy Also that the
said County Clerk be restrained from
any other or further proceeding
in certifying Abstracts of said Deeds
the County Clerk from providing temporary
buildings at Mount Airy for the
accommodation of the County and Circuit
Courts and the various County offices,
and from holding Courts at said Mount
Airy and against any sale or dispo-
sition of the public buildings at both
Caledonia till further order in the premises

Bill of Return

Page 44 | And that the said pretended election
be declared null and void, and
upon a final hearing - the premises
fully considered, may it please
Your Honor that the Injunction
herein prayed may by order
and decree of this honorable Court
be made perpetual for and an
account of said premises, and all
such other and further relief as
the nature of your orators cause
shall demand and to equity good
conscience pertained and will
even pray it And which said
Bill, was sworn to on the 2nd day
of March A. D. 1865 by the said Heran
Bauer before Henry M. Smith Clerk of
the Circuit Court of said County
Therewith in the said E. B. Watkins
Co. Clerk. Henry M. Smith Clerk of
the Circuit Court. J. M. Dancy
a Justice. Caleb Roppmer and Hugh
Edger County Justices or the Peace
waived service or notice of the
intended application for Injunction
at the instance of the said Heran
Bauer, against Henry M. Smith
Clerk of the Circuit Court. Ephraim
B. Watkins Clerk of the County Court
of said County And the County Court,
And which said application
presents the fact that a Pre-tended
election was held on the 13th day

Rec. of Review

Page of March A. D. 1865 for and against
 45 removal of the County Seal from
 Gallena to Mountain City. Was not
 in compliance with the registry law
 of the State - by which it is claimed
 that the County Seal is removed
 to Mountain City. And insists that
 said pretended election is void -
 that apparent frauds were commi-
 tted in Mountain City and other places
 by casting illegal votes, to amount
 greater than the pretended majority
 in favor of removal to Mountain City
 And your order further reads,
 that after wards to wit. On the 25th
 day of March 1865 your orator by
 Deputys & Jurors his Pleasies, and
 the defendants by Samuel P. Wheeler
 their Pleasies appeared before your
 honor at Chambers in the Town
 of Gallena, Pope County And your
 orator moved your honor to award
 him the injunction as prayed for
 in the said Bill. The defendants
 resisted said motion and being
 considered your honor made the order
 in the following words,
 Seal of Missouri } At Chambers,
 Pope County } ordered that the
 Clerk of the Circuit Court of Lincoln
 County, give the writ of Injunction
 as prayed for in the within Bill.

Bill of Removal

pay on the complainant entering into
40 bond to the defendants in the sum
of Five thousand dollars with
William S. Hughes or William S.
Hughes as his security. Conditioned
to prosecute this ~~case~~ with effect
and without delay and to pay
all such ~~damages~~ and costs as
may accrue or shall be awarded
against the complainant in case
said injunction shall be dissolved
given under my hand and seal
this 25th day of March A. D. 1865
(Signed) Wesley Swan
Judge

See as return

That afterwards to wit on the 27th day
of March A. D. 1865 your orator filed
in the office of the Clerk of the Circuit
of Pulaski County & Dennis his certain
injunction bond with William S.
Hughes as security, in the sum of
Five thousand dollars, payable unto
Samy M. Smith Clerk of the Circuit Court,
Ophraim B. Walker, Clerk of the
County Court of said County and
to the County Court, conditioned as
required by the order of your honor
awarding the said writ of Injunction

And your orator further deposes
that afterwards to wit on the 27th day
of March A. D. 1865 a writ of Injunc-
tion issued out and under the Seal of
this honorable Court from the office of the

Page 217

Club Theory, Commandments accord-
ing to the prayer of said Bell, and
an order said trial of infidelity &
endorsed the following Service, viz,

We here want Service of this
and by reading and copy and
here acknowledge the Service Theory

- H. M. Smith Sec
- Circuit Court
- C. B. Watkins
- County Clerk
- J. M. Dancy Co. Judge
- C. Koffner Sec. S. P.
- Hugh H. Lee S. J. P.

Recd or Recd

Shut
Geo. Munnick Sheriff

Your order further states
unto your honor that at a general
election in and for the County of Adams
and State of Tennessee, held on the
Seventh day of September in the Year
of our Lord one thousand eight
hundred and sixty five, one
Henry C. Chief was duly elected
Clerk of the County Court of said
County, has been commissioned
sum and inducted into office
and as the successor of the said
Ephraim B. Watkins late County
Clerk that Alexander M. Brown
was duly elected County Judge of
said County has been commissioned
sum and inducted into office that
George W. Under and William Hamilton

1872-207

Bill of Merwin

7

were duly elected County Justices
of the Peace of said County, have
been commiffion'd, sworn and indu-
ced into office, and as successors to
the said J. M. Soudge late Co. Judge
Calist Hoffman and Hugh W. Ge-
ball County Justices of the Peace
that said Henry B. Sturtevant
has accepted the said office and
is now acting in said Capacity,
that said Alexander M. Brown
Co. Judge has accepted the position
of Co. Judge and is acting as such
that said Cadet and Hamblin
have accepted the office of County
Justices of the Peace and are acting
as such and your order further
states that he is advised and fully
truly believe the same to be true,
that the newly elected and indu-
ced officers of Henry B. Sturtevant
County Clerk, Alexander M. Brown
County Judge, George W. Cadet and Will-
iam Hamblin County Justices
of the Peace are not bound by
the proceedings aforesaid, that
Manifest wrong and injustice
may and will most likely result
to your order and the tax payers of
the said County of Pulaski under the
said and proceedings as they now
stand and appear of record in

Page
49

this honorable Court - and to prevent
which - and that the purport of
yourly be made manifest in the
premises, Your orator charges that
the said bell ought to be seized
against the said Henry B. Chief
County Clerk, Alexander M. Brown
C. J. Judge, George W. Carter and
William Hamblin County Justices
of the Peace, and their successors
in office - and that they stand
in the same condition, with respect
to the parties to the original
bell which they have succeeded
in office as their predecessors, and
do - and your orator prays that
the bell be seized against
the said Henry B. Chief County
Clerk, Alexander M. Brown C.
Judge, George W. Carter and
William Hamblin County Justices
of the Peace, and their successors
in office - and that your orator
may have the benefit of all
the former proceedings in and
under the said original bell

And your orator prays
that the said Henry B. Chief County
Clerk, Alexander M. Brown C. J.
Judge, George W. Carter and
William Hamblin County Justices
of the Peace, may answer the said

Bell or Return

Page 50 Supplemental matters herein Com-
 plained of, as well as all matters
 in said original bill contained,
 but without oath. Their oaths,
 being expressly waived and so
 that and that the said Henry
 C. Chief County Clerk, Alexander
 M. Brown County Judge and
 George M. Baker and William
 Hamilton County Justices of
 the Peace of the said County of
 Pulaski and Seal of Illinois
 be summoned & Commanded
 to And on a final hearing
 your orator prays as in his orig-
 inal Bill he hath prayed, and
 in duty bound will ever pray

Bill of Return

deponent's Oath for
the complainant

Hiram Brown a tax payer

And as said Bill of Return
is endorsed the following by

I do solemnly swear that
 all and singular the matters, alleg-
 ations, Specifications and charges
 in this Supplemental Bill of Return
 contained, and as therein charged
 are true as I verily believe

Sworn & subscribed before Hiram Brown
 me this 17th day of Sep.

Oath to Bill.

Page A. H. 1860

51

~~50~~
Henry M. Smith Clerk

And afterwards to wit
on the filing of the said Bill of
Receiv. a summons issued and
said summons & return as
follows.

Summons not to be found,
Has been lost or taken from
the files of the Court.

53 And at another day to wit: At a
circuit Court begun and held at
the Court House in Stone Mountain
in and for said County on the
20th Monday in the month of
April 1867 And on Monday the
14th day of the Term the following
proceedings were had and made
a matter of record in this cause, to-wit:

" Siram Bowen

→ J. D. Infirmiter

of
the
County
of
Pulaski
14
" Henry M. Smith Clerk of the Circuit
" Court, E. B. Watkins Clerk of the Court and
" and the County Court of Pulaski Co
" And now comes
" Alexander W. Brown, George
" W. Carter and William K. Haultsley
" who are called to answer by process
" Wm. H. O'Leary

And at another day to wit,
on Monday of the Term the follow-
ing order was made in this Cause, to-wit:

order
of
the
Court
22
" ordered that Bell be re-
" ved as prayed for in the Bill
" of Reciprocity, and be to defend and to answer

And after and to wit,
on the 15th day of April A. D. 1867
Term, the defendants and their
attorneys answer to the Bill of Reciprocity
and the said answer as follows:

30
of
the
County
of
Pulaski
" The several answers of Harry A. Mundy
" Clerk of the County Court of Pulaski County

page to the Bill of Review of the original
 524 Bill and proceedings in a certain
 suit in Chancery commenced in
 the said Pleasants County Circuit Court
 at the April Term 1865 thereof, wherein
 Heram Bauer was the complainant
 and James M. Lawrence County Judge
 Caleb Hopper and Hugh Adger
 County Judges, Ephraim B. Watkins
 County Clerk and Henry M. Smith
 Circuit Clerk were defendants,
 the defendant for answer to said
 bill of review says that the same
 and matters and things therein
 stated are true then defendant
 further answering says that the
 original answer to the original
 bill filed herein and the matters
 and things therein stated are true as
 substantiated and in fact and that
 the defendant adopt the same as
 and for his answer to said original
 bill and now prays to be discharged
 of the said bill and proceedings
 therein.

Answer to Bill of Review

And at another day to wit: on
 the 24th April 1867 the complainant
 filed his replication to said answer
 and which said replication is of
 following

Heram Bauer a tax payer of Pleasants
 Co. Va

20
 55. Henry de Smith }
 Henry de Smith }
 at the April term
 1867.

Rehauens,

Rehauens

And this Court being duly advised
 and for replication unto
 defendants answer filed herein says
 that the said answer is false, untrue,
 and insufficient in law and that
 complainant Bill and the allegations
 therein, filed herein, is true and suffi-
 cient in law as he well may and
 maintain when, and at the
 next Court shall direct wherefor
 he prays the relief sought as said
 Bill
 J. Strongly
 Clerk for the

1872-89A

Page Six after a day to call on the 11th
5th day of the term comes the plaintiff
and files his exceptions to answer
and follows up the order made
there

Hiram Bauer a tax payer



Hiram M. Smith Clerk of the Circuit Court
Hiram B. May Clerk of the County Court
Alexander M. Brown C. Clerk
John W. Carter Court Clerk of the Hon.
William L. Humboldt Court Clerk

and now again at
this day comes the the plaintiff
and files his exceptions to answer
overruled - and Case submitted to
the Court to be decided in vacation

59

Page Two at another day to act,
 57 to a circuit court upon and
 held in the Court house at Wells
 Colquhoun - a special term - on
 the 30th day of September A. D.
 1867. In on Wednesday the
 21st day of the month the following
 proceedings were had & entered of record.

- " Heron Bacon a tax payer
 - " Henry A. Smith Clerk Circuit Court
 - " Henry C. May Clerk Circuit Court,
 - " Alexander M. Brown Esq Judge
 - " George W. Butler and
 - " William Hambleton Esq. vs
- Injunction

18 " Now comes the complaint
 made by Bonny & David Wright
 " vs Heron Bacon, William L.
 " Hambleton, Alexander M. Brown,
 " and George W. Butler, entered their
 " appearance in this cause waived
 21 " to plead and consented that
 " default be entered against them,
 " and William L. Hambleton, George
 " W. Butler and Alexander M. Brown
 " being thereunto solemnly called
 " came not but made default.
 " It is therefore ordered that the original
 28 " Bill and Bill of Service be
 " taken as confessed as to them when
 30 " upon the cause was submitted to
 " the Court upon Bill, Answer & Exhibits
 " depositions and oral proofs and

- 1 being fully heard said Court
- 2 was taken under advisement,

Page 58

And at another day to wit
 At a Circuit Court began and
 held in the Court House at Stone
 Calhoun in and for said County
 on the 17th day of December in
 the year of our Lord the following
 Judgment was pronounced in
 the Cause vs

1. Heron Burr a tax payer

- " Dennis W. Smith Clerk of the Circuit Court
- " Henry C. Clutey Clerk of the County Court
- " Alexander M. Brown Judge of the County Court
- " William D. Ransdell and Joseph W. Carter
 County Justice of the Peace of Pulaski
 County Missouri

" Pet to Control & Take for an
 removal of the County Seal of Pulaski
 County Missouri

" And now comes the said
 complainant by Douglas & Dudge
 his Solicitors Whereupon comes the
 defendants by Mulder, Wheeler and
 Sloan their Solicitors, and this
 Cause came on to be heard upon
 the bill, answer, demurrer to bill,
 replication to answer, depositions
 and oral testimony and the finding
 being fully heard on account of

Answers 28

Page all and singular the pleadings
 49 and the allegations in the bill, upon
 consideration thereof the Court
 doth decree that the Cause be
 5 dismissed, as well for want of
 jurisdiction by this Court to hear
 and determine a matter of this
 nature, as well as a review of the
 11 evidence in the Cause being insuffi-
 cient to support the allegations of said
 11 bill, and the Court further decrees
 that the Complainant pay the
 costs herein, to all of which, the
 14 Complainant excepts, and as
 his motion truly says, is allowed
 Complainant within which to file
 11 Bill of Exceptions and prayes an
 18 appeal to the Supreme Court of the
 State of Illinois. And said appeal
 was allowed on Complainant
 entering into bond in the sum of five
 thousand dollars with security to
 be approved by the Clerk of this Court,
 payable to defendants, said bond to
 be filed in thirty days and to be
 11 conditioned for prosecuting appeal
 with effect and in case of failure to
 pay all costs in the Cause.

Deere

And at another day, to wit,
Jan at Rules held in the Clerk's office
60 of the said Circuit Court, on the
4th 20th day of January in the Year of
our Lord one thousand eight hun-
dred and sixty eight. Came the
Complainant by Deputy Sheriff
Mr. Adams and Lewis Bell
of Exapton and which said
Bell of Exapton is in the County
of Staw of Illinois I set
Exapton 3rd Precinct County of Staw
Court December Term A.D. 1867
Seram Drien a l'us Jans

Henry M. Smith Clerk of the Circuit Court
Henry C. Kelly Clerk of the County Court
Alexander M. Brown County Judge
William L. Hambleton and
George W. Baker County Justice of
the Peace of Precinct Number
Illinois

Pell in Chancery to Contest
Election and for Disfranchisement

But Remembered that
he filed in to wit on the 27th day of
March 1865 the said Complainant
filed in the Circuit Clerk's office
of said County his certain Bill in
Chancery to Contest Election and for
disfranchisement

And afterwards, to wit
on the 18th day of September A.D. 1866

Bill of Exapton

the said Complainant exhibited in our
Page 61 Pulaski County Circuit Court his Affidavit
Bill of Recusor and said Cause was
referred as to Henry B. Steuf Clerk
of the County Court of Pulaski County
Illinois, Alexander M. Brown Co.
Judge of said County.

William L. Hambleton and George
H. Leader County Judges of the Peace
of said County.

That on the 21st day of December
in the Year of our Lord One thousand
eight hundred and sixty seven, in
the Circuit Court of said County this
Cause was tried by the Court, and
the following is a Statement of the
Evidence in the Case.

The Complainant to maintain the
allegations in his Bill, on his part
introduced E. B. Walker, a witness;

Witness said he was County Clerk on
the 13th March 1865

The said witness was then about
being interrogated whether in said
Election the Requirement had been
regarded in said Election Whereupon
28 the defendant admitted that it had
not been complied with.

Hiram Brown the Complainant
and was produced and sworn, and
he testified that on the Evening
of the 10th day of March A.D. 1865

he went to Missouri City to examine
35 registry list, was present when polls
opened on the 13th March 1865, asked
Baxter Judge of Election for registry list,
Baxter said there was none - Samuel P.

39 Wheeler attorney for defendants asked
40 his authority, told him he had better
41 return home, that he had little business
42 there challenging votes - Wheeler and
Henry Baxter told him he would have
44 to leave, Wheeler took off his coat
and rolled up his sleeves and told
complainant, by God, he had to leave,

complainant challenged several votes
and they were refused, some challen-
ged and they were allowed to vote
upon taking oath the place of
voting was in Baxters office, School
Building, polls first opened in
front of the door afterwards changed
to window and all but the judges
& Clerks of Election driven out, there
was a plat form at window for votes
to get upon the complainant
was notified by Hunter that he
was in danger complainant was
sitting on some spread in front of
plat form or soon in which election
was held, rope thrown, plat form
knocked down complainant on it

64 Doctor Carey said Bowen must
be taken away or the election would
be lost - Bowen the complainant

Roll of Examiners

Roll of Examiners

4

Page 1 was arrested by Buckhart City Man
62 hall, by authority of Doctor Casey, the
3 Mayor, allowed himself to be taken
from the polls. About half past ten
Q. club Howell appeared to vote, vote
6 challenged, allowed to vote Howell admitted
ed he did not belong to precinct.

Baxter Judge of Election took ballot
out of Box. A large number of persons
wearing Naval uniform, appeared,
questions put "Do you belong to the
12 Mississippi Squadron" if answered
Yes, they were allowed to vote.

14 Ballot box opened by
slit being top off and not again
sealed. Complacient acquainted
at church City, there every week for
a long time prior to Election. Don't
19 think there was over 800 legal voters
then in Mound City. Think, over
21,300 votes cast were not by legal
voters. Saw men from United States

23 Hospital go to polls and vote, Mound
City was a ^{village} Military Station. Saw
25 boats surging in direction of Naval
24 fleet and to polls.

27 Steamer R.C. Wood landed
28 crew and engineers, said they had
29 voted, boat & crew from St Louis, was
30 a large boat had come to take persons
31 from Hospital to St Louis - witness
32 did not interfere to prevent them

Bill of Examinations

Bill of Examin

33 them from voting, Cad. Paulings
 34 James B. Sizerely, just returned from
 35 Confederate States Army, eded, said
 36 they were not legal voters. One Thimp
 37 voted under an assumed name,
 38 He lived in Ohio Present at that
 39 time - Complainant resided in
 40 Caladonia - Caladonia is eight miles
 41 from Mount City, Mount City was
 42 covered with water on Election day.
 43 Boats running all day to
 44 + from poles. Making some frequent
 45 vent trips in the afternoon
 46 Complainant turned over
 47 many persons with whom he
 48 was acquainted that he saw
 49 vote, thinks he knew one half the
 50 voters in Mount City. Don't know
 51 that the men from the boat voted
 52 only from hearing them say so -
 53 thinks that more than 300 men
 54 voted who were not entitled to vote,
 55 they were strangers to Complainant,
 56 knew that they did not live in Mount
 57 City, not Citizens of Mount City Present
 58 knew this from their features, and by
 59 their uniform of drab and army
 60 Complainant not acquainted
 61 with all the legal voters who voted,
 62
 63 Matthew J. Bayler, was intro
 64 duced as pal of complainant
 and he deposed that he

Page 1 was at Channahilly on Election day,
63. I had lived there nine months prior,
3 saw persons in Military and naval
4 uniform voting. Went to United
5 States Hospital in boat for persons
6 to go to polls and took Boatload
7 of Soldiers returned with him and
8 handed in papers which voting
9 took to be election tickets

10

11

William A. Hughes was
12 sworn and gave his testimony as
13 follows Has lived in County ever
14 since it has been a County, acquainted
15 with the most of the voters of Channahilly
16 City thinks that on the 13th of March
17 1865 there was not more than 300 legal
18 voters in the precinct - about 1500 resi-
19 dents in the precinct Wetmore lives
20 6 or 7 miles from Channahilly 1 1/4
21 miles from Caladonia

22

23

Doctor H. D. Reddick sworn
24 Is acquainted in Channahilly in 1865
25 dont think was over 300 legal voters,
26 never lived in Channahilly.

27

28

H. C. Mundy sworn in behalf
29 of complainant - Is County Clerk
30 poll book of 13th March 1865 produced
31 and shows 649 voters

32

Poll Book Journal 1865 shows

Per or Ex captis

33 446 votes

34

35

James M. Daudge sum on

36

part of complainant

37

Says he compared the

38

Book showing tally present of March

39

1865 with Annerley Poll 1864

40

that 210 or 230 as outside of

41

names of persons who voted

42

on Apr 1864 voted at the March

43

election 1865

44

45

Complainant introduced

46

in evidence a subpoena issued

47

from this Court by the Clerk thereof

48

for J. D. Arnold and 350 other

49

names of persons who voted

50

at said election in said County

51

present the said subpoena bears

52

date 29 June 1866, said subpoena

53

as shown from the Sheriff's

54

return thereon appears to have

55

been served on each person

56

therein named (Copy of subpoena)

57

State of Illinois set

58

On this County of the People of the

59

State of Illinois to the Sheriff of

60

said County Greeting We command

61

you that you summon J. D. Arnold,

62

W. H. Apple 2 John Alledge 3 J. W. Allen

63

4. Ed. Alford 5. M. Aiken 6. Geo. An-

64

derson 7. John Armstrong 8. Thomas

65

Anderson 9. Hugh Amner 10. S. Allen

Part of Exhibits

Subpoena

8492-247

8

Page die 11. E. A. Boyd 12. Henry Bunyon
 13. James Bates 14. P. Breuninger
 15. Robert Bennet 16. Isaac Bodden
 17. E. Boyd 18. G. Blitwick 19. M. D.
 Bogby 20. J. R. Butley 21. Walter
 Benjamin 22. T. Billings 23. G.
 Bates 24. J. Papet 25. J. A. Broad
 26. W. J. Brashear 27. Phillip Brad
 car 28. M. Bernas 29. Henry Bow
 rings 30. R. Barry 31. Jas R. Bal
 ten 32. Fred Cheler 33. Daniel Chidm
 ter 34. Fred Collins 35. J. W. Chambers 36.
 J. M. Council 37. Fred Curran 38.
 P. Kohler 39. M. Corbel 40. John
 Cummings 41. A. Churney 42. David
 Cunningham 43. N. Christianson 44.
 James Cunningham 45. P. Clancy
 46. Jas Case 47. J. M. Coules 48.
 Jerry Casey 49. Charles Crockerell 50.
 N. R. Cantine 51. T. Crosey 52. T.
 Clark 53. Jas Chappell 54. A. Cr
 owner 55. William Cattel (Cattrell)
 56. Jas Campbell 57. Mr Bolden 58.
 John Cavan 59. Mrs Couch 60.
 Jas Crawford 61. W. C. Chessney 62.
 John Coules 63. David Cooper 64.
 W. M. Coomer 65. Mr Cutler 66.
 Daniel Carr 67. D. Powers 68.
 J. B. Bollinger 69. A. A. Cady 70.
 W. L. Cornell 71. G. Duncan 72.
 Jas Graham 73. Jas Harney 74.
 E. Hozier 75. John Hall 76. W. Hay

Sublime

Roll or Examination

ner 77. Bernard Devlin 78. James
Devlin 79. James Devine 80. D. M.
Dunton 81. A. Sarche 82. John
Davis 83. W. Dean 84. J. Deyle 85.
J. Dellow 86. G. W. Dunlop 87. R.
Dellworth 88. James Donnelly 89.
M. Davis 90. Milton Deer 91. Ezra
Dunn 92. G. F. Delaney 93. W. H.
Dodd 94. G. Downey 95. James R. Dr.
all 96. B. M. Eaton 97. W. A. Olson
98. Sir Edwards 99. J. L. Esping 100.
Chou. Eldredge 101. W. B. Elrod 102. A.
Evans 103. Patrick English 104. A. Engle
105. Chas. Flecher 106. Louis Foster 107.
L. Frederick 108. M. Fry 109. H. W. Fleet
wood 110. G. B. Fitch 111. D. D. Freeman
112. G. W. Gesser 113. James Fowler
114. Jas. Fox 115. J. Hammagan 116
Henry Foster 117. Thomas Francker
118. John Funk 119. J. J. Tridder
120 James Farwell 121. J. P. Green
122. J. R. Gallaher 123. Chas. Gove
124. A. C. Gye 125 J. Golden 126.
James Graham 127. T. H. Gastell
128. H. Henge 129. Frank W. Halsear
130. Valentine Highat 131. L. A. Hars
cholder 132. B. A. Heplerode 133. Jacob
Hovler 134. Michael Kern 135.
John Hall 136. L. Hofner 137. A.
Hofner 138. J. Hawks 139. R. J. Hunt
140. A. W. Hawes 141. Richard Hill 142
L. B. Hill 143. L. H. Hill 144. G. Haus
on 145. L. H. Huran 146. D. D. Hail 147

subscribers

see a separate

Page John Adams ¹⁴⁸, G. Hercules 149, Jas
65 Hyslop 150, R. Kentleman 151, Frank
Hamer 152, John Hardwick 153, F.
Hilderbrand 154, Chas. S. Holsen 155
D. C. Hulchman 156, J. A. Jones 157
J. James 158, Louis Journer 159, J. L.
Jacobs 160, W. P. Jackson 161, Eli Jenkins
162, J. G. Jones 163, Samuel Jarvis,
164, William Jarvis 165, J. Jackson 166,
J. P. Knuch 167, Jeremiah Kano 168,
D. T. King 169, Edward Kibberny 170
Joh. Keiser 171, W. C. Kelly 172, G. H.
Knapp 173, Frederick Kibler 174, Henry
Kerner 175, Abram Knapp 176, G. Kane
177, Clark Keener 178, George Kyles 179,
Joh. de fons 180, Frank Linden 181,
Joseph Lurie 182, L. Leggel 183, J.
Lythe 184, Geo. W. Lockridge 185, J. B.
Lynch 186, J. Lindsey 187, James Lee
188, Ed. Lopez 189, W. P. Lanier 190
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Lorvint 193, George Malloy 194,
B. McCreff 195, John Moran 196,
J. McCreary 197, J. T. Moring 198
Samuel Moran 199, Mrs. Moran 200
A. McLaughlin 201, W. Mitchell 202,
G. Myers 203, J. T. Myers 204, John
McCann 205, D. T. Moran 206, M.
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McQuinn 209, Joseph Minor 210, B.
McCabe 211, J. McGreggor 212, W.
McMullen 213, M. C. Nolan 214,

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232, W. E. Overt 233, J. All 234,
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O'Brien 237, J. K. O'Farrell 238, J. O'Leary
239, J. H. Parnell 240, Benj Pearce
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247, J. B. Potts 248, John Perry 249,
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Rumrighan 254, A. C. Robertson 255, M.
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258, J. J. Ready 259, Thomas Reaney
260, John Rusick 261, Peter Rice 262,
S. Rockwell 263, Benjamin Ruffo
264, (S. Rockwell) George Reed 265
John Ripan Thomas Raper J. O. Rogers
268, John Row 269, Peter M. Row 270
John Row 271, Richard Reardon 272
Peter Ritter 273, C. W. Seward 274, Wm
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 25 Jacob Williams 26, John Weil 27, Mr
 Wallace 28 Rufus G. Wilburn 29 Will
 ael Wood 30, G. W. White 31, Mr Young
 32, Richard Young 33, J. W. Fenby 34,
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 J. Huber 42, R. P. Koller 43, Pat
 Hope 44, James Harriet 45 St Jones
 46, J. Ford 47, W. Jones 48, James
 Kinner 49, Isaac Kipp 50, and
 P. Chorrifey, et in your county

Bill of Examiners
 Subjunctive

J. O. Stuebel 215, John Stailer 216,
W. Meeker 217, L. McGee 218, Wm
Chackey 219, Wm Clinton 220, Geo S.
Chowen 221, Joseph Childs 222, A.
McLaughlin 223, Edward How 224
John Clark 225, A. McGlim 226
Jas Churchman 227, Wm Churchhead
228, Pat Murphy 229, Anthony
McDonald 230, J. Bell 231, Wm Overts
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S. Rockwell 263, Benjamin Ruffo
264, (A Rockwell) George Reed 265
John Ripan Thomas Ripan J. O. Rogers
268, John Ruv 269, Peter M. Ropf 270
John Ropf 271, Richard Rearden 272
Peter Ritter 273, C. W. Seward 274, Wm
A. Stern 275, Joseph Smith 276, P. Sny
der 277, Aug Scheilman 278, H. W.
Shields 279, John Sculler 80, Garret Schue

Subscribers

List of Subscribers

Deli of Examin. Subpoena

of in your County to be and appear
before the Circuit Court of said County
on the 3d day of the term thereof to
be holden in the Court House at
N. Caladonia in and for said
County on the second Monday
in the month of September next
to testify and the truth to speak
in behalf of H. Bower a tax
payer in a certain cause pen-
ding in said Court in Chancery
wherein said Hiram Bower is the
Complainant and Hermit Smith
Clerk of the Circuit Court, G. B. Wall
Clerk of the County Court and
the County Court of said County are
the defendants in a matter of
Contested Election and in this
they are not to fail under ex-
penalty of the Law and have
you then and then this seal

Witness H. H. Smith Clerk
of said Court and the
Seal thereof at office
in North Caladonia this
fourth day of A. D. 1866

Henry H. Smith Clerk

(Seal)

" and upon which said subpoena
" was endorsed the following Return viz.
" 64/1 Served this writ by reading the same
" to the within named James Devine John
" Curran, C. Horner, James R. Serrell,

Return on Subpoena
2-47-2-57

Page 11 B. H. Sepelrod, Geo Leffler, J. C.
67 " Watson and M. D. Bagby, all
" the other parties named within
" not found.

Geo. Mammock Sheriff

Services \$4.00
Chm. 56 m 2.80
Ret 10
\$6.90

George Chennock Sheriff

11 was introduced says he endeavored
to find the persons mentioned in
subpoena above mentioned, called
on George Chief Post Master at
Manna City for information relative
to the same

See on Examinations

18 Joseph Nelson was introduced
19 in behalf of complainant who
20 deposed that he passed the towing
21 place at Chumma City at 12 o'clock
22 day of Election. Saw boat with
23 10 or 12 men in naval uniform with
24 officers, sailors. One or two he knew
25 to be Naval Boat Block Hawk, they
26 all went up to polls but one, and
27 he said he was not a Celestian and
28 would not tell. He also said others
29 of the same party lived in Chew York
30 village was about 50 feet from place
31 of voting saw them go to window

and put papers in at sundae.
Witness did not vote, One Daniel Chi-
chester ^{whose} name is on the list came
to Concord City to work 3 June 1864.

Witness did not vote to present
difficultly, but was not afraid.
Whitchester said he came from
Louisiana, never saw him there.

The complainant offered in
Quadrant Alphabetical List of the
names of persons who voted in said
election, which was admitted to
be correct and is as follows viz,

A Copy of the List of voters
voting at Concord City presented at
the station New Church 1864 1865

- 17 Snawson A. J. Sutherland A.
- Allen J. R. Arnold G. D. Apple W.
- A. Albrecht John. Allen J. R.
- Arthur Ed. Aiken W. Anderson
- W. Armstrong John, Anderson
- Thomas, Arthur Hugh, Alexan-
- der C. C. Aberdie J. Burgham
- A. C. Boag E. A. Burkhead C.
- Bundschuh Jacob, Burkhead N.
- Coote J. Burns W. N. (Surrey)
- Bunyan Henry, Burgham John
- Boswell W. B. Bowen A. Brown
- J. J. Bales James, Bremminger
- J. Bennett Robert, Barbs N. Rod
- Riv. Isa, Bolinger J. N. Boyce
- E. Brown H. J. Bluburn C.
- Payley M. A. Bulmer J. B. Browne

Bell of Exeter

Page 69

Rec of Examin

Gas. Benjamin Walter, Bean S. D.
 Bellinger A. G., Bellinger T. Bear Judd,
 Bates G. Bapit D. (sum) Broad
 J. A. Brahm d. Brashear M. G.
 Baker J. R. Brashear Phileas
 Brauer N. G. Bunas M. Basset
 Kemp. Bermy G. W. Berny John
 Browning Henry. Barry R. Batten
 Gas R. Battenmuth Gas. Brown
 Geo R. Carter H. G. Brandall J. B.
 Clawson G. Cummins, D. Chapm
 an. Perry. Casey C. R. Wheeler Fred.
 Cadys H. A. Chickster Saul.
 Carter L. M. Collins Fred (sum)
 Carter G. W. Cogdall J. M. Chambers
 J. W. (sum), Council J. W. Curran C.
 Curran Fred. Copley H. S. Cum
 ingham W. Cummins P. Cohen
 P. Craig W. Colbert M. Clark S. H.
 Campbell W. B. Cummings John
 Carrico T. G. Chaney L. (sum)
 Crocker William, Cunningham David
 Carter J. W. Christianson H. Coffe
 L. Cunningham Gas. Clancy
 P. Casu Gas. Coates J. M. Casey
 Jerry. Carroll Judd. Cochran
 Ohio. Cantine H. R. Crosey D. Carrod
 Gas. Cole J. Clark T. Chappell Gas.
 Ammer S. Clark James. Catlett W.
 Craycraft Wm. Clonen Gas. Campbell
 Gas. Collier Wm. Curtis James,
 Cowan John. Couch Wm. D. Crawford

+8

Day Leeb C. B. Freeman D. D. Ferrer G. W.
 70. Hooper A. Hair J. A. Fowler James
 Hallahan G. Fox Jas. Ferguson
 B. N. Lane Stewart, Tetter G. W.
 Hammagan S. (sum) Tripanga G. S.
 Tripanga R. Lord M. Fitzgerald J.
 Fitzgerald Mr. Gater Kemp. Granden
 Thomas. Hunt Junr, Fiddler J. G.
 Harrell James, Hadick Chas.
 Gregg Geo. P. Griffin David.
 Gruidie James, Gullinan S. Green
 J. P. Griffin Mrs. Graham Sam
 uel. Gould C. H. Sum, George
 Jos H. Gallaher J. R. Goue
 Chas. Gilkey J. Geo A. C. Good
 Cal Jos. Golden J. Graham
 James, Goldsmith R. Greatman
 Mingo. Gaskell V. H. Querting
 H. Hooper E. H. Howard G. Hunt
 Mr. Hough R. Wallerburgh Sugar
 bus S. Hattled Frank W. Harney
 Joseph, Huber P. Hollar R. P.
 Hignot Valentin. Harscholder
 S. A. Sum, Horen J. W. Harris
 D. D. Heselrode B. F. (sum), Howler
 Jacob, Heim Michael. Hensford
 B. Harlough C. S. Harris W. P.
 Howard H. R. Hiner S. Hall
 Jam. Hatner S. Hatner A.
 Halper Matthew. Hancock James.
 Hayden J. A. Hawk J. Holmes
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 Wilson B. A. Whitaker W. Wagner
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 ler W. J. Welch Geo. West John, Walker
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 York H. M. Young W. R. Young W.
 Young Richard.

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The depositions of H. C. Mundy Co. Clerk
 E. B. Walkers ex Co Clerk. Timothy Boothe
 H. L. Howard City Clerk of the City of Kansas
 City, W. Burkhard, C. G. Kirk Judge of
 Election, W. P. Harris Judge of Election,
 P. O. Donnell, Geo. E. Lumsberry also
 the deposition of George Terry the dep
 osition of T. B. Echols & the deposition
 of George W. Taylor, were read in
 evidence in behalf of complainant
 and without objection and was consid
 ered by the Court

The deposition of H. C. Mundy Co Clerk is
 as follows to

Interrogatory 7th See you the
 Clerk of the County Court of Prewitt
 County Kansas

Answer, Yes Sir.

Interrogatory 2^d. Will you examine
 this writing (whereupon a document
 purporting to be the Poll Book of an
 election, held at Anna Tech, on the 18th
 day of March A. D. 1865 was presented
 to said H. C. Mundy and he was asked
 if he could identify the said document
 as being the Poll Book of said Election
 held as aforesaid.

Answer. I have never seen
 it before since or before the Election

The deposition of E. B. Walkers ex Co Clerk
 is as follows

Interrogatory 1st Mr Walkers were you
 the Clerk of the County Court on the 13th day
 of March A. D. 1865?

Answer. I was.

Bill of Exceptions

Page 74 Interrogatory 2^d - You will examine this writing
 Whereupon a document purporting
 to be the poll book and returns of an election
 held at or near to in said county on the
 13th day of March A. D. 1865 was presented
 to said O. B. Watkins, and he was asked
 if he could identify the said document
 as being the poll book and returns of
 said election held as aforesaid

Answer - My impression is that it
 was the copy that was returned

Q^d - What do you mean by saying that
 it is a copy that which was returned to
 you

All questions

Ans. I understand that an
 election return embraces a schedule of the
 electors the same being one of the poll books
 kept by the Judges of election together with
 a tally list and certificate, as required
 by law My impression is that this writing
 as handed to me is the schedule of elec-
 tion

4th Was there a regular list of electors
 accompanying said Poll

Answer - There was not.

5th How long were you Clerk of the County
 Court prior to the 13th March 1865

Answer - Something over three years.

6th Had Pulaski County at any time during your administration adopted township organization laws

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Answer. I don't think it had,

7th You will examine this writing ^(in connection with a writing) purporting to be a copy of a list of voters voting at Mountain City Precinct 18th March 1865 was presented to Squire E. B. Falkner and he was asked to compare it with the original list of voters voting in and at said election held as aforesaid and say whether the same is a list of the names of persons written on said poll book, in which said writing is marked exhibit number one,

Answer. It appears to be admitted by the attorneys for the defendants to be a correct copy of the names as they appear on poll book aforesaid

8th In the sixth interrogatory I asked you if Pulaski County had at any time during your administration as County Clerk adopted township organization laws - you will now answer whether any part thereof had adopted township organization?

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Answer. I think not.

9th Whilst you were Clerk of the County Court of said County were you prior

Page 75 to March 1865 or at any time during
said month, furnished with forms
and instructions for carrying
into effect the registry law?
Answer. No.

Crop Examination

1st Have you since March 1865
been furnished with any forms
provided for by the registry law?
Answer - Yes.

2d At what time or times?
Answer. About the first of
October 1865

3d Where has the poll book returned
from the County Clerk's account of
the election held on the 13th day of
March 1865 been since that time,
and if in any other hands than
yours - State who has had possession
or of it and for what length of
time?

Answer. The poll book referred
to was in my office as Clerk of the
County Court until after the canvass
of the polls of said election had
been made, and for some time
thereafter, when they were procured
by James M. Saege and I sent
remember of his returning them
to me at all.

Bill of Examinations

Re. direct

1. For what purpose did the Saeed
James M. Saady procure from
you the said poll book?
Answer - I don't know.

2. Do you remember after the canvass
of the polls after election held the
18th of March 1865 of J. M. Saady
calling on you, asking a loan
from you of the poll books of said
station and also of the poll book of
the station held in December 1864 for
the purpose as he said of instituting
a comparison of the said books, pre-
paratory to bringing this case?

Answer. I know that James
M. Saady represented to me at the time
above referred to that he wanted said
poll books to be used in instituting
the suit of control of the election held
on the 18th of March 1865. as to the
question of the removal of the County
Seal - or something to that effect, for
what specific purpose he procured
them, I do not know.

18P Deposition of Timothy Boothe
as follows

Q. Where do you reside and how long
have you resided at your present
place of abode?

Ans. In Mount Airy, I came there
or about 9 or 10 years ago.

Page 76. 2d.

Mr. Booth. I read from a correct copy of the names, as they appear upon the poll book, of the election held March 13th 1865 returned from Hannibal City Precinct so admitted by Messrs. Chalkley & Wheeler attorneys for defendants. You will please state the names as they are read to you of all such persons with whom you have a personal acquaintance, and who has resided in the State of Illinois twelve months immediately prior to the 13th of March A.D. 1865 and whose residence on said 13th day of March 1865 was in Hannibal City, Pleasanti County, Illinois. When on the reading of said list was commenced, and the said witness depared to the following names:

C. Burkhead, Joseph Bundschuh, N. Burkhead, T. Booth, W. A. Burns, John Bingham, D. Bourne, J. D. Bear, John Berry, Joseph Butterworth, George R. Brown, W. G. Taylor, J. B. Brandau, G. Clauson, S. Cummings, Benjamin Chapman, N. R. Carey, L. M. Carter, G. W. Taylor, C. Curran, H. L. Copley, W. Cunningham, P. Cummings, W. Craig, J. H. Clark, M. B. Campbell, John

List of Captives

Cummings, J. J. Carrico, William
 Crockett, J. W. Carter, Jacob Carroll
 James Carroll, J. Cole, J. Clark, Will
 iam Dougherty, C. Dunham, D. C. Doug
 herty, John Dushinger, R. Dolan
 Bernard Devlin, J. M. Cogdall, C.
 Duncan, A. J. Dougherty, J. McLaughlin
 John Donigan, A. Darchie, James
 Devlin, George Dimer, James Dime,
 J. W. Davis, Pat Dow, James R. Drall,
 J. J. Eptine, A. Epple, Henry Elder
 Crest Crests, J. R. Emme, W. E. Florida
 Patrick English, John Frigaya, W.
 Fred del, J. W. Henley, J. W. Hailer,
 B. Fletcher, C. D. Felch, A. Francis
 A. A. Fair, P. A. Ferguson, Stewart
 Fero, C. W. Feller, J. S. Friganga, R.
 Friganga, M. Ford, J. S. Fitzgerold,
 William Fitzgerold, George A. Gregg,
 David Griffin, James Grundy, A.
 Guttman, Thomas Griffin, J. Gilkey
 Joseph Goodloe, H. Goldsmith, G.
 Howard, W. M. Hunt, August A. Haller
 Bur f, Joseph Harby, B. A. Hendrick
 John B. Henry, G. S. Harbough, D. Haines
 Matthew Halpin, F. A. Harpden, James
 Hornes, Michael Highland, R. C. Harms,
 G. Harrow, E. L. Hunter, J. A. Jones, J. H.
 Jones, Charles E. Johnson, Thomas A.
 Kirk, David Kief, P. M. Kelly, E. G. Kirk
 Allen Keifer, David Lee, J. Lindsay,
 A. Lutz, Geo. E. Lounsberry, James
 Lovell, P. Lynch, F. M. Little, Edward

List of Captains

Page 77 Lawler, S. Linsey, T. L. Lamb,
 Geo. Mery, J. W. Morris, L. Dickman
 G. G. Morris, G. F. Meyer, S. J. McElma
 ney, C. Miller, J. Murphy, J. B. Me-
 leum, J. M. Meckham, John McLean
 L. W. Manahan, B. McCabe, M. D.
 Mudgett, M. Merringer, J. B. H.
 Motte, C. Murringer, J. B. Motte
 H. B. Mott, J. A. C. Moberg, T. Mahoney
 Pat Murphy, O. A. Moberg, L. F. Moberg
 R. P. Owens, P. O'Donnell, L. P. Owens
 J. B. O'Gier, James O'Neal, R. C. Phillips
 H. S. Price, Benjamin Peard, A. Peas-
 ley, David Powers, W. H. Rasnick, A.
 Pottel, Peter Ratter, James Rouse, J. F.
 Rouse, P. Roach, A. C. Robinson,
 M. Reynolds, Richard Reardon
 J. J. Smirler, James Sullivan, S. P. Steele
 P. Smith, N. Spencer, George Sloty,
 P. Steele, F. Sherman, J. Schuler, C. E.
 Steeler, R. H. Stevens, P. Sullivan
 Jacob Schuler, W. G. Stockton, George
 Stockton, George Schuler, John Schuler
 James Sheridan, George Steeler, F. H.
 Sorell, Levi Temple, John Thawbart
 Patrick Canilins, James Shepherdson,
 M. Sullivan, C. A. Teoll, Michael
 Thatteny, John S. Tople, John A.
 Cogle, Fred Boger, S. P. Wheeler, W.
 Metzger, R. Wilson, J. E. White, Robert
 Wilson, H. W. Wright, J. A. Traugh,
 Jonathan White, Pat Wall, Robert Woods,
 W. J. Waters, William Wallace, M. Young
 M. Graycraft, James Clonan, John Caley,
 A. Crump, Michael Caeting, Charles

Hansen, James Henry, D. Hossier
T. P. Hambleton,

3^d How long prior to the 13th day of March 1865 have the persons mentioned by you resided in said Municipal Precinct, Sumner. I do not think there is a man mentioned by me but who has resided there two or three years,

4th State whether any other person named in your answers to any previous question, were soldiers, seamen or marines in any Army or Navy of the United States, stationed at Mound City at the time of casting their votes? Sumner. No,

Crop Examined.

1st. State in what business you are and have been engaged during your residence in Mound City?

Sumner. I have been a Contractor on Public Works.

2^d. Are you familiar and acquainted with the Christian names of the Citizens of Mound City to any considerable extent?

Sumner. No Sir, I am not,

3^d. Are you not acquainted with many persons in Mound City who are old Citizens whose Christian names you do not know?

Sumner. A great many.

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Do you not recognize many names
on the list which has been sent to
you of men in connection with whom
you are unable to positively identify
by reason of your non familiarity
with their Christian names,

Answer - Yes Sir, There is several
names

Q. Take for instance W. P. Harris and
D. D. Harris, are you not satisfied
in your own mind what persons
are referred to and are you ready
to swear that you know them by their
initials, and do you know of any
other men by the name of Harris, living
in connection with whom you have
in mind?

Answer - I know one of them but not
by his initials. I know of no other
persons by that name.

Re. direct

you will swear whether persons
in connection are not as well
known to you by the initials of
their Christian names as they are
by their entire Christian name,

Answer - I do not know them by their
initials, some of them I might know

but where there is there that I know
there is ten that I do not know.

I know them better by their
surnames.

2^d Have you not on your exams
often in sleep recognized many
persons by the initial letters of
their Christian names, their sur-
name being given. As for exam-
ple would you not as readily recognize
George W. Carter by his initials G. W.
Carter as you would by his entire
name?

Answer I could not do so for I
hear his name often. There is others
I could not.

50 Deposition of H. R. Howard of

Q^d Where do you reside and how long
have you resided at your present
place of abode, and what is
your occupation?

Answer

In Kansas City, I have resided at
my home since 1859 but during
that time have been absent in the
Army, Occupation Editor & Publishing
a Newspaper.

25 How long have you resided
Page 79. in Mount City immediately prece-
ding the 13th of March 1865?

Answer - Have been here from
the Army, about nine months.

3 I have before me and will read
from it a correct Copy of the Names
as they appear upon the poll Book,
of the Election held on the 13th of March
1865 returned from Mount City Precinct
- State whether you are acquainted
with A. J. Anderson?

Answer - I am.

4th Where has he resided 15 months
immediately preceding the 13th day
of March 1865, and when the last
thirty days preceding the 13th day
of March 1865, if in a City, his resi-
dence by the number of his dwelling
or number and the name of
the street or other location of his
dwelling place?

Answer - I believe he has
resided in Mount City. Cannot
say positive, or give number of dwel-
ling or street - believe him to be
a legal voter of Mount City Precinct

5th State of your own knowledge
whether you know him to be a qual-

ified. Steeler of Mount St. Vincent,
 — Answer — I do not.

6th Are you acquainted with A.
 Sudler?

— Answer — I am.

7th His residence for the last 12
 months?

— Answer — Mount St. Vincent
 I believe.

8th The number of his dwelling
 of number and the street
 on which he resides.

— Answer — I do not know.

9th Are you acquainted with
 J. W. Allen?

— Answer — I am.

10th Are you acquainted with
 W. H. Apple?

— Answer — I am not.

11th Are you acquainted with
 John Alledge?

— Answer — I am not.

12th Are you acquainted with
 A. W. Allen?

— Answer — I am not.

13th Are you acquainted with Ed

Page 80. Alfred

Answer - I am not.

14th Are you acquainted with
M. Scher?[?]

Answer - I am not.

15th Are you acquainted with
G. Anderson?[?]

Answer - I am not.

16th Are you acquainted with John
Armstrong?[?]

Answer - I am not.

17th Are you acquainted with Thomas
Anderson, Hugh Arner, G. B. Alex-
ander & D. Stedie?[?]

Answer -

I am acquainted with Alexander,
only.

18th Where has Ed. Alford or Alexander
resided 12 months preceding the
13th of March 1865

Answer - I do not know positively,
but believe in Channah Valley, Missouri.

19th Are you acquainted with J. S. Am-
old?[?]

Answer - I am not.

20th I enclose you with a list, containing the names of persons, voting at Monmouth, New Jersey at the election held on the 13th of March 1865, Look under letter "B" in said list and give the names of all the persons with whom you are personally acquainted?

— Answer — A. C. Burfover, C. Burkhard, J. B. Bardschub, J. Booth, John Burgham, W. B. Bosworth, D. Bowers, J. R. Bolinger, James Brown, S. D. Bean, A. J. Billings, G. W. Birney, Lewis Boring, Joseph Battenworth.

21st When have said persons resided 12 months immediately preceding the 13th day of March 1865 and when the last 30 days preceding the time last mentioned, and if in a city, then give name of the number of their dwelling or numbers and the name of the street or other location of their dwelling place, or any of them?

— Answer — I don't know where they have resided, but believe in Monmouth, neither am I particular of the exact location of any of their residences.

22nd Can you name the location of the dwelling or Street on which any

List of Examiners

Page 81 } of them resided the last 30 days preceding
the 13th of March 1865?

Answer - I could not tell
positively the exact location of any of
their residences

23^d Look under letter "C" in said
list and state the names of all said
persons as are personally known
to you?

Answer - D. B. Crandall,
G. Clauson, Benjamin Chapman, M.
Carey, H. A. Cady, Daniel Chichester,
L. M. Carter, G. W. Carter, J. M. Cogdell,
J. W. Council, C. Curren, P. Cumming,
W. Crueger, J. H. Clark, W. B. Campbell,
J. J. Carrico, J. Chaney, William Crutcher,
J. W. Carter, Joseph Carroll, J. Hall James
Kennon, J. R. Caudle, W. L. Cornell.

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24th When have said persons resided
12 months immediately preceding
the 13th day of March 1865 and when
the last 30 days preceding said time
and if in a city, town, or their residence,
or dwelling, if number, the number
and the street or other location of
their dwelling?

Answer - I don't know
but believe in Mount St. Precious
I don't know the exact location
of any of their residences but think

that W. R. Leary, lived on 5th Street, G. W. Carter on Commercial Avenue, and J. H. Blair on Commercial Avenue,

25th look under letter 'D' of said list and give the names of all such persons with whom you are personally acquainted - but give the name of none who have not resided in the State of Illinois 12 months immediately preceding the 13 day of March 1865 and whose residence you are now enabled to designate by the number of dwell-
ing or numbered, and the Street or other location of the dwelling?

Answer - By the wording or formation of the question I believe I could not answer it correctly, I have already stated that I was absent from the State in the Army, and only returned to approximately Illinois, about 9th month preceding the 13th of March 1865 and do not know of my own knowledge who were citizens of the State of Illinois, residing at said date, for our years preceding said date,

I do not state of any of the persons whose names are written under the letter 'D' on said list or the names of the persons mentioned in your answer to any previous question, were inhabitants of the State of Illinois, on the 14 day of

Roll of Exemption

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Page 82. April a. D. 1848,

— Answer — I do not know
that any of them were.

27th Look under Teller E. of said
list and give the names, of all
such persons with whom you are
personally acquainted - but give the
name of none who have not resided
in the State of Illinois 12 months con-
tinuously preceding the 13th day of March
1845 and whose residence was in
Illinois fully 30 days last preceding
said 13th day of March 1845 and
whose residence at that time you are
now enabled to designate by the
number of the dwelling - if numbered,
and the street or other location of the
dwelling,

— Answer — My answer
is the same as to interrogatory
No. 25.

28 — Now any of the persons, nam-
ed in your answer to the last
interrogatory inhabitants of the
State of Illinois on the 14th of
April 1845 - if you name them?

— Answer — I name no person
or persons in my last answer,

29th Look under Teller F. G. H. I.

copy of examine

J. H. L. M. or O. P. or N. S. T. W.
 W. M. Y. Y. of said title and
 give the names of all persons,
 with whom you are acquainted
 but give the name of none who
 have not resided in the State of
 Illinois 12 months, preceding
 the 13th day of March 1865 and
 whose residence was in Illinois,
 60 days last preceding said
 time and whose residence at
 that time you are now enabled
 to designate by the number of the
 dwelling or numbered and
 the name of the street or other loca-
 tion of the dwelling,

Answer - My Answer is,
 the same as to interrogatory 25 with
 the exception of the name of H. K. H.
 and whose residence was in this
 State of Illinois 12 months imme-
 diately preceding the 13th day of
 March 1865 and whose residence
 was in Illinois 60 days
 last preceding said time whose
 residence was in Illinois at some
 locality.

30th Examine the list of soldiers, Carpenters
 and Seal the names of all such
 persons therein written who were
 on the 13th day of March 1865, Soldiers,
 Seamen or Marines, in the Army

Page or Copy of the United States,
 83
 Sumner J. R. Bolinger
 Hospital Steward U.S.A. when family
 resided in Alexandria and who I
 believe to have been a legal tutor
 at said election, W.D. Cornell, I believe
 was in the service of the U.S. that on
 all that I see, there may be one or
 two that I have overlooked.

Bill of Examin

3rd - Were you present at the polls,
 of Alexandria held at any time
 at the election held 13th of March
 1865 - if so - what length of time were
 you present - and did you observe
 the voting and proceeded and
 whether or not hundreds of challen-
 ges were not made that were disre-
 garded by the persons conducting
 the election - and were not hun-
 dred who admitted themselves
 that they belonged to the Mississippi
 Squadron permitted to vote or not
 at said election

- Sumner - I was present
 at the polls of said election in the
 capacity of one of its clerks, obser-
 ved the voting at said election
 only so far as duty required of me
 as one of the clerks, and at present,
 do not remember of the judges
 disregarding a single challenge

to the last I say emphatically, No, not
in my hearing so far as my
memory now serves me

32^d Do you remember or Heran
Boer, being present at said poll
and do you not remember of his
making many challenges in the
presence of the board conducting the
election?

Answer - I remember of Her
an Boer, being at the poll some
dry times, during the day and
remember him challenging a
few votes, Could not ^{name} remember the
persons, nor do not remember any
of the circumstances, connected with
said challenges, but so far as my
memory serves me, believe none of
his challenges were disregarded.

33 It is said - on persons offering
to vote - the "Question" Sir you of the
Mississippi Squadron, or do you
belong to the Mississippi Squadron?
was frequently propounded by the
Judges of the election to the persons
offering to vote, which being answered
in the affirmative the response by
the Judges was, You are entitled to vote

Answer - I could not say
positively that I heard any such
questions propounded or answered

Bill of Examin

Page 84 } Such means have been the case,
 but as I paid little or no attention
 to any thing aside from recording
 the names as called off by the
 Judge, I am not prepared to answer
 positively anything concerning it.

84 - Were not the Soldiers in the Hospital
 at Okanah Cely and the Marines,
 belonging to the Gun Boats, stationed
 there, permitted to vote at said election
 and if so, the number so voting as
 nearly so as you can determine?

Answer - Of my own knowl-
 edge I do not know any soldiers, except
 those above named voting at said elec-
 tion. Do not know whether the Marines
 belonging to the Gun Boats, were
 permitted to vote or not at said election.

85 - Did you observe the Care and
 Custody of the Ballot Box of said
 election. Who kept it? Whether it was
 kept sealed or unsealed, locked or
 unlocked during said day and
 whether it was not frequently open-
 ed during said day of election,
 and adjournment, of the Board
 of election made during the day,
 and before the closing of the Polls in
 the evening. And whether at the
 closing of the said Polls, the result

Ball of Election

of said election was publically announced by a judge or clerk of said district.

Answer - I did not observe particularly in whose care or custody the ballot box was placed, but believe it was kept on a table or under the eyes of the 3 judges. When the polls opened the ballot box was sealed but during the day became unsealed. Do not remember the cause think it was not frequently opened while the polls were open. Do not remember of a single advertisement from the time the polls were opened in the morning till the final closing in the evening.

Do not remember whether the result was publically announced or not. My impression is that it was not.

Ballot Examination

36 At what hour or place in Monroe City were said polls opened and the said election conducted

Answer - It goes by the name of depot Building, headed off by Batters, by W. Batters, officer, George Batters, John Batters and several other names which are unnecessary for me to particularize.

37 Has the said Building a platform on either side of it?

28492-52

Answer - It had.

38 You will now describe the proximity of
page the flat form with the room in which
85 the election was held

Answer - It ran parallel with
with the room and about 8 feet below
said room in front of it.

39 - Were not persons suffered and
permitted to bring barrels of Beer, or
said flat form on said day of said
election, and during the hours of
of said election and their Publicly des-
pote of the same to the polls, as they
would pass in and out from said
polls, and were there not many
drunken men and much disorder
occurred thereby and do you not
believe it had an influence in and
about the election, and you will
please state how far these barrels
of beer were stationed from the
place at which the voting was going
on, and whether it was with the know-
ledge of the Judge, of said election,
and whether any measures were
taken by them in order to prevent the
removing or giving away of said
Beer and to prevent the said disorder
in and about the polls

Bar of Exception

Answer - Do not know of
my own knowledge. So far as I recoll-
ect, a single barrel of beer, was on

Said that from on said day did see
 some men I supposed had been drinking
 do not know when they got their liqu-
 or. Seen some men drinking what I
 supposed to be beer on the platform
 do not know that it was beer.

Crop Examined - You speak
 of Tolers being challenged by one Herman
 Buer. Please state whether or not
 he was at that time a voter, entitled
 to vote at Chumataky and whether or
 not he resided at any other place at that
 time - if so - where?

Answer - I think he was not
 entitled to vote at Chumataky and
 believe he resided at Calamonia,

Q. Did not said Buer proceed to chal-
 lenge Tolers known to the judges of elec-
 tion to be qualified to vote

Answer - I do not remember.
 Q. You say the Ballot Box was
 not frequently opened during the
 day. I wish you to state whether it
 was out of the custody or from under
 the eye of the judges of the election
 from the time the polls were opened
 in the morning until the votes were
 counted

Answer - I think it was not,

Page Deposition of Ordeus deimus Burkhard
86

1st When do you recede and how long
have you resided at your present place
of abode and what has been your
pursuit and occupation during your
residence there?

— Answer— Mound City, Have lived
there between nine and ten years off
and on I followed the Carpenters
business.

2^d Have you not been the Marshall
of Mound City

— Answer— I have been Mar-
shall of Mound City.

3— How long immediately preceding
the 13th day of March 1865 have you
resided in Mound City

Answer— I lived there 2 or 3
years prior to the election March 13, 1865

4th Is you acquainted with the Citizens
and inhabitants of Mound City a
limited or general one?

Answer— Limited

5th Are you not acquainted person-
ally or by reputation with the white
inhabitants of Mound City who have
resided at said Mound City any year

were preceding the 13th day of March 1865?

— Answer — I am acquainted with a good many of them.

Q. Now the names of the white male inhabitants of Abounda being mentioned in your presence. Could you readily determine and describe them with their place of abode, designating the name of the street on which they reside or other location of their dwelling. I mean such persons as you have been acquainted with for more than one year preceding the 13th day of March 1865.

— Answer — I could tell where some of them live, some of them I could not.

Q. I read from the list marked exhibit No. 1. Said to contain the names as they appear on the Poll Book at an election held on the 13th day of March 1865. Returned from Miami City. I will send the names written under letter 'D' in said list - and as I send you will designate the persons of your acquaintance. But in designating the names (not ranking the names of persons who had not resided 12 months immediately preceding the 13th day of March 1865

Page on the Scale of Dennis and the last
87 30 days preceding said election 13th
March 1865 in Mount City, giving of his
residence by the number of numbers and
the name of the street, or other location
of his dwelling place

Bill of Rapier

Answer - A. J. Anderson
I am acquainted with him, he lives
I think between high & diamond street,
on the Rail Road - A. Anderson. I am
acquainted with him, he lives on high
street close to the Rail Road, J. N. Allen
I know a Dr J. N. Allen and knew
him some time previous to the election
his office was on Main Street on
the South Side of the Rail Road, John
Armstrong. I knew a man by that
name. I think he lived on 5th Street
I am not positive as to this man, A. C.
Burgoin. I knew him, he lived on
first street, C. Burkhard. I know him
he lives between Main and Pearl Streets.
Jacob Burdick. I know him
he lives on Main Street between Walnut
and Mount City Rail Road, J. Booth
I know him, he lives between
Main and Pearl Streets, W. H. Burns
I know Burns a Plasterer, I think
this Burns lives near Hambleton
buildings - John Burmann. I know
ed him, he lived between Poplar and
Walnut I think on Second Street

Roll of Baptists

A. Busby, I know him I could not
 tell exactly where he lives - James
 Brown, I think I knowed a man
 by that name, he lived on Walnut
 Street near Second - Jacob Bear, I
 know him, he lived on Pearl Street,
 at that time not far from the Meth-
 odist Church - John Berry, I know
 him, he lives on Third Street I think,
 H. G. Carter, I know him, I think
 he lived on Commercial Avenue
 at that time, J. P. Grandall, I
 know him, he lives on Main
 Street - Ben. Chapman I know
 him, he lived on 14th Street, N. R.
 Carey, I know him, he lives on
 3rd Street I think, Daniel Chisholm,
 I know him, he was a fisherman
 I could not tell where he lived, L. M.
 Carter, I know him, he lived on
 Commercial Avenue at that time
 G. W. Carter, I know him, he lives on
 Commercial Avenue - J. M. Coffdale,
 I know him, he lives on Commercial
 Avenue - C. Curran I know him
 he lives on Main Street, H. D. Copley
 I knowed him, he lived Colton to Mel-
 bers Rail Road, W. Craig, I know
 him he lived at that time I think
 on 14th Street I am not positive, T. H.
 Clark I know him, he lives on
 Commercial Avenue, W. B. Campbell
 I know him, he lives on Commercial

Page Avenue - J. J. Carasco, I know
 88 him, he lived on Main Street
 at that time - A. Shaney, I know
 him, I think he lived at that
 time on Pearl Street - Mr. Crowell
 I know him, he lived on Poplar
 Street - J. M. Gader, I know him, he
 lived on Commercial Avenue
 J. M. Coates, I know him, I think he
 lived on 1st Street - Frank Carroll
 I know him, he lived on 3rd Street at that time
 James Clark, I know him, I do
 not know exactly where he lived
 Mr. Graycroft, I know him,
 he lived some where in the upper
 part of the town - J. M. Carberry, I
 know him, he lived on Main
 Street at that time - A. Crumb
 I know him, he lived on Main
 Street - Mr. Dougherty, I know him,
 he lived on 1st Street - L. H. DePrender
 I know him, he lived above the
 Foundary Somewhere, John Deib
 anger, I know him, he lives on
 Pearl Street, Bernard Devlin
 I know him, but do not know
 where he lived, A. J. Dougherty I
 know him, he lives on 1st Street
 I think, John Dwyer I know
 him, he lived on Poplar Street at
 that time, James Devine, I know him

he lived on First Street I believe
 at that time - J. W. Davis. I know him
 he lived at the Commodore Hotel at
 that time, S. M. Palmer. I know him
 I do not know where he lived at that
 time, J. J. Epstein. I know him. he
 lived on Main Street, F. Apple. I know
 him, he lived on Walnut Street, Henry
 Allen. I know him, he lived on Main
 Street, Great Crests, I know him,
 he lived on High Street - A. Egan
 I know him, he lived on First Street.
 W. A. Olson, I know him I could
 not tell exactly where he lived, he
 staid at some 2 or 3 different
 places - J. R. Emser I know him
 he lived between Main & Pearl - Patrick
 English. I know him he lived on
 Pearl Street - John Triganga, I know
 him I think he lived somewhere
 on Third Street, I would not be positive,
 all. Truett. I know him he lives
 on High Street - J. W. Torrey I know
 him he lived on Commercial Street
 - J. W. Foster I know him I
 think he lived on 1st Street - A. Tonger
 he lives on Main Street I know
 him - A. A. Fair I know him he lives
 on Main Street, G. Tallaker. I know
 him he lived close by the Hambletons
 buildings - R. Triganga I know
 him I think he lives on 3rd Street
 William Tolgavel I know him, he

Roll of Examiners

Page on Main Street - David Griffin I know
 89 him, he lives below Hambleton Mill -
 A. Guttman I know him, he lives
 on 1st Street - Thomas Griffin I know him
 he lives in Happs Hollow - J. Gilkey
 I know him cannot tell exactly where
 he lived - Joseph Goodlee I know him
 I could not tell exactly where he
 lived at that time - H. Goldsmith
 I know him, he lived in some of
 Hambleton's buildings on Adams
 Street - W. Hunt I know him, he
 lives on Main Street, H. Hugel
 I know him he lived on Main Street
 Augustus H. Hallbergh I know him
 he lives on Main Street, D. D. Harris
 I know him he lived on Main Street
 John B. Henry I know him from
 Henry lives on Front Street, B. S. Hartough
 I know him, he lives on Adam Street
 H. R. Howard I know him he lived on
 Commercial Avenue I think at that
 time - W. Haines I know him, he
 lived between Main & Pearl Streets,
 J. A. Hayden I know him, I could
 not tell exactly where he lived at that
 time - James Holmes I know him
 he lives on Pearl Street - J. Hawks
 I know him, he lived back of the
 Camps some when at that time -
 P. J. Hunter I know him I think
 he lives on 3 Street, James Haney

Roll of Exaltation

I know him, he lives in some of
 Hamblins building - E. Hosier
 I know him, he lived on Poplar
 Street, Joseph Meeker, I know him
 he lived on 1st Street - J. M. Jones
 I know him, he lives back of Mr
 Casey in the woods - Frank Jones
 I know him he lives on Poplar
 Street - D. Johnson I know him
 he lived on the gut street - David
 Jones, I know him he lived on Main
 Street at that time I think - Charles,
 D. Johnson I know him, he lived
 between Paul & High Streets, at that
 time I believe - This R. M. I know
 him he lives on Main Street, R. M.
 Kelly I know him, he lived on
 Main Street near Mr. Carey & E. G.
 Kirk I know him, he lives on
 Main Street, W. D. Kirk I know
 him but cannot tell exactly when
 he lived at that time - Mike Reifer
 I know him, I cannot tell when
 he lived at that time - George Seffer
 I know him, he lives by the Bayou
 somewhere on the outside of the
 town - David Lee I know him
 he lived in Happy Hollow - J. Lin-
 sey I know him, I think he lived
 at that time between Commercial
 Street & Main Street, George Edwards
 I know him but do not know
 when he lived at that time, J. S. Lamb

Bill of particulars

Page I know him he lives on Pearl Street
 90 George Merty. I know him, he lives
 on Commercial Avenue - J. W. Morris
 I know him, he lives on High Street
 L. S. Marshall. I know him, I do not
 know exactly where he lived at that time
 G. G. Morris. I know him he lives on
 High Street G. T. Meyer. I know
 him, he lives on Main Street
 Charles Michals. I know him
 he lives on Poplar Street, A. J.
 McElhanney I know him I think
 he lived on High Street A. Moll
 I know him he lives on Walnut
 Street J. B. McKim I know him
 he lives on Rail Road Avenue
 near Main Street, J. M. McKim
 I know him he lived on 4th
 Street, A. Merty. I know him
 he lives on Commercial Avenue
 A. A. C. McCoy. I know him, he
 lives between Main, Pearl Street,
 J. Chapman. I know him he
 lives on the upper end of the town,
 W. C. Verminger I know him he
 lives on Walnut Street - J. B. Stolte
 I know him, he lives near the
 ways - O. C. Verminger. I know
 him, he lived on Walnut Street
 J. B. Stettin I know him, but
 do not know how long he was
 here before the election, O. A. Osburn

Call on Osburn

I know him, he lives on Poplar
 street, P. A. Bennett. I know him
 he lives on Second street, R. S. Phoe
 ips. I know him, I believe he
 lived in some of Hamblins build
 ings - David Powers. I know him
 but do not know where he lived
 at that time. Henry Quillman
 I know him, he lived on High
 Street - A. Rowlett, I know him
 but do not know where he lived
 at that time - Peter Ritter. I know
 him but do not know in what
 part of the town he lived in - J. J.
 Rouse. I know him, he lived on 4th
 Street. Wm^o A. Stern, I know, he lives
 on First Street - S. P. Steele I know,
 do not know where he lived at that
 time - Joseph Smith, I know, he
 lived at that time on Main Street
 or Spencer I know, he lived in
 the upper part of the town - George
 Stolly I know. I think he lived on
 5th Street, P. Steele I know, he
 lived on Second Street, Adam Snyder
 I know, but do not know how
 long he lived here before the election,
 A. Sherman I know but do not
 know how long he lived here before
 the election, J. Schuler I know him
 but do not know how long he
 was here prior to the election
 David Schuler I know him he

Page lived on Main Street at that time,
 91. George Stoetm. I know him. He
 lived on Walnut Street I think
 George Schuler, I know one George
 Schuler that had been here long
 enough, George Steiler, I know him,
 he lived in some of Hamilton, but
 dead, James Shepherson I know
 him he lived on Commercial Ave.
 W. F. Souelle I know him he
 lived on Main Street, Levi Tompe
 I know him, he lived near the bar
 or Bayou. Fred Vogt. I know him
 I do not know where he lived at
 that time he lived some where in
 town, John A. Vogt I know him, he
 lived on N. Street, S. P. Wheeler I know
 him, he lived on Pearl Street at that
 time, Mr. Metzger I know him, he
 lived on Main Street, R. Wilson, I know
 him, he lived on Pearl Street, J. B. White
 I know him, but do not know
 what part of the town he lived in,
 A. Wilson I know him, he lived on
 Second Street, J. A. Waugh. I know
 him I do not know where he lived
 at that time. Jonathan White I know
 him, do not know when he lived at
 that time, Pat Wall I know him,
 he lives on Second Street. W. J. Waters
 I know him he lived on Front
 Street at that time,

Recd of Examin

8th Among the names of persons mentioned in your answer to the last question, were any of them on the 13th day of March 1865 Soldiers, Seaman, or Marines in the Army of the United States - If so - State who they were!

— Answer — Not that I know of

9th Were you present at the Polls of the said City Precinct at the election held 13th March 1865 And what length of time were you present?

— Answer — I was present but could not tell how long I was there. Was there off and on.

10th Do you remember whether or not Challenges were made - if so - by whom? And whether said Challenges were respected by said persons conducting the election?

— Answer — I think there was Challenges made by Mr. Brown, but whether or not they were respected I do not know.

11th Do you remember whether or not any attempt was made in the presence of the persons conducting said election forcibly to eject Herman Brown from the room where the election was held and if so was

Bill of Exemption

Page 92. any effort made on the part of
said persons, conducting the election
to prevent it?

— Answer — I do not recollect
whether Siram Breen was in the
room or not.

12th. — Was Breen abused by any
person whilst on the platform of
the house in which the election
was held — if so — by whom, for what,
and the extent of said abuse?

— Answer — I was away
and was called around to the
polls, I seen little disturbance
there, loud talk.

13th. Was Breen, during the day
and whilst at the polls, placed
under arrest, and if so — what
was it for?

— Answer — Yes Sir, I took
charge of him one time to keep
him and keep the peace,

14th. Do you know of your own
knowledge whether or not Breen
had either broke the peace or
threatened to break it,

— Answer — I don't know
what he did. But I was authorized
to take charge of him to keep the

peace.

15th Who directed you to take charge of him

— Answer - The Mayor of Newark City

15th State whether or not persons were permitted to bring on the platform of the building in front of the room in which the election was conducted any barrels of beer, and publicly give away the same.

— Answer - I saw one barrel there, but do not know whether it was full or not, do not know that it was beer, seen them drink and supposed that it was beer.

16th Was there much drinking going on at or near where the barrel stood?

— Answer - I seen them drink but could not say how much.

17th How far was it from where the barrel of beer stood to the place where the judges of election were receiving votes?

— Answer - I suppose it was something near 10 or 15 feet on the east side of the building.

Proc of Elections

Page 186 - Was it not known by many
93 persons inside of the building and
room in which said election was held,
that a barrel containing beer, stood
as described by you and sell, for
all who choose to participate?

Answer - I don't know that
any one in the room knew it.

196 I ask you if it was not frequently
the case while you were about the
polls during the day for Pitchers
of Beer to be carried from the Porch
to the Room in which the election
was conducted and drank by
persons who were conducting said
election?

Answer - I do not know
that there was, I did not see any
go in if I did, I do not recollect it.

206 Do you remember of the Judges
of the election asking the question
to persons offering to vote "do you
belong to the Mississippi Squadron,
which being answered in the affirma-
tive, whether the persons so answering
were permitted to vote?

Answer - I do not recollect
of any of them asking the question
don't know that I heard any
thing.

Call of Examiners

21st - State whether the place of holding the polls of said Election were changed from one room to another, that is to say from the door of the room in which they were opened to the window of another, and what was the object in making said change.

Answer - I don't recollect any thing about that.

22nd - Were not the polls first opened on the inside of a room opposite a door of the room, or if you do not remember whether or not the polls were first opened in a room opposite a door of the room would so during any part of that day?

Answer - I don't think I was there when the polls were first opened. The first voting I recollect seeing was at a window.

23rd - I asked you, by whose order was Herman Breen arrested. Your reply was, by the order of the Mayor of New York. Did not George W. Carter one of the Judges of the Election order you to take Breen away from the polls, and what was said by said Carter at the time of making said order?

Roll of Elections

Page Answer - I do not recollect of
 94. Carter, saying anything about
 Brier, if he told me to arrest him
 I do not know it, I did not go by
 his orders but the Mayor's.

Crops

1st Does not your failure to recog-
 nize many of the names grow out
 of your non familiarity with their
 Christian names?

Answer - If I could hear the
 names they go by I would probably
 know more of them.

15. Deputation of O. G. Kirk Inauguration of Election

1st Where do you reside, and
 how long have you resided at your
 present place of abode?

Answer -
 Mount City, Ind has resided there
 nine years.

2^d. Were your parents at the Mount
 City polls on the 12th day of March
 1865 and if so - How long were you
 present and why were you so
 present?

Answer - I was present
 at the Mount City Polls, was there
 all day, I was one of the Judges

after election.

3^d Was there present for use on said Election day a Register List of Electors of said Precinct - and if so - Was said List referred to or used on said election day.

— Answer - There was no Register List there.

4th You will please state, whether any person offering to vote at said Election furnished the Judge, of said Election his affidavit in writing, stating therein that he was an inhabitant of said district and entitled to vote therein at said Election, and whether said persons so offering a vote produced proof by the oath of a householdier of said district that he knew said person so offering to vote to be an inhabitant of the district, giving the residence of said person within the district, if so state who they were - if you cannot recollect names, speak as to the number of persons so proving themselves entitled to vote therein as aforesaid.

— Answer - No, I think not, & free persons belonging to the Mississippi Squads were permitted to vote at said election?

— Answer - I don't know whether

person or exception

Page. Any of them voted or not. I do not
95. Know a Mans name that belonged
to it.

60. Were persons belonging to
the Hospital at Mound City, permitted
to vote at said Election

— Answer — I dont know whether
any of them voted or not. Do not know
a Mans name that belonged to it.

Part of Elections

70. Was not generally understood
by the judges of the election that persons
in the United States Service that is to
say persons belonging to the Army or
Navy of the United States at Mound
City for more than 12 months prior
to any election. Were entitled to vote
at such elections?

— Answer — I cannot say. Such
might have been the case, but do not
remember now.

80. Was such your understanding?

— Answer — I dont know whether
it was or not.

90. Of your own knowledge, were
persons belonging to the Army or Navy,
permitted to vote at said Election?

— Answer — From my own know-
ledge they were not.

10^a Have you in any conversation which you have had, with persons since said election stated to them that the Marines stationed at Chumma City 12 months preceding said 18th day of March 1865 were permitted to vote at said election - and if so - How did you arrive at such facts, as you speak of your own knowledge you know nothing?

Answer - I don't recollect whether I ever did or not, I might have said such a thing, I do not know

11^a Are you acquainted with persons belonging to the Army of the United States stationed at Chumma City if so name them as far as recollection

Answer - I could not name them, I do not know any any of (them) their names & never did know them,

12^a Are you acquainted with persons belonging to the Army of the United States who were stationed at Chumma City prior to the 18th day of March 1865,

Answer - I know one man that belonged to the Army then, but do not know his name now, excepting Dr. Gardner, Cap. Tipler who are all that I recollect.

View of Examinations

Page 126. You say you have resided in Mound
26. Octy 9 years. Has your business been suc-
cessful as to bring you in intercourse with
the Citizens of said place?

Answer - I have been in
the Grocery Business here of the time.

13^a Is your acquaintance a gen-
eral or limited one, with the inhabi-
tants of the locality?

Answer - It is a limited
acquaintance with names.

14^a You say that you were one
of the Judges of the Election March
18th 1865. You will state whether
or not the Ballot Box was opened
on said day by George W. Carter.
And if so - for what purpose did
he open it?

Answer - I do not know
whether George W. Carter opened it or
not. I think it was opened, but do
not know from what cause it came
open.

15^h Was it afterwards locked or
sealed during the day?

Answer - I think so. It was
fastened up in some way after it
came open. There was no lock to it,
it was sealed I suppose.

Bill of Exceptions

16th Are you positive that it was afterwards sealed, I want you to speak definitely?

— Answer — I could not say positively that it was sealed.

17th Which of the Judge, or Clerk, had the Custody of the Ballot Box on that day?

— Answer — Carter took care of the Ballot Box (on that), I think.

18th You say the Ballot Box. Can open some time during the day but that you do not know how it came so, but was afterwards fastened up, was it afterwards opened?

— Answer — I could not say whether it was opened afterwards or not. I don't recollect so long as that.

19th Was it any time during the day opened by you - if so - for what purpose?

— Answer — I think not, I don't know.

20th Did you not remove the lid yourself to show Hiram Brown that it was not full of tickets?

Answer I do not recollect.

Page

97. Q^d If persons belonging to the Army or Navy of the United States stationed at Channahely prior to the 13th of March 1865. one year immediately preceding that time whose names were unknown to you, but whose faces were familiar and well known to you during that period of time had presented themselves to you, and offered to vote at said poll, would you, with your understanding of the election laws of the State, have permitted them to vote?

Answer

I might. Some of them, if they had lived there, and had their families there.

20 Deposition of W. P. Morris.

Judge of the Election

Q^t Where do you reside now how long have you resided at your present place of abode?

Answer — In Channahely I have resided there for about two years and one half.

Q^d Were you present at the Channahely Polls on the 13th day of March

Page of Examinations

1865 - and of so - How long were you present, and why were you so present?

Answer - I was present from the opening until the closing of the polls as one of the judges of said election.

30 - Have you been to be a judge of the election?

Answer -

I was requested to do so by others present. I think Esqr. Sturtevant was among them, and pretty certain he administered the oath.

Recd of Examin

40 - Was there present on said election day a Register list of the voters of said precinct, and if so - what it referred to, or used by the judges and clerks at said election?

Answer - I did not see any Register.

50 - You will state whether any persons offering to vote at said election furnished the judges thereof his affidavit in writing, stating therein that he was an inhabitant of said district and entitled to vote therein at said election?

Answer - I don't remember of seeing any such writing, there may

72

Page has been, but cannot remember,
98.

6th Were applicants of any description made by any persons offering to vote?

Answer - I don't remember of any at all.

7th Were persons belonging to the Army or Army of the United States, permitted to vote in and at said election?

Answer - Some voted wearing the uniform of the Army and Army.

8th Will you state as to the number of persons that refused so voting?

Answer - I can't say as to how many - only those who were citizens of the state of Illinois, and who had been in Illinois thirty days prior to the election.

9th Was there as many as three or four hundred?

Answer - No.

10th - Was there as many as two hundred and twenty five persons dressed in clothes usually worn by Soldiers, Marines, or Officers in the United States Service, who voted at said election?

Answer - I know there was a good many applied and were refused, some of them voted, I don't think there was that many, not half nor a fourth of that number,

11th Why were such persons permitted to vote, or otherwise why was not proof required of them showing that they were qualified electors in Orleans County Vermont?

Answer - Proof was required they were sworn.

12th What were the character of such proofs?

Answer - They are tall and some times the name of those who were supposed to be acquainted with them.

13th Were not the rolls of all persons belonging to the Military and Naval Service of the United States, stationed at Albany one year next preceding the 13th day of March 1805 and known to the Judges of the election to have been then that length of time and who offered to vote at said election, received by the Judges without further proof?

Answer - All of the above description of persons were

Roll of Electors

[899246]

Page permitted to vote, if they claimed
99. Illinois as their home.

14 - Is your acquaintance with
the persons belonging to the Army
or Army of the United States, stationed
at Alton on the 13th day of
March 1865 a general, or a limited
one?

Answer - I limited one
I know a good many faces, but
few names.

15th The names of the persons of
your acquaintance who were in
the Army and Army, at the time
referred to in the previous interrogatory,
were mentioned in your presence.
Would you readily recognize them?

Answer - Of course I could
name those that I am acquainted
with.

16th I read from a list of names, said
to contain the names of persons who
were in the Army and Army of the
United States on the 13th day of March
1865 if you are acquainted with any
of them whose names are read in
your hearing, say so?

Answer - D. N. Smith, he
was in the service, J. A. C. Henry, & P. M.

Recd of Alexander

kins, G. Sherman. I think he was
in the Army at that time, a detec-
tive, Mr Young. I know him, he
goes by the name of Bill Young,

17th Is your acquaintance with
the whole inhabitants of Mound
City, a general or a limited one,

Answer - I would say limited,

18th - You stated in your answer to
interrogatory 8th I can't say as
to how many only those who were
citizens of the State of Missouri, and
had been in Missouri 30 days
prior to the election. Do you or your
own knowledge know that the
persons so referred to in your answer
to said interrogatory in number
eight resided in Mound City 30
days prior to said election?

Answer - Some of them I
know to have been there that long

9th you will please name any
and all who were in the service
and who were residents of Mound
City 30 days prior to said election
so far as you are acquainted?

Answer - David Hainer,

Cross Interrogatories

Part of Exhibits

Page 100. Was not J. N. Allen, a
Contract Surgeon in the Hospital
at Mound City, and do you know
whether or not he was mustered
into the Service of the United States.

Answer - I don't know.
Do not know that he was ever
mustered in to the Service, I only
supposed so from his being there.

25 How long prior to the election
had F. Sherman resided in Mound
City - if he was a man of family,
where did his family reside at the
time referred to, and if he was
in the Service, state what branch.

Answer - I know him
about six months previous he
may have been there longer, he
was a man of family and
think he resided in Mound City,
He wore Military clothes, I don't
know which branch of the Service
he belonged to,

8. Are you positive W. Young
was in the Military Service at that
time?

Answer - I cannot say he
has been discharged some time,

9. Where do you know Sherman Young

now send and where have they resided ever since said election?

Answer - In Minna City.

Per of Exaltation

Q You speak of persons voting who were draped in Soldiers cloths, do you know them to have been regularly enlisted and Mustered Soldiers then in the Service, and would not Customary for many persons to wear Soldiers cloths who were not in the Service?

Answer - There may have been some. It was Customary for Citizens to wear Soldiers cloths.

Q Was any person of your knowledge permitted to talk at said election who was not a bona fide resident of Minna City Precinct and of the State of Illinois?

Answer - Not of my knowledge.

Re direct resumed.

Where did J. Thurman reside previous to his residence in Minna City?

Answer - I do not know.

Have you a personal acquaintance

Page 101
Page 101 comes with the bona fide Electors of
101 Mount City Precinct,

Answer - not all of them,

Can you of your own knowledge
state that you are personally
acquainted with one half of the
Electors who voted in Municipal
Precinct on the 13th of March 1865,
that is to say - of persons who voted
at said election who were at that time
residents of the State of Missouri, immu-
diately preceding said election,
and who resided in Mount City
30 days immediately preceding
the same day? Can you deter-
mine their residence by the number
of the dwelling if numbered, and
the name of the Street or other loca-
tion of their dwelling?

Bill of Examiners

Answer - I think not.

21. Deputation of P. O. Connel

in when do you see do?

Answer - du demand City,

I. Is your acquaintance a general
or a limited one with persons
who belong to the Militia Service
of the United States, stationed
at Mount City on the 13th day

of March 1865?

Answer— I would say that my acquaintance with the Army was limited, but with the camp I was pretty generally acquainted,

B. I read from a list marked exhibit No. 1. Said to contain a list of the persons who voted at election held in Crown City on the 13th day of March 1865 among which it is said there are many names of persons who belonged to the Military and Naval Service of the United States, stationed at Crown City. Do you identify the persons with whom you are acquainted with?

Answer— Ed. Alfred I know him, D. Bowen I know him, J. B. Bolinger I know him would not be positive, J. R. Baker I think I knew him, George Brown I know him, H. A. Cody I know him, J. W. Chambers I know him, C. Duncan I know him, Charles Fortick I know him, James Graham I will not be positive as to his first name but think it was James, Joseph Hamer I know him, D. Hauser I know him, J. W. Heron I know him,

Recd of Exhibits

Page from Hall. I know him, G. Sherman
or I know him, W. Wagner. I know
him, A. Waidner I know (him),
a Doctor Waidner, & his Brother,
W. L. Cornell. I know him, J.
Hosier. I know him

4th In your answer to the first
interrogatory you state that you
resided in Mount Kelly, how long
have you resided there?

Answer - Between 9 or 10 years,

5th What has been your occupa-
tion whilst there?

Answer - A Ship Carpenter.

6th Have you any time since your
residence there, as Superintendent
foreman or otherwise, been emp-
loyed on Public Works for the Gov-
ernment of the United States? If so -
How long and at what time
were you so employed?

Answer -

I was from October 1863 to
December 1865 I was foreman,

7th Had you at that time say
on the 18th day of March 1865
many workmen under your
control, who were employed on

Page of Williams

Said words?

Answer - I could not say exactly the precise number, I had from 75 to 100.

Q⁴ Had you at any time during your employment on said work a larger number of men under your control than the number mentioned by you in your answer to the preceding interrogatory of 20. Shall about how many men?

Answer - I have had as high as one hundred and fifty.

Q⁵ If you should hear the names of the persons who were under your control on Government work, who were with you on the 18th of March 1865 would you readily recognize their names?

Answer - I think, probably of them.

Q⁶ In order then to try the strength of your memory I will mention over the name, of direct persons & who were said to be in your employment on said work, on the 18th of March 1865 if they were so employed at that time,

Dea of Exemption

Page or were employed under the Control of
 103 any other person or persons, you will
 mention it, and state whether they
 were on the public works of the United
 States in any of its departments;
 I now proceed to mention said names
 and as I repeat their names you
 will identify them.

Roll of Exponents

Sumner - John Armstrong
 he was a ship carpenter, C. C. Alexander
 he was a joiner, H. Basky, a Caulker,
 D. F. Brown Carpenter, S. D. Bean, Joiner,
 D. Bratten, Joiner, John Berry, Caulker
~~Miller~~ Calver, L. Coffey, Carpenter,
 P. Cluney, Caulker, Jacob Carroll
 Caulker, James Carroll, Caulker,
 Bernard Devlin, Joiner, C. Duncan,
 Alcid, James Devlin, Machinist,
 James Devlin, Caulker, J. W. Fenley, Car
 penter, J. W. Foster, Carpenter, H. Fletcher
 Blacksmith, Stewart Ford, Joiner,
 C. W. Fetter, Lumber Measurer, W. Ford
 Laborer, J. Fitzgerald, Pattern maker,
 William Fitzgerald, Carpenter, Samuel
 Graham, Caulker, J. R. Gallaher,
 Joiner, H. Goldsmith, Carpenter, G.
 Howard, Carpenter, P. Huter, Joiner,
 R. P. Holly, Joiner, Mathew Hays
 Laborer & Thinker, James Samuel Mack
 iner, Michael Sighlana, Caulker,
 G. H. Hall, Caulker, Charles Hanson

Joiner, James Hamer, Carpenter, D.
 Hooper, Engineer, Patrick Hope,
 Caulker, James Clark, Carpenter,
 James Clonan, Caulker, James Clonan,
 Carpenter, James Carroll, Carpenter,
 J. H. Caudle, Joiner, A. Crump, Joiner,
 John Santall, Laborer, Michael Cating,
 Laborer, G. M. Johnson, Carpenter, Mrs.
 Jones, Painter, Francis Keep, Pitch
 Boiler, George Clark, Joiner, P. Lynch,
 Laborer, C. Lancaster, Carpenter, Thomas
 Ledwell, Laborer, John Lane, Laborer,
 Joseph A. Lee, Screw Cutter, Charles Smith
 Jr., Joiner, A. J. McElhenny, Carpenter,
 R. Merrifield, Laborer, J. B. McLeath,
 Joiner, J. B. McLeath, Boss Caulker, H.
 Malinhill, Caulker, W. M. Halo, Car-
 penter, Thomas McHally, Laborer, Isaac
 Marsh, Tinner, John McGraw, Laborer,
 Michael McEnamond, Carpenter, Thel-
 ony, Joiner, W. D. McEgert, Laborer,
 R. M. M. Carpenter, J. P. Mottley,
 Caulker, J. B. O'Leary, Carpenter, David
 Powers, Laborer, Henry Quennell, Ma-
 chinist, Peter Ritter, Laborer, James
 Powell, Carpenter, G. J. Rouse, Carpen-
 ter, J. J. Smucker, Joiner, C. F. Stock-
 dall, Carpenter, P. Smith, Laborer,
 Phil. Smith, Carpenter, George Stock-
 ton, Caulker, James Sheridan, Joiner,
 M. Sullivan, Laborer, Michael Slattery,
 Laborer, Mrs. Taylor, Joiner, W. F. Wayford,
 Carpenter, W. Wagoner, P. Wagoner the bus

Roll of Examiners

Page section Boat, J. Walker foreman laborer,
104. Pat Wall. Caulker, W. H. Walker Cash
enter,

11th Do you identify the names men
named in your answer to the preceding
interrogatory taken down by the Clerk
this evening in your presence from
this list marked Exhibit No. 1. C.

Answer - Yes Sir.

12th - Were any of the said persons
from your own knowledge inhabitants
of Pulaski County Missouri for
any length of time, prior to their being
employed on Government works in said
Pulaski County I do - name them,
mention the time they were inhabitants
of said County prior to said employ-
ment - I want you to particularize,
and to state specifically as to the
length of time each person had resided
in Pulaski County prior to said employ-
ment?

Bill of Examinations

Answer - I cannot tell definite-
ly - some of them have been there
since 1857. H. Bush has been there
since 1859. James Browner has been
there since 1860. John Berry was there
since 1860, P. Burroughs has been
there since about 1858 - J. W. Carroll
has been there since about 1860 -
J. W. Foster has been there since 1857.

Row of Exeptions

N. Helmer, I think came there before
 1860. Mr. Fitzgerald has been there
 since 1859. W. Goldsmith has been
 there since 1860 - G. Howard has
 been there since 1860 or '61. J. Huber
 has been there about four years,
 Michael Bequand has been there
 since 1858 I think, James Haines
 has been there since 1859 or '60. C. Hosi-
 or. has been there since 1863, James
 Clark has been there since 1857, James
 Bloman, had been there about two
 years, S. R. Caudell, has been there
 over two years, A. Crump has been
 there about two years, and one half,
 J. Jones has been about Mount City
 since 1859 - J. Joyce has been here
 a year or two, Mr. Jones has been
 here about two years and better,
 Francis Kemp, had been there about
 six months, James Kinney had
 been there about six months, George
 Clark, came there about the time
 the Navy did, P. Lynch has been
 in Mount City since 1860 - C. Lancaster
 has been there since 1868, A. J. Welton
 has been there since 1860 - J. B. McKane
 since 1860, Thomas Morally has
 been here since 1861, A. J. Matthews
 has been there since about 1860 - J. B.
 Pettis has been here since 1859 - J. B.
 Ogier, came there in 1863 or '64, James
 Jones has been there since 1858.

Page 105 James Ramm, has been here since 1854,
 J. F. Ramm, has been here since 1857,
 A. J. Stockdale, has been there about
 four years, P. Smith has been there
 since 1863 - Phil. Smith has been
 there since 1859, George Stotter
 has been there since 1857, William
 Sullivan has been there since 1860
 W. Wagner, came there in 1863, H.
 Walker, has been there since 1868,

Rec of Examinations

184 In your answer to Interrogatory
 "before being employed as general
 work, James Brunner came to the
 city 1840 - H. Purby in 1859 and the
 other persons named therein came at
 the times specified in said answer,
 you will now go on and state when
 each of said persons resided 12 months
 immediately prior to the 13th of March
 1865 and where they resided 30
 days last preceding said time
 giving sundry by the location of
 dwelling or place of abode?"

Answer - H. Purby, boarded
 at that time on Elm Street at the
 house of Goldsmith; James Brunner
 lived on Walnut Street, John Berry lived
 on 3rd Street, P. Hummings resided near
 the Catholic Church, Jonah Carroll
 lived on Elm Street, J. W. Foster boarded
 on First Street at Mrs Price's, H. Fletcher

lived out near Webster's Mill close
 to her Brown, William Fitzgerald lived
 on Main Street, N. Goldsmith lived
 on Elm Street, G. Howard lived on
 Poplar Street, P. Huber lived on 3rd
 Street, James Harvey lives on Elm Street,
 E. Hoover lived at that time on Poplar
 Street, James Black at that time lived
 on 4th Street, James Clinan at that time
 lived on Main Street, A. Crump lived
 on Main Street, A. Jones lived on Poplar
 Street, J. Jones boarded at the Sweet
 Gunn Hotel, William Jones lived in the
 upper part of town near the Odd Fellows
 Hall, Francis Kupp boarded at P. M. Kelly's,
 George Blank lived on 4th Street, P. Lynch
 lived in Happy Hollow, C. Lancaster I
 think he lived on Dead Street, or N. Y. I
 would not be positive which, A. J. Mc
 Elhane, I think lived on Walnut Street,
 J. B. McKune lived on Rail Road Avenue,
 Thomas McHally lived in Happy Hollow,
 J. J. Mathews lived on 3rd Street, J. Mahoney
 lived near the Polling, G. D. Settles lived
 on First Street I think at that time,
 J. B. Gier lived on 3rd Street, David Powers
 lived near the Catholic Church, James
 Proue lived on Second Street, T. J. Rowe
 lived between 4th & 5th Streets, P. Smith lived
 near the ways, Phil Smith was a single
 man he boarded at Fitzgerald's on Main
 Street, George Stoetw lived on Walnut
 Street, M. Sullivan lived near the Cath

List of Residents

Page also Church, Mr. Wagoner lived on
106. Pearl Street, S. Walker boarded at
Coles, Mr. H. Walker lived on Elm Street,

Bill of exceptions

14 W. Still how long from Amundson?
S. D. Bear, George R. Brown, John
Cummings, R. Nolan, Bernard
Berlin, C. Duncan, James Beolier,
James Quinn, J. W. Finley, Stewart
Hud, C. W. Feller, M. Ford, William Fitz
gerald, Michael Cating, L. M. Clouma
son, W. D. August, Peter Peter P. Roach,
G. O. Steeler, P. Sullivan, James Sheri
dan, Genl Steeler, Michael Slattery,
& Pat Hall prior to the 13th day of
March 1865 were residents of the
State of Illinois, and their residence
30 days last preceding said time,
'if in conformity by the location of
their dwelling or place of abode?'

Answer - S. D. Bear I
could not be positive as to the
length of time that he has been
there. I think he came there in
1863, or '64, residence 30 Street, George
R. Brown he boarded at different
places he slept in the camp yard -
W. Cunningham lived on Second
Street, R. Nolan lived on 5th Street,
Bernard Berlin lived on Poplar
Street, C. Duncan lived on Poplar
Street, James Berlin lived on Poplar Street,

J. W. Finley lived on Commercial
 Avenue, Stewart Jones lived on
 1st Street, C. W. Fetter lived on Poplar
 Street, J. Fitzgerald lived near the
 wharf, Edward Taylor lived near the
 Catholic Church, L. W. Munnahan
 lived on 4th Street, W. D. Crupen
 lived on Rail Road Avenue
 P. Roach lived in Happy Hollow
 C. C. Steeles, lived near Hambleton
 Mill, P. Sullivan lived near the
 Catholic Church, George Steeles lived
 on 4th Street, Michael Statten lived
 in Happy Hollow, Pat Wald lived
 on 1st Street,

15th You will now state when
 C. C. Alexander, D. A. Brown, D. Brad
 er, G. W. Perry, L. Coffey, P. Blancy,
 A. Evans, Samuel Graham, J. R. Gal
 lacher, R. P. Holly, Matthew Hall
 er, James Harrel, G. A. Hall, Char
 les Hanson, Patrick Hope, James
 Kuster, Mike Carroll, John Cantrell,
 G. M. Johnson, Thomas Lidwell,
 John Lane, Joseph A. Lee, Charles
 Michaels, P. Monropey, J. B. Wain
 ther, H. Mulvihill, W. McHale,
 Isaac Clark, John M. Grant, Mich
 ael McDonnell, R. Herbst, Henry
 Queltrald, Joseph W. Rodgers, J. J.
 Smurber, William Taylor, W. J.
 Wafford, Jacob Wilson & servants

Page of the State of Illinois - if present to
 107 the 13th day of March 1865 How
 long were they so residents of Said
 State prior to Said time and what
 the last thirty days prior thereto
 giving their residence by locality
 of their dwelling or place of abode.

Answer - D. F. Brown came
 there in 1863 and boarded at diff
 erent places, during that time,
 G. W. Perry I could not state
 what time he came there, he was
 on an Elm Street, L. Coffey came
 there in 1863 he boarded on Main
 Street, A. Evans boarded at Dr.
 Coles, I do not know how long he
 had been in the State, Samuel Graham
 came to Mound City in 1864 he
 lived in the upper part of the town,
 R. P. Holly I think came to Mound
 City in 1863 he was a citizen of Illin
 ois twelve months preceding the
 13th day of March 1865, Charles Hannan
 was resident in Mound City since
 12 months preceding the 13th
 March 1865 he resided on 4th Street,
 Patrick Hope lived on a flat boat -
 J. M. Johnson I think was a resident
 of Mound City 18 months prior to
 March 1865 - Joseph Adell was
 a resident of Mound City twelve
 months preceding the election

Bill of Examin

he lived on Main Street, J. B. Mc
Suther was there at that time
he lived on Adams Street, W. Mc
Hall was resident of the Seal of Minn
for 12 months, and 30 days in the
Preserial he lived on Main Street,
Michael McDonald was in the
Seal 12 months, boarded at P. A.
Kellips. Henry Quetman I know
to have been there 12 months, he
lived on Rail Road Avenue,
J. J. Sumner I know to have been
a resident the proper time, he
lived near the Foundry, William
Taylor I know him to have been
in the Seal 12 months,

10th Do said persons or any
of them referred to in your answer
to any of the preceding interroga-
tories now asked in Public County
- if so - state them?

Answer - James Bruner,
R. D. Bean, W. Cunningham,
P. Cunningham, Joseph Carroll,
James Carroll, H. Dolan, Bernard
Devlin, James Dennis, J. W. Foster,
William Fitzgibbon, D. Goldsmith,
G. Howard, R. P. Holly, Michael
Hughland, Charles Hanson, James
Harny, P. Hoyer, Patrick Kope,
James Clark, S. R. Cudell, A. Crump,
John Cantrell, P. Lynch, William Jones,

Recd of Returns

Page Edward Lawler, Charles Michells,
 108 A. J. McElhany, J. B. McClure,
 Thomas McCally, L. W. Mammohan,
 S. Mahoney, W. D. Nugent, J. B.
 Pettles, David Power, Henry Quel
 mold, Peter Ritter, James Roud,
 Joseph W. Rodgers, J. J. Smuser,
 as working in Cairo I do not
 know whether he has since
 his family or not, G. F. Stock
 dale, P. Smith, G. P. Steider, George
 Stockton, Michael Statteny, Pat
 Wall, Jacob Wilson,

17th You state in your answer
 that Pat Hope lived on a flatboat
 state whether said flatboat was
 on the river or on shore?

Answer - Some times it
 was afloat and some times on
 the bank.

18th I read from "Phetel No. 1" and
 it contains a list of the persons who
 voted at the Mound City Polls of
 the Election held 13th of March
 1865. As I read you identify the
 names of persons of your acqua
 intance whose names are embra
 ced in the list, such persons
 as you are satisfied were seized
 out of Illinois 10 months since

Bell of Exemption

exactly preceding the time above
mentioned and whose residence
30 days last preceding said
time was in the County of
Present identifying their surnames
the name of the Street or other loca-
tion of their dwelling or place of
abode?

Answer— A. J. Armstrong
was 12 months in the State & 30 days
in the present, residence on Rail
Road Avenue, W. H. Burns was
in the State 12 months. I know a
Burns that was a Plasterer, if this
is the man I know him, former
Bingham was then 12 months &
30 days in the present, resided
on Second Street, G. Clauson was
in the State one year before the time
& 30 days in the present, resided in
Happy Hollow. C. Curran was
then 12 months & 30 days in the
present residence on Main Street,
W. L. Carroll was in the State
one year & 30 days in the pre-
sent residence at the Hospital,
Henry Ellis I believe resided
there one year to the election & 30
days, resided near the Foundry
I do not know the name of the
Street, J. S. Fargango I know he
resides on 4th Street, R. Fargango
has been in the State one year & 30

Page 109 Days in the precinct, resided on 80
 Street, A. Guttman was there 12 months
 and in the town 30 days, resided on
 W. Street, J. W. Kenner has been in the
 State one year, B. A. Keselrod I know
 him, he was in the State one year
 at that time, lives on Main Street,
 John B. Kemp I know him he was
 in the State one year at that time,
 he lives on First Street, David Jones
 he has been there a long time, resid-
 ed on Main Street, Charles E. Johnson
 I know him one year previous
 to the election 30 days in the precinct
 he lived on rail road Avenue, David
 Keef he has been in the State one year
 & 30 days in the precinct, resided on
 Main Street, A. Lutz I know him
 he was there 12 months & 30 days
 in the precinct, resided on Main
 Street, J. Murphy, of it is James
 Murphy I know him he has
 been there a long time, W. M. Lassick
 I know him he has been in the State
 12 months & precinct 30 days, resided
 on Poplar Street, Jacob Schuler
 I know him, he has been in the
 County 3 or 4 years & in the precinct
 30 days - Levi Temple has been
 in the State 12 months and 30 days
 in the precinct, resided near Slaugh-
 ter house, John Turmpert I know

Bill of Exceptions

He has been in the State 12 months
 & 30 days in the precinct resided on
 Main Street, R. Wilson I know
 he has been in the State one year
 & in the precinct 30 days, Robert
 Wilson the same, W. B. Wratton
 he has been in the State one year
 and in the precinct 30 days I
 think he resided on Pearl Street
 Jonathan White I know him
 he has been in the State 12 months
 & in the precinct 30 days, resided
 near the Methodist Church.

Chief Examination

1st Please state the names of the
 persons referred to by you as belong-
 ing to the Military or Naval Service
 who were not regularly enlisted
 men of any such service,
 and state what position they
 occupied.

Answer — C. American
 was a clerk in the Yard, Charles
 Hosdick was clerk of the boat street,
 J. W. Herron was clerk on the inspec-
 tion boat, George R. Brown was
 clerk of the yard,

2^d How many persons named
 by you as belonging to the Military
 or Naval Service were residing
 in Mound City with their families

Dull or Bampton

Page On the 13th of March 1865?

110

Answer - St. Bowers, G. Haines,
L. Sherman, P. Hojier.

3^d How long had the persons referred
to in your last two answers resi-
ded in Connecticut prior to the
13th of March 1865?

Answer - Bowers, Com-
men in the fall of 1863 They had
all been there 12 months prior to
the election.

4th Did the others referred to by
you in your second answer on
Chief board in the City or any of
them - if so - how long had they
so boarded?

Answer - With the exception
of Graham they all boarded in
the City I think about 18 months
prior to the election, some of them
longer.

5th - What was the character
of the public works or government
works to which you refer in
your examination in chief?

Answer - Rebuilding & Repair-
ing Gun Boats, building Gov-
ernment Store houses, and building
and repairing Gun barges.

List of Examiners

6th Were the men referred to as
under your Control or any of
them enlisted men in the Army
or any of the U. S. A.?

Answer - No Sir.

7th Can you name a solitary
man referred to by you having
been under your Control who was
not on the 13th of March 1865 a
bona fide resident of Missouri?

Answer - I don't know of any.

8th Do you not know that many
of the persons referred to by you
removed from Cairo in the
scale of Illinois to Kentucky?

Answer - I know that
some of them moved from Cairo.

9th In your 18th question in Chief
you are asked to identify as the
list marked Number one was
being read in your hearing
such persons with whom you
was acquainted who were resi-
dents of Illinois, 12 months imme-
diately preceding the 13th of March
1865 and whose residence 30 days
had preceded said time? Was
you not instructed to identify only
such as were unknown to your
Complainants Counsel and

Bill of Exemption

Page were not the names of many old
111 citizens well known to your parent
serv^t,

Answer - He said he would
not call the names of those that
were known to him, was his words
I believe, the names of many old
citizens were passed over, he said
it was not necessary because
he knew them,

He desired.

You were asked in your
report & amendment to state the
names of the persons referred to
by you in the military & naval
service who were not regularly
enlisted men. You thereupon gave
the names of certain persons, you
will now state how you exercised
your knowledge that they were
not regularly enlisted men?

Answer - From the fact
that they do not enlist men for
that branch of the business,

D^r, Wm. D. Bowers, D. Haines, A.
Sherman and J. Haines, residing
in Mendocino with their families
prior to their having entered the
military or naval service,

Answer - They were not.

Part of Exhibits

3. Please state the names of the persons referred to by you in your answer to Crap interrogatory 8th as having moved from Cairn to Channahilly?

Answer - I don't know that I could state all of them, I will get some, their is E. Ogden, Canal Bower, is all that I remember.

45- Deposition of George D. Lounding

1st How long have you resided in Channahilly?

Answer - nearly nine years.

2nd What has been your avocation since your residence there?

Answer - Clerk & Cashier for Messrs Hamilton, Lecker & Co. City Club.

3rd How long did you clerk on the 13th of March 1845?

Answer - I was.

4th You will please state whether or not a registry list of the elections of the election held the 13th of March A.D. 1845 was returned by a Judge or Clerk of said election to you?

Answer - No Sir.

Deposition of George D. Lounding

Page 5 Mr. May will please state whether
112. any affidavits or writing made
by persons, voting in the said elec-
tion stating therein that he was
an inhabitant of immediately
before and entitled to vote
at such election or other proofs
showing the qualifications were
submitted to you by a Judge or
officer of said election?

Answer - to Ser.

Pl. Please state from an examination
of this list marked exhibit No 1,
the names of all persons who
were residents of the State of
Illinois 12 months immediately
preceding the 13th day of March
A.D. 1865 and whose residence
for the last 30 days prior to said
time had appeared to was in Illinois
city precinct, identifying their
residence by number or direction
of numbers, street or other location
of their dwelling or place of work
of such persons?

Answer - A. J. Anderson R.R. Ave,
A. Anderson back of High St.,
J. M. Allen 14th St. S. C. Burgoyne
West. C. Burkhardt 8th St. J. Burkhardt
Main St. A. Burkhardt 20th St. W. H.,
Burns Elm St. John Bingham 2nd St.

Recd of Rec. plm

J. Booth Main st, D. Bowen West
 J. R. Bollinger dent Know, D. Brown
 dent Know, Jas Brunner Wal. st,
 D. D. Bean Pop. st. A. J. Billing
 without the corporation, Jas Bear
 dent Know. J. R. Baker dent Know,
 W. J. Braden dent Know, G. W.
 Berry West, Jas Buttermilk dent
 Know, Geo R. Brown Pop. st.
 H. G. Carter Com. Sec, J. B. Cran
 dull Main st, G. Clawson below
 the corporate limits, D. Chapman
 Main st, N. R. Carey Post, N. H. body
 dent Know, L. M. Carter main
 st, G. W. Carter Com. Sec, J. M. Cog
 dall Com. av. C. Corrier main st
 H. D. Copley dent Know, W. Cum
 ingsham Post, J. Currier dent Know,
 W. Craig dent Know, J. H. Clark
 Com. av, W. B. Campbell Com. av,
 F. J. Carver Pop. st, W. Crockett Pop.
 st, J. W. Carter Com. av, L. Coffey
 dent Know, Jacob Currol Elm st
 J. Cole Post, Wm Doughty Main st,
 C. Dunham R. B. av. st, G. Doughty
 Main street, John Doughty Main st.
 H. Dolan Post, D. Durbin dent Know
 C. Durcan Pop. st, A. J. Doughty
 Main st, John Doughty Pop. st, J. Doughty
 Post, James Devine Post, J. W. Davis
 Post, E. P. Devollette Post, J. J.
 Doster Main st, J. Epple Post st,
 H. Ellis Main st, E. Everts Pop. st.

List of operations

Paeg J. R. Emme Mend Cont, A Craus
 113. and Knaw. John Infanza Pk st. st.
 Liddle and Knaw. J. W. Fulu and
 Knaw. J. W. Futer W. st. A. Trapez Knaw
 st. A. L. Fair Knaw st. G. Galaher and
 Knaw. B. V. Serquim and Knaw.
 C. W. Fetter Pop st. J. S. Infanza 46
 st. R. Infanza Pop st. Mr. Fyggow
 Knaw st. Chas. Fodick and Knaw.
 Geo. A. Gregg and Knaw. D. Giffen
 Kappu Kolluv. A. Gutmam W st.
 Thomas Giffen Kappu Kolluv. for
 Goodloe and Knaw. W. Goldsmith
 Elm st. Mingo Gualhouse and Knaw.
 G. Howard Pop st. Mr. Hunt Knaw st
 A. H. Hallberg Tral. st. for Hamer
 W st. B. Kuler Pop st. R. P. Koller
 Elm st. J. W. Sorren and Knaw. B. F
 Kephrod and Knaw. Jno. B. Kener
 Tral st. G. Kaulang Elm st. R. R.
 Howard and Knaw. D. Kener Mend
 Cont. J. A. Kayden and Knaw. for
 Holmer near Knaw st. J. V. Kipling
 46 st. Mr. Kipling and Knaw.
 J. B. Kadar below Corporation.
 Ed. Hunter 30 st. for Joseph W st.
 J. W. Jones and Knaw. J. C. Jones
 and Knaw. Sam Jones and Knaw.
 Chas. E. Johnson and Knaw. W. E.
 Johnson and Knaw. Tho. B. Kirk
 and Knaw. R. M. Kelly W st.
 Or G. Kirk Knaw st. Francis Key

see a list

and Know - Geo Blank and Know,
 J. B. Leonard Corn. Av. D. Lee Hagg
 Hallow. & Lindsay and Know. S. Lutz
 Main st. Geo. O. Lounsbury 20 st. Jas
 Small and Know. P. Lynch and
 Know. A. M. Little and Know. Ed Sae
 or R. R. Av. J. S. Lee and Know. J. L.
 Lamb Pearl st. P. J. Labauge and
 Know. Geo. M. C. Corn. Av. J. W. Morris
 High st. L. S. Marshall and Know.
 G. G. Thomas High st. G. T. Muesel
 st. G. Michael Pop st. Saml. Morris
 40 st. A. J. McElhenny and Know.
 C. Miller Wal. st. J. Mumps Happy
 Hallow. J. B. McKane R. R. Av. H.
 Mulvihill and Know. W. McKee
 and Know. P. H. Meyer Pop st.
 Thos. McTally and Know. M. Mc
 Chann and Know. J. McHayers
 Elm st. L. W. Minahan 30 st. H. C.
 Merty Corn. Av. J. S. Morrill 10 st.
 J. A. C. McKay and Know. J. Mahoney
 Elm st. W. D. Sugent and Know. W.
 Seminger Wal. st. J. B. McTelle on
 Bayan. R. Cortes and Know
 C. Seminger Wal. st. J. P. Bettles
 and Know. O. A. Cribben Pop st.
 A. F. Owen Main st. R. Power Main
 st. P. O. Sennell 20 st. L. P. Owen
 Main st. J. P. Oger and Know
 J. Ouel and Know. R. C. Phillips
 Elm st. J. Pearle ~~and~~ and Know. P.
 Powers R. R. Av. G. Rollins 30 st.

and Know

Page A. Kaullett and Knows P. Ketter
 114. Aunt Know. J. Kaurast, J. J. Kaur
 Aunt Know. P. Koads Sappys Hollow.
 Jas W. Rodgers 40 st. J. F. Slack
 Aunt Know. J. J. Schmurker Main
 St. C. H. Stockdale Aunt Know. D. P.
 Steele Main St. P. Smith Main St.
 Mr. Spencer Aunt Know. Geo. Stally
 Aunt Know. P. Steele 20 st. G. Sherman
 Aunt Know. J. Schuler Aunt Know.
 C. D. Strider 30 st. P. Sullivan Aunt
 Know. Phil Smith Main St. H. Stock
 on Wal. St. Geo. Schuler Aunt Know.
 Geo. Strider 30 st. F. H. Townelle Main St.
 L. Temple Aunt Know. John Trampet
 Main St. William Taylor Sappys Hill
 on R. Tuttle Mt. J. Shepherdson
 on Av. M. Sullivan Aunt Know.
 C. A. Scott 20 st. Ole Smith Aunt Know
 Mrs S. Vogle Main St. Fred Vogle Main
 St. John S. Vogle Main St. J. P. Wheeler
 Pearl St. Mr Witzel Main St. R. Wilson
 Mt. J. E. White Aunt Know. R. Wilson
 Aunt Know. A. Wilson Mt. St. A.
 Walker Aunt Know. J. A. Wauyer
 Mt. W. B. Watson Aunt Know
 Jonathan White, A. Wagner Pearl St.
 Pat Wall Mt. W. J. Waters East St.
 Mr. H. Walker Elm St. J. M. Wood,
 Gunn Hotel, M. M. Yord h. h. Av. M.
 Young Aunt Know. James Clark Aunt Know
 William Graycraft Aunt Know. Jas. Glen

Roll of Examiners

on an Onan St. A. R. Caudle and Know.
 W. D. Lemell and Know. A. Crump main St.
 Charles Hamner. W. W. Row. E. Horner Pop St.
 Pat Hope Nappy Hollow.

76 Were any of the persons named on
 the foregoing interrogatory Soldiers, Sea
 men or Marines in the Army or Navy
 of the United States, on the 13th of March 1865
 if so - state where they were?

Answer - L. Bowers, J. R. Bolinger
 J. R. Baker, H. A. Cady, J. Hamner, L.
 Hiner, W. W. Row, E. Horner.

77 I will call your attention to the name
 of C. Rollins Are you satisfied that he
 has resided in the State of Illinois 12
 months immediately preceding the 13th
 March 1865?

Ans - I am satisfied that he never
 had his residence in Illinois.

78 Was he not reputed to have been in
 the Southern Army?

Answer - He was.

Cross Examination

10 Do the words "don't know" in your
 answer to the tenth interrogatory mean
 that you do not know the persons, or do
 not know their residence?

Answer - Don't know their exact local
 ity

Bill of Examinations

Page 1157

Deposition of George Emery

Recor Examin

1st Where do you reside and how long have you resided at your present place of abode?

Ans - Residence in Chautauque, have resided there for the last 10 years.

2d What has been your occupation during your residence there?

Ans - Have been Post master for the last five years.

3d Is your acquaintance general with the people of Chautauque?

Ans - Yes.

4th Had you a general acquaintance with the people of Chautauque on the 13th day of March 1865?

Ans - I did.

5th Who were the regular judges of Election of Chautauque precinct for the year 1864 & 1865?

Ans - I was one, the other two I don't remember.

6th Was a register of electors prepared by the judges for Chautauque precinct prior to, or during the month of March 1865?

Sir - There was no register of voters,

yr - Examine this list Carefully
whereupon exhibit "J. No. 1. Signed
Charles Wheeler Attorney for applicants
upon which is written the following

"It is admitted that the foregoing
pages contain a correct copy of the
names as they appear upon the poll
books of an election held on the 13th
day of March 1865 returned from
Champaign precinct for or against
the removal of the County Seat of
Pulaski County alphabetically ar-
ranged as they appear Corrected
in pencil - March 28th 1866 "

See on extension

~~and~~ And state the names of
all persons whose names therein
appear with whom you have a
personal acquaintance or know
to you and from your own knowledge
had a residence in the state of Illinois
12 months next preceding the 13th day
of March 1865 and whose residence
was at that time in Champaign and
had been 30 days immediately prece-
ding - if in the City give number of build-
ing if numbered otherwise the Street
or streets on which they resided
or other location of dwelling or abode

Sir - The length of time
intervening since the 13th day of
March 1865 rendered impossible for me

Page to locate the person on the above
116' list of names at the present time I
recognize a large majority of names
on said list of names who were resi-
dents of Chunda City and had been for
at least 12 months previous to said
13th day of March 1865

I name all persons whose names
appear on said list whose present
residence is at Chunda City and
the street on which they now reside

Answer - I recognize a large
number of names upon said list
who are now residents and
have been before and after said
13th day of March 1865, and unable
to give residence at present.

Roll of Electors

Please state the number of electors
whose names appear upon said
list that now reside in Chunda
City precinct?

Ans - As near as I can
now remember about two hundred
and twenty five

28 Deposition of Thomas B. Echols.

Q Where were you on the 13th day
of March 1865 the day on which
a special election was held at Chunda

(at Mount City for the removal of
the County Seal of Blount County),
Ans — At Cairo.

Do you see any unusual demonstrations
in the way of steam boats, running
from Cairo to Mount City, observed
by you on that day and also
any steam boat, leave Cairo for
Mount City on that day with persons
on board and what number,
and what object had they in view
in going to Mount City on that day?

Ans — On the day that the
Election was held I saw the Steam
boat The Harriet leave Cairo for
Mount City with I think as many
as one hundred men on board.
This was in the forenoon, the same
boat returned in the evening with
apparently the same party on board.

Do you see you acquainted with any
of the party on board said boat?

Ans — Yes I saw Geo. D. Williams
come off the boat after she had
landed.

Do you recognize the name of any
person whose name is on this list
except "A. No. 1." being printed
who even on the 13th day of March 1868
Citizens of Alexander County or those

Bill of Examiners

Page were not qualified electors in Mount
117. City precinct?

Ans - G. C. Alexander whose name
appears is not a qualified elector,
he being a foreigner and not
having been naturalized which
he stated in my presence - also
W. J. Brinkley his home being
in Metropolis, Omassue County

11 Query Mr. Cade's deposition.

1st Where do you reside and how long
have you resided at your present
place of abode?

Answer - I reside in the City of
Mount City, Missouri, and have re-
sided for five years and months and
some days

2d - Were you present at the Polls of
the election held at Mount City on
the 13th day of March 1865, if so did
you observe the voting as it proceeded?

Answer - I was and observed
the voting as it proceeded

3d - You will please state whether
or not ^{any} barrels of beer
were kept during the day
on the flat form of the building
in which the election was then going
on, for the purpose of being given

Recd of Captains

away to persons, offering to vote or voting at said election & to see if it so disposed of!

Answer - I have no recollection of seeing a barrel or barrels of beer on the platform of the place of voting at said election on said day. Nor do I know of any being so disposed of of my own knowledge.

4th - Was it or was it not so reported that barrels of beer were kept on the platform of said building during said day for the purpose of being given away to persons voting or offering to vote at said election?

Answer - I understood that there was beer somewhere in the neighborhood of the place of voting, that was freely drunk, but I do not know of my own knowledge that it was given for the purpose mentioned in the question.

5th - Ordinarily are barrels of beer distributed gratuitously by persons residing in Germany?

Answer - It has been the habit of the German population of Kansas city to have a picnic at elections, and they are in the habit of treating liberally to beer on election days.

6th - You say you were present at the

Barrels of Beer

Page 118. ¹¹⁸ Polls How long were you there and for what purpose?

Answer - I was, from the time they were opened until they were closed and the tall counted. I was one of the Judges of the Election.

Q^a Was their period for an Election day a regular time of day?
Answer - There was not.

Rec of Election

Q^a Were persons voting in and at said Election provided their own affidavits to be taken in said precinct of so many who they were. If you cannot remember names, state about the number, proving themselves entitled to vote?

Answer - There were persons who offered to vote at said Election who were unknown to the Judges and were required to make affidavit to their eligibility, as well as printed by one or more clerks, as to the number so offering to vote I cannot state.

Q^a What became of these affidavits and papers?

Answer - I meant in my answer above, in using the word

that they were sworn and marked
"Sworn" in the poll book.

Q. Was there any person present
at said polls and who shall
sworn persons offering to vote,
If so - Was said person permitted
to remain for that purpose?

A. Answer - There was, and
I used my best efforts to give him
the benefit of challenging votes.
He did so challenge number of
votes, but in the afternoon he
slapped so challenging votes,
from what cause, I do not know.

Q. State the length of time the
person or persons making such
challenge remained at the polls,
and about what time did he
leave and for what cause?

A. Answer - I cannot state
the exact length of time he remain-
ed at the polls, but my recolle-
ction is, that he was on the plat-
form of the place of voting from
after day from the fact that he
would occasionally come to the
door or window of the place of
voting and enquire the number
of votes taken, or something to that
effect, the cause of his leaving
the polls was, that he was inde-

Dues of Exemption

Page 119. Or originally Challenging all persons offering to vote, almost, which greatly annoyed and retarded the taking of votes. I requested him to leave the polls and let the people vote which he refused to do, when the voters commenced pulling and clearing the polls for the voters he disappeared with others who were in the way and I saw no more of him, but challenging votes after that.

Recd of Graham

Q. Do you not know that such person was forced to leave the polls against his will?

Answer - Not of my own knowledge I do not.

Q. Do you remember whether or not it was remarked during said day speaking of the person so challenging persons offering to vote "by God" he would be made to leave or our cause or good or something to that effect. And if so by whom was said remark made?

Answer - Referring to the plaintiff in this cause as the person challenging votes, I have no recollection of hearing any such remark made as is mentioned in the foregoing question.

14— Do you remember seeing Rev
or R. Camp present at said polls
and whether or not a remark
of that character was or was made
by him?

Ans— I saw Rev Camp frequently
during the day, but have no
recollection of hearing him use
any such language as referred to
above.

15th— Do you remember whether
any person in the room in which
the polls were held, threatened
violence against the party Compt
airant in this cause, if he did
not accept his challenges?

Ans— I did not.

16— Do you or not remember
whether Samuel P. Wheeler in
the room in which the polls
were held, or within your sight,
and is it not so reported "pulled
off his coat and rolled up his
sleeves and said to the plaintiff,
"You shall leave here" or words
to that effect?

Ans— I did not see S. P. Wheeler
pull off his coat or roll up his
sleeves in the room in which
the election was held, ^{or elsewhere,} nor do I know

Bill of Exceptions

Ray. that is so reputed that he did,

120.

17th - You will now state whether or not persons voting at said election took an oath to this effect

"You do solemnly swear that you are a resident of this precinct that you are a citizen of this State and have resided herein one year preceding this election, that you are above the age of 21 years and that you have not voted at this election or when persons voting in and at said election took an oath to this effect

"You do solemnly swear that you are a resident of this precinct and that you was an inhabitant of this State on the 1st day of April 1848 that you are above the age of 21 years and that you have not voted at this election or made affidavit and pinned themselves entitled to vote, pursuant to an Act entitled "An Act for the Regulating of Elections and to prevent fraudulent voting",

And when a voter was subpoenaed to the judges or his vote challenged the oath referred to in the first part of the interrogatory was administered to

Rec of Elections

The party offering to vote and
 if challenged we require an
 or more electors to qualify to their
 knowledge of the party being a
 legal voter before receiving his
 vote. The rule of said intercollegiate
 referring to the registry of voters
 was not administered nor known
 to the judges,

18 Q. Can you state about what
 number of persons voting at
 said election with whom you
 were then personally acquainted?
 Answer. I cannot state the
 number of persons with whom
 I am personally acquainted
 without I could see a list of the
 names of the voters.

19 Q. Can you say that you were
 personally acquainted with one
 half of the persons who voted
 at said election. More or less
 or more. State if less than the
 number?

Answer. I am at this
 time unable to state whether
 I was personally acquainted
 with more or less than one
 half of the electors voting at
 said election,

Sub of examination

20th Now will please state whether the question "Are you of the Mississippi Squadron" was not repeatedly put during the day of election to persons offering to vote by one of the judges thereof?

Answer— I heard the term used on said day "are you of the Mississippi Squadron" I think more frequently by the plaintiff in this case than any one else and it was occasionally used by the judges of the election.

21st Why was the term "Are you of the Mississippi Squadron" so used by the judges of the election?

Ans— It was only used at the request of the plaintiff in this election.

22d Now or were not persons who belonged to the Army and Army of the United States who had been stationed at Chattanooga one year next preceding said election and who offered to vote, permitted to do so?

Ans— I cannot call to my mind at this time any such person or persons.

Bill of Examinations

23^d You will please state, if
about that time, there was not
at all round City a great many
persons who had been engaged
here to get employment on public
works?

Ans - I do not think there
was.

24th Now any persons of foreign
birth permitted to vote without
showing their naturalization
papers at said election?

Ans - There was.

25th Please state the number
as nearly so as you can?

Ans - That I cannot do without
the poll book

26th You will now please state
whether or not a portion of the
cranal fleet was not in front of
city and continued there
during the day and whether
soldiers were not quartered in
the city or on board of boats.

Answer - A portion of the
cranal fleet was in front of
around City and there was
a few soldiers in quarters
in around city on the day
of said election.

Recd of Examiners

Page 27th — Please state about what
122. number of persons that were
all board and fled at said
time and what numbers
soldiers were quartered in
Monmouth City at that time.

Answer — I have no means
of knowing, nor can I firm an-
swer how many there was.

28th — Were there persons disembar-
aled Marines quartered in Monmouth
City — if so state about how many.

Answer — There was
and I think about 80 at that
time.

29th — Were there many conva-
scent patients in the United States
Hospital in Monmouth City at
that time and how many.

Ans — I do not think
there was more than 80 to 100
including the officers and
Surgeons.

27 Deposition of Sir Young

1st Where do you reside and
how long have you resided
at your present place of abode,

Ans - I reside in Mound City
and have resided there about
seven years and three months.

Q - Have you or any one of
you heard a conversation or con-
versations by persons living in
Mound City to the purpose, that
during the day of Election held
March 13th 1865 that "boats were
kept running Mound City and
intermediate points to Cairo

and from the City of Mound
City to the Naval Fleet Station
in front of Mount Campney Pen
and from said place, at intervals
once or twice daily. If you, who was
the person, who had the conver-
sation?

Answer - I have heard no
such conversation.

52. Deposition of G. B. Wallens

Q - Were you Clerk of the County
Court of Lincoln County, Illinois
on the 13th day of March 1865

Answer - Yes.

Q - Were the returns of the Election
held the 13th of March 1865
from Mound City received made
to you if so of what did said

See exceptions.

1902
Pay returns,

123.

Ans. Such return was made to me as Clerk of the County Court.

I dont know of what it consisted or to what it embraced enough to warrant a canvass of the Polls of said Precinct. As I then thought from the fact that I remember that such return was canvassed,

3^d Was there a Package of Balls accompanying said returns?

Answer - I dont know.

4th What is your present impression as to whether or not a package of balls accompanied said returns?

Answer - I have no distinct remembrance of the matter and cannot hazard an answer.

19 Deposition of P. L. Larnb

M. State where you resided on the 13th March 1865?

Ans - Indemnity.

2^d How long had you resided there at that time?

Ans - Six or seven months.

Q^a Were you acquainted with
 S. Chaney residing on the 13th
 of March 1865 If so state where he
 resided at that time?

Aⁿ— In the time of high
 water or few days before the
 election he owned his wife and
 to old Man Jackson. Whether
 he moved all of his stuff from
 Minnabady I don't know.

Q^d Where was the said Chaney
 since resided?

Aⁿ— After the election
 some time he resided at Lewis
 Mill, until his wife died, he
 never moved her back to Minnabady,
 since he has left the County,
 to the best of my knowledge.

44 Deposition of J. L. Copland,
 taken 8th April A.D. 1866.

1st Are you Deputy Clerk of the
 County Court of Poudre County,
 Minnabady?

Aⁿ— I suppose I am, I am
 in charge of the office in the
 absence of the Clerk.

Q^d Has application been made
 to you for the Ballots pertaining
 to the election held in the County
 cited herein on the 13th March 1865

Pages 9 of 20 - were said Ballads from
124, used up may - which were they
not so produced?

Ans. - They were not pro-
duced because I could not
find them on file at said
office having searched all
papers pertaining to Elections
found in said office.

Ballads of Elections

But this is all the evidence that
was introduced on the part of the
Complainant

The defendant introduced ~~some~~
~~and on evidence the appointment of~~
George Clark as a witness

Page

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125 § 1 General Clerk, was sworn as a witness
in behalf of the defendants, and he dep
osed as follows viz, resided in Chicago
July 8 or 9 years before 1865 from 4000 to 5000
in Precinct, thinks voting population greater
than vote cast, knows several persons who
did vote vote In 1865 a number of votes
were rejected for want of sufficient resi-
dence, test, were clear their; houses and
boarding houses there, all full; from Jan-
ary 1863 to Spring of 1865 a large number
of citizens were military over coats, caps,
straw coats & pants

on cross examination witness stated
that at last June election in City about
300 voters. Enfranchisement limits contracted
since, say 40 or 60 voters in, excluded
from limits.

19 General W. Butler. Sworn in behalf of

defendants, says he, testified, that he
knew as citizens both since 1845, & by testimony
No of inhabitants then in Columbus present
exceeded 4000 - in March 1865 very few
Negroes lived within corporate limits, about
two tenths occupied by negroes outside
limits of city, thinks there was fuller
a manning or more legal voters than
ever taken, in March 1865. Knows 20
to 40 legal voters who did not vote then
Genl G. Lombard, was produced and
sworn in behalf of defendants and he
deposed as follows, that he had lived
in Columbus City 10 years, has been out
of the Marine Corps, well acquainted with
people there, resided there in 1865, in March
1865 inhabitants 4000, this is only guess,
have heard such calculations, thinks
over 4000 then, thinks then, about 500 or
600 voters in present this is only guess how
ever, then must have been that many

Was increase of inhabitants in 1868
& 1865 this was perceptible in 1865 as by
that time they had acquired a residence,
some citizens in 1845 probably wore military
any uniforms, no vacant houses then in
town, knew 2 brothers named Alfred,
could tell what proportion of inhabitants
were black, nor number of white women
or children, thinks 2000 or 200 now, perhaps
more, not so many now as then, thinks
that there was orders prohibiting City
and wearing uniforms from the fact that

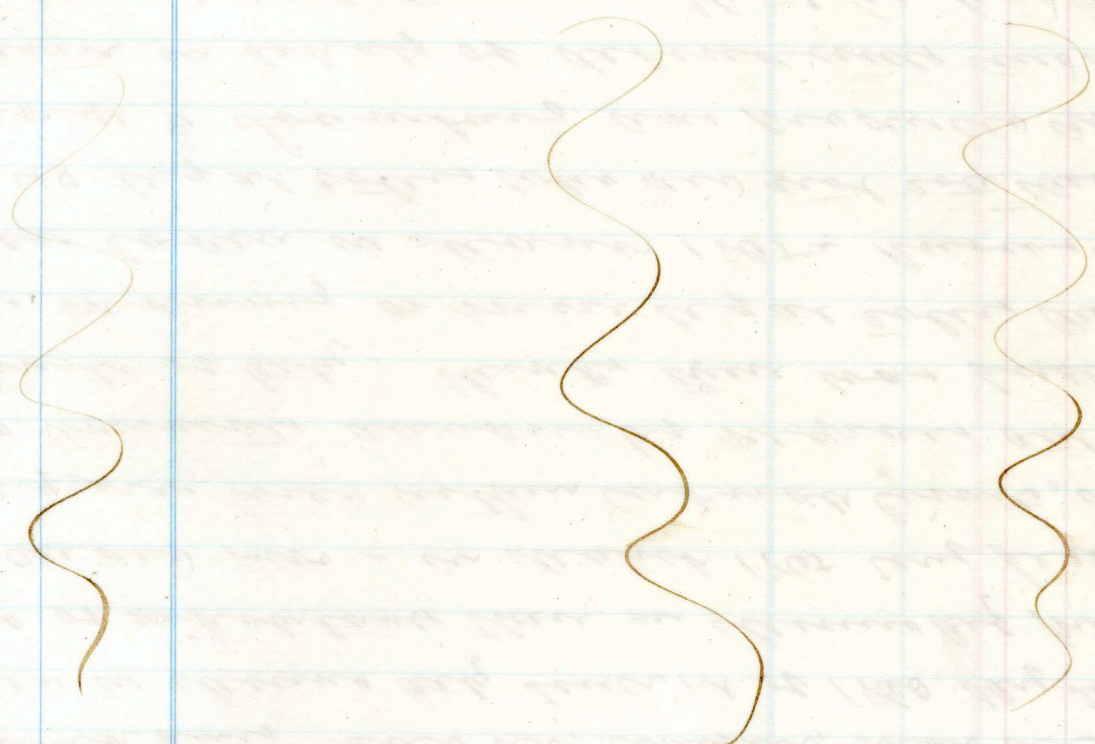
page

126.

a great many persons got into trouble there for wearing uniforms

3 Daniel W. Mumma, was sworn in behalf of dependants, and he stated that he was on the Hamlet the day of election, went to Mound City and about 3 o'clock P.M. when opposite Mound City

The dependants then read as evidence the depositions of H.H. Howard, Enock G. Kirk, Jesse Atty, H. G. Atty, Charles Currier, Frank Sherman, John A. Waugh, James W. Leuter, T. M. Ward, A. R. Carey, J. D. C. McCoy, C. E. Johnson, depositions of dependants ~~and~~ g. Atty, in the order in which they were read and as follows viz:



State of Illinois }
Pulaski County } ss In the Circuit Court of said County
To the April Term 1866

Hiram Boren a taxpayer

vs

The Clerk of the Circuit Court }
The Clerk of the County Court } Bill in Chancery
The County Court of Pulask } to Contest Election
County Ill.

The said plaintiff will take notice that on the 9th day of April A.D. 1866 between the hours of 9 o'clock A.M. and 5 o'clock P.M. of said day and continuing from day to day thereafter Sundays excepted, between the same hours if necessary, at the office of George Mutz Esq. in Mounds City before H. N. Louelle Esq. the defendants will ^{proceed} to take the depositions of George Mutz George H. Carter R. Fraganza John A. Nangh, Charles Curran P. M. Kelly N. R. Casey, and others to be read in evidence on the trial of this cause, when and where you can attend and cross examine if you see proper.

Yours Respy
Maulkey & Wheeler
for Defs.

To Hiram Boren or
Davidge & Dougherty
his Attys.

We acknowledge service of the above notice the 28th day
of March 1866. by copy
Dougherty & Davidge for
Complainant

1. Depositions of H. R. Howard, Enoch G. Kirk, George Hunt, H. C. Hunt, Chas. Cannon, Frank Sherman, John W. Wanger, George W. Carter, A. M. Ward, N. R. Casey, J. A. McCoy, C. O. Johnson, residents of the County of Pulaski and State of Illinois, witnesses on the part of the defendants in the following cause to wit, Hiram Boren a taxpayer of Pulaski County Ill. vs the Clerk of the Circuit Court, the Clerk of the County Court, and the County Court of Pulaski County Illinois, now pending in the Pulaski County Circuit Court in the State of Illinois produced sworn and examined before J. N. Towelle a Justice of the peace in and for said County of Pulaski on the 9th day of April, A. D. 1866 and succeeding days as in said depositions specified at the office Geo Hunt Esquire in Mound City between the hours of 9 A. M. and five o'clock P. M. of each day taken by virtue of the annexed notice

April 9th 1866, 10^o O'clock A. M. N. R. Howard being first duly sworn deposes and says as follows

Q¹ Where do you reside, what is your age

A¹ Reside in Mound City. My age is twenty three years.

Q² State whether or not you acted in any Capacity at an Election held in Mound City Precinct on the 13th day of March, 1865, as an officer; if so, what was it

A² I did, as Clerk of the Election

Q³ Look at the paper marked Exhibit A, and state whether or not it is a correct Copy of the Poll book kept and names of the voters voting at said Election in Mound City Precinct on the 13th of March, 1865.

A³ I recognize it as the Poll book retained by the judges and Clerks of said Election and taken at the time of such voting and contains a correct list of voters names voting at said Election

Q. 4th Are you willing the same should become a part of your deposition.

A. 4th I am,

Q. 5th How long have you resided in Mounds City
A. 5th Since the year 1859.

Q. 6th Have you been absent during any of the years suc-
ceeding 1859, and if so how long and for what
purpose

A. 6th I have been absent between three and four
years in the U. S. Service

Q. 7th Where has been your residence and home since
1859.

A. 7th Mounds City Ill.

Q. 8th Where did you reside up to the time of entering
the U. S. Service and where did you go upon being
discharged therefrom.

A. 8th Resided at Mounds City and returned to Mounds
City when discharged.

H. R. Howard

20 Enoch G Kirk, being duly sworn deposes and
says as follows:

Q. 1st What is your name age and residence

A. 1st My name is Enoch G. Kirk, About 38 years old
My residence Mounds City Ill.

Q. 2nd Where did you reside on the 13th day of March 1865.

A. 2nd At Mounds City Ill

Q. 3rd Did you attend an election, held in Mounds Precinct
on said day, and if so in what Capacity

A. 3rd I attended said election and acted as one of the judges thereof

Q. 4th As such officer of the election, did you or not make
return of said election to Caledonia the County Seat of Pulaski
County at that time

A. 4th I did

Q. 5th From whose hands did you receive the returns
when you started for Caledonia.

H. R. Howard

Ans^{5th} From George N. Carter one of the judges of said Election.

Q^{1st} How long after said Election was it before you made said return, and to whom did you deliver said return in Caledonia.

Ans^{6th} The second day after said Election I delivered said returns to James M. Davidge Esq, in Caledonia Ill. said Davidge Claiming to be acting for E. B. Watkins who was County Clerk at that time, said Watkins having the small pox in his house at the time.

Q^{2nd} Did you or not convey all the returns of said Election to Caledonia, and deliver the same to said Davidge, which you received from J. W. Carter your associate judge.

Ans^{7th} Yes I did.

Enoch G. Kirk

50 George Mertz being first duly sworn deposes and says as follows

Q^{1st} What is your name, age, place of Residence

Ans^{1st} My name is George Mertz, my age is 52 years of age, my place of residence is Mound City Ill.

Q^{2nd} How long have you resided in Mound City and in what business have you been engaged in for the past five years

Ans^{2nd} I have resided in Mound City for the past nine years and have been Post Master for the past five years

Q^{3rd} Has your business been such as to give you a general acquaintance with the residents of Mound City during the last five years

Ans^{3rd} Yes I think it has.

Adjourned till 10 o'clock P M

Apr. 9th One o'clock met pursuant to adjournment
 Art 4th Please look at the Prob book marked Exhibit A attached
 to the deposition of H. R. Howard and give the names
 of all persons appearing thereon who are known to you
 to have been residents of the State of Illinois for
 twelve months next preceding the 13th day of March
 1865, and whose permanent abode was in Mount
 City precinct for thirty days immediately preceding
 said 13th of March, if any such are known to
 you.

Ans⁴ George Meitz, R. C. Phillips, E. M. Eaton, H. G.
 Carter, C. Rawlings, E. P. Wheeler, E. H. Haughey,
 T. Howard, Ege Loeffler, Mrs. Metz, Chas. E. Johnson
 J. W. Morrison, Mrs. Hunt, John Mezanza, J. B. Leonard,
 A. C. Burgoyne, O. A. Osborne, L. I. Marshall, J. J.
 Morris, George C. Gegg, Mrs. Dougherty, J. B. Crandall,
 Joseph Lefevre, A. J. Hallenburg, Thos. B. Kirk, David
 Lee, David Keefe, Mrs. D. Nugent, David Griffin,
 James Gundy, L. H. DeGrauder, R. Wilson, F. W.
 Haslett, James D. Huck, E. A. Raug, C. Burkhardt,
 P. J. Sullivan, Jacob Linsay, C. W. Yerwood, A.
 Guterman, C. J. Hawksdale, A. J. Anderson,
 Mrs. A. Stern, Joseph Harvey, J. Mansfield,
 J. H. Weyer, F. H. Tourelle, Jos. Bundschuh,
 J. Clawson, S. Cummings, P. M. Kelly, James
 Sutton, W. W. Casnick, G. J. Epstein, S. P. Steele,
 Benjamin Chapman, L. H. Owens, Joseph Smith,
 Peter Smith, J. E. White, B. Huber, A. Spencer,
 A. Lutz, B. B. Hobbly, John C. Voelke, George Doby,
 Ege & Lounsburg, Mrs. Keminger, T. Eppel, W. E.
 Johnson, Blede, M. McJurd, N. Burkhardt,
 N. R. Casey, Chas. Michaels, Daniel Morris, H. S.
 Price, Robert Welsen, R. P. Owens, H. A. Cady,
 P. Snyder, Joseph Joseph, J. A. Hoerholder,
 J. W. Heron, D. D. Francis, C. Dunham

Thomas Guffin, Samuel Graham, D C Dougherty,
 Fred Vogli, J Booth, H C Mertz, John,
 Disinger, Daniel Cliveter, Chas H Gould,
 Orlando Wilson, S M Carter, James Sadelle,
 A Peasley, J B H Walte, Patrick Lynch,
 Levy Temple, B H Henslowe, A Mounitz, H
 Joarjini, Adam Snyder C J Walden, Jacob
 Hatter George Mulag, John B Henry, Frank
 Sherman, Mart Middle, J Shinder C E Streete,
 S C Williams A J Jakaney Daniel Powers
 A Uppen B W Huff, C S Hartough E J Kirk H R
 Howard, N P Harris, J W Carter J M Cozlet R Dolan
 J W Council, J J Donnelly John Stampert D Hines
 C Curran, C Samardis R Esbith John Bingham, A
 Barollett John Hall, John Moran J W Turley, Barnard
 Deolin, C Duncan, P Morrissey D Mc Danton,
 Francis Keese W D King J M Gray, R H Stevens,
 H L Copelly A J Dougherty M F Mansford W
 Cunningham J W Foster A Andelin P Sullivan
 P Cunningham Matthew Halpin James Sulisa
 A Walker, W Craig John Donnygen, J W
 Allen J A Waugh, J Ott, W B Bosworth
 James Hancock Jimmah Lane Henry Ellis,
 A Danche J Mc Donnel W R Young J Mc Naugh
 D Bowery J A Clark W Wagner C Maul W B
 Campbell P A Hayden J J Brown, Jacob
 Arnold P A Donnel Osheringer J A Jones
 H Walter N Dean A Wardner J J Caruso, J
 Hanks J J Mooney, Frank Clancy James
 Homes John Supt Tom Crockett H B Sells
 J W Carter, J C W Linton J B Hopkins
 Joseph Rogers H Mc Christman
 J B McCuen H McLaughill Peter Reuther, Ewert

J H Jarmelle

Events, W B Watson John Schully, Mrs W Hall
 P. H. Smith Henry Ansellmaly I Coffee
 James Harcitt John C. Ryan James Ponce
 J. W. Johnson James Bates T. C. Hacton
 John A. Wagle, James Dublin Edward
 Killkany Jane Cunningham P. H. Meyer
 C. B. Fitch P. Bamminger Mrs Taylor
 A. Sagan J. M. Jones, E. J. Owens Peter Gray
 Edwards Lawler Michael Holland Thomas
 Ludwell B. C. Hanks W. A. Edson J. W. Coates
 R. Tuttle Josiah Carroll George Dresner J. W.
 Watson John Hill J. W. Dick John Roach Knell
 I. Hurdwood J. F. Rouse J. C. Mulpt George Stocker
 James Carol, Boddy J. W. Mitchem J. B.
 Bolinger J. W. Lockridge G. B. Meyers Frank
 Jones, J. Calc⁵⁰ A. Frazer A. A. Fair J. Gilby
 S. B. Sutton B. D. Guley J. B. Harlan J. E. Jones J. B.
 Hovier D. H. Brown Jonathan White George Shuler D.
 Linsay A. Coirner, G. Palahay, W. C. Kelly J. H.
 Peterman W. D. Bagby H. M. Major J. C. Stout
 P. Bouck James Clarke, James Browner, D. D.
 Heart J. Matthews Mrs Cottrell E. T. Hunter
 Mrs Graycraft B. F. Wilson J. F. Trotter J. C.
 Smith James Cloune, H. Robertson, John
 McLaur, James Devine, B. M. Davis, John
 Shuler James Oniel E. H. Moriam, Pat, Daw
 J. W. Detti J. H. Hulley B. M. Thurston J. O.
 Whitacre, Joseph W. Rogers R. DeWester
 Stewart Mine C. W. Keller Chas Wagner E. P. Smith
 Pat Hall, J. H. Emerie, J. T. Higginzie James Shinde
 P. Anagnye, S. D. Bear, Adam Smith, Ed Alfred
 Chas Hanson A. J. Billings, J. H. Dullington, William
 George Clark John Bowen Jacob B. Baer Robert
 Woods, O. H. Allen, J. C. Robertson W. Lock
 Mrs Fitzgald, George Steeter W. C. Cheney

77 Journal

Jas Goolae J Goulson L W Mann ahan
 Jacob Wilson A Evans James Graham W
 J Miller James Henry H Goldsmith Eye Welch
 Edward Egner, R Hempelman, S Bassett,
 W B Linn, B W C Cate John Jones, O Hodson,
 Patrick Scanlon Isaac Marsh M Joyce, Michel
 West, Leoy Jones R B Hards, John M Wood,
 Mike Carroll, Ph Bowers P J Land Jones
 Sheperdon & M C Gee, V B Caudle, S S Morris,
 Isaac T Tyler W J Stevens, M Sullivan
 Joseph Letford N J Bradon, Michael McDonald
 John Rogers W L Cornell M Benas, J Jones,
 J A C McLaughlin M Carbaugh Henry Bennett
 C A Scott, Eli Smith, E P Doolittle J
 Mahoney Chas Asdick Pat Hope, W H Dook
 J M Perry Patrick English, John Berry J Hamilton
 John Pearson Joseph Putterworth, James R Dick
 Ch Alexander J B Kettle, B W Gaskill, Geo A
 Brown, E Aberdeen, P Debaugh A Crump
 Pat Murphy P Reuther, Michael Huthery
 Joe A Lee Mrs Jones David Jones John Taylor
 Emmell Gartin Mrs Gartin Anthony McDonald
 W M Smith, H Kumbler, Joe Daugherty H H
 Buring = 401

W J Jones

Ques 5th What was the number of bona fide inhabi-
 tants in Board City Precinct on the 13th March
 1865

Ans 5th From three to four thousand

Ques 6th Was there or ~~was~~ not a general interest
 manifested in the Election on 13th March
 1865 by the Citizens of Board City Precinct

Ans 6th Yes there was

Ans 7 Was there or was there not any Convention
or that Consensus to bring out a large vote
on that day, if any what were they

Ans 7 There was a general Suspension of business
on account of the high water, and the interest
felt in the result of the Election

Ans 8 State whether or not the Election was
held in the Normal City precinct at the usual
place of holding Elections, if so where

Ans 8 The Election was held at the usual place
of holding Election, at the Normal City
Rail Road and the Office of Geo W Carter

Ans 9 Were you about the polls on the day of said
Election and did you see any one there
present Challenging voters, if so who was
it

Ans 9 I was about the polls on the day of said
Election and saw Mr Hiram Boren
of Caledonia Challenge Voters

Ans 10 Was his Challenge regarded by the Office
of said Election, and was any obstruction
made to his so doing by the voters present

Ans 10 They was as far as my observation
went, do not know that there was
any obstruction, made by the voters
present

George West.

Adjourned till 9 o'clock on 16 April
Apr 10th 9 o'clock W. 16, Met pursuant to
Adjournment

231

H C West being first duly sworn deposes
and says as follows

Ans 1 My name is H C West, my age is 23 years

my place of residence is Mound City Ill.
Q¹ How long have you resided in Mound City
and in what business if any have you been engaged
for the past four or five years

Ans¹ I have resided for the last nine years in Mound
City. My business for the past four or five years
has been that of assistant Postmaster of Mound
City

Q² Were you or not to a considerable extent ac-
quainted with the inhabitants of Mound City and
familiar with the names of those residing there
on the 13th of March, 1865, and for, say, one year
prior thereto,

Ans² I think, I am.

Q³ Please look at the Poll book marked ex-
hibit A, attached to the deposition of H. A. Hawley,
and give the names of all persons appearing
thereon, who are known to you to have been
residents of the State of Illinois for twelve months
next preceding the 13th day of March, 1865 and
whose permanent abode was Mound City previous
for thirty days immediately preceding said 13th

day of March if any such are known to you
Ans³ George Mertz, R. C. Phillips, S. M. Eaton, H. G.
Carter, C. Rowlings, S. P. Wheeler, E. H. Hough, J. Howard
E. Loeffler, Wm. Kekzel, Hiram Rollin, Chas. E. Johnson
Wm. Hunt, J. W. Morris, John Fitzgerald, J. B. Bonnard,
A. C. Burgoyne, O. A. Osborne, L. J. Marshall, H. Angell
G. G. Moring, E. C. Gaegg, Wm. Danpherty, J. B. Crandall
Joseph Lefevre, A. J. Hallerberg, Thos. B. Kirk, David
Lee, Frank Sander, Joseph Lorie, David Keefe, W. H.
Kugent, David Triffin, James Ginnay, S. H. Deprander,
R. Wilson, Frank W. Halsett, James J. Black, J. J. Smicker

H. A. Hawley

E A Boaz, C Burkhardt, J Sullivan, Jacob
 Linsay, C M Seward, A Tutman, C H Hockdale
 A J Anderson, W A Starn, Joseph Harvey, J
 Mansfield, J H Meyer, J H Jurelle, Joseph Burdette
 G Lawson, S Cummins, P M Kelly, James Sutton
 W W Ramick J H Starn, S Steele, Benj Chapman
 S H Owens, Joseph Emitt, P Emitt, E White, P Huber,
 H Spencer, A Lutz, R P Hawley, J B Vagle, George
 Stolz, G E Lounsbury, W. Mumminger, J
 Eppel, W E Johnson, J Heel, W W, Yards,
 M Burkhardt, W R Casey, Chas Miskalis,
 Jani Morris, H S Price, Robert Helsen, R P Owen,
 H A Cady, P Snyder, Joseph Joseph, J A Hoesholder
 J W Kenon, S D Harris, C Dunham, Mott Guffe
 Sam Graham, S J Dougherty, Med. Vagle, S Booth
 Benj Rice, H C Mertz, John Dushinger, Daniel
 Chichester, Oland Tolson, W H Gould, Sill Carter
 James Ladelle, Le Peasley, J B H Kolte, J Syncey,
 Leoy Temple, P H Heschel, H Jurgens,
 Adam Snyder, C J Walden, Jacob Haller
 G M Maloy, J B Henry, F Heinson, M Hedde,
 J Shuler, C E Struter, S C Williams, A J
 McWhinney, David Powers, A Ufer,
 B McNeill, C S Hartough, E G Kirk, W P Harris
 H R Howard, G W Carter, J M Cogdale,
 J H Chambers, R Dalton, J W Cannon, J H
 Manly, Henry Ruyam, John Rumpel,
 D Hiner, C Curran, C Lancaster, R
 Nesbitt, John Pangham, A Bunslett, John
 Hall, John Moran, J M Wirtley, Bernard
 Dealin, C Dungan, P Morrissey,
 P M Duniston, James Keese, W D King

J H Jurelle

J McLoary, B H Stevens H L Copley
 A J Daugherty, M H Wainford, H L
 Cunningham, J H Foster & Anderson
 P Sullivan, P Lemmings, Mathew Halpin,
 James Sullivan, H C Shelton & Walker
 W Craig, M Allin, John Longman,
 J A Haight, W B Rossell, James Hancock,
 Jeremiah Bane, Henry Ellis, A Darrin
 J W Daniel, R R Young, J M Haight
 M Colbert, D Borders, H H Clark &
 Wigney, C Moall W B Canale & A Hayden
 J W Brown, Jacob Schider, P C Daniel, C
 Kemminger J A Jones, H Walter, H Dean
 A Warner, John Cummins, J J Cairns
 J Hanks J J Mooney, T C Haney, Jas Holmes
 John Saff, Wm Crockett, Jos Daugherty,
 David Cunningham, F M Little J H Baker
 H C McArthur, J V Haptins, Jos Rogers
 A Christamer, J B McQueen, H Maloukell,
 J R Gallahan, Peter Ruther, Evers Everts
 W B Watson, John Scully, Wm W Hall, Phillip
 Smith, Henry Quellmull, L Coffee, James Harris
 John O'Brien, James Paine, J M Johnson
 James Bates W C Hackson, John A Boyle
 James Destin, Edward Kilberry, James
 Cunningham, P H Meyers, Wm Taylor
 Joseph Rainer, A Eagan, J H Jones & P Omer
 G Schading, P Chaney, Edward Lander,
 Michael Hiland, Thos Lutweld, R C Huntley
 H A Edson, C B Fitch, J M Cales, R Little
 Dennis Moran, Joseph Carol Gray Drumm
 Thos Crayle, J M Watson Richard Hale
 J M Dick John Buck Thos Wally, M...

W B Rossell

Underwood, J J Rouse, J C Nutt, J J Hackett
 James Carver, H Postly John Remyan J Lytle
 J W Meacham, A Lee Bookman, J B Kollinger
 G B Myer, George W Tuckbridge, J W Herrer, Luke
 Jones, J Cole, Arazier & A Fair, J Gley
 S B Sutton J B Lytle, James Fowler, J B
 Harlan, J B Jones J B Astor, D P Brown
 Johnathan White Geo Shuler, D Sinsy, J Comen
 James Lee, J Hallway, W C Kelly, J Hittman
 M L Bagby, M W Mayo, J C Grouse
 P Rant, J L Spin, Jas Brown, D D Hunt
 J J Mathias, Wm Cordell, E Hunter, Wm
 Graycraft J W Wilson J J Potter John C Smith
 Jas Colman, A C Robinson, C W Dunlap
 John W C Cam, James Devine, W Davis
 John Shuler W P Jackson James O Neil
 E H Moam, Pat Daro, W W Cam, J W B Co
 G F Hawley B K Ferguson W Whelan, J W
 Rogers R Delworth, Wm Rust, Heraact Price
 C W Felter, C Pat Wagner E F Smith Pat Wells
 J R Emire, J C Ferguson, R Ferguson, James
 Shendan J D Ben, Adam Smith Ed Alfred
 Otis Hummer, A J Billings, J S S Billings, J
 J Billings, Geo Clark, John Cowen, Jacob Pae
 Robert Woods O H Olsen, J C Robertsons
 Herain Sampson J Fitzgerald, Wm Fitzgerald,
 Ige Struter, Jos Miner W C Cherry, Jos
 Goldhoe J Golden, James Fylop, Moses
 Eldridge J W Manahan, Jacob Wilson, A
 Evans, James Graham W J Waters, Jas
 Hamrey H Goldsmith Ige Welch, Ed Smith
 S Darnell, W H Walker, J Hunt, Lemmon
 Benyama Rensio, W B Lincum, B W Cah

J H Jewell

W. W. Miller, J. C. Shea, J. Jones & Asst. Jones
 Patrick Leelan, Isaac Marsh, John Corso.
 M. Joyce, W. Meagher, Michael West Levi
 Jones & M. Ward, J. M. Woods, Alonge Great House
 Ph. Powers, J. L. Lamb, James Stephenson &
 Mc Gee, S. R. Cool, S. S. Mowil, R. P. Stoddard
 Isaac N. Tyler, Wm. B. Stephens, Wm. Stanley
 Wm. McKay, G. A. Moors, R. Sullivan
 Jos. Salford, H. J. Braven, Michael, Mc-
 Donald, Jos. Rogers W. L. Cornell, M. Benas
 H. Jones, J. A. C. McCoy, G. W. Carby, Henry
 Barnett, C. A. Scott, Wm. H. Croner, Edmund
 & P. Doolittle P. Mahoney C. A. Fosdick, Pat
 Hope, W. H. Dool, J. W. Perry, Pat English
 John Perry, Henry Binning, C. Tabert, R. D.
 Carter J. Hamilton, Wm. Sippel John L.
 Pierson Jos. Butterworth Jos. R. Drake
 C. C. Alexander, J. B. Kettles V. A. Gastile
 G. R. Brown, S. A. Peider, P. J. Lebaugh
 Richard Reardon, A. Crump, Patrick
 Murphy Peter Ritter, Michael Cady,
 Michael Slattery, Joseph A. Lee, Wm. Jones
 John Taylor, Samuel Jarvis, Wm. Jarvis
 Anthony Mc Donnell, C. W. Smith, Mike
 Keeper = 445

H. C. Mertz

J. A. Jones

61 Charles L. Luman being first duly sworn
 deposes and says as follows
 Q. What is your name age and place
 of residence
 A. My name Charles Luman my age is 33 year
 of age my residence is Mend City

Int 2nd How long have you resided in Mound City

Ans 2nd Two years

Int 3rd Are you acquainted with C H Dunlap W C Brier, James Kinney & J P Green - 4 and 3rd of Am

Int 4th Where did they reside on the 13th of March 1865

Ans 4th In Mound City Ill

Int 5th How long prior to the 13th of March 1865 did they reside in Mound City

Ans 5th Not a year any how

Chas Currier

James H. [unclear]

13 Frank Sherman being first duly sworn deposes and says as follows

Int 1st What is your name age and place of residence

Ans 1st My name is Frank Sherman my age is 30 years my place of residence is Mound City Ill

Int 2 How long have you resided in Mound City and how long in the State of Illinois

Ans 2 I have resided in the State Mound City two years and a half and in the State Seven years

Int 3 Was you on the 13th of March 1865 in the Military Service or Naval Service of the U States

Ans 4 I was in the Naval Service

Int 4th Where did you reside at the time of entering

The naval Service

Ans 4th In Mound City Ill

Qnt 5th Did you vote at the Election held in Mound City on the 13th of March 1851

Ans 5 I did

Frank Sherman

37 John Haugh being first duly sworn deposes and says as follows

Qnt 1st What is your name age and place of residence

Ans 1st My name is John Haugh my age is 31 years my place of residence is Mound City Ill

Qnt 2nd How long have you resided in Mound City

Ans 2nd Nine years

Qnt 3rd Are you acquainted with Valentine Hight, Michael Hind, Henry Bunyan, James Kinney, J P Knapp, John Cummings, J Murphy, Jerry Casey, Thos W Kelly, A W Sampson, Ed Simmons, J Hannon, John Hurley, M Reynolds, W H Walker, John Lane, George Reed, B W Cate, J C Shea, G H Knapp, John W Gavo, Frank Teno, Alonzo Great House, J Kane, John Ryan, Jas Ferrel, Thos Regans, A Evans, Jas M Thurston, Joseph Osberg, Dan Carr, John Mack, D Wc Spinn, Daniel Kelly, John Candrell, Michael Cading, Harry Richardson, M Huns, = 38

Ans 3rd I am with the exception of J P Knapp

John Haugh

Ans 4th When did they reside on the 13th of March 1860
and where did they reside for one year next
preceeding that time

Ans 5th In Mount City Ill

Ans 5th Do their names appear upon the Poll
Books marked Exhibit A referred to in
the deposition of H R Howard now shown
you

Ans 5th they do

Jno A. Mough

Adjourned till 1 1/2 o'clock P M

1 1/2 o'clock P M Met pursuant to Adjourn at

13 George W Carter, being first duly sworn deposes
and says as follows

Ques What is your name, age, and place of
residence

Ans 1st My name is Geo W Carter My age is
57 years My place of residence is Mount
City

Ans 2nd Did you act in any capacity in an
election held on the 13th day of March
1860 in Mount City Precinct if yes
what was it

Ans 2nd I was one of the judges of the Election

Ans 3rd Where was the said Election held

Ans 3rd In one of the rooms of my office
where elections in this precinct are
usually held

Ans 4th In what Building was your office
and where was it at that time

Ans 4th In the Mount City Rail Road Depot

Ans 5th Did the ballot box used on that day

77 Jan 1860

pass from under your eye or observation
at any time.

Ans 5th I do not think it did

Ans 6th Was it sealed up before any votes
were received

Ans 6th It was

Ans 7th Did it remained sealed during
the day or not

Ans 7th My recollection is that in the after-
noon of the day of the Election the Sealing
was parted, but that it was tied at both
Ends, and remained so and was not
untied at any time until the polls were
closed

J. H. James

Ans 8th Were there any ballots put into the box
except by the hand of some one of the judges
of the Election, on that day, and did the number
of ballots in the box at the close of the polls cor-
respond with the number of voters named
on the Poll Books

Ans 8th There were no ballots deposited into
the box except by the hands of the judges and
the number of names on the Poll Book cor-
responded with the number of Ballots in
the Ballot Box, all of said Ballots were
counted but one, which, numbered 259
which is herewith filed and made a
part of this answer

Ans 9th Were the Ballots numbered corresponding
with the number on the Poll Book before the same
were deposited in the Ballot Box

Ans 9th they were

Ans 10th Was there any adjournment by the judges

from the time of opening the polls until closing

Ans 10th there was not

Ans 11th When were the returns made out and of what did they consist

Ans 11 They were made out immediately after adjournment, the same night of the election they consisted of the Poll Books, Ballots Tally Sheet and Certificates of number of votes cast

Ans 12th Were such returns sealed up or not if so where, in whose presence by whom, and if directed to any person who was it

Ans 12th They were sealed up by the Clerks and Judges of the Election, immediately after the tallying was completed and directed to the Clerk of the County Court of Polaski County

Ans 13th What was then done with said returns

Ans 13th I locked them up in my safe that night and next morning tied them all securely together and delivered them to Enoch G Kirk one of the judges of said Election to take to Caledonia and deliver them to the Clerk of the County Court of Polaski County

Ans 14th How long have you resided in Mount City and have you generally been about the polls on Election days, and served as judge of the Election in this precinct

Ans 14 I have been a Citizen of Mount City for six years and about two months

27 Jan 1877

and have generally been about the
elections held in this precinct
and have on several occasions
acted as judge of the election
Q¹⁵ Has there ever been provided a
ballot box with a lock and key
by the County Court of Delaski County
for the use of Mount City Precinct
A¹⁵ There has never been a ballot box
of any kind provided by the County
Court of Delaski County with or with-
out a key or lock for the use of this
precinct that I know of

Q¹⁶ What was the bona fide white popula-
tion of Mount City Precinct on the 13th
of March 1865

A¹⁶ Not less than four thousand

Q¹⁷ Were there any circumstances which
conspired to bring out a large vote
on that day, if so what were they

A¹⁷ There was a great interest taken
in the election for the removal of the
County Seat of the County by the citizens
of the town, business was generally sus-
pended owing to the high water and
consequently most all of the votes
of the precinct were polled

Q¹⁸ Was there or not any change made
in the place of voting after the polls
were opened

A¹⁸ There was not, We started to take
the votes at the door and found that
impracticable as the plaintiff in this action

posited himself in the door and claimed the right to do so occupy the same to the exclusion and inconvenience of voters thereby, retarding the progress of the Election when we changed to the window a few feet from the door in the same room and the same window that we were in the habit of taking votes at at an usual Election

J. J. Lawrence

Q^{nt} 19 - Was the result of the Election publicly proclaimed by any one after the result had been ascertained, if so by who and when

A^{ns} 19th As soon as the result of the Election was ascertained & proclaimed the result from the door of the room in which the Election was held

Q^{nt} 20th On the day of said Election were there any votes taken of persons personally unknown to the judges of said Election without proof of there being bona fide voters in this precinct

A^{ns} 20th There was not any votes taken on that day of persons personally unknown to the judges without the proof aforesaid

Q^{nt} 21 Please look over the list of names referred to and embodied in the depositions of George Westy and H C Bouty and state whether or not you are acquainted with the whole or any part of the persons therein named I mean those mentioned in the

an answer to Int 4 in the deposition
of George Westy and in the answer to
Int 4 in the deposition of H C Westy
in this case

Ans 18 I have looked over the names in
in the depositions referred to and although
not personally acquainted with all of
them, know them as citizens of the
Mound City precinct at the time of said
Election on the 13th of March 1865.

Int 22 Where did such persons reside referred
to by you on the 13th of March 1865 and
for one year prior thereto

Ans 22 Most of them resided in the Mound
City precinct for one year preceding said
Election, some of them were citizens of
of the State, and removed here from
other Counties, who had resided here
more than 30 days prior to said
Election.

George W. Carter

55 F. M. Ward, being first duly sworn depo-
ses and says as follows

Int 1st What is your name age and place
of residence

Ans 1st My name is F. M. Ward my age
is 28 and my place of residence is
Mound City

Int 2 Where did you reside on the 13th
of March 1865

Ans 2 In Mound City Ill

Int 3^d How long had you resided
in Maunds City prior to the 13
of March 1865

Ans 3 I Came here the 9th day of Dec.
1864 and resided here from that
date till this now

Int 4 Where did you reside immediately
previous to your moving to Maund City

Ans 4 Near Pilaski Station, in Pilaski
County Ill

Int 5 How long had you resided there
Ans 5 in nearly three years

Int 6 How long have you resided
in the State of Illinois

Ans 6th Eighteen year or more

J. M. Ward

J. M. Ward

Adjourned till 9 O Clock
A. M. Apr 11th 1865

Met pursuant to adjournment
Apr 11th 9 O Clock, P. M.

2. N. R. Casey being first duly sworn
deposes and says as follows.

Int 1 What is your name age and place
of residence

Ans 1 My name is N. R. Casey, My age is
41 years My place of residence is
Maunds City

Int 2 How long have you resided in Maunds
City

Ans 2 About nine years

Int 3^d Was you or not in Maunds City

on the 13th of March 1865 and was you
about the polls of the Election being held
on that day

Ans 3 - I was in Maund City on the Said
13th day of March and was about the polls

Qnt 4th Did you see One Hiram Boren at
or about the polls on that day

Ans 4 I did

Qnt 5 Did you at any time order or direct
the arrest of Hiram Boren if so by what
authority and for what reason cause

Ans 6 I did order the arrest of the Said
Hiram Boren, as Mayor of Maund
City and Moderator of the peace for
disturbing the peace at the polls by
violent and improper language and for
attempting to impede the progress of the Election

Qnt 7 Did this disturbance to which you refer
occur under your immediate observation

Ans 7th It did and was tolerated for a con-
siderable length of time before I ordered
the arrest

Qnt 8th Where did Hiram Boren reside at that time
and was he a voter entitled to a vote at the
Maund City Polls

Ans 8th He resided at that time in Caledonia and
was not entitled to a vote at the Maund City
polls

Qnt 9 What was the bona fide white population
of Maund City Precinct on 13 March 1865

Ans 9 From three to four thousand

Qnt 10th Have you or not during your residence
in Maund City been about the polls of Election

held there, if so how often

Ans 11th I have been about the Rolls of Elections held in Mounds City at every Election to the best of my knowledge recollection for the last eight or nine years

Qnt 12 Have you ever seen during that time a ballot Box with a lock and key furnished by the County Court of Pulaski County for the use of the Mounds City precinct

Ans 13 I never have and I don't think there was a box furnished this Precinct by the County Court, we always had to improvise one for our own use

N. P. Casey

James H. H.

15 J. A. McCoy being first duly sworn deposes and says as follows.

Qnt 1st What is your name age and place of residence

Ans 1st My name is J. A. C. McCoy my age is 39 years my place of residence is Mounds City

Qnt 2nd How long have you resided in Mounds City

Ans 2nd I have lived here since 7th of Aug, 1853

Qnt 3rd Was you on the 12th day of March 1853, a resident of Mounds City Precinct and had you so resided for twelve months next preceeding

Ans 3rd Yes

Qnt 4th Was you in the Military or naval

Service of the U.S. at that time
Ans 4th I was not

Qnt 5th Had you been in the Military
or naval service of the U.S. for two years prior to the 13th of
March 1865,

Ans 5th I had not

Qnt 6th Are you acquainted with J. H. Allen
if so was he or not in the
in the Military or naval Service
of the U.S. on the 13th March 1865.

Ans 6th I am acquainted with J. H. Allen
He was not in the Military or naval
service at that time.

J. A. C. McBoay

46 Chas E Johnson being first duly
Sworn deposes and Says as follows

Qnt 1st What is your name age and
place of residence

Ans 1st My name is Chas E Johnson
my age is 27 years my residence
is Mound City

Qnt 2nd How long have you resided
in Mound City

Ans 2nd Since 1863

Qnt 3^d Are you acquainted with Ricard
Young, Louis, Ranney, John Ross, James
R Batten, John J Smith, John W. Gentry,
Robert W Ross, R B Barry, C Donney,
Edward Moore, H A Thompson
G W White, J R Oxford, John Conley
David Coppen, J N Staley, Thos H

Henry Curran, John E Scott, Hiram
 Knapp, Chas A Halsey Wm G Bichee
 John R Baker, Wm Hanley, Wm Ernst Thos
 Anderson, Wm Wakey, John Hindswick,
 Gey A Mooers Jos Mills Wm H Cromer
 John Reed John Pelison G Bates John
 Armstrong, John Funk, John West,
 J Lawyer, Wm Wallace Rufus G Melburne
 G F Broad, W. W. Mullen, W H Vannoy
 W Weber, Fred Kiepler, Jas Curtis,
 John Phillipps, J Vault, John McQuire
 Wm Ross, James Dome, Wm Conant,
 James Crawford, John Lummel E O Neil
 Peter Rice, Henry Foster, J H Meyers J J
 Mc Gee Joe E Pratt Jas Fox, Wm Nolan
 Walter Benjamin, Wm Womac A W
 Hawse Richard Hill John Albridge
 W H Pelison, J Dalough Chas Ginn
 J Little Asa Bookin W C Bryan
 J H Fawer E Boyd James Fowler
 J Doyle W H Apple Jas Case J Loyd
 M Joy M Colbert, Fred Collins Jas
 Hawler, C S Walden, J W Chambers
 J Frederick J H Penwell = 89

J H Fawer

Ans 3 I am

Ans 4 when was there permanent abode
 on the 13th of March 1865

Ans 4th - In Mound City Ill

Ans 5th - There had they resided for 90
 days next preceding the 13th of March
 1865

Ans 5th - In Mound City

Int 7th - In what business were these parties to whom you refer engaged
Ans 7th - Mostly Mechanics and Labourers

Int 8th - In what business are you now engaged

Ans 8th - I am City Marshall of Maund City

L E Johnson

State of Illinois

Pulaski County } vs. J. H. Louelle a
Justice of the Peace in and for said
County do hereby certify, that the foregoing depositions of H. R. Howard, Geo. Mertz, H. C. Mertz, Chas Curran, Frank Sherman, John A. Wang, George W. Carter, J. M. Ward, N. R. Casey, J. A. C. W. Coy, and Chas. E. Johnson were sworn to and subscribed by said deponents said oaths, having been administered by me and they signed the same in my presence, that said witnesses were each by me duly sworn to testify the truth, in relation to the matter in controversy so far as they might be interrogated, that the interrogatories and answers thereto were each reduced to writing by me in their presence, in the order in which they were proposed and answered, that said depositions were so taken, at the Office of Geo. Mertz in Maund City in said County, commencing on the 9th day of April 1846, and concluded on the 11th day of April 1846 between the hours, of 9 o'clock A. M. and 5 o'clock P. M. of said day - That after the taking of each deposition the same

J. H. Louelle

again read over to the witness giving the same and then by him subscribed and again sworn to, that the same were taken in the presence of S. P. Wheeler one of the defendants Council and by virtue of the annexed notice

J. H. Tourelle

J. P. [unclear] Deul

J. H. Tourelle

Bill of Costs to foregoing depositions etc
Justices Costs

To 6550 words	650
" issuing ten Subpoenas	250
" Stamps & Stationary	40
	<u>\$9.40</u>

Constables Costs

To issuing Subpoenas - Frank Shenna	113
" issuing Subpoenas - Chas E. Johnson	75
	<u>\$188</u>

1. State of Illinois }
Pulaski County } ss

We George W Carter

E G Kirk & Wm P Harris do Severally
Solemnly Swear that we will perform
the duties of Judges according to Law
and the best of our Ability that we will
Studiously Endeavour to prevent fraud
deceit and Abuse in Conducting the
Same

Subscribed and Sworn } George W Carter
to before me the 13th day } E G Kirk
of March A D 1865 } W. P. Harris
Geo. Mertz J P Seal

{ Stamp }

State of Illinois }
Pulaski County } ss

We W R Howard

and C S Hartough do Severally
Solemnly Swear that we will perform the
duties of Clerks, according to law and the best
of our Ability, that we will Studiously en-
deavour to prevent frauds deceit and Abuse
in Conducting the Same

Subscribed & Sworn } W R Howard
to before me the 13th day } C S Hartough
of March 1865 A D }
Geo Mertz J P Seal

{ Stamp }

Roll Book of an Election held at the office of G. W. Carter in Mount City Precinct Pulaski County Illinois on the second Monday in the month of March A. D. 1865 being the 13th day of said month, for the purpose of voting for or against the removal of the County Seat of Pulaski County Illinois to Mount City pursuant to notice

Voters Names

1	George Mertz	26	J B Brandall
2	R. C. Phillips	27	Joseph L. Howe
3	W. Eaton	28	A. H. Hallibur
4	H. G. Carter	29	Thos B Kirk
5	W. Rollins	30	David Lee
6	S. P. Wheeler	31	Frank Under
7	E. H. Hough	32	Joseph Curie
8	G. Howard	33	David Keeffe
9	George Zepher	34	W. D. Nugent
10	Wm Wetzel	35	David Griffin
11	Heran Rollins	36	James Grindie
12	Chas E Johnson	37	L. H. Deprander
13	W. Hunter	38	R. Wilson
14	J. W. Harris	39	Frank W. Halsted
15	John Fitzgerald	40	Jas T Slack
16	J. B. Howard	41	J. J. Shirk
17	A. B. Binyoyn	42	E. A. Boag
18	W. A. Ashome	43	W. Buckhart
19	S. S. Marshall	44	P. J. Sullivan
20	J. H. Pennwell	45	Jacob Lindsey
21	Wm. Weidner	46	C. W. Seward
22	H. Henge	47	A. Guttman
23	G. G. Harris	48	W. F. Stockdall
24	George C. Greig	49	A. J. Anderson
25	Wm. Daugherty	50	Wm. A. Stem

51	Joseph Harvey		
52	J Mansfield	84	Samuel Morris
53	G H Weyer	85	H B Price
54	H A Louelle	86	Robt Welsen
55	Joseph Bundschuh	87	Fred Keller
56	G Clauson	88	R P Owens
57	B Cummings	89	J P Green
58	P M Kelly	90	H A Cady
59	James Sutton	91	P Binder (Swon)
60	W W Lasnik (Swon)	92	Joseph Joseph (Swon)
61	J J Epstein (Swon)	93	H A Harscholder (Swon)
62	B P Steele	94	Charles E Fletcher (Swon)
63	Benj Chapman	95	J W Henon
64	E J Owens (Swon)	96	D D Harris
65	Joseph Smith	97	L Dunham
66	P Emock	98	Thos Griffin
67	J E White	99	Sam Graham
68	P Huber	100	D C Daugherty
69	N Spencer	101	Fred Vogle
70	A Vitz	102	J Booth
71	H P Holley	103	Benj Pearce
72	Valentine Highdt	104	H C Wittz
73	John S Vogle	105	John Dersinger
74	Geo Stoltz	106	Dan Chickster
75	George Lombardy	107	James Foster
76	Thos Kemminger	108	C H Gould (Swon)
77	F Eppel	109	Orlando Wilson
78	H E Johnson	110	W H Duns (Swon)
79	P Steele	111	E M Carter
80	M M Yand	112	James Louelle
81	N Burkhart	113	Fred Collins (Swon)
82	A R Casey	114	Aug Schulman (Swon)
83	Charles Michales	115	A Pinsky

116	J B C Kelle	149	D Jones
117	P Lynch	150	G Suran
118	Levi Jumbell	151	Co Lancaster
119	B F Hesselrode (Sworn)	152	R Nicket
120	H Keonuts (Sworn)	153	John Bingham
121	H Jennings	154	A Rowlett
122	Adam Sinder (Sworn)	155	John Hall
123	Jacob Hewson	156	L. Frederick
124	C S Walton (Sworn)	157	John Moran (Sworn)
125	George Malloy (Sworn)	158	Ed Caran
126	Michael Hens	159	J H Finley
127	J B Henry	160	H. W. Wright
128	H Sherman	161	Bernard Delvin
129	M Tridill	162	C Duncan
130	J Shuler	163	P Worsley
131	C E Street	164	D M Sutton
132	D C Williams	165	Francis Keys
133	A J McElaney	166	James Kimey
134	David Peulens	167	H H King
135	A Upon	168	J W Cleary
136	D M Neff	169	R B Stevens
137	C S Hartough	170	H S Copley
138	E G Kirk	171	A J Dougherty
139	W P Harris	172	M F Warford
140	H R Howard	173	W Cunningham
141	G H Carter	174	J W Foster
142	J M Logdel	175	T Loyd
143	J W Chamberlain (Sworn)	176	A Anderson
144	K Delan	177	J Delaney (Sworn)
145	J W Council	178	P Sullivan
146	T H Donnelly	179	P Cummings
147	Henry Bury	180	H C Shields
148	John Hampton	181	J P Kneep

{ 5th
145
1808

182	L. Zepher	215	J. A. Murphy
183	P. Cohen	216	J. A. Jones
184	Mathew Halper	217	H. Walter
185	James Sullivan	218	N. Deane
186	John Williams	219	A. W. Deewood
187	A. Walker	220	John Cummins
188	H. Craig	221	A. Warden
189	J. W. Allen	222	J. L. Carico
190		223	J. James
191	M. Fry	224	J. Hawks
192	John Donagan	225	J. F. Mooney
193	A. A. Haugh	226	H. Channey Swon
194	J. Ott	227	James Holmes
195	W. B. Bosworth	228	John Saff
196	Janet Hancock	229	W. Crockett
197	Jeremiah Lane	230	Joseph Dougherty
198	Henry Ellis	231	Dan Cunningham
199	A. Darche	232	D. J. King
200	J. W. Donald	233	J. M. Little
201	W. R. Young	234	J. W. Carter
202	J. M. Haugh	235	J. W. Lenthon
203	Moalbert	236	W. Young
204	D. Bowlers	237	L. V. Hopkins
205	J. M. Clark	238	Jos Rogers
206	W. Wagner	239	H. Christenson
207	L. Maull	240	R. J. Hunt
208	W. B. Cambell	241	J. B. Loun
209	J. A. Hayden	242	Jos H. Gray
210	J. J. Broon	243	H. Mulvihill
211	John Davis (Dean)	244	J. B. Gallaher
212	Jacob Schuler	245	B. A. Patterson
213	P. O. Donnell	246	Peter Ritter
214	L. Neuninger	247	Ever Everts

248	W B Watson	281	Edward Sawler
249	John Scully	282	Michael Highland
250	Wm Mc Hale	283	Thos Tidwell
251	Pho Smith	284	R C Hawks
252	Henry Duellmal	285	W A Elom
253	J Doyle	286	W C Nolan
254	L Coffey	287	J M Coates
255	Jos Hammet	288	Dennis Moran
256	John O'Brien	289	Wm Barrow
257	Jos Rouse	290	Jerry Casey
258	J D Arnold	291	R Little
259	G M Johnson	292	Josiah Carroll
260	James Bates	293	George Dismer
261	W C Stockton	294	Thos Corbett
262	H. Fletcher	295	J M Watson
263	Johna Oagle	296	Thos W C Kelly
264	Jos Devin	297	A W C Laughlin
265	Edward Rilkey	298	W H Mitchell
266	Jos Birmingham	299	A W Harris
267	W H Apple	300	John Hill
268	P H Meyer	301	Richd Hill
269	W B Mitot	302	J B Hill
270	P Bremminger	303	J M Dick
271	Wm Taylor	304	John Rich
272	Robt Bennett	305	Ed Simmons
273	Jos Peisan	306	John Albridge
274	A Eagen	307	Massel Underwood
275	J H Jones	308	J L Rouse
276	G P Owens	309	W H Patterson
277	Janet Schmeiday	310	J Dellow
278	P Clancy	311	J H Hulit
279	L Leggat	312	J Jackson
280	Jos Casis	313	Chas Gore

(971
500)

314	H K Cartaine	347	J E Jones
315	G Harrison	348	J B Oyer
316	F Crossy	349	D F Brown
317	J C Nulph	350	Jonathan White
318	D D. Truman	351	George Schuler
319	George Slaughter	352	J Lindsey
320	James Carroll	353	J Conner
321	H Busby	354	Gas Lee
322	John Lunningen	355	E Thompson
323	John Whitaker	356	G Fallaher
324	J Lythe	357	J Daley
325	J M. Metchem	358	Co & B Libick
326	Louis Jungin	359	Zip Edward
327	Asa Bodkin	360	Am Orents
328	Mr O'Brien	361	W C. Kelly
329	J Horen	362	J H Meyers
330	J B Myers	363	Co Meyer
331	J R Dolinger	364	J M Peterman
332	Geo W Lockbridge	365	M D Bagby
333	J W Kurer	366	J C We Gee
334	Frank Jones	367	W G Orenton
335	J Call	367	J C Jacobs
336	A Anaper	368	W M Major
337	N A Fair	369	J C Shoud
338	J Gilkey	370	P Reach
339	J B Sutton	371	J T Esping
340	J W Allen	372	J H Bulaly
341	E Boyd	373	Gas Clark
342	J B Hyeily	374	Dan Johnson
343	J Clark	375	Gas Brown
344	James Chappell	376	D D Hart
345	James Fowler	377	J Mathews
346	J B Galan	378	

379	Wm Cottrell	412	S. Vault (sworn)
380	Jo. E. Pratt	413	G. F. Halley
381	E. S. Hunter	414	B. N. Ferguson
382	Wm. Graycraft	415	W. Whittaker
383	B. J. Wilson	416	Jos. W. Rogers
384	T. J. Trotter	417	R. Dillworth
385	John Husley	418	John Mc Guire
386	C. W. Dunlap	419	Wm. Kuest (sworn)
387	John C. Smith	420	Stewart Fine
388	Jas. Cloven	421	C. W. Felter
389	Jas. Campbell	422	Chas. Wayne
390	Benj Smith	423	E. J. Smith
391	A. C. Robertson	424	Pat. Wall
392	Walter Benjamin	425	T. Flamingan (sworn)
393	Wm. Calder	426	Jas. Donnelly
394	John Mc Cann	427	A. Thompson (sworn)
395	James Devine	428	J. R. Emrie
396	M. Reynolds	429	L. S. Friganza
397	Jas. Fox	430	Jas. Sheridan
398	S. W. Davis	431	R. Friganza
399	John Schuder	432	S. D. Bean
400	W. P. Jackson	433	Adam Smith
401	Jas. O'Neil	434	Ed. Alford
402	E. J. Moran	435	Chas. Hanson
403	Pat. Dero	436	A. J. Billings
404	M. Mc Cann	437	J. F. Skillington
405	J. Oct.	438	J. Roberts
406	J. J. Mc Dade	439	A. C. Gee
407	Louis Fanston	440	T. Billings
408	A. J. Perrington	441	M. Davis
409	C. Hercules	442	M. Aiken
410	Jas. Curtis (sworn)	443	Geo. Kolank
411	John Phillips	444	John Cowan

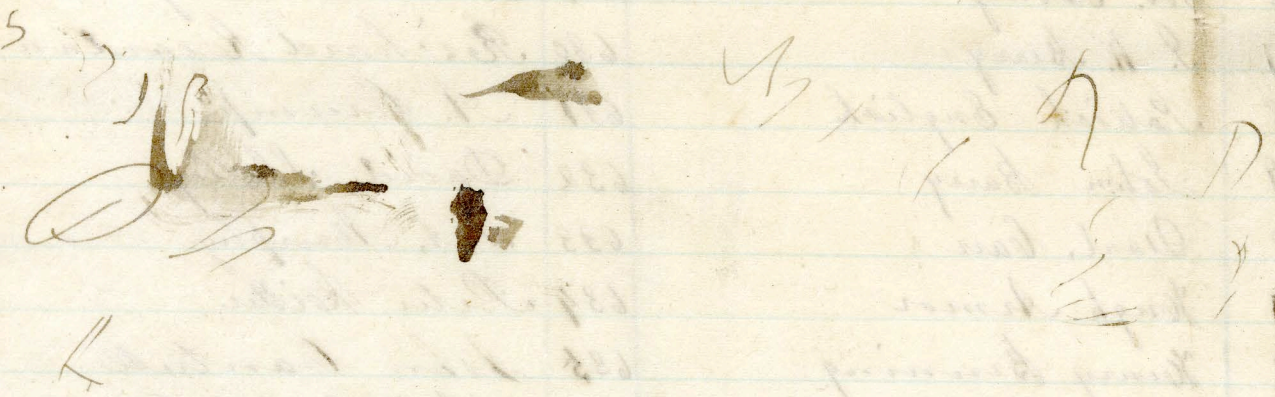
445	Jacob Baer	478	Jacob Wilson
446	Robt. Woods	479	A. Evans
447	O. H. Olsen	480	Jas. Graham (sworn)
448	Milton Deer	481	W. J. Waters
449	J. T. Beady	482	Jas. Kearney
450	Wm S. Couch	483	Th. Goldsmith
451	Jos. Crawford	484	S. Rockwell
452	J. C. Robertson	485	John Armstrong
453	Wiram Sampson	486	Geo. Welsh
454	M. Ford	487	Ed Lozier
455	Thos. Kenney	488	John Funk
456	Geo. Russell	489	S. Bassett (sworn)
457	E. O'Neil (sworn)	490	John West
458	J. Fitzgerald	491	Eyra Dunn (sworn)
459	Wm Fitzgerald	492	W. H. Walker
460	Peter Rice	493	R. Heintzman
461	Jacob Williams	494	J. Sauer
462	Joseph Miner	495	John Nailor
463	Henry Foster	496	Benj. Kenfro
464	Geo. Streeter	497	Wm Wallace
465	Thos. Franchar	498	Rufus G. Wilburn
466	W. C. Chesney (sworn)	499	J. F. Broad
467	G. Anderson	500	John Lane
468	Eli Jenkins	501	G. F. Dabney
469	Jos. Goodloe	502	W. P. Lanier
470	M. Springs (sworn)	503	C. A. Curren
471	J. Golden	504	D. Bratten
472	Jas. Kyslop	505	C. Smith
473	Moses Eldridge	506	Geo. Reed
474	A. Tippy (sworn)	507	B. Mc Cabe
475	John Peterson	508	J. Mc Giggan
476	G. Bates	509	W. Mc Mullen
477	L. W. Monahan	510	J. O'Shea

511	L. Jones	544	John E. Scott
512	E. Koshier	545	Wiram Knapp
513	C. H. Knapp	546	Wm Minton
514	Wm Thompson (sworn)	547	Chas. A. Halsey
515	Patrick Scaulin	548	Wm J. Brishear
516	Isaac Marsh	549	John R. Baker
517	John Mc Graw	550	Wm B. Stephens
518	W. H. Vannone	551	Wm Stantby
519	Frank Hans	552	John Perry
520	W. Meeker	553	J. W. Smith
521	M. Loyce	554	Thos. Anderson
522	Michael West	555	Phil Brashear
523	Fredric Kibler	556	Wm Mackey
524	Levi Jones	557	John Hardwick
525	J. M. Ward	558	Wm O'Brien
526	John M. Wood	559	G. Keane
527	Alonzo Gueathouse	560	Geo. A. Mowers
528	Mike Carroll	561	John Ryan
529	P. C. Powers	562	M. Sullivan
530	John Conley	563	Gas. Farrell
531	S. S. Lamb	564	F. Hildebrand
532	J. J. Fiddler	565	Thos. Keegan
533	Gas. Shephardson	566	Jos. Mills
534	S. M ^c Lee	567	Jos. Seltford
535	S. R. Candle	568	W. J. Bredan
536	Danl. Lynch (sworn)	569	Mich. M ^c Donald
537	R. P. Stoddard	570	Jos. Rogers
538	David Cooper	571	W. S. Cornell
539	S. S. Morrell	572	Wm E. Elorode
540	J. N. Staley	573	M. Benas
541	Thos. Haddin	574	J. J. Jones
542	Isaac N. Lybe	575	J. A. C. M ^c Coy
543	Henry Kouns	576	J. W. Carbanagh

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577	Keeny Bassett	610	Abn Mack
578	Mike Reeve	611	D. C. Hutchinson
579	A. Evans	612	D. Mc Glinn
580	C. A. Scott	613	J. J. Hamilton
581	W ^m C. Cromer	614	W ^m Sippel
582	W ^m Cullen	615	Las. Morehead
583	Eli Smith	616	Wm. Morehead
584	John Reed	617	John I. Smith
585	E. P. Doolittle	618	Jas. R. Ballen
586	L. Mahoney	619	W ^m Sabin
587	Chas. Faddick	620	John S. Pearson
588	A. Mc Laughlin	621	Jos. Butterworth
589	H. Song	622	Jas. R. Drake
590	L. R. Oxford	623	John Ross
591	Jas. M. Thurston	624	C. C. Alexander
592	Pat. Kope	625	J. B. Nettles
593	W ^m H. Dodd	626	V. H. Gaskell
594	G. W. White	627	Geo. R. Brown
595	H. A. Thompson	628	J. Aberdie
596	Jos. Osburg	629	P. I. Sabough
597	J. W. Bury	630	Richard Reardan
598	Patrick English	631	A. Crump
599	John Barry	632	David Skelley
600	Dianl. Carr	633	Pat. Murphy
601	Hugh Armor	634	Peter Ritter
602	Henry Benning	635	John Cantrell
603	Edw. Moore	636	Michael Cating
604	C. Downey	637	Michael Stattery
605	C. Tallbut	638	Louis Renny
606	R. Barry	639	Joseph A. Lee
607	Robert M. Koop	640	Wm. Jones
608	John Mc Ginley	641	David Jones
609	R. S. Carter	642	John Taylor

- 643 Wm. Jarvis
- 644 Wm. Jarvis
- 645 Harry Richardson
- 646 Richard Young
- 647 Anthony Mc Donald
- 648 M. Hurst
- 649 A. M. Smith
- 650
- 651

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which was all the evidence offered
by the defendants,

And therefore to wit at a
Circuit Court begun and held on
the Court House at Santa Calles
in and for the County of Pulaski and
State of Missouri, on the 11th day Sep-
tember 1865 and on the day of said
term by on the 12th day of the month of
October, demurrer by the undersigned
defendants in this Cause was filed
and grounds in demurrer thereto
made (demurrer found in record under entry)
and the issue being on the said demur-
rer the same was fully considered
by the Court and on consideration
thereof the demurrer was overruled
(and record for order overruling demurrer)

And the said Court on the hearing
of this Cause, considering all, and
singular the aid, introduced
on both sides and also the question
of jurisdiction of this Court to hear
and determine a matter of this kind
the Court thereupon proceeded to dis-
miss bill in this Cause at the plaintiffs
costs, to all of which, the complainant
and their and their exceptions and 30
days was allowed the complainant
to file Bill of Exceptions And now
on this 7th day of January in the
year of our Lord one thousand eight hun-
dred and sixty eight the complainant
by Deugherty & Dandger his attorneys
presents this Bill of Exceptions, and

Know that the same was signed and sealed by the said and made part of the record in this cause and it is done accordingly.

(Signed, John Olney J.P.)

And appeared to and on the 14 day of January A.D. 1868, at the Rules Day in the Clerk's Office at Columbus City, comes the Complainant and presents his appeal Bond, and the same was approved.

The following is a Copy of the said Bond and its approval by

Know all men by these presents that Heron Bond and Henry D. Kiddell Henry M. Smith, J. M. Seawell, Jesse F. Walker, Thomas B. Worthington, Mr. M. Hathaway, Ephraim B. Watkins, S. B. Trohens, Thomas F. Green, Jas. Y. Clemens, Daniel F. Smith, R. F. Ray, Lewis Kallenbach, J. M. Timmons, Dr. B. Rice, J. H. Worthington, Andrew R. Olmsted, W. A. Hughes, G. W. Brewster, James Butternut, W. J. Steers, William Cairn, J. S. G. Thompson, Moses Youngblood, J. M. Gaudin, S. W. Hall, J. R. Covington, J. F. Barber of the County of Pulaski and State of Tennessee, are held and firmly bound unto Henry M. Smith Clerk of the Circuit Court of said Pulaski County, Henry C. Biddle Clerk of the County Court of said County, and to Alexander M. Brown, Co. Judge, William S. Hambleton, County Justice of the Peace and

George W. Leater, County Justice of the Peace, the County Clerk of Pulaski County, Missouri, in the sum of five hundred and dollars, for the payment of which we bind ourselves, our heirs, executors and administrators, jointly, severally, and firmly by these presents.

Witness our hands and seals, this ninth day of January A. D. 1868

The condition of the above obligation is such, that whereas on the 21st day of December 1867 in the Circuit Court of Pulaski County, a certain ~~Bill~~ Bill in which the above bounden Herans Brown, is Complainant, against Henry M. Smith, Clerk of the Circuit Court, Henry C. Hart, Clerk of the County Court and the said Alexander M. Brown Co. Judge, William L. Hambleton, County Justice of the Peace and George W. Leater, County Justice of the Peace, the County Clerk of Pulaski County, Missouri, are the defendants, entitled to Bill in Chancery to Control Matters, Came on to be tried and the said Bill, was dropped at the Complainant's Court, whereupon the Complainant prayed an appeal, which was allowed and 80 days allowed to file Bill of Exceptions and Appeal Bond, conditioned on

And whereas the said Complainant has taken an appeal to the Supreme Court of the State of Missouri, now if the said Complainant shall prosecute his appeal with effect

and in case of failure, shall pay
all costs in the case, then the above bond
to be void, otherwise, to be and remain
in full force and effect (Signed)

- H. B. Brierley
- H. D. Kiddle
- H. M. Smith
- J. M. Lawrence
- J. J. Walker
- Thos. B. Wathington
- Wm. H. Hallaway
- E. B. Walters
- D. B. Graham
- Thomas J. Green
- Jas. G. Clemens
- Daniel F. Pratt
- R. J. Kaur
- Louis Kallentach
- J. L. Tommon
- N. B. Pica
- S. K. Wathington
- Isaac D. Sturwood
- James Burton
- G. W. Bristol
- William Cain
- J. L. G. Thompson
- Mrs. Youngblood
- J. M. Grant
- J. M. Hall
- J. B. Kenyon
- J. J. Barber

Approved as per at New York
January 14 - 1868

Wm. M. Southwell

And at another day

State of Missouri
Pulaski County

I Henry M Smith
Clerk of the Circuit Court of
Pulaski County State of Missouri
do hereby Certify that the foregoing
~~and hundred and fifty one~~ pages
contain a full and complete
transcript of the record in the case
of Truman Boren a taxpayer ~~vs~~
Henry M Smith exors Clerk; Henry
& Meritt; Clerk of the County Court
Alexander M Brown Judge of the
County Court William S Hamilton
County Justice of the Peace and George
W Carter County Justice of the Peace
as appears by the records & files
in my office

In testimony whereof I
have hereunto set my hand
and affixed the seal of said
Circuit Court - this 15th day
of May A D 1869
Henry M. Smith
Clerk

State of Illinois
Pulaski County

I, Henry M. Smith, Clerk
of the Circuit Court in and for said
County and State of Illinois, do hereby
certify that the foregoing page,
contains a true ^{transcript} at the process, the
pleadings of the parties respectively, all
the orders made by the Court, the
judgments of the Court, the Bill of
Exceptions, the appeal bond
and that the same is a ^{full and} complete
transcript of the record, files and
other proceedings pertaining
to the cause of Hiram Bann
a tax payer vs Henry M. Smith
Clerk of the Circuit Court. Henry
C. Mearns Clerk of the Circuit Court
Situated Mr Brown Judge of the
Circuit Court, William L. Hamblin
County Judge of the Peace and George
W. Carter County Judge of the Peace and
that the same is a ^{full and complete} transcript of this
the record ^{the} cause as appears from the records & files

in my office
in testimony whereof I
have hereunto subscribed my
name & affixed the Seal of
said Circuit Court this 15
day of May A.D. 1868

Henry M. Smith
Clerk



28492-112

Steu of Illina

[Faint, illegible handwriting on lined paper]

Seal of Illinois } p. ch. the Supreme
of Grand Jurors } Court of the Juvs
Term, A. D. 1868

Heram Owen a tax payer Petitioner

vs
The Circuit Court of ad Sleple in Error
Henry M. Smith Clerk of

And now comes the plaintiff
in error, J. D. Smith & Co. his attorney,
and says, that in the said and proceedings
aforesaid, there is manifest error in this to wit,
1st The Circuit Court erred in so adjudicating
the demurrer in this cause
2^d The Circuit Court erred in dismissing the
suit for want of jurisdiction

~~3rd The Circuit Court erred in deciding the cause
against the weight of the testimony
4th The Circuit Court erred in deciding the
cause in favor of a minority vote
5th The Circuit Court erred in deciding
that the Report of ad to cont, an
ad, entitled "An act for the regulation
of elections and to prevent fraudulent
voting" had no applicability to
said election in said Bell mentioned~~

3rd The Court erred in deciding the cause
against the weight of the testimony
4th The Court erred in deciding the
cause in favor of a minority vote
5th The Court erred in deciding
that the Report of ad to cont, an
ad, entitled "An act for the regulation
of elections and to prevent fraudulent
voting" had no applicability to
said election in said Bell mentioned

5 The Court erred in sustaining
the pretended election without
any registry of voters names

6 The Court erred in giving
judgment of dismissal
of ~~Complaint~~ bill on
hearing of the cause

founder in error.

Wesley Sloan

Mucky coal & wheel
attys for ~~appellee~~ ~~in error~~

Boughter & Dever
dgr for appellee

~~[Large scribbled-out area]~~

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Receiv-

Worren Boren

H. M. Smith Esq

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Recd 12th June 1864
W. M. Winkler
Ck

Paid by Dougher 475.00

711-6653

Walker J. It appears, that on the 16th day of February 1865, an act of the General assembly was approved enabling the citizens of Pulaski County to vote for and against removing the County seat from Belcher via to Mount City. This act took effect from and after its passage. On the day previous an act was adopted providing for the registry of electors and to prevent frauds in elections, which ^{act} went into effect from and after its passage. An election was held on the 13th day of March, the day named in the act, returns were made, and it was therefrom declared that there was a majority of 313 votes in favor of the removal. Whereupon this bill was filed, for an injunction to restrain and prevent the removal of the County seat; because there was no registry of the voters had before ~~the~~ holding of the election, and that there were more fraudulent votes cast for removal than the majority indicated by the poll books. A demurrer was filed to the bill but overruled by the Court; a hearing was had, the temporary injunction dissolved and the bill dismissed.

Was this an election specified in the registry law? It requires the board of registry to meet on Tuesday three weeks previous to any state, can-

ty or city, election or town election, and proceed to make a list &c. The act further declares that they shall meet on Tuesday of the week preceding the election for the purpose of revising and correcting the registry lists. It will be observed that an election of this character is not mentioned in this language. It is not what is understood as a state, county, city or town election. They as all know are for the election to fill offices of these various departments or divisions of the state government. Had the general assembly designed to embrace an election of this character they would have specifically named it as they did the others or have employed a language sufficiently comprehensive. Had the act declared that the registry should be made before any or all elections a different question would have been presented. When there are other elections authorized and required by the law than those enumerated, and when they have specified a position & only we must conclude, that those not named were intended to be excluded from the operation of the law. This is the natural and reasonable interpretation and accords with the usual canons of interpretation.

We now come to the question of fraud. ~~And~~ having found the abstract to vague and imperfectly made, that we have here

*No portion of the evidence introduced by appellant has been printed in the abstract, but only a mere statement of that of appellant.

Carefully to read the entire ^{bill of exceptions} record to learn what the proof was on the hearing in the court below. The rules in reference to abstracts has been entirely disregarded in this case, and the record being voluminous and not well prepared, a large amount of labor unless any labor has been imposed upon the court which would have been avoided if the abstract had been an index to the record. After a careful consideration of the evidence we are of the opinion that appellant has failed to establish that fraudulent votes were cast to a greater number than the majority returned. He has no doubt established, that fraudulent votes were cast, but not to that extent.

The judges of election testify that the election was fairly conducted by them, that they permitted no person to vote unless they knew they to be legal voters, as the fact was proved. A number of well informed persons state that the white population of the city was at that time between four and five thousand, and none place it at less than three to four thousand. It does not appear that the vote was extraordinarily large for such a population. And when it is remembered that the vote at the preceding election in November was

four hundred and forty six, and no one ~~denies~~
denies that it was a fair election; and the
witnesses state that the population had increased
so, it would not seem to be a violent pre-
sumption to conclude that there was at
least that number of legal voters at this
election. And the deputy post master swears
that he knows 449 of those who voted to be
residents of the city and entitled to vote and
his brother the post master swears to 401
that he knows were entitled to vote. If this was
the only evidence ^{balance of the votes were} and the ~~poll books~~ excluded,
still, it would have a majority of the votes in
favor of removal.

The poll books however must be regarded
as conflicting evidence, until overcome by sat-
isfactory proof. On behalf of appellant several
witnesses state it as their belief that there was not
exceeding three hundred legal voters in the city
at the time the election was held. This character of
evidence is not sufficient to contradict the
poll books, and the election of three months pre-
vious shows there was three fifty percent more
than they suppose. And the number of illegal votes
~~poll~~ ~~books~~ ~~show~~ does not perhaps reach a hundred.
And the fact that some of the witnesses were un-
able to remember more than ~~a~~ ~~hundred~~ two
hundred and twenty to fifty of the previous show

names were on the poll books as residents of the city is not evidence requiring the vote to be reduced to that number; witnesses might no doubt have been found who did not know fifty of the voters, and the fact that the sheriff did not find but a few of those that were named in the subpoena although evidence was not of that forcible character necessary to strike all of their names from the poll books. From his evidence we infer that he made no great effort as he only speaks of having inquired of the post master who was unable to direct him where he wants find them. He does not state that he made inquiry of others and seems to have been easily satisfied to return them ^{subpoenas} not found. So whether the evidence be considered separately or collectively we deem it insufficient to sustain the bill.

It was urged that the court below had no jurisdiction to ~~to~~ entertain the bill. It is no doubt true that a court of equity will never interfere to determine which of two persons has been elected to an office, or to try the rights of parties to hold an office, as in such cases the law has afforded an adequate and appropriate remedy, still this is not a mere contested election. It is to determine where the citizens of a community have the legal right to transact public business.

business. It is true that it may incidentally involve the question whether the vote has been fairly taken, and if fraud has been committed to purge the polls.

Our Constitution has declared that such a vote shall be taken before a County seat can be removed. And in making that provision it is manifest that it was designed that the will of the majority of the legal voters of the County should control. It would defeat that object and render this fundamental provision inoperative, if the sense of the majority of the legal voters constitutionally expressed might be overruled by illegal voters or other fraudulent means. And as the Constitution and the law has failed to afford the a specific remedy to prevent the Constitution and the law from being defeated it is eminently proper that equity should afford the requisite relief in such cases. As there is no law in England similar to this provision of our Constitution, and the organic laws of other States are believed to have no such provision, it is not to be expected that precedents may be found upon which to base the jurisdiction of a court of equity. But our Courts of equity may in the absence of legislative action to refuse relief this constitutional ^{al} provision could be fraudulently rendered inoperative and wholly defeated. The duty of the Court below is affirmed decur affirmed.

Hiram Boren

32 vs 12

Henry M. Smith

Opinion by
Walker Jr

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appd

June 8, 1868

BRIEF.

HIRAM BOREN, a tax payer,
vs.
HENRY M. SMITH, Circuit Clerk, et al. }

In the Supreme Court of the State of Illinois, at June Term, 1868.—Chancery.—Appeal from Pulaski.

In this cause the appellant assigns for error—

1. The court erred in so adjudicating the demurrer in this cause.

See Chit. on Practice.

2. Error assigned that the court erred in dismissing the bill for want of jurisdiction.

See 30 Ill., Stines' Equity Jurisprudence, p 49, 439, 440, side pages.

2d Scam., p 273, Beaubin vs. Binkerhoff.

3. The court erred in deciding the case against the weight of the testimony.

4. The court erred in deciding the cause in favor of a minority vote.

5. The court erred in deciding that the Registry Act, to-wit, An act entitled "An act for the Registry of Electors, and to Prevent Fraudulent Voting," had no applicability to said election, in said bill mentioned, See the Act.

DOUGHERTY & DAVEDGE, Attorney's for Appellant.

Bowen
Smith
Puffs Brief

Filed 1st June '68
W.D. Williams
clerk

BRIEF

DOUGHERTY & DAVIDSON

In the Supreme Court,

JUNE TERM, A. D. 1868.

HIRAM BOREN, a Tax Payer, &c.,
Appellant,
vs.
HENRY M. SMITH, Circuit Clerk, &c., et al
Appellees. } CHANCERY. APPEAL FROM PULASKI COUNTY.

BRIEF AND ARGUMENT OF MESSRS. MULKEY, WALL & WHEELER ON BEHALF OF APPELLEES.

On the 16th day of February, 1865, an act to enable the voters of Pulaski County to vote for or against the removal of the County Seat of that County from Caledonia to Mound City, was approved and in force from and after its passage. See Private Laws of 1865, vol. 1, page 549.

On the 15th of February, 1865, "an act for the registry of electors and to prevent fraudulent voting," was approved, and also in force from and after its passage. See Private Laws 1865, p. 54.

In compliance with the provisions of the enabling act, an election was held on the 13th day of March, 1865; returns made, &c., showing a majority of 313 votes "for removal to Mound City."

Thereupon, the appellant, as a resident and tax payer of the county, presented his bill in Chancery, alleging—

1st. That the election was null and void, and all votes cast were fraudulent, because the provisions of the act for the registry of electors, &c., had not been complied with.

2d. That more fraudulent votes were polled in favor of removal than the majority, to-wit: 313 votes.

And praying a writ of injunction, which was awarded. A demurrer was interposed to the bill and overruled; answer filed; a hearing had; and the injunction was dissolved and the bill dismissed.

I.
We question, at the outset, the right of the appellant, simply because he is a tax payer, to bring a suit of this character. In the case of "The Board of Supervisors of Iroquois County et. al. vs. Keady," 34th Illinois, page 296, the Court say: "An act of administration likely to produce taxation, is not, ordinarily, a matter of private or individual concern; it is an affair altogether public, and the appropriate remedial process against an abuse of administrative power, tending to taxation, would seem to be a proceeding in behalf of the State." See above case and cases therein cited.

There is not, in the record, an attempt to prove that appellant was a tax payer of the county at any time, although that charge in the bill is denied in the answer.

II.

In the next place it is claimed that no election can be held unless the registry law is complied with; or, in other words, that proof going to show that A. voted without being registered or proving himself qualified in the manner pointed out in the law of '65, his vote is *per se* fraudulent. We maintain—

1st. That the Registry law did not apply to the election of 13th of March, 1865; and

2d. That this law is but directory or advisory in its provisions.

As to the application of the provisions of this law to the election of March 13, '65,

The Registry law was approved on the 15th of February, 1865, and on Wednesday of the week. The enabling act was approved on the 16th of February, 1865, and Thursday of the week. The first section of the Registry Law requires the "Board of Registry" to meet on Tuesday, three weeks preceding any State, County, City or Town election, at 9 o'clock A. M., and proceed to make a list, &c. Section 4 of the same law provides for a second meeting, on Tuesday of the week preceding the election, for the purpose of revising, correcting and completing said lists.

There was no Tuesday three weeks preceding the election in controversy, after the passage of the Registry Law, therefore a meeting was impossible.

The passage of the enabling act, after the passage of the Registry Law, without referring thereto, when it was apparent its provisions could not be complied with, we insist shows a clear intent upon the part of the Legislature, to exempt from the operation of this act, the election of March 13, '65. Any other construction would produce great injustice.

Bryans vs. Buckmaster, Breece R, 408; The People vs. The Canal Commissioners, 3 Seam. 153.

Again: Is this a State, County, Town or City election, within the meaning of the act? We think not.

Section 18 of the Registry Law requires the Secretary of State to prepare and transmit the necessary blanks for making registers, to the persons entitled to receive them. As the record shows, these blanks were not prepared and sent to Pulaski County until October, 1865, and if a registry was necessary to the validity of the election, an abandonment of voting upon the proposition would have been necessary.

III.

This Registry Law, we insist, is but directory or advisory.

Any other construction would certainly render it unconstitutional.

If, as is contended by the appellant's counsel, that the non-compliance with the provisions of this law rendered the election null and void, in precincts where the vote cast at the election preceding exceeded two hundred, then qualifications, other than those required by the constitution, are by this law imposed.

The true intent of this law, as we maintain, is, to provide additional means whereby the constitutional qualifications of electors may be ascertained.

Under the election law of 1861, in case a voter was challenged, the judges were required to exact certain proof from the person offering to vote. Would it be contended that the vote of a party, challenged though it be, received by the judges without the proof required by the act, would for that reason be an illegal vote?

Is not the question, in every instance, was the party who voted possessed of the constitutional qualifications? and not as appellee's counsel insist: did the voter prove himself to be qualified?

If the construction urged by appellee's counsel obtain, the "Board of Registry" in any precinct might refuse to make a registry and thereby disfranchise a whole community. This certainly cannot be the object of the law.

The "Board of Registry" are undoubtedly liable for a non-performance of duty to the penalty imposed by the law, but the voter cannot by any legislative enactment be abridged in his right to vote, if he possesses the qualifications required by Section 1, Art. VI, of our Constitution, and offers to vote in the district where he actually resides.

After his ballot is deposited and counted, the only question that can arise is, Was he a qualified voter?

IV.

Again we insist that the appellant did not sustain the allegations of fraud made in his bill. The charge that more fraudulent votes were cast 'for removal to Mound City' than the alleged majority, to-wit: 313 votes.

Without making a lengthy recapitulation of the evidence, preserved in the record, we briefly state: That the evidence taken on the part of the appellant shows 431 legal votes "for removal" in Mound City. To this add the 100 votes cast "for removal" in other precincts, the legality of which is not questioned, makes according to their own showing 531 legal votes "for removal." The whole vote "against removal" was, as shown by the returns, embodied in the record, 425 votes, thus showing a clear majority of 106 "for removal."

The evidence on behalf of the appellees, as shown in the record by the depositions of Mertz, Curran, Waugh and Johnson, establishes the legality of 575 votes cast in Mound City. Grant that the eleven votes cast "against removal" were so cast by some of this number, we have 564 legal votes in Mound City. To this add 100 votes cast "for removal" outside of that precinct, and we have 664 votes, or a majority of 239 votes for removal.

We remark again, that the entire evidence may be examined in vain to find exceeding 20 votes proven to have been cast by persons not authorized by law to vote.

The appellant started out with the idea of proving by his own witnesses, as many legal votes as they could establish, and then taking it for granted that all others were fraudulent. Without discussing the system of logic by which such a conclusion could be arrived at, we only remark, that his own evidence shows a clear majority in favor of removal.

By no system of calculation, can any other conclusion be arrived at, than that the evidence on both sides shows a clear majority "for removal," and the charge of fraudulent votes, in the bill, is almost destitute of evidence to support it.

V.

Had the evidence sustained the charges in the bill, the Court did not err in dismissing it, because a Court of Chancery has no jurisdiction to bear and determine a case of this character. It is nothing more nor less than a bill to contest an election, and from what source does a court of equity derive jurisdiction in such a case.

The system of equity jurisprudence, in England, and in this country, we think may be searched in vain for a precedent.

In the case of the People ex. rel. Mitchell vs. Warfield, 20th Ill., 165, the case of Horn R. Kneass, 2d Select Equity Cases, by Parsons, 553, has been understood, by reason of the manner in which it is cited in the opinion in that case, as recognizing the jurisdiction of a Court of Equity, in the case of a contested election.

By an examination of that case we find, that it was a contested election, but the remedy pursued does not liken itself to a proceeding in chancery, and in fact was a statutory remedy, prescribed by the General Assembly of Pennsylvania.

In the case of Moore vs. Hoisington, 31 Ill., 247, the Court say: "We find in some States, by express enactment, Courts of Chancery can inquire into the validity of elections by bill; but we have found no case in which it has taken jurisdiction of such a case under its general powers."

It may be urged, that no provision has been made for contesting this election.

In the case just cited the Court further say: "If this case is not exactly met by that law, we are

disposed, rather than to exercise a doubtful power, to consider this peculiar case as omitted from the operation of the general law, but not on that account, conferring jurisdiction upon this Court."

In the case of *The Board of Supervisors of Iroquois county, et. al. vs. Keady*, 34th Ill., 296, the doctrine there set forth seems to be, that the appellant's remedy is not in equity but a proceeding in behalf of the State.

We regard the case last cited, and the authorities therein referred to, as conclusive on this point.

It may not be amiss to remark that we go upon the idea, which is undoubtedly correct, that there is, in this State, no statutory provision, conferring upon Courts of Equity, jurisdiction in cases of contested elections.

Upon an examination of the whole record, we are led to the conclusion, that the Court committed no error in dismissing the bill. This might well have been done, on the ground, that the appellant failed to sustain the charges in his bill. or if sustained, upon the ground that the Court had no jurisdiction

MULKEY, WALL & WHEELER,
Of Counsel for Appellees.

*Recd
1888
14th
1888
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Boren
vs
Smith

Deft's Brief

Filed 24th August 1868.

W. M. Wilcox
clerk

ABSTRACT.

(See Rule 20, p. 52, 1 Freeman's Digest.)

HIRAM BOREN, a tax payer, } *In the Supreme Court June Term, 1868.*
 vs.
 HENRY M. SMITH, Circuit Clerk, et al. } *Chancery.—Appeal from Pulaski.*

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1	1	In this cause complainant against the defendants, charging that he is a tax-payer
3	9	of said county; in 1843 the county seat was located at North Caledonia, and public build-
3	18	ings erected there, and courts regularly there held, and said clerks required to keep their
		offices there.
3	23	That by an act passed the legislature, Sec 1 provides that there shall be an election
3	26	held on the 2d Monday of March, 1865, at which all the legal voters of said county are
4	8	entitled to vote for or against removal of County seat from Caledonia to Mound City.
5	2	If it appears by abstracts filed in the office of the county clerk, that a majority of all
5	6	the votes cast are in favor of removal to Mound City, it shall be the duty of the county
		court, within ten days thereafter, to provide temporary buildings, &c., and county officers
5	13	to remove their books, &c., to the new county seat.
5	22	Charges the passage of the act entitled, "An Act for the Registry of Elec ors, and to
		Prevent Fraudulent Voting," and copies the 1st and 4th sec.'s of the act.
6	15	Providing for the second meeting of the Board of Inspectors, for the purpose of re-
		vising, correcting and completing Registry List.
	22	Respecting the preservation of the registry list by the judges, for their use on election
		day.
7	16	Charges that votes were illegally cast to remove the county seat; on the 13th of
		March, 1865, a pretended election was held, in utter disregard of the provisions of the
		"Registry Law," to vote for or against removing the county seat of Pulaski county from
		Caledonia to Mound City.
7	27	Admits that pretended returns of said election were made. County clerk proceeded
		to count the same.
8	2	That in and at said pretended election, 1160 pretended votes were cast—735 pre-
		tended votes for removal to Mound City, and 425 against removal to Mound City.
8	7	Charges that 638 of the said pretended votes polled for removal were given in Mound City.
8	20	Charges that the Board of Registry in Mound City Precinct failed and refused to meet
		and make registry list of voters; nor did the voters swear or prove themselves qualified to
8	27	vote according to the provisions of the Registry Law.
9	2	Charges that the entire pretended vote of Mound City Precinct, is a military one, and
		should not have been counted.
9	23	That in consequence of the Board of Registry failing to make a list of all persons
		qualified to vote, and the voters not proving themselves qualified to vote, the votes polled
		at Mound City were illegal.
10	4	Great frauds were, at said election, perpetrated.
10	7	That about 350 persons fraudulently cast their votes for removal of county seat to Mound
		City.
10	12	Which number exceeds the pretended majority.
10	26	List of those fraudulently voting will be found in the names following, viz—
15	19	Charges that there are other names not enumerated, who were not entitled to vote,
		and asks that when discovered, these names be inserted and proofs allowed relative thereto.
16	2	That Pulaski county hath not, at any time; adopted township organization, nor any
		part thereof.
16	9	That the greatest number of persons entitled to vote in Mound City Precinct, suppose
		their names properly registered, and who did vote at said election, were not over 300 per-
16	27	sons, 11 of that number voted against removal, leaving the number of persons for remo-
		val to be 289; not more than 825 qualified electors in the county that did vote; 400 for
		removal, 425 against, that the election of for removal to Mound City was the result of
		frauds.
17, 3, 4, 5		Permitting persons to vote who had not acquired a sufficient residence.
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		Threaten to sell public buildings at Caledonia.
19	24	Prays for injunction.
20 1 to 7		Restraining clerks from removing their offices, etc., to Mound city.
20	8	County clerk from certifying.
20	12	County court from providing buildings, and now holding courts at Mound city.
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34	30	law had since become of any force, and charges that the same is unconstitutional, null and void, and that if it ever becomes a law, had no application.
35	13	That the election was held in all respects according to the provisions of the act under which it was held.
35	17	And in no wise in disregard of pretended registry laws.
36	6	Deny that any illegal vote were cast in Mound city or Burkville precincts for removal, and charges 200 fraudulent votes in other precincts against removal.
37	6	Replication general.
42	7	Bill of reviver.
53	14	Alexaneer M. Brown, George W. Carter, and William L. Hambleton, rule to answer.
53	22	Order reviving cause as prayed for.
53	30	Answer of defendant, Henry C. Mertz, that the original answer is true and be adopted.
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57	18	Brown, Hambleton and Carter enter their appearance.
57	21	Consented that a default be entered against them.
57	28	Bill taken as confessed against them.
57	30	Bill submitted to court; which bill, upon answer, exhibits deposition and oral proofs.
58	1.2	And being fully heard, taken under advisement.
58	28	Cause came onto be heard upon the bill. Answer, demurred to bill, replication,
59	5	deposition and oral testimony; decree that the bill be dismissed, as well for want of jurisdiction in this court to determine a matter of this nature, as well on account of the evidence in the cause, being insufficient to support the allegations of said bill.
59	11	And the court further decrees that the complainant pay the costs herein.
59	14	Complainant excepts 30 days allowed to file bill of exceptions.
59	18	Appeal prayer allowed.
60	4	Bill of exceptions filed 7th Jan., 1868.
61	28	Defendants admits that registry law has not been complied with.
61	35	Hiram Boren testified that he was present at Mound City on 13th March, 1865; asked Carter, judge of election, for registry list.
61	39	Carter said there was none. Wheeler, attorney for defendants, asked his authority
	40	Told him he had better return home.
	41	That he had better business than challenging votes.
	42	Wheeler and Carter told him he would have to leave.
	44	Wheeler took off his coat and rolled up his sleeves, and told complainant, "by God" he had to leave.
	64	Dore Casey said Boren must be taken away, or the election would be lost.
62	1	Boren arrested. Allowed himself to be taken from the polls.
62	6	Howell admitted that he did not belong to the precinct, but was allowed to vote.
62	12	Persons belonging to Mississippi Squadron allowed to vote.
	14	Ballot box opened.
	16	Don't think over 300 voters there in Mound City.
	21	Thinks over 300 votes cast were not legal.
	23	United States hospital men voted. Mound City a military and naval Station.
	25	Boats running in direction of naval fleet to polls.
62	27	Steamer R. C. Wood landed. Crew and engineer said they had voted.
62	33	Col. Rawlings and James B. Lyrely, just returned from the rebel army, voted.
62	36	Thompson voted under an assumed name. Lived in Ohio precinct.
62	49	Complainant acquainted with half the voters in Mound City.
62	53	Thinks 300 voted who were not entitled to vote. Knew they did not live in Mound City.
63	5.6	Mat Bagby sworn. Went to U. S. Hospital in boat for persons to go to polls to
63	7	8 vote. Boat loaded with soldiers. Returned with him. Handed in papers, which he
63	9	took to be election tickets.

Page.	Line,	
63	17	W. A. Hughes sworn—Thinks that not more than 300 votes in precinct—about 1500 residents.
63	23	Daniel Redoli—Don't think there was over 300 legal voters.
		H. C. Mertz, sworn—Is County clerk. Pool book of 13th March, 1865, shows 649.
63	31	Pool book of 1864, shows 446.
63	35,39	J. M. Davage sworn—Compared pool books of 1865 and 1864; that 210 or 230
63	40,43	at outside of those who voted in 1864, voted at March election, 1865.
63	57	Subpoena for J. D. Sands and 350 other names of persons who voted at said elec-
66	59	tion in Mound City. Dated June 22, 1866.
66	64	Returns served on 8 persons therein named.
67	11	George Miunicah, sheriff, endeavored to find persons mentioned in subpoena. Called on postmaster at Mound City for information.
67	22	Joseph Nelson saw about—10 or 12 men in naval uniform.
	31	Saw them go to window and put papers in.
68	17	Alphabetical list of voters admitted to be correct,
74	36	Pulaski county had not adopted township organization law.
74	62	No part thereof had:
75	58	Timothy Booth came to Mound City 9 or 10 years ago. He identifies 210 persons
	65	entitled to vote.
78	50	Deposition of H. R. Howard.
86	1	Deposition of Nicholas Burkhardt.
94	15	Deposition of S. G. Kirk, judge of election.
97	20	Deposition of W P Harris, judge of election.
101	21	Deposition of O F Dannell
111	45	Deposition of George E Lonsberry.
115	1	Deposition of Geo Mertz.
116	28	Deposition of T B Echols.
117	11	Deposition of Geo W Carter.
122	27	Deposition of Levi Young.
do	52	Deposition of E B Watkins.
123	19	Deposition of P L Lamb
do	44	Deposition of S L Copeland.

Defendant's Testimony.

125	I	George Mertz sworn.
do	19	George W Carter sworn.
126	3	Daniel W Munn sworn.
127	1	Deposition of H R Howard.
128	20	do E G Kirk, judge of election.
do	50	do George Mertz
132	31	do H C Mertz
134	61	do Charles Curren
135	13	do Erank Sherman
do	37	do John Waugh
136	63	do George W Carter, judge of election
138	55	do T M Ward
139	21	do N R Casey
140	15	do J A C McCoy
140	46	do Chas E Johnson
143	I	do Pool Book of Mound City Precinct.

DOUGHERTY & DAVEDGE, Attorney's for Appellant.

Brown
or
Smith

Abstract

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$$3 \times 7 \times 20 = 420$$

June 12th June 1868
R.D. Williams
CA

DOUGHERTY & DAVIDSON PRINTERS & BINDERS

IN THE SUPREME COURT.

June Term, 1868.

HIRAM BOREN, a Tax Payers, etc., Appellant:

VS.

HENRY M. SMITH, Circuit Clerk, &c., *et al.*, Appellees.

Argument of J. DOUGHERTY, for Appellant.

Two questions are presented in this cause by the pleadings in the Court below, and these are

1st. Are there such frauds proven in this cause as in equity vitiates the whole election, or not.

2d. Whether there was or not such frauds perpetrated as to render the election void; was the registry law applicable to this election, and if so, is that law unconstitutional?

The Circuit Court, on the trial of this cause, decided that it had no jurisdiction of the cause, and for want of such jurisdiction dismissed the bill.

As to the first proposition, we say, as to the fraud and its existence in this instance, if the proof of mob violence used by common consent of the voters at Mounds City, at the election, and the utter disregard of law, and voting twice the voting strength of Mounds City, and actual fraudulent votes cast and so proven, do not constitute "a device by means of

which one party has taken an unconscious advantage" (see Story Eq J. P. Sec. 187, Note 4.) then I am much deceived. And as to the second proposition, whether the registry law is or not unconstitutional, it seems to me too plain for cavil. For, although all free white male inhabitants of 21 years of age are entitled to vote, yet, until the legislative power has prescribed the manner, time and place of voting, and he conforms to such regulation, the right must remain inoperative.

But the court below assumed that there existed in itself no jurisdiction to try the cause.

It is said that there is nothing in equity jurisprudence in this country or in England that authorizes courts of equity to entertain jurisdiction of frauds in election, whatever the injury may be. Is equity so small? How came it thus? (See Story's Equity Pleadings, § 469.) The constitution declares that the judicial power of these United States "shall extend to ALL cases in law and equity arising under this constitution the laws of the United States." etc. Our State constitution is content with vesting the judicial power in certain courts, the Circuit Court being one of them—(§ 1 Art. 5.) The Chancery Code, Scates' Stat. p. 138, § 1, confers jurisdiction on courts of equity in this State, in no stinted terms, but broad and comprehensive. The several Circuit Courts of this State in all causes of which they have jurisdiction as courts of chancery, shall have full power to proceed therein according to the mode hereinafter prescribed, and when no provision is made by this chapter, according to the general usage and practice of courts of equity." &c.

Courts of equity have concurrent jurisdiction in fraud with courts of law. But they have not in considerations purely of a political or executory character, as these, from their very nature are incapable of being enforced in any of the courts. See Story's Equity Pleadings, § 469. As for instance, Louisiana was by treaty purchased, and had there been a refusal to deliver the territory, the courts could not enforce the treaty. But to hold that frauds growing out of a petty election for a county seat, which in fact merely is to determine where courts are to be held in a county, is political, seems to me rather putting large clothes on a very small infant. What more is that election than the vote of the officers of a corporation in and about their financial business, and yet, if they were corruptly to conspire to defraud the stockholders, does any one doubt that

courts of equity would furnish the proper remedy? The reason why courts of equity do not interfere with matters purely executory or political is that they cannot furnish the remedy. No such reason exists in this cause. But it is said we may look in vain to find anything in the system of equity jurisprudence, for a precedent; and in the same breath we are told that the case of *The People ex rel. Mitchel vs. Warfield*, 20th Illinois 165, and that of *Horn R. Kneass*, 2d Select Cases, 553, has been understood by reason of the manner in which they are cited, to recognize a jurisdiction in courts of equity in cases of contested election; and also a reference to 31 Illinois. Now it will be seen that in the former of these causes an application for a mandamus was presented, and that writ was by the court refused; and the court then say, after reciting the fact that a court of equity had already jurisdiction of the same matter: "We leave the question therefore, to be settled by that court, which has every facility of purging the poll books and ascertaining all the facts upon which a correct decision depends."

Reference is also made to the case of *Moore vs. Haskinson*, 31 Ills., p. 247; as sustaining the position that courts of equity have no jurisdiction in cases of this kind.

That case was based upon what the complainant in that bill styled a mistake. The mistake turns out to be the official act of the clerk of election in the discharge of his duty; and the court says: "that, finding no case in which a court of chancery has exercised jurisdiction on the facts stated, we must affirm the decree." This cause, therefore, proves nothing for appellees.

The case of *Board of Supervisors of Iroquois County et al., vs. Keady et al.*, 34 Ills, p. 293, is a case in point, sustaining the jurisdiction in this cause. There the Legislature made an abortive attempt at an enabling act, and although an election was held and the county seat declared removed under that act, yet a court of equity took jurisdiction and enjoined the proceedings, and this Honorable Court affirmed the decree, thereby giving the relief sought in the same manner and for the almost identical cause—and yet it is said we may search in vain not only in this country but also in England for a precedent!

We assume that in law the cases of Iroquois and Pulaski enabling acts were void; the former because time was not given in the bill or law to

operate the removal in accordance with the provisions of the constitution. Had the Legislature placed the election after and not before the time the law could go into effect, then the county seat of Iroquois would have been removed; but failing to do this, a court of equity enjoined the proceedings under that pretended act. In the case of Pulaski, the Legislature, by act of 15th of February, 1865, provided for a registry of votes, and also provided that without such registry, or the proof therein required, no vote should be received. No such registry or proof was made or attempted to be made, and therefore, in law, no vote was or could be received for or against the removal of the county seat of Pulaski county; and we appeal to this court to do us the same justice that Iroquois for the same reason obtained.

But it is said that the registry law is merely directory, and the object of the law will be attained by the enforcement of certain penalties provided for in the law for the violation of its provisions.

Pray, what law giver or law commentator ever taught such heresy as this? If this be law, let us trace it to the end and look at it there. A mob assembles with the avowed object of committing some great crime, conservators of the peace stand by looking on, idle spectators of the violation of law intended, and take no steps to prevent it. They do not even command the peace. In the mean time the mob murder and commit the worst of crimes. Now these conservators are indicted and punished for non-feasance in office. Does this purge the greater crime of the mob? Certainly not. But if the argument of gentlemen be true, then it does. We hold, on the contrary, that the violation of the law by the voter, renders his vote void, and that the officer should be punished.

In conclusion permit me to say we have alleged and proven fraud in this pretended election, which would avoid a contract at law.

We have charged that no registry of votes was had or attempted, and shown that the law in existence at the time provided that no votes should be received without such registry. And now which is the better course for this court, to sanction the disregard of law, and remove the county seat, or maintain the supremacy of the law and leave the county seat where by law it was established? By the former course, a court of law must sanction and reward a disregard of law. By the latter, this court will maintain the supremacy of law.

Boren 9th

Senitt 7th et al

App's Arguments

Filed 4th Sept 1888

R. B. Williams
Clk

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(See Rule 20, p. 52, 1 Freeman's Digest.)

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59	18	Appeal prayer allowed.
60	4	Bill of exceptions filed 7th Jan., 1868.
61	28	Defendants admits that registry law has not been complied with.
61	35	Hiram Boren testified that he was present at Mound City on 13th March, 1865; asked Carter, judge of election, for registry list.
61	39	Carter said there was none. Wheeler, attorney for defendants, asked his authority
	40	Told him he had better return home.
	41	That he had better business than challenging votes.
	42	Wheeler and Carter told him he would have to leave.
	44	Wheeler took off his coat and rolled up his sleeves, and told complainant, "by God" he had to leave.
	64	Dore Casey said Boren must be taken away, or the election would be lost.
62	1	Boren arrested. Allowed himself to be taken from the polls.
62	6	Howell admitted that he did not belong to the precinct, but was allowed to vote.
62	12	Persons belonging to Mississippi Squadron allowed to vote.
	14	Ballot box opened.
	16	Don't think over 300 voters there in Mound City.
	21	Thinks over 300 votes cast were not legal.
	23	United States hospital men voted. Mound City a military and naval Station.
	25	Boats running in direction of naval fleet to polls.
62	27	Steamer R. C. Wood landed. Crew and engineer said they had voted.
62	33	Col. Rawlings and James B. Lyrely, just returned from the rebel army, voted.
62	36	Thompson voted under an assumed name. Lived in Ohio precinct.
62	49	Complainant acquainted with half the voters in Mound City.
62	53	Thinks 300 voted who were not entitled to vote. Knew they did not live in Mound City.
63	5,6	Mat Bagby sworn. Went to U. S. Hospital in boat for persons to go to polls to
63	7,8	vote. Boat loaded with soldiers. Returned with him. Handed in papers, which he
63		9 took to be election tickets.

Page.	Line.	
63	17	W. A. Hughes sworn—Thinks that not more than 300 votes in precinct—about 1500 residents.
63	23	Daniel Redoli—Don't think there was over 300 legal voters.
		H. C. Mertz, sworn—Is County clerk. Pool book of 13th March, 1865, shows 649.
63	31	Pool book of 1864, shows 446.
63	35,39	J. M. Davage sworn—Compared pool books of 1865 and 1864; that 210 or 230
63	40,43	at outside of those who voted in 1864, voted at March election, 1865.
63	57	Subpoena for J. D. Sands and 350 other names of persons who voted at said elec-
66	59	tion in Mound City. Dated June 22, 1866.
66	64	Returns served on 8 persons therein named.
67	11	George Minnicah, sheriff, endeavored to find persons mentioned in subpoena. Called on postmaster at Mound City for information.
67	22	Joseph Nelson saw about—10 or 12 men in naval uniform.
	31	Saw them go to window and put papers in.
68	17	Alphabetical list of voters admitted to be correct.
74	36	Pulaski county had not adopted township organization law.
74	62	No part thereof had.
75	58	Timothy Booth came to Mound City 9 or 10 years ago. He identifies 210 persons
	65	entitled to vote.
78	50	Deposition of H. R. Howard.
86	1	Deposition of Nicholas Burkhardt.
94	15	Deposition of S. G. Kirk, judge of election.
97	20	Deposition of W. P. Harris, judge of election.
101	21	Deposition of O. F. Dannell.
111	45	Deposition of George E. Lonsberry.
115	1	Deposition of Geo. Mertz.
116	28	Deposition of T. B. Echols.
117	11	Deposition of Geo. W. Carter.
122	27	Deposition of Levi Young.
do	52	Deposition of E. B. Watkins.
123	19	Deposition of P. L. Lamb.
do	44	Deposition of S. L. Copeland.

Defendant's Testimony.

125	1	George Mertz sworn.
do	19	George W. Carter sworn.
126	3	Daniel W. Munn sworn.
127	1	Deposition of H. R. Howard.
128	20	do E. G. Kirk, judge of election.
do	50	do George Mertz.
132	31	do H. C. Mertz.
134	61	do Charles Curren.
135	13	do Frank Sherman.
do	37	do John Waugh.
136	63	do George W. Carter, judge of election.
138	55	do T. M. Ward.
139	21	do N. R. Casey.
140	15	do J. A. C. McCoy.
140	46	do Chas. E. Johnson.
143	1	do Pool Book of Mound City Precinct.

DOUGHERTY & DAVEDGE, Attorney's for Appellant.

Bowen

or
Smith

Abstract

8495

Filed 1st June 1858

W. Williams
clerk