The Committee of Elections, to whom were referred the credentials of Alvin Hawkins, claiming to have been elected a Representative from the ninth congressional district in Tennessee, submit the following report:

The ninth congressional district in Tennessee is composed of the following counties, viz: Carroll, Dyer, Gibson, Henderson, Henry, Lauderdale, Obion, Tipton, and Weakley, nine in number. This election was held on the 29th of December, 1862, pursuant to writs of election issued by Andrew Johnson, military governor of Tennessee, and the result appears in the several papers which accompany this report, and which constitute the credentials of Mr. Hawkins. The statement of Mr. Hawkins himself, in support of his claim, also accompanies this report.

The history of the efforts of the loyal voters in this district to secure representation in Congress, resulting as appears in these credentials, is peculiar.

This history appears in the very fair and candid statement of Mr. Hawkins, made to the committee, which accompanies this report. The first effort was entirely spontaneous, the voters speaking through a convention voluntarily assembling in very respectable numbers, and acting entirely from its own impulses, and according to its own regulations. This convention appointed the 13th of December the time for holding this election, "unless the governor, prior to that time, issued writs of election," nominated Mr. Hawkins as its candidate, and set in motion the machinery of a canvass. The district was at this time comparatively free from armed rebels, and the people seemed, in all parts of the district, to be moving with alacrity and earnestness to assert this the highest privilege of the citizen. Just before the 13th, however, the proclamation of Governor Johnson, and corresponding writs of election, arrived in the district, ordering an election on the 29th instead of the 13th December. The attempt was made to communicate this proclamation and these writs to all the counties in the district before the 13th of December, but
in several of the counties it failed, and in these an election was held in accordance with the resolution of the convention. The votes were almost entirely for Mr. Hawkins, but how many were cast it is impossible to ascertain; and it is equally unnecessary, for it is not upon this election that Mr. Hawkins relies for his right to a seat here, and he has accordingly furnished no evidence of the number of votes cast at that time. But from the evidence before the committee it was apparent that had there been no interruption there would have been, at that time a spontaneous election in that district, so general and full, approaching so nearly to an expression of the whole people, that a new and highly interesting, as well as difficult, question would have presented itself for decision. But on the 29th of December, the time at which the election was ordered by Governor Johnson, quite a different state of things existed in the district. The proclamation of Governor Johnson become known to the rebels, and, in order to prevent the holding of this election, the rebel General Forrest made a raid into this district just before the 29th, and on the day of the election occupied almost all of it, except a small portion from which the returns have been presented, and which accompany this report. The Union forces also marched into the district to meet him, and General Hurlburt issued a military order postponing the election to some future day. Between the Union and the rebel armies every part of the district was either under the armed occupation of contending armies, or in such a state of commotion that freedom of election became an impossibility.

Where the military order of General Hurlburt postponing the election did not reach, attempts were made to vote. A battle was fought on the very day on which the election was to be held, and in sight of the polls. One sheriff was seized by the rebels, his writs of election taken from him and destroyed, and he compelled to give bond not to hold an election at all, and to destroy any returns which were sent to him. Mr. Hawkins himself was driven from the district and State, and only returned after the day of the election at the greatest peril. On his return he gathered up himself, as well as he was able, such returns as are here presented, and procured from the general commanding at that post (General Sullivan) "special order No. 29," which accompanies this report as a certificate.

Too much praise cannot be awarded the Union men of that district for their constant and unwavering devotion to the cause of their country through suffering and peril which none but heroes would endure without complaint; and in all the qualities for which this people command our admiration, Mr. Hawkins has shown himself to be their fit representative.

The committee have struggled to find some way to give effect to this effort to secure representation; but they have not been able to bring it within any of the rules adopted by the House in determining the election cases which are analogous to this. How far the election was conducted at the polls in conformity to the law of Tennessee it has been impossible to ascertain. No one would expect to find or should require rigid conformity under the peculiarly trying circumstances
under which this attempt was made. But the evidence of any votes at all will be seen, by a reference to the accompanying papers, to be of the most vague, uncertain, and unsatisfactory character. The committee have but to call attention to one or two of these papers. An unofficial person, A. G. Shrewsbury, certifies that he has seen the return of votes in Henderson county, and that "there were over seven hundred votes polled in that county, over seven hundred of which were for Alvin Hawkins, and the balance, numbering some twenty or thirty, were scattering, and for other persons." This comes, so far as appears, from a private citizen, and has not even the sanction of an affidavit. In no sense can it be taken as evidence. Of a similar character is what purports to be a return from Chestnut Bluff, a precinct in Dyer county, to which the committee call attention. These papers are the bases of the certificate of General Sullivan. The law requires all the returns to be made to the governor, and he is to make the certificate. It was impossible for this to be done, and Governor Johnson has furnished nothing. The committee are of opinion that it would be a very unsafe precedent, sure to be fruitful of mischief, to take, as evidence of an election, the papers here presented. Mr. Hawkins himself was driven from the district and has no personal knowledge of the facts. He has letters from highly respectable citizens corroborating, to some extent, these papers; and while, as matter of fact, the House may not doubt that these transactions have taken place, yet it would be most dangerous to take, as legal proof of an election, the papers here presented.

Although the evidence, as far as it goes, tends to show that 1,900 votes were cast, nearly all for Mr. Hawkins, yet it also appears that a very small part of the district participated in this election. Some parts had already voted on the 13th; some had postponed still further the day of election, under the military order of General Hurlburt, but more was at the very moment under the control and occupation of contending armies in battle array, in which an election was an impossibility. Under these circumstances, if it be taken as satisfactorily shown that 1,900 votes were polled, that fact must be taken along with the other that they were polled in a very small part of the district, and that much the greater portion of it, for the reasons stated, had no part or lot in the matter. The district at the last election for representative cast 18,000 votes.

The committee are again compelled to come to the same conclusion they have reluctantly arrived at in other cases, adverse to the right of Mr. Hawkins to a seat in this House upon the state of facts presented to them, and which they herewith report. They accordingly recommend the adoption of the accompanying resolution:

Resolved, That Alvin Hawkins is not entitled to a seat in this House as a representative from the ninth district in Tennessee.
HUNTINGDON, Tennessee, February 2, 1863.

I do hereby certify that I opened and held an election in the county of Carroll, Tennessee, on December 29, 1862, for the purpose of electing a representative to the Congress of the United States from the ninth congressional district, and that Alvin Hawkins received six hundred and forty-seven votes, and W. W. Freeman received two votes. I further certify that I opened and held an election in the county of Carroll, Tennessee, on the 20th of January, 1863, for the purpose of electing a representative to the Congress of the United States from the ninth congressional district, and that Alvin Hawkins received three hundred and sixty-four votes, and W. W. Freeman received three votes.

I further certify that on the 29th of December, 1862, Brigadier General N. B. Forrest, with his cavalry force of confederates, and Brigadier General J. C. Sullivan, with his federal force, were both within the county of Carroll, Tennessee, which prevented the people from assembling and exercising the elective franchise on that day. Had it not been for the presence of the two armies in our midst there would have been three-fourths of a full vote polled in said county.

I further state that General S. A. Hurlburt's order postponing the election until the 20th of January, 1863, which was, by a portion of our people, construed to embrace the ninth congressional district, whilst another portion believed it did not, is the reason why polls were opened on that day, also the reason why there was no more votes polled on that day.

JOHN NORWOOD,
Sheriff of Carroll County, Tennessee.

February 4, 1863.

I state that in pursuance of the proclamation of Governor Andrew Johnson, of Tennessee, an election was opened and held in Henderson county, Tennessee, on the 29th of December, 1862, for the purpose of electing a representative to the Congress of the United States from this ninth congressional district in the State of Tennessee, and at said election, to the best of my recollection, there were over seven hundred votes polled in said county, over seven hundred of which were for Alvin Hawkins, and the balance, numbering some twenty or thirty, were scattering and for other persons, all of which appears from the certificate of the sheriff of said county, which, being handed to me, I have deposited in the post office at Jackson, Tennessee, addressed to Governor Andrew Johnson, Nashville, Tennessee.

A. G. SHREWSBURY.
SIR: On the 29th day of December, 1862, in accordance with your proclamation of December 8 of the same year, I opened and held an election for a representative to the Congress of the United States of America, and the following is the vote polled in the county of Gibson, and the State of Tennessee, to wit: Alvin Hawkins, 496; W. W. Freeman, 5.

Dyer county gave Hawkins 58 votes, Freeman 16 votes. I also received the enclosed vote from the county of Dyer, in said State. The above is a true and correct statement of the vote returned to me in both counties.

CALVIN S. EZELL,
Coroner of Gibson County.

A list of votes polled at Chestnut Bluff, Dyer county, Tennessee, district No. 3, for a representative in the Congress of the United States, December 29, 1862.

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This is to certify that the above is a correct account of an election held at Chestnut Bluff, district No. 3, for a representative for Congress of the United States for the ninth congressional district.

A. W. BROOKS, Clerk.
F. B. WYSE, Clerk.

THOMAS OLDS.
R. F. TUCKER.
J. M. SMITH.

JANUARY 10, 1863.

I, Calvin S. Ezell, coroner of Gibson county, Tennessee, do hereby certify that I opened and held an election in said county on the 29th day of December, 1862, for the purpose of electing a representative to the Congress of the United States from the 9th congressional district, and that at said election Alvin Hawkins received four hundred and ninety-six (496) votes, and W. W. Freeman 5. I further certify that many more votes would have been polled but for the fact that the recent raid of Brigadier General Forrest threw the people into confusion, and the stringent, though necessary, picket regulations at Trenton, the county seat of said county, and other points along the railroad, prevented many persons from voting who were anxious so to do. I am satisfied that more than three-fourths of the voting population would have gone to the polls and voted but for the raid of General Forrest. I also certify that I received the vote from one district in Dyer county, as follows: Hawkins, 58; Freeman, 16; Johnson, 1. The balance of Dyer county was so infested with guerrillas as to render the opening and holding of an election by the people dangerous.

An election would have been held in this county on the 20th of January, 1863, but General Hurlburt’s order appointing that day was construed not to embrace the 9th congressional district, but only some portion of the 10th.

CALVIN S. EZELL,
Coroner of Gibson County.

Governor ANDREW JOHNSON,
Nashville, Tennessee.
ALVIN HAWKINS.

HEADQUARTERS DISTRICT OF JACKSON,
16TH ARMY CORPS, DEPARTMENT OF THE TENNESSEE,
Jackson, Tennessee, February 4, 1863.

Special order
No. 29.

Whereas it appears from returns made to these headquarters that in pursuance of the proclamation and writs of election issued by Governor Andrew Johnson, of the State of Tennessee, directing and ordering that an election be opened and holden at the various precincts and places of voting in the counties of Henderson, Carroll, Henry, Weakley, Gibson, Obion, Dyer, Lauderdale, and Tipton, composing the ninth congressional district in the State of Tennessee, on the 29th day of December, 1862, for the purpose of electing a representative to the Congress of the United States, said election was opened and holden; and it also appearing from said returns that at said election Alvin Hawkins, a citizen of the aforesaid district, received one thousand nine hundred and one votes, W. W. Freeman twenty-three votes, and thirty other votes were cast for other persons, being cast as follows: In Henderson county Hawkins received 700 votes, scattering 30; in Carroll county Hawkins received 647 votes, W. W. Freeman received 2 votes; in Dyer county Hawkins received 58 votes, Freeman received 16 votes; in Gibson county Hawkins received 496 votes, Freeman received 5 votes: it therefore appears, and I do so certify, that the said Alvin Hawkins has been duly and legally elected representative of the said ninth congressional district of the State of Tennesse in the Congress of the United States; and that there was no authority competent to receive said returns within said district, and that communication with Governor Andrew Jackson, of Tennessee, has been interrupted since said election.

I further certify that within my own personal knowledge military forces of the so-called "Confederate States" were at various places within said district on said day of said election, preventing the people from voting.

JER. C. SULLIVAN,
Brigadier General, Commanding District of Jackson.

WASHINGTON CITY, February 18, 1863.

GENTLEMEN: The credentials of my election to the present Congress from the ninth district in the State of Tennessee having been referred to you for consideration, I desire most respectfully, as an act of justice to those who have sent me here, to submit to you a statement of the facts connected with that election, as I understand them. The district is composed of nine counties, to wit: Henderson, Carroll, Henry, Weakley, Gibson, Obion, Dyer, Lauderdale, and Tipton. Prior to 1st December last, all of said counties except two, to wit,
Tipton and Lauderdale. (I except them, because I do not know whether they did or not, but suppose they did not,) had, through the medium of conventions, appointed delegates to a district convention, to be held at such time and place as might be agreed upon, for the purpose of selecting a candidate for representative in the Congress of the United States.

Subsequently, and a few days prior to the 1st of December, a printed circular was circulated throughout the district, announcing the convention would be held at Trenton, Tennessee, (the usual place of holding such conventions in that district,) on the first Monday in December. Accordingly the convention assembled on that day. Each county in the district, except Lauderdale and Tipton, was very fully represented upon that occasion. The names of several gentlemen (all of well-known loyalty to the government of the United States) was submitted to that body for nomination. The nomination was unanimously tendered me, which I accepted. The people had been thus tardy in their movements because they had been expecting Governor Johnson to issue a proclamation, or writs of election, providing for an election; but up to that time having failed to do so, and being apprehensive he might entirely fail to do so, communication with him being difficult and doubtful, as the next best thing which could be done, the convention, by resolutions, ordered that the election be held on the 13th December, unless the governor prior to that time issued writs of election, &c.

A full report of the proceedings of that convention will be found in the Missouri Republican of the 14th December, I believe. Notice of the election on the 13th was immediately given, and all necessary preparations made for holding the election on that day. About the 10th or 11th December, (the precise day I cannot state,) the proclamation and writs of election, issued by Governor Johnson, and bearing date December 8, I believe, were received at Trenton, by which he ordered an election to be held in the ninth and tenth congressional districts on the 29th December, for the purpose of filling vacancies, &c. The writs of election were distributed immediately, and notices of the fact of their issuance, together with the announcement of the postponement of the election to the 29th, were circulated as rapidly as the circumstances would admit, and the result was that wherever the people had information of these facts no election was held on the 13th. Where they had not such information, the polls were opened and an election held with the usual formalities of law. And notwithstanding the circulation as rapidly as convenient of the information of the postponement, there were polled on the 13th, in Henderson county, about 900 votes, in Weakley county about 1,100, in Henry county probably 600 or 800 votes, in Dyer and Obion several hundred, in Carroll probably about 100, and in Gibson probably as many. I have also understood some votes were polled in Lauderdale, but how many I have no means of forming even an approximate idea, but I suppose not very many, nearly all of which were for me. I am unable to give the result of this election with greater accuracy, because we had ceased to regard it as important, and looked
ALVIN HAWKINS.

9

to the election of the 29th; notices thereof were given, and prepara-
tions made for the holding of the same, and the indications were un-
mistakable that a three-fourths vote would have been polled. About
the 20th December, General Forrest, with about 3,000 cavalymen,
made a raid into the district, one avowed object, as reported at the
time, being to break up that election. His force remained in the dis-
trict until the day of the election; and on that day, together with
guerillas, was scattered pretty well all over the district, to prevent
an election from being held. The sheriff of Weakley county was
seized and compelled to give bond conditioned that he would not
hold the election on that or any other day, and that he would destroy
the returns if any was held, thus defeating the election in that
county on that day, and in which I had received about 1,100 votes
on the 13th. I have been informed the polls were opened at several
precincts in Dyer county, but the returns from all but one were cap-
tured by a guerilla captain and destroyed. Portions of the federal
and confederate armies were in Carroll on the day of the election,
and the people were actually voting in my own town while the op-
posing pickets were fighting within sight of the polls.

Thus I have been twice almost unanimously elected to represent
the ninth district in the Congress of the United States by as true and
loyal citizens as can be found anywhere in the universe; citizens who
have been tried and never found wanting in fidelity to the government
of their fathers; men who send me to the capital of the nation as an
earnest of their loyalty, desiring a restoration of fraternal relations,
and to strengthen the bonds of union; men who, at the peril of their
liberty, lives, and fortunes, have gone to the polls in the exercise of
that most sacred right to freemen; men whose sons, brothers, and
friends are now fighting under the flag of the Union. In their behalf
I submit my claims to a seat in the councils of the country to your
consideration.

The foregoing statement may not be entirely accurate in detail,
but it is believed to be substantially correct, and is respectfully sub-
mitted.

The Committee of Elections.

ALVIN HAWKINS.