

CARRIGAN vs. THAYER.

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MEMORIAL

OF

CHARLES W. CARRIGAN,

CONTESTING

*The right of M. Russell Thayer to a seat as a representative from the fifth congressional district of the State of Pennsylvania in the thirty-eighth Congress.*

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DECEMBER 8, 1863.—Referred to the Committee of Elections.

DECEMBER 23, 1863.—Ordered to be printed.

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*To the House of Representatives of the Congress of the United States:*

The undersigned, Charles W. Carrigan, respectfully represents, that at the election for representatives in the 38th Congress of the United States, held in the State of Pennsylvania on Tuesday, the 14th day of October, 1862, M. Russell Thayer and himself were candidates in the fifth congressional district of that State; that upon the returns filed, under protest, in the office of the secretary of state of that commonwealth, the said M. Russell Thayer's name has been inserted in the proclamation of the governor, and he holds his seat in your body by virtue thereof.

The undersigned further represents, that the returns of said election were not correct or legal, and that he, and not the said M. Russell Thayer, received a majority of all the votes legally cast in said district at that election, and is therefore entitled to the seat now occupied by said M. Russell Thayer, as the representative of said district in the 38th Congress; that in pursuance of the act of Congress of February 19, 1851, regulating contested elections, he duly served a notice of contest upon the said M. Russell Thayer, setting forth specifically the grounds thereof; that an answer was received and testimony taken under provisions of said act; which notice, answer, and testimony, with documents relating to the contest, have been duly transmitted to the Clerk of said House, and are now in his possession.

Wherefore, referring to the notice of contest, and other papers, as a part of this memorial, the undersigned asks that the subject may be inquired into by the House, according to the Constitution and the laws, and the usual course of proceeding on the part of the House in like cases, and that he may be declared entitled, and be admitted, to a seat in the House as a member thereof, duly elected from the fifth congressional district of the State of Pennsylvania to the 38th Congress.

CHARLES W. CARRIGAN.

DECEMBER 8, 1863.

## SCHEDULE No. 1.—J. H. C.—W. R.

J. H. COMLY.—*January 27, 1863.*

Contested election, fifth congressional district, Pennsylvania.—Charles W. Carrigan vs. M. Russell Thayer.

In the matter of the contested election in the fifth congressional district, Pennsylvania, for a seat to represent said district in the House of Representatives of the United States of America in the thirty-eighth Congress.

Be it remembered, that in pursuance of notice of contest to take testimony at the house of E. H. Reeder, on the twenty-seventh day of January, 1863, the contestant, Charles W. Carrigan, with James C. Van Dyke, his counsel, and the returned member, M. Russell Thayer, with John B. Thayer, his counsel, attend. Mr. Van Dyke, for contestant, states to Mr. Thayer, the incumbent, that, in consequence of the sickness of Judge Bryan, it is impossible for him to be in attendance to take and certify the testimony; and that the contestant had arranged with two justices of the peace, residing in the city of Philadelphia, in said district, to be in attendance at 3 o'clock. That hour having arrived, and notice being received of the sudden illness of one of the justices, to wit, Justice Reilley, it was impossible to proceed with the testimony to-day. Justice Comly was in attendance, and could make a note of the adjournment, and he, therefore, proposed, on the part of the contestant, to adjourn the taking of the testimony to a future day.

Whereupon Mr. Thayer, the counsel for the incumbent, and the incumbent, reserving all rights of exception and protest, and without prejudice in any way to matters of objection which hereafter may be offered as to the authority to take testimony in the manner proposed, and without prejudice to any rights which he may have in anywise whatsoever, agrees to meet at the same place on Saturday, January 31, instant, at 1 o'clock p. m.

The parties adjourned accordingly.

## SCHEDULE No. 2.—J. H. C.—W. R.

JANUARY 31, 1863.

PHILADELPHIA, *November 17, 1862.*

SIR: It is my intention to contest your claim to a seat in the House of Representatives of the United States, as a member from the fifth congressional district of the State of Pennsylvania, in the thirty-eighth Congress; and I hereby notify you of such intention, in pursuance of the act of Congress in such cases.

The grounds upon which I shall rely in such contest I hereby specify particularly, as follows:

1. That you did not receive a majority of the votes legally cast for a member of Congress in the thirty-eighth Congress, in said congressional district, at the election held on Tuesday, the fourteenth day of October, 1862; and that I did receive a majority of the votes legally cast at said election, and am, therefore, legally entitled to represent the qualified electors of said district in said thirty-eighth Congress.

2. That the returns made by the officers of the several election divisions comprised in the said congressional district to the return judges thereof were not correct, but were erroneous, false, and fraudulent in this: that they gave you more votes than were actually cast for you, and gave me fewer votes



than were actually cast for me, by which means a certificate that you were elected was made and given to you, when, in truth and in fact, the certificate of my election to be such representative should have been made and given to me; all of which will appear from an examination of all and singular the tally papers, lists, books, ballots, tickets, ballot-boxes and contents thereof, proofs and records of every description pertaining to the election in said congressional district, and of all papers returned by the officers of the election in the several divisions of the twenty-second, twenty-third, and twenty-fifth wards of the city of Philadelphia, and of the several townships, boroughs, and election districts of the county of Bucks, being the wards, divisions, and election districts comprised within said district. And you are hereby notified that, for the purpose of exposing the errors and frauds committed in this respect, I shall, at the proper time, and before the proper persons hereafter selected, in conformity with the act of Congress in such cases provided, to take testimony in this cause, examine the tally papers, lists, books, ballots, tickets, ballot-boxes and the contents thereof, proofs and records of every description pertaining to the said election in said district, and will have a count of all the ballots and tickets deposited in the boxes relating to said election for Congress in said wards, divisions, and election districts, and also all such papers as are properly contained in said boxes.

The wards and divisions particularly referred to are the 1st, 2d, 3d 4th, 5th, 6th, 7th, 8th, and 9th divisions of the twenty-second ward of the city of Philadelphia.

The 1st, 2d, 3d, 4th, 5th 6th, 7th, 8th, and 9th divisions of the twenty-third ward of the city of Philadelphia.

The 1st, 2d, 3d, 4th 5th, and 6th divisions of the twenty-fifth ward of the city of Philadelphia, and the following townships, boroughs, and election districts in the county of Bucks, viz: Bristol borough, Bristol township, Bensalem, Bedminster, Buckingham, Bridgeton, Doylestown borough, Doylestown township, Dunham, Falls, Hilltown, Haycock, Lower Makefield, Upper Makefield, Middleton, Milford, Morrisville borough, Northampton, Newton borough, Newton township, New Hope borough, New Briteain, Nockamixon, Plumstead, Quakertown borough, West Rockhill, East Rockhill, Richland, Southampton, Solebury, Springfield, Tinecum, Warrington, Warminster, Warwick, and Wrightstown.

That in the general return of said congressional district there are computed in the 22d ward, 1,642 votes as having been cast for you; in the 23d ward, 1,389 votes as having been cast for you; in the 25th ward, 648 votes as having been cast for you; and in the county of Bucks, 5,925 votes as having been cast for you—making a total of 9,604 votes; that in the said general return there are computed in the 22d ward, 936 votes as having been cast for me; in the 23d ward, 1,152 votes as having been cast for me; in the 25th ward, 973 votes as having been cast for me; and in the county of Bucks, 6,482 votes as having been cast for me—making a total of 9,543 votes as having been cast for me. Thus making in said return a majority of 61 votes in your favor; whereas, in truth and in fact, you received in the said 22d ward less than 1,642 votes; in the 2d ward less than 1,389 votes; in the 25th ward less than 648 votes; and in the county of Bucks less than 5,925 votes; and in said congressional district less than 9,604 votes; and I received in said 22d ward more than 936 votes; in said 23d ward more than 1,152 votes; in said 25th ward more than 973 votes; and in said county of Bucks more than 6,482; and in said congressional district more than 9,543 votes; and that a fair computation of the votes actually received by me would give me a majority of the votes of the qualified electors of said congressional district.

Computation of return.	Carrigan.	Thayer.
22d ward.....	936	1, 642
23d ward.....	1, 152	1, 389
25th ward.....	973	648
Bucks county.....	6, 482	5, 925
	<hr/> 9, 543	<hr/> 9, 604
		<hr/> 9, 543
Majority computed in return for Mr. Thayer.....		<hr/> <hr/> 61

4. That large sums of money were expended in the 22d, 23d, and 25th wards, comprised within said district, in procuring for you the votes of persons who were not qualified electors, and in inducing persons to vote for you who would otherwise have voted against you; and that a large number of persons were induced to vote for you by promises of gifts and rewards, and by promises and offers of appointments, employment, and pecuniary benefits, and by threats of loss of appointment, employment, and pecuniary benefit; and also that a large number of persons were induced not to vote for me by promises of gifts and rewards, and by promises and offers of appointment, employment, and pecuniary benefits, and by threats of loss of employment, appointment, and pecuniary benefits.

5. That at the said election held on the said 14th of October, 1862, many persons voted illegally in the 22d, 23d, and 25th wards, and that the votes thus illegally cast were cast in your favor.

6. That in said 22d, 23d, and 25th wards at said election many persons were allowed to vote who were not qualified voters, nor residents of the ward or division in which they voted, and that said votes were cast for you.

7. That in said wards at said election many persons were allowed to vote for you on false and fraudulent naturalization papers, and who were not citizens of the United States, nor of Pennsylvania, nor residents of the divisions in which they voted.

8. That in the several wards and divisions comprised within the limits of the fifth congressional district a large number of persons voted for you who were not citizens of said division at which they voted, nor qualified electors thereof; and also that a large number of persons voted in said wards and divisions upon false and fraudulent tax receipts, and without having paid their taxes, and without having the necessary qualifications to entitle them to the right to vote.

9. That in the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 9th divisions of the 22d ward a large number of persons voted for you who were not citizens of said divisions, nor qualified electors thereof; and also that a large number of persons voted for you in said divisions on false and fraudulent tax receipts, and without having the necessary qualifications to entitle them to the right to vote in said divisions respectively.

10. That in the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 9th divisions of the 23d ward a large number of persons voted for you who were not citizens of said division, nor qualified electors thereof; and also that a large number of persons voted for you on false and fraudulent tax receipts, and without having paid their taxes, and without having the necessary qualifications to entitle them to the right to vote.

11. That in the 3d division of the 25th ward, and in each of the other divisions of the same ward, a large number of persons were permitted to vote for you who were aliens, and not citizens and residents, or qualified electors of the said ward, or of the respective divisions where they voted.

12. That in the said 3d division of the 25th ward, and in each of the other divisions of said ward respectively, a large number of persons voted for you who were not legal or qualified electors of said ward, but falsely personating other persons who were supposed to be entitled to vote, if they had presented themselves for that purpose. That the persons so falsely personating others voted on false and fraudulent tax receipts, and without having paid taxes, and upon papers and certificates falsely made.

13. That in the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 9th divisions of the 22d ward a large number of persons voted for you who were not legal voters, or qualified electors of said ward or divisions; but falsely personated other persons who were supposed to be entitled to vote, if they had presented themselves for that purpose. That in each of said divisions persons so falsely personating others voted on false and fraudulent tax receipts, and upon papers and certificates fraudulently made.

14. That in the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 9th divisions of the 23d ward, and in each of said divisions, a large number of persons voted for you who were not legal voters or qualified electors of said ward or divisions; but falsely personated other persons who were supposed to be entitled to vote, if they had presented themselves for that purpose. That in each of said divisions persons so personating others voted on false and fraudulent tax receipts, and upon papers and certificates fraudulently made.

15. That in the 6th division of the 22d ward a large number of persons voted for you who were not qualified electors of said division, who were not citizens of Pennsylvania, and who were not residents of said division and ward, and who had not paid a State or county tax within two years.

16. That in the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 9th divisions of the 22d ward, and in each of said divisions, a large number of persons voted for you upon false and fraudulent tax receipts, falsely and fraudulently made and procured, and upon receipts falsely certifying the payment of taxes which had not been assessed in pursuance of the provisions of the act of assembly made and provided. And in each of said divisions a large number of persons voted for you who had not paid a State or county tax in conformity with the requirements of law.

17. That in the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 9th divisions of the 23d ward, and in each of said divisions, a large number of persons voted for you upon false and fraudulent tax receipts, falsely and fraudulently made and procured, and upon receipts falsely certifying the payment of taxes which had not been assessed in pursuance of the provisions of the act of assembly made and provided. And in each of said divisions a large number of persons voted for you who had not paid a State or county tax in conformity with the requirements of law.

18. That in the 3d division of the 25th ward, and in each of the divisions of said ward, a large number of persons voted for you on false and fraudulent tax receipts, falsely and fraudulently made and procured, and upon receipts falsely certifying the payment of taxes which had not been assessed in pursuance of the act of assembly made and provided. And in each of said divisions a large number of persons voted for you who had not paid a State or county tax in conformity with the requirements of the law.

19. That in the 9th division of the 22d ward a large number of persons voted for you who were not qualified electors of said division, who were not citizens of the State of Pennsylvania, and who were not residents of said division or ward, and who had not paid a State or county tax within two years.

20. That the returns made from the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th and 9th divisions of the 22d ward, and from the 9th division of the 23d ward, and from which the return judges computed the number of votes cast for

you and for myself in each of said divisions, were irregular and informal; by which irregularities and informalities you were credited with more votes in each of said divisions than were actually cast for you, and by which I was not credited in either of said divisions with the full number of votes actually cast for me; that the return judges acted in an irregular and illegal manner in relation to each of said divisions, in this: that they did not receive and regard the full and complete returns of the votes cast in either of said divisions, but made their final decision upon a partial return of the votes cast in said divisions; that they did not regard the hourly returns of the votes cast as made by the return inspectors, but only regarded the final returns; and that the discrepancies existing between such hourly and final returns were sufficient to make votes in your favor more than the whole number of your majority as computed in said congressional district.

21. That in the 1st division of the 23d ward there were a large number of persons, citizens and residents of said division and ward, and who were qualified electors of the same, encamped within the limits of said division, who desired and would have voted for me, but who were prevented by intimidation, threats, and military force from exercising that right, by which I was illegally deprived of a large number of votes.

22. In each and every division of the 22d ward, and in each and every division of the 23d ward, and in the 3d division of the 25th ward, there were a large number of persons, qualified electors of their divisions respectively, whose votes were illegally rejected by the officers of the election, who desired and would have voted for me.

23. In the 5th division of the 23d ward a qualified elector of said division was not permitted to vote by the officers of said election, and said elector presented a ticket and offered to vote for me. In the same division persons were permitted to vote for you who were aliens, and not qualified electors of said division.

24. In the 4th division of the 22d ward the election was not conducted by persons legally qualified to conduct the same, but was conducted by persons disqualified by law to act as such officers of election. The person who acted as inspector of said election, having accepted the appointment of deputy marshal of the United States, was disqualified.

25. In the 9th division of the 22d ward the same informality existed; the person who acted in said division as inspector was, at the time he so acted, in possession and discharging the duties of an office of profit and trust under the city of Philadelphia.

26. In the 3d division of the 23d ward the election was not conducted by persons authorized by law to conduct the same; the person who acted as judge of said election assumed so to act without any lawful authority, and in violation of the provisions of law in such case made.

27. That in the 9th division of the 23d ward a person offered to vote and his vote was received, and he voted for you, who was a non-resident of said division and a non-resident of the fifth congressional district of the State of Pennsylvania; that at the time of his voting in said 9th division of the 23d ward he was a resident of the 1st division of the 8th ward of the city of Philadelphia, and was a candidate for the office of judge of election of said 1st election division in the said 8th ward, and to which office of judge of said election division he was duly elected.

28. In the 5th division of the 23d ward the election was conducted by persons not qualified to conduct the same, but were disqualified from acting as officers of said election; the return clerk of said election held an office of profit and trust under the government of the United States.

29. In the 9th division of the 23d ward the election was conducted by persons not qualified to conduct the same, but were disqualified from acting

as officers of said election; the inspector of said election held an office of profit and trust under the United States government.

30. In Upper Makefield township, Bucks county, the election was not conducted by persons legally qualified to conduct the same, but was conducted by persons who were disqualified to act as officers of such election; the judge of the election at said election division, and return judge of said township, was not duly elected and qualified to act as such judge or return judge; and further, he was, at the time he so acted, an officer of the United States, and held and exercised an office of profit and trust under said United States.

31. In Lower Makefield township, Bucks county, the election was not conducted by persons legally qualified to conduct the same, but was conducted by persons who were disqualified to act as officers of such election; the judge of the election at said election division, and return judge of said township, was not duly qualified and elected to act as such judge or return judge; and further, he was, at the time he so acted, an officer of the United States, and held and exercised an office of profit and trust under said United States.

32. At the election held in the borough of Morrisville, Bucks county, the election was not conducted by officers legally qualified to conduct the same, but was conducted by persons who, by law, were disqualified to act as officers of said election; the person who acted as judge of said election was an officer in the army of the United States, and appeared and acted, in conducting said election, in military dress.

33. In the 6th division of the 23d ward persons voted for you who were aliens, and not qualified electors, and in the same division persons voted for you who had not paid taxes lawfully assessed, and upon false and fraudulent tax receipts.

34. In the 7th division of the 23d ward persons who were not qualified voters voted for you, and also a large number of persons voted for you on false and fraudulent tax receipts.

35. In Upper Makefield township, Bucks county, a large number of persons voted for you who were not legally qualified electors of said township.

36. In Lower Makefield township, Bucks county, a large number of persons voted for you who were not qualified electors, who were not residents of said township, and who had not paid a State or county tax as required by law.

37. In New Britain township, Bucks county, a large number of persons voted for you who were not qualified electors, who were not residents of said township, and who had not paid a State or county tax as required by law.

38. In New Britain township, Bucks county, you are credited with 193 votes, when, in truth and in fact, you received but 175 votes; in the same township I am credited with 132 votes, whereas, in truth and in fact, there were cast for me in said township 143 votes.

39. That in the borough of Bristol, county of Bucks, you are falsely and erroneously, and by means of a false addition of the votes cast for you in said borough, returned as having received 247 votes; whereas, in truth and in fact, a true count of the votes cast, and addition of the returns of said borough, shows that in reality you did not receive as many as 247 votes; and also shows that I received more than 181 votes, the number falsely and erroneously credited to me.

40. That in the township of Bristol, county of Bucks, you are falsely and erroneously, and by means of a false addition of the votes cast for you in said township, returned as having received 204 votes; whereas, in truth and in fact, a true count of the votes cast, and addition of the returns of said township, shows that in reality you did not receive as many as 204 votes;



and also shows that I received more than 113 votes, the number falsely and erroneously credited to me.

41. That in the township of Buckingham, county of Bucks, you are falsely and erroneously, and by means of a false addition of the votes cast for you in said township, returned as having received 420 votes; whereas, in truth and in fact, a true count of the votes cast, and addition of the returns of said township, shows that in reality you did not receive as many as 420 votes; and also shows that I received more than 204 votes, the number falsely and erroneously credited to me.

42. That in the township of Falls, county of Bucks, you are falsely and erroneously, and by means of a false addition of the votes cast for you in said township, returned as having received 273 votes; whereas, in truth and in fact, a true count of the votes cast, and addition of the returns of said township, shows that in reality you did not receive as many as 273 votes; and also shows that I received more than 112 votes, the number falsely and erroneously credited to me.

43. That in the township of Lower Makefield, county of Bucks, you are falsely and erroneously, and by means of a false addition of the votes cast for you in said township, returned as having received 252 votes; whereas, in truth and in fact, a true count of the votes cast, and addition of the returns of said township, shows that in reality you did not receive as many as 252 votes; and also shows that I received more than 100 votes, the number falsely and erroneously credited to me.

44. That in the township of Upper Makefield, county of Bucks, you are falsely and erroneously, and by means of a false addition of the votes cast for you in said township, returned as having received 233 votes; whereas, in truth and in fact, a true count of the votes cast, and addition of the returns of said township, shows that in reality you did not receive as many as 233 votes; and also shows that I received more than 85 votes, the number falsely and erroneously credited to me.

45. That in the township of Middletown, county of Bucks, you are falsely and erroneously, and by means of a false addition of the votes cast for you in said township, returned as having received 276 votes; whereas, in truth and in fact, a true count of the votes cast, and addition of the returns of said township, shows that in reality you did not receive as many as 276 votes; and also shows that I received more than 115 votes, the number falsely and erroneously credited to me.

46. That in the borough of Morrisville, county of Bucks, you are falsely and erroneously, and by means of a false addition of the votes cast for you in said borough, returned as having received 93 votes; whereas, in truth and in fact, a true count of the votes cast, and addition of the returns of said borough, shows that in reality you did not receive as many as 93 votes; and also shows that I received more than 51 votes, the number falsely and erroneously credited to me.

47. That in the borough of Newtown, county of Bucks, you are falsely and erroneously, and by means of a false addition of the votes cast for you in said borough, returned as having received 90 votes; whereas, in truth and in fact, a true and correct count of the votes cast, and addition of the returns of said borough, shows that in reality you did not receive as many as 90 votes; and also shows that I received more than 53 votes, the number falsely and erroneously credited to me.

48. That in the township of Newtown, county of Bucks, you are falsely and erroneously, and by means of a false addition of the votes cast for you in said township, returned as having received 127 votes; whereas, in truth and in fact, a true count of the votes cast, and addition of the returns of said township, shows that in reality you did not receive as many as 127 votes;

and also shows that I received more than 69 votes, the number falsely and erroneously credited to me.

49. That in the township of Plumstead, county of Bucks, you are falsely and erroneously, and by means of a false addition of the votes cast for you in said township, returned as having received 356 votes; whereas, in truth and in fact, a true count of the votes cast, and addition of the returns of said township, shows that in reality you did not receive as many as 356 votes; and also shows that I received more than 224 votes, the number falsely and erroneously credited to me.

50. That in the township of Solebury, county of Bucks, you are falsely and erroneously, and by means of a false addition of the votes cast for you in said township, returned as having received 381 votes; whereas, in truth and in fact, a true count of the votes cast, and addition of the returns of said township, shows that in reality you did not receive as many as 381 votes; and also shows that I received more than 198 votes, the number falsely and erroneously credited to me.

51. That in the township of Warwick, county of Bucks, you are falsely and erroneously, and by means of a false addition of the votes cast for you in said township, returned as having received 100 votes; whereas, in truth and in fact, a true count of the votes cast, and addition of the returns of said township, shows that in reality you did not receive as many as 100 votes; and also shows that I received more than 72 votes, the number falsely and erroneously credited to me.

52. That in the township of Wrightstown, county of Bucks, you are falsely and erroneously, and by means of a false addition of the votes cast for you in said township, returned as having received 155 votes; whereas, in truth and in fact, a true count of the votes cast, and addition of the returns of said township, shows that in reality you did not receive as many as 155 votes; and also show that I received more than 45 votes, the number falsely and erroneously credited to me.

53. That in the 1st division of the 22d ward of the city of Philadelphia the election officers of said division received the votes of persons, to the number of ten and upwards, for Congress, which were taken and counted in the general return for you for Congress, none of whom were qualified voters in said division.

54. That in the 2d division of the 22d ward of the city of Philadelphia the election officers of said division received the votes of persons, to the number of eight and upwards, for Congress, which were taken and counted, in the general return, for you for Congress, none of whom were qualified voters in said division.

55. That in the 3d division of the 22d ward of the city of Philadelphia the election officers of said division received the votes of persons, to the number of twenty and upwards, for Congress, which were taken and counted, in the general return, for you for Congress, none of whom were qualified voters in said division.

56. That in the 4th division of the 22d ward of the city of Philadelphia the election officers of said division received the votes of persons, to the number of fifteen and upwards, for Congress, which were taken and counted, in the general return, for you for Congress, none of whom were qualified electors in said division.

57. That in the 5th division of the 22d ward of the city of Philadelphia the election officers of said division received the votes of persons, to the number of fourteen and upwards, for Congress, which were taken and counted, in the general return, for you for Congress, none of whom were qualified voters in said division.

58. That in the 6th division of the 22d ward of the city of Philadelphia

the election officers of said division received the votes of persons, to the number of twenty-five and upwards, for Congress, which were taken and counted, in the general return, for you for Congress, none of whom were qualified voters in said division.

59. That in the 7th division of the 22d ward of the city of Philadelphia the election officers of said division received the votes of persons, to the number of ten and upwards, for Congress, which were taken and counted, in the general return, for you for Congress, none of whom were qualified voters in said division.

60. That in the 8th division of the 22d ward of the city of Philadelphia the election officers of said division received the votes of persons, to the number of six and upwards, for Congress, which were taken and counted, in the general return, for you for Congress, none of whom were qualified voters in said division.

61. That in the 9th division of the 22d ward of the city of Philadelphia the election officers of said division received the votes of persons, to the number of thirty and upwards, for Congress, which were taken and counted, in the general return, for you for Congress, none of whom were qualified voters in said division.

62. That in the 1st division of the 23d ward of the city of Philadelphia the election officers of said division received the votes of persons, to the number of forty and upwards, for Congress, which were taken and counted, in the general return, for you for Congress, none of whom were qualified voters in said division.

63. That in the 2d division of the 23d ward of the city of Philadelphia the election officers of said division received the votes of persons, to the number of fifteen and upwards, for Congress, which were taken and counted, in the general return, for you for Congress, none of whom were qualified voters in said division.

64. That in the 3d division of the 23d ward of the city of Philadelphia the election officers of said division received the votes of persons, to the number of eleven and upwards, for Congress, which were taken and counted, in the general return, for you for Congress, none of whom were qualified voters in said division.

65. That in the 4th division of the 23d ward of the city of Philadelphia the election officers of said division received the votes of persons, to the number of twenty and upwards, for Congress, which were taken and counted, in the general return, for you for Congress, none of whom were qualified voters in said division.

66. That in the 5th division of the 23d ward of the city of Philadelphia the election officers of said division received the votes of persons, to the number of sixteen and upwards, for Congress, which were taken and counted, in the general return, for you for Congress, none of whom were qualified voters in said division.

67. That in the 6th division of the 23d ward of the city of Philadelphia the election officers of said division received the votes of persons, to the number of twenty and upwards, for Congress, which were taken and counted, in the general return, for you for Congress, none of whom were qualified voters in said division.

68. That in the 7th division of the 23d ward of the city of Philadelphia the election officers of said division received the votes of persons, to the number of fifteen and upwards, for Congress, which were taken and counted, in the general return, for you for Congress, none of whom were qualified voters in said division.

69. That in the 8th division of the 23d ward of the city of Philadelphia the election officers of said division received the votes of persons, to the

number of twenty and upwards, for Congress, which were taken and counted, in the general return, for you for Congress, none of whom were qualified voters in said division.

70. That in the 9th division of the 23d ward of the city of Philadelphia the election officers of said division received the votes of persons, to the number of twenty-three and upwards, for Congress, which were taken and counted, in the general return, for you for Congress, none of whom were qualified votes in said division.

71. That in the 3d division of the 25th ward of the city of Philadelphia the election officers of said division received the votes of persons, to the number of eighteen and upwards, for Congress, which were taken and counted, in the general return, for you for Congress, none of whom were qualified voters in said division.

72. That there were in the several divisions of the various wards of the city of Philadelphia, comprised within said congressional district, a large number of persons who voted for you in more than one division, and there were also in many of said divisions more persons than one who voted on the same assessed and registered name.

73. That in each and every division of the wards comprised within said congressional district there were practiced, by the persons advocating your election, threats and acts of intimidation which deterred many persons from voting who would have voted for me, and prevented many persons who did vote from voting for me, which threats and acts of intimidation were made under pretext of authority from the government of the United States, and are encroachments upon the election franchise. A part of this general system of threats and acts of intimidation consisted in a scheme adopted by persons who sustained you, by which a person, assuming to be a deputy United States marshal, presented himself at each election division, labelled with a white badge upon his hat, with the words in large letters "UNITED STATES MARSHAL," and accompanied in every instance by a large printed placard maintained by him, posted in conspicuous places in the vicinity of the election window, which placard was in the following words:

"Notice is hereby given that the UNITED STATES DEPUTY MARSHAL will attend at each election poll *to enroll the names of all citizens that present themselves to vote who have been omitted from the enrolment, in order that each may be made LIABLE to THE DRAFT.*

"By order of the

MARSHAL OF THE UNITED STATES."

Although the enrolment for the purpose of making the draft in Philadelphia had been previously completed by the officers duly appointed for that purpose, and notwithstanding there had been no officers authorized by any law or regulation to attend at the election divisions for the purpose avowed in the placards referred to, the appearance on the election ground of a large body of United States officers claiming the right to interfere with the peaceable and regular proceedings of the election was well calculated, in times of civil commotion, when military law was threatened to supersede all civil authority, to mislead many and intimidate others, who naturally assumed that such acts, on the part of those who favored your election, was by lawful authority; and by such conduct many duly qualified electors were deterred and prevented from casting their votes for me who would have voted in my favor if they had not believed that their exercise of such privilege would be interfered with by those who took charge of the windows under the pretended authority referred to, by which a fair expression of the choice of the legally qualified electors of said district was prevented.

74. That in each of the several wards, divisions, townships, boroughs and election districts, comprised within said congressional district, a large

number of persons voted for you upon property qualifications, not having paid a State or county tax within the meaning of the provisions of the law.

75. That in each of the several wards, divisions, townships, boroughs and election districts, comprised within said congressional district, a large number of persons voted for you who had changed their domicile from one election district to another within ten days preceding said election.

76. That in the several wards, divisions, townships, boroughs and election districts, comprised within said congressional district, a large number of persons, not citizens of the State of Pennsylvania, in the military service of the United States, were permitted to vote for you, claiming a camp or hospital residence of ten days; and, also, that the votes of a large number of persons who would have voted for me, in the military service of the United States, were rejected by the officers conducting the election in said election districts, notwithstanding they were citizens of Pennsylvania, and had paid a State and county tax within two years.

All of which is respectfully submitted.

Yours, &c.,

CHARLES W. CARRIGAN.

(Residence, Frankford road and Auburn street.)

M. RUSSELL THAYER, Esq.

STATE OF PENNSYLVANIA,

*City of Philadelphia, ss:*

Before me, an alderman and ex officio justice of the peace of the city of Philadelphia, residing in the 22d ward of said city, within the fifth congressional district of Pennsylvania, personally appeared, on the 18th day of November, A. D. 1862, Samuel Comegys, who, being duly sworn, doth depose and say, that on the 17th day of November, A. D. 1862, he called at the office of M. Russell Thayer, esquire, and ascertained that he was and would be absent from the city for some time, and that on the same day he called at the residence of said Thayer, at Chestnut Hill, in the 22d ward of the said city, when he was informed by an adult member of his family, representing herself to be the wife of said Thayer, that said Thayer was absent from home and would not return for a week; whereupon he then and there served upon the same adult member of his family the original notice, of which the foregoing is a true and perfect copy.

SAMUEL COMEGYS.

Sworn and subscribed before me this 18th day of November, A. D. 1862.

JACOB GOOD, *Ald.*

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PHILADELPHIA, *December 13, 1862.*

DEAR SIR: In accordance with the act of Congress in such case made and provided, I send you my answer to the notice you have given me that you will contest my right to a seat in the House of Representatives as the member from the fifth congressional district of the State of Pennsylvania in the thirty-eighth Congress.

1. That the said notice is uncertain, vague, and indefinite, and not such a statement of the grounds of contest as is contemplated and required by the act of Congress in such case made and provided.

2. That the statements and allegations in the said notice or statement are of so general and vague a character that I am unable to discover or determine what you propose to prove, and am, therefore, unable to prepare for cross-



examination, or to provide countervailing or rebutting testimony in my defence against the said vague and general allegations.

I shall, therefore, except to your said notice, and to any testimony which may be offered or taken by you under the said notice.

And, further, I particularly specify my grounds of objections to your specifications contained in your notice for their want of certainty and the generality of the charges contained therein.

1. Your first specification can only be regarded as a notice of your claim, and is, therefore, and for the reasons above stated, unworthy of comment.

2. Your second specification does not specify the nature or character of the fraud or error alleged to have been committed or made in the returns made by the officers of the several election districts comprised in the fifth congressional district in the return made to the judges thereof. Neither does the charge made in the said specification, that "the said fraud and error will appear from an examination of all the tally-papers, lists-books, ballots, tickets, ballot-boxes and contents thereof," and from "proofs and records of every description" pertaining to the election in the said congressional district, and of all papers returned by the officers of the election in the several divisions of the 22d, 23d, and 25th wards of the city of Philadelphia, and of the several townships, boroughs, and election districts of the county of Bucks, being the wards, divisions, and election districts comprised within the said district," nor the particular specification of every division of every ward, and of every township, borough, and election district in Bucks county by its particular number and appellation, save the said second specification from the objection which I hereby make; that it does not specify where or in what election divisions or in what returns thereof the said fraud or error was committed or made, or upon the inspection or examination of what tally-papers, lists, books, ballots, tickets, ballot-boxes and contents thereof, or of what proofs and records the said alleged fraud or error will appear.

3. Your third specification, alleging that more votes were cast for you in the 22d, 23d, and 25th wards of the city of Philadelphia and in the county of Bucks, comprising the fifth congressional district, than you allege are credited to you upon the general returns from the said wards and county, and that fewer votes were cast for me in the said wards and county than are credited to me upon the said returns, I object to, in that it does not specify in what manner or for what cause or reason you claim to add to the number of your votes alleged to be credited to you in the said general returns, and so subtract from the number of votes credited to me upon the said general returns.

4. Your fourth specification, alleging that large sums of money were expended in the 22d, 23d, and 25th wards, comprised in the said district, in procuring for me the votes of persons who were not qualified electors, and in inducing persons to vote for me who would have otherwise voted against me, and that large numbers of persons were induced to vote for me by promises and offers of gifts and rewards, appointments, employment and pecuniary benefit, and by threats of loss of appointment, employment and pecuniary benefit, and that a large number of persons were induced not to vote for you by promises and offers of gifts, rewards, appointment and pecuniary benefit, and by threats of loss of employment and pecuniary benefits, does not specify how many such persons were induced to vote or not to vote, or in what election district such persons voted, or in what election district such persons resided who were so induced not to vote for you, or in what manner such persons were disqualified who you allege were induced to vote for me, nor does it aver in what manner or to what extent the general result of said election was affected or changed thereby.

5. Your fifth specification does not state how many persons voted ille-

gally in the 22d, 23d, and 25th wards, or in what election divisions they voted, or in what particular their votes were illegal, or that the said votes were taken and counted in the general return for member of Congress for the 5th district of Pennsylvania.

6. Your sixth specification does not set forth how many persons not qualified voters, nor residents of the ward or divisions in which they voted, were allowed to vote, or in what election division said alleged unqualified voters were allowed to vote, nor in what particular they were so disqualified, nor in what election division said non-residents were allowed to vote, nor where the said non-residents did reside when so allowed to vote.

7. Your seventh specification does not aver how many persons were allowed to vote for me on false and fraudulent naturalization papers, who were not citizens of the United States or of Pennsylvania, nor residents of the divisions in which they voted, nor in what election divisions they were allowed to vote, nor in what respect the said papers were false and fraudulent.

8. Your eighth, ninth, tenth, and eleventh specifications, charging in the said eighth specification that in the several wards and divisions, comprised within the limits of the said 5th congressional district, a large number of persons voted for me who were not citizens of the divisions in which they voted, nor qualified electors thereof; that a large number of persons voted in said wards and divisions upon false and fraudulent tax receipts, and without having the necessary qualifications to entitle them to vote, and alleging in the ninth, tenth, and eleventh specifications the same matters, specifically, in each and every division of the 22d, 23d, and 25th wards, I object to, in that they do not state how many persons so voted for me, or in what election divisions they voted, and why they were not citizens, or in what respect they were not qualified electors thereof, or in what respect their tax receipts were fraudulent, or in what necessary qualifications they were wanting to entitle them to vote; nor does the eighth specification state for whom the large number of persons alleged in said specification to have voted upon false and fraudulent tax receipts did vote.

9. Your twelfth, thirteenth, and fourteenth specifications, alleging, in effect, that in the 3d division of the 25th ward, and in each of the other divisions of the said ward; that in the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 9th divisions of the 22d ward, and in the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 9th divisions of the 23d ward, and in each of the said divisions, a large number of persons voted for me who were not legal voters or qualified electors of said wards or divisions, but by falsely personating other persons who were supposed to be entitled to vote if they had presented themselves for that purpose; that the persons so falsely personating others voted on false and fraudulent tax receipts, and without having paid taxes, and upon papers and certificates fraudulently made, I object to, in that they do not aver how many persons so voted for me, in what respect they were not legal voters, how they were disqualified electors, what persons they falsely personated, in what respect their tax receipts were false and fraudulent; nor do they aver that the persons alleged to have voted without having paid taxes had not paid them within the time required by law, viz., within two years of the time of offering to vote; and, finally, that it does not aver in what manner or to what extent the said votes will change the general result of said election.

10. Your fifteenth specification does not allege how many persons voted for me who were not qualified electors, citizens, or residents, and who had not paid a State or county tax, as alleged therein, or how or in what respect they were disqualified.

11. I object to your sixteenth, seventeenth, and eighteenth specifications,

in that they do not set forth how many persons voted for me upon false and fraudulent tax receipts falsely and fraudulently made and procured, and upon receipts falsely certifying the payment of taxes which had not been assessed in pursuance of the "Act of assembly," in the several wards and divisions set forth in the said sixteenth, seventeenth, and eighteenth specifications, nor how many persons voted for me who had not paid a State or county tax in conformity with the requirements of law in the said wards and divisions, nor do the said specifications state in what respect the tax receipts of the persons alleged to have voted were false and fraudulent, or how they were falsely made and procured, and by whom.

12. Your nineteenth specification does not specify how many persons voted for me under the disabilities therein mentioned, nor does it state in what respect they were disqualified as electors.

13. Your twentieth specification does not state in what respect the returns from the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 9th divisions of the 22d ward, and from the ninth division of the 23d ward, were irregular or informal.

14. Your twenty-first specification does not state how many persons encamped, &c., within the limits of the 1st division of the 22d ward were prevented by intimidation, &c., from exercising the right of voting, nor does it state that they offered to vote, or for whom, or that their votes were refused when they so offered, nor does it state of how many votes you were illegally deprived, or who it was that "prevented by intimidation," &c., the alleged persons from voting.

15. Your twenty-second specification does not aver how many persons, qualified electors of the wards and divisions set out in the said twenty-second specification, there were whose votes were illegally rejected, and in what respect their rejection was illegal.

16. Your twenty-third specification does not aver how many persons, aliens and not qualified electors of the 5th division of the 23d ward, were permitted to vote in said division, as alleged in said specification, or in what respect they were disqualified.

17. Your twenty-fourth specification does not aver what persons alleged in said specification to have conducted the said election, having been disqualified by law to act in that capacity, so acted, nor how or in what respect they were disqualified from so acting, nor does it aver in what manner the said disqualification of the said inspector, contained in the allegation that he held the office of deputy marshal, could affect the general result of the said election.

18. Your twenty-fifth specification does not allege what office of profit and trust the said inspector of the 9th division, 22d ward, mentioned, held under the city of Philadelphia at the time he acted as said inspector, or how, if, as alleged, he did hold such an office, it could affect the legality of the votes cast in said division.

19. Your twenty-sixth specification does not state in what respect the persons alleged to have conducted the election in the 3d division of the 23d ward were unauthorized by law to conduct the same, and in what particular the lawful authority of the person alleged to have acted as judge was wanting, and in violation of what law he so acted, and in what manner his so acting, as alleged, affected the legality of the votes cast in the said division.

20. Your twenty-eighth and twenty-ninth specifications do not allege in what respect the persons conducting the election in the 5th division of the 23d ward, and in the 9th division of the 23d ward, were disqualified from acting as officers of said election, or what offices of profit and trust the persons alleged to have acted, respectively, as return clerk and inspector, held under the government of the United States, nor does it aver that they held

the said offices of profit and trust at the time of their acting as return clerk and inspector, as alleged.

21. Your thirtieth and thirty-first specifications do not state in what respect the persons alleged in the said specifications to have conducted the election in Upper Makefield township and Lower Makefield township, Bucks county, were disqualified from so acting, nor does it state what offices of profit and trust the said persons alleged to have acted as judge of the election and return judge, respectively, in each township, held and exercised, at the time they so acted, or in what manner the legality of the votes cast in said townships was affected thereby.

22. Your thirty-second specification does not set forth in what particular or respect the officers alleged to have conducted the election in the borough of Morrisville, in the county of Bucks, were not legally qualified to conduct the same; nor does it state what office the said person alleged to have acted as judge held in the army, or whether he held said commission or office at the time of the election, and of his acting as judge; nor does it aver in what manner the alleged disqualification of said judge of the election, belonging to the same political party as yourself, prejudiced you, or affected the legality of the votes cast in the said borough.

23. Your twenty-third specification does not state how many persons voted for me in the 6th division, 23d ward, who were aliens, &c., as alleged in the said specification.

24. Your thirty-fourth specification does not set forth how many persons voted for me in the 7th division of the 23d ward, who were not qualified voters, &c., or how they were disqualified, or in what respect their tax receipts were false or fraudulent.

25. Your thirty-fifth, thirty-sixth, and thirty-seventh specifications I object to, in this: that they do not state how many persons voted for me in the townships of Upper Makefield, Lower Makefield, and New Britain, who were not legally qualified electors of the said townships, respectively, in which they are alleged to have voted, nor in what respect they were disqualified.

26. I object to your thirty-eighth specification in this: that it does not state in what manner, or from what cause, the said alleged discrepancy in the number of votes credited to us in the said township has occurred, nor does it state in what return we are so credited, or that the votes were counted at all in the general return of said congressional district.

27. Your several specifications, from the thirty-ninth to the fifty-second, inclusive, alleging, respectively, that I am falsely and erroneously, and by means of a false addition of the votes cast for me in the several townships and boroughs of the said county of Bucks, mentioned in the said specifications, respectively, returned as having received the number of votes in each township and borough, as mentioned in said specifications, respectively, and that in truth and in fact a true count of the votes cast, and addition of the returns of each township, borough, &c., in said county, would show that in reality I did not receive as many as said numbers so returned in each of the said townships and boroughs, respectively, and that you received more in said townships and boroughs, respectively, than is credited to you in the said townships and boroughs, I object to in this: that they do not aver how many less I received than the numbers so alleged to have been returned for me in each township and borough, respectively, or how many more you received in said townships and boroughs than are credited to you.

28. Your several specifications, from the fifty-third to the seventy-first-



inclusive, alleging that the election officers of the several divisions of the various wards therein mentioned received the votes of persons

in the 1st division of the 22d ward, to the number of 10 and upwards,

2d	"	"	"	8	"
3d	"	"	"	20	"
4th	"	"	"	15	"
5th	"	"	"	14	"
6th	"	"	"	25	"
7th	"	"	"	10	"
8th	"	"	"	6	"
9th	"	"	"	30	"

in the 1st division of the 23d ward, to the number of 40 and upwards,

2d	"	"	"	15	"
3d	"	"	"	11	"
4th	"	"	"	20	"
5th	"	"	"	16	"
6th	"	"	"	20	"
7th	"	"	"	15	"
8th	"	"	"	20	"
9th	"	"	"	23	"

and in the 3d division of the 25th ward, to the number of 18 and upwards, do not state in what respect said voters were disqualified.

29. Your seventy-second specification does not state in what divisions or in what wards of the city of Philadelphia the said persons therein mentioned voted, or how many more persons than one voted, in the same assessed and registered name, or where they voted.

30. The matters alleged and the charges made in your seventy-third specification are entirely irrelevant; and even if true, could have no possible bearing either upon the legality of the votes cast in the several election divisions of the said 5th district, or upon the question who should represent the said 5th congressional district of Pennsylvania in the thirty-eighth Congress.

31. Your seventy-fourth specification does not set forth how many persons voted for me who had not paid a State or county tax, within the meaning of the provisions of the law, nor in what ward, division, township, borough, or election district they voted.

32. Your seventy-fifth specification does not set forth in what wards, divisions, townships, boroughs, and election districts comprised within the said congressional district, or how many persons voted for me who had changed their domicile, nor from what election district to what other election district they had changed their domicile, within ten days preceding said election.

33. Your seventy-sixth specification does not state how many persons, or in what election divisions, or claiming what camp or hospital residence of ten days, were permitted to vote for me, and how many who would have voted for you and were rejected, or in what election divisions they offered to vote and were rejected.

And I further make answer to your said notice:

1. I deny that you received a majority of the votes legally cast for a member of Congress in the thirty-eighth Congress, in the said congressional district, at an election held on the 14th of October, 1862; and I aver that I did receive a majority of the votes legally cast at said election, and that, therefore, I am legally entitled to represent the qualified electors of said district in said thirty-eighth Congress.

2. I deny that the returns made by the officers of the several election divisions in the said congressional district to the return judges thereof



were erroneous, false, and fraudulent, in that they gave me more votes than were actually cast for me, and gave you fewer votes than were actually cast for you. I deny that the certificate of election as said representative should have been given to you. I deny that such matters will appear from an examination of all and singular the tally papers, lists, books, ballots, tickets, ballot-boxes and contents thereof, or any of them, or of the proofs and records of any description pertaining to the election in the said congressional district, or of any papers returned by the officers of the election in the several divisions of the twenty-second, twenty-third, and twenty-fifth wards of the city of Philadelphia, or of the several townships, boroughs, and election districts comprised within said district.

3. I deny that I received in the twenty-second ward less than 1,642 votes. I deny that I received in the twenty-third ward less than 1,389 votes, the number erroneously alleged by you to have been computed for me in the general return from the said district, or less the 1,390 votes, the number actually computed for me in the said return in the said ward. I deny that I received in the twenty-fifth ward less than 648 votes. I deny that in the county of Bucks I received less than 5,925 votes. I deny that I received in said congressional district less than 9,605 votes, and I aver that you received in the said twenty-second ward less than 936 votes, in the twenty-third ward less than 1,152 votes, and in the twenty-fifth ward less than 973 votes; and I aver that in the county of Bucks you received less than 6,482 votes, and that in the said congressional district you received less than 9,543 votes. I deny that a fair computation of the votes actually received by you would give you a majority of the votes of the qualified electors of the said congressional district.

4. I deny the allegations that large sums of money or any sum of money was expended either in the twenty-second, twenty-third, or twenty-fifth wards, comprised within the said district, in procuring for me the votes of persons who were not qualified electors, or in inducing persons to vote for me who would otherwise have voted against me, or in procuring the votes of any person whatever. I deny that a large number of persons were induced to vote for me by promises of gifts and rewards, or by promises or offers of appointment, employment, and pecuniary benefit, or by threats of loss of employment and pecuniary benefit. I deny that any persons were induced not to vote for you by promises of gifts and rewards, and by promises and offers of appointment and pecuniary benefit, or by threats of loss of employment, appointment, an pecuniary benefits.

5. I deny that on the election held on the said 14th of October, 1862, there were any persons who voted illegally in the twenty-second, twenty-third, and twenty-fifth wards, except certain illegal votes hereinafter specified and charged which were cast and counted for you, and I deny that any illegal votes were cast for me.

6. I deny that in the twenty-second, twenty third, and twenty-fifth wards at said election there were any persons who were allowed to vote who were not qualified voters and residents of the ward or division in which they voted, except certain persons so disqualified who were allowed to vote for you, and whose votes were counted for you, and I deny that any such persons voted for me.

7. I deny the allegation that in said wards at said election any persons were allowed to vote for me on false and fraudulent naturalization papers, and who were not citizens of the United States nor of Pennsylvania, nor residents in the above divisions in which they voted.

8. I deny the allegation that in the several wards and divisions comprised within the 5th congressional district any persons voted for me who were not citizens of the said divisions at which they voted, or that any per-

sons voted for me in the said wards and divisions who were disqualified as electors thereof. I admit, as you allege, "that a large number of persons voted in said wards and divisions upon false and fraudulent tax receipts, and without having paid their taxes, and without having the necessary qualification to entitle them to vote," but I aver that all such persons voted for you, and I deny that any such voted for me.

9. I deny the allegation that in the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 9th divisions of the twenty-second ward, or any of them, any persons voted for me who were not citizens or qualified electors thereof; and I deny that any persons voted for me in said divisions on false and fraudulent tax receipts, or that any persons voted for me who had not the necessary qualifications to entitle them to the right to vote; and I aver that many such persons voted for you in said divisions and wards.

10. I deny that in the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th and 9th divisions of the 23d ward any persons voted for me who were not citizens, or qualified electors, of the divisions in which they voted; and I deny that any persons voted for me in said divisions on false and fraudulent tax receipts, or that any persons voted for me in said divisions, or any of them, without having paid taxes, and without having the necessary qualifications to entitle them to the right to vote; and I aver that many such persons voted for you in each of the said divisions of the said ward.

11. I deny that in the 3d division of the 25th ward, or in any division of the said ward, any persons voted for me who were aliens, or who were not citizens of the State, or of the United States, or were non-residents of the divisions in which they voted, or who were disqualified as electors of the said ward, or of the respective divisions where they voted.

12. I deny the allegations that in the 3d division of the 25th ward, and in each of the divisions of the said ward, and that in the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 9th divisions of the 22d ward, and that in the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 9th divisions of the 23d ward, or that in any division of the said wards, there were any persons who voted for me who were not legal voters, or who were disqualified electors of said wards or divisions; and I deny that any persons, falsely personating any other persons, presented themselves to vote for me in any of the divisions of the said wards; and I deny that such persons, falsely personating other persons, voted for me in any of the divisions of the said wards; and I aver that many persons, so falsely personating others who were supposed to be entitled to vote, did vote for you in each of the said divisions of the said wards. I deny that any person whatever voted for me, in any division of the said wards, on false and fraudulent tax receipts, or without having paid their taxes, or upon papers and certificates falsely made.

13. I deny that in the 6th division of the 22d ward any persons voted for me who were not qualified electors of said division, or who were not citizens of the State of Pennsylvania, or who were non-residents of said division, or who had not paid a State or county tax within two years.

14. I deny the allegations made in your 16th, 17th, and 18th specifications, respectively, that in the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 9th divisions of the 22d ward, in the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 9th divisions of the 23d ward, in the 3d division of the 25th ward, and in each of the divisions of the said 25th ward, there were large numbers of persons, or any persons, who voted for me upon false and fraudulent tax receipts, falsely and fraudulently made and procured. I deny that there were any persons, in any of the said wards or divisions, who voted for me upon receipts falsely certifying the payment of taxes, which had not been assessed, in pursuance of the provisions of the act of assembly made and provided. I deny that there were any persons, in any of the said divisions or wards,

who voted for me who had not paid a State or county tax within the requirements of the law.

15. I deny that in the 9th division of the 22d ward any persons voted for me who were not qualified electors of said division, or who were not citizens of the State of Pennsylvania, or who were non-residents of said division or ward, or who had not paid a State or county tax within two years.

16. I deny that the returns made from the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 9th divisions of the 22d ward, and from the 9th division of the 23d ward, credited me with any more votes than were cast for me in either of the said divisions, or credited you with any less votes than were cast for you in either of the said divisions. I deny that any discrepancies existing, or which may exist, between the hourly returns and the final returns, in said divisions and wards, were sufficient to make votes in my favor; and I deny that any such discrepancies do exist.

17. I deny that in the 1st division of the 23d ward there were any persons, citizens or residents of said division and ward, or any persons who were qualified electors of the same, or any persons who were encamped within the limits of the said division, who desired and would have voted for you, and who were prevented, by intimidation or threats of military force, from exercising that right. I deny that you were illegally deprived of any votes in said division.

18. I deny that in any division of the 22d ward, or in any division of the 23d ward, or in the 3d division of the 25th ward, there were any persons, qualified electors of their divisions respectively, whose votes were illegally rejected by the officers of the election, who desired and would have voted for you; and I aver that there were many such persons, qualified electors of the said divisions and wards, who offered to vote, and would have voted for me, but whose votes were illegally rejected by the officers of the election in the several wards and divisions.

19. I deny that any qualified elector of the 5th division of the 23d ward offered to vote for you and was not permitted by the officers of the election to vote. I deny that in the same division any person was permitted to vote for me who was an alien or was disqualified as an elector of said division.

20. I deny that in the 4th division of the 22d ward the election was not conducted by persons legally qualified to conduct the same. I deny the allegation that the person who acted as inspector of said election was a deputy marshal of the United States. And while I deny that, had he occupied the office of deputy marshal, as alleged, it could have affected the legality of the votes as cast in said division, yet I aver that in other election divisions, in the said congressional district, there were election officers who held the same office of deputy marshal, to wit, the inspector of the election in the borough of New Hope, in the county of Bucks.

21. I deny that in the 9th division of the 22d ward the person who acted as inspector was, at the time he so acted, discharging the duties of an office of profit and trust under the city of Philadelphia. And I deny that, were such the fact, as alleged, it could affect the legality of the votes cast in the said division.

22. I deny that in the 3d division of the 23d ward the election was conducted by persons unauthorized by law to conduct the same; and I also deny the fact, as alleged, that the person who acted as judge in the said division assumed to act without any lawful authority and in violation of the law. And I deny that, had he so acted, as alleged, it could affect the votes cast in said division.

23. I deny that in the 9th division of the 23d ward any person voted for me who was a non-resident of the 5th congressional district of the State of Pennsylvania. I deny that any person voted for me in the said division and

ward who, at the time of voting in the said 9th division of the 23d ward, was a resident of the 1st division of the 8th ward of the city of Philadelphia.

24. I deny that in the 5th division of the 23d ward the election was conducted by persons disqualified from so acting; and I deny the fact that the return clerk of said election held any office of profit and trust under the United States. And I also deny that, had he held any such office, as alleged, it could affect the legality of the votes cast in said division.

25. I deny that in the 9th division of the 23d ward the election was conducted by persons disqualified from so acting. I deny the allegation that the person acting as inspector of said election held any office of profit and trust under the United States. And I also deny, that had he held any such office, it could affect the legality of the votes cast in said division.

26. I deny that in Upper Makefield township, Bucks county, the election was not conducted by persons legally qualified to conduct the same. I deny that the judge of the election and return judge of the township was not duly elected and qualified to act as such. I deny that the said judge of the election division and return judge of the township was, at the time he so acted, an officer of the United States, or that he held any office of profit and trust under the United States. And I deny that, if such were the case, it would affect the legality of the votes cast in said township.

27. I deny that in Lower Makefield township, Bucks county, the election was conducted by persons who were legally disqualified from so acting. I deny that the judge of said division and return judge of said township was not duly qualified to act as such; and I deny that, at the time he so acted, he was an officer of the United States, or that he held and exercised any office of profit and trust under the said United States. And I deny that, if such were the case, it would affect the legality of the votes cast in said township.

28. I deny that the election held at the borough of Morrisville, Bucks county, was conducted by officers legally disqualified from conducting the same. I deny that the person who acted as judge of said election was an officer in the army of the United States. And I deny that, if the facts were true, as you allege, it would affect the legality of the votes cast in said borough, or that it could operate to your disadvantage in any event, seeing the said judge was of your own political party.

29. I deny that any persons voted for me in the 6th division of the 23d ward who were aliens or disqualified electors, or that any persons voted for me in said division who had not paid taxes as required by law, or any persons voted for me in said division upon false and fraudulent tax receipts.

30. I deny that any persons voted for me in the 7th division of the 23d ward who were not qualified voters, or that any persons voted for me in said division upon false and fraudulent tax receipts.

31. I deny that in Upper Makefield township, Bucks county, any person voted for me who was not a qualified voter in said township.

32. I deny that in Lower Makefield township any person voted for me who was disqualified as an elector in said township, or any person voted for me who was a non-resident of said township, or that any person voted for me who had not paid a State or county tax as required by law.

33. I deny that in New Britain township, Bucks county, any person voted for me who was disqualified as an elector, or any person voted for me who was a non-resident of said township, or that any person voted for me who had not paid a State or county tax as required by law.

34. I deny that in New Britain township, Bucks county, I am credited with any more votes than were actually cast for me, and I deny that you are credited with any less votes than were actually cast for you.

35. I deny that in the townships of Bristol, Buckingham Falls, Lower



Makefield, Upper Makefield, Middletown, Newtown, Plumstead, Solebury, Warrick, and Wrightstown, in the county of Bucks, or that in the boroughs of Bristol, Morrisville, and Newtown, in said county, I am erroneously returned, by means of false addition, as having received more votes than were actually cast for me in each township and borough respectively. I deny that there were credited to you any less number of votes than were actually cast for you in said townships and boroughs respectively, but I aver that you were returned in said townships and boroughs respectively as having received more votes than were actually cast for you in said townships and boroughs respectively.

36. I deny the several allegations contained in your specifications from the fifty-third to the seventy-first, inclusive. I deny that in any division of the 22d, 23d, and 25th wards there were any persons whose votes were taken and counted in the general return for me, who were not qualified voters in the said divisions and wards in which they respectively voted.

37. I deny that there were, in any division of any of the wards comprised in the said congressional district, any persons whatever who voted for me in more than one division, and I deny that more than one person voted for me upon one assessed and registered name in said divisions.

38. I deny that any person advocating my election, in any division of any of the wards contained in the said congressional district, practiced any threats or acts of intimidation. I deny that any persons were deterred from voting for you or were induced to vote for me by any such cause, or from any other cause whatever; and I deny that the allegations contained in your seventy-third specification would, if true, have affected the legality of the votes cast at said election.

39. I deny that any person voted for me in any ward, division, township, borough, or election district comprised within the said congressional district, upon a property qualification, without having paid a State or county tax within the meaning of the provisions of the law.

40. I deny that any person voted for me in any ward, division, township, borough, or election district comprised within the said congressional district, who had changed his domicile within ten days preceding said election.

41. I deny that any person voted for me in any ward, division, township, borough, or election district comprised within the said congressional district, who was not a citizen of the State of Pennsylvania, and I deny that the vote of any person offering to vote for you, who was a qualified voter of the election district where he offered to vote, was rejected by the officers conducting the said election.

And I further answer to your said notice, that you did not receive the number of votes that you were returned as having received at the said general election, and that the majority of the votes, to which I am justly and legally entitled, exceeds the number of sixty-two, which was found and awarded to me by the return judges in the general return of the votes cast in said congressional district, and I proceed to notify you in what election divisions said errors and mistakes occurred.

1. That in the townships of Bensalem, Bedminster, Bridgeton, Doylestown, Durham, Haycock, Milford, Northampton, Nockamixon, Rockhill, East Rockhill, Richland, Southampton, Springfield, Tinicum, Warrington and Warminster, and in the boroughs of Doylestown and New Hope, you are, by means of a false addition in each of the said townships and boroughs, of the vote cast for you in each of the several townships and boroughs above mentioned respectively, returned as having received as follows, viz:

In the township of Bensalem, 251 votes; in the township of Bedminster, 273 votes; in the township of Bridgeton, 74 votes; in the township of Doylestown, 179 votes; in the township of Durham, 97 votes; in the township of



Haycock, 255 votes; in the township of Milford, 502 votes; in the township of Northampton, 224 votes; in the township of Nockamixon, 271 votes; in the township of Rockhill, 384 votes; in the township of East Rockhill, 155 votes; in the township of Richland, 309 votes; in the township of Southampton, 185 votes; in the township of Springfield, 364 votes; in the township of Tinicum, 397 votes; in the township of Warrington, 121 votes; and in the township of Warminster, 103 votes; in the borough of Doylestown, 153 votes; and in the borough of New Hope, 128 votes; whereas, in truth and in fact, a true count of the votes cast, and addition of the returns of each of the said several townships and boroughs respectively, shows that in reality you did not receive in the township of Bensalem as many as 251 votes; or in the township of Bedminster as many as 273 votes; or in the township of Bridgeton as many as 74 votes; or in the township of Doylestown as many as 179 votes; or in the township of Durham as many as 97 votes; or in the township of Haycock as many as 255 votes; or in the township of Milford as many as 502 votes; or in the township of Northampton as many as 224 votes; or in the township of Nockamixon as many as 271 votes; or in the township of Rockhill as many as 384 votes; or in the township of East Rockhill as many as 155 votes; or in the township of Richland as many as 309 votes; or in the township of Southampton as many as 185 votes; or in the township of Springfield as many as 364 votes; or in the township of Tinicum as many as 397 votes; or in the township of Warrington as many as 121 votes; or in the township of Warminster as many as 103 votes; or in the borough of Doylestown 153 votes; or in the borough of New Hope as many as 128 votes; and also shows that I received in the said township of Bensalem more than 172 votes; in the township of Bedminster, more than 210 votes; in the township of Bridgeton, more than 65 votes; in the township of Doylestown, more than 159 votes; in the township of Durham, more than 65 votes; in the township of Haycock, more than 53 votes; in the township of Milford, more than 189 votes; in the township of Northampton, more than 222 votes; in the township of Nockamixon, more than 47 votes; in the township of Rockhill, more than 121 votes; in the township of East Rockhill, more than 10 votes; in the township of Richland, more than 148 votes; in the township of Southampton, more than 121 votes; in the township of Springfield, more than 149 votes; in the township of Tinicum, more than 72 votes; in the township of Warrington, more than 73 votes; in the township of Warminster, more than 88 votes; in the borough of Doylestown, more than 123 votes; and in the borough of New Hope, more than 83 votes—the numbers credited to me in the several townships and boroughs aforesaid.

2. That in the 8th division of the 22d ward of the city of Philadelphia you are, by means of false addition of the votes cast for you in said division, returned as having received 188 votes; whereas, in truth and in fact, a true count and addition of the votes cast in said division shows that in reality you did not receive as many as 188 votes; and also that I received more than 143 votes, the number credited to me in said division.

3. That in the 1st, 4th, and 8th divisions of the 23d ward you are, by means of a false addition of the votes cast for you in each of the said divisions, returned as having received in the 1st division 163 votes, in the 4th division 55 votes, and in the 8th division 79 votes; whereas, in truth and in fact, a true count and addition of the votes cast shows that in reality you did not receive in the 1st division of the said ward as many as 163 votes, or in the 4th division of the said ward as many as 55 votes, or in the 8th division of the said ward as many as 79 votes; and also shows that I received in the 1st division of said ward more than 155 votes, in the 4th division of the said ward more than 54 votes, and in the 8th division of the

said ward more than 57 votes, the numbers credited to me in the said divisions, respectively.

4. That in the 2d, 4th, 5th, and 6th divisions of the 25th ward you are, by means of false addition of the votes cast for you in each of the said divisions, returned as having received in the said second division of the said 25th ward 191 votes, in the 4th division of the said ward 287 votes, in the 5th division of the said ward 63 votes, and in the 6th division of the said ward 176 votes ; whereas, in truth and in fact, a true count and addition of the votes cast in each of the said divisions shows that in reality you did not receive in the 2d division of the said ward as many as 191 votes, or in the 4th division of the said ward as many as 287 votes, or in the 5th division of the said ward as many as 63 votes, or in the 6th division of the said ward as many as 176 votes ; and also shows that in the 2d division of the said ward I received more than 130 votes, and in the 4th division of the said ward more than 28 votes, and in the 5th division of the said ward more than 51 votes, and in the 6th division of the said ward more than 127 votes, the numbers credited to me in the said divisions, respectively.

5. That in the borough of Bristol, and in the townships of Bristol, Bensalem, Bedminster, and Buckingham, in the county of Bucks, the election officers in each of the said townships, and of the said borough, received the votes of 15 persons and upwards in each of the said divisions for the office of member of Congress, which were taken and counted in the general return for you, none of whom were qualified electors in the said respective townships or boroughs in which their several votes were received.

6. That in the townships of Bridgeton, Durham, Upper Makefield, Morrisville, Newtown, Warrick, and Wrightstown, in the said county of Bucks, the election officers in each of the said townships received the votes of 20 persons and upwards in each of said townships for the office of member of Congress, which were taken and counted in the general return for you, none of whom were qualified electors in the townships in which their several votes were received.

7. That in the boroughs of Newtown and Quakertown, in the said county of Bucks, the election officers of each of said boroughs received the votes of 25 persons and upwards in each of the said boroughs for member of Congress, which were taken and counted in the general return for you, none of whom were qualified electors in the boroughs in which their several votes were received.

8. That in the boroughs of New Hope and Doylestown, in the said county of Bucks, the election officers in each of the said boroughs received the votes of 15 persons and upwards in each of the said boroughs for member of Congress, which were taken and counted in the general return for you, none of whom were qualified electors of the respective boroughs in which their several votes were received.

9. That in the townships of Milford, Rockhill, Richland, Springfield, Tinicum, and Nockamixon, in the said county of Bucks, the election officers of each of the said townships received the votes of 25 persons and upwards in each of the said townships for member of Congress, which were taken and counted, in the general return for you, none of whom were qualified electors in the townships in which their several votes were received.

10. That in the townships of Hilltown, Haycock, Northampton, Plumstead, Southampton, and New Britain, the election officers in each of the said townships received the votes of 15 persons and upwards in each of the said townships for member of Congress, which were taken and counted in the general return for you, none of whom were qualified electors in the townships in which their several votes were received.

11. That in the townships of Warrington, Warminster, Solebury, Middletown, Doylestown, and Falls, in the said county, the election officers in each of the said townships received the votes of 10 persons and upwards in each of the said townships for member of Congress, which were taken and counted in the general return for you, none of whom were qualified electors in the townships in which their several votes were received.

12. That in the 3d, 5th, 8th, and 9th divisions of the 22d ward in the city of Philadelphia, the election officers in each of the said divisions received the votes of 19 persons and upwards in each of the said divisions for member of Congress, which were taken and counted in the general return for you, none of whom were qualified electors in the respective divisions in which their several votes were received.

13. That in the 2d, 4th, and 7th divisions of the 22d ward in the said city, the election officers in each of the said divisions received the votes of 12 persons and upwards in each of the said divisions for member of Congress, which were taken and counted in the general return for you, none of whom were qualified electors in the respective divisions in which their votes were received.

14. That in the 1st and 6th divisions of the said 22d ward, the election officers of each of the said divisions received the votes of nine persons and upwards in each of the said divisions for member of Congress, which were taken and counted in the general return for you, none of whom were qualified electors in the respective divisions in which their several votes were received.

15. That in the 1st, 2d, 3d, 5th, 7th, and 9th divisions of the 23d ward, the election officers in each of the said divisions received the votes of 13 persons and upwards in each of the said divisions for member of Congress, which were taken and counted in the general return for you, none of whom were qualified electors of the respective divisions in which their several votes were received.

16. That in the 4th, 6th, and 8th divisions of the 23d ward, the election officers in each of the said divisions received the votes of 11 persons and upwards in each of the said divisions for member of Congress, which were taken and counted in the general return for you, none of whom were qualified electors of the respective divisions in which their several votes were received.

17. That in the 4th division of the 25th ward of the city of Philadelphia, the election officers of the said division received the votes of 40 persons and upwards for member of Congress, which were taken and counted in the general return for you, none of whom were qualified electors of the said division.

18. That in the 1st, 2d, and 6th divisions of the 25th ward, the election officers of each of the said divisions received the votes of 30 persons and upwards in each of the said divisions for member of Congress, which were taken and counted in the general return for you, none of whom were qualified electors of the respective divisions in which their several votes were received.

19. That in the 3d and 5th divisions of the 25th ward, the election officers in each of the said divisions received the votes of 20 persons and upwards in each of the said divisions for member of Congress, which were taken and counted in the general return for you, none of whom were qualified electors of the respective divisions in which their several votes were received.

20. The returns made by the officers of the several election divisions comprised within the said congressional district to the return judges thereof were incorrect in this alone, viz: that they gave you more votes than were

actually cast for you, and gave me fewer votes than were actually cast for me.

21. That in the 22d ward you received less than 936 votes; in the 23d ward, less than 1,152 votes; in the 25th ward, less than 973 votes; and in the county of Bucks, less than 6,482 votes; the numbers returned, in the general return, as having been cast for you in the respective wards and county.

22. That I received in the said 22d ward more than 1,642 votes, in the 23d ward more than 1,390 votes, and in the 25th ward more than 648 votes, and in the county of Bucks more than 5,925 votes, the numbers returned, in the general return, as having been cast for me in the respective wards and county.

23. That in the 8th division of the 22d ward, and every division of the said ward, and in each and every division of the 23d and 25th wards, there were large numbers of persons, qualified electors of the respective divisions in which they offered to vote, whose votes were illegally rejected by the officers of the election, who offered to vote for me, and who desired and would have voted for me.

24. That in every township, borough, and election district in the county of Bucks there were large numbers of persons, qualified electors of the respective townships, boroughs, and election districts, in which they offered to vote, whose votes were illegally rejected by the officer conducting the election, who offered to vote for me, and who desired and would have voted for me.

M. RUSSELL THAYER,

(Residence on Summit street, Chestnut Hill, 22d Ward, Philadelphia.)

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SCHEDULE No. 3.—J. H. C.—W. R.

JANUARY 31, 1863.

In the matter of the contested election for the fifth congressional district of Pennsylvania for the House of Representatives of the United States for the thirty-eighth Congress.

JANUARY 17, 1863.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe the mode of obtaining evidence in cases of contested elections," passed 19th day of February, 1851, it is my intention to examine witnesses before the honorable John S. Bryan, a justice of the court of common pleas of Bucks county, residing in said congressional district, and duly authorized by said act to examine such witnesses, or before some other person or persons duly qualified, at the Railroad Hotel, Germantown, 22d ward, kept by Mr. E. H. Reeder, on the 27th instant.

And you will further take notice that upon the conclusion of the examination of the witnesses residing in the 22d, 23d, and 25th wards of the city of Philadelphia, I will proceed to take testimony in the borough of Doylestown, county of Bucks, at the house of Nathan Bromer, before the justice aforesaid, of witnesses residing in said county.

The witnesses whom I intend to examine, and their places of residence, are as follows:

- s. Alexander Henry, 1504 Pine street.
- s. Joseph Enue, corner 10th and Ellsworth streets.
- John M. Reilly, 938 Franklin street.
- Edwin T. Chase, Arruat, Germantown.
- Charles D. Knight.

- Reuben Sands, Germantown avenue, opposite Wissahickon avenue.  
 Charles J. Jackson, Germantown.  
 Charles Wistar, Germantown avenue, above Chelton.  
 George W. Hammersly, Price street, Germantown.  
 Robert H. Beatty, 441 Dickerson street.
- s. William H. Allen, Girard College.  
 s. Mathew W. Baldwin, 500 N. Broad street.  
 s. Benjamin Gerhard, 226 South 4th.  
 s. John Clayton, 717 Walnut street.  
 s. William Millward, 837 N. 7th street.  
 s. Charles Lenning, 1340 Walnut street.  
 s. Frederick Lenning, do.  
 s. William T. Asson, northwest corner of 9th and Spruce streets.  
 s. George Dickinson, Rice street, east of Main, Germantown.  
 s. Edward Bender, hospital, Main street, Germantown.  
 s. William Black, do.  
 s. Jesse Darment, do.  
 s. Frederick Hinds, do.  
 s. Allen Jordan, do.  
 s. George W. King, do.  
 s. George Martin, do.  
 s. James McKelty, do.  
 s. John Quinn, do.  
 s. William Smedley, do.  
 s. George Scheifle, do.  
 s. Andrew Conn, Janney street, north of Ann street.  
 s. Andrew Conn, jr., do.  
 s. John Forbes, Ann street, east of Frankford road.  
 s. John Garvin, do.  
 s. Samuel Garvin, do.  
 s. Bernard Hansell, Fulton street, east of Trenton avenue.  
 William Y. Leader, Clearfield street, east of Frankford road.  
 Harrison V. Leader, do.  
 s. Charles Murray, Frankford road, opposite Hart lane.  
 s. William Perkins, do.  
 s. George Surrick, Frankford road and Clearfield street.  
 s. August (or Justice) Schroeder, Fulton street, east of Trenton avenue.  
 s. George L. Wigner, Randolph street, below Waterloo street.  
 s. Asbury Boileau, orderly sergeant, battery L, Colonel Sigebartle's 3d heavy artillery, Camden, N. J.
- s. Thomas McDonough, 11th street, below Federal.  
 Charles Dyer, Bensalem township, Bucks county.  
 s. William Johnson, Germantown.  
 s. Idell, do.  
 George Silree, hospital, Crown and Race streets.  
 George C. Long, Warwick, Bucks county.  
 William Swan, Germantown avenue, above Sharpnack.  
 Ely, Doylestown borough, Bucks county.  
 Cadwallader, Upper Makefield, Bucks county.  
 Edward Knight, do.

You will further take notice that I propose to examine before the said justice all and singular the lists, books, ballots, papers, proofs, and records of what nature and kind soever, pertaining to the election in the fifth congressional district, for the House of Representatives of the United States for the thirty-eighth Congress, contained in the following wards and divisions of said wards as deposited in the boxes of the said divisions of said



wards, respectively, and have a count of all the ballots deposited in said boxes that relate to said congressional election.

The wards and divisions are as follows :

22d ward—1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 9th divisions.

23d ward—1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 9th divisions.

25th ward—1st, 2d, 3d, 4th, 5th, and 6th divisions.

*Bucks county*—Townships of Upper Makefield, Lower Makefield, New Britain, Bristol, Buckingham, Falls, Middletown, Newton, Plumstead, Solebury, Warwick, and Wrightstown, and the boroughs of Bristol, Newtown, and Morrisville, of all of which you will please take notice.

Respectfully,

CHARLES W. CARRIGAN.

M. RUSSELL THAYER, Esq.

Be it remembered, that on the 17th day of January, 1863, personally came before me J. Andie Irwin, who, being duly sworn according to law, deposes and says that on the 17th day of January, 1863, about the hour of one o'clock, he served a true and perfect copy in writing of the within and foregoing notice, signed by Charles W. Carrigan, upon M. Russel Thayer, by handing it to him in the supreme court room in Philadelphia.

J. ANDIE IRWIN.

Sworn and subscribed before me this 17th day of January, A. D. 1863.

WM. T. KENNEDY, *Alderman*.

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No. 4.—J. H. C.—W. R.

JANUARY 31, 1863.

In the matter of the contested election for the fifth congressional district of Pennsylvania for the House of Representatives of the United States for the thirty-eighth Congress.

PHILADELPHIA, *January 29, 1863.*

SIR: You will please take notice that, in addition to the names of witnesses to be examined in the contested election for the fifth congressional district of Pennsylvania, under the notice heretofore served on you, and dated the 17th of January, 1863, I propose, under said notice, to examine the following witnesses, also, to wit:

- s. John Roberts, Rittenhouse street, west of Green, Germantown.
- s. Patrick Delaney, Main street, below Centre, do.
- s. Emanuel Rey, Chilton avenue, do.
- s. George Heberton, Green street, near Harvey, do.
- s. George Shindle, Main street, below Centre, do.
- s. Edward H. Reeder, Railroad Hotel, do.
- s. Daniel Allen, Frankford road, below Somerset.
- s. Joseph Allen, Waterloo street, above Ann
- s. Algernon S. Cadwallader, Lower Makefield, Bucks county.
- s. Henry S. Castor, Oxford street, 23d ward.
- s. William J. Craus, Oxford pike, do.
- s. Henry Ditman, Bridge street, east of the pike.
- s. Joseph S. Ely, Bristol borough, Bucks county.
- s. John Forbes, Ann street, east of Frankford road.
- s. Thomas S. Foulkrod, Frankford, 5th division, 23d ward.
- s. Amos Gregg, Bustleton pike, 23d ward.
- s. John Hedges, 5th division of the 25th ward.
- s. Philip Harned, Smithfield, 23d ward.

- s. Benjamin Comly, Smithfield, 23d ward.
- s. John Harding, 5th division, 23d ward, 202 Frankford.
- s. Thomas T. Holme, Leiper street, below Foulkrod street.
- s. John Hope, 6th division, 23d ward, Thomas street, Frankford.
- s. William Johnson, 4th division, 22d ward.
- Charles M. Jackson, Price street, Germantown.
- s. Moses Knight, Smithfield, 23d ward.
- s. Stephen Knight, 6th division, 23d ward.
- s. George C. Long, Warwick, Bucks county.
- s. Thomas Ross, Doylestown, do.
- s. Charles Meyers, Arsenal Hotel, 3d division, 25th ward.
- s. John Nolen, Centre or Haines street, Germantown.
- Uriah S. Stevens Frankford road, above Somerset street.
- s. Benjamin Shallcross, farmer, Bastleton turnpike.
- s. Lewis D. Vankirk, 7th division, 23d ward, Oxford, near Paul.
- s. John Monteith, Ashmead street, Germantown.
- s. Philip Neville, Clinton street, do.
- s. Joseph Hill, manufacturer, Chesheim lane, Germantown.
- s. Joseph Dando, 3d division, 22d ward.
- s. William Best, do. do.
- s. John Sprees, 8th division, 23d ward.
- s. Charles Ertel, precinct house, 8th division, 23d ward.
- s. John Mink, 8th division, 23d ward.
- s. Frederick Bean, Point road, below Bridge, Bridesburg.
- s. Gustavus Remak, 6th, above Vine street.

Respectfully,

CHARLES W. CARRIGAN.

M. RUSSELL THAYER, Esq.

Be it remembered, that on the 29th day of January, 1863, personally came before me Preston H. Hoopes, who, being duly sworn according to law, deposes and says that on the 29th day of January, 1863, about the hour of eleven o'clock, he served a true and exact copy, in writing, of the above and foregoing notice, signed by Charles W. Carrigan, upon M. Russell Thayer, by leaving the same at his office, No. 723 Walnut street, in the city of Philadelphia.

PRESTON H. HOOPES.

Sworn and subscribed before me this — day of January, A. D. 1863.

JOSEPH H. COMLY, *Alderman*.

WM. REILLY, *Alderman*.

In the matter of the contested election, in the fifth congressional district of Pennsylvania, for a seat to represent said district in the House of Representatives of the United States of America in the thirty-eighth Congress, depositions of witnesses taken before Joseph H. Comly and William Reilly, two justices of the city of Philadelphia, and residents of the fifth congressional district of the State of Pennsylvania, at the house of E. H. Reeder, corner of Price and Main streets, in Germantown, in the twenty-second ward in said city, on the part of Charles W. Carrigan, contestant, on the thirty-first day of January, A. D. 1863.

The parties present are Charles W. Carrigan, contestant, and his counsel, James C. Van Dyke; M. Russell Thayer, esq., incumbent, with his counsel, John B. Thayer, esq.

Mr. Van Dyke moved the justices to appoint a clerk for the purpose of taking down testimony of witnesses to be examined.

Mr. Thayer, incumbent, objects, first, that the act of Congress requires these depositions to be taken by certain officers who are therein designated; that no authority is given by law to justices to take these depositions, where there are resident in the district officers designated in the act. There are officers resident in the district who are required by law to take these depositions. No ground has been laid, and no reason shown, why they are not taken before such officers. He protests, therefore, against the present proceeding as unlawful and contrary to the act of Congress, and I attend here subject to that protest, and without any waiver of this objection.

I object, in the second place, to the taking of the depositions, because of the insufficiency of the notice of contest, and for the reasons particularly set forth in my reply to that notice.

I object, in the third place, to the taking of the depositions, because of the illegality of the notice to take depositions—first, because it was not served ten days before the time fixed in the notice for the taking depositions as required by the act of Congress; second, because no hour is designated in the notice; and third, because it declares an intention to take depositions at Doylestown immediately upon the close of the taking of the depositions here, whereas the act of Congress requires that at least five days shall elapse between the conclusion of testimony at one place and the commencement of taking testimony at another.

I object also to the appointment of the clerk, because he has been employed as the agent of the contestant in the management of this case.

Whereupon the aldermen examined J. Andie Irwin, proposed by them as clerk, as to his interest in the result of this contest and his competency as such clerk; that he has no interest in the result of this case; that he did not prepare the original notice of contest, except two specifications; that all the part he has taken in connexion with this case has been merely that of copying and acting as an amanuensis, and in serving some of the notices. Mr. Thayer states, further, that he will object to the reading of these depositions before the House of Representatives or the committee appointed by the House to report upon this case, and I now give the contestant timely notice of this intention.

Whereupon the justices of the peace, being satisfied of the competency of J. Andie Irwin, appoint him a clerk to write or transcribe the testimony in the above matter, who being duly sworn correctly and faithfully to write down, under the direction of said justices of the peace, all testimony taken by said justices, together with the names of the witnesses who may be examined.

J. Andie Irwin, being duly sworn according to law, deposes and says that he will correctly and faithfully write down, under the direction of the justices of the peace conducting this contest, all the testimony taken by said justices, together with the names of the witnesses that may be examined in this case.

J. ANDIE IRWIN.

Sworn and subscribed before us this 31st of January, A. D. 1863.

JOSEPH H. COMLY, *Alderman*.  
WM. REILLY.

Mr. Van Dyke, for contestant, offers in evidence a record of a meeting held on the 27th day of January, A. D. 1863, as contained in papers hereto annexed, marked Schedule A No. 1.

Mr. Thayer objects to said paper, first, because it is not shown to be a record of what occurred, and because it omits to state what I then insisted upon—that two justices had no right to take these depositions.

Mr. Van Dyke, for contestant, put in evidence a copy of the notice of contest by Charles W. Carrigan to M. Russell Thayer, contesting his right to a seat in the House of Representatives, from the fifth congressional district of Pennsylvania, in the thirty-eighth Congress, which notice is hereto annexed, marked Schedule No. 2.

Mr. Van Dyke offers, on behalf of contestant, Samuel Comegys, who being, as a witness, duly sworn according to law, makes answer as follows, Schedule No. 2 being handed to witness :

Question. Look at that paper, and say whether you served a true and correct copy thereof, or the original of which that is a copy, upon Mr. Thayer, when you served it, and at what place.

Answer. I served the original of which this is a copy on a person representing herself as being the wife of Mr Thayer, at his residence, in Summit street, Chestnut Hill, twenty-second ward, on the 17th day of November, A. D 1862.

SAMUEL COMEGYS.

No cross-examination.

Mr. Thayer objects to this notice being put in evidence, for the reasons more fully set forth in his answer thereto.

Mr. Van Dyke, for contestant, offers in evidence notice dated January 17, 1863, of the time and place of taking testimony, and the names of the witnesses to be examined, together with the affidavit of J. Andie Irwin of the service of said notice upon Mr. Thayer, the incumbent. Said paper is handed to the justices, and is marked Schedule No. 3; marked January 31, 1863—J. H. C.

Mr. Van Dyke, for the contestant, offers J. Andie Irwin as a witness to prove service of said notice, who, having been first duly sworn according to law, makes answer as follows :

Question. (Schedule No. 3 being handed to witness ) Look at that paper, and say whether you served the original of which that is a copy, upon whom, and when and where you served it.

Answer. On the 17th day of January, about noon, I served the original of which this is a copy by handing it to an officer of the court in the supreme court room, who handed it to Mr. Thayer in my presence—I mean Mr. Thayer, the incumbent.

*Cross-examined by Mr. Thayer.*

Question. You served that notice on me when I was engaged in the Broad street railroad case?

Answer. Yes, sir.

Question. About what time did you serve it?

Answer. Between one and two o'clock.

Question. Did you write that notice yourself?

Answer. I copied it.

Question. You wrote the particular copy which you served upon me?

Answer. Yes sir. I made two copies from an original draft, one of which I served upon Mr Thayer.

Question. Did you furnish the names of any of the witnesses that are contained in that notice?

Answer. No, sir.

Question. Did you write or copy the second notice which you served upon me?

Answer. Yes, sir, in the same manner as the other.

Question. At whose request did you write these notices?

Answer. At the request of the contestant.

Question by Mr. Van Dyke. (Notice dated January 29, 1863, being handed to witness.) Look at that paper, and say whether that is the original of the second notice referred to by Mr. Thayer, in his last question to you, as the second notice that was served upon him—paper marked "January 31, 1863, Schedule No. 4—J. H. C.—W. R.," handed to witness.

Answer. No, sir; it is not the original, but is a true copy of the original—the original I have home. One copy I served upon Mr. Thayer, and this is the other.

*Cross-examined.*

Question. In whose handwriting is the original you have at home?

Answer. Mr. Carrigan's.

J. ANDIE IRWIN.

The two papers referred to by the last witness are delivered to the justices of the peace, to be a part of their record. Also paper referred to by witness, Samuel Comegys, marked "Schedule No. 2."

Mr. Van Dyke, for contestant, produces Preston H. Hoopes, who, being duly sworn according to law, doth depose and say as follows:

Question. (Paper marked "January 31, 1863, No. 4—J. H. C.—W. R.," handed to the witness.) Look at that paper, and say whether you served a correct copy or duplicate of it upon Mr. M. Russell Thayer; and if so, when and where?

Answer. I did serve a copy on the 29th of this month, by leaving it at his office, with a student of his. Mr. Thayer had just gone out of his law office, No. 725 Walnut street.

PRESTON H. HOOPES.

No cross-examination.

Mr. Van Dyke, for contestant, now produces Samuel Comegys, a witness on behalf of contestant, who being proposed to be sworn according to law—

Mr. Thayer objects to the examination of the witness, because he has received no notice of his intended examination, his name is not upon either of the two lists proved to have been served. Witness withdrawn by Mr. Van Dyke for the present, with the intention of recalling him hereafter.

Mr. Van Dyke, for contestant, produces John Nolen, a witness on behalf of the contestant, who being produced—

Mr. Thayer objects to the examination of Mr. Nolen, upon the ground that he has not received ten days' notice of his intended examination, his name being in the second list of witnesses, which is proved by the contestant to have been served on the 29th of January, 1863.

Witness sworn, subject to objections.

Question by Mr. Van Dyke. How old are you, and where do you live?

Answer. Thirty-seven years, and live corner of Centre and Hancock, in the 22d ward, 5th division.

Question. Were you present at the election held in October last for congressmen to represent this district?

Answer. Yes, sir.

Question. Did you vote in that division?

Answer. Yes, sir.

Question. State what you saw in relation to a person or persons repre-



senting him or themselves as United States deputy marshals, attending in and about the poll for that division, and what they did and said. Give your entire knowledge on this subject.

(Mr. Thayer objects to the proposed testimony as being totally irrelevant to the present inquiry, and as being incompetent.)

Answer. On the morning of the election I came out and saw that Mr. Samuel Eastburn had a piece of linen pinned on his coat, with United States deputy marshal printed on it. There were a great many very timid in voting; I can't say whether they voted or not, but I had a great deal of trouble before that in telling them there was no difficulty. They objected, saying that Mr. Eastburn was a United States deputy marshal, and that if they voted they were afraid of being drafted. That is all I have to say, and can't say if they voted or not.

(Paper marked January 31, "Schedule No. 5, J. H. C. and W. R." handed to the witness.)

Question. Look at that paper, and say whether you saw at the division poll of 5th division of the 22d ward, or at any other poll, placards similar to that posted about the same?

Answer. I did not see any similar to that, but I heard rumors of such papers being about.

(Mr. Thayer objects that the proposed evidence is incompetent in every respect—first, it is hearsay; and secondly, it is totally irrelevant to this issue.)

Witness proceeds: But I heard that there were such bills inside of the poll.

Question. Was it a general report among the voters at that division and the people in this district, so far as you heard, that a United States marshal would attend the polls for the purpose of obtaining the names of persons voting, in order to their enrolment for draft?

Answer. I heard some days before the election a report that they did not want to vote on those grounds, for fear that they would be drafted.

Question. Did you hear any persons say as much on the day of the election?

(Mr. Thayer objects to the question on the grounds previously mentioned.)

Answer. I heard some, but not much, on the day of the election; it was a general rumor on the day before the election.

Question. In your judgment, were such reports calculated to intimidate legal electors from voting?

(Objected to by Mr. Thayer.)

Answer. In my judgment, it would stop them from voting; did not take notice whether it did on the day of election.

*Cross-examined.*

Question. What is your business?

Answer. A day laborer.

Question. Are you a native of this country?

Answer. No, sir; I am from Ireland.

Question. Can you give us the names of any persons who were deterred from voting?

Answer. No, sir.

Question. Then you don't know of any person?

Answer. No, sir; can't name an individual.

(Paper marked "No. 5, Schedule, January 31, 1863," handed to the justices.)

JOHN NOLEN.

And now, February 2, 1863, parties present Charles W. Carrigan, contestant, with his counsel, J. C. Van Dyke, and John B. Thayer, esq., counsel for incumbent.

Mr. Van Dyke, for contestant, presents paper, marked "February 2, Schedule No. 6—J. H. C. and W. R."

Mr. Preston Hoopes, being recalled, deposes further, as follows:

Question. You have been sworn: state whether you served upon Mr. Thayer a duplicate notice paper, marked February 2, 1863, Schedule No. 6—"J. H. C. and W. R.," and when and where you served it.

Answer. Yes, sir. I served it here, at the house of E. H. Reeder, by giving it to Mr. Thayer personally, on Saturday after the adjournment, at 20 minutes of six o'clock.

PRESTON H. HOOPES.

Mr. Van Dyke, for contestant, produces as a witness Edward H. Reeder, who, being first duly sworn according to law, makes answer as follows:

Mr. Thayer, on the part of Mr. M. R. Thayer, objects to the examination of Mr. Reeder, because he has not received ten days' previous notice of his intended examination, as will appear by reference to Schedule No. 4, J. H. C. and I. W. R., January 31, 1863.

Question. About how old are you? Where do you live?

Answer. About 27 years of age, and reside in Germantown, in the 22d ward of the city of Philadelphia, and have been residing and voting here ever since I was of age.

Question. Were you present at the election in the 5th division of the 22d ward for Congress in October last? Did you observe, generally, what took place at that division, or at any of the other divisions of said ward? State what divisions you visited.

Answer. I was at the 5th precinct very frequently during the day, but not much at any other precinct.

Question. Look at paper marked, "January 31, 1863, Schedule No. 5, J. H. C. and W. R.," and say whether you saw on the day of the election, or previous thereto, similar bills to that posted anywhere through the 22d ward. State fully and particularly your knowledge in relation thereto.

(Mr. Thayer, on the part of M. R. Thayer, objects to the proposed testimony, for the reasons more fully set forth in his reply to the seventy-third specification of the contestant's notice, under which this testimony is offered.)

Answer. I did, sir. I saw bills of that description posted in different places through the town. Could not say exactly as to what place I saw them. Saw them frequently on the day of the election, in the hands of persons, and posted up; think one of the officers of the window in the 5th division had them. I know, from what men told me, that it intimidated them from voting, as they would like to have voted, but feared that they would be drafted. I know the persons by sight, and if they are still in town I could ascertain their names.

(Objected to, by incumbent's counsel, to so much of the answer as is hearsay.)

Question. When did you hear said what you have stated in your answer?

Answer. On the day of the election, several times.

Question. Was there at the poll, in the division to which you have referred, in the 22d ward, or in any other division in said ward, to your knowledge, any person representing himself as a United States marshal, or other federal officer, with a view to enrolling persons offering to vote, in order to subject them to their chances to the draft? If so, state what they did.

Answer. There was, sir. Sam'l Eastburn represented himself at the 5th division to be a deputy United States marshal; he had a placard to that effect upon his breast. On one occasion, in particular, there was a man going to vote, when he told him that his name was not on his list as being liable to the draft; on being requested to show his book, he would not do it. Mr.

Thomas Roberts saw this transaction as well as myself. I am not acquainted with the names of persons who may have attended at other divisions.

Question. State whether it was a general rumor through this ward on the day of the election that United States marshals were in attendance enrolling persons for drafting, and whether the rumor existed previously to the day of the election that they would be in attendance on that day.

(Mr. Thayer objects, that a mere rumor is not competent.)

Answer. I frequently heard that rumor previous to and on the day of the election, both in my bar-room and out of doors, wherever there was a congregation of people.

Question. You keep a public house ?

Answer. Yes, sir.

Question. You hear a great deal of the rumors and scandal of the town ?

Answer. Yes, sir; and my belief is that it had the effect of intimidating a great many of the naturalized voters, on account of the threat, from voting.

Question. What was the nature of the threat ?

Answer. That if they voted they would be drafted; and have been frequently threatened, though not intimidated, myself.

Question. In your judgment, was the fact of a person attending at each or any considerable number of the division polls, and especially when accompanied with the preceding rumors that such persons would be in attendance, calling themselves United States deputy marshals, calculated to intimidate legal electors from presenting themselves at the polls with a view to the exercise of their rights ?

Answer. I am perfectly satisfied that it had that effect. No doubt but it was calculated to have that effect.

*Cross-examined by Mr. Thayer.*

Question. Do you know the name of any person who was prevented from voting for the reasons you have above named ?

Answer. I know the persons very well, but do not know their names, which I could soon ascertain. They, some of them, worked for me. I now recollect the name of one person, Mr. Shane. There were several who spoke to me about the matter.

Question. Where does Mr. Shane live ?

Answer. At that time he worked for me as a quarryman ; I do not know where he now lives.

Question. Do you know, of your own knowledge, that he did not vote ?

Answer. I do not.

Question. Do you know, of your own knowledge, that the others of whom you have spoken did not vote ?

Answer. Only from what they told me—that if they were to be drafted they would not vote ; that is, if their voting would be the means of their being drafted they would not vote.

Question. Was this conversation, which you had with them, before or after the election ?

Answer. Before and on the day of the election.

Question. You have spoken of Mr. Eastburn telling a man who was about to vote that his name was not on the list of those subject to the draft. Did that man vote ?

Answer. As to whether he voted or not I can't say.

Question. Did that man seem to be intimidated ?

Answer. I did not pay particular attention to the man ; I cannot say.

Question. Who asked Mr. Eastburn to show the book ?

Answer. I think it was either the man or Thomas Roberts ; I am almost positive it was Mr. Roberts.

Question. What did the man do when Mr. Eastburn refused to show his book ?

Answer. I answered that question before ; that I was giving more attention to Mr. Eastburn than to the man.

E. H. REEDER.

Mr. Van Dyke, for contestant, now produces Samuel Comegys, a witness on part of contestant, who, being duly sworn according to law, doth make answer as follows :

Mr. Thayer, on the part of incumbent, objects to the examination of Mr. Comegys, upon the ground that he has not received ten days' previous notice of his intended examination, as will more fully appear by reference to the notice proved to have been served upon Mr. Thayer on January 31, 1863, and a copy of which is hereto annexed, marked Schedule No. 6.

Question. Please state your age, about where you live, and what has been your occupation.

Answer. About thirty-two ; live on Wister street, in the 3d division of the 22d ward ; have been a clerk, and have acted, for the past four years, as assessor of this ward, up to the 1st of January of this year.

Question. Were you present at the election held in the 3d division of the 22d ward, during any considerable portion of the day, on the 14th of October last ?

Answer. I was, sir, from the time the polls opened until they closed, during the entire day.

(Schedule No. 5 handed to witness.)

Question. Look at that bill, and state whether you saw bills of the same character posted up in the 3d or in any other divisions of the 22d ward on the day of election, or on any previous day ; and whether, as it is therein notified, there was, previous to the day of election, as well as on the day of election, a general rumor, in the several divisions of said ward, that a United States deputy marshal would be in attendance at the polls for the purpose of enrolling all citizens who presented themselves to vote, who had been omitted as being liable to the draft ?

(Objected to by Mr. Thayer.)

Answer. I did see one of those bills posted at our window on the day of election. It was the general impression of the democratic party that it was done to intimidate voters. I did not hear any rumor before the election, but did on the day of the election. Did not see any of the bills until the morning of the election.

Question. Was there at your precinct any such person as is described in this bill, representing himself as United States marshal ? And if so, what did he do in conformity therewith ?

(Mr. Thayer objects to the question as leading.)

Answer. Mr. James Waterhouse was on the ground all day. He was the man who made the enrolment of militia. The previous enrolment had been finished. I did not ask him if he was acting in that capacity, but took it for granted that he was. He stood at, or near, the window all day. I did not notice whether he took any names or not.

Question. Had Mr. Waterhouse a book in his hand ?

Answer. I did not notice if he had or not.

Question. In your judgment, was the notoriety given to the attendance of a United States marshal at the poll, with a view to enroll persons for the purpose of a draft, calculated to intimidate any considerable number of the class of voters that reside in your division in this ward.

Answer. It was, sir.

Question. Had this Mr. Waterhouse, previous to the day of the election, attended to the performance of his duty, as United States marshal, to enroll the citizens for draft, and had he, in performance of that duty, been through your division, thereby becoming known to the citizens thereof as the person having the authority to make the enrolment?

Answer. He had been through the precinct already for the purpose of making the enrolment, and had made the enrolment, and been from house to house.

Question. Had, on the day of the election, the time of making the enrolment, and hearing and deciding the applications for exemption therefrom, already elapsed?

Answer. I do not know—am not certain. I remember the fact that the enrolment had been made some two months before the election.

Question. You are certain of one fact, are you not—that is, that the time within which the enrolment was to have been made had elapsed some weeks previous to the day of the election?

Answer. Yes, sir.

*Cross-examined by Mr. Thayer.*

Question. Had Mr. Waterhouse any distinguishing badge, indicating him as United States marshal?

Answer. I think not; I did not notice.

Question. Would you have noticed it if he had one on?

Answer. I think so. I was on the ground all day.

Question. Do you know the name of any person who was intimidated, or prevented, by the notices you have mentioned, from voting upon that day?

Answer. No, sir.

SAML COMEGYS.

Mr. Van Dyke, for contestant, produces George Heberton, a witness, who, being duly sworn according to law, makes answer as follows:

Mr. Thayer asks under what specification he is called.

Mr. Van Dyke replies, this witness is examined generally under the notice of contest, and protesting against the right of incumbent to ask at this time for the particular specification, states, subject thereto, that he shall examine this witness particularly under the 9th and 15th specification, and shall direct his attention particularly to the 6th division in the 9th specification, and will also examine him under the 13th and 16th specification.

Mr. Thayer, for incumbent, objects to the examination of this witness, for the reasons more fully in his answer to the contestant's notice, and particularly for the reasons set forth in the several objections, that answer contained which relate to the several specifications under which it is proposed to examine this witness.

Question. About how old are you, and where do you live?

Answer. I am about thirty-eight years of age, and reside in the 6th division, 22d ward.

Question. How long have you been living in the 22d ward?

Answer. Over four years.

Question. Were you an officer of the election held for congressman in October last, in that division?

Answer. I was one of the return clerks to one of the return inspectors.

Question. State whether persons in the military hospital in that division, not otherwise known as residents of the ward or division during the course of the election, presented themselves and claimed the right to vote, and



what action was taken by the election officers in relation thereto? State all that occurred in relation thereto.

(Mr. Thayer objects.)

Answer. There were soldiers presented themselves at the window for the purpose of voting. They were objected to by Mr. Roberts on the ground of non-residence in the ward. The question was argued, and Mr. Roberts's objection overruled—their votes were taken.

Question. What was the residence that they claimed?

Answer. I don't know that they claimed any right but that they were soldiers.

Question. Where was it stated that they were living?

Answer. One stated his residence was Allegheny City.

Question. Was his vote taken?

Answer. It was.

Question. You don't yet understand my previous question. Upon what residence did they claim the right to vote in the 6th division of 22d ward?

Answer. By being in the hospital, located in that division; our precinct was in the Town Hall, which was occupied as a hospital.

Question. I am right, then, am I, in supposing that the only grounds upon which the voters, to whom you have referred, claimed the right to vote at that division, so far as residence is concerned, was, because they were living as sick, wounded, or disabled soldiers in the hospital, in pursuance of military order, and that they had no other residence in said division.

(Objected to as leading.)

Answer. That is correct, and so understood by the officers inside.

Question. Do I understand you to say that the question of the right of a soldier not a citizen of the division or ward to vote at that division was presented to the officers of the election, and that they decided that the soldiers at the hospital should have the right to vote without regard to their citizenships in the State or other residence in the division.

(Objected to for same reason.)

Answer. Mr. Roberts objected strongly and earnestly against receiving the votes of the soldiers, the others insisting upon it; at last, for quietness, they decided they should be received. When I say they, I mean the opposite side.

Question. Was the question raised upon the first soldier who presented himself?

Answer. Yes, sir, it was. Mr. John Roberts remarked: Gentlemen, this may occasion difficulty, and it is best we should come to some understanding about it; then it was that they so decided.

Question. And all the votes of that character, as I understand you, were taken in pursuance of that decision?

Answer. Yes, sir, that is correct.

Question. Do you recollect if a man by the name of John Quinn voted there?

Answer. No, sir; the soldiers who voted there were all strangers to me.

Question. You have said that one of the men voting from the hospital represented himself as coming from Allegheny City; did he state how long he had been here?

Answer. I cannot say.

Question. Did he say whether he was here with the intention of making this his residence, or whether he was here merely in the discharge of his military duty or necessity; which did you understand to be the case?

(Question objected, that the witness's inference is not competent testimony.)

Answer. He did not say either one or the other. He seemed to be voting to please some friend or friends outside.

Question. Do you know what was the home or residence, other than the military hospital in question, of any other of the voters who claimed the right to vote by the reason of their living in that hospital? You have already stated that one of such was from Allegheny City.

Answer. I do not know, as my duties would not always allow me to be present at the window. There were others that voted, living somewhere in the State, but their residence has escaped my memory. Not suspecting that I should be called upon to testify in any case, I have not charged my memory sufficiently to give the residences of others—that is, soldiers.

Question. How many from that hospital voted?

Answer. I do not know.

Mr. Thayer, upon the part of incumbent, objects to the evidence given above, because he has not, ten days previous notice of his intended examination, as will more fully appear on reference to Schedule 4, a copy of which is proved to have been served upon the incumbent January the 29th, 1863; and reserving all exceptions to said testimony, proceeds to cross-examine the witness:

Question. Were not the grounds upon which the votes of the soldiers in the hospital were received, that they had resided in the hospital for ten days or more previous to said election in pursuance of their lawful calling?

Answer. I did not so understand it.

Question. Did not they state that they had resided in the hospital for ten days previous to the election?

Answer. I think not.

Question. Do you know that they had not resided there for ten days or more previous to said election?

Answer. I do not. I can't say they had or not.

Question. You do not know, do you, for whom the soldiers voted for member of Congress?

Answer. I do not.

GEORGE HEBERTON.

Mr. Van Dyke produces Thomas Roberts, a witness on behalf of the contestant, who, being duly affirmed, answereth as follows:

Mr. Thayer objects to the examination of Mr. Thomas Roberts, upon the ground that he has received no notice whatever of his intended examination, his name being upon neither of the notices which have been proved to have been served upon Mr. M. R. Thayer, and are hereto annexed, marked Schedules 3, 4, and 6.

Question. About how old are you, and in what division of which ward do you reside?

Answer. I reside in the 5th precinct of the 22d ward, and am over 45 years old; the precinct in which Mr. Reeder's house is, where we now are.

Question. Were you present on the day of election in October last, at the election held in the 5th division, and did you generally observe the occurrences of that day in that division at that poll, or at any other place in the ward?

Answer. I was present the greater part of the day keeping the window-book, but not at any other division.

(Schedule No. 5 handed to witness.)

Question. Look at that paper, and state whether you saw on the day of election, or at any time previous, placards or notices similar to that posted in or about the division poll for the 5th division?

Answer. I have seen copies of those and numbers of those preceding the

election and on the day of election, many such posted up, but I cannot say the particular places where I saw them, or that they were at my poll.

Question. State whether you heard of the existence of a rumor that persons claiming to be United States marshals would attend at each poll on the day of the election for the purpose of enrolling persons who had been omitted, in order that they might be subject to the draft?

Answer. Such was the rumor, and I heard it in several instances, both in the city and here.

Question. Did it pervade your division?

Answer. Not only the rumor, but the fact itself pervaded there.

Question. What fact do you mean?

Answer. Mr. Samuel Ischem, the person who kept the window-book of the opposite party, was also acting as United States deputy marshal for the purpose of making the enrolment in this division. He occupied his post the whole day, with the exception of a few intermissions, and wore a badge marked "U. S. Deputy Marshal," printed in conspicuous letters. He wore it all the time he was on the ground.

Question. State whether, in any particular, the conduct of Mr. Eastburn, and if any, in what particular, was calculated to intimidate or deter electors from voting. State anything he said or did.

Answer. I took notice of but one instance to particularize, and that was the case of a voter who came up to vote, and whose name I cannot recollect. When he gave his name, Mr. Eastburn said to him, I will now place your name upon the list of those liable to draft. The man made reply to him that his name was already on his list. He then told him that he had applied to have exemption; which he denied. Mr. Eastburn is here meant. The person denied having applied, and Mr. Eastburn then opened his list. After having examined his list, he admitted he was mistaken in the person. This being done early in the day, I have no doubt deterred others from coming forward to vote, who might run the same risk. That was the only special case I am aware of.

Question. In your judgment, was the conduct of Mr. Eastburn at this poll, and the existence of the placards, to which you have referred, in prominent places throughout the district, calculated to intimidate or deter electors from voting, who otherwise would have presented themselves to vote for the ticket upon which Mr. Carrigan was running.

(Objected to by Mr. Thayer as leading.)

Answer. I most certainly am satisfied that it had that tendency.

Question. State whether the rumor that the marshal would be in attendance for that purpose, as notified in the bill, was very general throughout the ward.

Answer. I believe it was.

*Cross-examined.*

Question. Did the gentleman who had the altercation with Mr. Eastburn subsequently vote?

Answer. He did, I think.

Question. Can you give me the name of any individual who was intimidated, or prevented by the placards or rumors of which you have spoken, from voting?

Answer. I cannot at this time, as I was not aware of my testimony being required.

Question. Can you give me the name of any person who was prevented by the means you have spoken of from voting, who, had he voted, would have voted for Mr. Carrigan?

Answer. As I said before, on the day of the election I might have ob-

tained the names of several who, I am satisfied, left the polls from intimidation, whom I presume would have voted for Mr. Carrigan, had I knew the testimony would have been required, or that there would be a contest. I did not know that I was to be called upon at all until about five minutes before I came in here.

Question. How do you know that on the day of the election any persons left the polls for the reasons which you have stated?

Answer. From a general information from the men who were bringing the voters up.

Question. Do you know, of your own knowledge, that any persons left the polls for these reasons without voting?

Answer. I cannot positively say that I do.

THOMAS J. ROBERTS.

Whereupon the parties adjourned until to-morrow at 12½ o'clock.

STATE OF PENNSYLVANIA,

*City of Philadelphia:*

Edward H. Reeder, being duly sworn, doth depose and say, that, as clerk for William Reilly and Joseph H. Comly, two justices of the city of Philadelphia, and residents of the fifth congressional district of Pennsylvania, and before whom the testimony of witnesses is being taken in the matter of contest for seat in the House of Representatives of the United States of America in the thirty-eighth Congress, between Charles W. Carrigan, contestant, and M. Russell Thayer, returned member, that he would impartially and truly write down the whole of the evidence of each and every witness produced, sworn or affirmed, and examined in relation to any matter touching said contest, and in all things truly and faithfully perform his duty as clerk to the best of his ability.

E. H. REEDER.

Sworn and subscribed to before us on this third day of February, A. D. 1863.

JOSEPH H. COMLY, *Alderman.*  
WM. REILLY, *Alderman.*

FEBRUARY 3d, 1863.

Parties met pursuant to adjournment. Parties present: Charles W. Carrigan, contestant, with James C. Van Dyke, his counsel, and John B. Thayer and George M. Connarroe, for incumbent, and Justices Comly and Reilly. The justices proposed the appointment as a clerk E. H. Reeder, in consequence of sickness and absence of J. Andie Irwin; whereupon Mr. Thayer desires, before Mr. Reeder is qualified to perform his duties as clerk, to ask him certain questions, as follows:

Question. Have you been engaged or employed, either as an agent or as the friend, as a contestant in the subpoenaing of any witnesses, the serving of any notices, or in the preparation of any evidence to be offered on the behalf of the contestant, and have you or have you in any manner assisted him in this proceeding?

Answer. Nothing further than giving my evidence yesterday.

(Mr. Thayer objects to Mr. Reeder serving in the capacity of clerk to the justices.)

Whereupon the justices nominate and appoint Mr. Reeder, who is duly sworn, (here insert Schedule No. 7.)

Mr. Van Dyke, for contestant, offers John Quinn, a witness, who being duly sworn according to law, makes answer as follows:

Mr. Thayer asks for the specification under which this witness is called.

Mr. Van Dyke, in reply thereto, makes same answer as already made to similar call when Mr. Heberton was proposed.

Mr. Thayer objects to the examination of this witness, for the reasons more fully set forth in the answer of the incumbent to the contestant's notice, and for the reasons more particularly mentioned in the several answers to the several specifications under which this testimony is offered.

Question. How old are you, what is your present occupation, and how long have you been thus engaged ?

Answer. About forty-six years of age; in the employ of the United States, in the capacity of head nurse at the Germantown army hospital, on west side of Main street, above toll-gate, above this house; three months and six days I have been engaged thus.

Question. Were you engaged in that capacity, and if not, in what capacity were you engaged on the day of election, in October last, in this district ?

Answer. I was not engaged at that time in that capacity; I was a soldier at that time.

Question. Where were you residing at that time ?

Answer. I was residing at this hospital as a convalescent soldier.

Question. Are you a married man, or a man of family ?

Answer. I am a married man, and have a family.

Question. Where are they ?

Answer. In Centre street, near the Chestnut Hill railroad.

Question. How long have they lived there ?

Answer. They have lived there within ten days; prior to that they had lived in Thirteenth, near Ellsworth, where they had lived nearly six months; they were residing there on the day of election; is not in the twenty-second ward.

Question. Do you know the names of any persons who voted at the election held at the Town Hall where your hospital is in October last, and who claim their right to vote there in consequence of their residence in that hospital as sick or wounded soldiers ?

Answer. I know of one John Quinn, who claimed the right to vote there as being a citizen of the United States.

Question repeated. Any other persons besides yourself ?

Answer. Do not know of any other person than myself.

Question. You voted there, did you not ?

Answer. I did.

Question. Were you residing at that hospital in any other capacity than that of a convalescent soldier, and had you at the time of said election, or at the time of your coming to said hospital to live, any intention of remaining longer than required by your duties as a soldier ?

Answer. At that time I was doing guard duty at the hospital; could not form any intention; I was a soldier.

Question. Then I understand you to say that you had not at that time formed any intention of remaining longer than your duties as a soldier required you to.

(Mr. Thayer objects as leading.)

Answer. At that time I was so sick I was expecting to get my discharge. Philadelphia was my home, and I expected to live at my home. I should have either gone to Fairmount or Kensington had I been discharged.

Question. Do you know Edward Bender ?

Answer. I have known him.

Question. Did he vote at that election ?

Answer. I do not know.

Question. How long had he been at that hospital, and where did he come from ?



Answer. I believe he belongs in Philadelphia ; he was on guard, or corporal of the guard at this hospital, part of the time that I was on guard.

Question. Had he, to your knowledge, any other residence in Germantown than at the hospital as a soldier in the manner you have described ?

Answer. To my knowledge, no residence—only being a convalescent soldier in the hospital.

Question. Do you know Frederick Heins ?

Answer. I have known him before he died.

Question. Where did he die ?

Answer. I believe in battle; he was in the hospital, and I believe left after election.

Question. How long had Heins been in the hospital ?

Answer. I do not know, but believe he was over two months.

Question. What was the matter with him ?

Answer. Do not know; he was a convalescent.

Question. Where was his home ?

Answer. Somewhere up in the coal regions. I only know from what he told me. He got a furlough, and that is where he said he came from when he came back. I have since understood he has been killed in battle.

Question. Do you know George W. King ?

Answer. Yes, sir

Question. Is he still in the hospital ?

Answer. I believe so.

Question. Do you know James McKelly ?

Answer. I do know him.

Question. Was he in the hospital, and when did he leave ?

Answer. About three months or over. Cannot say whether it was before or after election.

Question. Where did he live ?

Answer. I do not know, except from what he has told me.

Question. Where did he inform you he lived ?

Answer. When we were walking several times together he has told me he lived near Pittsburg.

(Mr. Thayer objects to the above answer.)

Question. Had he, so far as your knowledge extends, any other residence in Germantown than that acquired at the hospital in his capacity as a soldier ?

Answer. None that I know of, except at the hospital.

Question. Look at that list of names, and say whether you are acquainted with any persons except those already mentioned.

Answer. I don't know any, except those already mentioned.

Question. You have already stated that you voted in the election in October ; which ticket did you vote ?

Mr. Connarroe, on part of incumbent, objects on the grounds, first, that it must be proved that the witness knows positively for whom he voted; secondly, that witness has a right to decline to say for whom he voted.

Answer. I did not vote any ticket in full.

Question. So far as you did vote, which ticket did you vote ?

(Mr. Thayer objects.)

Answer. Have I a right to object to what is my own business, because I call it my own business how I voted ? That is my entire answer to the whole question.

Question. You have already refused to tell us how you did vote. We will now try to see to find out how you did not vote. Please state whether, in the election in October, the ticket you voted had upon it the name of Charles W. Carrigan.

(Mr. Thayer objects for the same reason as above.)

Answer. I have not refused to tell the ticket I had voted. And to the best of my recollection, Charles W. Carrigan was not upon it.

Question. Since I now understand you as not refusing to tell the ticket you voted, I misunderstood you before. I will ask you to state, if you can, whose name was on the ticket you voted as the candidate for Congress in this ticket.

(Objected to by Mr. Connarroe, for Mr. Thayer.)

Answer. Yes, I can ; for Congress, I believe, Mr. Thayer and two other republicans ; the balance of the ticket was democratic. That was the first republican candidate that I have voted for for fourteen years, and the last I shall vote till clay covers me.

*Cross-examination by Mr. Connarroe, for Mr. Thayer.*

Question. Did you open and examine the tickets you voted before voting ?

Answer. Yes, sir.

Question. Do you recollect opening particularly the ticket for member of Congress ? Whose name do you recollect seeing on the ticket for member of Congress ?

Answer. Mr. Carrigan's on one and Mr. Thayer's on another. I opened two tickets. I voted the ticket Mr. M. Russell Thayer's name was on ; have no doubt of it.

Question. Mr. Quinn, have you been spoken to before coming here as to the testimony you were expected to give ?

Answer. I knew nothing of it till I read the subpoena of the second of February. I have spoken to others, asking others what the subpoena meant.

Question. Were you a qualified voter in the city of Philadelphia before you came out ; I mean by that, were you a citizen of the United States, having paid taxes within two years prior to the second Tuesday of October, in eighteen hundred and sixty-two, and resided in the State one year ?

Answer. I have been a qualified voter for a number of years since General Taylor's election.

Question. Had you paid a tax within two years ?

Answer. Had a tax receipt, and have it yet.

Question. How long before the election had you lived in Germantown in the hospital ?

Answer. I came into Philadelphia sick, belonging to a Pennsylvania regiment, on the twelfth of August last. I was in the hospital over a month before the election here.

Question. Do you know of any other persons besides yourself having voted from the hospital at the time you did, (soldiers ?)

Answer. Of my own knowledge, I do not know. I saw a number of soldiers going to the window to vote, but do not know who they were.

JOHN QUINN.

Mr. Van Dyke, for contestant, offers Lewis S. Coryell, who, being duly sworn on part of contestant, makes answers as follows :

Mr. Thayer, on the part of incumbent, objects to the examination of Mr. Coryell at this time, because he has received no notice whatever of his intended examination, his name being upon none of the notices proved to have been served upon the incumbent, and which notices are hereto annexed.

Mr. Thayer asks a statement of specifications.

Mr. Van Dyke replies, subject to former protest, specification thirty-one.

Mr. Thayer, on the part of incumbent, objects to the proposed testimony, for the reasons more particularly set forth in his answers to the said specifications, as would appear in a reference to his answer to the contestant's notice.

Question. Where do you live?

Answer. New Hope, Bucks county.

Question. Do you know Algernon S. Cadwallader? Where does he live?

Answer. I know him personally; he lives in Lower Makefield township, a native of that township, I believe.

Question. Were you present at Doylestown in October last as one of the return judges for Bucks county; and did you, as such return judge, participate in the proceedings of the return judges?

Answer. I was a return judge, and did participate.

Question. Was Algernon S. Cadwallader a return judge, and did he act in the same board of return judges with yourself; and if so, what election district did he represent?

Answer. He represented the township of Lower Makefield, and did act as return judge at Doylestown in the board of return judges.

Question. Do you remember having a conversation with Mr. Cadwallader in relation to his being a United States deputy marshal for the county of Bucks, and holding the commission for the same at the time he acted as judge of the election in Lower Makefield, and at the time he was discharging his duties as return judge at Doylestown? State fully all that you said, and the admissions he made to you at that time.

(Objected to by Mr. Thayer on the part of the incumbent.)

Answer. I denied the right of Mr. Cadwallader to act as judge in the return board, he being the United States marshal appointed by the county of Bucks. He said that he had settled his account. I told him that made no difference; he was still the marshal, and had his commission in his pocket. He said it was not in his pocket, but at home in his desk or desk drawer. I told him he was not qualified by the laws of Pennsylvania to act as judge of the election, or to hold a place in our board, and desired him to leave the room, which he refused to do, and was acting as one of the return judges on that occasion.

Question. Your board of return judges is composed of the judge from each township and borough in the county, is it not?

Answer. Yes.

Question. Those judges, as I understand it, are elected in your county by the people of the various townships and boroughs at the election in March, and act as judges of the election in October, and then return judges in the board you have spoken of.

Answer. Yes; they first act, the persons thus elected, first act in the different townships and boroughs, and then act as return judges in the board that meets on the Friday following.

Question. Have the persons to whom you have referred in the capacity of judges of election in different townships and boroughs the right to decide the qualifications of voters?

Answer. At the election? Yes, sir; if there is a disagreement between the inspectors, then the judge decides. This is his duty on the day of election on the second Tuesday of October.

*Cross-examination by Mr. Conarro, on the part of incumbent.*

Question. Were you present on the day of election last, in October, at the place of voting, where Mr. Cadwallader acted as judge?

Answer. No, sir, I was not present in that township.

Question. Do you know whether there was any objection made in Lower Makefield township, on the morning of election, to Mr. Cadwallader's acting as township judge on that day?

Answer. I do not know of any objection.

Question. Do you know of Mr. Cadwallader's acting in any way improperly as a township election officer?

Answer. I do not know of any personal improper action, except it was against the law for him to act.

Question. Do you know of any fraudulent votes received on the day of election in Lower Makefield?

Answer. I do not, of my personal knowledge; I have heard there was.

(Mr. Thayer objects.)

Question. What position of United States marshal did he hold, a permanent or temporary one?

Answer. I do not know further than that he said he had his commission home in his desk or desk drawer; he was reputed the marshal for Buck's county; do not know what he was, for he was respected as marshal of the county.

Question. Do you know of your own knowledge, or simply from hearsay?

Answer. Common notoriety is my authority.

Question. Did I understand you to say, a few moments ago, that no one dare put up a handbill similar to this (exhibit marked Schedule No. 5 handed to witness) in the borough of New Hope, 5th congressional district, in which I reside?

Answer. Yes.

Question. Did any one but yourself object to Mr. Cadwallader acting as return judge?

Answer. I made the objections myself, but was sustained by numbers of the return judges on the meeting of the board.

Question. Do you know of any other case where a deputy marshal, or one reputed to be such, acted as judge or other officer of election in any other township besides Lower Makefield?

Answer. I have no personal knowledge.

Question. Do you know the names of the election officers in your own borough?

Answer. I believe I could name them; I know them, surely.

Question. Did any one of those officers in your township hold a United States office?

Answer. Not to my personal knowledge, although I have heard, since the election, that one acted as deputy under Mr. Cadwallader who was acting also as inspector of election.

Question. You stated that, when you spoke to Mr. Cadwallader about the impropriety of his acting as return judge, he said that he had settled his account. What account did you understand him to mean?

Answer. He did not specify; but the inference was, that the account for what he had been deputed to do by the United States marshal, as his deputy for Bucks county, had been settled.

Question. From what he told you, do you believe that he thought that his duties as a deputy marshal were at an end?

Answer. I do not know what he thought. I thought that he stood ready to do any other required business for the United States marshal.

*Re-examination.*

Question by Mr. Van Dyke. I understand you to say, in reply to a question by Mr. Connarroe, that you do not think any person would have dared

to place a bill like the one that was shown you in the neighborhood of the poll of the New Hope election. Am I to infer from that that such a bill, placed at the poll, would have been considered by the people of that borough as offensive on such an occasion, or as an attempt to interfere with the regular business of the election, and for that reason they would not have permitted such a bill to have remained in any conspicuous position?

Answer. It would have been considered an attempt to interfere with their elective franchise, and they would not have permitted it to be put up.

LEWIS S. CORYELL.

Whereupon we adjourned until to-morrow at half past twelve o'clock.

STATE OF PENNSYLVANIA,

*City of Philadelphia:*

Thomas W. Duffield, being duly sworn, doth depose and say, that, as clerk for William Reilly and Joseph H. Comly, two justices of the city of Philadelphia, and residents in the fifth congressional district of Pennsylvania, and before whom the testimony of witnesses is being taken in the matter of contest for a seat in the House of Representatives of the United States of America, in the 38th Congress, between Charles W. Carrigan, contestant, and M. Russell Thayer, returned member, that he would impartially and truly write down the whole of the evidence of each and every witness produced, sworn or affirmed, and examined in relation to any matter touching said contest, and in all things truly and faithfully perform his duty as clerk to the best of his abilities.

THOS. W. DUFFIELD.

Sworn and subscribed to before us, on this 4th day of February, A. D. 1863.

JOSEPH H. COMLY, *Alderman*.

WM. REILLY, *Alderman*.

FEBRUARY 4, 1863.

Parties present: C. W. Carrigan, contestant; J. C. Van Dyke, as counsel; John B. Thayer, esq., counsel for incumbent, and justices Comly and Reilly.

The justices nominate Thos. W. Duffield as clerk in the place of J. Andie Irwin, absent, who, before being sworn, is questioned as to his interest by Mr. Thayer:

Question. Do you know Mr. Carrigan?

Answer. I have known him for fifteen years.

Question. Have you assisted in any manner in the preparation of this case in Mr. Carrigan's behalf?

Answer. In no way whatever.

Question. Have you any bet, or wager, in any way depending on the result of this contest?

Answer. I have not.

Whereupon T. W. Duffield is sworn, as appears by affidavit annexed, marked Schedule No. 8.

Mr. Van Dyke produces Charles Murray, a witness on part of contestant, who being duly sworn, makes answers, as follows:

Mr. Thayer asks for the specification.

Mr. Van Dyke replies, 6th and 11th.

Mr. Thayer objects, for reasons set forth in his respective answers to the aid specifications, contained in his answer to contestant's notice of contest.



Question. How old are you; where do you live; and how long have you been living there?

Answer. Am 28 years old; live on Frankford road, opposite the Heart lane, in fifth division, 25th ward; lived there since the 10th of December, 1861.

Question. When did you come to Philadelphia to live?

Answer. I came to Philadelphia on the 23d of August, 1861, from Baltimore.

Question. How long did you remain in Philadelphia, at that time?

Answer. Until the 2d day of October, 1861.

Question. What was your object in coming to Philadelphia on that occasion?

Answer. I had no particular object. I came to get married, and was married on the 10th of September, 1861, to a Philadelphia lady.

Question. You say that after you was married you left Philadelphia, on the 2d of October. Where did you go to at that time, and how long did you remain?

Answer. On the evening of October 1, 1861, I received a telegraph despatch of the death of my sister. I went back to Baltimore on the morning of October 2d. I remained in Baltimore until the 23d day of December, 1861. I returned on that day and remained until the 3d day of February, 1862, when I received a telegraph despatch, in consequence of which I went to Baltimore again.

Question. How long did you remain in Baltimore?

Answer. I remained in Baltimore until the first week in June. Business kept me there until that time. After that I returned to Philadelphia, and have remained there ever since.

Question. Of what State are you a native?

Answer. Of Maryland. My business there was real estate agent and conveyancer. During my visits paid there, I went for the purpose of settling up that business.

Question. Did you vote at the election in October, 1862, in the fifth congressional district, at the 5th division, 25th ward?

Answer. I did. I voted a ticket for congressman.

Question. For whom did you vote for congressman?

(Mr. Thayer objects—

First. That it is not shown that the witness knows positively for whom he voted.

Second. That the witness cannot be compelled to say for whom he voted.)

Answer. I voted for Mr. Thayer.

Question. Were you upon the assessor's list in that division?

(Objected to by Mr. Thayer.)

Answer. I am unable to answer. I have a receipt for taxes, dated October, 1862, 25th ward.

Question. To whom did you pay the sum mentioned in this receipt?

Answer. I paid it to the alderman who lives on the Frankford road—Alderman Rees. I did not pay it in person; Mr. Perkins paid it for me. Mr. Perkins is my father-in-law. I asked him to pay it for me. I gave him the money.

Question. You do not know, then, whether the alderman inquired or examined for your name upon the assessor's list at the time he received this tax?

Answer. No, I do not.

Question. Now, have you not every reason to believe, or to know, that your name was not, at the time this tax was paid, upon the assessor's list of the taxable inhabitants of the 5th division of the 25th ward? Had that

not been a subject of conversation between Mr. Perkins and other persons and yourself?

(Mr. Thayer objects to the above question.)

Answer. I do not know that it was not upon the list. If it was not there, it was not my fault. I am still living with my father-in-law, Mr. Perkins.

Question. How are you now employed, and how long have you so been employed?

Answer. I am employed at the United States arsenal at Schuylkill, since the 16th of September, 1862.

*Cross-examination of Mr. Thayer, on the part of the incumbent.*

Question. You have stated that you have been living on the Franklin road opposite, Heart lane, since September, 1861. Do you consider and have you considered that your home since that period?

Answer. I have, sir.

Question. I understand you, then, that you have been living there with your wife ever since you were married, with the exception of occasional visits you have paid to Baltimore and elsewhere?

Ans. Yes, sir.

Question. Did you examine your ticket, when you voted in October last, before voting?

Answer. Certainly, sir.

Question. Do you recollect Mr. Thayer's name being upon it?

Answer. I do, sir.

Question. Can you tell me any other names that were upon the ticket you voted?

Answer. Yes, sir. Mr. Mann, Mayor Henry, and the whole of the names upon the ticket of the republican party.

CHAS. W. MURRAY.

Mr. Van Dyke now produces George W. King, a witness on the part of the contestant, who, being duly sworn, makes answer as follows:

Mr. Thayer asks for specifications.

Mr. Van Dyke replies, same specifications in relation to which Mr. Heberton was examined, viz., specifications 9th, 13th, and 16th.

(Mr. Thayer objects to any testimony under the said specifications, for the reasons set forth in his answers set forth to the said specifications as contained in his answer to contestant's notice.)

Question. What is your name? Where are you now living? When did you come to that place to live, and in what capacity?

Answer. My name is George W. King; my residence is at the Germantown hospital. I came there the 28th of August last as a convalescent soldier; and am twenty-two years old last December, 1862.

Question. What regiment do you belong to?

Answer. I did belong to the 1st California, now the 71st Pennsylvania.

Question. When and where did you enlist, and where was your home, before such enlistment?

Answer. I enlisted the 11th May last in Philadelphia, and my home was in Philadelphia, Callowhill, below Third; I was born in 11th ward, Philadelphia; I am not a married man; my parents reside there now; my father is not living there; my mother is.

Question. Do you make that your home, and would you not make that your home if you would leave the hospital?

Answer. I do not believe I would make that my home.

Question. Is it your intention, or was it in October last your intention, to make the Germantown hospital your home—a permanent residence?

Answer. Yes, sir, it was.

Question. How long did you intend to remain there after the termination of the time required in the discharge of your duties as a soldier?

Answer. I intended to remain there one year after I was discharged.

Question. Where did you intend to go to after that year was up?

Answer. I intended to stay about the city somewhere.

Question. You say you intended to remain at the hospital a year after you were discharged. State what you intended to do there; what business you intended to follow.

Answer. I intended to stay there as a nurse; that is, provided I get the appointment of a nurse.

Question. But suppose you did not receive the appointment as nurse or any other employment at the hospital, what did you then intend to do?

Answer. I should have looked for a job somewhere else in Philadelphia; anywhere that one would offer.

Question. I am right, then, am I not, in supposing that you were sojourning at the hospital at Germantown town hall, in the discharge of your duties as a soldier, and that you intended to remain there so long as those duties required you; or, in case of your discharge from the convalescent department, it was your intention to seek employment there under the government; and if you succeeded in obtaining it, you would remain; and if not, you intended seeking employment anywhere in the city of Philadelphia that might offer?

Answer. It was my intention to stay there.

Question (repeated.) That was my intention.

Question. You voted at the election in October, 1862?

Answer. Yes, sir.

Question. The poll was held at the town hall, where the hospital now is and then was?

Answer. Yes, sir. I voted at that poll.

Question. Are you able to give us the names of any other inmates of the hospital who voted on that occasion, as residing at the hospital?

Answer. I remember two—John Quinn and William Black, and myself.

Question. You have already stated that you voted at that election. Please state for whom did you vote for Congress?

(Mr. Thayer objects to the above question.)

Answer. Mr. Thayer was on the ticket for Congress that I voted.

*Cross-examination by Mr. J. B. Thayer, on the part of incumbent.*

Question. How long had you been living at the hospital previous to the election?

Answer. I came there on the 28th of August, 1862.

Question. You were, I understand, in October last, between the ages of 21 and 22, were you not?

Answer. Yes.

Question. When you voted at the election, did you open and examine particularly the ticket you voted for congressman?

Answer. No, sir, I did not thoroughly examine it; I opened it.

Question. Do you remember distinctly seeing upon the ticket you voted the name of Mr. M. Russell Thayer?

Answer. Yes, sir.

Question. Then you did open and read the ticket you voted for congressman?

Answer. I just merely opened the ticket and saw Mr. Russell's name on it.

Question. Did you examine the other tickets which you voted?

Answer. Only one that I remember of—Mayor Henry.

Question. Why did you open only the ticket for Congress and mayor, and did not open any of the others?

Answer. I wanted to see if they were the right tickets or no.

Question. Why were you so particular as to those two tickets?

Answer. I don't know now exactly why I felt interested in Mayor Henry.

G. M. KING.

Mr. Van Dyke now produces Jacob M. Young, a witness on the part of contestant, who being duly sworn, makes answer as follows :

Mr. Thayer asks Mr. Van Dyke to state the specifications under which he proposes to examine this witness.

Mr. Van Dyke answers, specifications 9th, 13th, and 16th.

Mr. Thayer objects, for same reasons as are stated in answer to contestant's notice, and also objects to the examination of this witness, because he has received no notice whatever of his intended examination ; his name being upon none of the notices served upon the incumbent, and which are hereto annexed.

Question. What division of what ward do you reside in, and how long have you lived there ? The duties of what office did you discharge on election day ?

Answer. The sixth division, twenty-second ward. Have lived there three years next May. I was inspector of the election at the sixth division.

Question. Where does that division vote ?

Answer. At the town hall—same place the hospital is.

Question. Had you, as inspector of the election on that day, an opportunity of seeing whether any persons voted at that division and claimed the right on residence, in consequence of their being in the hospital as sick, disabled, or convalescent soldiers, and who claimed no other residence than such in said division ?

Answer. Yes, sir ; I had and did that day.

Question. Do you know whether any number of persons claimed to vote on such residence, and whether they did vote on that occasion ?

Answer. I do know they did so claim and did so vote. There were thirteen of them who did vote ; two of them were not soldiers, they doing something about the hospital as nurses, or something else ; but there were eleven soldiers who voted from the hospital.

Question. I am right, then, in understanding you to say that the eleven persons to whom you refer had no other residence in the division except such as may have been acquired by their being placed in the hospital, which was placed in the division ?

Answer. They had none other. They claimed this as their residence—that is to say, the hospital.

Question. Look at that list of names, and state if you recollect the names of any persons who voted at that poll, upon the residence that you have described, who were soldiers in the hospital.

(Mr. Thayer objects that the paper shown witness is neither an exhibit nor is it in the handwriting of the witness, and therefore he has no right to refer to it to refresh his recollection.)

Answer. I remember John Quinn, George W. King, and William Black, and can't recollect any others.

Question. You said, a short time since, that you had a difficulty with one of the persons whom you have mentioned, William Black ; state the nature of that difficulty.

Answer. I think it was Black; I am not sure. I think it was on account of his naturalization papers. I am sure, though, it was one of the soldiers.

Question. You state that eleven soldiers voted from that hospital at your poll. State whether, so far as you could judge from the printing on the outside of the ticket, they all voted the same party ticket.

Answer. I can't speak positively. I think, to the best of my knowledge, they all voted the same party ticket.

Question. State whether the headings on the outside of the tickets were printed in different type, so that you could distinguish the democratic ticket from the republican ticket.

(Mr. Thayer objects.)

Answer. Yes, sir.

Question. Judging from the type with which the outside of the ticket was printed, which ticket did the soldiers to whom you have referred vote?

(Mr. Thayer objects.)

Answer. They voted the ticket with a large heading—the republican ticket—that is, I think the majority of them did.

Question. Was the question of the right of the soldiers residing in the hospital, who claimed no other residence than their hospital residence, submitted to the officers of the election for decision at an early time in the day?

Answer. Yes, sir, on the first soldier presenting himself to vote.

Question. How did the inspectors stand upon that question?

Answer. On the first vote offered the inspectors were divided, and the question was submitted to the officers, including the judge of the election, and after much discussion it was finally determined to receive the votes. It was under the same decision that all the soldiers' votes were received as they were afterwards presented.

Question. The point submitted to the officers, as I understand it, was, whether a residence in a hospital by a soldier, in pursuance of his duties as such, gave him the right to vote, so far as the question of residence was concerned. Am I right in that understanding?

Answer. That was the point that arose before us, as I understand it.

Question. Do you remember whether any one or more of the persons who voted on that occasion, on the residence already mentioned, claimed to belong to any other State than Pennsylvania, and to any other regiment than a Pennsylvania regiment?

Answer. They all claimed to be Pennsylvanians.

*Cross-examination by Mr. Thayer for incumbent.*

Question. You have stated that the headings of the tickets of the different parties were dissimilar. Can you tell me what was the heading of the ticket which John Quinn voted?

Answer. I can't tell positively; but, as I said before, I think the majority of them voted the republican ticket.

Question. Can you tell me the character of the heading of the ticket which George W. King voted?

Answer. No, sir, I cannot, any further than I stated before—the same thing as to Black.

Question. You were, I believe, the democratic inspector at that poll, were you not?

Answer. Yes, sir.

Question. When the question of the right of the soldiers to vote was presented for the consideration of those inside, did you assent or protest against the reception of their votes?

Answer. I objected to taking their votes.



Question. You have said that there was some discussion, the result of which was the decision to receive their vote; did you assent to that decision, or continue to protest?

Answer. The inspectors first disagreed, and then the judges decided between us in favor of receiving the soldiers' votes, and I acquiesced in that decision; and after that we received all such votes, noting on the tally-list the word "soldier," as they voted.

Question. Can you give me the names of any such soldiers, who voted a ticket with what you considered to be a republican heading?

Answer. No; nothing further than I have stated.

Question. Do you not know that it is a trick frequently resorted to by parties to imitate the headings of each other's tickets.

Answer. I have heard it said that they have done such things, but I don't know that it was done in this case.

Question. How many, or what number, of the soldiers so voting do you recollect to have voted the tickets with what you considered the republican heading?

Answer. I think the majority of them. I could not say the number.

Question. There were some, then, were there not, who voted the ticket with the other heading?

Answer. I think there was one; there may have been two—I won't say positively.

Question. Do you know that any of those soldiers voting had not lived in the hospital ten days, or more, preceding the election?

Answer. I do not know. They were all qualified. The usual question was asked them, "whether they had lived there the requisite ten days prior to the election." I do not recollect one of them saying they had not.

Question. Did any or all of them present tax receipts, or were qualified as to the payment of taxes within the two years?

Answer. Yes, sir.

Question. You did not, of course, see the inside of any of the tickets which the soldiers voted, and, of course, cannot say how they did vote?

Answer. I did not see the inside of any ticket, and, except in the manner I have heretofore stated, cannot say how they voted.

J. N. YOUNG.

Mr. Van Dyke now produces Bernard Hansell, a witness on the part of the contestant, who, being duly sworn, deposes as follows:

Mr. Thayer now asks for the specifications.

Mr. Van Dyke for the 6th and 11th specifications.

Mr. Thayer objects, for the reasons set forth in answer to contestant's notice of contest.

Question. What is your name, where do you live, how old are you, what is your business, and what do you do for a living?

Answer. My name is Bernard Hansell; I live in the 5th division, 25th ward; I follow the water, or anything else I can get to do, for a living.

Question. How long have you lived there?

Answer. Four years. I live in Dutch row, first place above Fulton street, east of Trenton avenue.

Question. Did you vote, at the election in October last, in the 5th division of the 25th ward?

Answer. I did.

Question. Were you on the assessor's list of the taxable inhabitants of that division?

(Mr. Thayer objects to the above question.)

Answer. I do not know.

Question. Do you not know that you never have been assessed in the 5th division of the 25th ward?

Answer. I do not know.

Question. Have you not been so informed by persons, on the day of the election?

(Mr. Thayer objects to the above question.)

Answer. I have not.

Question. Had you paid a State or county tax within two years of the election in October last?

Answer. I did.

Question. When? How long prior to the election?

Answer. I cannot say how long. I think about 18 months.

Question. To whom did you pay it?

Answer. To James Taggart.

Question. Who was James Taggart? What entitled him to receive it?

Answer. He was nobody. He went and got it for me. That is what I suppose I was fetched here for.

Question. You have said, in your answer to a former question, that you paid a State or county tax within two years of the last election; that you paid it, you believe, about 18 months before the election; and that it was paid to James Taggart?

Answer. I did not say that I paid it, nor that I paid it to James Taggart. What I say is, that James Taggart went and got a tax receipt for me, and fetched it to me. It was for State or county tax, I don't know which, but it was for 25 cents.

Question. Did you give Mr. Taggart the 25 cents to go and get your receipt?

Answer. I did not.

Question. Who gave him the money?

Answer. I don't know; can't answer.

Question. You did not?

Answer. I did not.

Question. Whose name was signed to the receipt as alderman?

Answer. I can't read, and don't know; can't tell you.

Question. How did you know it was a tax receipt?

Answer. Because he told me so.

Question. How many days before the election in October last was it that Mr. Taggart brought you this receipt?

Answer. Why, eighteen months before the election. I did not get any receipt this time; I had one; I lost it—the one we have been talking about.

Question. When you voted in October, 1862, you did not produce a tax receipt, as I understand?

Answer. I did not.

Question. But you were qualified that you had paid a tax, and upon such qualification your vote was received?

Answer. Yes.

Question. When you swore, at the election just referred to, that you had paid a State or county tax within two years, you took that oath, did you not, upon the strength of the receipt given to you by Mr. Taggart, and about which you have been speaking?

Answer. Yes; that is so.

Question. I do not understand you to say there had been any other payment of tax than the one to which you have referred, which entitled you to vote under your oath on that occasion?

Answer. There was no other tax except the one I have mentioned, the receipt for which was brought me by Mr. Taggart.

Question. What was Mr. Taggart's business at that time?

Answer. I do not know that Mr. Taggart was an alderman at that time.

Question. Did you not vote at the election in 1861, in the same division?

Answer. I did.

Question. Did you produce a tax receipt at that time, or did you swear to having paid taxes within two years?

Answer. I did produce a tax receipt at that time. I won't be sure about the tax receipt at that time; I won't be sure.

Question. Did you not vote in 1860, in October; and where?

Answer. I believe in the 19th ward, 5th division—at the same place. Lines of wards have been changed.

Question. Did you not at that time swear yourself through as to your qualifications on taxes, or did you produce a tax receipt?

(Objection by Mr. Thayer.)

Answer. I think I produced a tax receipt.

Question. Was the tax receipt you have spoken of, and produced at that time, the one you have spoken of as being received by you from Mr. Taggart?

Answer. Can't answer.

Question. From whom did you obtain tax receipts, one or more, besides the one you have already said you got from Mr. Taggart?

Answer. Fletcher Budd. He was a tax receiver. I paid him some.

Question. How long ago did you pay this?

Answer. About three and a half years ago.

Question. Don't you know that you have not, out of your own funds, paid any State or county tax within two years prior to the late election?

Answer. I have paid none out of my own pocket. It was always paid for me; at least they told me so.

Question. Then when you, under oath, at the time of the election in October last, stated that you had paid a State or county tax within two years, you did not mean that you had paid it out of your own pocket, but that somebody else had paid it for you, or had brought you a receipt, the same as if it had been paid.

(Mr. Thayer objects as leading and irrelevant, as it cannot affect the result of this contest whether he paid it himself or through his agent.)

Answer. Yes, sir; I told you that before. I paid no money myself; gave nobody else any money to pay for me; the receipt was given to me without my paying anything.

Question. How did you vote in October last on the congressional question?

(Mr. Thayer objects: First, it is not first shown that the witness's vote was not a lawful one; second, it is not first shown that the witness knew for whom he voted, as he has said he could not read; third, that the witness cannot be lawfully compelled to answer for whom he voted.)

Answer. I voted for Russell Thayer for Congress—at least, I think I did.

Question. Who gave you your ticket?

Answer. John Kelly.

Question. Which party does he belong to?

(Mr. Thayer objects.)

Answer. I don't know.

*Cross-examined by Mr. Thayer.*

Question. You authorized Mr. Taggart, did you not, to get you a tax receipt?

Answer. I told him I had no tax receipt, and he went and got me one.

Question. You desired him to get one for you, did you not?

Answer. I told him I could not vote without I had one.

Question. You are satisfied that you got the tax receipt, of which you have spoken, within two years from the date of the day of the last election?

Answer. Yes, sir; it was within two years.

Question. Did you examine particularly which ticket you voted for Congress in October last?

Answer. I could not have told, if I had; I cannot read or write.

Question. Then you cannot say positively that the ticket which you voted had upon it the name of Mr. Thayer?

Answer. I cannot.

BERNARD <sup>his</sup> × HANSELL,  
mark.

Whereupon, adjourned until to-morrow, at 11½ a. m.

THURSDAY, *February 5, 1863.*

And now, February 5, 1863, parties present C. W. Carrigan, esq., contestant, with Mr. Van Dyke, his counsel, Mr. Russell Thayer, esq., incumbent, and justices J. H. Comly and William Reilly.

It is proposed by the justices to appoint Charles Schoneman as clerk, in the place of J. Andie Irvin, absent, who was duly sworn, as follows:

STATE OF PENNSYLVANIA,  
*City of Philadelphia.*

Charles Schoneman, being duly sworn, doth depose and say, as clerk for Joseph H. Comly and William Reilly, two of the justices of the city of Philadelphia, residing in the fifth congressional district, for whom testimony of the witnesses is to be taken in the matter of contest for a seat in the House of Representatives of the United States of America in the thirty-eighth Congress, of Charles W. Carrigan, contestant, and M. Russell Thayer, incumbent; that he will impartially and truly write down in short hand, as well as in English, the whole of the evidence of each and every witness produced, sworn, or affirmed and examined in relation to any matter touching such contest, and in all things truly and faithfully perform his duty as clerk, to the best of his ability.

CHARLES SCHONEMAN.

Sworn to and subscribed before us this 5th day of February, A. D. 1863.

JOSEPH H. COMLY, *Alderman.*  
WILLIAM REILLY, *Alderman.*

Mr. Van Dyke, on the part of the contestant, now produces Henry W. Dittman, who being sworn, deposes and says as follows:

Mr. Thayer objected to the witness being examined, because he has received no ten days' notice of his intended examination, as required by the act of Congress.

Henry W. Dittman sworn:

Question. What is your name?

Answer. Henry W. Dittman.

Question. Where do you live?

Answer. Twenty-third ward, ninth precinct, formerly Oxford township.

Question. Were you present at the election held in that division in October last for congressman, and for other officers?

Answer. I was.

Question. Did you hold at that election any office; if so, what?

Answer. I was a judge at that election.

Question. Have you any knowledge as to whether the hourly return for the nine o'clock was counted in that division; if so, what is the fact?

Answer. I have not a clear recollection about that; it strikes me it was not. I am not positive on that point.

Question. Do you know whether the hourly return for seven o'clock in the afternoon was counted on that occasion?

Answer. I have not a distinct recollection of that.

Question. Try and remember whether you did not tell Mr. C. W. Carrigan such was not the case.

(Objected to by Mr. Thayer.)

Answer. I am under the impression I did not tell Mr. Carrigan, to the best of my knowledge.

Question. Have you any recollection as to whether, at any time during the vote at that precinct, there were in the box more tickets than there were names of voters on the list?

(Mr. Thayer. I object to that question as being an improper question.)

Answer. The only recollection I have of that matter is the matter of difference with the clerks in some count during the day. My attention was called to it by the clerks. The count did not agree in some way.

Question. Are you aware what the difference was?

Answer. I have no distinct recollection what the difficulty was.

Question. Does Matthew Baldwin live in that division?

Answer. In the summer season.

Question. He has a summer residence?

Answer. Yes, sir.

Question. Is he assessed in that division?

Answer. He was not upon the list.

Question. Does John Clayton live in that division?

Answer. In the summer season, when Mr. Baldwin is there; he lives, I believe, with Mr. Baldwin.

Mr. Van Dyke. I speak of John Clayton, member of the bar.

Witness. I have knowledge to whom you allude.

Question. Does Robert Cornelius live in that division?

Answer. In the summer season.

Question. In what way do you mean in the summer season? Is the summer residence you have mentioned where he resides in the summer season?

Answer. Yes, sir.

Question. Where does he live in the summer season?

Answer. On the right of the Bristol pike, the upper end of the old borough of Frankford, just about what we call Cedar hill.

Question. Does John C. Cornelius live there?

Answer. I cannot answer that as to these sons; there are two. I can't say positively whether they actually reside there or not; I don't know.

Question. Did Mr. Robert Cornelius vote at the election in October at that division?

Answer. The old gentleman did, sir.

Question. How many of the sons?

Answer. Two of the sons.

Question. John C. and Charles?

Answer. I don't recollect the names. There were two sons; I qualified them.

Question. Did Matthew Baldwin vote there on that occasion?

Answer. Yes, sir.

Question. Did John Clayton vote there?

Answer. Yes, sir.

Question. How long after the election did these gentlemen, or any of them, quit their summer residence at that place?



Answer. I can't answer that with any certainty. I don't know what time after they left. All left the township; so report says.

Question. Their custom is to come during the summer, and leave there in the fall; all have residences in the city?

Answer. Yes, sir.

Question. Were three of the Corneliuses on the assessor's list?

(Mr. Thayer. I object to that; the list will show.)

Question. How long has Matthew Baldwin been living during the summer season in that division, as near as you can tell us?

Answer. Well, I suppose—I can't tell, I cannot speak positively—about three months.

Question. I mean how many years, coming and going.

Answer. I suppose six years, perhaps seven; I am not positive about that.

Question. Has not it been a great deal longer?

Answer. It may have been a great deal longer.

Question. Has not it been many years? His custom has been to come out during the summer—he has a summer residence—and he returns to the city?

Answer. Yes, sir.

Question. Has he at any time during the period he has been living there been upon the assessor's list, or assessed personally in that division?

(Mr. Thayer. I object to that; the list will show.)

Answer. Not to my knowledge.

Question. You would have been likely to have known, had he been assessed there?

Answer. Well, I don't know that. I have been an election officer at different times; at no time, while I was an officer, have I any recollection of his name being on the list.

Question. Mr. Clayton has been in the habit of coming to that division and residing during the summer in the same manner as Mr. Baldwin has?

Answer. Yes, sir.

Question. Has he ever been on the assessor's list in that division?

Answer. Not to my knowledge.

Question. You say they generally stay out during the summer seasons, some three months.

Answer. I think about that; cannot speak to the certainty on that either. They seldom come out until some time in May; about August they leave.

Question. How long has Robert Cornelius and his sons been living in that division as a place of summer residence?

Answer. For several years.

Question. How long were they in the habit of staying during the summer seasons on the occasions they would come to spend the summer?

Answer. I should think about the same period, three or four months.

Question. Do you know Mr. Cookman?

Answer. I do not.

Mr. Van Dyke. He is a son-in-law of Mr. Cornelius—Frank Cookman.

Witness. I have heard the name; have no knowledge of the gentleman.

Question. How long after the election in October did Cornelius and his sons leave?

Answer. I do not recollect; I do not know the precise time they did leave; I have paid no attention to the matter.

Question. They left this year, as has been their custom?

Answer. I have been so informed; I have no personal knowledge; can't say so; have not been in that section; have been on the farm recently.

[Paper marked February 5th, 1863, Schedule 9, J. H. Comly and Wm. Reilly

handed witness. Also paper marked February 5th, 1863, Schedule 10, J. H. C. and Wm. R., handed witness.]

Q. Look at those papers and say whether they are the copies of the regular assessor's list and of the extra assessment for the 9th division 23d ward for 1862.

A. I believe that to be a regular and correct copy of the 9th precinct; have not seen it since the day of election to this day.

Q. That purports to include the taxable inhabitants of that division, those two papers ?

(Question objected to by Mr. Thayer.)

Answer. So I believe.

Question. Have you any knowledge as to how Mr. Baldwin, Mr. Clayton, Mr. Robert Cornelius, or either of the sons, John C. or Charles, voted at the last election ?

Answer. I have no knowledge; I can't tell what ticket they voted; I suppose that is all.

Question. Did Mr. Baldwin vote, at the last election, at that precinct ?

Answer. He did, sir.

Question. Mr. John Clayton voted at that election ?

Answer. Yes, sir.

Question. Mr. Robert Cornelius voted at that election ?

Answer. Yes, sir.

Question. Did Robert C. Cornelius vote there ?

Answer. The two sons Cornelius did; I don't recollect their names.

Mr. Van Dyke. John C. and Charles.

Witness. I think those are the ones. I know the young gentlemen when I see them.

Question. Did not Robert Cornelius vote ?

Answer. I can't answer that positively; I cannot recollect the names.

Question. You have stated all these gentlemen had been in the habit of living there for many years in that division, making it their summer residence. Please state whether, during the time they have lived there, they have ever voted in that division until the last election ?

Answer. Never to my knowledge.

Question. Have you not been in the habit of attending the election at that division as an election officer, and state, had they ever voted on any former occasion, would not you have been likely to have known it ?

Answer. Well, I am there pretty generally at the polls, and have been for these last 19 years. I do not think I have ever missed an election day for these last 19 years.

Question. From that practice, would not you have noticed if either of those gentlemen voted there before ?

Answer. I should think I would.

*Cross-examined by Mr. M. R. Thayer.*

Question. Were either of these gentlemen challenged ?

Answer. They were. The vote was challenged at the window, the vote of these gentlemen.

Question. All of them ?

Answer. Of all.

Question. Was proof made of their residence ?

Answer. They qualified to their residence.

Question. They swore to their residence ?

Answer. They swore to their residence.

Question. Under such proof did the officers at the window decide they were entitled to vote ?

Answer. Their vote was received.

Question. Received by the decision of the election officers ?

Answer. No objection was made after the qualification.

Question. Mr. Baldwin owns the place he resides upon, don't he ?

Answer. Yes, sir ; I suppose he does.

Question. Mr. Clayton is his son-in-law ?

Answer. I have been told, his adopted son-in-law ; I do not know the family connexion myself. I have so understood.

Question. Both Mr. Baldwin's family and Mr. Clayton's family were residing there, weren't they ?

Answer. I suppose they were. I don't know positively about that.

Question. They are in the habit of residing there with their families in the summer season, and have been for many years ?

Answer. Baldwin always does. I cannot answer in regard to Clayton ; whether his family live there or not, I can't say ; have no knowledge positively. I know Baldwin is ; I have been frequently on his place on business.

Question. Mr. Cornelius's family with him ?

Answer. Yes, sir ; I have been there.

Question. The sons you have spoken about reside with the father ?

Answer. I can't answer positively ; I have seen them going backward and forward ; whether it is their place of residence I can't answer.

Question. Is Robert Cornelius, whose name I saw on this assessor's list, the gentleman referred to ?

Answer. It is the old gentleman, the one I first spoke of.

Question. It is not necessary a man's name should be on this list to enable him to vote ?

Answer. I was under the impression it was necessary, and still have that opinion.

Question. You made no objection to these gentlemen after they were qualified, did you ?

Answer. None at all. What I mean by my opinion is, if they did not produce a receipt that they paid taxes and are not assessed ; neither was done in this case.

Question. It is not your opinion, if a man is otherwise qualified according to the constitution, he is to be deprived of his vote by reason of the fact that his name is not on the list ?

Answer. I am aware of that. No ; it is my construction of the law. No. That is my construction of the law.

Question. Nobody made any objection after these gentlemen qualified ?

Answer. They did not.

Question. They are generally known in that neighborhood ?

Answer. They are.

Question. Both parties were represented inside ?

Answer. They were.

Question. Each had their due proportion of the officers ?

Answer. Yes, sir.

Question. This difference you have spoken of between the clerks, was it adjusted to the satisfaction of the officers ?

Answer. My recollection is not so clear upon that ; it strikes me there was some difficulty in the count and tally.

Question. The tally did not agree with the ballot ? I want to know whether it was settled.

Answer. It was settled to the satisfaction of the officers. I have heard no objection to the settlement.

Question. Cornelius owns the place he resides on there ?

Answer. He does, sir ; that is, Mr. Robert Cornelius, the old gentleman.

Question. These gentlemen were then residing there at the time they voted, weren't they?

Answer. I suppose so; they qualified to it, to their residence.

*Re-examined by Mr. Van Dyke.*

Question. When you spoke of the difference in relation to the count, do I understand you to say the number of votes as appearing in the box when they came to count them was greater or smaller than the number of names on the tally list, or was the number of names on the tally list more than the number of votes in the box?

Answer. My impression is, there were more votes in the box than names on the tally list.

Question. One vote, you say, is put in the box for each name on the tally list?

Answer. Yes, sir, I do.

Question. The number of tickets in the box ought to correspond with the number of votes on the tally list?

Answer. They ought to do so, to be correct.

Question. When they came to count there appeared to be more tickets in the box than names on the tally list?

Answer. That is my impression.

Question. Do you know how many more tickets there were?

Answer. I do not.

Question. Was there some considerable dispute between the inspectors on that subject?

Answer. Not a great deal. It strikes me it was settled by a sort of compromise. The tickets were agreed to be laid by for the present, until some other arrangement would be made. It was finally concluded the mistake must exist with the clerks in not putting down the names. My impression is, it was the final conclusion.

Question. I understand the clerks in counting tickets counted all in the boxes; that a surplus above the names on the tally list was counted, as well as enough to answer the names on the tally list?

Answer. We concluded it was a mistake of the clerks in not putting down names. It was not the inspector's clerk the dispute originated with; it was the clerk to the return inspector. The receiving inspector was all right. They did not agree with the tally list.

By Mr. Thayer. The difference was between two clerks in the count?

Answer. Yes, sir.

Question. The inspector who receives the tickets did not agree with the return clerk who counted?

Answer. Yes, sir.

Mr. Van Dyke. Had the boxes been emptied on the table; was there a disagreement between the tally and the count; were there found to be too many tickets?

Answer. That is my impression.

Question. That surplus was counted—was counted in afterwards?

Answer. They were laid by for the present to see to some other arrangement. I recollect my attention was called to it, and the question was asked me, "In what way they would be disposed of?" My recollection is not so clear of what way they were disposed of, from the fact of not taxing my memory with it, never supposing it would be needed.

Mr. Van Dyke. I want to come at the thing rightly; please make it more intelligible.

Question. There are two inspectors, each of whom has a clerk. They re-

ceive the tickets ; the two inspectors receive tickets, and the clerks of each one note upon the tally list the name of the voter who votes a ticket. The ticket is put in the box by the inspector, and the name of the voter is put on the tally list by each of their clerks. In addition to them there are two return inspectors, each of which has what is called a return clerk, and the votes as polled are handed by the receiving inspector to the return inspector at the end of every hour. The return inspectors count the votes and announce the vote after the last hour. The clerks of the return inspectors had tally lists ; it was between these return inspectors and clerks this disagreement took place. When they came to count the votes in a particular hour, it was discovered there were more tickets than names for that hour ?

Answer. Yes, sir, that is the difficulty.

Question. This was afterwards adjusted, you do not know how ? The votes were counted ?

Answer. I am not so sure of that. In the evening, after we were done with the business, I saw some tickets on the shelf. I noticed them and said, there is a ticket—the tickets they had taken out.

Mr. Van Dyke. The tickets in excess were taken out of the boxes ; cannot you tell from what side they were taken, from the democratic or republican ?

Answer. My impression is, it was not anything concerning the Congress vote ; it was one of the other tickets. The supposition was, there were two tickets voted somehow in each other ; that was my conclusion in the matter.

Question. You are quite clear it did not concern the Congress vote ?

Answer. That is my impression ; I am not positively clear. It strikes me it was another matter ; the clerk should be better booked up than I am ; he was more directly concerned.

Question. Who was the clerk ?

Answer. Wm. J. Crans was one of the clerks. Since I have come to recollect, another gentleman voted there on his residence—Mr. Large.

Mr. Thayer. Voted on proof of residence ?

Answer. I recollect on a former occasion I objected to his vote on the same ground—a person residing there during the season and not assessed ; that he lives out in the summer season only. When I assessed that township he was never personally assessed there.

Mr. Van Dyke. He was residing there in the manner you state the other gentlemen were, during the election ?

Answer. I suppose he was ; he qualified to his residence the same as the others did.

Question. Do you recollect whether any of these gentlemen were asked, during their examination for the right to vote, as to their intention of remaining, and whether they were asked whether it was their intention of remaining at that residence ?

Answer. I think not, sir.

Mr. Thayer. It would be of no importance.

*Re-cross-examined.*

Question. This election was regularly conducted in the usual manner ?

Answer. It was, sir.

Question. As elections are usually conducted ?

Answer. There was more interference than usual.

Question. Did you see anything as fair inside ?

Answer. Nothing more than interference inside and out ; parties coming in, going to the clerks, whispering, inspectors running out, remaining out.

Question. You saw no fraudulent practices in the election officers ?



Answer. Nothing I could say was fraudulent, but everything would lead persons to suppose there was some underhand business.

Question. Do you suppose, when a man whispers, there is underhand practice?

Answer. When a party, living in a different precinct, is coming backward and forward, and taking clerks and inspectors out, I conceive it to be interference.

Mr. Thayer. Nothing of that is fraud?

Answer. Nothing I could say was fraud.

Question. You saw no improper conduct on the part of the election officers?

Answer. No, sir, I did not.

HENRY W. DITTMAN.

Mr. Van Dyke now produced Henry Castor, a witness in behalf of the contestant, who being duly sworn, makes answer as follows:

Question. Where do you live?

Answer. Tacony, 9th precinct of the 23d ward.

Question. You voted at the same poll with Mr. Dittman?

Answer. Yes, sir.

Question. Were you an officer of the election on the occasion referred to, in October last?

Answer. Yes, sir, I was inspector.

Question. Do you recollect the fact of Matthew Baldwin's voting at that poll?

Answer. Yes, sir, I do.

Question. How long have you been attending the election poll in that division?

Answer. I have now been in the neighborhood of eight years. I just come there, put in a vote and go away.

Question. Did Baldwin vote there before?

Answer. Not to my recollection.

Question. Had he voted before, you would be likely to know it?

Answer. It would be hard to say. Years before, I had gone there, voted and went away.

Question. The last five years?

Answer. I voted there; never saw him there to vote.

Question. Do you know whether John Clayton voted on that day at that poll?

Answer. Yes, sir; he voted.

Question. He lives with Baldwin?

Answer. I believes he does.

Question. Do you know whether he and Mr. Cornelius did?

Answer. The gentleman I do not know; I do not know any of them.

Question. Do you know whether they voted there?

Answer. That I do not know; I would not know them if I was to see them.

Question. Do you remember whether the vote of Mr Baldwin was objected to?

Answer. Not to my recollection; I do not know, sir.

Question. Were you return inspector?

Answer. I was receiving inspector.

*Cross-examined by M. R. Thayer, Esq.*

Question. Do you recollect anybody objecting to these gentlemen voting?

Answer. Not to my recollection now, it has been so long. I do not remember anything about it.

Question. Mr. Baldwin owns the place there, and resides there for a considerable portion of the year?

Answer. In the neighborhood of three months—perhaps more.

Question. Has been in the habit of doing that, how many years?

Answer. I lived in Tacony eight years; I recollect his doing it three or four years.

Question. He owns the place?

Answer. So I understand.

Question. His family reside with him there?

Answer. Yes, sir.

Question. You have not been in the habit of staying much about the polls?

Answer. It is the only election I stayed about the polls; I generally put in my vote and go away and attend to my business.

Question. Mr. Baldwin and the other gentlemen may have voted without you knowing about it?

Answer. I never saw them at the election before; have never been in the habit of remaining before.

Question. The election was conducted in the usual and regular manner?

Answer. Yes, sir; so far as I could say, I did not see anything wrong in the election.

Question. Both parties were equally represented in the election officers inside. You heard no complaint?

Answer. Not to my recollection now.

Mr. Van Dyke now produced Preston H. Hoopes, a witness on the part of the contestant, who being duly sworn, says:

[Papers marked February 5th, 1863, Schedule 11, being handed to witness.]

Question. Did you serve a copy of that notice upon Mr. Thayer? If so, state when and where.

Answer. Yes, sir.

Question. You did serve a copy of it? When?

Answer. Yes, sir; 3d day of February.

Mr. Thayer. What is the date of it?

Answer. The date of it is the second.

Question. What is the date of the one you say was served on the third?

Answer. February second.

Question. That is Ridgeway's name on it?

Answer. Yes, sir; Allan Ridgeway's.

Question. What is the date of the other one?

Answer. The one I served on you to-day at 6th Walnut.

Mr. Van Dyke. You served that on him on the third?

Answer. Yes, sir.

Question. By giving him a copy of it in person?

Answer. By leaving it at his office.

[Paper marked February 5th, 1863, Schedule 12, J. H. C. and W. R., being handed to witness,]

Question. Look at that paper and say if you served a copy of that on Mr. Thayer; when and how?

Answer. I served this to-day, about 10.45 a. m.

Question. February 5th?

Answer. Yes, sir; to-day.

PRESTON H. HOOPES.

Mr. Van Dyke now produces Patrick H. Delaney, a witness on the part of the contestant, who, being duly sworn, makes answer as follows:

Question. What is your name?

Answer. Patrick H. Delaney.

Question. Where do you reside?

Answer. Armat street.

Question. In what division of what ward is that?

(Mr. Thayer objected to the examination of the witness, because he did not receive ten days' notice of his intended examination, as required by the act of Congress.)

Answer. I reside in the 4th division of the 22d ward.

Question. Where is Armat street?

Answer. It is the second street below on the left, on the east side of the turnpike.

Question. On the same side of the turnpike that the 6th division is on?

Answer. No, sir; the same side as the 5th.

Question. Were you present at the election in October last, in the 4th division, 22d ward?

Answer. Yes, sir.

Question. Do you know who was the United States deputy marshal for the purpose of taking the enrolment, in view of the draft in that division?

Answer. Wm. C. Johnson served my notice on me. I also heard in the precinct.

Question. Was he serving as any officer on that day?

Answer. Yes, sir; he served as window inspector.

Question. He was inside?

Answer. Yes, sir; he was inside and took the votes.

Question. Look at that paper (witness handed Exhibit No. 5,) and say whether you saw papers similar to that posted up at that poll and in the neighborhood on that day or the day previous.

Answer. I saw one posted on the wall of the building, the school-house where we voted, and one or two posted on trees which stand in the yard. I am certain one was posted on the building.

Question. Have you no knowledge as to what was the general impression or report as to the attendance of the United States marshal at the poll on that occasion?

(Mr. Thayer. I object to that question; reports are not evidence.)

Answer. I have no knowledge, any more than what I heard voters say as regards these posters.

Question. What did you hear voters say as regards posters?

(Mr. Thayer objected to the question as incompetent, and, addressing the justices, suggested where the evidence offered was plainly inadmissible it was their duty to save time by checking it.

Mr. Van Dyke thought they had no such power.)

Answer. Well, I heard them speak about it there, and say this was put up to catch those men who had gotten out their naturalization papers after they had been served with the militia notice, so they could get their names.

Question. You have, then, some knowledge of the reports and the impression made by this paper on the day of election? Will you please to state whether, in your judgment, the existence of this report and of these hand-bills in the town of Germantown and in the 4th division had a tendency to intimidate or deter voters from coming to the polls to vote?

(Mr. Thayer. I object to that; the opinion of the witness is not evidence.)

Answer. I do know there were some men over here in a place they call Little Dublin, in the 4th precinct; some men over there didn't and wouldn't go to the polls to vote.

Question. In consequence of these bills?

Answer. That I won't say for certain. There were men who would not

vote; they said they would not come. I do not know what reason they gave to those men who went after them.

Question. Wasn't it on account of their fear of being drafted if they did come?

Answer. They have always at other elections come out and voted.

Question. You speak of having received notice from the United States marshal in the 4th division of the draft. What was his name?

Answer. William C. Johnson.

Question. Was it the same W. C. Johnson who acted as inspector of the election?

Answer. Yes, sir.

Question. Do you know the name of any person who was deterred from voting in consequence of these reports and handbills?

Answer. No; I do not know as I do.

*Cross-examined by Mr. M. R. Thayer.*

Question. All you know about Johnson is, he served you with a notice you had been enrolled?

Answer. Yes, sir; he served me, and I suppose all the rest of the precinct. I know he served the four or five where I live, and I saw him go round from house to house.

Question. You saw him serving notices of the enrolment?

Answer. Yes, sir.

Question. You do not know anything in regard to his appointment, personally?

Answer. No, sir; I do not know who appointed him. His name was signed to all those notices as marshal. I think I have mine at the house now, if I am not mistaken. The notice stated he was appointed as such.

Question. He was appointed to make the enrolment?

Answer. Yes, sir.

Question. You saw nothing unfair or unusual in the election? Were you inside?

Answer. I was inside at the window. There was an entry, and at the end of it a small panel cut out of the door of the room. They stood inside the entry and voted. I do not know as I saw anything unfair. Johnson was challenging all those men that he thought voted against his side, and made them show their papers and tax receipts.

Question. Both parties were represented in the election board?

Answer. Yes, sir.

Question. Both parties had their proper proportion of election officers as usual?

Answer. Yes, sir; Johnson acted as window inspector, took the tickets and put them in the boxes, all day.

Question. Both parties were fully represented in the board of election officers?

Answer. Yes, sir.

*Re-examined by Mr. Van Dyke.*

Question. The judge of that division belonged to the republican party, did he not?

Answer. Yes, sir.

Question. There was an inspector, his clerk, a return inspector, and return clerk, belonging to the republican party?

Answer. Yes, sir.

Question. An inspector, his clerk, a return inspector and return clerk belonged to the democratic party. You mean the republicans had five and the democrats four?

Answer. I was going to make the distinction between the judge.

Question. The majority in the precinct always have the judge?

Answer. The judge was republican and the inspectors and clerks equally divided.

Mr. Thayer. Question. All the officers were elected?

Answer. The inspectors were elected, and the clerks appointed by the inspectors.

Question. These were the regular election officers of the precinct who acted?

Answer. Yes, sir. Johnson was one of the inspectors.

PATRICK HENRY DELANEY.

Preston H. Hoopes recalled:

Question. Look at that paper marked No. 13, Feb. 3, 1863, and say whether you served that on the persons named therein.

Answer. Yes, sir, to-day. I did not serve on the persons; I left copies at their residences.

Question. Look at paper marked No. 14, and say whether you served that on the persons named therein and when.

Answer. Last Wednesday week, 28th of January.

Mr. Thayer. Question. How did you serve that?

Answer. On John Clayton I served in person. M. Baldwin and W. P. Assen were served with copies at their residences.

Question. Look at paper marked No. 15, and say whether you served that subpoena upon Mayor Henry and Recorder Enue. If so, when and how?

Answer. I left a copy, on the 28th of January, with Mayor Henry's clerk, and served on Enue in person.

At this point the parties adjourned to February 6, 1863, at 12.30 p. m.

FEBRUARY 6, 1863.

Parties met pursuant to adjournment.

Parties present: Chas. W. Carrigan, contestant; M. Russell Thayer, incumbent; Justices Conly and Reilly.

Mr. Thayer. I attend, as heretofore, under protest against the taking of depositions by persons unauthorized by the act of Congress.

And now Mr. Carrigan, for contestant, produces Patrick McAray, a witness for the contestant, who, being duly sworn, deposes and says as follows:

Mr. Thayer objects to the examination of the witness, on the ground of his having received no notice whatever of his intended examination, as required by the act of Congress.

Question. What is your name; your age; and where do you reside?

Answer. My age is 24 years; I live in Frankford; my name is Patrick McAray.

Question. Where, in Frankford, do you reside?

Answer. In Adams street.

Question. You are a citizen of the United States?

Answer. Yes, sir.

Question. In what precinct do you live?

Answer. 5th, of the 23d ward.

Question. Did you attempt to vote at the election in October last?

Answer. Yes, sir.

Question. State what occurred at that poll on your attempt to vote.



Answer. Well, when I first went to the polls, and before I tried to vote, a man stood at the polls named John Doyle. He called me aside and asked me to vote—

(Mr. Thayer objects to the evidence.)  
as, I think, he was going to vote. I think I did not give him any decided answer how I was going to vote. I immediately turned to the window and handed in my vote, and he immediately followed me to the window. Just as soon as I handed in my vote, he hallooed out, "I challenge you!" One of the election officers hallooed to him, when he was standing on the porch, "What he challenged on?" He said, "On tax papers." Immediately I was called into the room.

Question. Where the election officers were?

Answer. Yes, sir; I swore I had paid two years' taxes in October, 1862, before the election.

Question. You mean to say taxes within two years?

Answer. Yes, sir. Mr. Doyle was standing by in the room with me. Finding out that was all right, he challenged me upon my naturalization papers. I did not have them with me, so I turned home after them again.

Question. You did not have them with you?

Answer. No, sir. I never had them with me only the first time I voted. I left the room and went home after them. When I came back with them, Swope hallooed out to me to hand in my vote—John Swope. As I was entering the door, he told me to go and vote. Before I turned out I handed my vote in again, and then went into the room with my papers. After I had handed in my vote—I handed either one, as I entered the room, I forget whether it was John Swope or Thomas Foulkrod took them first.

Question. Your papers?

Answer. Yes, sir. It was either one of them. I believe I handed them into Foulkrod's hand, to the best of my opinion—to Thomas Foulkrod. He looked at them and said they were illegal. He said they were not right. He took them and put them in his left side pocket, and kept them.

Question. Kept your naturalization papers?

Answer. Yes, sir. I asked him whether they were wrong; he wouldn't say.

Question. He wouldn't tell you how they were illegal?

Answer. No, sir.

Question. He kept your naturalization papers; what did he do with your vote—accept it, or refuse it?

Answer. It was handed out again.

Question. They refused to take your vote?

Answer. Three times I was in the room three times. They refused to take my vote, and kept my naturalization papers.

Question. You had voted in that precinct before?

Answer. I have, everything worth going to, since 1860.

Question. These same papers?

Answer. Yes, sir. I had a judge to look at them the first time I voted, in 1860.

Question. You say your naturalization papers were kept; your vote refused, without giving any other ground than that they were illegal; you had voted since 1860 on those naturalization papers at every important election?

Answer. Yes, sir.

Question. There was a name on your ticket for Congress that you intended to vote?

Answer. The whole democratic ticket.

Question. Who for congressman?

Answer. I forget exactly the name.

Question. Did not you know who was on the ticket for Congress? Was it Mr. Thayer?

Answer. There was Mr. Chas. W. Carrigan, for one, I think.

Question. Recollect who you voted for, for mayor?

Answer. I was going to vote for mayor—for the democratic mayor. I forget what his name was. Was it Foster? I do not know, exactly.

Mr. Thayer. If you do not know, you must not say.

Question. You are certain of C. W. Carrigan being on the congressional ticket?

Answer. Yes, sir; I voted for him for one nomination.

Question. You mean to say you intended to vote for C. W. Carrigan for Congress if they had received your vote?

Answer. Yes, sir. I handed the vote in twice.

Question. Did you commence a criminal prosecution against Thomas Foulkrod for the detention of your papers?

Answer. Yes, sir; I sued him before Alderman Hageman for the illegal detention of my naturalization papers.

*Cross-examined by Mr. M. R. Thayer.*

Question. When were you naturalized?

Answer. In 1860.

Question. Who by?

Answer. I think it was in the criminal court; Thomas W. Duffield was my voucher.

Question. What time in 1860?

Answer. I think it was the 18th of April; I am not sure; I am not certain; I think it was about that time. I would know if Mr. T. Foulkrod was here.

Question. When did you come to this country, Patrick?

Answer. In 1854; I will be in this country 9 years next May.

Question. You are now 24 years old?

Answer. Yes, sir.

Question. Who was judge at that poll?

Answer. Thomas Foulkrod was the judge; he seemed to have all to do with it; seemed to have all to say.

Question. Who was window inspector?

Answer. I think it was a man by the name of Edward Castor.

Question. Was he a democratic inspector?

Answer. I don't think he was.

Question. Who was?

Answer. I think it was John Swope.

Question. Did any of the officers interfere on your behalf when you were rejected?

Answer. No, sir, I believe not; only Thomas Holmes said —

Question. What was he? Was he an officer?

Answer. I do not know what he was in the room. He said I was an —

Question. Never mind that. What did you say at the time? Where did you live at that time?

Answer. That I voted there. In Adam street; I have lived there going on 9 years.

Q. You live there now? What is the number?

Answer. There is no number to the place.

Question. Adams, where?

Answer. On the Asylum road, they call it, I believe.

Question. How many congressmen were on your ticket?

Answer. I can't say exactly how many were on.

Question. Were there as many as three congressmen on your ticket?

Answer. I know the whole of them were on it; I always put in a full ticket.

Question. Can you say whether there were two or three congressmen on your ticket?

Answer. There were two any how; I know I tore none off; I am sure no one else did.

Question. What congressional district is that in which you vote, the 5th?

Answer. I did not vote; they would not take it in the 5th. I offered to vote.

Question. Did you vote for mayor, or did you offer to vote for mayor?

Answer. Yes, sir; I offered to vote the whole ticket.

Mr. Vansant. What whole ticket; the whole democratic ticket?

Answer. I offered to vote it twice; they would not take it?

Question. Who did you intend to vote for for mayor?

Answer. I was going to vote for the democratic mayor.

Question. What was his name?

Answer. I cannot name his name exactly; I never keep such things in my mind; I just get the ticket, and mostly hand it in, and go away.

Question. Can you read?

Answer. Yes, sir; I can read print, and can read some writing.

Question. Did you read your ticket?

Answer. I read some of it; yes, sir. All I found out, so far as I went, it was all right.

Question. I understood you to say you are sure there are at least two congressmen on your congressional ticket?

Answer. I was going to vote for the whole democratic party; the whole that were running.

Mr. Vansant. The whole ticket you mean?

Answer. Yes, sir. I can bring the man down who gave it to me. I say I was going to vote the whole democratic ticket.

Question. Do you know what congressman means?

Answer. Yes, sir.

Mr. Thayer. How many congressmen is your district entitled to?

Answer. Three, I believe. I know it is three; I think it is that. In fact, I never bother much about it; I mostly go up and vote when election comes.

Question. Where was the poll?

Answer. The poll I was going to vote at? The Jolly Post at Frankford.

*Re-examined by Mr. Vansant.*

Question. I understand you to say that you went to the poll to vote the whole democratic ticket?

Answer. Yes, sir.

Question. Do you recollect whether or not the name of Chas. W. Carrigan was on the ticket?

Answer. Yes, sir; I looked for it. The mayor, who was running, was upon it.

Question. Did you see the name of Mr. Carrigan upon it; do you recollect?

Answer. I mostly forget whose names I saw upon the ticket, because I knew I had the whole democratic ticket; and the man I had gotten the ticket of, since I have been a voter in the place, is known to me, and I went over and got the ticket from him, knowing his politics. I got my ticket from the man I voted—

Mr. Thayer. I object to that.

I would just as soon give in the ticket he gave me, when I know his politics, as a ticket I have looked all over.

Question. Did you intend to vote for Mr. Carrington?

Answer. Yes, sir.

Question. I understood you to say, since you have been a voter here, you got your ticket from one man?

Answer. With the exception of one election; I am not sure whether I got it that election or not; I cannot say, all but that one I have; but very often, if I get my ticket from that man, I look it over very little, knowing what his politics are.

Question by Mr. Thayer. You look very little at it?

Answer. Sometimes I do not look it quite over.

Question by Mr. Vansant. As long as you have been a voter, have you voted any other ticket than the democratic?

Answer. No, sir.

Mr. Thayer. I object to that. It is of no consequence whether he voted that or not.

Question. I understood you to have said you did not trouble yourself much, about congressional districts, legislative districts, or anything else.

Answer. No, sir; I mostly get the ticket, put it in; sometimes turn away from the polls; more times stop about the porch a bit, but never bother any more about it.

Question. What is your business?

Answer. I follow, at present, that of a watchman.

Question. Where?

Answer. At Mr. Vankirk's, Frankford.

Question. What is his business?

Answer. Chandelier business, lamp business, and mineral fixtures, &c.

Question. How long have you been a watchman at his place?

Answer. I have been a watchman there for a year last January.

Question. Where were you before that?

Answer. I worked at his place somewhere about three months before. I do not know exactly the length of time. I am sure I was that much, anyhow.

Question. You have said there were three congressmen upon this ticket; are you sure about that? Did you read the ticket over?

Answer. I cannot say exactly whether I read the ticket or not; mostly I get the ticket from a man, knowing his politics, and knowing that he feels as I feel myself. Sometimes I do not look much at the ticket.

Question. You wanted to vote the whole democratic ticket?

Answer. Yes, sir, the whole democratic ticket.

And now Mr. S. T. Vansant, for Chas. W. Carrigan, contestant, produces John Meng, a witness, who being duly sworn, deposes as follows:

Mr. Thayer. I object to the examination of the witness, not having received 10 days' notice of his intended examination<sup>as</sup> required by the act of Congress.

Question. What is your name, your age, and where do you reside?

Answer. I am 36, and live in Bridesburg, and my name is John Meng.

Question. What is your occupation?

Answer. I am a laborer and work at the chemical factory.

Question. How long have you worked for Lennig?

Answer. I worked about nine years there.

Question. State whether or not you know anything of Mr. Lennig's issuing a circular to the workmen of his factory, which circular contained the names of the persons he desired his hands to vote for at the election held on

the 14th day of October, 1863; and in that circular he said, if they did not vote for those gentlemen named on that circular, that he did not desire his workmen to work for him any longer?

Mr. Thayer. I object to that: 1st, as being leading. 2d, as an offer to prove the contents of a written or printed instrument. 3d, as totally irrelevant to this issue.

Mr. Vansant says he will produce the circular.

Question. State whether or not you know any thing of Mr. Charles Lennig, in whose employ you are, issuing any printed circular prior to the election in October, 1862, in reference to the said election.

(Mr. Thayer objected to the question for the above-mentioned reasons.)

Answer. Lennig, or Benn, his foreman, gave a circular out to each one who worked for him.

Question. Did you read that circular?

Answer. I did read it.

Question. State whether or not that circular contained the names of persons who Mr. Lennig required his workmen to vote for?

Mr. Thayer. I object to that for the before-mentioned reasons, and for the additional reason that the counsel have stated they will produce the circular, from which it appears to be in their power; it is therefore clearly incompetent to prove its contents by secondary evidence.

Mr. Vansant states it is not in their power to-day to produce that circular; it will be produced.

Answer. It is about a letter; I did not understand your question.

(Witness not fully understanding English, Adam Laubenslein was taken as interpreter, under protest from Mr. M. R. Thayer.)

Being sworn, he interpreted, as follows:

Answer. Yes.

Question. State whether or not Mr. Lennig stated in that circular that if his workmen did not vote for the men therein named, he would discharge them.

Mr. Thayer. I object to it on the same ground. You cannot prove the contents of an instrument you admit to be under your control. 2d, the question is leading, indicating the answer you desire the witness to make.

Answer. That question was not in the circular, except Mr. Lennig said he would not have them around the place.

Question. Why did Mr. Lennig say he would not have the men around him?

Answer. That I cannot tell; I do not know.

Question. Did he not say that if they did not vote for these men named in the circular, he would not have them around him?

Answer. I did not read the paper exactly; I did not study it; I read it; I did not pay attention to it.

Question. State whether or not Mr. Lennig ever required in any manner the men in his employ to vote for certain persons; and at the same time state, if they did not, he didn't want to have them about him.

(Mr. Thayer interposed the same objections as before.)

Answer. Yes. He did not ask me; he said nothing to me.

Question. Do you know of his having said to any other of his workmen if they did not vote for certain persons he did not want to have them about him?

Mr. Thayer. I object to that question.

Answer. That I do not know.

Question. By Justice Comly. Do you know of his having said it to any other person?

Answer. Not as I know.



Question. Cannot you tell the names on the circular —

Mr. Thayer. I object to that.

Mr. Vansant, continuing—that he required his workmen to vote for?

Mr. Thayer. I object to that, for the reasons already given, and for the additional reason that it assumes a witness has already said it required him to vote for anybody, which it has not done.

Answer. No, I do not know the names yet; if I had the paper I would know them.

Question. Do you know Mr. Bean?

Answer. Yes, sir.

Question. Is he Lennig's foreman?

Answer. Yes, sir.

Question. You voted at the last election?

Answer. Yes, sir.

Question. You voted the democratic ticket?

Answer. Yes, sir.

Question. Did you go to Mr. Bean the next day and ask for your wages?

Answer. Yes, sir.

Question. Upon what ground did you ask Bean for your wages?

Answer. About the letter Lennig gave out.

Question. About the letter?

Answer. Yes, sir.

Question. What did you say to Bean?

Mr. Thayer. I object to that as being mere hearsay.

Answer. The letter orders me out of work.

Question. Why did the letter order you out of work?

Answer. Why, about Lennig giving out he did not want such men around him. I thought he did not want me any more.

Question. Why didn't he want such men around him?

Answer. More than I know; I don't know that.

Question. You were afraid of being discharged?

Answer. Yes, sir, I was afraid of being discharged.

Question. Why?

Answer. That letter was in it.

Question. What was in it?

Answer. What he says. He did not want such men around him.

Question. You voted the democratic ticket?

Answer. Yes, sir.

Question. Did you expect to be discharged because you voted the democratic ticket?

Answer. I did not expect to be discharged about the tickets; that is what I tell the foreman. I always like to have my own way about that business.

Question. You went to ask your wages for fear they might discharge you?

Answer. I did so; he only told me to go to work again.

Question by Mr. C. W. Carrigan. Did Mr. Bean say you were a capital workman when you went for your wages?

Mr. Carrigan. You have stated that you said to Bean you thought Lennig did not want you any more. Did not you make that statement to Bean because you had voted the democratic ticket and thought he would not want you to work for him any more?

Answer. Yes, I did that.

Question. What did Bean say?

Answer. He only told me "to go to my work again."

Question. What else?

Answer. Nothing else.

Question. Did not he say "it was all over"?

Answer. He said "that is all over."

Question. Meaning the election was all over?

Mr. Thayer. No! no!

Question. What did he (Bean) mean by saying "that was all over?"

Answer. That is more than I know.

Mr. Thayer. I object to conversations between third persons.

*Cross-examined.*

Question. You are still in Lennig's employ; you still work for Lennig?

Answer. Yes, sir.

*Re-examined by Mr. S. T. Vansant.*

Question. Do you know of any men in the employ of Lennig who would have voted the democratic ticket in October, 1862, had it not been for this circular issued?

Answer. I do not know. I understand the question.

Question. Do you know of any men in his employ who had voted the democratic ticket prior to October, 1862, that did not vote it in 1862?

Answer. I do not know; I did not ask any one.

JOHN MENG.

Mr. Vansant, for contestant, calls Mr. Frederick Bean, a witness for the contestant, who being duly sworn, doth depose as follows:

Mr. Thayer. I object to the examination of the witness, because I have not received 10 days' notice of his intended examination, as required by the act of Congress.

Question. Where do you reside?

Answer. Bridesburg.

Question. What is your age?

Answer. Thirty-eight years.

Question. What is your business?

Answer. Chemist; or foreman at Lennig's chemical works.

Question. Are you still in his employ as foreman?

Answer. Yes, sir.

Question. How long have you been in his employ?

Answer. Since the last five years in Bridesburg; before in some other place.

Question. Please say whether you know anything of the circular being issued by Lennig prior to October, 1862.

Mr. Thayer. I object to that as irrelevant.

Answer. Yes, sir.

Question. Have you seen one of them and read it?

Answer. Yes, sir, I have.

Question. Will you state what it contained?

Mr. Thayer. I object to that as an offer to prove the contents of an instrument which is in their possession, and under their control.

Mr. Vansant states it is out of the contestant's power to produce it to-day; it will be produced hereafter.

Answer. So far as I, at the moment, can recollect, it was Mr. Lennig recommended his own views to the men as being better acquainted with the circumstances according to this election, and that they should make a proper choice of such men, which they would know were for the Union throughout, to assist the administration in every way. That was the main contents; too long ago to recollect everything.

Question. How long before the election was this circular issued?

Answer. I do not know ; a day or two before.

Question. State whether, or not, it contained the names of persons to be voted for by the men in his employ?

Answer. It contained some names on the end of the document.

Question. Did you read those names?

Answer. I did.

Question. Were they the names of candidates on the republican ticket, or the names of candidates on the democratic ticket?

Mr. Thayer. I object to that ; it is quite immaterial to this inquiry.

Answer. The names of the candidates on the republican ticket.

Question. Did this circular contain anything else than the recommendation to vote for these men, and the names of these men?

Answer. To my best knowledge, nothing else but the recommendation.

Question. Did Mr. Lennig state in this circular, or say at any time, if his men did not vote for the men named in the circular he did not want them about any more?

Mr. Thayer. That is objected to.

Answer. Never.

Question. Were any of his men under the impression that this was so, or stated it at any time?

Answer. I don't know this.

Question. Did any of them so state to you before or after the election?

Mr. Thayer. That is objected to.

Answer. One of them, the witness before me, came to me in the office the next morning and asked me "that he wanted his money." He thought he would be discharged, as he did not vote the names, he did not vote the ticket, which were stated on the circular, but voted the democratic ticket. I turned round to him—I was sitting at the table—and said, "are you crazy? there was never such an intention," and I read part of the circular to him. I told him that, in German, "there was never such an intention to discharge a man for giving his vote to one side or the other." I read part of the circular to him to prove to him it was not intended so.

Question. What part of the circular did you read?

Answer. If you produce the circular I can show you. I read this part to him, in which Mr. Lennig says "it is the duty of every patriotic citizen at this time to assist the administration, and elect such men of which they were sure that they will assist the administration." Now, said I, "Meng, have you not voted for such men ; didn't you vote for a man who pledged his word of honor to assist the administration?" Said he, "Yes, I did vote for such men." "That is all that is required ; we do not want anything else but to give your vote to such men as would give their word to assist the administration."

Question. You say you read that portion of the circular you have just narrated. Was not that the first part of the circular?

Answer. No, it was not.

Question. Was it the middle part of the circular?

Answer. More than I can say.

Question. How do you know it was the first?

Answer. I know it was the first from my best recollection. I cannot say it was two-thirds, or four-fifths, or five-sixths below ; I do not know.

Mr. Thayer. I object to the question about a paper admitted to be under their control. If they produce the paper they show all it has in it.

Question. What part of the circular were the names on the republican lists of which you speak?

Answer. Entirely at the end of the circular.

Question. You have stated, to the best of your knowledge, it was merely recommendatory.

Answer. Yes, sir.

Question. Now, be certain, do you not know in that circular Lennig said, in these words: "I don't want you about me as workmen unless you vote this ticket"?

Answer. That is not at all in the circular; nothing like it. Something like it, but it is misrepresented. He did not say so; it was not his meaning.

Question. You say there was something like it in it?

Answer. Yes; but it had nothing to do with the candidates; it referred only to patriotic men.

Question. Does not that precede or follow the ticket?

Answer. It was entirely for itself. It was not in the next or in the line after; it has nothing to do with it.

Question. What was the object of having the names there?

Answer. The object, so far as I know, so far as I understood, was only to tell the men that as he had more experience and knew more than they knew, they should trust him more, and vote only for patriotic men.

Question. They should trust him more?

Answer. Trust him more than those on the other ticket.

Mr. Vansant. Had he those names shown as the only patriotic names on the ticket?

Answer. That is not so.

Question. Did you give out the circular?

Answer. I do not recollect. Either I did or Mr. Lennig; either he sent them around or I did.

Question. Did you receive any instruction from Lennig in reference to the ticket these men should vote?

Answer. No, sir; nothing but the circular, to give it to the men. He sent the men into the office, or sent them direct from his hands down, or else I did.

Question. Did you give into the hands of the workmen in the shop the ticket you spoke of to vote?

Answer. I don't recollect that I did. I do not think I did.

Question. Do you know of anybody else having done so?

Answer. Tickets? No.

Question. Did you take any of the workmen to the polls with you?

Answer. Nobody. Never.

Question. Do you know whether Lennig sent in company with workmen other workmen to see if they voted this ticket?

Answer. Not that I know, sir.

Question. You do not know whether they voted this ticket or not?

Answer. No; I never inquired.

Question. What ticket did you vote?

Answer. I voted the republican ticket.

Question. Have you always voted that ticket?

Answer. Always. I never voted any other one.

Mr. Thayer. You have no right to ask that.

Question. How many men were in the employ of Lennig at this time?

Answer. I do not know how many were there at that time.

Question. About eighty or ninety?

Answer. I guess there were a few less; something like eighty.

Question. Do you know how many of them voted the republican ticket and how many the democratic ticket?

Mr. Thayer. That is objected to.

Answer. I don't know.

Question. Do not know if the majority voted for one or the other; you never inquired?

Answer. No; I considered it dishonest to do it. You may call any one to say if I said he should or should not vote for this ticket in my name or Lennig's name.

Question. You say you have read this circular?

Answer. Yes, sir.

Question. Are you sure it did not contain something of this kind: "If the men did not take this suggestion and his advice he did not want to have them about him any more"?

Answer. He said something like that; it had no reference to the candidates. It was in the article where he spoke of patriotic men.

Question. When were they given out?

Answer. I do not know how long they were printed; they were out a day or two.

Question. They were placed in the hands of all the workmen?

Answer. So far as I know, every one got them.

Question. Did you not receive instructions to see if the men got them?

Answer. More than I can recollect.

Question. Did you give any of them?

Answer. I am not sure; either Mr. Lennig or I gave them, I am not sure which. I am sure I did not give it to the men; I did not carry them around.

Question. It was a part of your duty to give these to the other men?

Answer. Yes, sir. Christmas last he gave letters, each of which contained \$5. I did not know what these letters contained.

Question. Did not Mr. Lennig give these circulars to you, depending on you to have them circulated among the men in his employ?

Answer. Either he gave them to me with the instruction or he gave them himself; I do not recollect.

Question by C. W. Carrigan. Mr. Lennig has for some time past been fulfilling contracts with the government?

Answer. No, sir. They have nothing at all to do with the government.

Question. Contracts for quinine?

Answer. Nothing at all. I did not manufacture an ounce; there is none in the office. It is not necessary to give the names of the articles. I can tell this: he had bought some old copper from the government; that was bought from the government.

Question. He sells nothing to the government?

Answer. Nothing is sold except now and then a couple of bottles of vitriol to the arsenal.

*Cross-examined by Mr. Thayer.*

Question. As I understand you, the substance of that paper was an appeal by Lennig to his workmen to vote for patriotic Union men?

Answer. That was the only way I understood it.

Question. And have men who would sustain the government during the war?

Answer. Yes, sir.

Question. I understand you to have stated it contained no threat that he would discharge any workman who did not vote for any candidate he would prefer?

Answer. I think the best proof he did not mean anything is the case of Meng; that nobody was discharged for this reason—for not voting for the men it stated. To my best knowledge it contained nothing.



Question. What was stated in the circular in reference to his not wishing men about him? I understood you to say this: "It was stated in the circular he did not wish men about him who would not sustain the Union and would not sustain the government in the war."

Mr. Vansant. I object to that as being too leading.

Mr. Thayer. This is the cross-examination of your witness.

Answer. If I understood him right in private conversation, and understood his document right, it was exactly his meaning.

Question. No man, I understand you to say, was asked how he voted by Mr. Lennig?

Answer. Never, I think.

Question. You never knew of his asking a workman how he had voted?

Answer. No, sir.

Question. No workman was discharged for having voted in a particular way?

Answer. Never; not one.

Question. You never knew one to be?

Answer. No; not before, and not this time.

Question. The candidates whose names were at the bottom of the circular were, as I understand you to say, candidates whom Mr. Lennig recommended because he knew them to be patriotic Union men?

Answer. That is exactly as I understood it.

Question. Were any of his workmen deterred from voting or expressing their political sentiments by that circular?

Answer. No, sir; they gave each man time. It has been the practice on all elections to have an hour for himself to poll his vote.

Question. Each man was allowed an hour to go to vote?

Answer. Yes, sir.

Question. And no steps were taken to ascertain how he voted?

Answer. Not to my knowledge; no.

*Re-examined by Mr. S. T. Vansant.*

Question. You have stated Lennig used no influence with his men to get them to vote the republican ticket. How do you know that?

Answer. Because he did not speak with any one.

Question. Could not he have spoken with any one without your knowledge?

Answer. I don't think he could. He has gone out two or three times a week, two hours, and at this time I was along.

Question. Have not you stated you did not know whether he delivered the circulars himself or instructed you?

Answer. I stated that.

Question. How do you know he did not enjoin them to vote the republican ticket?

Answer. I saw the circulars delivered, either to myself or to the men.

Question. Did you see him deliver these circulars to the men by any man, or the whole bundle to the men in the office?

Answer. He brought the bundle out. I do not recollect if he delivered it to me to deliver it to the men, or gave it to the attendant in the office to give it to the men.

Question. I think you have stated you did not know he delivered it to the men himself?

Answer. I didn't state that. I am sure he did not do this.

Question. I understand all you know about it—his not using influence with the men—is, you did not hear him say anything about not voting?

Answer. That is all I know about it.

Question. You have stated you did not know who voted the republican or who voted the democratic ticket?

Answer. I do not know.

Question. You have kept Meng. What part of the business does he attend to?

Answer. Working at the vat.

Question. Is he a valuable man?

Answer. Not more valuable than any other.

Question. Do you know what ticket he voted?

Answer. Yes; he told me himself.

Question. Do not you know he was the only one who voted the democratic ticket?

Answer. I do not know.

Question. Do you know of any other man who voted a republican ticket?

Answer. I don't know; I never asked; I do not know how it was.

Question. How did the men go to vote? Did they all go at the same time?

Answer. No; each generally goes as he pleases.

Question. Were they at work election day? Were they all allowed one hour at the same time?

Answer. No. Generally speaking, the business is arranged so one comes off at this time, and one on.

Question. What time did they all vote—daytime or evening?

Answer. More than I know.

Question. What time did the place of business close?

Answer. Six o'clock.

Question. Had they all voted up to six o'clock?

Answer. I do not know.

Question. You have stated you have been in the employ of Mr. Lennig some years. Is it always his practice to give his men time to go and vote?

Answer. No, it is not.

Question. Or give them an hour for election?

Answer. No. I did it without asking. I told the men they could have an hour for myself.

Question. Mr. Lennig instructed you?

Answer. No, he did not instruct me; I have so much power. I have been in the habit before. It was customary before I came. I did the same.

Question. The factory closes at six o'clock; when did you give the instruction?

Answer. It was not positively stated. It was as before. The men had the hour; they have the right. Certainly they would be liable to be charged. I did not give exactly the order, "You can go and vote; you have the hour." They know they have an hour to vote.

Question. Did you say to the men last election day, October, 1862, at any time during the day, they could have an hour to go and vote?

Answer. I did not tell them; they knew by themselves it is customary.

Question. Did you ever tell the men before?

Answer. I do not recollect.

Question. How do they know it is customary?

Answer. Men have been there 33 to 35 years; they know it is customary and make it a rule. They know they would be liable to be charged with it.

Question. Being foreman, you know how many men were there all day?

Answer. I cannot say; there were a great many men.

Question. How do you know they only got their hour? What is to prevent a man from leaving at six?

Answer. I know he can get off an hour. The work is so the men can get leisure time.

Question. If the workman is not there, one has to do another man's part?

Answer. I trust the whole thing to the men. Even if one was away an hour and a half or two hours, I did not ask much.

Question. You have stated you were not sure there were not contained in the circular words like these: "If the men did not vote for the names on the circular, he did not want them about him." Under cross-examination you say you did not so understand it. Are there such words in the paper?

Answer. You can interpret the paper as you choose. I say there is nothing of the kind. No man in his sound senses could so do.

Question. You only speak for your own understanding.

Answer. I do not care for others.

Question. Did Mr. Lennig ever before issue a circular to his men recommending certain men to their notice under a circular?

Answer. To the best of my knowledge, he may have done it before. I am only five or six years there with him. He has carried on business thirty or forty years.

Question. You have never known of a circular being issued since you have been in his employ?

Answer. There was one time he put up a notice in the factory, at the election of Mayor Henry, which was in reply to some speakers who had announced he would vote for the democratic mayor. He said he would not vote for him; the only time anything occurred.

*Re-cross-examined by Mr. M. R. Thayer.*

Question. I understand you to say he made the men all a Christmas present?

Answer. Every one of them.

Question. He gave that Christmas present to all without distinction?

Answer. Without distinction of party or anything else.

Question. No one was asked, so far as your knowledge goes, how he had voted? No one was discharged from the factory for having voted in any particular manner?

Answer. I am sure there was none.

Mr. Vansant. Question. Do I understand you to say there was but one man you knew of—that is, *men*, who voted the democratic ticket?

Answer. I only know of one man who voted the republican ticket.

Question by Mr. Thayer. You would not have known how many voted if he had not volunteered to come and speak to you about it?

Answer. I would not.

Question. You did not want to ask him how he voted, or any other man?

Answer. To my best knowledge, no.

S. T. Vansant, esq. Question. I understand you to say Meng came to you, asked for his pay, and said he supposed Lennig did not want him any more because he had voted a democratic ticket?

Answer. He said something like that.

Question. He said to you he voted a democratic ticket; he said it in that connexion?

Answer. He did.

Question. Mr. Lennig is in the habit of making Christmas presents to his men?

Answer. I don't know.

Question. He has done it for 10, 15 or 20 years back, or he did it once?

Question. This is the first Christmas present made while you have been in his employ, to your knowledge?

Answer. Yes, sir.

Mr. Thayer. Question. Meng got his present with the rest of them ?

Answer. Like any other one.

G. F. BIHN.

Mr. Vansant, for contestant, now produces Mr. Charles Meyers, a witness for contestant, who being duly sworn, deposes and says :

Mr. Thayer. I object to the examination of the witness because I have not received 10 days' notice, of his intended examination, as required by the act of Congress.

Question. What is your name, your age, and where do you reside ?

Answer. My name is Charles Meyers. My age is 29 years. I live in Whitehall.

Question. What is your business ?

Answer. I am a tavern keeper.

Question. You keep what is known as the Arsenal Hotel ?

Answer. Yes, sir.

Question. Are you a citizen of the United States ?

Answer. I am.

Question. A naturalized citizen ?

Answer. Yes, sir.

Question. When did you take out your papers ?

Answer. I think about two years or  $2\frac{1}{2}$  years.

Question. Where ?

Answer. In Delaware.

Question. How long have you been in this country ?

Answer. Going on 10 years.

Question. You took out your papers in Delaware  $2\frac{1}{2}$  years ago ?

Answer. I think it was before the presidential election, about a month or two.

Question. You mean 1860 ?

Answer. Before the election of Lincoln for President.

Question. You voted at the presidential election ?

Answer. I did, sir ; in Delaware.

[The naturalization papers were dated September 11th, 1860.]

Question. At how many elections did you vote in Delaware since 1860 ?

Answer. I don't think I voted once, except the presidential election.

Question. Didn't vote in 1861 ?

Answer. Not as I recollect.

Question. Did not vote at the spring election in 1862 in Delaware ?

Answer. There is no election in the spring in Delaware, only in the fall ; the mayor got elected in October.

Question. Is not there an election in the hundreds ?

Answer. I can't recollect. I didn't pay much attention to the officers.

Question. Didn't you vote there in 1862 ?

Answer. Not that I know.

Question. Did you vote for the mayor in 1862 ?

Answer. No, sir.

Question. How long did you reside in Delaware ?

Answer. I have been there 7 years.

Question. Where did you reside before you went to Delaware ?

Answer. In Pennsylvania.

Question. You became a citizen in Delaware ; when you resided in Pennsylvania you were not a citizen ? You were naturalized in Delaware ?

Answer. Yes, sir.

Question. You resided in Pennsylvania before residing in Delaware ?

Answer. Yes, sir.

Question. When you resided here you were not naturalized ?

Answer. I took out first papers in this State, in Philadelphia.

Question. What year was that ?

Answer. I was two or three years in this country.

Question. What year ?

Answer. I cannot recollect what year it was ; it must have been between two and three years before I went to Delaware ; I had been two or three years in the State when I took out first papers.

Question. How long have you been living in this country ?

Answer. Nearly 10 years ; 10 years next summer.

Question. I understand you to say, you had been living there two or three years when you took out your first papers ; you had been living in Delaware 7 years before you took out your last papers ?

Answer. I have been living there between 7 and 8 years, in Delaware. It must be 2 or 3 years next September I took out the last papers ; couldn't be over 5 years. I went to Delaware ; this paper, my naturalization paper, tells exactly when I took it out.

Question. When did you move from the State of Delaware to the State of Pennsylvania ?

Answer. Last spring, sir.

Question. What time in the spring ?

Answer. I rented the house in White Hall the 2d day of April.

Question. What time did you commence your business at the Arsenal Hotel, Bridesburg ?

Answer. I moved in the 6th or 7th day of last April.

Question. That was about six months before the October election ?

Answer. A little over six months before the October election.

Question. Can you give the date of your commencing business at the Arsenal Hotel, Bridesburg ?

Answer. I can't tell exactly what day I opened it. I had been there four or five days before I opened the business. It must be about the 10th or 12th of April—may be the 10th.

Question. You took the property on lease with the papers drawn up ?

Answer. Yes, sir.

Question. The property is rented on papers ?

Answer. Yes, sir.

Question. You cannot be positive about the date ?

Answer. I rented the house the second of April. It was between the 6th and 7th I moved, and three or four days after I opened it.

Question. You came from Wilmington to see the place, and concluded to take it ; went back to Wilmington ; moved your things to this house, and took it ; leaving there about the 10th of April ?

Answer. I came to Bridesburg about the last day of March to live. I moved between the 6th and 7th of April to stay there.

Question. Have you no means of ascertaining exactly when you moved up ? Have you no memorandum by which you can tell ?

Answer. I cannot tell ; but about a day or so.

Question. Were you upon either the regular or extra assessment list ?

Answer. I think I was upon the assessment list.

Question. Which one ?

Answer. I can't say much about it. I don't know.

Question. You do not know whether you were on either ?

Answer. No, sir ; I cannot tell.

Question. Had any one come to put your name down on the list ?



Answer. I think there were two or three there ?

Question. They were twice for enrolment for the draft ?

Answer. I think there was one other before.

Question. You understand the difference between assessment for taxes and assessment for enrolment ?

Answer. I do. I can tell which one it was. It was an assessor of enlistment was there. I think it was one other before.

Question. You did not come there at April. How long after April was the assessor there ?

Answer. I cannot tell anything about that.

Question. The three days ; did you go during the three days, immediately before the ten days before the election, and get your name on the list ?

Answer. I don't know. I don't know if the assessors have my name or not. I was not there.

Question. Did you go during the three days immediately preceding the ten days before the election to where the assessors were sitting and get your name placed on the list ?

Answer. No, sir ; I did not.

Question. Did you pay a State or county tax in Pennsylvania ?

Answer. No, sir.

Question. You did not ?

Answer. No, sir.

Question. Were you challenged on your vote ?

Answer. I am not, I think, only bound to pay a tax in one State.

Question. Were you challenged on your vote ?

Answer. They had been speaking about it, and said it would be all right.

Question. Did any one take exception to your vote ?

Answer. A man or two there made some.

Question. What time did you vote ?

Answer. In the evening.

Question. The last man on the list ?

Answer. The second last man who put in his vote.

Question. Did any one inside the room where you handed your vote—you handed it through the hole in the window—did any one inside the room or outside the room object to your vote when you handed it in ?

Answer. I say there was one or two inside had some objection against it, and to receiving it.

Question. What was the objection ?

Answer. They said I had no tax bill—had to pay a tax.

Question. Did you swear you had paid a county tax ?

Answer. I did not swear to it at all.

Question. Did you swear when you gave your vote in that evening ?

Answer. Not that I can recollect. I showed a receipt of the taxes in Delaware.

Question. And that is all the receipt for taxes you had ?

Answer. Yes, sir.

Question. No person challenged you on the ground of not being a resident long enough in the State ?

Answer. At the polls ?

Question. Inside did they object to you as not being a resident for the proper length of time ?

Answer. The tax bill they wanted was a tax bill of Pennsylvania. I could not show that.

Question. They did not challenge you on your residence ?

Answer. No, sir.

Question. They received your vote, although you could not show a State or county tax having been paid in Pennsylvania?

Answer. I think they received the vote.

Question. You have stated you moved to the place where you reside from the State of Delaware a little longer than six months before the October election, at which you voted, and you have not paid a State or county tax in Pennsylvania within two years, but had paid a tax in Delaware, from which State you had moved?

Answer. Yes, sir.

Question. Did you vote for a candidate for Congress at that election?

Answer. I stated the votes were tied together. I did not examine the inside at all. I only voted for mayor. I did not care much who was elected of the others.

Question. Did you vote a full ticket?

Answer. I expect it was a full ticket. I did not examine it at all—only saw one letter on it; that was for mayor.

Question. Did you vote a democratic or republican ticket?

Mr. Thayer. I object to that.

Answer. I think each man could vote a ticket he likes himself. I do not think I am bound to tell what ticket I have been voting. I voted for Mayor Henry. That is just the man what did suit me. I did not care whether he was a democrat or republican; he was the man that suited me.

Question. Do I understand you to say you do not know whether you voted a democratic or republican ticket?

Answer. I expect Mayor Henry was a republican. I do not know who was inside—whether he was a democrat or republican.

Question. Who did you get your tickets from?

Answer. I had a whole load of them.

Question. What person gave you a ticket?

Answer. I think a half a dozen persons gave me tickets, enough to make a basket full.

Question. Not having examined the inside of your ticket, you cannot say definitely in regard to the political character of the ticket, except on the mayor? You can say nothing about the congressmen?

Answer. No, sir.

Question. Did you untie your ticket?

Answer. I cannot tell you, sir.

Question. How do you know you voted for Henry?

Answer. That name was outside.

Question. Was the word mayor and the name of Mayor Henry outside?

Answer. Henry for mayor was outside the ticket. I cannot swear to any thing like that. Had I known the names inside I could not know who would be this gentleman, or the other.

Question. Mayor Henry's name on the ticket you examined was on the top of the other tickets you voted?

Answer. I believe it was. They were tied together.

Question. How long have you been in the country?

Answer. I answered the question: nearly ten years.

Question. Have you your papers with you?

Answer. I have one; the date is 11th September, 1860.

Question. When you went to the polls to vote, October, 1862, what time was it?

Answer. It was, maybe, two or three minutes before the time to close.

Question. Were there many persons there?

Answer. Yes, there were a good many there.

Question. Did you ask any one for a ticket?

Answer. No, sir ; I had enough at home.

Question. What ticket did you take with you from your home ?

Answer. I cannot say more than I did before. It was for Henry. You can call him a republican or democrat; it was no matter to me at all.

Question. What ticket did you make up your mind to vote, the democratic or republican ticket ?

Answer. I never made my mind up to vote for this party or the other party. I only saw who the men were.

Question. Did you deposit the ticket you took from your home ?

Answer. Yes, sir.

Question. Did you examine the ticket at your home, or at the polls, or at any other place ?

Answer. I examined my one, so far as I saw who was on the ticket for mayor.

Question. Did you only vote for the mayor ?

Answer. I expect there were a few more votes in it.

Question. Did you examine them ?

Answer. No, sir.

Question. From whom did you get your ticket ?

Answer. I can't say if it was this or another man—John or George.

Question. Was there a member of Congress on that ticket ?

Answer. Can't tell you, sir.

Question. When you went to the polls, what objections were made, if any, about the tax receipt ? Were you asked for your papers ?

Answer. No, sir ; I don't think they did.

Question. You were asked for a tax receipt, and you produced a receipt for taxes paid in Delaware ?

Answer. They asked for the tax receipt. I said I could show one for Delaware.

Question. You showed it ?

Answer. Yes, sir.

Question. Handed it in ?

Answer. Yes, sir.

Question. They handed it out ?

Answer. Yes, sir.

Question. They did not say they were dissatisfied ?

Answer. No, sir.

Question. First, they said you must show a tax receipt ?

Answer. Yes, sir.

Question. You showed a tax receipt for taxes paid in Delaware. Was any objection made to that ?

Answer. Yes, sir ; first, they said I ought to show a tax receipt for Pennsylvania. Some other men made objection ; said "I am only bound to pay tax receipt in one State, not in two States." They were of this side and took the vote.

Question. Was any objection made as to your being a resident ? You have never paid taxes here ?

Answer. Not since I have been here, Maybe I paid before I had gone away.

Question. Have paid no taxes since you went to Delaware ?

Answer. Since I moved from Delaware ; I cannot recollect if I did pay before I moved.

Question. Have you paid any tax in the State of Pennsylvania since you moved from Pennsylvania to Delaware ?

Answer. I can't recollect whether I did or not.

Question. Have you paid any since you came from Delaware to Pennsylvania, in Pennsylvania?

Question. Did any one at the poll inquire whether your name was on the assessor's list?

Answer. I do not think they did. I don't recollect.

Question. Did any one vote after you did?

Answer. I put my vote in ; went right straight home.

Question. Didn't see anybody vote afterward?

Answer. No, sir.

Question. Who went with you to the polls?

Answer. Nobody was along with me ; I went alone.

Question. How came you to go so late?

Answer. I couldn't get off. Men came, and said "they were going to vote ;" bothered me all day. I never made up my mind not to vote. Nobody was there at all to put me up. I made my mind up not to vote. I did not care about it.

Question. Then you changed your mind?

Answer. So I did.

Question. The ticket was tied up, you were satisfied, and took it for Mayor Henry. You voted the whole ticket as tied up?

Answer. I did not know what was inside.

By Mr. Thayer. Question. Did you know if you voted for a congressman or not?

Answer. I did not know whether I voted for a congressman or not. I did not know for whom I voted. I did not look at any ticket except the mayor's ticket.

Question. Did you hear the name of Mr. Thayer or Mr. Carrigan before the election?

Answer. Not that I know.

Question. Did you know a republican or democratic candidate for Congress? Did you hear anything about it? Did you ever hear, previous to the election in October, 1862, there was a democratic candidate for Congress or republican candidate for Congress, who must be voted for?

Answer. It is too much. I cannot recollect if I heard or not.

Question. Did you know there was a congressman to be elected? Did you hear anything about that?

Answer. I think I saw it on the paper.

Question. Did you see in the paper there were two candidates?

Answer. That I can't remember. There must be some objection ; I don't recollect.

Mr. Vansant. Question. Have you any recollection of having made up your mind to vote for congressmen at all?

Answer. I never had it in my mind to vote for this one or the other one for Congress, because I could not make up my mind to vote for this or the other gentleman: I knew neither of them.

Question. How often have you voted in Philadelphia?

Answer. This is the first time I voted.

Question. Did you vote in the State of Delaware?

Answer. Yes, sir.

Question. What ticket did you vote?

Mr. Thayer. I object to that as being entirely irrelevant.

Answer. I voted for President. I don't think I have to say that I voted for Douglas.

Question. How often did you vote in Delaware?

Answer. Once.

Question. You have only voted twice since you have been in this country?

Answer. I do not think I voted more than once in Delaware; as I recollect, I voted only twice.

CHARLES MEYERS.

Mr. Vansant, for contestant, produces Benjamin Shallcross, a witness for contestant, who being duly sworn, doth depose and say as follows:

Mr. Thayer objects to his examination, because he has not received ten days' notice of his intended examination, as required by the act of Congress.

Question. What is your name, your age, and where do you reside?

Answer. Twenty-nine years; on the Bustleton pike, above Frankford; the 9th division, 23d ward.

Question. Were you an officer of the election in the 23d ward?

Answer. Yes, sir; I was receiving inspector. I did not take the tickets at the window; I took them a portion of the time, and he took them the other portion.

Question. This was the October election, 1862?

Answer. Yes, sir.

Question. At that time did you hold any office of trust or profit under the United States or the State of Pennsylvania?

Answer. No, sir.

Question. Had you been a deputy United States marshal?

Answer. I had made the enrolment in the ward, returned my book in, and was considered outside.

Question. How long before the election was it you returned your book?

Answer. I can state the exact time. I was seven days making the enrolment there. I don't know, but I think it was September. I won't state positively the time. I have a poor recollection of dates. I was seven days making the enrolment. I returned my book as soon as I got done; I think it was in September; it was either in August or September, I would not be positive which.

Question. I understand you to say you did not on the day of election act in any way in the capacity of the United States marshal. Did you have in your possession a list of what is known as exemptions, those exempted by alienage, from the draft?

Answer. The night before the election, Amos Gregg, of Bustleton, asked me to take it; I said "No, I was inspector of the election." I got some one to take charge of it. No one was allowed inside the room. A man outside had the list.

Question. Was he a deputy United States marshal? Had he a badge on?

Answer. He had a list. No one at that poll had a badge on; no one had a distinctive appearance; so far as my knowledge was concerned, there were no names taken at all.

Question. This gentleman you speak of on the outside had a list of the exemptions?

Answer. So far as I understand he was getting a list of the exemptions. The list was got by me the night before. I gave it to some one. I won't positively say whether I gave it to the man outside or not. I can't say positively who it was. I did not want it about. I did not want to act in any way or shape as an officer of the United States. When I returned my book, I was only appointed to do that work; I thought I was done with it after that time.

Question. Your bill to the government only included that time. You considered your services ceased?

Answer. Yes, sir.

[Paper handed witness, marked Schedule No. 5, indorsed J. H. C. and W. R.]



Question. He is asked to say whether he saw any bills of this character about your poll?

Answer. No, sir; I never saw anything like that around our poll.

By Mr. Vansant. You have stated you were a deputy marshal. Were not you a deputy marshal?

Answer. I made the enrolment up there. I never got a regular certificate up there at all.

Question. Who appointed you to make this enrolment?

Answer. William Millward.

Question. He is a United States marshal?

Answer. I believe he is, to the best of my knowledge. I never saw his authority to act. I could not be sworn to my own knowledge he is.

Question. You made the enrolment upon the authority he gave you?

Answer. Yes, sir; I had the authority.

Question. You say you assisted to make that enrolment?

Answer. Yes, sir.

Question. You returned it to whom?

Answer. To his office, to one of his clerks.

Question. Can't you recollect about what time you made that return?

Answer. I cannot exactly; I had no cause to charge my mind. I know it was, I think it was, in August; I would not be positive.

Question. You say you made that return to the office of William Millward. Have you been there since?

Answer. No, sir.

Question. Have you been discharged?

Answer. We were appointed to make the enrolment. When we got through we rendered our bills, and I then considered I was discharged. I gave up my book and was told to go, and did it.

Question. Have you rendered your bill?

Answer. Yes, sir.

Question. Has it been paid?

Answer. No, sir.

Question. Have you received a notification from William Millward of your being discharged from your services?

Answer. No, sir; nothing more than return the books; they said it was all they had for us to do.

Question. You have received no notification of your discharge from the duty of making the enrolment?

Answer. No, sir; I have got no notice.

Question. You have said there was a list of persons not drafted or not liable to be drafted prior to the election in 1862. There was a list handed about?

Answer. Yes, sir; there was a list handed about.

Question. By whom?

Answer. It was handed to me by Amos Gregg, of Bustleton, commissioner under the State, I think; I do not know where he got his authority at all.

Question. He was holding under the United States government and the State government?

Answer. Some, I do not know what.

Question. He was presiding over the enrolment by the authority of either the United States government or the State government?

Answer. I think it likely he has.

Question. You say he handed these about; for what purpose?

Answer. He wanted me to take the job, and asked me if I could not procure a man to do it.

Question. What job?

Answer. I suppose he gave me a list; he did not go into details. It was understood if any men presented themselves there to vote, who had sworn they were not citizens, to enrol them as citizens; I suppose that was the intention of the act. The list was handed me; he told me it was a list.

Question. You say if there were persons who had sworn they were not citizens come up and said they were citizens, you were to put them down as liable to enrolment?

Answer. He asked if I could not do it. I never accepted the position.

Question. Did you take it?

Answer. I took a copy of the list. I do not know for certain whether I took his list, or took a copy of it. I took a copy of it for my own information.

Question. What did you do with the copy?

Answer. I cannot tell what became of it; I suppose I carried it until it became worn out. He asked if I could not get a man to act. I did not appoint him. I saw a man; I asked him if he would serve; he said he would. I think Gregg saw him; I don't know what arrangements he made.

Question. I understand you said you could not do it yourself; you were inspector; you would get a man.

Answer. I suppose he attended, for I saw him; he said he would attend to it. I saw him as a private individual; he made no report to me; he had attended to it.

Question. Have you ever been called upon to report as to this matter?

Answer. No, sir.

Question. Have you had a conversation with Gregg since?

Answer. I do not know whether anything has been said about that; I saw him frequently.

Question. Anything said or done about it?

Answer. Nothing was said about paying, or anything like that.

Question. I understand you to say you rendered a bill and received no pay or regular discharge from Mr. Millward, or any one else in the employ of the United States government or the State government?

Answer. I received no regular discharge. I had no regular appointment when I took my book. I asked "was that all to be done;" he said "yes." I considered I was an outsider.

*Cross-examined by Mr. Thayer.*

Question. I understand you to say, some time in the summer of 1862 you were appointed an agent to make the enrolment for that division; that you were allowed seven days to complete it.

Answer. There was no specified time. I completed it in seven or eight days.

Question. You returned your work and have had nothing since then to do with it. That was before the election in October?

Answer. That was the only duty I was called upon to discharge. I never did anything one way or the other.

Question. That duty was finished before the election day?

Answer. Yes, sir.

Question. You did not receive the appointment of deputy marshal from anybody?

Answer. I do not know the name or style they were under. I know I was appointed to make the enrolment. I never got a regular certificate of appointment.

Question. The election in your division was conducted in a fair and proper manner?

Answer. So far as I know and was concerned, everything was done fair and square.

Question. No one objected to your acting as inspector of the election?

Answer. Our judge knew I had been one of the enrollers. I had enrolled one of his sons. He never objected in the least to my acting. He, Otteman, was a democrat. He is considered so. I believe he is.

Question. Nobody made any objection to your acting?

Answer. No, not in the least.

Question. So far as you could see, the election was conducted in a fair and proper manner?

Answer. I think everything was fair and square.

Question. Both parties were represented as usual in the board of officers conducting the election?

Answer. Yes, sir.

Body adjourned to 12½ p. m., February 7, 1863.

FEBRUARY 7, 1863.

Body met pursuant to adjournment.

Present: Chas. W. Carrigan, contestant, with Jas. C. Van Dyke, his attorney; M. Russell Thayer, esquire, incumbent.

Mr. Van Dyke, on the part of the contestant, calls William Best, a witness for the contestant, who, being duly sworn, doth depose and say as follows:

Mr. Thayer. I object to his examination because I have not received ten days' notice of his intended examination, as required by the act of Congress.

Question. What is your name?

Answer. William Best.

Question. Where do you reside?

Answer. Milestown.

Question. That is the 20th division, 22d ward?

Answer. Yes, sir.

Question. Are you a qualified voter of that division?

Answer. Yes, sir.

Question. How long have you been so?

Answer. In that division since I have been a voter, some 25 years.

Question. How long have you been a voter in the 22d ward?

Answer. From 1840 up to the present time, with the exception of six years. From 1842 to 1848 I resided in the State of Delaware.

Question. Since 1848 you have voted where?

Answer. I did live in Montgomery from, I think, about 1850 to 1852; since then in the 22d ward.

Question. Since 1852 you have lived in the 22d ward continually?

Answer. Yes, sir.

Question. Whereabouts?

Answer. In Milestown. We have had the division altered since I lived there. It was then Bristol township; now divided into two precincts.

Question. The ward has been made?

Answer. Yes, sir; and the township has been divided into two precincts since I resided there.

Question. Were you an officer of the election in October last?

Answer. No, sir.

Question. Did you attend at the window?

Answer. No, sir; I did not attend at the window. I was there pretty much.

Question. Not in a capacity?

Answer. No, sir.

Question. You know Joseph Dando?

Answer. Yes, sir.

Question. Where does he reside?

Answer. He is my next neighbor.

Question. How long has he resided as your next neighbor?

Answer. To the best of my knowledge, about a year the last of this month or the first of next. I am not positive as to the time.

Question. He came since the first of January, 1862?

Answer. Yes, sir.

Question. Where did he move from to the place?

Answer. From New York, I understood him to say.

Question. Did he ever live in this State prior to his moving here January, 1862?

Answer. Not to my knowledge.

Question. Did he vote at the October election, 1862?

Answer. Yes, sir.

Question. Did you give him his ticket?

Answer. No, sir.

Question. Did you see the ticket he voted?

Answer. Well, I can't say. I saw the outside. I don't know what he voted. I saw the ticket he handed in.

Question. Did he vote the same party ticket that you voted?

Answer. That I can't say.

Question. Was the heading different in the two parties' tickets?

(Mr. Thayer. That is objected to.)

Answer. I did not observe that.

Question. Did he produce any tax receipt?

Answer. Not that I saw; not that I know of.

Question. You do not know whether he was challenged or not?

Answer. Challenged; I objected to the vote on account of the residence. I did not consider. I was under the impression a person in the State, moving from another State, had to be there a year. On that ground I objected to the vote.

*Cross-examined by Mr. Thayer.*

Question. Dando still lives there?

Answer. Yes, sir.

WILLIAM BEST.

Mr. Van Dyke now produces a witness on the behalf of contestant, who, being duly sworn, answers as follows:

Mr. Thayer objects to the examination because he has not received ten days' notice of his intended examination, as required by the act of Congress.

Question. What is your name?

Answer. Joseph C. Dando.

Question. Where do you reside?

Answer. Milestown, 22d ward.

Question. Next door to William Best?

Answer. Yes, sir.

Question. Did you live there in October, 1862?

Answer. Yes, sir.

Question. You are the gentleman to whom he referred as having voted at the poll in 1862, at Milestown?

Answer. Yes, sir; I believe so.

Question. Do you know which ticket you voted at that election ?

(Mr. Thayer. I object to that.)

Answer. I voted a ticket with J. Russell Thayer, or whatever the name is.

Mr. Van Dyke. You mean M. Russell Thayer.

Mr. Thayer. You state you voted a ticket with J. Russell Thayer on it ?

Witness. I believe that was the name.

Mr. Van Dyke. You said J. Russell Thayer. Was it J. or M. Russell Thayer ?

Answer. Indeed I don't recollect.

Question. You are sure, however, the ticket you voted had the name of Russell Thayer for Congress.

Answer. I am sure of that.

Mr. Thayer. I object to that question as indicating the answers which are desired, therefore being leading and totally improper.

*Cross-examined by Mr. Thayer.*

Question. Were you a qualified voter ?

Answer. Yes, sir; I believe I was.

Question. Were you challenged ?

Answer. Yes, sir.

Question. Did you make proof of your qualifications ?

Answer. Yes, sir.

Question. Were you then permitted to vote ?

Answer. Yes, sir.

Question. The officers agreed you had the right to vote, didn't they ?

Answer. Yes, sir.

*Re-examined by Mr. Van Dyke.*

Question. You have stated you believed you were a qualified voter ?

Answer. Yes, sir.

Question. Be kind enough to state what you mean by a qualified voter.

Answer. The question was raised at the time: I should live here a year, being a citizen of another State. I happened to be a native of Pennsylvania, living in New Jersey; had business in New York. Came back here; residing six months made me a qualified voter.

Question. You were born in the city of Philadelphia ?

Answer. No. 18 Prune street, Philadelphia.

Question. At whose house ?

Answer. I do not know the name of the owner; I used to be next door to McLaughlin's stables.

Question. You were born there ?

Answer. Yes, sir.

Question. A native, born in Prune street ?

Answer. Yes, sir.

Question. Who was your father ?

Answer. Joseph Dando, an accountant, and teacher of bookkeeping in the city of Philadelphia.

Question. When did you leave the State of Pennsylvania ?

Answer. I left it several times; the first time was eight years ago.

Question. How old are you now ?

Answer. Thirty-three years old.

Question. You were, then, past twenty-one years when you left the first time ?

Answer. Yes, sir.

Question. When ?

Answer. I resided, as near as I can recollect, about three years here, in the first place, before I went to New York.



Question. What year did you leave for New York after you resided here three years?

Answer. As near as I can recollect, 1855.

Question. When did you return after that?

Answer. I returned after that in the fall of 1857.

Question. How long did you remain?

Answer. About a half year.

Question. Whereabouts?

Answer. 12th street, between Arch and Race streets.

Question. Where did you go after that?

Answer. Went back to New York, attended to business, and resided in Bergen.

Question. Staid there until January, 1862?

Answer. Staid there until January.

Question. When you returned to Pennsylvania and resided in Milestown?

Answer. We resided in Philadelphia until we took the house in Milestown. We moved out there about the middle of February.

Question. Where were you assessed prior to October, 1862, if anywhere?

Answer. I paid taxes in Jersey and paid taxes in Milestown.

Question. Were you on the assessor's list in Milestown?

Answer. I do not know, sir.

Question. What day did you pay taxes in Milestown?

Answer. On the day of the election.

Question. Was the assessor's list examined to see if your name was on it at the time you paid taxes?

Answer. That I don't know.

Question. Had you ever been assessed in Pennsylvania prior to that election?

Answer. Yes ; I paid taxes a number of years ago.

Question. You have not since you left, in 1855?

Answer. No.

Question. Prior to that you had been assessed and paid taxes.

Answer. Yes, sir.

Question. At the time you left Pennsylvania, in 1855, the last time, I understand, of your leaving the State.

Answer. 1858 was the last time I left home to go to foreign parts.

Question. It was your intention to remain.

Answer. Yes, sir, I did.

Question. You subsequently changed your mind and returned to Pennsylvania, in January, 1862.

Answer. Yes, sir.

Question. But at the time of your leaving the State your intention was to change your residence, in 1858.

Answer. I meant to make New Jersey my home for the time I was there.

Question. You did so.

Answer. Yes, sir.

Question. To whom did you pay taxes on the day of the election, 1862?

Answer. To Esquire Joseph Mears.

*Re-cross-examined by Mr. Thayer.*

Question. How old were you when you first went away from Philadelphia ; did you say over 21?

Answer. Yes, sir.

Question. You were born in Pennsylvania, and lived here until you were 21.

Answer. Yes, sir ; I lived here until I was 24 or 25.

Question. Then you went to New Jersey.

Answer. Yes, sir.

Question. You returned to Pennsylvania.

Answer. Yes, sir ; during the panic of 1857 I came home.

Question. You went to New York, and resided in New Jersey.

Answer. Yes, sir ; Bergen Hills, New Jersey.

Question. You had been in the State six months before you voted.

Answer. Yes, sir.

Question. Your home had been, for more than six months, in Milestown.

Answer. Yes, sir.

Question. Did you examine the assessor's list ?

Answer. I did not.

Question. Do you know you were assessed ?

Answer. I don't know ; I presume I was.

Question. You did not ask the assessor, and did not examine the list.

Answer. No, sir.

Question. You may be assessed without your knowledge.

Answer. Very likely I was ; the idea of paying my taxes was to qualify my vote, as I understood it.

J. C. DANDO.

Mr. Van Dyke, for contestant, produces J. Roberts as a witness, who, being affirmed, deposes and says as follows :

Mr. Thayer. I object to the examination of the witness because I have not received ten days notice, as required by the act of Congress.

Question. What is your name ?

Answer. John Roberts.

Question. Where do you reside ?

Answer. I reside in the 6th precinct, 22d ward.

Question. You voted at the Town Hall, now occupied as a United States hospital.

Answer. Yes, sir.

Question. Were you an officer of the election in October, 1862 ? If so, what office ?

Answer. I acted as clerk.

Question. As clerk to the inspector, or return inspector ?

Answer. To the inspector.

Question. Do you remember whether the question was raised before the officers of the election as to the right of persons who claimed residence and the privilege of voting, only upon the ground of their being in the hospital, whether that question was decided by the officers ?

Answer. There was a question as regards those who had temporary residence, being sick, in the hospital. There was such a question raised.

Question. That is, the persons who had no other residence in the division or the ward, except that required by the reason of their being sent to the hospital as convalescent, sick, or disabled soldiers ?

Answer. That was the question.

Question. There were, I am informed, a number of persons residing in the hospital in that way who presented themselves as voters ?

Answer. There were.

Question. How was that question decided by the officers, to receive the votes or reject them ?

Answer. It was decided to receive them.

Question. Will you state how many of the patients at that hospital voted under that decision ?

Answer. There were, to the best of my knowledge, 11 voted—John Quinn, No. 19; Ed. Bender, 45; Fred. Hines, 59; Geo. N. King, 67; Geo. Scheifle, 69; Allan Jordan, 76; Geo. Martin, 87; Jesse Diarment, 137; William Black, 141; Wm. M. Smedley, 187; Jas. McKilty, 191.

Question. These numbers you have given from 19 to 191; are the numbers showing the time when these persons, respectively, voted, as appears upon the tally list?

Answer. Yes, sir; there was marked upon the tally list, opposite their names, which I kept and my neighbor kept, the gentleman who first acted as clerk; we both marked them "soldier," on account of this question being raised, when it was announced they were soldiers. It appears on the tally list in the box as well as the one returned to the court; to the best of my knowledge, it was.

Question. Whose tally list was put in the box?

Answer. That I cannot say.

Question. Do you remember whether Mr. Thayer, as the candidate for Congress, had about the same number of votes that were polled for the other candidates on the other tickets for the other officers?

(Mr. Thayer. That is objected to.)

Answer. If my memory serves me right, it was about the same vote the mayor had, probably a few more than the others. If there was one scratch one hour, there was one another; the candidates ran regularly.

Question. Did the party whose names you have mentioned as "soldier voters" vote full tickets?

Answer. Yes, sir.

Question. That appears upon the tally list?

Answer. Yes, sir.

Question. Was there a distinction in the heading of the democratic ticket and one of the republican ticket?

Answer. There may have been. I understood there was a difference. I paid so little attention, acting as clerk.

Question. Do you know which ticket any one or all of the persons you mentioned voted?

Answer. I have no knowledge, of my own self. I did not see any one ticket they put in the box.

Question. Have you any other means of knowledge or information on that subject?

Answer. Yes, sir; I think I could infer by the votes.

(Mr. Thayer. That is objected to.)

Answer. I think it could be ascertained; we kept an hourly tally and marked at each hour. When the box was put off the table, we immediately said, "11 o'clock!" Then the vote began again for the next hour. The next hour we marked 12 o'clock. All that time we polled so small a vote on the ticket I was voting, we sometimes tallied one vote, sometimes two, sometimes only three or four. We, of course, knew who did vote our ticket. It appeared very evident to those in the room we could not have but one, only one democratic vote; that all others, except King, for instance, must have voted the other ticket. That was the reason the word inference was used.

Question. I understand you to say the ground upon which you inferred the ticket the soldiers voted is, you knew what votes were polled by democrats, and there were not enough votes polled by them to make up the number of votes polled during the hour.

Answer. When they counted off, there would be, for instance, 18 tickets in the boxes; we counted that way. Among these would be two democratic votes. I know, at one hour, Heberton and Young went out and voted;

they were acting as officers. I jokingly suggested, "Gentlemen, if you did not vote, we would not have had a vote this hour." During that hour one or two of these soldiers voted. Had they voted democratic, there would have been three tickets in the box.

Question. From such information, to the best of your knowledge and belief, how did these soldiers vote?

(Mr. Thayer. I object to that question, because the witness has stated he has no personal knowledge how they voted. His inferences are not evidence.)

Answer. I believe, from the best of my knowledge, from the evidence presented, that 10 of them, of the 11 I kept, voted for Mr. Thayer, and the other man, Mr. George Scheifle, was a soldier. I have marked him down. He had been a resident of this ward before he went away to the war. He voted in the same time as the others. I had known him several years. He had been a blacksmith in my neighborhood, but he had been away and, of course, lost his residence. He voted the democratic ticket. The rest, to the best of my knowledge and belief, voted the other way.

Question. Did they claim the right to vote, so far as the question of residence was concerned, upon any other ground than that of being sick or disabled soldiers in the hospital?

Answer. They claimed upon the evidence of having been 10 days in the district. The officers of the election took the other point.

Question. That 10 days was the whole ground?

Answer. That was the whole ground. They all admitted, frankly, he was a soldier. One soldier, Fred. Hines, said he was a resident of Alleghany county; Black, of Washington county. The gentleman opposite me said it did not seem right he should vote when he claimed residence in Alleghany county, and claimed residence in the hospital.

Question. Can you state from what place or places any of the voters came?

Answer. Black and Hines were from Alleghany county; all from the interior of the State. They gave their counties as they voted. We asked the question as they voted. Some had and some had not tax receipts.

Question. Mr. Roberts, you are an old resident of this town?

Answer. I have lived in the town five years; I have lived in the ward all my life.

Question. Born here in Germantown?

Answer. Born in Bristol township, in the ward.

Question. You are how old now, or nearabouts?

Answer. Forty-two.

*Cross-examined by Mr. Thayer.*

Question. Who voted in the same hour with John Quinn?

Answer. That I don't know.

Question. Who voted in the same hour with Edward Bender?

Answer. That I don't know.

Question. Who voted in the same hour with Fred. Hines?

Answer. That I don't know.

Question. George N. King?

Answer. That I don't know.

Question. George Scheifle?

Answer. I don't know.

Question. Allan Jordan?

Answer. I don't know.

Question. George Martin?

Answer. I don't know.

Question. Jesse Diarment?

Answer. I don't know ?

Question. Who voted in the same hour with William Black ?

Answer. I don't know.

Question. William L. Smedley ?

Answer. I don't remember.

Question. James McKilty ?

Answer. I don't know. The tally list, that is, the original copy of the time they voted, corresponds with the tally list, but I did not charge my memory of who voted during this hour.

Question. In what hour did John Quinn vote ?

Answer. I think he voted the first hour the poll was opened—about nine o'clock.

Question. In what hour did James McKilty vote ?

Answer. He voted somewhere about four o'clock, probably.

Question. Probably ?

Answer. I think about four or five o'clock.

Question. You are guessing at his hour from the number of each of the names on the list ?

Answer. Yes, sir ; I have no knowledge of what time they voted from any other fact.

Question. You did not see the votes of any of these men ?

Answer. Not the paper. There was but one man ; that was Jesse Diarmant's, at dinner. I remember the question was renewed. The contest stated a man living in Alleghany or Washington county. It was discussed again. We got up from the dinner-table and took his vote. That is all the impression I have of when any of them voted ; the others I have no knowledge how any of them voted.

Question. Your own knowledge, as to the manner these men voted, is founded upon your inference as to the manner in which other persons voted in the same hour ?

Answer. Yes, sir.

Question. Your inference in regard to the manner these persons voted is founded entirely upon your opinion in regard to their party connexion and party prejudices ?

Answer. And from the fact of their saying they did vote the ticket, and being an officer of the election.

Question. State how many told you what ticket they voted, and the names.

Answer. I think not one of them told me after he voted.

Question. Not one told you how he had voted ?

Answer. I don't think any one told me, except one gentleman. There had been a question between the gentlemen upon a ticket ; he showed it to me, and said now I have voted. It was J. N. Young.

Question. It is not customary to tell how parties vote. Only one man told you, that was James Young ?

Answer. I think only one told me.

Question. I am right in saying your inference, as to the manner the soldiers voted, is founded on the supposition as to the manner in which other people voted ?

Answer. That, and the fact of their having received their tickets from those who were electioneering on what was called the republican Union ticket, or whatever it was.

Question. What soldier did you see get a ticket, and from whom did you see him get it ? Name him.

Answer. I so understood, acting as clerk. I could not name one.

Question. You cannot answer as to bring it down ?

Answer. I can't say one.



Question. Your supposition as to the manner in which they voted is based upon your supposition as to the manner in which others voted

Answer. Mainly upon that, and partly upon the fact that these men were taken by the committee to the assessment and assessed.

Mr. Van Dyke. By the republican committee?

Answer. Yes, sir. This fact I can say of my own knowledge.

Mr. Thayer. In voting? You have no certain knowledge except the manner the others voted; you have no personal knowledge?

Answer. I have no personal knowledge.

Question. You have, therefore, no knowledge in reference to the manner in which these soldiers voted?

Answer. Not any one of them, sir.

Question. Not one of them?

Answer. Not one of them, only from general inference.

Question. You have said some of them exhibited tax receipts. Do you recollect some of them went to Philadelphia and brought their tax receipts from other parts of the city?

Answer. I do not. I recollect hearing about such a circumstance. I do not know whether it occurred at our window or in the fifth precinct, I cannot state; but generally I have no personal knowledge.

Question. You did not see the tickets of those persons who voted the same hour with the soldiers, did you?

Answer. No, sir.

Question. Nobody questioned the fact—the soldiers had resided ten days in the precinct?

Answer. Not that shape. I don't know that any one did.

Question. They claimed to vote upon a ten days' residence in the hospital, which was in that precinct?

Answer. The only objection to the vote was, it was not a residence. They claimed it was.

Question. It was claimed by one party it was not sufficient residence to qualify them?

Answer. Yes, sir.

Question. When you stated you believed, from the best of your knowledge, that ten, at least, of them voted for Mr. Thayer, you did not mean to say you have any knowledge upon the subject, any personal knowledge upon the subject?

Answer. Nothing more than from general inferences drawn from a certain connexion of the circumstances.

Question. The only belief you have is founded upon your inference?

Answer. That is all, sir.

*Re-examined by Mr. Van Dyke.*

Question. Do you recollect how many votes Mr. Carrigan had in that division altogether?

Answer. I think 61—60 or 61, I am not certain. I have no way of refreshing my memory. I think the average democratic vote was about 60 or 61; it may have been one or two less.

Question. From whom did these soldiers produce tax receipts?

Answer. From whom did they produce them?

Question. I say, by whom were the receipts signed which the soldiers produced you have mentioned?

Answer. I did not see the receipts. I think from Jacob Good. He is a receiver of taxes. He was in his office on that day. I am not positive, as regards that.

Mr. Thayer. Do you know the fact that these men, or any of them, were assessed upon the extra assessment?

Answer. Some of them were.

Mr. Van Dyke. Do you know who was the assessor who assessed them?

Answer. The assessor was Keyser, or Hessem.

Question. The putting a man's name on the extra assessment does not decide his qualification as a voter?

Answer. I do not understand it so.

Question. Any person claiming residence in the division or ward can go to the assessor and have his name put on the list; that has been the practice?

Answer. I so understood it. It has been the practice.

Question. The question as to whether he has the privilege of voting comes before the officers of the election?

Answer. That inevitably follows.

Question. The officers of the election, on this occasion, differed as to the right of the men to vote, did they not?

Answer. Yes, sir.

Question. The democratic inspector took which side?

Answer. That it was not right to receive these votes.

Question. The republican inspector?

Answer. Thought he had. It was left to the judge.

Question. The inspectors divided?

Answer. We put it to the general understanding. The inspectors disagreed. It was referred to the judge whether he would take the name and vote. The judge decided he would take them.

*Re-cross-examined by Mr. Thayer.*

Question. Do you think that any of the soldiers who voted in that division on that day voted the democratic ticket?

Answer. I have no knowledge of my own. I think the one I have mentioned did. I knew him to have been a democrat before he went to war. He lived near where I did. I had no knowledge. I stated I did not see the ticket.

Question. You have as much knowledge in regard to his vote as the others? In both cases it is your own inference?

Answer. My own inference.

Question. Rather a surmise, or opinion, founded upon what you stated before?

Answer. Yes, sir.

J. ROBERTS.

Mr. Van Dyke, on the part of the contestant, produces George Shingle, a witness on the part of the contestant, who, being duly sworn, deposes as follows:

Mr. Thayer. I object to the examination of the witness because I have not received ten days' notice of his intended examination, as required by the act of Congress.

Question. What is your name?

Answer. George Shingle.

Question. Where do you reside?

Answer. In the 22d ward.

Question. That is your native place?

Answer. Yes, sir.

Question. In what division do you reside?

Answer. The 5th.

Question. Were you present at the election in October, 1862?

Answer. I was.

Question. Attended the division poll?

Answer. Yes, sir.

Question. Did you vote at that division?

Answer. I did.

(Paper marked Schedule No. 6, January 3, 1863.—J. H. C. and W. R. handed witness.)

Question. Look at that paper, and say whether you observed about the polls, on the day of the election, or in the neighborhood of it, papers of a similar character?

(Mr. Thayer. I object to that question as irrelevant.)

Answer. I cannot say I saw a paper of that description about the polls I saw that same description—I don't know whether it was election day or the day before. The day before I saw a paper of that description posted up. I can't say whether I saw it posted up the same day.

Question. Was there any person in attendance at that poll, representing himself as a United States deputy marshal, for the purpose of making an enrolment in the view of the draft?

Answer. There was.

Question. Had he a badge on?

Answer. I think he had a badge on.

Question. Was there a general report circulated through the division that the United States marshal would be in attendance to make an enrolment for the draft?

(Mr. Thayer. I object to that; it is not evidence.)

Answer. I do not know there was such a report.

Question. Had he a book there?

Answer. I do not know as he had; if he had, I do not remember seeing it.

Question. What was the name of the person who attended your poll as marshal?

Answer. Samuel Eastburn.

*Cross-examined by Mr. Thayer.*

I object to the whole of it as entirely irrelevant to the present issue.

GEORGE SHINGLE.

Parties adjourned to 1.30 p. m., February 9, 1863.

FEBRUARY 9, 1863.

Body met pursuant to adjournment. Parties present: Charles W. Carrigan, with James C. Van Dyke, his counsel, and John B. Thayer, counsel for the incumbent.

Under the 6th and 11th specifications, Mr. Van Dyke produces George L. Wiegner, a witness on behalf of the contestant, who, being duly affirmed according to law, makes answer as follows:

Question. What is your name?

Answer. George L. Wiegner.

Question. Where do you live?

Mr. Thayer asks for the specification.

Mr. Van Dyke, under the protest, states under the 6th and 11th specifications.

(Mr. Thayer objects to any testimony under these specifications, for the reasons specifically set forth in his answer to contestant's notice of contest.)

Question. Where do you live?

Answer. Randolph street, second door below Waterloo.

Question. What division of what ward is that?

Answer. I believe that is the 5th of the 25th.

Question. Where do you vote?

Answer. I vote at Frankford road, above Clearfield street.

Question. What is the name of the house there?

Answer. It is called the Half-way House.

Question. How long have you lived at this place?

Answer. I moved there the 25th of September, 1862.

Question. Where did you move from?

Answer. Hutchison street, between Master and Thompson.

Question. What division of what ward is that?

Answer. I think it was the 4th of the 20th. I am not positive as regards the number of the division.

Question. What is your birthplace?

Answer. I am German by birth.

Question. How long have you been in the country?

Answer. Some 26 years.

Question. Where were you naturalized?

Answer. Philadelphia.

Question. Have you your papers with you?

Answer. No, sir.

Question. Did you vote at the last election?

Answer. Yes, sir.

Question. Were you assessed?

Answer. I was assessed in the 20th ward.

Question. What division?

Answer. I think the 4th division; I am not certain.

Question. Had you paid a State or county tax?

Answer. I have paid it then two years previous to the election. I had paid one tax bill in 1861 to Alderman Haines, Tenth, below Thompson.

Question. Taxes on property or personal tax?

Answer. Personal tax.

Question. Personal tax, 25 cents?

Answer. Yes, sir.

Question. You paid them in 1861, for the purpose of voting at that time?

Answer. I paid them for the purpose of voting.

Question. You did vote in the 20th ward in 1861?

Answer. Yes, sir; not in the fall election, it was in the spring election, of 1861.

GEORGE L. WIEGNER.

Mr. Van Dyke, for the contestant, produces Thomas T. Holme, a witness for the contestant, who, being duly sworn, doth depose and say as follows:

Question. What is your name?

Answer. Thomas T. Holme?

Question. Where do you live?

Answer. I live in Lieper street, Frankford.

Question. In what division did you vote?

Answer. In the 5th, of the 23d ward.

Question. Were you an officer of the election held in that district in October last?

Answer. I was.

Question. As what officer did you act?

Answer. As return clerk.

Question. You acted as return clerk, and added up the votes?

Answer. Yes, sir.

Mr. John B. Thayer, prior to the examination of this witness, desired to know under what specification he was to be examined.

Mr. Van Dyke replied, the 28th specification.

(Mr. Thayer objected to the testimony being taken under this specification, for the reasons set forth in the answer to the contestant's notice of contest.)

THOMAS T. HOLME.

Mr. Van Dyke, for contestant, produces and hands to the justices, as part of the record, a copy of the protest in the records of the court of common pleas of Bucks county, dated October 17, 1862, hereto annexed, marked February 9, 1863.—Exhibit 16.—J. H. C. and W. R.

Mr. Van Dyke produces and hands to the justices a certified copy of the return, dated Doylestown, Bucks county, October 21, 1862, showing a majority of 62 for Mr. Thayer, which paper is hereto annexed, marked February 9, 1863.—Exhibit No. 17.—J. H. C. and W. R.

(Mr. J. B. Thayer objects to the reception of either of the above described exhibits as testimony in this case.)

Adjourned to February 10, 1863.

FEBRUARY 10, 1863.

Body met pursuant to adjournment. Parties present: Chas. W. Carrigan, contestant, with James C. Van Dyke, his attorney, and John B. Thayer, counsel for the incumbent.

Mr. Van Dyke, for contestant, calls Robert Cornelius, a witness on the part of the contestant, who, being duly affirmed according to law, doth depose and say:

Mr. Thayer desires to know under what specification the witness is called.

Mr. Van Dyke replies, the 6th generally, and the 10th specifically.

Mr. Thayer objects to the reception of any testimony under these specifications, for the reasons more particularly set forth in the answer to the contestant's notice of contest.

Question. Where do you reside?

Mr. Thayer. I object to the examination of the witness because I have not received ten days' notice of his intended examination, as required by the act of Congress.

Answer. I reside in the city and also in the country; in the 23d ward, above Frankford, in both places.

Question. Where about in the city do you reside?

Answer. 1027 Arch street.

Question. How long have you resided there?

Answer. Over ten years.

Question. Where in the country do you reside, when you do reside in the country?

Answer. My property is at the 6-miles stone, on the Bristol pike.

Question. That is in—

Answer. The 23d ward.

Question. What division?

Answer. I cannot tell you; I do not know.

Question. In the year 1862, when did you move from the city into the country?



Answer. In the month of May.

Question. At the time you moved there, your intention was to make that your summer residence.

Answer. I do not know that I had any intention except removing there, to the country.

Question. You kept your house open in the city?

Answer. No, sir.

Question. Furniture in it?

Answer. Furniture in it; the house was not open; no one lived in the city.

Question. You moved into the country as a summer residence.

Answer. As a summer residence; as a country residence.

Question. Had you any intention of remaining there the entire year 1862?

Answer. No, sir.

Question. Was it not your intention of returning to the city after the winter set in?

Answer. Yes.

Question. I understand you merely moved out there for a residence in the summer.

Answer. Yes, sir.

Question. Took your family with you?

Answer. Yes, sir.

Question. The members your family is composed of are whom?

Answer. Myself, my sons, and my son-in-law.

Question. What are your sons' names?

Answer. Robert, John C, and Charles. Mr. Cookman is my son-in-law.

Question. When did your family return to the city in 1862?

Answer. November, about the 5th or 7th.

Question. How long have you been in the habit of going to this place during the summer season in this way?

Answer. I think in the neighborhood of ten years.

Question. And during nearly all the time you have resided in Arch street, above Tenth?

Answer. Yes, sir.

Question. Where are you assessed, sir?

Answer. I am assessed in both wards in the city, and also in the country.

Question. Your real estate in the city?

Answer. Yes, sir.

Question. Where your personal estate?

Answer. I think, by accident, I was assessed in both places. I heard some one remark I paid in the city and county.

Question. Do you remember whether you were not assessed in the 23d ward—whether your personal assessment was not in the city?

Answer. I cannot say that at all; I do not know.

Question. You have been a voter, of course, many years.

Answer. Yes, sir.

Question. Did you, or your sons whom you have mentioned, together with your son-in-law, vote at the October election in 1862?

Answer. I did.

Question. Did your sons?

Answer. I will let them answer for themselves.

Question. Where did you vote?

Answer. I voted at the Seven Stars.

Question. You voted in the 23d ward, 9th precinct?

Answer. Yes, sir.

Question. Did you ever vote there before, sir?

Answer. That is the first time.

Question. Did you ever remain at your country residence so long a period on any former occasion since you have been living there?

Answer. I don't think I did.

Question. Did you on any former occasion remain until the second Tuesday in October?

Answer. I was always there election time.

Question. Never removed in before that period?

Answer. I don't recollect of having removed in during that time. I may have done so during the ten years; I do not think I did.

Question. Did you vote at the October election, 1861?

Answer. I think not.

Question. Did you ever vote at the October election during the time you have owned and made your summer residence this place in the 9th precinct?

Answer. I think I voted.

Question. On the occasions you have voted, where did you vote?

Answer. I voted at the corner of Tenth and Vine.

Question. You voted in the city where your city residence is?

Answer. Yes, sir.

Question. At the same ward your house is in—Arch street, above Tenth?

Answer. Yes, sir.

Question. You always voted there, although you resided at the time in the country during the summer season?

Answer. Yes, sir, excepting in this one instance.

Question. The year 1862?

Answer. Yes, sir.

Question. I understand this to be the condition of affairs: You have, upwards of ten years, lived in Arch, above Tenth, as your town residence. While living there you have owned and occupied, during the summer season, a country residence in the 9th division—what is now the 9th division—of the 23d ward, and voted at the Seven Stars, in the neighborhood of Frankford. That during these ten years you voted occasionally at the October election.

Answer. In the city.

Question. You have always voted in the city except at the October election of 1862?

Answer. Yes, sir.

Question. While voting in the city, you were, nevertheless, occupying as your summer residence this place in the country, in the same manner as you had in 1862. On no occasion did you move from your country residence until after the October election?

Answer. That is so.

Question. You voted on the idea that the city was your residence. Of course, on the occasions you voted in the city, you voted on the idea the city was your residence.

Answer. Yes, sir.

Question. In October, 1862, had you determined to change residence or domicile?

Answer. In October, 1862, my thoughts were it was very inconvenient to go to town, more especially as my health was not very good. I thought it more convenient to vote where I lived at that time. I inquired, and ascertained it was my privilege to vote at that place. Of course, I took advantage of that point.

Question. You made no other.

Answer. I think I resolved hereafter I would vote at that poll because it is more convenient to me. I am at that point in the summer. The reason

I did not vote the year before was because I was not in a condition to come to town and vote.

Question. You did not determine to make that your permanent residence?

Answer. I did not determine; it was a question. The matter was discussed at my house how they would like it. The matter was often brought up.

Question. You never have determined to make it your permanent residence?

Answer. We have made no decision.

Question. Your sons, whose names you have mentioned—their residence follows your own; they live with you?

Answer. No, sir, they do not.

Question. In the city they do not live with you?

Answer. No, sir.

Question. In the country they do?

Answer. You are speaking in the plural. If you speak in the singular, I will answer, but one of my sons lives at his own home.

Question. The other sons live with you in the city?

Answer. Live with me in the city and in the country.

Question. Robert also lives with you in the country?

Answer. He stays there; he does not remain as long as we do.

Question. You have that place still?

Answer. Yes, sir.

Question. At present it is your intention to return to it in the spring?

Answer. Return to it as usual; yes, sir.

Question. Did you vote at the October election for any person for member of Congress?

Answer. Yes, sir; I intended to vote at any rate.

Question. Do you know how you voted?

Answer. Yes, sir.

Question. Will you please state for whom you voted?

(Mr. Thayer objects to this question on the ground that the witness cannot be compelled to answer for whom he voted. The witness is privileged under the law not to disclose, unless he so desires to do, the name of the person for whom he voted. Mr. Van Dyke replies, there is no such privilege. The vote being of doubtful validity—a question to be decided by the committee of Congress. It is certainly competent for the question to be asked, even under the rule of the courts here, which is a much more liberal one than the rule of Congress. Subject to the objection the question will be repeated.)

Question. Will you be pleased to state for whom you voted?

Answer. My counsel has given me direction; I need not tell that.

Question. I understand you to refuse to say for whom you voted.

Answer. I do.

Question. Since you refused to state for whom you voted, be so good as to state whether you voted for Mr. Carrigan?

Answer. I also refuse to answer that.

(Mr. Thayer. I object to that question.)

Question. You state your counsel had advised you not to answer that question. Be kind enough to state who is your counsel?

Answer. I object to telling you that.

Question. From whom did you receive your ticket?

Answer. I think that one of my sons brought it to me. I am not certain.

Question. Which son, sir?

Answer. My son John.

Question. Did he state, sir, or have you any other means of knowing whether the ticket he got you was of the same character as the one he voted himself?

Answer. I don't know which one he voted.

Question. You never heard him state?

Answer. I think he voted an entire ticket; I didn't.

Question. Did you hear him state what he voted?

Answer. I think I know what he voted.

Question. What did he vote?

Answer. I think he is able to answer for himself.

Question. What ticket did he tell you he voted?

Answer. I don't know what ticket he voted.

Question. I think you stated you were aware of what ticket he voted; what ticket do you think he voted?

Answer. I suppose I would call that the republican ticket. I am not much of a politician; I am willing to acknowledge I am not.

Question. Do you know, sir, whether yourself and your sons, such of them as did vote, as well as your son-in-law, all voted the same kind of ticket?

Answer. Two of them did not vote at all. Mr. Cookman did not vote and my son.

Question. The other sons who did vote, did they vote the same ticket as yourself?

Answer. Of course I cannot tell.

Question. Did they vote the same ticket that you did?

Answer. They did not vote the same ticket as I did.

Question. So far as Congress was concerned?

Answer. They will be called up as witnesses.

(Mr. Thayer objects to all of the examination, which is entirely irrelevant, and not from the knowledge of the witness himself, but hearsay.)

Question. Please state whether you are not aware, either from conversation with such of your sons as did vote, or from any other sources of knowledge, you know for whom they voted for Congress?

Answer. Their sentiments and mine in regard to the tickets were about the same. I presume they voted the same ticket as I did.

Question. Have you heard any of them state at any time for whom they had voted for Congress?

Answer. I don't think I did. I can't remember.

Question. Did you ever tell any of them for whom you voted for Congress?

Answer. I don't think I did.

Question. Did you ever tell any other person for whom you had voted for Congress?

Answer. I don't think I did.

Question. You say you voted a mixed ticket. What am I to understand from that?

Answer. Well, what might be called a dropped ticket. I changed the vote of a party.

Question. As a change in your republican ticket, you put in another name?

Answer. I put another name in.

Question. What office was that, sir? Was it for Congress?

Answer. Well, I don't think I dare answer that question. I do not think it is a proper question.

Question. You say you voted a republican ticket except for one office, that was one office you changed?

Answer. One individual.

Question. With the exception of that individual, you voted an entire republican ticket?

Answer. I intended to do it, at any rate.

Question. Whose name did you put on in the place of that you took off?

Answer. Still that is the same question.

Question. You decline answering that, sir?

Answer. Yes, sir.

Question. Was the candidate you substituted, or was the name of the person you substituted, a candidate on any other ticket of any other party, to your knowledge?

Answer. I think that is answering the question and telling you what I voted, which I think I am privileged to withhold. I decline answering the question.

Question. Did you ever tell the person for whom you voted that you had voted for him?

Answer. No, sir; I never told him.

Question. Was he elected?

Answer. I am willing to acknowledge I do not know.

Question. Are you acquainted with him personally?

Answer. No, sir.

Question. Do you know where he resides?

Answer. No, sir.

Question. Do you know, sir, who were the two candidates for Congress in the fifth congressional district?

Answer. I know Mr. Thayer was one and Mr. Carrigan the other.

Question. Were you personally acquainted with either of them at the time of the election?

Answer. No, sir.

Question. Are you personally acquainted with either of them now?

Answer. I was introduced to Mr. Carrigan to-day for the first time.

Question. Do you know Mr. Thayer?

Answer. I do not, sir.

Question. When you substituted a name on the republican ticket, in what way did you do it?

Answer. To oblige a friend.

Question. Who was the friend?

Answer. Well, I do not know his name now; I cannot recollect him.

Question. Does he live in the city?

Answer. He lives in the district.

Question. In what way did you make the substitution? Was it by—

Answer. I put a ticket on the top of another.

Question. What is called a sticker?

Answer. Yes, sir.

Question. Over whose name did you paste it?

Answer. I don't recollect now.

Question. What was the heading of the ticket upon which you placed it? Was it State, county, or municipal officer?

Answer. I won't answer that.

Question. You will not state. You can state and will not, whether the heading of the ticket was county officer, State officer, municipal officer, or ward officer?

Answer. I think that question is telling part of what I voted, for I think it belonged to the same class of questions. The question would be asked in this way to make me state what ticket I voted.

Question. You say you voted all the ticket except one name; that you voted by a sticker. I asked you to state whether that sticker was pasted on the ticket, the outside indorsement of which was State officer, county officer, municipal officer, or ward officer?

Answer. I told you I voted an entire ticket except one; then I was willing to tell you I changed that one; so far I am willing to do. Of course, I am



not willing to state what officer I did vote for. There were several on each ticket. I think I voted for them all.

Question. I did not ask you what officer you voted for, but upon what ticket, under which heading of the four headings, State officer, county officer, ward officer, or municipal officer, you put the sticker?

Answer. It was one of them I changed; which one I decline answering. One of the parties to be elected I put a sticker over.

Question. Which one?

Answer. That I decline answering.

Question. I understand you to say you refuse to state upon what ticket the sticker was pasted?

Answer. Probably I may make this a little shorter by just stating it in words. The friend called in this way: "Here is a ticket, I want you to vote for such an one." I took the ticket to oblige my friend, but I can't tell you what it was.

Question. What officer?

Answer. I suppose, had I been more of a politician, I would have known and understood. I am not much engaged in that sort of thing. I only go and vote, like many other men. I hardly know the ticket I do vote, and I don't care much.

Question. Do you remember who the friend was that gave you the ticket?

Answer. His name commences with a C.—William J. Crans.

Question. The person who gave you this ticket, I understand, was William J. Crans, who lives in the 9th division, 23d ward?

Answer. No, sir, he don't.

*Cross-examined by Mr. Thayer.*

Question. Mr. Cornelius, how long did you live there in the summer time?

Answer. Ten years.

Question. How many months did you generally spend?

Answer. Generally from May until about the first of November.

Question. You think you have been personally assessed in the county?

Answer. I think so. My son Robert said I was accidentally so.

Question. You consider that your residence during the time you are there?

Answer. I certainly do.

Question. It was with that intention you voted last election, considering it your residence for the time?

Answer. I did. I considered I had the privilege of voting in that place.

Question. You have stated your counsel directed you that it was your privilege to refuse to say for whom you voted: it was neither Mr. Thayer nor myself?

Answer. No, sir.

Question. Did you open and read the names of each and every candidate for whom you voted?

Answer. I think I did.

ROBERT CORNELIUS.

Mr. Van Dyke produces Robert C. Cornelius, a witness on the part of the contestant, who, being duly sworn, makes answer as follows:

Mr. Thayer asks for the specification.

Mr. Van Dyke replies, the same as the last witness.

Mr. Thayer objects to this examination for the same reason as there stated.

Question. What is your name?

Answer. Robert C. Cornelius.

Question. Where do you reside?

Answer. 117 N. 17th street.

Question. During the summer of 1862 did you live with your father at his country residence, in the 23d ward?

Answer. I spent the summer there, about three months.

Question. When did you leave there?

Answer. Before the 25th of September.

Question. You were not spending your time there during the October election?

Answer. No, sir.

Question. You did not vote in the 9th division of the 23d ward?

Answer. I did not.

ROBERT C. CORNELIUS.

Mr. Van Dyke now produces Frank Cookman, a witness on the part of the contestant, who, being duly sworn, makes answer as follows:

Mr. Thayer asks for the specification.

Mr. Van Dyke replies, the same as the last witness.

Mr. Thayer objects to his examination for the same reason as there stated.

Question. You married a daughter of Mr. Cornelius, who has just been examined?

Answer. Yes, sir; I did.

Question. Where do you reside?

Answer. My residence in the city is 110 N. 12th street, 10th ward.

Question. Where did you reside last summer?

Answer. In the country, with Mr. Cornelius.

Question. Your family with you?

Answer. Yes, sir.

Question. How long did you reside there?

Answer. I was there from about the 12th of May until the 5th of November.

Question. You returned to the city about the time he returned?

Answer. Two or three days before—two, I think.

Question. Did you vote in October last at any place?

Answer. I did not.

FRANK COOKMAN.

Mr. Van Dyke produces John C. Cornelius, a witness on the part of the contestant, who, being duly sworn, makes answer as follows:

Mr. Thayer. What specifications?

Mr. Van Dyke. The same as Mr. Cornelius.

Mr. Thayer objects for the reason more particularly set forth in the answer to said specifications contained in his answer to the contestant's notice of contest.

Question. Your name is John C.?

Answer. John C.

Question. Are you married?

Answer. No, sir.

Question. Live with your father in the city, and in the country when he is there?

Answer. Yes, sir; No. 1027 Arch street.

Question. In the spring of 1862, you moved to your father's country place, near Frankford?

Answer. Yes, sir; May the 22d.

Question. You returned to the city with him?

Answer. Yes, sir.

Question. Your residence, then, is your father's residence. During that year was the same as your father's?

Answer. My residence was in the city from the time I left the country, the year previous, until I moved out into the country. When I moved to the country, my residence was there until I moved from the country.

Question. I understand you to say you are still a part of your father's family, and change your residence when he changes his. You moved with him into the country, and moved back in the city again?

Answer. I moved at the same time.

Question. Your domicile, then, follows your father? You do not remain in the city when your father moves out; you move with him?

Answer. At the same time, sir.

Question. That was the case in 1862?

Answer. Yes, sir; I moved out at the time specified.

Question. Did you vote in the 9th precinct, 22d ward, in October, 1862?

Answer. I did.

Question. How many of your brothers voted on that occasion at that place?

Answer. One—Charles Edward.

Question. Did you vote a full ticket?

Answer. No, sir.

Question. What box didn't you vote?

Answer. I decline answering.

Question. I am not asking you who you voted for: I am asking which ticket, not which office, which box, you declined to deposit a ticket in. There were five of the tickets voted: which one of the general tickets didn't you vote?

Answer. I voted a portion of each of them.

Question. There were, at the last election, you are aware, five boxes, in one of which a ticket, headed "State officers," was deposited; in one of which a ticket, headed "county officers," was deposited; another in which a ticket, headed "municipal officers," was deposited; and another in which a ticket, headed "ward officers," was deposited. Each one of these tickets contained candidates for different officers under the different headings. You say you did not vote a full ticket; be so kind as to state which of these general tickets you did not vote, or whether you voted all these tickets without a full list of names required on each?

Answer. I voted a portion of each of these tickets.

Question. From whom did you receive the tickets you voted?

Answer. From a man outside that had tickets.

Question. What is his name?

Answer. I cannot recollect the name. It was one of two persons—Thomas Webster and Joel Poinsett Castor.

Question. These two persons outside had tickets, and had placards on them; window committee outside?

Answer. Yes, sir.

Question. Do you know what ticket they had, sir; which of the two parties, democratic or republican?

Answer. I know which I received from them; I don't know what else they had with them?

Question. What ticket did you receive from them?

(Mr. Thayer. I object to his being compelled to answer.)

Answer. I received a republican ticket.

Question. You voted the ticket you received from them, didn't you?

Answer. I decline answering that question.

Question. You have already stated, in your reply to a former question, the ticket you voted was a ticket you had received from one of two persons, each of whose name you say was either Castor or Webster.

(Mr. Thayer. I object to that.)

Answer. I don't think I said it in those words.

Question. What was it? How did you say it?

Answer. You asked me where I got the ticket? I answered you, "from one of these two parties."

Question. Didn't I ask you "where you got the ticket you voted?" Didn't you say "from one of these two parties?" What did you say on that subject?

Answer. I believe I said I received a ticket from one of two parties, either Castor or Webster, and that I received one.

Question. What did you do with it?

Answer. I gave it to my father.

Question. What did he do with it?

Answer. I can't say what he did with it.

Question. Did you receive but one ticket from one of these gentlemen?

Answer. No, sir; I received more.

Question. How many, sir?

Answer. At least three.

Question. You gave one of them to your father?

Answer. Yes, sir.

Question. What did you do with the other two?

Answer. I gave one of the remaining two away.

Answer. Whom did you give it to?

Answer. I gave it to my brother.

Question. Which brother?

Answer. Charles Edward.

Question. That is the one that voted.

Answer. Yes, sir.

Question. What did you do with the other one?

Answer. I kept it myself.

Question. How long did you keep it?

Answer. A few minutes.

Question. What did you do with it?

Answer. I altered it.

Question. What did you do with it after you altered it?

Answer. I voted it.

Question. At whose request did you alter it?

Answer. At my own suggestion.

Question. When you state "these three tickets" you received from these two gentlemen, you mean they were bundles of tickets, which you afterwards changed and altered. One of them you gave to your father, one of them to your brother Charles Edward, and the other you kept yourself. With such alteration you voted a bundle, you voted 5 tickets?

Answer. I did, sir.

Question. When you speak of altering the ticket, do you mean you changed any of the names on any portion of the tickets, you substituted names for those regularly printed on the tickets?

Answer. No, sir.

Question. You did not substitute names?

Answer. No, sir.

Question. What alteration did you make on the ticket?

Answer. By scratching off.

Question. How many names did you scratch out?

Answer. I scratched one name out.

Question. Who saw you do this?

Answer. I am not certain whether witnesses were present or not; whether any person saw me do it.

Question. You do not know that anybody observed it?

Answer. Yes, sir.

Question. With the exception of this one name, you voted the entire ticket as you received it?

Answer. Yes, sir.

Question. Did anybody ask you to scratch that name out?

Answer. No, sir.

Question. Was it done in lead pencil?

Answer. In lead pencil.

Question. Of course it will appear when the boxes are opened there was a scratch on the ticket?

Answer. Yes, sir.

*Cross-examined by Mr. Thayer.*

Question. How long had you been living at your father's country place before you voted?

Answer. I moved there May 22.

Question. Had you been living there all of that time?

Answer. All of that.

Question. You had paid taxes, had you?

Answer. I had paid taxes.

Question. You considered that your residence?

Answer. I did, sir.

Question. So considering it, you voted there?

Answer. Yes, sir.

*Re-examined.*

Question. You say you paid taxes; in what ward did you pay taxes?

Answer. Tenth ward.

Question. You are assessed in the tenth ward; of course you are assessed there if you paid taxes there.

Answer. I paid taxes there.

Question. How long have you been voting?

Answer. I have been voting since I was twenty-one.

Question. How long is that?

Answer. Four years.

*Re-cross-examined.*

Question. Had you ever been assessed in the twenty-third ward?

Answer. I voted on age in the twenty-third ward.

Question. You had voted there before.

Answer. Yes, sir.

Question. How often before?

Answer. I had voted there once before.

Question. Was any objection made to your vote?

Answer. No, sir.

Mr. Van Dyke. You said you voted before; what year was it?

Answer. It was in the fall of 1859 or 1860.

Question. That was the year you voted on age.

Answer. Yes, sir.

Question. That is the year you voted, being between twenty-one and twenty-two. That was 1859.

Answer. Yes, sir.

Mr. Thayer. Your residence then was the same as it is now?



Mr. Van Dyke. From that time to 1862 you voted in the city, in the tenth ward?

Answer. No, sir.

Question. There were only three elections intervening, the October elections.

Answer. The one between the two I did not vote at all.

Question. In 1861 you did not vote?

Answer. No, sir.

Question. In 1860 where did you vote—October, 1860?

Answer. I only voted at two fall elections, with the exception of the presidential election. I voted in the city at the presidential election.

Question. In 1860 you voted in the city?

Answer. Yes, sir.

Question. Your father was living in the country in 1860, the same as other times?

Answer. I do not know that he lived there, that he kept there, so late as that.

Question. He lived there in the summer?

Answer. Yes, sir.

Question. The presidential election occurred in November?

Answer. Yes, sir. I did not vote at the October election.

Question. Where was your father then?

Answer. I guess he was out in the country. Between the October and November elections he moved in.

Mr. Thayer. You were living in the city when you voted at the presidential election?

Answer. I was.

Mr. Van Dyke. In 1861, in October, where did you vote?

Answer. That was the year I did not vote in the fall of the year; I voted in the country as a matter of necessity.

JOHN C. CORNELIUS.

Prior to the examination of the above witnesses Mr. Thayer objected to their examination, because he had not received ten days' notice of their intended examination, as required by the act of Congress.

Mr. Van Dyke produces Charles Edward Cornelius, a witness on the part of the contestant, who, being duly sworn, makes answer as follows:

Mr. Thayer asks for the specification.

Mr. Van Dyke replies the same as the preceding witnesses.

Mr. Thayer expressed the same objection as to the previous witnesses.

Question. What is your name?

Mr. Thayer. I object to the examination of this witness, because I have not received ten days' notice of his intended examination, as required by the act of Congress.

Answer. Charles Edward Cornelius.

Question. How old are you?

Answer. Between twenty-one and twenty-two.

Question. When were you twenty-one?

Answer. The 15th of last August.

Question. The 15th of August, 1862?

Answer. Yes, sir.

Question. You are a single man yet, sir?

Answer. Yes, sir.

Question. Living with your father?

Answer. Yes, sir.

Question. You lived with him in the winter of 1861 and 1862? You have always lived with him?

Answer. Yes, sir.

Question. You moved with him into the country in 1862?

Answer. I did not; I moved before he did.

Question. You preceded him into the country?

Answer. I went out before he came out.

Question. How long before?

Answer. About a week or two.

Question. You moved in with him?

Answer. Yes, sir.

Question. You are living with your father as a part of his household, a part of his family, the same as you always have been?

Answer. Yes, sir.

Question. Did you vote on age at the October election of 1862, in the ninth division, twenty-third ward?

Answer. Yes, sir.

Question. That is the precinct in which your father's country residence is?

Answer. Yes, the ninth precinct.

Question. You heard your brother John testify here, and heard him state that he gave you a ticket; will you please state what you did with that ticket?

Answer. I voted it, sir.

Question. Without alteration?

Answer. I believe it was without alteration.

Question. It was a bundle of tickets containing five tickets?

Answer. It was a full bundle; a regular ticket.

Question. It was a republican ticket, was it not, sir?

Answer. It was the ticket handed me.

Question. It was a republican ticket?

Answer. Yes, sir.

*Cross-examined by Mr. J. B. Thayer.*

Question. You considered that your residence, where you were living with your father?

Answer. I did, most assuredly.

Question. So considering, you voted?

Answer. I had never voted anywhere else.

Question. When your brother gave you this ticket, did you open it and look at each of the names in each?

Answer. Yes, sir, I did.

Mr. Van Dyke. When you opened that ticket and looked at it, you said this: It was a full ticket?

Answer. I suppose so.

Question. Don't you know?

Answer. I suppose so; I am not certain.

Question. Is not that your belief?

Answer. It is my belief.

Question. Had it congressman and all on it?

Mr. Thayer. You did not look particularly at it—at every one of the names?

Answer. I opened it and looked over it. I am not sure. I could not say.

Question. You cannot say you looked at all the names?

Answer. I think I did, sir; I cannot say for certain.

CHA'S E. CORNELIUS.

Mr. Van Dyke calls George A. Rees, a witness on the part of the contestant, who, being duly sworn, makes answer as follows:

Mr. Thayer asks what specifications?

Mr. Thayer replies, 6th, generally, and 11th specifically.

Mr. Thayer. I object to any testimony being received under these specifications, for the reasons set forth in his answer to the contestant's notice of contest.

Question. Where do you live?

Answer. I live on the Frankford road, above Orleans street.

Question. That is in what precinct of what ward?

Answer. 2d precinct of the 25th ward.

Question. You are an alderman of the 25th ward?

Answer. Yes, sir.

Question. Were you in October, last year?

Answer. Yes, sir.

Question. How long previous to that, sir?

Answer. Nearly two years.

Question. Did you receive taxes from voters in 1862?

Answer. A few.

Question. Did you receive the taxes of a person named Charles Murray?

Answer. Yes, sir.

Question. When was that paid?

Answer. It was paid just before election day; perhaps two or three days before.

Question. Was it paid to you by Murray, himself, or by Mr. Perkins?

Answer. I think they both came together, if I am not mistaken; may be Perkins paid it, himself.

Question. Now, don't you remember Perkins coming by himself; Murray was not with him?

Answer. I think so.

Question. Did you, at the time you received the taxes, examine your assessor's list? If so, state whether he was on the list.

Answer. He was not on the list; Perkins was. The question was asked me, "Would it matter?" I told him, "I was not judge of the election; if he took the receipt, it was a question whether the judge would allow him to vote. He took it at his own risk."

Question. He was not on the regular or extra assessment list?

Answer. I had not the extra assessment with me. I told him, "If he was on the extra assessment, and could prove an actual *bona fide* residence, perhaps they might let him vote." I think he told me he had been assessed. I forget whether I was in another precinct.

Question. Did they not say he had been assessed in Baltimore?

Answer. I asked him several questions. I can't recollect the whole conversation.

Mr. Carrigan. You had a doubt about it; was that the reason you asked the questions? You did not want to take the tax from him unless he was assessed and liable to pay taxes in that ward?

Answer. No, sir.

Question. To quiet your mind you asked him this question? He said, "he would take the risk?"

Answer. He said he had a *bona fide* residence in pursuance of his lawful calling.

Question. And "he would take the risk on his taxes"?

Answer. Yes, sir; he would take the risk.

Mr. Van Dyke. Would you know the extra assessment, if you saw it?

Answer. I might and might not, so many papers have been before me.

(Paper marked February 10, 1863, Exhibit No. 18, J. H. C. and W. R., handed witness.)

Question. Look at that paper and say whether it is a copy of the extra assessment list of the 25th ward, including the 25th precinct, in which Murray came.

(Mr. Thayer objects to the paper being offered in evidence)

Answer. I can't recollect whether it was or not.

Mr. Carrigan. In regard to the 5th precinct of the ward, do you recollect?

Answer. No, sir.

Mr. Van Dyke. Do not parties, when on the extra-assessment list, when they come to pay their taxes as being on the extra assessment, bring you a certificate from the assessors, that they have been put on the extra-assessment list?

Answer. Yes, sir; that is generally the case.

Question. Did Perkins, when he applied to pay taxes for Murray, produce any such certificate?

Answer. No, sir; I do not think he did.

Question. Is it not your custom to require of the persons applying to pay their taxes, as on the extra-assessment list, to produce such certificate?

Answer. Yes, sir.

Question. Did you require it of Perkins?

Answer. I believe I did.

Question. What was his reply?

Answer. I cannot recollect. I do not know the answer.

Question. Then you took the taxes, leaving it to the officers of the election to decide as to his right to vote.

Answer. I told him that would be his risk; if he was on the extra assessment he could vote. I cannot recollect the exact words which passed between us. I believe I told him, if he was not assessed he would have to run a risk.

Question. Did you receive the taxes of any other persons in the same way, in that ward, at the last election?

Answer. No, sir; he was the only person who paid taxes without being assessed.

*Cross-examined by Mr. Thayer.*

Question. You do not know that he was not assessed?

Answer. I do not.

Question. Did not you understand from Perkins that he was?

Answer. I told you I could not say exactly about that, or the conversation that passed between us about it. I think I told him that he should be upon the regular or extra assessment before he could have the right to vote.

Question. Did not Perkins tell you that he had been assessed?

Answer. I think he told me that he had been assessed.

Question. It is not necessary that a man should be upon either of these lists to entitle him to a right to vote?

Answer. He ought to be upon one or the other of those lists; but as soon as he can produce a tax receipt, and prove that he was in a ward or precinct, and was assessed there, and paid the taxes, and moved out of that into another, he may purchase a receipt and vote, otherwise he would have been extra assessed. In the rural districts like ours, a man may vote on one side or the other.

Question. I understand you to say you had not the extra assessment at that time?

Answer. I had not.

Question. You do not know whether he was upon it or not?

Answer. I cannot say for certain. I believe that I tried to get that extra assessment. I do not think I could, although I asked for it. I would have had it about.

Mr. Van Dyke. Perkins told you that Murray was assessed somewhere. Did he say Philadelphia county, or Baltimore?

Answer. I cannot recollect.

Question. Did he produce a certificate?

Answer. No, sir, he did not.

Question. Did you not object to taking his taxes.

Answer. Yes, sir.

Question. After what he told you, you agreed to take the taxes, leaving it to the election officers?

Answer. Yes, sir.

GEORGE A. REES.

Mr. Van Dyke recalls Samuel Comegys, who, being duly sworn, makes answers as follows:

Question. Look at Exhibit No. 19, and say whether you served that subpoena on any of the parties named therein, and when.

Answer. On Wm. Black, George King, and John Quin. I do not remember the day.

Question. How many days before the 30th of February?

Answer. I do not remember the date I served them. I remember serving them.

Question. Did you endeavor to serve a subpoena on George Mattin?

Answer. I went to the hospital and inquired if any of the parties were there. They told me only three were left, King, Black, and Quin.

Question. All those persons were persons who had been in the hospital?

Answer. In the hospital. I looked at the register.

Question. Edward Bender and the others had left?

Answer. Yes, sir.

*Cross-examined.*

Question. Did you see Mr. Black?

Answer. I left it with a gentleman in the same ward in which Black lives. He promised to give it to him.

Mr. Van Dyke. Look at Exhibit No. 20, and say whether you attempted to serve that subpoena, and whether you served it on any of the parties therein named, and whom.

Answer. Mr. Heberton, Pat. Delaney, Ed. H. Reeder, and Geo. Shingle.

Mr. Van Dyke. Look at Exhibit No. 21, and say whether you served that subpoena on any of the parties therein named.

Answer. Yes, sir; George Dickinson, John Nolan, Henry Dittman, and Charles Brouse. I could not find H. Castor and Wm. J. Crans. Some of them I did not see personally. I left it at their residence.

*Cross-examined.*

Question. You served on George Dickinson; did you serve it on him personally?

Answer. Yes, sir; I saw him 4th, and George. John Nolan, personally. Charles Brouse. I did not serve it on Henry Castor; I left it for him. All of them except Dickinson, Brouse, and Crans have been here. I served it on Crans through Dittman.



Question. You did not serve it on Crans yourself?

Answer. Not myself, sir.

Mr. Van Dyke. Look at Exhibit No. 22, and say whether you served that subpoena upon any of the parties named therein, and whom.

Answer. On McAvoy, Stephen Knight, Charles Myers, Benjamin Shallcross, Louis D. Vankirk, John Speece, John Meng, and Fred. Bihn.

*Cross-examined.*

Question. How did you leave Mr. Vankirk's?

Answer. I left it at his house in Main street, Frankford.

Question. Is it Mary, or Main?

Answer. That I do not know. It seems to me he is living with his father in Frankford. I left it at his residence—at what I was told was his residence.

Question. At his place of business?

Answer. No, sir; at his residence.

Mr. Van Dyke. Look at Exhibit 23, and say whether you served that subpoena on any of the parties named therein, and whom.

Answer. Thomas S. Foulkrod, Amos Gregg, Philip Harned, Benj. Comly, John Harding, and Thomas T. Holme. Foulkrod's I left at his residence; Gregg's I gave to him in person; Philip Harned's I gave to him in person at his place in Smithfield; B. Comly's I left at his shoemaker shop and post-office—he lives there. I asked for Comly and they told me he lived in Smithfield, 23d ward, below Harned's hotel; and Holme has, I think, gone to war.

Adjourned to Thursday, February 12, 1863, at 1.30 p. m.

FEBRUARY 12, 1863.

Parties met. Present: Charles W. Carrigan, contestant, with James C. Van Dyke, his attorney, and M. Russell Thayer, incumbent.

Mr. Van Dyke produces Gustavus Remak, esq., a witness on the part of the contestant, who, being duly sworn, deposes and says:

(Paper marked February 12, 1863, Exhibit No. 24, J. H. C. and W. R., handed to the witness.)

Question. Mr. Remak, you understand the German and the English languages; can read them both and speak them both, and can translate the one into the other?

Answer. Yes, sir.

Question. Look at that paper and say in what language it is.

Answer. It is in the German.

(Paper marked February 12, 1863, Exhibit No. 25, J. H. C. and W. R., handed to the witness.)

Question. Look at that, sir, and say whether you have compared those two papers, and say whether paper No. 25 is a correct English translation of paper No. 24.

Answer. I have within the last hour compared paper marked Exhibit No. 24 with paper marked Exhibit No. 25, and the latter is the correct translation of the former.

(Mr. Thayer objects to this testimony as entirely irrelevant to the issue, and also that it is incompetent evidence.)

*Cross-examined.*

Question. Mr. Remak, the paper in German, marked No. 24, is apparently a slip cut from a newspaper.

Answer. It appears to be so.

Question. You have had no hand in its authorship ?

Answer. I have seen it before.

Question. It does not come from your custody ?

Answer. No, sir; I have seen this identical article in a newspaper, in a copy of a newspaper—this identical article, in October last.

Question. You saw it in a newspaper; that is all you know about it ?

Answer. In the newspaper called the "Frei Presse," published in Philadelphia.

Question. A German newspaper ?

Answer. A German newspaper of considerable circulation.

Question. That is all the knowledge you have of the article ?

Answer. It was the subject of conversation in my presence, among others, and I have no knowledge of the author of the article itself.

GUSTAVUS REMAK.

Mr. Van Dyke now produces Henry Daily, a witness on the part of the contestant, who, being duly sworn, makes answers as follows:

Question. Did you serve a subpoena on Augustus Schroeder ?

Answer. Yes, sir; more than two weeks ago. I told him personally of the contents, and told him he must be here. I saw him once since; he said he would not come unless he was paid for his services.

Question. What did you tell him ?

Answer. I told him if he would come he would be paid for his services.

(Paper marked Exhibit No. 20 handed witness. He says: "That is the subpoena I served.")

Question. Did you serve it on Daniel Allen ?

Answer. I served one at his residence; he was in town; they did not know when he would come out.

Question. Who did you leave it with ?

Answer. With his lady.

Question. An adult member of his family ?

Answer. Yes, sir.

Question. Look at paper marked No. 27, and say whether you served that subpoena ?

Answer. Yes, sir.

Question. On which of the persons named there ?

Answer. William Perkins, with an adult member of his family; also, Charles Murray.

Question. Did you serve it on George Surrick ?

Answer. He was out of town; I left it with an adult member of his family. Joseph Allen, left it with an adult member of his family; he was out of town. Andrew Conn, with an adult member of his family. Andrew Conn, jr., left it with an adult member of his family. John Garvin and Samuel Garvin were here, and left before the examination.

Mr. Thayer. They were here one day ?

Answer. Yes, sir.

Question. Did they come back the next day ?

Answer. I believe not.

HENRY DAILY.

Mr. Van Dyke produces John Hergesheimer, a witness on the part of the contestant, who, being duly sworn, makes answers as follows:

(Mr. Thayer objects to the examination of the witness because he has received no notice whatever of his intended examination, as required by the act of Congress)

Question. What is your name ?

Answer. John Hergesheimer.

Question. Where do you reside?

Answer. 9th division of the 22d ward.

Question. How long have you lived there?

Answer. I have lived there a number of years—lived there since it has been made.

Question. You are a resident of the 22d ward?

Answer. Yes, sir.

Question. Born here?

Answer. Born here.

Question. How old are you?

Answer. I am 46 years old.

Question. Were you an officer of the election in October, 1862, in the 9th precinct of the 22d ward?

Answer. In the 6th of the 22d ward.

Question. The 9th division is part of what was the 6th; the polls are held at the Town Hall?

Answer. The 6th is now held at the Town Hall; the 9th is held at the Buck Tavern.

Question. Which were you an officer of?

Answer. I was, in 1862 or 1861. I was not an officer of the 9th division in 1862. I have not been an officer of the election in the 9th division.

Question. You were an officer of the old 6th division?

Answer. The 9th division was made in 1861.

Question. Did you attend the election in 1862 at the 9th division?

Answer. Yes, sir.

Question. Did you vote there?

Answer. Yes, sir; I was then off and on all day.

Question. Who were the inspectors of that election?

Answer. George W. Idle was one of the inspectors; William S. Bun was one; those were the regular inspectors.

Question. Do you remember who were the return inspectors?

Answer. Charles Miles was one; the other one was a substitute for the one who was elected. I can't say positively who it was; I rather think a man named Long.

Question. Of which party was G. W. Idle?

Mr. Thayer. That is objected to.

Answer. He was on the republican side.

Question. Did he act during the entire day?

Answer. Yes, sir.

Question. Did he appoint a clerk?

Answer. I presume he did. I can't say positively.

Question. He had a clerk?

Answer. Yes, sir.

Question. Did he receive the votes?

Answer. Yes, sir.

Question. You saw him put votes in the box?

Answer. He received my tickets.

Question. What is his business?

Answer. His regular occupation is that of a carpenter; at present he is a police officer.

Question. Under the mayor?

Answer. Yes, sir.

Question. Police officer in what district?

Answer. He lives in the 9th division.

Question. He is an officer on that beat?

Answer. Yes, sir.

Question. How long has he been so ?

Answer. I can't tell exactly how long he has been.

Question. He was appointed prior to the election ?

Answer. Oh, yes ; some time.

Question. He acted some time previous to the election ?

Answer. Yes, sir ; some considerable.

Question. He is still acting ?

Answer. Yes, sir.

Question. Have you seen him lately ?

Answer. Oh, yes ; almost every day.

Question. Have you had any conversation with him about attending here as a witness ?

Answer. No, sir.

Question. State as near as you can how long prior to the election in October, 1862, Idle acted as a police officer.

Answer. I suppose some four months ; four, five or six months at least.

Question. He continued so to act up to and after the election, and is still acting ?

Answer. Yes, sir.

JOHN HERGESHEIMER.

*P. H. Hoopes, recalled.*

Mr. Van Dyke. Look at Exhibit No. 28, and also Exhibit No. 29.

Question. Did you serve that subpoena upon the persons mentioned in it ?

Answer. Yes, sir, Mr. Lennigon, on the 2d day of February ; I left it at his house with a servant.

Question. Did you serve it on the persons named in that No. 29 ?

Answer. On Benjamin Gerhard, William Millward, and Gustavus Remak. I left it with Mr. Millward's son, at his house, 20th and Green streets.

Question. Look at Exhibit No. 30, and say whether that is a copy of the original letter handed by you to Alexander Henry.

Answer. Yes, sir ; I served a copy of this on Mr. Henry.

Question. Did you see him personally ?

Answer. Yes, sir.

Question. What did he say ?

Answer. He said he could not recognize such an order as this was ?

Question. What did he say about the authority of the aldermen ?

Answer. He said they had no authority.

Question. Did he say whether he would attend or not ?

Answer. He said he could not possibly attend ; if it was before a judge he would attend.

Question. Did you call on the mayor at any time previous and serve that letter upon him ?

Answer. Yes, sir ; I left him the subpoena, and left it with his clerk. I went the next day and saw him myself, and left your note. He said he "was very busy then and could not attend that day." The following day I served this subpoena, Exhibit 30.

Mr. Van Dyke produces and hands to the justices, as part of the record, Exhibit No. 31, being a letter from Alexander Henry to Mr. Van Dyke, dated February 9, 1863, in reply to a letter from Mr. Van Dyke to Mr. Henry, dated February 7, 1863.

Mr. Thayer. I object to the receipt of letters as evidence.

Mr. Van Dyke produces and hands to the justices, as a part of the record in this case, a certified copy from the court of common pleas of Philadelphia

county, of the general return of the votes for member of Congress in the 22d ward on the 14th of October, 1862, marked Exhibit No. 32, J. H. C. and W. R.

Mr. Van Dyke also produces and hands to the justices, as a part of the record in this case, a certified copy from the court of common pleas of Philadelphia county, of the general return of the votes for member of Congress in the 23d ward on the 14th day of October, 1862, marked Exhibit No. 33, J. H. C. and W. R.

Mr. Van Dyke also produces and hands to the justices, as a part of the record in this case, a certified copy from the court of common pleas of Philadelphia county, of the general return of the votes for member of Congress in the 25th ward on the 14th day of October, 1862, marked Exhibit No. 34, J. H. C. and W. R.

Mr. Van Dyke produces and hands to the justices, as a part of the record in this case, a certified copy of the general return of the election held in the 22d ward on the 8th day of October, 1861, marked Exhibit No. 35, J. H. C. and W. R., between Robert Ewing and John Thompson.

Mr. Thayer. That is objected to, as irrelevant.

Mr. Van Dyke now produces and hands to the justices a certified copy of the general return of the election held in the 23d ward on the 8th of October, 1861, between Robert Ewing and John Thompson, marked Exhibit No. 36, J. H. C. and W. R.

Mr. Van Dyke now produces and hands to the justices, as a part of the record in this case, a certified copy of the general return of the election held in the 25th ward on the 8th of October, 1861, between Robert Ewing and John Thompson, marked Exhibit No. 37, J. H. C. and W. R.

Mr. Thayer. They are objected to, for the same reason.

Mr. Van Dyke also produces and hands to the justices a certified copy from the court of common pleas of Philadelphia county, of the return of votes polled on the 14th day of October, in the 1st division of the 8th ward, for judge of election between John Clayton and Owen McQuail, marked Exhibit No. 38.

Mr. Van Dyke produces and hands to the justices, as a part of the record in this case, certified copies from the court of common pleas of tally lists of votes polled on the 14th of October, 1862, for member of Congress for the following wards and divisions:

Exhibit 39, (J. H. C. and W. R.,) 2d division, 22d ward.

Exhibit 40, (J. H. C. and W. R.,) 3d division, 22d ward.

Exhibit 41, (J. H. C. and W. R.,) 4th division, 22d ward.

Exhibit 42, (J. H. C. and W. R.,) 5th division, 22d ward.

Exhibit 43, (J. H. C. and W. R.,) 6th division, 22d ward.

Exhibit 44, (J. H. C. and W. R.,) 7th division, 22d ward.

Exhibit 45, (J. H. C. and W. R.,) 9th division, 22d ward.

Exhibit 46, (J. H. C. and W. R.,) 9th division, 23d ward.

Mr. Van Dyke also produces a certificate from the prothonotary of the court of common pleas, marked Exhibit No. 47, being on the back of Exhibit No. 45, certifying that there were no other tally lists on the records of the court of common pleas of the votes polled on the 14th of October, 1862, in the first (1st) and eighth (8th) divisions of the twenty-second (22d) ward.

Mr. Van Dyke also produces a certified copy of the tally list of votes polled on the 14th of October, 1862, in the 3d division of the 25th ward, marked Exhibit No. 48, J. H. C. and W. R.

Mr. Van Dyke produces Wm. J. Crans, a witness on the part of the contestant, who, being duly sworn, makes answers as follows:

Question. What is your name?



Answer. Wm. J. Crans.

Question. Where do you reside ?

Answer. 9th division of the 23d ward.

Question. Did you attend the election in that division on the 14th of October, 1862 ?

Answer. I did.

Question. The poll was at the "Seven Stars ?"

Answer. It was.

Question. Do you know Robert Cornelius, the old gentleman ?

Answer. I do.

Question. Do you recollect his voting there ?

Answer. I do.

Question. Do you remember asking him to take a sticker from you to vote for a candidate that was running on the democratic ticket ?

Answer. I do.

Question. Did he vote that sticker ?

Answer. More than I can say.

Question. You understood at the time he would do so ?

Answer. He promised me to do so.

Mr. Thayer. This is all objected to.

Question. Had the sticker more than the name of one candidate on it ?

Answer. A single name on it.

Question. For what office was that sticker ?

Answer. It was for George F. Borie, the democratic candidate for the legislature in the district.

Question. Did you give him any other sticker than the one ?

Answer. He asked me to give him enough for himself and his sons. I think I gave him three or four ; I can't recollect.

Question. Did you give him any sticker for any other office than that ?

Answer. No others.

Question. Did you attend at that poll during the entire day ?

Answer. I was there from the opening to the close of it.

Question. Are you enabled to state whether the votes polled at the hours, the one ending at 9 o'clock, the 9 o'clock hourly vote, and in the evening at 7 o'clock, the hourly vote, were counted ?

Answer. There was no count at 9 o'clock in the morning.

Question. No hourly count at 9 o'clock in the morning. Was there not at any other hour an omission to count ?

Answer. Either 6 or 7 o'clock in the evening there was an omission to count. Either at 6 or 7, I can't be positive as to the exact hour now ; there was an omission about that time to count the hourly vote.

Question. There were two hours there was an omission to count ?

Answer. Yes, sir, at two hours.

Question. How long have you been residing in that place ?

Answer. I have been a resident and a voter in that precinct for ten years.

Question. Do you know Mr. Matthew Baldwin ?

Answer. I have no acquaintance with him. I never have seen him, except on the day of the election.

Question. You know there is such a person residing in that precinct ?

Answer. I know there is a gentleman residing on the river of that name ; he has a country seat there.

Question. How long has he had a country seat there in that division ?

Answer. Well, certainly for more than six or seven years ; I can't say positively.

Question. Where is his residence ?

Answer. I cannot say.

Question. Outside of his country seat has he a residence in that division ?

Answer. I can only state, from what I have heard, that he resides there in the summer time. I can say nothing about his residence myself.

Question. You say this is his country residence. Has he another residence in that division ?

Answer. No, sir, none, to my knowledge.

Mr. Thayer. You speak of house when you say residence ?

Answer. I took the census of that district. He had no other residence out of his country residence in that division.

Mr. Van Dyke. Question. What time in the year does he generally come out there ?

Answer. I can't answer the question. I don't know.

Question. Did he offer to vote at the October election ?

Answer. He did.

Question. Was his vote challenged ?

Answer. His vote was challenged.

Question. On what ground ?

Answer. The one of domicile.

Question. Was he then asked the question, whether he had any other residence ?

Answer. He was.

(Mr. Thayer. That is objected to.)

Question. Did he say he had or had not ?

Answer. Yes, sir ; he said he had a city residence.

Question. Did he say what time he had moved out ?

Answer. I have no recollection as to that.

Question. Had he ever offered to vote at that division before during the seven years you are satisfied he had been living there during the summer ?

Answer. He never offered to vote, sir.

Question. Was he assessed in that division, a personal assessment ?

Answer. No, sir ; he never was personally assessed in that division, to my knowledge.

Question. He was not on the assessor's list this year or the year 1862. His property, of course, is on the tax list ?

Answer. I presume so.

Question. He, himself, was not on the assessor's list of 1862 ?

Answer. No, sir.

Question. Was he in 1861 ?

Answer. To the best of my recollection, not.

Question. In 1860 ?

Answer. To the best of my recollection, not.

Question. You have attended the polls there generally since Baldwin has been occupying that place on the Delaware as a country residence during the summer season ?

Answer. I have acted as an officer of the elections in that precinct numerous times during my residence.

Question. When you did not act, you generally attended ?

Answer. I always attended.

Question. Had Baldwin offered to vote there, or had he voted there, would not you be likely to have known it ?

Answer. I should have been likely to have known it. He never voted there to my knowledge.

Question. Do you know John Clayton ?

Answer. Only at the election poll, 1862.

Question. With whom is he living ?

Answer. With Baldwin.

Question. He is a son-in-law of Mr. Baldwin ?

Answer. He is so reputed.

Question. He comes to the place with Baldwin ?

Answer. So I have always understood.

Question. Has he a residence in the city ?

Answer. So I have heard, sir.

Question. In what ward ?

Answer. I do not know, sir.

Question. Did he vote ?

Answer. He did, sir.

Question. Was his vote challenged ?

Answer. It was.

Question. Did he answer in reply to the inquiry whether he had a residence in the city ?

Answer. As in Baldwin's case, so in his; they claimed they had a right to choose their place of voting.

Question. They both stated they had these two residences, and had a right to choose their place of voting ?

Answer. Yes, sir.

Question. Do you recollect whether they were asked the question whether it was their intention to make this their permanent residence, and change their domicile ?

Answer. I do not think the question was asked. Baldwin, I have a right to explain, was put upon his oath ; so was Clayton. The question was asked by the judge, "Have you removed into the precinct with the intention of voting ?" Somewhat of that form, for the purpose of showing they removed simply for that purpose.

Question. To which they answered ?

Answer. To which they answered no.

*Cross-examined.*

Question. Had you an assortment of stickers about you on that occasion ?

Answer. I had ; I don't think I had. I had several packages of stickers. I never opened one of them, except that one for Mr. Borie, my brother-in-law.

Question. The stickers you had were all democratic stickers—stickers for democratic candidates ?

Answer. I presume so ; I think I have two or three at my house I never opened.

Question. You had no stickers for the other party ?

Answer. No ; not intentionally. I have the best recollection in regard to Mr. Borie, the democratic candidate. He was my brother-in-law. I felt an interest in his election, and solicited Mr. Cornelius to vote for him. He took several of those stickers for himself and his sons.

Question. Mr. Cornelius was on the assessor's list, was he not ?

Answer. The old gentleman was not sworn at the polls ; his sons were sworn. I can't say distinctly whether his name was on the assessor's list or not.

Question. He lives on the property there ?

Answer. Yes, sir.

Question. Is it in the precinct ?

Answer. He lives in the precinct, on the Bustleton pike.

Question. His sons live with him ?

Answer. That is more than I can tell ; they are there in summer time. In the summer time I have been about there several times ?

Question. You do not know how long a time they are in the habit of spending there?

Answer. I think in the neighborhood of three or four months ; it may be a little longer ; I can't say positively. I have kept no account of the time residing there particularly, except they reside in my immediate neighborhood.

Question. Were they residing there at the time of the election?

Answer. I cannot say ; they were at the election poll.

Question. You do not know to the contrary?

Answer. I do not know to the contrary.

Question. You requested Mr. Cornelius to vote for Mr. Borie?

Answer. I did, sir.

Question. When you say there was an omission to count one or two hours, you mean there was an omission to count at the expiration of the hour?

Answer. I mean to say at the expiration of the hour there was an omission to count.

Question. You do not mean to say the votes cast in that hour were not counted?

Answer. I do not know, so far as that is concerned, that such an inference could be well drawn from my answer. I have no doubt the votes were counted on the aggregate.

Question. There was only a temporary omission?

Answer. It was an omission according to the forms of the law.

Question. Only a temporary omission at the end of the hour. You did not mean to convey the impression they were omitted from the general count?

Answer. No sir.

Question. You do not know when Mr. Baldwin is in the habit every year of moving out to that residence, or when he is in the habit of returning to town? And you say the same of Mr. Clayton?

Answer. Yes, sir.

Question. Baldwin and Clayton were both sworn to their residences, were they not?

Answer. There was a dispute in the room in relation to taking the votes of these gentlemen, I know.

Question. The majority of the election officers, decided they had a right to vote, did they not?

Answer. Yes, sir.

Question. You have no reason to doubt they were then residing in the precinct?

Answer. I have no reason to doubt they were residing there at that time?

Question. Or that they had resided there for some months?

Answer. Certainly; that is it.

Question. Their families were living there too, were they not?

Answer. I cannot say that.

Question. You have no personal acquaintance with the family?

Answer. No, sir ; I have no personal acquaintance.

Question. How do you know Baldwin was not assessed in that division?

Answer. Because we examined when he voted. Every man that was challenged at all, an examination of the assessor's list took place.

Question. The printed list?

Answer. No; the list from the county commissioner's office, the certified copy which was in the room—both the extra assessment and the original assessment; his name was not there.

Question. His name, you mean to say, was not on the assessor's list. He pays taxes on his residence there?

Answer. I presume Baldwin pays his taxes. I don't know that fact.

Question. I understand you to say that when they were qualified they stated distinctly they had not moved into that precinct for the express purpose of voting. They were asked that question?

Answer. That question is the regular question which is asked. I cannot give the exact form.

Question. They claimed to vote upon the legal residence they had in the precinct?

Answer. I do not think the questions were put so distinctly. Our judge was not a gentleman who understood the matter very well.

Question. Did they or did they not claim to vote upon a legal residence?

Answer. They claimed the right to vote there because they resided in the precinct; at least, the gentlemen acting as officers did not put the question in the right way; it was the substance of that.

*Re-examined.*

Question. You have said Messrs. Clayton and Baldwin resided there at the time of the election. You mean by that they occupied this country residence there as a summer residence.

Answer. I have always understood that to be the case. They occupied it as a summer residence.

Question. You have said that Mr. Cornelius and his sons resided in the 9th division of the 23d ward. Do I understand you to mean they resided there as a country summer residence?

Answer. What makes my impression in relation to these gentlemen still stronger is, some one or two years since we took the census in that neighborhood. At Baldwin's residence, when we called there, he was not in, and a lady who told me she was Mrs. Clayton, his daughter, said that their residence was in the city; they answered all their questions in the city; in regard to matters and things appertaining to real estate alone, at that place. Still, in pursuance of my duty, I got my questions from them, and put them down on the return.

Question. What replies did you receive at Mr. Cornelius's?

Answer. Mr. Cornelius himself I saw there. He claimed to make his returns in the city, at the same time that that was his residence. At the same time he offered to give me all the information I might ask. That was in 1860. I took the upper part of the ward then.

*Re-cross-examined.*

Question. What season was that you went around on that duty in regard to the census?

Answer. It was during the months of June, July, and part of August.

Question. These people and their families were then residing upon their places in that precinct, weren't they?

Answer. At that time, sir.

Question. Was that in 1860 or 1861?

Answer. It was in 1860.

Question. You got the information you wanted by calling at their residences, did you?

Answer. Of course. I had to call at all the residences, and take them on the regular route I was going.

Question. You got the information you desired?

Answer. I got all the information I desired.



Question. By calling there?

Answer. Yes, sir.

Mr. Van Dyke. Question. You did not take the census for the thickly inhabited part of the city?

Answer. No, sir; only for the upper part of the 23d ward—that portion lying above Frankford.

WILLIAM J. CRANS.

Mr. Van Dyke. I propose to the justices that we adjourn to-day to meet at Doylestown on the 13th of February, at 11 o'clock, pursuant to notice served upon incumbent.

Mr. Thayer objects to the proposed meeting at Doylestown, because the act of Congress requires an interval of five (5) days to elapse between the conclusion of the testimony at one place and the taking of the testimony at another, which interval is not allowed by the proposed meeting. The proposed meeting is, therefore, contrary to law.

Justices decide to adjourn to meet at Doylestown to-morrow (February 13, 1863,) at 11 o'clock.

DOYLESTOWN, HOUSE OF N. P. BROWER,  
*February 13, 1863.*

Parties met pursuant to adjournment. Present: Charles W. Carrigan, contestant, with J. C. Van Dyke, his counsel; M. Russell Thayer, incumbent, and John B. Thayer, his counsel; and Justices J. H. Comly and William Reilly.

Mr. Thayer says: I attend, as heretofore, under protest against the taking of these depositions by persons unauthorized by the act of Congress, and with express notice to the contestant that I shall object to the reading of the depositions upon that ground. I also object to the taking of the depositions because an interval of five days has not elapsed between the conclusion of the testimony taken at Germantown and the taking of the testimony here, as is required by the act of Congress. I attend subject to these objections, and without waiving any rights arising out of them.

Mr. Van Dyke, for contestant, replies but to one point in Mr. Thayer's objection, by stating that he will show hereafter the utter inability and peremptory refusal of the judges to taking this testimony—to the necessity of the justices who commenced taking it in Philadelphia coming under the act in taking it.

Mr. Van Dyke now produces George C. Long, a witness on the part of the contestant, who, being duly affirmed according to law, makes answer as follows:

Question. What is your name?

Answer. George C. Long.

Question. Where do you live?

Answer. I live in Warwick township.

Question. You were born in Warwick township?

Answer. Yes, sir.

Question. Are you a voter there?

Answer. Yes, sir.

Question. Did you vote at the October election in 1862?

Answer. I did.

Question. Were you present at the counting of the votes?

Answer. I was.

Question. Will you state whether there was any ticket in that box, with the name of Mr. Carrigan upon it, which was thrown out and not counted?

Answer. There was one.

Question. Were you an officer inside?

Answer. I was constable of the township?

Question. You were in the room?

Answer. I was in the room where the counting was going on.

Question. Where is the poll for the township held?

Answer. At John Decoursey's.

*Cross-examined by M. R. Thayer.*

Question. Were you an officer of the election?

Answer. Nothing more than a constable?

Question. You know a constable is not an officer of the election?

Answer. I was not an officer of the election.

Question. You were not an officer of the election?

Answer. No, sir.

Question. What were you doing inside?

Answer. I supposed I had a right there; at least, our people told me so.

Question. Who asked you to come inside?

Answer. Nobody; I asked myself.

Question. When did you go inside?

Answer. When do you mean? First or last? I was there in the morning, there in the afternoon, there when they were counting the ballots.

Question. You were inside, then, frequently during the day?

Answer. Certainly I was.

Question. Always without being asked?

Answer. Going in when I pleased, and coming out when I pleased.

Question. At what time were the tickets counted?

Answer. I suppose it was begun somewhere about 8 o'clock. I cannot tell. The window was open all the time. Any man could walk into the room.

Question. Were you in the room when the count began?

Answer. When they counted off the votes?

Question. When the count began.

Answer. Yes, sir.

Question. How long did the count take?

Answer. I think it was 11.30 p. m. when they got through.

Question. Were you in the room from 8 to 11.30 without leaving it?

Answer. Yes, sir.

Question. You were not out of the room once from 8 o'clock to 11.30 p. m.?

Answer. No, sir; not once.

Question. When you went out the count was concluded?

Answer. Yes, sir.

Question. At what time did they count the congressional vote?

Answer. Nobody can tell for certain when it was. I think they counted it the second tally. I think they counted State officers first, then Congress next. I won't be certain; I think that is the case.

Question. About what o'clock did the count for congressmen begin?

Answer. I should think it was about 9.30 p. m., as near as I can recollect.

Question. How long did it occupy?

Answer. I suppose they counted near an hour.

Question. How many people were in the room?

Answer. I should think there were some eight or ten.

Question. Do you mean eight or ten besides the election officers?

Answer. No, sir; I mean altogether.

Question. Who else was in the room besides yourselves and the election officers?

Answer. There was coming in and going out—several. Some came in, sat a little while, turned around and walked out again.

Question. Name them, if you please?

Answer. I cannot call them by name; I cannot recollect them.

Question. You cannot recollect a single name?

Answer. Yes, sir; I can recollect some two or three.

Question. Name them.

Answer. Messrs. Carroll, Washington Maples, and William Herbert, three I know. Louis Ross was there a little while.

Question. Did you keep count yourself?

Answer. No, sir; I did not.

Question. Were you engaged in conversation during a part of that time?

Answer. No, sir. I sat in the window right behind the inspector.

Question. You did not engage in conversation during that time?

Answer. I might have spoken to the men, not more than a word.

Question. What were you doing?

Answer. I was sitting in the window, behind the inspector.

Question. Who counted the tickets?

Answer. The two inspectors, who would change off. I think the judge counted awhile.

Question. Why was this ticket for Carrigan thrown out?

Answer. Because they thought it was an illegal vote. It had "Congress" torn off. It had only Carrigan's name upon it, and was not in the congressmen's box.

Question. What box was it taken out of?

Answer. I think it was taken out of the county officers'.

Question. Was it a printed ticket?

Answer. Yes, sir.

Question. It had nothing upon it but Mr. Carrigan's name?

Answer. No, sir.

Question. One of these inspectors was the democratic inspector?

Answer. No, sir; every man was a republican.

Question. The officers were republican?

Answer. Every man.

Question. You saw this ticket?

Answer. I did.

Question. And examined it?

Answer. I hadn't it in my fingers.

Question. You saw it plainly with your eyes?

Answer. Yes, sir.

Question. You had a good view of it?

Answer. Yes, sir.

Question. You saw everything that was on it?

Answer. I saw "Charles W. Carrigan."

Question. There was nothing else on it to see?

Answer. No, sir.

Question. How many officers held the election?

Answer. Two inspectors, a judge and two clerks. The assessor was in the room pretty much of the time.

Question. You say this ticket had Mr. Carrigan's name on it, with nothing else upon it. It was taken out of the box for county officers?

Answer. I think it was.

Question. You are sure it was not taken out of the congressional box?

Answer. No, sir, it was not.

Question. You are sure of that?

Answer. It was not. In the morning I was down at the window with

some friends; we gave three votes in together; John L. Benner was one, I cannot tell the other one. We each gave a vote on the Congress ticket. The inspector says, "There, I have put that Congress vote in the wrong box." They remarked then that they would mark it when it came out. I suppose it got there when the inspector put it in wrong.

Question. Do you know how many votes were cast in that township on that day?

Answer. Not exactly.

Question. As near as you can tell?

Answer. It was near 170, I think; I won't say positively.

Question. As near as you can recollect?

Answer. I can't recollect.

Question. Was there any other discussion about this ticket among the officers?

Answer. When do you mean?

Question. At the time of the count.

Answer. They had a consultation over it. They came to the conclusion it was an illegal vote; they could not count it. There was one more ticket than there were names.

Question. There was one more ticket than there were names on the list of voters?

Answer. That is, upon the congressional ticket; the rest were all even.

Question. There was one more name than on the list of voters?

Answer. On the list of voters.

*Re-examined.*

Question. Do you mean congressional or county?

Answer. I mean congressional.

Question. You say this vote came out of the county box?

Answer. I think it did.

Question. In the box containing the ticket for county officers, entirely distinct from the box containing the tickets for Congress?

Answer. Yes, sir; they are in three compartments.

Question. In the same box?

Answer. The same box, only different divisions of the box.

Question. Were all these divisions covered with the same lid?

Answer. Yes, sir.

Question. There is one box with three compartments with three holes in the lid?

Answer. Yes, sir.

Question. Is each hole labelled with its proper label?

Answer. Yes, sir.

Question. At the time you and two others voted, one ticket was thrown into the wrong box: the inspector observed it was there and said he would mark it when they came to count.

Answer. Yes, sir.

Question. When they came to count was this ticket for Congress the only one found in the wrong box?

Answer. Yes, sir.

Question. It was not counted?

Answer. No.

Question. Do you say there were more votes in the box that had the county officers than there were names on the tally list?

Answer. It was containing the Congress vote; there was one more vote for Congress than there were names voted.

Question. Are those persons' names put on the book who vote a full ticket?

Answer. They don't mark a full ticket; they just mark the names who vote.

Question. Do they not mark down the ticket he votes?

Answer. No, sir; not the ticket he votes.

Question. When a person votes at that poll do they not mark that he votes a State, county, or township ticket?

Answer. Don't mark anything about the kind he votes, only his name.

GEORGE C. LONG.

Mr. Van Dyke now produces Edwin Knight, a witness on behalf of the contestant, who, being duly affirmed according to law, makes answers as follows :

Question. What is your name?

Answer. Edwin Knight.

Question. Where do you reside?

Answer. I reside in Upper Makefield township.

Question. Are you a voter in that township?

Answer. Yes, sir.

Question. How long have you been a voter there?

Answer. I have lived there nine years; I will be in the township ten years next spring.

Question. Where do you vote in that township?

Answer. At the Eagle tavern.

Question. Do you know Captain Brooks?

Answer. I am not acquainted with him; I saw him.

Question. When did you see him?

Answer. Election day.

Question. Did he vote in that township?

Answer. Yes, sir.

Question. What ticket did he vote?

Answer. I can't say that; I judge, by the company he kept, he voted the republican ticket.

Question. How long had he been living in the township?

Answer. He said he had been living there something short of ten days.

Question. When he presented himself to vote was he challenged and put upon his oath?

Answer. Yes, sir.

Question. Questioned as to his residence in the township?

Answer. Yes, sir.

Question. What was his answer to that question?

Answer. I think he said he had been living in the township some time previous with his father. He had lived in Philadelphia for some length of time. Had been on a visit some two or three weeks before to the township as a recruiting officer; had come up there, and was at Taylorsville to recruit to raise a company.

Question. Then he had resided in the township some six or eight days?

Answer. Somewhere along there.

Question. That residence was the residence he had acquired in the township to recruit?

Answer. Yes, sir.

Question. Upon what ground did he claim the right to vote, so far as residence is concerned?

Answer. I don't know what ground he claimed upon; some of his neighbors there claimed his right to vote on the ground of being a United States officer.

Question. He had the right anywhere?

Answer. Yes, sir; that is what they told me afterwards.



Mr. Thayer. That is not evidence.

Question. Did he claim to have resided in that township ten days previous to the election ?

Answer. No, sir, he did not.

Question. He did not put his right to vote on that ground ?

Answer. No, sir.

Question. But on the ground that being a United States officer he had a right to vote where he pleased ?

Answer. Yes, sir.

Question. Have you no knowledge of any other vote that was polled in that township on that occasion by one who was not a qualified voter ?

Answer. I have no knowledge of any, of my own knowledge, only by what I have heard other people say.

Question. You were not present when any vote was polled that was supposed to be illegal ?

Answer. I was present all the time ; I was one of the clerks.

Question. What was it about that other vote that was polled ?

Answer. I don't know that it was illegal.

Question. State the circumstances.

Answer. I don't know his name ; he married the daughter of a person in the lower end of the township. He is a doctor, practicing medicine in Titusville. When this war broke out he had an appointment in the army as a surgeon. He came back and was with his father-in-law, so I heard.

Mr. Thayer. What you heard is not evidence.

Answer. I am not giving it as evidence.

Mr. Van Dyke. He was a physician ?

Answer. Yes, sir.

Question. Married the daughter of a person named Bronson, who lived in the lower end of your township ?

Answer. Yes, sir. I don't know his name ; I have no acquaintance with him at all.

Question. Had he ever been assessed in your township ?

Answer. I cannot say as to that.

Question. Have you any means of ascertaining what his name is, or of identifying him ?

Answer. Yes, sir ; I can find out his name at any time I am in the neighborhood.

Question. You saw him vote ?

Answer. I saw him vote ; I wrote his name down myself ; I can't recollect his name ; it is on the tally list.

Question. You wrote it on the tally list ?

Answer. Yes, sir.

Question. Do you know Algernon S. Cadwallader ?

Answer. I know him by sight only.

Question. Do you know what office he held, or the duties of what office he discharged, during the summer and fall of 1862 ?

Answer. I suppose he was deputy marshal of Bucks county or marshal of Bucks county ; I don't know what you would call it.

Question. United States marshal of Bucks county ?

Answer. Yes, sir.

Question. For what purpose ?

Answer. For taking the draft ; he had his deputies out, appointed to enroll this draft, or what you call it.

Question. He enrolled the citizens for the purpose of the draft ?

Answer. Yes, sir.

Question. Who was his deputy in that township ?

Answer. There were two—Isaac Randall and Harvey Thompson.

Question. Did they attend the poll ? Did they enroll any of the inhabitants at that poll on election day ?

Answer. No, sir ; it was done before the election day.

*Cross-examined.*

Question. Mr. Knight, how long have you known Captain Brooks ?

Answer. I have not known him at all ; I never saw him but once.

Question. Do you know his father ?

Answer. No, sir.

Question. Does he live in your township ?

Answer. No, sir ; I heard him say his father formerly lived in our township.

Question. At some former time he lived in your township ?

Answer. Yes, sir.

Question. Where was he living on the day of the election ?

Answer. I heard him say he had his rendezvous at Taylorsville, where he was boarding ; I can't say.

Question. Is that in Upper Makefield ?

Answer. Yes, sir.

Question. You have no knowledge at all of his residence, except what you have heard them say ?

Answer. Of Brooks ? No, sir.

Question. Any information except what you heard him say himself ?

Answer. No, sir ; nothing but that.

Question. That is your only source of information ?

Answer. Yes, sir.

Question. You have no knowledge what ticket he voted, have you such ?

Answer. No, sir ; I did not see his ticket.

Question. You have no knowledge, have you, of any want of qualification as a voter in the man who married Miss Bronson, whose name you don't remember ?

Answer. No.

Question. You have no knowledge how he voted ?

Answer. No, sir.

Question. Mr. Cadwallader, of whom you have spoken, made the enrolment ?

Answer. His deputies made the enrolment.

Question. He did a part of it himself, did not he ?

Answer. I don't know ; I can't say that.

Question. He was the man engaged in making the enrolment ?

Answer. Yes, sir.

Question. Is that the reason you call him marshal of Bucks county ?

Answer. I don't know that he is a marshal ; I don't know the term you put to his office.

Question. You do not know what office he held ?

Answer. I don't know what name you put to his office.

Question. All that you know about it is, that he was the enrolling officer ?

Answer. Yes, sir.

Question. You do not know what office he held or by whom he was appointed ?

Answer. He was appointed by Governor Curtin, I suppose.

Question. Have you any knowledge about it ?

Answer. No, sir.

Question. You have no knowledge as to who appointed him ; you suppose he was appointed by Governor Curtin ?

Answer. Yes, sir.

Question. You have no knowledge on that subject; as to who appointed him, it is a mere supposition on your part?

Answer. A mere supposition, yes.

Question. The enrolment was made in that township some time before the election, was it not?

Answer. Yes, sir.

Question. Mr. Cadwallader resides in Lower Makefield, does he not?

Answer. Yes, sir.

Question. Were you an officer of the division in that township?

Answer. I was clerk.

Question. For the inspector?

Answer. Yes, sir.

Question. Mr. Cadwallader had nothing to do with the election there?

Answer. Nothing in our township.

EDWIN KNIGHT.

Mr. Van Dyke now produces Mr. Nathaniel V. Haycock, a witness in behalf of the contestant, who, being duly affirmed according to law, makes answers as follows:

Mr. Thayer objects to the examination of the witness because he has not received any notice whatever of his intended examination, as required by the act of Congress.

Question. What is your name?

Answer. Nathaniel V. Haycock.

Question. Where do you reside?

Answer. Plumstead township, Bucks county.

Question. Are you a justice of the peace in that township?

Answer. Yes, sir; I am one of them.

Question. You are authorized, as the justice of the peace residing nearest the polls in that township, to receive from the officers of the election a box containing the tickets polled at any election in that township?

Answer. Yes, sir.

Question. Did you, as such justice of the peace, receive from the officers of the election held in October, 1862, a box containing the tickets for the different officers voted for at that election?

Answer. I did not receive it, or did not at least take it from the hotel. After the election it has always been our custom to seal the box up in the manner you now see it, and deposit it in the hotel until the next election.

Question. You did, after the election, so close and seal the box containing the tickets?

Answer. I did not; the inspectors did it.

Question. Did they hand it to you and deliver it to your care?

Answer. I think the inspectors took it away and deposited it in the garret of the hotel.

Question. Were you present at the election?

Answer. I was clerk.

Question. Did you see them seal it up?

Answer. It was done while I was making out a report.

Question. Is the box in the condition it was when you saw it?

Answer. I believe it to be. One of the inspectors examined it this morning; he said he thought it all right.

Question. The box is sealed, with a string around it?

Answer. I believe so.

Question. You have no doubt that box was sealed by the officers of the election?

Answer. I have no doubt.

Question. And in the condition it was then ?

Answer. In the condition it was at that time.

Question. That is a box about three feet long ?

Answer. If you take the whole box.

Question. The whole box is about 3 feet long, 14 inches high, and about 12 inches broad ?

Answer. I suppose so, as near as a person could guess at it.

Question. It has two lids, one passing through each end, and it is divided in the centre by the partition dividing the lids ?

Answer. Yes, sir.

Question. On one of these lids is a paper pasted with the indorsement, "Plumstead, Bucks county, Pennsylvania" ?

Answer. Yes, sir.

Question. In the election in October, 1862, that box had nothing to do with this (the other) one ?

Answer. That was sealed up to prevent votes from going in there. That has no concern with the last election.

Question. The votes polled at the October election in 1862 were all put in one of the three lids at this end ?

Answer. I suppose so ; yes, sir, it was the intention at least.

Question. There are in the top of this box, on one end, three holes, aren't there ?

Answer. Yes, sir.

Question. One of them headed national officers; the next one headed State officers; and the next one headed county officers.

Answer. Yes, sir.

Question. And through these holes the tickets, as presented to the officers of the election, were deposited ?

Answer. Yes, sir.

(Mr. Van Dyke now asks the justice to take from the box headed national officers the tickets and papers that are there, and make a record of them. Mr. Thayer objects that these persons have no authority by law or otherwise to interfere with these boxes or to open them. They have no right by law to take these depositions; and if they open these boxes they will commit a plain violation of the law and incur the penalty of such violation.)

Mr. Van Dyke to witness. You have been subpoenaed to attend here, have you, sir ?

Answer. I have, sir.

Question. And bring this box with you ?

Answer. Yes, sir.

Question. Have you a copy of the subpoena ?

Answer. The constable took it with him.

Question. You brought the box in obedience to the subpoena ?

Answer. I was very busy when the subpoena was served. The constable told me to come. I looked at it. Who the persons were who signed it I have spoken of several times since.

(Paper marked Exhibit No. 50 shown witness. He says: "That is the subpoena which was served upon me.")

Question. It is in pursuance of that subpoena you have brought this box here ?

Answer. Yes, sir.

*Cross-examined.*

Question. You say this box has been kept in the garret of a tavern ?

Answer. There was where I found it to-day; I assisted in getting it.

Question. In the garret of this tavern?

Answer. In C. N. Price's tavern, rather in Wm. Price's.

Question. Where is the tavern?

Answer. In Plumstead township.

Question. Do you know who put it in the garret?

Answer. Not of my own knowledge.

Question. You did not take it yourself?

Answer. I did not take it myself. One of the inspectors told me this morning he put it there.

Question. Who prepared the box?

Answer. It was prepared while I was filling a return we sent to the return judge at Doylestown, and the inspectors sealed it up.

Question. You brought this box this morning from the garret of the Price tavern?

Answer. Yes, sir.

Question. Was the garret locked up?

Answer. No, I believe not; it is never locked. This was on the floor in the garret; there were three boxes there. We have smaller boxes for other elections; this was on the top.

Question. There were boxes lying on the floor, one on top of the other?

Answer. Yes; there were three boxes.

Question. You did not see the boxes deposited in the garret?

Answer. No.

Question. You did not, I understand you to say, see it sealed up?

Answer. I saw it after it was sealed; I did not see it sealed.

Question. When you saw it after it was sealed, was there a paper pasted over the hole that opens into the box for national officers?

Answer. Yes, sir.

Question. One of the wafers which fasten that paper to the top of the box, over the hole which leads into the box for national officers, was loose when you saw it this morning?

Answer. I should have explained that when he asked me the condition. It was not exactly the condition it was when deposited; all of the wafers adhered then to the wood.

Question. I understood you to say you intended mentioning that when you said the box was in the same condition?

Answer. I should have mentioned it; I neglected it. Another question was asked right away.

Question. Was not that paper tightly wafered over the hole when the box was first sealed up?

Answer. I suppose it was. We considered it secure at that time. I suppose all the wafers adhered to the wood at that time.

Question. In your opinion has that wafer been loosened since that time?

Answer. My opinion is it has loosened in drying.

Question. You think it was fast when it was sealed up?

Answer. I think we considered it fast, at that time, to the wood; in drying, perhaps, it has been loosened.

Mr. Van Dyke. You think it loosened itself in drying?

Answer. I don't think anybody loosened it.

Mr. Thayer. You have not, I understand you to say, seen this box since election day until this morning when you got it out of the garret?

Answer. I never saw it since.

Mr. Van Dyke. Will you show us how to get that box open?

Mr. Alderman. Will you make an order to have the contents of that box recorded?

Justice Comly. We can record it after it is opened.



Question. Do I understand the justice to decide to open this box and take out its contents?

Justice Comly. We have summoned Mr. Haycock to bring the box here. It is here.

The justices hold the order to open the box under advisement for the present.

Mr. Van Dyke desists from examining the witness until the justices decide the matter now under advisement.

Mr. Van Dyke now produces John S. Bryan, associate judge for the county of Bucks, who, being duly sworn according to law, makes answers as follows:

Mr. Thayer objects to the examination of the witness because he has received no notice whatever of his intended examination, as required by the act of Congress.

Question. You are an associate judge in the county of Bucks?

Answer. I am, sir.

Question. Were you asked, at any time previous to this, to take the testimony in the case of the contested election between Mr. Charles W. Carrigan and Mr. M. Russell Thayer?

Answer. I was, sir. I was called upon about the 20th of January—from the 18th to the 20th of January, by a letter from Mr. Carrigan, by the hands of one of the Rosses—the younger Ross, I think—Henry Ross, notifying me that I was the judge selected to take the testimony in this contested election case, to meet at Germantown, I think, on the 27th. I may further state that I was then confined to my bed, through sickness.

Question. It was utterly impossible for you to attend?

Answer. Utterly impossible, at that time, for me to attend. I am now here again, at the request of the same gentleman who waited upon me then. As I stepped from my house, he said he wished me to come here; I know not for what purpose.

Question. You are holding court here?

Answer. Yes, sir.

Question. Judges Chapman and Troxell have also been holding courts here?

Answer. For the two weeks past.

Question. Do you know the handwriting of Judge Troxell?

Answer. Yes, sir.

Question. Do you know the handwriting of Judge Chapman?

Answer. Yes, sir.

(Paper marked Exhibit 51, February 13, 1863—J. H. C. and W. R., handed witness.)

I may mention, since I came from court, about two o'clock, Ross waited upon me and said he wanted me to be here this afternoon.

Question. Will you look at that paper, and say whether that letter is in the handwriting of Judge Chapman?

Answer. That letter I believe to be in the handwriting of Judge Chapman, also his signature.

Question. Dated January 29, 1863?

Answer. That is it, sir.

(Paper marked Exhibit 52, February 13, 1863—J. H. C. and W. R., handed witness.)

Question. Will you look at that, sir, and say whether that is in the handwriting of Judge Troxell?

Answer. That letter is in the handwriting, and the name is signed by Henry Troxell.

Exhibits 51 and 52 are handed to the justices, and asked to be annexed as part of the record in this case.

Mr. Thayer objects to the reception of letters in evidence, when the persons are in this town, who can be produced and examined as witnesses.

Exhibits 51 and 52 are annexed to the record, by order of the justices.

Question. Where is Judge Troxell living?

Answer. Judge Troxell lives at a place called Sellersville, twelve miles from here. He left yesterday afternoon in the train to go home.

Question. This is the first day it was possible for you to attend here, and the first hour?

Answer. The first hour. I am relieved from my duties at court.

*Cross-examined by Mr. Thayer.*

Question. Judge Bryan, you are the associate judge of the court of common pleas of this district?

Answer. The court of common pleas, quarter sessions, and the orphans' court.

Question. They are all courts of record, are they not?

Answer. Yes, sir.

Question. You reside in this county?

Answer. I reside in this borough.

Question. Judge Chapman is the president judge of these courts?

Answer. He is the president judge of this judicial district.

Question. He resides in this borough also, does he not?

Answer. Yes, sir, he does.

Question. Judge Troxell is the associate judge of these courts also?

Answer. He is, sir.

Question. He resides in Bucks county?

Answer. Bucks county, twelve miles from this place—from the county seat.

Question. You and the other judges, all of you, reside in the 5th congressional district?

Answer. Yes, sir.

Question. Is Judge Chapman in Doylestown to-day?

Answer. He was here at 2 o'clock. Whether he is here now or not I cannot say. He told me he contemplated going to the city this afternoon. I do not know whether he has gone. He intended going this morning. We had to have a term of the court.

Question. Judge Troxell was in this town yesterday, was he not?

Answer. Yes, sir.

Question. Was there any court held in this judicial district on the 17th of December, 1862?

Answer. Our December court is in December. We had two weeks' court here in December.

Question. In the early or latter part of December?

Answer. I think in the early part.

Question. You commenced in the early part?

Answer. We commenced in the early part. I think it was the first Monday. I wouldn't be certain.

Question. And continued about two weeks?

Answer. And continued two weeks full, sir.

Question. When was the court held after that?

Answer. We had an adjourned court in January. I ought to give you the date, but cannot give it from recollection.

Question. In the early or latter part of January, or in the middle, as near as you can fix it?

Answer. I think it was about the middle, sir; from the 10th to the 17th. I think somewhere along there.

Question. Have you many days' sitting in January?

Answer. About four. I was not able to be out.

Question. About four days?

Answer. About four days. I think it usually lasts about that time adjourned court.

Question. When was the court held after that?

Answer. The past two weeks.

Question. It commenced when?

Answer. The second of February, I believe, sir. I think it was on Monday a week.

Question. How long had you been sick?

Answer. I was taken sick. Let me answer you correctly, sir; I believe our December court commenced on the second of December, and two weeks after that I was taken sick.

Question. You were taken sick in the middle of December. You convalesced sufficiently to be out when, sir?

Answer. Last Monday two weeks was the first I was out of the house, sir.

Question. That was the what?

Answer. The second day of February, sir.

Question. Since then you have been able to be about?

Answer. I am moving about with a great deal of care. I have an attack of the rheumatism which troubles me a good deal.

*Re-examined by Mr. Van Dyke.*

Question. During the early part of January you had a reasonable expectation of being well at the time of the taking of this testimony at Germantown?

Answer. Yes, sir.

Question. As the time approached, you discovered that you could not?

Answer. Yes, sir.

Question. You could not have attended the last two weeks because of your duties at the court?

Answer. No, sir. I could not have gone from home under any circumstances this week. I probably might have done so last week.

*Re-cross-examined.*

Question. When the application was made to you, did you inform the parties of your sickness?

Answer. Yes, sir; that is, I directed the bearer who called on me, Mr. Ross, to inform Mr. Carrigan of my sickness, which I presume he did.

Question. Ross was the person who applied to you, and you informed him of your inability?

Answer. Yes, sir.

Mr. Van Dyke. About what time, sir?

Answer. I think about the 20th of January; some seven or eight days before the taking of the depositions. I think the date of the meeting at Germantown was the 27th.

Mr. Thayer. Question. There had been no application to take the testimony prior to the notice having been given to you of the taking of testimony?

Answer. No, sir; not previous to that time. That was the first I heard about it.

Mr. Van Dyke. Question. Then it was, to the best of your knowledge, the 20th of January that the application was made to you, and you declined on account of ill health?

Answer. It was about the 18th or 20th. I can't positively give the date. Mr. Ross, my friend in the rear, called upon me. I was trying to refresh his recollection.

JOHN S. BRYAN.

Mr. Van Dyke now produces Mr. Henry P. Ross, a witness on the part of the contestant, who, being duly sworn, makes answers as follows:

Mr. Thayer objects to the examination of the witness because he has received no notice whatever of his intended examination, as required by the act of Congress.

Question. You reside in Doylestown?

Answer. Yes, sir.

Question. Did you, on or about the 29th of January, call upon Judge Chapman, the president judge of your court here, for the purpose of obtaining his attendance at Germantown to take testimony in the case of Carrigan against Thayer?

Answer. I did call upon Judge Chapman on the day that a note from him in Mr. Carrigan's possession is dated.

(Exhibit 51 handed witness.)

Question. Is that the note?

Answer. This is the note.

Question. What is the date?

Answer. The 29th of January, 1863.

Question. Will you state the conversation which took place between yourself and Judge Chapman?

(Mr. Thayer. I object to the proof of a conversation with Judge Chapman; he is in this borough, and can be produced and examined as a witness.)

Answer. I called on Judge Chapman to ascertain whether or not he could serve as the judge before whom testimony could be taken in the matter of the claim of Mr. Charles W. Carrigan to the seat in the House of Representatives in the fifth congressional district. He informed me he could not come; he would be obliged to be in attendance at court. It would be impossible for him to attend and act as judge in the matter.

Question. Anything else?

Answer. I think he first expressed his willingness to attend, until he found the day fixed was the day for attending court at Doylestown. He then said it would be impossible for him to act. At my request he wrote a note, stating he would not be able to attend, in reply to a note I had addressed to him on the subject while I was sitting talking to him.

(Exhibit 52 handed witness.)

Question. Say whether your father received that note from Judge Troxell.

Answer. Yes, sir; he received that note from Judge Troxell, in reply to a letter written either by myself or by him, I don't remember which, inquiring whether it would be possible for him to attend at the time fixed for the hearing.

Question. That is Judge Troxell's handwriting?

Answer. That is Judge Troxell's handwriting.

Mr. Thayer. I object to the letters from persons who could be produced to give evidence.

*Cross-examination.*

Question. Mr. Ross, the first occasion you called upon Judge Chapman was on the 29th of January, 1863?

Answer. Yes, sir.

Question. Was Judge Chapman holding a court between the 17th of December, 1862, and the first of January, 1863?

Answer. I really can't answer that. I don't know when the terms in Montgomery county are held. My impression is he was.

Question. I don't want you to answer unless you know.

Answer. No, sir, I do not know.

Question. Was he holding any court between the first and the 29th of January?

Answer. He held an adjourned court, which began the 20th and which continued, I think, three days—two days and a half, certainly.

Question. The associate judges in this district are not law judges, are they?

Answer. No, sir.

Question. Does the presiding judge frequently sit without his associate?

Answer. In answering that question, I cannot answer that directly. I must tell you he sits as a judge in common pleas, without his associates. With them he sits as a judge of the quarter sessions and orphans' court. As our business is transacted, it is necessary for him to be there; at a pause or intermission of business in the common pleas, they call up the cases in the orphans' court.

Question. Not in the common pleas?

Answer. No; not in the common pleas. We have no fixed periods; during our term the orphans' court business is transacted; it is brought up from time to time.

Question. The presiding judge commonly sits alone when he holds the common pleas?

Answer. No, sir; our custom is for the judge to be always on the bench, as we have no fixed time for transacting the business of the orphans' court. If there is any lapse of business in the common pleas, and sometimes between the calling of one witness and the calling of another, the business of the orphans' court is presented in court. It is the manner in which our business is transacted.

Question. There are, I believe, but four terms held by this judge during the year?

Answer. That is all, sir.

Question. What is the duration of the sitting of the court at one of these terms?

Answer. The court always sits until Thursday of the second week, unless there is some extraordinary default of business. I have known but one instance since I have been a student at law in which the court failed to sit until Thursday.

Question. It generally commences Monday?

Answer. It almost always commenced Monday.

Question. They generally sit two weeks in each term?

Answer. They hardly ever make a full two weeks—until Thursday of the second week.

Question. They sit about 10 days?

Answer. Yes, sir, I think we would reach it.

Mr. Van Dyke. Judge Chapman informed you he could not attend to take the testimony?

Answer. Judge Chapman informed me he could not attend and would not attend.

Mr. Thayer. Question. Did you inform Judge Chapman that the act of Congress required him to take these depositions?

Answer. I informed Judge Chapman the act required it should be taken before one of the judges of the court residing in the district, in default of which it must be taken before two justices of the peace.

Question. You did not inform him the act of Congress said that?



Answer. The matter was strange to both of us.

Mr. Van Dyke now states the testimony having heretofore been exclusively taken before two justices of the peace, the judges of the court being the only persons beside them authorized to take this testimony by the act of Congress, either not being willing to perform that duty, or being unable to attend, and that Judge Bryan now, for the first time, appearing and expressing his willingness to take part in taking and certifying the testimony, proposes that the testimony be continued in his presence, in addition to the presence of the justices before whom the testimony has heretofore been taken.

Mr. Thayer. I have no objection whatever to the taking of testimony by Judge Bryan. He is the officer authorized by law to take it. But I object to the interference of third persons in the taking of such testimony, and shall object to the use of any testimony so taken.

Judge John S. Bryan, associate judge of the court of common pleas, quarter sessions, and oyer and terminer, of Bucks county, now appears and proceeds with the taking of the testimony in the above case, and prior to so doing announces and appoints Charles Schoneman as clerk, who was duly sworn in the words following :

STATE OF PENNSYLVANIA,

*County of Bucks :*

Charles Schoneman, being duly sworn, did depose and say, that as clerk for John S. Bryan, associate justice for the court of common pleas, &c., in the county of Bucks, and residing within that said county, and within the 5th congressional district of the State of Pennsylvania, and before whom the testimony of witnesses is to be taken in the matter of contest for a seat in the House of Representatives of the United States of America, in the 38th Congress, between Charles W. Carrigan, contestant, and M. Russell Thayer, incumbent, that he would impartially and truly write down, as well in shorthand as in the English character, the whole of the evidence of each and every witness produced, sworn or affirmed, and examined in relation to any matter touching said contest, and in all things truly and faithfully perform his duty as clerk to the best of his ability.

CHARLES SCHONEMAN.

Sworn and subscribed before me this 13th day of February, A. D. 1863.

JOHN S. BRYAN,

*Associate Judge of Bucks County.*

Mr. Van Dyke states to the judge that at the time he appeared and expressed his willingness to proceed with the taking of testimony, Squire Haycock had been produced as a witness on the subpoena *duces tecum*, and had produced the box containing the ballots and election papers for Plumstead township, and had identified it as the box in which the papers for the election in 1862, and the tickets then voted, had been deposited and moved up.

The proposition then before the justices was to make a record of the contents of the papers in that box, describing the number of votes cast for Mr. M. R. Thayer and Mr. C. W. Carrigan, respectively; which question was held under advisement by the justices.

He now renews the proposition, and asks that the record be made of all the papers and ballots in said box, after which the papers be returned to the box, and sealed up for further safe-keeping by Squire Haycock.

Mr. Thayer. I object to the opening of the box. The previous proceedings in this case have been illegal and contrary to the express direction of the act of Congress. I object now to the opening of the alleged box, because

no ground whatever is shown for such a proceeding, and no authority exists for it; and I ask, under what specification the proposition is made?

Mr. Van Dyke replies, that the laws of the United States under which the evidence is taken to be used in the contest for the seat of a member of Congress simply authorizes certain parties to take the testimony; that under that act the parties taking the testimony required are there under the act to take all testimony offered. They are not to judge of the competency or credibility of witnesses, or the competency, propriety, or relevancy of any testimony offered. Their simple duty is ministerial in its character, simply to take down and to certify the testimony offered, and that Congress, being the judge of the qualification of its members, is the proper body hereafter to judge of the competency of the testimony or its relevancy. This testimony is offered under specification No. 49.

Mr. Thayer. I object, further, that no testimony has been given and no ground alleged upon which any court or the House of Representatives would order a re-count of the ballots. The official return has not been impeached by any evidence.

Mr. Van Dyke. I ask that the record be made.

Justice Bryan now proceeds to open the box produced by Squire Haycock, of Plumstead township, and to take therefrom the papers and tickets, which, being counted by him, are as follows:

The justice having removed the string from the box, upon which was the seal, and having uncovered one of the ends, on the cover of which were these labels: one headed national officers; the next one headed State officers; and the next one headed county officers. There appear to be three apartments in the box corresponding to the different headings upon the lid. The apartment which was labelled national officers contained nothing whatever. The apartment headed State officers contained nothing except a box of wafers. The apartment labelled county officers contained, as is stated by Squire Haycock, who is recalled for that purpose, as follows:

The first bundle taken from the box by the justice and handed to the witness:

Question. What is this bundle?

Answer. It is the election papers of the election in October 14, 1862.

Question. It is a bundle of papers tied with a string, and indorsed election papers, October 14, 1862.

Answer. Yes, sir.

Mr. Van Dyke. Will you remove that string, sir, and tell us what that bundle contains? What is the first paper?

Answer. The votable list of Plumstead township for the year 1862.

Question. That means the list of voters, or the persons entitled to vote? Which?

Answer. Those are the persons entitled to vote.

Question. That is the assessor's list, then?

Answer. The assessor's list. The next paper is the list of votables signed by one of the clerks.

Question. That is the list of the persons who voted?

Answer. I believe so; yes.

Mr. Van Dyke. You return the duplicate of this to the clerk of the court. Will you state whether that list is signed by the judge and inspectors of election?

Answer. This list is signed only by one of the clerks. The next is the return.

Question. The next is a copy of the general return of the votes polled upon that day?

Answer. Yes, sir.

Question. This is signed by the judge, two inspectors, and two clerks, including yourself as one of the clerks?

Answer. Yes, sir.

Question. That contains the vote for Congress—two hundred and twenty-four (224) votes for Mr. Carrigan, and three hundred and fifty-six (356) votes for Mr. Thayer?

Answer. Those are the figures, sir.

Justice Bryan. What does the writing say?

Answer. Two (2) two dots, then twenty-four, (24,) for Mr. Carrigan, the dots being put under "hundreds," in the upper line; and three (3) two dots, and fifty-six, (56,) for Mr. Thayer, the dots being put under "hundreds," written at the top of the column.

The next paper is a tally list.

Question. That is the tally list of the votes polled?

Answer. Yes, sir. The next is the qualification of the officers of election; that is all the papers contained in the bundle.

Mr. Thayer. The tally list shows the same number of votes cast for the respective candidates as the return?

Answer. The tally list shows 224 votes for Mr. Carrigan, and 356 votes for Mr. Thayer.

Mr. Van Dyke. The tally list shows for Mr. Charles W. Carrigan, in marks and figures, two hundred and twenty-four (224) votes; for Mr. Thayer, three hundred and fifty-six (356,) in marks and figures.

The next bundle taken from the box is a bundle of tickets labelled State officers.

The next bundle taken from the box is a bundle of tickets labelled national officers.

The next bundle taken from the box is a bundle of tickets labelled county officers.

Mr. Van Dyke. Will you proceed to count, in the presence of the judge, the number of tickets in the second bundle of tickets you have mentioned, and tell us the number of tickets that are there for Mr. Carrigan, and the number for Mr. Thayer.

The witness now proceeds to count the tickets headed national officers :

M. Russell Thayer, |||| |||| |||| |||| 20—|||| |||| |||| |||| 20—|||| |||| |||| |||| 20—  
|||| |||| |||| |||| 20=80.

Charles W. Carrigan, |||| |||| |||| |||| 20—|||| |||| |||| |||| 20—|||| |||| |||| |||| 20—  
—|||| |||| |||| |||| 20=80.

M. Russell Thayer, |||| |||| |||| |||| 20—|||| |||| |||| |||| 20—|||| |||| |||| |||| 20—  
|||| |||| |||| |||| 20=80.

Charles W. Carrigan, |||| |||| |||| |||| 20—|||| |||| |||| |||| 20—|||| |||| |||| |||| 20—  
—|||| |||| |||| |||| 20=80.

M. Russell Thayer, |||| |||| |||| |||| 20—|||| |||| |||| |||| 20—|||| |||| |||| |||| 20—  
|||| |||| |||| |||| 20=80.

Charles W. Carrigan, |||| |||| |||| |||| 20—|||| |||| |||| |||| 20—|||| |||| |||| |||| 20—  
—|||| 5=65.

M. Russell Thayer, |||| |||| |||| |||| 20—|||| |||| |||| |||| 20—|||| |||| |||| |||| 20—  
|||| |||| |||| |||| 20=80.

M. Russell Thayer, |||| |||| |||| |||| 20—|||| |||| |||| |||| 15=35—355.

M. Russell Thayer, 20, 20, 20, 20, 20, 20, 20, 20, 20, 20, 20, 20, 20, 20, 20, 20, 20, 20,  
15=355.

Charles W. Carrigan, 20, 20, 20, 20, 20, 20, 20, 20, 20, 20, 20, 20, 20, 5=225.

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Question. Mr. Haycock, you have counted the tickets for Congress?

Answer. Yes, sir.

Question. How many do you find in there with Mr. Thayer's name on them?

Answer. Three hundred and fifty-five (355.)

Question. How many do you find in it with Mr. Carrigan's name on them?

Answer. Two hundred and twenty-five (225.)

Question. The tickets you have just counted you have no doubt were the tickets which were polled in October, 1862?

Answer. I have not the least doubt of it.

Question. Those were all the tickets that were polled for Congress?

Answer. Those were all.

The contents as above noted, as taken from the box, are returned by Esquire Haycock to the box. The box closed and sealed.

N. B. HAYCOCK, *J. P.*

Adjourned until 9 a. m., February 14, 1863.

JOHN S. BRYAN, *Associate Judge.*

HOUSE OF NATHAN P. BROWER, BOROUGH OF DOYLESTOWN,

*February 14, 1863.*

Parties met pursuant to adjournment. Present: Charles W. Carrigan, with Mr. Van Dyke, his counsel; M. Russell Thayer, with John B. Thayer, his counsel, and John S. Bryan, judge of the court of common pleas of Bucks county; also Justices J. H. Comly and William Reilly.

Mr. Van Dyke produces and offers to the justice a certified copy from the court of common pleas of Bucks county of the return of votes polled on the 14th day of October, 1862, for member of Congress, hereto annexed, marked February 14, 1863.—Exhibit No. 53.—J. S. B.

Mr. Van Dyke now produces Esquire Leidy Scheip, a witness on the part of the contestant, who, being duly affirmed according to law by Judge Bryan, makes answer as follows:

Mr. Thayer objects to the examination of the witness because he has not received any notice whatever of his intended examination, as required by the act of Congress.

Question. What is your name?

Answer. Leidy Scheip.

Question. You are a justice of the peace?

Answer. Yes, sir.

Question. Where do you reside?

Answer. New Britain township.

Question. Where is the election poll in that township?

Answer. At the public house of Samuel Barndt.

Question. Have you, as the nearest justice of the peace of that township, the custody of the box containing the ballots and papers of the election held there on the 14th of October, 1862?

Answer. I have them here; yes.

Question. Will you produce the box?

(Box produced.)

Question. This is a box about six (6) feet long?

Answer. I suppose so.

Question. About nine (9) inches square?

Answer. Yes, sir.

Question. It contains 8 apartments?

Answer. Yes sir.

Question. Each apartment having a sliding lid?

Answer. Yes, sir.

Question. With a hole in the top of the lid?

Answer. Yes, sir.

Question. Will you mention how many of these apartments were used at the election held in October, 1862?

Answer. That is more than I can tell; I think three.

Question. They have a paper pasted over the hole of each, marked, respectively, State officers, national officers, and county officers?

Answer. Yes, sir.

Question. Will you remove the lid of the box marked county officers, and tell us what is in it?

*Cross-examined.*

Question. Where did you bring this box from?

Answer. From the place where the election was held.

Question. In the public house of Samuel Barndt?

Answer. Yes, sir; there is where I received it this morning, in the same condition as it is here, except this (the paper) was sealed.

Question. From what room in that house did you obtain it?

Answer. He delivered it to me in the bar-room—that is, the landlord.

Question. Do you know where it was kept?

Answer. He went up stairs for it, what room I don't know.

Question. You do not know in what room it was kept?

Answer. No, sir.

Question. Did you deliver it to him after the election?

Answer. No, sir; I suppose the inspectors did it, though I don't know.

Question. You do not know who delivered it to him?

Answer. No, sir.

Question. It was not delivered to you after the election?

Answer. No, sir.

Question. You have not seen it, then, since it was in use at the election until to-day?

Answer. No, sir; I have not seen it since this morning; I have got it into my possession.

Question. This morning is the first time you have seen it since it was being used at the poll?

Answer. Yes, sir.

Question. There is pasted over one of the apartments a piece of brown paper?

Answer. Yes, sir.

Question. The lower part of the brown paper has been loosened from the box. Will you explain how that occurred?

Answer. Yes, sir; I can do that easily. As I had the box on the left side of the wagon seat, it jerked me and this box; this lid is very loose.

Question. It came loose in your journey?

Answer. Yes, sir; about a half mile back.

Question. It was pasted, when you started, with wafers?

Answer. Yes, sir.

Question. You have not seen the inside of the box?

Answer. No, sir; I don't know what is inside of it.

Question. Did you see the brown paper put on?

Answer. No, sir.

Question. You do not know who put that on?

Answer. I cannot tell.

Mr. Van Dyke. Question. That paper is pasted over the lid of the box





- 10, containing ten (10) tickets for Mr. Thayer.
- 11, containing one (1) ticket for Mr. Thayer.
- 12, containing ten (10) tickets for Mr. Carrigan.
- 13, containing nine (9) tickets for Mr. Carrigan.
- 14, containing nine (9) tickets for Mr. Thayer.
- 15, containing two (2) tickets for Mr. Carrigan.
- 16, containing ten (10) tickets for Mr. Thayer.
- 17, containing eight (8) tickets for Mr. Carrigan.
- 18, containing ten (10) tickets for Mr. Carrigan.
- 19, containing nine (9) tickets for Mr. Thayer.
- 20, containing three (3) tickets for Mr. Carrigan.
- 21, containing one (1) ticket for Mr. Carrigan.
- 22, containing one (1) ticket for Mr. Thayer.
- 23, containing eight (8) tickets for Mr. Thayer.
- 24, containing nine (9) tickets for Mr. Carrigan.
- 25, containing one (1) ticket for Mr. Carrigan.
- 26, containing nine (9) tickets for Mr. Carrigan.
- 27, containing one (1) ticket for Mr. Thayer.
- 28, containing one (1) ticket for Mr. Thayer.
- 29, containing ten (10) tickets for Mr. Thayer.
- 30, containing ten (10) tickets for Mr. Thayer.
- 31, containing ten (10) tickets for Mr. Thayer.
- 32, containing ten (10) tickets for Mr. Carrigan.
- 33, containing ten (10) tickets for Mr. Thayer.
- 34, containing nine (9) tickets for Mr. Carrigan.
- 35, containing ten (10) tickets for Mr. Thayer.
- 36, containing ten (10) tickets for Mr. Carrigan.
- 37, containing seven (7) tickets for Mr. Thayer.
- 38, containing eight (8) tickets for Mr. Carrigan.
- 39, containing eight (8) tickets for Mr. Thayer.
- 40, containing ten (10) tickets for Mr. Thayer.
- 41, containing nine (9) tickets for Mr. Thayer.
- 42, containing one (1) ticket for Mr. Carrigan.
- 43, containing one (1) ticket for Mr. Carrigan.
- 44, containing one (1) ticket for Mr. Thayer.
- 45, containing one (1) ticket for Mr. Thayer.
- 46, containing one (1) ticket for Mr. Thayer.
- 47, containing one (1) ticket for Mr. Thayer.
- 48, containing one (1) ticket for Mr. Thayer.
- 49, containing one (1) ticket for Mr. Thayer.
- 50, containing one (1) ticket for Mr. Thayer.
- 51, containing one (1) ticket for Mr. Carrigan.
- 52, containing one (1) ticket for Mr. Thayer.
- 53, containing one (1) ticket for Mr. Thayer.
- 54, containing one (1) ticket for Mr. Thayer.
- 55, containing one (1) ticket for Mr. Carrigan.
- 56, containing one (1) ticket for Mr. Carrigan.
- 57, containing one (1) ticket for Mr. Carrigan.

Question. You have now removed and given us the names of all the voters in that box?

Answer. All that this box contained.

Mr. Van Dyke. Will you take Mr. Carrigan's tickets and put them in bundles of ten and place them back in the box.

The witness returned the tickets to the box in bundles of ten, as follows:

- Bundle No. 1, containing ten (10) tickets for Mr. Carrigan.  
2, containing ten (10) tickets for Mr. Carrigan.

- 3, containing ten (10) tickets for Mr. Carrigan.
- 4, containing ten (10) tickets for Mr. Carrigan.
- 5, containing ten (10) tickets for Mr. Carrigan.
- 6, containing ten (10) tickets for Mr. Carrigan.
- 7, containing ten (10) tickets for Mr. Carrigan.
- 8, containing ten (10) tickets for Mr. Carrigan.
- 9, containing ten (10) tickets for Mr. Carrigan.
- 10, containing ten (10) tickets for Mr. Carrigan.
- 11, containing ten (10) tickets for Mr. Carrigan.
- 12, containing ten (10) tickets for Mr. Carrigan.
- 13, containing ten (10) tickets for Mr. Carrigan.
- 14, containing ten (10) tickets for Mr. Carrigan.
- 15, containing two (2) tickets for Mr. Carrigan.

Mr. Van Dyke. You have now placed back into the box how many bundles?

Answer. Fourteen bundles containing ten tickets each for Mr. Carrigan, and another bundle containing two more tickets.

Question. The tickets you have put back into the box are the same you just previously got out of the box?

Answer. Yes, sir.

Question. Will you take Mr. Thayer's tickets and count them back into the box, in bundles of ten (10,) in the same manner?

The witness returned the tickets to the box, as follows:

- Bundle No. 1, containing ten (10) tickets for Mr. Thayer.  
 2, containing ten (10) tickets for Mr. Thayer.  
 3, containing ten (10) tickets for Mr. Thayer.  
 4, containing ten (10) tickets for Mr. Thayer.  
 5, containing ten (10) tickets for Mr. Thayer.  
 6, containing ten (10) tickets for Mr. Thayer.  
 7, containing ten (10) tickets for Mr. Thayer.  
 8, containing ten (10) tickets for Mr. Thayer.  
 9, containing ten (10) tickets for Mr. Thayer.  
 10, containing ten (10) tickets for Mr. Thayer.  
 11, containing ten (10) tickets for Mr. Thayer.  
 12, containing ten (10) tickets for Mr. Thayer.  
 13, containing ten (10) tickets for Mr. Thayer.  
 14, containing ten (10) tickets for Mr. Thayer.  
 15, containing ten (10) tickets for Mr. Thayer.  
 16, containing ten (10) tickets for Mr. Thayer.  
 17, containing ten (10) tickets for Mr. Thayer.  
 18, containing ten (10) tickets for Mr. Thayer.  
 19, containing three (3) tickets for Mr. Thayer.

Question. You have now re-counted all the votes for Mr. Thayer, and put them into the box in bundles of ten (10)?

Answer. Yes, sir.

Question. How many bundles have you?

Answer. Eighteen (18) bundles of ten (10) each, and one bundle of three (3) remaining.

Question. Making one hundred and eighty-three (183) votes?

Answer. One hundred and eighty-three (183) votes.

Question. Will you now place back into that box, as you found them when you opened it, the other tickets and papers?

Witness. There, sir, is the box as I received it, any more than it ain't sealed

*Cross-examined.*

Question. Were you an officer of the election ?

Answer. No, sir; I was not.

Question. Who were the officers ? Can you give me their names ? Who was judge ?

Answer. The judge was John L. Delp; the inspectors, Martin Eckhart and Jonas Harley; the clerks, John A. Osis and Hugh Foreman.

Question. Were you present when the tickets were counted ?

Answer. No, sir; I was not present at the election poll at that time.

Question. I understand you to say this box was not placed in your custody after the election.

Answer. No, sir; it was not.

Question. This box was not delivered to you after the election ?

Answer. No, sir; I did not see the box after the election until this morning.

Question. You did not see it after the election until you brought it this morning; you went to Barndt's tavern, got it and brought it here ?

Answer. Yes, sir.

Question. Were you the justice of the peace entitled to the custody of this box ?

Answer. I suppose I am; the nearest one to the polls.

Question. Therefore by law entitled to have had the custody of this box, were you not ?

Answer. Yes, sir.

Question. The election was held on the 14th of October, 1862 ?

Answer. Yes, sir.

Question. This is the 14th of February, 1863. You have not seen this box between those two dates ?

Answer. No, sir, I have not. I saw it that day at the election.

Question. And between these two days you have not seen it ?

Answer. No, sir; I have not seen it since until this morning.

Question. You did not see the box at the close of the election ?

Answer. No, sir. I left about dusk.

Question. You did not see when it was taken to Barndt's tavern ?

Answer. No, sir. The election was held there, so that I suppose the box was there.

Question. You were not at the poll at the close of the election ?

Answer. No, sir.

*Re-examined.*

Question. This box you got from Barndt's tavern this morning ?

Answer. Yes, sir.

Question. How long has Barndt been keeping the tavern there ?

Answer. That is more than I can say just now; some three years.

Question. He is known there as a member of the republican party, is he not ?

Mr. Thayer. I object to that question as an improper one.

Answer. He is, sir.

Question. He has been so how long ?

Answer. That is more than I can say.

Question. He was so last year, when this box was left with him ?

Mr. Thayer. I object to that question.

Answer. Within my knowledge.

Question. Have you in your own mind any doubt that the tickets you have counted out of that box, and recounted into that box, were the tickets that were polled at the election in October, 1862 ?

Mr. Thayer. I object to that question. It asks for an expression of opinion, which is not evidence.

Answer. I have no doubt these are the tickets.

Question. And all of the tickets polled on that occasion?

Answer. I suppose so; all of the tickets.

*Re-cross-examined.*

Question. Can you tell the tickets which were polled on that day from any other tickets of the same character which were not polled, by their appearance?

Answer. I don't know that I could; I don't think I could; not unless by their not being in the box.

Question. You inferred these were the tickets which were polled on that day by finding them in the box?

Answer. That is the only way.

Question. That is the only ground upon which you say you believe they were voted, because you find them in the box?

Answer. I can't go by any other way.

Question. Your reason, therefore, for saying you have no doubt these are the tickets which were voted is, that you found them in the box?

Answer. Can't say anything more.

Question. It would be impossible for you to tell a ticket which was voted from a ticket which was not voted?

Answer. It would be more than I could do, and more than I would undertake to do.

LEIDY SCHEIP.

Mr. Van Dyke now produced Charles Stewart, a witness for the contestant, who, being duly sworn by Judge Bryan, makes answer as follows:

Mr. Thayer. I object to the examination of the witness, because I have not received any notice whatever of his intended examination, as required by the act of Congress.

Question. What is your name?

Answer. Charles Stewart.

Question. You are a justice of the peace of Bucks county?

Answer. Yes, sir.

Question. In what township?

Answer. Bensalem.

Question. Where do you reside?

Answer. In Bensalem township.

Question. You have come here under a subpoena, and bring with you the box of Bensalem township?

Answer. Yes, sir.

Question. Have you with you the box containing the tickets and papers of an election held in that township October 14, 1862?

Answer. Yes, sir.

(Box produced.)

Question. This is a box about 18 inches square, and 6 or 7 inches high?

Answer. I should judge it was.

Question. Containing six apartments, three on either side?

Answer. Yes, sir.

Question. The three on one side are labelled what?

Answer. County officers, national officers, and State officers.

Question. Do these contain the tickets polled October, 1862?

Answer. Yes, sir.



Question. Is each of these boxes sealed up tightly?

Answer. Yes, sir, I believe so.

Question. In what manner?

Answer. They are sealed with paper sealed over the lid, and some paper being pasted on the front of the box, so that the lid cannot slide out without tearing the paper. So it was pasted when I received it.

Question. Has it been kept in the same condition ever since?

Answer. Yes, sir.

Question. Were those papers untorn and in a perfect condition?

Answer. Yes, sir.

Question. There are three apartments in the square boxes on the other side. They contain the tickets of the township election last spring?

Answer. Yes, sir.

Question. Were you present at the election?

Answer. Pretty much so. I was away some little.

Question. Were you there when the election closed?

Answer. Yes, sir.

Question. Saw this box sealed up?

Answer. No, sir, I did not.

Question. Who sealed it up?

Answer. I presume the officers of the election.

*Cross-examined.*

Question. Where did you get this box to-day?

Answer. I brought it from my house—from my residence.

Question. How did it get to your residence, and when?

Answer. Now, sir, I can hardly answer that question. I believe I cannot say whether it was brought to my place on the morning of the day after the election, or the next day. The next day after the election I was away from home. When I came home in the evening I was informed that the ballot-box had been left at my house, by my wife. I looked for it, and took charge of it. It was safely put away when I came home.

Question. Have you any personal knowledge as to who brought it to the house?

Answer. No more than what my wife told me.

Question. Has it been in your house ever since that time?

Answer. Yes, sir.

Question. Where was it kept in your house?

Answer. It was kept in the garret.

Question. Have the papers to which you refer, as being pasted over the holes in the box, any signature or initial or other mark upon them?

Answer. They have not, sir.

Question. They are before you, and you see they have not, don't you?

Answer. I do, sir.

*Re-examined.*

Question. Where was that box kept between the spring and October elections?

Answer. At my place, sir.

Question. It was taken from your place for the purpose of using it in holding the election?

Answer. It was.

Question. How long has that box been used at the elections in Bensalem township?

Answer. That I cannot say; it has been in my possession four years.

Question. It is the usual ballot-box; you are sure it was the box you sent from your house, before the election in October, for the purpose of holding the election?

Answer. Yes, sir; I took it myself to the election poll.

Question. You took it to the spring election?

Answer. Yes, sir.

Question. It was brought to your house and kept?

Answer. Yes, sir.

Question. You, as the nearest justice, are entitled to keep it?

Answer. Yes, sir.

Question. You have no doubt this is the election box containing the vote of the election held in October, 1862?

Answer. No doubt at all.

Question. In order to remove the lid, it will be necessary to cut that paper, to separate the lid from the top of the box?

Answer. Yes, sir.

Question. Will you proceed to do that?

Mr. Thayer. I object to the opening of the box, because no ground whatever has been laid for such a proceeding, and no evidence whatever has been given to impeach the return of the sworn officers of the election.

Question. (The box being opened.) What does that apartment appear to contain?

Answer. The ballots.

Mr. Van Dyke. That is the apartment labelled "national officers;" will you take its contents out and tell us what those tickets are?

Bundle No. 1, containing ten (10) tickets for Mr. Carrigan.

2, containing ten (10) tickets for Mr. Carrigan.

3, containing ten (10) tickets for Mr. Thayer.

4, containing ten (10) tickets for Mr. Carrigan.

5, containing ten (10) tickets for Mr. Carrigan.

6, containing ten (10) tickets for Mr. Carrigan.

7, containing ten (10) tickets for Mr. Carrigan.

8, containing ten (10) tickets for Mr. Thayer.

9, containing ten (10) tickets for Mr. Carrigan.

10, containing ten (10) tickets for Mr. Thayer.

11, containing ten (10) tickets for Mr. Thayer.

12, containing ten (10) tickets for Mr. Thayer.

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14, containing ten (10) tickets for Mr. Thayer.

15, containing ten (10) tickets for Mr. Thayer.

16, containing ten (10) tickets for Mr. Thayer.

17, containing ten (10) tickets for Mr. Carrigan.

18, containing ten (10) tickets for Mr. Thayer.

19, containing ten (10) tickets for Mr. Thayer.

20, containing ten (10) tickets for Mr. Carrigan.

21, containing ten (10) tickets for Mr. Carrigan.

22, containing ten (10) tickets for Mr. Thayer.

23, containing ten (10) tickets for Mr. Carrigan.

24, containing ten (10) tickets for Mr. Carrigan.

25, containing ten (10) tickets for Mr. Carrigan.

26, containing ten (10) tickets for Mr. Carrigan.

27, containing ten (10) tickets for Mr. Carrigan.

28, containing ten (10) tickets for Mr. Carrigan.

29, containing ten (10) tickets for Mr. Carrigan.

30, containing ten (10) tickets for Mr. Carrigan.

31, containing ten (10) tickets for Mr. Thayer.

- 32, containing ten (10) tickets for Mr. Carrigan.
- 33, containing ten (10) tickets for Mr. Carrigan.
- 34, containing ten (10) tickets for Mr. Carrigan.
- 35, containing ten (10) tickets for Mr. Carrigan.
- 36, containing ten (10) tickets for Mr. Thayer.
- 37, containing ten (10) tickets for Mr. Carrigan.
- 38, containing ten (10) tickets for Mr. Thayer.
- 39, containing ten (10) tickets for Mr. Carrigan.
- 40, containing ten (10) tickets for Mr. Thayer.
- 41, containing ten (10) tickets for Mr. Thayer.
- 42, containing ten (10) tickets for Mr. Thayer.
- 43, containing two (2) tickets for Mr. Thayer.
- 44, containing one (1) ticket for Mr. Carrigan.

Question. You have counted from that box how many bundles of ten (10) each for Mr. Carrigan?

Answer. Twenty-five (25) bundles of ten (10) each, and one (1) vote, making two hundred and fifty-one (251) votes for Charles W. Carrigan.

Question. How many bundles of ten (10) each for Mr. M. Russell Thayer?

Answer. Seventeen (17) bundles of ten (10) each, and two (2) votes, making one hundred and seventy-two (172) votes for Mr. Thayer.

You will now replace these tickets in the box and seal it up.

Question. Where is the list of the voters?

Answer. I presume in one of the boxes.

(Witness opens the box labelled State ticket.)

Question. Do you find papers in that box?

Answer. Yes, sir.

Question. Do you find the list of voters or of persons who did vote?

Answer. Yes, sir.

Question. How many were there?

Answer. Four hundred and twenty-three (423.) This list contains the number of the persons who voted from 1 to 423, inclusive.

(Witness replaced the papers and sealed the box.)

CHARLES STEWART.

Mr. Van Dyke now produces Edward Q. Pool, a justice of the peace for Upper Makefield township, a witness on the part of the contestant, who, being duly affirmed, makes answer as follows:

(Mr. Thayer objects to the examination of the witness, because he has not received any notice whatever of his intended examination, as required by the act of Congress.)

Question. Where do you reside?

Answer. In Upper Makefield township.

Question. Are you a justice of the peace there?

Answer. Yes, sir.

Question. Have you, as such justice, the box containing the papers of the election held in that township on the 14th of October, 1862?

Answer. Yes, sir.

Question. Have you them with you?

Answer. Yes, sir.

(Box produced.)

Question. That is an oblong box, containing three (3) apartments?

Answer. Yes, sir.

Question. Are those apartments labelled?

Answer. They were. That one was labelled when I started from home; I put it under the seat, and it got rubbed off. The others are labelled.

Question. Just as you received them ?

Answer. Yes, sir.

Question. When did you receive it ?

Answer. I received it the morning after the election, or the next morning.

Question. It is in the condition now as when it was got ?

Answer. Yes, sir, with the exception of that paper. The paper was on it when I left home, but when I came to take it out it was lost. I guess it is lying in the carriage now.

*Cross-examined.*

Question. You are the nearest justice of the peace to the polls ?

Answer. The other one is about an equal distance. The other one was elected last spring.

Question. You generally took charge of the box ?

Answer. Yes, sir.

Question. Do you know who brought it to your house ?

Answer. Yes, sir, I do; Fenton Coffey.

Question. He was one of the officers of the election ?

Answer. No, sir; he was an attendant of the judge. He said he was going over with a load of hay, and the judge sent it to my house with him.

Question. He was not an officer of the election, but an attendant of the judge ?

Answer. Yes, sir.

Mr. Van Dyke. Will you, sir, open the box ?

Mr. Thayer. I object, because no ground has been made or alleged for such a proceeding, and no evidence has been given to impeach the return of the sworn officers, or to impeach their conduct

(Box opened.)

Question. That apartment appears to contain tickets ?

Answer. Yes, sir.

Question. Will you proceed to count out the tickets from that box in bundles of ten (10) each ?

M. Russell Thayer, ||||| =10 ||||| =20 ||||| =30 ||||| =40 ||||| =50  
||||| =60 ||||| =70 ||||| =80 ||||| =90 ||||| =100 ||||| =110.

Charles W. Carrigan, ||||| =10 ||||| =20 ||||| =30 ||||| =40 ||||| =50  
||||| =60 ||||| =70 ||||| =80 ||||| =85.

M. Russell Thayer, ||||| =120 ||||| =130 ||||| =140 ||||| =150 ||||| =160  
||||| =170 ||||| =180 ||||| =190 ||||| =200.

M. Russell Thayer, ||||| =210 ||||| =220 ||||| =230 ||||| =234.

Question. You have counted them all right ?

Answer. Yes, sir.

Question. How many have you for Mr. Thayer ?

Question. You have counted out of that box, and announced the names as written or printed on the ticket voted for Congress ?

Answer. Yes, sir.

Question. Those printed or written for Mr. Thayer, and those written or printed for Mr. Carrigan. You will now please to count into the box the tickets you have counted out; and in counting into the box, put them in bundles of ten (10,) commencing with those of Mr. Carrigan.

No. 1, one bundle, containing ten (10) tickets for Mr. Carrigan.

2, " containing ten (10) tickets for Mr. Carrigan.

3, " containing ten (10) tickets for Mr. Carrigan.

4, " containing ten (10) tickets for Mr. Carrigan.

5, " containing ten (10) tickets for Mr. Carrigan.

- No. 6, " containing ten (10) tickets for Mr. Carrigan.  
 7, " containing ten (10) tickets for Mr. Carrigan.  
 8, " containing ten (10) tickets for Mr. Carrigan.  
 9, " containing five (5) tickets for Mr. Carrigan.

Question. Will you tell us how many tickets there are for Mr. Charles W. Carrigan?

Answer. Eighty-five (85) votes for Mr. Carrigan.

Question. You will now please count back the tickets for Mr. Thayer.

- No. 1, one bundle, containing ten (10) tickets for Mr. Thayer.  
 2, " containing ten (10) tickets for Mr. Thayer.  
 3, " containing ten (10) tickets for Mr. Thayer.  
 4, " containing ten (10) tickets for Mr. Thayer.  
 5, " containing ten (10) tickets for Mr. Thayer.  
 6, " containing ten (10) tickets for Mr. Thayer.  
 7, " containing ten (10) tickets for Mr. Thayer.  
 8, " containing ten (10) tickets for Mr. Thayer.  
 9, " containing ten (10) tickets for Mr. Thayer.  
 10, " containing ten (10) tickets for Mr. Thayer.  
 11, " containing ten (10) tickets for Mr. Thayer.  
 12, " containing ten (10) tickets for Mr. Thayer.  
 13, " containing ten (10) tickets for Mr. Thayer.  
 14, " containing ten (10) tickets for Mr. Thayer.  
 15, " containing ten (10) tickets for Mr. Thayer.  
 16, " containing ten (10) tickets for Mr. Thayer.  
 17, " containing ten (10) tickets for Mr. Thayer.  
 18, " containing ten (10) tickets for Mr. Thayer.  
 19, " containing ten (10) tickets for Mr. Thayer.  
 20, " containing ten (10) tickets for Mr. Thayer.  
 21, " containing ten (10) tickets for Mr. Thayer.  
 22, " containing ten (10) tickets for Mr. Thayer.  
 23, " containing ten (10) tickets for Mr. Thayer.  
 24, " containing four (4) tickets for Mr. Thayer.

Question. Please tell how many bundles you have counted back into that box.

Answer. Twenty-three bundles of ten (10) each, and one bundle of four (4,) making two hundred and thirty-four (234) votes for Mr. Thayer.

Question. Will you now look at the list of persons voting, and tell us how many persons voted at that election? (Witness looks at the list.) That is the list of persons voting at that election?

Answer. Yes, sir.

Question. Will you tell us how many are numbered on that list as having voted at that election?

Answer. Three hundred and nineteen (319) on this paper. They are numbered from one (1) to 319, both papers included.

EDWARD Q. POOL.

Mr. Van Dyke now produces John Yardley, a witness on behalf of the contestant, who, being duly affirmed, deposes and says:

(Mr. Thayer objects to the examination of the witness, because he has not received any notice whatever of his intended examination, as required by the act of Congress.)

Question. Where do you reside?

Answer. I reside in Yardleyville, Lower Makefield township.

Question. Are you a justice of the peace in that township?

Answer. I am, sir.



Question. How long have you been a justice of the peace?

Answer. Eleven (11) years.

Question. What township is that in?

Answer. Lower Makefield.

Question. Were you at the election in that township on the 14th of October, 1862?

Answer. I was there two or three times during the day.

Question. That election was held in Yardleyville?

Answer. Yes, sir.

Question. You live in that town?

Answer. Yes, sir.

Question. Who acted as judge at that election?

Answer. Algernon S. Cadwallader was judge.

Question. Where does he reside?

Answer. He resides in the same village.

Question. He was the United States deputy marshal for making the enrolment, with a view to the draft, during the summer of 1862, and during the latter part of the year?

Answer. Mr. Cadwallader was.

Question. Algernon S. Cadwallader?

Answer. Yes, sir.

Question. Who was the return judge of the election held in October, from the township of Lower Makefield?

Answer. We have but one judge. I suppose that judge must have been the return judge. I don't know anything about it.

Question. Your judge acts as return judge?

Answer. That is the custom.

Question. Have you, as justice of the peace, the box containing the votes and papers relative to that election?

Answer. Yes.

Question. Have you it with you?

Answer. Yes, sir.

Question. Will you produce it?

(Box produced.) That is a box about 18 inches square and about 7 inches high. It contains three (3) [apartments] on each side, and has a sliding lid.

Question. Which are the apartments which contain the votes of the last election?

Answer. I do not know anything about it. I did not see it at all after the election. On one side there are three (3) sliding lids, labelled national, county, and State.

Question. How long has that box been in your possession?

Answer. Since the election.

Question. Has it been opened or disturbed since the election?

Answer. No, sir; it has never been touched by any person that I know of, except myself.

Question. You have not opened the lid?

Answer. No, sir; the strings I put on myself when I went to move it last evening. I saw one of those lids slipped a little. I discovered they were loose; I tied those strings over them, to prevent them from slipping out.

Question. You will now remove the lid of the box labelled national officers and tell what it contains.

Answer. The national votes.

Question. Will you count those votes out in bundles of ten (10) for each candidate, respectively, and announce them as you count them?

M. Russell Thayer, ||||| |||||=10 ||||| |||||=20 ||||| |||||=30 ||||| |||||=40 ||||| |||||=50  
 ||||| |||||=60 ||||| |||||=70 ||||| |||||=80 ||||| |||||=90 ||||| |||||=100.

Charles W. Carrigan, ||||| |||||=10 ||||| |||||=20 ||||| |||||=30 ||||| |||||=40 ||||| |||||=50  
 ||||| |||||=60 ||||| |||||=70 ||||| |||||=80 ||||| |||||=90 ||||| |||||=100.

M. Russell Thayer, ||||| |||||=110 ||||| |||||=120 ||||| |||||=130 ||||| |||||=140 ||||| |||||=150  
 ||||| |||||=160 ||||| |||||=170 ||||| |||||=180 ||||| |||||=190 ||||| |||||=200.

M. Russell Thayer, ||||| |||||=210 ||||| |||||=220 ||||| |||||=230 ||||| |||||=240 ||||| |||||=250.

Question. How many bundles of ten (10) each do you make for Mr. Thayer?

Answer. Twenty-five (25) bundles, two hundred and fifty (250) votes.

Question. How many for Mr. Carrigan?

Answer. Ten bundles of ten (10) each, and one (1) odd one, making one hundred and one (101) votes for Mr. Carrigan. There is nothing else in that apartment.

Question. Will you look in one of the other apartments and see if you can find the list of the persons who voted in that election?

(The witness takes a paper out of the box, which appears to be a list of the persons who voted.)

Answer. They are numbered from 1 to 351, both inclusive.

Question. That is a copy of the official return?

Answer. I presume so; it came from the box; showing two hundred and fifty-two (252) votes for Mr. Thayer, and one hundred (100) for Mr. C. W. Carrigan.

Question. Who is signed on that paper as judge?

Answer. Algernon S. Cadwallader.

Question. Do you know his signature?

Answer. Yes, sir.

Question. Is that his signature?

Answer. Yes, sir.

Question. That is the same Algernon S. Cadwallader who was United States marshal, is it, sir?

Answer. Yes, sir.

Question. Who are the inspectors on that paper?

Answer. Joshua K. Palmer and Jonathan Shoemaker, and John White and Jesse H. Smith as clerks.

*Cross-examined.*

Question. Mr. Cadwallader, of whom you were speaking, and who was the judge of the election, was the gentleman legally elected to fill that office, was he not?

Answer. Yes, sir.

Question. Elected in the previous spring?

Answer. Yes, sir.

Question. You say he had, during the summer of 1862, for a short time discharged the duties of enrolling officer?

Answer. I said so; yes.

Question. Have you any personal knowledge of his appointment founded upon anything other than hearsay?

Answer. Not any whatever, either by whom he was appointed or anything else. He acted in making the enrolment; that I know as a fact.

Question. Was the enrolment completed and Mr. Cadwallader's duties as enrolling officer discharged before the day of the election?

Answer. Yes; all the duties I ever knew him to perform were discharged before that time. If he did anything, I never knew about it; all that I knew was of a public nature.

Question. So far as you know, all his functions as enrolling officer were completed before the election day?

Answer. Yes.

Question. Did anybody at that time object to Mr. Cadwallader's acting as judge of the election?

Answer. I never heard of such.

Question. You never heard of any objection being made to his acting as judge?

Answer. I never did.

Question. Thereby acquiescing, so far as you saw?

Answer. So far as I ever heard.

Question. You know of no objection being made?

Answer. I never knew of any; never heard of any.

Question. Was that election conducted in a regular, fair, and proper manner, so far as your knowledge goes?

Answer. Yes, sir.

Question. Were both parties equally represented in the board of election officers?

Answer. Yes, sir.

Mr. Van Dyke. Which party was represented in the office of judge?

Answer. I was going to observe, so far as they could be.

Question. The republican party was represented in the office of judge. You say Mr. Cadwallader was elected to the office of judge; when was he sworn in?

Answer. On the day of the election, the 14th of October.

Question. He was elected in the spring previous?

Answer. Yes, sir.

Question. It was subsequent to his election he made the enrolment and acted?

Answer. I suppose it was.

Question. It was subsequent to your spring election?

Answer. It must have been; the draft was not ordered.

Question. When you say the election was conducted fairly, you mean only so far as you know? You don't pretend to say it was fair to give Mr. Thayer 252 votes when the box said 250? Do you say it was fair for the republicans to return 252 votes if there were but 250?

Answer. I should not call that fair, if that was the fact.

Question. You have counted out of the box but two hundred and fifty (250) votes?

Answer. I counted as many as the paper shows.

Question. You mean, when you say the election was fair, so far as you saw what transpired at the poll?

Answer. So far as I saw or heard.

Question. The box has been kept fairly?

Answer. I have no knowledge of anybody touching the box.

Question. Could anybody have touched the box?

Answer. No, sir.

Question. Algernon S. Cadwallader represents the same party as you belong to?

Answer. Yes, sir.

Mr. Thayer. There was a democratic inspector in the board, and a democratic clerk; they did not object, so far as you know?

Answer. I never heard any objection made by anybody until some time after the election was over; some days.

Mr. Van Dyke. I propose to adjourn until Thursday, the 12th day of March, 1863, at the house of James Mullen, Frankford.

Mr. M. Russell Thayer. I object to any further proceedings in this case. The act of Congress has an absolute prohibition of the taking of testimony after sixty days after the service of the answer.

Mr. John B. Thayer. I desire to put my objection on the record, to this adjournment. This answer was written by myself, copied by myself, and served by myself, on the 16th of December, 1862

Judge Bryan decides he will take the testimony as requested by the party for whom it is taken, they assuming the responsibility

Mr. M. Russell Thayer, the incumbent, objects, and protests against the taking of testimony after to-day, for the reason that sixty days have elapsed since the service of his answer upon the contestant. I give the contestant notice that I shall not attend the taking of the testimony after to-day, either in my own proper person or by my counsel, but that I shall protest and insist that any such testimony is unlawfully taken, and shall object and protest against its being used and read by the committee of the House of Representatives, or by that body itself. I now give the contestant full and timely notice of this objection. He will proceed at his own risk and peril.

Mr. Van Dyke. To all of which Mr. Van Dyke replies for contestant that he is glad to hear the incumbent say, in effect, he intends to submit the propriety of this protest to their proceeding to take testimony to Congress, which he has always supposed was the proper tribunal by which such questions were to be decided. The other ground of his protest shows the impropriety of his making this objection to the justice who is taking the testimony.

Secondly. Mr. Van Dyke says he speaks by the record, when he says there is no evidence that any answer to the notice of contest has ever been served upon the contestant; that if such answer has ever been served, it was within the power of the incumbent to have shown it long since.

Thirdly. That, so far as the notice is given by the incumbent that he will not attend, Mr. Van Dyke replies that that is a matter entirely within his own discretion and judgment. That if he does not see fit to attend, either by himself or counsel, Mr. Van Dyke shall proceed on the occasion to which adjournment has been made, and at that place, to examine such witnesses as the contestant shall at that time wish to examine.

Mr. Thayer. I wish to answer the point in regard to not having proved the service. I reply, I have offered and now offer to prove, by the oath of a witness here present, that my answer was served on the contestant on the 16th day of December, 1862. The judge does not allow me to prove it.

Mr. Van Dyke. I object to his taking the proof.

Judge Bryan decides he will not take the proof, because it is objected to on the ground of no notice having been given. He will not take testimony under such circumstances when objected to, as it is a question for the House of Representatives to decide, and not him.

To which Mr. Van Dyke replies again, that, so far as Mr. Thayer's remark is concerned, his offer to take testimony as to the time and manner of the service of the answer should be in conformity with the act of Congress, that act provides that ten days' notice should be given of any intention to take testimony on the part of the incumbent, fixing the time and place, and the persons before whom such testimony shall be taken. That no such notice has ever been served on the contestant, and for that reason any evidence on his part is objected to by the contestant. Upon that ground alone the justice has been asked not to hear the evidence offered by Mr. Thayer.

Mr. Thayer. I did not offer evidence affecting the merits of the contest. I simply offer proof of the day of service of the answer, in order to satisfy the conscience of the judge that he cannot act in taking testimony after to-day without violating the plain provisions of the act of Congress.

It is ordered that the parties adjourn until Thursday, the 12th day of March, to the house of James Mullen, at Frankford, in the 23d ward, in the fifth congressional district.

JOHN S. BRYAN,  
*Associate Judge.*

FRANKFORD, PHILADELPHIA COUNTY, HOUSE OF JAMES MULLEN,  
*Thursday, March 12, 1863.*

Parties met pursuant to adjournment. Having waited until 3 p. m., proceeded. Parties present: John S. Bryan, associate judge of the courts of common pleas, &c., of the county of Bucks, in the fifth congressional district; Justices Joseph H. Comly and William Reilly; Charles W. Carrigan, contestant, with his counsel, James C. Van Dyke, esq.

Mr. Van Dyke, for contestant, produces August Schroder, a witness on the part of the contestant, who, being duly sworn, says:

Question. What is your business?

Answer. I am a turner.

Question. Where do you live?

Answer. In Fulton street, right on the New York line, opposite Somerset street.

Question. That is in the 5th division, 25th ward?

Answer. Yes, sir.

Question. You are a naturalized citizen?

Answer. Yes, sir.

Question. When were you naturalized?

Answer. Five years ago.

Question. When did you come to this country?

Answer. In 1852.

Question. From Germany?

Answer. Yes, sir.

Question. Where did you get your naturalization papers?

Answer. Out of the court, in Philadelphia.

Question. Out of what court?

Answer. That I can't exactly say. A friend went with me; he vouched me for me. I have my papers, but have not them with me. It was an American citizen went with me.

Question. When did you get your naturalization papers?

Answer. I was here five years before I got my second paper.

Question. When did you get the naturalization paper?

Answer. I can't say the day or month so exactly; I have not got the paper here.

Question. What is the date of the paper?

Answer. It was in spring election; I don't know which, for governor or what. I went before the election and got my paper; I can't tell the time so exactly.

Question. Where is your naturalization paper?

Answer. I have it home.

Question. How long have you lived at your present place of residence?

Answer. Nineteen months.

Question. Are you assessed in that precinct?

Answer. Yes, sir.

Question. Did you pay taxes?

Answer. Yes, sir.

Question. Did you vote at the last election?

Answer. Yes, sir.



Question. Did you vote for member of Congress at the last election?

Answer. Yes, sir.

Question. For whom did you vote?

Answer. I voted the whole republican ticket.

Question. Who was the friend who went to the court with you to get your naturalization papers?

Answer. He was a man who was acquainted with me, from Germany; he came from Germany, not far from where I came.

Question. What was his name?

Answer. Nicholas Horm.

Question. Where does he live?

Answer. I don't know; he is single; he is sometimes here, sometimes in another place.

Question. What was his business?

Answer. He was a tailor; he has no business any more.

Question. When did you last see him?

Answer. A good while; he went to the soldiers; I did not see him since—a long time.

Question. He went with the soldiers?

Answer. Yes; he has come back again.

Question. How long before you came from Germany did this Horm come?

Answer. I saw him the first time—I guess I was not here about a couple of weeks.

Question. Then you saw him?

Answer. Yes, sir; I saw him then.

Question. Was there more than one person in court with you?

Answer. I don't know; I guess not.

Question. Had Horm his naturalization papers?

Answer. Yes, sir.

Question. How long before?

Answer. I do not know; he was here ten or eleven years before I got mine.

Question. What was the name of the American who went to the court with you?

Answer. I did not ask his name.

Question. You said an American vouched for you?

Answer. Yes, sir; he spoke for me.

Question. Did the American you did not know, and who did not know you, vouch for you?

Answer. I took my first paper; he found the truth in my first paper; what he could say for me. I took my first paper the first year I came. I got my first paper; after five years I got my second.

Question. The first paper you got the first year?

Answer. Yes, sir.

Question. Did you state, at the time you got the first paper, you had been here but one year?

Answer. I came in the spring; it was the fall of the year.

Question. You had not been here a year? You got your first paper?

Answer. Not a year; in the first year.

Question. Did you state the fact, the time you got the paper, you had not been here a year?

Answer. That I do not know; I do not think I was asked it.

Question. Who vouched for you at the time you got your first paper?

Answer. There were three or four went together, which were laboring men. All went to the place together. One of these did the talking.

Question. What man did the talking?

Answer. That I cannot tell exactly ; he was acquainted with all of the men, and went with a couple of the men.

Question. What have you done with the first paper ?

Answer. I kept it until I got my second paper.

Question. How many years have you been in the country ?

Answer. In May, 11 years.

Question. How long will it take you to get your paper ?

Answer. Which paper ?

Mr. Van Dyke. The naturalization papers.

Judge Bryan. Question. How far do you live from here ?

Answer. Three or four miles.

Mr. Van Dyke. Question. Could you bring it here this afternoon ?

Answer. I can get it ; who will pay me to get it, for the trouble ? You told me to tell the truth ; what do you want more ?

Mr. Van Dyke. I want the paper.

Answer. Why not, you told me, the man who bring the subpoena.

Question. Did he tell you to bring the paper ?

Answer. No, sir.

Question. To whom did you pay taxes before the last election ?

Answer. Two days before the election.

Question. To whom did you pay them ; to what person ?

Answer. In the alderman's office.

Question. What alderman ?

Answer. In the 25th ward, Frankford road.

Question. What was his name ?

Answer. I do not know. I saw the name ; I don't remember it exactly.

Question. Who took you there to pay taxes ?

Answer. Nobody.

Question. Who asked you to go there to pay taxes ?

Answer. Nobody.

Question. Were you on the assessment list ?

Answer. Yes, sir.

Question. How long will it take you to go to your house and get your naturalization papers ?

Answer. An hour and a half.

Question. Will you do so, and return this afternoon ?

Answer. I will.

(Witness returned with the papers.)

Question. Have you been home for your papers ?

Answer. Yes, sir.

Question. Have you it with you ?

Answer. Yes, sir.

Witness produces certificate in favor of Justus Schröder, dated May 3, 1858, signed by Joseph Crockett, clerk of the court of quarter sessions of Philadelphia county, certifying that he had declared his intention on the 13th of September, 1852, before the prothonotary of the supreme court.

Question. What is your name ?

Answer. Justus August Schröder—that is my name—from Germany ; it is not much in fashion here. I signed the other name August.

Question. Why didn't you sign the other name when you got this certificate ?

Answer. The first name was on the first paper ; the second paper, the man wrote the same, like the first paper was.

Question. How often have you voted ?

Answer. I do not know.

Question. Did you produce this ?

Answer. Nearly always.

Question. Did you produce it last fall ?

Answer. Yes, sir.

Question. Were you examined at the poll ?

Answer. They asked me if I paid taxes, and asked me to produce this paper.

Question. Did you show the paper to the officers inside ?

Answer. Yes, sir.

Question. Where did you live at the time you got the certificate ?

Answer. In Cope street, in Eagle avenue, between Franklin and Thompson.

Question. What ward is that in ?

Answer. 17th ward.

Question. What division ?

Answer. I do not know.

Question. You voted in the ward ?

Answer. Yes, sir.

Question. How long did you vote in the 17th ward ?

Answer. I do not know.

Question. The first time you voted, you voted in the 17th ward ?

Answer. Yes, sir.

Question. Did you vote there more than once ?

Answer. Yes, sir.

Question. Where did you vote ; at what house ?

Answer. It was the corner of Thompson and Front.

Question. Did you vote more than twice ?

Answer. I can't tell exactly.

Question. Where did you move from there ?

Answer. I moved to where I live now.

Question. When ?

Answer. It was two years in August.

JUSTUS SCHRÖDER.

Mr. Van Dyke now produces Daniel Allen, a witness for the contestant, who, being duly sworn, makes answer as follows :

Question. Where do you live ?

Answer. Frankford road, above the Reading railroad, on the east side, a few doors above.

Question. What division of what ward ?

Answer. In the 5th precinct of the 25th ward.

Question. Do you know Mr. John Surrick ?

Answer. Yes, sir, I know him.

Question. How old a person is he ?

Answer. 22 or 23 years of age.

Question. His father lived in that division ?

Answer. Yes, sir.

Question. How long have you known John Surrick ?

Answer. From 1855 to 1856.

Question. You knew him before he was a voter ?

Answer. I don't think he was of age when I knew him first ; he was a boy. He looks young ; he is small.

Question. Do you know whether he left the division, or where he went to, and when he left ?

Answer. I had missed him for some time previous to the last election, and on the morning of the election he came to the precinct house to the

poll. I asked him where he had been. He shook hands with me, and, to the best of my remembrance, he told me he had been in Washington driving a carriage or ambulance, I believe, and that he had come back the night previous. He wore that morning one of those light coats the soldiers wear. It was as if he had been covered with hay—as if he had just come back. He wore one of those light blouses.

Question. When he left the division was he a housekeeper?

Answer. Yes, sir.

Question. He did not live with his father?

Answer. No, sir.

Question. He had lived with his father when he first came, but he had married.

Answer. Yes, sir; he had married.

Question. Had his wife moved away from the division?

Answer. Yes, sir; his wife moved.

Question. Did she live in that division at the time he came back?

Answer. To the best of my knowledge, she was living in the Harrogate—I don't know the division—with her brother-in-law, James McIntire. It is the 2d division.

Question. Can you tell us how long he was away from the time he first left the division until he returned, the night before the election?

Answer. No, sir; I can't tell that.

Question. Within a week or a month?

Answer. No, sir; I cannot tell how long he was away. He was away, to the best of my knowledge, more than two or three weeks; I think a considerable period; I do not know definitely.

Question. You know of his being away two or three weeks?

Answer. I had missed him, though I did not know until he told me himself that he had been away, on the morning he came back.

Question. When he presented himself at the polls and claimed the right to vote, what residence did he claim?

Answer. He was not challenged at all; most all knew him; no person interfered with him, to the best of my knowledge.

Question. What ticket did he vote?

Answer. I don't know what ticket he voted; he always did vote the republican ticket. I believe he voted the same this time, though I did not see the ticket, or anything of the kind. He claimed himself as a republican—always one of the strictest.

Question. Where is he now?

Answer. He is keeping a tavern, Frankford road and Clearfield street.

Question. That is in the division?

Answer. Yes, sir.

Question. When did he return to the division?

Answer. He returned to the division, he told me, the evening previous to the last election.

Question. Did not go away after that?

Answer. Did not go away, sir.

DANIEL ALLEN.

Adjourned to Monday, April 13, 1863, at 11 a. m.

And now, April 13, 1863, parties met, pursuant to adjournment, at the house of James Mullen, in Frankford, in the 23d ward of the city of Philadelphia, in the 5th congressional district.

Parties present: John S. Bryan, associate judge of the courts of common pleas, &c., of the county of Bucks, and alderman Joseph H. Comly, justice of the peace in the said district.

Adjourned to meet at the house of Lewis T. Pratt, in the borough of Bristol, Bucks county, the 15th day of April, 1863.

And now, April 15, 1863, parties met, pursuant to adjournment, at the house of Lewis T. Pratt, in the borough of Bristol, Bucks county, in the 5th congressional district.

Present: Judge John S. Bryan, associate justice of the courts of common pleas, &c., of Bucks county, in the said district, and James C. Van Dyke, esq., in behalf of the contestant.

Mr. Van Dyke, on behalf of Charles W. Carrigan, the contestant, produces Michael H. Jenks, who, being duly affirmed according to law, deposes and says :

Question. Where do you reside ?

Answer. In the borough of Newtown, Bucks county.

Question. You formerly represented your district in the Congress of the United States ?

Answer. Yes, sir.

Question. Are you a justice of the peace ?

Answer. I am.

Question. Were you an officer of the election held there in October last ?

Answer. I was not, further than as the oldest justice of the borough is permitted to remain in the room, as has been the custom in the borough, to see if the count was right.

Question. You saw the count of the votes at that poll in October last for congressmen ?

Answer. I did.

Question. Saw them put into the box and sealed up by the officers, and took charge of the box afterward ?

Answer. The box was brought to my office that night, and taken to the garret, as has been done for twenty years.

Question. Has it been there since ?

Answer. Until this morning.

Question. Have you now the box in the same condition as when left to your charge ?

Answer. I have.

Question. Is the box containing the votes for Congress labelled Congress ?

Answer. Yes, sir.

Mr. Van Dyke. Will you open the box and count the ballots therein contained, and tell us how many there are ?

Answer. If I have the authority so to do.

Judge Bryan directs the box to be opened.

Witness. There is a sealed tape around the box.

Question. Have you broken the seal ?

Answer. Yes, sir.

The witness having opened the box, proceeds to count the ballots therein contained, removing from the box the papers and ballots.

Question. What is the first paper ?

Answer. A tally list, dated October 14, 1862, of the election held at the house of Warren Groom, in the borough of Newtown, which tally list reports—

*For national officer.*

For Congress : M. Russell Thayer.....	90 votes.
Charles W. Carrigan.....	53 votes.



*For State officers.*

Auditor General : Thomas E. Cochran..... 91 votes.  
Isaac Slenker..... 53 votes.

*For surveyor general.*

William Ross..... 91 votes.  
James P. Barr..... 53 votes.

Question. That tally list does not appear to be signed, does it ?

Answer. No. We have two, (2;) one (1) we send to the office—the other is in here, (pointing to one of the boxes.) This is merely a copy of the tally.

Witness then took from the box, as follows:

Package No. 1. One bundle containing 10 tickets for M. Russell Thayer.  
Package No. 2. One bundle containing 10 tickets for M. Russell Thayer.  
Package No. 3. One bundle containing 10 tickets for M. Russell Thayer.  
Package No. 4. One bundle containing 10 tickets for M. Russell Thayer.  
Package No. 5. One bundle containing 10 tickets for M. Russell Thayer.  
Package No. 6. One bundle containing 10 tickets for M. Russell Thayer.  
Package No. 7. One bundle containing 10 tickets for M. Russell Thayer.  
Package No. 8. One bundle containing 10 tickets for M. Russell Thayer.  
Package No. 9. One bundle containing 10 tickets for M. Russell Thayer.  
Package No. 10. One bundle containing 10 tickets for Charles W. Carrigan.

Package No. 11. One bundle containing 10 tickets for Charles W. Carrigan.

Package No. 12. One bundle containing 10 tickets for Charles W. Carrigan.

Package No. 13. One bundle containing 10 tickets for Charles W. Carrigan.

Package No. 14. One bundle containing 10 tickets for Charles W. Carrigan.

Package No. 15. One bundle containing 3 tickets for Charles W. Carrigan.

Question. Have you removed from the box containing the tickets for Congress all the ballots ?

Answer. Those embrace all our vote in the borough.

Question. How many votes do you find for Mr. Thayer ?

Answer. I find for Mr. Thayer, ninty (90) votes.

Question. For Mr. Carrigan ?

Answer. For Mr. Carrigan, fifty-three (53) votes.

Question. Are you satisfied that box has not been opened since the night it was returned to your house until this morning ?

Answer. Without it is some person went there unknown to me; nobody goes there. I have no idea of this being disturbed or fingered from one election to another. We are particular in that borough. It is well sealed up and put in the same place; that is, in my attic, where nobody goes.

M. H. JENKS.

The witness returns the ballots to the box and closes it as it was found before it was opened.

Mr. Van Dyke now produces John H. Lovett, a witness on the part of the contestant, who being duly sworn, deposes and says as follows:

Question. Are you a justice of the peace in the borough of Morrisville, Bucks county ?

Answer. Yes, sir.

Question. Were you in October, 1862 ?

Answer. Yes, sir.

Question. Were you an officer of the election held in that borough on the 14th of October ?

Answer. I was not, further than qualifying the officers.

Question. Were you present at the election ?

Answer. Part of the time, while qualifying the officers and giving my vote.

Question. As a justice of the peace in that borough, did you take charge of the ballots and the election papers made up by the officers of the election ?

Answer. I did, of a box that came into my hands. The election was held on Tuesday. The first I saw of the box was on Sunday morning. My son was out in the street. He said "the ballot-box is lying against your office door." I went out and opened the door; the ballot-box was standing against the door. It was Sunday morning following the election.

Question. Have you kept it carefully since that time ?

Answer. It has been in my office.

Question. Was it sealed up ?

Answer. No, sir; it was not sealed. I put the seal upon it, when starting this morning, for my own protection. It is not sealed—only the string.

Question. Has the box been carefully kept ? Have any papers been brought and put in it ?

Answer. For the time it was taken from my office. At the spring election. The officers came for the box—it was the only box; they took it. I went with them for the purpose of qualifying them. They took it to the poll and slipped back the lid and looked in, and saw that it contained the papers of the fall election. I told them "they had better put it in." They put the lid down and returned it to my office. They sent and got another box.

Question. Were the papers taken out ?

Answer. I think they put a hand in and lifted them.

Question. Was that at the spring election ?

Answer. Yes, sir.

Question. Do you know whether the box opened on that occasion was the box containing the tickets for Congress ?

Answer. Yes, sir; I received it as such. The box was used at the fall election in 1862.

Question. Were all the tickets together ?

Answer. I did not examine minutely into that, whether they were or not.

Question. With the exception of that time when the box was opened at the spring election, has the box been disturbed, or the papers been taken, or any papers added to it any other time ?

Answer. Not to my knowledge.

Question. Could it be done without your knowledge ?

Answer. Not without any person went to my office without my authority and did it. I have no idea it was disturbed by anybody in my office. I made a memorandum of the date, when I found it at the office door, to strengthen my memory. I knew that it was an illegal transaction, and told that it was at that time.

Question. Do you know the person who brought the box there ?

Answer. I do not. I have not made any inquiry.

Question. Are you able to say what was done with this box from the time of the election, (Tuesday,) until the following Sunday ?

Answer. I cannot. I presume it was neglected and left at the tavern where the election was held. Some persons brought it there, believing that it should come to my office. I have no idea that there was any malpractice, or anything of the kind.

Question. Have you the box with you now ?

Answer. Yes, sir.

Question. Is the box now produced the box of the Morrisville borough?

Answer. Yes, sir ; it is a long box, with a lid covering the whole of it.

Mr. Van Dyke. Will you open that box and count from it the ballots for member of Congress for the 38th Congress ?

(The witness proceeds to remove from the box the tickets for national officers :)

Package No. 1 contains 10 tickets for M. Russell Thayer.

2 contains 10 tickets for M. Russell Thayer.

3 contains 10 tickets for M. Russell Thayer.

4 contains 10 tickets for M. Russell Thayer.

5 contains 10 tickets for M. Russell Thayer.

6 contains 10 tickets for M. Russell Thayer.

7 contains 10 tickets for M. Russell Thayer.

8 contains 10 tickets for M. Russell Thayer.

9 contains 12 tickets for M. Russell Thayer,

and one ballot in which the name of Charles W. Carrigan is scratched off in pencil, and the name of M. Russell Thayer written in pencil.

Package No. 11, containing 10 tickets for Charles W. Carrigan.

12, containing 10 tickets for Charles W. Carrigan.

13, containing 10 tickets for Charles W. Carrigan.

14, containing 10 tickets for Charles W. Carrigan.

15, containing 10 tickets for Charles W. Carrigan.

16, containing 1 ticket for Charles W. Carrigan.

I have now counted all the votes in the box for national officers.

Question. How many do you find for Mr. Thayer ?

Answer. I find ninety-three (93) for Mr. Thayer, including the pencilled ticket, and fifty-one (51) for Mr. Carrigan.

Question. When you say you find ninety-three (93) tickets for Mr. Thayer, do you include a ticket on which the printed name of Mr. Carrigan is scratched off in pencil, and the name of Mr. Thayer is written in pencil in the place thereof ?

Answer. Yes, sir.

Mr. Van Dyke. Will you please put those ballots back into the box as you found them and close it ?

(Witness replaces the ballots in the box.)

JOHN H. LOVETT.

Mr. Van Dyke now produces George Flowers, a witness on behalf of the contestant, who being duly affirmed according to law, deposes and says :

Question. Where do you live ?

Answer. I live in Attleboro', Middletown township.

Question. Were you the judge of the election held there in October, 1862 ?

Answer. I was, sir.

Question. Have you brought with you the box containing the ballots and papers of that election ?

Answer. Yes, sir.

Question. Where has it been since the election ?

Answer. I had it in my possession until a week before the spring election. I was down in Virginia, and they wanted the box to hold the spring election, and the inspectors came and got it. They did not open it.

Question. Did both inspectors tell you that ?

Answer. No.

Question. Who was the inspector who got it ?

Answer. Watson, his name is. He did not leave it at my place. He

took it to James Flowers, and left it there. The other inspector's name was John E. Randall.

Question. Was Watson the highest inspector on the list when he was elected?

Answer. I do not know anything about it. Randall was not elected; the inspector was in Washington—he was appointed.

Question. Do you know how he was appointed?

Answer. I do not.

Question. You were elected judge?

Answer. I was elected.

Question. Do you know who ran against you for judge?

Answer. I think Dr. Hayhurst.

Question. Was he the lowest judge?

Answer. I suppose so; I am not sure whether he ran for judge or not.

Question. Are you satisfied that box has not been opened during the time it was out of your presence?

Answer. I am satisfied it has not been opened.

Question. Did the inspector open it?

Answer. I do not think he did. Joseph Flowers said it had not been opened.

Question. Are you satisfied, from the character of the individual, it was not opened?

Answer. I am satisfied it is all correct; they are men who would not do anything that was not right.

Question. Do I understand from that you are satisfied, from the character of the men, that box was not opened during the time it was out of your possession?

Answer. That is my opinion about it.

Question. You saw the ballots put in that box, did you not?

Answer. I counted them over myself when they were put it.

Question. What return did you make?

Answer. I can't recollect now.

Mr. Van Dyke. Will you open the box and count the ballots for Congress?

Question. Have you seen the inside of the box from the time it was closed until now?

Answer. I opened it; I think it was ten days before I went to Virginia. They wanted to take out the book of the election laws. The inspector put it in.

Question. Was that all you disturbed?

Answer. That is all I touched.

Question. Did you close it immediately?

Answer. Yes, sir.

Question. Where did you keep that box?

Answer. I kept it in a bed-room at our house.

Question. Have you counted all the tickets you find in that box?

Answer. Yes, sir.

Question. How many ballots do you find in that box for Mr. Carrigan?

Answer. There are one hundred and sixteen, (116.)

Question. How many ballots do you find for Mr. Thayer?

Answer. There are two hundred and seventy-four, (274.)

Question. In counting the tickets containing the ballots for congressman you report there are 274 ballots for Mr. Thayer. Since counting the tickets have you counted any other tickets contained in a box for any other officers? Have you gone over any other box?

Answer. Yes, sir; for county officers.

Question. Do you find in that box any tickets for congressman?

Answer. I find three (3.)

Question. Whose name is on them?

Answer. Russell Thayer's.

Question. On each of the three tickets?

Answer. Yes, sir.

Question. Did you find any tickets for Congress in any of the other boxes?

Answer. I got them all out of the county officers.

Question. You find no tickets for Congress in the box containing the tickets for State officers?

Answer. I guess it was out of the county officers.

GEORGE FLOWERS.

Mr. Van Dyke now produces Jonathan Shoemaker, a witness on the part of the contestant, who, being duly sworn, deposes and says:

Question. Where do you live?

Answer. Yardleyville, Lower Makefield township.

Question. Were you an officer of the election held there in October, 1862?

Answer. Yes, sir.

Question. What officer?

Answer. Inspector.

Question. Who was the judge of the election?

Answer. Algernon S. Cadwallader,

Question. Was he the United States marshal for the purpose of making the enrolment for the draft?

Answer. Some said he was; some said he had resigned.

Question. Had he been the officer?

Answer. Yes, sir.

Question. Do you recollect a Mr. Worthington and a Mr. Longshore voting at that election?

Answer. I don't know about Worthington, if he did or not. Longshore did. His first name is William H.

Question. Was his vote questioned by anybody?

Answer. I think myself asked him if he had paid a tax during the last two years. He said he didn't know whether he had or not. David Cook spoke and said, "I know he didn't; the collector told me he hadn't." He didn't say he had or hadn't paid taxes.

Question. Was there any evidence of his having paid a tax before his vote was received?

Answer. No, sir.

Question. Did you have any conversation with him afterwards?

Answer. Yes, sir.

Question. How long after?

Answer. I suppose about twenty minutes afterwards.

Question. What did he say?

Answer. He hadn't paid a tax inside of two years.

Question. Did you have any conversation with, or hear any conversation between, Worthington and any other person?

Answer. No, sir, I did not. The reason makes me remember Longshore was, we went into the bar-room and he said to the gentleman who had challenged his vote, David Cook.

Question. What did he say to you?

Answer. He, Longshore, had got his vote in, and he spoke some words to Cook about his not giving his on the same ground he got his in.

Question. What did he say was the reason Cook had not got his in?

Answer. I don't recollect. He was twitting Cook for not getting his in, not having paid his taxes, while he, Longshore, had.



Question. Did he say he had not paid his taxes?

Answer. He said he did not recollect paying his taxes for two or three years.

Question. Who was the judge who received the vote?

Answer. Mr. Cadwallader.

Question. Was there a difference as to the propriety of receiving the vote?

Answer. No.

Question. Did both agree to receive it?

Answer. We both agreed about it, and left it to Mr. Cadwallader to see if he had a right to vote.

Question. Was the vote received upon his decision?

Answer. Yes, sir.

#### JONATHAN SHOEMAKER.

Mr. Van Dyke now produces Reading B. Slack, a witness on the part of the contestant, who, being duly sworn, makes answers as follows:

Question. Where do you live?

Answer. Yardleyville, Lower Makefield township.

Question. Did you vote at Yardleyville?

Answer. Yes, sir.

Question. Do you know Mr. Worthington and Mr. Longshore? State what you know about their right to vote.

Answer. It was reported they had voted and not paid taxes, either one of them, for two years. I went and asked the collectors, A. I. Cook and Moses Gerkin, if they had paid. Both said they had not paid a tax within the last two years.

Question. Were you present at the election when they did vote?

Answer. No, sir. The report was, Worthington had voted—was objected to; Cadwallader had agreed to pay his taxes, and did not do it.

Question. Were you present when Worthington did vote?

Answer. No, sir; neither one of them.

Question. Did you have any conversation with Worthington on the subject?

Answer. No, sir.

#### READING B. SLACK.

Mr. Van Dyke now produces Jesse H. Smith, a witness in behalf of the contestant, who, being duly affirmed according to law, deposes and says:

Question. Where do you live?

Answer. Yardleyville.

Question. Do you vote in Lower Makefield township?

Answer. Yes, sir.

Question. Were you an officer of the election held there October 14, 1862?

Answer. I was clerk to the inspector.

Question. Do you recollect Mr. Worthington coming to vote?

Answer. Yes, sir.

Question. What is his first name?

Answer. George.

Question. Was his vote questioned?

Answer. It was.

Question. On what ground?

Answer. His taxes.

Question. Did he prove his having paid taxes within two years?

Answer. I do not think he did.

Question. State what took place.

Answer. After the question whether he had paid his tax or not, and it

was found out he had not, Mr. Cadwallader told us he would let him go, and he would see the tax was paid ; he did not pay it at the time. The tax was taken on A. S. Cadwallader's promising the tax should be paid ; but at the time he voted he had not paid his tax. Slack came in and asked the collector if Worthington had paid his tax, and the collector told him he did not think the tax paid until he had the money and crossed off the book.

Question. Is Algernon S. Cadwallader the same individual who acted in Bucks county as the deputy United States marshal for making the enrolment for the purpose of the draft ?

Answer. Yes, sir.

Question. Do you remember Mr. Longshore voting there ?

Answer. I do not.

Question. Was his name on the list ?

Answer. I cannot say whether it was or not.

JESSE H. SMITH.

Mr. Van Dyke now produces Thomas Heed, a witness on the part of the contestant, who, being duly sworn, deposes and says :

Question. Where do you live ?

Answer. In Lower Makefield township ?

Question. Did you vote on the 14th of October, 1862, at the Yardleyville polls ?

Answer. Yes, sir.

Question. Do you know George Worthington ?

Answer. Yes, sir.

Question. Did you have any conversation with him after the election ?

Answer. Yes, sir.

Question. Did he tell you for whom he had voted for Congress at that election ?

Answer. He told me he voted for Mr. Thayer.

Question. Did you have any conversation with Longshore ?

Answer. No, sir.

Question. Did he say anything to you about his not having paid taxes ?

Answer. No, sir, he did not say anything about it.

THOMAS HEED.

Mr. Van Dyke now recalls Reading Slack, who says :

Question. Will you state what ticket William Longshore advocated and voted at the election, October 14th, 1862 ?

Answer. He advocated the republican ticket ; was driving a wagon bringing republican voters to the polls. I did not hear him say how he voted, or anything about it.

Mr. Van Dyke now produces Samuel Gillespie, who, being duly sworn, deposes and says as follows :

Question. Where do you live ?

Answer. Near Huhnville, Middletown township.

Question. How long have you lived there ?

Answer. About two years ; not over.

Question. Did you vote at the general election in 1862 ?

Answer. No, sir.

Question. Is the poll at Attleboro' ?

Answer. Yes, sir.

Question. Did you attempt to vote there ?

Answer. Yes, sir.

Question. Was your vote rejected?

Answer. Yes, sir.

Question. Will you state upon what ground?

Answer. It was rejected because the assessors had not my name upon the books.

Question. Had you asked the assessor to put your name on the books?

Answer. I had within the year.

Question. Did he refuse to do so?

Answer. He had at the time; he acknowledged at the polls he had put my name on the books, but could not say whether it was within a year or two. I could bring witnesses I had not lived there within two years. It was within a year when he had put my name on the book. He declined saying whether it was within the year or two years.

Question. Did you vote at the Attleboro' poll the year previous, when Stiles ran for Congress?

Answer. Yes, sir; it was at that time I was assessed.

Question. Did you present a ticket?

Answer. I did, three distinct times.

Question. Whose name did that ticket contain for Congress?

Answer. Mr. Charles W. Carrigan's.

Question. Was it received?

Answer. No, sir; it was positively rejected.

Question. Are you a citizen of Pennsylvania?

Answer. I was born in Pennsylvania.

Question. Did you conceive yourself entitled to vote there when you offered to do so?

Answer. Yes, sir.

SAMUEL GILLESPIE.

Mr. Van Dyke now produces Franklin Vansant, who, being duly sworn, deposes and says:

Question. Do you live in Middletown township?

Answer. Yes, sir.

Question. Did you vote at the Attleboro' poll?

Answer. Yes, sir.

Question. Do you know John Montgomery?

Answer. Yes, sir.

Question. Had you any conversation with him subsequent to the election in October, 1862?

Answer. Yes, sir.

Question. Is he a citizen of Pennsylvania?

Answer. He is not a naturalized citizen of the United States.

Question. Is he a citizen of Pennsylvania?

Answer. He lives here, but has never been naturalized.

Question. Had you a conversation about his right to vote and how he voted?

Answer. The man worked for me, and at the time of making the draft I said to him, "Aren't you afraid of being drafted?" He said "No, I ain't naturalized." A few days afterwards Dr. Broom said he had voted at the polls. I said, "John, you voted?" Said he, "Yes, sir." "For Thayer?" "Yes, sir." "How did you vote?" "Upon my nephew's papers; he is of the same name."

Question. Had he a nephew of the same name in the township?

Answer. He did not live there; he said he had voted. I found his name on the list.

Question. Where is he now?

Answer. He lives in the neighborhood, close by me.

Question. Did he tell you he had never been naturalized ?

Answer. Yes, sir.

Question. How old a man is he ?

Answer. I should suppose between 35 and 40 years old.

FRANKLIN VANSANT.

Mr. Van Dyke now recalls Jesse H. Smith, who deposes as follows :

Question. Were you present at the time you commenced taking the votes at the Yardleyville poll ?

Answer. Yes, sir.

Question. Had the election board been organized at the time they commenced ?

Answer. Not fully.

Question. Who was absent ?

Answer. Jonathan Shoemaker, inspector.

Question. Was he the inspector on the democratic side ?

Answer. Yes, sir.

Question. How many votes were taken before Shoemaker arrived ?

Answer. Three (3) I think, in all.

Question. There were but one judge, and one inspector, and two clerks, were there not ?

Answer. Yes, sir.

Question. Had you been qualified ?

Answer. Yes, sir.

Question. Was Mr. Cadwallader the judge ?

Answer. Yes, sir.

Question. Who was the other inspector ?

Answer. Joshua Palmer.

Question. What time was it when they commenced taking the votes ?

Answer. Between 8.30 and 9 o'clock in the morning.

Question. Did they wait the time required by the act of assembly for the inspector to arrive ?

Answer. I don't know what the time is ; I think 9 o'clock is the opening time.

Question. Had they waited up to 9 o'clock ?

Answer. No, sir ; they had received votes up to 9 o'clock.

Question. Had they appointed an inspector in the place of the absent one ?

Answer. No, sir.

JESSE H. SMITH.

Mr. Van Dyke now recalls Jonathan Shoemaker, who deposes as follows :

Question. Were you the inspector at your poll ?

Answer. Yes, sir.

Question. What time did you arrive at the poll ?

Answer. At 8. 50 a. m.

Question. How many votes had been taken when you arrived there ?

Answer. I thought five.

Question. Had some votes been taken ?

Answer. Oh, yes, sir.

Question. Was any person appointed in your place ?

Answer. No, sir.

JESSE H. SMITH

Mr. Van Dyke now produces John Barnsley, a witness on the part of the contestant, who being duly affirmed, deposes and says :

Question. Where do you live ?

Answer. In Newtown township.

Question. Did you attend the election poll there in October, 1862 ?

Answer. I attended to qualify the officers.

Question. Are you a justice of the peace there ?

Answer. Yes, sir.

Question. Did you swear the officers and take charge of the box containing the papers and ballots cast at that poll ?

Answer. Yes, sir.

Question. Have you kept it since then ?

Answer. Yes, sir ; it was returned to me the evening of the election. I have kept it since 1840.

Question. It has been in your possession since? Has it never been opened ?

Answer. Yes, sir ; they have never been opened since.

Question. Is this box you now produce the box returned to you by the officers of the election on the night of the election in October, 1862, and is it now in the condition it was then brought to you by those officers ?

Answer. Yes, sir ; they oftentimes break the seals in bringing them home; fortunately, this time they have not.

Mr. Van Dyke. Will you now remove the lid of the box, breaking the seal, and counting therefrom the votes that are there for Congress ?

Answer. Yes, sir.

The witness opens the box and counts the ballots.

Question. Have you counted all the ballots in that box ?

Answer. I have counted 127 for Mr. Thayer—and I have counted all I find there—there cannot be less; and 69 for Mr. Chas. W. Carrigan.

Question. Have you counted all the tickets in the box ?

Answer. Yes, sir.

Witness returns the tickets and papers to the box and closes it up.

JOHN BARNSELEY.

Mr. Van Dyke now produces Ebenezer Hance, a witness on the part of the contestant, who being duly affirmed according to law, deposes and says:

Question. Where do you live ?

Answer. In Falls township, village of Fallsington.

Question. Were you an officer of the election ?

Answer. No.

Question. Are you a justice of the peace in that township ?

Answer. Yes, sir.

Question. Have you the box containing the ballots polled at the October election in 1862 ?

Answer. I have the box that purports to have them. It was returned to me the next day; it is never returned the same day.

Question. Has it been safely kept ever since ?

Answer. I believe so; it was in my office. There is no other made in my family. I suppose it has never been out and opened.

The witness proceeds to open the box and take from it the ballots for Congress, and upon counting them, says:

I have counted the tickets, and find two hundred and seventy-two (272) votes for Mr. Thayer, and one hundred and eleven (111) votes for Mr. Chas. W. Carrigan for Congress.

Witness returns the tickets to the box, and closes it again.

EBENEZER HANCE.



Mr. Van Dyke now produces Joseph B. Pennington, a witness on the part of the contestant, who being duly affirmed according to law, deposes and says as follows :

Question. Where do you reside ?

Answer. In the borough of Bristol.

Question. Are you a justice of the peace ?

Answer. Yes, sir.

Question. As such, did you take charge of the box containing the ballots and papers of the last election, in October, 1862 ?

Answer. Yes, sir, as handed to me by the inspectors after the election; they have not been disturbed since.

Question. When was it handed to you ?

Answer. The next morning succeeding the election.

Question. Is it now in the same condition as when handed to you ?

Answer. Precisely the same condition.

Question. Will you count the tickets contained in the box relating to Congress in this district ? How many ballots do you find in the box for Charles W. Carrigan ?

Answer. I find one hundred and eighty-one (181) for Mr. Carrigan.

Question. Without counting the two votes you find wrapped closely together, how many do you find for Mr. Thayer ?

Answer. Two hundred and forty-seven (247.)

Question. You find, in addition to that, two (2) ballots that were pressed together, folded one within the other, upon each of which is the name of Mr. Thayer, which do not appear to have been counted by the officers of the election in making up their tally ?

Answer. I should think, from the tally papers and the number of votes voted, those two were not counted by the officers of the election.

Question. How many voted ?

Answer. Four hundred and twenty-nine (429) by the list.

Witness returns the tickets to the box and closes it.

JOSEPH B. PENNINGTON,  
*Justice of the Peace.*

Adjourned to meet at Doylestown, April 17, 1863, at 12 o'clock m.

JOHN S. BRYAN, *Associate Judge.*

And now, April 17, 1863, parties met, pursuant to adjournment, at the house of N. P. Brower, in the borough of Doylestown, Bucks county, in the 5th congressional district.

Present: Hon. John S. Bryan, associate justice of the courts of common pleas, &c., of Bucks county, in the said district, and S. T. Vansant, esq., on behalf of the contestant.

Mr. Vansant now produces Thomas Morris, a witness on behalf of the contestant, who being duly sworn, makes answers as follows:

Question. Where do you reside ?

Answer. In Quakertown borough.

Question. Are you a justice of the peace ?

Answer. Yes, sir.

Question. Were you an officer of the election held there in October last ?

Answer. I was clerk.

Question. Did you see the count of the votes at that election ?

Answer. Yes, sir.

Question. Did you see them put into the box and sealed up ?

Answer. Yes, sir.

Question. Who took charge of the box ?

Answer. The box was left at the hotel, in the 3d story.

Question. Has it remained there since?

Answer. At our spring election it was brought to the other hotel. It was taken up stairs at the October election. The elections are held at different places—the general election and the township.

Question. In whose charge was the box containing the ballots of the October election at the hotel?

Answer. I suppose it was left in the charge of the hotel keeper. It was brought down on the 20th of March, 1863, and taken to Jacob Kammer's hotel, where the borough election was held, for the election of borough officers.

Question. After the borough election, what was done with the box?

Answer. This box we had to make use of at the spring election, and the ballots were taken out and laid in the window at the second hotel, and then after we had got through with the spring election, those ballots were put back into the large box and sealed up.

Question. Who took charge of the ballots after they were laid in the window?

Answer. No particular person took charge of them they; were not molested.

Question. In what room were they?

Answer. In the room where the officers were seated.

Question. What was done with the box?

Answer. We left it in my care. I took the box into the third story of the hotel. Both boxes were taken; we have two. I brought them to my place in the course of ten days. I did not bring them; they were brought by another person. My office is across the street, about thirty feet from the hotel.

Question. Describe the box.

Answer. That box was too long to bring down.

Question. Did you bring the ballots in the large box to your office?

Answer. Yes, sir; in the large box. That box was too large to bring down—it is five or six feet long. I took them out carefully and put them in the little box used for turnpike elections.

Question. When did you do that?

Answer. Just before I started; at 9 o'clock.

Question. During the ten days the box was at the last mentioned hotel, had any one particularly charge of it?

Answer. No, sir; we do the same thing at every election. The box has been left frequently at the post office, in the third story.

Question. Do I understand the box you have here is not the ballot-box?

Answer. No, sir; it is not.

Question. But the box you have put them in, taking them from the large box?

Answer. Yes, sir.

Question. Was the large box the one in which the ballots of the October election were first deposited?

Answer. Yes, sir; it was the same box, to the best of my knowledge.

Question. Was any one present when you removed them?

Answer. No, sir; only my children. They are small; two and a half or three years old.

Question. Does this box contain the votes for member of Congress for the thirty-eighth Congress, cast at the election in last October?

Answer. Yes, sir.

Question. Did the box containing the votes for Congress have a label "Congress"?

Answer. Yes, sir; it was labelled "national officer."

Question. Will you proceed to count the votes cast for the two candidates for Congress, and say how many were cast for Mr. Thayer and how many for Mr. Carrigan. Describe the box.

Answer. I call this box a paper box, used for a ballot-box in the turnpike election. The tickets are here as put up by the judge, Charles Mason; they have only been touched by taking them out. Here are all the papers; the general return signed by all the officers; the qualification of the officers and the names of the voters.

The witness proceeds to count the ballots, as follows:

M. Russell Thayer, ||||| ||||| = 10 ||||| ||||| = 20 ||||| ||||| = 30 ||||| ||||| = 40 ||||| ||||| = 50 ||||| ||||| = 60 ||||| ||||| = 70 ||||| || = 78.

Charles W. Carrigan, ||||| ||||| = 10 ||||| ||||| = 20 ||||| ||||| = 30 ||||| || = 37.

Question. Are those tickets here altogether?

Answer. These are all on the string.

Question. You have spoken of the tally list.

Answer. Yes, sir.

Question. What does it report?

Answer. Chas. W. Carrigan, thirty-seven; and M. Russell Thayer, seventy-eight; Isaac Slenker, forty; Thos. S. Cochran, seventy-four; Jas. P. Barr, thirty-nine; Wm. S. Ross, seventy-four.

Question. Is that signed?

Answer. Yes, sir; by all the officers.

Question. Is that the original tally list?

Answer. Yes, sir.

Question. Are you satisfied this box, in which the ballots were cast at the October election, was only opened by you?

Answer. By the appearance of the box, when opened at the spring election, it seemed to have never been touched.

Question. You cannot swear whether it was opened or not?

Answer. No, sir.

Question. Who opened the box at the spring election?

Answer. It was opened when we were all there. I couldn't say who did it. I saw it opened; my seat was very near the window. After the spring election was over the ballots were placed in the large box. I left it ten days at the hotel; I told Jacob Kammer to take care of it.

Question. Are you sure the box was not opened after it was placed in the third story of the hotel; that it was not opened until this morning?

Answer. No, sir; I cannot tell that.

Witness replaces the tickets in the box.

JOHN MORRIS.

Mr. Vansant now produces Thomas H. Ruckman, a witness on behalf of the contestant, who being duly sworn, makes answers as follows:

Question. Where do you reside?

Answer. In Salebory township.

Question. Are you a justice of the peace?

Answer. No, sir.

Question. Were you an officer of the election held in your township in October, 1862?

Answer. No, sir.

Question. Have you the ballot-box containing the ballots cast at that election?

Answer. I have the ballot-box.

Question. How came it in your charge?

Answer. It has been customary for the officers, when they had finished the election, to lay it on the table.

Question. Where was the election held?

Answer. In an old storehouse belonging to us; we do not occupy it except for that purpose.

Question. Was the box, in October last, left upon the table as usual by the officers of the election?

Answer. Yes, sir.

Question. Who took it from the table?

Answer. It has been my habit usually. I cannot say positively whether I did it in October last.

Question. Where do you put it?

Answer. The old storehouse is joined to the new one; it has been kept for twelve or fifteen years in the room over the new storehouse.

Question. How long after the election there is the box removed from the table?

Answer. Usually the next morning.

Question. How was it last election?

Answer. The next morning. It is never taken to our own house. The storehouse is always locked up.

Question. By whom was it removed?

Answer. By me, or some one at my request.

Question. Is the new store occupied by you?

Answer. No, sir; it is rented to Thomas Bright.

Question. Does he occupy the third story?

Answer. He has the whole house.

Question. Where, in the second story, was it?

Answer. The room is partitioned off from the main room; it is there kept in the corner.

Question. Is the room used for any other purpose?

Answer. Yes, sir; the man keeps some things there.

Question. Is the room locked up? Can any one have access to it?

Answer. I can't say that. I have been there. He goes to it. It is not locked up.

Question. After you placed it there, when did you first see it again?

Answer. I do not recollect when. I have been in the room occasionally, and have seen it.

Question. Does it contain the ballots cast for member of Congress?

Answer. I presume it does. I have never seen in it. I do not know anything about it.

Question. Will you open it?

(The box was opened by the witness; the tickets taken out.)

Question. Is there any mark inside the box by which you can distinguish where the ballots are placed?

Answer. No, sir; but there is the label "national officer" on the lid.

Question. How many apartments are there in the box?

Answer. Six (6.)

Question. In how many apartments do you find ballots?

Answer. I only find them in two (2.)

Question. What are in the third box on one side?

Answer. Those are what I would call election papers. It contains the tally list, list of votes received, and list of voters who voted in October, 1862, and the qualifications of the officers. In the middle apartment is contained the votes for national officer; in the right-hand corner that for county officers.

Question. Are the lids of the ballot-box labelled?

Answer. Yes, sir.

Question. Was the box brought here in the way it was left at the October election?

Answer. It was not fastened except by the nail being driven in the end.

Question. Will you proceed to count the ballots in the box cast at the October election in 1862?

(Thomas Morris, justice of the peace, of Quakertown borough, was sworn to correctly assist in counting the ballots.

The tellers proceeded to count the votes.)

Question. Have you counted all the ballots you find in that box?

Answer. Yes, sir.

Question. How many do you find for Mr. Thayer?

Answer. 381 for Mr. Thayer, and 197 for Mr. Carrigan.

(The witness replaces the ballots in the box.)

Question. Was this box opened by any one?

Answer. I do not know.

Question. Might some one have opened it without your knowledge?

Answer. It was left in no one's particular charge.

Question. Was the room open?

Answer. Yes, sir.

The general return gives T. E. Cochran 380 votes; I. Slenker 199; James P. Barr 199; William S. Ross 380; Charles W. Carrigan 198; M. Russell Thayer 381.

(The witness replaces the papers in the box and closes it.)

THOMAS H. RUCKMAN.

Mr. Vansant now produces John K. Tomlinson, a witness on behalf of the contestant, who, being duly sworn, makes answers as follows:

Question. Are you the constable of Doylestown borough?

Answer. Yes, sir.

Question. Did you take a subpoena for Mr. Hiram Rice, of Buckingham township?

Answer. Yes, sir.

Question. Where was he to appear?

Answer. At N. P. Brower's, in Doylestown borough.

Question. When?

Answer. On the 17th of April, 1863, at 12 o'clock.

Question. Did you serve it on him?

Answer. I did, sir.

Question. Personally?

Answer. Yes, sir.

Question. He understood the contents of it?

Answer. Yes, sir. I gave it to him to read, and he read it.

Question. What did he say?

Answer. He said "he didn't know what right he had to fetch the ballot-box here, or by whose authority." I told him there was the subpoena. I supposed that would give him information on the matter.

Question. What date did you serve it on him?

Answer. I can't exactly tell the day. I think it was somewhere about the 6th of April; within the time it should be served.

Question. Did he see you afterwards?

Answer. Yes, sir; he saw me at the tavern at the railroad depot.

Question. How long after you had served it?

Answer. Four or five days, if I am not mistaken. He said he was going to Philadelphia.

Question. Was anything said about it?



Answer. He asked me to let him see that subpoena again. I took it out of my pocket-book; handed it to him. He read it over again. I said, "Now I suppose you know the penalty."

Question. What did he reply to that?

Answer. Not a word. He started off and went to the cars.

Question. Was anything said as to whether he had possession and control of the ballot-box?

Answer. I asked him, when I first served the subpoena, if the ballot-box of October 14, 1862, was in his possession. He said it was.

Question. Did he say he had it at that time in his possession?

Answer. He did.

Question. From what was said to you, do you believe he will be here to-day?

Answer. The last time he read the subpoena he did not say whether he would or not; and the first time he said he did not know by what authority he had the right to fetch it here.

Question. Have you seen him here to-day?

Answer. No, sir, not to-day.

Question. Have you seen him since the time you saw him at the hotel?

Answer. No, sir, I have not.

JOHN K. TOMLINSON.

Mr. Vansant now recalls John K. Tomlinson, who says:

Question. Do you know anything about the ballots cast at the October election, 1862, in Bristol township?

Answer. Yes, sir. I went to the man that had the ballot-box of October 14, 1862—John G. Hibbs—and asked him if he had the ballot-box of October 14, 1862. He said he had. I asked him if the ballots were in there that were voted at that time.

Question. What ballots did you refer to?

Answer. About the congressional election. He said no; the ballot-box was brought down on the third Friday in March, and opened, and after a few of them had been taken out and thrown into the fire, he said "Hold on!" and one of them made reply that some of them were burnt. "Then," said he, "damn it, we might as well burn all of them."

Question. Did Hibbs burn the ballots?

Answer. Yes, sir. I told him I served the subpoena on him, and he must take it to Bristol on the 15th of April. He said he would.

Question. What time did you serve the subpoena?

Answer. More than ten days before the return. I served it on the Tuesday before.

Question. Did he say he would be there?

Answer. Yes, sir.

Question. Do you know if he was there or not?

Answer. I do not know.

Question. Did you say the ballot-box was burned?

Answer. It was brought down, and some man burnt a portion of them.

Question. Who burnt them?

Answer. I do not know.

Question. Who brought it down?

Answer. He did not say; but I think he brought it down and opened it, and some one took the ballots out and threw a few of them into the stove. He hallooed "Hold on!" and another answered, "Damn it all, we'll burn the balance." It was done at Newportville. He said all were burnt in the box.

JOHN K. TOMLINSON.

Adjourned to Tuesday, May 12, to the house of E. H. Reeder, Germantown, in the fifth congressional district.

JOHN S. BRYAN,  
*Associate Judge.*

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SCHEDULE No. 5.—J. H. C.—W. R.

JANUARY 31, 1863.

Notice is hereby given that the

U. S. DEPUTY MARSHALS

Will attend at each election poll to enrol the names of all citizens that present themselves to vote, who have been omitted from the enrolment, in order that such may be made

LIABLE TO THE DRAFT.

By order of the marshal of the United States.

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SCHEDULE No. 6.—J. H. C.—W. R.

FEBRUARY 2, 1863.

PHILADELPHIA, *January 31, 1863.*

In the matter of the contested election for the fifth congressional district of Pennsylvania, for the House of Representatives of the United States for the thirty-eighth Congress :

SIR : You will please take notice that, in addition to the names of witnesses to be examined in the contested election for the fifth congressional district of Pennsylvania, under notices heretofore served on you, and dated the 17th day of January, 1863, and the 29th day of January, 1863, I propose, under the said notices, to examine the following witness also, to wit : Samuel Comegys, Wistar street, east of Main, Germantown.

\* Respectfully,

CHARLES W. CARRIGAN.

M. RUSSELL THAYER.

Personally appeared Preston H. Hoopes, who, being duly sworn, deposes and says that he served the above on M. Russell Thayer, by giving him the original of which this is a copy, at twenty minutes of six o'clock.

PRESTON H. HOOPES.

Sworn and subscribed before me this 31st day of January, 1863.

WM. REILLY, *Alderman.*

## SCHEDULE No. 9.—J. H. C.—W. R.

FEBRUARY 5, 1863.

*Assessors' list of the taxable inhabitants residing in twenty-third ward, ninth division, for 1862.*

BOUNDS.—ALL THE LATE TOWNSHIP OF OXFORD.

Election to be held at the house of Albert Walton, Seven Star Hotel, Frankford.

## JACKSON STREET.

Richardson L. Wright, gentleman.  
John Gosline, victualler.  
John Gosline, jr., do.  
Isaac Atherholdt, brick-maker.  
Mahlon Foust, teamster.  
James Simpson, machinist.  
William Colebaugh, victualler.  
William Rile, brick-maker.  
Charles Philips, do.  
Jonathan M. Rile, do.

## BRIDGE STREET.

George Murray, laborer.  
William Smith, cordwainer.  
Henry W. Dittman, farmer.  
John G. Dittman, clerk.  
John Price, laborer.  
George Baker, farmer.  
Charles C. Baker, farmer.  
George W. Baker, do.  
Jacob Braeny, sexton.  
Charles Walton, machinist.  
John S. Walton, do.

## TACONY ROAD.

John Mullony, laborer.  
Samuel Cripps, farmer.  
Robert S. Hagerman, farmer.  
Benjamin Glenn, do.  
David Glenn, mason.  
George J. Castor, farmer.  
Linford Castor, do.  
Barton Castor, do.

## RIVER ROAD.

Thomas T. Webster, farmer.  
J. Poinsett Castor, machinist.  
John Goodman, farmer.  
Matthias Raiz, laborer.  
Waltmore Adams, laborer.  
Alfred H. Foster, merchant.

Hugh Davids, farmer.  
John McLaughlin, coachman.  
William Smith, gardener.  
Thomas Carpenter, laborer.  
William Joyce, gardener.  
James Love, laborer.  
Theodore Haffelfinger, laborer.  
John McDoogle, do.  
Rodman Carter, merchant.  
George H. Earle, lawyer.  
Henry M. Hayes, farmer.  
William H. Smith, M. D.  
Thomas A. Smith, accountant.  
Gotleib Kattler, laborer.  
Christopher Kattler, laborer.  
John Lardner, farmer.  
Perot Lardner, do.  
John McVay, laborer.  
John Smythe, do.  
Joseph Haman, farmer.  
Jacob G. Morris, do.  
Casper W. Morris, jr., farmer.  
Casper W. Morris, sr., do.  
John Carew, gardener.  
George Ervin, coachman.  
Thomas L. Wharton, farmer.  
Robert C. Rodmond, merchant.  
Francis Green, farmer.  
Pennington Green, conductor.  
Alexander Harper, laborer.  
James Robinson, farmer.  
Edward McMullan, do.  
Linford Knowles, laborer.  
Thomas Green, coach-maker.  
John Mahas, laborer.  
John Achaff, engraver.  
Patrick Trainor, laborer.  
Thomas Brophy, do.  
Daniel Bergen, do.  
Patrick Bergen, do.  
John K. Toy, do.  
Lemuel Toy, carpenter.  
John G. Toy, lawyer.  
Isaiah Walton, laborer.

## PENN STREET, TACONY.

John W. Wright, tailor.  
 Rudolph Boliger, gardener.  
 James Fullam, laborer.  
 John Green, fisherman.  
 Robert T. Murphy, teacher.  
 Christopher Eastburne, l. merchant.  
 Anthony Bielfeldt, laborer.  
 Moses Hilt, do.  
 Allen Vandegrift, p. m.  
 Charles D. Middleton, tel. operator.  
 Charles Achuff, wheelwright.  
 George G. Pote, inn-keeper.

## OXFORD STREET.

John W. Magan, clerk.  
 Henry Castor, fisherman.

## WASHINGTON STREET.

Adam Miller, sawyer.  
 R. H. Waterman, carpenter.  
 James Keen, gentleman.  
 James Keen, jr., do.  
 Edward W. Keen, clerk.  
 Jacob Titus, blacksmith.  
 Samuel Milnor, jr., blacksmith.

## JEFFERSON STREET.

William H. Gatzmer, railroad agent.  
 Robert Wardlow, gardener.  
 Marion Smith, station agent.  
 Frederick Miller, bar-tender.  
 William Delany, laborer.  
 Patrick Delany, do.  
 William Costigan, do.  
 Matthew ———.

## WISSINOMING STREET.

William King, laborer.  
 Wm. Falden, blacksmith.  
 Adam Nagel, cordwainer.  
 John Jusburger, do.  
 Jacob Schumm, laborer.  
 John Steinmas, cordwainer.

## MADISON STREET.

Francis Barthmaier, cordwainer.  
 Matthew Jonden, laborer.

## ARIMINGO STREET.

Arthur Magee, laborer.  
 Michael Kane, do.  
 Rodeo Whalin, do.

James Dormedy, laborer  
 Timothy Maker, do.  
 James Collins, do.  
 William Clark, do.  
 Patrick Clark, do.  
 Edward Murphy, do.  
 William Haines, do.  
 Falden Dulmire, do.  
 Francis Lutz, storekeeper.  
 William Lepping, cordwainer.  
 Anthony Herman, tailor.

## MONROE STREET, TACONY.

George Fletcher, laborer.  
 John Fletcher, do.  
 Thomas Cavanaugh, do.  
 James Brophy, do.  
 Lewis Mahony, do.  
 H. Theiss, baker.  
 Philip Theiss, laborer.  
 Lewis Bomes, do.  
 Michael Kennedy, laborer.  
 Hugh Magee, do.

## ST. VINCENT STREET.

George Badum, cordwainer.  
 Stephen Orspring, do.  
 Anthony Dusch, do.  
 Henry Scheck, carpenter.  
 John Funk, laborer.  
 Francis Hile, cordwainer.

## TOWNSHIP LINE.

John Knoll, carter.  
 Michael Greake, cordwainer.  
 Michael Whalin, farmer.  
 George Hoster, gardener.  
 James Hackett, laborer.  
 Gotleib Wencher, farmer.  
 Peter Tumas, laborer.  
 William McMullan, farmer.  
 Alfred Bryant, laborer.  
 Charles Roberts, farmer.  
 Jos. Snyder, laborer.  
 William do.  
 Cornelius Coates, laborer.  
 Edward Coates, farmer.  
 Thomas Bryant, laborer.  
 John G. Seeburger, laborer.  
 William Saul, do.  
 William Unruh, farmer.  
 James Ayers, laborer.  
 Jacob Klank, farmer.  
 Jacob Houseman, laborer.

## HOLLINGSVILLE.

Robert S. Blake, farmer.  
 Joseph Moore, laborer.  
 Joseph Halbruner, laborer.  
 John Slaw, cordwainer.  
 James Comberland, coachman.  
 Charles W. Green, coach-maker.  
 George Hoover, do.  
 Judson Miles, do.  
 Thomas Fielas, coachsmith.  
 Godfrey Tinnier, do.

## BRISTOL TURNPIKE.

Jacob Otto, farmer.  
 William Longshore, farmer.  
 James Longshore, laborer.  
 Silas Ashton, farmer.  
 Jesse Shallcross, farmer.  
 John Fisher, manufacturer.  
 James Magee, laborer.  
 Amos Buckman, farmer.  
 Giles Shallcross, clerk.  
 Robert Comly, farmer.  
 Robert Comly, jr., farmer.  
 James Knowlin, laborer.  
 Samuel Comly, merchant.  
 William F. Comly, auctioneer.  
 Lewis Thompson, manufacturer.  
 William Dennetts, laborer.  
 William Wescott, gardener.  
 William Sparks, inn-keeper.  
 David Finlayson, farmer.  
 Jacob Vandegrift, carpenter.  
 William Martin, farmer.  
 John Carey, laborer.  
 Simon Henlon, farmer.  
 John Datton, moulder.  
 Andrew Rankin, farmer.  
 Henry B. Rankin, do.  
 Thomas S. Kenton, do.  
 James Thomas, laborer.  
 Robert Cornelius, manufacturer.  
 Samuel Milnor, farmer.  
 William Milnor, do.  
 John R. Baker, do.  
 William Reece, laborer.  
 Matthew Tyrell, do.  
 Charles Stoop, do.  
 Thomas Chappell, do.

## BUSTLETON TURNPIKE.

James Flood, farmer.  
 Richard Allen, weaver.  
 Hosea Wardle, do.

Thomas Stone, weaver.  
 John Stone, do.  
 Robert Martin, finisher.  
 John Stone, dyer.  
 Thomas Stone, jr., carder.  
 Lot Smith, twister.  
 Peak Brown, weaver.  
 John Brown, laborer.  
 Wm. Brown, do.  
 Robert Brown, do.  
 Joseph H. Frailey, farmer.  
 Wm. Kooney, gate-keeper.  
 Benjamin Shallcross, farmer.  
 Jacob Kraus, do.  
 Jacob Shallcross, do.  
 Charles Waters, do.  
 Michael Shedall, laborer.  
 Ulius Phares, do.  
 Wm. Gibson, do.  
 Leonard Shallcross, farmer.  
 George M. Shallcross, do.  
 John A. Weber, laborer.  
 Wm. Uber, farmer.  
 Lewis Uber, do.  
 Mich'l McAnally, do.  
 Amosiah Watson, do.  
 Leonard Coffman, laborer.  
 John Hart, do.  
 Charles Ely, do.  
 James C. Sickells, teacher.

## CASTOR ROAD.

John Knorr, farmer.  
 Edward G. Knorr, do.  
 Jeremiah Lynn, do.  
 Barclay L. Roberts, do.  
 Robert Newton, laborer.  
 George Putt, farmer.  
 Robert R. Levick, do.  
 Robert Sheriff, do.  
 Frederick Rouson, laborer.  
 Percival Collins, clerk.  
 Thomas Carwithan, farmer.  
 Hugh Mackie, laborer.  
 Patrick Magallen, do.  
 Charles Carwithan, do.

## DARK RUN ROAD.

John Waxler, farmer.  
 John L. Waxler, lawyer.  
 John Press, farmer.  
 David Beck, laborer.  
 Geo. Henslinger, do.  
 Alfred Rodgers, trader.  
 James Ennis, laborer.



Charles Brown, mason.  
 Henry Benner, farmer.  
 Samuel Auckland, gardener.  
 Charles Coates, laborer.  
 George Auckland, do.  
 Charles Crawford, do.

## OXFORD TURNPIKE.

Robert S. Hageman, farmer.  
 Jacob Smith, do.  
 Wm. J. Crans, do.  
 John L. Adler, manufacturer.  
 Wm. Vanhorn, gate-keeper.  
 Alfred Comly, farmer.  
 George Apple, laborer.  
 Patrick Galaspy, farmer.  
 Dennis Board, laborer.  
 Lewis Unruh, farmer.  
 Theodore Johannas, laborer.  
 J. W. Vankirk, farmer.  
 Thomas Wilkins, laborer.  
 Augustus Haverstick, com. merchant.  
 Richard Williams, farmer.  
 John G. Williams, do.  
 John Weiss, laborer.  
 David Williams, jr., farmer.  
 Kindow Kappaugh, laborer.  
 Thomas Woodfall, farmer.  
 James Hellerman, cordwainer.  
 Isaac Hellerman, do.  
 John K. Souders, farmer.  
 Ambrose Degore, druggist.  
 Samuel Rose, cordwainer.  
 John H. Hoffman, farmer.  
 Jacob S. Knorr, do.  
 John Moore, laborer.  
 Thomas Dowling, do.  
 John Dowling, do.  
 Jonas Hoffman, farmer.  
 George S. Adler, manufacturer.  
 George W. Adler, do.  
 Charles Simmers, farmer.  
 Edwin M. Duffield, do.  
 James Smith, laborer.  
 James Cleary, farmer.  
 Malachi Cleary, laborer.  
 Philip Robinson, farmer.  
 John Shay, laborer.  
 Hezekiah Hallowell, sexton.  
 Samuel Phillips, laborer.  
 Robert Hilt, do.  
 Michael Ulmer, do.  
 Daniel Cleary, do.  
 Wm. Altimiss, carpenter.  
 Thomas Chappel, blacksmith.

## MILL ROAD.

George Megee, coppersmith.  
 George Megee, jr., do.  
 Patrick McPeak, laborer.  
 John Haines, farmer.  
 Henry Haines, do.  
 Benjamin Hellerman, laborer.  
 B. M. Hellerman, do.  
 Wm. Hellerman, farmer.  
 Eli Unruh, do.  
 Christian Heigal, laborer.

## SECOND STREET TURNPIKE.

Thomas Bowers, blacksmith.  
 Jacob Krewson, farmer.  
 Daniel Krewson, teamster  
 John R. Elkins, millwright.  
 Wm. E. Elkins, do.  
 Wm. Elkins, laborer.  
 Abraham Tyson, inn-keeper.  
 Benjamin Dewees, laborer.  
 Thomas Davis, do.  
 Edward Y. Buchanan, reverend.  
 Clayton Woodington, laborer.  
 Joseph Hallowell, farmer.  
 George Nice, do.  
 Jesse Hallowell, teacher  
 Josiah Keeper, storekeeper.  
 Harvey Hellerman, farmer.  
 Isaac Gillan, do.  
 Josiah K. Gillan, do.  
 Samuel Greaser, do.  
 Joseph Stoneman, laborer.  
 Isaac Hellerman, farmer.  
 Wm. Nice, do.  
 David Williams, do.  
 Wm. McCudgeon, laborer.  
 John Hellerman, farmer.  
 Robert Creely, carpenter.  
 Jacob Bartlett, laborer.  
 John Young, farmer.  
 Hugh Young, laborer.  
 George M. Lodge, stage proprietor.  
 Philip Sheppard, laborer.  
 Mathew Hutchinson, farmer.  
 Dennis Dugan, laborer.  
 Robert Hagerty, weaver.  
 Thomas Brooks, storekeeper.  
 Hiram Johnson, carder.  
 Joseph Snyder, wool-sorter.  
 John Broadbent, spinner.  
 James Broadbent, do.  
 David Sugden, wool sorter,  
 Richard Clark, weaver.  
 James Bagley, finisher.

Henry Sheard, laborer.  
 Wm. Haslan, do.  
 James C. Wigham, manager.  
 Wm. Ashworth, engraver.  
 Stephen Montgomery, warper.  
 Thomas Kerr, do.  
 John Robinson, weaver.  
 James Robinson, do.  
 David Wilson, do.  
 Thomas Crowthers, spinner.  
 Griffith Jones, finisher.  
 Thomas Conroy, dyer.  
 Hugh Schofield, finisher.  
 John Somerville, warper.

## ADAM'S ROAD.

Charles D. Brous, farmer.  
 George W. Brous, do.  
 Patrick Donlon, laborer.  
 Samuel Morris, farmer.  
 James Smith, do.  
 James Block, laborer.  
 John Biddle, farmer.  
 Robert Nichols, do.  
 James Nichols, do.  
 Barclay Kelly, gardener.  
 Henry Taylor, finisher.  
 Charles Kelly, farmer.  
 William Kelly, laborer.  
 Robert D. Shoch, farmer.  
 Patrick Marley, do.  
 Stephen Smith, do.  
 Aljein Buzby, do.  
 John Buzby, do.  
 Isaac Buzby, do.  
 Richard Buzby, do.  
 Wm. Bowler, jr., do.  
 Joseph Lodge, laborer.  
 Robert W. Jackson, farmer.  
 Thomas Porter, laborer.  
 Wm. Gifford, farmer.  
 George W. Hunt, do.  
 Lewis Vanhorn, laborer.  
 Christian Eakle, gardener.  
 Josiah H. Worthington, M. D.  
 William McKane, attendant.  
 Patrick McGillon, do.

John Field, attendant.  
 Wm. Conroy, farmer.  
 Levi Nice, do.  
 Jacob Prinsing, laborer.  
 Wm. Blair, farmer.  
 Wm. E. Hamill, do.  
 Wm. Poole, do.  
 James McMillan, laborer.  
 John Dewees, farmer.  
 Jacob Dewees, laborer.  
 Harry Rowland, manufacturer.  
 John Brandon, laborer.  
 Josiah Hartley, farmer.  
 Daniel Hartley, teamster.  
 John Simonton, shovel-maker.  
 John Simonton, jr., do.  
 Benjamin Simonton, do.  
 Edward Montayne, farmer.  
 Wm. Martin, laborer.  
 Theodore Solly, farmer.  
 Charles Esher, laborer.  
 Andrew Cooney, gate-keeper.  
 Wm. Webster, farmer.

## CEDAR GROVE.

James Whitaker, clerk.  
 Wm. James, weaver.  
 Wm. McMullan, warper.  
 Wm. Taylor, engineer.  
 John Charmley, laborer.  
 Henry Barber, carder.  
 John Hollingsworth, weaver.  
 McKee Hollingsworth, do.  
 John Scott, do.  
 Jacob Buzby, laborer.  
 Wm. Buzby, do.  
 Jacob Buzby, jr., gardener.  
 Jacob Kose, laborer.  
 Edwin Goppy, weaver.  
 Alexander Gale, do.  
 Wm. Hellerman, laborer.  
 John Warren, do.  
 Frederick Haythorne, spinner.  
 Francis Earshaw, do.  
 David Nimlett, storekeeper.  
 Robert Buzby, laborer.  
 Wm. Whitaker, manufacturer.

We do certify the foregoing to be a correct list of the white male taxable inhabitants residing in ninth division, twenty-third ward, as returned by us for 1862.

ALFRED GENTRY,  
 JACOB S. KNORR,

*Assessors.*

The assessors will meet for the purpose of adding to the above list the names of those persons who may have been omitted, or may have moved into the division since the last assessment, on Wednesday the 1st, Thursday the 2d, and Friday the 3d of October, between the hours of one o'clock and ten o'clock p. m., at the house of Robert N. Murry, Bustleton.

SCHEDULE No. 10.—J. H. C.—W. R.

FEBRUARY 6, 1863.

*Extra assessment of the white male taxable inhabitants residing in 23d ward for 1862.*

*2d division.*—Peter Donohue, gardener, Bustleton; Isaac J. Beans, laborer, Bustleton; John S. Tucker, laborer, Bustleton.

*3d division.*—Theodore Hawk, mail-carrier, Byberry.

*4th, 5th, 6th, 7th and 8th divisions.*—George Thornburg, laborer, Bridge street; Menoah Thorn, finisher, Paul street; Jonathan T. Smith, laborer, Penn street; Napoleon Kershaw, moulder, Frankford street; James Tyson, telegraph operator, Frankford street; Thomas Summers, policeman, Sellers street; Stephen B. Printz, blacksmith, Paul street; John Sines, jr., shoemaker, Frankford; John Sines, sr., carpenter, Frankford; C. W. Nesbitt, druggist, Frankford; Thomas Aspden, block-cutter, Mill street; James Buerdell, laborer, Adam street; Jacob Whistler, laborer, Allen street; A. V. W. Rausch, machinist, Bridge street; James H. Darrah, machinist, Bridge street; John Bowers, fork-maker, Frankford street; Squire Hornby, engraver, Deal street; Nicholas Thomas, laborer, Foulkrod street; Daniel O'Connell, huckster, Tarkawan street; William H. Buckley, fork-maker, Thomp street.

*9th division.*—Philip Nathans, broker, Oxford; Jacob Nathans, laborer, Oxford; Joseph S. Borie, gentleman, Oxford.

MALCOM McN. MURRAY,  
JACOB S. KNORR,  
ALFRED GENTRY,

*Assessors.*

SCHEDULE No. 11.

FEBRUARY 5, 1863.

PHILADELPHIA, *February 2, 1863.*

In the matter of the contested election for the fifth congressional district of Pennsylvania for the House of Representatives of the United States for the thirty-eighth Congress:

SIR: You will please take notice that, in addition to the names of witnesses to be examined in the contested election for the fifth congressional district of Pennsylvania, under notices heretofore served on you, and dated the 17th day of January, 1863, and 29th day of January, 1863, and 31st day of January, 1863, I propose, under said notices, to examine the following witness, to wit: Allen Ridgway, manufacturer, Wakefield and Ashmead streets, Germantown.

Respectfully,

CHAS. W. CARRIGAN.

M. RUSSELL THAYER.

Personally appeared Preston H. Hoopes, who, being duly sworn, deposes and says that he served the above on M. Russell Thayer by leaving it at his office, of which this is a copy.

PRESTON H. HOOPES.

Sworn and subscribed before us the 3d day of February, 1863.

JOSEPH H. COMLY, *Alderman*.

WM. REILLY, *Alderman*.

SCHEDULE No. 12.

FEBRUARY 5, 1863.

PHILADELPHIA, *February 3, 1863.*

In the matter of the contested election for the fifth congressional district of Pennsylvania for the United States House of Representatives for the thirty-eighth Congress:

SIR: You will please take notice that, under the notices to you of the dates of the 17th, the 29th, and the 31st days of January, 1863, and the 2d day of February, 1863, I propose, under said notices, to examine the following witnesses, to wit: Jacob W. Young, Wayne avenue, Germantown; Jacob Haas, Sergeant street, above Tenth street, Philadelphia; Frank Cookman, No. 110 North Twelfth street, Philadelphia; Robert Cornelius, No. 1027 Arch street, Philadelphia; John C. Cornelius, No. 1027 Arch street, Philadelphia; Charles Cornelius, No. 206 Franklin street, Philadelphia; Robert C. Cornelius, No. 126 North Seventeenth street, Philadelphia; George A. Reese, alderman, Frankford road, above William street, Philadelphia; Samuel Dinjas, assessor, twenty-fifth ward, Hart lane, Philadelphia.

Respectfully,

C. W. CARRIGAN, *Contestant*.

M. RUSSELL THAYER.

Preston H. Hoopes sworn and subscribed before us this 5th day of February, 1863.

JOSEPH H. COMLY, *Alderman*.

WM. REILLY, *Alderman*.

SCHEDULE No. 13.—J. H. C.—WM. R.

FEBRUARY 5, 1863.

UNITED STATES,

*Commonwealth of Pennsylvania, set:*

TO JACOB HAAS, Sergeant street, above Tenth street; FRANK COOKMAN, No. 110 North Twelfth street; ROBERT CORNELIUS, No. 1027 Arch street; JOHN CORNELIUS, No. 1027 Arch street; CHARLES CORNELIUS, No. 206 Franklin street; ROBERT C. CORNELIUS, No. 126 North Seventeenth street; GEORGE A. REESE, Frankford road:

We command you, that, laying aside all manner of business and excuses whatsoever, you, and each of you, do personally be and appear before us, duly authorized under and by virtue of the act of Congress, approved February 19, 1851, to take testimony in the contested election case of the fifth congressional district, at the Railroad Hotel, kept by E. H. Reeder, cor-

ner of Main and Price streets, in Germantown, in the twenty-second ward, on the 10th day of February, A. D. 1863, at eleven o'clock, then and there to testify all and singular those matters and things which you shall know touching said election for member of the thirty-eighth Congress from said congressional district, between Charles W. Carrigan, contestant, and M. Russell Thayer, incumbent, on the part of the said Charles W. Carrigan.

And hereof fail not, under the penalties provided in said act of Congress.

Witness my hand this 4th day of February, 1863, and in the eighty-seventh year of the independence of the United States.

JOSEPH H. COMLY. [SEAL.]  
WM. REILLY. [SEAL.]

SCHEDULE No. 14.—J. H. C.—W. R.

FEBRUARY 5, 1863.

UNITED STATES,

*Commonwealth of Pennsylvania, sct:*

TO MATHEW W. BALDWIN, No. 500 Broad street; JOHN CLAYTON, No. 717 Walnut street, above Seventh street; Wm. T. Asson, northwest corner of Ninth and Spruce streets:

We command you, that, laying aside all manner of business and excuses whatsoever, you, and each of you, do personally be and appear before us, duly authorized under and by virtue of the act of Congress, approved February 19, 1851, to take testimony in the contested election case of the fifth congressional district, at the Railroad Hotel, kept by E. H. Reeder, corner of Main and Price streets, in Germantown, in the twenty-second ward, on the 5th day of February, A. D. 1863, at eleven o'clock, then and there to testify all and singular those matters and things which you shall know touching said election for member of the thirty-eighth Congress from said congressional district, between Charles W. Carrigan, contestant, and M. Russell Thayer, incumbent, on the part of the said Charles W. Carrigan.

And hereof fail not, under the penalties provided in said act of Congress.

Witness my hand this 27th day of January, 1863, and in the eighty-seventh year of the independence of the United States.

JOSEPH H. COMLY. [SEAL.]  
WM. REILLY. [SEAL.]

SCHEDULE No. 15.—J. H. C.—W. R.

FEBRUARY 5, 1863.

UNITED STATES,

*Commonwealth of Pennsylvania, sct:*

TO ALEXANDER HENRY and JOSEPH ENUE:

We command you, that, laying aside all manner of business and excuses whatsoever, you, and each of you, do personally be and appear before us, duly authorized under and by virtue of the act of Congress, approved February 19, 1851, to take testimony in the contested election case of the fifth congressional district, at the Railroad Hotel, kept by E. H. Reeder, corner of Main and Price streets, in Germantown, in the twenty-second ward, on the 5th day of February, A. D. 1863, at eleven o'clock, then and there to testify all and singular those matters and things which you shall know



touching said election for member of the thirty-eighth Congress from said congressional district, between Charles W. Carrigan, contestant, and M. Russell Thayer, incumbent, on the part of the said Charles W. Carrigan, and that you bring with you the ballot-boxes and the papers therein contained, which are in your possession, relating to the election for member of Congress of the United States to represent the fifth congressional district of Pennsylvania in the thirty-eighth Congress, the same being the boxes and papers therein contained relating to the election held on the 14th day of October, 1863, in the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 9th divisions of the twenty-second ward, and the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 9th divisions of the twenty-third ward, and the 3d division of the twenty-fifth ward of Philadelphia.

And hereof fail not, under the penalties provided in said act of Congress.

Witness my hand this — day of —, 1863, and in the eighty-seventh year of the independence of the United States.

JOSEPH H. COMLY. [SEAL.]

WM. REILLY. [SEAL.]

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EXHIBIT No. 16.—J. H. C.—W. R.

FEBRUARY 9, 1863.

DOYLESTOWN, *October 17, 1862.*

We, the undersigned, return judges of the general election held on the 14th instant, affix our respective signatures to this general return of the votes cast for the several candidates; but protest that the return made of the election in the township of Lower Makefield ought not to have been received, because the judge of that election was incompetent to act as such, by reason of his having accepted the office of deputy United States marshal for the county of Bucks subsequent to his election as judge.

THOMAS CRUWYS.  
LEWIS S. CORYELL.  
SIMON V. FENTON.  
SAMUEL DELANY.  
CASPER G. FETTER.  
HENRY KOHL.  
N. SHULL.  
ALLEN H. HEIST.  
JOHN MOORE.

Filed October 17, 1862.

STATE OF PENNSYLVANIA,

*Bucks County, ss :*

I, Samuel B. Thatcher, prothonotary of the court of common pleas of Bucks county aforesaid, do hereby certify that the foregoing is a  
[SEAL.] copy of a certain protest filed in this office.

Witness my hand and the seal of said court, at Doylestown, this sixth day of February, A. D. 1863.

SAMUEL B. THATCHER, *Prothonotary.*

## EXHIBIT No. 17.—J. H. C.—W. R.

FEBRUARY 9, 1863.

We, the subscribers, being the return judges of the fifth congressional district of Pennsylvania, composed of the twenty-second, twenty-third, and twenty-fifth wards in the city of Philadelphia and the county of Bucks, having been deputed by the return judges of the said three wards and the said county of Bucks to meet at the court-house in Doylestown, in the said county of Bucks, on the twenty-fifth day of October, in the year of our Lord one thousand eight hundred and sixty-two; and being so met, and having carefully cast up the returns of the said three wards of the city of Philadelphia and the said county of Bucks, composing the said fifth congressional district according to law, do certify that on the fourteenth day of October, A. D. 1862, (it being the second Tuesday in October,) at the election held on that day, the following named persons received for member of the House of Representatives of the United States of the said fifth congressional district of the commonwealth of Pennsylvania in the thirty-eighth Congress the number of votes opposite their names, respectively, to wit:

In the twenty-second, twenty-third, and twenty-fifth wards of the city of Philadelphia M. Russell Thayer had three thousand six hundred and eighty votes—3,680.

In the twenty-second, twenty-third, and twenty-fifth wards of the city of Philadelphia Charles W. Carrigan had three thousand and sixty-one votes—3,061.

In the county of Bucks M. Russell Thayer had five thousand nine hundred and twenty-five votes—5,925.

In the county of Bucks Charles W. Carrigan had six thousand four hundred and eighty-two votes—6,482.

Total: M. Russell Thayer, nine thousand six hundred and five votes..9,605

“ Charles W. Carrigan, nine thousand five hundred and forty three votes.....9,543

Majority for M. Russell Thayer..... 62

Therefore, M. Russell Thayer having received the highest number of votes, is duly elected a member of the thirty-eighth Congress of the United States for the fifth congressional district aforesaid. In testimony whereof, we have hereunto set our hands and seals the twenty-first day of October, A. D. 1862.

[SEAL.]

WILLIAM R. KIRK,  
*Return Judge for Bucks County.*

Signed under protest, a copy of which is herewith appended.

[SEAL.]

T. HAMLIN WILLCOX,  
*Return Judge for Philadelphia County.*

Indorsement: Congress.—Filed October 21, 1863.

DOYLESTOWN, BUCKS COUNTY, *October 21, 1862.*

The undersigned, return judge of that portion of the fifth congressional district included in the county of Philadelphia, does hereby protest against the allowance of the returns of the twenty-second, twenty-third, and twenty-fifth wards of the city of Philadelphia, on the ground of fraud alleged to have been perpetrated in making the said returns, as well as for other reasons.

And I do further object to the return made by the return judge of the county of Bucks, for the reasons that in this return the vote of Lower Makefield township is included ; the election in said township having been held illegally and by officers incompetent to act.

And I also object to the returns of Bucks county on other grounds, which will be set forth specifically at the proper time.

T. HAMLIN WILLCOX,  
*Return Judge.*

Indorsement : Protest of T. Hamlin Willcox, return judge of fifth congressional district.

STATE OF PENNSYLVANIA,

*Bucks County, ss :*

I, Samuel B. Thatcher, prothonotary of the court of common pleas in and for the county and State aforesaid, do hereby certify that the foregoing is a full and correct copy of the returns of the congressional election therein mentioned, as the same were filed in my office by the return judges thereof, and also of certain protests filed at the times thereon indorsed.

Witness my hand and the seal of said court, at Doylestown, this sixth day of February, A. D. 1863.

SAMUEL B. THATCHER, *Prothonotary.*

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EXHIBIT No. 18.—J. H. C.—W. R.

FEBRUARY 10, 1863.

*Extra assessment of the white male taxable inhabitants residing in the 25th ward, for 1862.*

*1st division.*—Joseph K. Alderfer, hostler, Germantown road ; Abraham Zeigler, laborer, Germantown road.

*2d division.*—H. G. Clay, lawyer, Frankford road ; Richard Parks, blacksmith, Frankford road ; Thomas H. Asbury, machinist, Kensington avenue.

*3d division.*—Samuel Halleck, armorer, Richmond ; Henry W. Gibson, gunsmith, Bridge street.

*4th division.*—Francis Masterson, laborer, Richmond street ; George Rowlett, cordwainer, Salmon street ; John Harkins, laborer, Somerset street ; William Kennedy, carpenter, Salmon street ; Charles Galliger, laborer, Salmon street ; Thomas Brady, conductor, Edgemont street ; Luke Armstrong, clerk, Salmon street ; Dalty Carberry, laborer, Richmond street ; Philip Dunn, hostler, Fremont street ; William J. Clausen, bar-tender, Richmond street ; Edward McConnell, laborer, Hewson street ; Michael Mohun, laborer, Hewson street ; Thomas Dowd, laborer, Hewson street ; John Murphy, laborer, Edgewood.

*5th division.*—Jacob Flake, gentleman, Frankford road ; C. P. Colehower, blacksmith, 42 Ann street ; Jacob Craft, blacksmith, 42 Ann street ; Benjamin Frogget, gun-maker, Clearfield street.

*6th division.*—Henry Daily, constable, William street ; Samuel Clase, sailmaker, Richmond street ; William McCleennon, engineer, Melvale street ; Hazelton Crammer, sailmaker, Melvale street ; John Dumphrey, ship carpenter, Richmond street ; George H. Funk, block-maker, Richmond street ; Joseph H. Johnson, wharf-builder, William street ; Andrew J. Snyder, boatman, William street ; Rodney C. Weber, miller, Richmond street ; William McHenry, ship carpenter, Ann street ; C. W. Robbins, M. D., Richmond

street ; Robert Goldsmith, carpenter, Melvale street ; John Dager, puddler, Bath street ; James Shevlin, laborer, Sorrell street ; Daniel Mullen, laborer, William street.

EPHRAIM ALLEN,  
JOHN PURCELL,  
SAM'L DINGAS,  
JAMES MORRIN,  
Assessors.

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EXHIBIT No. 19.

UNITED STATES,

*Commonwealth of Pennsylvania, sct :*

To EDWARD BENDER, 6th division, 22d ward, WILLIAM BLACK, JESSE DARMENT, FREDERICK HINDS, ALLEN JORDAN, GEORGE KING, GEORGE MARTIN, JAMES McKELTY, JOHN QUINN, WILLIAM SMEDLEY, GEORGE SCHEIFLE :

We command you, that, laying aside all manner of business and excuses whatsoever, you, and each of you, do personally be and appear before us, duly authorized under and by virtue of the act of Congress, approved February 19, 1851, to take testimony in the contested election case of the 5th congressional district, at the Railroad Hotel, kept by E. H. Reeder, corner of Main and Price streets, in Germantown, in the 22d ward, on the 3d day of February, A. D. 1863, at 11 o'clock, then and there to testify all and singular those matters and things which you shall know touching said election for member of the 38th Congress from said congressional district, between Charles W. Carrigan, contestant, and M. Russell Thayer, incumbent, on the part of the said Charles W. Carrigan.

And hereof fail not, under the penalties provided in said act of Congress.

Witness my hand this 27th day of January, 1863, and in the 87th year of the independence of the United States.

JOSEPH H. COMLY. [SEAL.]  
WM. REILLY. [SEAL.]

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EXHIBIT No. 20.

UNITED STATES,

*Commonwealth of Pennsylvania, sct :*

To JOHN ROBERTS, GEORGE HEBERTON, PATRICK DELANY, 4th division, 22d ward ; EMANUEL REY, 4th division, 22d ward ; EDWARD H. REEDER, GEORGE SHINGLE, 5th division, 22d ward ; DANIEL ALLEN, 5th division, 25th ward :

We command you, that, laying aside all manner of business and excuses whatsoever, you, and each of you, do personally be and appear before us, duly authorized under and by virtue of the act of Congress, approved February 19, 1851, to take testimony in the contested election case of the 5th congressional district, at the Railroad Hotel, kept by E. H. Reeder, corner of Main and Price streets, in Germantown, in the 22d ward, on the 2d day of February, A. D. 1863, at 11 o'clock, then and there to testify all and singular those matters and things which you shall know touching said election for member of the 38th Congress from said congressional district, between Charles W. Carrigan, contestant, and M. Russell Thayer, incumbent, on the part of the said Charles W. Carrigan.

And hereof fail not, under the penalties provided in said act of Congress.

Witness my hand this 29th day of January, 1863, and the 87th year of the independence of the United States.

JOSEPH H. COMLY. [SEAL.]  
WM. REILLY. [SEAL.]

## EXHIBIT No. 21.

UNITED STATES,

*Commonwealth of Pennsylvania, set :*

To GEORGE DICKINSON, JOHN NOLAN, SAMUEL COMEGYS, HENRY DITMAN, CHARLES BROUSE, HENRY CASTOR, WM. J. CRANS :

We command you, that, laying aside all manner of business and excuses whatsoever, you, and each of you, do personally be and appear before us, duly authorized under and by virtue of the act of Congress, approved February 19, 1851, to take testimony in the contested election case of the 5th congressional district, at the Railroad Hotel, kept by E. H. Reeder, corner of Main and Price streets, in Germantown, in the 22d ward, on the 31st day of January, A. D. 1863, at 1 o'clock, then and there to testify all and singular those matters and things which you shall know touching said election for member of the 38th Congress from said congressional district, between Charles W. Carrigan, contestant, and M. Russell Thayer, incumbent, on the part of the said Charles W. Carrigan.

And hereof fail not, under the penalties provided in said act of Congress.

Witness my hand this 27th day of January, 1863, and in the 87th year of the independence of the United States.

JOSEPH H. COMLY. [SEAL.]  
WM. REILLY. [SEAL.]

## EXHIBIT No. 22.

UNITED STATES,

*Commonwealth of Pennsylvania, set :*

To — McAVOY ; MOSES KNIGHT, Smithfield, 23d ward ; STEPHEN KNIGHT, 6th division, 23d ward ; CHARLES MEYERS, Arsenal Hotel, 3d division, 25th ward ; BENJAMIN SCHALCROSS, farmer, Bustleton pike ; LEWIS D. VAN KIRK, Oxford, near Paul, Frankford ; JOHN SPREES, 8th division, 23d ward, at Ertels ; JOHN MINK, 8th division, 23d ward, at Ertels ; FREDERICK BEAN, Point road, below Bridge, Bridesburg :

We command you, that, laying aside all manner of business and excuses whatsoever, you, and each of you, do personally be and appear before us, duly authorized under and by virtue of the act of Congress, approved February 19, 1851, to take testimony in the contested election case of the 5th congressional district, at the Railroad Hotel, kept by E. H. Reeder, corner of Main and Price streets, in Germantown, in the 22d ward, on the 6th day of February, A. D. 1863, at 10 o'clock, then and there to testify all and singular those matters and things which you shall know touching said election for member of the 38th Congress from said congressional district, between Charles W. Carrigan, contestant, and M. Russell Thayer, incumbent, on the part of the said Charles W. Carrigan.

And hereof fail not, under the penalties provided in said act of Congress.

Witness my hand this 27th day of January, 1863, and in the 87th year of the independence of the United States.

JOSEPH H. COMLY. [SEAL.]  
WM. REILLY. [SEAL.]



## EXHIBIT No. 23.

UNITED STATES,

*Commonwealth of Pennsylvania, set :*

To THOMAS S. FOULKROD, Frankford, 5th division, 23d ward ; AMOS GREGG, Bustleton pike ; JOHN HEDGES, 5th division, 23d ward, Frankford ; PHILIP HARNED, Smithfield, 23d ward ; BENJAMIN COMLY, Smithfield, 23d ward ; JOHN HARDING, 5th division, 23d ward, 202 Frankford ; THOMAS T. HOLME, Leiper street, below Frankford ; JOHN HOPE, 6th division, 23d ward, Thomas street, Frankford :

We command you, that, laying aside all manner of business and excuses whatsoever, you, and each of you, do personally be and appear before us, duly authorized under and by virtue of the act of Congress, approved February 19, 1851, to take testimony in the contested election case of the 5th congressional district, at the Railroad Hotel, kept by E. H. Reeder, corner of Main and Price streets, in Germantown, in the 22d ward, on the 9th day of February, A. D. 1863, at 10 o'clock, then and there to testify all and singular those matters and things which you shall know touching said election for member of the 38th Congress from said congressional district, between Charles W. Carrigan, contestant, and M. Russell Thayer, incumbent, on the part of the said Charles W. Carrigan.

And hereof fail not, under the penalties provided in said act of Congress.

Witness my hand, this 27th day of January, 1863, and in the 87th year of the independence of the United States.

JOSEPH H. COMLY. [SEAL.]

WM. REILLY. [SEAL.]

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EXHIBIT No. 24, printed in German.—(See translation, Exhibit No. 25.)

EXHIBIT No. 25.—FEBRUARY 12, 1863.—J. W. C.—W. R.

CARRIGAN vs. THAYER.

*To the workmen of my factory :*

But once before, in the course of many years, have I asked you to deposit your votes in a direction satisfactory to myself, namely: when infamous demagogues dared to make use of my name for their purposes, then as now, your welfare as well as that of the whole nation was nearest my heart; to-day, as then, I endeavor to enlighten you, and to make you acquainted with the true state of the case.

In a general way you all know the horrible events of the existing civil war; a war called forth by ambition and avarice—a sin against God and mankind! But few of you, however, are enabled to judge properly the causes and the progress of this war. You are prevented from doing so by want of time and by a want of a knowledge of the language of the country. Infamous men, who would sell body and soul to gratify their desire to rule, and their avarice to stultify and belie you with old and fine party names revered by you, so that you are not at all to blame when you can no more distinguish truth from falsehood; as, under present circumstances, some of your interests must suffer, an effort being made to attack your weak side, and to incite you against the existing government, and even against the local authorities. But the stake is not now for this or that party, but for the existence and life of the nation, for liberty and the rights of man. It is the

plan of the rebels to destroy all these, striving, as they do, to split first our great nation into several parts, that would afterwards annihilate each other by constant disputes leading to warfare. Next, the rebels intend establishing a government whose corner-stone is to be slavery instead of freedom. The vice-president of the rebel States (Mr. A. Stephens) has declared in his proclamation that no truly civilized State can exist where workingmen are not slaves; and that the new republic that is to be founded is to tolerate no other laboring men than slaves. This is the southern democracy—a disgusting despotism! And falsely called democrats ask you to aid and approve of, by your votes, this treason against God, your country, and the rights of man.

I am satisfied that none of you defend slavery. He who has fled from the despotism of Europe, as the majority of you have, cannot sympathize with slavery; and yet certain leaders wish to use you for the purpose of perpetuating slavery—the blemish of these United States.

Everywhere in Europe the last rights of serfdom are falling, and man becomes, as created by God, a free man! Why, then, should not here, in this all-blessed country, the chains of the colored race fall? Are blacks and copper-colored people not human beings? If you believe in the Word of God, all men are descended from one couple, and have, therefore, as a matter of course, equal rights; at any rate all have obtained from God the equal right to be happy and free, and only the shameful right of power has condemned the black race to slavery. As long as the slaveholders conducted themselves quietly and peaceably it was our duty to protect their rights even towards their slaves. It was a compact, and it was faithfully kept by the north and the free laborers of the United States, although freedom and slavery can never for a long period exist alongside of each other; although a system like that is a crime against mankind and can never be a true republic or democracy, which grants equal rights to every one. The ulterior plans of these traitors and rebels you can glean daily from the speeches of their leaders, and from the southern press. They have declared unequivocally that the greater portion of the whites are only fit for slaves, and deserve to be treated as slaves by the rich and mighty.

Such views are the consequences of the right of property in men. Lust of power and avarice alone have induced the leaders of the rebels to labor these thirty years for the overthrow of the Constitution, and to call forth the present civil war. Of course, these traitors did not dream that the element of liberty and true democracy in the north would stake everything to save the nation and to annihilate the infamous conspirators; and nothing can save now your liberties, the liberties of your children, and of the latest generations, than an iron will, that the war incited by the rebels must not end until they are annihilated, or until law and order are again restored in the rebellious States. Peace on any other basis can only lead to new quarrels and new wars; and if slavery is put down by this war, the more lasting will be the peace, and the more gloriously will the country prosper afterwards.

Everybody who desires peace now at any price is a traitor to God, liberty, and country. He is a traitor to God, because He created all men with equal rights; and a disgraceful peace, such as is urged by these northern traitors, would extend and perpetuate slavery. He is a traitor to liberty because he would contribute towards putting, in the course of time, the yoke of the slave upon his free fellow-being; and he is a traitor to his home because such a rotten peace would call forth new quarrels and dissensions, and the final destruction of our free institutions.

We must assume that God, in his infinite wisdom, suffered the present terrible war to exist in order to chastise the vices of the leaders of the rebellion, so that upon the ruins of slavery a truly free republican demo-

cratic State may be founded, upon which all the oppressed people of the earth may look with pride and hope.

He who advocates peace now, at any price, before the rights of the nation are restored to their full extent, and the leaders of the rebels are destroyed, only to save risk, petty self-interest, the taxes, or personal sacrifices, is no freeman, no democrat, no friend of mankind, and does not deserve to live in a free country among freemen. Such an one will vote at the next election for the party which is against the present government; he will, in short, vote for the candidates of the so-called Breckinridge democracy, and will have to justify himself for it before God and man.

The true patriot has now no other choice but to vote for the candidates who are pledged to continue this war to the proposed end—to support the present administration; and among these I hope to number all the free men of the factory, as I should not like to have any others around me, nor will I suffer any others around me.

In ordinary times, I have not troubled myself much about party measures and party questions; but at present the thing has become serious. Now the saying applies, "he who is not for us is against us." To-day I deem it a right to demand of you to give more credence and confidence to me, an experienced and well-informed man, who would consider himself disgraced to press upon his less-informed fellow-citizens any false views of vagabond demagogues of every kind, and often interested and bribed journalists who endeavor to propagate false and infamous views.

Look around where the formerly honored leaders of the democracy stood. They have either gone over to the enemy, like John C. Breckinridge and company, or they stand as decidedly on our side as Cass, McClellan, Butler, Rosecrans, Holt, Walker, and others. Nothing remained for the Breckinridge democratic party but persons of highly doubtful character, who, as the former German knights, fight where they hope for the greatest plunder.

In view of all the foregoing, I call on my countrymen and fellow-citizens of the factory to vote on election day for the following gentlemen :

*For Congress.*—M. Russell Thayer.

*For Assembly.*—Edward E. Lee.

*For Mayor.*—Alexander Henry.

#### STATE OFFICERS.

*For Auditor General.*—Thomas E. Cochran.

*For Surveyor General.*—William S. Ross.

And I am at all times ready to talk with every one individually, and to listen to any refutations and to correct them.

CHARLES LENNIG.

PHILADELPHIA October 11, 1862.

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#### EXHIBIT No. 26.—J. H. C.—W. R.

UNITED STATES,

*Commonwealth of Pennsylvania, set :*

TO AUGUST SCHROEDER, JUSTICE SCHROEDER, Fulton street, east of Trenton avenue; GEORGE L. WIGNER, Randolph, below Waterloo; BERNARD HANSELL, Fulton street, east of Trenton avenue; DANIEL ALLEN, Frankford road.

We command you, that, laying aside all manner of business and excuses whatsoever, you and each of you do personally be and appear before us,

duly authorized, under and by virtue of the act of Congress approved February 19, 1851, to take testimony in the contested election case of the 5th congressional district, at the Railroad hotel, kept by E. H. Reeder, corner of Main and Price streets, in Germantown, in the 22d ward, on the 4th day of February, A. D. 1863, at 11 o'clock, then and there to testify all and singular those matters and things which you shall know touching said election for member of the 38th Congress from said congressional district, between Charles W. Carrigan, contestant, and M. Russell Thayer, incumbent, on the part of said Charles W. Carrigan.

And hereof fail not, under the penalties provided in said act of Congress.

Witness my hand, this 27th day of January, 1863, and in the 87th year of the independence of the United States.

JOSEPH H. COMLY. [SEAL.]  
WM. REILLY. [SEAL.]

EXHIBIT No. 27.—J. H. C.—W. R.

UNITED STATES,

*Commonwealth of Pennsylvania, sc:*

To WILLIAM PERKINS, Frankford road, opposite Hart lane ; CHARLES MURRAY, same place ; GEORGE SURRICK, corner of Frankford road and Clearfield street ; JOSEPH ALLEN, dyer, Waterloo street ; ANDREW CONN, Janny, north of Ann street ; ANDREW CONN, jr., same place ; JOHN FORBES, Ann street, east of Frankford road ; JOHN GARVIN, SAMUEL GARVIN, Ann street, east of Frankford road :

We command you, that, laying aside all manner of business and excuses whatsoever, you, and each of you, do personally be and appear before us, duly authorized, under and by virtue of the act of Congress approved February 19, 1851, to take testimony in the contested election case of the 5th congressional district, at the Railroad hotel, kept by E. H. Reeder, corner of Main and Price streets, in Germantown, in the 22d ward, on the 4th day of February, A. D. 1863, at 11 o'clock, then and there to testify all and singular those matters and things which you shall know touching said election for member of the 38th Congress from said congressional district, between Charles W. Carrigan, contestant, and M. Russell Thayer, incumbent, on the part of the said Charles W. Carrigan.

And hereof fail not, under the penalties provided in said act of Congress.

Witness my hand, this 27th day of January, 1863, and in the 87th year of the independence of the United States.

JOSEPH H. COMLY. [SEAL.]  
WM. REILLY. [SEAL.]

EXHIBIT No. 28.—J. H. C.—W. R.

UNITED STATES,

*Commonwealth of Pennsylvania, sc:*

To CHARLES LENNIG, 1,340 Walnut street ; FREDERICK LENNIG, 1,340 Walnut street :

We command you, that, laying aside all manner of business and excuses whatsoever, you, and each of you, do personally be and appear before us, duly authorized, under and by virtue of the act of Congress approved February 19, 1851, to take testimony in the contested election case of the 5th

congressional district, at the Railroad hotel, kept by E. H. Reeder, corner of Main and Price streets, in Germantown, in the 22d ward, on the 7th day of February, A. D. 1863, at 10 o'clock, then and there to testify all and singular those matters and things which you shall know touching said election for member of the 38th Congress from said congressional district, between Charles W. Carrigan, contestant, and M. Russell Thayer, incumbent, on the part of the said Charles W. Carrigan.

And hereof fail not, under the penalties provided in said act of Congress.

Witness my hand, this 27th day of January, 1863, and in the 87th year of the independence of the United States.

JOSEPH H. COMLY. [SEAL.]  
WM. REILLY. [SEAL.]

EXHIBIT No. 29.—J. H. C.—W. R.

UNITED STATES,

*Commonwealth of Pennsylvania, set:*

To WILLIAM H. ALLEN, Girard College; BENJAMIN GERHARD, 226 South 4th street; WILLIAM MILLWARD, 837 North 7th street; GUSTAVUS REMAK, 6th above Vine:

We command you, that, laying aside all manner of business and excuses whatsoever, you, and each of you, do personally be and appear before us, duly authorized, under and by virtue of the act of Congress approved February 19, 1851, to take testimony in the contested election case of the 5th congressional district, at the Railroad hotel, kept by E. H. Reeder, corner of Main and Price streets, in Germantown, in the 22d ward, on the 7th day of February, A. D. 1863, at 11 o'clock, then and there to testify all and singular those matters and things which you shall know touching said election for member of the 38th Congress from said congressional district, between Charles W. Carrigan, contestant, and M. Russell Thayer, incumbent, on the part of the said Charles W. Carrigan.

And hereof fail not, under the penalties provided in said act of Congress.

Witness my hand, this 27th day of January, 1863, and in the 87th year of the independence of the United States.

JOSEPH H. COMLY. [SEAL.]  
WM. REILLY. [SEAL.]

EXHIBIT No. 30.—J. H. C.—W. R.

*Contested election case, fifth congressional district.*

CARRIGAN vs. THAYER.

SATURDAY, February 7, 1863.

DEAR SIR: In conformity with the subpoena served in this matter, it is desirable that you should attend, for the purpose of giving your testimony, some time during Monday p. m., between 1 o'clock and 4½ o'clock. If it should not be convenient for you to do so, will you please say at what hour on Tuesday you can be present.

Very respectfully, yours,

C. VAN DYKE.  
Per CHAS. W. CARRIGAN.

HON. A. HENRY, Mayor, &c.



## EXHIBIT No. 31.—J. H. C.—W. R.

OFFICE OF THE MAYOR OF THE CITY OF PHILADELPHIA,

February 9, 1863.

DEAR SIR: Your note of the 7th inst., handed to me this forenoon, informs me that it is desirable that I should attend between 1 and 4½ o'clock p. m. to-day, in conformity with the subpœna directed to me in the case of the contested election for the fifth congressional district, (which subpœna is signed by two aldermen or justices of the peace, who are therein stated to be sitting, to take depositions, at the hotel, corner of Main and Price streets, in the 22d ward of this city,) and such note requests that if such attendance be not convenient, I would designate the hour when I can be present to-morrow.

Upon referring to the act of Congress of February 19, 1851, named in the said subpœna as that by virtue of which it purports to be issued, it appears that two justices of the peace are only authorized to take depositions in a contested election *when no such magistrate as is by the third section of that act* duly authorized shall reside within the congressional district where the contest arises.

The fifth congressional district of Pennsylvania comprises the 22d, 23d, and 25th wards of Philadelphia, Bucks county, and a part of Montgomery county. The counties of Bucks and Montgomery constitute the seventh judicial district of the State, and in the former county, which is wholly within the aforementioned congressional district, at least one judge of a court of record resides, who is thus a proper officer to issue subpœnas and to take depositions respecting the said contested election, and before whom I will attend whenever duly requested so to do.

Thanking you for the personal courtesy with which you have desired to promote my convenience, I am, very respectfully, &c.,

ALEXANDER HENRY.

J. C. VAN DYKE, Esq.,  
For C. W. CARRIGAN, Esq.

## EXHIBIT No. 32.—J. H. C. and W. R.

*Member of Congress.*

General return of votes for a member of Congress for the fifth district, composed of the 22d, 23d, and 25th wards of the city of Philadelphia, and Bucks county, at an election held in the 22d ward of the city of Philadelphia, on Tuesday, the 14th day of October, A. D. 1862:

Persons voted for.	First precinct.	Second precinct.	Third precinct.	Fourth precinct.	Fifth precinct.	Sixth precinct.	Seventh precinct.	Eighth precinct.	Ninth precinct.	Total.
M. Russell Thayer	116	91	294	276	256	216	100	143	150	1642
Chas. W. Carrigan	69	90	121	77	131	58	98	188	105	936

RUDOLPH SIMON, *Judge of 1st Precinct.*

JOSEPH ENGLE, JR., " " 2d "

M. LEHMAN, " " 3d "

P. H. COULTER, " " 4th "

GEORGE D. FREAS, " " 5th "

DANIEL L. KEYSER, " " 6th "

" " 7th "

JESSE MILLMAN, " " 8th "

NATHAN LONGARE, " " 9th "

CITY AND COUNTY OF PHILADELPHIA, ss:

I, Fred. G. Wolbert, prothonotary of the court of common pleas for the said city and county, do certify the foregoing writing to be a correct copy of the "general return" for member of Congress in the 22d ward as the same remains in my office.

[SEAL.] Witness my hand, and the seal of the said court, this 6th day of February, A. D. 1863.

FRED. G. WOLBERT, *Proth'y.*

EXHIBIT No. 33.—J. H. C. and W. R.

*Member of Congress.*

General return of votes for a member of Congress for fifth district, composed of the 22d, 23d, and 25th wards of the city of Philadelphia, and Bucks county, at an election held in the "twenty-third" ward of the city of Philadelphia, on Tuesday, the 14th day of October, A. D. 1862:

Persons voted for.	First precinct.	Second precinct.	Third precinct.	Fourth precinct.	Fifth precinct.	Sixth precinct.	Seventh precinct.	Eighth precinct.	Ninth precinct.	Total.
M. Russell Thayer	155	160	151	54	252	182	221	57	158	1390
has. W. Carrigan	163	159	147	55	142	107	172	79	128	1152

HENRY W. DEITMAN, *Judge.*  
 THOS. T. FOULKROD, "  
 THOMAS B. FOSTER, "  
 SAMUEL COOPER, "  
 THOMAS T. HELME, *Clerk.*  
 T. HAMLIN WILLCOX, "

CITY AND COUNTY OF PHILADELPHIA, ss:

I, Fred. G. Wolbert, prothonotary of the court of common pleas for said city and county, do certify the foregoing writing to be a correct copy of the "general returns" for member of Congress in the 23d ward as the same remains in my office.

[SEAL.] Witness my hand, and the seal of the said court, this 6th day of February, A. D. 1863.

FRED. G. WOLBERT, *Proth'y.*

EXHIBIT No. 34.—J. H. C. and W. R.

*Member of Congress.*

General return of votes for a member of Congress for the fifth district, composed of the 22d, 23d, and 25th wards of the city of Philadelphia, and

Bucks county, at an election held in the 25th ward of the city of Philadelphia, on Tuesday, the 14th day of October, A. D. 1862.

Persous voted for.	First precinct.	Second precinct.	Third precinct.	Fourth precinct.	Fifth precinct.	Sixth precinct.	Total.
Charles W. Carrigan .....	165	191	91	287	63	176	973
M. Russell Thayer .....	168	130	144	28	51	127	648

GEORGE A. CLAYTON, *Judge*.  
 ALEX McFADDEN, "  
 PATRICK MURPHY, "  
 PETER D. BETTS, "  
 CONRAD BAKER, "  
 S. H. COLELMER, "

CITY AND COUNTY OF PHILADELPHIA, ss:

I, Fred. G. Wolbert, prothonotary of the court of common pleas for said city and county, do certify the foregoing writing to be a correct copy of the "general return" for member of Congress in the 25th ward as the same remains in my office.

[SEAL.] Witness my hand, and the seal of the said court, this 6th day of February, A. D. 1863.

FRED. G. WOLBERT, *Proth'y*.

EXHIBIT No. 35.—J. H. C.—W. R.

At an election held on Tuesday, October 8, 1861, in the twenty-second ward, the following persons were voted for, and received the number of votes set opposite to their names, for sheriff of the county of Philadelphia:

Divisions.	Robert Ewing.	John Thompson.
First .....	86	72
Second .....	83	78
Third .....	131	238
Fourth .....	76	209
Fifth .....	144	172
Sixth .....	142	283
Seventh .....	102	88
Eighth .....	158	127
	<u>922</u>	<u>1,267</u>

CITY AND COUNTY OF PHILADELPHIA, ss:

I, Fred. G. Wolbert, prothonotary of the court of common pleas for the said city and county, do certify the foregoing writing to be a correct copy of the return of votes for sheriff of said county in the twenty-second ward, as the same remains in my office.

[SEAL.] Witness my hand and the seal of the said court this eleventh day of February, 1863.

FRED. G. WOLBERT, *Proth'y*.

## EXHIBIT No. 36.—J. H. C.—W. R.

At an election held on Tuesday, October 8, 1861, in the twenty-third ward of the city of Philadelphia, the following persons were voted for, and received the number of votes set under their respective names, for sheriff of the county of Philadelphia:

Divisions.	Robert Ewing.	John Thompson.
First.....	208	146
Second.....	134	149
Third.....	123	141
Fourth.....	47	51
Fifth.....	135	213
Sixth.....	105	170
Seventh.....	183	195
Eighth.....	59	38
Ninth.....	135	107
	<hr/>	<hr/>
	1, 129	1, 210
	<hr/>	<hr/>

CITY AND COUNTY OF PHILADELPHIA, ss:

I, Fred. G. Wolbert, prothonotary of the court of common pleas of said city and county, do certify the foregoing writing to be a correct copy of the return of votes for sheriff of said county, in the twenty-third ward, as the same remains in my office.

[SEAL.] Witness my hand and the seal of said court this eleventh day of February, A. D. 1863.

FRED. G. WOLBERT, *Proth'y.*

## EXHIBIT No. 37.—J. H. C.—W. R.

At an election held on Tuesday, the 8th day of October, 1861, in the twenty-fifth ward of the city of Philadelphia, the following persons received the respective number of votes set opposite to their names for sheriff of the county of Philadelphia:

Divisions.	Robert Ewing.	John Thompson.
First.....	129	140
Second.....	164	110
Third.....	98	81
Fourth.....	278	26
Fifth.....	50	49
Sixth.....	172	106
	<hr/>	<hr/>
	891	512
	<hr/>	<hr/>

CITY AND COUNTY OF PHILADELPHIA, ss:

I, Fred. G. Wolbert, prothonotary of the court of common pleas for the city and county aforesaid, do certify the foregoing writing to be a correct copy of the return of votes for sheriff of said county, in the twenty-fifth ward, as the same remains in my office.

[SEAL.] Witness my hand and the seal of said court this eleventh day of February, A. D. 1863.

FRED. G. WOLBERT, *Proth'y.*

## EXHIBIT No. 38.—J. H. C.—W. R.

At an election held on Tuesday, October 14, 1862, in the first division of the eighth ward, the following persons were voted for judges of elections, and received the number of votes respectively set opposite their names :

John Clayton, two hundred and twenty-nine (229.)

Owen McQuail, one hundred and fifty-six (156.)

CITY AND COUNTY OF PHILADELPHIA, ss :

I, Fred. Wolbert, prothonotary of the court of common pleas for the said city and county, do certify the foregoing writing to be a correct copy of the return of vote for judge of election in the first division of the eighth ward, as the same remains in my office.

[SEAL.] Witness my hand and the seal of said court this eleventh day of February, A. D. 1863.

FRED. G. WOLBERT, *Proth'y.*

## EXHIBIT No. 39.—J. H. C.—W. R.

*Tally list of 22d ward, 2d division, election held Tuesday, October 14, 1862.*

Congress :	9	10	11	12	1	2	3	4	5	6	7	8	
M. Russell Thayer...	0	25	0	2	1	6	4	7	3	14	17	12	91
Chas. W. Carrigan...	0	17	0	2	0	7	7	4	3	11	23	16	90

CITY AND COUNTY OF PHILADELPHIA:

I, Fred. G. Wolbert, prothonotary of the court of common pleas of said city and county, do certify that the foregoing writing is a correct copy of the "tally list" of votes for member of Congress in the twenty-second ward, second division, as the same remains in my office.

[SEAL.] Witness my hand and the seal of said court this 28th day of Jauary, A. D. 1863.

FRED. G. WOLBERT, *Proth'y.*

## EXHIBIT No. 40.—J. H. C.—W. R.

*Tally list of the 23d ward, 3d division, election held Tuesday, October 14, 1862.*

Congress:	9 o'clock.	10	11	12	1	2	3	4	5	6	7	8
M. Russell Thayer.....	44	39	27	29	14	13	9	10	24	10	36	39
Charles W. Carrigan...	23	13	9	11	5	3	0	1	4	9	19	24

CITY AND COUNTY OF PHILADELPHIA:

I, Fred. G. Wolbert, prothonotary of the court of common pleas for the said city and county, do certify the foregoing writing to be a correct copy of the



tally list of votes of the 22d ward, 3d division, for member of Congress, as the same remains in my office.

[SEAL.] Witness my hand and the seal of said court this 28th day of January, A. D. 1863.

FRED. G. WOLBERT, *Proth'y.*

EXHIBIT No. 41.—J. H. C.—W. R.

*Tally list of the 22d ward, 4th division, election held Tuesday, October 14, 1862.*

Congress:																	
M. Russell Thayer.....	43	27	14	11	17	16	17	14	18	26	37	36	276				
Charles W. Carrigan....	9	9	4	4	6	5	2	3	5	5	11	14	77				

CITY AND COUNTY OF PHILADELPHIA:

I, Fred. G. Wolbert, prothonotary of the court of common pleas for said city and county of Philadelphia, do certify that the foregoing writing is a correct copy of the tally list of votes cast in the 22d ward, 4th division, for member of Congress, as the same remains in my office.

[SEAL.] Witness my hand and the seal of the said court this 28th day of January, A. D. 1863.

FRED. G. WOLBERT, *Proth'y.*

EXHIBIT No. 42.—J. H. C.—W. R.

*Tally list of the 22d ward, 5th division, election held Tuesday, October 14, 1862*

Congress :																	
M. Russell Thayer,	40	30	16	17	21	24	11	7	17	18	28	27	256				
Chas. W. Carrigan,	20	8	10	6	9	12	9	3	4	11	23	16	131				

CITY AND COUNTY OF PHILADELPHIA :

I, Fred. G. Wolbert, prothonotary of the court of common pleas for the said city and county, do certify that the foregoing writing is a true copy of the "tally list" of votes for member of Congress in the 22d ward, 5th division, as the same remains in my office.

Witness my hand and the seal of said court this 28th of January, A. D. 1863.

[SEAL.]

FRED. G. WOLBERT, *Proth'y.*

EXHIBIT No. 43 —J. H. C.—W. R.

*Tally list of the 22d ward, 6th division, election on Tuesday, October 14, 1862.*

Congress :	9	10	11	12	1	2	3	4	5	6	7	8	
M. R. Thayer.....	32	32	12	10	13	20	7	5	19	17	24	25	
Ceas. W. Carrigan.....	5	6	1	2	5	3	4	4	6	11	8	3	

CITY AND COUNTY OF PHILADELPHIA :

I, Fred. G. Wolbert, prothonotary of the court of common pleas, of said city and county, do certify the foregoing writing to be a correct copy of the

"tally list" of votes for member of Congress in the 22d ward, 6th division, as the same remains in my office.

Witness my hand and the seal of said court this 28th day of January, A. D. 1863.

FRED. G. WOLBERT, *Proth'y.*

EXHIBIT No. 44.—J. H. C.—W. R.

*Tally list of the 22d ward, 7th division, election on Tuesday, October 14, 1862.*

Congress:

M. Russell Thayer,	18	9	11	7	4	7	15	1	5	4	15	4	100
Chas. W. Carrigan,	22	4	5	4	8	9	6	3	5	13	15	4	98

CITY AND COUNTY OF PHILADELPHIA, ss :

I, F. G. Wolbert, prothonotary of the court of common pleas of the said city and county, do certify the foregoing writing to be a correct copy of the "tally list" of votes for member of Congress in the 22d ward, 7th division, as the same remains in my office.

Witness my hand and the seal of said court this 28th day of January, A. D. 1863.

FRED. G. WOLBERT, *Proth'y.*

EXHIBIT No. 45.—J. H. C.—W. R.

*Tally list of the 22d ward, 9th division, of election on Tuesday, October 14, 1862.*

Member of Congress:

Charles W. Carrigan, one hundred and five votes.....	105
M. Russell Thayer, one hundred and fifty votes.....	150

CITY AND COUNTY OF PHILADELPHIA, ss :

I, Frederick G. Wolbert, prothonotary of the court of common pleas of said city and county, do certify the foregoing writing to be a correct copy of the tally list of the 22d ward, 9th division, for member of Congress, as the same remains in my office.

Witness my hand and the seal of said court this 28th day of January, A. D. 1863.

FRED. G. WOLBERT, *Proth'y.*

EXHIBIT No. 46.—J. H. C.—W. R.

*Tally list of 23d ward, 9th division, of an election on Tuesday, October 14, 1862.*

Congress :

Chas. W. Carrigan...	11	11	11	11	11	11	11	11	11	11	11	7	128
M. Russell Thayer...	14	14	14	14	14	14	14	14	14	14	14	4	158

J. T. HALLOWELL,  
LEONARD SHALLCROSS,  
*Clerks.*

W. HALL WAXLER,  
CHARLES D. BROWN,  
*Return Inspectors.*

CITY AND COUNTY OF PHILADELPHIA :

I, Fred. G. Wolbert, prothonotary of the court of common pleas of the said city and county, do certify the foregoing writing to be a correct copy of the "tally list" of the 23d ward, 9th division, for member of Congress, as the same remains in my office.

Witness my hand and the seal of said court this 28th day of January,  
[SEAL.] A. D. 1863.

FRED. G. WOLBERT, *Proth'y.*

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EXHIBIT No. 47.—J. H. C.—W. R.

CITY AND COUNTY OF PHILADELPHIA, ss :

I, Fred. G. Wolbert, prothonotary of the court of common pleas of the city and county of Philadelphia, do certify that there are no tally lists of the 1st division and 8th division of the 22d ward filed in my office.

Witness my hand and the seal of said court this 12th day of February,  
[SEAL.] A. D. 1863.

F. G. WOLBERT, *Proth'y.*

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EXHIBIT No. 48.—J. H. C.—W. R.

*Tally list of the 25th ward, 3d division, of election on Tuesday, October 14, 1862.*

Congress :

Chas. W. Carrigan,	15	6	3	9	6	2	4	8	10	20	8	91
M. Russell Thayer,	19	7	2	17	4	7	8	13	13	36	18	144

CITY AND COUNTY OF PHILADELPHIA, ss :

I, Fred. G. Wolbert, prothonotary of the court of common pleas, of said city and county, do certify the foregoing writing to be a correct copy of the "tally list" of votes for member of Congress, in the 25th ward, 3d division, as the same remains in my office.

Witness my hand and the seal of said court this 28th day of January,  
[SEAL.] A. D. 1863.

FRED. G. WOLBERT, *Proth'y.*

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EXHIBIT No. 50.—J. H. C.—W. R.

UNITED STATES,

*Commonwealth of Pennsylvania, sct :*

THOMAS B. HEACOCK, esq., who is required to bring with him the ballot boxes of Plumstead township, containing the ballots voted in said township at the general election held on the 14th of October, 1862 :

We command you, that, laying aside all manner of business and excuses whatsoever, you, and each of you, do personally be and appear before us, duly authorized under and by virtue of the act of Congress approved February 19, 1851, to take testimony in the contested election case of the fifth congressional district, at the Railroad Hotel, kept by Nathan Brown, in the borough of Doylestown, on the 14th day of February, A. D. 1863, at ten o'clock, then and there to testify all and singular those matters and things which you shall know touching said election for member of the thirty-eighth

Congress from said congressional district, between Charles W. Carrigan, contestant, and M. Russell Thayer, incumbent, on the part of the said Charles W. Carrigan. And hereof fail not, under the penalties provided in said act of Congress.

Witness my hand this 4th day of February, 1863, and in the 87th year of the independence of the United States.

[SEAL.]  
[SEAL.]

JOSEPH H. COMLY.  
WM. REILLY.

EXHIBIT No. 51.—J. H. C.—W. R.

FEBRUARY 13, 1863.

DOYLESTOWN, *January 29, 1863.*

HENRY P. ROSS, Esq.:

DEAR SIR: I have just received your note desiring me to say whether I will be able to act as the judge before whom testimony is proposed to be taken on Saturday next, in behalf of Mr. Carrigan, in the matter of his claim to a seat in Congress from the fifth congressional district. In reply, I have to say that the regular term of court commences in this place next week; and during the term it is not probable I should have much time to attend to the matter suggested by you. I do not suppose the examination could be concluded on Saturday next; and, as my duties on the bench would be interfered with if I acceded to your request, I must respectfully decline.

Yours, very truly,

JOHN G. CHAPMAN.

EXHIBIT No. 52.—J. H. C.—W. R.

FEBRUARY 13, 1863.

SELLERSVILLE, *January 30, 1863.*

THOMAS ROSS, Esq.:

DEAR SIR: Your kind letter came to hand this instant, concerning the taking of depositions to test the election of Mr. Thayer, in Germantown, to commence the 31st of this instant, and as many other days as necessary. In reply, I will say that it will be utterly impossible for me to attend, as our February term of court commences on Monday, the 2d, where my presence is required for a period of two weeks.

Yours, truly,

HENRY TROXEL

EXHIBIT No. 53.—J. S. B.

FEBRUARY 14, 1863.

Among the returns of the general election held in the several districts comprised in the county of Bucks, on the fourteenth day of October, A. D. one thousand eight hundred and sixty-two, and filed in the office of the prothonotary of the court of common pleas of said county, among other things are contained the following returns for congressman of the fifth congressional district of the State of Pennsylvania for the thirty-eighth Congress:

*Buckingham township.*

M. Russell Thayer, four hundred and twenty .....	420
Charles W. Carrigan, two hundred and four .....	204

*Bristol borough.*

Charles W. Carrigan, one hundred and eighty-one .....	181
M. Russell Thayer, two hundred and forty-seven .....	247

*Bristol township.*

M. Russell Thayer, two hundred and four .....	204
Charles W. Carrigan, one hundred and thirteen .....	113

*Bedminster township.*

Charles W. Carrigan, two hundred and seventy-three votes ..	273
M. Russell Thayer, two hundred and ten votes .....	210

*Bensalem township.*

Charles W. Carrigan, two hundred and fifty-one .....	251
M. Russell Thayer, one hundred and seventy-two .....	172

*Bridgeton district, Nockamixon township.*

Charles W. Carrigan, seventy-four .....	74
M. Russell Thayer, sixty-five .....	65

*Durham township.*

Charles W. Carrigan, ninety-seven .....	97
M. Russell Thayer, sixty-five .....	65

*Doylestown township.*

Charles W. Carrigan, one hundred and seventy-nine .....	179
M. Russell Thayer, one hundred and fifty-nine .....	159

*Doylestown borough.*

M. Russell Thayer, one hundred and twenty-three .....	123
Charles W. Carrigan, one hundred and fifty-three ....	153

*Falls township.*

M. Russell Thayer, two hundred and seventy-three .....	273
Charles W. Carrigan, one hundred and twelve .....	112

*Haycock township.*

Charles W. Carrigan, two hundred and fifty-five votes .....	255
M. Russell Thayer, fifty-three votes .....	53

*Hilltown township.*

Charles W. Carrigan, two hundred and sixty-six .....	266
M. Russell Thayer, two hundred and eighty-eight .....	288

*Upper Makefield township.*

M. Russell Thayer, two hundred and thirty-three .....	233
Charles W. Carrigan, eighty-five .....	85

*Lower Makefield township.*

M. Russell Thayer, two hundred and fifty-two .....	252
Charles W. Carrigan, one hundred .....	100



*Middletown township.*

M. Russell Thayer, two hundred and seventy-six.....	276
Charles W. Carrigan, one hundred and fifteen.....	115

*Morrisville borough.*

M. Russell Thayer, ninety-three.....	93
Charles W. Carrigan, fifty-one.....	51

*New Hope borough.*

Charles W. Carrigan, one hundred and twenty-eight.....	128
M. Russell Thayer, eighty-three.....	83

*Nockamixon township.*

Charles W. Carrigan, two hundred and seventy-one.....	271
M. Russell Thayer, forty-seven.....	47

*Newtown township.*

Charles W. Carrigan, sixty-nine.....	69
M. Russell Thayer, one hundred and twenty-seven.....	127

*Newtown borough.*

M. Russell Thayer, ninety.....	90
Charles W. Carrigan, fifty-three.....	53

*Northampton township.*

M. Russell Thayer, two hundred and twelve.....	212
Charles W. Carrigan, two hundred and twenty-four.....	224

*New Britain township.*

M. Russell Thayer, one hundred and ninety-three.....	193
Charles W. Carrigan, one hundred and thirty-two.....	132

*Milford township.*

Charles W. Carrigan, five hundred and two.....	502
M. Russell Thayer, one hundred and eighty-nine.....	189

*Quakertown borough.*

Charles W. Carrigan, thirty-seven.....	37
M. Russell Thayer, seventy-eight.....	78

*Richland township.*

Charles W. Carrigan, three hundred and nine.....	309
M. Russell Thayer, one hundred and forty-eight.....	148

*East Rockhill township.*

Charles W. Carrigan, one hundred and fifty-five.....	155
M. Russell Thayer, ten.....	10

*West Rockhill township.*

Charles W. Carrigan, three hundred and eighty-four.....	384
M. Russell Thayer, one hundred and twenty-one.....	121

*Springfield township.*

Charles W. Carrigan, three hundred and sixty-four.....	364
M. Russell Thayer, one hundred and forty-nine.....	149

*Southampton township.*

Charles W. Carrigan, one hundred and eighty-five.....	185
M. Russell Thayer, one hundred and twenty-one.....	121

*Solebury township.*

M. Russell Thayer, three hundred and eighty-one.....	381
Charles W. Carrigan, one hundred and ninety-eight.....	198

*Tinicum township.*

Charles W. Carrigan, three hundred and ninety-seven.....	397
M. Russell Thayer, seventy-one.....	71

*Warwick township.*

M. Russell Thayer, one hundred.....	100
Charles W. Carrigan, seventy-two.....	72

*Warrington township.*

Charles W. Carrigan, one hundred and twenty-one.....	121
M. Russell Thayer, seventy-three.....	73

*Wrightstown township.*

Charles W. Carrigan, forty-five.....	45
M. Russell Thayer, one hundred and fifty-five.....	155

*Warminster township.*

M. Russell Thayer, eighty-eight.....	88
Charles W. Carrigan, one hundred and three.....	103

*Plumstead township.*

M. Russell Thayer, three hundred and fifty-six.....	356
Charles W. Carrigan, two hundred and twenty-four.....	224

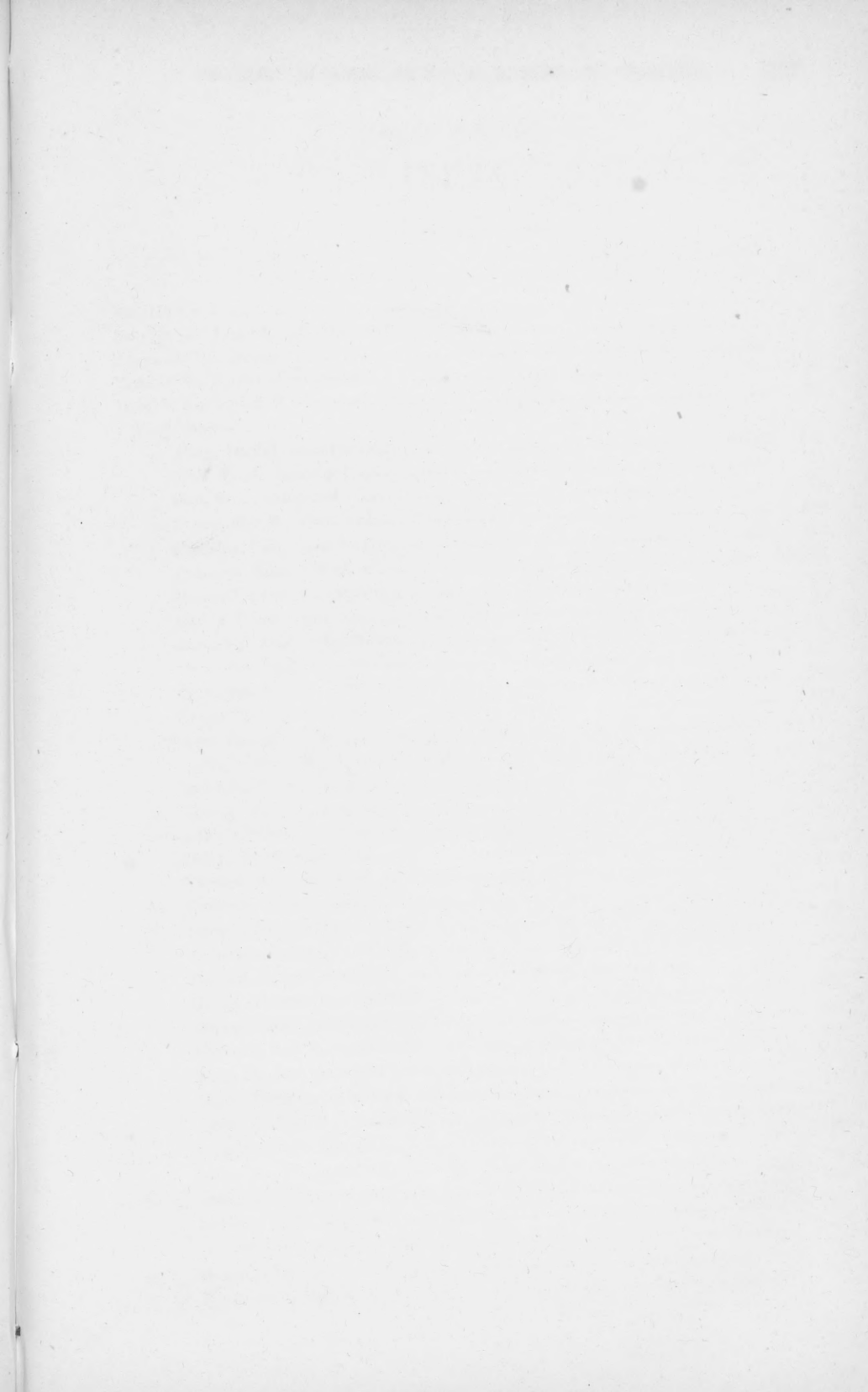
STATE OF PENNSYLVANIA,  
*Bucks County, ss:*

I, Samuel B. Thatcher, prothonotary of the court of common pleas of said county of Bucks, do hereby certify that the foregoing is a full and correct copy of the returns of the election held at the time above specified, so far as relates to the election of congressman for the fifth congressional district of the State of Pennsylvania, and as the same are on file in my office.

In testimony whereof, I have hereunto set my hand and affixed the seal of  
 [SEAL.] said court, at Doylestown, this twelfth day of February, A. D. 1863.

[STAMP.]

SAMUEL B. THATCHER, *Proth'y.*





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