

---

General Assembly of the Commonwealth  
of Kentucky.

WILLIAM GOEBEL, - - - - Contestant,

vs.

WILLIAM S. TAYLOR, - - - - Contestee.

---

COUNTER NOTICE.

---

January 17, 1900.

WILLIAM S. TAYLOR.

---



General Assembly of the Commonwealth  
of Kentucky.

WILLIAM GOEBEL, . . . . . Contestant,

v/s.

WILLIAM S. TAYLOR, . . . . . Contestee.

COUNTER NOTICE.

The contestant is hereby notified that the contestee will rely upon the following grounds for the purpose of showing that the vote as returned in favor of the contestant is false and fraudulent, and that contestant did not in reality receive any more, if as many, as 166,000 votes in the State of Kentucky; and that at least 25,000 persons voted for contestee whose votes were counted for the contestant, the ballots being destroyed; besides at least 25,000 voters were prevented from voting for contestee by reason of fraud, force, intimidation, and intentional delay in taking the vote.

1. The contestant controlled the State Board of Election Commissioners in the appointment of all County Election Commissioners, and controlled the latter Commissioners in the appointment of election officers. The result of this was that the entire election machinery of the State was placed in the hands of the contestant, and the vote in many localities counted to suit his partisan officials rather than as it was actually cast; that on this account many thousands of persons who were legal and competent voters were refused the privilege of voting, the contestant having the sheriff, who casts the deciding vote in every controversy, on his side.



2. The contestant, together with the chairman of the democratic State Central and Executive Committees and others entered into a combination with the Western Union Telegraph Company, Richard Croker, of New York, and Jno. R. McLean, of Ohio, the Standard Oil Company, the saloon-keepers, proprietors of pool-rooms, breweries in and out of Kentucky, many democratic officials in the State, including the penitentiaries, including the guards, and city, county and district officials and others, to debauch and corrupt the voters of the State, and for this purpose said persons and corporations contributed large sums of money with which many voters were bought to remain, and did remain, away from the polls; many voters were bribed to vote and did vote for said Goebel; many voters were employed to mutilate or mark, and did mutilate or mark, their ballots, cast for the contestee in such manner that they were thrown out and not counted; many election officers were bribed to commit, and did commit, frauds in the counting of and destroying the ballots to escape detection; and committed frauds in the certifying and counting of the vote. That with said money thus corruptly raised newspapers were subsidized to publish the most outrageous falsehoods and to cover up the fraud and corruption so committed.

3. Policemen, firemen and other city officials, thugs and bullies were used in various localities to intimidate voters and election officers on the day of election, and in this way drove from the polls many who had assembled, and prevented many others, from going to the voting places to vote.

4. Ballot boxes were stolen in some localities, and no elections held in others,—in short the frauds and outrages committed are too numerous to be mentioned in this paper.

5. In Precinct No. 7 of McLean County G. W. Hickman, the democratic candidate for representative, was illegally in the voting place with election officers when the count was being made, and his brother-in-law, Leslie Johnson, who was



not a resident of said precinct, was inside the voting place at the same time, acting as democratic inspector, by reason of which the vote cast for this contestee was not fairly or legally counted, the extent of the fraud being unknown to this contestee; he therefore asks that the vote in this precinct be excluded.

6. That in North Uniontown Precinct of Union County persons not officers of the election were permitted in the voting place and around the booths until twelve o'clock of that day, and threatened to throw the republican clerk out of the voting place, in consequence of which he was forced to agree that the democratic challenger, who was improperly in the voting place, should fill out a number (which he did) of the ballots for voters and affix the clerk's signature to same, and in this precinct the ballot box was left in the sole possession of the democratic challenger, who had no legal authority whatever to such possession, by reason of all which intimidation and improper conduct republicans were prevented from voting and left the polls—the number not known to this contestee, for which reason he asks that the vote in this precinct be excluded.

That in Sturgis Precinct in said county the ballots were deposited in a cigar box during a portion of the day, which box was not locked at any time, for reason of which he asks that the vote in this precinct be excluded.

7. That in Christian County one Charles Meacham, a member of the Democratic State Central Committee, was appointed one of the Election Commissioners for the said county. The entire list of republican officers suggested by the republican commissioner was rejected with the exception of five officers for the northern portion of the county, in which portion of the county no frauds were attempted to be practiced. In the appointment of officers of election in the city of Hopkinsville, and the south portion of the county where there were a large number of negro republican

voters, the said Election Commissioners refused to appoint any officers of election for the republicans except negroes, and in doing this appointed only such negroes as were illiterate and totally unqualified to perform the duties of the office. These appointments were made over the protest of the republican Commissioner, and for the purpose of enabling the contestant to obtain an unfair advantage and to practice fraud with impunity.

The following negro election officers were appointed, as stated, who could neither read nor write: Bowling Jessup, Jim Robinson, Ike Baker, John Hayes, Maxey Lucas, William Humphries, Will Richardson, Antony Ware, Scip Tandy, Joe Berry, Dick Hightower, George Mills, Tom Gee, Joe White and Dow Hopper; another, George Gray, was appointed, who is said to be able to read, but not write. In precincts Nos. 8, 9, 11, 12, 13, 15, 16, 18, 19 and 20, in said Christian county, the ink pads used in the voting booths were flooded with ink by democratic election officers so that it was well nigh impossible to stamp the ballot without blurring it, or leaving some print by reason of which the ink could be seen from the back of any ballot, however thick the paper. The democratic election officers used various methods in folding the ballot to press in such a way as to leave the stencil mark upon some other part of the ballot when it was opened.

When folded in the middle the prohibition device fitted exactly over the republican device, and when the voter voted the republican ticket with the stencil the democratic officers in receiving it folded and pressed it in such a way as to leave the stencil mark, or blur, under the prohibition device as well; and all ballots which were marked by reason of the folding, or by reason of the flooded stencil, were voted for this contestee, and were thrown out in the county, by reason of which this contestee lost 434 votes cast for him in said county. In precinct No. 12, A. F. Stanley, appointed

inspector by the Republican County Executive Committee of Christian county, was refused admission to the polls, and the republicans had no representative at the count in this precinct, by reason of which this contestee was robbed of sixty-five votes which had been cast for him, and to which he was entitled and is now entitled to have counted for him. That 100 votes were thrown out in the count where the stencil was made under the republican device, but outside the square and where the wrong end of the stencil had been used in stamping the ballot, or the rubber thereon had been cut off by some democratic official.

These irregularities occurred in No. 16, and in nearly every precinct south of Hopkinsville. Some of these ballots were returned to the county clerk without any certificate; most of them, however, were destroyed, when it was the duty of the officers of election to have preserved them; that the County Board of Election Commissioners, sitting as a canvassing board without any legal authority, refused to count and certify the vote cast at Hopkinsville Precinct No. 1, although same was correctly certified, and nothing whatever appeared upon this certificate to show any alleged irregularities in the conduct of the election, or any ground whatever to impeach the returns, or to avoid the election. In this precinct 409 legal votes were cast, 252 of whom voted for this contestee and 157 of whom voted for the contestant, making a net loss to this contestee of 95 votes. He claims that the 694 votes lost to him as aforesaid should now be counted for him.

8. That in the county of Jessamine, Precinct No. 1, East Nicholasville, there were registered 260 negro votes, all of whom were republicans, 60 democrats were registered in the same precinct, 20 of whom voted for this contestee. In that precinct only 205 persons were allowed to vote. In this precinct the Democratic County Commissioners over the protest of the republican commissioner appointed as clerk a



republican who was not qualified, and who was barely able to write his name. They were notified of this fact, but persisted in retaining him, the object of which was to prevent a full republican vote from being taken in that precinct. The republican Commissioner named Thomas Burrows for clerk who was perfectly competent and qualified in every respect, but they refused to appoint him; and on the day of the election, notwithstanding there were several qualified republicans present, the said incompetent clerk not being able to act, his place was filled by a democrat, one R. M. Hunter, and who was a brother of one of the candidates to be voted for at said precinct, over the objection and protest of the republicans.

This left three democratic officers in the precinct. On account of the delay systematically indulged in by these democratic officers the following named persons were present, and who were citizens of the United States, had lived in the State more than twelve months, in the county more than six months, and in the precinct more than sixty days before the election, and without any legal disqualification were refused the right to vote, would have voted for this contestee, to-wit: Andy West, Henry Clay, James Lilly, Ernest Morgan, Alex Gibbs, Alex Spillman, Richard Orford, John Washington, Henry Baker, James McInhan, Sam Williams, Henry Million, Will Taylor, Brown Seals, Jake Lewis, William Brown, Rob't Dennis, Will Robinson, Chas. Thompson, Merriman Walker, Robert Hullett, Smith Jackson, Chas. Brown, Daniel Braxton, Harry Farris, Peter Sanders, Milford Fry, Dave Speaker, Geo. Maxberry, Ed. Dry, Andrew Carpenter, James Campbell, Morton Hopewell, Tom Scott, Geo. Walker, Henry Hawkins, Chas. Baker, Will Betts, Smith Griffen, Pleas Taylor, Henry Hawkins, Louis Lawson, Geo. Mason, Tom Miller, Morton Carroll, Robert Embry, Geo West, Absolum Jeffreys, Phlem Butler, Elliott West, Ed. Ballard, Tom Hawkins, More Cannady, Henry Davis, Edward Sampson, Ed. Johnson, Will Rease, Jus Gordon, Jake Overstreet, Ned

Washington, Willis Mason, Frank Epps, Chas. Carter, Will Trimble, Strather Coleman, Henry Moore, Jerry Brodus, Nayman Hightower, Buford Dunn, Wyatt Smith, Sam Bradshaw, Jas. Quincy, Ed. Smalley, Jim Davis, John Broadus, John Kennedy, Alex. Carter, Tom Baker, Frank Ballard, Phil Walker, Henry Weaver, Henry Reed, Carey Cooley, Simon Bowman, Pleas Campbell, Chas. Ellis, Ed. Miller, Jno. A. Lewis, Geo. Bowman, Mort Pryor, Burrows Camp-ton, Tom Carter, Geo. Faron, Horace Williams, West Meyers, Jas. Totten, Henry Demis, Will Chrisman, Chas. Bell, Richards Shanks, Billy McQuerry, James Simpson.

When the polls closed at four o'clock the democratic officers refused to count the vote, and the ballot box was there-upon taken by them to the clerk's office where it remained for three days before the vote was counted; and when the vote was counted no republican inspector, or any other republican, was admitted to witness the count. When said count was made it was fraudulently made, so as to make it appear that this contestee had received only six majority or plurality, when if said voted had been fairly counted and the persons present qualified to vote allowed to vote, this contestee would have received 240 majority over the contestant and which should now be counted for contestee.

9. That in the Fourth ward of Cynthiana in Harrison County this contestee received a majority over contestant of 133 votes; and the Election Commissioners refused to count this vote and excluded said poll from the count of the county illegally and without any proper reason therefor, thus depriving this contestee of 133 majority in this said precinct, which he asks should now be counted for him.

10. That in Bracken County, Foster Precinct, the election officers assembled on the morning of November 7th, 1899, and not being able to find any one authorized to administer an oath, did not open the polls until 10 o'clock A. M., when a Justice of the Peace appeared, who was competent to admin-

ister the oath, but refused to swear in L. B. Plummer and William Markley. This caused great confusion, quarrels and general personal difficulties, resulting in the selection of two democrats in the places of the said Plummer and Markley, so that the republicans were deprived of having any officer at said election, by reason of which this contestee was fraudulently cheated out of seventy-five votes, which were voted for him, but not counted for him; he asks that said seventy-five votes be counted for him in the event said precinct is not excluded, which he insists should be done.

11. That at Middlesboro, in Bell County, the election was conducted in the most outrageously, fraudulent and illegal manner, by reason of which this contestee lost at least 150 votes. Ballots were mutilated by republican voters, who were bribed by contestant's friends, so they could not be counted legally, which were voted for this contestee. Voters were bribed to vote against contestee, to leave Kentucky and go into the State of Virginia and refrain from voting; and wholesale intimidation was practiced, by reason of which many who came to the polls to vote for this contestee were driven away. He was entitled under the registration, and in fact to 240 majority, and in fact only carried it by sixty majority over contestant, and he now asks that 180 more votes be counted for him in that city.

12. That in Trimble County the Democratic County Election Commissioners, T. S. Wright and C. A. Bell, acted as such without any appointment from the State Board of Election Commissioners, for which reason he asks that the entire vote of the county be excluded.

13. That in Kenton County, the home of contestant, the County Board of Election Commissioners, acting in collusion with the contestant and under his order, caused it to be, and it was publicly circulated among the democratic officers of the election that no republican inspectors should be admitted to any polling place for the purpose of assisting



in or witnessing the count; and such inspectors, although appointed by the Republican County Executive Committee, were either not admitted or excluded from the polling places after admission or thrown out by the election officers, or by partisan police and city firemen, acting in collusion with contestant. The said County Election Commissioners, Elliston and Kakege, were partisan friends of contestant, and appointed all election officers who were the friends and partisans of contestant, and of the democratic ticket. Republicans were almost universally excluded from serving as election officers throughout the county of Kenton. The county clerk of Kenton County, who was a partisan friend of, and acting in collusion with contestant, and a democrat, refused to permit the republican ticket nominated by the republican party of the city of Covington at a convention called by order of the Republican Executive Committee of the city, and held under its orders and directions, to be placed on the ballots under the republican emblem, to-wit: the log cabin. This ticket was regularly certified to by the chairman and secretary of the republican convention at which it was nominated; and by the chairman of the Republican County and Executive Committee of Kenton county and city of Covington; and the chairman of the Republican State Central Committee.

Notwithstanding these facts the said county clerk unlawfully placed the regular republican city ticket at the extreme right hand lower corner of the ballot under no State ticket, and placed the picture of a locomotive as its emblem over said ticket, and denominated it as the republican fusion ticket. By these means many hundreds of republicans were deprived of voting the republican State and city ticket, inasmuch as it threw them into confusion and rendered it necessary in voting both tickets to place the stamp or stencil under the emblem of either one or the other of said tickets, but not both, and to mark opposite the names of the individual

candidates voted for on the other ticket. In this way it became necessary to make not less than ten cross marks in voting the straight republican ticket. Not only so, the said county clerk placed under the regular republican State ticket and under its emblem a ticket nominated by certain persons claiming to be republicans, but who were in sympathy with contestant, said persons having no party committee or organization whatever. City police officers were stationed at, in and about every voting precinct in the city of Covington, and in many precincts they interfered with the election and usurped the duties of the officers of election by entering the voting places and pretending to pass upon the credentials of challengers of election, and in many precincts forcibly ejected from the voting places republican inspectors after the polls closed at four o'clock.

At about 7:30 o'clock P. M. on the day of the election, an order of the Kenton Circuit Court was entered, directing all election officers to admit inspectors appointed by the Republican County Executive Committee, headed by R. P. Ernst, chairman. When these inspectors were finally admitted into the polling places, with but few exceptions it was found that the ballots had been destroyed, and certificates of the result of the so-called count made out and signed. In several precincts upon their admission the count had been partly completed, and in these the officers had burned or destroyed the ballots as counted, contrary to law; for the reason aforesaid, contestee asks that the entire vote of Kenton county be excluded. In Precinct E of the Second ward the chief of the Covington fire department, a violent partisan of contestant, acting in corrupt collusion with contestant, was in the voting place the greater part of the day without right. All the election officers in this precinct were democrats, and the said chief, with two officers, forcibly ejected from the polling place the republican inspector, duly appointed by the County Executive Republican Committee,

and there was no representative of the republicans present at the time of the count.

In this precinct, according to the certificate, every candidate on the democratic ticket except one for city clerk, who had no opposition, received the same number of votes, to-wit, 325; while the republican candidates were given from forty to fifty votes each. When the republican inspector was admitted into this precinct by order of Court, at 7:30 P. M., the ballots had been all destroyed. The fact is that more than one hundred persons who voted for George H. Davidson, the republican candidate for mayor, have sworn that they so voted, notwithstanding the certificate of the officers of election gave him only forty votes, and all of said persons likewise voted for this contestee. The republican member of the County Election Commissioners presented to his two democratic associates a list of names of persons theretofore appointed by them to serve as republican election officers, who were not republicans or who were incompetent, aged, infirm, unable to read or write, or of bad character, but the said democratic Commissioners refused to remove any of them, or to take any action upon the same. The said democratic members of the Board of Election Commissioners appointed as republican officers of election persons known to be in sympathy with the democratic ticket, or so aged, infirm or ignorant as to be utterly incompetent for any purpose, or so corrupt as to be totally unfit to serve. Contestee asks that for these reasons the entire vote of Kenton county be excluded.

In the First ward, Precinct E, in the city of Covington, on the morning of the election aforesaid, Frank Noonan, republican challenger, was forcibly ejected from the polling place by the sheriff of the election, Green McCoy, and Police Officer Davis. At the close of the polls the door of the voting place was closed and locked by the election officers, assisted by said Davis, and B. T. Wisenall, duly appointed inspector



by the Republican County Executive Committee, was refused admission to the polling place. Later in the evening after Judge Tarvin had issued an order requiring the election officers to admit republican inspectors, said Wisenall was permitted to enter the voting place, but ascertained upon his entering that three-fourths of the ballots had been counted and tallied, and destroyed. This precinct is ordinarily republican by a good majority, notwithstanding which fact the returns at the last election gave contestee only forty-eight votes and contestant 107 votes. The contestee alleges that he actually received at said precinct no less than 100 majority over contestant, and that the ballot was fraudulently counted and manipulated so as to produce the certified result; contestee asks that the vote in this precinct be excluded, and if not done that he be given twenty-five majority over contestant.

In the First ward, in Precinct F, at the close of the polls, Fred Schmitz, republican inspector, entered the voting place, but was ordered out by the election officers and forcibly ejected by Police Officer Mike Leonard. Later in the evening and immediately following Judge Tarvin's order, made about 7:30 P. M., Policeman Leonard came to the door of the voting place and ordered the election officers to "burn the ballots." About a half hour after this the republican inspector was admitted under said order, and when he entered he found that more than half of the ballots had been destroyed, but the count not completed, all of which was illegal and improper, by reason of which the contestee was defrauded out of at least fifty votes, which he contends should be counted for him in the event that the precinct be allowed to be counted, which he resists.

In Precinct G, First ward, the republican inspector appointed as aforesaid demanded admission, but was refused by the sheriff of the election and Police Officer James Cody, and the ballots were so manipulated as to lose to this con-

testee at least fifty votes, which he asks may now be counted for him in the event the precinct is counted, which he resists.

In Precinct C, Second ward, the republican inspector appointed as aforesaid, Thomas J. Wilson, was refused permission to remain in the voting place and forcibly ejected therefrom by Lieutenant of Police Schweinefuss, Police Officer James Hughes, Joseph "Snuff" Meyers, chief of the fire department, and William Carrick, sheriff of election. The said Meyers was, without right or authority, in the voting place frequently during the day, directing and ordering the officers of election in the performance of their duties. Later, following Judge Tarvin's said order, Joseph W. Pugh, chief of the police department of Covington, acting in collusion with contestant, came to this voting place and was permitted to enter, and shortly thereafter the ballots were burned. Persons who looked through crevices in the building saw the said Meyers handling the ballots to the exclusion of the election officers, and apparently directing the entire proceedings and counting of the votes.

At 7:45 in the evening the republican inspector was permitted for the first time to enter the voting place, and found all the ballots destroyed. In this precinct the certificate showed 325 straight democratic ballots, except as to one candidate for city clerk, who was the only candidate on the entire ballot without opposition; and yet it was certified that he received 100 votes less than the other democratic candidates. By reason of the frauds, etc., committed in this precinct the contestee was robbed of 100 votes, which were in fact cast for him, he asks that said precinct be excluded, or if counted said 100 votes be counted for him.

In Precinct D, Second ward, Charles Sendecker, duly appointed republican inspector, as aforesaid, entered the polling place to vote a short while preceding the closing of the polls. When the polls closed he was ordered out of the

room, and compelled to leave it. When he returned at 7:45 P. M., after Judge Tarvin's decision, although the count had not been completed, all the regular ballots had been destroyed, except ballots for school board, which were being counted. He was ejected from the polling place at 4 o'clock P. M. by Police Officer Cahill. In this precinct contestee was robbed of seventy-five votes, which were in fact cast for him, and which he now asks should be counted for him.

In Precinct E, Second ward, Geo. L. Morgan, the republican challenger, duly appointed as aforesaid, was forcibly ejected from the polling place by said Schweinefuss, Policeman McNeeve, and Mat McGee, sheriff of the election. In this precinct this contestee was defrauded out of at least fifty votes which were actually cast for him, and which he now asks shall be counted for him.

In Precinct F, Second ward, Hubert Miller, republican challenger, duly appointed as aforesaid, was forcibly ejected from the polling place by Police Officer Thomas Feeney and said Lieut. Schweinefuss, the said police officer entering the polling place wrongfully, without solicitation upon the part of the election officers, notwithstanding the fact that they expressed their willingness to permit said challenger to remain. In this precinct said Feeney attempted to prevent Ed. Gahan from voting; and in this precinct the contestee was deprived and defrauded out of twenty-five votes, which were in reality cast for him, and which he now asks shall be counted for him.

That in Precinct B of the Third ward, Louis Selmier, republican inspector, duly appointed as aforesaid, was forcibly ejected from the polling place by C. Thompson, sheriff of election in said precinct, by reason of which, in the count of the vote, this contestee was fraudulently deprived of fifty votes which were actually cast for him, and which he now asks shall be counted for him.



That in Precinct E of the Third ward, the republican inspector, Ed Koeing, duly appointed, as aforesaid, was refused admission to the voting place, the election officers closing the doors shortly before four o'clock, and refusing to permit said inspector to enter. In this precinct the election officers were composed of members, and those in the voting place and without the same were almost entirely composed of the members of the police and fire departments of the city of Covington and their relatives. Walter Soden, a member of the city fire department, claiming to have been appointed a democratic inspector, but not actually appointed, performed the duties of an election officer. One P. J. Herlien, a brother-in-law of Lieutenant of Police Finnegan, was another one of the election officers. Said Finnegan and Policeman Flavin stood at the door of the voting place and permitted none of the inspectors for any of the parties except the democratic party to enter the same.

In this precinct Mr. Davison, the republican nominee for mayor of the city, was certified to have gotten but six votes, and his opponent, Mr. Johnson, 162 votes. Forty-two persons, voters in this precinct, have made affidavit that they voted, and, in fact, they did vote, for Mr. Davison for mayor. After the decision of Judge Tarvin, Alex. Veach, the republican inspector, entered the polling place, but found all the regular ballots destroyed, the election officer at that time counting the school board ballots; and Election Officer Dooley was so drunk that he could not act in the capacity of an election officer. In that precinct this contestee was defrauded out of seventy-five votes which were actually cast for him, and which he now asks should be counted for him.

In Precinct A, Fourth ward, William G. Brossene, the republican inspector, duly appointed, as aforesaid, was refused admission to the polling place when the polls closed. Subsequently he was admitted, after Judge Tarvin's order, and found upon entering the voting place that the ballots

had been counted, and destroyed. He noticed especially the vote in the mayoralty contest, that 147 ballots had been counted, all of which were mixed tickets, and of these 147 ballots, but ten had been given to Mr. Davison, the republican nominee for mayor. There remained but 173 ballots to be counted. Of these fifty-seven were straight democratic tickets, leaving 116 ballots to be counted. Of these 116, Davison received ninety-two. Contestee was robbed in this precinct of 100 votes, which were actually cast for him, and which he asks shall be counted for him.

In Precinct B, Fourth ward, Orlando Welling, the republican inspector, duly appointed as aforesaid, was forcibly ejected from the polling place by Police Officer Brink, by reason of which the votes were fraudulently manipulated, and this contestee deprived of fifty votes, which were actually cast for him, and which he asks shall be counted for him.

In Precinct C of the Fourth ward, during the count, Jos. L. Rhinock, mayor of the city, together with Policeman George Davis, both acting in collusion with contestant, drove up to the polling place in a buggy, and said Rhinock ordered Policeman Jansen and said Davis to break into the polling place and eject the republican inspector, Ed. Zeisz therefrom, which was promptly done. By reason of which the vote was fraudulently manipulated, and this contestee defrauded out of 100 votes which were actually cast for him, which he now asks shall be counted for him.

In Precinct E, of the Fourth ward, the republican inspector, Ben Gier, appointed as aforesaid, entered the polling places at 4:00 o'clock, but was forcibly ejected by the sheriff of the election and the democratic inspector, John Schlorman, who was also a member of the police, and Fireman Lemker drove up to the polling place and called Schlorman and handed him a bundle resembling in size the official ballots used on election day, and which contestee charges were ballots. After Judge Tarvin's decision and before the arrival of

the deputy sheriff, Jos. W. Pugh, chief of the police of the city of Covington, drove up to the polling place and attempted to enter, but was prevented from doing so by the protests of bystanders. When the republican inspector was put back into the polling place, the election officers immediately tore up the tally-sheet which they had been using, and it was necessary to use a new tally-sheet to complete the count of the vote; by reason of all which this contestee was defrauded out of 100 votes actually cast for him, which he now asks should be counted for him.

In Precinct B, of the Fifth ward, the republican inspector, Charles J. Davis, who was appointed as aforesaid, was forcibly ejected from the polling place by the sheriff of the election and Police Officer Schmeing, by reason of which frauds were perpetrated in the count, resulting in defrauding the contestee out of seventy-five votes, which had been actually cast for him, which he now asks should be counted for him.

In Precinct F, Sixth ward, the republican inspector, L. B. Anderson, duly appointed as aforesaid, was forcibly ejected from the polling place by the democratic inspector, and Police Officer Ed. Koeing and Ed. Richmeyer, by reason of which frauds were committed, resulting in depriving this contestee of fifty votes, which were actually cast for him, which he now asks should be counted for him.

On the morning of the day of the election, November 7, 1899, said lieutenant of police, B. Schweinefuss, in collusion with contestant, drove around to the various voting places of the city of Covington, and instructed the police and election officers to refuse to admit inspectors for the republican party. Police officers were present at or about the various polling places in the city of Covington during the entire day, and paid no regard to the observance of the rule requiring that all persons should be kept within not less than fifty feet of the polling places; and police officers in the various precincts entered the polling places from time to time during the day, in some instances remaining inside during the day.



In a number of precincts in said city persons were admitted as inspectors who had credentials signed by one George Glendon. Said Glendon held no official position in the organization of any political party in Kenton county, and was not chairman of the executive committee of any party in said county. The persons so admitted were as follows: In Precinct A of the First ward, George Stevenson. Said Stevenson was interested in the gambling institutions of the city of Covington, an ardent supporter of the democratic organization in the county of Kenton, and instrumental in the organization of the "rump" convention which nominated the so-called "Nadaud" ticket, a bolting republican ticket nominated for the purpose of defeating the regular republican ticket and being in corrupt collusion with contestant.

2. In Precinct F of the First ward, John Reeves. The said Reeves was instrumental in the nomination of the said Nadaud ticket, and openly stated that he voted and worked for the success of the local democratic ticket.

3. In Precinct C of the Second ward, Andy Och, who was an open and avowed supporter of contestant and the democratic ticket.

4. In Precinct C of the Fourth ward, George Thobe, who was instrumental in the organization of said Nadaud conspiracy, and was its nominee for the Legislature from the Third Legislative District of the county of Kenton, against the regular republican nominee.

5. In Precinct — of Sixth ward, one Charles W. Woods. The said Woods is an employee of the pool rooms of the city of Covington and was a supporter of the democratic organization.

In very many voting places in the city of Covington the only inspector admitted to witness the count was the democratic inspector, and these inspectors were composed largely of members of the said fire department, acting in collusion with contestant.

That the Election Commissioners of Kenton county did not test any of the election officers appointed by them as to their qualifications.

In Precinct A of the First ward the returns show that Johnson, the democratic candidate for mayor, received 110 votes, and Davison, the nominee of the republicans, thirty-five votes. Sixty-two persons, voters in this precinct, have made affidavits that they voted, and they did vote for said Davison; besides, many others so voted. In Precinct C of the Second ward seventy-two persons have made affidavits that they voted and they did vote for Davison (all of whom voted for contestee), and eight others have stated that they voted for him, but did not make affidavit, and all of these persons voted for contestee; and yet the returns in this precinct give Mr. Johnson 325 votes and Davison forty votes.

In Precinct E of the Third ward, forty-two persons have made affidavit that they voted, and they did vote for Davison, and also voted for contestee, whereas the returns show that Mr. Davison received only six votes. In all of these precincts the same rate of fraud was practiced upon this contestee. In Precinct F of the Fifth ward and Third ward in the city of Covington, the blank form in the back of the stub book was not filled out, and there was no official returns received by the Board of Election Commissioners, acting as a canvassing board. When the vote was being counted, this precinct was passed, but subsequently on the same evening some person presented himself who claimed that he was an election officer at that precinct. No proof was taken as to whether or not he was an officer of the election, and the Election Commissioners received from him a statement of the vote cast in this precinct, and ordered such statement of the returns to be filed and made the official returns from this precinct. The vote so certified was twenty-four votes for this contestee and 102 votes for contestant; when in truth and in fact this contestee was by said certificate defrauded out of at

least seventy-five votes, and which he now asks may be counted for him.

In Precinct B of central Covington, the following named persons were prevented from voting because the county clerk failed to supply a sufficient number of ballots, all of whom would have voted for contestee, to-wit: Frank B. Thomas, 47 Willow St.; Ben Boring, Howard St.; James Hensley, 40 Holman St.; Geo. Wessels, 15 Holman St.; Geo. Wehebrink, 67 Willow St.; Jos. Wehebrink, 67 Willow St.; Henry Ferring, Howard St.; Ben. F. Tupman, Highland Pike; Henry Otte, Highland Pike; John Kersey, Willow St.; Patrick Donnelly, 35 Russell St.; A. Irvine, Pleasant St.; Chas. Swegles, Jackson St.; Wm. Mullins, 98 Franklin St.; James Malloly, James Todd, and also a large number of Catholic brothers whose names can not be gotten within the short time allowed.

In Precinct C, of the Second ward, some of the persons who voted for said Davison and contestee, and whose ballots were abstracted, or not counted, or counted for Johnson and Goebel, are J. J. Ceisen, 617 Madison Ave.; J. Bodde, 25 Athey Ave.; Frank Knoll, 12 Athey Ave.; William Binter, 10 Athey Ave.; Geo. Binter, 10 Athey Ave.; William Schomaker, 14 Athey Ave.; Bernard Brand, 27 Athey Ave.; Harry Kohorst, 29 Athey Ave.; Phil Brandner, 26 Athey Ave.; Henry Highfill, 30 Athey Ave.; Ed Scott, N. E. Cor. Craig and Athey Ave.; Pete Coyne, N. E. Cor. Craig and Athey Ave.; Jacob Fansz, 115 W. 5th St.; Chas. R. McCourt, 12 Kentucky Ave.; John J. Luken, 122 W. Sixth; H. B. Wenstrup, 103 W. Sixth; H. Burmankamp, 102 W. 6th; Chas. Allen, 111 W. 6th; J. Koop, 114 W. 6th; Roy Mason, 8 Athey Ave.; Robt. H. Wubbolding, 15 Athey Ave.; B. Volker, 620 Russell St.; J. E. Day, 19 Athey Ave.; John Bitzer 610 Craig St.; Phil Bitzer, 610 Craig St.; Henry Buckshorn, 538 Craig; Jacob Fansz, Jr., 115 W. 6th; H. Bonhorn, 730 Craig St.; Geo. Prues, 518 Craig St.; B.



Prues, 518 Craig St.; Ben. Reverman, 516 Craig; Gus Hengehold, 525 Russell Ave.; G. W. Hengehold, 525 Russell Ave.; G. B. Wubbolding, 82 W. Sixth; F. T. Montgomery, 34 W. Sixth; Henry Griese, 42 W. Sixth; William Leslie, 32 W. Sixth; A. Scheper, 602 Washington St.; Thos. Reed, 520 Russell Ave.; John B. Miller, 44 W. Sixth; Frank Eilers, 46 W. Sixth, William H. Harrison, 99 W. Sixth; William J. Siebert, 99 W. Sixth; Geo. W. Keeney, 299 W. Sixth; Harry H. Buckshaw, 538 Craig; John Schmidt, 714 Craig; Sid Rufra, 720 Craig; A. Meier, 722 Craig; Feeny Willenbomk, 714 W. Sixth; Jacob T. Freidkof, 427 W. Sixth; Ben Johnson 732 W. Sixth; Hinrick Nordhoff, 806 Craig St.; John Leidhegener, 718 Craig; John Struewing, 7 Harvey; Mel Price, Hartford Flats; Charles Taylor, Hartford Flats, J. A. Gottschalk, 70 Pike St.; Theo. Crane, 29 W. Sixth; J. S. Simcox, 14 W. Sixth; Henry Sellmeyer, 2 Athey Ave.; T. Burns, 25 Athey Ave.; Jacob Stephens, 17 Athey Ave.; Theo. Huelsmann, 714 Craig; Jos. Repling, 26 Athey Ave.; Chas. D. Fansz, 115 W. Fifth; Alfred C. Weatres, 728 Craig; J. S. Bobbitt, 4 Athey Ave.; John Terwort, 4 Harvey; Joe Retting, 522 Craig; P. E. Stockwell, 530 Craig; Henry Rieke, 5 Kentucky Ave.; B. Prues, 518 Craig; August Meyer, 71 Kentucky Ave.; Ernst Yager, 117 W. Sixth; William G. Henegehold, 525 Russell; Joseph Bloomer, 13 Athey Ave.; A. Overman, 42 W. Sixth; Alfred R. Clark, 68 W. Sixth; J. P. Oliver, 19 W. Sixth; Henry Fibbe, 519 Russell; Anthony Gerrin, Central Hotel.

In Precinct A of First ward, M. Stewart Hasting, Thomas W. Willis, William Wheeler, Jeff Delaney, Anderson C. Ward, Geo. Fisher, Roland Emroy, Richard Hughes, Charles Crumley, Lyttle J. Hunter, Thomas W. Turner.

In Precinct A, of the First ward, J. I. Blackburn, John A. Simpson, Chas. W. Lakin, T. C. Westfall, S. W. Holland, Paul Wisenall, B. T. Wisenall, F. M. Newton, Jr., H. F. Williams, Frank H. Perkins, William Spear, Jos. J. Noonan,

Frank E. Noonan, P. N. Hardeman, Jas. Clayton, William R. Weaver, Weeden O'Neill, J. H. Russell, J. F. Williams, Jacob D. Driesner, A. J. Laird, Bradford S. Williams, H. L. Lovell, A. Clifford Shinkle, Frank Williams, H. S. Rogers, W. H. Tulloh, E. M. Sellers, W. B. Sellers, Bradford Shinkle, John M. Ryan, F. A. Rothier, P. R. Weidman, Charles Ryan, F. A. Laidley, W. J. Ryan, W. M. Lyon, John Reed, Thomas Gassler, Jos. B. Fenley, W. M. Fenley, J. E. Tulloh, J. K. Rowlette, Lewis Hamilton, Geo. Collins.

In Precinct E, Third ward, Jas. H. Gahan, Al E. Beach, Phil Ernst, Simon Ernst, William Johnston, Frank Johnston, Henry W. Ranshaw, Albert W. Pitts, Christ C. Schlanker, John L. Keesy, E. Ryan, Thomas J. Kite, Geo. Spellbrink, H. Fliesner, J. Fliesner, Alex Mochre, William Parton, J. E. Stevenson, Charles Stevenson, Edgar Stevenson, H. G. Stevenson, David H. Ranshaw, Jos. Karlen, Irvine Kite, Geo. W. White, Theodore Kumpf, J. L. Somler, Jas. Harber, Jos. Amia, Geo. Stein W. H. McClung, Wm. Kiger, J. F. McCormack, Geo. P. Huston, Henry Flessner, Fred Friend, Jas. Arnold, O. B. Hester, James Hester, Richard Gahan, Emil Carl, Geo. Holmes, Fred Lubers, Peter Karlen, B. Exterkamp.

That Joseph L. Elliston who was chairman and secretary of the Election Commissioners for Kenton county, was and is a man of bad character, and so held in Covington, and in Mt. Sterling, the place from which he came, and left the latter place on account of his bad standing therein. Two democratic primaries have been held since Elliston became chairman of the Democratic Executive Committee of Kenton county, both of which have been fraudulent, and both of which he manipulated.

That there were no republican inspectors in the following precincts in the city of Covington: Precinct G, First ward, Precinct D, Second ward, Precinct E, Third ward, Precinct D, Fourth ward, Precinct D, Fifth ward, Precinct F, Sixth

ward, and Davidson and Milldale precincts in Kenton county. The following republican officers of election, who are men of notoriously bad character, were appointed by the two democratic members of the County Election Commissioners of Kenton county, over the protest of the republican member of said board, as republican officers of election in the city of Covington, many of whom were employes of the pool rooms and gambling institutions of the city of Covington, to-wit: E. W. Fairheart, Ed. F. Sprague, William Carrick, Maurice Williams, Bud Marsh, Joseph Bath, Geo. Copeland.

The following officers were appointed to act for the republicans in the country precincts, who are men of notoriously bad character, and who were objected to by the republican member of said board: R. A. Powers and R. Durr, in Stevenson; and Hud Bryson, in Davidson precinct.

The following officers of like bad character were appointed to serve for the democrats in the city of Covington: John Thompson, Thomas Cameron, Harry McBreen, under indictment for felony; William Carroll, Charles Todenbier, Michael Flannigan, Charles Mohr, Charles Eggleston, and in West Covington, Charles Kelp, of like bad character.

The following persons were appointed as republican officers of the election in the city of Covington against the protest of the republican Commissioner, who were registered democrats: Thomas Edwards, James Toner, Joseph Bath.

The following persons served as election officers in the city of Covington in the interest of contestant and the democratic ticket, without appointment: J. J. Reddick, Walter Soden, a member of the city fire department, and Thomas Cody.

Green McCoy, appointed republican sheriff, was utterly incompetent by reason of want of education and intelligence, and did not live within the precinct for sixty days immediately preceding the election. For these reasons he was



objected to by the republican Commissioner. George Glendon, appointed as republican judge, was not a republican, but was a member of the so-called Nadaud bolting ticket, which was in controversy with the contestant and the democratic party.

The following election officers were appointed in the city of Covington as republicans who were in favor of the election of contestant and sympathizers and supporters of contestant: E. W. Fairheart, Bud Marsh, J. D. Young, George Glendon. In Davidson precinct Hud Bryson, aforesaid, was open and notorious in favor of the success of the democratic ticket. Thomas Dooley, appointed democratic clerk of the election in Covington, was so drunk on the day of the election that he was unable to fulfill the duties of his office.

In the following precincts (city of Covington), there were three democratic officers of election and only one republican: Precincts D and E of the First ward; Precinct D, Second ward; Precinct E, Third ward; Precinct C, Fourth ward. In Precinct C, Sixth ward, all of the officers of election were democrats. By reason of these partisan appointments the frauds which were committed were made easy, all of which operated to the great injury of this contestee.

In nearly every precinct in Kenton county the republican challengers were not allowed to remain, and the republican State ticket was denied and refused representation by inspectors or otherwise at the counting of the votes.

The Board of Election Commissioners failed to keep a record of its proceedings, and of the changes in the election officers, as required by law, but made changes at various precincts the day before the election without notice and without requests.

14. In Fayette county the two democratic Election Commissioners, immediately upon their appointment, made out a list of officers in the county before meeting with their repub-

lican associate, and refused to adopt any suggestions made by him or to appoint a single officer that he recommended. This was done in the taking of the registration, and from the beginning to the end of the election these two Commissioners conducted themselves in the most outrageous and partisan manner, defying every law of fairness or justice, proving that in their selection the contestant had gotten the very character of men that he wanted. These Commissioners appointed every clerk a democrat in the registration of the city of Lexington, so as give them full and unlimited control, but when the officers of the election were appointed they then gave the democratic party every sheriff in the city, with possibly two exceptions, so that they would have full control of the vote.

Of the thirty-two precincts in the county of Fayette, including the city of Lexington, only four republican sheriffs served, the democrats having the other twenty-eight sheriffs who gave the deciding vote on every contested elector. By reason of these facts the contestee was defrauded out of hundreds of votes. The following officers were appointed officers of registration and election who were not householders: P. J. McNamara, John T. Ready, William Longmire, J. B. Sharkey, Garrett D. Welsh, John J. McKenna, John Ryan, Geo. J. Roberts, Faust Foushee and John F. Doyle.

In the following precincts in the city of Lexington, at the registration preceding the November election, 1899, three democrats and one republican served as officers of the election, to-wit: Nos. 16, 17, 22, 25, 26, 28, 30 and 31. At the following precincts in the city of Lexington, all the officers of registration who served in the registration preceding the November election, 1899, were democrats: Nos. 18, 25, 27 and 32.

In the following precincts in the county of Fayette, three of the officers of election who served at the last November election, 1899, were democrats, and one republican officer, Nos. 3 and 5.

In the following precincts in the city of Lexington, three democrats and one republican served as officers of election in November, 1899: Nos. 16, 19, 22, 23, 25, 28, 30, 31 and 32. In the following precincts in the said city, on said election day in November, 1899, all of the officers were democrats: Nos. 17 and 27.

In Precinct 10, in Fayette county, the republican clerk, Lon Devers, being a slow pensman, it was agreed by the officers of election that his signature should be waived on the ballots, and the number deposited without his signature to be kept accurately and all should be counted as cast. When the polls closed the democratic judge declined to carry out this agreement, and refused to count the ballots without the signature of the clerk, and the clerk refused to certify the result unless these ballots were counted. Thereupon the democratic judge and sheriff swore in J. H. Skinner and removed the said Devers, and said Skinner certified to the result. In this way forty-three ballots, which were voted for this contestee, were excluded from the count, and he was thus illegally deprived of the same. He asks the same be now counted for him.

The democratic County Commissioners of Fayette county appointed as republican officers of election Michael Yochum, who was practically on his death bed and who died before the election. His place was supplied on the morning of the election with C. D. Huston, a democrat, although qualified republicans were present and offered to serve; William Holmes, Sr., over seventy years of age, and totally unable to perform the duties of an election officer; John Young of like age and physical incapacity, both of whom failing to be present, their places were filled with democrats, although qualified republicans were present and offered to serve.

At Precinct No. 4 in Fayette county the democratic judge and sheriff refused to open the polls or to receive any votes unless the challengers remained outside of the



voting room. This the challengers refused to do and no election was held. This was and is a republican precinct, in which the republicans have not less than 100 majority, which he now asks may be counted for him, and which they would have carried for this contestee by a majority of 100.

At Precinct No. 13, in Fayette county, the ballot box was delivered to the democratic sheriff, but was not produced at the polling place on the day of the election, and was afterward found about six miles from the voting place in a field. There was no election in this precinct. It is a heavy republican precinct, and upon a full vote which would have been taken that day, the voters then and there being present, this contestee would have obtained a majority of 125, which was the usual majority in said precinct, which he now asks may be counted for him.

In Precinct No. 14 forty republican voters, all of whom were citizens of this State and who had resided therein more than twelve months before said November election, in the county of Fayette more than six months and in the precinct aforesaid more than sixty days, and who labored under no legal disabilities, were prevented from voting. They were not even allowed to enter the voting place. All of these persons would have voted for contestee had they not been fraudulently and forcibly prevented from so doing. Contestee is unable to give the names of any of said persons except the following: Rath Martin, Lewis Tilford, Joe Mitchell, Dan Williams, John Shreves, Charles Nichols, William Lewis, Eph Drake, Pompey Lee, John Clayborn, Will Shreves, Charles Payton, Benjamin Young, Jim Young, George Gates, Mike Yates, Will Yates, Mike Banks, Jr., Warfield Green and Logan Coffey; and he now asks that said forty votes be counted for him.

In Precinct No. 15, of Fayette county, twenty-five legal voters possessing the qualifications as stated to have been possessed by the voters in No. 14, all of whom were republicans,

were present and offered to vote for this contestee, but were refused permission to do so; he now asks that these votes be counted for him.

In Precinct No. 16 in the city of Lexington, a large number of voters to-wit, fifty, who were legally qualified to vote, possessing the qualifications which are stated to have been possessed by the voters in Precinct No. 14, and who would have voted for contestee, were prevented from registering by acts perpetrated at the hands of members of contestant's political party, and the improper and illegal refusal of the officers to permit them to register. He now asks that these votes be counted for him. At this precinct George Murphy, republican sheriff, failed to appear, and his place was filled by a democrat, although there were a number of republicans present, well qualified, who offered to serve. Twenty-five legal voters possessing the qualifications described as those in Precinct No. 14, were present and offered to vote for this contestee, who were prevented by intentional and deliberate delay at the hands of the democratic officers in said precinct from voting, which he now asks may be counted for him. In this way contestee was robbed of that number of votes.

The persons who failed to register as aforesaid, and who would have voted for this contestee and whose votes he was illegally deprived of, are as follows: John Adley, Jim Alums, Jas. Agee, Will Adley, Jessie Buzz, Thos. Barryman, Ed. Boughton, Harrison Best, Robt. Beasley, Tom Bradley, Jerome Berry, Jim Clay, Jas. Craig, Rich Dunnehy, Allen Doly, Frank Engleman, Horace Graham, Andrew Harting, Dave Holly, Louis Hocker, John Hanly, Parker Johnson, Al Johnson, Josh Jones, Ben Johnson, Hy Johnson, Robert Kendall, Abner Lewis, Al Lee, J. McGrath, Hy Horton, Jesse Martin, Will Porter, Jessie Price, Amos Pettit, A. B. Phillips, Thos. Page, Dunlay Stevenson, Andy Smith, John Smith, Wesley Simms, Geo. Talbot, Harvey Turner, Ab

Wilkerson, D. Williams, H. Wade, Major Walker, W. Washington, Chas. Zachary.

In Precinct No. 17 the day before the election the officers were so changed by the democratic Election Commissioners as to give the sheriff and judge to the democrats, and when Andy Walters, appointed judge, and Chas. Robinson, appointed clerk, by them, both of whom were republicans, failed to appear, their places were filled by John J. Ferrell, and Pat Mooney, democrats, although there were a number of republicans present qualified, and who offered to serve. There was a long and intentional delay at this precinct in opening the polls, the officers insisting that the challengers go out of the room, and the challengers declining to do so. In this way more than three hours were consumed, and when the polls closed there were standing in line waiting to vote 125 legally qualified voters, possessing the same qualifications as those of No. 14, as stated before. It is, perhaps, needless to add that all the officers in this precinct were democrats.

In this precinct, H. G. Austin, a democrat, was asked if he would serve as an election officer, and how he would count the vote, and when he responded that he would count it just as it was cast, he was promptly excused. In this voting precinct there were 240 ballots found in the box, whereas there are only 222 stubs, and the contestee charges that of these ballots, fifteen were fraudulently procured from some other place than the polling place and voted against him, and he asks that these fifteen ballots be thrown out and said 125 votes counted for him.

In Precinct No. 19, in the city of Lexington, the following persons, ninety-six in number, who were legally qualified as voters as these set forth in Precinct No. 14, were present and deprived of their right to register by the intentional delay of the democratic clerk of registration, and the refusal of the democratic officers to allow them to register:



All of these persons were present on the day of the election and would have voted for contestee had they been allowed to do so, and he asks that their votes be now counted for him. Said list of persons is as follows: R. Anderson, W. Ayres, A. Anderson, C. Allen, J. Adams, D. Allen, H. Allen, I. Bird, F. Butler, J. Buckner, G. Bush, W. Bush, T. Burnam, R. Bryant, P. Barnes, W. Barryman, J. Combs, R. Curd, J. Courtner, J. Coulter, J. Crosthwait, D. Coleman, F. Creth, M. Dupee, L. Daugherty, J. Ellis, N. C. Farmer, B. Fields, A. G. Graves, F. Gant, G. Grimes, J. Graham, G. Grigsby, A. Grimes, C. Howard, T. Howard, A. Hawkins, W. Harney, T. Howard, A. Huston, C. Hume, G. Hanley, E. Henderson, H. Havelly, J. Harris, J. Irvine, T. Johnson, J. J. Jackson, G. Jackson, Kirk Jackson, J. B. Jones, W. Johnson, J. Johnson, W. Johnson, C. Jouett, F. King, H. H. Lyttle, J. Lee, F. Lyttle, R. Moody, C. Maple, E. Mason, W. Mundy, T. McDowell, T. McClure, H. Nichols, H. Porter, G. Powell, J. Pleasant, E. Raiser, W. Robinson, M. Sanders, G. Singleton, J. H. Stanley, G. Sutton, B. Sanders, N. Sutton, W. Smith, W. Taylor, W. Twyman, A. Turner, J. Tilford, W. Thompson, A. Taylor, G. Thompson, C. Veney, L. Whitson, W. White, P. Williams, L. B. Williams, T. West, E. Williams, J. White, W. A. Williams, C. Williams, J. Young.

This is a large republican precinct, and 125 voters legally qualified as those set forth in Precinct No. 14, were prevented from voting by the delay in opening the polls and by the democratic officers refusing to allow them to vote. All of these persons would have voted for contestee had they been allowed to do so, and he asks that their votes be now counted for him.

In Precinct No. 20, in the city of Lexington, the democratic officers delayed the opening of the polls until 8:30 o'clock A. M., and systematically delayed the voting until the closing of the polls at 4 o'clock P. M., by reason of which fifty legal voters, qualified as those set forth in Pre-

cinct No. 14, would have voted for this contestant had they been allowed to cast their votes, were left standing in the chute waiting to vote, and he asks that these votes be now counted for him.

In Precinct No. 22, in the city of Lexington, the following named legal voters, twenty-five in number, with qualifications as stated in Precinct 14, as set forth heretofore, and who were present at the registration, were deprived of their rights to register, and who being present on the day of the November election thereafter at said precinct, were deprived of their right to vote, each and all of whom would have voted for this contestee, and whose votes he now asks may be counted for him.

Said persons were deprived of the right to vote on the day of election by reason of intentional delay practiced by the democratic officers of election. Said list is as follows :

M. Alexander, J. Buchanan, B. F. Bell, J. Brown, W. Britton, A. Coleman, N. Cason, A. Elgin, B. Finnie, J. H. Harris, P. Jones, S. Lee. T. Monroe, J. Mosby, S. Parker, A. Parker, A. Russell, W. H. Rogers, M. Stevens, A. Sales, D. Sales, I. Todd, H. Talbert, J. Turner, G. Woods.

In Precinct No. 23 of the city of Lexington, when the republican judge, J. W. Scott, failed to appear his place was filled by the appointment of a democrat, Harry Barber, although there were republicans present thoroughly qualified and who offered to serve. In this precinct five ballots were rejected, which were cast for this contestee, for the only reason that the stamp was placed immediately above contestee's name and outside the square containing the republican emblem, which ballots he now asks shall be counted for him.

In precinct No. twenty-four, systematic delay was practiced by the democratic officers of the election, by reason of which thirty qualified voters, possessing the same qualifications as those described in precinct No. fourteen, each and all of whom would have voted for this contestee, and whose

votes he now asks be counted for him, were prevented from voting because of the expiration of the hour fixed by law, at which time they were left standing in front of the polls. In this precinct A. S. Bloom was appointed republican judge, who was addicted to excessive drink, and was therefore incompetent, and S. P. Gross, republican sheriff, who knew nothing whatever concerning the duties of his office.

In this precinct 50 republican voters, each and all of whom would have voted for this contestee, and whose votes he now asks may be counted for him, and who possessed qualifications the same as those of the voters described in Precinct No. 14, were prevented from registering by delay, force and fraud. Said voters were present on the day of the election, but were refused the privilege of voting. The following is a list thereof: J. C. H. Allen, J. Allen, G. Anderson, G. Aldridge, T. Brown, S. W. Brice, D. Britton, G. Brown, S. Benna, W. H. Brown, J. Boldar, W. Chaldler, W. Coney, J. Daniels, Ed. Ellis, C. Givans, R. Garner, W. Harris, P. Harris, H. Hawkins, J. Jackson, G. Lair, R. Merritt, C. Mitchell, J. Nelson, A. Pullins, H. Parker, G. Rife, E. Smith, G. M. Smith, W. Stonestreet, W. Stonestreet, Jr., W. Smith, M. Thomas, E. Taylor, J. Talbert, J. Tibbs, F. Taylor, H. D. Williams, W. Williams, J. H. Williams, A. Webb, B. Williams, A. Winn, and others.

None of the officers of election appointed by the Commissioners in Fayette county were ever at any time tested as to their qualifications to serve.

In Precinct No. 25 of the city of Lexington, H. M. Skillman, Sr., was appointed judge, and being one of the busiest physicians in the city, it was impossible for him to serve as an officer of registration. Consequently failed to appear, and although there were a number of republicans present thoroughly qualified to serve in his place a democret was selected, and thus placing the control in the hands of the democratic party. By reason of which this contestee was defrauded out of fifty votes, which he now asks shall be counted for him.



On the morning of the election in this precinct, Skillman failing to appear, a democrat was appointed in his place, and thus control of this precinct was given to the democratic party.

In Precinct 26 of the city of Lexington, the republican judge failing to appear on the morning of the registration, although there were a number of republicans present and qualified, who offered to act, J. B. Sharkey, a democrat, not even a householder, was appointed to act and did serve. In this precinct fifty-seven republican voters, possessed of similar qualifications in all respects to those set forth in Precinct 14, were refused the right to be registered. In consequence of which they, on the day of the November election, 1899, although present and offering to vote, were denied the opportunity to vote. Each and all of these persons would have voted for this contestee, and he now asks that their votes be counted for him. Their names are as follows :

J. Black, G. Boone, W. Boone, G. Cornelison, R. Clarke, P. Carter, C. Caldwell, J. Jerrico, J. Dunlap, G. D. Douglass, G. Evins, G. Ellison, W. Finch, B. Finch, J. Frazier, I. Gas-kin, R. Hutchison, H. Harris, H. Hunt, H. Hallack, R. Harvey, S. Hocker, J. Harvey, J. Hines, H. B. Hallock, R. Hathaway, G. Harris, J. Jones, J. Martin, S. Marchal, J. Martin, G. Moss, H. Porter, G. Parker, J. Penny, A. Rankins, J. Bradford, A. Raney, A. Reynolds, W. Smith, C. Smith, E. Smith, E. Salter, W. Thomas, W. B. Turner, E. Thomas, C. Wakes, H. Walker, J. T. Williams, B. Williams, H. Wash-ington, J. P. Williams, C. Washington, W. White, P. M. Young.

In Precinct 28 of the city of Lexington, D. Mucci was appointed as one of the republican officers of registration when he could not read the Constitution of the State of Kentucky in English and was totally incapable of serving, and when in truth and in fact it was a well-known fact to the Election Commissioners that he was not a republican. In

this precinct the polls were not opened until 8:30 o'clock A. M. on account of a wrangling purposely started by the democratic officers concerning the challengers. Delay was systematically practiced during the day, so that when the polls closed there were fifty qualified republican voters possessing the qualifications of those set forth in Precinct No. 14, all of whom would have voted for this contestee, who were standing at the polls ready to and were unable to vote. A number of democratic thugs of the city of Lexington, in this precinct, after they had voted, formed themselves in line in front of the polls and after 1:30 o'clock P. M. would not allow any colored voters to pass into the voting place, and they were absolutely cut off from the right to vote, although the officers of election were taking no votes at that time. He asks that said votes be now counted for him.

In Precinct No. 30, in the city of Lexington, on the day of registration the republican sheriff failing to appear, his place was filled by the appointment of J. A. Hall, a democrat, although a number of qualified republicans were present willing to serve, and on the day of the election said Thompson failing to appear, his place was filled by the appointment of a democrat, although qualified republicans were present who offered to serve in this precinct. There were 100 ballots missing from the ballot book, and not enough ballots to allow the full vote of the precinct to be cast, by reason of which thirty voters possessing the qualifications of those described in Precinct No. 14 were prevented from voting, each and all of whom would have voted for this contestee; and whose votes he now asks may be counted for him.

In Precinct No. 31, in the city of Lexington, on the day of registration, W. F. Woolfolk, a republican officer, failing to appear, his place was filled by a democrat, notwithstanding the presence of numerous republicans who were well qualified to serve and willing to serve. In this precinct sixty qualified voters, possessing the qualifications set forth as to

voters in Precinct No. 14, heretofore described, were deprived by the democratic officers of registration from the right to register; and on the day of the election were likewise deprived, by reason of their failure to register, from voting, each and all of whom were present at the polls and would have voted for this contestee.

The following is a list of said voters: I. Anderson, A. Alexander, J. Akers, C. Askew, S. Broadus, J. Brock, R. Berryman, H. Curd, J. Calmese, N. Cleveland, D. Dunwell, W. Duffey, G. W. Edmonds, W. French, H. Gilbert, J. Gover, B. Hawkins, R. Hardin, Ed. Howard, J. Hite, H. Howard, T. Hickman, J. Hopewell, Perry Hill, J. Jackson, G. Jackson, H. Johnson, W. Jackson, A. Kirtly, D. Lee, J. Lewis, W. Marshall, W. Mopin, P. Price, A. Pillman, W. Pillman, S. Payne, G. Rodes, T. Redd, W. Sanders, S. Schoolin, F. Taylor, C. Thomas, W. Thomas, B. Williams, F. Williams, J. Williams, A. Wilson, H. Williams, J. Wilson.

On the day of the election S. S. Witt, republican officer of election, not being present his place was filled by the appointment of John Jenkins, a democrat. In this precinct there was systematic delay practiced by the democratic officers of election present, the polls not being opened until 8:30 A. M., and by reason of the delay practiced throughout the day when the polls closed 100 qualified republican voters, possessing the qualifications described as to Precinct No. 14, already set forth, were present standing ready to vote, but the polls closed and they were prevented from voting and exercising this privilege and these voters would have cast their votes for this contestee, which he now asks be counted for him.

In Precinct No. 32, of the city of Lexington, on the day of the registration. when Jas. Waller and John Faig, republican officers of registration, failed to appear their places were filled by the appointment of Tim Maher and George J. Roberts, both democrats, although the said Roberts was not a



householder. Cravins Lane, who had been appointed as republican sheriff the day before the election, was not a republican, which fact was known to the Commissioners, and voted the democratic ticket. When John Faig, republican judge, failed to appear on the day of the election, said George Roberts, a democrat, was given his place, although there were qualified republicans present, both on the day of the registration and day of the election, ready and willing to serve in place of the absent republican officers, but they were refused permission to qualify. In this precinct on the day of the election all the officers were democrats, and the vote was practically by an open ballot, more than 100 ballots having been cast in that way. E. L. Marsh, a member of the school board in the city of Lexington, was in and out of the voting places at intervals during the day, and was in the booth with voters marking ballots.

It is not surprising that the vote returned from this precinct is shown to have been 225 for contestant, and seventy-eight for contestee, when, had the election been fair, and had it not been for the occurrences stated, this contestee would have received 150 votes, and the contestant would not have received any more than that number. At this precinct on registration day, a negro was present who was a qualified voter of said precinct, and who for no other reason than that he was a negro, was cruelly beaten by Mike Monahan, an Irish tough, and no peace officer even attempted to prevent this inexcusable act. He asks that the vote in this precinct be thrown out and excluded from this count.

15. That the contestant in order to procure his nomination, by the democratic party for the office of Governor, did corruptly use money and other things of value, and practiced fraud, intimidation, bribery, and other corrupt methods, and that but for this conduct he never would have been nominated for the office which he now claims, and that by reason of such conduct he has forfeited any right to said office.

16. That the partisan friends of contestant had the exclusive control of the appointment of election officers in this State, many of whom were incompetent, but that in no instance did said partisan friends controlling same test or inquire into the qualifications of any one who was appointed.

17. That in Scott county the county Election Commissioners after having appointed registration officers changed the said officers for the election. In the registration they gave to contestant's party the clerk who had the control of all the matters of dispute, but they so arranged at the election to secure the sheriff, thereby giving them the control of all contested votes in the election; that in the court-house precinct R. H. Jouett was appointed judge but did not sign the poll books or returns, but George Peak, who was not an election officer, did sign in his place without any authority whatever. In Great Crossings Precinct Burrell Rankin was appointed as republican clerk of the election and was unable to read and write. This fact was made known by affidavits to the democratic county Commissioners who refused to appoint a competent republican in his place although there were many such who were qualified, ready and willing to act. In White Sulphur Precinct, Cash Hall, appointed republican judge, and John Lawson, republican clerk, could neither read nor write.

In Turkeyfoot precinct John Truit, appointed republican judge, was not a householder of said precinct; in Oxford precinct D. A. Powell, appointed democratic judge, Wright Kimbro, appointed democratic sheriff, Walter Bush, appointed republican clerk, were not householders of said precinct, the said Bush being also under twenty-one years of age; and John Shelkey, appointed republican judge, was a worthless, drunken Irishman, morally unfit for any position of responsibility. Affidavits were filed for the removal of these five persons with the said democratic Commissioners but they refused to remove them. The democratic officers would challenge a vote, so mark it and deposit it in the ballot box, and

in counting would pretend to select from the ballot box the ballot voted by the challenged party, marked challenged, and refused to count it, and returned it to the county Commissioners, because of said mark, who would refuse to count it because marked challenged. In Oxford precinct there were ten ballots of this character cast; in Powder House precinct, four ballots; in West Stamping Ground precinct, six ballots; in Great Crossings precinct, four ballots; in East Stamping Ground, five ballots; in City School precinct, eighteen ballots. Each and all of these ballots were cast for this contestee and the republican party.

The same number of ballots voted for this contestee and the republican party in the precincts last above mentioned were thrown out because the clerk of election failed to sign his name on the back of same, and he asks that said seventy-four ballots be now counted for him; that on the night of the 6th of November, immediately preceding the day of the election, 1899, Judge J. E. Cantrill, the Judge of the Circuit Court, in whose circuit Scott county is included, and who had a son who was a democratic candidate for the Legislature in said county, awakened the sheriff from his bed and had him to appoint deputy sheriffs at the following places, to-wit: court house, city school, engine house, powder house, Great Crossings, White Sulphur. These deputy sheriffs were armed, and on the day of the election, without authority, frequently passed in and out of the voting place during the casting of the vote, superintending the same in an authoritative way, and acting in such manner as to intimidate and drive from the polls many qualified voters who would have voted for this contestee; that at Oxford precinct Alf Moore, the republican inspector, duly appointed by the county republican executive committee, was refused admittance, and the vote was counted in his absence by reason of which said vote was fraudulently manipulated, and this contestee was deprived of fifty votes which had been cast for him and fifty



votes which had not been cast for the contestant were given to him, which fifty votes he asks shall be counted for him and fifty votes be deducted from the vote of contestant; that in the county of Scott there was not a single republican sheriff of election appointed, by reason of which this contestee was deprived of 100 votes which would have been cast for him by persons who were citizens of the State of Kentucky, had resided in the State for more than twelve months, in the county of Scott for more than six months and in the precincts in which they offered to vote for more than sixty days, and who labored under no legal disability, not only so by reason of these facts at least 100 illegal voters were allowed to cast their votes and the same were counted for the contestant, which he now asks shall be deducted from the vote of contestant; that in Porter precinct persons who had voted for contestant were allowed to re-enter and remain in the voting booth, and at one time there were as many as a dozen of them in the same.

At this precinct the sheriff of the election, who was a democrat and supporter of contestant, went outside of the voting booth several times during the day and held consultations with democratic workers, notifying them how different men had voted and being instructed by them to look after the manner in which certain men should vote who had been bribed by them. In McFarland precinct the same irregularities and frauds were committed. In Turkeyfoot precinct the ballot box was not locked during the entire day. In this precinct three ballots which were cast for this contestee were marked challenged by democratic officers of the election, but they were deposited in the box, and when they came to count the ballots they refused to count these upon the ground that they were marked "challenged." In these three last mentioned precincts the contestant obtained large majorities, superinduced by reason of the frauds and irregularities mentioned. In Great Crossings and White Sulphur precincts the

deputy sheriffs mentioned went into the booths and forcibly threw out of same one of the challengers. In East Stamping Ground precinct five ballots voted for this contestee were challenged and marked with the word "challenged," but they were deposited, and when the count was made they were thrown out because said marks were upon them.

18. In Mercer county 113 ballots which were cast for this contestee were thrown out in the count by the county Election Commissioners without any excuse. These were in the Eighth precinct, Third precinct of ward C, and South Bergin precinct, No. 11, No. 3 precinct, Ninth precinct, and in the precincts of wards B and E. The contestee now asks that these votes may now be counted for him.

19. That in Woodford county, at the Midway precinct, one Woolum, appointed republican clerk of the election, was bribed by the partisan friends of the contestant to delay the voting, and did so delay same that when the polls closed, all of the following-named persons, who would have voted for the contestee, were remaining at the polls and unable to cast their votes, to-wit: John Anderson, Tom Anderson, Wm. Anderson, Jas. Baker, Jr., William Bryant, Jno. Butler, Chas. Bruce, Alfred Brown, Will Bohannon, Will Baker, Thomas Clark, Andrew Clark, Elias Channels, Sanders Carr, Jim Clay, Wm. Darneal, Albert Douglas, Will Fowler, Theodore Frazier, Chas. Frazier, App. Frazier, Thomas Green, Geo. Hickman, Bob Hall, Henry Hawkins, Thos. Wickliffe, Chas. Williams, Nathan Walker, Richard Webster, Louis Watkins, Robt. Webster, Harry Young, Henry Young, Preston Young, Dave Hamilton, John Handy, Ed Hall, Chas. Johnson, Geo. McDavid, Miller Miles, Jim Newman, Anderson Owsley, Milton Penn, John Parks, Armistice Penn, Robt. Plersants, W. U. Patton, Boone Railey, Bob Romp, John A. Robinson, Arch Redd, Andrew Smith, Louis Molliver, Albert Thompson, Frank Thomas, Matt Taylor, Willis Twyman, Geo. Taylor, A. W. True.

That the following named persons went repeatedly to the polls on the day of the election, at the Midway precinct, for the purpose of voting, and on each occasion were unable to do so, because said Woolum pretended to be busy, and returned to their respective places of business, and were unable to and did not vote by reason of said delay, to-wit: Gene Anderson, I. N. Biddle, Knotty Butler, A. P. Boswell, John Baker, Al Baker, W. E. Cropper, Sanders Carr, A. E. Clark, Jas. Canada, Nelson Fry, Chas. Foyle, J. M. Hoge, Bud Jordan, Will Jones, Will Johnson, Jack Johnson, Jno. Johnson, Alfred Johnson, D. H. Lehman, W. A. Long, Alex. Long, Bart Long, Jno. Long, Cliff Miles, Earl May, T. D. Martin, D. J. McCann, Chas. McAndy, Jno. Parks, L. F. Payne, Will Powell, H. C. Poynter, Alex. Robinson, H. B. Russell, J. P. Rodgers, Arch Rena, Geo. Robinson, Bob Stepp, Anthony Scott, W. E. Sleet, R. S. Starks, H. C. Shipp, A. W. Stanhope, D. H. Thomason, Henry Tucker, O. T. Trent, Willie Thomas, Warren Viley, Will Washington, Nathan Walker, Geo. Wise, D. T. Wilson, Pres Williams, R. L. Price, Jno. Wise, Alex. Driver, W. B. Dixon, Will Dixon, Jr., Sam'l Darneal, Bud Smith.

20. That in Breathitt county the most outrageous fraud and intimidation was practiced on the inspiration and by the advice of one D. B. Redwine, who entered into a conspiracy with contestant to fraudulently and by force enable him to obtain his nomination and election. In this county only one man recommended by the republican Election Commissioner was appointed an officer of the election.

In Jackson Precinct No: 1, ten persons were allowed to vote for contestant, and their votes were counted, some of whom did not live in the county, some not in the precinct, some under age, and that in the same precinct Wm. Boland and Davis Kellman, who were citizens of and had resided in Kentucky for twelve months and in the county of Breathitt for six months and the precinct in which they offered to vote



for sixty days immediately preceding said election, were not allowed to vote. He asks that said votes be now counted for him.

In Jackson Precinct No. 2 the republicans were given K. C. Hardin as clerk and Mike Robinson as judge, neither of whom possessed any qualifications and both of whom were timid and were kept drunk during the entire day by the democratic officers of election. Persons not officers of said election went into the voting booth frequently with whisky, treating the officers of the election. In both of the precincts crowds were around the door of the voting place and were not kept back from the same although the republicans requested that it should be done.

In Jackson Precinct No. 2, after the polls closed, James Hargis, Elbert Hargis, Ben Hargis, Curt Jett, Jesse Fields, Geo. Spencer, Hiram Hayes, and others congregated within ten feet of the voting booth, and shot thirty or forty shots with large revolvers for the purpose of intimidation, and all of the republicans were ejected from the hall of the court house. In this precinct the sheriff of the county and the sheriff of the election, together with said James Hargis, forcibly ejected A. C. Carpenter, republican inspector, from said voting room, at the point of revolvers, punching him with same as they put him out. After he had been driven from the booth they fired their pistols around the court house so that no republican dared to go in the neighborhood of the voting booth. The republican clerk at this Precinct No. 2 was so drunk that he knew nothing whatever about the count and does not now remember how it was done; and the republican judge was so drunk that he could not even now tell when or how he left the voting place. Both of these officers were strenuously objected to by the republican county Election Commissioner at the time they were appointed.

During the day democratic toughs knocked several republicans in the head and drove them away from the polls, there-

by preventing them from voting, and forcibly arrested Thomas Tracy and Jack Little, both of whom would have voted for this contestee, and confined them in jail until the polls were closed. Thomas Tharp, an ex-penitentiary convict, and who was in jail on the day of the election on a criminal charge, was brought out and voted for the contestant. In this Precinct No. 2, prior to the election a careful and correct poll of the votes had been made by the republican committee and others, which showed and which was correct, that the republicans had twenty-five majority in said precinct and the contestee states that he polled twenty-five majority in said precinct. Notwithstanding this the certificate of the election officers shows that the contestant carried the precinct by a majority of 181, thus defrauding contestee out of 206 votes, which he asks may be so counted for him.

In Crawford precinct No. 4 Thomas Johnson was appointed republican judge although he had never given any but a democratic vote, was incompetent, old and blind. The republican sheriff, Henry Cundiff, was an ardent supporter of contestant. Both of these officers were objected to by the republican Commissioner. During the taking of the vote one Crawford was fraudulently given the certificate of election as representative in the Lower House of the present General Assembly from Breathitt and other counties, openly stated, with his pistol in hand, that if he and contestant did not receive enough votes to carry the precinct that the vote would be counted for them anyhow or the house in which it was being taken would be bombarded. In this precinct whisky was kept in the voting room all day and the voters were allowed to stand at the door of the voting room although serious objection was made by republicans. S. P. Kash, the republican inspector of this precinct, duly appointed by the republican county executive committee, was refused admittance into the voting place, and Thurston Roberts, republican challenger, duly appointed as aforesaid, was forcibly ejected

from the voting booth. A careful and correct poll of this precinct had been made by the republican committee and others preceding the election which truly showed that the republicans had seventeen majority in said precinct, which vote was actually so polled, but when the vote was pretended to be counted it was certified that contestants had carried same by 111 majority so that contestee charges that he was defrauded in this precinct out of 128 votes which he actually received, which he now asks may be counted for him.

In Crockettsville precinct No. 6 Jasper Arrowwood was appointed republican judge and Hiram Sebastian republican sheriff, both of whom were illiterate, ignorant, and incompetent, and were appointed over the objection of the republican county Election Commissioner. Asberry Spicer, democratic clerk of this precinct, was then under indictment for murder and log stealing. In this precinct Ed Callahan, democratic challenger and inspector, ruled the entire election in the most high-handed way, and he and his brother Sam Callahan (who was not an officer of election), counted the ballots while the republican inspector kept tally as given out by Sam Callahan. After Sam Callahan finished calling the vote J. P. Turner, republican inspector and challenger, duly appointed as such by the republican county executive committee, demanded to be allowed to inspect the ballots and see if they had been properly called, which Callahan refused to allow him to do and put the ballots in the fire and burned them, Turner not being able to see how a single ballot was voted. In this precinct before the election the republicans had taken a careful and correct poll of the votes which showed truly that the republicans had a majority of fifteen, and which was really the true delivery of the vote on election day, but the certificate of said election officers showed that the contestant had carried the same by a majority of eighty-seven. The contestee says that in this precinct he was defrauded out of more than 100 votes and that same should be now counted for him.



In Lost Creek, Precinct No. 8, whiskey was kept in the voting room all day. John Napier, republican judge appointed over the republican commissioner, was illiterate and incompetent. James Hargis, as contestee is informed, believes and charges, offered Louis Combs, democratic sheriff, one hundred dollars to count the vote as he wanted it counted, said Hargis being an active friend and partisan of contestant. John Fraley, republican challenger, was refused admittance into the voting booth in this precinct.

In Troublesome Precinct No. 9, fifty votes were voted openly on a table before all the officers of the election when the parties voting same were each and all of them perfectly competent to vote their ballots as required by law. Delaney Allen sat on his horse outside the voting place and voted. Contestee is informed, believes and charges that said James Hargis offered John E. Miller, republican judge of this precinct, one hundred dollars to allow the vote to be counted for contestant as he desired it to be done, which offer was refused.

In Lewis Fork Precinct No. 10 three of the officers of election were democrats and supporters of contestant, and were appointed over the objection of the republican commissioner.

In Spring Fork Precinct No. 11 all of the officers of election were democrats and appointed over the objection of the said republican Commissioner. A careful and correct poll of this precinct was made by the republicans and others preceding the election, by which it was shown, and which was true, that the precinct was democratic by fifteen majority, but when the count was made it was reported and certified that contestant had carried same by ninety majority. In this precinct contestee charges that he was defrauded out of seventy-five votes which were actually cast for him. He asks that said seventy-five votes be now counted for this contestee.

21. While the contestee contends, and will contend, that the texture of the ballots used at any of the precincts in any

of the counties of this Commonwealth can not, and in good conscience ought not to, invalidate the vote of any county or that of any voter of any county in that neither the candidate nor the voter were in any sense responsible therefore; he alleges that the Bradley & Gilbert Co., of Louisville, Ky., printed all of the ballots used for the counties of Adair, Allen, Butler, Boyd, Carter, Caldwell, Clay, Greenup, Hart, Letcher, Lee, Muhlenberg, Monroe, Pike, Wayne and Whitley, complained of by contestant; and in the event that this Board should hold that the vote of these counties or any of them should be thrown out on this account, he further charges that the said company also printed all the ballots used at the late election in the counties of Barren, Fulton, Harrison, Henry, Jessamine, Marion, Meade, Oldham, Shelby, Robertson, Bath, Trimble, Boone, Carroll, Grant, Spencer and Floyd, all of them giving majorities for and having been carried by the contestant in said election, as shown on the face of the returns, used therein and therefor the same character of paper, of the same color, thickness and texture as those used in the counties complained of by the contestant; and that the votes of these counties herein complained of should also be thrown out, disregarded, and declared null and void. In the event the contention of contestant regarding these ballots should be held good, the contestee says:

That the elections in the counties of Wolf, Powell, Knott, Elliott, Menefee, Breathitt, Hardin, Bracken, Simpson, Ballard, Graves, Calloway, Scott, Pendleton, Larue and Owen were not free and equal, and in each precinct of said counties the voting was not done by secret ballots, as provided by the Constitution and laws of the State, but was done by the electors with ballots, in each precinct in each and all of said counties, that were composed of paper so thin and transparent that the printing on said ballots and the stencil mark of the voter thereon could be easily and readily

seen and distinguished, and was so seen and distinguished by other persons than the voters from the back of the ballots how the voter had voted, when the ballot was folded and when the ballot was not folded, and that these ballots were printed and prepared by the several officers of these counties, whose duty it was to furnish and prepare them, for the purpose and with the design of ascertaining and reporting the manner in which the votes of each and all of the voters of said counties were cast; all of which was done in collusion with the contestant and for his benefit.

That the election in the county of Owen was not free and equal and in each precinct of said county the voting was not done by secret ballot as provided by the Constitution and laws of the State, but was done by the electors with ballots so printed and prepared that when the several judges of the election in the various precincts of the county attempted to separate from the ballot the secondary stub thereon the stencil mark of the voter thereon could be easily seen and distinguished and was so seen and distinguished by the said judge and by other persons than the voter how the voter had voted when the ballot was folded, and that these ballots in the said county of Owen were so prepared and furnished by the clerk of said county, with the corrupt purpose and design of aiding and assisting the democratic officers of the various precincts of said county in ascertaining, and they did so ascertain, how the votes of the several voters of the county were cast, all of which was so corruptly done in collusion with the contestant and for his benefit and in his behalf.

22. That in Precinct No. 11 in the county of Breathitt, Foster precinct in the county of Bracken, and Slater precinct in the county of Ballard there were no republican officers of election appointed by the Election Commissioners who served in that capacity during the day; and that in Cuba precinct in Graves county, Laura Furnace precinct in Trigg county, and Vogler's precinct in Franklin county,



only one republican officer out of four was appointed, although a sufficient number of republican voters duly qualified to hold these several offices lived and were resident in each and all of these precincts, and were present at the polls ready and willing to act.

23. That in Gaines' Stable precinct in the county of Franklin the republican officers duly appointed by the Election Commissioners of said county were intimidated and driven from the polls by force, and four partisan democrats served as officers of election of that precinct; and that as a consequence thereof in all of these precincts the majority of votes were counted and declared in favor of contestant, which the contestee now contends should not be counted or considered in ascertaining the result of the election in this Commonwealth but should be set aside, disregarded and held for naught.

24. That in Precincts "4" and "8" in the county of Breathitt, "8" in the county of Harrison, — precinct in the county of Garrard, Gaines' Stable, Vogler, and Bridge precincts in the county of Franklin, in each and all of which a majority of the votes were declared and counted in favor of the contestant, and which should not be counted in ascertaining the result of the election in this Commonwealth, but should be set aside, disregarded and held for naught because the several Election Commissioners in and for the counties above named refused to appoint eligible persons to act as officers of the election, but over the protests of the various republican county committees of the several counties, appointed persons who were not eligible under the Constitution and laws of this State.

25. That in the Grange City precinct in the county of Fleming the clerk appointed by the Commissioners of said county was a known inebriate; that the democratic officers in said precinct had whiskey in and at the poll, and that the said clerk became and was so drunk that he was unable to

take the vote of said precinct, by reason of which more than fifty qualified voters of the said precinct, republican in politics and who would have voted the straight republican ticket, were prevented from casting their votes in said precinct, all of which he asks should be counted for him.

26. That the votes cast at Rogers precinct in the county of McCracken, Bridge precinct in the county of Franklin, East Stamping Ground precinct in the county of Scott, and Precinct No. 11 in the county of Larue should not be considered in ascertaining the result of the election in this Commonwealth, but should be disregarded, set aside, and held for naught because the election clerk in each and all of said precincts failed and refused to write his name across the back of the stub or any of the ballots used in all or any of the said precincts or to sign his name in any place thereon.

27. That the votes cast at Precinct No. 6 in the county of Elliott, Precincts Nos. "2" and "4" in the county of Breathitt, No. "4" in the county of Monroe, Raynick precinct No. — in the county of Marion, Precincts Nos. "5" and "14" in the county of Harrison, Precinct No. 3 in the county of Garrard, Precinct No. "8" in the county of Simpson, Bugg precinct in the county of Hickman, Bell's Mine precinct, in the county of Hickman, South Cadiz precinct in the county of Trigg, Millville precinct in the county of Woodford, Precincts Nos. "7"—"8"—"10" in the county of Larue, and ——— precinct in the county of McCracken, should not be counted or considered in ascertaining the result of the election in this Commonwealth, but should be set aside, disregarded, and held for naught because the officers of election in each and all of said precincts corruptly permitted persons other than officers of election to remain at and in the poll and in less than fifty feet thereof, who were not there for the purpose of casting their vote, all of which was done by said officers of election in collusion with adherents of the contestant, for the purpose of intimi-

dating republican voters from approaching the poll, and that many republican voters in each and all of said precincts were intimidated and prevented from going to the polls, and casting their votes at said election, which would have been cast for the contestee, but for such conduct and intimidation on the part of the said officers.

28. That 239 votes cast by voters in the several precincts hereinafter named, possessing all the qualifications required by law, being twenty-one years old, and being citizens of the United States, and having lived in the State and their several counties and precincts for the time fixed by law, on legal ballots not marked, or designated, and all cast for the contestee, were not counted for him, but were without cause or reason challenged by the democratic challengers in the several precincts, and on that account left uncounted, because of a difference of opinion in the minds of the judges of the election in the several precincts hereinafter named. None of those ballots were sealed up and returned to the clerks of the several County Courts, but were all without right or authority destroyed and burned for the purpose and with the intent of injuring the contestee, to-wit :

Twenty-five in South Greensburg precinct, in Green county; thirty-nine in West Bryantsville precinct in Garrard county; four in precinct No. "2" in Lincoln county; twenty-five in Precinct —, in Logan county; fifty in Wingo and Lowes precincts in Graves county; forty-four in Bridge precinct in Franklin county and fifty-two in Gas House precinct in Franklin county, all of which he now asks should be counted for him.

29. That the election claimed to have been held in Grassy Lick precinct in the county of Montgomery, Precinct No. 2 in the county of Breathitt, Precinct No. 14 in the county of Barren, Precinct No. 2 in the county of Simpson, and in the counties of Monroe, McCracken and Carroll, was not free and equal as provided by the laws and Constitution



of this State; but was held and the votes counted and the results declared under force and duress by prominent members of contestant's party, for the purpose of overawing, intimidating, disturbing and keeping voters of said precincts and counties from going to the polls, and pursuant to the said purposes thereby kept many hundreds of voters away from said polls who otherwise would have voted for the contestee, and said election for said parties was not an open, fair, free or equal one, and he asks that the votes in these several precincts and counties be neither counted or considered in ascertaining the result of the election.

30. That the election held in the city of Paducah in the county of McCracken and in each and every precinct thereof was not free and equal as provided by the laws and Constitution of this State, but were held and the votes counted and the results declared under police domination, force and duress, done for the purpose of overawing, intimidating, disturbing, and keeping voters in said precincts from going to the polls, and pursuant to said purposes did thereby keep many voters away from said polls who otherwise would have voted for the contestee, and said election for said reasons was not open, fair, free and equal, and should not be counted or considered.

31. That in the precincts of East Augusta and West Augusta and Chatham in the county of Bracken, and Precinct No. 2 in the county of Simpson, the clerk of the county court of the two counties herein named failed to provide and distribute in these precincts a book of ballots containing fifty per cent more ballots cast at such precincts or any one of them at the next preceding election, or any ballots more than these, and in fact failed to provide a sufficient number of ballots upon which the legal voters of the district could cast their votes, and that in consequence thereof a large number of republican voters in the said East Augusta, West Augusta, and Chatham precincts in the

county of Bracken, all of whom should have cast their votes for contestee, were prevented from voting at said election.

32. That in precinct No. 1, in Simpson county, J. K. Caldwell, J. P. Caldwell, J. W. Hickman, Geo. Holland, Huse Reed, B. H. McCall, E. L. Rogers, J. E. Dickson, J. B. Uals, H. H. Murray, T. E. Murray, J. H. Henson, Leslie Thomas, Enoch Henson, Willis Thomas, O. W. Wright, Jim Mahew, Jno. Castella, Jim Barnes, Henry Rogers, Walter Wright, I. N. Foster, Raymond Kellar, Sam Corbin, and many others, all of them republicans possessing the legal qualifications herein above given, and all of whom were there with the expressed intention of voting for contestee, and would have so voted except for this failure of ballots, and were prevented from casting their vote at said election—all to his great damage, and he now asks that these votes be counted for him.

33. That the votes cast at Precinct No. 8, in Wolf county, should not be considered in ascertaining the result of the late election, and that the election held there should be disregarded, set aside, and held for naught because the sheriff of the county failed to provide for use at said election, in said precinct, a strong and well made ballot box, or any ballot box, in which votes cast at said election were to be placed, and that on account of this failure the officers of election deposited the ballots cast by the voters in an open nail keg, secured or fastened in no way.

34. That the votes cast at Precincts Nos. 2 and 5 in Lee county, Precincts Nos. 1 and 2 in Menefee county, No. 6 in Harrison county, Turkeyfoot precinct in Scott county, and Trigg Furnace precinct in Trigg county, should not be counted or considered in ascertaining the result of said election because the ballot boxes used in each and every one of said precincts were not examined before the voting began by the judges or either of them in any of said precincts, nor were the said ballot boxes securely locked or fastened in any way at any time during the progress of the election.

35. That the votes cast at Jones' Fork precinct, in Owen county, and Gaines' Stable precinct, in Franklin county, should not be counted or considered in ascertaining the result of said election, but should be set aside, disregarded and held for naught because the adherents of contestant, in order to prevent republican representation at the casting of the vote and the counting thereof, corruptly conspired together to intimidate and drive from the voting places all the republican officers in each and every one of said precincts, and in fact in carrying out said conspiracy, as above corruptly made, did overawe, intimidate and drive from the voting rooms all of the republican officers, inspectors and challengers, and by reason thereof the democratic officers received and counted the votes cast in said precincts, and all of them, and the contestee charges that many votes cast for him therein were not counted as cast, but were fraudulently counted for the contestant by the said democratic officers of election in each and every one of said precincts.

36. That the votes cast in Jeffersonville precinct in Montgomery county, Precincts Nos. two, three, six and eight, in Breathitt county, Courthouse precinct in Meade county, Precinct No. 3 in Garrard county, Goodnight precinct in Barren county, Oxford precinct in Scott county, and Gaines' Stable precinct in Franklin county, should not be counted or considered in ascertaining the result of said election, but should be set aside, disregarded, and held for naught because the challengers duly, legally, and truly appointed by the proper authorities of the republican party in the several precincts and counties above mentioned, were not permitted to enter the voting rooms or any of them or remain at or near the doors or any doors of the voting room or rooms in any of the said precincts, and further that the county executive committee of the republican party designated a suitable person in each and every one of said precincts to be present at, witness and inspect the counting of the votes therein, and



notwithstanding the fact that the democratic officers of election in each and all of said precincts had actual notice and knowledge of such appointments, in each and all of said precincts refused to permit the said inspectors or any of them to be present at, witness, inspect or count the said vote in any of said precincts herein above mentioned; although in each and every one of them, such inspectors duly appointed as above alledged, presented themselves at the voting places at said time and demanded admission thereto.

37. That the election in Precinct No. 1 in Elliott county, and Precinct No. 9 in Breathitt, and in Millville and Trøy precincts in Daviess county, were not free and equal in said precincts or either or any of them in this—that the vote was not done by secret ballót as provided by the Constitution and laws of this State, but was done openly by each and all of the voters in each and every one of said precincts who desired so to vote. The contestee therefore asks that each and every vote cast in each and all of said precincts be neither counted or considered in ascertaining the result of said election, but be set aside, disregarded and held for naught.

38. That in Precinct No. 2 of Lee county forty-seven straight republican ballots, in Precinct No. 2 in Lincoln county forty-nine republican ballots, in the county of Lincoln fifty straight republican ballots, and in the county of Fulton sixteen straight republican ballots, voted by placing the stencil mark under the log cabin and every one of which was delivered to the proper officer by the voter, without any distinguishing mark, defacement, or mutilation externally or otherwise thereon, was, while in the custody and control of such officer, so mutilated and defaced that the precinct officers and county commissioners failed and refused to count the said ballots or any of them for the contestee, all of which was so done to the damage of said contestee, for the corrupt purpose and intent of defrauding this contestee out of said ballots, which he now contends should be counted for him.

39. That in Precinct C in the city of Middlesborough in Bell county, six straight republican ballots; in Brentwood precinct, county of Green, 106 straight republican ballots; in Courthouse precinct in Meade county, 1 straight republican ballot; in Precinct No. 4 in the county of Bell, 24 straight republican ballots; in Precinct No. 1, county of Bell, 3 straight republican ballots; in Precinct No. 1 in the county of Garrard, 51 straight republican ballots; in West Bryantsville precinct, in said county of Garrard, 59 straight republican ballots; in Union School House precinct, in said county of Garrard, 61 straight republican ballots; in Precinct No. 1 in the county of Logan, 11 straight republican ballots; in the county of Mercer, in Precinct No. —, 113 straight republican ballots; in Precinct No. 3 in the county of Barren, 10 straight republican ballots; in Precinct No. 4 in Muhlenberg county, 7 straight republican ballots, and in West Courthouse precinct in said county of Muhlenberg, 1 straight republican ballot; in Oxford precinct in the county of Scott, 10 straight republican ballots; in Courthouse precinct in said county of Scott, 4 straight republican ballots; in West Stamping Ground precinct in said county of Scott, 6 straight republican ballots; in Great Crossings precinct in said county of Scott, 4 straight republican ballots; in East Stamping Ground precinct in said county of Scott, 5 straight republican ballots; in City Schoolhouse precinct in said county of Scott, 18 straight republican ballots, and in Turkeyfoot precinct in said county of Scott, 3 straight republican ballots; all of said ballots in all of said counties and precincts herein mentioned having been voted by having the cross of the stencil mark placed under the republican device, and with no distinguishing mark, defacement or mutilation externally or otherwise thereon by which the same or any of them could be distinguished or identified, were each and all of them cancelled, thrown out, and neither counted or considered by the several precinct and county officers in the precincts and

counties herein named—all of which was done by said officers without reason, cause or excuse, and all of which he now asks should be counted for him.

40. That the votes cast at Precinct No. 13 in Harrison county should not be counted or considered in ascertaining the result of this election, but should be set aside, disregarded, and held for naught because after the officers of the election had duly, properly, and legally closed the polls of said precinct at 4 o'clock in the afternoon of the day of the election, the time fixed by law, they illegally and corruptly suffered and permitted twenty straight democratic ballots to be cast by twenty democratic voters in the said precinct—all of which were counted for and in favor of the contestant.

41. That the democratic officers of election in precinct No. 3, of the county of Garrard were guilty of gross frauds by reason and in consequence of which one hundred more democratic votes were counted and certified as having been cast in said precinct than had ever been cast before, or were cast at that time. The contestee charges and alleges that one hundred votes more than were actually cast for the contestant in said precinct were fraudulently and corruptly counted and certified for him by the democratic officers therein. As a specification under this charge he alleges that the democratic judge in said precinct at said election refused to place all or any of the ballots cast in said precinct on that day in the ballot box publicly or in view of the other officers of the election, but over and against the protest of the republican officers of election thereof, kept the ballot box in a corner of the room where no one could see whether or not he placed the ballots as cast by the voters in the ballot box, and these votes he asks should not be counted for contestant.

That the vote cast at Gallman's precinct in McCracken county should not be counted or considered in ascertaining the result of this election, but should be set aside, disregarded, and held for naught because none of the ballots used



by the voters at said election in said precinct, were placed in the ballot-box by the judges of the election or either of them, but were taken from the voter by the challenger of the democratic party in said precinct and by him placed in said ballot box, he having taken possession of said ballot box and unlawfully kept it in his custody and under his control the entire day.

42. That in Precincts Nos. 1 and 7, in the county of Martin, the officers of election and the county Commissioners as well, unlawfully suffered and permitted C. W. Crum and A. D. Spears to vote; in Precinct No. 5, in the county of Lee, said officers so permitted Chas. Morgan, Wm. Wade, J. M. McGuire to vote; in Precinct No. 2, in the county of Breathitt, said officers so permitted Sam Fields to vote; in Wingo precinct, in Graves county, said officers so permitted Will Elliot to vote, and in Murphey's Barn precinct, in said county, so permitted West Williams so to vote, and in Houseman's precinct, in said county, so permitted Henry Mason to vote; in Ward No. 1, in the city of Mayfield, in said county, said officers so permitted J. N. Sanderson to vote; and in North Cadiz precinct, in the county of Trigg, said officers so permitted A. H. Trace, Fletcher Goodwin, T. A. Jefferson, and Campbell Holt so to vote—all of whom cast their votes in favor of contestant and the straight democratic ticket, when in fact none of them were legally qualified voters under the provisions of Section 147 of the Constitution and Section 1439 of the Kentucky Statutes; and the contestee now asks that these votes be disregarded, set aside and held for naught in ascertaining the result of this election.

43. That in Precinct No. 5 in the county of Lee, the precinct officers of election and the county Commissioners as well, unlawfully and arbitrarily refused to permit Wesley Jewell, Eli Simpkins, and Wm. Bryant to vote; and in Grassy Lick precinct in the county of Montgomery said officers so refused to permit Isaac Hurt to vote; and in Precinct No. 2 in the county of Breathitt said officers so refused to permit Wm. Bolan,

David Killeman, Thos. Tracy and Jack Little to vote ; and in Precinct No. 3 in the county of Whitley said officers so refused to permit Wm. Croley and Gib Jones to vote ; and in precinct "A" in the city of Middlesboro in Bell county said officers so refused to permit Jas. Forest, Henry Singleton, Budd Evans, Proctor Knott Bronston, Jim Harris, Wm. J. Martin, Alonzo McGinnis, Chas. Cussins, Caleb Hatcher, Brownlow Sawyers, Will Hayett and River H. Folks to vote; and in South Greensburg precinct in the county of Green said officers so refused to permit Jeff Shively, D. T. Lowe and W. C. Heizer to vote; and in Courthouse precinct in the county of Meade said officers so refused to permit Willis Jones to vote ; and in Precinct No. 2 in the county of Lincoln said officers so refused to permit A. Dutton, and in Precinct No. 3 in said county said officers so refused to permit Emanuel Barrow, Tim Higgins, G. W. Taylor, Monroe Hickman, Henry Fish and John H. Robinson to vote ; and in Precinct 1 in the county of Allen said officers so refused to permit D. Brown and Voss Fortune to vote ; and in Precinct No. 2 in the county of Gallatin said officers so refused to permit Hoter Kemble and Henry Jackson to vote, although each and every one of the voters herein above named were male citizens of the United States of the age of twenty-one years, who had resided in this State one year and in the several counties in which they offered to vote six months, and in the precinct sixty days next before the day of election, and who possessed none of the disqualifications mentioned and set forth in the Constitution and laws of this State, and all of whom were republicans who would have voted for the contestee and the straight republican ticket. He asks that these persons be considered and counted by this board in ascertaining the result of the election.

44. That in the county of Jackson the clerk of the County Court failed to provide and distribute to the election officers of Precinct No. 4 in said county a book of ballots

containing fifty per cent or any per cent more ballots than were cast at said precinct at the election next preceding the November election, 1899, and in fact failed to provide a sufficient number of ballots upon which the legal voters of said precinct could cast their votes, and in consequence thereof Thos. H. Hollard, Thos. C. Rose, D. J. Carpenter, Wm. Marcum, Hiram Harrison, Geo. Abrams, Henry Hollard, Frank Hollard, Jno. Smith, Wm. Brockam, T. J. Coyle, Cal Coyle and Cefus Lovet, and many others, all of whom were male citizens of the United States, twenty-one years of age, who had resided in the State one year, and county six months and in the said precinct sixty days before said election, and who possessed none of the disqualifications mentioned and set forth in the Constitution and laws of this State.

45. That all the persons mentioned in this notice, in any of the cities of this Commonwealth, and who failed to vote for any of the reasons mentioned, had been duly and regularly registered as voters in the wards and precincts in which they offered or were ready to vote, at the regular registration preceding the November election, 1899.

46. Prior to the November election aforesaid, in the city of Louisville, a combination or conspiracy was entered into between the mayor of said city, W. B. Haldeman, the firemen and chief of the fire department, the chief of police and the police department, Lee Suter, the members of the board of safety, and others; and the contestant, by which qualified voters of said city who were opposed to contestant were to be intimidated and driven from the polls. That in pursuance of this conspiracy the firemen and policemen operated on the day of election with a large number of policemen especially appointed for such purpose, and the mayor of said city issued a proclamation in which he prohibited people from assembling at the polls. That on the day of election the said policemen, firemen, etc., attended every polling place in the city of Louis-



ville, and more or less were in and out of the booths, excluding officers of election from the same, intimidating voters and doing everything in their power to prevent a fair and honest expression by the people, by reason of which, and of the other matters hereinafter set out, ten thousand persons, citizens of the State of Kentucky, over twenty-one years of age, who had resided in the State more than twelve months, and in the county more than six months, and in the precinct more than sixty days before the day of election, and who had registered at the immediate preceding registration and were under no legal disability whatever, and who would have voted for this contestee and the republican ticket, were either alarmed and intimidated so that they did not attend the polls, or intimidated so after reaching the polls they returned to their several places of business or residences without voting, and in this wise and by reason of other matters stated, contestee was deprived of ten thousand votes, which he now asks may be counted for him.

47. That all the persons mentioned in the foregoing notice who offered to vote, or who were intimidated from voting or prevented therefrom in any way, or who were intimidated and prevented from registering, were over twenty-one years of age, at and before the days of registration and election in 1899.

48. That in the city of Louisville, in many of the precincts thereof, the most systematic delay was practiced by the democratic officers of election, which resulted in the prevention of many persons who were qualified to vote as aforesaid from voting. That in the Twelfth precinct of the Ninth ward the ballots were so mutilated by the democratic officers of election, who had the control of same, that only one vote was certified for contestee, and 176 for contestant; when, in truth and in fact the contestee obtained a majority of the votes cast. This precinct was thrown out by the county commissioners of the county in the election returns. That

on the day of the election the contestant, and those who were corruptly operating with him in the city of Louisville, had a large force of detectives at work, and in fact had them at work for ten days before the election, many of whom were thugs from the city of Chicago, and other places outside the State, for the purpose of laying plans to defraud, which they did do, the contestee, obtaining the vote to which he was entitled.

That in Precinct thirteen, Ninth ward, all the officers of election were democrats and partisan friends of contestant, and that in handling ballots, registration books, etc., they consumed a great portion of the time so that the voters of said precinct, in many instances, were unable to vote. In this precinct Capt. John Tulley, Assistant Chief of No. 3 Engine House, had several negro democrats at the polls for the purpose of intimidating, and who did intimidate other republican negro voters from voting by raising a personal difficulty with them, running in ahead of them when they undertook to reach the ballot box, and that by reason of all this conduct more than 100 voters, possessing the qualifications heretofore set out herein, were prevented from casting their votes, which they would have done for this contestee, and which votes he now asks shall be counted for him.

That on the afternoon of the day immediately preceding the day of the November election, 1899, the democratic election commissioners for said city and the county of Jefferson, in direct collusion and under the advice of contestant, removed eighty-seven election officers, theretofore appointed, and in their place appointed persons designated as republicans, but who were not republicans and who were in sympathy with and partisans of the said contestant, in order to prevent, and did thereby prevent, an honest and fair count of the votes, and the casting of an honest, fair and free ballot in the interest of this contestee. By reason of all which he lost in said city not less than one thousand votes, which

he now asks may be counted for him. That the clerk of the Jefferson County Court delayed as long as possible the distribution of the ballots, stencils, etc., so that all of the same were not placed in the basement of the courthouse until 4:30 o'clock P. M. on the 6th day of November, 1899. That there were only one set of clerks distributing the ballots, and that there was very great delay on account thereof, when Mr. Marshall requested that others should be put at work, which request was refused. Although nearly all the republican clerks were present ready to receive their election supplies by way of ballots, etc., between 7 and 8 o'clock A. M., the said county clerk allowed democratic clerks to come into the place of distribution by another passway and obtain their ballots quickly, and kept the republican clerks from coming in and obtaining their ballots, some having to remain until 6:30 o'clock P. M.

At the distribution of the ballots, Detectives Ross, Armstrong and Donahue, of the police force of the city, had charge of the distribution for the democrats. At the Sixth precinct of the First ward the regularly appointed republican clerk was removed at midnight of the day before the election, after he had received and signed for the ballots and taken the oath of office, of which fact he was notified by three members of the city fire department, who demanded, and carried away with them the ballots, stencils, instructions, etc., no sheriff or other officer accompanying them in any wise connected with said election. In this precinct the democratic officers of election refused admittance to the republican challenger, who was duly appointed, one B. F. Saurman, and admitted in his stead Henry Spats, a well-known democrat, who was selected by Dr. Smook, a democratic committeeman, and who had no authority whatever to act.

That in the Seventh precinct of the First ward democratic election officers, Clerk Brucker and Walter Sinkhorn, refused to count the vote after the polls were closed, and were



continually leaving the polling booth and conferring with policemen and firemen, who were standing about the same. After finally counting the vote at 10:13 o'clock on the night of the election, they refused to sign the certificate of the result, although the vote was announced at the door of the polling place, and no objection was made to the announcement. Neither the republican challenger nor republican inspectors were permitted to enter these polls. That by reason of these frauds and outrages this contestee was deprived of 100 votes which were really cast for him, and which he now asks shall be counted for him, in addition to the number of votes which were counted for him by the said officers, and that the result at this precinct, with this correction, shall be counted in this contest.

In Precinct No. 33 of the Third ward, J. Henry Kessler was regularly appointed as the republican judge, reported at the polling place, assisted in arranging the booths, but was not allowed to serve upon the presentation of his credentials, but that one, D. Walker, whose credentials consisted of a small piece of paper type-written with Walker's name inserted with pen and ink, and the name of Asher G. Caruth stamped thereon with a rubber stamp, was permitted to serve in his stead. Mr. Walker was not a republican. The credentials of the republican challengers regularly issued as hereinbefore stated in this notice, and properly prepared, and who was the duly authorized republican challenger, were repudiated by the democratic judges of election, and he was excluded from the polling place. At this precinct three policemen and three firemen from No. 14 engine company, took charge of the democratic interests on the outside, and permitted none but democrats to be at or near the booths, except such persons as were allowed to enter to vote. In Precinct No. 35 of the Second ward, Frank Scharre, who had regular credentials, as aforesaid, as republican inspector, was removed about five minutes before the polls opened, and in

his stead a democrat, who was unmarried, and not a householder, was substituted.

At the close of the polls at 4:00 o'clock P. M., two Goebel democratic inspectors were admitted, when Mr. Scharre forced himself into the booths, but was immediately and forcibly ejected by the police, because of his attempt ineffectually to prevent a fireman from burning the ballots before they were counted, which ballots had been voted for this contestee. Mr. Scharre was then again removed, and the count was proceeded with by the democratic officers, without republican molestation or inspection in any way, and the precinct was returned as having given a majority of more than fifty for the democratic ticket, when in truth and in fact it is one of the strong republican precincts in the city, never having been before returned except as giving a large republican majority; and in this way, and under these circumstances, the contestee alleges that he was robbed in this precinct of not less 185 votes, which had really been cast for him, and which he now asks may be counted for him. That in the Twenty-eighth precinct of the Tenth ward the democratic clerk was a resident of the First ward.

This was a large republican precinct, and as it was known that he could scarcely write his name, he was appointed by the democratic commissioners for the purpose of delaying the vote thereby, and in every other possible manner, in this way not less than 150 republicans, who would have voted for this contestee were delayed and prevented from voting, all of whom possessed the requirements as heretofore stated (concerning other republicans who were refused a vote) in this notice. And he now asks that their votes may be counted for him. In the Twenty-seventh precinct of the Tenth ward the vote was delayed on account of the refusal of the democratic sheriff of election to permit negro republicans to vote. There were two lines of voters, from the democratic line of which he insisted on calling voters. He was arrested a num-

ber of times during the day by legal process but immediately returned after being bailed out, and continued to pursue his illegal methods.

Finally it was so arranged that when he was arrested bail was given on the spot and he was not removed from the voting place. In this precinct 350 republican registered voters, properly registered, immediately preceding the November election, 1899, as required by law, who possessed all the qualifications of voters as heretofore stated herein, were prevented from voting, all of whom would have voted for this contestee, had they been allowed to do so, and whose votes he now asks may be counted for him. In the Twenty-ninth precinct of the Tenth ward the voting was greatly delayed by the democrat officers, the republican sheriff having been thrown out by one Harrison, a negro democratic voter, who had theretofore served one, certainly, and possibly two terms in the penitentiary, and who was appointed to act as a republican at that place when the democratic Commissioners knew he was a democrat. City firemen and policemen assisted said Harrison in every possible way, and every negro voter who offered to vote was challenged by said Harrison and required to bring two white witnesses to establish his residence and legal right to vote. In this way 150 republican voters, who were qualified to vote, as heretofore stated herein, and who had been duly registered as heretofore stated, all of whom would have voted for this contestee, were prevented from voting, and he now asks that said votes shall be counted for him.

The said Harrison is a professional gambler, and a man of no character whatever, and so known to be by the democratic election Commissioners when they appointed him as an officer of election. In Precinct Nos. 30 and 31 of the Tenth ward, the vote was delayed by reason of interference of the police and the willful and presistent obstruction of the negro republican vote. Their voting places were situated within a few



feet north and south of Engine House No. 13, and the city firemen were perniciously active in preventing republicans from voting. At Precinct No. 30, the republican officers were thrown out, and democratic officers put in their stead, one of them being a resident of Indiana. Under these circumstances 300 voters in these two precincts, possessed of all the qualifications aforesaid, duly registered as aforesaid, were refused the right to vote, all of whom would have voted for this contestee, and whose votes he now asks may be counted for him. The republican inspector was refused admission to the voting places in the Tenth ward until admitted by order of Court, and in nearly all of them before they were admitted the count had been completed, the ballots burned, and the greatest frauds practiced on this contestee.

In the Twentieth precinct of the Twelfth ward there were three democratic officers and one republican. The republican inspector, John Weber, was refused admission into this precinct, forced his way in, but was immediately ejected by Policeman William Borland. Two democratic captains of the fire department were admitted here as inspectors, and every questioned ballot was counted for the democratic ticket. So that in this precinct fifty republican voters, possessed of the qualifications aforesaid, duly registered as aforesaid, who would have voted, and a portion of whom did vote for contestee, were thrown out and not counted, and twenty-five democrats, not entitled, allowed to vote for contestant, and he now asks that their votes may be counted for him. In the Thirty-second precinct of the Twelfth ward there were three democratic officers and one republican officer, the other republican officer who was regularly appointed, was removed the night before the election. Republican inspector, William Dumire, who was duly appointed as aforesaid, was forcibly prevented from entering the polls.

In this precinct it was announced by Ben Gregory, an active partisan of the contestant, before the count was made,

that the precinct would be counted for Goeble or not at all, and this creature Gregory was admitted upon presenting credentials purporting to be signed by one Hambrick, which credential was a forgery, and which the said Hambrick had no authority to issue in any event. No returns were made from this precinct, when in truth and in fact this contestee obtained a majority of fifty therein which was not counted for him, and which he now asks may be counted for him. In the Thirty-third precinct no republican challenger or inspector was admitted; the two republican officers who had been appointed were removed on the night prior to the election, and in the precinct the democratic officers received and counted the ballots to suit their pleasure, in consequence of which this contestee was defrauded out of thirty votes illegally counted for contestant, which should be omitted and fifty votes which were really cast for him by qualified registered voters as aforesaid, which should be counted for him.

In the Thirtieth precinct of the Twelfth ward, the democratic clerk refused to open the polls until Mr. Clark, the aforesaid officer holding the proper certificate as aforesaid, was excluded from the room. In this precinct, the said clerk (Hopkins) had whiskey all day and frequently left the voting place to hold and did hold conferences with policemen, firemen and other democratic workers. At the close of the polls he refused to permit Dalson, the regularly appointed republican inspector to remain in the room, and called the police to eject him, and had him ejected, yet he gave permission to a fireman, named Alfred Stone, a democrat, who had no credentials of any character, to remain and assist, and he did assist in counting the vote. There was also present at the count James Bohon, a democratic city fireman. By reason of all these frauds this contestee was deprived of fifty votes cast for him by regularly qualified and registered voters as aforesaid, and which he now asks may be counted for him, and twenty-five votes were illegally

cast and counted for contestant, which he asks may be excluded.

In the Thirty-first precinct of the Twelfth ward, whiskey was frequently used inside and outside the voting booths by the democrats.

A republican election officer named Liebergrett was not permitted to serve, and LaBree, a democratic officer, appointed and served in his stead; and the republican inspector, duly appointed as aforesaid, was refused admission to witness the count, and I. Nowacki, a democrat, was admitted as a republican inspector. It was certified in this precinct that contestee had received eighty-three votes and contestant 189, when in truth and in fact the said precinct is and always has been republican by a large majority, and is and has been considered the banner republican precinct of the Eighteenth ward. The truth is, in this precinct the contestant did not receive as many as eighty-three votes, and that contestee did receive more than two hundred votes, all of which he now asks may be counted for him.

In the thirty-third precinct of the Twelfth ward, J. C. Dawes, duly appointed republican inspector, as aforesaid, was refused admission to witness the count, and Phil Young, who had what purported to be Hambrick credentials, apparently signed with a rubber stamp, which credentials were a forgery, and which credentials said Hambrick had no right to give, even had he given same, and who professed to be a republican, but was in reality a democrat, and a partisan of contestant, was admitted. Later in the day, by reason of the order of the Circuit Judge, Toney, said republican inspector Dawes was admitted into the booths, when all the ballots had been destroyed, and the democratic inspector was completing the making of a certificate. There was but one republican officer present at this count, and he was old and blind, so that he was totally incompetent—a fact well known to the democratic officers. In this precinct the contestee was robbed of fifty votes, which he now asks shall be counted for him.



In Precinct 34 of the Twelfth ward the regularly appointed republican election officer, C. Hoefling, was refused admission to the voting booth, and when he insisted upon his right to enter was arrested and taken to the station-house under the order of the democratic officers of said election by the partisan police, and William Rosenfield, a prominent democrat, was permitted, without authority, to serve in his place. The polls were not opened here until 9:30 o'clock A. M. After the polls were closed in this precinct William McCorkhill, an active partisan, friend and worker of contestant, was admitted to the voting booths on credentials purporting to have been given by the said Hambrick, the signature, however, being a forgery, and the said Hambrick having no authority to make the same, as a republican officer of election.

The first ten ballots counted resulted in eight votes for contestee and two for the contestant, thereupon the democratic officers refused to assist in the count or to allow the further counting of the vote. The republican sheriff then locked the ballot box, declining to go further until an agreement was made to count the vote. He went to the door of the booth to ask for assistance, when he was forced out of same, and the door was closed and locked behind him. After this was done, there being no republican present, the box was broken open and the count proceeded with, at the conclusion of which a certificate was given that contestant had received 186 and contestee only 89 votes. This was and is a republican precinct, and the said contestee carried same by a majority of at least 100, which he now asks may be counted for him.

In this precinct said Wm. McCorkhill acted as democratic challenger during the day and republican inspector at night after the polls were closed. In Precinct 38 of Ward 12, the ballots were burned as fast as counted, but the clerk's tally sheet showed eighty-six votes for contestee and 163 for con-

testant. This result not being to the entire satisfaction of the democratic clerk, he immediately proceeded and did transfer the figures so as to read sixty-three for contestant and eighty-four for contestee. The republican officers refused to sign this certificate, but the same was signed, and in this way the vote fraudently certified, and the contestee now asks that the same may be corrected and counted for him as first above counted by the officers of election.

49. That in Fayette county, including the city of Lexington, more than two thousand five hundred voters who would have voted for the contestee, were driven from or declined to attend the polls by reason of fraud, force, bribery, etc., as heretofore alleged.

50. That in the city of Louisville, money was corruptly used by contestant and those who were in corrupt collusion with him, by reason of which more than three thousand republican voters who were duly registered and qualified to vote as aforesaid, were hired and bought to remain away from the polls, or to go to the polls and cast mutilated ballots, or to leave the city, all of which votes contestee now asks shall be counted for him.

Wherefore, the contestee denying the jurisdiction of the Board to act herein, and not waiving his several motions, demurrers, etc., now asks, that in the event the contest is entered into as asked, that he be given the benefit of all the matters herein set up and relied on.

WILLIAM S. TAYLOR.

January 17, 1900.

Rare Books

\*

F

456

.T39

1900

488947







