THE EASTON STAR

T. K. ROBSON, Editor.

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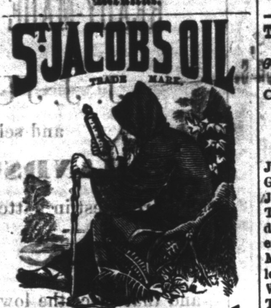

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Miscellaneous.

THE CONTESTED ELECTION CASE.

TARBUTTON VS. EDW. WOODALL.

Contest for County Commissioner.

An Abstract of the Evidence.

At the late election in Talbot county, John C. Adams, James H. Willis and George H. Tarbutton, Democrats, and John C. Bartlett, Edward Woodall, and Thomas Covey, Republicans, were candidates for the office of county commissioner. The judges of election returned Messrs. James H. Willis, John C. Bartlett and Edward Woodall elected. Mr. Woodall was reported elected over Mr. Tarbutton by 26 majority.

As there were some apparent errors made in the count in Chapel, Mr. Tarbutton's district, tending to cast doubt upon the correctness of the count, and believing himself elected, and not Mr. Woodall, Mr. Tarbutton determined to contest Mr. Woodall's election. An effort was ineffectually made on the day the return judges met to get them to recount the vote, but being doubtful of their legal right to do so, they declined.

Mr. Tarbutton retained Ex Gov. P. F. Thomas, Charles H. Gibson and Joseph B. Seth to file a petition, praying the Circuit Court for Talbot county to recount the vote and decide whether Mr. Woodall or himself was elected. He was not anxious for the office; but he wanted to know the true vote.

Mr. Woodall retained Col. J. Clayland Mullikin, Major Wm. E. Stewart, and O. F. Bump to respond to the petition.

The case was taken up for a hearing in the Circuit Court for Talbot county on Friday, December 2nd, Chief Judge John M. Robinson, and Associate Judges Joseph A. Wickes and Frederick Stump being present.

The political importance of the case necessarily attracted a large attendance. As this is the first contested election case that has appeared in Talbot county within the recollection of the oldest inhabitant, very great curiosity was manifested as to how the court would proceed to hear and dispose of it. It came up on petition and answer.

THE PETITION.

To the Honorable, the Judges of the Circuit Court for Talbot County, in Court judicially sitting:

The petition of George H. Tarbutton a citizen of Talbot county, respectfully represents, that at an election held pursuant to the Constitution and laws of the State of Maryland, in the several election districts and precincts of Talbot county on the Tuesday next after the first Monday in the month of November now current, being the eighth day of November in the year Eighteen Hundred and Eighty One, for the election of a Comptroller of the Treasury, and of one Senator, and three Delegates to represent said county in the General Assembly of Maryland, and also for the election of a Sheriff, a Surveyor, and three County Commissioners of said county, to serve for the several periods provided in and by the said Constitution, your petitioner with John C. Adams, James H. Willis, John C. Bartlett, Thomas Covey and Edward Woodall were at said election voted for by the qualified voters of Talbot county for County Commissioners of said county, and that the said James H. Willis, John C. Bartlett and your petitioner having received a majority of all the legal votes of the qualified voters of said county cast at said election, were duly and legally elected Commissioners of said county for the term of two years from and after said election.

Your petitioner further represents that by reason of sundry errors in the count of ballots cast in several of the election districts and precincts of said county, made by the Judges of Election in said districts and precincts, and by them certified and with the poll books of said districts and precincts as required by law, the presiding Judges of Elections, at a meeting held by them in the Court House in the town of Easton, being the usual place of holding the Circuit Court for Talbot county, on Thursday, the tenth day of the said month of November, the tenth day of the said day of election, did certify that James H. Willis, John C. Bartlett and Edward Woodall had the greatest number of legal votes for Commissioners of Talbot county, and did then and there determine, declare and return that the said James H. Willis, John C. Bartlett and Edward Woodall were duly elected.

Your petitioner further represents and shows that by the certificate of the Judges of Election in several districts and precincts of Talbot county it appears that your petitioner received an aggregate of two thousand and thirty-nine votes and Edward Woodall two thousand and forty four votes, whereupon the said Woodall together with the said James H. Willis and John C. Bartlett were certified and declared to be elected to said office; whereas your petitioner avers and is ready to prove that your petitioner, in fact, received an aggregate of two thousand and thirty-nine votes, and the said Woodall an aggregate of two thousand and eighteen votes, whereby your petitioner was elected over the said Woodall by a majority of twenty one votes and is ready to prove that he was, at said election, legally elected one of the Commissioners of Talbot county, and that the said Edward Woodall was not elected to that office; and he prays the Court to adopt such mode of proceeding and prescribe such rules for taking testimony and adjudging costs as may seem most satisfactory and least expensive; and to provide also for the counting by the Court, or under its direction and supervision, of the ballots cast at said election and the inspection of the poll-books and other papers returned by the judges thereof,—to the end that the right and title of your petitioner to the aforesaid office may be adjudged by the Honorable Court, and your petitioner, &c., &c.

THOMAS & BATEMAN,
CHARLES H. GIBSON,
For petitioner.

AMENDED ANSWER.

To the Honorable, the Judges of the Circuit Court for Talbot County, in Court judicially sitting:

WHEREAS, the petition of George H. Tarbutton, a citizen of Talbot county, presented to the Court, on the 19th day of November, 1881, denies the election of Edward Woodall as Commissioner of the aforesaid county of Talbot, your respondent respectfully asks leave to reply that by and in pursuance of the Constitution and laws of the State of Maryland, an election was held in and for Talbot county on the Tuesday next after the first Monday in November, 1881; that among the officers and candidates voted for your respondent was one for the office of County Commissioner in and for said county, and that the return judges of the election certified that the said respondent had received two thousand and forty-four votes, and that George H. Tarbutton, the petitioner, had received two thousand and eighteen votes; and that the said return judges, having certified that Edward Woodall had the greatest number of legal votes for the said office of County Commissioner, did then and there determine and return that the said Edward Woodall, with the said Bartlett and James H. Willis, were duly elected as Commissioners for said county;

And this respondent says that in the petition of the said George H. Tarbutton, there are no errors alleged to specifically as to enable your respondent to reply thereto, and no sufficient grounds alleged in said petition to authorize the Court to award a recount. Your respondent denies that there were any such errors as alleged by the petitioner, and avers that the certificates and returns of the judges of election were correct statements of the number of ballots polled at the election on the 8th day of November instant, and immediately thereafter, made by the said judges of election and publicly counted them in the presence of numerous persons then and there assembled, and certified to by said judges and clerks. Your respondent objects to the recount of any ballots or they now exist, because your respondent says that the ballots are not kept as required by the Clerk of the Circuit Court as required by law. And your respondent further objects to the recount of the ballots, for the reason that as they now are, they are not proper evidence, from the fact that the said ballots have at various times been examined by sundry parties out of the presence of said Clerk of the Circuit Court, which is expressly forbidden by law. Your respondent, therefore, prays that the Honorable Court may, for the above reasons, refuse a recount of the ballots cast at the election above referred to, and that the petition of said George H. Tarbutton may be dismissed with costs and your respondent, etc., etc.

EDWARD WOODALL,
JAMES C. MULLIKIN,
W. E. STEWART,
Atty's for Respondent.

Affirmed to before me in open Court by Edward Woodall, this 2nd day of December 1881.

J. FRANK TURNER, Clerk.

Judge Wickes said, as the election returns made a prima facia case in favor of Mr. Woodall, it would be proper for the Court first to hear the evidence upon which the petitioner asked the Court to recount the ballots. After the witnesses had been called by the Clier of the Court, Judge Robinson said we will now proceed with the trial.

Gov. Thomas made the opening statement on the part of the petitioner, stating the substance of the petition and answer, and saying the proper way to lay the foundation of the contest is by producing and counting the ballots, or by offering oral proof by those who have recounted them since the judges made their return.

Mr. Bump said proof must be furnished to identify the ballots in the boxes, and it must be shown that they are the actual and identical ballots counted by the judges at the election before they can be recounted.

Gov. Thomas denied in toto that Mr. Bump had correctly stated the law of the case.

Major Stewart denied that the ballots could be recounted under the law.

Gov. Thomas controverted the position of Major Stewart by stating the provisions of the acts of Assembly bearing on the question before the Court.

Judge Robinson said there was no way to ascertain the correctness of the count except by recounting the tickets. It was a usual proceeding, and in some contested election cases, the boxes had sometimes to be taken before the Governor and Legislature at Annapolis in order that the tickets might be examined and recounted.

THE EVIDENCE.

Sheriff William Reddie sworn for the petitioner

Gov. Thomas—State whether you know there is any discrepancy between the returns and the actual vote, and if so, how you obtained your information?

Mr. Bump objected to the answer, saying the ballots must be produced and identified before the question could be answered.

The Court overruled the objection.

Mr. Reddie—He first saw the ballots in the vault of the Clerk's office, in the Court house. He counted part of them on Friday afternoon, the 11th of November, and finished counting the next day in the evening. He counted them in the presence of Mr. Turner, the Clerk, or Mr. Stevens, his deputy clek—a part of the time both were were present. Assisted in counting Easton, Trappe, Chapel, Tunis Mill, St. Michaels, Bay Hundred and Tilghman's Island precincts. Did not count Oxford precinct. Found discrepencies between the count of the judges of election and the ballots in the boxes—found mistakes against Mr. Tarbutton and in favor of Mr. Woodall of some 15 votes in Chapel, 6 or 8 in Trappe, 8 or 10 in Easton, and several in St. Michaels. Both appeared to have more votes than the tally sheets gave them. The errors footed up largely in favor of Mr. Tarbutton. He found several errors against Mr. Tarbutton in St. Michaels, and two against him in Tunis Mill. In Bay Hundred there appeared to be two mistakes against both, leaving the result the same. Tilghman's Island came out just as the judges of election made it.

Gov. Thomas—What was the result of the recount by you?

Mr. Reddie—It gave Mr. Tarbutton 21 majority over Mr. Woodall in the county.

Gov. Thomas—Were the ballots on a string, and did you take them off to count them?

Mr. Reddie—The ballots were on a string, and I did not take them off the string in counting them.

Gov. Thomas—Where was the count you speak of made?

Mr. Reddie—The count was made in the vault of the Clerk of the Court. I called the names off and Mr. Stevens, deputy clerk, kept the tally. Mr. Joseph S. Robson, clerk to the county commissioners, and Mr. Charles G. Wright, deputy clerk, in Mr. Turner's office were present part of the time.

Gov. Thomas—What did you do with the tickets after you counted them?

Mr. Reddie—I replaced the tickets in he ballot boxes and left them as they were before.

Cross examined by Mr. Bump.

Peter Stevens, deputy clerk, was with him me in the vault when we made the count, Mr. Turner, the clerk, was there part of time. He was there Saturday night. When he was not there I suppose he was in his front office. The differences given by our count were in the majorities. The whole vote in the county gave Tarbutton 2,039, and Woodall 2018. Does not know what the aggregate vote in the county was exclusive of Oxford. I assumed that the Oxford tally was correct in making my totals.

To Col. Mullikin—Thinks the number of ballots in Trappe precinct was 809—can't say what number of tickets were scratched. Found two votes for Tarbutton in Trappe among the tickets counted as straight ticket.

To Major Stewart—Commenced to count in Trappe in the split tickets. Found two votes for Tarbutton among the straight tickets. Took the tickets out of the boxes, put them on the table, and after counting them *Mr. Stevens* put them back into the boxes. Do not remember exactly the number of votes for each returned by the judges of election.

To *Mr.* Bump—Did not compare his count with the tally sheets of the precinct clerks. His count agreed with the number of votes returned by the judges. In Tunis Mill his count made two more for Tarbutton than the election returns gave him. It took him three or four hours to make the count; counted the vote for sheriff and commissioners. His count gave *Mr.* Willis 12 or 15 more votes than the returns gave him, and Sheriff Bridges 35 majority instead of 3 as returned.

Peter Stevens, Deputy Clerk, sworn.

Interrogated by Mr. Gibson—Is deputy clerk; have been such for nine years, was present at a count of the ballots on the 11th and 12th of November. He counted Easton, St. Michaels, Trappe, Chapel, Tunis Mill, Bay Hundred and Tilghman's Island precincts; all the county except Oxford. He kept the tally according to the count of Mr. Turner, Mr. Joseph Robson, Mr. Roe and Mr. Reddie. There were 8 errors in St. Michaels, 15 in Chapel, 6 in Trappe, 7 or 8 in Easton, and 2 in Bay Hundred. The correction of the errors made a majority of 21 in the county for Mr. Tarbutton, instead of 26 for Mr. Woodall, as returned by the judges of election. Mr. Turner counted Oxford precinct. After several persons had looked over the tickets on Thursday afternoon, the day the return judges met, he took the ballot boxes and put them in the vault. He took the tickets out to count them, and replaced them in the boxes after he was done. He went over the count five or six times to verify the accuracy of his results. Found tickets with pasters on them, with Willis and Tarbutton's names among the straight tickets.

When asked if they were of such a character as might have escaped the attention of the judges of election, objection was made by Mr. Bump, and the question was not pressed.

Mr. Gibson—Who examined the tickets after they were deposited in the Clerk's office on Thursday?

Mr. Stevens—J. M. Wooters, T. K. Robson, G. H. Gibson and I. D. Clark looked over some of the tickets in his presence. He got the boxes for them, and put the tickets back into the boxes after they were through. On Saturday Mr. Bassett and Caleb Griffin looked over the Trappe tickets in the presence of Mr. Turner, the Clerk. He was present part of the time.

To Mr. Seth—He was present on Thursday when the judges of election were requested by the friends of *Mr.* Tarbutton to recount the ballots before making their return. They desired a priv te room for consultation, to consider the proposition, and the office of the county commissioners was secured for them. They took the ballot boxes, went to the county commissioner' office held their consultation, and returned to the Clerk's office and made their return without recounting the ballots.

Mr. Seth—After the return judges left, who was the first to call at the Clerk's office and ask to see the ballot boxes?

Mr. Stevens—Very soon after the judges announced the result and left the office, J. Clayland Mullikin, Robert F. Walker, Thomas P. Baker, Reuben Tharp and Dr. Samuel A. Harrison, all Republicans, walked into the office and seized the Tunis Mill box and opened it without asking permission. Supposing they were thinking of contesting the sheriff's election, he explained to them the mistake in the addition in the *Ledger* which elected Mr. Camper.

In answer to Mr. Seth, Mr. Stevens testified that the ballot boxes and tickets had been carefully kept under lock and key, more so this year than has been usual since he has been deputy clerk, because of the talk about a contest. He had never found any pasters with Tarbutton's or Woodall's name on them on the table after he had been handling them. Had looked for them but found none.

Cross-examined by Mr. Bump.

The judges made their return the Thursday after the election. The boxes were brought to the clerk's office. The judges opened them, took out the poll books, made up the returns, put the books back into the boxes, left the keys in the boxes, and left the boxes with Mr. Turner. The keys remained in the boxes until the following Monday, when the boxes were locked, the keys taken out by Mr. Turner, labeled and put safely away. He counted the tickets over several times to verify his count. No one except Mr. Gibson and Mr. Clark examined the tickets on Monday. No one has examined them since except those engaged in the count. Found several pasters among the straight tickets with Tarbutton's name on them over Woodall's in Trappe district. Found some pasters in St. Michaels district among the straight tickets. Found errors in all the precincts except Oxford.

The court took a recess till 7 P. M.

EVENING SESSION.

Mr. Stevens on the stand.

He said he wanted to make a correction. He had said Mr. Walker called at the office with Mr. Mullikin—he should have said Mr. J. S. H. McNeal—Mr. Walker was not there.

Cross examinations continued by Mr. Bump.

The ballot boxes are kept in the vault—records and papers are kept there—sometimes, but not often, papers are examined in the vault. The vault is kept closed except when necessary to go into it. He described the positions of the desks and tables in the clerk's office, and particularly his own desk. Repeated what he said to Mr. Mullikin about the error in *Ledger's* election figures. He kept the tally while Mr. Roe and Mr. Reddie called off the names. He took the tickets out of the boxes and put them back after counting. Described the manner of handling the tickets, which were on a string—took them up with both hands. Described the pasters—Tarbutton's pasters printed on white paper and not easily seen—the Republican pasters were on paper of a darker color than the ticket paper, and easily seen. Was very careful about looking for pasters when handling the tickets and found none on the table.

Col. Mullikin—Please explain what you mean by counting tickets in your presence.

Mr. Stevens—He meant under his personal supervision.

To Judge Robinson—He did not alter a ticket, and no one else altered one in his presence.

Col. Mullikin—Was any one in the vault with the tickets except those you have named?

Mr. Stevens—No, not to the best of my recollection. Does not remember that they were busy in the office on the day the return judges met.

To Major Stewart—Was engaged two or three hours with Mr. Reddie in counting the tickets. Mr. Reddie was not present all the time while he was counting. Sometimes Mr Roe, and sometimes Mr. Robson, and sometimes Mr. Turner counted. When they got through they would go over them again, to see if the count was correct. Mr. Bassett and Mr. Griffin called on Saturday and asked to see the Trappe tickets. While Mr. Turner showed them, he was in the vault counting the St. Michaels district. When he got through he went out and overlooked Mr. Bassett. Saw Mr. Charles E. Shanahan in the office at that time. Shanahan said you had better watch Bassett, for I would not trust him. He told Shanahan that he was looking at him. The most of the cutting was with Senator and Delegates. Some of the alterations were made with pasters and some with pen and ink. Some of the pasters were printed on court-plaster, and some on gummed paper.

To Mr. Bump—At the time Mr. Bassett was looking at the tickets, what was Mr. Turner doing?

Mr. Stevens—Part of this time he was at his desk, and part of the time he was watching him. He was at a table at the side of him.

Had a direct examination. To Gov. Thomas—If any attempt had been made to alter the tickets when Mullikin was there he could have seen it. When Bassett was there, he was in full view of Mr. Turner. It would have been impossible for any one to have gotten at the ballots and altered them.

To Mr. Gibson—He commenced first to count Easton district to verify his own work as clerk of the election.

To Mr. Bump—When he was going into the vault when Bassett was there, he told Mr. Turner, who was then overlooking Mr. Bassett.

J. Frank Turner sworn.

Gov. Thomas—Mr. Turner, you are clerk of this court, I believe, will you state all the knowledge you have respecting this matter?

Mr. Turner—The ballot boxes were brought to this office by the return judges about 2½ o'clock on Thursday, the 10th of November. They footed up the returns and made the certificate soon after, as the result was announced. Mr. Clayland Mullikin and Dr. Harrison came into his office, went to the ballot boxes, and commenced to examine the poll books in regard to the election of Sheriff. Mr. Stevens explained to them the error in the *Ledger*, to show why Mr. Bridges was elected instead of Mr. Camper. He apprehended a contest and was more than ordinarily particular in taking care of the ballot boxes. He locked them up at night and took the vault key home with him, and had done so every night since. He had made an engagement to meet Messrs. Mullikin, Walker and Tharp on Thursday night, to examine the Chapel tickets. He went to his office at the appointed time, but they did not appear. Mr. Reddie came in, and after talking over the matter, he and Mr. Reddie counted the Tilghman's Island precinct. T. K. Robson came in on Thursday evening, just before night, to examine the Easton tickets, and soon after Mr. J. M. Wooters called on me to see the Chapel tickets. Mr. Hedge Thompson, Mr. Tarbutton and Mr. Thos. Quimby also called to examine the Chapel tickets. Mr. T. D. Clark and Mr. O. H. Gibson called on Monday. Mr. Clark to see the Trappe tickets and Mr. Gibson to see the Easton tickets. Mr. Clark called first and Mr. Gibson afterwards. He went into the vault to show Mr. Clark the tickets, and while there, hearing some one come into his front office, told Mr. Clark what the law required of him about the care of the tickets, but he said as he was a good Republican he could trust him alone while he stepped out a moment. When he got to the vault door, he found it was Mr. Gibson, and he invited him into the vault and he returned to Mr. Clark with Mr. Gibson. He was absent only a moment. Mr. Turner gave an account of the counting very much in the same words as testified to by Mr. Stevens and Mr. Reddie, and said it was very difficult to count the tickets without making a mistake.

To Gov. Thomas—He overlooked Mess. Thompson and Quimby when they were examining the tickets on Thursday, and also Bassett and Griffin when they examined the Trappe tickets, and he is perfectly satisfied that no ticket was altered or changed by anybody in the office. They had counted the Trappe tickets before Bassett came, and afterwards, and there was no difference in the count. He was there when Col. Mullikin and Dr. Harrison came on Thursday. They took the poll books without asking. Had they been Democrats he should have spoken to them about it. He overlooked it and said nothing because they were of the opposite party. After the re-counting he locked the boxes, labeled the keys and put them away. The ballots could not have been gotten at in his absence and the absence of his deputies, without breaking open the vault door.

To Mr. Gibson—He had not entrusted the ballot boxes and tickets to any one until he brought them into the court to-day. As Mr. Mullikin and Mr. Walker had made and broken two engagements to re-count the Chapel tickets, he wondered what was the matter with Chapel district, and told his clerks about it on Friday morning. When he came from his dinner on Friday, Mr. Stevens asked permission to re-count the Chapel tickets, to try and find out what the matter was. He re-counted the district, and found a mistake of some 15 votes against Mr. Tarbutton. As he could not count them, by himself, he got Mr. Reddie to help him. But for the discovery of the mistake in Chapel, the re-count would not have been made, in his opinion.

Cross examined by Mr. Bump.

On Thursday Mr. Seth examined one box, either Bay Hundred or Tunis' Mill. Messrs. Wooters, Thompson, Quimby and Tarbutton examined the Chapel box in his presence. Messrs. Wooters and Robson did not make their examination in his presence, but in the presence of Mr. Stevens, his deputy. Does not recollect that Mr. Mullikin came in while Tarbutton and Quimby were examining the tickets on Thursday. It is difficult to remember every one that calls at his office, and if Mr. Mullikin testifies differently it will only show a difference in recollection.

To Mr. Mullikin—The re-count of the whole county was made by the finding of an error in Chapel district. He told Mr. William H. Councell he wanted the tickets re-counted before they came into his possession. Mr. Councell was opposed to it. What was said to Mr. Councell was said before the judges made their return. Did not say to Mr. Councell that he would not be responsible for the safe-keeping of the tickets. Told him he wanted the re-count made before the judges made their return, to relieve his office of imputation, if they were re-counted afterwards with a different result.

To Major Stewart—Did not say Stevens counted the whole county on Monday. He counted Easton, Chapel, St. Michaels and Trappe. Some one called while Mr. Clark was there—told Mr. Clark the law required him to stand by and witness the examination, but he could trust him for a moment while he went to his desk. He left him for an instant only. Found it was Mr. Gibson who had come in, and immediately returned to Mr Clark with Mr Gibson, who looked over the Easton district box.

To the Court—He had not altered or changed any ticket or name on any ticket, and did not know of any ticket or name having been changed or substituted by anybody else.

Thomas Quimby sworn.

Examined by Mr. Seth—Was at Mr. Turner's office on Thursday afternoon, November 10th, with Hedge Thompson and George H. Tarbutton examining the Chapel tickets. Mr. Turner gave us the box. Examined the tickets in the presence of Mr. Turner. Noticed particularly that Mr. Turner was looking at them while the examination was made. Every time he looked up saw Mr. Turner's eyes fixed on them. No ticket was altered or changed. Could not have changed any without Turner seeing them. Never thought about changing tickets. It was not his business there.

To Mr. Bump—Was positive that Mr. Turner was looking at them when examining the tickets. Saw his eyes glaring at him every time he looked up.

Capt. Hedge Thompson sworn.

Mr. Thompson testified that he was judge of election in Chapel district; that mistakes were made by the clerks in tallying; that he lectured the clerks to try and keep them straight. Had to recount some of the tickets to rectify the mistakes. Did his best to have the count accurate.

George H. Tarbutton sworn—Examined the Chapel box on Thursday evening with Thomas Quimby and Hedge Thompson, in the presence of Mr. Turner. He was there all the time looking on. No tickets were altered by anybody while he was there.

James M. Wooters sworn—Called at the clerk's office on Thursday afternoon and examined the scratched tickets of Chapel district. Was there only a few minutes. Examined the box in the vault in the presence of Peter Stevens, deputy clerk.

Joseph B. Seth, Jacob Bassett, Joseph S. Robson, E. H. Roe, T. K. Robson, William P. Powell, George H. Tarbutton, J. M. Wooters, Caleb Griffin, Thomas Quimby, Charles H. Gibson, Hedge Thompson and Charles G. Wright, each of whom had handled the tickets after they were deposited in the Clerk's office, were called and each and all made oath that they had examined the tickets, but had made no change or alteration in any ticket, nor of any name on any ticket, and that they returned them to the box in the same condition as they were before they touched them.

Here the counsel for the petitioner rested their case, and the court suggested that it was prepared to hear the evidence of the respondent.

Before commencing the evidence at 10½ o'clock, the court adjourned.

SATURDAY MORNING, Dec. 3.—The court met, present as on Friday. The evidence is the case of Tarbutton vs. Woodall resumed.

Albert H. Willis called by the respondent, sworn and examined by Mr. Bump—Was Chief Judge of Tilghman's Island precinct. Took the tickets out of the box and called the names. The returns were correct according to the best of his knowledge.

Judge Robinson said it was not necessary to examine the Judges and clerks of the election on this point, as they had acted under oath, and the Court would take it for granted that they had discharged their duties properly, and had made a correct return according to their count. It would be a waste of time to go over what the court considered as proved by the record.

E. J. Dawson sworn.

To Col. Mullikin—Was judge of election in Trappe. Thinks the number of votes counted in his precinct was about 812. He called the tickets and was particular in counting. Mr. Marion Jenkins string the tickets. Mr. Seth and Mr. Collins were sitting by. Did not turn his finger over the straight tickets to see if there were pasters on them. Looked at them carefully. Does not remember how many times he looked over the tickets.

Peter Stevens—Held the tickets to the light to read them. If there were any pasters on the tickets because of a straight he did not see them, or he should not have counted them. The straight tickets were put on each side of the Republican, and the clerks would tally them. The split tickets were counted after wards.

Cross-examined by Mr. Seth—The lamp and ballot-box set upon a stand. When 100 tickets had been strung 101 had been tallied, and he counted the number on the string to see if it was right. He counted them over all of them. An error was made in omitting Mr. Seth's name in the split tickets. Mr. Seth called the attention of the judges to it, and the error was corrected.

To Mr. Bump—He put the cut tickets as they came out of the ballot-box in another box, and they were counted after they finished counting the straight tickets. Thinks he might have discovered the error in Mr. Seth's name if Mr. Seth had not called his attention to it.

J. Marion Jenkins sworn.

To Mr. Bump—Was the clerk of election at Trappe. He numbered the tickets after they were tallied, and counted them on the string. When 100 had been strung, they stopped to compare the tally with the number of tickets, found they had tallied 101. The tickets were re-counted, but the error was not corrected. The error showed at the end of the count. Could not tell who was responsible for the error.

Charles R. Mullikin sworn.

Was clerk of the election at Trappe. When the tickets were taken from the box they called out Republican ticket, then the Democratic ticket, and as fast as they were then tallied. There were 65 Democratic tickets cut, and 14 Republican. 814 votes were cast. There were two double tickets voted that were thrown out, which made the tally 811. He thought the way they counted was more likely to be accurate than if all the names had been called out. One ticket too many in the count 200 was tallied. The error remains in the count. There was a good light in the room. He called out to the judges to look out for pasters. Had frequently seen them overlooked in counting.

Cross-examined by Gov. Thomas—It was formerly the custom to call out all the names on the tickets. The present system of counting had prevailed only for a few years. Pasters are a recent improvement. The judges would be more likely to discover the pasters if all the names were called. They counted about 4 to the minute.

John C. Harper sworn. Was chief judge of St. Michaels district; counted the straight tickets first and the split tickets afterwards; found one paster partly off and replaced it.

J. Clayland Mullikin sworn.

Examined by Mr. Bump—Was at the clerk's office twice on Thursday, the 10th of November, the day the judges made their return. Went there before the return, and afterwards. Met Mr. Seth there the first time, who said he was glad I had come, as he was about to send for some Republican. A re-count by the judges was proposed, which he opposed. The room was quite full. The second time he called he told Mr. Wright he wanted to examine the poll-books. He said all right. Examined them, and Mr. Stevens explained the discrepancy between the returns of the vote for Sheriff, and the vote as published in the Ledger. While there he saw some persons examining tickets. Did not know any of them except Mr. Hedge Thompson. They were examining them in the rear of Mr. Turner, who was at his desk, and he did not think he could see them. Asked Mr. Turner if he could examine the Chapel box? Made an engagement to do so, which I did not keep.

Dr. Samuel A. Harrison sworn—Went to the clerk's office with Mr. Mullikin and Mr. Baker on Thursday afternoon of November 10th. Saw a number of persons there, Mr. Seth, Mr. William P. Powell, and some I do not know. Saw them examining tickets. Mr. Turner and Mr. Stevens were there. Saw no one change any tickets. Paid very little attention to the matter. The tickets were on a string. Could not have been taken off the string and replaced without a needle and thread. The names might have been changed by an expert. Does not think Mr. Turner could have seen all the parties in the office all the time they were there. The tickets appeared to be handled promiscuously.

To the Court—My mind was not on the duty of the clerk in the matter, and did not notice particularly whether he was, or was not, watching those who were examining the tickets.

Thomas P. Baker sworn—Went to the clerk's office on Thursday with Mr. Mullikin. Mr. Mullikin asked to see the books and made his calculations. Saw Mr. Thompson and Mr. Quimby handling tickets on a string. Supposed they were looking for marked tickets. Don't think the tickets were taken from the box. Has no knowledge of any tampering with the tickets.

Reuben Tharp sworn—Was in the clerk's office on Thursday, the 10th, with Mr. Mullikin. Saw some persons examining a ballot box. Remarked to Mr. Baker that they were looking for marked tickets. Don't say that any tickets were changed, but thinks an expert might have changed them. Tickets could not have been taken off the string and others substituted without the clerk's seeing it.

Robert F. Walker sworn—Was at the clerk's office on Thursday, the 10th of November, with Mr. Mullikin. Mr. Mullikin asked to look over the Chapel tickets. Saw Mr. Robson and Mr. Wooters examining tickets in the vault. Thinks Mr. Stevens was at his desk. Was there again late in the evening and saw Mr. Turner and Mr. Reddie examining tickets. Did not see any one change any tickets, and don't suppose any one did change any tickets. Went to the office according to an appointment made by Mr. Mullikin, but he did not come.

N. C. Fitzgerrell sworn—Was at the clerk's office on Thursday, the 10th. Saw Messrs. Thompson, Quimby and Tarbutton examining tickets. Mr. Turner was at his desk, the ballot-box partly behind him, more at his side. The clerk's office was not locked against any one, it was open to all who chose to enter. Theodore Jones was the last person who voted at Chapel. 707 ballots were cast.

Thomas Coburn sworn—Was at the clerk's office with Mr. Mullikin on Thursday, the 10th. Mr. Mullikin asked to see the Chapel tickets. Mr. Turner said some gentlemen were then examining them and they could see them if they would call later in the evening. Thinks the clerks in the office were at their desks.

William H. Councell sworn.

By Mr. Mullikin—Did or did not Mr. Turner tell you he could not be responsible for the safe keeping of the tickets?

Ans. Mr. Turner came to his office the day the return judges met, and said, he urged the judges to re-count the ballots, because if they were to be recounted, so many persons are liable to examine them, he thought the re-count made before the return, to relieve his office of any responsibility that might attach to a discrepancy in the count. He thought his office might be blamed, and he wanted to obviate that by a re-count by the judges.

H. L. Tharp sworn—Was at Mr. Turner's office the Saturday after the election. Saw Mr. Griffin and Mr. Bassett examining tickets. Mr. Turner was at his desk. Paid no attention to what was done. Did not have it on his mind that these parties were doing anything improper.

G. C. Byerly sworn.

Was at the clerk's office on Saturday the