

Senate 1867

1. On January 3, 1867 Alfred Spates presented a petition contesting the election of C. H. Orr from Allegany Co. which was referred to the committee on Elections. On January 7 Spates was given a seat on the floor until the question of his right is decided. (Document D).
2. The Lt. Gov. and president of the senate Chris C. Cox asked J. J. Earle to preside for him on Jan 6, 1867. Cox returned January 8.

(1 cont) January 16 the committee on elections submitted their report. Spates claimed the seat for the following reasons

- 1) ballots with his name were denied.
- 2) armed men were at the polls conspiring with the judges and the sitting members to deny voters.
- 3) Judges miscounted the ballots in favor of the sitting members.
- 4) Judges conducted the elections contrary to the constitution of the state.

The committee concluded that there were irregularities. In recounting the ballots Alfred Spates had 2,066, and Orr had 1,917. Therefore they concluded that Spates was duly elected.

pp 50-52 The senate resolved that Spates was elected.

On January 19 a minority report was filed by Charles E. Trail and Edward Philpot. They claimed that the recount was unreliable. Spates was present, Orr was not. It was not unusual, they claimed, for men of this mountain region to come to the polls armed. every man there is a hunter. Men of both parties were armed & there was no rioting, or a shot fired. They further objected to allowing the judges of election to disqualify registered voters because of disloyalty. (deposited printed in Doc. D).

p. 88 On January 23 the Senate voted to adopt the majority report. (over)