THE COURTS.

CONTESTED ELECTION CASE

CONTINUATION OF THE ARGUMENT

FURTHER FRAUDS EXPOSED

False Personations—Rounders on their Travels—Illegal Votes by the Wholesale—How the Democracy Carried the Election.

Full Report of District-Attorney Mann's Address.

The startling nature of the frauds perpetrated by the Democracy in October last, and the clear explanation by Mr. Mann of the means adopted by that party to carry the election, will justify the extended report of the District Attorney's address before Judges Allison, Peirce and Brewster on Saturday.

THE SEVENTH DIVISION—THIRD WARD.

In addition to what has already been published in the BULLETIN in regard to this Division, Mr. Mann said:

I read the testimony of Albert H. Hamilton, to show the irregularities at this poll. "I was an Inspector. Q Who was the other Inspector? A. His name was Robert Thompson. Q. Is that the Thompson who had the difficulty with and was charged with shooting Capie? A. I believe it was the same one. Q. Were you present when the polls opened and the election began? A. Yes, sir, I believe I was. I had all the papers; they were left at my house the night before the election, about 11 o'clock. Q. Who took the tickets during the day? A. Mr. Thompson took the tickets; I kept the book. Q. Do you mean that you kept it or that you undertook to keep it? A. I undertook to keep it; it was impossible for me to keep it right; they voted too fast for me; I had no chance to keep it; I hadn't the chance to look for the names as the men voted; as soon as a man came to vote his vote was put in at the window, the Judge would say "it was all right," and the Inspector would take the vote and put it in the box before I had half a chance to see whether the name was on the book or not. Q. You had no opportunity of seeing at all whether a man's name was on the book or not? A. No sir; there was not much challenging done that day in our precinct; all the votes that were offered were taken; the Inspector would take them and put them in the box; they would not wait. Q. During the day were there any persons sworn as voushers—that is, to prove the residence of other persons within the division? A. I only remember of one case. Q. Were there at any time during the day naturalization papers and tax receipts produced by the voters? A. No sir; I didn't see any. Q. Do you know of any persons coming up to vote that you knew did not live in the precinct? A. Yes sir, I do. Q. Did you make any effort to stop them? A. One man I did intend to stop, but his vote was put in the box as soon as he came in there; before I could stop him from voting his vote was put in the box; I knew that man; I knew that he didn't live in the precinct; knew where he did live. He gave the name of Thomas Smith. Q. Who swore the election officers? A. The Judge swore me, and swore my clerk, I believe; I believe he swore all on the Republican side. Q. Who swore the Judge? A. Indeed, I don't know; they were all there in the morning when I got there; didn't see any of the Democratic officers sworn; they all appeared to be sworn when I got out there; I went to be sworn in by an Alderman, but I could not get sworn in; they had oaths when I got there; I suppose they were the oaths of the officers. Q. Hadn't you all the papers, the oaths, the blank forms? A. I had all the papers that came from the City commissioners; I went to the Alderman to be sworn in, but the Alderman was too busy, and told me he could not do it, that the Judge had power to do it."

Now here are the papers, but are they certificates by the officers? It seems that the Alderman signed the blank and then sent it to them to sign. There is his name, when he was not at the polls! These officers are not sworn in the presence of the Alderman, so far as we know. All we know is that Hamilton went there with the papers and was not sworn; Alderman McClusky did not swear him, and there is no evidence that he swore the judge. Hamilton was the man *inside*. It is curious to note what was done *outside*. Hamilton was engaged in toiling after the names of the persons who voted, and he succeeded in getting within 94 of the number. They got that far ahead of him. He never caught up, and when he tried to stop them, it was useless, and he was kept toiling on, turning over the leaves of that book, and there was a total disregard of the duties required by the act of Assembly, and without which there is no election. Your Honors will find that a large number of these voters are foreigners, but no oath was required, no naturalization papers. Now, on the outside we have Henry Davis. He testifies that he was at the polls when they opened, remained there until after one, came back about 2, and remained until 5 o'clock. He had the window-book. "Q. When a man came up to vote, and gave his name, what did you do? A. I first tried to find his name to see if it was on the book. Q. What did the election officers do whilst you were finding the name? A. The ticket was put in the box, with a few exceptions." A. Yes.

Mr. Davis did not say to these officers "don't put that name in until I see etain whether he has a right to vote;" that was his duty and right, but he went on examining his book and the election officers went on taking the votes. Mr. Davis was asked why he didn't stop the officers, and his explanation was that he didn't like to challenge men who might have the right to vote; he did not wish to commit that sin! William Roberts, who was the clerk, testifies that when a man came to vote the Judge called out "all right;" the Inspector called out "all right, he could now go, he was much obliged to him;" during the day about six persons were sworn. "Q. Did you know the two men that came up to vote who were personated before? A. I do not recollect their names; the inspector said, 'persons have voted under your names before.' Q. Ralston was one, wasn't he? A. Yes sir, I think he was." Ralston was challenged. These people were so anxious and they took the votes with such rapidity that it was impossible to get the names, and with the men came up the judge said "all right, much obliged," in voting this vast fraud. That is the way they got the 111 votes in, and that is called an election! There is no contradiction of this; and it is proven to have taken place in that division bounding on the 8th Division of the Fourth Ward. There is also the testimony in connection with this of Philip M. Shultz, who stood at the polls and saw Mat. Gibson vote as George Galloway; and he did not live in the division. Mr. Shultz was there during the last hour, had a book outside; they voted fast and the rush came so great that he had not a chance to find the name. You will look at that last hour and see what names there are on the list of people who came up to vote.

THE FOURTH DIVISION OF THE TWENTY-FIFTH WARD.

I pass on to the Fourth Division of the Twenty-fifth Ward. Here is the book offered in evidence that was taken from the box in open Court. You will perceive that it is policy of the law that an inspection of that book will be evidence of the names of the people who voted. It is intended to furnish evidence of residence, and when the man's name and residence is not on this book, it is intended to furnish the name of the person who swore that he lived there. If this book was properly kept we could by an inspection of it ascertain the frauds and enable us to take measures to prevent these "Rounders"—the people who go around to our polls to vote—and we could break up the practice. We could bring up the voucher who assisted these people to vote, and upon the evidence of the election officers that these were the men who voted and these were the men who swore to their residences and answered all the requirements of the law, the perjury could be as certained the parties could be convicted. But here we have no such check. We have nothing to show who these men were who go from poll to poll and vote, and it seems to me that Judge Ludlow took a very fair and proper view that if these people were allowed to vote without the evidence required by the law, it would be sufficient to throw the poll out. Because a name is not here is not conclusive evidence that there was no voucher taken, but when we go further and prove that the fact is that no voucher was taken then it is conclusive that there was a fraud, and thereby 100 of these votes cast, the *prima facie* of the case is that all are false until the other side show the contrary. Here is the book, which is intended to be a record which the election officers are to make up, and which is the muniment of title for every man who gets an office. What does it show? It shows first that there are in this division 104 people who voted whose names are not on the official list. It shows that thirty-five have been checked by the officers and the circumstances under which they refused to check the others, I will read to you. It was done deliberately. The election officers resolved that they would *not* perform their duty. I will show how it was that they did not do it. They did not wish to take these proofs, and did not wish to conduct the election as the law requires, and they concluded to do this thing deliberately, as the evidence will show. Jacob Jacoby, an inspector, testifies that he remained from the opening until the close; the tickets were all taken by James Burke. "Q. Which of the officers, if any, kept the book so as to find the names of the voters before they voted? A. *Nobody.* Q. Then you didn't have to find the names on the book; they must have voted pretty fast sometimes? A. Sometimes they came on with a big rush. Q. During the whole day the book was not kept at all to see if the names of the people who voted were on it? A. No, sir. Q. How was it that you didn't look at the names of the people voting and mark them? A. Well, the Judge allowed it was my duty to look after it; well, I had no time to mark the book—mark the names—and watch the tickets on the window; so I told the Judge 'taint my place to mark the names of the voters; he allowed one of the Inspectors had to do it; didn't say who; so I objected because I wanted to watch the votes coming in; and another thing, we had no time to check them off. Q. Did you finally agree as to when you would mark them? A. *Well, at first marked one or two; the judge allowed we had better let it go and check them all off at once when the election was over.* Q. Then when these four hundred and odd people voted during the day, you could not tell whether their names were on the book or not? A. No sir. Q. During the entire day did you administer an oath to anybody? A. To my knowledge to two. Q. Any more than that? A. I can't tell, I don't know; it might be more, but still I can't say. I am not certain. Q. Were any challenges made by persons outside during the day? A. There was some made. Q. About how many? A. About four or five. Q. What was done when challenges were made? A. Generally called them inside before the Judge; the Judge put questions to them. Q. Generally, were they inside before the Judge? A. Yes, sir. Q. Did you see a naturalization paper produced during the day? A. One. Q. Only once during the day? A. That is all. Q. The great mass of the people that voted there were foreigners, were they not? A. The majority of them."

That is the testimony. Your honors will find that in one hour they voted 113 persons; it was between 12 and 1, and voted in a rush.

Mr. Sellers—That is the working-man's dinner hour.

Mr. Mann—Yes, it was also the hour for the people who came here after the war was over, and they could not give a whole day to their country, but gave an *hour*, and voted in a rush! Jacoby was cross-examined, and said he was elected by the majority. This was a mistake, for he was elected by the minority—the Republicans, and it will be noticed that the system adopted was to give the book to the minority inspector. This was done in all these divisions. They compelled the minority inspector to toil as best he could after the names. In regard to two instances in which persons were not sworn at this poll, Mr. Jacoby testifies that he remembers Davis and Morris voting one age. "Q. Were they sworn when they voted? A. Not to my knowledge. Q. What did the officers say when I have voted? Did you offer to challenge him? A. Well, I told the inside fellows to hold on, but before I turned around they had the vote in and Davis went off; sung out "He is all right, on age."

The next witness that was examined in regard to the election in this division is Wm. H. Simpson, the Republican inspector's Clerk. (Mr. Mann read the testimony corroborating that of Mr. Jacoby.)

Here is Jacoby's testimony that the great proportion of the voters in this division are foreigners, and if you will read the names you will be satisfied that this is the fact. You will find that the names correspond with the nationalities. This is not much in itself, but we have it corroborated. This location is by the Richmond coal wharves, where there is a large colony of Irish, and yet there is no evidence that any man was called to prove residence, or were naturalization papers demanded. There are a hundred instances in which these papers should have been demanded, but there is no evidence that such was the fact. I call your attention to the testimony of Mr. Simpson in regard to the character of these people who voted. We endeavored to find some of these people, whether they existed at all, but the canvassers were driven away, and had to take to the lots and escape from the neighborhood.

Mr. Reed—"They thought they were after the whisky stills!"

Mr. Mann—Yes, these are the same people who are engaged in violating another law, and there is no possibility of reaching them. Mr. Simpson says has made efforts to find the persons whose names are upon that list. "Q. Were you prevented? A. The majority of them would not give us any satisfaction at all; tell us to go elsewhere if we wanted to get satisfaction; shut the door and kept us out and the distillers got after us." Here is a Division in which it is impossible to get any information, but we find that they allowed 104 persons to vote without taking the proof of residence, and they allowed more than 200 foreigners to vote without requiring a paper, when it is the duty of the officers to make every man who is not born in the country produce his naturalization papers, which are the only evidence of his right to vote. The witness says that the majority of these people are Irish, that very few were from Germany. There are 24 persons who voted whose names are not upon the list; they rushed straight along without any examination. If they had made an examination they would have been required to swear these 24, and made a record of it. Instead of this they rushed it along and allowed every coal-heaver to vote without asking him a question.

Mr. Mann read from the House Journal of the Legislature of 1869, in the case of Matthews vs. McClain, the report of the Committee on Contested Elections, and the resolution attached, wherein the Committee threw out the entire vote of the Eighth Division of the Fourth Ward for frauds similar to those proved in this case.

SECOND DAY.

The case was resumed on Saturday morning, Mr. Mann continuing his argument. He said:

When the hour of three arrived yesterday, I had discussed the evidence in the Eighth, Seventh and Sixth Divisions of the Fourth Ward; the Seventh Division of the Third Ward, and the Fourth Division of the Twenty-third Ward. The striking out of these Divisions, because the election was void, would give the certificate of election to two of the contestants, and would come very close, but would not entirely overcome, the majority returned for Mr. Baller. But there is testimony in regard to two Divisions which might or might not affect this particular return. I refer to the Sixth Division of the Seventeenth Ward and a Division in the Twenty-third Ward. There is testimony in regard to the Twenty-fifth Ward, which has been alluded to, but we thought we had offered testimony sufficient for the principle we have advanced; and, therefore, the evidence may be considered in an unfinished state. A number of persons testify to votes of non-residents in the Fifth Ward, but we do not propose to discuss them.

THE SIXTH DIVISION OF THE SEVENTEENTH WARD.

The next I take is the Sixth Division of the Seventeenth Ward, in which I frankly confess the testimony is of the weakest character of any we have presented. The list of taxables used by the officers is in evidence, and upon the first glance it would appear as if the officers had not made any ticks at all. It appears to be entirely barren of any official marks, but upon minute inspection there are ticks. Instead of marking the letter V in front of the name they have put a cross, which you see with a great deal of difficulty. However, I presume they intended these marks as a compliance with the law. It is scarcely distinguishable. We have counted these crosses—the counsel and examiner—and the number of them marks 1 200, which indicates that 200 of these persons had voted. There are 380 names on the list of voters, and there are 200 voters marked, and there are 125 who voted who are not on the list. We have proof that in that division the election was conducted in a manner similar to the other. James Floyd was examined. He was an inspector. He testified that he took the book presented by the City Commissioner. "Q. The first man that came up to vote was Thomas Marple; did you search for his name on the book? A. Yes, sir, I think I searched. Q. Did you find Marples' name and mark it? A. I don't recollect whether I marked it or not, or whether I found it or not; I can't recollect. Q. How did you begin this election? A. When they first began to vote, they didn't give me time to find one name before the vote was in the box, and another one was up."

You will see by a reference to the book that he did not mark Marple's name. The name is not ticked. That is the way they began the election. "Q. Do you recollect any person being sworn to prove the residence of people who were not on the assessment list? A. No; I don't recollect any. Did you write down on that list the name of any person during the day who voted and whose name was not on it? Did you add to that list, together with the name of the person who vouched for him? The law says that when a person comes up to vote whose name is not on the list, if he is permitted to vote the inspector must add his name and the one who swears for him. Did you in any instance during the day perform that duty? A. I think I put that name there—Weeber, Cadwalader and Master. Q. Just look over the book and tell me if you did it in any other instance. A. I don't find any. Q. Have you looked over the book? A. Yes, sir. Q. And you say you don't find any other instance? A. Yes, sir. Q. You have looked carefully over that book for the space of five minutes? A. Yes, sir. I don't see any other name that I can recollect of putting down."

John Scott, a return inspector, was also called, and he testified: "When I first went to the polls there was nobody there; I guess it might have been a quarter to eight; the other party came in; they put Floyd out; they tried to put me out, but I made up my mind when I went in to get pretty hard usage; they came to the conclusion to let us stay in." Witness said that naturalization papers were demanded in five or six instances. That is the testimony in regard to this division. Now I desire to show you the manner in which these officers kept the papers—the accuracy of these people. I find the numbers running from 1, 68, 99, 101, 103 and so on. That is a sample of their accuracy. (Paper shown.)

Mr. Cassidey—"Have you the duplicate of that?"

Mr. Mann—"No."

Mr. Cassidey—"You selected the best of course."

Mr. Mann—It is the one we found in the Protonotary's office. I simply offer it as a sample of the accuracy and character of this list.

Mr. Cassidey—"Your Honors know there is a duplicate of this."

Mr. Mann—I know there is a time for these gentlemen to discuss this question, as there was a time for them to offer testimony, if they had any, of another paper. I don't pretend that that paper would obviate the election, but it is a sample of the work done by the clerks. This is the kind of clerks they select. The kind of Judge they select was shown in Court; he could not read or write, and when I handed him the list he said: "Mr. Mann, you know I can't read;" and when I read over the names he did not recognize any of them. These are the worthy instruments to carry out the schemes of these people.

THE BRIDESBURG ARSENAL.

The names of thirty-three voters will be found in one of the pamphlets before your Honors. These are men who constitute the garrison at the Bridesburg Arsenal. I don't know that it is worth while for me to read all the evidence in regard to these votes, but I will read some of it.

Judge Allison—This is the Eighth Division of the Twenty-third Ward.

Mr. Mann—Yes, sir; I will go hurriedly over this evidence. Patrick Bogan is the first. "Q. What is your business? A. Blacksmith; soldier at present. Q. You are enlisted in the service of the United States? A. Yes, sir. Q. When did you enlist? A. I listed in '65, the last time the 17th February. Q. Where did you enlist? A. Frankford Arsenal. Q. Where did you live before you enlisted? A. I lived in Philadelphia, Front and Race. Q. Since you enlisted you have been doing garrison duty, haven't you? A. Yes, sir. Q. And you are now one of the garrison at the Arsenal? A. Yes, sir. Q. Did you vote at the last election? A. Yes, sir. Q. At the Eighth Division Twenty-third Ward? A. Yes, sir. Q. The Division in which the Arsenal is? A. Yes, sir. Q. From whom did you get your ticket? A. I believe I got my ticket from Sam'el Getty."

You will observe that these men got their tickets from Getty, who was a corporal there, and who seemed to have them in special charge either through orders from his superior or somebody else. Thomas Green, another witness, was a soldier at the garrison, enlisted February, 1865, lived in the Fifth Division, Twenty-third Ward, where he enlisted; was Return Inspector, voted and got a Democratic ticket; "looked for a Democratic ticket; that is what I wished to vote." "Q. You didn't look at it. A. No sir. I had confidence in the man that gave it to me."

It is a great thing to have confidence, as the editor of the Boston *Post* said when he ate sausages! Michael Farrel, another enlisted soldier, enlisted in Philadelphia, and voted at Eighth division of the Twenty-third Ward. He refused to answer for whom he voted until Judge Sellers cross-examined him thus; "I am on the other side (this was done to mollify the witness); you voted the Democratic ticket? A. I did. Q. The whole ticket? A. The whole ticket."

Q. By Mr. Mann—I cannot understand why he would decline to answer what the names were on the ticket he voted. Witness—I thought (but since this gentleman, Mr. Sellers, told me he was of the opposite party) it might be a point of law to catch me in, therefore I didn't answer; I have nobody to post me; I didn't know what I was wanted here for. Mr. Mann—It is all right. Nobody desires to take advantage of you. Q. If you knew for whom you voted you should have said so. When you say you voted the Democratic ticket, you might just as well say the names. A. It was all right, then; I didn't know whether you had the authority or right to ask me that. Q. I think I had. A. Of course. I took my friend's advice here (Mr. Sellers.) Q You know now you voted for Mr. Baller and Mr. Leech; you know the candidates; you are something of a politician? A. No, sir; I am not acquainted with any of them except Baller. Q. Did you vote for Mr. Baller for the office of City Commissioner? A. I did, sir. Q. Did you vote for Mr. Leech for the office of Register of Wills? A. I did. Q. Did you vote for Mr. Megary for the office of Clerk of the Orphans' Court? A. I did. Q. You knew enough of the subject to know who you were voting for? A. Yes, sir, at that time. Q. You didn't go it blind? A. No, sir; I had a full hand, and we carried it this time, I think."

Patrick Ellison testified that he has been in the army for fourteen years; voted at the last election in the Eighth Division, Twenty-third Ward; got his ticket from the lieutenant; he understood it was a Democratic ticket from the man who gave it; was on the assessment list.

The next witness is Robert Smith, and then comes Robert Armstrong. All these men are enlisted men in the service of the United States. We discovered that Robert Smith voted the Republican ticket and this was illegal. Robert Armstrong enlisted for three years, and his home was Broad and Fitzwater. James Shields testifies for whom he voted, and when he enlisted he was living at Holmesburg. Morris Smith was an enlisted soldier; he voted, and Corporal Getty vouched for him. William H. Reiner said he voted and Getty vouched for him, and he lived in Bridesburg. Edward Shields enlisted somewhere "out at the Allegheny Mountains." He said he was an Irishman, and he voted; Getty gave him his ticket. James Clary is an enlisted soldier; he enlisted the first day he came into the country. "I never worked a day in this country and therefore I call this my home." Before he could acquire any residence anywhere he enlisted in the Arsenal for garrison duty. Corporal Getty gave him his ticket; John Doran voted there and was one of the garrison; Michael Brogan, an enlisted soldier, whose term expires 5th November, 1868, got his ticket from Corporal Getty, and so we go on until I examine Corporal Getty himself; and he says he gave out the tickets for Baller, Megary and Leech, and no others. "Q. You were one of the officers of the election, were you not? A. No, sir, not in that election; I was not one of the officers. Q. You were not one of the officers of the last election? A. No, sir; I was elected this year. Q. Return Inspector? A. Yes, sir. Q. Do you know Edward Keenan? A. Keenan it is. Q. You know Edward Keenan? A. Yes, sir; I did know him. Q. He was a soldier, was he not? A. He was, but he has deserted since last election. Q. Did he vote last election day? A. Yes, sir; to the best of my knowledge, he did. Q. You were about, looking around, working hard? A. I was attending to that kind of business; to the best of my knowledge, he put in a vote at the last election. Q. Did you furnish him with a ticket? A. I can't say, positively, whether I furnished him with a ticket or somebody else did; but I rather think I furnished it to him. Q. Do you know Henry Smith? A. Yes, sir. Q. He was a soldier at the Arsenal then, was he? A. Yes, sir; been discharged since. Q. Did you give him his ticket? A. Well, sir, I can't positively say that I did; I think that I did; I won't say for sure that I did, but I think I did. Q. Was William Keiffer a soldier then? A. Yes, sir; he was a soldier at the Arsenal at that time, and discharged since. Q. Did you see Keiffer vote? A. Yes, sir; see him vote; gave him his ticket. Q. Where did you live at the time you assisted—in Frankford? A. I lived in Frankford. Q. Parents live there? A. My mother does; my father is dead. Q. How old are you, Mr. Getty? A. If I live to see the 23d day of next November, I will be twenty-eight years old. Q. Was this a new thing for you, or have you for a long time taken an active part in politics? A. I never bothered much before, but I always hunted up a little. Q. This time time you were unusually active? A. Yes, sir; I tried to drum up all I could this time. Q. Do you know Benjamin Leon? A. I know Benjamin Leon. Q. That is what it is? A. Yes, sir; he voted right before Richard Slabe and Louis Bingham. Q. Is he there yet, or was he discharged? A. He is discharged; lives around in the neighborhood there—people lives there; they have been discharged since. Q. Leon, I am speaking of now; was he discharged from the Arsenal? A. Yes, sir; he is discharged; he lives around there. Q. Did you see Leon vote? A. I can't say positively I think that he did vote. Q. Did you give him his tick t? A. I think I gave him his ticket also. Q. You had a good many tickets that day, had you not? A. Yes; I had considerable of tickets. Q. Had you the tickets for the precinct? Who gave you the tickets? A I got the tickets from John Valee. Q. Was he the Committee-man for your Division? A. He was on the Executive Committee; he got the tickets and furnished them to me. Q. Were you careful that day about your tickets, not to let the enemy slip any into your pockets? A. Extraordinary, sir; there wasn't a careftiller man in the country that day, in regards to that. Q. Are you right sure, when you gave a man a ticket, what it was you gave him? A. Yes, sir. Q. (Handing witness a number of Democratic election tickets) Look at those; is that the kind of a County ticket you gave out? A. Yes, sir; that is the County ticket. Q. That you gave out? A. Yes, sir. Q. Wasn't it that? (handing witness a Republican election ticket.) A. Not much. Q. You are confident, then, that the tickets you gave out had the same names on as that—(first one exhibited)—Joseph Megary, Leech, &c.? A. Yes, sir, just the same as that. Q. You are confident of that? Confident, sir.

"Cross-examined—Q. Are you a single or a married man? A. I am a married man. Q. Where is your family? A. At White Hall; my wife is there; I have no family. Q. Did you say that all these men that Mr. Mann has asked you about, lived in the neighborhood of the arsenal? A. Yes, sir, they all live in the neighborhood now; all that he has asked me about I live at White Hall and Bridesburg, right around the Arsenal, within a few squares."

By the examiner—You don't mean to say that the deserter lives around there? A. No, sir, only those that were discharged."

"By Mr. Gerhart—How long have you been married? A. About two and a half years."

"Q. Has your wife lived there ever since? A. Yes; she lives at White Hall."

"Mr. Cassidey—White Hall is within the division?"

Mr. Mann—I think it is; but if Mr. Getty has a wife, and she comes there for his or her convenience, he acquires no residence. He is inside the Arsenal, and can't come out without a pass, and these soldiers are not residents of White Hall, and no residents of that Ward.

There are some things so very plain that we would think that it would not be necessary to make any argument. If these men, doing garrison duty here, are residents within that Division, then the Government of the United States can, at any time, send a thousand men to do garrison duty, and the men would secure the entire control of the Ward. Councilmen, and all local officers, would be creatures of these men. The streets would be paved, and every regulation of a municipal character would be under the control of the soldiers doing garrison duty. To state that proposition is to argue it. Let it will be argued by the other side that because these men wear the uniform of the United States, they have the right to vote. Time makes wonderful changes. A few years ago it would have been concluded otherwise. Now, residence, under the Constitution, is not where a man abides for a little while, awaiting the orders of a superior officer. These soldiers are liable to be ordered away at any moment. An order from Washington could send a thousand of these persons had voted. There are 380 names on the list of voters, and there are 200 voters marked, and there are 125 who voted who are not on the list. We have proof that in that division the election was conducted in a manner similar to the other. James Floyd was examined. He was an inspector. He testified that he took the book presented by the City Commissioner. "Q. The first man that came up to vote was Thomas Marple; did you search for his name on the book? A. Yes, sir, I think I searched. Q. Did you find Marples' name and mark it? A. I don't recollect whether I marked it or not, or whether I found it or not; I can't recollect. Q. How did you begin this election? A. When they first began to vote, they didn't give me time to find one name before the vote was in the box, and another one was up."

You will see by a reference to the book that he did not mark Marple's name. The name is not ticked. That is the way they began the election. "Q. Do you recollect any person being sworn to prove the residence of people who were not on the assessment list? A. No; I don't recollect any. Did you write down on that list the name of any person during the day who voted and whose name was not on it? Did you add to that list, together with the name of the person who vouched for him? The law says that when a person comes up to vote whose name is not on the list, if he is permitted to vote the inspector must add his name and the one who swears for him. Did you in any instance during the day perform that duty? A. I think I put that name there—Weeber, Cadwalader and Master. Q. Just look over the book and tell me if you did it in any other instance. A. I don't find any. Q. Have you looked over the book? A. Yes, sir. Q And you say you don't find any other instance? A. Yes, sir. Q. You have looked carefully over that book for the space of five minutes? A. Yes, sir. I don't see any other name that I can recollect of putting down."

John Scott, a return inspector, was also called, and he testified: "When I first went to the polls there was nobody there; I guess it might have been a quarter to eight; the other party came in; they put Floyd out; they tried to put me out, but I made up my mind when I went in to get pretty hard usage; they came to the conclusion to let us stay in." Witness said that naturalization papers were demanded in five or six instances. That is the testimony in regard to this division. Now I desire to show you the manner in which these officers kept the papers—the accuracy of these people. I find the numbers running from 1, 68, 99, 101, 103 and so on. That is a sample of their accuracy. (Paper shown.)

Mr. Cassidey—"Have you the duplicate of that?"

Mr. Mann—"No."

Mr. Cassidey—"You selected the best of course."

Mr. Mann—It is the one we found in the Protonotary's office. I simply offer it as a sample of the accuracy and character of this list.

Mr. Cassidey—"Your Honors know there is a duplicate of this."

Mr. Mann—I know there is a time for these gentlemen to discuss this question, as there was a time for them to offer testimony, if they had any, of another paper. I don't pretend that that paper would obviate the election, but it is a sample of the work done by the clerks. This is the kind of clerks they select. The kind of Judge they select was shown in Court; he could not read or write, and when I handed him the list he said: "Mr. Mann, you know I can't read;" and when I read over the names he did not recognize any of them. These are the worthy instruments to carry out the schemes of these people.

THE BRIDESBURG ARSENAL.

The names of thirty-three voters will be found in one of the pamphlets before your Honors. These are men who constitute the garrison at the Bridesburg Arsenal. I don't know that it is worth while for me to read all the evidence in regard to these votes, but I will read some of it.

Judge Allison—This is the Eighth Division of the Twenty-third Ward.

Mr. Mann—Yes, sir; I will go hurriedly over this evidence. Patrick Bogan is the first. "Q. What is your business? A. Blacksmith; soldier at present. Q. You are enlisted in the service of the United States? A. Yes, sir. Q. When did you enlist? A. I listed in '65, the last time the 17th February. Q. Where did you enlist? A. Frankford Arsenal. Q. Where did you live before you enlisted? A. I lived in Philadelphia, Front and Race. Q. Since you enlisted you have been doing garrison duty, haven't you? A. Yes, sir. Q. And you are now one of the garrison at the Arsenal? A. Yes, sir. Q. Did you vote at the last election? A. Yes, sir. Q. At the Eighth Division Twenty-third Ward? A. Yes, sir. Q. The Division in which the Arsenal is? A. Yes, sir. Q. From whom did you get your ticket? A. I believe I got my ticket from Sam'el Getty."

You will observe that these men got their tickets from Getty, who was a corporal there, and who seemed to have them in special charge either through orders from his superior or somebody else. Thomas Green, another witness, was a soldier at the garrison, enlisted February, 1865, lived in the Fifth Division, Twenty-third Ward, where he enlisted; was Return Inspector, voted and got a Democratic ticket; "looked for a Democratic ticket; that is what I wished to vote." "Q. You didn't look at it. A. No sir. I had confidence in the man that gave it to me."

It is a great thing to have confidence, as the editor of the Boston *Post* said when he ate sausages! Michael Farrel, another enlisted soldier, enlisted in Philadelphia, and voted at Eighth division of the Twenty-third Ward. He refused to answer for whom he voted until Judge Sellers cross-examined him thus; "I am on the other side (this was done to mollify the witness); you voted the Democratic ticket? A. I did. Q. The whole ticket? A. The whole ticket."

Q. By Mr. Mann—I cannot understand why he would decline to answer what the names were on the ticket he voted. Witness—I thought (but since this gentleman, Mr. Sellers, told me he was of the opposite party) it might be a point of law to catch me in, therefore I didn't answer; I have nobody to post me; I didn't know what I was wanted here for. Mr. Mann—It is all right. Nobody desires to take advantage of you. Q. If you knew for whom you voted you should have said so. When you say you voted the Democratic ticket, you might just as well say the names. A. It was all right, then; I didn't know whether you had the authority or right to ask me that. Q. I think I had. A. Of course. I took my friend's advice here (Mr. Sellers.) Q You know now you voted for Mr. Baller and Mr. Leech; you know the candidates; you are something of a politician? A. No, sir; I am not acquainted with any of them except Baller. Q. Did you vote for Mr. Baller for the office of City Commissioner? A. I did, sir. Q. Did you vote for Mr. Leech for the office of Register of Wills? A. I did. Q. Did you vote for Mr. Megary for the office of Clerk of the Orphans' Court? A. I did. Q. You knew enough of the subject to know who you were voting for? A. Yes, sir, at that time. Q. You didn't go it blind? A. No, sir; I had a full hand, and we carried it this time, I think."

Patrick Ellison testified that he has been in the army for fourteen years; voted at the last election in the Eighth Division, Twenty-third Ward; got his ticket from the lieutenant; he understood it was a Democratic ticket from the man who gave it; was on the assessment list.

The next witness is Robert Smith, and then comes Robert Armstrong. All these men are enlisted men in the service of the United States. We discovered that Robert Smith voted the Republican ticket and this was illegal. Robert Armstrong enlisted for three years, and his home was Broad and Fitzwater. James Shields testifies for whom he voted, and when he enlisted he was living at Holmesburg. Morris Smith was an enlisted soldier; he voted, and Corporal Getty vouched for him. William H. Reiner said he voted and Getty vouched for him, and he lived in Bridesburg. Edward Shields enlisted somewhere "out at the Allegheny Mountains." He said he was an Irishman, and he voted; Getty gave him his ticket. James Clary is an enlisted soldier; he enlisted the first day he came into the country. "I never worked a day in this country and therefore I call this my home." Before he could acquire any residence anywhere he enlisted in the Arsenal for garrison duty. Corporal Getty gave him his ticket; John Doran voted there and was one of the garrison; Michael Brogan, an enlisted soldier, whose term expires 5th November, 1868, got his ticket from Corporal Getty, and so we go on until I examine Corporal Getty himself; and he says he gave out the tickets for Baller, Megary and Leech, and no others. "Q. You were one of the officers of the election, were you not? A. No, sir, not in that election; I was not one of the officers. Q. You were not one of the officers of the last election? A. No, sir; I was elected this year. Q. Return Inspector? A. Yes, sir. Q. Do you know Edward Keenan? A. Keenan it is. Q. You know Edward Keenan? A. Yes, sir; I did know him. Q. He was a soldier, was he not? A. He was, but he has deserted since last election. Q. Did he vote last election day? A. Yes, sir; to the best of my knowledge, he did. Q. You were about, looking around, working hard? A. I was attending to that kind of business; to the best of my knowledge, he put in a vote at the last election. Q. Did you furnish him with a ticket? A. I can't say, positively, whether I furnished him with a ticket or somebody else did; but I rather think I furnished it to him. Q Do you know Henry Smith? A. Yes, sir. Q. He was a soldier at the Arsenal then, was he? A. Yes, sir; been discharged since. Q. Did you give him his ticket? A. Well, sir, I can't positively say that I did; I think that I did; I won't say for sure that I did, but I think I did. Q. Was William Keiffer a soldier then? A. Yes, sir; he was a soldier at the Arsenal at that time, and discharged since. Q. Did you see Keiffer vote? A. Yes, sir; see him vote; gave him his ticket. Q. Where did you live at the time you assisted—in Frankford? A. I lived in Frankford. Q. Parents live there? A My mother does; my father is dead. Q. How old are you, Mr. Getty? A. And they have been conducted under this act. What are the provisions they must regard? I have reiterated them, and they are the first directions of the election law which are given to the election officers. Can an election be valid without a compliance with them? I have made a calculation of the number of violations of the law proven in this case, and the amount of the penalty to which these officers are liable is $140 800. Those men have violated the law, and rendered themselves liable to this extent. And this merely directory merely formal! Surely not. They are "indispensable." They must be done if you will have fair elections. This began in a single division; but it is spreading. It is now in six. Next election, if this is permitted, you will have it in nine or ten; for if the officers can do this, what is to be done to protect the purity of the ballot box? Are citizens to go around to these divisions to secure an honest election and have the distillers after them? Are they to go and see how far the law is complied with by men who have taken an oath to comply with it? Are these citizens to go among people where the laws of the United States cannot be executed until a file of marines is marched among them? These citizens would have the same chance as those who went to hunt for stills; they would be chased and hunted across the lots, and have the doors slammed in their face. The nationality of these men is proven—wild men in many respects—voting in swarms. You will examine this testimony; you will not say that because we have not gone around and found whether these people lived there therefore this is a valid election. This is the action of citizens, and the only case I know of where it is such a case, and they will not be told that they must incur an expense incident to such an investigation, attended with damage and productive of no satisfactory results. It has never been decided that such conduct as we complain of does not vitiate an election. It has been decided that a failure to mark the letter "V" does not vitiate it, but not that the failure to look at the book is not criminal. It has not been decided that a failure to look at the book and take proof of the residence of the voters does not vitiate the election. In Thompson vs. Ewing the leaning was to throw out the divisions if the proof had been sufficient to establish the allegation that the officers had thus neglected their duties. Judge Ludlow did throw them out upon the evidence that was submitted, although it did not begin to show it to the same extent as in this case.

If the Court decide now that this conduct does not vitiate the election, this disregard of the law will increase until our elections will become one widespread mass of corruption.

SUPREME COURT—Justices Strong, Read, Agnew and Sharswood.—The following judgments were entered this morning: Palethorpe vs. Shoemaker et al. Certificate from Nisi Prius. Judgment affirmed.

Fraley & Simmons vs. Fitzgerald and wife. Error to Common Pleas of Philadelphia. Judgment affirmed.

Ackerman vs Fisher. Error to Common Pleas of Northampton county. Judgment reversed and a *venire de novo* awarded.

Knauss vs Sheffert. Error to C. P. of Lehigh County. Judgment affirmed.

Haycock vs. Greup. Error to C. P. of Lehigh County. Judgment affirmed.

The School District of Franklin Township vs. Samuel Boyer. Error to C. P. of Carbon County. Judgment reversed and judgment entered for the plaintiff on the stated case, with costs.

Truesdell et al. vs. Howard et al. Appeal from C. P. of Susquehanna County. Decree affirmed.

Allentown Deposit Bank vs. Diehl, Treasurer of Institution. Error to C. P. Lehigh county. Judgment reversed and *venire de novo* awarded.

Allen et al. vs. Williard & Williard et al. vs. George N. Tatham et al. Error to D. C. Philadelphia. Judgment affirmed in each case.

Commonwealth vs Haas. Error to Quarter Sessions Lehigh county. Judgment affirmed.

Kellerman vs Kline. Error to C. P. Lehigh county. Judgment affirmed.

Grim vs The School District of Weisenberg Township. Error to C. P. Lehigh county. Judgment affirmed.

NISI PRIUS—Chief Justice Thompson.—Hannah Moreton vs. Eleazer Beebe. An action of ejectment. On trial.

QUARTER SESSIONS—Judge Ludlow. Bernard Shannon was put on trial charged with receiving stolen goods. A large number of shawls were stolen from the care of the West Chester Railroad, and it is alleged that the accused was the party who received them from the boys who took them.

COMMON PLEAS—Judges Allison, Peirce and Brewster.—The Contested Election was resumed this morning, Mr. Gerhard opening the case for the respondents. He complained of the delays in this case, and contended that it was due to the fact that it was necessary to make a parade of his testimony. In regard to the position assumed by the contestants, he contended that there was nothing to sustain the court in disfranchising the citizens of a division. Mr. Gerhard had not concluded his argument when our report closed.

CITY NOTICES.

AS EVIDENCE that "Westward the star of empire takes its way," we have a bit of news across the Plains that at Omaha, in Nebraska, is to be erected a hotel, at a cost of $350,000! The next thing following, no doubt, will be a large, first-class clothing house under it,