## WEDNESDAY MORNING, DEC. 19, 1877.

THE ELECTION CONTEST.

TIONESTA, PA., Dec. 17, 1877. ED. REPUBLICAN:-In due course of human events all things have an end, and one would naturally suppose that the Election Contest of "Agnew & Haslet," having been instituted in legal form, and having passed in review before all the legal tribunals constituted by law for the settlement of such controversies, and the final decision baving almost a year ago been rendered, that the whole transaction had passed into history-and so it has, in fact, and in the minds of all good honest citizens of Forest County, who in all things attend strictly to their own business. But, by the last issue of that estimable(?) half-sheet called "The Forest Press," I notice that my old time sworn enemies have again joined hands with my late indefatigable opponent to endeavor to resurrect a finished issue, and mislead those who are unacquainted with the circumstances of the case, and the bitter personal and political animosity of those parties toward myself.

The allegations of fraud made by them and the scurrilous little halfsheet that does their dirty work, are unworthy of notice in this county, where they and this paper are so well known-but, for fear a misconstruction may be placed upon this transaction by those unfamiliar with the "true inwardness" which prompted the publication of these last affidavits, I have reluctantly concluded to make a few

explanations: Now, in regard to the citizens of Tionesta Township who have been published in the Forest Press as having made affidavits that they voted for Haslet :- The manner in which many of their affidavits were obtained is well

known and needs no explanation here. That some of them were honestly mistaken as to how they voted or were voted, I know from personal knowledge and from information derived from my friends who prepared some of their tickets and saw them vote. Some of the 45 can neither read nor write, and others, as is the case with any 45 voters you may find in a similar way anywhere, are easily influenced, and, frequently, depending upon the superior education, wisdom and judgment of others, and necessarily so if they cannot read, have their ballots made up without examining them themselves or knowing what are in them, and are frequently the victims of misplaced confidence. Many other reasons might be enumerated to show why some of these affiants are honestly mistaken, but I simply mention these few and suggest that others might be deduced, to show that even these affidavits, conclusive of fraud as they are deemed by my enemies, whose prejudices render them blind to, and devoid of reason, are susceptible of reconciliation with honesty and integrity on the part of all those who had possession and control of the ballots and ballot-

boxes afterwards. The evidence of Joseph Grove, Jas. Carson and John C. Wyant, adduced before the Commissioner in the contested case, and published in the Legislative Record of 1877, shows that there actually were mistakes made in the counting of the votes by the Election Board of Tionesta Township, and I leave it to the calm judgment of unprejudiced, reasonable men if their manner of correcting their mistakes, as shown by their own evidence, did not have a tendency of rendering "confusion worse confounded."

I quote part of this testimony as fol-

ON PART OF PLAINTIPP.

Joseph Grove, sworn: Q Where do you reside? A Tionesia

Q In what capacity did you act at the tast election A I was judge of the borough Q State what you know, if anything,

Q State what you know, if anything, concerning the irregularity or mistake in the count of votes as to that in Tionesta to that in Tionesta to the counted off the electoral votes at our table; just marked for one elector' and afterwards went on and filled it all out; we thought we could do it quicker that way; at the time the elerks were filling it out, I went over to that heard and the cierks made a mistake: that board and the cierks made a mistake; Carson claimed he was right; Flowers marked it to make it equal with Carson's, who claimed he was right, and I stayed there about ten minutes and the same thing transpired again; I saw it twice; some way Carson always claimed he was tht, and perhaps he was. I saw that

he you know how many marks was by the other clerk in counting up, ferm it? A I do not.

Q Could not give the number? A No, I could not; just heard them disputing and finally agreed that Flowers was wrong and made his agree with Carson's as he had it.

John B. Wyant sworn: Q Where do you reside? A Tionesta Q Were you one of the election board at the last election held in Tionesta? A I

Q What capacity? A Inspector, highest

inspector.

Q Did or did not your clerks agree in their tally at all times; did your clerks at all times agree in their tally counting that yote? A No, sir; they did not.

Q Would either of the clerks get more marks than the other? A Yes, sir.

Q In what way did you dispose of that? A Well, we took one clerk, Mr. Carson, and the others tallied up with him.

Q Marked up with him? A Yes, sir. Q Did you or did you not count the votes over again? A No, sir; we did not; orrected the one by the other. Q Do you remember whether at each time you corrected Mr. Flowers' from Mr.

Carson's? A Yes, sir. Q Mr. Flowers and Carson were your

clerks? A Yes, sir. Q Did you look at the tickets? A I did; I did, sir, look at the tickets. Q May there not be an error in the count; may there or may there not be an error in the count of that vote? A That I could not say from the best of my knowledge. There was an error some

three or four times that we tallied up, the Flowers' count being back; there was from one to two tailies in several instances that Carson had more than what Flowers had, that is, they were not correct, that is, they did not correspond with one another; several times there was one or two; Flow ers had made a mistake and set down the wrong number, Carson's we took for granted to be with the ticket; we took that for granted to be correct.

Q Did you or did you not, in these er-

rors, correct anything by the ballots? A No, sir; just that when I took notice that when Flewers got behind we would check him on that, and then count up.

Cross-examined—Q That error, as far as

you could judge, was always of Mr. Flowers, not of the counts? A Yes, sir. not of the count, as far as I could judge to the best of my knowledge, on Mr. Flowers— on his part, not in the count, for I was very particular with these tickets to watch putting them down; there were some three or four times we had to tally up on his count because he was so slow that he got behind, and there were several times that he put the marks to the wrong place. Q Was not Mr. Flowers a poor scholar?

He is none of the best scholars. Q Did he not show incompetency in tal-lying the votes by making these mistakes?

Do you pretend to say that Mr. Flowers was every time mistaken? A Yes, he was mistaken every time; that is when he tallied up four times.

QI think you mean to say-A Every time, to the best of my knowledge, he was behind. Q Might he not have been correct some

of these times? A He might, as far as I know of, that is more than I can say, because the best is liable to err, as far as Mr. Flowers is concerned he tried to do the best he could, sometimes he would make a stroke twice; I saw myself he marked the wrong place, and had to straighten it up; there was times—there was as much as four times that he was wrong.

Q That you supposed he was wrong? A Yes, sir; we did as near our duty as we could, the best is liable to mistakes; I know there were mistakes in tallying these four times, if not oftener, that we stopped and tallied up.

ON PART OF DEFENDANT.

James Carson, sworn: Where do you reside, Mr. Carson? A

In Tionesta township.

Q Are you one of the clerks of the elec tion last fall? A I was. Q State, sir, whether there was any errors in the count of the returns of the

votes? A There were not; not what I counted, to my knowledge, but there was on the part of the other clerk, but we corrected that, Q Do you know how they occurred with

him? A Failing to mark to the right ones. Q How was it corrected? A Corrected by the tally sheet I was marking on.

Q State whether all the officers were paying attention or not to these matters of correction? A There was one inspector and the judge, and the constable was pay-

ing attention to it.

Q Do I understand you to say that he counted too many for Haslet? A Yes, sir; when they were read off for Agnew, Dan. Black read them off a little too fast: Flowers wasn't a very good scholar and he would go ahead; he counted; he would not pay much attention where he was counting. He marked what was called out for Agnew to Haslet. I think it was five votes when it was discovered, and then it was corrected by his omitting to count any for Haslet.

Q Which clerk was correct, your tally or the tally of Flowers? Is that what you say yourself that if his would have been correct he would have had five votes for Agnew? A He marked these five votes to Agnew right along; and then held off on

Haslet till mine came even.

Q When they were read for Haslet he marked five for Agnew, that were read for Haslet? A No, he marked five for Haslet that were read for Agnew. Q Then there were five votes read for

Agnew, Flowers marked for Haslet? A Yes, sir. Q Now you have explained one time they had made a mistake, how were the mistakes make the other two times you speak of? A The same way, his failing to

Q And corrected in the same way? A Corrected the same way, Q You have no knowledge of the count

further than what you marked it? A I don't know anything about the calling out of the votes; I don't know about the calling out of the vote; I do not.

Q Might there not have been error in the count? A I could not say, of course I had nothing to do with the reading of the votes; all I had to do was to mark them down to the right man as they were called; I didn't look at any tickets; I had no right to.

Q Well might there not have been er rors in the count? A I could not say.

Q When you rectified one tally to the other you didn't count the ticktes again, just corrected? A Yes, sir; just corrected; we didn't count the tickets over again. Q You said there was only ore inspect paying attention to the counts? A Well, the other was calling the tickets off; of course he paid attention to it when he was

Q You corrected by showing the other clerk, Flowers, the number of votes you had carried out to the certain officers? A

Q And where his fell short of yours he marked up to your number? A Yes, sir. Q He marked up? A Yes, sir; when the votes were called out.

Q How may times was that corrected during che count? A It only occurred once in Haslet's. Q It only occurred once in Mr. Haslet's

name? A Yes, sir, Q And then once you discovered there was a difference in the count as shown by your tally and the other clerk's? A That was the time,

Q And then in that case the other clerk marked numbers to compare with yours without counting the vote all over again asked for it to be done when the case

for Haslet; they didn't count the vote all over again? A No, sir.

I impute no dishonesty or intentional falsehood on the part of the election board, or any citizen of Tionesta Township. Many of these affiants are my warm personal and political friends and my clients to-day, and I believe them to be upright, honest men. But I do charge that improper motives prompt the action of these men, who will, by all the questionable means that must necessarily be employed therein, drum up that number of affi davits and then force themselves to believe against their better convictions, and labor with their fellow-men to prove, that such affidavits are only consistent with fraud practiced by some one. .

They do not charge openly when or where this alleged fraud was committed-they don't dare to do that-but, by insinuation they would implicate good and true Republicans. I speak not of myself, for certainly they would never have the hardihood and brazen effrontery to charge it to me, as, from first to last, it was their special effort to render that impossible, and I never saw the ballot box in all that time except when clasped in warm democratic embraces. Neither can they successfully fasten the alleged crime on my political enemy, D. S. Knox, who, as a Justice of the Peace, was its custodian until it passed into the hands of our democratic Prothonotary. It does not suit their purpose, neither would it be just or right, to insinuate aught against him who watched, guarded and tended it, as a mother does her young, and who immediately anterior to the very few times he ever left it, during all those long weary months of contest, by his own confession, covered it with artistically arranged designs in cobwebs, and certain cabalistic signs, known only to himself, so that not even a fly could trespass upon his special domain without discovery by him on his return to his sacred trust. He and the box go lovingly together to Harrisburg; he is potentially its custodian white there, and when the proper time arrives and the proper signal is given, open flies the door of the Committee Room, and, like Damon and Pythias, in bounce he and the ballot-box, inseparable to the last, and ready to be counted. After the count was made, when in an adjoining committee room, in the presence of Hon. G. W. Allen, others and myself, he expressed himself satisfied with the result, remarking that he was not so much surprised at the result as he had been at the announced result at the polls, since he and his party friends had always conceded to me a majority of from 15 to 20 in the Republican a disordered liver, stomach or intestines,

Township of Tionesta. Ah! but say these persons, notwithstanding all these precautionary measnres, the Republican members of the Committee bulldozed the Democratic members in the count. It is no great compliment to the Democratic members of the Committee to allege that they allowed themselves to be bulldozed in the count, nor is it flattering to the able, learned counsel and genman of known and acknowledged ability who was a Democratic member of the Committee and had Mr. Haslet's case in charge.

In all the allegations of fraud made by these persons, they carefully avoid the published testimony legally taken in the case, and seek to substantiate the truth of the assertions by affidavits drawn by their advisers to suit them, and purporting to be sworn to by the affiants named, without notice to anyone. Nor do they say anything about the sixteen non-residents and illegal votes proved against them in Howe Township, or any of the illegal bull-

dozing done by them. Is it right? is it just? is it sensible to charge this offense without a scintilla of evidence, upon any man, high or low, black or white, rich or poor. Republicans will do a great deal for their party,-Democrats will do a great deal more for theirs, -but does any sane man believe that either Republican or Democratic Representatives would stoop so low as to change or steal ballots, or cause them to be changed or stolen for the sake of a comparative stranger, though he be an applicant for a seat in their body, and particularly when the pagty to which the applicant belongs has 37 majority, as the Republicans had in the Penasylvania House of Representatives in

It was not my fault that these ballots were not counted in Tionesta. I

was before the Court here, as did also the petition of the 27 qualified electors, five of whom under oath alleged the error in the count made by the election board. But the Court dismissed the case upon a legal technicality and refused to have them counted.

Speaking of these last affidavits, it would seem strange to an outsider, perhaps, that a Republican Associate Judge, District Attorney, County Commissioner and Justice of the Peace, should aid and assist in this mad attack upon the Republicans and a Republican member of the Legislature; but when it is known that these same so-called Republicans are not hidebound party men, and, whenever fancy suggests, or vindictive, sleuth-hound malice, jealousy, or base ingratitude dictates, work and vote with the Democrats, it will not seem so strange. Such Republicans are unworthy the name, and deserve to be kicked out of the ranks, as they are now for all practical purposes.

Because I was defrauded at the polls and saw fit to appeal to the law for my rights, these false prophets predicted nglorious defeat to Republicanism in Forest County, but they must be surprised at their lack of knowledge when the returns of last fall's election showed an increased Republican majority in Forest County over the Presidential election of last year, when the State went Republican.

It soils and disgraces the Judicial ermine to have anyone enveloped in its folds giving way to his vile prejudices, eternally sticking his nose into other people's business, and when a decision is rendered by a President Judge in an election contest in accordance with his wishes, to hear him exclaim, with true partisan zeal, "This is glory enough for one day !"

This is all I have to say, or will say on this subject, as my time is more profitably occupied, and I have no desire to bore the people of Forest County and elsewhere on a matter that is finally wound up and forever legally settled. I thank my friends and constituents for their many favors in the past, and assure them, oce and all that their kindness is duly and gratefully appreciated.

My bitter, slanderous enemies notwithstanding, I shall try to do my duty in the future, as I have always tried to do in the past, for the best interests of Forest County and the Republican party. Respectfully,

J. B. AGNEW.

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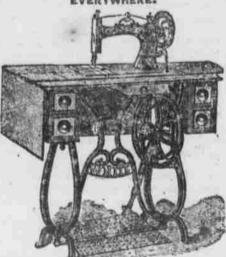
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