

I qualified and acted as such. We did, after closing the polls, carefully and correctly read, tally and count the ballots. Well, we did try to.

Interrog. 5. As No. 4 of schedule B. (Question objected to by A. Spates.)

Now, in the first place, it was a great trouble to get the Judges to organize at the election. Lloyd Stallings was Return Judge. He had the oath, all the papers and books, and it was getting late, and we organized; he being Return Judge, I expected him to do the business; he did not take any active part in the election at all. I was entirely on the inside of the house; I did not see or hear any violence, intimidation or threats used; the election on the 6th day of November, 1866, was as quiet as usual at our polls.

To the first cross interrogatory on the part of A. Spates to James M. Matthews, he answers and says: We took testimony, and took it in writing, in regard to his disloyalty; he did not apply for registration; he could not refuse to take the oath, because he was not there; Michael Twigg and Thomas Athey were the witnesses against him, but he was not present; I cannot produce the testimony as taken down, John H. Stallings took it down in pencil; I did not preserve it as taken down; I can't recollect what they testified against him; we sent no special notice to Diffinbaugh that his case was to come up on charges against him; we gave notice generally for the correction of errors and omissions.

JAMES M. MATHEWS.

LEVI W. BRANT, sworn.

Interrog. 1st. Schedule D.

Answer. Levi W. Brant; my age 45; occupation coal dealer; residence, Election District No. 13; have resided there ten or twelve years.

Interrog. 2d. Schedule D.

Answer. I was appointed Judge of Election for District No. 13, for 1866. I did qualify and act as such; to the best of my knowledge the ballots were carefully and correctly read, tallied and counted; I did not write them down, but I had an eye to the Clerks, and I think it was so done; but there is not a proper rotation of names on the poll books; I selected the full tickets from the box, passed them, after a careful examination, to Mr. Koerner, who read them aloud, giving the leading name on the ticket as being full; the split tickets, as I came to them, were deposited in a separate box until after the full tickets were counted out; the split tickets were then carefully examined by me and read by Mr. Koerner, in the presence of Mr. A. J. Clark, during the whole time, and Mr. Spates during a portion of the time.

Interrog. 3d. Schedule D.

The number of ballots in the box did not agree with the