

drinking saloon, being a cave in the ground, of one Robert Powell, and the ballot-box and poll list were left there while the Judges were absent as aforesaid, and the said Robert Powell had made bets on your election and against the contestant's election, and these facts were known to the said Judges of Election.

*Sixth*, That the Judges of Election were partial in the discharge of their duty, and were, and acted as, the partisans of you the above named persons claiming to be elected, and openly solicited voters to cast their ballots in favor of you, while said election was going on and previous thereto, and determined previous to said election to exclude certain legal voters who would vote for the contestants and against you, and did exclude many such voters in pursuance of such previous determination from casting their ballots for the contestants, and that you or some of you advised said Judges or some of them to exclude said persons from voting for contestants.

*Seventh*, That each and every one of the witnesses hereinbefore named, are legal registered voters entitled to vote at said election, and that each of them attended the polls in their respective election districts on the day of election, to wit, the 6th day of November, 1866, between 9 o'clock in the morning and 6 in the evening, and tendered his ballot to the Judges of Election with the names of the contestants printed on said ballots for House of Delegates, and offered, intended and tried to vote for contestants for said office, but said Judges of Election refused to receive their votes and deprived them of the right of voting for the contestants.

*Eighth*. That a large number of persons who were your partisans and friends and voted for you at said election, surrounded the polls with arms and weapons in Election District No. 10 on the morning of election and held the said polls all that day and drove off by force, violence, threats and intimidation a large number of legal registered voters who were entitled to vote at said election for members of the House of Delegates, and who desired and intended and offered themselves ready at the polls with their ballots in their hands to vote for the contestants for the House of Delegates, and that these persons were forced off and could not put in their ballots for the contestants by reason of the force, violence, threats and intimidation aforesaid.

They further notify and require each of you to attend in person or by attorney at the Glades Hotel in Oakland, Alleghany county, on Wednesday and Thursday, the 5th and 6th days of December next, at 10 o'clock A. M., to cross examine witnesses, and also to attend in person or by attorney, at my office in the city of Cumberland, on Monday the 10th day of December next, at 10 o'clock A. M., to cross examine wit-