

duct from either party and give them to his opponent, any votes legal in themselves he may have received, but which were obtained illegally by the one when intended for the other. But before one single vote can be deducted, three things must be clearly shown: First. That it was illegal. Second. That such a vote was cast. Third. That it was cast for the party from whom the deduction is sought to be made. A vote cannot be deducted except upon the ground that the party has received it when he had no right to do so. The first thing, therefore, and absolutely essential to the lawfulness of the proceeding, before a vote is deducted from the count of any party, is to show clearly he received it, or else the double wrong may follow, of taking from one what he has not received, whilst at the same time the illegal vote may in fact be counted by the other party. Tried by this test, was the deduction of these six votes from Widdicombe, and the giving them to Brooke, legal and proper? Where is the proof that Widdicombe ever received them? No witness speaks of these parties or this transaction, but the witness Gill, and he says expressly, (page 60, printed testimony, answer to 2d x question,) "I do not know whether they voted these tickets or not." No other witness speaks of their voting, and he, Gill, says positively that he cannot prove it. Now no matter how wrong it may have been in this colored Deputy Sheriff to take these tickets and tear them up, it is grossly illegal to deduct them from Widdicombe and give them to Brooke, when there is no evidence to show that Widdicombe ever received one of them, or that these parties ever voted them at all. There is no vote so large that it cannot be diminished, and none so small that it cannot be made large enough, if this process is allowable. This Report does not concede that upon this proof six votes should be deducted from Mr. Widdicombe and given to Mr. Brooke. The Majority Report next states that Mr. Widdicombe is shown to have taken three Democratic tickets from voters as they marched to the polls, and given them three Republican tickets in their place. Without going further into the evidence, they deduct these three from Widdicombe and give them to Brooke, making a difference of six more votes.

The comments made above, with regard to the six tickets, are equally applicable here. No witness mentions these parties or this transaction, but Basil J. Brown, (page 31, printed testimony, Dep. No. 10.) It is noticeable that he nowhere pretends to say these parties voted these tickets, or ever voted at all. For aught that the testimony shows, they may have them in their pockets to-day. Is it right or legal to deduct these votes from Widdicombe, and give them to Brooke, when there is no proof Widdicombe ever secured them, or that Brooke did not get them. This Report does