

IOWA CONTESTED ELECTION CASE.

EVIDENCE

TAKEN

In the Iowa contested election case, and referred to the Committee on Elections.

MAY 15, 1850.

Ordered to be printed.

GENERAL ABSTRACT OF THE FIRST CONGRESSIONAL DISTRICT OF IOWA
FOR THE YEAR 1848.

An abstract of the returns of votes given for members of Congress in the first congressional district in the State of Iowa, at the general election held in the several counties in said district on the 7th day of August, 1848.

Names of counties.	No. of votes for Wm. Thomp- son.	No. of votes for Daniel F. Mil- ler.	No. of votes for Sam. L. Howe.	Scattering.
Appanoose - - - -	113	67		
Dallas - - - - -	22	88		
Davis - - - - -	432	363		
Henry - - - - -	483	662	135	
Jefferson - - - -	758	710	9	
Jasper - - - - -	49	69		
Keokuk - - - - -	347	266		
Lee - - - - -	1,460	1,264	110	
Mahaska - - - -	362	397		
Marion - - - - -	298	257		
Monroe - - - - -	172	149		
Polk - - - - -	300	237		
Poweshiek - - - -	22	27		
Van Buren - - - -	1,028	976	55	
Wapello - - - - -	631	559	1	
	6,477	6,091	310	

SECRETARY'S OFFICE, IOWA,
Iowa city, September 15, 1848.

We, the undersigned, have this day canvassed and counted the votes given for representative in the Congress of the United States in the first congressional district in this State, of which the above is a true statement of the number of said votes given for each candidate in each of the counties of said district at the general election held on the 7th day of August, A. D. 1848.

ANSEL BRIGGS,
ELISHA CUTTER, JR.
JAMES T. FALES,
Board of Canvassers.

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UNITED STATES OF AMERICA, }
State of Iowa, } ss:

Know ye that I, Ansel Briggs, governor of the State of Iowa, and keeper of the great seal thereof, hereby certify that the annexed is a true and literal exemplification from the files of the office of secretary of state.

In testimony whereof, I have hereunto set my hand, and caused to be affixed the great seal of the State of Iowa. Done at

[L. s.] Iowa city this 3d day of July, A. D. 1849, of the independence of the United States the seventy-third, and of the State of Iowa the third.

ANSEL BRIGGS.

By the governor:

JOSIAH H. BONNEY,
Secretary of State.

—

Abstract of Monroe County.

UNITED STATES OF AMERICA, }
State of Iowa, } ss:

Know ye that I, Ansel Briggs, governor of the State of Iowa and keeper of the great seal thereof, hereby certify that the annexed is a true and literal exemplification from the files of the office of secretary of state.

In testimony whereof, I have hereunto set my hand and caused to be affixed the great seal of the State of Iowa. Done at Iowa

[L. s.] city this third day of July, A. D. 1849, of the independence of the United States the seventy-third, and of the State of Iowa the third.

ANSEL BRIGGS.

By the governor:

JOSIAH H. BONNEY,
Secretary of State.

Abstract of election for representative to the Congress of the United States for the first Congressional district in the State of Iowa.

Names of candidates for office of representative to Congress.	Monroe county.								Lucas county.		Clark county.		Grand total.	Total majority.
	Troy township.	Union township.	Pleasant township.	Mantua township.	Urbana township.	Monroe township.	Records precinct.	Total.	Majority.	Chariton precinct.	Majority.	Clark county precinct.			Majority.
William Thompson..	101	21	24	* 21	†	†	170	69	†	.....	2	.....	.....	23
Daniel F. Miller.....	47	21	13	* 20	†	†	101	.....	†	.....	48	46	.....	.....

* Illegal returns.

† No election.

STATE OF IOWA, *Monroe county, ss:*

We, Michael Lower and Thomas E. Forrest, justices of the peace in and for the county of Monroe, in the State of Iowa, do hereby certify that we this day assisted Dudley C. Barber, clerk of the board of commissioners of said county, to canvass the polls of the election held on the seventh day of August, A. D. 1848, in the counties of Monroe, Lucas, and Clark, in said State, for the election of one representative to the Congress of the United States for the first Congressional district in said State; and we hereby certify that the foregoing contains a true and complete abstract of the votes given in each of the townships and precincts in each of the counties aforesaid for each person voted for for said office of representative on the said seventh day of August.

Given under our hands this fourteenth day of August, A. D. 1848.

THOMAS E. FORREST,

MICHAEL LOWER,

Justices of the Peace, Monroe County.

STATE of IOWA, *Monroe county, ss:*

I hereby certify to the facts contained in the foregoing certificate of Thomas E. Forrest and Michael Lower, justices of the peace of Monroe county.

D. C. BARBER,

Commissioners' Clerk, Monroe County.

STATE OF IOWA, *Monroe county, ss:*

I hereby certify that the foregoing is a true copy of the abstract of the election held on the seventh day of August, A. D. 1848, in the counties

of Monroe, Lucas, and Clark, in said State, for the election of representative to Congress for the first Congressional district in said State, which abstract was made by me, with the assistance of the justices of the peace aforesaid, on the fourteenth day of August, 1848. The poll-books of said election are now on file in my office at Albia. I also certify that no election was held for said office of representative, on said seventh day of August, in Monroe township or Records precinct, in said county of Monroe; nor was any election held in Chariton precinct, in said county of Lucas; also the returns from Mantua township, in Monroe county, being considered by the two justices aforesaid and myself to be illegal, the same were rejected as null and void.

In testimony whereof, I have hereunto set my hand and affixed the seal of the board of commissioners at Albia, this 17th day of
[L. s.] August, A. D. 1848.

DUDLEY C. BARBER,
Clerk of the Board of Commissioners of Monroe County, Iowa.

To the honorable the County Commissioners of Monroe county, State of Iowa:

We, the undersigned, citizens residing near Council Bluffs, in the State of Iowa, ask your honors to grant us a township for the purpose of electing two justices of the peace and constables, as we labor under so much disadvantage from the want of legal authority in our midst, not having legal authority among us to authenticate an instrument in our necessary dealings and conveyances, or to take proper cognizance of those violating the law.

The election may be held at the council-house, in the village of Kaneshville, and Charles Bird, Henry Miller, and William Huntington would be suitable men to act as judges of said election.

And, as in duty bound, your petitioners will ever pray, &c.
KANESVILLE, June 12, 1848.

This is a true copy of all the petition there is in the office at this time, and the petition was written, and all the petitioners' names were written, by the same handwriting, certified to by the commissioners' clerk in and for the county of Monroe, and State of Iowa, and the seal of said commissioners here affixed.

Given under my hand, this 26th day of October, A. D. 1848.

GEORGE W. PIPER,
Clerk of Board of Commissioners, Monroe county, Iowa.
Per C. W. ANDERSON, *Deputy.*

Ordered by the board of commissioners of the county of Monroe and State of Iowa. that that portion of country called Pottawatomie county, which lies directly west of Monroe county, be organized into a township,

and that Kaneshville be a precinct for election purposes in said township; and that the election be held at the council-house in said village, and that Charles Bird, Henry Miller, and William Huntington be appointed judges of said election, and that the boundaries of said township extend east as far as the East Nishnabotna.

Ordered by said board, that that portion of country called Clark county, lying immediately west of Lucas county, to what is called the East Nishnabotna, be organized into a precinct for election and judicial purposes, and that Elias Adams, Edwin Whiting, and Stephen K. Perry be appointed judges of election for the August election, in 1848.

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This is to certify, that the above is a true copy of the orders made on the book of record, as was made by the commissioners of Monroe county, State of Iowa, on the 3d day of July, A. D. 1848.

Given under my hand, and the seal of the board of commissioners,
[L. S.] in and for the county of Monroe and State of Iowa, this
26th day of October, A. D. 1849.

GEORGE W. PIPER,

Clerk of Monroe county.

Per C. W. ANDERSON, *Deputy.*

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At an election held at the log tabernacle, in Kaneshville precinct, in the district of Pottawatomie, in the county of Monroe and State of Iowa, on the first Monday (the seventh day) of August, A. D. 1848, the following named persons received the number of votes annexed to their respective names, for the following described offices, to wit:

For Member of Congress.—Daniel F. Miller received 493 votes.

William Thompson received 30 votes.

For Secretary of State.—John M. Coleman received 483 votes.

Josiah H. Bonney received 40 votes.

For Auditor of State.—William A. Warren received 489 votes.

Joseph I. Fales received 32 votes.

For Treasurer of State.—Robert Holmes received 489 votes.

Morgan Reno received 32 votes.

For Senator.—James Nosler received 489 votes.

Barney Royston received 32 votes.

For Representative.—Wareham G. Clark received 31 votes.

George Coulson received 491 votes.

For County Commissioner.—Smith Judson received 461 votes.

William S. Townsend received 7 votes.

Isaac C. Babb received 32 votes.

For Prosecuting Attorney.—William Allison received 354 votes.

For Clerk.—James Wescott received 346 votes.

For Justices.—Jacob G. Bigler received 480 votes.
William Snow received 478 votes.

For Constables.—Lorenzo Johnson received 2 votes.
Isaac Allred received 479 votes.
James Cragun received 476 votes.

For District Clerk.—Daniel A. Richardson received 32 votes.

Certified by us:

HENRY MILLER,
WILLIAM HUNTINGTON,
CHAS. BIRD,
Judges of Election.

Attest:

E. M. GREENE,
JAMES SLOAN,
Clerks of Election.

STATE OF IOWA, *Pottawatomie county, ss:*

I, James Sloan, clerk of the district court for said county, do hereby certify that Calvin C. Pendleton, before whom the foregoing or annexed affidavit was subscribed and sworn to, was, at the time of so doing, an acting justice of the peace in and for said county, duly qualified and sworn, and that his name subscribed thereto is his genuine handwriting.

In testimony whereof, I have hereunto set my hand, and affixed the
[L. s.] seal of my office, as aforesaid, at my office at Kaneshville,
in said county, this 5th day of September, A. D. 1849.

JAMES SLOAN,
Clerk of the District Court for Pottawatomie county, Iowa.

STATE OF IOWA, *Pottawatomie county, ss:*

Before the undersigned, a justice of the peace within and for said county, personally came Henry Miller, of said county, who, on his oath by me lawfully administered, deposes and says: that he was one of the judges of the election held in the log tabernacle, Kaneshville precinct, Monroe county, Iowa, for the election of representative to Congress, State officers, &c., on the first Monday of August, A. D. 1848, which election was held under and by virtue of an order made by the commissioners' court of Monroe county; that one of the poll-books of said election was properly enclosed and sealed up, and forwarded by one of the clerks of said election precinct to the clerk's office of the board of commissioners of Monroe county, Iowa; and that the other or duplicate book required to be made out was left in the hands of him, affiant, as one of said judges, according to the law in such case provided; and affiant further saith the above and foregoing writing is a true and exact copy in every particular.

of the poll-book thus left in his charge; and that the election was held, and the votes given, as in said writing is certified and set forth.

HENRY MILLER.

Sworn to and subscribed before me, this 8th day of September, 1849.

CALVIN C. PENDLETON,

Justice of the Peace.

*Exemplified copy of the poll-book and tally-list of the election held at
Kanesville.*

STATE OF IOWA, *Monroe county, ss:*

You, Charles Bird and William Huntington, each of you, do solemnly swear that you will perform the duties of judges of election according to law to the best of your ability; you will studiously endeavor to prevent fraud, deceit, or abuse in conducting the same. So help you God.

CHARLES BIRD,

WILLIAM HUNTINGTON.

I hereby certify that the above oath was by me administered to the above-named persons as judges of election.

HENRY MILLER.

August 7, A. D. 1848.

STATE OF IOWA, *Monroe county, ss:*

You, Henry Miller, do solemnly swear that you will perform the duties of judge of election according to law to the best of your ability; you will studiously endeavor to prevent fraud, deceit, or abuse in conducting the same. So help you God.

HENRY MILLER.

I hereby certify that the above oath was by me administered to the above-named person as judge of the election.

CHARLES BIRD.

August 7, A. D. 1848.

STATE OF IOWA, *Monroe county, ss:*

You, James Sloan and E. M. Greene, each of you, do solemnly swear that you will perform the duties of clerks of election according to law and to the best of your ability; you will studiously endeavor to prevent fraud, deceit, or abuse in conducting the same. So help you God.

JAMES SLOAN,
E. M. GREENE.

I hereby certify that the above oath was by me administered to the above-named persons as clerks of election.

HENRY MILLER.

August 7, A. D. 1848.

List of electors who voted at an election held at the Log Tabernacle in Kanesville precinct, in the township of Pottawatomie, in the county of Monroe, in the State of Iowa, on the first Monday (the 7th day) of August, A. D. 1848.

1 Joseph Fletcher	40 Ira Hillman
2 James Nelson	41 John B. Willson
3 James McFate	42 George G. Johnston
4 James Randall	43 David Lewis
5 Michael Jacobs	44 James Hale
6 William Bickmore	45 Silas Richards
7 Hiram Jacobs	46 James Snow
8 J. J. Hill	47 Martin Bushman
9 Nathaniel Riggs	48 Albert Merrill
10 Thomas Mendenhall	49 Alfred S. Haddin
11 Levi Thomas	50 Heman Abel
12 Jacob Strong	51 Lawelling Mantle
13 George W. Omon	52 William Millgate
14 Daney Jacobs	53 Isaiah Hamblin
15 Lewis Harvey	54 Joshua Holden
16 Horace B. Skinner	55 John Thomas
17 W. M. Meeks	56 Eli Chase
18 G. Hildrith	57 Thomas M. Bennett
19 Jacob Clomard	58 David Wood
20 Edward Starr	59 John P. K. Bird
21 Jos. B. Hawks	60 Philo Dibble
22 Wm. Kidd	61 Thomas Guymon
23 Archibald Patin	62 Joseph Taylor
24 Wm. Aldridge	63 Gardner Snow
25 John G. White	64 James Miller, jr.
26 Jas. W. Pierce	65 Jesse Pierson, jr.
27 L. S. Dalrimple	66 Wiley H. Holden
28 Reuben Carter	67 William Ford, jr.
29 Elijah Cheney	68 William F. Carter
30 John W. Curtis	69 George Burkett
31 Benjamin McEntire	70 Benj. B. Richmond
32 Barnett Cole	71 Josiah Merritt
33 Daniel M. Burbanks	72 Ozias Kilburn
34 Enos Curtis	73 William Miller
35 Andrew M. Smith	74 John Pettingale
36 Reuben P. Hartwell	75 David Garner, sr.
37 Isaac Busenbark	76 Henry Zebrisky
38 Bamon Dickey	77 Newman G. Blodget
39 Zaddock S. Beathers	78 Samuel S. Thornton

- 79 Alva North
80 William Milam
81 Oliver Stratton
82 Samuel Swarner
83 William W. Lane
84 Gideon Allen
85 George W. Harris
86 William R. Orton
87 Lewis C. Zebrisky
88 Hiram Hoyt
89 William M. Allred
90 Merritt Rockwell
91 Green Taylor
92 William Taylor
93 Lisbon Lamb
94 Jesse McCarroll
95 Thomas Burgess
96 Isaac H. Lossee
97 James H. Heath
98 Roswell E. Fere
99 Robert Caldwell
100 Lyman Stevens
101 Chester Southwick
102 Richard Bird
103 Royal Barney
104 George W. Brandon
105 Josiah Boice
106 Joseph Godfrey
107 Joseph Young
108 Henry Momer, jr.
109 William Pierson
110 John Sweatt
111 Egbert Elsworth
112 S. B. Merrill
113 Isaac Nelson
114 Sandford Fonbush
115 Joseph D. Lane
116 James Bird
117 Levin Simmons
118 Redick N. Allred
119 Myran N. Crandall
120 Samuel Burgess
121 James Caziere
122 Simeon C. Dalton
123 Stephen Fansworth
124 Whitford G. Willson
125 Breid Sarls
126 Lyman Stoddard
127 John Lamoreaux
128 Salisbury Cummins
129 John Becket Wilson
130 John Moiles
131 Peter Boice
132 Franklin Bagby
133 Nahum Holden
134 Elmer Harris
135 Silas Hillman
136 John Fancett
137 William Huntsman
138 George Tiffney
139 Norman Taylor
140 Ephraim Mecham
141 Thomas McKee
142 A. C. Hodge
143 James McKee
144 Isaac Houston
145 Allen Weeks
146 Henry Garner
147 Joseph Garlic
148 Silas Smith
149 Moses Meacham
150 William Vanasdall
151 Nelson W. Whipple
152 G. P. Dykes
153 Joseph Egbert
154 Thomas Bird
155 John Hammond
156 William Ward
157 William Woodland
158 Elisha Edwards
159 James G. Browning
160 Elam Meckam
161 Hiram Bennett
162 Alfred B. Benson
163 Jasper Wilson
164 Absalom Perkins
165 Charles M. Johnson
166 William Earl
167 John Horn
168 John Gollibier
169 James Welch
170 Dennison L. Harris
171 Hopkins C. Pendor
172 Owen Cole
173 Moses Dailey
174 Francis Guitaur
175 W. S. Townsend
176 Samuel Egber
177 A. P. Hawes
178 Richard S. Hardin
179 E. P. Cone
180 Luther Tuttle
181 Ira Sherman
182 William Draper, jr.

- 183 S. W. Conduit
 184 Charles A. Terry
 185 Moses Clamson
 186 William Cloward
 187 G. W. Stoker
 188 James Cragun
 189 Noah T. Guymon
 190 Henry Devinish
 191 Thomas S. Nelson
 192 Joseph Hardy
 193 Alexander Becksted
 194 Henry Terry
 195 John W. Berry
 196 E. P. Rollins
 197 Nathan Chamberlain
 198 Levin Cotton
 199 Halteron C. Hadlock
 200 Lorenzo Clark
 201 John H. Carter
 202 James S. Thompson
 203 Sheppard Glazier
 204 John Elmore
 205 Easton Kelsey
 206 Eleazer King, sr.
 207 John Walker
 208 Daniel Corbit
 209 Benjamin F. Bird
 210 John Loveland
 211 Davis McAuley
 212 James B. Bowen
 213 Obed Hamblin
 214 Simons P. Curtis
 215 Warren Foot
 216 George Foster
 217 John Cheney
 218 William Edwards
 219 Benjamin Ellsworth
 220 Joseph L. Lish
 221 Orren Jeffards
 222 W. G. Clark
 223 John Durfee
 224 F. J. Wheeling
 225 John Couley
 226 Isaac Allred
 227 David Beck
 228 Lorenzo Johnson
 229 Joseph Grover
 230 Lyman Curtis
 231 Thomas Dobson
 232 William Caulkins
 233 Elijah Willson
 234 Luther W. Glazier
 235 Joseph Keller
 236 James Stewart
 237 Jonathan Browning
 238 Benjamin Stewart
 239 F. R. Willson
 240 William B. Coffin
 241 Otis Terry
 242 Otis L. Terry
 243 Joseph K. Lane
 244 James Hutchins
 245 Rufus Faubush
 246 Joseph Kelly
 247 William Woodland
 248 Samuel J. Burgess
 249 James Carroll
 250 Ezekiel Hopkins
 251 James Jones
 252 Isaac M. Stuart
 253 James Downs, jr.
 254 Levi Perkins
 255 Daniel L. Jackson
 256 Jos. J. L. Clark
 257 Melvin Wilber
 258 James Dunn
 259 Horace Rawson
 260 Myron Higby
 261 A. P. Chesley
 262 Abraham Rose
 263 George McBride
 264 M. F. Bartlett
 265 B. F. Galland
 266 Simeon Cragun
 267 J. M. Whitaker
 268 Ezra Beckford
 269 Andrew S. Gibbons
 270 Matthew Caldwell
 271 William A. Follett
 272 Nathan Stuart
 273 John Stevens
 274 John D. Parker
 275 Luke Johnson
 276 Evins O'Banion
 277 Joseph Skein
 278 Ralph Rose
 279 Orren Hadlock
 280 Moses Curtis
 281 Danford Attwood
 282 H. Burgess
 283 Sam Pollock
 284 George Sweet
 285 Elisha Jones
 286 Alexander Clough

- 287 J. W. Northrop
 288 John T. Fose
 289 William Faucett
 290 John Clark
 291 John Baley
 292 Bartholomew Mahoney
 293 George F. Hampson
 294 Ed. H. Parks
 295 John Finley
 296 Willson Kearns
 297 W. C. McIntosh
 298 Lewis Zebriskie
 299 John Kearns
 300 Sam. G. Clark
 301 James Goff
 302 Harmond D. Pearsons
 303 Wm. D. Manning
 304 John C. S'arls
 305 John Turpin
 306 William Caziere
 307 Roswell Stevens
 308 George Brown
 309 Sisson A. Chase
 310 Wm. Ford, sen.
 311 Peter Rank
 312 John Clark
 313 George W. Burch
 314 James Præctor
 315 Wm. Hyde
 316 John McDonnald
 317 Wm. Stevens
 318 Francis Beckstead
 319 John Mills
 320 Isaac Oudercark
 321 Reuben Hildreth
 322 David Garner
 323 Michael Stoker
 324 Ira Allen
 325 A. S. Stanley
 326 Ichabod Gifford
 327 Elisha Willcox
 328 Joseph France
 329 Lewis Barney
 330 Charles Barney
 331 Henry Mower, sen.
 332 John Mower
 333 James McLellin
 334 Moses J. Gardner
 335 Nahum Bigelow
 336 Andrew Coltrin
 337 Harmon Long
 338 William Dodson
 339 Benjamin McGinness
 340 John McRayra
 341 Rufus Faubush, jun.
 342 Steven Blackman
 343 Saml. Henderson, sen.
 344 H. S. Wild
 345 John Myres
 346 Philemon C. Merrill
 347 Joseph H. Tippetts
 348 Alfred B. Childs
 349 Gustavus A. Perry
 350 Lemuel Lewis
 351 John Allimon
 352 Andrew B. Williams
 353 Luther Barney
 354 James Adams
 355 Sam. Raman
 356 John Thompson
 357 N. S. Bulkley
 358 Dimond McPherson
 359 Benj. Bullock
 360 James Cowley
 361 Charles Cowley
 362 Wm. Robinson
 363 Ira S. Hatch
 364 Abraham Coon
 365 Wm. Watters n
 * 366 Ezariah Tuttle
 367 Lorenzo D. Driggs
 368 Saml. Williams
 369 William Stubbs
 370 Josiah L. Deforest
 371 Thomas G. Willson
 372 Wm. R. Terry
 373 Charles Park
 374 James P. Stow
 375 Aaron Dolph
 376 W. W. McGuire
 377 R. W. Allred
 378 C. S. Peterson
 379 Horace Fish
 380 Charles Hopkins
 381 James D. Allen
 382 James A. McCaul
 383 N. H. Yager
 384 Lorenzo Perry
 385 Philo Allen
 386 John Riggs
 387 Wheeler Baldwin
 388 Edwin Harley
 389 George H. Sweatt
 390 George Cumings

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|------------------------|------------------------|
| 391 John K. Crosby | 443 Jacob Hamblin |
| 392 Philip Gatrost | 444 David Holman |
| 393 Wm. B. Simmons | 445 John Reid |
| 394 James Guymon | 446 Wm. Garner |
| 395 Saml. Price | 447 John M. Bybee |
| 396 James Huntsman | 448 Isaac B. Hatch |
| 397 James Dunn | 449 Wm. L. Perkins |
| 398 Gilman Merrill | 450 Robt. Campbell |
| 399 Lewis Hardy | 451 Miner Winn |
| 400 Wm. McEwin | 452 Robt. Johnson |
| 401 John Smith | 453 Loren Kinney |
| 402 John Bright | 454 John Nickols |
| 403 Theodore Rogers | 455 Andrew B. Wild |
| 404 George Coulson | 456 Eber Johnson |
| 405 Myron Childs | 457 Gash C. Case |
| 406 James Rollins | 458 Levi Skinner |
| 407 A. Bybee | 459 Francis Lawrence |
| 408 Thomas Willson | 460 Alex'r McRay |
| 409 Loren Dunn | 461 Daniel Carter |
| 410 C. H. Best | 462 Alva Alexander |
| 411 John Green | 463 Jeremiah Hatch |
| 412 John Stevens | 464 Jesse Mason |
| 413 Thomas Green | 465 John C. Annis |
| 414 Jacob Huntsman | 466 O. P. Colvin |
| 415 Ute Perkins | 467 Abel Lamb |
| 416 George W. Bratton | 468 James Warren |
| 417 Alvin Winger | 469 Sisson Chase |
| 418 Edson Barney | 470 Edmund Fisher |
| 419 John McBride | 471 G. H. Hoytt |
| 420 Henry Willcox | 472 John Tidwell |
| 421 Wm. B. Thompson | 473 Elias Bassett |
| 422 Jerome M. Benson | 474 Wm. Casto |
| 423 Luman A. Shirtliff | 475 James Woodward |
| 424 Wm. R. R. Stowell | 476 Job P. Barnum |
| 425 William Topham | 477 Thomas Ivie |
| 426 Samuel Utley | 478 Wm. H. Perry |
| 427 Wm. W. Patton | 479 Stephen Perry |
| 428 W. A. Hickman | 480 John B. Atchison |
| 429 Ira Ovitt | 481 Thomas H. Park |
| 430 Charles Poukett | 482 Alex'r McCord |
| 431 Levi Hammond | 483 George A. Smith |
| 432 William Ormsby | 484 Wm. Snow |
| 433 Lee Bybee, jun. | 485 Thomas Kearns |
| 434 Joseph Bushey | 486 Jeremiah Bingham |
| 435 Rusel G. Brownell | 487 Hiram Judd |
| 436 Wm. Draper, sen. | 488 Salmon Barkdell |
| 437 Alfred Brownell | 489 Wm. Faucett |
| 438 James Rodeback | 490 Amos Bemos |
| 439 Isaac Clark | 491 Daniel R. Williams |
| 440 Samuel Wood | 492 C. C. Pendleton |
| 441 Isaac Allred | 493 Samuel Glasgow |
| 442 Franklin Holman | 494 Wriley Hough |

495 Daniel Staunton
 496 Edward Philips
 497 Wm. Johnson
 498 John S. Smith
 499 Alfred Billings
 500 Jerman Elsworth
 501 Rufus Allen
 502 James McBride
 503 Philip Garner
 504 Jacob G. Bigler
 505 Moses Tracey
 506 Wm. M. Wall
 507 Ezekiel Lee
 508 Francillo Durfee
 509 G. S. Clark

510 James Sloan
 511 Wm. Huntington
 512 Thomas Butterfield
 513 Henry Cook
 514 Wm. H. Lee
 515 Tunis Rapellee
 516 Henry Miller
 517 Charles Bird
 518 Benj'n K. Bullock
 519 Chester Snider
 520 Evan M. Greene
 521 Charles Rhodeback
 522 John F. Bellows
 * 523 Ira T. Dibble

HENRY MILLER,
 WILLIAM HUNTINGTON,
 CHARLES BIRD,

Judges of election.

Attest:

JAMES SLOAN,
 E. M. GREENE,

Clerks of election.

STATE OF IOWA, *Appanoose county, ss:*

At a meeting of the county commissioners' court, in and for said county, held in Centerville on the 4th day of January, in the year A. D. 1848, it was then and there ordered by the commissioners constituting said court, as follows, to wit:

Be it ordered by the board of Appanoose county that Garden Grove township be, and the same is hereby organized, and the inhabitants thereof shall be entitled to all the privileges and rights to which, by law, the inhabitants of other townships in this State are entitled. The township of Garden Grove shall be bounded as follows, viz: including the west half of Wayne county, *and all the territory west*—the place of holding election at John Bears's.

STATE OF IOWA, *Appanoose county, ss:*

I, J. F. Strattan, clerk of the board of commissioners of the county and State aforesaid, do hereby certify that the foregoing is truly copied from the records of the county commissioners' court of said county.

In testimony whereof, I have hereunto subscribed my name and affixed
 [L. S.] my seal of office, at the office in Centerville, this 7th day of September, A. D. 1849.

J. F. STRATTAN,
Clerk of the Board of County Commissioners.
 By his deputy,
 WILLIAM S. MANSON.

* This last name should stand No. 366, as it stands so in the original, and was omitted through mistake at its proper place.

Ordered by said board that there be three Congressional townships organized in Lucas county for election purposes—the place of holding elections to be at W. S. Townsend's house; and that James Rowland, William Uyres, and William Willis, be appointed judges of said election. The name of said precinct will be known as Chariton precinct.

I, George W. Piper, clerk of the board of county commissioners of Monroe county, Iowa, do certify that the above is a true copy of an order made by said board of commissioners on the 3d day of July, A. D. 1848.

In testimony whereof, I have hereunto set my hand, with the seal of the board of commissioners of said county hereto affixed, this [L. s.] 25th day of August, A. D. 1849.

GEORGE W. PIPER,
County Commissioner's Clerk.
Per CHARLES W. ANDERSON.

At a meeting of the county commissioners' court of Lee county, Territory of Iowa, held on the 2d day of April, 1839, the said court, among other matters in relation to the creation of election precincts, ordered as follows:

"Precinct No. 1 is hereby established at the house of William Spencer, on the Desmoine river, and that William Spencer, Shapley Elmore, and Johnson Meek are hereby appointed judges of said precinct for the present year."

"Precinct No. 6 is hereby established at the house of William Howard, in what is commonly called Howard's settlement, and that William Howard, Harrison Foster, and Eli Millard are hereby appointed judges of said precinct for the present year."

STATE OF IOWA, *county of Lee, ss:*

I, R. McFarland, county commissioners' clerk of said county, do hereby certify that the above and foregoing statement of election precincts are true copies taken from the records of the county commissioners' court of Lee county, Territory of Iowa.

In testimony whereof, I have hereto set my hand and the seal of my office, this 30th day of August, [L. s.] A. D. 1849.

R. McFARLAND,
Clerk Board Commissioners, Lee County.

Ordered by said board that that portion of country called Clark county, lying immediately west of Lucas county, to what is called the East Nishnabotna, be organized into a precinct for election and judicial pur-

poses, and that Elias Adams, Edwin Whiting, and Stephen K. Perry be appointed judges of election for the August election in 1848.

I, George W. Piper, clerk of the board of county commissioners of Monroe county, Iowa, do certify that the above is a true copy of an order made by said board of commissioners on the 3d day of July, A. D. 1848.

In testimony whereof, I have hereunto set my hand, with the seal of [L. s.] the board of commissioners hereto affixed, this 25th day of August, A. D. 1849.

GEORGE W. PIPER,
County Commissioners' Clerk.
Per CHARLES W. ANDERSON,
Deputy.

STATE OF IOWA, *Mahaska county, set:*

At a meeting of the board of commissioners of Mahaska county, held at Oskaloosa on the 14th day of May, 1844, among other matters, it was ordered as follows:

No. 9. *White Breast.*—That all the unsurveyed territory which lies west of Mahaska county, except that part which lies north of John Mike-sell, and attached to Mahaska county for election purposes, shall form the ninth precinct; and the place of holding shall be at the house of Edward Billips.

STATE OF IOWA, *Mahaska county, set:*

I, Samuel Bressler, clerk of the commissioners' court of said county, do certify that the foregoing is truly copied from the records of this office.

In testimony whereof, I have hereto set my hand, and seal of said [L. s.] board affixed, this 6th day of September, 1849.

SAMUEL BRESSLER,
Clerk B. C. C., Mahaska county, Iowa.

Depositions of witnesses taken before Jesse B. Browne, a justice of the peace of Jackson township, Lee county, Iowa, at his office in said township, in the matter of Daniel F. Miller, contestant, vs. William Thompson, sitting member of the House of Representatives of the thirty-first Congress of the United States; depositions taken on behalf of said contestant by authority of the resolution of the said House of Representatives, and in compliance with the annexed notice marked exhibit A A.

On the 20th day of February, 1850, the said Daniel F. Miller, in person, and the said William Thompson, by his attorney Charles Mason, esq., appeared before me in my office at 7 o'clock p. m.; and the said Charles Mason then agreed and authorized the justice to proceed and take the

said testimony forthwith, and waived the number of days' notice the sitting member is entitled to under said resolution.

The following witnesses were then sworn, according to law, to give true testimony in relation to such matters as they might be legitimately interrogated by the said parties on the points stated in said notice, to wit: S. T. Marshall, Geo. P. Sules, Joseph M. Beck, V. P. Van Antwerp.

S. T. Marshall being sworn as aforesaid, testified as follows:

Interrogatories propounded by Daniel F. Miller.

Interrogatory 1. Were you a resident of the first Congressional district of the State of Iowa at the August election of 1848, and were you a voter and did you vote at said election?

Answer. I was a resident and a voter, and I think I voted.

Interrogatory 2. To which of the political parties, viz: whig or democratic, do you belong?

Answer. Democratic.

Interrogatory 3. Have you at any time since said election seen a writing purporting on its face to be one of the poll-books of Kaneshville precinct, Iowa, for said election?

Answer. I believe I have.

Interrogatory 4. In whose hands did you see it, and where and when?

Answer. I saw it at Dr. Olive's, in Keokuk, in a room occupied by Jos. Hollman, within the last year. I suppose I received it from said Hollman, and I returned it to him again.

Interrogatory 5. Can you tell where said poll-book is at present?

Answer. I cannot.

Interrogatory 6. What are the politics of Mr. Hollman, and did he or did he not take an active part against me in said election?

Answer. He is a democrat; and as such, did take an active part against Mr. Miller in said election.

Interrogatory 7. Was or was not J. C. Hall, esq., present at the time you examined said poll-book, and was he not boarding at the house of Dr. Olive at the same time?

Answer. He boarded at said house and occupied the same room with Hollman, but was not present at the time said poll-book was examined.

Cross-interrogatory by Charles Mason, Esq., on part of Wm. Thompson.

Interrogatory 1. Do you know whether the paper you saw was the poll-book of the Kaneshville precinct?

Answer. I do not know of my own knowledge, positively.

S. T. MARSHALL.

Sworn and subscribed to before me and in my presence, on the day, at the place, and within the hours in that behalf aforesaid.

J. B. BRAWNE,
Justice of the Peace.

Geo. P. Stiles, being sworn as aforesaid, testifies as follows:

Interrogatories propounded by Daniel F. Miller.

Interrogatory 1. What is your profession or occupation, and what are your politics?

Answer. I am an attorney at law, and have uniformly voted the democratic ticket.

Interrogatory 2. Did you or did you not reside in the first Congressional district of the State of Iowa at the August election of 1848, and did you or did you not warmly support Wm. Thompson for representative in Congress at said election?

Answer. I did reside in said district at the time of said election, and did support and vote for said Thompson at said election.

Interrogatory 3. In which of the counties of said district did you then reside?

Answer. In Keosauqua, Van Buren county.

Interrogatory 4. Have you ever visited the election precinct or village of Kaneshville? and if so, where is it situated?

Answer. I have visited said precinct, and it is situated on the Missouri river, in the western part of the State of Iowa.

Interrogatory 5. When did you visit the said precinct, and for what purpose?

Answer. I visited it in July, 1848, and went there for electioneering purposes in behalf of the democratic party?

Interrogatory 6. Did any other persons go with you to said precinct? and if so, name them.

Answer. There were other persons who went with me, to wit: Josiah H. Bonney, of Van Buren county, Iowa, Dr. John Sellman, of Davis county, and Wm. S. Townsend, of Lucas county.

Interrogatory 7. For what purposes did said gentlemen go with you to said precinct; and what are their politics? [Objected to by Mr. Mason for irrelevancy.]

Answer. They were all democratic in politics, so far as I know and believe; and they had the same objects in view which I had, which were of an electioneering character.

Interrogatory 8. What is the distance from Keosauqua to Kaneshville precinct?

Answer. I should call it, by report, from 275 to 300 miles.

Interrogatory 9. How long did you and said gentlemen stay in your said visit at Kaneshville precinct electioneering for the democratic ticket? [Objected to by Mr. Mason for irrelevancy, as above.]

Answer. Josiah H. Bonney, Dr. John Sellman, and myself stayed there three or four days, and then left, leaving the said Wm. S. Townsend there; this was about two weeks before the election.

Interrogatory 10. Was or was not any money furnished the said Wm. S. Townsend to remain in Kaneshville for electioneering purposes? and if so, who furnished said money?

Answer. No money was furnished to my own knowledge.

Interrogatory 11. State if you know, by information derived from said Bonney or Sellman, of any money having been furnished said Townsend

for electioneering purposes, or for his time and expenses? [Objected to by Mr. Mason for incompetency.]

Answer. Said Bonney informed me that he had left money with said Townsend to defray his expenses until after the day of election; and said Townsend was to remain there until after the election.

Interrogatory 12. Was or was not said Sellman a candidate for State senator at the August election of 1848; and was he not also, at same time, one of the Cass electors of the State of Iowa for the presidential election of 1848?

Answer. He was a candidate for State senator, and also one of the candidates upon the democratic ticket for presidential elector.

Interrogatory 13. Was Mr. Bonney a candidate at said election, on the democratic ticket, for any office? and if so, what; and was or was he not elected to the office?

Answer. He was a candidate for secretary of state, on democratic ticket, and was elected.

Interrogatory 14. At what place did you, Mr. Bonney, and Mr. Sellman assemble preparatory to your starting for Kanesville precinct; and state your course of travel to said precinct?

Answer. Mr. Bonney and myself left Keosauqua together; went to Bloomfield, Davis county; met Dr. Sellman there; left Bloomfield; went to Centreville, Appanoose county; from thence to Princeton, Monroe county; at which place we were joined by Wm. S. Townsend, who proceeded with us southwest, or nearly west, to Chariton Point, in Lucas county; and thence westerly to Kanesville.

Interrogatory 15. Had you a compass of any kind with you by which you were able to form the opinion that Kanesville lay west of Monroe county?

Answer. We had a compass of very inferior quality, and upon which we placed very little reliance; it was merely a little pocket compass. From the observations we made with the compass we could come to no definite conclusion; but from information received from persons living in and about Kanesville we were led to the conclusion that Kanesville lay west of Monroe county.

Interrogatory 16. Did or did you not see and confer with J. C. Hall on your said journey to Kanesville, and did he not travel some distance with you? and if so, state how far.

Answer. He went in company with Bonney and myself from Keosauqua to Bloomfield, a distance of some 25 miles.

Interrogatory 17. What are the politics of said Hall, and what business was he on at said time?

Answer. A prominent member of the democratic party, and I suppose he was attending to the business of his party.

[To all the above interrogatories, from No. 10 inclusive, Mr. Mason objected for irrelevancy at the time said interrogatories were respectively propounded.]

GEORGE P. STILES.

Sworn and subscribed to before me and in my presence on the day, at the place, and within the hours in that behalf aforesaid.

J. B. BRAWNE, *Justice of the Peace.*

And now this case is continued until to-morrow, the 21st instant, at 6 o'clock p. m.

This February 21st, 1850, at 6 o'clock p. m., the parties again appeared—Daniel F. Miller in person, and said William Thompson by his counsel, Charles Mason, esq.

Joseph M. Beck having been sworn as aforesaid, testified as follows:

Interrogatories propounded by Daniel F. Miller.

Interrogatory 1. Were you or were you not present in the office of Charles Mason, esq., of Keokuk, the day before yesterday, when a conversation occurred between said Mason and Daniel F. Miller, relative to the Kaneshville poll-books, alleged to have been carried out of the office of the clerk of the board of commissioners of Monroe county, Iowa? If so, state what that conversation was, and whether any book was produced, and how it was obtained, which purported to be the said poll-books. State all you know about it.

[Question objected to for irrelevancy and incompetency by Charles Mason.]

Answer. On the evening of the 19th of February instant I went to the office of Mason, Curtis, and Rankin for the purpose of examining some legal authorities. I found there Judge Mason, General Van Antwerp, and Mr. Miller in conversation. I had not been there long when the subject of the contested election was spoken of. Judge Mason informed Mr. Miller that he wished him to accept the service of certain notice to take depositions to be used as evidence in matter of said contested seat. Mr. Miller expressed his willingness to comply with the Judge's request. Judge Mason produced, either from his pocket or his desk, (he was at the time near his desk,) a bundle of papers, and handed them to Mr. Miller. Mr. Miller, on receiving them, exclaimed—Judge Mason, you have made a mistake! you have given me the poll-books of the Kaneshville precinct that Hall stole. Judge Mason extended his hand as though he desired to take them back. Mr. Miller said something to this effect: "We will examine them." General Van Antwerp and myself approached Mr. Miller and the Judge. Mr. Miller declared the papers he held in his hand to be the poll-books of the Kaneshville precinct, "as he expressed it," that were stolen, and asked Judge Mason where he had obtained them? The Judge replied, I assure you, Mr. Miller, I came by them honestly; but I am not at liberty to tell how or of whom. These are, as near as I can recollect, his exact words.

General Van Antwerp, Mr. Miller, and myself examined the papers. They purported to be the poll-books of the Kaneshville precinct. They were signed and attested by the proper officers, so far as I observed. General Van Antwerp took them in his hand, and observed something to the effect that they were got up in good style. Mr. Miller pointed out the signatures of the election officers, and called our attention to the names of many voters that appeared on the books, with whom he said he was well acquainted. He likewise called our attention to the fact, that there purported to be the names of 523 voters recorded in the books. I called the attention of the gentlemen to the fact, that the books to me had the appearance of having been wet. Mr. Miller asserted several times that the papers he held in his hands were the identical poll book of the Kaneshville precinct that, as he expressed it, had been stolen. Judge Mason

made no denial of the assertion of Mr. Miller. Mr. Miller, after we had examined the papers for some time, returned them to Judge Mason, enjoining him to keep them, and let no other person have them; observed that if he found them in the hands of any other person, he would take them at the peril of his life.

JOSEPH M. BECK.

Sworn and subscribed to before me, and in my presence, on the day, at the place, and within the hours in that behalf aforesaid.

J. B. BRAWNE,
Justice of the Peace.

Ver Planck Van Antwerp, being sworn as aforesaid, testified as follows:

Interrogatories propounded by Daniel F. Miller.

Interrogatory 1. Were you or were you not present in the office of Charles Mason, esq., of Keokuk, the day before yesterday, when a conversation occurred between said Mason and Daniel F. Miller relative to the Kaneshville poll-books, alleged to have been carried out of the office of the clerk of the board of commissioners of Monroe county, Iowa? If so, state what that conversation was, and whether any book was produced, and how it was obtained, which purported to be the said poll-books. State all you know about it.

Answer. I was accidentally present on day before yesterday in the law office of Messrs. Mason, Curtis, and Rankin, Judge Charles Mason, a member of that firm, being present at the time, together with Daniel F. Miller, esq., and J. M. Beck, esq. I had been conversing with those gentlemen, and sat with my back or side towards Messrs. Mason and Miller, who had risen and gone to the back part of the room, near a desk and table, and continued conversing with each other, when I heard Mr. Miller exclaim emphatically, "this is the original poll-book of the Kaneshville precinct, which was stolen!" or words to that effect. The emphasis with which these words were spoken by Mr. Miller attracted my attention, when I turned fully around towards them, and inquired what it was he was saying. He repeated the declaration he had made, when I rose from my seat and approached them. Mr. Miller held in his hand a written document, which he again alleged was the poll-book referred to. I examined it, and made some remark to the effect that the signatures and names upon the paper were generally well written; adding that I had heard it stated that many of the persons who had voted at the Kaneshville precinct were not entitled legally to do so. Mr. Miller, thereupon, ran his finger over the list of names, pointing out a considerable number as belonging to individuals who, he stated, were personally known to him, and formerly citizens of this county, whom he knew to be entitled to vote. He stated, also, that he knew perfectly well the signatures of the judges of the election placed upon the first page of the document, and that it was unquestionably the original Kaneshville poll-book. Mr. Miller inquired of Judge Mason how he came in possession of the paper. The reply of Judge Mason was, in substance—the precise language I cannot recollect—that it came into his hands honorably, or that there was no impropriety connected with the transaction; but he did not feel himself at liberty to state how it occurred, or where or from whom he obtained it. Mr. Miller

then handed the document to Judge Mason, accompanied by some remark which I do not recollect.

V. P. VAN ANTWERP.

Sworn and subscribed before me, and in my presence, on the day, at the place, and within the hours in that behalf aforesaid.

J. B. BRAWNE,
Justice of the Peace.

STATE OF IOWA, *Lee county:*

I, J. B. Brawne, a justice of the peace within and for the county and State aforesaid, do hereby certify that S. T. Marshall, George P. Stiles, Joseph M. Beck, and V. P. Van Antwerp, the deponents, reside in the county and State aforesaid, and that they were by me severally sworn to testify the whole truth of their knowledge touching the matter in controversy aforesaid; that they were examined, and their examination reduced to writing, and by them respectively subscribed in my presence, in the day between the hours and at the place in that behalf aforesaid.

Given under my hand, at the city of Keokuk, this 21st day of February, A. D. 1850.

J. B. BRAWNE,
Justice of the Peace.

STATE OF IOWA, }
Lee county, } ss:

I, the undersigned, clerk of the district court of said county, do hereby certify that the within named J. B. Brawne, whose genuine signature appears to the within, is, and was at the date thereof, a legal and acting justice of the peace of said county, duly elected and qualified. As such full faith and credit are and ought to be given to all his official acts.

[L. s.] In testimony whereof, I hereunto set my hand and affix the seal of said court, at Keokuk, the 22d day of February, A. D. 1850.

P. H. BABCOCK, *Clerk.*
By G. R. STOVER, *Deputy.*

Clerk's fees	-	-	-	-	-	-	-	\$0 37½
Justice's fees	-	-	-	-	-	-	-	5 10
Constable's fees	-	-	-	-	-	-	-	1 20
Witnesses' fees	-	-	-	-	-	-	-	2 32

8 99

STATE OF IOWA, *Lee county:*

I, J. B. Brawne, justice of the peace of Jackson township, in the county aforesaid, do hereby certify that the above enumerated fees, amounting to \$8 99, have been paid by D. F. Miller to me.

J. B. BRAWNE, *J. P.*

MARCH 5, 1850.

Admissions of Thompson in relation to the politics of the officers of Monroe county.

APPANOOSE COUNTY, IOWA,
March 7, 1850.

Daniel F. Miller being desirous of proving at Oscaloosa, by Jonas Westcoatt (clerk of the district court of Monroe county) that the county commissioners of Monroe county, Iowa, who created the election precinct of Kaneshville, Iowa, as *also* the clerk of the board of commissioners of said county for the year 1848, are members of the democratic party, and acted as the political friends and supporters of Hon. William Thompson in the Congressional election of 1848: *Now, therefore*, to save the trouble and expense of taking such proof, I do admit said statements to be true, and, subject to my objections as to its relevancy and competency, allow the same to be used in evidence as though testified to by said Westcoatt.

WM. THOMPSON.

By his attorneys in fact,

J. C. HALL,

L. E. JOHNSON.

Admissions in reference to various matters.

DANIEL F. MILLER, contestant, } Contested election in the House of
vs. } Representatives, 31st Congress U.
WM. THOMPSON, sitting member. } States.

Said Daniel F. Miller being desirous to prove by witnesses the following matters, to wit:

First. That the place where Gheen (who was indicted in Appanoose county, Iowa) killed Conduit was at Traders' Point, a village on the Missouri river, and about eight miles due south of Kaneshville.

Second. That Kaneshville is situated about four miles east of the Missouri river, and about eight miles north of Traders' Point, and, by reputation, about sixteen miles south of the mouth of Boyers river.

Third. That the place of holding the election in Kaneshville, at the August election of 1848, was a building sometimes called by the name of the Council House, and sometimes called the Log Tabernacle, and is about as well known by one name as the other.

Fourth. That there were no other nominated candidates for representative in Congress, at the August election of 1848, except Daniel F. Miller, (sometimes called Dan Miller or Daniel Miller,) the whig candidate, Wm. Thompson, the democratic candidate, and Howe, the abolitionist candidate.

Fifth. That Ezra P. Cone (a democrat, and sheriff of Monroe county) was present at the Kaneshville polls at the August election of 1848, electioneering for Wm. Thompson and the democratic ticket.

Now I, therefore, for the purpose of saving the time, trouble, and expense attending the proof of these several matters referred to, do hereby

admit the same to be true, to the same force and effect as though they were testified to by depositions duly taken.

WILLIAM THOMPSON.

By his attorneys,

J. C. HALL.

L. E. JOHNSON.

KANESVILLE, *March 21, 1850.*

B.

FORT MADISON, IOWA, *February 23, 1850.*

SIR: You are hereby notified that on Monday, the 25th day of March, 1850, I shall take the testimony of witnesses before the clerk of the district court of Pottawatomie county, or other competent authority, at the office of said clerk, in Kanesville, or wheresoever said office may then be held in said county, for the purpose of having the same used in the contested election now pending between you and myself in the House of Representatives of the United States. I shall commence taking said testimony between the hours of 9 o'clock a. m., and 6 o'clock p. m., of said day, and will continue the same from day to day until all the witnesses are examined.

The object of said testimony will be—

1st. To rebut any proof you may have produced affecting the legality of the votes cast at Kanesville and in Dallas county at the August election of 1848.

2d. To show the legality of the votes cast in said places at said election.

3d. To show that Kanesville precinct was organized by your political friends to aid you in your election contest against me, and that your political friends all regarded Kanesville as a legal place of voting, and the voters there as good voters until after the election was over; and that after the election was over, and I had beaten you at that precinct, your political and personal friends stole that copy of the Kanesville poll books which had been filed in the clerk's office of the board of commissioners of Monroe county, Iowa, whereby the citizens of Kanesville were disfranchised of their electoral rights, and you secured the certificate of election.

4th. That you had the stolen poll books of said precinct in your possession at Washington city at the very time I charged you with it before the Committee on Elections, and that you afterwards sent them by mail to Iowa to your counsel, Charles Mason, esq., in whose hands I discovered them on the 19th February, 1850.

DANIEL F. MILLER.

HON. WILLIAM THOMPSON.

I admit service of the within by copy this 26th day of February, 1850, by copy at Keokuk

WM. THOMPSON.

By his attorney in fact,

CHARLES MASON.

Deposition of J. C. Hall.

Depositions taken before James Sloan, clerk of the district court of Pottawatomie county, State of Iowa, in the case of the contested election betwixt Daniel F. Miller, contestant, and William Thompson, sitting member of the House of Representatives of the thirty-first Congress of the United States. Depositions taken by authority of the resolution of the House of Congress, as shown by the exhibit marked A, and in pursuance of the notice, marked exhibit B, both of which are herewith filed.

Said D. F. Miller appeared in his proper person before said clerk at his office, in the town of Kanessville, in said county, upon the 21st day of March, 1850, at two o'clock p. m., and the said William Thompson by his attorneys, Hall and Johnson. Jonathan C. Hall being duly sworn as a witness on behalf of the said Daniel F. Miller, testified as follows:

Interrogatories propounded by Daniel F. Miller.

First. Were you at Albia, the seat of Monroe county, immediately after the August election of 1848? If yea, how soon thereafter were you there, and how long there?

Answer. I was there. I arrived at Albia about 3 or 4 o'clock p. m., on Saturday succeeding the election; I remained there until Tuesday morning following; during Sunday I was absent from town.

Second. Were you there before and at the time that James Sloan, the returning officer of Kanessville precinct, brought into the office of the clerk of the board of commissioners of Monroe county the election return or poll book of said Kanessville precinct? If yea, state all you know about the rejection of said poll books by said clerk, and of the subsequent disposal thereof.

Answer. I was there before the return was made, as I understood the returning officer arrived at Albia on Sunday evening succeeding the election. On Monday morning after, some person came to me and stated that the return was about to be made, and requested me to go to the office of the clerk of the board of commissioners and aid in the argument. I went to the clerk's office. Mr. Howell, Dr. Flint, Wm. Pickett, and some fifteen or twenty others, were present. I cannot say whether Mr. Sloan was present or not. A considerable conversation took place in regard to the propriety of the clerk receiving the return of the Kanessville election. I advised the clerk not to receive them, but to treat the acts of the commissioners of the county organizing the precinct of Kanessville as a nullity, as it was not in Monroe county. Arguments were adduced by Mr. Howell on the other side. In a short time Mr. Sloan advanced and presented a paper, apparently a sealed package, and offered it to the clerk as the returns of Kanessville precinct. It was laid on the table where the clerk was sitting. The clerk said that he did not believe, or that he was satisfied, that the precinct was not in Monroe county, and that it was not his duty to regard it, and that he would not receive it as a return. Some words passed, when a question was asked, what should be done with them. I replied, "*Sweep them out of doors*—they are waste paper," or words to that effect. Some one asked who should take them; I think Mr. Pickett said the clerk had received them. The clerk replied, "I have not, and I am not going to receive them."

Soon after this I left the office, as did most of the crowd. In the evening after the vote of the district had been canvassed, some person or persons, but who I do not recollect, told me that the clerk would not have anything to do with the poll books, and that Pickett or the Mormons would get them and hold on to them if something was not done; the clerk would not consent or dissent from any person's taking them. I replied, that if the clerk would not hold them, so that they would be secure from alteration and change, and would be safe, that by all means the democrats should hold them, as if they had complied with the law; a duplicate was retained at Kaneshville, and it would be well to hold on to this for the purpose of preventing fraud or alteration, in case of a contest either in the Congressional election or senatorial election for Monroe and Wapello. After dark that night I was informed that they had been procured, but how or by whom I do not know, nor did I inquire. Subsequently, I was told that they were in my carpet bags; but whether this was told me at Albia, or Ottumwa, in Wapello county, or Agency city, I believe it was at the latter place. I did not know whether it was a joke or not; but at Fairfield, in Jefferson county, I found a package, and supposed it was the package which purported to be the poll books. I took them to Burlington with me, and they remained with me sealed until some time in the winter of 1849, when some person or persons broke the seal. I never looked at them or in any manner examined them, unless it was to look over the list of voters to compare them with the list furnished by D. F. Miller in the contest. I gave them to Mr. Thompson in the spring of 1849, and never saw them afterwards until February, 1850; I saw them presented by L. E. Johnson, esq., one of the attorneys of Mr. Thompson, on the examination of James Sloan, esq., before Judge Renney, at Traders' Point, when his deposition was taken.

Third. Where did you reside at the period of said election?

Answer. At Burlington, Des Moines county, Iowa, about one hundred miles from Albia, Monroe county.

Fourth. Did you leave Burlington to go to Albia to influence the rejection of said poll-book? If yea, by the advice and consultation of whom did you go?

Answer. I went from Burlington on Thursday after the election with the intention of going to Monroe county to be present when the returns of the election were opened, and with the intention of preventing the Kaneshville precinct being counted if I could, as I believed the organization was illegal and void. On Wednesday preceding the election, I was at Montrose, in Lee county, and in company with Generals Dodge and Babbitt. After as careful an investigation and inquiry as I could make, I came to the conclusion that no injury could arise from the vote of Garden Grove, in Appanoose county, or Pisgah, in Monroe county, and that Kaneshville was north of Monroe county, and could not be legally received; and I told General Dodge that, as the friend of Mr. Thompson, I would attend to that matter. We, Dodge and myself, went to Madison that day; and sometime that day or the next Thursday the matter was talked over in the presence of General Dodge, Ed. Johnson, (I believe,) J. C. Walker, and ex-Governor James Clarke. I gave my views, and told them that I would go up and see that the Kaneshville vote was not counted, if they thought it advisable. They all expressed a desire that I should go; and some even urged me to go, expressing the unequivocal opinion that the

vote would be illegal and fraudulent, and that it ought, if possible, to be suppressed from the canvass. The impression was that the vote would be given to the whigs.

Fifth. Did any of your said friends and advisers, after the disposal of said poll-book, approve of what was done with them, and of the course taken with them?

Answer. I, as a democrat, took an active part in the election against Miller; and am now Thompson's attorney in the contest, and always approved the acts of the clerk in rejecting the poll-books, and the democrats in procuring and retaining them. I believe I have conversed with Gen. Dodge, ex-Governor Clarke, Ed. Johnson, V. P. Van Antwerp, and others; and, upon stating the facts and reasons why I advised that the poll-book should have been retained in the possession of the friends of Thompson, they have approved it. I recollect that General Dodge at the barbecue near Eddyville, in Wapello county, in the fall of 1848, called for three times three cheers for the democratic clerk of Monroe county who rejected the Mormon vote, which was loudly responded to by a large meeting.

Cross-examination by L. E. Johnson, in behalf of Mr. Thompson.

First. What conversation did you have with D. F. Miller, esq., the contestor, in relation to the poll-books of Kanessville?

Answer. In August, I think, of 1849, and before I heard that Miller had notified Thompson of a contest, I met Mr. Miller at West Point, Lee county, when the Kanessville poll books were the subject of conversation. I told Mr. Miller that I did not know where they were, but they *were safe and sound*, and I had no doubt but he could have them if he desired; that there was no disposition to suppress them. He replied that he did not want them; that he had, however, a copy of the duplicate left at Kanessville, and did not care three straws about them; he said that he desired Mr. Thompson to admit that the poll books had been brought to the clerk's office at Albia, and afterwards carried away, so that he could not get them from that office.

J. C. HALL.

STATE OF IOWA, *Pottawatomie county, ss:*

I, James Sloan, clerk of the district court of said county, do hereby certify that the foregoing deposition was taken before me at the time and place in the caption thereof specified; the said witness was sworn according to law in such case provided, prior to the interrogatories being propounded to him, and he wrote his answers to the several questions, and signed his name to the whole in my presence, and also in the presence of L. E. Johnson, esq., the other counsel for William Thompson.

In testimony whereof, I have hereunto set my hand and affixed the seal of the district court of Pottawatomie county, Iowa, this twenty-
[L. s.] first day of March, 1850.

JAMES SLOAN,
Clerk of District Court.

Abstract of votes polled on the first Monday (the 7th day) of August, A. D. 1848, in the county of Appanoose and State of Iowa, for the following named persons, to wit:

	Names of townships.						Total.	
	Washington.	Union.	Centre.	Chariton.	Wells.	Shoal Creek.		Garden Grove.
For representative in Congress { William Thompson	26	10	68	*	*	†	9	113
{ Daniel F. Miller....	14	6	20	.....	.....	.....	27	67
For Secretary of State { J. H. Bonney.....	26	10	67	.....	.....	.....	32	135
{ John M. Coleman.....	14	6	20	.....	.....	.....	4	44
For Auditor { Joseph T. Fales.....	26	10	68	.....	.....	.....	32	136
{ William A. Warren.....	14	6	20	.....	.....	.....	4	44
For Treasurer { Morgan Reno.....	26	10	68	.....	.....	.....	32	136
{ Robert Holmes.....	14	6	20	.....	.....	.....	4	44

* Poll books rejected for informality. † No returns.

We hereby certify the above to be a true abstract of the votes polled in the several townships in the county of Appanoose and State of Iowa, on the first Monday (the 7th day) of August, 1848, as taken from the several poll books returned to the clerk of the board of county commissioners by the judges of the election.

In testimony whereof, we have hereunto set our hands and affixed the seal of the board of county commissioners at Centreville, this 15th day of August, 1848.

JAMES J. JACKSON,
Clerk of Board of County Commissioners.
 WILLIAM PEWTERS,
Justice of the Peace.
 SPENCER F. WADLINGTON,
Justice of the Peace.

I hereby certify the above to be a true copy of the abstract of the votes polled in the county of Appanoose and State of Iowa, on the first Monday of August, 1848, as appears of record in my office.

J. F. STRATTON,
Clerk of Board of County Commissioners.

I hereby certify that Garden Grove township, in the county of Appanoose, is known as a Mormon township (or settlement.)

Given under my hand at Centreville, this 6th day of March, 1850.

J. F. STRATTON,
Clerk of Board of County Commissioners.

Abstract statement of the whole number of votes given for representative to Congress at an election held in Polk county, Iowa, on the first Monday and 7th day of August, 1848.

Candidates.	Townships.										Total.
	Desmoines.	Saylor's	Madison.	Boone.	Skunk.	Four-mile.	Camp.	Rockland.	Allen.	Lynn.	
William Thompson.....	144	....	15	42	12	3	27	22	9	26	300
Daniel F. Miller.....	98	27	3	6	4	18	12	24	29	16	237

William Thompson's majority over Daniel F. Miller is sixty-three votes.

We, the undersigned, hereby certify that the foregoing abstract is correct.

Given under our hands at Fort Desmoines, this 12th day of August, A. D. 1848.

LEWIS WHITTEN,
Clerk of Board of Commissioners.
 JOHN MCGUMNEY,
Justice of the Peace.
 THOMAS F. NAPIER,
Justice of the Peace.

STATE OF IOWA, ss:

Know ye that I, Ansel Briggs, governor of the State of Iowa and keeper of the great seal thereof, hereby certify that the annexed abstract of votes polled for representative to Congress in the county of Polk, State of Iowa, on the 7th day of August, 1848, has been compared with the original, now on file in the office of secretary of state for this State, and found to be a true and literal copy thereof.

In testimony whereof, I have hereunto set my hand and [l. s.] caused the great seal of the State of Iowa to be affixed.

Done at Iowa city this 15th day of September, A. D. 1849, and of this State the third.

ANSEL BRIGGS.

By the governor:
 JOSIAH H. BONNEY,
Secretary of State.

Organization of Boone precinct, in Boone county, which was returned to and included in Polk county abstract.

STATE OF IOWA, *Polk county:*

Commissioners' Court—July term, A. D. 1848.

Ordered, That Boone county be divided into two townships, to wit: All that part of said county which lies north of a line running east and west through the centre of Congressional townships number eighty-three north, lying in said county, is hereby declared to be one political township; and the same shall be known by the name of Boone township.

All that part of Boone county which lies south of the line aforesaid, viz: the line running east and west through the centre of townships number eighty-three north, is hereby declared to be one political township; and the name given the same is Pleasant township.

I, Lewis Whitten, clerk of the board of commissioners of said county, do hereby certify that the foregoing is a true copy of the order passed at the July term of the county commissioners of said county, A. D. 1848, relative to the division of Boone county into political townships.

Witness my hand and the commissioners' seal of Polk county [L. s.] aforesaid, at Fort Desmoines, this 24th day of October, A. D. 1849.

LEWIS WHITTEN,
Clerk of the Board of Commissioners of Polk county, Iowa.

[Showing that Miller received seven votes, which were rejected by the canvassers.]

STATE OF IOWA, }
 Marion county, } ss:

CLERK'S OFFICE BOARD OF COMMISSIONERS.

Abstract statement of the whole number of votes cast for representatives in the Congress of the United States at an election held in Marion county, (and the attached portions,) State of Iowa, on the first Monday (the seventh day) of August, A. D. 1848, wherein the several places of holding the election at which said votes were given are distinguished.

Names of townships.	William Thompson.	Daniel F. Miller.	
Knoxville - - -	78	60	Daniel Miller received seven votes for Congress.
Pleasant Grove - - -	20	-	
Lake Prairie - - -	18	7	
Clay (thrown out.)			
Liberty - - -	14	22	
Red Rock - - -	74	83	
Indiana - - -	21	14	
Perry - - -	21	23	
Warren - - -	14	27	
Black Oak Grove - - -	38	21	
Total - - -	298	257	

We, James F. Wilson, clerk of the board of commissioners of Marion county, and Richard R. Watts and John Swum, justices of the peace in and for said county, do hereby certify the foregoing statement to be a correct abstract of all the votes cast for representatives in Congress of the United States in said county, at the time and places designated.

[L. s.] Witness our hands and seal of said board, at Knoxville, this 14th day of August, A. D. 1848.

JAMES F. WILSON, *Clerk.*

Per J. SMITH HOOTON, *Deputy.*

RICHARD R. WATTS,
 JOHN SWUM,

Justices of the Peace.

I, James F. Wilson, clerk of the board of commissioners of Marion county, do hereby certify that the within is a correct copy of the original abstract now on file in my office.

Witness my hand and seal of said board, at Knoxville, this 19th day of

[L. s.] August, A. D. 1848.

JAMES F. WILSON, *Clerk.*

Per J. SMITH HOOTON, *Deputy.*

UNITED STATES OF AMERICA, }
State of Iowa, } ss:

Know ye that I, Ansel Briggs, governor of the State of Iowa, and keeper of the great seal thereof, hereby certify that the annexed is a true and literal exemplification from the files of the office of secretary of state.

In testimony whereof, I have hereunto set my hand and caused to be affixed the great seal of the State of Iowa. Done at Iowa
 [L. s.] city this fifth day of July, A. D. 1849, of the United States the seventy-fourth, and of this State the third.

ANSEL BRIGGS.

By the governor:

JOSIAH H. BONNEY, *Secretary of State.*

Depositions taken at Kanessville, Pottawatomie county, Iowa, commenced on the 18th day of March, A. D. 1850, before the undersigned, judge of the supreme court of the State aforesaid, in pursuance of the notice hereto attached, and in conformity with the resolution passed by the House of Representatives of the 31st Congress of the United States, first session. Present, J. C. Hall and L. E. Johnson, esqs., attorneys for Mr. Thompson, and Daniel F. Miller, esq., in person. And it is hereby agreed by the attorneys for Mr. Thompson, and by Mr. Miller, that the said depositions to be taken by Mr. Thompson at this place may be taken at the "Bluff House," instead of the Union House, as specified in the notice hereto attached.

Reuben Oaks being by me first duly sworn to tell the truth, the whole truth, and nothing but the truth, in reply to such interrogatories as shall be propounded to him in relation to the matter of contested election between William Thompson and Daniel F. Miller, makes answer to the following interrogatories, as follows, to wit:

Interrogatory 1. Where do you reside, and how long have you resided there?

[Objected to for irrelevancy and incompetency.]

Answer. I reside in the settlement called Honey Creek, called fifteen miles from Kanessville, on the main trace; travelled north from here to Cloward's bridge, where it crosses Honey creek, and have resided in that neighborhood for three years, it being in Pottawatomie county.

Interrogatory 2. Where did you vote at the August election, 1848?

[Objected to for irrelevancy and incompetency.]

Answer. I voted in Dallas county, Iowa; do not recollect the precinct, nor the judges of the election.

Interrogatory 3. How far, the way you travelled, was it from the place where you lived to where you voted?

[Objected to for irrelevancy and incompetency.]

Answer. I do not know exactly how far; we travelled a very crooked route; but should think it was one hundred and forty miles.

Interrogatory 4. How many days were you absent from home attending that election?

[Objected to for irrelevancy and incompetency.]

Answer. Sixteen days and a half.

Interrogatory 5. How many persons accompanied you from the Mormon settlements west of the Nishnabotna to attend that election?

[Objected to for irrelevancy and incompetency.]

Answer. I cannot give a correct answer to that, as I do not know the exact number, but something rising fifty.

Interrogatory 6. Look at this list, and state which of those persons therein named accompanied you, and where they resided?

[Objected to for irrelevancy and incompetency.]

Answer. The names of the persons that I remember that accompanied me to Dallas county to vote are as follows, with their places of residence, as far as I know, to wit: Allen J. Stout, residence Harris's Grove, near forty miles from Kanessville, east of northeast. Hiram Murdock resided in Honey Creek settlement, the same place where I live. Hiram Oaks lives in the same settlement, and did live there at the time he went to vote. Hiram Cheney lived in what is called the Bibey settlement, two miles east from where I live. T. W. Lasley lived in the same settlement. William C. Judy lived on Big Pigeon at that time; it is about ten miles, a little east of north from Kanessville. Alfred Bybe lived at that time, and does yet, in the Bibey settlement, about fifteen miles from Kanessville. Abraham Day went out to Dallas on some business; he did not ride in company with me; I am acquainted with him. William F. Ewell, I did know him; he lived on Big Pigeon, ten miles from here—is now dead. William Young I knew; he lived in the Bibey settlement; do not know where he lives at this time. Daniel Smith I knew; he lived at that time in the Bibey settlement. Lear Bracken I knew; he lived at that time on Big Pigeon, ten miles from Kanessville. Philander Colton I know, but do not know where he did or does live; he was in the company. J. C. Hall lived at the time in the Bibey settlement, fifteen miles from Kanessville. James Loveless, I know him; he lived at that time on Big Pigeon, about ten miles from Kanessville. Justin J. Merrill was also with us, but I do not know where he lived at the time; there was a man by the name of Merrill drove a team, but what his given name was I do not know. William C. McClellan was also with us; he lived on Big Pigeon at that time, ten miles from here. Levi North also went with us; he lived at Harris's Grove, forty miles from Kanessville. Daniel B. Young I know; he was also with us, and lived at the time in the Bibey settlement. Benjamin Gardner was also with us, and lived at that time in the Honey Creek settlement. William H. Head I know; he was also with us, and lived at the time in the Honey Creek settlement. Moses A. Sanders I know; he was also with us, and I do not know where he lived then or lives now. There was a man by the name of Wilson went with us, who lived in the Bibey settlement, but I do not know his given name. Anthony Stratton I know; he went with us, and

lived at the time in Honey Creek settlement. David Benson I also know; he went with us, and lived on Big Pigeon at that time, ten miles from here. Charles Patton I know; he went with us, and lived at that time in the Honey Creek settlement. Henry Beacksted I know; he went with us, and lived at that time in the Honey Creek settlement. Henry F. Wilson lived in the Bibey settlement, and went with us. William Gardner was along also, and lived at the time in the Bibey settlement. C. E. Bates lived in the Harris Grove, and went with us; it is about forty miles from here. The above-named persons are all the persons that I remember that accompanied me from Pottawatomie county to vote in August, 1848.

Interrogatory 7. How many persons that you have named moved into Iowa in the spring of 1848?

Answer. They all moved in—that I know—about the time that I did.

Interrogatory 8. Did most of the persons that you have named that went to Dallas county to vote, go to Fort Desmoines before returning?

Answer. No, sir, but a very few of them.

The examination in chief was here concluded, and the cross-examination commenced.

Interrogatory 1. You say that the persons that went up to Dallas county at the election with you moved into Iowa at the time you did; what time was it, then, that you and those persons moved into Iowa?

Answer. It will be four years this fall coming.

Interrogatory 2. Where did they settle when they came to Iowa, or what district of country?

Answer. Well, it was within the bounds of the Pigeon, of Boyer and Honey Creek settlements, within the Pottawatomie purchase.

Interrogatory 3. Did you vote in Dallas county at the election referred to?

Answer. I did.

Interrogatory 4. Did you believe that you had a right to vote there?

[Objected to.]

Answer. I believed, to the best of my knowledge, that I was a lawful voter in that county.

Interrogatory 5. Mr. Thompson, the sitting member in Congress, alleges, in his answer before the Committee on Elections, that you and all those who went to vote in Dallas county, without a single exception, were foreigners, and not citizens of the United States: is the charge of Mr. Thompson that you are a foreigner, and not a citizen of the United States, true?

Answer. It is not true. I was born in the State of Pennsylvania.

Interrogatory 6. From what you know of the other voters, state whether they were citizens of the United States.

[Objected to.]

Answer. I don't believe that there was a person in the company that was not a legal voter in the United States.

Interrogatory 7. Do you also believe that they were legal voters in the State of Iowa?

[Objected to.]

Answer. I do believe they were.

Interrogatory 8. Mr. Thompson, in his answer before the said committee, alleges that you and all those who went to Dallas county, not making a single exception of one of you, were mere transient persons, and had

not resided six months in Iowa before the said election. Is that charge true or false?

Answer. It is not true.

Interrogatory 9. What business are you and those who went to Dallas county generally engaged in?

Answer. Generally as a people engaged in farming—trying to make a living out of the products of the earth.

Interrogatory 10. Did those persons who went with you suppose that they were voting legally, and not violating the laws of the land, according to the best of your information?

[Objected to.]

Answer. I suppose they did, sir. I did, myself.

Interrogatory 11. Were they not over twenty-one years of age generally, from their looks and appearance, and from your knowledge of them?

[Objected to.]

Answer. They were.

Interrogatory 12. Did you know a single one of them that was a minor, and under twenty-one years of age?

[Objected to.]

Answer. No, sir; I did not know any under twenty one years of age.

Interrogatory 13. Have you ever been at the northwest corner of Dallas county?

Answer. I never was.

Interrogatory 14. Can you tell me where a line running due west from the northwest corner of Dallas county to the Missouri river, would strike said river?

Answer. As near as I can learn, it would strike twenty miles north of this place.

Interrogatory 15. Did not you and those voters then hold the opinion that your and their legal place of voting was in Dallas county, and that your portion of country was attached to Dallas county for revenue, election, and judicial purposes?

Answer. We, at the best of our knowledge, thought it was the case.

Interrogatory 16. When did you first see Mr. Hall, the attorney for Mr. Thompson, and what day of the week was it on?

Answer. Sunday.

Interrogatory 17. Where did you see him at?

Answer. My house, fifteen miles from this place.

Interrogatory 18. Did you not come here to give testimony at his request, and without being subpœnaed?

Answer. Yes, sir, I did. Mr. Hall stated to me that a subpœna could not be served on Sunday, but I accepted service upon the back of it.

Interrogatory 19. Did Mr. Hall state that he was authorized to serve a subpœna upon you, or did he hand the subpœna to you upon the Sabbath day?

Answer. He did not state that he was authorized to serve a subpœna, but to send it to me, and he said he had a subpœna.

Interrogatory 20. Did Mr. Hall, or any one with him as assistant counsel for Mr. Thompson, offer you any pay or pay you for coming here to give testimony?

Answer. He said he would pay me whatever the law allowed for fees, which he said was a dollar a day and eight cents per mile.

The examination in chief resumed.

Interrogatory. Were you and the most of those who accompanied you to Dallas county members of the Mormon church?

Answer. All, as far as I know, were. And further deponent saith not.
REUBEN OAKS.

Sworn to and subscribed before me this 18th day of March, A. D. 1850.
J. F. KINNEY, *Judge, &c.*

Also, on the same day and place, in presence of the said attorneys for Mr. Thompson, and in presence of Mr. Miller, came Hiram Oaks, who being by me first duly sworn, as stated in the foregoing deposition, makes answer as follows, to wit:

Interrogatory 1. Have you heard the testimony of Reuben Oaks, your brother, and how does your recollection correspond with his in regard to the subject-matter sworn to by him?

Answer. I have, and I fully sustain and corroborate his statements. And there being no further questions, deponent further saith not.

his
HIRAM OAKS.
mark.

Sworn to and subscribed before me this 18th day of March, A. D. 1850.
J. F. KINNEY, *Judge, &c.*

Also, at the same time and place, in the presence of Mr. Miller and the said attorneys for Mr. Thompson, came E. M. Greene, who being by me first duly sworn to testify the truth, the whole truth, and nothing but the truth, in the matter under investigation, makes answer to the following interrogatories as follows, to wit:

Interrogatory 1. How long have you resided in Kanesville and vicinity?

Answer. It is three years last November since I had my family here. I settled first at Musquito Creek, in November, 1846, two miles and one-half from this place, and in May, 1848, I moved into Kanesville.

Interrogatory 2. Are you a member of the Mormon church? and if so, how long have you been a member, and what office do you hold in the church?

Answer. I am a member, and have been a member seventeen years last June, and held the office of a high priest in the church, and am clerk of the high council of the church.

Interrogatory 3. Look at that list of names, and state how many of those persons whose names appear there resided, in August, A. D. 1848, north of an east and west line running due east from the Missouri river, five miles south of Kanesville?

[Mr. Miller here stating that he denies the competency and relevancy of the testimony sought by the above question, admits, to save time, that a majority of those voting at the Kanesville election in August, A. D. 1848, resided north of the line referred to, and in Kanesville and east of Kanesville. Mr. Miller admits the same as fully as though proved by the witness, though he does not personally know the fact, but because he does not consider it relevant or competent.]

Interrogatory 4th to Mr. Greene. How many of the persons whose

names appear upon that list resided during the winter of 1847 and 1848 on the west side of the Missouri river, in Nebraska Territory?

[This deposition was here continued until to-morrow morning.

Tuesday the examination resumed. Present, the attorneys for Mr. Thompson, and Mr. Redfield, agent and attorney for Mr. Miller.]

Answer. None of them that I can say resided there during the winter. Some few were there at the beginning of winter, but commenced emigrating early in the winter.

Interrogatory 5. Do you know where John Utley, Allen J. Stout, Francis Fletcher, William Austin, Charles Webb, Andrew Goodwin, Joseph F. Tipler, Philander Colton, Justin J. Merrill, Robert Winner, John Welper, Joseph Warthen, E. C. Richardson, Joseph Roper, Solomon McIntosh, Jesse McCarroll, Christopher Markley, Benjamin Gardner, Jarred Porter, John L. Beeler, Abram Day, Aaron Michael, and David Osborn resided in August, 1848, or any of them? If so, where?

Answer. John Utley, Allen J. Stout, and Francis Fletcher lived at Harris's Grove. William Austin I do not know. Charles Webb and Joseph Warthen lived near Denn's mill, on Musquito creek, about eleven miles from Kaneshville, in a northeasterly direction. Andrew Goodwin and Joseph F. Tipler I do not know. Philander Colton and Justin J. Merrill lived on Key creek, about fifteen miles from here in a northeasterly direction. Robert Winner lived at Harris's Grove. John Welper I do not know. E. C. Richardson lived at Harris's Grove, I think—not positive. Joseph Roper I do not know. Solomon McIntosh I know, but do not know where he lived. Jesse McCarroll lived on Honey creek. Benjamin Gardner I know, but do not know where he lived. Jarred Porter I know, but do not know where he lived. John L. Beeler I do not know. Aaron Michael I do not know. David Osborn I know, but do not know where he lived. Abram Day lived near this place.

Interrogatory 6. What time did William Picket come here in the spring of 1848, and did he not use every exertion to induce the Mormons to vote the whig ticket at the August election, 1848?

Answer. As near as I can recollect, he first came here about the 20th of May, or near that time. He returned to eastern Iowa with a request for Judge Carleton to appoint him organizing sheriff, soon after he came. He failed in getting the appointment, but returned here, some time the first of July, presenting papers from the clerk of the commissioners' court, showing that Kaneshville was an organized precinct, and attached to Monroe county. That he used his utmost exertions in favor of the election of Daniel F. Miller, it is evident that he did, and of the whig ticket generally. But that his influence with the people was extensive, I consider it was not.

[All of the above questions objected to for irrelevancy and incompetency.]

Cross-examination.

Interrogatory 1. Are you not the postmaster at Kaneshville?

Answer. I am.

Interrogatory 2. Were you not one of the election officers at Kaneshville in August, 1848? If yea, what officer?

Answer. I was—one of the clerks of the election.

Interrogatory 3. What are the party politics of the two judges who presided at that election?

Answer. Two of them, to my knowledge, were democrats.

Interrogatory 4. Was not the sheriff at the polls during the election day, electioneering for the democratic ticket?

Answer. I am not personally acquainted with the sheriff of Monroe county, but was informed that he was there, using his influence for the democratic ticket; also, that Mr. Sellman, Mr. Bonney, and Mr. Stiles were there, electioneering.

Interrogatory 5. Were the judges of the election particular in prohibiting illegal voting at said election?

Answer. They were very particular.

Interrogatory 6. Did you not see persons refused their votes by the judges on the grounds that they had not resided long enough in the State and county to entitle them to a legal vote?

Answer. I did several.

Interrogatory 7. What number of votes were polled at Kanesville for Mr. Miller, and what number for Mr. Thompson?

Answer. I am not positive, as I have not looked over the poll-books for some time: I think, something over four hundred and ninety for Mr. Miller; and thirty, or thereabouts, for Mr. Thompson. And further this deponent saith not.

EVAN M. GREENE.

Sworn to and subscribed before me, March 19, 1850.

J. F. KINNEY, *Judge*.

[All of the above and foregoing cross-questions and answers were objected to by the attorneys of Mr. Thompson, as irrelevant, illegal, and improper.]

A.—*Illegal voters in Dallas county.*

Allen J. Stout	John Welper
John Utley	A Perkins
Nathan Staker	Joseph Martinear
Hiram Murdock	E. C. Richardson
Hiram Oaks	Shadrach Drigg
Aaron Cheney	Daniel B. Young
J. M. Sasley	Solomon McIntosh
Francis Fletcher	Jesse H. McCaulde
William C. Judy	John Bright
Alfred Bybe	Benjamin Gardner
Abraham Day	William H. Head
William Aston	Moses A. Sanders
Charles Webb	B. W. Willson
William F. Ewell	Anthony Stratton
Andrew Goodwin	David Benson
William Young	Charles Patton
Joseph F. Fisser	David Osbon
Daniel Smith	Joseph Roper
Lear Bracken	Reuben C. Oak

Philander Colton
 J. C. Hall
 James Loveless
 Allen Compton
 William Welper
 Justin J. Merrill
 William C. McClellen
 Robert Winn
 Levi North

Christopher Mackley
 Henry Beacksted
 Henry H. Willson
 William Gardner
 C. E. Bates
 Genod Parter
 John S. Beeler
 Aaron Michael
 Joseph Warthen.

I hereby certify that this paper contains the list of names spoken of by Mr. Oaks and Mr. Greene in their depositions, and was made part of their depositions.

J. F. KINNEY, *Judge, &c.*

KANESVILLE, *March* 19, 1850.

Also, at the same time and place as specified in the deposition of Mr. Reuben Oaks, in presence of Mr. Miller and the attorneys for Mr. Thompson, came Orson Hyde, who being by me first duly sworn to testify the truth, the whole truth, and nothing but the truth, in relation to the matter under investigation, makes answer to the following interrogatories as follows, to wit:

Interrogatory 1. Are you a member of the Mormon church, and were you in 1846; and what stations have you held in that church up to the present time?

Answer. I am a member of the church commonly called by that name, but it is the church of Jesus Christ of Latter Day Saints, so named upon our records, and am presiding elder of the church upon this side of the Missouri river; which office is the highest office in the church the country over which I have jurisdiction.

Interrogatory 2. What is the extent of the district over which you preside?

Answer. The records of the church show that my district is co-extensive with the Pottawatomie purchase in Iowa.

Interrogatory 3. How long have you resided in the Pottawatomie country in Iowa?

Answer. I have resided in this country since the summer of 1846.

Interrogatory 4. Where did you reside previous to that time?

Answer. I resided in Nauvoo, Illinois.

Interrogatory 5. Were you acquainted with the removal of the Mormon population from Nauvoo?

Answer. No, sir. I was not in Nauvoo; I left for England the latter part of the summer anterior to their removal, and landed in Liverpool in October of that year; when I left for England I left the Pottawatomie country.

Interrogatory 6. What time did you return?

Answer. I think I arrived home in May, 1847, to the best of my recollection.

Interrogatory 7. State, if you know, where the emigration from Nauvoo and vicinity stopped in the fall of 1847.

Answer. They stopped mostly in Pottawatomie county.

Interrogatory 8. What proportion of them crossed the Missouri river?

Answer. It would be difficult for me to tell. I should think the greater portion of them stopped on this side—by far the greater portion of them.

Interrogatory 9. State whether there were not a great number of them who wintered on the west side of the Missouri river, at a place called Winter-quarters, and above there.

Answer. There were not many who wintered above Winter-quarters—but few. There were a goodly number of them who wintered at Winter-quarters.

Interrogatory 10. State about how many.

Answer. I did not reside there, and seldom visited the place. I should think two thousand inhabitants might have wintered there.

Interrogatory 11. Did the emigration from Nauvoo and vicinity, during the years 1846 and 1847, take place under the direction and counsel of the officers of the church?

Answer. I believe it was under the direction and counsel of the Mob party. Then, when we knew what we had to do we went to work and did the best we could.

Interrogatory 12. Was not the place of destination, and the particular manner of removal and the organization of removing, arranged by the officers of the church and the persons appointed under them?

Answer. We had no particular place of destination when we left, but expected to find one somewhere in the valleys of the Rocky mountains. We tried to organize the plan of operations, but every company, as it left Nauvoo, made its own organization, and they got away as fast as they could.

Interrogatory 13. How many persons emigrated from Pottawatomie county and Winter-quarters, in the spring of 1847 and 1848, to the valley of the Salt Lake?

Answer. In 1847 I do not know. I should think in 1848 there were nearly four thousand—perhaps three thousand five hundred. There were about six hundred wagons went out.

Interrogatory 14. Was not Winter-quarters deserted after the spring of 1848, and the population removed to the east side of the Missouri?

Answer. The population that remained, and did not go to Salt Lake, came over on this side in the spring of 1848, as there was an order from the government that they should evacuate the other side. They commenced coming over on the ice, and exchanged their produce and houses with those who removed across on the west side. They began to come over in December, 1847; and all those that did not come over before, came over in the spring of 1848.

Interrogatory 15. How many emigrated in the spring and summer of 1849?

Answer. Not so many, quite, as went the first year. If my memory serves me, I should think there were perhaps twenty-five hundred. There were some four hundred or four hundred and fifty wagons.

Interrogatory 16. Is it not a part of the policy of your church to have all your members emigrate to the valley of the Salt Lake?

Answer. That is the general understanding.

Interrogatory 17. Is not your settlement in Pottawatomie considered as a stopping-place, preparatory to the journey to Salt Lake; and does not the church furnish means, information, and facilities to enable its members to get to this place, and from this place to Salt Lake?

Answer. I believe that is the understanding.

Interrogatory 18. What number of your church do you expect will emigrate to Salt Lake from your district in the spring and summer of 1850?

Answer. I am not prepared to say; probably a moderate emigration will go from this place. It will depend upon circumstances that we cannot now see—how freely the emigration will come in here.

Interrogatory 19. Does the emigration to Salt Lake depend upon the emigration that will come in here? If so, state in what way.

Answer. It depends in part upon the emigration that comes from abroad, by those here selling to those that come and getting the means to go; and in part by the inclination and disposition of the people. Some are able to go without selling, but they lack the inclination to go.

Interrogatory 20. From what parts of the country do you obtain the emigration to this place?

Answer. From all parts of the United States, or nearly from all parts, and from England.

Interrogatory 21. Is not this, then, considered a mere stopping place for the great current of emigration to Salt Lake?

Answer. It is a stopping place—yes, sir—which we wish to hold as long as our emigration continues.

Interrogatory 22. What number of the persons who stopped at Winter-quarters, in the winter of 1847 and '48, across the Missouri river, came back to Iowa?

Answer. Perhaps one fourth. There are a number of men who know that better than I do. There was a great exertion made to have all go on, and we on this side raised all we could to help them on to Salt Lake.

Interrogatory 23. Look at the list of names upon that list, and state how many persons whose names appear there wintered at Winter-quarters in the winter of 1847 and '48, and how many have since gone to Salt Lake, and how many came across the Missouri river in the spring of 1848.

The further taking of this deposition was continued until to-morrow morning, at 8 o'clock.

TUESDAY MORNING—8 o'clock.

Mr. Miller and the attorneys for Mr. Thompson present. The examination of Orson Hyde was resumed.

Answer to interrogatory 23. How many wintered that winter at Winter-quarters, whose names appear upon the list, I could not say. As nearly as I can ascertain, forty-nine have gone to the Salt Lake. I do not know of any that came across from Winter-quarters in the spring of 1848 whose names appear upon the list, though there may have been some.

Interrogatory 24. State what is meant by Winter-quarters, and the object of that settlement?

Answer. It would require some little explanation. In the first place, we were met at this point in the summer of 1846 by Captain Allen, who informed us that the President of the United States wished us to furnish five hundred men to join in the war against Mexico. We were then crossing the Missouri river—part of us. Our reply to Captain Allen was, that we would cheerfully respond to the call of the President, provided we could have permission to stop in this Indian country, as the furnishing of five hundred men would necessarily weaken our emigra-

ting companies so that we should be unable to prosecute our journey further for the present. Permission was granted by Captain Allen, and by the chiefs of the Otto and Omahaw Indians on the west side of the river, and by the chiefs of the Pottawatomies on the east side of the river, for us to settle and remain until circumstances would enable us to remove; our company at that time being divided, a part having gone on the west side and a part remaining on the east side; and the privilege was given us to fortify and protect ourselves the best way we could against the Indians. And that portion of our company that had crossed the Missouri collected in a body about fifteen or eighteen miles above Council Bluffs agency, and there remained through the winter, which constituted Winter-quarters.

Interrogatory 25. Was the population east of the Missouri river, in the Pottawatomic purchase, principally Mormons in August, 1848?

Answer. They were principally Mormons; but not all.

Interrogatory 26. About what proportion were Mormons?

Answer. The great majority by far were Mormons.

Interrogatory 27. What time did William Picket come to this place in the spring of 1848; or about what time?

Answer. I do not recollect that he was here at all. I left here the 24th of June, and met him coming out. I met him on the prairie beyond the settlements in this vicinity.

Interrogatory 28. Did he reside here in the spring of 1848; or where did he reside?

Answer. His family were here in the spring, but I did not see him about; yet he might have been about; I will not say positively.

Interrogatory 29. What time did his family come here, and what time did they leave?

Answer. I could not tell. I know that there was a house built for them, but I could not tell what time. I think they left here in June, 1849, and he with them. I could not tell what time they came. Upon further reflection, I find that his family had been here longer than I anticipated.

Interrogatory 30. Did Mr. Pickett leave here in June, 1848, for the purpose of procuring an organization of Pottawatomic county?

[Objected to for irrelevancy and incompetency.]

Answer. I could not tell; I did not take much interest in the organization. Mr. Smith, who was my associate and counsellor in church matters, attended to the out-door business, and I to the affairs of the office.

Interrogatory 31. Did you visit Burlington, Iowa, in June, 1848, and converse with General Dodge and others in relation to the organization of Pottawatomic county?

[Objected to.]

Answer. I visited Burlington in 1848; but I never had the pleasure of seeing General Dodge; neither do I recollect of conversing with any one in regard to the organization—either precinct or county organization. I might have said something. I believe there was some one who asked me how we were going to vote up this way. I replied, I did not know as we should vote at all; I did not know that we had any organization; but that if I could vote at all, I should vote for General Taylor.

Interrogatory 32. Did you receive letters of credit or facilities from any person or persons in Iowa, through which you effected, or was aided in ef-

fecting, the purchase of a printing establishment which you now have in Kanessville? If so, from whom, and to whom?

[Objected to.]

Answer. I received a letter of introduction—a friendly letter of introduction—from Colonel Warren to Mr. Truman Smith; whether that letter was of any particular benefit to me towards getting my printing press, I do not know that it was. I received letters from another source, not in Iowa, that were a benefit to me, through which I effected a loan of eight hundred dollars. With that money I purchased in Cincinnati my press and type.

Interrogatory 33. Did any resident of Iowa become endorser or guarantor for that loan? If so, who?

Answer. They did not.

Interrogatory 34. Are you editor of the Frontier Guardian, a newspaper published at Kanessville?

Answer. Yes, sir.

Interrogatory 35. Look at the Frontier Guardian extra of March 13,* 1850, and state whether you issued it the day that Mr. Thompson's counsel and Judge Kinney arrived in Kanessville?

[Objected to.]

Answer. I did issue it the same day, but a little before they arrived; and will say further, that I have broken over the injunction there contained.

Interrogatory 36. Are you acquainted with James Sloan?

Answer. Yes, sir.

Interrogatory 37. What is his standing in the church, and what office does he hold in the county?

Answer. His standing is good in the church, and he is clerk of the district court of the county, without a court.

The examination in chief was here closed, and the cross-examination commenced.

Cross-examination.

Interrogatory 1. When the President of the United States made a call upon the Mormon people for soldiers for the Mexican war, did not those people gallantly respond to the call, and five hundred of them volunteer into the service of the country? (Objected to.)

Answer. They responded to the call, and five hundred, or a few over, volunteered in the service of the United States—our country; and we don't know any other.

Interrogatory 2. How long were these soldiers engaged in the service of the United States? (Objected to.)

Answer. They served one year; and part of them, after the time expired, re-enlisted in California.

Interrogatory 3. In what field of military operations were their services performed?

Answer. In New Mexico and California, under General Kearny.

Interrogatory 4. Were not the services which they performed generally spoken of with high applause? (Objected to.)

Answer. Well, I believe they were generally approved. We intended to have them take a course by which their conduct would be approved.

Interrogatory 5. Was it not understood that the officers of the army

highly approved of the military conduct and bearing of the Mormon battalion? (Objected to.)

Answer. Yes, sir.

Interrogatory 6. Did not those soldiers who thus enlisted at the call of their country, to a considerable extent, leave families behind them, dependent upon their relatives and the church donations for their support and protection?

Answer. They did, and left them in wagons and tents, at that; and I do not know of one of their families that was left in a house.

Interrogatory 7. Did not a portion of those soldiers enlist from Pottawatomie county, Iowa?

Answer. Nearly all of them—at least this was the place of rendezvous.

Interrogatory 8. Did you know any portion of them that returned from the military service to this county previous to the August election, 1848? If yea, state if you have understood that any portion of them voted at said election. (Objected to.)

Answer. I believe that they did return, some of them, and that some of them did vote.

Interrogatory 9. Are not the Mormon people generally devoted to the government of the United States, and in favor of republican institutions? (Objected to.)

Answer. Yes, sir, I say they are.

Interrogatory 10. Is there anything in either your church discipline or doctrine inconsistent with the government of the United States and the perpetuity of the American Union? (Objected to, unless an exhibit be made of the doctrines of the church.)

Answer. I know of nothing, unless it be that I believe that all earthly governments will become subject to the kingdoms of our God and his Christ. We believe that all earthly governments will be swallowed up in one, when the kingdoms of this world will become the kingdoms of our God.

Interrogatory 11. Wherever the Mormon people locate or settle, do they not pay taxes, and perform the same public duties that are required of other citizens? (Objected to, unless they exhibit the receipts of tax payments.)

Answer. They do, or have done.

Interrogatory 12. Is there not an officer now here engaged in collecting the taxes from the people of Pottawatomie for the support of the State government of Iowa, as well as the government of Pottawatomie county? (Objected to.)

Answer. There is, and I have paid State and county taxes, and have seen others do it, in Pottawatomie county.

Interrogatory 13. What is the present population of this county, according to your opinion?

Answer. It is my opinion that there are ten thousand in this county, in round numbers. Fremont county has been cut off, which will take off some of the inhabitants. There may be seven or eight thousand in what is now this county.

Interrogatory 14. What are the people generally engaged in?

Answer. Farming, or agriculture.

Interrogatory 15. Which is the largest town in this county, and what is the population of the largest village in the county?

Answer. Kanessville is the largest town, and its population, I should think, is eight hundred or thereabouts.

Interrogatory 16. What business are the people of this town generally engaged in?

Answer. They are engaged in merchandising and various mechanical branches.

Interrogatory 17. Are there not a number of large mechanical establishments in this town, selling a large amount of goods yearly? If yea, state the number and what amount of goods are brought here yearly, as near as you can judge.

Answer. There are. I believe there are ten, besides several small shops. I should think from one hundred to one hundred and forty thousand dollars' worth of goods are sold here yearly.

Interrogatory 18. Have not the Mormon people scattered over this county opened out large farms, built houses, and made such other improvements as are incident to a new country? (Objected to.)

Answer. They have opened farms and made improvements—not exactly such as are common to new countries, but uncommon to new countries. I think they have erected nine flouring mills, besides several saw mills, that are all now in successful operation, and, with the exception of one, are built and owned by Mormons.

Interrogatory 19. How long have you been connected with the Mormon church?

Answer. Since the fall of 1831.

Interrogatory 20. Have your people generally exercised the privilege of voting where they have resided? If yea, have they not—most of them—on divers occasions voted for democratic candidates for Congress? (Objected to.)

Answer. They have voted—generally exercised that right—where they have lived; and they have generally voted—a majority of them—the democratic ticket all round.

Interrogatory 21. Did they not, while residing in Nauvoo, Illinois, vote for Mr. Hoag, the democratic candidate for Congress, on two different occasions, as you understood, and did not Mr. Hoag secure his election by their support?

(Objected to.)

Answer. I so understood it.

Interrogatory 22. Did you ever know of poll books of election precincts, where Mormons had voted for the democratic candidates for Congress, having been destroyed or stolen?

(Objected to.)

Answer. I never did.

Interrogatory 23. Did you ever hear of the poll books by report of an election precinct, where a number of Mormon voters had voted for a whig candidate for Congress, having been destroyed or stolen? If yea, state in whose case the stealing was perpetrated.

(Objected to.)

Answer. I have heard of such an occurrence—in the case of Daniel F. Miller, esq.

Interrogatory 24. What poll books, as you understood, were stolen at the time that he was a candidate for Congress?

(Objected to.)

Answer. The Kanesville poll books I understood were.

Interrogatory 25. You stated in your examination in chief that you settled in Pottawatomie county in 1846. Were you not a resident, with your family, of the town of Kanesville at the August election, 1848?

Answer. I did state that we settled here in 1846, and I do say that I was a resident, with my family, in August, 1848. I was not here myself—but my family was—I mean, a resident of Kanesville.

Interrogatory 26. What was the population of Pottawatomie county, in your opinion, in August, 1848?

Answer. It was as great as it is now.

Interrogatory 27. Did not the counsel for Mr. Thompson yesterday furnish you with a list of the voters that voted at Kanesville in August, 1848?

Answer. They furnished me with what they said was a list of the voters, and what I supposed to be a list.

Interrogatory 28. Are you personally acquainted with most of the persons named on that list?

Answer. I suppose that I am, but it is hard for me to recollect a person by his name.

Interrogatory 29. From your personal knowledge, in what year, of those persons that you do know, did they settle in Pottawatomie county?

Answer. Most of them settled here in 1846.

Interrogatory 30. Would you not judge them to have been twenty-one years of age?

Answer. I do not know of any that voted that were under twenty-one years of age.

Interrogatory 31. It is charged that these voters were all unnaturalized foreigners. Is that true?

Answer. I did not discover but one foreigner that I did not know to have been naturalized. Most of them are native-born American citizens.

Interrogatory 32. What time did you leave Kanesville to go east in the summer of 1848?

Answer. I left the 24th of June.

Interrogatory 33. Was not Kanesville and vicinity understood by the people generally to lie west of Monroe county at that time?

Answer. I did not hear much said about it before I went away.

Interrogatory 34. What time did you return?

Answer. I returned about the 20th of October, 1848.

Interrogatory 35. Was it not understood that the county officers, and all concerned in organizing a precinct at Kanesville, were democrats?

Answer. It was so understood.

Interrogatory 36. Do you know the party predilections of William Pickett? If yea, was he a whig or a democrat?

Answer. He claimed to be a democrat.

Interrogatory 37. What are your political principles?

Answer. So far as I have any political views, they are whig.

Interrogatory 38. When was the first time you saw me—when I was introduced to you?

Answer. A few evenings ago, at my office.

Interrogatory 39. Did you ever receive any communication from me prior to the election of 1848?

Answer. I do not recollect that I ever did, sir.

Interrogatory 40. Did you ever receive any communication prior to that election from me, or by any person in my behalf?

Answer. No, I do not recollect that I ever did; I do not recollect any.

Interrogatory 41. Do you know, from personal knowledge or hearsay, whether I ever visited Kanessville prior to this present visit?

Answer. I never knew or heard of your being here until now.

Interrogatory 42. State if you know the reasons which induced the people of Kanessville and vicinity to vote for me with such unanimity at the August election in 1848.

Answer. There are two reasons: first, Mr. Miller, they considered, had stood by them and been their friend in times of trouble and distress; secondly, he belonged to the political party which we had concluded to be right for us and the best for the country to support.

Interrogatory 43. State what number of votes, in your opinion, could have been voted at Kanessville at the August election in 1848, had all the voters there and in its vicinity have voted.

Answer. I believe that there could have been eight hundred legal votes polled at that election if all had voted.

Interrogatory 44. State what were your reasons for issuing the circular referred to by the counsel for Mr. Thompson.

Answer. I considered, in the first place, that the course taken with the returns of that election was dishonorable and ungenerous; and I knew not but that a similar course would be taken to destroy the validity of our votes at this time as was taken then, and felt it my duty, in justice to myself and to this section of the country, to put the people upon their guard. I was just as willing that the counsel of Mr. Thompson should get a knowledge of the facts, as I am that a hungry man should eat potatoes; I only want that he should earn them by digging for them.

Interrogatory 45. You spoke of the last emigration which left Nauvoo: was not that emigration driven out of Nauvoo by mob force at the very time that the Mormon battalion was performing military service for the United States in New Mexico and California?

Answer. They were driven out at that time.

Interrogatory 46. Is there any determined period fixed upon for you and your Mormon friends to emigrate to the valley of the Great Salt Lake?

Answer. There is not.

Interrogatory 47. Are there not Mormons settled in various other counties in Iowa besides this county?

Answer. There are.

Interrogatory 48. Are there not Mormon inhabitants residing in various other States in the Union?

Answer. There are, particularly in the State of Missouri—more in that State than in any other State in the Union except Iowa: and there may be more in Missouri than in Iowa.

Interrogatory 49. State whether it is not the intention, as far as you know, of the Mormon people scattered throughout the United States, to congregate eventually in the valley of the Great Salt Lake?

Answer. It is their intention, as fast as their circumstances will allow them, to go to the valley of the Salt Lake.

Interrogatory 50. Do you know of any of the Mormons, residents in any of the other States than Iowa, who are refused the right of voting,

and have had their poll-books stolen on account of their religious faith and principles?

Answer. I do not.

Interrogatory 51. Have you made inquiry in regard to the election of 1848? If yea, what is your opinion in relation to the manner in which that election was conducted?

Answer. I believe that the judges of that election were more particular in enforcing the strict letter of the statute than judges usually are on election days.

[The attorneys for Mr. Thompson object to all of the foregoing cross-interrogatories, and the answers of the witness thereto, as irrelevant to the issue, and incompetent and improper in law.

Mr. Miller here left, at the conclusion of the cross examination, on account of sickness, appointing Mr. Redfield and Mr. Green his agents and attorneys in his absence.]

The examination in chief resumed.

Interrogatory 1. Did you not write a letter, as the head of the church, when at Burlington, in 1848, advising the Mormon brethren to vote the whig ticket, and place that in the hands of Fitz Henry Warren for private circulation, and was it not sent to this place?

Answer. I wrote a letter, when at Burlington, and left it with Mr. Warren—not as head of the church. I believe it is not signed officially, but as a brother in common with them. I had no feelings of my own that would require it to move in a private circle; I was quite willing they should use it publicly or privately.

Interrogatory 2. Previous to June, 1848, did not William Pickett work in the office of the St. Louis Republican, and did he not come up here for the purpose of making arrangements to have the Mormons vote the whig ticket?

Answer. I understood that Mr. Pickett was employed in the office of the Missouri Republican; and if he came here for the purpose of making arrangements with the Mormons, I did not know it. Mr. Pickett's position I never understood.

Interrogatory 3. Is there not a man here now, by the name of Hunter, who has brought a large fund from Salt Lake for the purpose of removing the indigent Mormons to Salt Lake?

Answer. Yes, sir. Most of them that are sent for are those who have been on my hands and the bishop's to support.

And further this deponent saith not.

ORSON HYDE.

I hereby certify that the above deposition of Orson Hyde was sworn to and signed by the deponent on the 19th day of March, A. D. 1850, at Kanesville, before me and in my presence, and that the same was by me reduced to writing.

J. F. KINNEY,

Judge of the Supreme Court of Iowa.

KANESVILLE, March 19, 1850.

B.—List of illegal voters at Kanecsville.

John F. Bellows	Edward Fisher
Charles Rodeback	Sison Chase
Evan M. Green	James Warren
Chester Linder	Abel Lamb
Benjamin K. Bullock	O. P. Colvin
Charles Bird	John C. Armis
Henry Miller	Jesse Mason
Tunis Rapilee	Jeremiah Hatch
William H. See	Alva Alexander
Henry Cooke	Daniel Carter
Thomas Butterfield	Alexander McRale
William Huntingdon	Francis Lawrence
James Sloan	Levi Sheiver
G. S. Clark	Gasham C. Keys
Francille Durfey	Elier Johnson
Ezekiel Lee	Andrew B. Wild
William M. Hall	John Nichols
Moses Tracy	Laren Kinney
Jacob G. Bigler	Robert Johnston
Philip Garner	Miner Waynal
James McBride	Robert Campbell
Rufus Allen	W. L. Perkins
Jermain Ellsworth	Isaac B. Hatch
Alfred Billings	John M. Bytee
John S. Smith	William Gardner
William Johnston	John Reid
Edward Phillips	David Hollman
Daniel Stanton	Jacob Hamblin
Wiley Hough	Franklin Hollman
Samuel Gleason	Isaac Allred
C. C. Pendelton	Samuel Wood
Daniel R. Williams	Isaac Clark
Amos Beemis	James Rodeback
William Fancolt	Alfred Brown
Solomon Barkdoll	William Draper
Hiram Judd	Russell G. Browell
Jeremiah Bingham	Joseph Bushey
Thomas Carner	Lee Bytee
William Snow	William Omsby
George A. Smith	Levi Hammond
Alem McCord	Charles Ponckett
Thomas H. Park	Ira Ovitt
John B. Ackerson	William A. Hickman
Stephen Perry	William W. Patten
Thomas Ive	Samuel Utley
Job V. Barnum	William Topham
James Woodward	William R. R. Stowell
William Castoe	Luman A. Shutliff
Elias Bassett	Jerome M. Benson
John Ichnell	William B. Thompson
G. H. Hoyte	Henry Wilcox

John McBride
 Edson Barney
 Alvin Winigar
 George W. Bratton
 Uta Perkins
 Jacob Huntsman
 Thomas Green
 John Stevens
 John Green
 C. H. Best
 Lorin Duno
 Thomas Willson
 A. Bybie
 James Rolins
 Myron Childs
 George Coulson
 Theodore Rogers
 John Bright
 John Smith
 William McEwen
 Lewis Hardy
 Gilman Merrill
 James Dum
 James Huntsman
 Samuel Price
 James Guyman
 William B. Simmons
 Philip Gatrost
 John K. Crosbie
 George Cammins
 George H. Sweat
 Edwin Harley
 Wheeler Baldwin
 John Riggs
 Philo Allen
 Lorenzo Perry
 M. H. Edgar
 James A. McCaul
 James D. Allen
 Charles Hopkins
 Horace Fish
 C. S. Peterson
 R. W. Allred
 W. W. Maguira
 Aaron Dolph
 James P. Stone
 Charles Park
 William R. Terry
 Thomas G. Willson
 Josiah L. De Forest
 William Stubbs
 Samuel Williams
 Lorenzo D. Driggs

Ezenah Tuttle
 William Waterson
 Abraham Coon
 Ira S. Hatch
 William Robinson
 Charles Cowly
 Benjamin Bullock
 Diamond McPherson
 Noah S. Buckley
 John Thompson
 Samuel Raymond
 James Adams
 Luther Barney
 Andrew B. Williams
 John Allaman
 Lemuel Lewis
 Augustus A. Perry
 Alfred B. Childs
 Joseph H. Tippets
 Philemon C. Merrill
 John Myers
 Horace Wild
 Samuel Henderson, jr.
 Stephen Blackman
 Rufus Forbes, jr.
 John McCleary
 Benjamin McGinnis
 William Dodson
 Harmon Kanig
 Andrew Colbrain
 Nahum Biglow
 Moses I. Gardner
 James McClelland
 John Mower
 Henry Mower, jr.
 Charles Barney
 Lewis Barney
 Joseph France
 Elisha Wilcox
 Ichabold Gifford
 A. S. Stanley
 Ira Allen
 Michael Stoker
 David Garner
 Reuben Hilchhith
 Isaac Odecark
 John Mills
 Francis Becksted
 William Stevens
 John McDonnell
 William Hyde
 James Proctor
 George W. Bench

John Clarke	Horace Rawson
Peter Rauke	James Dunn
William Ford, sr.	Melvin Wilber
Sisson A. Chase	Joseph J. S. Clarke
George Brown	Daniel S. Jackson
Roswell Stevens	Levi Perkins
William Ceazaie	James Downs, jr.
John Turpine	Isaac M. Stewart
John C. Serls	James Jones
William D. Maning	Ezekiel Hopkins
Harmon D. Parsons	James Carroll
James Goff	Samuel J. Bensess
Samuel G. Clark	William Woodland
John Carnes	Joseph Kelley
Lewis Zebuskey	Rufus Forbush, sr.
W. C. Macentosh	Joseph R. Lane
Wilson Caines	James Hutchens
John Findley	Otis L. Terry
Edward H. Parks	Otis Terry
George F. Hampson	W. B. Coffin
Barthw. Mahoney	E. R. Willson
John Baley	Benjamin Stewart
John Clark	Jonathan Browning
William Fosett	James Stewart
John J. Perry	Joseph Keller
J. W. Northop	Luther W. Glazier
Alex. Clough	Elijah Willson
Elisha Jones	William Calkins
George Sweet	Thomas Dobson
Samuel Pollock	Lyman Curtis
H. Burgess	Joseph Grover
Danford Atwood	Lorenzo Johnson
Moses Cartis	Daniel Beck
Orin Hadlock	Isaac Allrech
Ralph Rose	John Conley
Joseph Skeine	F. J. Wheeler
Evans O'Banion	John Direfy
Luke Johnson	W. Y. Clark
John D. Parker	Orin Jeffards
John Stevens	Joseph L. Lich
Nathan Stewart	Benj. Elsworth
Wm. A. Folliot	William Edwards
Matthew Caldwell	John Cheney
Andrew S. Gibbons	George Foster
Ezra Beckford	Warner Foote
J. M. Whitaker	Simons P. Curtis
Simeon Crager	Obed Hamblin
B. F. Galland	James B. Boren
M. F. Baslet	Darvis McOlney
George McBride	John Lovellass
Abram Rose	Benjamin F. Bind
A. P. Chesley	Daniel Corbit
Hiram Higby	John Walker

Eleazer King, sr.	G. P. Dikes
Easton Kelsey	Nelson W. Whipple
John Aylmer	William Vanasdal
Shephard Glazier	Moses McCane
James S. Thompson	Silas Smith
John H. Carter	Joseph Garlic
Lorezo Clark	Henry Gardner
Hawthorn C. Hadlock	Allen Weeks
Levin Cotton	Isaac Houston
Nathan Chamberlain	James McKee
A. P. Rollins	A. C. Hodge
John W. Berry	Thomas McKee
Henry Terry	Ephraim Mecum
Alexander Beckstead	Norman Taylor
Joseph Hardy	George Tiffany
Thomas Nelson	William Huntsman
Henry Devenishe	John Faucette
Noah F. Gaymon	Silas Hillman
James Cragunn	Emor Harris
J. W. Stoker	Neham Holder
William Cloward	Franklin Baily
Charles A. Terry	Peter Roger
S. W. Conduit	John Mealse
William Draper, jr.	John B. Willson
Ira Sherman	Salsisbury Cummins
Luther Tutte	John Lannican
E. P. Cone	Lyman Stoddard
Richard S. Harden	Breedo Larles
A. P. Hawks	Whitford G. Wilson
Samuel Egbert	Stephen M. Farnsworth
William S. Townsend	Simeon C. Dalton
Francis Guitaur	James Cazier
Moses Daily	Samuel Bengess
Owen Cole	Meram N. Crandall
Hopkins C. Pender	Reddick N. Alford
Dennison L. Harris	Levin Simmons
James Waslsh	James Bind
John Galliger	Joseph D. Lane
John Pome	Sandford Forbs
William Earl	Isaac Nelson
Charles M. Johnson	L. B. Merrill
Absolem Perkins	Egbert Elsworth
Jasper Willson	John Sweat
Alfred B. Benson	William Parsons
Hiram Barnett	Henry Mower, jr.
Ebine McCann	Joseph Young
James B. Browning	Joseph Godfrey
Elisha Edwards	Josiah Boyer
William Woodland	Geo. W. Branden
William Warret	Royal Barney
John Hammond	Richard Bird
Thomas Bind	Chester Southworth
Joseph Egbert	Lyman Stevens

Robert Caldwell	Alfred S. Hadden
Roswell C. Perce	Albert Merrill
James H. Heath	Martin Buslman
Isaac H. Lasse	James Snow
Jesse McConnell	Silas Richards
Lisbon Lamb	James Hale
Wm. Taylor	David Lewis
Green Taylor	George G. Johnston
Merret Rockwell	John B. Willson
William M. Allred	Ira Hillman
Hiram Hoyt	Zadock Bellers
Lewis C. Zabriskay	Raymond Dickey
Wm. R. Orton	Isaac Bushenback
George W. Harris	Reuben P. Hartwell
Gideon Allen	Andrew M. Smith
Wm. W. Lane	Enos Curtis
Samuel Swanner	David M. Barbank
Oliver Strattan	Barnel Coll
William Milau	Benjamin McIntire
Alvin North	John W. Curtis
Samuel S. Thompton	Elijah Cheney
Newman G. Blodger	Reuben Carter
Henry Zebriskay	S. S. Dalrymple
David Gardner, jr.	Joseph W. Pearce
John Pettnigale	John G. White
William Millar	William Aldridge
Ozeas Kilborn	Archibald Patten
Josiah Merrit	Wm. Kidd
Benjamin B. Richmond	Joseph D. Hawks
George Berkets	Edward Starr
William F. Carter	Jacob Cloward
William Ford, jr.	G. Hildreth
Wm. H. Holden	Wm. Meeks
Jesse Pearson, jr.	Horace B. Skinner
Gardner Snow	Lewis V. Harvey
James Merler, jr.	Daney Jacobs
Joseph Taylor	George W. Omer
Thomas Guymer	Jacob Strong
Philo Dobbell	Levi Thomas
John P. K. Bird	Thomas Mendenhall
David Wood	Nathaniel Riggs
Thomas M. Bennett	J. J. Hall
Eli Chase	Hiram Jacobs
John Thomas	William Rickmorn
Joshua Holden	Joseph Fletcher
Isaiah Hamblin	Michael Jacobs
William Milgate	James Randall
Lewallen Mantle	James McFect
Harman Abb	James Nelson.

I hereby certify that the within is the paper given to E. M. Green and Orson Hyde, during their examination before me, as containing the list of

names referred to in the interrogatory of Mr. Thompson's attorney, and is made part of their depositions.

J. F. KINNEY, *Judge, &c.*

KANESVILLE, *March 18, 1850.*

KEOKUK, *February 18, 1850.*

SIR: You are hereby informed that the purpose of all the testimony to be taken by me at each of the points indicated by me, in relation to the contest between us, will be to establish the truth of the allegations contained in my answer to your petition; each and all of which I shall attempt to prove substantially and fully. In particular, I shall endeavor to show that you received fifty-five illegal votes in Boone township, Dallas county. The names of the illegal voters in that township are contained in the list marked A, with which you are hereby furnished.

Also, that you received four hundred and ninety-three illegal votes at Kaneshville, Pottawatomie county. The list marked B, with which you are herewith furnished, contains the names of the illegal voters at Kaneshville.

I shall endeavor to show that all the persons whose names are contained in each of the lists above referred to were not qualified to vote, for the following reasons:

1st. That they had not resided in the county where they offered to vote for twenty days next preceding the election in August, 1848.

2d. That they had not been inhabitants of the State for six months next previous to the said election.

3d. That they were not naturalized citizens.

4th. That they were not twenty-one years of age.

Yours, &c.,

WM. THOMPSON.

By his attorney in fact, CHARLES MASON.

D. F. MILLER, *Esq.*

I acknowledge service, *February 19, 1850.*

D. F. MILLER.

In the matter of the contested election in the House of Representatives of the United States, in which Daniel F. Miller is the contesting, and Wm. Thompson the sitting member, it having been intimated by the counsel of the said Thompson that he intended to take testimony to show that the correction line run by James M. Marsh, as testified to by him, was run by virtue of a contract and authority of the surveyor general of Iowa and Wisconsin, and was part of the public surveys of the United States, the said Daniel F. Miller hereby admits the facts, so intended to be proved, to be true, and agrees that they may be used on the trial of said case of contested election in the same manner and with the same effect as if proved by depositions regularly taken pursuant to notice, subject to all just exceptions for irrelevancy or incompetency.

DANIEL F. MILLER.

STATE OF IOWA, *Dubuque county, ss :*

Deposition of James M. Marsh, captain of the steamboat Lamartine, taken before me, J. P. Van Hagen, clerk of the district court in and for the

county of Dubuque, and State aforesaid, on this fifth day of April, A. D. 1850, at my office, in the city of Dubuque, to be used in the case of contested election now pending in the House of Representatives of the United States, wherein Daniel F. Miller is the contesting and William Thompson the sitting member, on the part of William Thompson, by virtue of the annexed notice, which said notice was placed in my hands by James Burt, esq., the attorney of the said William Thompson, on the 25th day of March, 1850. at 10 o'clock a. m. of said day; and it being made to appear that the said James M. Marsh was then absent in command of said steamboat Lamartine, and whose presence could not be obtained at the time specified in said notice, the taking of said deposition was postponed from day to day until his return. He being now present, and being first duly sworn, deposes and answers to the following questions, as follows:

Question 1. Did you at any time run the correction line through to the Missouri river, between townships 78 and 79 north? If so, when was it; and did you run the line correctly?

Answer. I run it in the fall of 1848; and, according to the best of my knowledge and belief, I run it correctly.

Question 2. Have you any means of knowing or of judging the distance from Kaneshville, in Pottawatomie county, to this correction line at the nearest point?

Answer. I have no other means of judging the distance except by travelling through the country between the line and place aforesaid.

Question 3. Could you with any confidence say whether it was a greater or less distance than thirty miles from Kaneshville north to this line?

Answer. I should say it was about twenty miles on the most direct course from Kaneshville due north to the line.

Question 4. Are you a practical surveyor, and been engaged in the business for some time?

Answer. I am; and have been engaged in public surveys for the last fifteen years.

JAMES M. MARSH.

Sworn to and subscribed this 5th day of April, A. D. 1850.

J. P. VAN HAGEN, *Clerk.*

STATE OF IOWA, *Dubuque county, ss :*

I, J. P. Van Hagen, clerk of the district court in and for the county of Dubuque, and State aforesaid, do hereby certify that the forgoing deposition of James M. Marsh was sworn to and signed by him before me and in my presence, and that the same was taken by me at my office, in the city of Dubuque, county aforesaid, on the fifth day of April, A. D. 1850, at the hour of 3 o'clock p. m. of that day, and that no person appeared in behalf of the contestant.

In testimony whereof, I have hereto set my hand and the seal of said district court, at my office, in the city of Dubuque, this

[L. s.] 5th day of April, A. D. 1850.

J. P. VAN HAGEN, *Clerk.*

Bill of costs in above case.

Witness's fees, one day	-	-	-	-	-	-	\$1 00
Clerk's fees taking deposition, certificate, and seal							1 50

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KEOKUK, *February 22, 1850.*

In November last I visited Kanessville, Pottawatomie county, in company with John W. Webber, of Burlington. One of our purposes was to fix the locality of Kanessville. Understanding from the surveyor general that the line which divides townships 78 and 79 north had, under the authority of his office, been run and marked through to the Missouri river as part of the public surveys, we concluded the most feasible mode of accomplishing our purpose was to run and measure a line from Kanessville north to this line which had been thus surveyed.

The location of the latter line was a matter of notoriety in that portion of the country. Many persons in and about Kanessville told us where it might be found; and as we proceeded northward the directions given us became more definite, until finally the precise section corners, as fixed by the surveyor, were shown us by a person residing in the immediate neighborhood.

I was with the party when they reached this line. The stake we first found was a half-mile stake or quarter-section corner, which, therefore, gave us no information as to our latitude or longitude; but by going half a mile further west, we reached the section corner, which proved also to be the township corner—being the northwest corner of township 78 north, of range 43 west.

Everything appeared perfectly regular. I have no doubt at all about this being the genuine line run by the authority of the surveyor general, as aforesaid.

In running the line from Kanessville northward, we followed the general direction of a public road, which ran in its general course nearly due north. The shortest distance to the north line of township 78 was then ascertained by calculation. The whole length of the line run and measured by us as aforesaid was about twenty-five miles, and the perpendicular distance from Kanessville to the surveyor's line, found by us as aforesaid, was ascertained, by calculation from the field-notes taken by Mr. Webber, to be about twenty-three and a half miles, which would leave Kanessville six miles and a half farther north than the north line of Monroe county.

I was with the party a portion of the time while they were running the line aforesaid, and I assisted Mr. Webber in making the calculations above mentioned, and I verily believe that neither the measurement nor the calculations vary materially from the exact truth.

CHARLES MASON.

—

Denying, and in nowise admitting the relevancy or competency of the foregoing statement, and subject to the admission of the fact by Mr. Mason, as attorney of Hon. William Thompson, that the survey was made

under the employ of Hon. William Thompson, I hereby agree that the foregoing statement (if the facts therein mentioned are allowed to be proved at all) shall be received in evidence in the contested election case, and with the same effect as if regularly sworn to upon full notice given. I further admit that the surveyors and chain carriers did the business with fairness, to the best of their ability.

D. F. MILLER.

February 25, 1850.

KEOKUK, February 19, 1850.

SIR: You are hereby notified that on Friday, the 8th day of March next, I shall take the testimony of sundry witnesses before the clerk of the district court of Desmoines county, or other competent authority, at his office in Burlington, for the purpose of being used in the contested election now pending between you and myself in the House of Representatives of the United States. Should any occurrence prevent a beginning at the time above indicated, the business will be commenced on the first day thereafter on which circumstances will permit. It will be begun at 10 o'clock a. m., and continued from day to day until all the witnesses are examined. Your presence is invited.

Yours, &c.,

WILLIAM THOMPSON.

By his attorney in fact, CHARLES MASON.

D. F. MILLER, Esq.

I acknowledge service of the foregoing, February 19, 1850.

D. F. MILLER.

EXHIBIT A.

[From the "Hawkeye" of August 31, 1848.]

TO THE PUBLIC.

In reply to the charges made in the State Gazette of last week, of an attempted and actual bribery of the leaders of the Mormon church, whereby their entire vote was cast for the whig ticket at the late election, I deem it my duty to declare the statements made in that article to be utterly and basely untrue. No draught, letter of credit, or other evidence of value for one thousand dollars was ever given by me to Elder Orson Hyde, or to any other member of the Mormon church. Nor has there been, with the exception of one hundred and forty dollars, paid at different times to Mr. William Pickett, for the expenses of organizing precincts and general travelling outlay, a single dollar paid by me, or through my agency, to any individual connected with their organization. Nor has Elder Orson Hyde, in my belief, ever made such an acknowledgment of money received.

The evidence to sustain the truth of these declarations not being accessible, in consequence of the absence of this gentleman, I can give, at this time, no further endorsement to this absolute and full denial of the whole matter of the accusation.

FITZ HENRY WARREN,

Chairman of State Executive Committee.

Depositions taken before Oliver C. Wightman, clerk of the district court within and for the county of Des Moines and State of Iowa, on the ninth day of March, A. D. one thousand eight hundred and fifty, at the office of said clerk of said district court, between the hours of 10 o'clock a. m. and 4 o'clock p. m. of said day, in accordance with the annexed notice, and a resolution of the House of Representatives of the United States authorizing the parties to the contested election from the first Congressional district of the State of Iowa to take the testimony of such witnesses as either of them may require.

THE STATE OF IOWA, *Des Moines county, ss:*

James G. Edwards, of lawful age, being produced on the part of William Thompson, the sitting member in said contested election, and being sworn on his oath to testify the truth in relation to the matter in controversy between the said William Thompson, sitting member, and Daniel F. Miller, the contesting member in the contested election from the first Congressional district of the State of Iowa, in answer to the following interrogatories, deposeseth and says:

Interrogatory 1. Are you acquainted with William Thompson and Daniel F. Miller, the parties to the contested election from the first Congressional district of the State of Iowa?

Answer. I am.

Interrogatory 2. Was the Hawkeye newspaper published in Burlington, Iowa, on the 31st day of August, 1848, under your control as editor thereof at that time? If so, state whether a certain publication therein contained and hereunto attached, and marked "Exhibit A," signed Fitz Henry Warren, chairman of State Executive Committee, was written, and its publication authorized, by said Fitz Henry Warren?

Answer. The Hawkeye was at that time under my control, as editor, and, to the best of my knowledge and belief, said publication marked "Exhibit A" was written, and its publication authorized by said Fitz Henry Warren.

Interrogatory 3. Was Fitz Henry Warren in or about Burlington, at or about the time of the publication before alluded to in your paper?

Answer. I think that he was.

Interrogatory 4. Was he, (Warren) or was he not, chairman of the Whig State Executive Committee at the time said card, or publication, appeared in your paper?

Answer. He was.

Interrogatory 5. Are you personally acquainted with said Fitz Henry Warren? If so, state whether he is, or is not, the same Fitz Henry Warren who is at this time acting in the capacity of Second Assistant Postmaster General?

Answer. I know him personally, and he is the person now acting as Second Assistant Postmaster General.

JAMES G. EDWARDS.

THE STATE OF IOWA, *Des Moines county, ss:*

John W. Webber, of lawful age, being produced on the part of William Thompson, the sitting member in said contested election, and being by me duly sworn on his oath to testify the truth in relation to the matter in controversy between the said William Thompson, sitting member, and Daniel F. Miller, the contesting member in the contested election from the first Congressional district of the State of Iowa, in answer to the following interrogatories, deposeth and says:

Interrogatory 1. Have you any means of knowing the precise position of Kanesville in reference to the prolongation of the north line of Monroe county, in Iowa? If so, will you mark it down on the accompanying map, and state in what township and range that place ("Kanesville") will fall?

Answer. I have the means of knowing, very nearly. I have marked it down upon the accompanying map marked as "Exhibit B." It falls on township seventy-five, of range forty-three west, and, as near as I can lay it down upon that township, at the point where the lines drawn across that township in the accompanying map, marked as "Exhibit B," cross each other; I believe that it will fall on the south half of section twenty-seven in said township and range.

Interrogatory 2. What has been your opportunity of ascertaining the facts you have stated; and if you have made an actual measurement, state when and how?

Answer. I made an actual measurement, commencing on the 10th day of November, 1849, by running a line northwardly from "Kanesville," and intersecting the correction line between townships seventy-eight and seventy-nine; and ascertaining very nearly the precise position of Kanesville, by making a traverse table of the line I run.

Interrogatory 3. Have you any doubt that the line you discovered, and to which your measurement extended, was the correction line between townships seventy-eight and seventy-nine north? and, if not, state your reason for supposing it genuine.

Answer. I have no doubt about its being the correction line. I am led to think it genuine from the fact of its being marked by township, section, and quarter-section corners, as township lines are usually marked by the United States surveyors.

Interrogatory 4. How far was that line north of Kanesville; and how far north of Cloward's bridge; and which side, and how far from a farm occupied by Mr. David Brown, did it lie?

Answer. It was twenty-two miles and fifty-eight chains north of Kanesville, and eight miles and five chains north of Cloward's bridge, and south of the farm occupied by David Brown about a mile and a half.

Interrogatory 5. Have you ever made an affidavit on this subject? If so, when and where? and state also whether you ever made more than one on this subject.

Answer. I made an affidavit at Fairfield, Iowa, on or about the 26th day of November, A. D. 1849; and I have made but the one. I am not positive as to the precise date on which I made that affidavit; and I have made but the one on this subject.

Interrogatory 6. Do you recollect the statements made by you in that affidavit? and if so, state whether you are willing to reaffirm those statements now?

Answer. I believe that I recollect the statements made in that affidavit; and I am willing to reaffirm them, except that in regard to the section upon which Kaneshville will fall. I believe I stated in that affidavit that I thought it would fall on section thirty-four, and that the correction line was twenty-three miles and forty-nine chains north of Kaneshville. I have since found an error in footing up the columns of figures, that makes the line north from Kaneshville about one mile shorter than therein stated.

Interrogatory 7. In protracting the survey made by you of the correction-line between townships seventy-eight and seventy-nine north on the accompanying map, marked "Exhibit B," you show ranges 40 to 44 west, inclusive of said section line, to fall west of the Missouri river: state whether the map marked "Exhibit B" be incorrect in the locality given to the Missouri river with reference to the position of township seventy-five north and range forty-three west, your means of knowing the same, and also state upon which side of the Missouri river the town of Kaneshville is situated?

Answer. The map marked as "Exhibit B" is incorrect, (if I have succeeded in getting correctly the scale upon which it is drawn.) In regard to the western part of the state of Iowa, and the Missouri river in particular, the correction-line, as run westward between townships seventy-eight and seventy-nine, proves that range forty-four is east of the Missouri river, and that the distance between the Mississippi and Missouri rivers is greater than that exhibited upon the map. My means of knowing the map to be incorrect are, that I have measured the distance upon the map, and find the river laid down too far to the east, as compared with the correction-line. Kaneshville is about four miles east of the Missouri river. I think the correctness of the above statements may be made manifest by reference being had to the returns and field-notes of the survey of the correction line in the General Land Office.

Interrogatory 8. Did you ascertain the locality of the north line of Monroe county? If so, state what it is, or where it is.

Answer. I have ascertained what it is; it is the line dividing townships seventy-three and seventy-four north.

Interrogatory 9. In answer to the second interrogatory, you state that, in order to ascertain the precise position of Kaneshville, you run a line northwardly from that place with a view to the intersection of the correction-line between townships seventy-eight and seventy-nine north: state the distance of the line thus run by you, and also your reason for not running a line due north instead of northwardly?

Answer. The whole length of line run was twenty-five miles twenty-eight chains and seventy-five links. My reason for not running due north, was that the country was exceedingly rough and difficult to pass over on a straight line. It is very broken in some parts, and there are ponds of water on the parts of it that are level. I determined, therefore, for sake of convenience, to follow the main direction of the travelled route, which led through the passes in the hills to the practicable crossings of the streams and around the ponds or lakes of water, and to make out a traverse table of the whole line so as to get the perpendicular from Kaneshville to the correction-line, the result of which has been given.

Questions propounded to John W. Webber on the part of Daniel F. Miller, the contesting member as aforesaid.

Cross-interrogatory 1. At whose instance and for what purpose was this survey made by you?

Answer. It was made at the instance of Mr. Thompson, and for the purpose of ascertaining whether or not Kanesville was in that district of country lying west of Monroe county, Iowa.

Cross-interrogatory 2. What Mr. Thompson do you refer to?

Answer. Mr. William, the sitting member from the first Congressional district of the State of Iowa.

Cross-interrogatory 3. Who was with you when the said survey was made?

Answer. The chairman, Jesse Woollard, and Charles Johnston. Judge Charles Mason was with me a small part of the time.

Cross-interrogatory 4. Who paid you for making that survey?

Answer. I received a part of the compensation through or from Judge Mason.

Cross-interrogatory 5. How much yet remains unpaid?

Answer. About sixteen dollars.

Cross-interrogatory 6. How was the line marked spoken of by you, in your answer to the third interrogatory, to enable you to say that it was the township line between townships seventy-eight and seventy-nine?

Answer. I was at the corner of townships seventy-eight and seventy-nine, of ranges forty-three and forty-four, that was marked with a post facing to the several townships, of which it was the corner, and upon it were cut the initials of the several townships by their numbers, which post was in a mound, and a pit south and one north.

Cross-interrogatory 7. Were you at any other corners marked on that line?

Answer. I was at one other corner, and only one—which corner was marked.

Cross-interrogatory 8. Was it a township, section, or quarter-section corner?

Answer. It was a quarter-section corner.

Cross-interrogatory 9. How far east and west did you trace the line called by you a correction line?

Answer. I intersected the line at the quarter-section corner, between sections six and thirty-one of townships seventy-eight and seventy-nine, and traced it westward to township corner.

Cross-interrogatory 10. Were these corners shown to you by any one, or did you discover them yourself?

Answer. The first was shown me by a young man by the name of Brown; the other I found myself from that.

Cross-interrogatory 11. What is a correction line?

Answer. It is a line run east and west, upon which the surveys south of it shall terminate as they will, and from which the surveys north of it are commenced with full and accurate measurements; these lines occur sometimes once in sixty miles, going northward, and the accumulated error in the survey of sixty miles, more or less, as the case may be, terminates upon the correction line.

Cross-interrogatory 12. Have you any other fact, with the exception of the two corners spoken of by you above, by which you are led to believe

said line to be a correction line between the townships seventy eight and seventy-nine ?

Answer. The report of the——. There is nothing that has come within my own personal knowledge, except the finding of those marked corners, and the fact of my having knowledge from the report of the Commissioner of the General Land Office of there having been a correction line run there, and other statements.

Cross-interrogatory 13. At whose request and for what purpose was your affidavit made at Fairfield ?

Answer. It was made at the request of Judge Mason ; Judge Mason told me that it was to send on to Mr. Thompson.

It having become late in the day, the further cross-examination of witness, John W. Webber, is hereby adjourned until nine o'clock, Monday morning, March 11, 1850.

O. C. WIGHTMAN, *Clerk.*

MONDAY MORNING, MARCH 11, 1850—9 O'CLOCK A. M.

Cross-examination of John W. Webber resumed, pursuant to adjournment.

Cross interrogatory 14. Would a correction line be marked differently from a township line ?

Answer. Not until the surveys upon the south of it were completed upon it, with the exception that the section corners might not give the initials of the sections on the south of it.

Cross-interrogatory 15. How would it then be marked ?

Answer. It would be marked with the township corners, section and quarter-section corners in the prairie, and in the timber be marked the same as any other line.

Cross-interrogatory 16. Did you find any other corners or marked lines south of the correction line spoken of by you between that and Kaesville ?

Answer. I did not.

Cross-interrogatory 17. In what capacity was Judge Mason acting whilst with you on the survey ?

Answer. He had charge of a pack-horse.

Cross-interrogatory 18. Was he acting as the agent or attorney of William Thompson, the sitting member, as aforesaid ?

Answer. He told me that he was.

Cross-interrogatory 19. Did Judge Mason employ you to make the survey ?

Answer. He first spoke to me about it, saying that Mr. Thompson had requested him to get me to do it. I afterwards saw Mr. Thompson, and he confirmed the arrangement made with Mason.

Cross-interrogatory 20. Was anything said by either of them about your going to the city of Washington to give testimony as to the position of Kaesville ?

Answer. There was something said by both of them, for I asked them the question whether such would be the case, and they both stated to me that they did not know.

Cross-interrogatory 21. Was there any agreement that you were to be summoned to Washington to give your testimony, if possible ?

Answer. There was no agreement in regard to the matter.

Cross-interrogatory 22. Was the pay which you were to receive for making this survey dependant on any contingency, or to be increased or diminished upon any contingency?

Answer. When Judge Mason first asked me about it, I told him I would go for two dollars and a half per diem; and there was nothing further said about it, as to price, nor any contingent compensation promised me.

Cross-interrogatory 23. Were you, or were you not, to do the surveying without charge to Mr. Thompson, provided you were summoned to Washington at the expense of the government to give your testimony there?

Answer. I have answered that question before, but will now say that there was nothing said upon the subject, and that my compensation was to depend upon no contingency whatever.

Cross-interrogatory 24. Was any notice or information given to Mr. Miller of the time and place of making this survey, of your own knowledge?

Answer. I know nothing about it; I was not Mr. Miller's attorney.

Cross-interrogatory 25. How did you ascertain the north line of Monroe county to be the line dividing townships seventy-three and seventy-four north, as stated in your answer to the eighth interrogatory?

Answer. From the statutes of Iowa, prescribing the boundaries of that county, which was originally laid off under the name of "Kishkekosh," and afterwards changed by the legislature to Monroe, and from a general knowledge of the localities in that region, together with the maps of the country, and other evidences.

JOHN W. WEBBER.

THE STATE OF IOWA, *Des Moines county, ss:*

I, Oliver C. Wightman, clerk of the district court within and for said county, (the same being a court of record,) do hereby certify that the foregoing depositions of James G. Edwards and John W. Webber were taken before me, at my office in the city of Burlington, in said county and State, on the 9th and 11th days of March, A. D. 1850; that the said James G. Edwards and John W. Webber were by me sworn, in accordance with law, and that they also subscribed the foregoing depositions in my presence, and that the same was by me reduced to writing.

In testimony whereof, I hereunto set my hand and affix the seal of said court, at Burlington, in said county, this 11th day

[L. s.]

of March, A. D. 1850.

OLIVER C. WIGHTMAN,

Clerk of said Court.

FEE BILL.

Oliver C. Wightman's Clerk Fees.

Swearing two witnesses, 12½ cents each	-	-	-	\$0 25
Reducing depositions to writing, 2 days, at \$3-	-	-	-	6 00
Certificate and seal	-	-	-	37½

Issuing two subpoenas, at 25 cents each	-	-	-	00	50
Filing notice and exhibits, three papers, 6½ cents each	-	-	-	18	¾
Fee bill	-	-	-	25	
					<hr/>
				7	56½
					<hr/>
James G. Edwards, (witness,) 1 day	-	-	-	\$1	00
John W. Webber, (witness,) 2 days	-	-	-	2	00

Depositions taken at the house of F. J. Wheeling, in Traders' Point, Pottawatomie county, Iowa, on the 15th day of March, A. D. 1850, in pursuance of the notice hereto attached, and in conformity with a resolution passed by the House of Representatives of 31st Congress, 1st session, of the United States, before the undersigned, as judge of the supreme court of the State of Iowa. Present J. C. Hall and L. E. Johnson, esqs., attorneys for Mr. Thompson, and Daniel F. Miller by M. H. Redfield and C. M. Johnson, his attorneys.

William S. Townsend, being by me first duly sworn to testify the truth, and the whole truth, so far as he is interrogated, and nothing but the truth, makes answer to the following interrogatories as follows:

Interrogatory 1. Where did you reside in July and August, A. D. 1848?
[Objected to by Mr. Miller's attorneys, for irrelevancy and incompetency.]

Answer. I reside at Chariton Point, Lucas county, Iowa.

Interrogatory 2. State what you know in regard to the organization of election precincts in Pottawatomie county by the board of commissioners of Monroe county, Iowa, in July, 1848, and how it was brought about?
[Objected to for irrelevancy and incompetency, by Mr. Miller.]

Answer. All that I can tell you about it is, that Mr. William Pickett came to my house about the last of June, 1848, and told me that the people of Pottawatomie county desired an organization, or precinct, for the purpose of voting; and that he was sent by the people of that county as the agent to procure the organization; the prime object of which was to enable the people to make deeds for their lands, and other conveyances, according to law. Mr. Pickett was then on his way to obtain the appointment of organizing sheriff from Judge Carleton. He then asked me, in case of his failing to get the appointment of organizing sheriff, how he should procure a precinct. I told him to apply to the board of county commissioners east of Pottawatomie county, and they would give him a precinct for election purposes. He then stated that Kaunesville was due west from where witness then lived, to the best of his knowledge. I told him if that was the case, to go to Monroe county, where the court would sit in a few days; and if he would remain at my house I would go with him at the sitting of court, and assist him in procuring an organization. The above conversation occurred before Mr. Pickett had failed in obtaining the organization from Judge Carleton, and Mr. Pickett was inquiring how he should proceed in case he should fail in obtaining an organization from the judge.

After Mr. Pickett returned from his trip to see Judge Carleton, I then went with him to the commissioners' court of Monroe county, where he

presented a petition, as he said, from the citizens of Pottawatomie county, asking or praying for the organization of a precinct. The commissioners then asked where he wanted the precinct; and he said at Kaneshville, which place, he said, he believed to be due west from Monroe county. There was not any other person present at the time before the commissioners who pretended to know anything about the location of Kaneshville. Mr. Pickett was very anxious to reach Kaneshville in time to give the proper notices for holding the election; and by the request of the clerk I was deputed to write the notices for the election. Mr. Pickett was deputed by the sheriff to put up the notices written by me.

Interrogatory 3. State whether you were present at Albia, Monroe county, Iowa, on the Monday succeeding the August election in 1848, and whether you were present at the time the reputed returns of the Kaneshville precinct were presented to the clerk of the board of commissioners; if so, state what occurred.

[Objected to by attorneys for Mr. Miller as irrelevant and incompetent.]

Answer. I was there on the Monday succeeding the August election—I believe it was Monday, to the best of my recollection—at all events, at the time the Kaneshville poll-books were returned to the clerk of the board of commissioners. The clerk refused to receive the poll-books. He said they were illegal, and that he would not receive them. He said that, as near as he could learn, Kaneshville was north of Monroe county, and that the board of commissioners of Monroe county had no right to establish a precinct at Kaneshville. Mr. Sloan and Mr. Pickett were present, and one of them made the remark that he had already received them. The clerk then answered that he had not, nor would he receive them.

Interrogatory 4. State whether the clerk rejected those poll-books publicly, and how many persons were present at the time.

[Objected to by attorneys for Mr. Miller for irrelevancy and incompetency.]

Answer. It was done publicly. I could not tell the number of persons present; I should think that there were from twenty to thirty present, and passing out and in all the time.

Interrogatory 5. State whether or not you were ever appointed organizing sheriff of Pottawatomie county.

[Objected to by the attorneys for Mr. Miller for irrelevancy and incompetency.]

Answer. I was appointed by Judge Carleton, and here present a paper which I received from Judge Carleton appointing me organizing sheriff of Pottawatomie county.

Interrogatory 6. Did you ever organize that county under that appointment?

[Objected to by the attorneys for Mr. Miller for irrelevancy and incompetency.]

Answer. I never did, sir.

The examination in chief of Mr. Townsend was here closed.

Cross-examination of Mr. Townsend by the attorneys of Mr. Miller.

Interrogatory 1. State your reasons, if you please, for not organizing Pottawatomie county.

Answer. My reason, first, was, that the appointment required me to go to Fort Desmoines, some sixty or seventy miles, to be qualified, and there

were three streams which were rather dangerous at that season of the year to cross; and my second reason was, that it was some one hundred and fifty or two hundred miles from Fort Desmoines to Kaneshville, and an unsettled country, and an inclement season for a man to travel, it being in the month of March; my third reason was, that I did not get the laws according to promise, as they did not come in time to organize the county, and I had no law to guide me in the discharge of my official duties.

Interrogatory 2. Did you know that you could not organize under the authority of Judge Carleton at the time that Pickett applied to you?

Answer. I did not know certain, but was of the opinion that I could not.

Interrogatory 3. Were you at Kaneshville at the August election in 1848?

Answer. I was, sir, there until Monday, 4 o'clock.

Interrogatory 4. Did you vote at that election?

Answer. I did.

The cross-examination of Mr. Townsend was here closed, and deponent further saith not.

W. S. TOWNSEND.

Sworn to and subscribed before me, at Traders' Point, Iowa, this 15th day of March, A. D. 1850.

J. F. KINNEY, *Judge, &c.*

I hereby certify that the paper hereto attached to this deposition is the one referred to by Mr. Townsend in his deposition as the authority derived from Judge Carleton for organizing Pottawatomie county.

J. F. KINNEY, *Judge, &c.*

March 16, 1850.

Mr. Townsend, on being recalled by Mr. Miller in person, upon his cross-examination, states that he was present at the Kaneshville election in August, 1848, and that he is a democrat; and at the election aforesaid, he voted and did all he could honorably for Mr. Thompson, and all he could honorably against Mr. Miller.

W. S. TOWNSEND.

To all whom these presents may come, greeting:

Be it known that I, James P. Carleton, judge of the fourth judicial district of the State of Iowa, by virtue of the authority vested in me by an act entitled "An act for the organization of Pottawatomie and other counties," approved February 24, 1847, have constituted and appointed, and do by these presents constitute and appoint William S. Townsend organizing sheriff, for the purpose of organizing the county of Pottawatomie, with full power and authority to do all such acts as may be required by law, in order to the organization of said county upon his, the said

Townsend, filing his bond, with security and oath of office, in the clerk's office of Polk county, as required by law.

And I do hereby appoint the first Monday of April next as the time for holding a special election in said county of Pottawatomie.

Given under my hand this fourteenth day of January, A. D. 1848.

JAMES P. CARLETON, *Judge, &c.*

The deposition of James Sloan, taken at the time and place specified in the deposition of William S. Townsend.

James Sloan being by me first duly sworn to testify the truth and the whole truth, so far as he is interrogated, and nothing but the truth, makes answer to the following interrogatories, as follows, to wit:

Interrogatory 1. How long have you resided in what is now Pottawatomie county? [Objected to by the attorneys for Mr. Miller for incompetency and irrelevancy.]

Answer. Upwards of two years.

Interrogatory 2. What time did you, with your family, come to Pottawatomie county permanently to reside? [Objected to by Mr. Miller for incompetency and irrelevancy.]

Answer. I think it will be three years the first of April next.

Interrogatory 3. Did you reside one winter on the west side of the Missouri river before settling in this county, at a place called Winter-quarters? [Objected to by Mr. Miller for irrelevancy and incompetency.]

Answer. I did.

Interrogatory 4. Was not that the winter of 1847 and 1848? [Objected to for irrelevancy and incompetency.]

Answer. It was.

Interrogatory 5. Then have you lived in Iowa only two years come April? [Objected to for irrelevancy and incompetency.]

Answer. It was two years about the first of March, 1850, and upon reflection I find that I was mistaken in reply to the first interrogatory.

Interrogatory 6. Were you one of the clerks of the election held at Kanesville August 7, 1848? [Objected to for irrelevancy and incompetency.]

Answer. I was, sir.

Interrogatory 7. Look and see if that was one of the poll books kept at that election? [Objected to for irrelevancy and incompetency.]

Answer. Yes, sir, I believe that is one of the poll books of the election at Kanesville in August, 1848, and that it is entire.

Interrogatory 8. State whether you were the person appointed to convey the poll books to Monroe county, and whether that is the poll book you took to Monroe county? [Objected to for irrelevancy and incompetency.]

Answer. I was the person, and that is the poll book.

Interrogatory 9. Did not a large number of the persons whose names appear in that list remove from Winter-quarters, on the west side of the Missouri river, to Pottawatomie county, Iowa, in the spring of 1848? [Objected to for irrelevancy and incompetency.]

Answer. I think not.

Interrogatory 10. How long had Henry Miller resided in Iowa at the August election, 1848? [Objected to for irrelevancy and incompetency.]

Answer. More than a year, I think.

Interrogatory 11. How long had Charles Bird resided here at that time? [Objected to for irrelevancy and incompetency.]

Answer. I do not know.

Interrogatory 12. Did he not remove here in the spring of 1848? [Objected to for irrelevancy and incompetency.]

Answer. I believe not.

Interrogatory 13. What time did William Huntington remove here? [Objected to for irrevelancy and incompetency.]

Answer. I cannot exactly say.

Interrogatory 14. Did he not remove from Winter-quarters here in the spring of 1848? [Objected to for irrelevancy and incompetency.]

Answer. I think not.

Interrogatory 15. When did E. M. Greene remove here? [Objected to for irrelevancy and incompetency.]

Answer. I cannot particularly set forth.

Interrogatory 16. What proportion of the persons contained in the list of voters in these poll books resided north of a line running due east from a point on the Missouri river two miles north of Traders' Point? [Objected to for irrelevancy and incompetency.]

Answer. I cannot say; perhaps a considerable number.

Interrogatory 17. Were there not more than one hundred of these voters that resided in Kanessville and within five miles of there? [Objected to for irrelevancy and incompetency.]

Answer. There may have been, but I cannot tell; but I believe there were not.

Interrogatory 18. Were you acquainted with William Pickett? [Objected to for irrelevancy and incompetency.]

Answer. I was.

Interrogatory 19. When did he first reside in Pottawatomie county? [Objected to for irrelevancy and incompetency.]

Answer. I cannot tell exactly.

Interrogatory 20. Was he residing here when you came to Pottawatomie county? [Objected to for irrelevancy and incompetency.]

Answer. I cannot tell, sir.

Interrogatory 21. Did William Pickett come here until May, 1848? [Objected to for irrelevancy and incompetency.]

Answer. I don't know, and do not know whether he might not have been here before me, I know so little about it.

Interrogatory 22. Did William Pickett accompany you from Kanessville to Albia, the county seat of Monroe county, at the time you returned the poll books? [Objected to for irrelevancy and incompetency.]

Answer. He did.

Interrogatory 23. Was he present when you presented them to the clerk? [Objected to for irrelevancy and incompetency.]

Answer. He was at one time.

Interrogatory 24. Did you have the poll books in your possession after you first presented them to the clerk? [Objected to for irrelevancy and incompetency.]

Answer. I had, sir.

Interrogatory 25. What time in the day? [Objected to for irrelevancy and incompetency.]

Answer. From early in the fore part of the day until the time of the discussion between Mr. Hall and Mr. Howell; and Mr. Pickett was present.

Interrogatory 26. Had you offered the clerk those poll books before the discussion spoken of in your last answer between Howell and Hall? [Objected to for irrelevancy and incompetency.]

Answer. I did offer them to him in the fore part of the day, at the time he received the poll books from Pisu precinct.

Interrogatory 27. Did the clerk receive them? [Objected to for irrelevancy and incompetency.]

Answer. He did not receive them at that time; but immediately after the aforesaid discussion he did receive them.

Interrogatory 28. In what manner did he receive them; what did he say? [Objected to for irrelevancy and incompetency.]

Answer. He received them by reaching out his hand and taking them; I informed him what it was; he looked at the parcel on both sides; reached out his hand to return it to me; I declined accepting it; he afterwards went partly round the table and put it under some newspapers and other papers wherein lay some books, close by where a gentleman sat, who I was informed was Doctor Flint, with his left arm resting on the table; I requested the clerk to endorse the poll books, stating who had brought them, and how far I had come; he declined doing so; I told him that I was bound to deliver the poll books; that I had understood that there was a heavy penalty if I neglected to do it; and that I now wished to get my pay or a receipt, so that I could obtain my pay; also, that I had performed my duty, and I would not carry it back or receive it; and told the clerk that we had no use for the poll book; Mr. Hall then told the clerk that he might sweep it into the street, (in reply to a question as to what should be done with it,) and I replied that he might, for aught I cared, as it did not concern me; I had done my duty; I went back in the after part of the day to get the clerk to endorse the poll book if he would; I explained to him that I was going to start the next morning, and was desirous to obtain my pay, and I wished to know whether he wished me to endorse upon the poll book that I was one of the clerks, in order to receive my pay; he went and took out the poll book where he had put it, but put it back in the same place without giving me any answer.

Interrogatory 29. Was there a duplicate poll-book retained and kept by one of the judges of the election, in August, 1848, at Kanesville?

[Objected to for irrelevancy and incompetency.]

Answer. There was.

Interrogatory 30. Were you not among the first of the emigrants that came over to Pottawatomic county from Winter-quarters, in the spring of 1848?

[Objected to for irrelevancy and incompetency.]

Answer. I was among the first that came over.

The testimony of Mr. Sloan in chief was here closed, and the cross-examination was commenced:

Interrogatory 1. What reason did the clerk assign for his reluctance in receiving and endorsing the poll-books?

Answer. He said he had consulted his friends, and they had advised him not to receive them. He said that it might be that some had come

over the line and voted that ought not. I told him the judges were very particular who voted at that election; that they were well acquainted with the persons about the neighborhood. He said that his mind was made up, before I went there, that he would not receive them.

The cross-examination was here closed; and this deponent further saith not.

JAMES SLOAN.

Sworn to and subscribed before me, this 15th day of March, A. D. 1850.
J. F. KINNEY, *Judge, &c.*

I hereby certify that the deposition of James Sloan was kept open until the following day after the same was taken, for the purpose of allowing a further cross-examination by D. F. Miller, esq., in person, who was absent in consequence of sickness when the same was taken; and that Mr. Miller did appear on the day subsequent, and in the presence of the witness, after examining his deposition, said that he did not desire to cross examine the witness further, and that he was satisfied with the deposition without further examination.

J. F. KINNEY, *Judge, &c.*

March 16, 1850.

STATE OF IOWA, *Monroe county, ss:*

I, Henry Miller, do solemnly swear that I will perform the duties of judge of the election according to law, and to the best of my ability. I will studiously endeavor to prevent fraud, deceit, or abuse in conducting the same.

HENRY MILLER.

Sworn to and subscribed before me, this 7th day of August, 1848.

WILLIAM HUNTINGTON,
Judge of the Election at Kanesville precinct.

STATE OF IOWA, *Monroe county, ss:*

I, Charles Bird, do solemnly swear that I will perform the duties of judge of the election according to law, and to the best of my ability. I will studiously endeavor to prevent fraud, deceit, or abuse in conducting the same.

CHARLES BIRD.

Sworn to and subscribed before me, this 7th day of August, 1848.

HENRY MILLER,
Judge of the Election at Kanesville precinct.

STATE OF IOWA, *Monroe county, ss:*

I, William Huntington, do solemnly swear that I will perform the duties of judge of the election according to law, and to the best of my ability. I will studiously endeavor to prevent fraud, deceit, or abuse in conducting the same.

WILLIAM HUNTINGTON.

Sworn to and subscribed before me, this 7th day of August, 1848.

HENRY MILLER,
Judge of the Election at Kanessville precinct.

STATE OF IOWA, *Monroe county, ss:*

I, James Sloan, do solemnly swear that I will perform the duties of clerk of the election according to law, and to the best of my ability. I will studiously endeavor to prevent fraud, deceit, or abuse in conducting the same.

JAMES SLOAN.

Sworn to and subscribed before me, this 7th day of August, A. D. 1848.

HENRY MILLER,
Judge of the Election at the Kanessville precinct.

STATE OF IOWA, *Monroe county, ss:*

I, Evan M. Greene, do solemnly swear that I will perform the duties of clerk of the election according to law, and to the best of my ability. I will studiously endeavor to prevent fraud, deceit, or abuse in conducting the same.

E. M. GREENE.

Sworn to and subscribed before me, this 7th day of August, A. D. 1848.

HENRY MILLER,
Judge of the Election at the Kanessville precinct.

List of electors who voted at an election held at the Kanessville precinct, in the township of Pottawatomie, in the county of Monroe, in the State of Iowa, on the first Monday (the seventh day) of August, A. D. 1848.

1 Joseph Fletcher	14 Darcy Jacobs
2 James Nelson	15 Lewis Harvey
3 James McFeat	16 Horace B. Skinner
4 James Randall	17 W. M. Meekes
5 Michael Jacobs	18 G. Hildrith
6 William Bickmore	19 Jacob Cloward
7 Hiram Jacobs	20 Edward Starr
8 J. J. Hall	21 Joseph B. Hawkes
9 Nathaniel Riggs	22 William Kidd
10 Thomas Mendenhall	23 Archibald Patten
11 Levi Thomas	24 William Aldridge
12 Jacob Strong	25 John G. White
13 George W. Omen	26 Joseph W. Pearce

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| 27 | L. S. Dalrymple | 79 | Alvin North |
| 28 | Reuben Carter | 80 | William Milam |
| 29 | Elijah Cheney | 81 | Oliver Stratton |
| 30 | John W. Curtis | 82 | Samuel Swarner |
| 31 | Benjamin McEntire | 83 | William W. Lane |
| 32 | Barnet Cole | 84 | Gideon Allen |
| 33 | Daniel M. Burbank | 85 | George W. Harris |
| 34 | Enos Curtis | 86 | William R. Orton |
| 35 | Andrew M. Smith | 87 | Louis C. Zebrisky |
| 36 | Reuben P. Hartwell | 88 | Hiram Hoyt |
| 37 | Isaac Busenbark | 89 | William M. Allred |
| 38 | Raymond Dickey | 90 | Merritt Rockwell |
| 39 | Zadock Bethers | 91 | Green Taylor |
| 40 | Ira Hillman | 92 | William Taylor |
| 41 | John B. Wilson | 93 | Lisbon Lamb |
| 42 | George G. Johnston | 94 | Jesse McCarrol |
| 43 | David Lewis | 95 | Thomas Burges |
| 44 | James Hale | 96 | Isaac H. Lasee |
| 45 | Silas Richards | 97 | James H. Heath |
| 46 | James Snow | 98 | Roswell C. Ferre |
| 47 | Martin Bushman | 99 | Robert Caldwell |
| 48 | Albert Merrill | 100 | Lyman Stevens |
| 49 | Alfred S. Hadden | 101 | Chester Southworth |
| 50 | Haman Abel | 102 | Richard Bird |
| 51 | Lewellyn Mantel | 103 | Royal Barney |
| 52 | William Milgate | 104 | George W. Brandin |
| 53 | Isaiah Hamblin | 105 | Josiah Boyce |
| 54 | Joshua Holden | 106 | Joseph Godfrey |
| 55 | John Thomas | 107 | Joseph Young |
| 56 | Eli Chase | 108 | Henry Mower, jr. |
| 57 | Thomas M. Bennett | 109 | William Parsons |
| 58 | David Wood | 110 | John Sweat |
| 59 | John P. K. Bird | 111 | Egbert Ellsworth |
| 60 | Philo Dibble | 112 | S. B. Merrill |
| 61 | Thomas Guymen | 113 | Isaac Nelson |
| 62 | Joseph Taylor | 114 | Sandford Forbis |
| 63 | Gardner Snow | 115 | Joseph D. Lane |
| 64 | James Myler, jr. | 116 | James Bird |
| 65 | Jesse Pearson, jr. | 117 | Levin Simmons |
| 66 | Wiley H. Holden | 118 | Reddick N. Allred |
| 67 | William Ford, jr. | 119 | Miran N. Crandall |
| 68 | William F. Carter | 120 | Samuel Burgess |
| 69 | George Burkett | 121 | James Cazier |
| 70 | Benjamin B. Richmond | 122 | Simeon C. Dalton |
| 71 | Josiah Herritt | 123 | Stephen M. Farnsworth |
| 72 | Osius Kilburn | 124 | Whitford G. Wilson |
| 73 | William Miller | 125 | Breede Sarls |
| 74 | John Pettingale | 126 | Lyman Stoddard |
| 75 | David Gardner, jr. | 127 | John Lamareaux |
| 76 | Henry Zebrisky | 128 | Salisbury Cummins |
| 77 | Numan G. Blodget | 129 | John B. Wilson |
| 78 | Samuel S. Thornton | 130 | John Meales |

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|-------------------------|-------------------------|
| 131 Peter Boyce | 183 S. W. Conduit |
| 132 Franklin Bailey | 184 Charles A. Terry |
| 133 Neham Holden | 185 Moses Clanson |
| 134 Emar Harris | 186 William Cloward |
| 135 Silas Hillman | 187 J. W. Stoker |
| 136 John Faucett | 188 James Cragun |
| 137 William Huntsman | 189 Noah T. Guyman |
| 138 George Tiffany | 190 Henry Devinish |
| 139 Norman Taylor | 191 Thomas Snelson |
| 140 Ephraim Mecum | 192 Joseph Hardy |
| 141 Thomas McKee | 193 Alex'r Becksted |
| 142 A. C. Hodge | 194 Henry Terry |
| 143 James McKee | 195 John W. Berry |
| 144 Isaac Houston | 196 A. P. Rawlins |
| 145 Allen Weeks | 197 Nathan Chamberlain |
| 146 Henry Gardner | 198 Leven Cotton |
| 147 Joseph Carllick | 199 Hawthorn C. Hadlock |
| 148 Silas Smith | 200 Lorenzo Clarke |
| 149 Moses Mecum | 201 John H. Carter |
| 150 William Van Osdel | 202 James L. Thompson |
| 151 Nelson W. Whipple | 203 Sheppard Glazier |
| 152 G. P. Dykes | 204 John Aylmer |
| 153 Joseph Egbert | 205 Easton Kelsey |
| 154 Thomas Bird | 206 Eleazer King, sr. |
| 155 John Hammond | 207 John Walker |
| 156 William Ward | 208 Daniel Corbitt |
| 157 William Woodland | 209 Benj'n F. Bird |
| 158 Elisha Edwards | 210 John Loveless |
| 159 James G. Browning | 211 Davis McOlney |
| 160 Elam Mecum | 212 James B. Boren |
| 161 Hiram Bennett | 213 Obed Hamblin |
| 162 Alfred B. Benson | 214 Simmons P. Curtis |
| 163 Jasper Wilson | 215 Warren Foote |
| 164 Absalom Perkins | 216 George Foster |
| 165 Charles M. Johnston | 217 John Cheney |
| 166 William Earl | 218 William Edwards |
| 167 John Horne | 219 Benj'n Ellsworth |
| 168 John Gallagher | 220 Joseph L. Lish |
| 169 James Walsh | 221 Oren Jefferts |
| 170 Denison L. Harris | 222 W. G. Clark |
| 171 Hopkins C. Pender | 223 John Durfy |
| 172 Owen Cole | 224 F. J. Wheeling |
| 173 Moses Daly | 225 John Conley |
| 174 Francis Guitaur | 226 Isaac Allred |
| 175 W. S. Townsend | 227 Daniel Beck |
| 176 Samuel Egbert | 228 Lorenzo Johnston |
| 177 A. P. Hawes | 229 Joseph Grover |
| 178 Richard S. Harden | 230 Lyman Curtis |
| 179 E. P. Cone | 231 Thomas Dobson |
| 180 Luther Tuttle | 232 William Caulkins |
| 181 Ira Sherman | 233 Elijah Wilson |
| 182 William Draper, jr. | 234 Luther W. Glazier |

- 235 Joseph Keller
 236 James Stewart
 237 Jonathan Browning
 238 Benjamin Stewart
 239 E. R. Wilson
 240 W. B. Coffin
 241 Otis Terry
 242 Otis L. Terry
 243 James Hutchins
 244 Joseph K. Lane
 245 Rufus Forbush, sr.
 246 Joseph Kelly
 247 William Woodland
 248 Samuel J. Burgess
 249 James Carroll
 250 Ezekiel Hopkins
 251 James Jones
 252 Isaac M. Stewart
 253 James Downes, jr.
 254 Levi Perkins
 255 Daniel S. Jackson
 256 Joseph J. S. Clarke
 257 Melvin Wilber
 258 James Dunn
 259 Horace Rawson
 260 Miron Higley
 261 A. P. Chesley
 262 Abram Rose
 263 George McBride
 264 M. F. Baflet
 265 B. F. Galland
 266 Simeon Cragun
 267 J. M. Whitaker
 268 Ezra Beckford
 269 Andrew S. Gibbons
 270 Matthew Caldwell
 271 Wm. E. Felliott
 272 Nathan Stewart
 273 John Stevens
 274 John D. Parker
 275 Luke Johnson
 276 Evans O'Banion
 277 Joseph Skeine
 278 Ralph Rose
 279 Oriin Hadlock
 280 Moses Curtis
 281 Danford Atwood
 282 H. Burgess
 283 Samuel Pollock
 284 George Sweet
 285 Elisha Jones
 286 Alex'r Clough
 287 J. W. Northop
 288 John T. Perry
 289 William Fossett
 290 John Clark
 291 John Bailey
 292 Bartholomew Mahony
 293 George F. Hampson
 294 Edward H. Parks
 295 John Finley
 296 Wilson Cairns
 297 W. C. McIntosh
 298 Louis Zebrisky
 299 John Carns
 300 Samuel G. Clark
 301 James Goff
 302 Harmon D. Parsons
 303 Wm. D. Manning
 304 John C. Serls
 305 John Turpin
 306 William Cezair
 307 Roswell Stevens
 308 George Brown
 309 Sisson A. Chase
 310 William Ford, sr.
 311 Peter Ranke
 312 John Clarke
 313 George W. Burch
 314 James Proctor
 315 William Hyde
 316 John McDonnell
 317 William Stevens
 318 Francis Becksted
 319 John Mills
 320 Isaac Odecark
 321 Reuben Hildrith
 322 David Garner
 323 Michael Stoker
 324 Ira Allen
 325 A. S. Stanley
 326 Ichabod Gifford
 327 Elisha Wilcox
 328
 329 Joseph France
 330 Lewis Barney
 331 Charles Barney
 332 Henry Mower, sr.
 333 John Mower
 334 James McClelland
 335 Moses J. Gardner
 336 Nahum Biglow
 337 Andrew Coltrin
 338 Harmon Slaing

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|---------------------------|-------------------------|
| 339 William Dodson | 391 George Cummins |
| 340 Benj'n McGinnis | 392 John K. Crosby |
| 341 John McCreany | 393 Philip Gatrost |
| 342 Rufus Forbis, jr. | 394 Wm. B. Simmons |
| 343 Stephen Blackman | 395 James Guyman |
| 344 Samuel Henderson, sr. | 396 Samuel Price |
| 345 Horace Wild | 397 James Huntsman |
| 346 John Myers | 398 James Duun |
| 347 Philemon C. Merrill | 399 Gilman Merrill |
| 348 Joseph H. Tippets | 400 Lewis Hardy |
| 349 Alfred B. Child | 401 William McEwen |
| 350 Gustavus A. Perry | 402 John Smith |
| 351 Lemuel Lewis | 403 John Bright |
| 352 John Allaman | 404 Theodore Rogers |
| 353 Andrew B. Williams | 405 George Coulson |
| 354 Luther Barney | 406 Myron Child |
| 355 James Adams | 407 James Rollins |
| 356 Samuel Raymond | 408 A. Bybie |
| 357 John Thompson | 409 Thomas Wilson |
| 358 Noah S. Bulkley | 410 Loren Dunn |
| 359 Diamoud McPherson | 411 C. H. Best |
| 360 Benjamin Bullock | 412 John Green |
| 361 James Cowley | 413 John Stevens |
| 362 Charles Cowley | 414 Thomas Green |
| 363 William Bobinson | 415 Jacob Huntsman |
| 364 Ira S. Hatch | 416 Uta Perkins |
| 365 Abraham Coon | 417 George W. Bratton |
| 366 William Waterson | 418 Alvin Winegar |
| 367 Ezeriah Tuttle | 419 Edson Barney |
| 368 Lorenzo D. Driggs | 420 John McBride |
| 369 Samuel Williams | 421 Henry Wilcox |
| 370 William Stubbs | 422 Wm. B. Thompson |
| 371 Josiah L. De Forest | 423 Jerome M. Benson |
| 372 Thomas G. Wilson | 424 Lunan A. Shutliff |
| 373 William R. Terry | 425 Wm. R. R. Stowell |
| 374 Charles Park | 426 William Topham |
| 375 James P. Stow | 427 Samuel Uley |
| 376 Aaron Dolph | 428 Wm. W. Patten |
| 377 W. W. McGuire | 429 Wm. A. Hickman |
| 378 R. W. Allred | 430 Ira Ovitt |
| 379 C. S. Peterson | 431 Charles Poukett |
| 380 Horace Fish | 432 Levi Hammond |
| 381 Charles Hopkins | 433 William Ormsby |
| 382 James D. Allen | 434 Lec Bybee |
| 383 James A. McCaul | 435 Joseph Bushey |
| 384 M. H. Edger | 436 Russell G. Brownell |
| 385 Lorenzo Perry | 437 Wm. Draper |
| 386 Philo Allen | 438 Alfred Brown |
| 387 John Riggs | 439 James Rodeback |
| 388 Wheeler Baldwin | 440 Isaac Clark |
| 389 Edwin Harley | 441 Samuel Wood |
| 390 George H. Sweat | 442 Isaac Allred |

- | | |
|----------------------|------------------------|
| 443 Franklin Holman | 484 George A. Smith |
| 444 Jacob Hamblin | 485 Wm. Snow |
| 445 David Holman | 486 Thomas Carns |
| 446 John Reid | 487 Jeremiah Bingham |
| 447 Wm. Gardner | 488 Hiram Judd |
| 448 John M. Bybe | 489 Salmon Barkdell |
| 449 Isaae B. Hatch | 490 William Faucett |
| 450 W. L. Perkins | 491 Amos Bemis |
| 451 Robt. Campbell | 492 Daniel R. Williams |
| 452 Miner Wynne | 493 C. C. Pendleton |
| 453 Robert Johnston | 494 Samuel Glasgow |
| 454 Loren Kenny | 495 Wriley Hough |
| 455 John Nichols | 496 Daniel Staunton |
| 456 Andrew B. Wild | 497 Edward Philips |
| 457 Eber Johnston | 498 William Johnston |
| 458 Gashan C. Keys | 499 John S. Smith |
| 459 Levi Skinner | 500 Alfred Billings |
| 460 Francis Lawrence | 501 Jermain Ellsworth |
| 461 Alex'r McRae | 502 Rufus Allen |
| 462 Daniel Carter | 503 James McBride |
| 463 Alva Alexander | 504 Philip Garner |
| 464 Jeremiah Hatch | 505 Jacob G. Bigler |
| 465 Jesse Mason | 506 Moses Traeey |
| 466 John C. Annis | 507 William M. Wall |
| 467 O. P. Colvin | 508 Ezekiel Lee |
| 468 Abel Lamb | 509 Francillo Durfey |
| 469 James Warren | 510 G. S. Clarke |
| 470 Sisson Chase | 511 James Sloan |
| 471 Edmund Fisher | 512 Wm. Huntington |
| 472 G. H. Hoyte | 513 Thomas Butterfield |
| 473 John Tidwell | 514 Henry Cooke |
| 474 Elias Bassett | 515 Wm. H. Lee |
| 475 William Castoe | 516 Tunis Rappilee |
| 476 James Woodward | 517 Henry Miller |
| 477 Job V. Barnum | 518 Charles Bird |
| 478 Thomas Ivie | 519 Benj'n K. Bullock |
| 479 Wm. H. Perry | 520 Chester Snider |
| 480 Stephen Perry | 521 Evan M. Greene |
| 481 John B. Acheson | 522 Charles Rodeback |
| 482 Thomas H. Park | 523 John F. Bellows. |
| 483 Alex'r McCord | |

HENRY MILLER,
WILLIAM HUNTINGTON,
CHARLES BIRD,

Judges of Election.

Attest:

JAMES SLOAN,
E. M. GREENE,
Clerks of Election.

I hereby certify that this is the poll book presented to James Sloan during his examination, and was identified by him as the poll book of Kanesville precinct, and the one that he conveyed to the clerk of the board of commissioners of Monroe county, and the identical one referred to by him in his deposition as the original poll book of the Kanesville precinct for the August election of 1848.

J. F. KINNEY,
Judge, &c.

MARCH 1, 1850.

FRIDAY MORNING, 10 O'CLOCK, MARCH 16, A. D. 1850.

Present: Hall and Johnson, attorneys for Mr. Thompson, and Mr. Miller in person; also, on this day, at Traders' Point, came A. P. Henderson, who, being by me first duly sworn to testify the truth, the whole truth, and nothing but the truth, makes answer to the following interrogatories as follows, to wit:

Interrogatory 1. How long have you resided at Traders' Point, Pottawatomie county, Iowa; and what business have you been engaged in?

Answer. It was two years ago last Christmas since I came here, as near as I can recollect. I have been engaged a part of the time in keeping up a grocery and clerking for Mr. Stralle, and a part of the time trading with the Sioux Indians.

Interrogatory 2. What business were you engaged in in the summer of 1848?

Answer. I was clerking for Mr. Stralle the principal part of the time.

Interrogatory 3. State how far north the settlements extended north of Kanesville, in the summer of 1848?

Answer. Well, sir, I do not know exactly how far, but I know how far I was acquainted with the settlements; they were twenty-five or twenty-six miles north of Kanesville, up the Missouri river, and I was acquainted with the settlements on the Boyer river.

Interrogatory 4. How many families were on the Boyer river, and what distance was that settlement from Kanesville?

Answer. I knew two families at the crossing, and I understood there were a few families up above; but I was not acquainted with that settlement.

Interrogatory 5. How many families resided twenty-five miles above Kanesville, and give the names?

Answer. I only know one man in the place; I know Mr. Clapp, and suppose from the looks there are eight or ten other families there.

Interrogatory 6. Did you have an opportunity of becoming generally acquainted with the people at and north of Kanesville in the summer of 1848?

Answer. I had a tolerably good chance; I had customers from that portion of the country that would come and trade. I knew several of the people from that country at that time.

Interrogatory 7. Look at that list, and state how many persons whose names appear there you are acquainted with, and where they resided in the summer of 1848?

Answer. I see several names here that I know, but I do not know their Christian names. Reuben Oaks, who lived on Honey creek in the fall; I do not know whether he lived there in the summer or not. Where he lived is between 10 and 12 miles from Kanessville. I know Hiram Oaks, on Henry creek, the same distance from Kanessville. I know Mr. Colton; I saw him in the hollow in Kanessville at work; I do not know his Christian name, nor where he lived. I am acquainted with Mr. North, and think his name is Levi. He told me that he lived 25 or 30 miles from Puguu mills, and Puguu mills is about 10 miles from Kanessville, nearly north. I know Mr. Buckstead, that lives on Honey creek, and Mr. Head, both living 10 or 12 miles from Kanessville. (Mr. Miller, being personally present, objected to the witness stating anything that appears above as hearsay.)

Interrogatory 8. Were you ever at the place called Winter-quarters, or there in the winter of 1847 and 1848?

Answer. Yes, sir, I was there in 1848; I do not recollect what month, but think that it was some time in February. I recollect of attending a trial up there.

Interrogatory 9. State as near as you can the probable number of persons that wintered at that place?

Answer. It is a pretty hard question. There was considerable of a town there, and should suppose there were at least four or five thousand.

Interrogatory 10. What time did they emigrate across the river into Zena—about what time?

Answer. Well, sir, they were emigrating from the time I became acquainted with them until the camp was deserted; from about Christmas I was acquainted with them. I was not acquainted with the camp at that time, but with some of the persons. I think it was some time in April or May—it might have been the 1st of June—that the weight of them came over; they came over in time to put a crop in.

Interrogatory 11. From a line drawn due east from a point on the Missouri river two miles north of Traders' Point, what was the extent of the settlements south of that line in August, 1848?

Answer. I can't tell, sir, exactly; there was considerable of a settlement, but I cannot tell where that line would strike it.

Interrogatory 12. Suppose the line referred to in interrogatory 11 run two miles south of the bridge on Silver creek, and three miles south of How's mills; what would be the proportion of the population south of that line compared with it north? (Objected to, because the witness cannot swear to suppositions.)

Answer. I have never been to Mr. How's mills, nor Silver creek bridge. I have an idea where they are, but was never there.

Interrogatory 13. In August, 1848, was a greater portion of the settlement in Pottawatomie county north or south of the line referred to in the foregoing interrogatory?

Answer. At that time I am unable to tell you; the people were not settled at any particular point, except this place and Council Point and Kanessville, but were moving about. Council Point is two or three miles north of this place.

The examination in chief was here closed; and as Mr. Miller waives any cross-examination, this deponent further saith not.

A. P. HENDERSON.

Sworn to and subscribed before me, this 15th day of March, A. D. 1850.
J. F. KINNEY, *Judge, &c.*

STATE OF IOWA, ss:

I hereby certify that the within depositions of William S. Townsend, James Sloan, and A. P. Henderson, were taken before me at Traders' Point, Pottawatomie county, Iowa, on the days therein respectively set forth; that the same were subscribed by the witnesses in my presence, and sworn to at the time and place specified in said depositions.

J. F. KINNEY,

Judge Supreme Court, Iowa.

TRADERS' POINT, *March 16, 1850.*

In the matter of contest between D. F. Miller and William Thompson, in the House of Representatives of the United States for the 31st Congress, from the 1st Congressional district of the State of Iowa, the counsel for Mr. Thompson were about to proceed to take the depositions of witnesses at Cloward's bridge, fifteen miles northeast of Kaneshville and How's mills, thirty-five miles east of Kaneshville, Pottawatomie county; and it being stated by Thompson's counsel that their object in taking said depositions was to prove "that Harris's Grove, spoken of by Reuben Oaks, Hiram Oaks, and E. M. Greene, in their depositions now taken, was eight miles south of the correction line run through to the Missouri river by the United States surveys in the fall of 1849"—

Thereupon Mr. Miller, in person, in order to save the time and trouble of taking depositions, admits the fact above stated to be true to the same extent as though the same had been proven by witnesses, but at the same time reserves all exceptions to the relevancy and competency of the evidence that he could upon depositions taken and exceptions duly entered.

DANIEL F. MILLER.

KANESVILLE, POTTAWATOMIE COUNTY, *March 22, 1850.*

Abstract of votes polled on the first Monday (the 7th day) of August, A. D. 1848, in the county of Appanoose, and State of Iowa, for the following named persons, to wit:

Names of candidates.	Townships.							Total.
	Washington.	Union.	Centre.	Chariton.*	Wells.*	Garden Grove.	Shoal Creek.†	
<i>For Congress.</i>								
William Thompson	26	10	68	.....	.....	9	.....	113
Daniel F. Miller	14	6	20	.....	.....	27	.....	67

*Poll books rejected for informality.

†No returns.

We hereby certify the above to be a true abstract of the votes polled in the several townships in the county of Appanoose, and State of Iowa, on the first Monday (the 7th day) of August, 1848, as taken from the several poll books returned to the clerk of the board of county commissioners by the judges of the election.

In testimony whereof we have hereunto set our hands, and affixed the seal of the board of county commissioners, at Centreville, this [L. s.] 15th day of August, A. D. 1848.

JAMES J. JACKSON,

Clerk B. C. C.

WILLIAM PRAETHERS,

Justice of the Peace.

SPENCER S. WADDINGTON,

Justice of the Peace.

STATE OF IOWA, *Dallas county, ss:*

Abstract statement of the whole number of votes given for delegate to Congress, at a general election hold in Dallas county, on the first Monday (the 7th day) of August, A. D. 1848, wherein the places of holding said election at which said votes were given are distinguished.

Names of candidates.	House of W. P. McCubbin, Boon township.	Pennoark, Pennoark township.	House of Judah Leming, Desmoines township.	Total vote.
<i>For Congress.</i>				
William Thompson	10	11	1	22
Daniel F. Miller	62	23	3	88

Majority for Daniel F. Miller, 66.

I, S. K. Scovell, clerk board of commissioners in and for said county, do hereby certify that the above and foregoing contains a true abstract of all the votes given in Dallas county for delegate to Congress, together with the names of persons voted for, as appears from the returns of the election held in said county on the 7th day of August, A. D. 1848.

Given under my hand this 11th day of September, A. D. 1848.

S. K. SCOVELL,

Clerk Board Commissioners for said county.

Abstract of votes polled on the first Monday (the 7th day) of August, 1848, in the county of Davis, State of Iowa, for member of Congress, in the first Congressional district in said State.

Candidates' names.	Townships.												
	Salt Creek.	Lick Creek.	Soap Creek.	Marion.	Fox River.	Bloomfield.	Perry.	Union.	Prairie.	Grove.	Wyconda.	Fabies.	Total.
William Thompson.....	47	18	11	33	11	204	13	28	13	*	36	18	432
Daniel F. Miller.....	47	15	25	12	27	132	10	40	10	*	26	19	363

* No election held.

STATE OF IOWA, *Davis county, ss:*

We do hereby certify that the above is a correct abstract of votes, as above stated, as taken by us from the poll books on file in the office of the clerk of the board of commissioners of said county, on this 15th day of August, 1848.

H. B. HORN, *J. P.*

JOSHUA PATTERSON, *J. P.*

WILLIAM CAMERON,

Clerk B. C. C. D. C.

STATE OF IOWA, *Davis county, ss:*

I, William Camron, clerk of the board of commissioners, in and for said county, do hereby certify that the above is a true and correct copy of the original abstract now on file in my office.

In testimony whereof, I hereto set my hand, and affix the seal of said [L. s.] board, in said county, this 16th day of August, A. D. 1848.

WILLIAM CAMRON,

Clerk of said Board.

STATE OF IOWA, *Henry county*:

I, N. Lathrop, clerk of the board of commissioners in and for said county, having taken to my assistance P. F. Anderson and J. H. Temple, two justices of the peace of said county, did, on the 11th day of August, A. D. 1848, proceed to open and compare the votes of the general election for said year for State and county officers. From returns it appears that the following named persons received the number of votes annexed to their respective names for the following described offices, to wit:

Daniel F. Miller had six hundred and sixty-two votes for representative to Congress, 1st district, (662.)

William Thompson had four hundred and eighty-three votes for representative to Congress, 1st district, (483.)

Samuel L. Howe had one hundred and thirty-five votes for representative to Congress, 1st district, (135.)

Given under our hands, this 11th day of August, A. D. 1848.

N. LATHROP,
Clerk of the Board of Commissioners H. C., Iowa.
 P. F. ANDERSON,
 J. H. TEMPLE,

Justices.

Given under my hand and official seal, this 11th day of August, A. D. [L. s.] 1848.

N. LATHROP,
Clerk of the Board of Commissioners H. C., Iowa.

Copy of the original abstract of votes polled in Jefferson county, August 7, A. D. 1848.

Names of candidates.	Townships.											
	Black Hawk.	Cedar.	Desmoines.	Lockridge.	Locust Grove.	Liberly.	Penn.	Folk.	Round Prairie.	Walnut.	Fairfield.	Total.
<i>For Congress.</i>												
William Thompson	21	26	60	47	32	34	27	23	63	68	357	758
Daniel F. Miller.....	17	35	46	43	53	75	79	38	54	52	218	710
Samuel L. Howe.....	.....	.....	1	.....	.....	5	.....	.....	3	.....	.....	9

STATE OF IOWA, *Jefferson county, ss:*

I, Samuel H. Bradley, clerk of the board of commissioners of said county, do hereby certify that the foregoing is a correct copy of the original abstract of the number of votes polled in said county on the seventh day of August, A. D. eighteen hundred and forty-eight.

In testimony whereof, I have hereunto set my hand and affixed the seal of the board of commissioners, this sixteenth day of August, [L. s.] eighteen hundred and forty-eight, at Fairfield.

SAMUEL H. BRADLEY,
Clerk of the Board of Commissioners Jefferson county, Iowa.

Abstract of the votes given in the county of Jasper, on the 7th day of August, A. D. 1848, for representative in Congress for the first district.

Candidates' names.	Precincts.							Total.
	Newton township.	Linn Grove township.	Fair-View township.	Desmoines township.	Poweshiek township.	Musereg Creek township.		
William Thompson - -	16	5	10	7	-	11	49	
Daniel F. Miller - -	35	9	11	9	-	5	69	

STATE OF IOWA, *Jasper county, ss :*

I, Jesse Rickman, clerk of the board of county commissioners of said county, do hereby certify that the above is a true abstract, according to the returns made to me at my office in Newton.

In testimony whereof, I have hereunto set my hand and affixed the seal [L. s.] of said board this 10th day of August, A. D. 1848.

JESSE RICKMAN,

Clerk of Board of Commissioners Jasper county, Iowa.

Attest:

THOS. J. ADAMSON,
WESLEY STALLINGS,
Jurices of the Peace.

STATE OF IOWA, *Keokuk county, ss :*

Abstract of the State election held in said county on Monday, the 7th day of August, A. D. 1848, for representative in Congress, as polled in the several precincts.

Names of candidates for Congress.	Precincts.											Total.
	English river.	Adams.	Washington.	Warren.	Sigourney.	Richland.	Clear creek.	Jackson.	Benton.	Lancaster.	Steady run.	
Willam Thompson - -	-	4	20	15	59	39	17	39	31	81	42	347
Daniel F. Miller - -	8	4	10	2	41	114	19	11	18	21	18	266

I hereby certify the above to be a true abstract of the aforesaid election. In testimony whereof, I have hereunto set my hand and affixed the seal [L. s.] of the board of commissioners of said county, at Lancaster, this 17th of August, 1848.

S. C. HARRIS, *Clerk.*

Abstract of votes polled in Lee county, State of Iowa, on the first Monday (the 7th day) of August, A. D. 1848, for one representative to Congress in the first Congressional district.

Townships.	Names of candidates for Congress.		
	William Thompson.	Daniel F. Miller.	S. L. Howe.
Green Bay - - - -	36	26	
Denmark - - - -	17	20	52
Pleasant Ridge - - - -	25	26	
Marion - - - -	39	68	3
Cedar - - - -	13	26	7
Harrison - - - -	60	44	3
Franklin - - - -	49	26	15
West Point - - - -	141	101	5
Washington - - - -	14	19	3
Madison - - - -	263	233	7
Jefferson - - - -	28	6	
Charleston - - - -	157	108	7
Van Buren - - - -	61	15	3
Desmoines - - - -	67	60	
Montrose - - - -	188	178	
Jackson - - - -	302	308	5
Total - - - -	1,460	1,264	110

STATE OF IOWA, *Lee county, ss :*

We, the undersigned, do hereby certify that the above is a true abstract of votes polled in said county for the officers therein named at an election held as above stated.

HENRY M. SALMON,
Justice of the Peace.

PIERPONT SPINY,
Justice of the Peace.

ELI STODDARD,
Clerk of Board of Commissioners of Lee county.

I do hereby certify that the above is a true copy of the original abstract now on file in this office.

In testimony whereof, I have hereunto set my hand and the seal of the [L. s.] board of commissioners hereto affixed, at Fort Madison, this 12th day of August, A. D. 1848.

ELI STODDARD,
Clerk of the Board of Commissioners of Lee county.

Abstract of votes cast at an election held in the county of Mahaska, State of Iowa, on the first Monday (the seventh day) of August, A. D. 1848, for the office of representative to Congress.

Representatives to Congress.	Oskaloosa.	Harrison.	Scott.	Whiteoak.	Jefferson.	Desmoines.	Union.	Richland.	Madison.	Monroe.	Total.
William Thompson.	209	31	14	.....	.....	24	27	19	8	30	362
Daniel F. Miller.	216	46	38	.....	.....	16	12	27	13	29	397

STATE OF IOWA, *Mahaska county, ss:*

Moses McClean, clerk of the board of county commissioners of Mahaska, and Henry Temple and Samuel Coffin, justices of the peace within and for the county of Mahaska aforesaid, do hereby certify that the whole number of votes cast at the election held within and for the county of Mahaska, on the first Monday (the seventh day) of August, A. D. 1848, for the office of representative to Congress, was seven hundred and fifty-nine votes, of which Daniel F. Miller received three hundred and ninety-seven votes, and William Thompson received three hundred and sixty-two; and two townships were rejected (Whiteoak and Jefferson) on the grounds that in Jefferson township part of the board of judges were sworn by the township clerk, and in Whiteoak township the judges were not sworn.

In testimony whereof, we have hereunto set our hands and seals at Oskaloosa, this 14th day of August, 1848.

MOSES McCLEAN, *Clerk.* [L. s.]
HENRY TEMPLE, *J. P.* [L. s.]
SAMUEL COFFIN, *J. P.* [L. s.]

STATE OF IOWA, *Mahaska county, ss:*

I, Moses McClean, clerk of the board of county commissioners in and for the county aforesaid, do certify that the within is a correct copy of the original abstract on file in my office.

In testimony whereof, I have hereunto subscribed my name and [L. s.] affixed the seal of the board of county commissioners of said Mahaska county, this 14th day of August, A. D. 1848.

MOSES McCLEAN,
Clerk B. C. C. M. C.

STATE OF IOWA, *Marion county:*

CLERK'S OFFICE BOARD OF COMMISSIONERS.

Abstract statement of the whole number of votes cast for representative in the Congress of the United States, at an election held in Marion county, (and the attached portions,) State of Iowa, on the first Monday (the 7th day) of August, A. D. 1848, wherein the several places of holding the election at which said votes were given are distinguished.

Names of candidates.	Townships.										
	Knoxville.	Pleasant Grove.	Lake Prairie.	Clay.	Liberly.	Red Rock.	Indiana.	Perry.	Warren.	Black Oak Grove.	Total.
William Thompson	78	20	18	*	14	74	21	21	14	38	298
Daniel F. Miller	60	†	7	*	22	83	14	23	27	21	257

* Thrown out.

† Daniel Miller received seven votes for Congress.

We, James F. Wilson, clerk of the board of commissioners of Marion county, and Richard R. Watts and John Swum, justices of the peace in and for said county, do hereby certify the foregoing statement to be a correct abstract of all the votes cast for representative in Congress of the United States, in said county, at the time and places designated.

[L. s.] Witness our hands, and seal of said board, at Knoxville, this 14th day of August, A. D. 1848.

JAMES F. WILSON, *Clerk,*
per J. SMITH HOOTON, *Deputy.*
 RICHARD R. WATTS, } *Justices.*
 JOHN SWUM, }

I, James F. Wilson, clerk of the board of commissioners of the county of Marion, do hereby certify that the within is a correct copy of the original abstract now on file in my office.

[L. s.] Witness my hand, and seal of said board, at Knoxville, this 19th day of August, A. D. 1848.

JAMES F. WILSON, *Clerk,*
per J. SMITH HOOTON, *Deputy.*

Abstract of election for representative to the Congress of the United States for the first Congressional district in the State of Iowa.

Names of candidates for office of Representative to Congress.	Monroe county.								Lucas county.		Clark county.		Grand total.	Total majority.
	Troy township.	Union township.	Pleasant township.	Mantua township.	Urbana township.	Monroe township.	Records precinct.	Total.	Majority.	Chariton precinct.	Majority.	Clark county precinct.			Majority.
William Thompson..	101	24	24	*21	†	†	170	69	†	.....	2	.....	.....	29
Daniel F. Miller.....	47	21	13	*20	†	†	101	.....	†	.....	48	46	.....	.....

* Illegal returns.

† No election.

STATE OF IOWA, *Monroe county, ss:*

We, Michael Lower and Thomas E. Forrest, justices of the peace in and for the county of Monroe, in the State of Iowa, do hereby certify that we this day assisted Dudley C. Barber, clerk of the board of commissioners of said county, to canvass the polls of the election held on the seventh day of August, A. D. 1848, in the counties of Monroe, Lucas, and Clark, in said State, for the election of one representative to the Congress of the United States for the first Congressional district in said State; and we hereby certify that the foregoing contains a true and complete abstract of the votes given in each of the townships and precincts in each of the counties aforesaid for each person voted for for said office of representative on the said seventh day of August.

Given under our hands this fourteenth day of August, A. D. 1848.

THOMAS E. FORREST,
MICHAEL LOWER,

Justices of the Peace, Monroe County.

STATE OF IOWA, *Monroe county, ss:*

I hereby certify to the facts contained in the foregoing certificate of Thomas E. Forrest and Michael Lower, justices of the peace of Monroe county.

D. C. BARBER,
Commissioners' Clerk, Monroe County.

STATE OF IOWA, *Monroe county, ss:*

I hereby certify that the foregoing is a true copy of the abstract of the election held on the seventh day of August, A. D. 1848, in the counties

of Monroe, Lucas, and Clark, in said State, for the election of representative to Congress for the first Congressional district in said State, which abstract was made by me, with the assistance of the justices of the peace aforesaid, on the fourteenth day of August, 1848. The poll-books of said election are now on file in my office at Albia. I also certify that no election was held for said office of representative, on said seventh day of August, in Monroe township or Records precinct, in said county of Monroe; nor was any election held in Chariton precinct, in said county of Lucas; also the returns from Mantua township, in Monroe county, being considered by the two justices aforesaid and myself to be illegal, the same were rejected as null and void.

In testimony whereof, I have hereto set my hand and affixed the seal of the board of commissioner at Albia, this 17th day of [L. s.] August, 1848.

DUDLEY C. BARBER,
Clerk of the Board of Commissioners of Monroe County, Iowa.

Abstract statement of the whole number of votes given for representative to Congress at an election held in Polk county, Iowa, on the first Monday (the 7th day) of August, A. D. 1848.

Candidates.	Townships.										
	Desmoines.	Saylors'	Madison.	Boone.	Four Mile.	Skunk.	Camp.	Kirkland.	Allen.	Lynn.	Total.
William Thompson.....	144	....	15	42	3	12	27	22	9	26	300
Daniel F. Miller.....	98	27	3	6	18	4	12	24	29	16	237

William Thompson's majority over Daniel F. Miller is sixty-three votes.

We, the undersigned, hereby certify that the foregoing abstract is correct. Given under our hands at Fort Desmoines, this 12th day of August, 1848.

LEWIS WHITTEN,
Clerk Board of Commissioners.
JOHN McGINCY,
Justice of the Peace.
THOMAS F. NAPIER,
Justice of the Peace.

Abstract of votes given for representative to the Congress of the United States in the county of Poweshiek, and State of Iowa, on Monday the 7th day of August, A. D. 1848, agreeable to the several poll-books returned as herein set forth.

Townships.	Representative to Congress.	
	Daniel F. Miller.	William Thompson.
Jackson - - - -	27	22
Bear Creek - - - -		

N. B.—Bear Creek township poll-book rejected, not being subscribed by judges and clerks of election.

STATE OF IOWA, *Poweshiek county, ss:*

We, Stephen Moore, clerk of the board of commissioners' court, and John McDowell and William H. Barnes, justices of the peace in and for said county of Poweshiek, do certify that the foregoing is a correct abstract of the votes given for representative to the Congress of the United States in the county of Poweshiek aforesaid, as per poll-books on file.

In testimony whereof, we have hereunto subscribed our names this 12th day of August, A. D. 1848.

STEPHEN MOORE,
Clerk B. C. C. P. C.
 JOHN McDOWELL, *J. P.*
 WILLIAM H. BARNES, *J. P.*

STATE OF IOWA, *Poweshiek county, ss:*

I, Stephen Moore, clerk of the board of county commissioners in and for the county aforesaid, do certify that the foregoing is a correct copy of the original abstract on file in my office.

In testimony whereof, I have hereto subscribed my name and affixed
 [L. s.] the private seal of said court (no public one being provided)
 this fourteenth day of August, A. D. 1848.

STEPHEN MOORE, *Clerk B. C. C. P. C.*

Abstract of votes given for member of Congress, on the first Monday (the 7th day) of August, A. D. 1848, in the county of Van Buren, State of Iowa, as counted and compared from the poll books, by John D. Mitchler, clerk of the board of commissioners of said county, and James Shepherd and William Leach, two justices of the peace of said county, on the eleventh day of August, A. D. 1848.

Names of townships.	For Congress.		
	William Thompson.	Daniel F. Miller.	Samuel L. Howe.
Van Buren - - - -	197	174	2
Washington - - - -	63	52	2
Union - - - - -	107	102	24
Vernon - - - - -	53	38	
Jackson - - - - -	50	51	
Lick Creek - - - -	53	60	7
Harrisburgh - - - -	66	70	3
Cedar - - - - -	51	33	
Village - - - - -	55	116	4
Des Moines - - - -	32	34	
Chequest - - - - -	58	28	
Farmington - - - -	140	140	13
Bonaparte - - - - -	103	78	
	1,028	976	55

STATE OF IOWA, }
 Van Buren county, } ss.

We, the undersigned, do hereby certify the above to be a correct abstract as above stated. Given under our hands at Keosauqua this 11th day of August, A. D. 1848.

JOHN D. MITCHLER,
Clerk B. C. C.
 JAMES SHEPHERD,
 WILLIAM LEECH,
Justices of the Peace.

Abstract of votes cast in the different townships in the county of Wapello, State of Iowa, at an election held in said county on Monday, the 7th day of August, A. D. 1848, for the election of State and county officers.

Names of townships.	For Congress.		
	Wm. Thompson	Dan'l F. Miller.	Sam. L. Howe.
Centre - - -	165	125	
Columbia - - -	63	70	
Dahlonga - - -	79	90	
Washington - - -	85	77	
Green - - -	28	14	
Adams - - -	43	30	
Keokuk - - -	34	35	
Polk - - -	41	14	
Competine - - -	13	33	
Pleasant - - -	61	36	1
Richland - - -	19	35	
	631	559	1

STATE OF IOWA, *Wapello county, ss :*

We, Paul C. Jeffries and John Pumroy, two justices of the peace within and for said county and State, do hereby certify the foregoing to be a correct abstract of the election held in the different townships in said county on Monday, the 7th day of August, A. D. 1848, for the election of State and county officers, as returned to the office of the clerk of the board of commissioners, and opened in the presence of said clerk, jointly with the undersigned, in accordance with law.

Given under our hands as justices of the peace of said county, this 12th day of August, A. D. 1848.

PAUL C. JEFFRIES,
JOHN PUMROY,
Justices.

Attest:

A. J. REDENBAUGH, *Clerk B. C. C.*

STATE OF IOWA, *Wapello county, ss :*

I, Alonzo J. Redenbaugh, clerk of the board of county commissioners of said county and State, do hereby certify that the above is a true copy of the original abstract.

In testimony whereof I have hereunto set my hand and affixed the seal of said board of commissioners, at my office, in Ottumwa, in said county, this 14th day of August, A. D. 1848.

A. J. REDENBAUGH, *Clerk B. C. C.*

An abstract of the returns of votes given for member of Congress in the first Congressional district in the State of Iowa, at the general election held in the several counties in said district on the seventh day of August, A. D. 1848.

Names of counties.	No. of votes for Wm. Thompson.	No. of votes for Dan'l F. Miller.	No. of votes for Sam. L. Howe.
Appanoose - - -	113	67	
Dallas - - -	22	88	
Davis - - -	432	363	
Henry - - -	483	662	135
Jefferson - - -	758	710	9
Jasper - - -	49	69	
Keokuk - - -	347	266	
Lee - - -	1,460	1,264	110
Mahaska - - -	362	397	
Marion - - -	298	257	
Monroe - - -	172	149	
Polk - - -	300	237	
Poweshiek - - -	22	27	
Van Buren - - -	1,028	976	55
Wapello - - -	631	559	1
	6,477	6,091	310

SECRETARY'S OFFICE, IOWA,
Iowa City, September 15, 1848.

We, the undersigned, have this day canvassed and counted the votes given for representative in the Congress of the United States in the first Congressional district in this State, of which the above is a true statement of the number of votes given for each candidate in each of the counties of said district at the general election held on the 7th day of August, A. D. 1848.

ANSEL BRIGGS,
ELISHA CUTLER, JR.,
JOS. T. FALES,
Board of Canvassers.

STATE OF IOWA, ss:

I, Ansel Briggs, governor of the State of Iowa, and keeper of the great seal thereof, hereby certify that the foregoing twenty-two pages have been compared with the original returns of the election for representative to Congress held on the 7th day of August, 1848, in the several counties composing the first congressional district of said State; also, with the ab-

stract of said returns as made by the board of canvassers; all which are now on file in the office of the secretary of state, and found to be true and correct copies of the same.

In testimony whereof I have hereunto set my hand and caused to be [L. s.] affixed the great seal of the State of Iowa, at Iowa city, this twenty-first day of September, A. D. 1849.

ANSEL BRIGGS.

By the governor:

JOSIAH H. BONNEY,
Secretary of State.

In the matter of contest between D. F. Miller and William Thompson for the seat in the House of Representatives of the United States for 31st Congress, from the first Congressional district of Iowa, the counsel of Mr. Thompson having notified Mr. Miller of taking depositions at _____, in Dallas county, _____, and stating the object of taking such evidence was to prove that the voters referred to in the depositions of Reuben Oaks, Hiram Oaks, and E. M. Greene, taken at Kanesville on the 18th and 19th inst., actually voted at Boon township, in Dallas county proper, at the August election, 1848, and that they all voted for said D. F. Miller for Congress at said election: Whereupon said Miller admits that the voters recognised by Oaks and Greene went to Boon township, Dallas county proper, at the August election, 1848, and voted for D. F. Miller, and that these votes were counted for Dallas county, with the exception of one who did not vote at all, and three others whose manner of voting is not known; and aside from them Miller, had ten resident voters of Dallas county at that precinct, and Thompson had six. Also, that four of the voters in Boon county voted in the precincts of Polk county proper, and two residents of Polk county proper voted in the precinct in Boon county proper.

This evidence is to be used in connexion with the certified copy of the poll book and returns from Boon township, Dallas county, and also a copy of the county abstract of the result of said election in said county, to be certified by the clerk of said county or the secretary of state, and this admission is not to be used as evidence only in connexion with the said documentary evidence.

DANIEL F. MILLER.

March 24, 1850.

Poll-book of an election held at the house of William P. McCubbin, Dallas county, State of Iowa, on the first Monday (the 7th day) of August, A. D. 1848.

William P. McCubbin and Joseph C. Goodson, John Banks and Nathan Moore, judges and clerks of election, were severally sworn by me, as the law directs, previous to their entering upon the duties of their respective offices.

NOAH STAGGS,
Judge of Election.

Noah Staggs, judge of election, was sworn by me, as the law directs, previous to his entering upon the duties of his office.

JOSEPH C. GOODSON,
Judge of Election.

1 Allen J. Stout*	37 Jonathan Staggs
2 John Utley*	38 Henry Stump
3 Nathan Staker*	39 John Nevin
4 Hiram Murdock*	40 Archibald Crowl
5 Feram Oaks*	41 Shadrick Dreggs*
6 Aaron Cheney*	42 Daniel B. Young*
7 J. W. Lasley*	43 Joseph Rooper*
8 Francis Fletcher*	44 Solomon McIntosh*
9 William C. Judy*	45 Reuben C. Oaks*
10 Alfred Bybee*	46 Jesse H. McCarrell*
11 Abraham Day*	47 Christopher Markley*
12 William Oston*	48 John Bright*
13 Charles Web*	49 Henry Becksted*
14 William F. Ewell*	50 Benjamin Gardner*
15 Andrew Goodwin*	51 Harvey H. Wilson*
16 William Young*	52 William H. Head*
17 Joseph F. Fipen*	53 William L. Garner*
18 Daniel Smith*	54 Moses A. Sanders*
19 Levi Brachen*	55 C. E. Bates*
20 Philander Cotton*	56 B. W. Wilson*
21 J. C. Hall*	57 Jerrod Parter*
22 James Loveless*	58 Anthony Stratton*
23 Allen Campton*	59 John L. Beeler*
24 Wilbern Welper*	60 Aaron Michael*
25 Justin J. Merrill*	61 David Benson*
26 William C. McClellen*	62 Charles Patton*
27 Robert Winner*	63 David Osborn*
28 Levi North*	64 Wm. D. Boon
29 John Welper*	65 John Wright
30 A. Perkin*	66 Noah Staggs
31 Joseph Warthan*	67 Joseph C. Goodson
32 E. C. Richardson*	68 Wm. P. McCubbin
33 Shubal Hayworth	69 Howel Blackiter
34 Lewis Lump	70 John Banks
35 James Moore	71 John W. Black
36 Henry Garner	72 Nathan Moore.

N. B.—Those marked thus (*) are unknown to me, and, I believe, live out of the county (proper) of Dallas.

S. K. SCOVELL, *C. B. C.*

At an election held at the house of William P. McCubbin, in Boon township, county of Dallas, State of Iowa, on the first Monday (the 7th day) of August, A. D. 1848, the following named persons received the

number of votes annexed to their names for the following described offices, to wit:

William Thompson had ten votes for Congress;
Daniel F. Miller had sixty-two votes for Congress.

Certified by us this 7th day of August, A. D. 1848.

WILLIAM P. McCUBBIN,
NOAH STAGGS,
JOSEPH C. GOODSON,
Judges of Election.

Attest:

JOHN BANKS,
NATHAN MOORE,
Clerks of Election.

STATE OF IOWA, *Dallas county, ss:*

I, S. K. Scovell, clerk of the board of commissioners in and for Dallas county, in the State of Iowa, do hereby certify that the above and foregoing contains a true, complete, and perfect copy of the poll-book for Boon township, in said county, for August, 1848, left on file in my office, of all the matter contained in said poll for Congressman.

In testimony whereof, I have hereunto subscribed my name and affixed

[L. s.] the temporary seal of the board of county commissioners for said county, this 2d day of October, A. D. 1849.

S. K. SCOVELL, *Clerk B. C.*

STATE OF IOWA, *Mahaska county:*

Contested election in the House of Representatives of the thirty-first Congress, first session, for the first Congressional district of the State of Iowa, in which Daniel F. Miller is the contesting and William Thompson the sitting member.

Deposition of Benjamin Gholson, a witness, sworn and examined on Friday, the 8th day of March, A. D. 1850, at the office of the clerk of the district court of Mahaska county, in Oskaloosa, in said county, under and by virtue of resolution of the House of Representatives of the thirty-first Congress, first session, passed January 23, 1850, and in accordance with the notice hereto annexed, marked A. Before E. W. Eastman, notary public. Present: William T. Smith, attorney for Thompson, and John A. L. Crookhen, attorney for Miller.

Interrogatory 1. Were you or not a judge of an election held in the township of White Oak, Mahaska county, and State of Iowa, on the seventh day of August, in the year 1848, for the purpose of electing, in connexion with other officers, a representative to Congress; and if so, who were your associate judges of said election, and the clerks of the same; and in what manner and by whom were you and said associate judges and said clerks sworn?

[Mr. Crookhen, attorney for Mr. Miller, objects to the foregoing interrogatory. Cause of objection: 1. The manner of swearing the judges and clerks must be proved by the transcript; 2. Question is leading and indefinite.]

Answer. I was a judge of said election at that time. M. W. Wellman and Sherman Canfield were my associate judges. James Waldrip and William M. Morrow were clerks of said election. I administered the oath to the other two judges and to the clerks. After I administered the oath to the other two judges, Mr. Canfield administered the oath to me. I was sworn before I administered the oath to the clerks. There was no justice of the peace present. I administered the oath as judge, and so did Mr. Canfield.

Interrogatory 2. Did you or not sign the oath of judge of said election as the same appears upon the original poll book?

[Here William H. Seevus, esq., appeared as attorney for Mr. Miller, and objected to the above interrogatory as irrelevant, and leading, and incompetent to prove the facts by this kind of testimony.]

Answer. I signed the oath as appears on the poll books.

Interrogatory 3. Why did you not certify upon said poll book that you administered the oath of judge to the other two judges of said election?

[Mr. Seevus objects to this interrogatory as leading, irrelevant, and because these facts cannot be proved by parol testimony.]

Answer. It was an oversight. We missed it, somehow. We thought we had signed them enough. We thought we had signed them according to law. There was usually a justice of the peace to do it.

Cross examined by Mr. Seevus.

Cross-interrogatory 1. Are you positive that you were sworn by Mr. Canfield after he was sworn by you, and before you administered the oath to the clerks of said election?

Answer. If my memory serves me right, I was.

Cross-interrogatory 2. If you swore the clerks of the election, why does it appear on the poll books that they were sworn by both you and Mr. Canfield?

[Mr. Smith objects to the form of this question.]

Answer. I cannot tell the reason why I administered the oath to the clerks, *sure*.

Cross-interrogatory 3. After the polls were closed, were the poll books sealed up by you, and transmitted through one of your body, or one of the clerks of said election, to the county commissioners' clerk of said county?

[Mr. Smith objects. This is not in relation to matter of examination in chief.]

Answer. They were. I fetched them myself.

Examination in chief.

Interrogatory 1 on re-examination. Does it appear by the poll books of said election that the clerks of the same were sworn by you and Mr. Canfield?

[Mr. Seevus objects. This must be proved by the poll books themselves.]

Answer. The poll books will have to answer the question, for I cannot see to read them without my glasses, and I have not got them with me.

BENJAMIN GHOLSON.

Fees of witness—

Attendance one day	-	-	-	-	-	-	\$1	00
Travel twelve miles	-	-	-	-	-	-		96
								<hr/>
								1 96
								<hr/> <hr/>

Subscribed and sworn to, March 8, 1850, before me.

E. W. EASTMAN, *Notary Public*.

I, the undersigned, E. W. Eastman, notary public, do hereby certify that, by virtue of a resolution of the House of Representatives of the first session of the thirty-first Congress, passed January 23, 1850, and of the notice hereunto annexed, marked A, I caused the above-named Benjamin Gholson to appear before me, at the office of the clerk of the district court for the county of Mahaska, in the State of Iowa, in Oskaloosa, in said county of Mahaska, on the 8th day of March, A. D. 1850, between the hours of ten o'clock and twelve o'clock of said day; that he was first sworn by me to "testify the truth in relation to the matter in controversy, so far as he should be interrogated" in the case of contested election for the first Congressional district of said State of Iowa, now pending in the House of Representatives of the thirty-first Congress of the United States, first session, in which Daniel F. Miller is the contesting and William Thompson is the sitting member; that the foregoing are all the interrogatories propounded to the witness; that they were propounded by the counsel for the respective parties as they appear to have been done; that they were by me written down in the order in which they were propounded to the witness; that he gave his answer to each of the interrogatories as they were propounded to him, and that his answer to each of the said interrogatories was by me reduced to writing in the order and at the time the same was made by said witness. And I do further certify that after the foregoing deposition was so written by me, it was by me carefully read over to said witness in his presence and hearing, and was by him approved; after which it was subscribed by said witness, and by him sworn to at the time and place aforesaid, when and where the same was taken.

Before me:

E. W. EASTMAN, *Notary Public*.

In testimony whereof, I have hereunto set my hand, and affixed my notarial seal, at said Oskaloosa, this 13th day of March, [L. s.] A. D. 1850.

E. W. EASTMAN, *Notary Public*.

Notary's fees - - - - - \$3 15½

THE STATE OF IOWA, *Mahaska county:*

Contested election in the House of Representatives of the 31st Congress, first session, for the first Congressional district of the State of Iowa, in which Daniel F. Miller is the contesting and William Thompson the sitting member.

Deposition of Sherman Canfield, a witness, sworn and examined Friday, the 8th day of March, A. D. 1850, at the office of the clerk of the district court of Mahaska county, in Oskaloosa, in said county, under and by virtue of resolution of the House of Representatives of the 31st Congress, first session, passed January 23, 1850, and in accordance with the notice hereto annexed, marked A. Before E. W. Eastman, notary public. Present: William T. Smith, attorney for Thompson, and John A. L. Crookhen and William H. Seevus, attorneys for Miller.

Interrogatory 1. Were you or not a judge of an election holden in the township of Whiteoak, Mahaska county, State of Iowa, on the first Monday of August, in the year 1848, for the purpose of electing, in connexion with other officers, a representative to the Congress of the United States from the first Congressional district of the State of Iowa? and if so, who were the other judges of said election, and who were the clerks of the same, and by whom, and in what manner, and at what time were you and said other judges, and the said clerks, qualified or sworn to act in the capacities of judges and clerks of said elections?

[Mr. Crookhen objects that this interrogatory is indefinite, irrelevant and leading, and it is not competent to prove that fact by parol evidence.]

Answer. I was a judge of that election. Benjamin Gholson and M. W. Wellman were my associate judges; James Waldrip and William M. Morrow were clerks of that election. Myself and Mr. Wellman were sworn by Mr. Gholson as judges of the election, previous to the opening of the polls. It was in the morning about ten o'clock. I then, as a judge of the election, administered the oath to Mr. Gholson; Mr. Gholson then administered the oath to the clerks, as judge of the election. James Waldrip and William M. Morrow were the clerks.

Interrogatory 2. Was there or not any justice of the peace present during that morning prior to the opening of the polls of said election?

Answer. There was no justice present until the after part of the day.

Interrogatory 3. Did you or not sign the certificate attached to the oath of the clerks of said election, as appears upon the original poll books of the same? and if so, why and for what purpose?

[Mr. Seevus objects that this is leading, and irrelevant, and incompetent to prove the facts.]

Answer. I signed my name to the certificate of the oath of the clerks, as appears upon the poll book. I can't tell why I so signed it; my object was to do right. I signed it for the purpose of making the poll books legal.

Interrogatory 4. What was the reason you did not certify upon said poll books that you administered the oath of judge of the election to said Gholson?

[Mr. Seevus objects that it is irrelevant and incompetent testimony.]

Answer. I cannot tell why I did not. I supposed that I had signed enough, and in the proper places.

Interrogatory 5. Who were voted for for representative to Congress at said election, and how many votes did each one receive at said election?

[Mr. Seevus objects that this fact must be proved by the poll books themselves.]

Answer. The persons voted for were William Thompson and Mr. Miller. I do not remember how many votes they received.

Interrogatory 6. Have you or not examined an instrument of writing purporting to be a copy of the original poll books of said election, and marked E? and if so, how does it compare with said original in substance and form?

[Mr. Crooken objects that this is not competent to be proved by parol.]

Answer. I have examined them, and believe them to compare in form and in substance, and I refer to the said instrument of writing marked E, and make it a part of this my deposition.

Cross-examined by Mr. Seevus.

Cross-interrogatory 1. Who appointed you a judge of said election?

Answer. I was elected trustee by the township.

Cross-interrogatory 2. Was the election in said township holden at the place appointed by the county commissioners of said county?

Answer. I think it was.

Cross-interrogatory 3. Do you know at what place in said township the county commissioners of said county designated as the place where said election should be holden?

Answer. I think at Benjamin Gholson's.

Cross-interrogatory 4. How do you know that the county commissioners designated Benjamin Gholson's as the place of holding the election in said township?

Answer. I know only by the notices put up for said election.

Cross-interrogatory 5. Did you swear the clerks of said elections? if not, why does your name appear to the certificate of the oath on said poll books?

Answer. I did not swear the clerks; my name appears there by a mistake and oversight in signing my name to the poll book.

SHERMAN CANFIELD.

Fees of witness—

Attendance one day	-	-	-	-	-	-	\$1 00
Travel seven miles	-	-	-	-	-	-	56
							<hr/>
							1 56
							<hr/>

Subscribed and sworn to March 8, 1850, before me.

E. W. EASTMAN, *Notary Public.*

I, the undersigned, E. W. Eastman, notary public, do hereby certify, by virtue of a resolution of the House of Representatives of the 31st Congress of the United States, first session, passed January 23, 1850, and of and in accordance with the notice hereunto annexed and marked A, I caused the within named Sherman Canfield to appear before me, at the office of the clerk of the district court of Mahaska county, Iowa, in Oska-loosa, in said county, on the eighth day of March, A. D. 1850, at the hour of 10 o'clock of said day; that he was afterwards, on the same day, first sworn by me to "testify the truth, in relation to the matter in contro-

versy, so far as he should be interrogated," in the case of "contested election for the first Congressional district of said State of Iowa, now pending in the House of Representatives of the 31st Congress of the United States, first session, in which Daniel F. Miller is the contesting and William Thompson is the sitting member;" that the foregoing are all the interrogatories propounded to the witness; that the direct interrogatories were propounded by William T. Smith, who appeared as counsel for William Thompson, and that the cross-interrogatories were propounded by William H. Secvus and John A. L. Crookhen, who appeared as counsel for Daniel F. Miller, and were present during all the time, and caused all their objections to be written as they appear in said deposition; that the said interrogatories were by me written down in the order in which they were propounded to the witness; that he gave his answer to each of the interrogatories as they were propounded to him, and that his answer to each was by me reduced to writing in the order and at the time the same was given by said witness. And I do further certify, that after the foregoing deposition was so written by me, it was by me carefully read over to said witness in his presence and hearing, and was by him approved, after which it was by him subscribed on each separate part of the same, and on the exhibit by him referred to, marked E, which is hereto annexed; after which the said deposition was sworn to by said witness, at the time and place aforesaid, when and where the same was taken.

Before me:

E. W. EASTMAN, *Notary Public.*

In testimony whereof I have hereunto set my hand and affixed my
 [L. s.] notarial seal, at said Oskaloosa, this 13th day of March, A.
 D. 1850.

E. W. EASTMAN, *Notary Public.*

Notary fees - - - - - \$4 11½

THE STATE OF IOWA, *Mahaska county:*

Contested election in the House of Representatives of the 31st Congress, 1st session, for the first Congressional district of the State of Iowa, in which Daniel F. Miller is the contesting and William Thompson the sitting member.

Deposition of William M. Morrow, a witness sworn and examined, Friday, the 8th day of March, A. D. 1850, at the office of the clerk of the district court of Mahaska county, in Oskaloosa, in said county, under and by virtue of resolution of the House of Representatives of the 31st Congress, 1st session, passed January 23, 1850, and in accordance with the notice hereto annexed, marked A. Before E. W. Eastman, notary public. Present: William T. Smith, attorney for Thompson, and John A. L. Crookhen and William H. Secvus, attorneys for Miller.

Interrogatory 1. Do you or not know who were the judges and who were the clerks of an election holden in the township of White Oak, Ma-

haska county, and State of Iowa, on Monday, the 7th day of August, in the year 1848? and if so, state who each of them was, by whom, and in what manner, and at what time each of said judges and said clerks were sworn to act in the respective capacities of judges and clerks of said election.

[Mr. Crookhen objects that this interrogation is leading, irrelevant, and not competent to prove the facts.]

Answer. Yes. Benjamin Gholson, Sherman Canfield, and M. W. Wellman, were the judges of said election; James Waltrip and myself were clerks of the same. Mr. Canfield and Mr. Wellman were sworn by Mr. Gholson. Mr. Gholson was sworn by Mr. Canfield. The clerks were sworn by Mr. Gholson as judge of the election. We were all sworn previous to the opening of the polls.

Interrogatory 2. Was there or not any justice of the peace present that morning previous to the opening of the polls?

Answer. There was no justice present till the after part of the day.

Interrogatory 3. In what manner and by whom were the poll books to be used at said election made out?

Answer. The forms were sent by the clerk of the board of county commissioners, and they were filled out on the day of the election by Mr. Waltrip and myself as clerks.

WM. M. MORROW.

Fees of witness—

Attendance one day	-	-	-	-	-	-	\$1 00
Travel thirteen miles	-	-	-	-	-	-	1 04
							2 04
							2 04

I, E. W. Eastman, the undersigned notary public, do hereby certify that, by virtue of a resolution of the House of Representatives of the 31st Congress of the United States, 1st session, passed January 23, 1850, and of and in accordance with the notice hereunto annexed, marked A, I caused the within named William M. Morrow to appear before me at the office of the clerk of the district court for the county of Mahaska, in Oscaloosa, in said county, in the State of Iowa, on the eighth day of March, A. D. 1850, after the hour of ten o'clock of said day. That he was by me, on the same day, first sworn to "testify the truth in relation to the matter in controversy, so far as he should be interrogated," in the case of contested election for the first Congressional district of the State of Iowa, now pending in the House of Representatives of the 31st Congress of the United States, 1st session, in which Daniel F. Miller is the contesting and William Thompson is the sitting member. That William T. Smith appeared as attorney for said Thompson, and John A. L. Crookhen and William H. Seevus appeared as attorneys for the said Miller, and caused their objections to be entered in this deposition as they herein appear; and that they had an opportunity to put cross-interrogatories, but did not choose so to do. That the foregoing are all the interrogatories which were propounded to said witness; that they were propounded by the counsel for the said Thompson; that they were by me written down in the order in which they were propounded to the witness; that the said witness gave his answer to each of the said interrogatories

as they were propounded to him; and that each of his answers was by me reduced to writing in the order and at the time the same was made by said witness. And I do further certify that, after the foregoing deposition was so written by me, it was by me carefully read over to said witness in his presence and hearing, and was by him approved; after which it was subscribed by said witness, and was then sworn to by said witness at the time and place aforesaid, when and where the same was taken.

Before me:

E. W. EASTMAN,
Notary Public.

In testimony whereof, I have hereunto set my hand, and affixed my notarial seal, at said Oskaloosa, this 13th day of March, A. [L. s.] D. 1850.

E. W. EASTMAN,
Notary Public.

Notary's fees - - - - - \$2 99½

THE STATE OF IOWA, *Mahaska county:*

Contested election in the House of Representatives of the 31st Congress, first session, for the first Congressional district of the State of Iowa, in which Daniel F. Miller is the contesting and William Thompson the sitting member.

Deposition of Samuel Bressler, a witness sworn and examined Saturday, the 9th day of March, A. D. 1850, at the office of the clerk of the district court of Mahaska county, in Oskaloosa, in said county, under and by virtue of resolutions of the House of Representatives of the thirty-first Congress, first session, passed January 23, 1850, and in accordance with the notice hereto annexed, marked A. Before E. W. Eastman, notary public. Present as yesterday, to wit: William T. Smith, attorney for William Thompson, and John A. L. Crookhen and W. H. Seevus, attorneys for D. F. Miller.

Interrogatory 1. Are you clerk of the board of commissioners for the county of Mahaska?

[Both attorneys for Mr. Miller objected to this interrogatory. This fact must be proved by the county treasurer's records.]

Answer. I am.

Adjourned to 10 o'clock Monday, 11th instant, by consent of counsel of both parties.

MONDAY, *March 11, 1850.*

Present: William T. Smith, attorney for Thompson, and John A. L. Crookhen, attorney for Miller.

Interrogatory 2. Who is the clerk of the district court of Mahaska county?

[Mr. Crookhen objects that this is irrelevant, and should be proved by the records.]

Answer. Micajah T. Williams.

Interrogatory 3. Where is said clerk at this time?

[Objected to by Crookhen for irrelevancy.]

Answer. He left here Friday last, and informed me that he was going to Burlington, to be absent about ten days.

Interrogatory 4. Do you know who his deputy is? and if so, who?

Answer. I am his deputy.

Interrogatory 5. Is there in your office of clerk of the board of commissioners any record in regard to the election holden in the county of Mahaska on the first Monday (the 7th day) of August, in the year 1848, for the office of representative to Congress? and if so, what?

[Mr. Crookhen objects, that this fact must be proved by the record.]

Answer. The original poll books are on file. The poll books are those of the townships of Oskaloosa, Harrison, Scott, White Oak, Jefferson, Desmoines, Union, Richland, Madison, and Monroe, which, so far as my knowledge extends, were then all the townships in the county; also, there is on file an abstract, made out from those poll books by the then clerk, Moses McLean, and two justices of the peace, Henry Temple and Samuel Coffin, who canvassed the votes of said election, as appears by said abstracts; a copy of which said abstract I have made out, and in my capacity of clerk as aforesaid, have certified to the same, and affixed thereto the seal of the board of county commissioners, which certificate is dated March 9, A. D. 1850; to which said copy I refer, and make it part of this my deposition; which said copy is marked B, and hereunto annexed.

Interrogatory 6. Please state what you know relative to the poll book of said election which is on file in your office, as being returned from Madison township, in said county?

[Mr. Crookhen objects to this interrogatory, because the witness is *incompetent* to state anything which does not appear upon record, and the record must speak for itself; and also to the form of the question.]

Answer. The said poll book is on file; and I have made a copy of it, and certified to it on the 8th day of March, 1850, in my capacity of clerk of the board of county commissioners, and affixed thereto the seal of the said board of commissioners; which said copy is marked D, and hereunto annexed, to which I refer and make part of my answer to the sixth interrogatory in this my deposition.

Interrogatory 7. Is there or not anything in the office of the clerk of the district court of Mahaska county aforesaid going to show that William Brumwell is or ever was a justice of the peace in said county? and if so, what?

[Mr. Crookhen objects. The question is irrelevant, uncertain, and is matter not competent to be proved by parol evidence. The return of the judges is conclusive.]

Answer. There is nothing in the office of the clerk of the district court going to show that William Brumwell ever qualified to act as a justice of the peace, or that he was an acting justice of the peace at the time of said election, or at any other time.

Interrogatory 8. If you know, state who was acting justice or justices of the peace for the said township of Madison at the time of said election in the month of August, 1848?

[Mr. Crookhen objects, that the question suggests to the witness the answer; and the evidence is not competent to be proved by parol.]

I, E. W. Eastman, the undersigned, notary public, do hereby certify that, by virtue of a resolution of the House of Representatives of the 31st Congress of the United States, 1st session, passed January 23, 1850, and by virtue of, and in accordance with, the notice hereunto annexed, marked A, I caused the above-named Samuel Bressler to appear before me, at the office of the clerk of the district court for the county of Mahaska, and State of Iowa, in Oskaloosa, in said Mahaska, on the 9th day of March, A. D. 1850; that he was by me first sworn to "testify the truth in relation to the matter in controversy, so far as he should be interrogated," in the case of contested election for the first Congressional district of the State of Iowa, now pending in the House of Representatives of the 31st Congress of the United States, 1st session, in which Daniel F. Miller is the contesting and William Thompson is the sitting member; that this deposition was commenced on a continuance from Friday, the 8th instant, and the taking thereof was continued from day to day until the close thereof, as appears by the notations thereof in said deposition; that William T. Smith appeared as counsel for said Thompson, and propounded the direct interrogatories to said witness as they appear in said deposition; that John A. L. Crookhen and William H. Secvus appeared as counsel for the said Miller, and caused their objections to be recorded as they appear in said deposition; that they had an opportunity to cross-examine said witness, but did not choose so to do; that the foregoing are all the interrogatories propounded to said witness; that they were by me written down, in the order, and at the time, they were propounded to said witness; that the said witness made his answer to each of said interrogatories as it was propounded to him; and that each of his answers was by me reduced to writing, in the order, and at the time, the same was given by said witness. And I do further certify, that, after the foregoing deposition was so written by me, it was by me carefully read over to said witness, in his presence and hearing, and was by him approved, after which it was by him subscribed, and the said several exhibits, marked B, C, D, and E, and by him referred to, were each by him subscribed—which said exhibits are hereunto annexed; after which, the said deposition was sworn to by said witness, at the time and place aforesaid, when and where the same was taken. Before me:

E. W. EASTMAN, *Notary Public.*

In testimony whereof, I have hereunto set my hand, and affixed my
 [L. s.] notarial seal, at said Oskaloosa, this 15th day of March, A. D.
 1850.

E. W. EASTMAN, *Notary Public.*

Notary's fees, \$7 43½.

B.

Abstract of votes cast at an election held in the county of Mahaska, State of Iowa, on the first Monday (the seventh day) of August, A. D. 1848, for the office of representative to Congress.

Names of townships.	Representative to Congress.	
	Daniel F. Miller.	William Thompson.
Oskaloosa - - - -	216	209
Harrison - - - -	46	31
Scott - - - -	38	14
White Oak - - - -		
Jefferson - - - -		
Desmoines - - - -	16	24
Union - - - -	12	27
Richland - - - -	27	19
Madison - - - -	13	8
Monroe - - - -	29	30
	397	362

STATE OF IOWA, *Mahaska county, set:*

Moses McClean, clerk of the board of county commissioners of Mahaska, and Henry Temple and Samuel Coffin, justices of the peace within and for the county of Mahaska aforesaid, do hereby certify that the whole number of votes cast at the election held within and for the county of Mahaska, on the first Monday (the seventh day) of August, A. D. 1848, for the office of representative to Congress, was seven hundred and fifty-nine votes, of which Daniel F. Miller received three hundred and ninety-seven votes, and William Thompson received three hundred and sixty-two; and two townships were rejected, White Oak and Jefferson, on the grounds that in Jefferson township part of the board of judges were sworn by the township clerk, and in White Oak township the judges were not sworn.

In testimony whereof, we have hereunto set our hands and seals,
 [L. s.] at Oskaloosa, this 14th day of August, A. D. 1848.

MOSES McCLEAN, *Clerk.* [L. s.]
 HENRY TEMPLE. [L. s.]
 SAMUEL COFFIN, *J. P.* [L. s.]

STATE OF IOWA, *Mahaska county, set:*

I, Samuel Bressler, clerk of the board of commissioners of the county of Mahaska and State of Iowa, do hereby certify that the foregoing is a true copy of the original paper (abstract) now on file in my office.

In testimony whereof, I have hereunto set my hand, and affixed the

[L. s.] seal of said board of commissioners, at my office in
Oskaloosa, this 9th day of March, A. D. 1850.

SAMUEL BRESSLER,

Clerk of Board of Commissioners.

Copy fee, 43 cents.

This is the abstract referred to by me in the fifth interrogatory of my deposition in reference to the contested election for the first congressional district of Iowa, in which D. F. Miller is the contesting member, and Wm. Thompson the sitting member.

SAML. BRESSLER.

Attest:

E. W. EASTMAN, *N. P.*

MARCH 11, 1850.

C.

Poll-book of an election held in the township of Jefferson, Mahaska county, State of Iowa, on the first Monday (7th day) of August, A. D. 1848, for the offices of Secretary of State, Auditor of State, Treasurer of State, Representative to Congress, Representative to State Legislature, Clerk of District Court, Sheriff, Prosecuting Attorney, and County Commissioner for second commission district.

1 Nathan Steadman	22 William Steadman
2 Josiah Lee	23 Christopher P. Steadman
3 Thomas J. Bales	24 Robert M. Wilson
4 Martin Bane	25 Miles Howard
5 Hezekiah Lee	26 Jesse Hallowell
6 Wm. Martin Lee	27 John R. Miller
7 Hiram Covey	28 John Carnes
8 Moses Wilson	29 Robert Garden
9 James Wilson	30 John Montgomery
10 Anson Cranlell	31 John Mathews
11 John Hallowell	32 Robert Smith
12 James H. Stark	33 Abram Bryan
13 Thomas Lee	34 Penrose Johnson
14 Thomas J. Stark	35 Moses Newels
15 Andrew J. McCulloch	36 Joseph Long
16 William Booth	37 S. M. Thompson
17 David M. Clingn	38 Stephen Cooper
18 Wellington Mathy	39 James R. Wilson
19 Thomas J. Sinnard	40 Thomas L. Howard
20 Rabroun Stroud	41 Daniel Sullivan
21 Silas Sawyer	42 Smith Simmons

43 Joseph Jones	47 Christopher Mattix
44 Benjamin Sullivan	48 Nelson Cone
45 E. P. Sullivan	49 Daniel Delong
46 Azariah Flanders	50 George Delong.

At an election held in the township of Jefferson, Mahaska county, State of Iowa, on the first Monday (the seventh day) of August, A. D. 1848, the following named persons received the number of votes annexed to their respective names, for the following offices, to wit:

For Representative to Congress.—William Thompson received 25 votes.
Daniel F. Miller received 25 votes.

For Secretary of State.—Josiah H. Bonney received 25 votes.
John M. Coleman received 25 votes.

For Auditor of State.—Joseph T. Fales received 25 votes.
William A. Warren received 25 votes.

For Treasurer of State.—Morgan Reno received 25 votes.
Robert Holmes received 25 votes.

For Representative to State Legislature.—M. Leeper Smith received 21 votes.
Sidney S. Smith received 26 votes.

For Sheriff.—George C. Ritchey received 23 votes.
John W. Jones received 23 votes.

For Prosecuting Attorney.—William T. Smith received 23 votes.
Silas Sawyer received 27 votes.

For District Clerk.—Elisha B. Freeman received 25 votes.
Micajah T. William received 25 votes.

For County Commissioner.—Theodore Cox received 25 votes.
Jonathan Atkins received 25 votes.

D.

Poll-book of an election held in the township of Madison, Mahaska county, State of Iowa, on the first Monday (7th day) of August, A. D. 1848, for the offices of Secretary of State, Auditor of State, Treasurer of State, Representative to Congress, Representative to the State legislature, Clerk District Court, Sheriff, Prosecuting Attorney, and County Commissioner for the second commission district.

1 Robert McConnel	10 Moses McLean
2 A. F. McConnell	11 Newton Padgit
3 H. W. Sampsel	12 G. N. Duncan
4 M. W. Fox	13 Enoch Shoemake
5 John Coffin	14 John Padgit
6 E. M. Peck	15 Samuel Coffin
7 F. A. Woodsides	16 William Brumwell
8 Abraham Croford	17 W. H. Compton
9 Jordeno R. Whitaker	18 Jacob Deardorff

19 Alexander Randels
20 Andrew J. Willson

21 Simeon Johnson
22 John M. Whitaker.

At an election held in the township of Madison, in the county of Mahaska, State of Iowa, on the first Monday (7th day) of August, A. D. 1848, the following named persons received the number of votes annexed to their respective names for the following offices, to wit:

For Representative to Congress.—D. F. Miller received 13 votes.

William Thompson received 8 votes.

For Secretary of State.—John M. Coleman, of Johnson county, received 13 votes.

Josiah H. Bonney received 8 votes.

For Auditor of State.—Wm. A. Warren, of Jackson county, received 13 votes.

Joseph T. Fales received 8 votes.

For Treasurer of State.—Robert Holms, of Linn county, received 13 votes.
Morgan Reno received 8 votes.

For Representative to the Legislature.—Sidney S. Smith received 14 votes.

M. Leeper Smith received 7 votes.

For District Clerk.—Micajah T. Williams received 19 votes.

Elisha B. Freeman received 3 votes.

For Sheriff.—John W. Jones received 11 votes.

George C. Ritchey received 8 votes.

For Prosecuting Attorney.—Silas Sawyer received 14 votes.

William T. Smith received 8 votes.

For County Commissioner.—Jonathan Atkins received 15 votes.

Theodore Cox received 7 votes.

E.

Poll book of an election held in the township of White Oak, in the county of Mahaska, State of Iowa, on the first Monday (7th day) of August, A. D. 1848, for State and county officers, as follows, to wit: Secretary of State, Auditor of State, Treasurer of State, Representative to Congress, Representative to State Legislature, Clerk District Court, Sheriff, Prosecuting Attorney, and County Commissioner.

1 Solomon Furgason
2 Francis Z. Weaver
3 Gideon B. McFall
4 Pleasant Parker
5 Samuel T. McFall

6 Davious Mallonee
7 Jacob Koonter
8 Thomas Rogers
9 George Fent
10 John Harvey

11 Joseph D. McCormick	40 J. H. Chitwood
12 Milton Gholson	41 Henry Koontz
13 George Leaburn	42 William McFall
14 William Cameron	43 Jonathan Atkins
15 John A. Waldrip	44 Andrew Abel
16 William M. Morrow	45 Lewis B. Morgan
17 Sherman Camfield	46 Providence Mounts
18 Benjamin Gholson	47 Jefferson Chitwood
19 M. W. Wellman	48 John A. Lindsly
20 James Waldrip	49 Jeremiah Lindsly
21 J. B. McGlosson	50 Mitchel Robison
22 John Furguson	51 Moses Shirley
23 William H. Kitterman	52 Feloyd Napier
24 Caleb Bennet	53 Isham Garret
25 John Fenton	54 John B. Hill
26 Lee Hancock	55 T. J. Mounts
27 Alfred SeEVERS	56 Peter Beaver
28 Samuel McFall	57 David Smith
29 Matthew McCormick	58 F. W. Lindsley
30 Solomon Barbee	59 Joel W Hunter
31 William Smith	60 William Montgomery
32 Jacob E. Failyer	61 Daniel Henson
33 George Failyer	62 James Chitwood
34 William St. John	63 William Lacy
35 James S. Chitwood	64 Abner Mounts
36 Matthew Campbell	65 John Garret
37 Joshua Chitwood	66 Lewis Garret
38 Thomas S. B. Daisey	67 David Shalto
39 Richard Skimo	68 Henry Parrott.

At an election held in the township of White Oak, Mahaska county, State of Iowa, on the first Monday (7th day) of August, A. D. 1848, the following-named persons received the number of votes annexed to their respective names for the following-named offices:

For Representative to Congress.—William Thompson received 53 votes.
Daniel F. Miller received 16 votes.

For Secretary of State.—Josiah H. Bonney received 53 votes.
John M. Coleman received 16 votes.

For Auditor of State.—Joseph T. Fales received 53 votes.
William A. Warren received 16 votes.

For Treasurer of State.—Morgan Reno received 53 votes.
Robert Holmes received 16 votes.

For Representative.—M. Leeper Smith received 53 votes.
Sidney S. Smith received 16 votes.

For Sheriff.—George C. Ritchey received 53 votes.
John W. Jones received 16 votes.

For Prosecuting Attorney.—William T. Smith received 53 votes.
Silas Sawyer received 16 votes.

For District Clerk.—Elisha B. Freeman received 51 votes.
Micajah T. Williams received 18 votes.

For County Commissioner 2d district.—Theodore Cox received 49 votes.
Jonathan Atkins received 19 votes.

Abstract of votes cast at an election held in the county of Mahaska, State of Iowa, on the first Monday (the seventh day) of August, A. D. 1848, for the office of Representative to Congress.

Names of townships.	Representative to Congress.	
	Daniel F. Miller.	Wm. Thompson.
Oskaloosa - - - - -	216	209
Harrison - - - - -	46	31
Scott - - - - -	38	14
White Oak - - - - -		
Jefferson - - - - -		
Desmoines - - - - -	16	24
Union - - - - -	12	27
Richland - - - - -	27	19
Madison - - - - -	13	8
Monroe - - - - -	29	30
	397	362

STATE OF IOWA, *Mahaska county, ss:*

Moses McClean, clerk of the board of county commissioners of Mahaska, and Henry Temple and Samuel Coffin, justices of the peace within and for the county of Mahaska aforesaid, do hereby certify that the whole number of votes cast at the election held within and for the county of Mahaska on the first Monday (the seventh day) of August, A. D. 1848, for the office of representative to Congress, was seven hundred and fifty-nine votes: of which Daniel F. Miller received three hundred and ninety-seven votes, and William Thompson received three hundred and sixty-two; and two townships were rejected—White Oak and Jefferson—on the grounds that in Jefferson township part of the board of judges were sworn by the township clerk, and in White Oak township the judges were not sworn.

In testimony whereof, we have hereunto set our hands and seals, at Oskaloosa, this 14th day of August, A. D. 1848.

MOSES McCLEAN, [L. s.]
Clerk.

HENRY TEMPLE, [L. s.]

SAMUEL COFFIN, [L. s.]

Justices of the Peace.

STATE OF IOWA, *Mahaska county, ss:*

I, Samuel Bressler, clerk of the board of commissioners of the county and State aforesaid, do certify that the foregoing is a true copy of an "Abstract of votes cast at an election held in the county of Mahaska, and State of Iowa, on the first Monday (the seventh day) of August, A. D. 1848, for the office of representative to Congress."

In testimony whereof, I have hereunto set my hand and affixed the seal of said board at my office, in Oskaloosa, this 18th day of
[L. s.] October, A. D. 1849.

SAMUEL BRESSLER,
Clerk of Board of Commissioners, Mahaska county, Iowa.

Depositions taken at Centreville, Appanoose county, Iowa, before the undersigned, a judge of the supreme court of the State aforesaid, in the matter of the contested election for the first congressional district for said State, between William Thompson and Daniel F. Miller, in pursuance of a resolution passed by the House of Representatives of the United States, on the 23d day of January, A. D. 1850. Present, March 6, 1850, J. C. Hall and L. E. Johnson, attorneys for Mr. Thompson, and D. F. Miller, in his proper person, who consents to the taking of said depositions of this date, waiving the time for taking the same under the notice.

Jonathan Scott being by me first duly sworn, deposeth and saith:

Question 1. Where did you reside in the month of August, A. D. 1848?

Answer. I resided in Chariton township, Appanoose county, Iowa.

Question 2. Look at that poll-book, and say whether you were one of the judges of the election at the time that vote was given?

[Objected to by Mr. Miller, because it is a leading question and irrelevant and incompetent.]

Answer. I should think I was.

Question 3. Was that one of the poll-books made out on the day of the election?

Answer. I think it is.

Question 4. State whether or not Chariton township was a regular election precinct, and whether or not the election was held at the usual place of holding elections?

[Mr. Miller objected to this question for incompetency and irrelevancy.]

Answer. I think it was a regular election precinct, and that the election was held at the usual place of holding elections.

Question 5. State whether the judges and clerks of that election were sworn or not?

[Objected to by Mr. Miller for incompetency and irrelevancy.]

Answer. Yes, sir, they were.

Question 6. State whether or not the election was kept open during the hours required by law?

[Objected to by Mr. Miller for incompetency.]

Answer. Yes, sir, I think the election was kept open as the law directs.

Question 7. Explain the marks opposite the candidates' names in the poll-books.

Answer. They were intended for the number of votes each candidate received, each mark representing a vote.

Subscribed this 6th day of March, A. D. 1850.

JONATHAN SCOTT.

Isaac Bartlett being by me first duly sworn, deposeth and saith:

Question. Have you heard the examination of Jonathan Scott?

Answer. Yes, sir.

Question. Were you one of the judges of the said election spoken of by Mr. Scott? and if so, state whether the poll-book is the same as he has stated?

[Objected to by Mr. Miller for incompetency and irrelevancy.]

Answer. Yes, sir.

Question. Does your recollection corroborate the statement of Mr. Scott?

[Objected to by Mr. Miller for incompetency and irrelevancy.]

Answer. He has stated the facts according to my recollection, and I adopt his statements as mine.

And further deponent saith not.

Subscribed this 6th day of March, 1850.

ISAAC BARTLETT.

Jonathan F. Stratton being by me first duly sworn, deposes and says:

Question. Are you the clerk of the board of commissioners of Appanoose county?

Answer. I am.

Question. Look at that poll book, and state whether or not it is one of the files of your office of the election of August 7, A. D. 1848?

Answer. I think it is, and is in my office as one of the files of the election returns of said election.

Question. State whether the general abstract of the vote of this county is on file in your office, and were Chariton township returns of said election counted in said abstract?

[Mr. Miller objects for incompetency and irrelevancy.]

Answer. The abstract of said election is on file in my office. The votes of Chariton township were not counted in the abstract of votes as appears on file.

Question. Look at the poll book of Wells township, in said county, and say whether that is found in your office as the returns of the election from said township for August, 1848?

Answer. Said poll books belong to the files in my office as returns of said election.

Question. From the general abstract of the votes of said election, state whether the vote of Wells township was counted in said abstract?

[Objected to by Mr. Miller.]

Answer. It appears from the abstract on file that the vote of Wells township was not counted.

Question. Have you surveyed a road from Ottumwa, Wapello county, Iowa, to Traders' Point, on the Missouri river?

Answer. I have, and did the same in the months of August, September, and October, A. D. 1849.

Question. State whether or not by that survey you have been able to

ascertain the relative situation of Traders' Point as being due west of the north line of Monroe county?

Answer. From the traverse of the notes of that survey, I ascertain Traders' Point at the ferry to be one mile and thirty-six chains south from a line due west of the north line of Monroe county.

Question. How far is Kanessville, in Pottawatomie county, north of the north line of Monroe county?

Answer. It is probably about five miles. No observations taken by the instrument, but it is certainly north. I attach a diagram of a portion of that survey to this my deposition, marked A.

And further this deponent says not.

Sworn to and subscribed this 6th day of March, A. D. 1850.

J. F. STRATTON.

The counsel for Mr. Thompson then stated that they wished for an adjournment until to-morrow on account of the witnesses who would then be produced, and who would prove:

First, That the election was held in Wells township, Appanoose county, on the 7th of August, 1848, and that the poll books a copy of which is attached to J. F. Stratton's deposition, was duly returned as the result of said election, and that William Thompson was voted for, for Congress, at said election.

Whereupon, Mr. Miller, subject to all objections he has a right to make to such testimony for incompetency and irrelevancy, admits the said statements of counsel for Mr. Thompson the same as though the absent witnesses referred to were personally present and had verified the same.

J. F. KINNEY,
Judge, &c.

Poll book of Chariton township.

Names of persons who voted at an election held at Isaac Bartlett's, Lynn Cobbin's, on the west side of the Chariton river, in Appanoose county and State of Iowa, on the first Monday (the 7th day) of August, A. D. 1848, to wit:

No.	Names of voters.	No.	Names of voters.
1	William Bartlet	9	Jonathan Scott
2	Daniel Jackson	10	John Jackson
3	John Nowles	11	Dempsey Stanley
4	Andrew Jackson	12	Arthur Litchfield
5	Nathan Bartlett	13	Isaac Bartlet
6	Joseph Bartlett	14	Pordon M. Dodge
7	Richard Hordesty	15	Calvin Tondy
8	James Whitson	16	Joseph Dykes.

Oath of the judges of election.

We, _____, do solemnly swear that we will perform the duty of judges of the election according to law, and to the best of our ability. We will studiously endeavor to prevent fraud, deceit, or abuse in conducting the same.

Subscribed and sworn to this 7th day of August, A. D. 1848.

JONATHAN SCOTT,
ISAAC BARTLETT,
D. STANLEY,
Judges of the Election.

Oath of clerks of the election.

We, —, do solemnly swear that we will perform the duty of clerks of the election according to law and the best of our abilities. We will studiously endeavor to prevent fraud, deceit, or abuse in conducting the same.

Subscribed and sworn to, this 7th day of August, A. D. 1848.

PORDON M. DODGE,
ANDREW JACKSON,
Clerks of the Election.

I do certify that the judges and clerks of this election were duly sworn by me, this 7th August, A. D. 1848.

D. STANLEY, *Judge.*

At an election held at Isaac Bartlett's, Lynn Cobbin's, on the west side of the Chariton river, in the county of Appanoose, and State of Iowa, on the first Monday (the 7th day) of August, 1848, the following-named persons received the number of votes annexed to their respective names for the following-described offices, to wit:

For Congress, first district.—Wm. Thompson had 16 votes.

For secretary of state.—J. H. Bonney had 16 votes.

For auditor.—Joseph T. Fales had 16 votes.

For treasurer.—Morgan Reno had 16 votes.

For State Senate.—John J. Selman had 16 votes.

For representative.—Reuben Riggs had 16 votes.

For commissioners' clerk.—James J. Jackson had 16 votes.

For county commissioner.—George W. Perkins had 16 votes.

For prosecuting attorney.—Henry Allen had 15 votes.

Thomas H. Monson had 1 vote.

POLL BOOK OF WELLS TOWNSHIP.

Names of persons who voted at an election held at the house of Jacob Coffman, in Wells township, in the county of Appanoose and State of Iowa, on the first Monday (the 7th day) of August, A. D. 1848, to wit:

No.	Names of voters.
1	J. C. Haney
2	James Snider
3	John Himes
4	Hiram W. Clark
5	Jacob Coffman
6	Stephen George
7	Michael Pilkey

No.	Names of voters.
8	Andrew J. Peck
9	Moses Walker
10	Jonathan Monney
11	John Wood
12	Joseph W. Cooksey
13	J. M. S. Scurlael
14	Andrew McWillard.

At an election held at the house of Jacob Coffman, in Wells township, Appanoose county and State of Iowa, on the first Monday (the 7th day) of August, A. D. 1848, the following named persons received the number of votes annexed to their respective names, for the following described offices, to wit:

For Congress, first district, W. Thompson.
 For secretary of state, J. H. Bonney.
 For state auditor, Joseph T. Fales.
 For treasurer, Morgan Reno.
 For senate (State,) J. J. Selman.
 For representative, Ruben Riggs.
 For commissioners' clerk, J. J. Jackson.
 For county commissioner, Geo. W. Perkins.
 For prosecuting attorney, Henry Allen.

Rough and Ready.

For Congress, D. F. Miller.
 For secretary of state, J. M. Colman.
 For auditor, W. D. Warren.
 For treasurer, Robert Holmes.
 For senator, J. P. Findley.
 For representative, James Ewing.

At an election held at the house of Jacob Coffman, in the district of precinct No. 4, in the county of Appanoose, and State of Iowa, on the first Monday (the 7th day) of August, 1848, the following-named persons received the number of votes annexed to their respective names for the following-described offices, to wit:

Superintendent of public instruction.—W. M. Thompson had 11 votes.
 J. H. Bonney had 13 votes.
 Joseph T. Fales had 11 votes.
 Morgan Reno had 11 votes.
 John J. Selman had 8 votes.

Superintendent of public instruction.—Reuben Riggs had 13 votes.
 J. J. Jackson had 13 votes.
 G. W. Perkins had 13 votes.
 Henry Allen had 12 votes.
 Thomas Monson had 1 vote.

Rough and Ready.—D. F. Miller had 3 votes.
 J. Coleman had 3 votes.
 R. Holmes had 3 votes.
 J. P. Findley had 8 votes.
 J. Ewing had 3 votes.

Respectfully, by us,

H. M. SCORLOCK,
 JOHN WOOD,
 JONATHAN MORNEY,
Judges of Election.

Attest:

STEPHEN GEORGE,
 MICHAEL PILKEY.

B.

Abstract of votes polled on the first Monday (the 7th day) of August, A. D. 1848, in the county of Appanoose and State of Iowa, for the following named persons, to wit :

	Names of townships.						Total.	
	Washington.	Union.	Centre.	Chariton.	Wells.	Shoal Creek.		Garden Grove.
For representative in Congress, { William Thompson	26	10	68		*	†	9	113
{ Daniel F. Miller...	14	6	20	..	..	..	27	67
For Secretary of State, { J. H. Bonney..	26	10	67	..	..	..	32	125
{ John M. Coleman.....	14	6	20	..	..	..	4	44
For Auditor, { Joseph T. Fales	26	10	68	..	..	..	32	136
{ William A. Warren.....	14	6	20	..	..	..	4	44
For Treasurer, { Morgan Reno.....	26	10	68	..	..	..	32	136
{ Robert Holmes.....	14	6	20	..	..	..	4	44

* Poll-book rejected for informality. † No returns.

For furnishing this abstract	-	-	-	-	-	-	\$0 50
Witness' fees	-	-	-	-	-	-	1 00
							<u>1 50</u>

Received payment:
 J. F. STRATTON,
Clrk of Board of Commissioners of Appanoose county.

I hereby certify that the within abstract (marked B) was furnished by Mr. J. F. Stratton, as referred to in his deposition.

J. F. KINNEY,

Judge of the Supreme Court of Iowa.

March 7, 1850.

STATE OF IOWA, }
Polk county, } ss:

Deposition of Lewis Whitten, of the county and State aforesaid, taken on the 29th day of March, A. D. 1850, between the hours of 10 o'clock a. m. and 4 o'clock p. m., at the office of the clerk of the district court for said county, pursuant to the enclosed notice, to be read in evidence in the contested election now pending before the House of Representatives of the United States, between William Thompson and Daniel F. Miller, all of said State.

The said Lewis Whitten, being duly sworn, doth depose and say as follows:

Question. State what time the board of commissioners of Polk county established an election precinct in Boon county?

Answer. It was at the July term, A. D. 1847, and called the Boon precinct. Afterwards, on the 3d day of July, A. D. 1848, it was divided into two precincts, and one was called Boon and the other Pleasant township.

Question. State whether that county has been treated as part and parcel of Polk county ever since it was attached to it for revenue, election, and judicial purposes; and whether the election returns have been returned to you as commissioners' clerk for Polk county?

Answer. It has always been treated as part of this county for revenue, election, and judicial purposes, and the election returns have been made to me as commissioners' clerk of Polk county, and have always been counted the same as from any other precinct in this county, ever since the township was established by the board of commissioners.

Question. State how many votes Mr. Miller received in those two precincts at the August election, 1848, for representative in Congress, and whether those votes were counted for him?

Answer. Mr. Miller received six (6) votes in the two precincts, and they were counted for him.

Question. State what you know about the citizens of Boon county paying taxes in this county?

Answer. I made out the taxes as commissioners' clerk against the citizens of that county; and I have seen the citizens of that county pay taxes to the treasurer of this county in the winter of 1848-'49.

LEWIS WHITTEN.

STATE OF IOWA, }
Polk county, } ss:

I, Hoyt Sherman, clerk of the district court in and for said county and State, do hereby certify that the above-named Lewis Whitten was sworn to testify the truth, the whole truth, and nothing but the truth touching

the matter in controversy; and that the foregoing depositions were taken before me, at my office in Fort Desmoines, on the 29th day of March, A. D. 1850, reduced to writing by me, and subscribed and sworn to by the said Whitten—the said William Thompson being present by his counsel, P. M. Casady.

In testimony whereof, I have hereunto set my hand as clerk [L. s.] aforesaid, with the seal of said court hereto affixed, at Fort Desmoines, this 29th day of March, A. D. 1850.

HOYT SHERMAN, *Clerk.*

Clerk's fees:

Taking depositions, (500 words)	-	-	\$0 50
Certificate	-	-	37
			— \$0 87

Witness' fees:

Lewis Whitten	-	-	-	-	-	1 00
						—
						1 87
						==

Depositions of Joseph T. Fales, Josiah H. Bonney, and James P. Carleton.

Witnesses produced and sworn before the clerk of the district court in and for the county of Johnson, in the State of Iowa, at the clerk's office in Iowa city, on the sixth day of March, A. D. 1850; taken between the hours of 10 o'clock a. m. and 6 o'clock p. m. of that day, pursuant to the enclosed notice; to be used as evidence in the case of the contested election between Daniel F. Miller and William Thompson now pending in the House of Representatives of the United States. (C. Bates, attorney for Thompson, and H. D. Downey, attorney for Miller, present.)

The said Joseph T. Fales, being duly sworn to testify the truth, the whole truth, and nothing but the truth, so far as he should be interrogated in relation to said case, deposes as follows, to wit:

Interrogatory 1. Are you auditor of the State of Iowa? and, if so, how long have you been auditor of said State? [This question was here objected to by H. D. Downey, counsel for D. F. Miller, on the grounds of the incompetency of the witness and irrelevancy of the question.]

Answer 1. I am, and have been, auditor of Iowa for *three* years and three months.

Interrogatory 2. Please state whether, when a district of country or an unorganized county is attached to an organized county for election and revenue purposes, it is a part and parcel of the county to which it is attached? [This question objected to, as above.]

Answer 2. I have always understood it so to be, and have so acted in my official capacity.

Interrogatory 3. When townships or precincts are organized in such attached district of country, or unorganized county, how are the elec-

tions there held, and the returns of the votes at such elections made? [Objected to, as above.]

Answer 3. The same as in organized counties.

Interrogatory 4. In what manner is the revenue in such attached district of country or county assessed and collected, and by whom? [Same objection.]

Answer 4. The district is assessed by the assessor of the organized county to which it is attached; and the revenue is collected by the treasurer of the organized county to which the same is attached.

Interrogatory 5. What knowledge have you at your office, as auditor of state, of the existence of said attached district or county, except as part and parcel of the county to which it is attached? [Same objection.]

Answer 5. None at all.

Interrogatory 6. Please state whether the Mormons residing at Kaneshville or in Pottawatomie county, Iowa, in 1848, or before or since, have paid any taxes into the state treasury? [Same objection.]

Answer 6. They have never paid anything whatever in the way of taxes.

Interrogatory 7. Please state whether any separate accounts are opened or kept with districts of country or counties attached to another county? [Same objection.]

Answer 7. *None* whatever.

Cross-interrogatory, by counsel of D. F. Miller, to J. T. Fales.

Cross-interrogatory. Please state whether any steps have been taken by the proper State authority to enforce the collection of revenue for State purposes in Pottawatomie county in 1848, before or since? If yes, state when such attempt was made to enforce collections of State revenue, how often, and the result of such attempt or attempts?

Answer to cross-interrogatory by J. T. Fales. I have written twice to the treasurer of Pottawatomie county since 1st January, 1850, as I believe. I received an answer to my first letter, stating that he had collected some money. There have been no further or other attempts made to collect State revenue from that county.

JOS. T. FALES.

The said Josiah H. Bonney, being first duly sworn as aforesaid, deposes as follows, to wit:

Interrogatory 1. Are you secretary of the State of Iowa? and if so, how long have you been secretary of said State?

[H. D. Downey, as attorney for D. F. Miller, here objected to this question on the ground of incompetency of the witness, and irrelevancy of the interrogatory.]

Answer 1. I am, and have acted as such since December 4, 1848.

Interrogatory 2. Please state whether, when a district of country or an unorganized county is attached to an organized county for election and revenue purposes, it is a part and parcel of the county to which it is attached? [Same objection.]

Answer 2. It is.

Interrogatory 3. When townships or precincts are organized in such attached district of country or unorganized county, how are the elections

there held and the returns of the votes given at such elections made? [Same objection.]

Answer 3. The elections are held in the same manner as in the county to which it is attached, and the returns are made to the secretary's office, by the returning officer of the county to which such attached country or county belongs, as a part and parcel of said county.

Interrogatory 4. In what manner is the revenue in such attached district of country or county assessed and collected? [Same objection.]

Answer 4. It is assessed by the assessor and collected by the collector of the county to which it is attached.

Interrogatory 5. What knowledge have you at your office, as secretary of State, of the existence of said attached district or county, except as part and parcel of the county to which it is attached? [Same objection.]

Answer 5. Not any.

Interrogatory 6. Please state whether any separate accounts are opened or kept with districts of country or counties attached to another county? [Same objection.]

Answer 6. There are none.

JOSIAH H. BONNEY.

The said James P. Carleton, being first duly sworn as above, deposes as follows, to wit:

Interrogatory 1. Please state whether any person made application to you previously to the Congressional election in August, 1848, to have Pottawatomie county organized?

Answer 1. Some time during the winter of 1847 and 1848, application was made to me in behalf of William S. Townsend to be appointed organizing sheriff of Pottawatomie county, and during said winter I did appoint said Townsend such organizing sheriff; (the precise date of that appointment I do not recollect.) The above happened during the session of the first General Assembly of the State of Iowa. Some weeks after the adjournment of the Assembly, a person came to my house with a petition signed by a number of persons, representing that he and the petition were both from Pottawatomie county, the petition praying for the appointment of an organizing sheriff of said county. I informed him that I had appointed Mr. Townsend as organizing sheriff; with which he appeared to be satisfied, and left. Having been subsequently informed that no organization took place under the first appointment, I, on the 28th day of August, A. D. 1848, upon the application of William Pickett, appointed him organizing sheriff, for the purpose of organizing Pottawatomie county, and fixed upon the third Thursday of September, 1848, as the time for holding the special election in said county to elect the officers of said county. The above appointments were made by me as judge of the fourth judicial district, by virtue of an act entitled "An act for the organization of Pottawatomie and other counties," approved February 24, 1847; which said law authorized the judge of the fourth judicial district to make such appointment.

JAMES P. CARLETON.

From the "Frontier Guardian" (Extra) of March 13, 1856.

Highly important news.—The stolen poll books have been recovered. Another pilgrimage to Pottawatomie!!—Hear what the Burlington Hawk-Eye says:

"We understand that Judge Mason has appointed J. C. Hall and L. E. Johnson to go to Kaneshville. It is supposed that their object is to intimidate the people of that place, or to get some evidence to counteract the odium which now rests upon them in the stolen poll-book affair. These are pretty men to send on such a mission! If we mistake not, this same Mr. Hall made a strong anti-Mormon speech in Lee-county, during the mob excitement, four years ago. The Mormons will hardly forget that. And then, this same Mr. Johnson, we learn, who accompanies him, was the major of the militia, and called out the troops to prevent the Mormons landing in Iowa, when driven from Nauvoo, and prevented supplies being sent them during the siege. Johnson was once a Mormon preacher, and afterwards turned renegade. The Mormons won't forget this, either. We understand that Judge Kinney, supreme judge, and Hall's brother-in-law, accompany Hall and Johnson to take testimony.

"If this trio can succeed in throwing dust in the eyes of the people, so that they will believe that the stealing these poll-books was no criminal offence, they will do it. The whole of this transaction, from beginning to end, is most infamous; and, if the honest men in the locofoco party are prepared to justify their leaders in it, then are they ready to uphold and encourage vice in its worst form. What! connive at an act which strikes the deadliest blow at freedom?—an act which destroys the elective franchise, and at one fell swoop nullifies the boasted blessing of the ballot-box.

"Whatever may have been our personal respect for some of those who are implicated in this transaction, justice and love for our institutions compel us to denounce them as traitors to the cause of freedom. If men of high standing in their party can consent to commit such a shameful moral and political robbery, for the sake of keeping that party in the majority—so hostile to all correct notions of free government—they will do no worse, it seems to us, to go a step farther and rob men of their money, as well as of their political rights.

"They may set up the plea that these votes were illegal, but that does not mend the matter. They *thought* they were legal, and they *acted* as if they thought so. It seems to us too late for them to try to prove these stolen papers to be valueless. The *quo animo*, the intent, must be looked into, and it will be. Mr. Hall, or whoever stole the papers, may have thought a cute Yankee trick was being played; but every legal voter whose name is attached to that record has the right to arraign the thief and his accomplices before and after the fact, as robbers of their rights, which to them were considered more valuable than money, or any other species of mere property.

"The men engaged in thus robbing the ballot-box of its potency deserve to be, and should be spurned from their party as deadly foes to liberty and right. If they are not, they will be dead weights to any party who may retain them. Mark that, ye locofocos who are still inclined to hug Hall, Mason, & Co. to your bosoms. Read the letter of our correspondent from Keokuk."

The foregoing is from the Burlington Hawk-Eye of February 28.

As the above named persons, said to be coming to Pottawatomie county on a mission connected with the contested election, are representatives from the party who stole and secreted our votes, we trust that they will meet with that kind of *letting alone* which will prove to them that we have no fellowship with those who will steal our rights, nor with their representatives.

As to the anti-Mormon speeches, or apostate Mormon renegades, we care but little about them. We should think, however, that such men only would volunteer their services on such an expedition. They will probably find out all they can, and we shall feel it our duty to help them about as much as they helped us to find our stolen poll-books, so as to be even in civility and kindness.

In our public speeches, in our letters, and by every means in our power, we endeavored to forestall any illegal voter that might attempt to cast a vote; and we believe that we were successful: at least we have no knowledge to the contrary.

If our poll books had not been stolen, but treated with respect and submitted to an honorable examination, we presume that every citizen here would be willing to afford every facility to this delegation to acquire information possible; but, as it now is, they cannot complain if we are not the most communicative people in the world.

Full particulars concerning the stolen poll books will be published in the next Guardian.

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I hereby certify that this is the No. of the extra Guardian, or circular, testified by Mr. Hyde, and made part of his deposition.

J. F. KINNEY,
Judge, &c.