

## John W. Boyd: Contested Senate Election, 1884.

The following letter is undated. The 44<sup>th</sup> Session of the General Assembly convened on January 5, 1885, so the letter was evidently written sometime during that month.

“To the Senate of the 44th General Assembly of the State of Tennessee:

Gentlemen, I here enter my Protest against the Admission of Hon. John P. Edmondson as State Senator from Fayette and Tipton Counties. I claim to be the legal and lawfully elected Senator from that district and have been here waiting from Monday the (5<sup>th</sup>) fifth day of this month to be Sworn in, having received the largest number of votes of any Candidate running for State Senator on November 4<sup>th</sup> 84 when H.L. Blackwell and J.W. Boyd were candidates for Said office of State Senator from Fayette and Tipton to the 44th General Assembly of the State of Tennessee. H. L. Blackwell received as per returns from Fayette County 2229; J. W. Boyd received 1944. J. W. Boyd received in Tipton County 1813 votes and is reported by the returns of the Sheriff to have received in Fayette County to have received [sic] 2242. I claim the box was Stolen from district No. 4 in Said County containing over 400 republican votes and not more than 75 democratic votes. With these votes counted in my favor, I claim to be the legally and lawfully elected Senator from this district. The election under which Mr. John P. Edmondson claims to be elected is void in law. J. W. Boyd"

In a folder entitled “Contested Election,” which is in the 44<sup>th</sup> General Assembly (Senate) collection, along with this letter from John W. Boyd, are the following documents:

I. (Hand-written, not in Boyd’s hand)

To Jno. P. Edmondson, Esq.

You will take notice that I will take the deposition of the following persons – viz –  
Jno. C. Reeves – William Brocken [all spellings are best interpretations of the handwriting]  
R. E. Steger – J. U. Shaw  
Jno. C. Lattin – Charles Dickenson  
Dallas Carney – A. D. Lewis

at the court house at the county seat, Summerville [sic] Tennessee on 10<sup>th</sup> day February and if not finished to be continued ~~on Saturday 7<sup>th</sup> and on Monday the 9<sup>th</sup>~~ and from day to day until finished. Said depositions will be taken on my behalf in the Contest for a seat in the Senate of the 44<sup>th</sup> General Assembly [1885-1886] of which contest I have given notice.

J. W. Boyd

W. M. Smith, Atty. For Contestant

Cover: Original Copy / Service Acknowledged / This Jany 30<sup>th</sup> 1885. / John P. Edmondson.

II. Exhibit A to Deposition of R. E. Steger:

This chart (separate attachment) represents the voting, by district, in Boyd's Senatorial District in Fayette and Tipton counties. His claim that the stolen box #4 would have contained a huge majority of Republican votes is based on the higher percentage of black voters in that district.

III.	Jno. W. Boyd	Contested Election
	v.	pending in the Senate
	Jno. P. Edmondson	of Tennessee

The Depositions of R. E. Steger, Jno. C. Reeves and John T. Lattin  
Witnesses for the Contestants taken before R. M. Cousar, Clerk, Circuit Court, Fayette Co. Tenn  
at his office in the Court House in Somerville, Tenn, February 10<sup>th</sup> 1885.

The first witness R. E. Steger being duly sworn deposed as follows:

Ques. 1 – Please state your name, place of residence, and occupation.

Ans. – R. E. Steger, reside in Somerville Tennessee. Am Sheriff of Fayette County Tenn.

Ques. 2 – As Sheriff did you hold the general election on November 4<sup>th</sup> 1884?

Ans. – I did.

Ques. 3 – Did you make the returns to the Secretary of State of election for Senator from Tipton and Fayette?

Ans. – I did.

Ques. 4 – Did the returns embrace returns from elections in all the Civil Districts of Fayette County?

Ans. – It did except from No. 4.

Ques. 5 – Were returns from election in Dist. No. 4 ever made to you.

Ans. – No, sir. No report made nor tally sheet nor roll book filed.

Ques. 6 – Will you please file a tabulated statement of the election returns for your County, and make same a part of your deposition?

Ans. – I herewith file same marked “Exhibit A to deposition of R. E. Steger,” and make it a part of my deposition.

Ques. 7 – Did the Judges of the election in Somerville Tenn. make returns of the poll books or list of voters at said election in accordance with sections 867 & 868 of the Code of Tennessee?

Ans. – I am satisfied the Judges did not know the law, and I did not. I think the list is in the County Court Room. Since giving my answer as above I have made search in the Court Room and find the Tally sheets but do not find the list of voters. I do not know what became of the poll-books.

Ques. 8 – Were you Sheriff and did you hold the general election in November 1882?

Ans. – Yes sir.

Ques. 9 – Was any return made to you from Dist. No. 8 at said election?

Ans. – No sir.

Ques. 10 – Was any reason given by the officer who held the election for his failure to make returns?

Ans. – No sir.

Ques. 11 – Do you know as a matter of public notoriety why no return was made?

Ans. – It was said that the returns were stolen from the officer.

#### Cross Examination by Atty for Edmondson.

Ques 1 – State with what political party you have affiliated with in the past, & to what political party you now belong.

Ans. – With the Democratic party.

Ques. 2 – How often have you been elected Sheriff of Fayette Co. & by what majorities?

Ans. – I have been elected three times. The first by 380 majority, the second time my majority was 777, and the last time by about 660 majority.

Ques. 3 – Did you have a Republican for your opponent in any of those contests, if so what years & what was his name.

Ans. – I had a Republican opponent the last two elections; His name was J. C. McCarley. The last time he was the nominee of the Republican Party.

Ques. 4 – In the Elections in this County for the past ten (10) years, How has Dist. No. 4 voted?

Ans. – I did not know until I saw a copy of the returns a few days ago. It has gone Democratic oftener than Republican I think.

#### Re-examination by Counsel for Boyd.

Ques, 1 – Do you attribute your election as sheriff to your politics or your personal popularity?

Ans. – I do not know.

2. Take the elections for President, Governor, Congress and Legislature for the last ten years, excluding elections for County officers, and how has No. 4 usually voted?

Ans. In 1874 the vote was for Congress, Your, Dem. 202, Lewis, Rep. 214. In 1876, Young, Dem. 238, Randolph, Rep. 172, In 1880 Young 320, Moore, Rep. 162. It went Republican in

1882: Smith, Rep. 340, Young, Dem. 61; Hawkins, Rep. 337, Bate, Dem. 64; Lewis, Rep. 337, Sherrod, Dem. 64; Rivers Rep. 336 [Note: *David Foote Rivers, an African American candidate from Fayette County, was elected to the 43<sup>rd</sup> General Assembly, 1883-84.*], Steger, Dem. 64. Patrick, Rep. 337, Miller, Dem. 64.

3. In 1880, when Young and Moore were candidates for Congress, were there not charges of frauds or irregularities at that precinct? (Excepted to)

Ans. I do not remember whether there were or not.

4. Where did Mr. H. L. Blackwell, who was the opponent of J. W. Boyd for Senator in the late election reside?

Ans. – In Covington, Tipton Co.

Re Cross Examination by Counsel for Edmondson.

Ques. 1 – Do you attribute Judge Smith's large majority in No. 4 in 1882 to his politics or his personal popularity?

Ans. I heard before the election that Judge Smith would carry the Dist. On account of his personal popularity and the popularity of his relatives who live in that Dist.

And further this deponent saith not.

Sworn to before me Feby 10<sup>th</sup> 1885.

R. M. Cousar, clk.

The second witness John C. Reeves being sworn deposed as follows:

Ques. 1 – Where do you now reside and what is your present occupation?

Ans. – I reside in Civil Dist No. 4, Fayette Co, Tenn. Am a farmer.

Ques. 2 – How long have you been a Citizen of Fayette Co?

Ans. – About 48 years.

Ques. 3 – Have you held any public office in Fayette Co? If so what office and how long?

Ans. – I held the office of County Court Clerk Fayette Co. between 8 and 9 years.

Ques. 4 – Have you or not a general acquaintance with the Citizens of Fayette.

Ans. – I have, I think.

5 – How long have you resided in Dist No. 4?

Ans. – Between 9 and 10 years I think, sir.

6 – Were you present at the voting place in said Dist at the late Presidential Election and State Election, in November 1884. If so sir, what capacity?

Ans. – I was. In the capacity of Supervisor.

7 – At what point in the Dist was the election held?

Ans. – At John H. Garnett's Store.

8 – What position did you take in reference to the ballot box?

Ans. – Near the box by a window through which the ballots were received.

Ques. 9 – Could you see the ballots as they were put into the box?

Ans. – I could.

Ques. 10 – Were the Democratic & Republican ballots voted at said election distinguishable as they were put into the box and if so how?

Ans. – I thought they were distinguishable. The Democratic ticket was a smaller ticket and printed in somewhat smaller type, and the paper was more firm than that of the Republican ticket.

Ques. 11 – Did you remain on the grounds until the Polls were closed?

Ans. – I did.

Ques. 11 [*sic*] – Please state as near as you can the whole number of ballots deposited in the box by the voters.

Ans. – When the Polls were closed the number of ballots which had been placed in the box was about 447.

Ques. 12 – You say about 447. Please give the exact number if your memory is sufficient to authorize you to do so.

Ans. – I think 447 was the number.

Ques. 13 – Is your acquaintance with the voters of the Dist both Democratic & Republican general?

Ans. – I think my acquaintance with the voters of that Dist is pretty general.

Ques. 14 – State as near as you can how many Democratic voters reside in the Dist.

Ans. – I should say 100 would cover the number of Democratic voters in the Dist – There is not more than [*sic*] 75 or 80 white voters in the District according to my knowledge.

Ques. 14 [*sic*] – In what proportion are the white & colored voters in the Dist?

Ans. – I think the colored voters are 3½ to 1 white vote if not more.

Ques. 15 – Do you know of any colored voters in the Dist. who are Democrats.

Ans. – I know some few not many. Not exceeding half a dozen.

Ques. 16 – How many white Republican voters are there in the Dist. if you remember?

Ans. – There are five if not more.

Ques. 17 – From your observation of the tickets that were put in the box and from your knowledge of the voters on the grounds at the election Nov. 4. 1884. in what proportion would you say the Democratic and Republican vote stood?

Ans. – At least 3½ Republican to one Dem. If not more.

Ques. 18 – Did you vote at said election, if so how?

Ans. – I voted at that election a straight republican ticket.

Ques. 19 – State as near as you can how many white voters at said election voted the Republican ticket?

Ans. – There were three that I know.

Ques. 20 – Who was the Republican candidate for Senator?

Ans. – Jno. W. Boyd colored of Tipton Co.

Ques. 21 – At what point in Tipton Co. does he reside?

Ans. – I think at or near Mason.

Ques. 22 – How far is Mason from the North Western border of Dist. No 4, Fayette Co.?

Ans. – I don't think it would exceed 8 miles.

Ques. 23 – Did you hear of any dissatisfaction among the Republican voters of the 4<sup>th</sup> Dist with Jno W Boyd as a Candidate for Senator?

Ans. – I knew of none and had not heard of any among the Republican voters? [*punctuation sic*]

Ques. 24 – Did you see on the grounds that day any spurious republican tickets.

Ans. – I saw none that I know of.

Ques. 25 – Did you before or have you since heard a Republican voter of the 4<sup>th</sup> Dist. say that he would not or had not voted for Boyd for Senator. (Excepted to by Counsel for Edmondson.)

Ans. – I have not.

Ques. 26 – Were the votes counted out by the Judges in Dist. No. 4 in whole or in part. What occurred If any were counted. How did those counted stand?

Ans. -- On the closing the polls the Judge provided to canvass the votes cast. After having counted out 70 votes which tallied by list kept by me 51 Republican, and 19 Democratic a proposition was made by Democratic Judges to adjourn the canvassing and go to supper, which I opposed with the Republican Judge – I then proposed to the Dem. Judges that the box be left in the possession of the Rep. Judge & one of them and with M. L. Jackson Dem. Supervisor & myself while one of them went to supper and on his return the other would go, which proposition was objected to. Chas Jackson one of the Dem Judges sealed the box when P. B. Mosby

remarked that he had as much right to the box as I did, came & took the box and started with it to ~~the eating~~ leave the room but before leaving he handed it to Chas Jackson his associate Judge and proceeded to go to supper with the box. Mark L. Jackson & myself following after, but before the box got to supper it was stolen and carried off. I have not seen the box since.

Ques. 27 – Then I understand there was no count of the votes at the election except the 70 as above stated.

Ans. – None that I know of. None when I was present.

Ques. 28 – At what time of the day were the polls opened and closed?

Ans. – According to my time the polls were opened at 9 A.M. and closed at 4 P.M.

Ques. 29 – Of the 70 votes which were counted please state how many Jno W. Boyd got for Senator.

Ans. – According to the tally list I kept he received 51 votes which list I think tallied with the one kept by the Clerk. Mr. Blackwell received 19 votes.

Ques. 30 – Of the 70 votes counted were the tickets “straight” or were there any scratches or changes of candidates.

Ans. – Straight on both sides. No scratches.

Ques. 31 – Was there any disturbance or interference with voters in the exercise of this right to vote before the polls were closed?

Ans. – I saw no disturbance nor heard of any.

Ques. 32 – Were you present at the election in Dist. No. 4 in 1880 when Casey young was Democratic Candidate for Congress and Wm. R. Moore Republican.

Ans. – I was.

Ques. 33 – Was there any disturbance or irregularity charged to have occurred? (Excepted to by Contestee)

Ans. – There may have been but I do not now recollect.

#### Ex. by Counsel for Defendant

Ques. 1 – You state in answer to Ques. 3 in cr. ex. that your acquaintance with the voters in Dist No 4 is pretty general. State upon what that information is based & from what source it is obtained.

Ans. – I know nearly the whole of the white voters in that dist personally and a large amount of the colored voters.

Ques. 2 – You do not pretend to say that you have talked or conversed with the majority [illegible] of the voters in the Dist – [illegible] in order to find out their politics.

Ans. – I know from personal knowledge the politics of most of the whites. I know the political sentiments of a large number of the colored voters.

Ques. 3 – How many political meetings have you attended in No. 4 since your residence there.

Ans. – Not one.

Ques. 4 – Have you taken an active part or a great deal of interest in politics in the last 9 or 10 years.

Ans. – I have taken a great interest in the elections. I have been a little active. Have done something towards the success of the party.

Ques. 5 – Active how, & in what respect? Have you made any political speeches or canvassed the County?

Ans. I have made no political speeches, but I have seen the prominent men frequently and talked with them. Given my advice as to what I thought best to do.

Ques. 6 – As to the voters in No 4, their political complexion &c., is not your opinion based to a great extent upon the assumption that all the negroes are Republican & vote the Republican ticket, & the whites all Dem & vote the Democratic ticket?

Ans. – I base it upon the fact that the whites generally are Democrats and the negroes are classed by both parties as Republicans in the main. As to No. 4 my opinion is based a good deal in regard to the last contest upon the fact that there were three Republican clubs in the District and there were over three hundred members of those clubs, as I learned, who were pledged and believed to have votes the Republican ticket at that election. (The latter part of answer excepted to as incompetent and hearsay.)

Ques. 7 – Do you know of these clubs of your own personal knowledge or from what some one has told you?

Ans. – I know of them from the members and officers of the Clubs. I never attended one of them. I know of them upon information from others which I place some relevance upon.

Ques. 8 – What was the difference between the Republican & Democratic tickets used in No. 4 on the day of Election, & was there more than one kind of ticket of each party?

Ans. – The Democratic Ticket was in small type and on smaller paper and I think the paper was whiter and more firm than the Republican ticket. It was shorter than the Republican Ticket. So far as I know there was but one kind of the Republican Ticket and I never saw but one kind of the Democratic Ticket that I know of.

Ques. 9 – The tickets were all folded when voted, were they not?

Ans. – Most of them were folded up. Some only partially folded.

Ques. 10 – How many open tickets do you now remember to have seen voted there upon that day & who were the parties ~~you saw~~ voting them?



Ans. – I do not know how many. I don't know the parties voting them. Do not recollect the parties.

Ques. 11 – Were the parties voting open tickets Dems or Republicans.

Ans. – There may have been some Democrats voting open tickets, and some Republicans the same.

Ques. 12 – With the tickets folded as they are ordinarily at elections, & handed to the officer of the election, could you possibly tell from where you sat, whether the vote was Republican or Democratic?

Ans. – In a large number of cases I could from my position. My position was close beside the ballot box – not two feet from it.

Ques. 13 – Please tell us how you could distinguish the difference.

Ans. – From the folding of the ticket, and the Republican ticket having a heavy head, the words "Republican Ticket" being in heavy type. And the Democratic ticket being headed in smaller type, from my position, enabled me to distinguish one from the other, I having in view to determine if possible from the Ticket how the vote was polled – went into the box.

Ques. 14 – If the ticket was folded, how could you see the head of it at all?

Ans. – The heading of the Republican ticket was frequently folded out. And again, being in heavy type, it could be seen through the paper.

Ques. 15 – How was it when the heading was folded in?

Ans. – I have stated that I could see it through when it was folded in. When it was folded in so that it couldn't be seen the Ticket being larger told.

Ques. 16 – When folded how could you tell the size of it?

Ans. – By a comparison of the two I could tell the size of it. I allude to the genuine Republican and Democratic tickets.

Ques. 17 – What is your age? And do you not use spectacles in reading?

Ans. – My age is 72 and I use spectacles. I can see pretty well yet with my natural eye.

Ques. 18 – Was there not a ticket in No. 4 on the day of election headed "Republican Ticket" with the Nominees of the Republican Party down to Congressmen & the balance of the ticket composed of Democratic nominees, similar in appearance in every way with the genuine Republican ticket?

Ans. – I never saw any of them. I understood there were some spurious ones there. I do not know what kind they were. If any spurious ticket or tickets got into the ballot box none of them were discovered in the 70 votes counted out.

Ques. 19 – Did you keep your seat in two feet of the ballot box all day -- & note closely each & every ticket that went into the box.

Ans. – I kept my seat close to the box all the time, not being five minutes from the box, & not being absent more than one time from the opening to the closing of the polls.

Ques. 20 – What is the political complexion of the officers in Dist. No. 4, I mean the Magistrates & Constable?

Ans. – They are all Democrats.

#### Re Examination by Counsel for Boyd

Ques. 1 – What was your occupation in early life?

Ans. – I had been in the hunting business – was a practical printer, and conducted a newspaper in Somerville prior to the war for about 12 or 13 years – not consecutive years though. (Excepted as new matter)

2 – Please examine the papers here showed you and state what they are, and where you obtained them? Please file them as Exhibits A & B to your deposition?

Ans. – These tickets are the Democratic and Republican Tickets, like those voted in the election in Nov. 1884. I got these since the election. I mark them Exhibits “A” & “B” to this Deposition. I do not recollect where I got these tickets.

3 – You were asked whether the Dist. officers of No. 4 were Democratic or Republican. Are the party lines drawn closely in elections for County and District Officers.

Ans. – There may be in some Districts. But in No. 4 there is hardly ever any Republican Candidates for the district officers. So the party lines are not drawn.

#### Re-Cross Examination by Counsel for Edmondson

Ques. 1 – How long after the Election was it when you got those tickets, Ex. A & B & where did you get them?

Ans. – It was no great while after the election. A short time after the election. It may have been but a few days. As to who I got them from I don't recollect.

Ques. 2 – Can you state as a fact that the tickets used in No. 4 on day of election were of the size you have exhibited here.

Ans. – I think I could say they were the same in size and appearance. I saw the 70 that were counted out in No. 4 – and they were similar to those filed.

Ques. – The Talley sheet you speak of having kept. Was that just a private Tally sheet or your own.

Ans. – It was just my own.

And further deponent sayth not.

John C. Reeves

Sworn to and subscribed before me February 10 1885.

R. M. Cousar, clerk.

The next witness John T. Lattin being duly sworn deposed as follows:

Ques. 1 – State your age, residence and occupation.

Ans. – Age 33 years. Reside in Somerville Tenn. Am Post Master.

Ques. 2 – To whom were the Republican Tickets for this County sent for distribution at the election in Nov. 1884.

Ans. – To A. D. Lewis and myself.

Ques. 3 – Were those sent to you distributed among the diferent [*sic*] voting places in the County?

Ans. – Yes, I made distribution to every district in the County.

Ques. 4 – By whom did you send them to Dist. No. 4?

Ans. – The bulk of the tickets for No. 4 were given to Ab Allen and John McGowan. Some others were given out to parties whom I cannot now recall.

Ques. 5 – Did you send any but the genuine Republican Ticket to Dist. No. 4?

Ans. – I did not.

Ques. 6 – Whose name for Senator was upon these tickets>

Ans. – I didn't inspect every Ticket, but upon all that I noticed [*was the name of*] J. W. Boyd.

Ques. 7 – Are you acquainted generally with the leading Republicans of Fayette Co?

Ans. – Yes.

Ques. 8 – Did you know of or hear of any Republican opposition to JW Boyd as a Candidate for Senator?

Ans. – Soon after the nomination there was some dissatisfaction among some of the friends of Dr. Lewis his opponent for the nomination, but it all died out before the election.

And further Deponent sayth not.

John T. Lattin

Sworn to and subscribed before me Feby 10, 1885.

R. M. Cousar clerk

We waive formal certificate and caption to these Depositions Feby 10 1885.

Wm. M. Smith

Atty for Contestant

C. A. Stainback atty  
for Contestee.

State of Tennessee  
Fayette County

| I Robert M.  
| Cousar clerk.  
| Circuit Court

Fayette County Tennessee hereby certify that the above depositions were taken before me and formal certificate and caption being waived, I enclosed them to the Clerk of the Senate, Senate Chamber Nashville Tennessee without same having been out of my possession or altered by me.

Witness my hand and seal Feby 10 1885.

R. M. Cousar clerk

Transcribed September 22, 2010, by Kathy B. Lauder,  
Tennessee State Library and Archives.