

We accept the service of this subpoena, and waive the necessity of a copy, 18th January, 1869.

CROCKET GREEAR.
A. H. ISAACS.
W. W. ADAMS.
J. M. SMYTH.
THOMAS J. ADAMS.
WILLIAM GREEAR.

Executed in full on the above, January 19, 1869.

WM. P. BAKER, C. P. C.

Executed on the within John Hubble January 28, 1869, by delivering the said J. Hubble a true copy of the within notice.

WM. P. BAKER, C. P. C.

The Commonwealth of Kentucky to the sheriff or jailor or any constable of Wayne County:

You are commanded to summon Robert Tate, Alven Jones, Jilion P. Dick, Captain James Dick, Thomas Powell, Presley Summers, J. Hutchison, E. Hutchison, Thos. W. Denney, William Casson, and G. C. Foster, to appear before me, or some other officer authorized by law, at the law office of Sidney M. Barnes, in the town of Somerset, Pulaski County, on the 1st day of February, 1869, to give their depositions in behalf of Sidney M. Barnes, in the matter of the contested election in the forty-first Congress of the United States, from the eighth congressional district of Kentucky, wherein said Sidney M. Barnes is contestant and George M. Adams is the contestee.

Given under my hand, this 18th day of January, 1869, as county judge of Pulaski County, Kentucky.

C. A. ZACHARY,
Judge of the Pulaski County Court.

We accept the service of the within subpoena and waive the necessity of a copy, this 23d January, 1869.

ALVIN JONES.
ROBERT M. TATE.
THOMAS POWELL.
JAMES G. DICK.
J. P. DICK.
PRESTON SUMMERS.
G. C. FOSTER.

The deposition of VIRGIL P. MOORE, of lawful age, taken at the law office of Sidney M. Barnes, in the town of Somerset, Pulaski County, and State of Kentucky, on the 28th day of January, 1869, before Charles A. Zachary, county judge of Pulaski County, Kentucky, Hon. Wm. H. Randall, circuit judge, not appearing; which deposition is to be read as evidence for Sidney M. Barnes, in the matter of the contested election in the forty-first Congress of the United States, from the eighth congressional district of Kentucky, wherein said Sidney M. Barnes is the contestant, and George M. Adams is the contestee; said deposition taken pursuant to the notice of contest, and under it and the notice to take depositions in said case, which notices are hereto annexed as part of these depositions.

Said witness being of lawful age, and first duly sworn, deposeth and saith as follows, to wit:

The contestee, George M. Adams, excepts to the taking of depositions before C. A. Zachary, by contestant in this case, for the reason that his notice to take depositions does not specify that said depositions are to be taken before said Zachary, but, on the contrary, specifies that the same are to be taken before Hon. W. H. Randall.

GEO. M. ADAMS.

Which exceptions being submitted to the judge, were overruled.

C. A. ZACHARY,
Judge of the Pulaski County Court.

By contestant BARNES:

Question. What is your age; where do you reside; what is your profession; where were you born and raised; how long have you resided in the county of Pulaski, Kentucky?—Answer. I was thirty-two years old on the 1st day of January, 1839; I reside in the town of Somerset, Pulaski County, Kentucky; I am a lawyer by profession; I was

born in Pulaski County, Kentucky, and raised in same county. With the exception of some three years during the late war, have resided in Pulaski County since my birth.

Q. Will you please state whether or not you, at any time during the late rebellion, had any connection with the rebel army; and if so, in what capacity?—A. In October, 1862, I became connected with rebel army; served between two and three years, both in the capacity of private and second lieutenant of cavalry.

Q. Where was your command raised and recruited; and state the names of the men of your company and command now alive, and who resided in the county of Pulaski, Kentucky, on the 3d day of November, 1868, (or whom you know to have been in the rebel service,) the late presidential election, and in what voting precincts of said county did they reside, at the time of said election?—A. The regiment to which I belonged was raised, principally, in the counties of Lincoln, Boyle, Mercer, Green, Wayne, and Pulaski. One company, I think, was recruited in Wayne; most of one company was recruited in Pulaski; and there were, probably, recruits from Garrard and Madison, but I know of no companies from the latter counties. I belonged to Company C, Sixth Kentucky regiment cavalry, commanded by Colonel J. Warren Grigsby. There was some two or three of my company from Rock Castle, and some from Lincoln County. I know of, 1. Thos. Shepherd, 2. Thos. Jasper, 3. Perry Elliot, 4. C. G. Colyer, 5. J. A. Wood, 6. H. C. Smith, 7. John Daws, 8. M. T. Colyer, 9. Jas. Eastham, 10. John Eastham, 11. E. T. Elliot, 12. V. P. Moore, (deponent,) 13. W. J. Murphy, 14. D. T. Cowan, 15. I. C. Simpson, 16. Cornelius Simpson, 17. Moses, 18. Murphy, 19. Wm. Vanhook, 20. Logan Colyer, 21. Elijah Denny, 22. Harrison Wardlow, 23. W. F. Denham, 24. Jas. P. Colyer, 25. Wm. M. Colyer, 26. M. E. Doolin, 27. Christy Gastineau, 28. Jacob Miller, 29. James Gilmore, 30. W. H. Alexander, 31. W. M. Erp, 32. R. M. Phelps, 33. F. K. Phelps, who were in the rebel army. I have also heard (34) John Evans say that he had been in the rebel service; and I also saw (35) Jos. P. Saunders with a rebel command, but do not know that he was in any way connected with the rebel army. Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 17, and 23, reside in District No. 1, Pulaski County, Kentucky; Nos. 19 and 34 reside in District No. 5, Pulaski County, Kentucky; Nos. 20, 21, 22, and 27, reside in District No. 11, Pulaski County, Kentucky; Nos. 24, 25, and 26, reside in No. 10 Juggernaut District, Pulaski County, Kentucky; No. 29 in District No. 4, Pulaski County, Kentucky; Nos. 30, 32, and 33, reside in District No. 7, bend of Buck Creek, Pulaski County, Kentucky; No. 35 resides in District No. 4, Point Isabel, Pulaski County, Kentucky. I cannot state in what districts or voting precincts Nos. 13, 15, 16, 28, and 31, resided at the time indicated in the question.

Q. Where, and in whose rebel command did you see James P. Saunders you refer to?—A. I saw him at Lexington, Kentucky, with the command of General John H. Morgan, some time in June, 1864; or I think it was in June, 1864.

Q. Do you know any other persons, of the names of the persons you have named, who reside in Pulaski County, Kentucky?—A. I recollect, now, of none who are voters, of the exact names of those mentioned in the answer to the question referred to, except I. C. Simpson. I know of two persons of that name resident of Pulaski County. I do not know where the one who was in the rebel army now resides. I think the other resides in District No. 10, Juggernaut, Pulaski County, Kentucky.

Q. Do you know of any of the persons above named who voted in the late election between the parties to this contest, and if so, whom did they vote for, and have you or not examined the poll-books of this county?—A. I did not, as I now recollect, see any of the persons whose names are given in the answers to a former question, vote, except myself and I voted for contestee Adams. I saw Dr. Denny vote for Adams, and he had been in the rebel army and deserted; his name I had omitted in said list; I refer to the poll-books of the various voting precincts in Pulaski County; as showing how said persons voted. I have not examined any of them carefully; looked over some four, but don't now remember how any of the names appear on the original. Have looked over what purports to be a copy of the poll-book, but do not now recollect sufficiently clear to answer definitely the question.

Q. State whether or not upon reflection you now remember any other persons who were in the rebel army from Pulaski County, in addition to those mentioned above, who lived in said county at the last November election?—A. I recollect A. M. Gragg and Jesse Denny, residents of Pulaski County, who have been connected with the rebel army, whose names I omitted in the above list; also the name of Harrison Wardlow.

Q. Were you at the November election in 1833, in Pulaski County; if so, what precinct, and do you remember to have seen any of the persons you have named at the precinct or voting place you were at?—A. I was at the voting place in precinct No. 11, Pulaski County, from about 9 o'clock a. m. until about 11 a. m. I saw at that precinct Doctor Denny, Jesse Denny, and Elijah Denny, and Harrison Wardlow. I was also at the voting place in precinct No. 1, Pulaski County, a short time before the polls were closed, but do not now recollect of seeing any of said persons there except deponent.

I am a loyal man, and my notion is, men who voted against me voted against the government, for the last five or six years.

Q. Again I ask you to name a single vote given by G. W. Fore, Willis Stogsdill, H. J. Pierce, S. A. Newell, David Estes, or William Starnes, for anybody for any office; if you do not know of your own knowledge, state any vote that either of them confessed to you to have given for anybody.—A. I heard two or three of them say they voted against Colonel Barnes for governor, and I heard two or three of them say they voted against Colonel Barnes for Congress, and that they had voted against Major Owens for the legislature.

Q. Don't you think that any man who votes the democratic ticket votes the rebel ticket?—A. I don't; but I think the rebels all vote the democratic ticket.

Q. Do you know I. S. Anderson, who voted in the Grundy precinct, who voted for Grant and Barnes? If so, state his politics during the rebellion.—A. I know him; I have only known him for two or three years—maybe a little more; he has been a Union man since he has been here; I did not hear him say nor do not know that he had been in the rebel army.

Q. How do you know that Wesley H. Moore was under twenty-one years old when he voted for Adams?—A. The reason I know it is because I heard his father and mother and himself say so; he was born in about half a mile from my house, and refused to give in his title on last Saturday.

Q. Were you not present when he voted, and did you object to his voting?—A. I objected, and asked him if he was twenty-one, and he said he was; and I went home and was talking about it, and my wife said he was only twenty years old last July, and, after reflection, I found she was correct.

Q. In reference to H. M. Pedigo, A. M. Gragg, A. M. Anderson, and I. M. Buckner, how do you know that they or either of them were in the rebel army?—A. They told me so, every one of them.

Q. Is that your only evidence or knowledge of the fact?—A. It is the only evidence I have; they came here from Tennessee.

By contestant:

Q. Do you know Joseph and Simeon Morphad, who voted in Grundy, precinct twelve, in this county? If so, how long were they in the said precinct next before the November election, 1868?—A. I know both of the persons named in the question. They came in said district at the August election, 1868, and are living in the district now.

By contestee ADAMS:

Q. Has any man ever run or been voted for for office in Pulaski County, who advocated the rebellion from 1861 up to 1868?—A. Colonel Talbot is all the one I know of who ran in 1861; I know of no other.

And further this deponent saith not.

WM. LOVE.

Witness claims his attendance, two days and eighteen miles.

Also, the deposition of JAMES LANGDON, taken at the same time and place as stated in the caption of Wm. Love, and to be read as evidence for the same purpose as stated in the caption of V. P. Moore, who, being of lawful age, and first duly sworn, deposeth and saith, for contestant, Sidney M. Barnes:

By contestant BARNES:

Question. State where you reside, your occupation, age, the voting precinct in which you reside; how long you have lived in Pulaski County, Kentucky? Have you ever held any offices in said county; if so, what offices, and when?—Answer. I reside in Pulaski County, Kentucky; I am a farmer; I am thirty-three years old; I reside in Price's district, No. 5; I was born in Pulaski County, Kentucky, and have resided there since my birth. I was elected to the office of constable in 1862, and served until August, 1864. I was elected sheriff in August, 1864, and served in that capacity until April, 1866.

Q. Are you personally acquainted with G. W. Fore, judge of election, and Willis J. Stogsdill, clerk of election, who acted as judge and clerk of the election in precinct No. 7, Bent of Buck Creek, in Pulaski County, at the November election, 1868, for President and members of Congress; also, H. J. Pierce, judge of election, and S. A. Newell, clerk of precinct No. 8, Point Isabel, in said county, who acted at the November election aforesaid; and Wm. Starnes, judge, and David Estes, sheriff of election in precinct No. 11, Glades, in said county, at the election before named; if so, how long have you known them?—A. I am not personally acquainted with Fore and Stogsdill, but am acquainted with all the rest named. I have known them for eight or ten years.

Q. State if you know whether said persons you speak of as knowing were, during the late rebellion, for the overthrow of the government of the United States, or were they on the side of the federal government—were they Union or rebel?—A. I consider they were rebels from my acquaintance with them—with portions of them. I have

had frequent conversations with them; they owned to me that they were southern in feeling, and that their sympathies were with the rebellion.

Q. State as well as you remember whether they were or were not in favor of the separation of the State of Kentucky from the federal Union by force of arms, and did they or did they not adhere to those engaged in the effort to separate Kentucky from the federal Union by force of arms; state all they said and did as far as you recollect upon these subjects, either to you or in your presence?—A. I can't say that I had conversation with any of them, except David Estes and William Starnes. I understood from them they were in favor of a united South, and thought that it was to the interest of Kentucky to unite, and separate and go with the southern States. I don't remember that they said they was in favor of a separation by force of arms; they were silent on that part of the subject. I don't now remember anything further than I have told as relates to them. They adhered to the side of the rebellion and those in favor of it, but did not take up arms. I mean by this, when I say they, to include H. J. Pierce, S. A. Newell, William Starnes and David Estes.

Q. Did you ever hear during the rebellion a doubt expressed as to the real political sentiments of the persons you have last named? If so, state it.—A. I have never heard any doubts expressed—the politics of these men were well understood.

Q. Do you know of any persons who were rebel soldiers and in the rebel army, residents of Pulaski County at the November election, 1868? If so, name them, and for whom they voted, if at all, for Congress, and the precincts in which they voted.—A. I do know some persons residing in said county who were rebel soldiers at the time named in the question. The following are the names of the persons that I know were soldiers: Thomas Sheppard, Thomas Jasper, Perry Elliot, C. G. Collier, M. E. Denham, M. T. Collier, James Eastham, G. R. Eastham, Thomas Doolin, William Van Hook, J. L. Collier, Chrisley Gastinean and James Gilmore. These are all that I now personally remember. I also know of the following named persons who told me that they were in the rebel army: P. C. Harlow, W. H. Bentley, is all that I now remember. That Bentley told him he was in the rebel army in the capacity of surgeon. I have examined the poll-books of the November election, 1868, for Pulaski County, and find that all the persons that I have before named voted the Seymour ticket for President, and Major Adams for Congress. The following named persons voted in precinct No. 1, Somerset, No. 4, Mount Gilead, No. 5, Price's, No. 11, Glades. I refer to a copy of the poll-books as showing for whom they voted and where.

Q. State if you know of any persons, federal deserters, who voted in the election in Pulaski County for congressman at the time so named? If so, for whom did they vote, and in what precinct or precincts?—A. Of my own personal knowledge I do not know of any.

Q. Do you know of any person or persons who did not live in the precinct in which they voted, or who had not resided in the precinct or precincts in which they voted sixty days next preceding the election; or any person under twenty-one years of age? If so, name them and for whom and where they voted, for Congress.—A. Yes, sir. I know of some that didn't reside in the precinct in which they voted, and who did vote in said election. The following are their names: Simon Rothschild and William Wilson; they voted in Somerset precinct, for Major Adams. Rothschild lived in Owensboro', Kentucky, and William Wilson moved from district No. 4, Mount Gilead, to district No. 1, Somerset, about ten or fifteen days before the November election. Samuel Dungan resided in precinct No. 1, Somerset, and voted in No. 4, Mount Gilead, for Major Adams. James May voted in precinct No. 5, Price's, and was at the time of said election a citizen of Lincoln County, Kentucky. These are all I now remember. I do not of my own knowledge know of any person under age that voted at said election.

Q. State if you know of any unfair means, intimidation, or other improper conduct to deter or influence persons in the county of Pulaski at the time or before the election named from voting the republican ticket. Do you know of any excitement, alarm, and running away of Union or republican voters, and do you know of any whipping, killing, and Ku-Klux notices in said county? If so, in what part or precincts? State the state of feeling and terror, if any, produced in said county, and what party, if at all, was terrified.—A. I know there was intimidation in some precincts and places among certain classes of men in said county of Pulaski at the time and before the November election of 1868. The night before the election, there was a notice stuck up in Mt. Gilead precinct, notifying Samuel A. Dick and others, that if they voted for Grant and Barnes that they would be lynched. This notice, and one other, produced considerable excitement in the precinct in which it was put up, and that a crowd of men from Waynesburg, in Lincoln County, Kentucky, seemed to want to get up a row, and did so with several citizens, which deterred as many as three men from voting, to my knowledge; they told me so. I have been told by the citizens of the Glade precinct, that the murder of James W. Baker, and the whipping of Esquire N. M. Blankenship, deterred the republican party from voting at the November election their whole strength in that precinct. The terror commenced in the sections of country referred to just before the last August election, and continued until after the Novem-

