

# The Anderson Intelligencer.

An Independent Family Journal---Devoted to Politics, Literature and General Intelligence.

VOL. 4.

ANDERSON, S. C., THURSDAY, FEBRUARY 4, 1869.

NO. 32.

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## ANSWER OF JACOB P. REED.

Member Elect from the Third Congressional District of South Carolina, to the Forty-First Congress of the United States of America, to the Protest of his Competitor, Solomon L. Hoge.

ANDERSON, S. C., January 21st, 1869.

The undersigned, member elect, at the election held on the third day of November A. D. 1868, from the 3rd Congressional District of South Carolina to the Forty-First Congress of the United States of America, respectfully submits to the House of Representatives the following answer to the very extraordinary paper purporting to be a protest of his said election, which has been served on him by Solomon L. Hoge, his competitor, viz:

I admit that the charges made against me in the specifications 1, 2, 3, 4, 5, 6, 7, 8 and 9 of said protest, with the exception of the latter clause of specification 8, are substantially true. I was a member of the Legislature of South Carolina in 1838 and 1839, and again in 1848, 1849 and 1850. I was elected Solicitor of the Western Circuit of South Carolina by the Legislature on or about the 8th day of December, 1850, and re-elected at the end of every four years up to and inclusive of December, 1866, and continued to discharge the duties of said office, without intermission, up to the 15th of December last, 1868. At my several elections as member of the Legislature, and at my election as Solicitor in 1850, 1854 and 1858, I took an oath to support the Constitution of the United States of America, and of the State of South Carolina. At my re-election as Solicitor in December, 1862, I did take an oath to support the Constitution of what was then known as the Confederate States of America, and of the State of South Carolina; and at my re-election to the same office in December, 1866, I again took an oath to support the Constitution of the United States, and of my own State—having previously, in 1855, taken the oath of allegiance and amnesty tendered to the people of the South by the President, regarding it, whether erroneously or not, alike the duty and interest of every citizen to yield true faith and allegiance to the government to which he is subjected, and to which alone he can look for protection for the time being. I also admit that I was a member of the Secession Convention of this State in 1860, and voted for and advocated the measures of said Convention. But I affirm that my political predilections have always been eminently conservative. I was an ardent friend of the American Union under the Constitution, and accepted the policy of secession with great reluctance, after almost every other citizen of the State had given in his adhesion to the measure. And being once in, I supported the issues involved with all the enthusiasm of my nature, and during the greatly to be regretted and to me unexpected war that ensued, gave all the sympathy, aid and encouragement in my power, short of actually bearing arms, which as a citizen, and on account of my age and habits of life, I never did to the Confederate cause. I admit that I was ineligible to office, State or Federal, under the 14th amendment of the Constitution of the United States, at the date of my election to Congress; that my political disabilities have not yet been removed by Congress, and that a portion of the electors of the Congressional District doubtless knew, when they cast their votes for me, that I was at the time ineligible. But I affirm that almost the entire adult white male population of the Congressional District concurred in the opinion, that as our population had acquiesced in the situation peaceably, loyally and in good faith, and the State had been restored to the Union under the Congressional plan of reconstruction, with its entire adult male population, without regard to race, color or former condition, admitted to the ballot box, that the disabilities of the person elected to represent them in Congress would be removed, and that he would be permitted to take his seat, and I respectfully suggest that such will be the action of the American Congress. But it is not true, as charged in the latter clause of the 8th specification, that I am still "opposed to the reconstruction acts of Congress," in the sense in which the charge is made. I affirm that my allegiance to the United States government has long since been restored with perfect fidelity, and that I am ardently attached to the unity and perpetuity of that government under the Constitution and laws made in accordance therewith. I admit that I was opposed, in principle, to the reconstruction acts of Congress, regarding them from my standpoint as harsh and unnecessary measures, but I accepted them as a finality on the subject of reconstruction, until changed by the peaceable instrumentalities of the ballot-box or the courts, and was in favor of our people uniting in an effort, in accordance with their requirements, to restore our State to its status in the Union at the earliest practicable moment. And I now regard the purposes of their enactment as fully accomplished, so far as the State of South Carolina is concerned, and that the Constitution and laws of the State, framed and enacted under the authority given by them, are the Constitution and laws, until altered or amended according to the forms of law; and such have been my publicly expressed opinions every where.

I deny the truth of the libellous charge contained in the 10th specification of the protest, and affirm that it is in fact

and in spirit, so far as applied to myself or the party who sustained me as such at the election on the 3rd day of November last, utterly and unqualifiedly false; and I charge that I obtained a very large majority of the votes cast for member of Congress for the 3d Congressional District of South Carolina, on that day; by none other, so far as I am informed and believe, than legitimate and proper influences, such as are admissible and ordinarily resorted to in popular elections everywhere.

I deny the truth of the several charges contained in specifications 11, 12 and 13 of the protest. It is utterly untrue that any combination was ever entered into by myself and friends, or by any other persons with my knowledge or consent, to prevent an election being held in the county of Edgefield. It is unequivocally false that any acts of violence were resorted to by my friends or others, with my knowledge or consent, for the like purpose, or any other purpose, and if any such acts of violence were committed, I never heard of them except through the protest of contestant; and I charge that, if committed, they are attributable alone to reckless individuals, who acted of their own accord; and it is not true that myself or the party which sustained me are in any way responsible for the failure to hold an election in Edgefield county. On the contrary, I charge that myself and friends were exceedingly anxious that an election should be held in that county, and felt outraged that the proper authorities did not cause said election to be held. And I am informed, believe and charge, that the Commissioners of Election, whose duty it was to provide for holding an election in said county of Edgefield, were Republicans and partisans of contestant, and purposely neglected and refused to do so, because they were aware that a large majority of the electors of said county would cast their votes for me as member of Congress from the 3rd Congressional District.

I deny that the charges contained in specifications 14, 15, 16, 17, 18, 19 and 20, having reference to the election in the county of Lexington, or any of them, as therein stated and charged, are true. It is not true that nine hundred and fifty persons, who were not entitled to vote, from non-residence or any other cause, were permitted to vote and did cast their votes for me in said county; and I charge that if any illegal votes were cast for me, by either residents or non-residents, they were identified and thrown out of the count by the Commissioner, acting as County canvasser. The facts, as I am informed, believe and charge, are these: A number of citizens, legal voters of the county of Edgefield, in which no election was held, (the exact number I do not know, but probably three or four hundred,) attended at several of the most convenient election precincts in the county of Lexington, and claimed the right to vote for member of Congress, and were permitted to do so by the managers, nearly all of said managers, as I am informed, believe and charge, being friends and partisans of contestant—on the ground, that being qualified voters in the adjacent county of Edgefield, in the same Congressional District, where no election was held, they were justly entitled to vote for a representative in Congress in any county of the same (3rd) Congressional District. The ballots cast by said citizens, legal voters of the county of Edgefield, as I am informed and believe, were marked by the managers and thrown out of the count by the County canvassers. And it is charged that said citizens, legal voters of the county of Edgefield, being deprived by the authorities of the privilege of exercising their right of franchise in their own county, were entitled under the Constitution and laws, as had always heretofore been permitted by the laws of South Carolina, to vote for a representative in Congress in any county of the same Congressional District, and that the said County canvassers had no legal authority to throw out of the count the votes of said citizens, and in doing so, if their votes were cast for me, as is alleged by contestant, and as to which I have no knowledge, they unlawfully deprived me of at least four hundred legal votes, which should have been counted for me. It is therefore denied that any illegal vote or votes were counted for me in the county of Lexington, and charged that I was unlawfully deprived as aforesaid of at least four hundred legal votes, which contestant alleges were cast for me. It is not true as charged that I, by my advice and through the agency of friends, deprived my competitor, the contestant, of four hundred and fifty, or any other smaller number of lawful and legal votes in the county of Lexington. I deny that I ever gave any advice on the subject, and I know nothing personally as to the manner in which either the canvass or the election was conducted in said county, but I am informed, believe and charge that it is not true, as alleged by contestant, that bodies of armed men, or other persons, on the day of election, or at any other time, improperly interfered with any one of the election precincts or elsewhere to prevent qualified voters from going to the polls and exercising the franchise at their pleasure. I deny that contestant was deprived of any legal vote in said county by any other than lawful and legitimate influences, and charge that if any illegal votes were counted in said county they were cast and counted for my competitor.

I deny that the charges contained in specifications Nos. 21 to 40, inclusive, of the protest, having reference to the election in the county of Abbeville, or any of them, as therein stated and charged, are true. It is not true that thirty-four hundred, or any smaller number of colored voters in said county, who would have voted for contestant, were kept from the

polls by "threats, fraud, intimidation and acts of violence of your (my) friends, made and done by and with your (my) consent and knowledge," as is falsely charged in the 21st specification of the protest. But it acts of violence were committed in said county of Abbeville, they were committed by some reckless and lawless individual or individuals, of their own malice and on their own responsibility, against the persons of other individuals, for which neither the party who sustained me in my election nor the great mass of the people of Abbeville county are in any way responsible. And I deny that the said thirty-four hundred voters, or any of them, were kept from the polls by intimidation, or that there was any reasonable excuse or sufficient cause for such intimidation if it existed, as was demonstrated by the result of the election at the several precincts on election day. And I am further informed, believe and charge that the voters who absented themselves from the polls on election day did so either of their own accord or under the effect of influences addressed to their understandings, such as are resorted to in popular political elections everywhere, and I deny the sufficiency of the evidence upon which it is affirmed that the said voters, or any of them, would have voted for my competitor, the contestant, if they had gone to the polls. It is not true, as I am informed, believe and charge, that fifteen hundred persons, non-residents, or any number approximating fifteen hundred, came into the county of Abbeville on election day, mounted, and armed with deadly weapons, in the sense in which it is charged in specifications 22 and 23 of the protest. It is admitted that a number of citizens, both white and colored, legal voters of Edgefield county, one of the counties of the 3rd Congressional District, in which no election was held, came to the election precincts in Abbeville county, most convenient to them, and claimed the right to vote for member of Congress, and that they were permitted by the managers at some of the precincts to cast their votes, under the impression that they were legally entitled, under the Constitution and laws, to vote for representative in Congress in any county of the Congressional District, as had always heretofore been permitted by law in South Carolina, (as heretofore charged,) which impression it is insisted was correct. The exact number of said persons I do not know and cannot state, probably one or two hundred, nor do I know whether they voted for myself or my competitor, the contestant. Some of these persons came, as I am informed and believe, singly or in pairs, mounted on their mules or horses, as persons ordinarily go to election grounds, and a portion of them, both white and colored, doubtless had arms about their persons, as is too frequently the case in these times. I am informed, believe and charge that they are the only persons, non-residents, who came into the county of Abbeville on election day, and they came for the laudable purpose of voting for a person to represent them in Congress, the privilege of doing so in their own county having been denied them by the partisans of contestant. But it is not true, as I am informed, believe and charge, that they, or any other persons, scattered themselves about over the county of Abbeville, and took possession of the polls, at the several election precincts, or any of them; nor is it true that they rode from precinct to precinct, voting for me, or that they prevented any voter, white or colored, by any unfair or violent means, from going to the polls and depositing his ballot according to his pleasure. And I am further informed, believe and charge that it is not true, as stated in the specifications of said protest, in relation to the several election precincts in the county of Abbeville, that any illegal vote or votes were cast for me by persons who were non-residents of said county, or other persons, at any one or more of said election precincts, other than by the few persons, legal voters (and it is not admitted that any of them voted for me) of Edgefield county, and also, in an election for member of Congress, legal voters of Abbeville county, as it is insisted, who were permitted to vote at certain precincts, as before stated; nor is it true that any illegal votes were cast for me in the county of Abbeville; nor is it true that any number of colored persons, legal voters, were driven from the polls, or prevented by any unfair means, from voting at any one of the precincts in said county; nor is it true that armed bodies of men took possession of the polls at any election precinct on election day, for any purpose whatever. But it is true, as I am informed, believe and charge, that the said election passed off with the most perfect quiet, good order and fairness, at every election precinct in the said county of Abbeville, save at the precinct of White Hall, where a disturbance did take place, in which some acts of violence were committed, and in which certain colored persons, friends of contestant, were the aggressors and are alone responsible for.

I deny that the charges contained in specifications Nos. 41 to 48, inclusive, of the protest, having reference to the election in the county of Newberry, or any of them, as therein stated and charged, are true. It is not true, as I am informed, believe and charge, that a system of intimidation and violence was practiced for weeks before the election, for the purpose of terrifying the colored men, and breaking up the Republican party in the county of Newberry. It is not true that the acts of violence referred to, or any of them, were committed, if committed at all for the purpose of preventing the said colored men from voting, or for any political purpose whatever; and it is utterly and unqualifiedly false, if any such acts of violence or outrage were committed

by any person or persons, that they were engaged in with my knowledge or consent; and I charge that any acts of violence that may have been committed, during the summer or fall of 1868, were the result of private quarrels, and had no reference whatever to the pending Congressional election. It is not true that the death of Lee Nance, which is admitted, gave entire control over the appointment of managers of the election in said county to the Democrats. The managers for the county of Newberry had been selected and agreed upon by the Commissioners, with his full assent, before his death, and it is false that the party who sustained me in my election were in any way responsible for his killing, or any other outrage that may have been committed in the county of Newberry; nor is it true that contestant might not have canvassed the county of Newberry, or any other county in the Congressional District, with perfect safety, if he had possessed the equanimity of temper to encounter the taunts and jeers—punning upon his name and otherwise of a few mischievous persons. It is not true, as charged, that twelve hundred, or any other number of persons, non-residents, who were not entitled to vote, came into the county of Newberry on the day of election, and were unlawfully and illegally allowed to vote for me; but it is true that a few of the citizens, (the exact number I do not know, probably one hundred,) legal voters of the county of Edgefield, in the same Congressional District, in which no election was held, and for the reasons stated and charged as to the same class of persons who went into the counties of Lexington and Abbeville, came into and were permitted to cast their votes for member of Congress in Newberry county. I do not know and cannot state whether said persons voted for myself or my competitor, but insist, as heretofore, that under the Constitution and laws they were legally entitled to vote in the county of Newberry, or any other county of the same (3rd) Congressional District, for a representative in Congress. And I deny that any other non-residents came into Newberry and voted for member of Congress on election day, and also deny that any illegal vote or votes were cast or counted for me at said Congressional election in Newberry. And I further deny that said persons came into said county mounted and armed, otherwise than as many persons, white and colored, mount and arm themselves on going from home for any purpose. It is not true that fifteen hundred colored persons, legal voters of said county of Newberry, or any smaller number of persons, were prevented from going to the different election precincts or driven away from said precincts, and prevented from voting for contestant; and I charge that the electors in said county, if any, who absented themselves from the polls, or being present left the polls without voting, did so of their own accord, under none other than legitimate and proper influences. And I deny that any voter was kept from going to the polls and voting, or that any voter, who was absent, or being present left the polls without voting, would have voted for contestant. And I deny the truth of the charges, and every of them, contained in specifications 48, 44, 45, 46 and 47 of the protest, having reference to the respective precincts in Newberry county, and charge that each and every of said charges are in fact untrue; and as evidence of the truth of similar charges made in relation to other election precincts in Newberry and the other counties, state that but forty-one voters in all were cast at the precinct of Maybinton in said county, where it is charged by contestant that two hundred illegal votes were cast for me by persons who were non-residents of said county.

I deny that the charges contained in specifications 49, 50, 51 and 52, inclusive, of the protest, having reference to the county of Anderson, or any of them as therein stated and charged, are true. In answer to specification 49, I state and charge that it is not true that bodies of armed men, at any time, rode over the county of Anderson, committing any of the enormities charged. It is not true, in the sense stated, that the houses of colored men were broken into, and men, women and children beaten, furniture destroyed, &c., &c. In the spring of 1868, before parties were organized or candidates nominated for any office, an occurrence of the kind mentioned did take place, in which a white woman and several colored persons, living in close proximity, were beaten and maltreated by persons who have not been discovered, without reference to political matters; and I charge that it is the only occurrence of the kind that has happened in the county. It is not true that any colored man or men in said county were ever forced to swear they would be Democrats, and threatened with death if they went to the polls and voted the Republican ticket. It is not true that any number of voters, or even a single voter in said county, was kept from the polls by intimidation or other unfair means, or that any single voter was driven from the polls and kept from voting at any election precinct in the county. And I charge that each and every voter, if any, who remained away from the polls in Anderson county, on the day of the Congressional election, did so of his own accord, under proper and legitimate influences, addressed to his understandings; and that no voter who absented himself from the polls would have voted for contestant, if present. And I deny, and charge that it is false, that any illegal vote or votes were cast for me in Anderson county. It is not true, as I am informed, believe and charge, that the person who was conveying the Republican tickets to the election precinct of

Greenwood, in said county, was shot at and driven off, as is charged in specification No. 50; nor is it true, as charged in the same specification, that one man at Dark Corner precinct, in said county, was whipped until he promised to vote for me, or that any voter of said county was, by violence, or any other unfair or illegal means, kept from voting as he desired at Dark Corner or any other precinct in Anderson county. But it is true, that no vote was cast for contestant at said precinct, and it is also true that one man was shot and wounded either the night before or very recently before the election, but I charge that he was shot in a private quarrel with another individual, having no reference whatever to the election or political matters, and that the person shot was a zealous member of the Democratic party. It is not true, as charged in specification 51 of the protest, as I am informed, believe and charge, that one of the Commissioners of Election was "dogged," or in any way interfered with, by any person or persons. Nor is it true, as charged in the same specification, that any person, white or colored, in said county, voted for me through fear, or were forced to so vote. And I charge that each and all of the allegations made in the said protest, against the managers of election and people of Anderson county, are entirely unwarranted by the facts and are false. Anderson is my place of residence, and I affirm that there has been less disorder, and fewer violations of the rights of person and property in said county, during the last fifteen months, than has occurred in any equal length of time for eighteen years past, during all which I have been the Attorney for the State, and was necessarily informed of all violations of the criminal law. And I further affirm, that according to my information and belief, more perfect peace, quiet and good order has not prevailed, during the same time, in any county of any State in the United States. And I charge that the numerous allegations, as to violations of the public peace, and tendencies to disorder and violence, which were made against the people of Anderson county, and most of those made against the other counties, prior to the election, were concocted with a view to secure the presence of military garrisons, and if possible overawe the people, so as to secure the success of my competitor in the Congressional election, and that they have been kept up and reiterated since to enable him to set aside the voice of the people, and secure a much-coveted seat in Congress, as the fabled scuttle-bird avails its antagonist by escaping in the darkness of its own effluvia. In answer to specification 52 of the protest, relating to Anderson and other counties, I charge that the facts stated and conclusions arrived at by contestant are alike unwarranted and false.

It is not true, as stated and charged in the 53rd specification of said protest, that I said in a speech in Columbia that if the Republican party should carry certain States in the October elections, "the colored people might have the audacity and impudence to attempt to vote as they please," but that "in my part of the District the negroes should vote the Democratic ticket, or they should not vote at all." I may have expressed the opinion there, as I certainly did elsewhere, both publicly and privately, that the result of the Congressional election in this State would depend, in a great measure, on the result of the October elections in the States of Pennsylvania, Ohio and Indiana. That if the Republican party carried those States, it would most likely stimulate the carpet baggers and colored persons to turn out to the election and overwhelm us. But that it is the said States should be carried by the Democratic party, it would discourage them, so that they would probably abandon the contest. That it was my impression that the colored voters in my part of the country were very much inclined, either to vote with their white fellow-citizens, who they were beginning to learn were their only true friends, or remain away from the polls. But I did not, on that or any other occasion, state that any voter, of any class, should vote otherwise than as he was prompted to do by his own free will. Nor is it true that I ever said, on the Greenville Railroad cars or elsewhere, that I "advised the most extreme violence against all Republican leaders and speakers in the District." The charge is alike slanderous, libellous and false. So far from such a charge being true, I affirm, as is known to every individual in the State with whom I had any intercourse, that I was more conservative and moderate, in my public addresses and private conversations, than any other individual in the State, occupying a public position, with whom I came in contact, of either of the political parties. I insisted most strenuously, everywhere and on all occasions, that the peace must be preserved, all acts of violence avoided, and none other than moderate and fair means resorted to, to carry the election, and if any other means were resorted to, I had no knowledge of them, either before or since the election. And I further affirm that I had taken no active interest in political matters for three or four years prior to the opening of last summer's campaign; that said campaign had progressed for weeks before I identified myself with either of the political parties; that I was present at a large Democratic demonstration at Anderson, (my own home,) and another at Greenville, in August last, and was entirely ignored by the leaders and managers, because I was charged with having too pliantly accepted the situation; and when I was induced by friends to declare my opinions, and accept a nomination for Congress, one of my leading purposes—

and, indeed, the leading purpose—as I

proclaimed publicly and privately, was to endeavor to moderate the zeal and improprieties, as I considered them, with which the campaign had opened—to pour oil on the waters, which I perceived were likely to be troubled, and contribute, by all the means in my power, to the peace, quiet and good order of the country. And I affirm that such was my purpose throughout, as was known to all with whom I had intercourse, and I am not conscious that I ever mentioned the name of a political opponent in any offensive sense, or uttered a word that just exception could be taken to. I addressed the colored persons specially, wherever I met them, and endeavored, in simple language, to enlighten their understandings and convey their judgments, and I never, on any occasion, attempted directly or indirectly, by word, thought or act, to influence their votes in any other way. I am, therefore, surprised at the recklessness of the charges made in specification 58 of the protest.

In answer to the charges contained in specification 54 of the protest, I state that they are not true, as therein stated and charged. I deny that any combination and conspiracy was ever formed by persons residing in any part of the State of South Carolina, for the purpose of effecting the objects, or any of them, as charged in the said specification, or for any other purpose. It is true that political organizations of the respective parties were formed. The Republican party was organized into Union or Loyal Leagues, and the Democratic party formed, in most parts of the State, a counter organization under the name of Democratic Clubs, and it is these latter, I presume, that are modestly styled combinations and conspiracies. But if so, I charge that, if not in name, they were in fact just such conspiracies as were formed by the respective parties in every State, and perhaps in every county in the United States. Their sole object was to promote, by all legitimate and proper means, the success of their parties. I admit that some of these organizations did pass resolutions that they would not give employment to, or permit to reside on their lands, persons who affiliated with and sustained by their votes the opposite party. But I deny that any such organizations, or other persons, ever resolved or proclaimed, as is charged, that such persons "would be driven with violence from said State, and prevented from remaining and living in the same." I was never present at any place where any resolutions, to the effect first named, were passed, and no such resolve was entered into by the association at Anderson, of which I was a member. And I deny that any portion of the people of the 3rd Congressional District were compelled to conform to the wishes and opinions of the aforesaid organizations, whether such wishes were expressed in the form of resolutions or otherwise. I deny that bodies of armed men were formed in and patrolled the 3rd Congressional District, or any part of it, by day or by night, for any length of time, for any of the purposes, or committing any of the outrages charged in the said specification. I deny that any portion of the people of the 3rd Congressional District were intimidated and overawed, so that they were prevented from voting for the candidates of their choice, and I deny that ten thousand, or any smaller number of electors, who had determined to cast their votes for contestant, were prevented from doing so by any of the means charged, or other unlawful means, or that any voter who was absent from the polls, or failed to vote, if present, for any cause, would have voted for contestant.

In answer to specification 55 of said protest, I deny that it is true that all or any of the fraudulent and illegal votes cast in said Congressional District, if any such were cast, were cast for me, and charge that all such votes were cast for contestant; and I accept for what it is worth, the notice of Contestant that he will demand a comparison of the ballots, registration and poll-books. In answer to specification 56 of the protest, I state that contestant is either laboring under a very great delusion himself, or is trying to deceive other persons by the statements of this specification. I charge that contestant can go into the counties of Newberry, Abbeville and Anderson for the purpose of taking testimony in this contest, or for any other lawful purpose, with as much safety as he could go into any part of any other State in the Union; and his allegation to the contrary is made, not only to give the appearance of sincerity to his numerous unfounded charges against the Managers of Elections and people of said counties, but to evade the Act of Congress prescribing the mode of taking testimony in contested elections.

In answer to the charges contained in specification 57 of the protest, I deny that the facts stated, and conclusions drawn by contestant, as expressed in said specification, are true, and charge that whilst he received a small minority, I received, according to the official count and declaration of the State Canvassers, all of whom are persons in high official position, and leading members of the Republican party in South Carolina, a majority of three thousand and eight of the votes cast for member of Congress from the 3rd Congressional District of South Carolina, at the election held on the 3rd day of November, A. D. 1868. That I was fairly elected to said office, and my disabilities, as herein admitted, aside, which it may be the good pleasure of Congress to remove, I am justly entitled to the seat to which I have been elected by the people. And I charge that the Commissioners of Election in the several counties of the 3rd Congressional District of South Carolina, whose duty it was to establish the election precincts,