

MR. WEBB'S ANSWER FILED

NOTICE OF CONTEST IS VOID.

Through His Attorneys, Messrs. Pharr and Bell, Congressmen E. Y. Webb answers to the notice of contest recently given by Mr. J. A. Smith, of Bessemer City, Republican Candidate for Congress in the Ninth District—Notice Alleged to Have Been Improperly Drawn and Served After the Time Prescribed by Law—No Specific Allegation Made—A Strong Answer.

MR. WEBB'S ANSWER.

January 25th, 1908.

Mr. John A. Smith, Bessemer City, N. C.—Having been handed on the 25th day of December, 1908, an unsigned copy of what purported to be a notice of a contest of my seat in the United States Congress for the ninth congressional district of North Carolina, and inferring from the fact that you were the unsuccessful candidate of your party against me for said position, that said purported notice emanated from you, I, therefore, accordingly address this reply to you by way of answer to such notice, not, however, conceding that said communication, unsigned by you or any one in your behalf, and your name not appearing anywhere thereon, the body of said instrument, constituted such notice as is required by the statute in such cases, and expressly reserving my right of exception before the proper committee of the House of Representatives against the validity of said purported notice.

I do further protest, not for the purpose of being technical, but in good faith to assert and protect my rights and the rights of my constituency as the returned member of the House of Representatives, expressly reserving my right of exception as aforesaid, that your said notice was void, invalid and ineffectual, in that:

NOT SERVED IN TIME.

First: That said purported notice was not served on me within the time required by the statute in such cases, the same having been handed to me on the evening of December 25th, 1908, while the result of the election for the ninth congressional district of North Carolina was determined by the board of State canvassers, the officers legally authorized and empowered to determine such result, on the 27th day of November, 1908, a copy of said election returns in proper form as follows:

Second: That said purported notice was not served on me in the manner and form as follows: We, the undersigned board of State canvassers, do hereby certify that on Thursday, the 26th day of November, 1908, at Raleigh, North Carolina, following the closing of the election for members of the House of Representatives of the Sixty-first Congress of the United States, we met in the hall of the House of Representatives in the Capitol at Raleigh, N. C., it being the day set apart by the President of the United States and the Governor of North Carolina, as a Day of Thanksgiving, adjourned until the following day, when we examined the returns of said election transmitted to the Secretary of State in accordance with law, and do find that the foregoing is a correct abstract of the same. We therefore state that we have ascertained and determined by the count of the votes returned, as appears in said abstract.

That Edwin Y. Webb has been elected to represent the ninth congressional district of North Carolina in the House of Representatives of the Sixty-first Congress of the United States.

WILSON G. LAMB, Chairman. W. T. CLAWSON, Secretary. R. L. SMITH, Secretary. (Seal) A. B. FREEMAN, Board of State Canvassers.

VOTE BY COUNTIES.

The said result was thereupon immediately published and announced in the daily newspapers of the State, and among said papers, on the said 27th day of November, 1908, The Charlotte Observer, a newspaper published in the city of Charlotte in the ninth congressional district, the result and count of the board of State canvassers by counties was published as follows:

Table with 2 columns: County, Webb, Smith. Rows include Burke, Catawba, Cleveland, Gaston, Lincoln, Madison, Mecklenburg, Mitchell, Yancy.

NOTICE INVALID AND INSUFFICIENT.

Second: That said purported notice is invalid and insufficient in that it fails to specify the ground upon which you rely in such manner and form as required by the statute and in such way as to enable me to make a specific and intelligent answer thereto; but, on the contrary, such allegations as you make are general, indefinite and uncertain and do not state that such alleged illegalities and irregularities were perpetrated by my supporters or were intended for my advantage or that any alleged illegal vote was cast for me at any precinct in said election, or that such alleged illegalities or irregularities in any manner affected the final result of the said election.

You state that at Gastonia, box 1, there were 111 votes cast by people who had not paid their poll tax, according to law, and that 45 people appear to have voted whose names are not on the registration book, but you do not allege that said votes were cast for me and not for you.

You state that at said precinct "the box had no hinges on the lid and a part of the side of the congressional box was knocked off," but you do not state that by reason thereof any fraud was perpetrated, or any wrong done to you or your interest thereby.

You state that at Dallas precinct, 150 votes appeared to have been cast by people who had not paid their poll tax, yet you do not allege that said

votes in whole or in part were cast for me and not for you.

IN MADISON COUNTY.

You state that in Madison county a large sum of money was used by the Democratic party for the purpose of procuring votes, but you do not allege that I was in any manner a beneficiary by reason thereof, or that you were deprived of any votes thereby.

You state that in one precinct in said county 40 people were "coerced" by election politicians to prevent an election, but you do not allege that such politicians were my supporters, or that an election at such precinct would have affected the general result of the election.

You state that in Yancy county, in Gaston county, Mecklenburg, Cleveland and Lincoln counties, a large number of votes were cast by people who had not paid their poll tax as required by law, but you fail to state that said votes were cast for me and not for you, or in any manner affected the final result of the election.

Having thus set forth, by way of protest and demurrer your failure to serve your purported notice within the time required by the statute in such cases, and your failure to state the grounds of your contest in a proper and sufficient manner, as required by the statute of the United States, and the decisions applicable thereto, I will now proceed without prejudice to my rights of exception as herein before stated, to answer the charges in your alleged notice, in such detail as the nature of your alleged notice will permit.

THINGS SAID TO BE NOT TRUE.

First: It is not true that there were 111 illegal votes cast at Gastonia, box 1, or that any other considerable number, if any, illegal votes cast at said box, and it is also not true that there were 45 people who voted at said box whose names were not on the registration books, and each of said allegations is expressly denied.

It is not true that several bunches of tickets, from three to seven in a bunch, folded and voted together, were cast for me at said box, and said allegation is expressly denied, in as far as any vote cast for me in said box is concerned.

It is not true that it is true that a small piece was split off the side of said congressional box, at said Gastonia precinct, but it is expressly denied that the same was done deliberately, or that any reason thereof was given, or that any person was cast at said box. As to whether or not there were hinges on the lid, I am not prepared to answer, but in that particular, I know no law which requires that the lid to election boxes should be equipped with hinges, and further answering, I would say that the condition of the boxes at the election is under the charge and control of the judges of the election, one of whom at this box was a member of your political party and presumably your supporter at this election, and as I am informed, the said judge took no steps to remedy the condition, and made no protest against its condition.

It is not true that 150 illegal votes, or any other considerable number of illegal votes were cast at Dallas precinct by people who had not paid their poll tax, as required by law, and said allegation is denied.

NO CORRUPTION MONEY USED.

It is not true, as I am informed and believe, that large sums of money or any sums, were used in Madison county for corrupt purposes by Democratic managers, and that I, as a member of the Democratic party, used or was the beneficiary of any money used in Madison county to unlawfully influence the election, or to prevent an election at any precinct in Madison county, and each of the said allegations is expressly denied, and furthermore, I am informed and believe and so allege, that in the County of Madison, between 100 and 200 votes were cast for you by parties who had fraudulently obtained their poll tax receipts by giving due-bills therefor, for the unlawful and illegal purpose of enabling such parties to vote for you in the election in said county.

It is not true that 250 votes were cast in Yancy county by people who had not paid their poll tax, but, on the contrary, I am informed and believe and so allege, that not exceeding 18 votes were cast in the entire county by voters who had not paid their poll tax as required by the statute, and I am further informed and allege that more than half of said votes were cast for you in said election.

IN GASTON COUNTY.

It is not true that 1,000 illegal votes, or any other considerable number of illegal votes, were cast in Gaston county. There were only 4,362 votes cast in the entire county, and the statement that practically one-fourth of said votes was illegal, is a slander upon the voters of Gaston county, your own county, as well as a charge of corruption or incompetency upon the various precincts of said county, who must have permitted large numbers of illegal votes to be cast without challenge. The charge is false and is expressly denied.

It is not true that more than 2500 votes or any other considerable number of votes were cast in Mecklenburg county by parties who had not paid their poll tax, and it is not true in said county, that the election law was practically suspended for anyone to vote who chose, but, on the contrary, the said election was conducted at the several precincts in said county, by the legally constituted poll-holders, a registrar and two judges, one of whom was a member of your party, and I am informed and believe, so far as my supporters were concerned, said election was conducted fairly, justly and according to law. That as to the manner of holding the election in said county, no protest or dissatisfaction was made on the part of the Republican managers in said county, but on the contrary, Mr. E. M. Bell, the chairman of the county Republican executive committee, is quoted in The Charlotte Observer, under date of November 21st, 1908, as having said with reference to such election: "There might have been one or two errors in the count," said he, "but they were not intentional and amounted to nothing. I watched the progress of the campaign in the county very closely before and during the election and I am persuaded that we received a square deal. I have yet to hear of anything that would make me believe that we received anything

A HORRIBLE HOLD-UP.

"About ten years ago my brother was 'held up' in his work, health and happiness by what was believed to be Consumption," writes W. R. Lipscomb, of Washington, N. C. "He took all kinds of remedies and treatment from several doctors, but failed to get any relief. He used King's New Discovery and was wholly cured by it. He is a well man to-day." It is quick to relieve and cures for weak or sore lungs, Hemorrhages, Coughs and Colds, Bronchitis, La Grippe, Asthma and all Branches of Lung Trouble. Guaranteed by W. L. Hand & Co.

other than just treatment in all of the precincts. I believe that we got everything we were entitled to, and I believe more and nothing less. Had I believed otherwise, I would have been heard from long ago."

IN LINCOLN AND CLEVELAND.

It is not true that in Lincoln and Cleveland counties several hundred votes were cast illegally by parties who had not paid their poll tax, or by parties holding illegal tax receipts, but on the contrary, I am informed and believe and so allege, no votes were cast in said counties by parties not legally entitled to vote, and your charges, as to each of these counties is expressly denied. The law of the State requires that a list of every paid poll in the county be made out by the sheriff or tax collector of each county on or before the 10th day of May each year, and said list is subject to the inspection of any citizen in said county, and I am informed and believe and so allege, that in Mecklenburg, Cleveland and Lincoln counties, a copy of such list was furnished to the managers of your party, by which they were enabled to compare the same with registration books, for the purpose of challenge, in said election, so that your charge that such unpaid polls were permitted to voters in consideration of money, is not only denied as untrue, but is an imputation upon the good faith and integrity of the managers and poll-holders of your own party.

HAD RIGHT TO CHALLENGE.

I do further allege and say that at each of the election precincts in the ninth congressional district, and in the several counties mentioned in your alleged notice, one of the two judges of election was a member of your political party, and at the polling places in said counties you had your friends and supporters, and such poll-holders any any of your said supporters had full right, under the election law of the State, to challenge any vote which might be offered at said election, and in the case of such voter to exhibit his tax receipt for the previous year, or produce evidence of the payment of his said tax, and thereupon the qualification of such voter must be judicially determined by the officers, before such voter would be allowed to cast his ballot. Again, under the said election law, a day is set apart, being the Saturday before the election, for the challenge of any names improperly on the registration books, and said books must be kept open during said day for said purpose, when you and your friends had a right to challenge any name improperly or illegally on such books, yet in the counties of Mecklenburg where you allege 2,500 votes were cast by parties who had not paid their poll tax and in Gaston county, where you allege that 1,000 such votes were cast, and in the other counties where you allege such illegal votes to have been cast, as I am informed and believe, neither you nor your friends had challenged, either on the said Saturday before the election, when each and all these names were then on the registration books, nor on the day of election, when such parties offered to vote, a single one of the alleged illegal voters on the grounds assigned in your notice or any other ground, said votes, if any such were cast, which is denied, being unchallenged, became qualified by the adjudication of said officers of the election, whose judgment, in the absence of fraud, was final.

Furthermore, I am informed and believe and so allege, that if any votes were cast under the law more than were cast for me in said election.

ALL GROUNDS EXCEPTED TO.

In conclusion, I except to each and all the grounds set forth by you as the basis of your alleged contest, in that they fail to show, prima facie, that the matters therein alleged affected or changed the result of the election, or that but for such alleged matters you yourself would have been elected; and I except further to your alleged notice of contest, in that it does not allege that you were deprived of any votes that were legally cast for you, or that the exclusion of votes alleged to have been unlawfully cast would have changed the result of the election, and further, your alleged notice does not state that you

WHERE PENALTIES ARE PAID.

Recorder Smith put the price of the fun which Bright Johnson had at the expense of the street car company Monday night at \$20, when the hearing had been concluded yesterday morning. The charge was disorderly conduct, the other warrants against assault being waived. Ella Jackson, a negro woman, was sentenced to 30 days in jail on the charge of running a disorderly house on Street car company grounds. She was unable to furnish the \$50 bond and so went to jail any way.

CLUB BRINGS NEWCOMERS TO CHARLOTTE.

The latest bulletin of the Greater Charlotte Club chronicles the coming to Charlotte of various individuals and businesses as a result of the activities of the club. Among those are the North State Agency Company on the sixth floor of the Realty Building, five families being brought here by this move. Mr. V. J. McDaniel, manager of the McDaniel Screen and Flooring Company, has located at No. 219 South Tryon street, where this company will have headquarters in the future. He comes from Columbia, S. C. Mr. J. C. Bristow and family, of Clarksville, Va., have moved here and are living in Dilworth. Mr. Bristow is an accountant. Mr. J. A. Parker, coming from Statesville, will engage in the practice of law in connection with insurance work.

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