

The State of Alabama J N B Marden Commissioner
Shelby County } in the within Commission
named by virtue thereof have this day being Friday
the 31st day of January 1861 between the hours of 9
o'clock A M and five in the afternoon caused J F
Leaves Richard H Brasher Willie H Pope & Willis M Pledge
to come before me at the Court House in Columbus
in said County and State who being first sworn to speak
the truth this whole truth and nothing but the truth relative
to the matter of the contest of the right of John M McLanahan
& George D Theodore as delegates from the County of
Shelby to the Alabama State Conventions which contest is
now pending before said Conventions in session at
Montgomery Alabama and which right is claimed under
an election held in Shelby County Ala on the 24th of December 1860
and is contested by John R Kenan & John Hill which de-
pose and say as follows W H Pope was not called & deposes as follows
to the 1st Int he says I know all said

parties except John R Kenan, I am not person-
ally acquainted with him - I held the office
of clerk of the Circuit court for Shelby County
Alabama & have held it continuously from
some time in August 1857 to the present time
& am still holding it - John M McLanahan
held the office of Judge of Probate for Shelby
County Ala on the 24th December 1860 & had
held it continuously from the time of the
organization of the present Probate Court
system in this state some eight or ten years
ago up to said 24th Decr 1860 -

To 2nd Int he says an election was held
in Shelby County Ala on the 24th Decr 1860 for

the purpose of electing two delegates to the State convention & a senator to the Legislature of Ala from the District composed of the Counties of Jefferson & Shelby & a representative from said county of Shelby to the Legislature - Notice of said election was given by publication in the Weekly Chronicle a Newspaper published in Columbiana in said County - said notice purported to be given by R H Brasher as sheriff of said county of Shelby - I saw said notice in several of the last numbers of said paper previous to the election, I do not now recollect how many, some two or three or perhaps four - I have no copy of said notice at hand to attach to my answer -

To the 3rd Int he says I do know of said counting of votes on said Saturday - I aided J T Luper Esq, who was substituted for Judge McFlanahan who refused to act, & R H Brasher the shff in making said count, - The counting out of said votes & estimate of same made on that occasion was made & done in the Probate Court office in the lower story of the Court house some time between the hours of 12 o'clock M & two o'clock P.M of said day in presence of several persons from five to ten as well as I now ^{me} remember besides those of us above named engaged in making said estimate, tho I do not now recollect any particular

unbroken & was in the possession of R H
Brasher shff of this County & was addressed
To Mr Richard Braisher Esqr Columbiana D

This package was on the afternoon of said
3^d Jan'y 1861 delivered by said R H Brasher
shff to me & was still unopened - On the same
afternoon I opened said package at the
request & in the presence of Alex^r White Esqr
atty for Messrs Kenan & Welch for the purpose
of furnishing a certified copy of same if
the package proved to be the ^{said} election returns
from said Precinct 11 - "

To 5th Int he says the paper hereto
attached marked "Exhibit C" is a true copy
of the package received by me as stated in my
answer to 4th Interrogatory & which package
I suppose to be the returns of said election
from said Precinct No 11 but I do not of
my own knowledge know whether said package
is the official returns of said election from
said Precinct 11 or not - Said "Exhibit C" is a
true copy of the exact words & figures of said
package received as aforesaid by me & which
I believe but do not know to be the official
returns of said election from said Precinct
No 11 & this is as much as my knowledge on the
subject enables me to answer as to what was
the vote & return of said Precinct No 11 at said
election -

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No 11 & this is ^{as} much as my knowledge on the
subject enables me to answer as to what was
the vote & return of said Precinct No 11 at said
election -

To the 6th Int he says I know of no other fact or circumstance that I suppose will benefit said contestants

To the 7th Int he says a bond as security for the costs of the contest by John R Kenan & John F M Welch of the right of John M McManahan & George D Shortridge as delegates from the County of Shelby to seats in the Alabama State Convention was filed in my office to wit the office of Clerk of the Circuit Court of Shelby County Alabama & a notice of the grounds of said contest was filed in my said office, a transcript of which said bond as security for costs as aforesaid is hereto attached marked "Exhibit D" & a transcript of which said ^{notice of} grounds of said contest is hereto attached marked "Exhibit E" - said transcript marked "Exhibit D" contains & is a true copy of the original bond of security for costs of said contest on file in my said office; and said transcript marked "Exhibit E" contains & is a true copy of the original ~~notice of~~ grounds of contest aforesaid on file in my office aforesaid -

Alfred H. B. Leary

Wm H Pope

Commissioners

James T. Seeper was next Called & examined & deposed as follows.

To Interrogatory 1st he says I do know the parties to this Contest - I held the office of Register of the Chancery Court in this County on the 24th day of December 1860 and had held said office about four years - John M. McClanahan held the office of Judge of Probate for Shelby County on that day and had held said office since the year 1850

To Interrogatory 2^d An Election was held in Shelby County Ala on the said 24th day of December 1860 ~~a notice of that election was~~ for Senator from the district composed of the Counties of Shelby & Jefferson, for Representatives to the Legislature from this County and for two delegates to the State Convention of Alabama - A notice of that election was given by publication in the Weekly Chronicle a copy of said notice I have made from the Chronicle a copy of said notice which I hereto attach marked "Exhibit A" I cannot state how ^{long} said notice was given I saw it in several numbers of the Chronicle before the election but cannot state how many - The notice purports to be given by R. H. Brasher as Sheriff of Shelby County
To Interrogatory 3^d he says I do know about the counting out of the votes which were given at that Election on the Saturday next thereafter - This counting out took place in the Probate Judges office in the Court House of Shelby County on Saturday the 29th day of December 1860 between the hours of 12 O'clock and 2 O'clock of said day

It was made by R.H. Brasher Jr as Sheriff of said County. Milie H Pope as Clerk of the Circuit Court of said County and myself acting for Judge McClellan who refused to act as he was a Candidate and was voted for at said election - I was agreed upon by Mr Brasher & Mr Pope to serve at said ~~Counting out~~ ^{election}, and was summoned as a household of said County by Mr. Brasher to serve; said Counting out was made by taking up the returns from the different precincts one by one and counting the statements made thereon to ascertain their correctness and the result thus ascertained set forth in Tabular form and the table footed up which ascertained the total result. - Mr Pope has attached to his answers a statement of the Result in Tabular form marked "Exhibit B" this exhibit I have examined and here refer to it as a Correct Statement - There were several persons present at said Counting out To Interrogatory 4th he says There were not any votes present on that day given at precinct No 11. of said County - the first time I ever saw the returns of votes from that precinct was ~~Thursday~~ I think. Thursday the 3rd day of January 1861 I saw in the possession of Mr. Milie H Pope Clerk of the Circuit Court of said County ~~which~~ what purported to be returns from said precinct of said election and which I suppose to be true returns but of this I do not know To Interrogatory 5th he says Mr. Milie H Pope has attached

to his answer a copy of the vote returns from said precinct No 11 of said County which said Copy is marked "Exhibit C" This Copy I have carefully examined and it is the exact words & figures of the original - this exhibit I have signed & refer to as a correct exhibit

To 6th Interrogatory he says I know of no other fact or circumstance that I now remember of that will benefit Contestants.

James J. Seeper

Attest S. B. Mandy
Clerk

Willis M. Pledger was next called and examined and deposed as follows:

To the 1st Interrogatory he saith I know all of the parties to this suit except Kuman I care not say I know him I possibly have seen him a time or two I did not hold any office the 24th December 1860. Later M. McManahan held the office of Judge of Probate on the 24th day of December 1860 he has held the office of Judge of Probate some nine or ten years.

To the 2^d Interrogatory he saith There was an election held in said County on the 24th December 1860 and there was notice given of said election I have no notice in my possession that was given of said election The notice was given the 27th day of November 1860 by publication in the Weekly Chronicle

a newspaper published in the Town of
Columbiana in the County of Shelby and
was kept in said paper until the election
To the 3rd Interrogatory He saith I do not know
any thing in relation to the matters asked
for in the 3rd Interrogatory.

To the 4th Interrogatory He saith I was not
present when the votes were counted out
on Saturday after the election I saw
in the hands of R B Mardis, ^{at Columbiana} on Thursday
the 3rd day of January 1861 what he said
was the returns from Bear Creek or
precinct 11 in said County said
Mardis was offering said returns to
R. H. Boushie Sheriff which the Sheriff
received.

To the 5th Interrogatory He saith I have
neither the original returns or a copy
of them in my possession therefore
can not attach a copy of them to my
answer.

To the 6th Interrogatory He saith I know
of nothing more than I have stated
that will benefit the contestants
Wm B Mardis Willis M. Pledger
Comrs

Richard H Brusher was next called and examined and deposes and says as follows

To 1st Interrogatory He saith I know all the parties except Mr Krum and have seen ^{him} I held the office of Sheriff of Shelby County the 24th of December 1860 I have held it since the August Election say August 1860 John M McClanahan at the time of the election in last December held the office of Judge of Probate and has held that office since about 1850.

To the 2nd Interrogatory He saith ^{no} There was an election held on the 24th day of December 1860 There was a notice of the election given I have examined and compared the Copy ~~herewith~~ made out and testified to by Samuel T Luper marked Exhibit "A" ~~hereto~~ attached The notice was given from the 27th day of November 1860 to the ~~to the~~ 24th day of December 1860 by publication in the weekly Chronicle a news paper published in the Town of Columbiana in the County of Shelby.

To the 3rd Interrogatory He saith I do I was one of the parties that counted out the votes I know from the returns that John M McClanahan & George S Shortridge

were elected and I so declared them elected
but there was no returns in favor
but No 11. I as Sheriff. Willie H Pope as clerk
of the Circuit Court and James T Super acting
for the Probate Judge took the returns
that had been made to me on Saturday
after the election and counted them all
over to ascertain if they were right we
did it at the Court House in Columbus
on Saturday after the election I do not
remember who was present besides
those engaged with me in counting
over the tally lists &c I have exam-
ined the Tutor's Statement made out and
testified to by Willie H Pope which is
hereto attached and marked exhibit
"B." And find the same to be correct
To the 4th Interrogatory He saith There was
no votes for or against No 11 present
as counted that day I first saw the
returns for or against 11 on the 3rd
day of January 1861 in Columbus
in the hands of N. B. Mandy who tendered
them to me

To the 5th Interrogatory He saith I have
examined the Statement made out
by W. H. Pope in answer to the Interrogato-
ries marked exhibit "C." and find

it to be correct in every particular
asked after
In the 6th Indemnity He said I have
stated all I know in relation to the
matter
R. H. B. as he is
Alfred H. B. Hardy
Clerk

The State of Alabama & N. B. Mardis Comptroller
Shelby County 3 - cover named in the
within Comptroller directed to me from the
Clerk of the Circuit Court of the County and
State aforesaid do hereby Certify that I have
caused the above named witnesses to come
before me at the time and place mentioned
in the Caption who being first duly sworn
did depose and say as above written
down. I further Certify that after his depo-
-ition was written it was read over to each
witness as they read for themselves and
approved by him and subscribed and
sworn to in my presence.

In witness whereof I have hereunto
set my hand and affixed my seal
as Comptroller January the 25th
AD 1861.
N. B. Mardis Seal
Comptroller.

Let these fees -

Comptroller Mardis	\$10.00
Clerk Pope	4.10
Witness Pope	1.50
" Leeper	1.50
" Brasher	1.50
" Pledger	1.50
	\$20.10