

A
OF
B. WILSON,
IN HIS CIRCULAR ENTITLED

“WEST VIRGINIA CONTEST.”

Since the reference of the West Virginia election cases to the Committee on Elections, my attention has been called to a printed statement made by Mr. B. Wilson, the claimant under the October election in the First Congressional District, which contains a perversion of facts, a reply to which may be proper, though not material to the merits of the controversy, or the determination of the question at issue.

Sensible of the utter weakness of his claim to a seat in Congress by virtue of the election held in October, he asserts, in his disappointment, that the August election was not “a full and fair expression of public opinion,” and proceeds to state the reasons why it was not. When considered, they may be embodied in a single sentence: “I (Mr. Wilson) was not the choice of the voters of the district at that election.”

He has set up no claim to a seat in Congress by virtue of the August election, but has chosen to rely on the election that he and his friends held in October. It does not lie in his mouth, therefore, to assail the August election. If the latter was not a full and a fair election, none was ever held in the State of West Virginia. The unusually large vote then polled shows it to have been such, and Mr. Wilson so regarded it, until he discovered that he was defeated.

A full and fair opportunity to vote was afforded every voter, and if any declined to avail themselves of the privilege, or were deterred from doing so, it was not the fault of the August claimant or his friends. If Mr. Wilson did not regard the August election as the time to elect Representatives in Congress, why did he enter upon the campaign with so much vigor and earnestness, and invoke the suffrages of the people at that time? Why did he canvass the district, and in conjunction with a number of other speakers who came to his assistance, address the people in the various counties thereof? The campaign was a most exciting, heated, and bitter one, and was conducted with a degree of energy, activity, and zeal on the part of Mr. Wilson and his friends, both on the stump and elsewhere, that has never been equalled in the State. He met Mr. Davis on the hustings, discussed the issues of the day with him, announced himself as the *nominee* of the Democratic Convention, heard Mr. Davis's reply to such announcement that he submitted his claims to no caucus or convention, other than a convention of the people at the ballot-box on the fourth Thursday of August, and did not question that being the proper day on which to hold the election; but gave to it, by the vigor with which he prosecuted his canvass, such a practical indorsement as elicited the largest vote for Representatives in Congress ever cast in the district. It does not become him to say that he and his friends made no effort to secure his election—that they were wanting in activity, or that the voters in the district were unapprised of the fact that he was to be *voted* for on that day. On no occasion during the campaign did Mr. Wilson or his friends make known to the people, either from the stump or through the party organs which supported him, that he was not to be voted for at that election.

The contrary is the fact. He was nominated by a party convention, which assembled on the 6th day of August, in my own town, (Clarksburg.) He invited the people, in his speeches during the canvass, to give him their suffrages on the 22d day of August. His name appeared on the printed

tickets, in conjunction with other candidates voted for on that occasion, and the poll cast for him in the district affords the most conclusive evidence that *in every county of the district* the people were advised of his being a candidate for their suffrages at the August election.

To assert that his candidacy on that occasion was not known is a reflection upon the intelligence of the voters in the district. On the second day after his nomination his name appeared in print in the *Wheeling Register*, as the Democratic nominee for Congressman, on the State ticket, to be voted for in August, and was kept at the head of the columns of that journal until the 22d of August.

The following ticket, clipped from the *Wheeling Register* of August 8, 1872, two days after Mr. Wilson's nomination, is submitted:

“DEMOCRATIC STATE TICKET.

For Governor.

JOHNSON N. CAMDEN, of Wood.

For Attorney General.

HENRY M. MATHEWS, of Greenbrier.

For Auditor.

E. A. BENNETT, of Marion.

For Treasurer.

JOHN S. BURDETT, of Kanawha.

For Superintendent of Free Schools.

BENJAMIN W. BYRNE, of Clay.

For Judges of the Supreme Court.

JAMES PAULL, of Ohio.

A. F. HAYMOND, of Marion.

C. P. T. MOORE, of Mason.

J. S. HOFFMAN, of Harrison.

For Congress—First District.

BENJAMIN WILSON, of Harrison.

For State Senator—First District.

A. J. PANNELL, of Ohio.

ABRAM WILSON, of Brooke.

For Judge of the Circuit Court.

J. DALLAS EWING, of Marshall.”

His name also appeared on the same ticket in other leading Democratic journals of the district, and notice was given

in said journals of his several appointments to address the people in the various counties of the district, under such prominent and striking head lines, for example, as these, which are taken from the *Wheeling Register* :

“ THE STATE CAMPAIGN.

“ FOR THE NEW CONSTITUTION AND THE DEMOCRATIC TICKET.

“ *Election August 22, 1872.*

“ DEMOCRATIC MEETINGS.

“ The people of the several counties in the following list will be addressed by distinguished Democratic speakers at the Court-House of their respective counties on the days mentioned in the list, the same being the first day of the Circuit Court:

Gilmer—Monday, August 20.

Pleasants—Monday, August 12.

Tyler—Monday, August 12.

Wirt—Monday, August 19.

“ Col. Ben. Wilson, J. Hanson Good, George O. Davenport, and Fountain Smith, Esq., will address the people at “ Red Mills,” Wetzel county, on Thursday, August 15.”

Mr. Wilson will, doubtless, *remember* the discussion between himself and Mr. Davis at one of the points designated in the foregoing list, viz: Tyler, August 12. The counties named in the list, taken from *The Register*, are a part of the First Congressional District. Other appointments, at different points in the district, were made for Mr. Wilson, which he filled either in person or by proxy.

It is not unusual for defeated candidates to assign plausible reasons why they were defeated, and Mr. Wilson, it appears, is not an exception. Candidates very often find that their friends absent themselves from the polls. Too frequently they discover that their names have been erased or omitted from the ticket, and others substituted in their stead. Voters will “scratch,” and are sometimes cruelly oblivious to the merits of aspirants. Many times candidates are disappointed in the number of votes polled for them, and are compelled to submit to the mortification of defeat, occasioned by the indifference, opposition, or bad management of supposed friends. Mr. Wilson found himself in this category on the evening of the 22d of August, and he says, *in effect*, that he was slain by his friends; that had he received more votes, he should have been elected.

The August election was not a full and fair one, simply because he did not poll as many votes as *he* thinks he ought to have received.

Mr. Wilson says in his statement: "Mr. Davis's name was printed on the several tickets with which he was affiliated, and they were sent to each voting place in the district. Shortly before the election, Mr. Wilson's name extended to only a part of the district, so that Mr. Davis had the opportunity to poll his full strength in the *entire* district, and did so; whilst Mr. Wilson only had the opportunity of polling his strength in a *part* of the district." This is certainly a very remarkable statement to come from Mr. Wilson. His memory seems to be treacherous, and he has forgotten the announcements made by the political journals of both parties during the campaign, and the accounts repeatedly given therein of its progress, and of the discussions on the part of Mr. Wilson and Mr. Davis; otherwise, he would not have said that "*shortly before* the election, Mr. Wilson's name *extended* to only a part of his district."

Mr. Wilson is not a man "to fortune and to fame unknown" in his State, and at no period in his life was his *name* so well known and "*extended*" throughout the *entire* district as during the August campaign. Whatever may be said of the people he aspires to represent in Congress, they are not lacking in a thorough knowledge of and acquaintance with Mr. Wilson. Printed or written ballots, bearing his name, were cast in every county of the district on the 22d of August, as the official vote fully attests, and if he did not poll his "strength" it was not because he had not an "opportunity" to do so. Mr. Wilson and his friends had as fair and as free an "opportunity" to vote as Mr. Davis and his friends.

As a specimen of the ballots with Mr. Wilson's name printed thereon, cast at the August election, I submit the following:

“DEMOCRATIC TICKET.

For Ratification.

WHITE.

For Governor.

JOHNSON N. CAMDEN.

For State Superintendent of Free Schools.

BENJAMIN W. BYRNE.

For Auditor.

EDWARD A. BENNETT.

For Treasurer.

JOHN S. BURDETT.

For Attorney General.

HENRY M. MATHEWS.

For Judges of the Supreme Court of Appeals.

ALPHEUS F. HAYMOND.

JAMES PAUL.

JOHN S. HOFFMAN.

CHARLES P. T. MOORE.

For Congress—First District.

BENJAMIN WILSON.

For Judge—Second Circuit.

CHARLES S. LEWIS.

For State Senate—Third District.

G. D. CAMDEN.

PEREGRIN HAYS.

HARRISON COUNTY TICKET.

For House of Delegates.

THOMAS J. WEST.

JAMES McCANN.

For Third Delegate District.

LEROY R. COFFRAN.

For Sheriff.

JAMES MONROE.

For Clerk of Circuit Court.

F. Y. HORNER.

For President of County Court.

JACOB M. EIB.

For Clerk of County Court.

BEVERLY M. LURTY.

For Prosecuting Attorney,

JOHN BASSEL.

For Surveyor of Lands,

JOHN R. BOGGESS.

For Assessors.

F. M. BROOKS, Upper District,
W. W. BOGGESS, Lower District.

For Justices of the Peace.

C. WOODWARD,
R. JOHNSON.

For Constables.

V. B. DAVIS,
M. D. MARTIN."

When Mr. Wilson states that he "only had the opportunity of polling his strength in a *part* of his district," he presumes upon the credulity of mankind, and his ability to deceive them in the presence of such an expression of the popular will as that manifested at the August election.

There is a limit even to recklessness in assertion, and Mr. Wilson cannot truthfully declare that any portion of the voters in his district were, in any manner, restrained and not allowed to vote if they had desired to do so.

The next paragraph in his statement discloses what he means in the one first quoted. It appears that one of his friends and supporters, a Mr. D. H. Leonard, who, as we are informed, was a member of the Constitutional Convention, and a resident of Wirt county, was inquired of by the Democratic committee for said county, some time before the August election, if it was necessary and proper to have the name of Colonel Ben. Wilson printed on the tickets to be voted for at said election, and that Mr. Leonard told them it was not necessary, as in his opinion there would not be an election for members of Congress until the fourth Thursday in October, and Mr. Wilson's name was not printed on the ticket.

Just at this point it may be proper to remark that there seems to have been one member, at least, of the Constitutional Convention who did not concur with Mr. Leonard in opinion that there would be no election until October, and that member was *Mr. Wilson*. He gave a most significant and practical interpretation to the statute providing for the election of Representatives in Congress, by sub-

mitting his name to the people to be voted for on the fourth Thursday of August. If the opinion of Mr. Leonard as to the proper day is at all pertinent, Mr. Wilson's opinion, sustained by his acts, stands opposed to it. Mr. Wilson, by a process of reasoning satisfactory to himself, if not to others, arrives at the conclusion that as 966 votes were cast in Wirt county for Governor, and 965 for Superintendent of Free Schools, "and for Mr. Davis as Congressional candidate only 413 votes," and for Mr. Wilson only 160 votes, because it was too late for his friend, Mr. Leonard, to correct an erroneous opinion he had expressed; that, therefore, he, Wilson, lost in that county alone "about 400 votes." There is a cool assumption in this statement that is refreshing. It is characteristic of an *October* candidate. Mr. Wilson *modestly* assumes, or presumes that, if the unpolled "400 votes" had been polled, he would have received all of them. This is rather a violent presumption in view of the vote cast at the October election, and is completely rebutted by the vote polled at the August election.

Mr. Wilson ran without opposition in October, and polled 168 votes in Wirt county, just *eight* more than he received at the August election. His friend, Mr. Leonard, no doubt, attended to having his name *printed* on the ballots used at the October election; but it seems that, with all his influence, he was successful in securing for Wilson but eight votes more than were cast for him at the August election. It would be more reasonable to presume, therefore, in view of the October vote, that if the "400 votes" had been polled in August, which, Mr. Wilson *assumes*, would have been cast for him, his vote at that election would have been increased but eight. And this presumption is not as violent as the *assumption* of Mr. Wilson, when the vote cast at the August election and the number received by Mr. Wilson and Mr. Davis, respectively, are considered. Mr. Davis at the August election received in Wirt county 413 votes and Mr. Wilson 160. At the October election, as has already been stated, Wilson re-

ceived only 168 votes. If the "about 400 votes" were induced to refrain from voting at the August election, why did they not vote in October? The presumption is, that Mr. Wilson was not *their* choice at either election, or that they acquiesced in the validity of the August, and held invalid the October election. It will be seen that Mr. Davis' vote was within a few votes of the number cast for the two candidates for Governor in said county—John J. Jacob for Governor receiving 477, and J. N. Camden for Governor 489. And it appears further, from Mr. Wilson's statement, that his candidacy *was* known in that county prior to the August election, and the propriety of printing his name on the ticket was considered and discussed by his partisans.

If any voter failed to vote on the 22d day of August, it was not because they were not *allowed* to vote, or were *excluded* from doing so. Nor was such failure the result of ignorance that a contest for Congress was going on in the district. The public journals printed in the city of Parkersburg, distant about *thirty miles from Wirt Court House*, were continually commenting upon the merits and demerits respectively of Messrs. Wilson and Davis as congressional candidates during the August campaign, and those journals were read and *circulated* in Wirt county. One of the last speeches made by Mr. Wilson, prior to the August election, supplicating the voters of Wood county to remember him on that day, was delivered in the city of Parkersburg.

Mr. Wilson says, "in the county of Doddridge his name was in like manner not put on the ticket in McClellan township, where a Democratic majority was polled, and by reason thereof he lost the majority that other candidates of his party got." This statement is superlatively silly, and quite as much of an *assumption* as is contained in the paragraph preceding in. Mr. Wilson takes it for granted, that as he was the *nominee* of the Democratic party, all the Democrats in his district should have voted for him, and as they did not, the election was not a *fair* and a

full one. I have some personal knowledge of the fact that in Democratic counties, where majorities were given for "candidates of his party," Mr. Wilson got no majority. For example, the Democratic nominee for sheriff in the Democratic county of Harrison, in which Davis and Wilson both reside, was elected at the August election, while Wilson was defeated therein by a majority of 334 votes. And it appears by the official returns of the votes cast in the district, that there were 13,361 persons, and among them a large number of Democrats, who were so indifferent to the merits of Mr. Wilson as to deposit ballots upon which his name was neither written nor printed, and he has just cause to hold them responsible for his defeat. He may find consolation, however, in the reflection that he is not the first individual whose defeat was attributable to a lack of votes. Upon an examination of the official vote of Doddridge county, it is found that Mr. Wilson received 523 votes and Mr. Davis 614, while Mr. Camden, the candidate for Governor on the same ticket with Mr. Wilson, received 508 votes, and his opponent, Governor Jno. J. Jacob, 643 votes. The largest vote cast in the district for any candidate was that for Governor.

But Mr. Wilson's statement in regard to the vote in McClellan township, as well as the other townships in that county to which he refers, deserves to be characterized as something more than silly. It is an effort to mislead by the suppression of the facts, and the presentation of a garbled statement of the poll. He appends to his statement a certificate marked "B," which purports to be the certificate of the clerk of the circuit court of *Fletcher county*. There is no such county as Fletcher in West Va. The poll-books referred to in the certificate are in the custody of the clerk of the circuit court of *Ritchie county*. They were sent there, together with the papers in the contest for the office of president of the county court, from Doddridge county, official copies being left on file with the clerk of the circuit court of Doddridge county. What purpose Mr. Wilson expected to accomplish by such a certificate is,

at first blush, not so apparent. If he desired to present the facts *fairly*, he should have presented them fully. If he intended to mislead or deceive anybody, he should have been more cautious, and should have remembered that such an expedient would add nothing to the merits of his case. He does not venture to say that the votes recited in the certificate were not counted for him; but the certificate is presented for the purpose of making that impression. It is an unfair, partial, and garbled statement of the poll. If the certificate appended had stated that in New Milton township B. Wilson received 154 votes and *Jno. J. Davis* 186; Central township, B. Wilson received 40 votes and *J. J. Davis* 105; Grant township, B. Wilson received 139 votes and *Jno. J. Davis* 77; West Union township, from tally-sheet, B. Wilson received 97 votes and *J. J. Davis* 158, but it does not appear on certificate; Southwest township, B. Wilson received 80 votes and *J. J. Davis* 130, but it does not appear on certificate; the name of B. Wilson does not appear on the poll-books of McClellan township, *nor does the name of J. J. Davis*—it would have been a fairer and more correct statement of facts. While stating the vote of Mr. Wilson, the certificate *designedly* omits any mention of the vote of Mr. Davis.

Mr. Wilson knows that in certifying and counting the votes polled, the board of supervisors allowed him the benefit of every vote cast for him, except the poll in Southwest township, which was excluded in the count as to all the candidates. Notice having been given by one of the contestants for the office of sheriff for that county, that he would contest the counting of the votes of Southwest township, because the poll-books of said township were not properly and legally made out and certified, the board of supervisors, on the 16th of September, 1872, resolved to exclude from the count, in declaring the result of the elections in said county, the said poll. Mr. Wilson, however, lost nothing by said exclusion, as Mr. Davis's majority over him in that township was 50 votes. Neither Mr. Wilson's nor Mr. Davis's name appeared on the *poll-books* of McClel-

lan township; but in certifying and declaring the result of the elections held on the 22d of August, they each received in the count the benefit of all the *ballots* cast for them in said township. The following is the vote for Representative in Congress, polled in said county at said election, as derived from official sources:

	J. J. Davis.	B. Wilson.
McClellan township.....	88	93
West Union “ 	158	97
Grant “ 	77	139
New Milton “ 	186	154
Southwest “ 	130	80
Central “ 	105	40
	<hr/>	<hr/>
	744	603

The actual poll, as will be seen, gave Mr. Davis a majority of 141 votes; but as the poll in one of the six townships, viz, Southwest, was excluded from the count, as already stated, Mr. Davis's vote was reduced to 614 and Mr. Wilson's to 523, leaving for Mr. Davis a majority of 91 votes, instead of 141.

On the 17th day of September, 1872, the board of supervisors of said county proceeded to examine the returns of the election held on the 22d of August, 1872, in which there was no contest, and to certify the result thereof, and did then certify that “for Member of Congress for the first district, B. Wilson received 523 votes; John J. Davis received 614 votes.” The vote of Southwest township having been excluded from the count, that of McClellan township, it will be seen, was included in the total vote certified to Mr. Wilson, whose vote without it would have been 430, instead of 523, and Mr. Davis's 526, instead of 614.

The aggregate vote certified to Mr. Wilson shows that he must have received in said township as many votes as any other candidate on the same ticket—the votes ranging from 89 to 93, with the single exception of C. P. T.

Moore, candidate for judge of the Supreme Court, who received 182 votes, his name being printed on the tickets of both parties. How prudent is Mr. Wilson's little subterfuge, when he so modestly asserts, that "in two other townships in that county his name appears upon the tally sheets, but it does not appear on the certificate. He is not now informed of the effect of this omission upon his vote;" knowing, as he did, that he received full credit for every vote cast for him.

The following paragraph in his statement was penned with a *deliberate* purpose, evidently to mislead. It is a mere trick. I quote: "In *eleven* of the *thirty-three* counties in the first and second districts, at the *August* election *not one* vote was cast for Representatives in Congress, for the reason that it was not understood or supposed by the people or the authorities that any such election could be held until October." It is apparent in the passage just quoted that Mr. Wilson *intends* to be understood as saying that there were counties in the *first* congressional district in which *not one* vote was cast for Representative at the August election.

The first congressional district is composed of the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Pleasants, Doddridge, Harrison, Ritchie, Wood, Wirt, Gilmer, Calhoun, and Lewis—fifteen in all. Mark how plain a tale shall put him down. I here append the official certificate of the Governor of the State of the votes by counties cast in the first congressional district on the 22d day of August, 1872:

"FIRST CONGRESSIONAL DISTRICT.

	John J. Davis.	Benj. Wilson.
Hancock.....	405	296
Brooke.....	421	474
Ohio.....	2,498	2,749
Marshall.....	1,390	1,092
Wetzel.....	463	1,017
Tyler.....	902	461
Pleasants.....	333	390
Doddridge.....	614	523
Harrison.....	1,759	1,425

	John J. Davis.	Benj. Wilson.
Ritchie.....	912	837
Wood.....	1,835	1,857
Wirt.....	413	160
Gilmer.....	275	593
Calhoun.....	123	387
Lewis.....	1,018	687
	<hr/> 13,361	<hr/> 12,948

“STATE OF WEST VIRGINIA, *to wit*:

“I, John J. Jacob, Governor of West Virginia, do certify that the foregoing table contains the number of votes by counties cast at the election held on the 22d day of August, 1872, for Representatives in the Congress of the United States.

“Given under my hand this 2d day of April, 1873.

“JOHN J. JACOB.”

I am sorry to say Mr. Wilson's *presumption* is greater than his discretion. A few words more, and I shall dismiss him and the controversy concerning the two elections to the judgment of the House. Whatever may have been the opinions of the partisans and friends of Mr. Wilson as to the proper time to elect Congressmen, the people in his district, and a majority in the State, have declared as *their* opinion that the fourth Thursday of August was the day on which to elect Representatives. That was their judgment pronounced at the ballot-box, and the opinions of *partisans* cannot change it.

Mr. Wilson parades a number of letters from private gentlemen, and refers to the editorials of the press as conclusive evidence of his right to a seat in Congress. If the merits of the question are to be determined by the opinions of the partisans of the respective claimants, or by newspaper editorials, rather than by *the law and the most significant expression of the popular will ever manifested in the district*, it will be an easy matter to furnish a much larger number of letters from the most prominent and distinguished men of the State, including lawyers, ex-judges, and private citizens, in favor of the validity of the August election, than have been or may be produced to sustain Mr. Wilson's claim under the October election.

Mr. Wilson finds consolation in the fact that he ran "ahead of his party," while Mr. Davis ran "behind his party." If there be a crumb of comfort in this for Mr. Wilson, let him enjoy it. I am content to know that I beat Mr. Wilson, my competitor in the district, in as fair, but as warm, bitter, and exciting campaign as ever occurred.

There were polled at the August election, in the first district, 26,313 votes, and at the October election 4,099 votes. In the entire State the vote for Representatives at the August election was 44,918, and at the October election 22,144.

According to the logic of Mr. Wilson, I might assert with propriety, and still more truthfulness, that my vote was less, by several hundreds, in the district, than I should have received, for the reason that for ten days preceding the election I was confined to my bed by sickness, and unable to fill several of my appointments; and, according to the same logic, each unsuccessful candidate at the August election could assert it was not a fair and a full one, because his name was either not printed on or was erased from the tickets.

JNO. J. DAVIS.

Mr. Wilson finds consolation in the fact that he was
"hand of his party," while Mr. Davis was "behind his
party." If there be a group of comfort in this for Mr.
Wilson, let him enjoy it. I am content to know that I
beat Mr. Wilson, my competitor in the district in as fair
but as warm, bitter and exciting campaign as ever oc-
curred.

There were polled at the August election, in the first
district, 28,812 votes, and at the October election 40,000
votes. In the entire State the vote for Representatives at
the August election was 44,812, and at the October election
62,112.

According to the logic of Mr. Wilson, I might assert
with propriety, and still more truthfulness, that my vote
was less, by several hundreds, in the district than I should
have received, for the reason that for ten days preceding
the election I was confined to my bed by sickness, and un-
able to fill several of my appointments; and, according to
the same logic, each unsuccessful candidate in the August
election could assert it was not a fair and full one, because
his name was either not printed on or was placed from the
tickets.

Geo. J. Davis