

ANNUAL REPORT

OF THE

**ATTORNEY-GENERAL**

TO THE

GOVERNOR OF VIRGINIA

FOR THE

YEAR 1896.

---

RICHMOND:  
J. H. O'BANNON, SUPERINTENDENT OF PUBLIC PRINTING.  
1896.



# REPORT.

---

COMMONWEALTH OF VIRGINIA,  
ATTORNEY-GENERAL'S OFFICE,  
RICHMOND, November 20, 1896.

To His Excellency CHARLES T. O'FERRALL,  
Governor of Virginia:

GOVERNOR:

I have the honor to submit to you my *seventh* annual report.  
Since my last report my year's work has been as follows, namely:

## SUPREME COURT OF APPEALS OF VIRGINIA.

1. *Commonwealth v. Myer*. From the hustings Court of Richmond city. *Charge*: Peddling without license. *Reversed*. The statute imposing license tax upon peddlers (Acts 1889-'90, sections 32 and 33, p. 217) held unconstitutional and void, because it discriminates in the latter clause of section 32 in favor of the home manufacturer.

2. *Fitch v. Commonwealth*. From the hustings court of the city of Staunton. *Charge*: Perjury. *Reversed*. Indictment held to be defective, and the demurrer to it sustained.

3. *Lillienfield v. Commonwealth*. From corporation court of the city of Charlottesville. Power of license-court to revoke "bar-room license" under section 560, Code of Virginia 1887. *Affirmed*.

4. *International Federal Alliance v. Marye*, auditor. Petition for writ of mandamus. *Writ granted*.

5. *Willcox v. Hunter*, treasurer, &c., of Norfolk. Petition for writ of mandamus. *Writ denied*. "Coupon case."

6. *Richard M. Lacy v. William H. Palmer*, sheriff, &c. Petition for writ of habeas corpus. The constitutionality of "the race-track" or "Maupin law" (Acts 1895-'6, c. 539, p. 576) tested, and the law sustained. Richard M. Lacy, March 31, 1896, had been taken before a justice of the peace of Alexandria county, and held to answer indictment when found against him. At that time section 4106, Code of Virginia, had been so amended as to confer upon justices of the peace exclusive jurisdiction over "misdemeanors"; therefore his detention held not lawful, and he was discharged. (Acts 1895-'6, c. 845, p. 924.)

7. *William Early and Charley Clark v. Commonwealth*. From the hustings court of Roanoke city. *Charge*: Robbery from the person. *Reversed*. Indictment defective.

8. *Hudson v. Commonwealth*. From circuit court of Wythe county. *Reversed*. Section 4115, Code of Virginia 1887, amended, Acts 1895-'6, page 924, *supra*, con-

strued, and the principles adjudicated in "*Dulin v. Lillard, sheriff*," &c., 91 Va., 718, followed.

9. *Cool v. Commonwealth*. From circuit court of Dickenson county. *Charge*: Breaking and entering "*a mill-house*" with intent to commit larceny. *Sections 3705 and 3706*, Code of Virginia 1887, construed. *Not decided*.

10. *Morgenstern v. Commonwealth*. From the hustings court of Richmond city. *Indictment* under section 3804, Code of Virginia 1887, for keeping bar-room open, &c. *Not decided*.

11. *West, Johnston & Co. v. Marye*, auditor. Petition for *mandamus*. *Writ denied*. *Section 773*, Code of Virginia 1887, construed. *Held*: Commonwealth not liable for stationery, &c., furnished the courts of Richmond city.

#### CIRCUIT COURT FOR RICHMOND CITY.

1. *Commonwealth v. John E. Bland*, late treasurer of Gloucester county. (No. 6 in my last report.) *Compromised and settled*.

2. *Commonwealth v. Hiram Stowers*, treasurer of Bland county, &c. (No. 11 in my last report.) *Dismissed by direction of auditor*.

3. *Commonwealth v. John M. Dawson*, treasurer of James City county. (No. 12 in my last report.) *Judgment*.

4. *Same v. Same*. (No. 13 in my last report.) *Judgment*.

5. *Commonwealth v. William Mayo*, treasurer of Westmoreland county. (No. 14 in my last report.) *Judgment*.

6. *Commonwealth v. A. A. Chapman*. Attachment in equity. (No. 16 in my last report.) N. B.—*Appeal taken to Supreme Court of Appeals*.

7. *Commonwealth v. Bennett Taylor*, late clerk of Albemarle circuit court, and *sureties*. N. B.—*Pending*, and in hands of the court.

8. *Commonwealth v. West, Johnston & Co.* Judgment confessed, \$969.24; interest from January 1, 1896. *Paid*.

9. *Harris & Smith v. Commonwealth*. In chancery. *Pending*.

10. *Commonwealth v. T. B. McCartney*, clerk of Craig county court. *Judgment*, \$401.46 and interest.

11. *Same v. Same*, clerk of circuit court of Craig county. *Judgment*, \$149.89 and interest.

12. *Same v. F. B. Carper's ex'or.* *Judgment*, \$401.46.

13. *Same v. Same*. *Judgment*, \$149.89 and interest.

14. *Commonwealth v. R. S. Ryland and als.* In chancery. *Pending*. To enforce lien of Commonwealth's judgment against Ryland, late treasurer of King William county.

15. *Commonwealth v. E. S. Moorman*, treasurer of Campbell county, and *sureties*. *Pending*.

16. *Same v. Same*. *Pending*.

17. *Commonwealth v. J. R. Peebles*, treasurer of Nelson county. *Pending*.

18. *Same v. Same*. *Pending*.

N. B.—I have been unable to do anything with the following cases, which stand as received from *Mr. Ayers*:

*Robinson v. Greenhow*.

*Brown, Davis & Co. v. Greenhow*.

*Saunders & Son v. Greenhow*.

Chaffin & Co. v. Greenhow.

These are coupon suits, matured and ready for trial.

Commonwealth v. Hoffman *et als*. This was a suit to subject certain property of the defendants to the payment of a judgment.

Commonwealth v. Page, escheator. This was a suit to recover certain property which came into defendant's hand by virtue of his office.

Commonwealth v. Grantham. The object of this suit was to subject property of defendant to satisfy a judgment.

Commonwealth v. Millan. The object of this suit was to clear the title and subject certain land of the defendant to the payment of a judgment.

The above are all old cases.

CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF VIRGINIA.

1. People's National Bank of Lynchburg v. Morton Marye, auditor. *Court docket No. 494.*

2. First National Bank of Lynchburg v. Same. *Court docket No. 495.*

3. The Lynchburg National Bank v. Same. *Court docket No. 496.*

4. The National Exchange Bank of Lynchburg, Va., v. Same. *Court docket No. 497.*

In each of these cases injunctions were granted, and the Auditor of Public Accounts forbidden to execute the statutes which impose a tax upon the bank's "stockholders," passed at the last session of the General Assembly (Acts 1895-'6, c. 669, p. 726—*Id.*, p. 700). *Pending.*

The following cases in this court, at Richmond, are unchanged since my last report, and stand as received from Mr. Ayers:

Commonwealth v. Baltimore and Ohio Railroad Company.

This is a suit originally brought in the circuit court of the city of Richmond to recover judgment against the company for taxes due the State, the company having tendered coupons in payment. The defendant company, being a non-resident, removed the case to this court. The case would have been tried ere now, but the death of Judge Sheffey and other incident causes have prevented it.

Gatewood v. The State of Virginia.

Parsons v. Marye, auditor.

These cases were fully argued and submitted to the court for decision in 1886, and the court has been *deliberating* upon them ever since.

*In Equity.*

James P. Cooper v. Lewis P. Winston, sheriff.

D. K. Stewart v. J. W. Southward, sheriff.

These are injunction suits to restrain the sheriffs from levying executions upon judgments rendered under the act of May 12, 1887.

Temporary restraining orders were issued, to which Winston, sheriff, paid no attention. The principles were settled against plaintiffs by the decision in cases cited, but they remain on the docket.

CIRCUIT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF VIRGINIA.

1. Commonwealth of Virginia v. R. C. Taylor.

2. Same v. J. W. Wilson. Tried, and verdict "*not guilty.*"

3. Commonwealth of Virginia v. Tyler De Hart. *Removed from Patrick county court. Charge: Wilful trespass.*

4. Commonwealth of Virginia v. I. W. Wilson. *Removed from magistrate's court Carroll county.*

5. Commonwealth of Virginia v. Thomas Bingham. *Removed from magistrate's court Franklin county.*

6. Commonwealth of Virginia v. George S. Fitzwater. *Removed from magistrate's court Franklin county.*

7. Commonwealth of Virginia v. W. B. Addington. *Removed from Dickenson county court. Charge: Shooting with intent to kill.*

8. Commonwealth of Virginia v. J. M. Carrico. *Charge as above. Removed from Dickenson county court.*

9. Same v. J. W. Dougherty. *Removed, and charge as above.*

10. Same v. John E. Moss. *Removed, and charge as above.*

11. *Ex parte* James A. Barnett. *Habeas corpus.*

*Barnett* was arrested in Smyth county, tried by a magistrate, and fined for conducting, *without license*, a business for which a license was required by Virginia's laws. He appealed to the county court, was there tried and found guilty, refused to pay the fine imposed by the jury's verdict, and committed to the county jail. He obtained from Judge John Paul a writ of *habeas corpus*, and the case was heard at Harrisonburg, August 4, 1896.

Judge Paul held *Barnett* was "a sample merchant" and "agent" for a West Virginia corporation doing business in this State; that Virginia's statute which imposed "license tax" was obnoxious to Art. I., sec. viii. 3, Constitution of the United States, the proceedings void *ab initio*, and discharged *Barnett* from the custody of the jailer of Smyth county.

12. *Ex parte* H. G. Wadley. *Habeas corpus.*

*H. G. Wadley* was president of the Wytheville Insurance and Banking Company; the company failed, and the administrator of Charles Hutchinson, deceased, and others sued in the United States circuit court, at Abingdon, to enforce their demands as creditors and apply the insolvent company's assets to its debts.

Pending these proceedings *Wadley* was indicted for *embezzlement*, May 16, 1894, by a grand jury regularly summoned in Wythe county court. In June he presented to Judge Nathan Goff a bill of complaint, in which he charged that his creditors in the *civil* suit pending in the aforesaid circuit court had set on foot and were conducting the *criminal prosecution*; that their purpose was to compel him to compromise their debts and force a settlement; that to this end and for this purpose their counsel in the *civil* suit had gone before the grand jury at Wytheville, carried with them papers which belonged to the *civil* suit, used them as evidence against him, and thereby secured his indictment. He prayed that the parties named in his bill be enjoined from using the records and papers in the *civil* suit in the *criminal* prosecution; that the counsel representing said creditors be forbidden to take any part in the prosecution, and that the attorney for the Commonwealth for Wythe county, who he made a party to this bill, be enjoined and restrained from taking any action against him.

Judge Goff granted the injunction, restraining orders issued and were served, motion to dissolve the injunction made and overruled. *Wadley* was bailed, and thus matters stood when *Robert Sayers, Jr.*, was elected Commonwealth's attorney for Wythe county, and entered upon his duties, July 1, 1895. "Commonwealth v. *Wadley*" was called in Wythe county court August 10, 1896, on motion of the

Commonwealth's attorney continued, and Wadley required by the court to renew his bail. Wadley refused, and was committed to the custody of the jailer until the court's order should be complied with. On the 5th day of August, 1896, Wadley presented a petition to Judge Chas. H. Simonton, in which he set out the proceedings theretofore had in the civil suit, averred that the injunction granted by Judge Goff had been violated, and asked for additional and further relief, and a decree was made upon this petition, as follows:

*In the Circuit Court of the United States for the Western District of Virginia, at Abingdon.*

H. G. Wadley, Plaintiff,	} <i>In Equity with Injunction.</i>
Blount & Boynton <i>et al.</i> ,	

This day came H. G. Wadley, by his counsel, Messrs. D. F. Bailey, Joseph C. Wyszor, and Blair & Blair, and presented his petition in the above cause, which was duly supported by the affidavits of H. G. Wadley and by the exhibits referred to in said petition; and they asked leave, which is hereby granted, that said petition be filed in this equity cause; and it appearing from said petition, said affidavit, and the exhibits filed with said petition, and which are duly certified, that by a decree of this court entered in the above-named equity cause in the chancery order-book at Abingdon on 31st January, 1895, that this court, upon a bill of injunction and exhibits, answers and exhibits, depositions of witnesses with exhibits, and argument of counsel, upon a motion to dissolve the said injunction, refused to dissolve said injunction, but continued it in force and fully sustained the allegations of said bill, and especially enjoined and prohibited the defendants therein, all of whom are made party defendants to this petition, from all further prosecution of the said H. G. Wadley upon an indictment against him for the embezzlement of the assets of the Wytheville Insurance and Banking Company, pending in the county court of Wythe county, Virginia, this court holding that it had prior jurisdiction of all of the said parties, and of the subject-matter set up in said indictment, and to which said bill all the creditors hereinafter named, and their counsel hereinafter named, and J. L. Gleaves, the then attorney for the Commonwealth of Wythe county, Virginia, were parties defendant, and appeared in and defended said cause; and it appearing from said petition, exhibits, and affidavits that a copy of said injunction was duly executed on all of them by the deputy marshal of said court, and that after the service of said decree upon them, expressly and in terms forbidding all further prosecution of said indictment against said H. G. Wadley in the county court of Wythe county, Virginia, that the said creditors, by their special counsel, and the said J. L. Gleaves, then attorney for the Commonwealth, acting before 1st July, 1895, and his successor after 1st July, 1895, Robert Sayers, the present Commonwealth's attorney of said county, have persisted and continued to have the said indictment of Commonwealth v. H. G. Wadley called up in said county court from term to term or time to time, and have asked the court to enter orders in said cause to commit to the county jail in said county the said H. G. Wadley, unless he would give bail with sureties conditioned for his appearance from term to term or from time to time, over and against the protest of the said H. G. Wadley and his counsel; and it appearing to the court that by the action and motion of the said creditors, by their counsel, and the said Robert Sayers, attorney for the Commonwealth, that the said H. G. Wadley, in order to avoid being committed to the county jail of Wythe county,

in said case, has, at the instance of said creditors and their special counsel, and the said R. Sayers, Commonwealth's attorney, been admitted to bail upon a bond in the penalty of \$10,000, with V. C. Huff and Clarence Trinkle as his bailsmen, conditioned for the personal appearance of the said Wadley on the 10th day of August, 1896, before the said county court of Wythe county, to answer said indictment in said county court, which proceeding the said H. G. Wadley, by his petition, claims to be a deprivation of his personal liberty, and that it is in violation and in contempt of the said decree of this court, entered on the 31st January, 1895, in above cause of H. G. Wadley v. Blount & Boynton *et als.*, and, the petition stating, repeated and continued proceedings against said Wadley for said bail or commitment, in violation of his rights as a citizen of the United States, as well as in contempt of this court:

Now, upon the motion of the said H. G. Wadley by his counsel, the said creditors and their said counsel, and J. A. Walker and C. B. Thomas as special prosecutors, and Robert Sayers, the Commonwealth's attorney of Wythe county, Virginia, their agents and attorneys, or any one for them, or in any way, directly or indirectly, are hereby especially forbidden and enjoined in the future from exacting from the said H. G. Wadley any further bail, or from asking or taking any further orders in the said case of Commonwealth v. H. G. Wadley, pending in the county court of Wythe county, Virginia, except a mere order of continuance until the further order of this court; and upon the further motion of the said H. G. Wadley, rules are hereby awarded against each of said creditors and their said counsel, and the said special prosecutors, and the said Commonwealth's attorney, Robert Sayers, returnable to the first day of October term, 1896, before this court at Abingdon, Virginia, to show cause, if any they can, why they should not be fined or imprisoned, or both, for their violation of the decree of this court of the 31st January, 1895, in the cause of H. G. Wadley v. Blount & Boynton *et als.*, by failing to abstain from all further prosecution of said case, according to the mandate of said decree; and a copy of this order may be served upon said creditors in person, or upon their counsel of record, at the election of the said H. G. Wadley, and upon said counsel and special prosecutors and the said Commonwealth's attorney in person; and the creditors in said petition enjoined and restrained by this order, and said counsel and special prosecutors and said Commonwealth's attorney, made parties to said petition, and embraced in this order, are as follows:

And it is ordered that the service of copies of this decree upon the counsel aforesaid shall be equivalent to personal service upon said creditors, and that copies thereof be served upon the other defendants.

CHARLES H. SIMONTON,  
*Circuit Judge.*

5th August, 1896.

To the Clerk of the Circuit Court of the United States, Abingdon.

The foregoing is a true copy from the order-book of this court. Witness my hand and the seal of said court, this the 6th day of July, 1896.

I. C. FOWLER, *Clerk.*

[Seal.]

Wadley presented to Judge Simonton petition for writ of *habeas corpus*; the writ issued; the jailer of Wythe county made return at Greenville, South Carolina.



August 14, 1896, that he held Wadley by virtue of and in obedience to the order of the county court of Wythe county, made in *Commonwealth v. Wadley*, August 10, 1896, and filed with his return copy of the proceedings then had. Wadley was discharged, and I appealed the case to the Supreme Court of the United States, assigning as errors:

*First.* That the Federal court had not jurisdiction.

*Second.* That no "*Federal question*" was involved in *this* contention.

*Third.* That Gleaves, the Commonwealth's attorney of Wythe county, was improperly made a party to the injunction proceedings before *Judge Goff* and process issued against him.

*Fourth.* That *Robert Sayers, Jr.*, Commonwealth's attorney for Wythe county, who succeeded Mr. Gleaves, was improperly made a party to the proceedings had before *Judge Simonton*, August 5, 1896, and process issued against him.

*Fifth.* That the order made August 10, 1896, by the county court of Wythe county was made by a *State court* of competent jurisdiction, and cannot be reviewed, amended, or annulled by a *Federal court*.

*Sixth.* That from said order of August 10, 1896, Wadley, if aggrieved thereby, had right of appeal to the circuit court of Wythe county, and through that tribunal to the court of last resort in the Commonwealth of Virginia, "the Supreme Court of Appeals"; therefore "*the writ of habeas corpus*" could not be invoked or used by Wadley.

The following cases are unchanged since my last report, and stand as received from *Mr. Ayers*:

Samuel Moore *v.* William H. Wightman, trespass on the case.  
 Samuel Garber *v.* William H. Wightman, trespass on the case.  
 William Penn *v.* William H. Wightman, trespass on the case.  
 John H. Wine *v.* William H. Wightman, trespass on the case.  
 Cornelius Zircle *v.* William H. Wightman, trespass on the case.  
 H. M. Smootz *v.* William H. Wightman, trespass on the case.  
 J. W. Wakeman *v.* William H. Wightman, trespass on the case.  
 John S. Lafton *v.* P. C. Gore, trespass on the case.  
 W. H. Ebert *v.* P. C. Gore, trespass on the case.  
 W. L. Brown *v.* P. C. Gore, trespass on the case.  
 W. W. Glass *v.* P. C. Gore, trespass on the case.  
 Mrs. S. W. Tidbal *v.* P. C. Gore, trespass on the case.  
 J. S. Robinson *v.* P. C. Gore, trespass on the case.  
 George W. Ward *v.* P. C. Gore, trespass on the case.  
 James Ginn *v.* P. C. Gore, trespass on the case.

The above are suits instituted to recover damages for refusal to receive coupons and for levying executions. The cases are matured and ready for trial, but the principles involved have been adjudicated in other cases decided in the *Eastern Circuit*, and will, I presume, be dismissed when called for trial.

#### SUPREME COURT OF THE UNITED STATES.

There is pending in this court:

1. *McCullough v. Virginia*. Submitted upon briefs, November 3, 1896, but not decided.

2. *The American Harrow Co. v. Shaffer and als.*

## THE BOUNDARY LINE BETWEEN TENNESSEE AND VIRGINIA.

Thus far nothing has been effected towards opening the case and marking this line, but my able associates, *Rufus A. Ayers* and *Judge William F. Rhea*, have not abated their efforts nor abandoned the hope that this may be accomplished.

## CIRCUIT COURT OF ALBEMARLE COUNTY.

Scott  
vs.  
Ashlin, &c. } In Chancery.

This is a suit to administer the assets, real and personal, of Charles A. Scott, deceased. His real estate was sold for delinquent taxes assessed *after* Mr. Scott's death, purchased by the Commonwealth, and thereafter sold under decree and purchased by Senator Thomas S. Martin. The contention was between the Commonwealth and creditors, who had obtained liens upon said realty in Mr. Scott's lifetime, as to priority.

For the Commonwealth, I contended—

*First.* That upon principle and *ex necessitate*—"Revenue" being "*the State*"—the Commonwealth's lien for taxes must have and be given priority over all other liens.

*Second.* That when the Commonwealth purchased at the delinquent-tax sale she took the land discharged from *all* liens.

As to "personal property," this is the law, and 'also as to real estate *since* the amendment to "section 456," Code of Virginia 1887, Acts 1895-'6, p. 255.

Between railroad employees, those who furnish supplies, &c., &c., and INCUMBRANCERS by deed of trust and mortgage, *the former* are preferred in the administration of the corporation's assets *a fortiori*, should the taxes, &c., due the Commonwealth—the very life-blood of the State—have precedence and be the *first lien* upon the real estate and all the estate of the tax-payer.

After full argument, October 21st past, *Judge D. A. Grimsley* decided against my contention and dismissed the Commonwealth's petition.

## THE AMENDED (PARKER) BALLOT LAW.

(Acts 1895-'6, c. 700, p. 763.)

I have had numerous applications to construe and interpret this law. My construction of it will appear in the following letters and telegrams:

WARRENTON, OCTOBER 23, 1896.

Hon. JOSEPH T. LAWLESS,

*Secretary of the Commonwealth,*

*Richmond, Va.:*

DEAR SIR:

I herein return to you Colonel Hoge's letter of the 19th instant, and that of the secretary of the Electoral Board of Montgomery county of the 21st instant, forwarded from my Richmond office, and just received.

The amended ballot law prescribes for voters the ballot to be used, directs what it shall be, what contain, how and within what time candidates for Congress shall notify the Secretary of the Commonwealth of their candidacy, and by whom the ballot shall be printed.

When the time prescribed has passed, and the Secretary of the Commonwealth has notified the various county and city electoral boards who are the candidates for Congress in their districts, the duty of the Secretary of the Commonwealth ends, his powers are exhausted, and he is *functus officio*. I do not think you can properly or lawfully accept Colonel Hoge's withdrawal as a candidate for Congress in the Sixth congressional district of Virginia.

I am further of opinion that electoral boards must have printed upon the ballot the names of all candidates for Congress received from the Secretary of the Commonwealth. The law makes your office the source of information and repository in these matters, and orders that the names of the candidates for Congress as announced to you, and none other, shall be printed upon the ballot.

The names of candidates for Congress and for President and Vice-President of the United States found upon the ballot must agree with and conform to the records kept in the office of the Secretary of the Commonwealth, and cannot be changed or altered by electoral boards; therefore the Electoral Board of Montgomery county cannot, nor can the electoral board of any city or county in the Sixth congressional district, properly or lawfully accept Colonel Hoge's withdrawal and omit his name upon the ballot as a candidate for Congress.

Very respectfully yours,

R. TAYLOR SCOTT,  
*Attorney-General.*

COMMONWEALTH OF VIRGINIA.  
OFFICE OF SECRETARY OF THE COMMONWEALTH.  
RICHMOND, VA., October 10, 1896.

To the Secretary of the Electoral Board,

\_\_\_\_\_, Virginia:

DEAR SIR:

In compliance with section eight of an act approved March 4, 1896, entitled "an act to amend and re-enact an act entitled an act to provide for a method of voting by ballot," I herewith transmit the names of the electors to be voted for at the election to be held on the first Tuesday after the first Monday in November proximo, viz., November 3, 1896, selected by the different political parties in this Commonwealth, together with the names of the candidates for whom they are expected to vote in the Electoral College—said names having been furnished me by persons who claim to represent the political parties aforesaid.

In response to various inquiries from officers charged with the conduct of elections, and for their general information, I give you my construction of so much of the ballot law as relates to the *form* of the ballot.

As I construe and understand this law, the "BALLOT" must contain the names of persons who have complied with the law's requirements, together with the title of the office printed or written thereon, and in elections for President and Vice-President of the United States the ballot must have upon it only the names of *the persons* who are the candidates of the several political parties for President and Vice-President, and grouped under them the names of the electors nominated by said political party; for example:

## REPORT OF THE ATTORNEY-GENERAL.

FOR PRESIDENT,  
WILLIAM JENNINGS BRYAN,  
Of Nebraska.

FOR VICE-PRESIDENT,  
ARTHUR SEWALL,  
Of Maine.

(N. B.—Here group their electors by name.)

Here follow in order the other Presidential candidates with their electors.

FOR CONGRESS.

(N. B.—Here give names of candidates for Congress in the Congressional District.)

When the period limited for the announcement of candidates for Congress has expired, their names will be furnished you.

Very respectfully,

J. T. LAWLESS,  
*Secretary of Commonwealth.*

RICHMOND, VA., OCTOBER 10, 1896.

Hon. J. T. LAWLESS,  
*Secretary of Commonwealth,*

*City:*

MY DEAR SIR:

I have read your "circular letter" of this date, addressed to the secretaries of the various electoral boards in the cities and counties of the Commonwealth, and concur in the construction given of the ballot law as amended, and the form of ballot thereby prescribed.

Very respectfully,

R. TAYLOR SCOTT,  
*Attorney-General.*

RICHMOND, VA., NOVEMBER 1, 1896.

Hon. R. TAYLOR SCOTT,  
*Warrenton, Va.:*

Please read article on third page of to-day's *Richmond Times*, signed by Hamilton and others, and telegraph me whether such advice does not destroy the intention of law as to preparation of the ballot and the secrecy of the ballot. Please wire me your answer early to-morrow morning at my expense.

J. TAYLOR ELLYSON.

RICHMOND, VA., NOVEMBER 1, 1896.

Hon. R. TAYLOR SCOTT,  
*Warrenton, Va.:*

Can voter expose his ballot so that contents may be seen by either judge or outsider? or must section eleven be strictly followed? See page three of to-day's *Times*.

R. CARTER SCOTT.

WARRENTON, VA., NOVEMBER 2, 1896.

Hon. J. TAYLOR ELLYSON,

*Richmond, Va. :*

The ballot law, section seventeen, empowers the judge of election, designated, &c., to prepare the ballot for the blind elector ; to the elector educationally or physically unable to prepare the ballot, render such assistance, and such assistance *only*, as the elector demands.

*Vote by ballot is secret*, and the ballot law, as I read it, preserves this secret until the elector's ballot is deposited by him in the box, and thereby secures him from outside influences. I do not think the elector, after receiving the ballot, can expose it, because such action destroys and uproots the very purpose and object of the law.

R. TAYLOR SCOTT,

*Attorney-General.*

Very respectfully,

R. TAYLOR SCOTT,

*Attorney-General of Virginia.*

