

Exhibit B

Edwin O. Marsh was sworn in behalf of the people and testified as follows:

2. Do you reside in the City of Rochester? Yes, sir. How long? It has been my home for 27 years. What is your age? 32. What is your occupation? Letter carrier, U. S. letter carrier?

Yes, sir. Did you act as inspector of Election on the 5th of Nov.? Yes, sir. Whereabouts? In the 1st District in the 8th Ward. That ward contained two Districts, did you act as Inspector in the 1st District? Yes, sir.

Those Districts are called 1st and 2^d? Yes, sir.

Who acted as Inspectors with you on that day? Beverly W. Jones and William B. Hall.

The election was held on that day, 5th Nov.?

Yes, sir, for Congress, State &c? Yes, sir. You say for Representative in Congress, for what Representative in Congress? For Representative

in this District. What District? 29th, and for representative at large. Is the 8th Ward within the 29th Congressional District? Yes, sir. Whereabouts in the Ward were the polls of the Election District? At 81 West Avenue. Do you know the

defendant Miss Anthony? Yes, sir. Did you see her on the day of election? Yes, sir, Whereabouts?

At the polls until election closed. In the 1st

District of the 8th Ward? Yes, sir. Did you see her vote on that day? Yes, sir. Whereabouts? At the 1st District of the 8th Ward. What time of the day was it? I think it was about 9 O'clock in the morning. State what officers she voted for? That I don't know. I didn't take the tickets myself. Who took the tickets? I think it was B. W. Jones. I was checking the book. You say you was checking a book, what book was it?

The Register. Is that here? Yes, sir. (a book is handed to the counsel) Who kept the Poll list? — who acted as clerk's at this district? James A. Gilman & George A. Shears. They each kept a poll list? Yes, sir. You say you checked the Register, state what you did? As the votes were received the name of the voter was called out, then I would run my eye over the list and check the name on the poll list.

Was Miss Anthony dressed as she is now
(Objected to by Deft's counsel)

Was Miss Anthony dressed in the apparel of a woman & had she the appearance of a woman?

(Objected to as entirely immaterial & impertinent)

The counsel makes no defence on the ground that Miss A is not the person who voted.

Objection overruled.)

Ans. Yes, sir. Was any question made at the time as to her right to vote? Yes, sir, her vote was challenged by Sylvester Lewis. State what was done after his challenge? He required that the oaths should be given which was done. Who by? By B. W. Jones, who was chairman of the board. Were there Supervisors of Election attending this district? Yes. Who were they? S. J. Wagner & Daniel Warner.

By Mr Van Voorhis: were there any supervisors for that Election District? Yes, sir.

Being cross examined by Mr. Van Voorhis he testified:

- 2 Did not Miss Anthony's name appear properly upon the Register? Yes, sir. At the time she offered her vote, did other ladies whose names were registered also offer their votes? Yes, sir. How many were there all together? There were 15 who voted. Upon the preliminary oath being administered to Miss Anthony was she questioned by any one? Yes, sir. The preliminary oath is that the applicant will answer questions put to her? Yes, sir. Do you recollect what questions were put to Miss Anthony? No, sir, I do not. Do you recollect who put them? The chairman of the board B. W. Jones. Did either of the Supervisors have anything to say about it? No, sir, not

that I heard. Did you hear anything at any time
— Did you hear any thing said by either of them at
the time she was registered? (Yes, sir.

(Objection on the ground that the charge is
for voting not for illegal registry. Overruled)
State what occurred at the time of registry or all
that was said? — Can you state what day
it was she registered? It was Friday the 1st
of Nov. 1872. Now state all that you heard said
upon the subject after Miss Anthony arrived on
the place? I had been away to Breakfast, when
I came back I found the ladies there. The
Inspectors had settled the matter between
themselves so far as they were concerned.
They asked me my opinion of it. I told
them I was satisfied to register them; that we
were right in doing so. I met Silas J. Wag-
ner at the door as I was passing in & he told
me "G. D., dont you register those women" D.
Warner made a remark that we were
obliged by law to register them. That was
after we had decided to put down the names
Have you told now all that you recollect
that was stated by any person? Yes, sir, There
had been some talking before you arrived?
Yes, sir they were just through administering
the oath when I came in. In registering
Miss Anthony did you act in accordance

with your best judgment? Yes, sir, I did.

(^{objection}Objection. — Sustained)

Was Miss Anthony sworn at the time she registered? Not while I was there.

Re-direct examination by Mr. Pound

Q Did you hear anything said by Miss Anthony?
A Not much. State what you heard her say?
I can't remember it. State the substance?
I have no recollection of what she said.

(Book shown to witness)

Is this the registry in which you checked votes? Yes, sir. Refer to her name; do you find it? Yes, sir. Who checked it? I did. When, at the time she voted? Yes, sir.

(Registry put in evidence & marked "Ex No. 1")

Beverly W. Jones was sworn on behalf of the people and testified as follows:

Q Do you reside in the City of Rochester? Yes, sir.
What is your age? 25. Occupation? I'm the
_____ business. Do you know defendant? Yes, sir.

You acted as one of the Inspectors of the 8th District of the 8th Ward of the City of Rochester? I did. Yes, sir.

The Election was held 81 West Avenue? Yes, sir.

What was the election for (Depts' counsel remarks) the Election was for State & National officers) Did you see deft. on the 5th Nov. Yes, sir.
Whereabouts? At the polls. What time of day

About half an hour after we had opened the polls. Did she vote? Yes, sir. For what officers did she vote for? I believe she voted the state tickets, for member of assembly and for general electors & — She voted the congressional ticket? Yes, sir. Was the ticket endorsed? ^{yes, sir.} What word was endorsed upon it? Congress. Who took the tickets? I did. What did you do with them? I put them in their proper boxes. Did anything occur while she was voting? She was challenged? Who by? Sylvester Lewis. She was challenged at the time stated by the board of Registers. And her name was marked upon the registry to be challenged? Yes, sir. Who by? The name is in my handwriting. Upon being challenged who offered the oaths to her? I did. What oaths? The preliminary and general oaths. How was she dressed, (Objected to. Overruled.)

Ans. She was dressed as a woman. What was her appearance, as a man or a woman. (Objection. Defts counsel admits that she is a woman.)

Being cross-examined by Mr Van Voorhis he testified as follows:

2. Mr. Jones when did you first see Miss

Anthony at the place of registry? On the 1st day of Nov. Who else was there at that time? Wm. J. Bremer, S. J. Wagner and D. Warner and some others. State what was said there upon the subject of Miss Anthony's right to registry — in substance? She made her appearance in the room and she asked if this was the place where they registered voters. We answered her that it was. She said ~~that~~ she was a citizen of the U. S. & demanded her right to be registered. I made the remark that I didn't think we could register her name. She asked me upon what grounds. I told her that the constitution of the State of New York only gave the right of franchise to male citizens. She asked me if I was acquainted with the 14th Amendment to the constitution of the U. S. I told her I was. She wanted to know if under that she was a citizen and had a right to vote. At this time Mr. Warner said, young man, how are you going to get around that, I think you will have to register this names. — or something to that effect. Meaning Miss Anthony and some one else? Yes, there were two others there. She asked me if I had read Benj. Butler's reports. I said "No". At this moment

one of the Democratic Inspectors said he was in favor of registering their names & I concurred. As they were placing the names upon the book — Were you influenced in your opinion by what Supervisor Warner said. (Objected to as incompetent. Objection overruled)

Was any oath administered to her at the time of registry? No, sir. Was she challenged by any one at that time? No, sir. Was she challenged when voting? No, sir. When was she challenged. On the 2^d of November. What oaths did you administer to Miss Anthony on the day when she voted? Preliminary oath. After that oath was put to her was she questioned by you? She was. Did she make answer to what you put to her? Yes, sir. You followed that up by the General Oath did you? I turned at this moment to ask if the challenger was satisfied. He said administer the whole thing or something to that effect. That oath reads as follows: ^{does it not?} "You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector." Yes, sir. The general oath reads as follows: does it not

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“You do swear (or affirm as the case may be) that you have been a citizen of the United States for ten days, and are now of the age of 21 years; that you have been an inhabitant of this State for one year next preceding this election, and for the last four months a resident of this county; that you have been for thirty days next preceding this election, ~~and for the last four months a~~ a resident of this Assembly district (or Senate or congressional districts or districts, ward, town, village or city, as the case may be, naming any or all of the foregoing districts, ward, town, village or city from which the officer is to be chosen for whom said person offers to vote) that you are a resident of this town (or ward as the case may be) and of the election district in which you now offer to vote, and that you have not made any bet or wager & are not directly or indirectly interested in any bet or wager depending upon the result of this election & that you have not voted at this election.”

Ans. Yes, sir. Was there anything said at the time of voting by either of the supervisors? Not that I heard. In what you did in this as an inspector of registry & in receiving Miss Anthony's name & in receiving her vote did you act in good faith as such in

spector & in accordance with your best judgment.

(Objection. Objection sustained)
Did you take counsel between the day of Registry & voting as to Miss Anthony's right to vote? I went to Henry R. Selden & he advised me not to take his advice. Did he tell you what his opinion was? Yes, sir. What was it? He said legally they were voters, there was no question of it.

Redirect Ex. By Mr. Pound.

Q You say he advised you not to take his advice — as he was counsel? Yes, sir — I went to see Mr Van Voorhis once. After consulting with Judge Selden did you see other counsel? I don't know whether it was before or after
Did you see any counsel that are not counsel for these women? Yes, sir, I did I saw John H. Martindale. After or before consulting with Judge Selden? I don't know whether it was after or before? Did you state the case to him in full? No, sir. I only asked him if a woman had a right to be registered or not. What did he tell you? He said that we had a perfect right to register them. Did he tell you anything else? He said that he thought they had no right to vote, that he had not looked into the matter any. Any other counsel consulted? No, sir.

The names were all registered before you took any advice? Yes, sir

James A Gilman being sworn for the people testified as follows:

2 You reside in the city of Rochester? I do.

What is your age? 22. What is your occupation? Carpenter. Did you act as one of the clerks at the polls at the 1st Election district of the 8th Ward in this city? I did ^{and} kept a poll list. Yes, sir. Poll was held at 81 West Avenue? I believe that was the number. Is this the poll list you kept? (book shown witness) Yes, sir, it is. Did you keep that poll list - state the manner of keeping it? Inspector called out a name - What inspector? B. W. Jones and sometimes Mr Warner. Was not it the Inspector that received votes that always called the names out? Yes, sir. And what did you do then? I took the name and registered it. What else? That was all. You wrote the name on the registry? Yes, sir. What else did you do? I wrote the ticket. How did you distinguish them? By writing in different columns. How are these columns made? Electoral, State, Congressional, two columns and constitution. Was there any other? School commission. Do you know the defendant by sight. Yes, sir. Did you see her vote on the election day? No, sir. Will you look & see if you find her

name on that poll list? Yes, sir. How
is it written? Miss S. B. Anthony & Madison
Street marked "P. O." & "J. O." marks in
letter State Congress & assembly.

Sylvester Lewis was sworn for the people
and testified as follows:

You reside in the City of Rochester? Yes sir

What is your occupation? Salt manufacturer

On the Election day did you attend the polls of the
1st District of the 8th Ward? Yes, sir. That was the

5th Nov. Yes, sir. Did you act as challenger that day.

I caused the names to be challenged

Did you act as General Challenger?

I was employed by the Democratic party
to take a poll list and challenge voters at
the polls. You were sworn and caused
the parties to be challenged to be written op-

posite their names? I was. Did you see the Deft
& vote on the 5th Nov. - the day of Election? I did.

Did you see what ticket she voted. All
that I could see was that she handed
in the four ballots.

Cross Examined:

You have taken a great deal of interest in
this matter? Yes, sir. Do you know Mrs Lydon?

Yes, sir. Did you go to the home & advise her to go
and register at the 1st District in the 8th Ward

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Objected to on the grounds that it is not material ~~or~~ in cross-examination of the direct evidence) Objection overruled) I did not directly ask her to go and register. Did you do so indirectly? I did not. You say you took a poll list for the Democratic party? I did. Did you take Susan B. Anthony's name on your canvass? — Canvass? You made out what is ordinarily called a poll list? No, sir. Where is that canvass? at my house. Didn't you know the paper which you took is commonly denominated a poll list? No, sir. Didn't you call it — In that list you took down the names of all persons who had a right to vote? Yes, sir.

And which way they would vote? Yes, sir. Among others you took the name of Miss Anthony? Yes, sir. Didn't you give Miss Lydon some advice on the subject of registering? No, sir.

Did you tell ~~that~~ she had better — to go register; that the thing might as well be tried out in that Ward as anywhere? Not in so many words. You have written articles for the newspapers on this subject? Yes, I have. How many? Two.

Re direct examination:

You did have a talk on the subject of registration? yes, sir. Where was it? At her residence on Reynolds Street. More than one?

No, sir. When was it? In the latter part of October? What was it.

(Objection. Overruled)

The Registry of Elections was offered in evidence & marked "Ex. A."

Beverly W. Jones recalled.

By Mr Van Voorhis: Do you recollect anything farther that was said by Mr Warner? Yes sir I recollect his saying that — on asking me the question "Do you know the penalty for not registering these names. I told him I did.

By Mr Pound. You have told all that you recollect of Mr Warner's conversation now.

Yes sir

Plff's Case Closed

Defts Case

Susan B. Anthony sworn in her own behalf testified:

Are you the person spoken of as defendant
Yes, sir. Previous to voting at the 1st District poll in the 8th Ward, did you take the advice of counsel upon voting? Yes, sir. Who was it you talked with? Judge Henry R. Selden. What did he advise you with reference to your legal right to vote? He said it was the only way to find

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out what the law was upon the subject — to bring it to a test. Did he advise you to go and offer your note? Yes, sir. State whether or not prior to such advice you had retained Mr. Selden to defend in this action? No, sir; I first went to Judge Selden to sound him if we should want him. Have you anything further to say upon Judge Selden's advice? I think it was sound. Did he give you an opinion up on the subject? He was like all the rest of you lawyers — he had not studied the question. What did he advise you? He left me with this opinion — that he was an honest man; that he would study it up thoroughly & decide according to the law. Did you have any doubt yourself of your right to vote? Not a particle.

Cross examined:

Would you not have made the same efforts to vote that you did do if you had not consulted with Judge Selden? Yes, sir. (I hope the court understands that I did not consult anyone until after I had voted.) Was you not influenced by his advice in the matter at all? No, sir. You went into this matter for the purpose of testing the question? Yes, sir, I had been resolved to vote at the first election that I had been home for 30 days for three years.

Mr Lewis recalled by Mr Van Voorhis:
Do you know Mr Garrigue? Yes, sir.
Did you tell Mr Garrigue that you
were going to get 20 women to off-
set Miss Anthony's votes? I told
him that ~~to~~ it it would be a good
gripe to get 20 old Irishwomen
to offset their votes. You felt sure they
would all vote for Greeley did you? No,
sir: we could buy them with money enough.
Margaret Lydon sworn for & dep't testified:
You reside in the 8th Ward? I do. Are you
26 years of age? Yes, sir. Are you acquainted
with Sylvester Lewis? I know him when
I see him. Did he advise you to go
& vote, that you might as well bring
that question up there as any place.
(Objection. Sustained)

Cyrus Garrigue.

You reside in the 8th Ward in this City?
Yes, sir. In the 1st Election District? Yes, sir.
How long have you lived there? 15 years.
Are you acquainted with Mr Lewis? Yes, sir.
Did you have a conversation with him
shortly prior to election in reference
to Registering female votes in your ward?
Yes, sir. Was that after Miss Anthony's name

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had been registered? Yes, sir. And before the closing of the time for registering was it not, Yes, sir. Won't you state what he said?
(Objection - Sustained)

Susan B. Anthony recalled.

Did you consult any other counsel besides Judge Selden in reference to your right to vote?

(Objection - Sustained)

Evidence closed.

U. S. A
vs

Susan B. Anthony

Testimony on
Examination Before

United States
A. S. Comm

Exhibit B

Edwin P. Marsh was sworn in behalf of the people and testified as follows:

Q. Do you reside in the City of Rochester? Yes, sir.

Q. How long? It has been my home for 27 years.

Q. What is your age? 32.

Q. What is your occupation? Letter carrier.

Q. U.S. letter carrier? Yes, sir.

Q. Did you act as inspector of Elections on the 5th of November? Yes, sir.

Q. Whereabouts? In the 1st District in the 8th ward.

Q. That ward contained 2 Districts, did you act as Inspector in the 1st District? Yes, sir.

Q. Those districts called 1st and 2nd? Yes, sir.

Q. Who acted as Inspector with you on that day? Beverly W. Jones and William B. Hall.

Q. The election was held on that day, 5th November? Yes, sir.

Q. for Congress, State etc.? Yes, sir.

Q. You say for Representatives in Congress, for what Representative in Congress? For Representatives in this District.

Q. What District? 29th, and for representative at large.

Q. Is the 8th ward within the 29th Congressional District? Yes, sir.

Q. Whereabouts in the Ward were the polls of the Election District? At 81 West Avenue.

Q. Do you know the defendant Miss Anthony? Yes, sir.

Q. Did you see her on the day of election? Yes, sir.

Q. Whereabouts? At the polls until election closed.

Q. In the 1st District of the 8th Ward? Yes, sir.

Q. Did you see her vote on that day? Yes, sir.

Q. Whereabouts? At the 1st District of the 8th Ward.

Q. What time of the day was it? I think it was about 9 o'clock in the morning.

Q. State what officers she voted for? That I don't know. I didn't take the tickets myself.

Q. Who took the tickets? I think it was B.W. Jones. I was checking the book.

Q. You say you was checking a book, what book was it? The Register.

Q. Is that here? Yes, sir. (a book is handed to the counsel)

Q. Who kept the Poll list? Who acted as Clerks at this district? James A. Gilman and George A. Sheare.

They each kept a poll list? Yes, sir.

Q. You say you checked the Register, state what you did? As the votes were received, the name of the voter was called out, then I would run my eye over the list and check the name on the poll list.

Q. Was Miss Anthony dress as she is now?

(Objected to by Defendant's counsel)

Q. Was Miss Anthony dressed in the apparel of a woman and had she the appearance of a woman?

(Objected to as entirely immaterial and impertinent The counsel makes no defence on the ground that Miss A is not the person who voted. Objection overruled)

Answer: Yes, Sir.

Q. Was any question made at the time as to her right to vote? Yes, sir, her vote was challenged by Sylvester Lewis.

Q. State what was done after his challenge? He required that the oaths should be given which was done.

Q. Who by? By B. W. Jones, who was chairman of the board.

Q. Were there Supervisors of Election attending this district? Yes.

Q. Who were they? S.J. Wagner and Daniel Warner.

Q. By Mr. Van Vaorhis (Sp?): Were there any supervisors for that Election District? Yes Sir.

Being Cross examined by Mr. Van Voorhis he testified:

Q. Did not Miss Anthony's name appear properly upon the Register? Yes, sir.

Q. At the time she offered her vote, did other ladies whose names were registered also offer their votes? Yes, sir.

Q. How many were there all together? There were 15 who voted.

Q. Upon the preliminary oath being administered to Miss Anthony was she questioned by anyone? Yes, sir.

Q. The preliminary oath is that the applicant will answer questions put to her? Yes, sir.

Q. Do you recollect what questions were put to Miss Anthony? No, sir, I do not.

Q. Do you recollect who put them? The chairman of the board B. W. Jones.

Q. Did either of the Supervisors have anything to say about it? No, sir not that I heard.

Q. Did you hear anything at any time—Did you hear anything said by either of them at the time she was registered? Yes, sir.

(Objection on the ground that the charge is for voting not for illegal registry. Overruled)

Q. State what occurred at the time of registry or all that was said?—Can you state what day it was she registered? It was Tuesday, the 1st of November 1872.

Q. Now state all that you heard said upon the subject after Miss Anthony arrived on the place? I had been away to breakfast, when I came back I found the ladies there. The Inspectors had settled the matter between themselves so far as they were concerned. They asked me my opinion of it. I told them I was satisfied to register them; that we were right in doing so. I met Silas J. Wagner at the door as I was passing in and he told me "Ed, don't you register those women." Women made a remark that we were obliged by law to register them. That was after we had decided to put down the names.

Q. Have you told now all that you recollect that was stated by any person? Yes, sir.

Q. There had been some talking before you arrived? Yes, sir. They were just through administering the oath when I came in.

Q. In registering Miss Anthony, did you act in accordance with your best judgment? Yes, sir, I did.

(Objection.—Sustained)

Q. Was Miss Anthony sworn at the time she registered? Not while I was there.

Re-direct examination by Mr. Pound

Q. Did you hear anything said by Miss Anthony? Not much.

Q. State what you heard her say? I can't remember it.

Q. State the substance? I have no recollection of what she said.

(Book shown to witness)

Q. Is this the registry in which you checked votes? Yes, sir.

Q. Refer to her name; do you find it? Yes, sir.

Q. Who checked it? I did.

Q. When, at the time she voted? Yes, sir.

(Registry put in evidence and marked "exhibit no. 1")

Beverly W. Jones was sworn on behalf of the people and testified as follows:

Q. Do you reside in the City of Rochester? Yes, sir.

Q. What is your age? 25.

Q. Occupation? In the _____ business.

Q. Do you know the defendant? Yes, sir.

Q. You acted as one of the Inspectors of the 1st District of the 8th Ward of the City of Rochester?
I did. Yes, sir.

Q. The Election was held [at] 81 West Avenue? Yes, sir.

Q. What was the election for (Defendant's counsel remarks the Election was for State and
National officers)

Q. Did you see defendant on the 5th November? Yes, sir.

Q. Whereabouts? At the polls.

Q. What time of day? About half an hour after we had opened the polls.

Q. Did she vote? Yes, sir.

Q. For what officers did she vote for? I believe she voted the state tickets, for member of assembly and for general election and –

Q. She voted the congressional ticket? Yes, sir.

Q. Was the ticket endorsed? Yes, sir.

Q. What word was endorsed upon it? Congress.

Q. Who took the tickets? I did.

Q. What did you do with them? I put them in their proper boxes.

Q. Did anything occur while she was voting? She was challenged.

Q. Who by? Sylvester Lewis. She was challenged at the time stated by the board of Registers.

Q. And her name was marked upon the registry to be challenged? Yes, sir.

Q. Who by? The name is in my handwriting.

Q. Upon being challenged, who offered the oaths to her? I did.

Q. What oaths? The preliminary and general oaths.

Q. How was she dressed?

(Objected to. Overruled)

Answer: She was dressed as a woman.

Q. What was her appearances, as a man or a woman?

(Objection. Defendants counsel admit that she is a woman)

Being cross-examined by Mr. Van Voorhis, he testified as follows:

Q. Mr. Jones, when did you first see Miss Anthony at the place of registry? On the 1st day of November.

Q. Who else was there at that time? William J. Bemer, S.J. Wagner, and D. Warner and some others.

Q. State what was said there upon the subject of Miss Anthony's right to registry—in substance? She made her appearance in the room and she asked if this was the place where they registered voters. We answer her that it was. She said ~~that~~ she was a citizen of the U.S. and demanded her right to be registered. I made the remark that I didn't think we could register her name. She asked me upon what grounds. I told her that the constitution of the State of New York only gave the right of franchise to male citizens. She asked me if I was acquainted with the 14th amendment to the Constitution of the U.S. I told her I was. She wanted to know if under that she was a citizen and had a right to vote. At this time Mr. Warner said, young man, how are you going to get around that. I think you will have to register their names—or something to that effect.

Q. Meaning Miss Anthony and someone else? Yes, there were two others there. She asked me if I had read Benjamin Butler's report. I said, "No." At this moment one of the democratic Inspectors said he was in favor of registering their names. I concurred. As they were placing the names upon the book—

Q. Were you influenced in your opinion by what Supervisor Warner said.

(Objected to as incompetent. Objection overruled)

Q. Was any oath administered to her at the time of registry? No, sir.

Q. Was she challenged when voting? No, sir.

Q. When was she challenged? On the 2nd of November.

Q. What oaths did you administer to Miss Anthony on the day when she voted? Preliminary oath.

Q. After that oath was put to her was she questions by you? She was.

Q. Did she make answer to what you put to her? Yes, sir.

Q. You followed that up by the General Oath, did you? I turned at this moment to ask if the challenger was satisfied. He said administer the whole thing or something to that effect.

Q. That oath reads as follows, does it not "You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector." Yes, sir.

Q. The general oath reads as follows, does it not "You do swear (or affirm as the case may be) that you have been a citizen of the United States for ten days and are now of the age of 21 years;

that you have been an inhabitant of this State for one year next preceding this election, and for the last four months a resident of this county; that you have been for thirty days next preceding this election ~~and for the last four months~~ a resident of this Assembly district (or Senate or congressional district or districts, ward, town, village, or city from which the officer is to be chosen for whom said person offers to vote) that you are a resident of this town (or ward as the case may be) and of the election district in which you now offer to vote, and that you have not made any bet or wager and are not directly or indirectly interested in any bet or wager depending on the result of this election and that you have not voted at this election.” Yes, Sir.

Was there anything said at the time of voting by either of the supervisors? Not that I heard.

In what you did in this as an inspector of registry and in receiving Miss Anthony’s name and in receiving her vote did you act in good faith as such inspector and in accordance with your best judgment.

(Objection. Objection sustained)

Did you take counsel between the day of Registry and voting as to Miss Anthony’s right to vote? I went to Henry R. Selden and he advised me not to take his advice.

Did he tell you what his opinion was? Yes, sir.

What was it? He said legally they were voters, there was no question about it.

Redirect Examination by Mr. Pound.

Q. You say he advised you not to take his advice—as he was counsel? Yes, sir—I went to see Mr. Van Voorhis once.

Q. After consulting with Judge Selden, did you see other counsel? I don’t know whether it was before or after.

Q. Did you see any counsel that are not counsel for these women? Yes, sir; I did. I saw John H. Martingdale.

Q. After or before consulting with Judge Selden? I don’t know whether it was after or before ? [sic]

Q. Did you state the case to him in full? No, sir. I only asked him if a women had a right to be registered or not.

Q. What did he tell you? He said that we had a perfect right to register them.

Q. Did he tell you anything else? He said that he thought they had no right to vote, that he had not looked into the matter any.

Q. Any other counsel consulted? No, sir.

Q. The names were all registered before you took any advice? Yes, sir.

James A. Gilman being sworn for the people testified as follows:

Q. You reside in the City of Rochester? I do.

Q. What is your age? 22.

Q. What is your occupation? Carpenter.

Q. Did you act as one of the clerks at the polls at the 1st Election district of the 8th Ward in this City? I did.

Q. And kept a poll list? Yes, sir.

Q. Poll was held at 81 West Avenue? I believe that was the number.

Q. Is this the poll list you kept? (book shown witness) Yes, sir, it is.

Q. Did you keep that poll list—state the manner of keeping it? Inspector called out a name—

Q. What inspector? B.W. Jones and sometimes Mr. Warner.

Q. Was not it the Inspector that received vote that always called the names out? Yes, sir.

Q. And what did you do then? I took the name and registered it.

Q. What else? That was all.

Q. You wrote the name on the registry? Yes, sir.

Q. What else did you do? I wrote the ticket.

Q. How did you distinguish them? By writing in different columns.

Q. How are these columns made? Electoral [sic], State, Congressional, two columns and constitution.

Q. Was there any other? School commissioners.

Q. Do you know the defendant by sight? Yes, sir.

Q. Did you see her vote on the election day? No, sir.

Q. Will you look and see if you find her name on that poll list? Yes, sir.

Q. How is it written? Miss S.B. Anthony[,] 7 Madison Street[,] marked “P.O. and “Y.O. marks in letter State Congress and assembly.

Sylvester Lewis was sworn for the people and testified as follows:

Q. You reside in the City of Rochester? Yes, sir.

Q. What is your occupation? Salt manufacturer.

Q. On the Election Day did you attend the polls of the 1st District of the 8th Ward? Yes, sir.

Q. That was the 5th Nov.? Yes, sir.

Q. Did you act as challenger that day caused the names to be challenged Did you act as General Challenger? I was employed by the Democratic party to take a poll list and challenge voters at the polls.

Q. You were sworn and caused the parties to be challenged to be written opposite their names? I was.

Q. Did you see the [Defendant] vote on the 5th Nov.—the day of Election? I did.

Q. Did you see what ticket she voted? All that I could see was that she handed in the four ballots.

Cross Examined:

Q. You have taken a great deal of interest in this matter? Yes, sir.

Q. Do you know Mrs. Lydon? Yes, sir.

Q. Did you go to the home and adviser her to go and register at the 1st District in the 8th Ward?

(Objected to on the ground that it is not material nor is cross examination of the direct evidence)

(Objection overruled)

Answer. I did not directly ask her to go and register.

Q. Did you do so indirectly? I did not.

Q. You say you took a poll list for the Democratic party? I did.

Q. Did you take Susan B. Anthony's name on your canvass?—Canvass? You made out what is ordinarily called a poll list? No, sir.

Q. Where is that Canvass? At my house.

Q. Didn't you know the paper which you took is commonly denominated a poll list? No, sir.

Q. Didn't you call it—In that list you took down the names of all persons who had a right to vote? Yes, sir.

Q. And which way they would vote? Yes, sir.

Q. Among others you took the name of Miss Anthony? Yes, sir.

Q. Didn't you give Miss Lydon some advice on the subject of registry? No, sir.

Q. Did you tell that she had better—to go register; that the thing might as well be tried out in that Ward as anywhere? Not in so many words.

Q. You have written articles for the newspapers on this subject? Yes, I have.

Q. How many? Two.

Redirect Examination.

Q. You did have a talk on the subject of registration? Yes, sir.

Q. Where was it? At her residence on Reynolds Street.

Q. More than one? No, sir.

Q. In the latter part of October? What was it.

(Objection. Overruled)

The Registry of Election was offered in evidence and marked "Ex. A."

Beverly W. Jones recalled.

By Mr. Van Voorhis. Q. Do you recollect anything further that was said by Mr. Warner? Yes, sir. I recollect his saying that—or asking me the question "Do you know the penalty for not registering these names." I told him I did.

By Mr. Pound. You have told all that you recollect of Mr. Warner's conversation now? Yes, sir.

[Plaintiff's] Case Closed.

[Defendant's Case]

Susan B. Anthony sworn in her own behalf testified:

Q. Are you the person taken (sp?) of as defendant? Yes, sir.

Q. Previous to voting at the 1st District poll in the 8th Ward, did you take the advice of counsel upon voting? Yes, sir.

Q. Who was it you talked with? Judge Henry R. Selden.

Q. What did he advise you with reference to your legal right to vote? He said it was the only way to find out what the law was upon the subject—to bring it to a test.

Q. Did he advise you to go and offer your vote? Yes, sir.

Q. State whether or not prior to such advice you had retained Mr. Selden to defend in this action? No, sir. I first went to Judge Selden to sound him if we should want him.

Q. Have you anything further to say upon Judge Selden's advice? I think it was sound.

Q. Did he give you an opinion on the subject? He was like all the rest of you lawyers—he had not studied the question.

Q. What did he advise you? He left me with this opinion—that he was an honest man; that he would study it up thoroughly and decide according to the law.

Q. Did you have any doubt yourself of your right to vote? Not a particle.

Cross-Examined:

Q. Would you not have made the same efforts to vote that you did do if you had not consulted with Judge Selden? Yes, sir. (I hope the court understands that I did not consult anyone until [sic] after I had voted).

Q. [Were] you not influenced by his advice in the matter at [all]? No, sir.

Q. You went into this matter for the purpose of testing the question? Yes, sir. I had been resolved to vote at the first election that I had been home for 30 days for three years.

Mr. Lewis recalled by Mr. Van Voorhis

Q. Did you know Mr. Garragus (sp?)? Yes, sir.

Q. Did you tell Mr. Garragus (sp?) that you were going to get 20 women to offset Miss Anthony

and her votes? I told him that it it would be a good a joke to get 20 old Irishwoman to offset their votes.

Q. You felt sure they would all vote for Greeley did you? No, sir: we could buy them with money enough.

Margaret Lydon sworn for [defendant] testified:

Q. You reside in the 8th Ward? I do.

Q. Are you 21 years of age? Yes, sir.

Q. Are you acquainted with Sylvester Lewis? I know him when I see him.

Q. Did he advise you to go and vote, that you might as well bring that question up there as any place.

(Objection. Sustained).

Cyrus Garragus

Q. You reside in the 8th Ward in this City? Yes, sir.

Q. In the 1st Election District? Yes, sir.

Q. How long have you lived there? 15 years.

Q. Are you acquainted with Mr. Lewis? Yes, sir.

Q. Did you have a conversation with him shortly prior to election in reference to Registering female votes in your ward? Yes, sir.

Q. Was that after Miss Anthony's name had been registered? Yes, sir.

Q. And before the closing of the time for registering was it not? Yes, sir.

Q. Won't you state what he said?

(Objection. Sustained).

Susan B. Anthony recalled.

Q. Did you consult any other counsel besides Judge Selden in reference to your right to vote?

(Objection. Sustained).

Evidence Closed.