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PRESTONSBURG, KY.

Aug. 13, 1925.

Mr. Lee P. May,
Prestonsburg, Ky.

Dear Sir:*

In re Election Contest for Democratic nomination
for Sheriff.

I beg to confirm my statements made to you this morning, relative to the procedure in the above cases, now pending in the Floyd Circuit Court.

There is the case of yourself against Sturgill and Martin; the case of Sturgill against Martin; and the case of Hill against Sturgill, Martin and yourself. In my judgment, these three cases will be consolidated and heard as one case.

Each of the cases seek a recount of the ballots, and a recount is authorized practically upon the allegations of the petitions, with proof introduced to show that the ballots have not been tampered with since they were delivered into the possession of the County Clerk. This, of course, can be shown by the testimony of John Hatcher, clerk, and of the guards who have been maintained at the courthouse. However, as to the recount, there are, as I understand, approximately ten contests, including the three for the sheriff's office, and in each contest a recount of the ballots is sought. The question of procedure is within the discretion of the trial court, and until he announces the procedure we cannot determine just how this will be done. He may recount the ballots at the beginning of the trial, after their integrity has been shown; or he may require all the evidence to be introduced in all the cases, and then recount the ballots in all the cases at one and the same time, and my judgment is that this is what will be done.

Each of the contests charge a violation of the Corrupt Practice Act. It will be necessary to show by you, if it is a fact, that you did not buy any votes yourself, and that no one with your knowledge bought any votes for you, either with his or your money. It is sufficient on this ground to show that even one vote was bought by a candidate, or by his workers with money furnished by him, to deprive him of a nomination, in the event a candidate receiving a less number of votes is shown not to have violated the Act. I would advise that we should endeavor to ascertain the names of the election workers for Martin, Sturgill and Hill in some of the various preceincts, whom we can show had their money, and that the workers used the money or a part of it for the buying of votes. We can of course call Martin, Sturgill and Hill as witnesses upon cross-examination, and they have the same right to call you. I would also endeavor to learn who was the campaign manager for each of these threecandidates, if they had one, so we can have them as a witness as well. In the lower ward of Prestonsburg precinct, it is my information that Art Sturgill had approximately \$ 400.00 of Bev Sturgill's money, and it can be shown that he used it for buying votes.