

NORTH CAROLINA,

Wake County—ss.

In the Superior Court of Wake County, at Chambers, before S. W. Watts, Judge of 8th Judicial District, April 6th, 1876.

John C. Gorman, John R. O'Neil, W. W. White, and Handy Lockhart, male inhabitants of the City of Raleigh, and qualified voters BONA FIDE resident therein—who sue in behalf of themselves, and all the other qualified voters BONA FIDE resident therein, who may elect to unite as plaintiffs in this suit,—Plaintiffs,

AGAINST

Basil C. Manly, acting Mayor of the City of Raleigh; James McKee, John Armstrong, H. J. Hammill, J. J. Nowell, W. H. Martin, Stewart Ellison, P. F. Pescud, Jr., John C. Blake, Wm. C. Stronach, Robert H. Bradley, J. C. R. Little, Henry C. Jones, James H. Jones, James H. Harris, P. C. Fleming, John R. Williams, and R. H. Jones, now exercising the rights, powers and duties, heretofore prescribed by law, for the Board of Commissioners of the City of Raleigh; J. J. Christophers, J. J. Litchford, Graham Haywood, M. B. Barbee, R. S. Perry, J. W. Marcom, A. C. Sanders, E. A. Carver, J. J. Nowell, Jackson Alston, J. J. Lewis, P. J. Brown, Celdon Hutchings, W. C. Lassiter, Alexis Long, T. J. Belvin, James Bonner, D. C. Murray, J. R. Whitaker, J. J. Sawyer, Joseph A. Harris, J. D. Pullen, S. M. Rigsbee, and M. V. B. Gilbert,—Defendants.

This action coming on to be argued and being argued by counsel, both for Plaintiffs and Defendants, it is adjudged by the Court that the Plaintiffs are entitled to the relief demanded in their complaint, and thereupon it is ordered by the Court here:

1st. That a peremptory Mandamus issue to the Defendant, Basil C. Manly, acting Mayor of the City of Raleigh, requiring him forthwith to appoint three Registrars, one for the Middle Ward, one for the Eastern Ward, and one for the Western Ward of said City, as said Wards are defined by the Act of 3d of February, A. D. 1857—by whom the qualified voters of said City, *bona fide* resident within their respective Wards, may be duly registered according to law, at least ten days before the 1st day of May, A. D. 1876.

2d. That a peremptory Mandamus issue to the Defendants, James McKee, John Armstrong, H. J. Hammill, J. J. Nowell, W. H. Martin, Stewart Ellison, P. F. Pescud, Jr., John C. Blake, W. C. Stronach, R. H. Bradley, J. C. R. Little, Henry C. Jones, James H. Jones, James H. Harris, John R. Williams, P. C. Fleming and R. H. Jones, now exercising the rights, powers, and authority of the Board of Commissioners of the City of Raleigh, requiring them, and each, and every, and all of them, as such Board of Commissioners, forthwith, to designate the points within said Eastern and Western Wards of the City of Raleigh, where polls shall be opened for a municipal election on said 1st day of May, A. D. 1876, for a Mayor of said City, and three Commissioners for each of said Wards:

And further requiring them, and each, and every, and all of them, as such Board of Commissioners, at least twenty days before said 1st day of May, A. D. 1876, to elect and appoint nine Inspectors of Election, three to preside over the polls to be opened on that day in the said Middle Ward, three to preside over the polls to be opened on that day in the said Eastern Ward, and three to preside over the polls to be opened on that day in the said Western Ward,—to hold a municipal election for the City of Raleigh on said 1st day of May, A. D. 1876, for a Mayor of said City, and nine Commissioners thereof—to be conducted in the manner, and under the regulations, prescribed by the Constitution and laws of this State, and by the private Acts of the General Assembly, constituting the charter of the City of Raleigh, which were enacted and ratified previous to the 16th day of February, A. D. 1875.

3d. That the Defendants, J. J. Christophers, J. J. Litchford, Graham Haywood, M. B. Barbee, R. S. Perry, J. W. Marcom, A. C. Sanders, E. A. Carver, J. J. Nowell, Jackson Alston, J. J. Lewis, P. J. Brown, Celdon Hutchings, W. C. Lassiter, Alexis Long, T. J. Belvin, James Bonner, D. C. Murray, J. R. Whitaker, J. J. Sawyer, Joseph A. Harris, J. D. Pullen, S. M. Rigsbee, and M. V. B. Gilbert, and each, and every, and all of them, be strictly enjoined from, in any manner intermeddling or interfering with, the registration of qualified voters by the Registrars appointed by said Mayor, as aforesaid—or with the opening of the polls, or the conduct of the said election, by the Inspectors of Election appointed by said acting Board of Commissioners of the City of Raleigh, as aforesaid.

And that they, and each, and every, and all of them, be further commanded and strictly enjoined, that they do absolutely and entirely refrain, and abstain, and desist from, taking any steps whatever, to facilitate an election for seventeen Aldermen of the City of Raleigh, under the provisions of the Act of 16th of February, A. D. 1875, or under any other authority whatsoever, by reason of their appointment by the Board of Commissioners of Wake county, or by any other person or persons whomsoever, whether natural person or persons, or body or bodies corporate.

And it is further ordered, that said writs of *Mandamus* be issued forthwith by the Clerk of the Superior Court of Wake County, under the seal of said Court, and be made returnable before the Superior Court of Wake County at the Court House, in the City of Raleigh, on the 17th day of April, A. D. 1876, at 10 o'clock in the forenoon of said day.

And it is further ordered, that the foregoing order and judgment be served upon the all—the Defendants herein by delivering a copy thereof to each one of them severally, and that the Clerk of said Court forthwith issue copies for that purpose, and that the Sheriff of Wake County forthwith execute the same.

And it is further ordered and adjudged that the Plaintiffs recover of the Defendants the costs of this action, to be taxed by the Clerk of said Court.

S. W. WATTS,
Judge Superior Court.

A True Copy
attest

J. W. Armstrong
Clerk Supr Court

North Carolina, } *In the Superior Court.*
WAKE COUNTY--ss.

John C. Gorinan, John R. O'Neil, Wm. W. White, and Handy Lockhart, male inhabitants of the City of Raleigh, and qualified voters *bona fide* resident therein—who sue in behalf of themselves, and all the other qualified voters *bona fide* resident therein, who may elect to unite as Plaintiffs in this suit—Plaintiffs.

Against

Basil C. Manly, acting Mayor of the City of Raleigh, James McKee, John Armstrong, H. J. Hamill, J. J. Nowell, W. H. Martin, Stewart Ellison, P. F. Pescud, Jr., John C. Blake, Wm. C. Stronach, Rob't H. Bradley, J. C. R. Little, Henry C. Jones, James H. Jones, James H. Harris, P. C. Fleming, John R. Williams, and R. H. Jones, now exercising the rights, powers, and duties, heretofore prescribed by law, for the Board of Commissioners of the City of Raleigh; J. J. Christophers, J. J. Litchford, Graham Haywood, M. B. Barbee, R. S. Perry, J. W. Marcom, A. C. Sanders, E. A. Carver, J. J. Nowell, Jackson Alston, J. J. Lewis, P. J. Brown, Celdon Hutchings, W. C. Lassiter, Alexis Long, T. J. Belvin, James Bonner, D. C. Murray, J. R. Whitaker, J. J. Sawyer, Joseph A. Harris, J. D. Pullen, S. M. Riggsbee, and M. V.B. Gilbert—Defendants.

The State of North Carolina,

To James McKee, John Armstrong, H. J. Hamill, J. J. Nowell, W. H. Martin, Stewart Ellison, P. F. Pescud, Jr., John C. Blake, Wm. C. Stronach, Rob't H. Bradley, J. C. R. Little, Henry C. Jones, James H. Jones, James H. Harris, P. C. Fleming, John R. Williams, and R. H. Jones, now exercising the rights, powers, and duties, heretofore prescribed by law, for the Board of Commissioners of the City of Raleigh:

You, and each and every and all of you are hereby commanded and enjoined, That, as such Board of Commissioners, immediately after the receipt of this writ, and without delay, you proceed to designate the points, within the Eastern and Western Wards of the City of Raleigh, as said wards are defined by a private Act of the General Assembly of North Carolina, ratified on the third day of February, A. D. 1857, entitled "An Act to revise and consolidate the Charter of the City of Raleigh," where polls shall be opened on the first day of May, A. D. 1876, for an election by the qualified voters within said wards respectively, for a Mayor and three Commissioners for each of said wards respectively, for the City of Raleigh, in pursuance of a judgment rendered in the above entitled action on the eighth day of April, A. D. 1876, a copy whereof accompanies this writ.

And you and each and every and all of you, as such Board of Commissioners, are hereby further commanded and enjoined that at least twenty days before the said first day of May, A. D. 1876, you proceed to elect and appoint nine inspectors of election, three to preside over the polls to be opened on that day, in the Middle Ward of said City, as defined by said private act, of A. D. 1857; three to preside over the polls to be opened on that day in the said Eastern Ward, and three to preside over the polls to be opened on that day in the said Western Ward, for an election to be held on that day by the qualified voters of said City, for a Mayor and nine Commissioners for the same in pursuance of the judgment aforesaid, and that you, and each and every and all of you, as such Board of Commissioners, certify perfect obedience and due execution of this writ to the Superior Court of Wake County, at the Court House in the City of Raleigh on the 17th day of April next ensuing, at ten o'clock, in the forenoon of said day.

Herein fail not at your peril, and have you then and there this writ.

WITNESS, John N. Bunting, Clerk of the Superior Court in and for the County of Wake and the seal of said Court at the Court House in the City of Raleigh, this eighth day of April, A. D. 1876. By order of the Hon. Samuel W. Watts, Judge of said Court.

J. N. Bunting
Clerk Superior Court Wake County.

John C. Gorman & others

Against

Basil C. Manly & others.

Writ of Mandamus.

To J. J. Maxwell

90
460
100
90
120
130
0

NORTH CAROLINA,

Wake County—ss.

In the Superior Court of Wake County, at Chambers, before S. W. Watts, Judge of 6th Judicial District, April 8th, 1876.

John C. Gorman, John R. O'Neil, W. W. White, and Handy Lockhart, male inhabitants of the City of Raleigh, and qualified voters BONA FIDE resident therein—who sue in behalf of themselves, and all the other qualified voters BONA FIDE resident therein, who may elect to unite as plaintiffs in this suit,—Plaintiffs,

AGAINST

Basil C. Manly, acting Mayor of the City of Raleigh; James McKee, John Armstrong, H. J. Hammill, J. J. Nowell, W. H. Martin, Stewart Ellison, P. F. Pescud, Jr., John C. Blake, Wm. C. Stronach, Robert H. Bradley, J. C. R. Little, Henry C. Jones, James H. Jones, James H. Harris, P. C. Fleming, John R. Williams, and R. H. Jones, now exercising the rights, powers and duties, heretofore prescribed by law, for the Board of Commissioners of the City of Raleigh; J. J. Christophers, J. J. Litchford, Graham Haywood, M. B. Barbee, R. S. Perry, J. W. Marcom, A. C. Sanders, E. A. Carver, J. J. Nowell, Jackson Alston, J. J. Lewis, P. J. Brown, Celdon Hutchings, W. C. Lassiter, Alexis Long, T. J. Belvin, James Bonner, D. C. Murray, J. R. Whitaker, J. J. Sawyer, Joseph A. Harris, J. D. Pullen, S. M. Rigsbee, and M. V. B. Gilbert,—Defendants.

This action coming on to be argued and being argued by counsel, both for Plaintiffs and Defendants, it is adjudged by the Court that the Plaintiffs are entitled to the relief demanded in their complaint, and thereupon it is ordered by the Court here:

1st. That a peremptory Mandamus issue to the Defendant, Basil C. Manly, acting Mayor of the City of Raleigh, requiring him forthwith to appoint three Registrars, one for the Middle Ward, one for the Eastern Ward, and one for the Western Ward of said City, as said Wards are defined by the Act of 3d of February, A. D. 1857—by whom the qualified voters of said City, bona fide resident within their respective Wards, may be duly registered according to law, at least ten days before the 1st day of May, A. D. 1876.

2d. That a peremptory Mandamus issue to the Defendants, James McKee, John Armstrong, H. J. Hammill, J. J. Nowell, W. H. Martin, Stewart Ellison, P. F. Pescud, Jr., John C. Blake, W. C. Stronach, R. H. Bradley, J. C. R. Little, Henry C. Jones, James H. Jones, James H. Harris, John R. Williams, P. C. Fleming and R. H. Jones, now exercising the rights, powers, and authority of the Board of Commissioners of the City of Raleigh, requiring them, and each, and every, and all of them, as such Board of Commissioners, forthwith, to designate the points within said Eastern and Western Wards of the City of Raleigh, where polls shall be opened for a municipal election on said 1st day of May, A. D. 1876, for a Mayor of said City, and three Commissioners for each of said Wards:

And further requiring them, and each, and every, and all of them, as such Board of Commissioners, at least twenty days before said 1st day of May, A. D. 1876, to elect and appoint nine Inspectors of Election, three to preside over the polls to be opened on that day in the said Middle Ward, three to preside over the polls to be opened on that day in the said Eastern Ward, and three to preside over the polls to be opened on that day in the said Western Ward,—to hold a municipal election for the City of Raleigh on said 1st day of May, A. D. 1876, for a Mayor of said City, and nine Commissioners thereof—to be conducted in the manner, and under the regulations, prescribed by the Constitution and laws of this State, and by the private Acts of the General Assembly, constituting the charter of the City of Raleigh, which were enacted and ratified previous to the 16th day of February, A. D. 1875.

3d. That the Defendants, J. J. Christophers, J. J. Litchford, Graham Haywood, M. B. Barbee, R. S. Perry, J. W. Marcom, A. C. Sanders, E. A. Carver, J. J. Nowell, Jackson Alston, J. J. Lewis, P. J. Brown, Celdon Hutchings, W. C. Lassiter, Alexis Long, T. J. Belvin, James Bonner, D. C. Murray, J. R. Whitaker, J. J. Sawyer, Joseph A. Harris, J. D. Pullen, S. M. Rigsbee, and M. V. B. Gilbert, and each, and every, and all of them, be strictly enjoined from, in any manner intermeddling or interfering with, the registration of qualified voters by the Registrars appointed by said Mayor, as aforesaid—or with the opening of the polls, or the conduct of the said election, by the Inspectors of Election appointed by said acting Board of Commissioners of the City of Raleigh, as aforesaid.

And that they, and each, and every, and all of them, be further commanded and strictly enjoined, that they do absolutely and entirely refrain, and abstain, and desist from, taking any steps whatever, to facilitate an election for seventeen Aldermen of the City of Raleigh, under the provisions of the Act of 16th of February, A. D. 1875, or under any other authority whatsoever, by reason of their appointment by the Board of Commissioners of Wake county, or by any other person or persons whomsoever, whether natural person or persons, or body or bodies corporate.

And it is further ordered, that said writs of *Mandamus* be issued forthwith by the Clerk of the Superior Court of Wake County, under the seal of said Court, and be made returnable before the Superior Court of Wake County at the Court House, in the City of Raleigh, on the 17th day of April, A. D. 1876, at 10 o'clock in the forenoon of said day.

And it is further ordered, that the foregoing order and judgment be served upon the all—the Defendants herein by delivering a copy thereof to each one of them severally, and that the Clerk of said Court forthwith issue copies for that purpose, and that the Sheriff of Wake County forthwith execute the same.

And it is further ordered and adjudged that the Plaintiffs recover of the Defendants the costs of this action, to be taxed by the Clerk of said Court.

S. W. WATTS,
Judge Superior Court.

A true Copy

attest

J. A. Bunting
Clerk Supr Court

North Carolina, } *In the Superior Court.*
WAKE COUNTY--ss.

John C. Gorman, John R. O'Neil, Wm. W. White, and Handy Lockhart, male inhabitants of the City of Raleigh, and qualified voters *bona fide* resident therein—who sue in behalf of themselves, and all the other qualified voters *bona fide* resident therein, who may elect to unite as Plaintiffs in this suit—Plaintiffs.

Against

Basil C. Manly, acting Mayor of the City of Raleigh, James McKee, John Armstrong, H. J. Hamill, J. J. Nowell, W. H. Martin, Stewart Ellison, P. F. Pescud, Jr., John C. Blake, Wm. C. Stronach, Rob't H. Bradley, J. C. R. Little, Henry C. Jones, James H. Jones, James H. Harris, P. C. Fleming, John R. Williams, and R. H. Jones, now exercising the rights, powers, and duties, heretofore prescribed by law, for the Board of Commissioners of the City of Raleigh; J. J. Christophers, J. J. Litchford, Graham Haywood, M. B. Barbee, R. S. Perry, J. W. Marcom, A. C. Sanders, E. A. Carver, J. J. Nowell, Jackson Alston, J. J. Lewis, P. J. Brown, Celdon Hutchings, W. C. Lassiter, Alexis Long, T. J. Belvin, James Bonner, D. C. Murray, J. R. Whitaker, J. J. Sawyer, Joseph A. Harris, J. D. Pullen, S. M. Riggsbee, and M. V'B. Gilbert—Defendants.

The State of North Carolina,

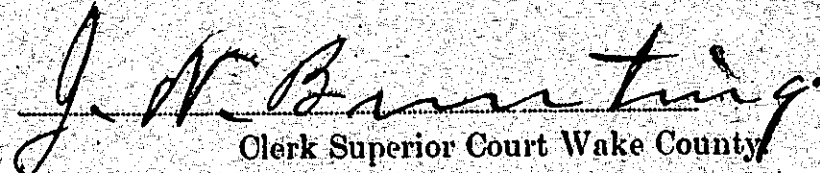
To James McKee, John Armstrong, H. J. Hamill, J. J. Nowell, W. H. Martin, Stewart Ellison, P. F. Pescud, Jr., John C. Blake, Wm. C. Stronach, Rob't H. Bradley, J. C. R. Little, Henry C. Jones, James H. Jones, James H. Harris, P. C. Fleming, John R. Williams, and R. H. Jones, now exercising the rights, powers, and duties, heretofore prescribed by law, for the Board of Commissioners of the City of Raleigh:

You, and each and every and all of you are hereby commanded and enjoined, That, as such Board of Commissioners, immediately after the receipt of this writ, and without delay, you proceed to designate the points, within the Eastern and Western Wards of the City of Raleigh, as said wards are defined by a private Act of the General Assembly of North Carolina, ratified on the third day of February, A. D. 1857, entitled "An Act to revise and consolidate the Charter of the City of Raleigh," where polls shall be opened on the first day of May, A. D. 1876, for an election by the qualified voters within said wards respectively for a Mayor and three Commissioners for each of said wards respectively, for the City of Raleigh, in pursuance of a judgment rendered in the above entitled action on the eighth day of April, A. D. 1876, a copy whereof accompanies this writ.

And you and each and every and all of you, as such Board of Commissioners, are hereby further commanded and enjoined that at least twenty days before the said first day of May, A. D. 1876, you proceed to elect and appoint nine inspectors of election, three to preside over the polls to be opened on that day, in the Middle Ward of said City, as defined by said private act, of A. D. 1857; three to preside over the polls to be opened on that day in the said Eastern Ward, and three to preside over the polls to be opened on that day in the said Western Ward, for an election to be held on that day by the qualified voters of said City, for a Mayor and nine Commissioners for the same in pursuance of the judgment aforesaid, and that you, and each and every and all of you, as such Board of Commissioners, certify perfect obedience and due execution of this writ to the Superior Court of Wake County, at the Court House in the City of Raleigh on the 17th day of April next ensuing, at ten o'clock, in the forenoon of said day.

Herein fail not at your peril, and have you then and there this writ.

WITNESS, John N. Bunting, Clerk of the Superior Court in and for the County of Wake and the seal of said Court at the Court House in the City of Raleigh, this eighth day of April, A. D. 1876. By order of the Hon. Samuel W. Watts, Judge of said Court.


Clerk Superior Court Wake County

John C. Gorman & others

Against

Basil C. Manly & others.

Writ of Mandamus.

