VOTING AND ELECTIONS IN ARLINGTON

By
C. B. ROSE, Jr.

The privilege and responsibility of voting is exercised by all too few nowadays. Lip service is paid to the right of suffrage but the proportion of those eligible to vote who actually do so generally is low, even in presidential elections.

This has not always been true. Indeed, at one time a penalty was laid for failure to appear at the polls and state one's choice. We do not know how often the fine was exacted in fact. We do know that our forefathers recognized the value of the franchise and cherished it as a badge of citizenship which could tarnish through disuse.

True, the holders of this prerogative were a select group. But the limitations for the most part were imposed more for positive than negative reasons. It was deemed that those who had a voice in the affairs which affected their community should have a stake in its welfare. Today, as the citizen's "community" has broader bounds, the right of suffrage has been extended. The stake in the outcome of elections is commensurately greater.

No one living in what is now Arlington would have been able to vote until this area was embraced in Northumberland County in 1645, and probably few did so for some time thereafter. Distance from the Court House where all voting took place alone would have been a deterrent even had this area been settled by permanent residents. Indeed, distance from the seat of county government as settlement pushed further and further up the Potomac and the resulting inconvenience, was a major factor in the division of the area through the creation of new counties during Colonial days: Westmoreland, Stafford, Prince William, and finally Fairfax with its Court House (after 1752) in the Town of Alexandria.[1]

Over the years, the privilege of voting sometimes has been restricted, sometimes extended; sometimes ignored, and sometimes almost fought for. Today we are inclined to take literally the declaration in the Constitution of Virginia (Article I, Sec. 6) first expressed by George Mason in 1776: "That all elections ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community have the right of suffrage . . ." This has not always been so. And even since the Revolution, the qualifying clause has permitted a variety of interpretations.

[1] *History of the Boundaries of Arlington County, Virginia*; Arlington, Va., Office of the County Manager; 2nd Ed. (1967)

In the Arlington area, the exercise of the franchise at times has had most important consequences. A retrospective glance will help to put these key elections into perspective.

Virginia Election Law Highlights

Colonial Days

When the first votes in Virginia were cast in 1619, in response to a directive to Gov. Yeardley to summon a General Assembly, the only conditions as to who might cast a ballot were that the electors be inhabitants and free men.[2] At that time, too, the only posts to be filled by popular vote were those of Burgess—the delegates to the General Assembly.

As the population and the number of those offering to vote increased, so did the complexity and detail of the election laws. Enactments obviously were designed to correct conditions considered undesirable; they mirror existing practices and attitudes. Eventually, too, the number of office holders selected by popular vote grew so that the franchise became more valuable and limitations on its holders more significant.

The 1621 Ordinance of the Council of the Virginia Company (prior to 1619 the only body to make laws for the Colony, and even after that a superior authority) again decreed that the Burgesses were to be chosen by the inhabitants of the "town, borough, particular plantation" which they represented, without further stipulation, perhaps because it was taken for granted that only freeholders and free men would vote. This relaxed attitude apparently gave rise to abuses because Act I of the General Assembly which met in November 1645 [3] declared that although previously there had been no certain rules in regard to the composition of that body, thenceforth there were to be no more than four burgesses from each county except James City County which might send five. Elections were to be held where the County Courts sat. Sheriffs were to give notice at least six days before the time of voting, presumably to prevent a small clique "in the know" from controlling the outcome.

Absentee voting seems to have been a problem even in the 17th Century. Act XX of October 1646 was designed as a remedy to the "frauds in subscribing of hands contrary to the warrants directed" for the election, with voters often not appearing personally. The election was now required to be by a plurality of voices and "no hand writing

[2]Percy S. Flippen: *The Royal Government in Virginia*; New York, Columbia University, 1919.

[3]Refeences to Acts of Assembly prior to 1803, except as noted, are as contained in William W. Hening: *The Statutes at Large: Being a Collection of all the Laws of Virginia*; Richmond, Philadelphia, 1819-23.

shall be admitted." At the same time, penalties were provided for failure to vote: "What freeman soever having lawful summons of the time and place of election of Burgesses that shall not make repair accordingly" with no lawful excuse for his absence, was required to forfeit 100 lbs. of tobacco. Indentured servants who were otherwise freemen were exempted from the penalty; the implication is that they were free to vote if they could get to the polls. Color or failure to own a certain amount of property is not mentioned as a bar to voting.

As the population not only increased but became more scattered, permission to vote in writing was granted again [4] and the fine for failure of the Sheriff to give due notice from house to house within ten days of the receipt of the call for an election was set at 10,000 lbs. of tobacco—a vast sum in those days. The franchise was limited to: "householders whether freeholders, leaseholders, or otherwise tenants." Only one member in each household might vote. At the next meeting of the General Assembly this Act was amended to extend the right of suffrage to all free men because "we conceive it something hard and unagreeable to reason that any persons shall pay equal taxes and yet have no voice in elections." At the same time it was *required* that voting be "by subscription" (i.e., in writing) and not in a "tumultuous way."[5] This writing was done by the Sheriff, in public, and meant a written list of the voters and how they voted; ending the practice of determining the outcome by a show of hands or decibel count.

The Burgesses were determined that all who could should vote, and so that none could plead ignorance of the time of an election, in 1661 [6] ministers of the church were directed to read the notice of a forthcoming election for two successive Sundays in every parish both in the churches and in chapels of ease. The fine for failure to vote was increased to 200 lbs. of tobacco. This was at a time when land sold for one pound of tobacco an acre.[7]

Act III of October 1670 reflected impatience with existing conditions: "Whereas the usuall way of chuseing burgesses by the votes of all persons who haveing served their tyme are ffreemen of this country who haveing little interest in the country doe oftner make tumults at the election . . ." and chose people unfit for office, it was decided to follow the laws of England and grant a voice "only to such as by their estates real or personall have interest enough to tye them to the endeavour of the publique good." Thus it was ordained that none but "ffreeholders

[4] Act VII, March 1654-55.
[5] Act XVI, March 1655-56.
[6] Act L, March 1661-2.
[7] "The Howson Patent"; *Arlington Historical Magazine*, Vol. 1, No. 3 (1959).

and housekeepers who only are answerable to. the publique for the levies" could vote. This is the sentiment echoed a century later by George Mason and still proclaimed today: "permanent common interest with, and attachment to the community . . ." although property ownership and tax paying no longer are the only criteria for judging this "attachment."

The so-called Bacon's laws enacted in 1676 (and later repealed on instructions from the Crown) extended the franchise to all free men (with no stipulation as to color) and provided that members of the vestries should be elected by freeholders and freemen. This was the first extension of offices to be filled by election—by popular election, indeed, since all inhabitants perforce were members of the Established Church.

Under frontier conditions, the head of the household not infrequently was a woman, and it is not impossible that women freeholders sometimes may have exercise the right to vote. However, in 1699, under instructions from King William to conform the laws of Virginia to those of England, a law was enacted providing that "no woman sole or covert [married], infants under twenty-one or recusant [not a member of the Established Church]" should vote even if a freeholder. The existence of various undesirable practices is hinted at by the pronouncement that those standing for election thenceforth were not to "give money, meat, drink or provisions, or make any gift or promise to influence the vote." [8] This same law firmly established the practice of voting *viva voce* (by "live voice"), spelling out the requirement that the Sheriff set down the name of each freeholder and for whom he was voting, announced in public. A voter literally had to "stand up and be counted." To do so became imbedded in the Virginia tradition as the mark of a gentleman and the practice survived for almost 200 years.

Thus within less than a century, what had been on its face an almost unrestricted franchise had been circumscribed explicitly to eliminate women, minors, religious dissenters; to limit it to free men of property, and to ban absentee voting.

In 1705, a residency requirement was added giving the right to vote only to those freeholders actually living in the county where the election was to be held. The law [9] went even further: non-residents presuming to vote were to be fined 500 lbs. of tobacco. Voting was to take place at the Court House at least twenty days after the Sheriff had given notice of the election in writing. This Act again specifically excluded women from the franchise—at a time when the ruler of England and the Colonies was a woman: Queen Anne! Unanimity was encouraged. If the

[8] Act II, April 1699. For the instructions from the King, cf. *Journals of the House of Burgesses*, Vol. 3; Ed. H. R. McIlwaine. Richmond, 1915.

[9] Ch. II of October 1705.

vote were not unanimous "upon the view" (implying a return to voting by acclamation) a poll was to be taken in writing in the presence of the candidates or their substitutes to determine the winner.

In 1723, a color bar appeared. "No free negro, mulatto, or indian whatsoever, shall hereafter have any vote at the election of burgesses, or any other election whatsoever."[10]

Whenever a law is passed, men will find ways in which it can be circumvented. If landholding was a prerequisite to voting, the obvious way to "stuff the ballot box" was to create more landholders—presumably beholden to those from whom they got the land. Moreover, adult sons of freeholders, owning no land themselves, were disenfranchised, and by giving them land their fathers enabled them to vote. Thus through land subdivision the electorate was enlarged.

Chapter II of the Acts of Assembly of August 1736 attempted to counter the "frauds to create and multiply votes by making leases and subdividing land" by stipulating that each voter must own at least 100 acres "if there was no settlement" or 25 acres with a house and plantation, and could vote only in the county where the greater quantity of the land lay.[11] Those residing in towns were allowed only one vote per lot owned. Moreover, each person offering to vote now had to execute an oath that he was qualified before he could state his choice. No longer was each man and his circumstances known to all his neighbors.

Stability of the electorate began to be fostered. The 1736 Act required that the land needed for qualification must have been owned at least twelve months prior to the time of election.

A 1762 law[12] lowered the landholding requirement to 50 acres without settlement, but provided that the house which went with the 25 acres and plantation should be at least 12 feet square.[13] The penalty for not voting if qualified was still 200 lbs. of tobacco, and 500 lbs. if the individual voting should be found not to have been qualified. Despite the limitations, the size of the electorate obviously was increasing because the law now provided that if too many persons

[10]Hening, IV, p. 133; May 1723.

[11]This provision apparently was not actually enforced for more than a century so that the agile and determined voter might visit several court houses on election day. Moreover, the elections were not always held on the same day throughout the Colony which made it easier to vote several times.

[12]Ch. I, Acts of Assembly, Nov. 1762. However, this Act was not approved by the Crown and remained a dead letter until after the Revolution.

[13]An amusing account of the devices resorted to to circumvent the law is to be found in Charles S. Sydnor: *Gentlemen Freeholders: Political Practices in Washington's Virginia*; Chapel Hill, University of North Carolina Press, 1952. He cites an instance where a "house" four feet long and two wide was moved to a town lot the day before election in an attempt to qualify the owner, and subsequently removed. This volume casts other interesting sidelights on past voting practices and procedures.

appeared to vote on the first day elections were held, polling could continue for a second day. The length of time the polls were open on a given day, the times of opening and closing, were solely at the discretion of the Sheriff.

Until 1769, apparently the only person authorized to take the poll was the Sheriff. In that year sheriffs were directed to appoint others to this duty. Throughout the Colonial period the final judge of the qualifications of an elector was the Committee on Privileges and Elections of the House of Burgesses to which the sheriffs returned the poll books.

Revolution to Civil War

No change in qualifications for voting was made in the Constitution of the new Commonwealth of Virginia adopted in 1776. Article VII of that instrument provided that "the right of suffrage in the election of both Houses [of the General Assembly] shall remain as exercised at present." It should be noted that there was an expansion in the voice of the electorate since both houses were now to be chosen by popular vote whereas formerly the upper house had been appointed. Most local officials, however, continued to be appointed by the Governor, or, in the case of Constables, by the Justices of the County Courts, the local governing body. Some city charters called for the election of Mayor and other Council members. After the adoption of the U.S. Constitution, voters also chose Electors for the President and Vice President of the United States as well as Representatives to the Congress.

In 1785 [14] the penalty for failure of any qualified elector to vote was set at one-fourth of his portion of all levies and taxes assessed in his county for the ensuing year. At the same time, it was made easier for voters to get to the polls: they became privileged from arrest at the rate of one day for each twenty miles they had to travel. Another deterrent to voting was implied by the grant of authority to extend the time for taking the poll for up to four days "if rain or rise of water courses" prevented voters from reaching the Court House.[15] Obviously, the voting booth was not just around the corner for everyone.

The first approach to a modern list of registered voters was the provision in an Act adopted in 1800 [16] directing the Clerk of Courts to make up a list of landholders to be used as evidence of the right to vote.

A major revision of voting qualifications came in the Constitution of 1830. This spelled out in much more detail than formerly the exact amount of property which each white male citizen of the Commonwealth need possess or

[14]Ch. XVII, Code of Va., 1803; Act passed 12/20/1785.

[15]This did not apply to snow storms. cf. Sydnor, *op. cit.* p. 25.

[16]Ch. CCLIV, Code of Virginia, 1803.

lease in order to be able to vote. The right of suffrage was denied to persons of unsound mind, paupers, non-commissioned officers, soldiers, seamen, or marines in the service of the United States, and to "any person convicted of any infamous offence". It was stipulated that voting was to be *viva voce* and not by ballot. Acts of Assembly in 1831 were more specific. The poll was to be taken at the Court House, but some leeway must have been allowed since it was ordered that where there was more than one polling place for the same candidates the vote was to be taken on the same day at each—perhaps to discourage multiple voting. The Courts were to appoint Commissioners of Election who were to examine the polls, strike out those who had voted for more than one individual or who were not entitled to vote. The poll book was to be preserved in the Clerk's office.

Increased urbanization in Virginia is reflected in the direction of Article III of the Constitution of 1852 that cities and towns with a population of 5,000 or more be laid off by the General Assembly in wards, each to be a separate voting jurisdiction. Alexandria City was laid off in four wards, and the "country part of the county" (Arlington) became the Fifth District. Later, Justices of the County Court were given power to rearrange districts and establish voting places—a power which has survived in the hands of the Judges of the present day Circuit Court. The Commissioner of the Revenue (a relatively new office) now made up the list of "all white, male citizens, twenty-one years of age and over" who would be eligible to vote.

The number of posts to be filled by the electorate was increased to include the County Clerk, Surveyor, Attorney for the Commonwealth,Sheriff, Commissioner of the Revenue (all of whom remain the "Constitutional Officers" of today), four Justices of the Peace in each District (together they formed the County Court or governing body for the County which, until 1870, included the cities and towns), one Constable, and one Overseer of the Poor. Five freeholders were appointed by the Court as Commissioners of Election for each voting place with an additional officer to conduct the election.

The list of State offices filled by direct election also was long. These lists of local and State officials popularly elected have expanded and contracted over the years. By mid-19th Century the election laws had become more detailed both in the Constitution and the statutes. It will suffice here to note only significant changes and salient provisions.

1870 - 1903

A tremendous change indeed was introduced with the Constitution of 1869. For the first time "secret" ballots were required, and voting *viva voce* prohibited. The traditionalists voiced strong objections. The Acts of Assembly which implemented this provision called for a white "ticket" to be prepared with the names of the candidates printed thereon. It was to have not more names of persons than persons to be chosen for the office to be filled. A single ballot was to be given to each voter. In effect this required a straight

party vote. It also made it easy to stuff the ballot box. Candidates supplied constituents with extra "tickets" to be slipped in. This led eventually to laws stipulating the exact size and variety of type to be used on the official ballot (the make-up to be kept secret until election day), requiring sample ballots to be colored rather than white, and forcing the voter to hand his ballot to the election official who could then make sure that there was only one before putting it in the ballot box. In recent years this last requirement has been regarded less as a protection against fraud than as an infringement on the secret ballot.

The statutes[17] now required that all voters (males over twenty-one without respect to color or property ownership) be registered through their own initiative. One registrar was to be available for each 1,000 voters, and there were to be as many polling places as registrars. Thus began the "precinct" as we know it today.

When the law was changed so that the names of *all* candidates for a single office were printed on the official ballot, the requirement was added that the voter draw a line through the names of those for whom he was *not* voting. This practice remained in effect until 1936. [18] Voting machines were first mentioned in the laws of 1922. Arlington was one of the few areas in the State to install them but did not do so until 1949.

The Constitutional Convention of 1901-2 was convened with the avowed intention of limiting the franchise[19] and the instrument adopted did just that, partly by instituting a stringent literacy test, primarily by requiring pre-payment of a poll tax as a qualification for voting. A vast literature grew out of this question which was finally resolved a half century later.[20] Actually when the payment of a poll tax as a prerequisite for voting was first proposed (1830) it was intended to liberalize the franchise by providing an alternative to landholding as a qualification.

Other provisions of this Constitution were that sample ballots must be on a different color of paper than the official one, and no mark distinguishing candidates by party were permitted. Residence requirements were set at two years in the State, one year in the county, city, or town. Subsequently these were lowered.

The latest major revision in the Virginia voting laws has just taken place. Although the electorate is now greatly enlarged by the relaxation of restrictions on the suffrage, the complexity of the voting machinery has been vastly enhanced. We are a long way indeed from 1619!

[17]Chs. 46 and 76, Acts of Assembly, 1869-70.

[18]Acts of Assembly, 1936, p. 238.

[19]Speech of Carter Glass, then a State Senator and Delegate to the Convention, delivered Sept. 5, 1901.

[20]Joseph Lee King: *The History of the Poll Tax in Virginia 1865-1950*; unpublished thesis; Geo. Washington University, 1963, covers the subject thoroughly.

Some Landmark Elections in Arlington

Retrocession to Virginia

Perhaps the most significant election in which the qualified voters of Arlington (known then as Alexandria County) and the Town of Alexandria ever have taken part was that on the question of whether this area should be retroceded to Virginia or remain a part of the District of Columbia. It was called for by an Act of Congress passed on July 9, 1846.

Polling took place at the Court House in Alexandria between 10 A.M. and 6 P.M. on Tuesday, September 1, and Wednesday, September 2, 1846. All free, white, male citizens who had been residents of the area for at least six months were eligible to vote. Five Commissioners of Election had been appointed by President Polk. They were: Robert Brockett, George W. P. Custis, George H. Smoot, George W. D. Ramsey, and James Roach—all prominent citizens. A copy of the poll was transmitted to the President by these Commissioners, and by him to the Governor of Virginia.[21]

Although this area was then still a part of the District of Columbia, the poll was taken *viva voce* and the names written down in public in accordance with the Virginia practice of the day. (But the Virginia residency requirements were ignored.) It is noteworthy that four of the Commissioners of Election voted for retrocession; the fifth, G. W. P. Custis, did not vote although he had been an early instigator of the move for retrocession.

The final result was 763 votes for retrocession and 222 against. The actual total cast was 764 for, and 224 against retrocession. The Commissioners deducted one vote for and two votes against retrocession, duly noted in their report. No reasons are given for disallowing these votes. The Commissioners were the final arbiters.

A review of the list of names shows a heavy sentiment in the "country part of the county" (most of which is now Arlington) against retrocession. This conclusion is borne out by the fact that when the Virginia General Assembly met in December to complete the action necessary to return this area to the Commonwealth, a "Committee of Nine" professing to represent that portion presented a petition protesting the legality of the election and decrying the results. The petition came to naught, and on March 20, 1847, Arlington once more became part of Virginia.

[21] For a full account of this election including a copy of the poll, and the actions preceding and subsequent to it. cf. Harrison Mann's two articles in *Arlington Historical Magazine*, Vol. 1, Nos. 1 and 2 (1957 and 1958).

Secession

The disturbed times of 1861 caused two elections of moment to be held in the Commonwealth of Virginia. Both had important consequences for the Arlington area and for the individuals who participated in them.

Convention

The General Assembly decided in January 1861 to call for a Convention to determine whether Virginia should join other southern States and secede from the Union. Delegates to this Convention were to be elected on February 4, 1861. The County Court appointed Commissioners of Election to take the poll. Those chosen for the Fifth District (the "country part of the county") were: Lafayette Somers, Moses Febrey, Henry (*sic* but probably should be "Harvey") Bailey, Richard Williams, and Richard Latham with Noah Drummond as "Conductor".

In contrast to 1846 when the poll was taken only at the Court House, a separate voting place was now provided at Thompson's "house" (presumably an ordinary or tavern) at Ball's Crossroads (the present intersection of Wilson Blvd. and Glebe Road. [22]

Two questions were before the electorate: to choose a delegate to the Convention; and to decide whether final action of the Convention was to be referred to the people for ratification.

The candidates in this area were George W. Brent and one D. Funston. Brent was the Union candidate. Just before the election he made an "inspiring" speech at a rally which the Alexandria *Gazette*[23] called "an imposing popular demonstration." An editorial in the paper on the morning of the day called it the "most important election to take place in this State since the formation of the present government." Brent's platform was that "the Union should be maintained as long as was possible consistently with the interests and honor of Virginia." The sentiment in the area may be judged from the result of the poll. [24]

	Brent	*Funston*	*For Reference*	*Against Reference*
Total	1,119	438	1,216	202
Fifth Dist.	114	12	111	3

This may not seem to have been a heavy vote. But the degree of participation must be gauged against a total population for the County

[22]Despite the wording of the Act establishing the County in 1847 there is some question about the location of "Thompson's." The *Acts of Assembly* for 1870 gives the election precincts in Alexandria (Arlington) County as "Grave's Toll Gate Washington turnpike road; Ball's Crossroads; Thompson's". The map of 1878 shows a "Jas. Thompson" not far from the intersection. The punctuation may be at fault.

[23]Alexandria *Gazette*, February 2, 1861.

[24]The tabulation below is the result as printed in the *Gazette* for February 5. The poll book for the Fifth District is in the Virginia State Library, "Arlington Transfer", Box 185a, and gives Brent 102 votes with the other figures the same. This would confirm a total of 114 persons voting.

(outside of the City of Alexandria) of 1,447 in 1860, including women, children, free negroes, and slaves none of whom were qualified to vote.

Ordinance

The holders of Brent's views were in a majority when the Convention met in Richmond. But in the weeks that followed there came about a change. The call for troops by Lincoln after the firing on Fort Sumter by Federal troops in April was the event which crystallized sentiment and the result was the adoption of the Ordinance of Secession. George W. Brent was among the signers. Because the State-wide vote had coincided with that in Arlington, this Ordinance was submitted to the electorate for ratification on May 23, 1861; it was sustained overwhelmingly.

The poll book for that election in Arlington is no longer extant but the turnout probably was smaller than in February. Only 51 voted in the Fifth District for members of the General Assembly that day.

The *Minute Book* of the Alexandria County Court records that in January 1862, "Joseph Colton, conductor of election held on the 23rd day of May 1861 was summoned to appear and give information regarding the poll books, said books not being found deposited in the Clerk's office." The Court summoned a number of persons to testify and succeeded in retrieving the book for the Fourth Ward in the City of Alexandria from Isaac Buckingham.

The disappearance of the poll on the Secession Ordinance is not hard to understand. In that day of heated passions and *viva voce* voting to brand onesself either a Union man or a Secessionist was either courageous or foolhardy, depending upon the outcome. And with the occupation of the County by Federal troops at midnight of May 24 the "disappearance" of the poll books must have occasioned sighs of relief from those who had been so bold as to vote.

A vivid picture of conditions at the polls is drawn in testimony given in connection with a petition to recover compensation from the Federal Government for freed slaves.[25] According to one witness, Edward Ball, a vote against secession gave the feeling of signing one's own death warrant. However, he said he *had* voted against the Ordinance; so did Harvey Bailey and George Ott Wunder (both of whom appear on the list of voters at Ball's Crossroads in the election of Delegate and Senator), despite apprehensions for their personal safety. Since the Secession poll book had "disappeared" their statements could not be challenged.

"Good Government" 1903-4

For a variety of reasons, prime among them the proliferation of elected local officials, post-reconstruction conditions in Arlington deteriorated greatly. Saloons, brothels, and gambling dens abounded. Farmers returning

[25]Edward F. Sayle: "The Smith Minor Petition"; *Arlington Historical Magazine*, Vol. 3, No. 1 (1965).

from the Washington markets on Saturday nights formed in armed convoy in Georgetown before crossing the Aqueduct Bridge and making their way through Rosslyn. Bribery and corruption are reported to have been rife.

There is a forecast of the sentiment which was building in a letter (in the files of the Arlington Historical Society) from Frank Lyon to Dr. T. M. Talbott, dated May 9, 1901:

> Please be sure to attend the mass meeting at the Court House next Tuesday night (the 14th inst.) at 7:30 P.M. to elect delegates for the gubernatorial convention. The people have divided themselves on the old lines—it is the gamblers and toughs of Rosslyn and their friends against respectability and we are very anxious to defeat them not only for the effect on the pending contest but for effect in the coming local elections and it is therefore of the very highest importance that every man should be present who are in favor of good order. Also bring your son and if possible Dr. Gott (I believe he is a resident of the county.) Also any others in your neighborhood. If you know any who will come if a team is furnished get them to come that way and I will guarantee payment for the hire of the team. I am not a candidate for anything that night but am exceedingly anxious to defeat the "gang". Bob Veitch and Wm. Ball will be our candidates. I count on you and your son, sure. Come early.

The key to remedying this situation was believed to be a change in the Commonwealth Attorney's office. A keen observer [26] has told how Crandal Mackey was chosen to run in 1903. The incumbent, Richard Johnston, sought re-election, and a third, Walter U. Varney, also entered the lists.

According to Ball, the campaign was the "doggonest knockdown, dragout fight you ever saw in your life." The result of the vote on November 3, 1903, was: Mackey, 323; Johnston, 321; Varney, 119. By this time there were three polling places in Arlington, one in each of the Magisterial Districts into which the County was divided. Residence within the District as well as within the County was a prerequisite to voting.

Within a week, Johnston, in the name of a dozen citizens, challenged the result in a court suit, claiming that many who had voted for Mackey had been ineligible, some by virtue of not living in the District where they had voted. Mackey countered by pointing out that the total vote cast was 825; for Commonwealth's Attorney, 763. He contended that many "erroneously" marked ballots (names of those not being voted for erased or scratched only partly) had been thrown out. The implication was that the "errors" were not genuine, and since the entrenched clique had been in charge at the polls he would have had an even more favorable vote had they been counted as they should have been. He also argued that those now said to have been ineligible should have been challenged at the time when they offered to vote.

[26] Frank L. Ball: "The Arlington I have Known"; *Arlington Historical Magazine*, Vol. 2, No. 4 (1964); cf. especially p. 10.

It was reported that when Johnston found Mackey was investigating individual voters and was likely to find that some had been ineligible, he would claim that they had voted for Mackey. The latter's counter tactic was to collect testimony such as that from the Sheriff, W. H. Palmer, that "each of the parties who made affidavits about receiving money from Mackey [to vote for him] had received fifteen dollars for so swearing," and that he was willing so to testify in court.

The counter claim filed by Mackey alleged that many who had voted for Johnston had been non-residents, even of the County, or illiterate. He went further and collected statements to show that money and whiskey had been used freely at the polls by his opponent.[27] To complicate the matter further, Varney (who Mackey believed to have been secretly in collusion with Johnston) challenged each with distributing "money, whiskey, and cigars to the voters" to influence their choice. The election of W. W. Douglas, one of Mackey's supporters, to the Board of Supervisors, also was called in question. The opposition was anything but supine.

The Court upheld the elections of both Mackey and Douglas but they continued to be harassed for months. Justices of the Peace friendly to the gamblers issued writs of prohibition to prevent the new Commonwealth's Attorney from prosecuting suits. The one Justice favorable to Mackey, J. P. Hagan, was himself the object of a suit. The Special Grand jury convened to clean up the County was forced to secure its own evidence since witnesses evaded summons to testify.

In the end, however, the saloons, houses of ill-fame, and gambling dens were closed, the big operators run out of the County, and a new era of good government and rising prosperity began for Arlington.

TWO votes had been enough to swing the balance!

"Better Government" 1930-31

Arlingtonians considered that they lived in an urban area as early as 1911, and chafed under the restrictions of the traditional form of government prescribed for counties. It was not, however, until the Constitution was amended in 1928 to permit "optional" forms of local government that any real relief was possible. The story of how this came to pass has been told in detail.[28]

Highlights of this story include the herculean efforts by interested citizens to inform the voters of the advantages of the new form of government in the face of opposition from the entrenched interests (masked as the "Voters'

[27]Memoranda dealing with this case and lists of names with notations, many in Mackey's handwriting, are in the files of the Arlington Historical Society.

[28]Robert Nelson Anderson: "Arlington Adopts the County Manager Form of Government"; *Arlington Historical Magazine*, Vol. 1, No. 2 (1958).

Service Club") and the local press. Joining under the banner of "Better Government" were the Arlington Civic Federation, the Chamber of Commerce, and the County Bar Association (with Walter U. Varney playing a prominent role in the last). Whether the new form was to be adopted depended on an affirmative vote in a referendum. To get the question on the ballot, the signatures of 200 voters were required; actually, 1,027 signed the petition.

The election was held November 4, 1930. Polls opened at sunrise (6:38 A.M.) and closed at sunset (5:05 P.M.). The results were 2,067 for the change; 1,031 against. A subsidiary question on whether Magisterial Districts were to be abolished and the members of the governing body elected at large carried 1,689 to 1,149. By this time there were 11 voting precincts in Arlington; in only two did the main question fail to carry and then by very narrow margins.

Now that the new government had been approved, it remained to choose the members of the first County Board under this system. A non-partisan group worked to support a slate of the five people they considered best qualified in a field of 51 candidates. The voter who went to the polls on November 3, 1931, was faced with a formidable task. At that time it was still necessary to draw a line through the names of those for whom the voter was not voting. Not only were there 51 candidates for the County Board, but representatives to the General Assembly, the Constitutional Officers, and the Judge of the County Court had to be chosen. A total of 78 names appeared on the ballot. Approximately 6,700 people took the trouble to vote.

Coda

Today there are 39 election precincts in Arlington. There is a Central Registrar at the Court House who keeps the records of registered voters. Opportunity to register outside of normal working hours is available weekly at the County Libraries.

Sex, color, and property ownership no longer determine eligibility to register and vote. The age limit and residency requirements have been lowered. The polls are open on a known day, for thirteen specified hours, and voting is by machine—the ballot truly secret. Although candidates no longer offer "whiskey, cigars, and money" at the polls they do their best to acquaint voters with their stands on issues of the day.

Failure now to exercise the franchise on the ground of ignorance or inconvenience can be considered only a refusal to participate in the democratic process.