

Ashbury S. Sappington, being sworn, deposeth and saith; states, he was one of the associate judges of the aforesaid election in Kent county; he thinks the ticket upon the poll book was the ticket as taken by Mr. Nicholson from the ballot box; he does not know whether it was handed in the first place to him, or to Mr. Mansfield; there was a consultation among the judges concerning the ticket; it was handed to several persons and then returned to Mr. Nicholson, who read out the ticket, and it was counted for William S. Lassell; he further states that he received on the day of the return of the polls, a note from Mr. Nicholson, requesting him to come to town, and consult about the election. The messenger who brought the note, said it was in regard to the ticket aforesaid; witness was engaged that day and wrote Mr. Nicholson, he thought the ticket was properly counted, and could not go; he does not know what become of the ticket after it was counted; he has never seen the ticket since the election until the present; he did not examine the ticket sufficiently on the night of the Election as to know whether there has been any alteration made; if the part giving it the appearance of a "b" was on it he did not observe it. James A. Pierce, Esq. had stated that upon the question of residence, the law looked merely to the intention of the party, and the witness thought the same rule properly applicable to the ballot aforesaid, and believing that this ticket was designed for William S. Lassell, he thought it should be counted, as there was no other Lassell, a candidate in said county.

A. S. SAPPINGTON.

Test, Thomas M. Flint, clk.

James P. Harrison being sworn, deposeth and saith: states, that he was present at the counting of the polls of the election aforesaid, and was sitting at Mr. Sappington's elbow. The ticket as appears on the poll book, now before the committee, he thinks is the same that was counted for William S. Lassell; his knowledge upon the subject is the same as stated by Mr. Arthur. Witness offered to prove that a ticket was counted for W. S. Constable, without the ticket being produced, or its non-production accounted for, or without notice having been served upon any of the parties to produce it, and although it was proved before the committee that all the tickets are in the possession of Edward Nicholson and are now in Kent county.

Which testimony was objected to, and the objection sustained by a majority of the committee.

JAMES P. HARRISON.

Test, Thomas M. Flint.

William Y. Pierce being sworn, deposeth and saith: states, that he was present at the election held in Kent county on the 3d October last, and also that he does not know of any person who voted the ticket aforesaid.

WILLIAM Y. PIERCE.

Test, Tho. M. Flint. Clerk.