

understand himself as giving the casting vote, but supposed Mr. Nicholson and Mr. Sappington had previously decided it. Witness was of opinion on the night of the election and has ever since been, that it was not a legal vote for want of a christian name. On the next morning after the election witness met Mr. Nicholson on the street and had some conversation about the ticket and was surprised to find that although they both agreed the night before that it was an illegal vote, that yet, nevertheless, the vote was counted by misapprehending each other. Further states that he did not examine the ticket closely on the night of the election, but has now given it a closer examination and cannot say whether it is barrell, bassell or lassell that he had formed his opinion on the night of the election that it was an illegal vote for want of a christian name. States that William McLean was requested to take care of the tickets. He loaned witness his hat to deposit them in as they were counted, and they were delivered to William McLean after the election was over.

*On cross examination.*

States that he did not say to any person on the night of the election that the ticket ought to have been counted for William S. Lassell, to his knowledge—has no recollection of having himself had a conversation with William S. Kirvan on the subject on the night of the election. He states that William S. Kirvan sit on his left, and he heard him say in conversation with others that the ticket ought to be counted. The "Van Buren" men thought the ticket ought to have been counted, but the "Whigs" thought otherwise; he does not know that he made any objection to allow the vote to William S. Lassell on making up the certificates on the night of the election, he had heard at the time he conversed with Mr. Nicholson on the next day after the election of the result of the election in Kent county.

JAMES MANSFIELD.

Test, Tho. M. Flint, Clerk.

William McLean being sworn, deposeth and saith, states, that he saw the ticket in question on the night it was taken out of the ballot box, and that it is the same ticket without alteration; all the tickets were delivered to him by Mr. Mansfield, they remaining in his possession until the next morning after the election, when he delivered them to Mr. Nicholson, the chief Judge. He further states, that at the time the ticket was taken from the ballot box it was objected to as an illegal vote by witness and William P. Matthews. Witness refused to deliver the tickets to any person except the judges.

*On cross examination.*

States he has no knowledge of any alteration having been made by any person on the ticket in question. The tickets were left in witness's bureau drawer, in his room, in a pillow case tied up with a knot,—he does not recollect whether his bureau drawer was locked or not, but that he found them in the pillow case exactly as he left