

This Question objected to by Mr. Spencer and others, but sustained by the committee.

On further examination.

Ques. Were you acting under oath as clerk?

Ans. He was and took the oath in the morning before he proceeded to duty.

Ques. Were you not sworn at night after the election closed?

Ans. He was.

Ques. Who were you sworn by?

Ans. Henry Smith one of the Judges of the Election.

Ques. Did you keep the books faithfully and true?

Ans. He did to the best of his knowledge.

Ques. Did or not George Beckenbaugh on the poll book kept by you in the addition receive a larger number of votes than he appears to have received by the tally?

Ans. By the tally he appears to have received 256, by the addition 258.

On cross examination.

Ques. How then did the difference occur?

Ans. By his omitting to cross the tallies when he should have done.

Ques. If the tallies had have been crossed as you think they should have been, what would have been the addition?

Ans. 258.

On further examination.

Ques. Do you, or not, recollect distinctly at any time to have omitted to cross the tallies?

Ans. He certainly does not.

On cross examination.

Ques. Was Dr. Geyer present until the polls were counted, and did he make any objection to the result of the polls?

Ans. He was, and made no objection.

PLUMMER JAMS, Jun.

January 24th, 1839.

Committee met. Present same as on yesterday.

James Russell being affirmed deposed and saith: He was one of the clerks of the election aforesaid, he sees the poll book now exhibited to him and which was kept by him as one of the clerks. Mr. George Beckenbaugh received 258 votes, and Dr. John W. Geyer received 220. There was no failure by him as clerk to score any of the tallies, or enter any of the votes, to the best of his knowledge, he kept the books correctly.