

not on the list, and he could not, therefore, take Mr. Potter's vote. That he must be governed by that list, and many other similar expressions, and the other Judges sustained his decision. The only reason assigned in either case, was that the name was not full and correct on the list, and that they had no choice but to confine themselves to that list.

In answer to the *fifth question*,

5. That my first visit to the polls was at about half-past eleven o'clock, and that I left the polls at about half-past twelve; that during the whole of this period the registry list was observed most scrupulously. At the time that I left, Mr. Isaac D. Jones was in the room with his law books, but it was understood that he intended to argue in regard to the legality of taking the ballots of persons who were not properly registered. My second visit was about three o'clock, as well as I remember; it might have been somewhat earlier. I saw several persons voting, the most of whom were not registered; the list was lying on the table, but was not referred to at all at that time. Afterward, the list was passed about the house by different persons, while the voting still continued, the Judges paying no attention to it until warned by me of its importance. I had a conversation with Mr. L. Polk in reference to the matter, and the reason he gave me was that there was no evidence in the list that L. P. Hayman, James W. Hayman and S. C. Gibbons were registers. The disregard of the list began sometime between half-past twelve and half-past two o'clock.

In answer to the *sixth question*,

6. That he cannot give the circumstances at the time the change took place, as I was not present then. I can only judge of the relative vote at that time, by my knowledge of the political bias of the persons who had voted previous to that time, and from a subsequent examination of the poll books I am satisfied that a majority of the ballots cast were for Judge Spence.

In answer to the *seventh question*,

7. That I saw the list which was before the Judges of election; that Mr. L. Polk took possession of that list on the seventh day of November; that the list before me is certified to be a correct copy of said list by Littleton Polk, with whose hand writing I am familiar, and, therefore, it appears to me to be a true and correct copy.

In answer to the *eighth question*,

8. I am a registered voter in the Fifth Election District of Somerset County.