

carried into effect in that election district; that there was no evidence before the Judges that these men, the Registers, had been appointed by any competent authority; that there was no evidence before them that they had taken the oath prescribed by law, or that they had sat on the days required by law for them to receive applications for registration; that on the contrary, it was well known that they did not sit on the two last days required by law before the publication of the list. For these, and other reasons which he stated at the time, he moved the Judges to receive his ballot under the second section of the first article of the Constitution, which he read to them, to the effect that no person qualified to vote under the first section of the first article of the Constitution should be deprived of his vote until a Registration law had been passed and the same had been carried into effect. Whereupon the Judges, after consultation among themselves, and due deliberation, decided that there was no evidence before them that these men had been appointed by any competent authority to make a registration of voters in that election district, or that they had taken the oath prescribed by law, or had sat on the days required by law; that the list before them was incorrect, as stated by one of the professed Officers of Registration, and was not a true copy of the corrected Register required by law to be returned: that the list did not explain itself, did not state the county or State in which District No. 5 was located. For these reasons the Judges determined to set aside the list, and proceed with the election under the second section of the first article of the Constitution; and did so accordingly.

[All of the statements of Mr. Isaac D. Jones made by witness are objected to by contestant.]

Cross-Examination:

1st. Is or is not the 5th Election District in Somerset county, generally known as the Princess Anne District?

A. It is.

2d. Did you or not, on the 6th of December last, and for years previously, reside in the 5th Election District?

A. Yes, sir.

3d. Did you or not appear before Levin P. Hayman, J. W. Hayman and Samuel Gibbons, acting as Officers of Registration of the 5th District, and apply to be registered as a qualified voter?

A. I did.

4th. Was there at that or at any other time, while acting