

the chief or returning judge, that he qualified before George Phelps, a justice of the peace, before he proceeded to duty, aforesaid; he did not see the other judges qualify.

Henry Smith being sworn deposeseth and saith: That he was one of the judges of the election aforesaid, and qualified before George Phelps a justice of the peace, before he proceeded to hold the election.

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On cross examination.

States that he administered the oath, or affirmation, to the clerks of the election aforesaid, both in the morning and at night.

Ques. Do you know for what reason the oath was administered at night?

Ans. It was on account of the Magistrate not having signed his name to the certificate.

Ques. Who qualified the judges that night?

Ans. The clerk qualified witness, and witness qualified the other judges.

Ques. Was your qualifying at night, done with a view to legalize what you had done throughout the day?

Ans. I so understood it.

On further examination.

Ques. At whose suggestion was it done?

Ans. The chief judge suggested it, and it was agreed to by all.

Ques. What are the politics of the judges?

Ans. Witness is a Van Buren man, and the other two are Whigs.

Ques. Why did you not send for the justice of the peace who administered the oath, to sign the certificate?

Ans. The justice was not at hand, it was late and he thought it could be done without him.

JOHN WOOD.

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Joshua Russell being affirmed, deposeseth and saith: That he took an affirmation before George Phelps a justice of the peace, before he proceeded to hold the election; he further states, that he was one of the judges of the election aforesaid. The clerks of the election were qualified by Henry Smith, one of the judges of the election, before they proceeded to act. States that he did not consider it necessary to have a second qualification at night, he thinks it was done more as a prank than any thing else.

JOSHUA RUSSELL.