

room, where the Commissioners qualified; then we went to the office of the Board of Police Commissioners, on Holliday street; at the gate they were met by Deputy Marshal Manly; being unable to get in, they went to the Mayor's office, but failed to get in there; this occurred between 3 and 4 o'clock, on Friday; there was quite a crowd on the pavement—among them several policemen, and a number of the latter were in the front yard attached to the Commissioners' building.

Benjamin Swearer sworn.—Witness was at the Sheriff's office on Saturday when the arrest took place; the police came rushing up stairs with clubs and billies, saying "Get out of here, you s—s of b—s;" witness thought he was going to get "some;" all had been quiet until the police came; witness had been a police officer, but resigned on Monday, when he was told he had better do so by Captain Lynch.

Cross-examined.—Witness had not been on duty for several weeks, having been sick; witness had been at the new Commissioners' before he went to the Sheriff's; went with some ten others to the Sheriff's to have them sworn in; about 11 A. M. went to the new Commissioners' office; had been, earlier in the day, at Mr. Schley's office, where the Commissioners were in consultation, where he helped to keep the crowd out; about half-past 9 o'clock first went to see the new Commissioners, and had some conversation with them.

John Thompson sworn.—Witness swore the most of the posse in on Saturday las; is a Deputy Sheriff; was present when the police burst into the office in a most riotous manner, with deadly weapons; everything had previously been perfectly quiet. [The oath administered by the Sheriff to those sworn in, was produced and read.]

Cross-examined.—Is a brother of the Sheriff, and has been a Deputy since his brother has been in office; witness was a candidate for the Legislature at the late election, and is under the impression that he was elected; witness passed upon the characters of those sworn in as the posse, and would have rejected any one whom he considered unfit, does not recollect whether he swore in John Reese; the time occupied in the swearing was about three-quarters of an hour, some fifty or sixty having been sworn; the approach to the Sheriff's office was blocked up by men waiting to be sworn, but there was'nt the slightest disturbance until the police came with billies uplifted.

The petitioners announced their testimony as closed.

MORE TESTIMONY FOR RESPONDENTS.

The respondent then offered the following additional testimony:

Sergeant Hand sworn.—Was one of the police force which went to the court house on Saturday last; first went with