

Question. By whom were the ballots counted and strung after the polls were closed?

Answer. By the two remaining judges, with Mr. Montague and a Mr. Denison and J. A. Pierce, a candidate for constable in the ward, and Joseph Creamer, also a candidate for constable in the ward; these men helped to lay the ballots out, fingered them and strung them.

Question. Did these persons whom you have mentioned other than the judges, take any ballots out of the ballot box during the count?

Answer. Certainly, they did.

*Cross-examination resumed.*

Question. Did you see any fraud, and if so what, on the part of these persons so assisting and helping the judges?

Answer. No, sir, I did not.

BALTIMORE, December 15th, 1859.

Correct.

JOHN Z. HEINER.

Test—DANIEL E. MYERS, J. P.

THOMAS DAILY, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you on November 2d, 1859, at the ninth ward polls of the city of Baltimore, and if so, in what capacity?

Answer. I was acting as judge of the election; I went there at about nine o'clock and remained there until after noon.

Question. Was there a free and open poll held while you were there, and what obstructions, if any, were there to a free approach to the judges' window?

Answer. There was not a free and open poll there at any time while I was there; there were from twenty to fifty men who formed themselves in a circle round the window and would not allow any persons whom they thought not to be of their own, that is the "American" party, to approach the window.

Question. Did this crowd of persons beat as well as push away persons who sought to approach the window?

Answer. Yes, sir.

Question. Was the American ticket of such a character as to be easily distinguishable, when folded, from the Reform ticket?

Answer. I do not know, sir, for the reason that the two other judges objected to my taking any tickets or handling any.