

hart was present, and protested that he could not serve; whereupon, Mr. Spicer told him that he was a conservative citizen, and pressed him; Mr. Dukehart persisted in declining, and we renewed our inquiry about the police; he told us that precisely the same arrangements would be made that Mr. Swann had made at the previous election; Mr. Brown suggested to him that he could not but be aware that they had proved ineffectual; Mr. Spicer rejoined that that was because they were not fully carried out, that he did not believe that better arrangements could be made if they were faithfully executed; and I replied that I agreed with him in thinking that there not being executed did constitute the principal difficulty; he said that he would endeavor to carry them out faithfully; I think it was Mr. Brown asked who was to have command of the squad at our ward; I think Mr. Spicer answered that he could not tell then, that Marshal Herring would have control of the police arrangements next day; both Mr. Brown and myself expressed our hope that Sergeant McComas, who had discharged his duty so well on the day of the Council election, would have the command at our polls; Mr. Spicer expressed himself very much gratified at the fact that Sergeant McComas had discharged his duty, but gave us no satisfaction as to his probable employment at our polls next day; the interview ended, and we went up Holliday Street; all that part of the street between the Mayor's office and Fayette Street was thronged with riotous and disorderly persons; the "Regulator Club" were out in full force at the corner. It was in consequence of what Mayor Spicer had told me of his police arrangements, that I appealed to Marshal Herring on the day of the election to interfere, as I have stated; and relying upon the same statement of Mr. Spicer, I went to the polls on the day of election, expecting to find as at the municipal election, a squad of fifteen policemen on the ground to protect voters, not finding them there, was one of the leading reasons why I and the gentlemen with whom I went, believed that resistance would be fruitless as well as bloody, and that we left the ground as we did.

*Cross-examination.*

Question. How long have you resided in the tenth ward, and how long have you been a voter therein?

Answer. I think I moved into the ward in 1841, and I have been a voter therein ever since.

Question. Please state whether you voted at the tenth ward polls on the 2d of November, 1859; and, if so, the difficulties or obstacles in the way of your voting?

Answer. I did vote at the tenth ward polls, on the 2d November, 1859, and there were no difficulties or obstacles in the way of my voting; as I have stated already, I voted shortly after