

BALTIMORE, December 27th, 1859.

Correct.

FELIX McCURLEY.

Test—DANIEL E. MYERS, J. P.

SAMUEL R. SMITH, 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, a merchant, doing business on Baltimore Street, a resident and legal voter of the eighteenth ward of the city of Baltimore ?

Answer. I was.

Question. Did you vote on that day ?

Answer. I did not.

Question. Why not ?

Answer. I went to the polls about eight o'clock, A.M. ; I had been there about fifteen minutes, when an individual, whose name I subsequently ascertained was John Deever, pointed at me and said, "There's a Reform son of a bitch now;" when he did that he approached me in a menacing attitude, with his fists doubled, and said, "I'll strike him anyhow;" at the same time some six or eight others came up, and one of them caught hold of my coat and said, "The son of a bitch is armed" (which was not the fact, by the bye); while they were surrounding me in that menacing way, a gentleman of the same party, I suppose, more quietly disposed, came and told them to desist; they then dispersed and went off; some time after, I saw them assault Mr. McCurley, without any provocation; he was in the street, holding Reform tickets, when John Deever came up, and as well as I can recollect, said to him, "What are you doing here? you can't stay here," and simultaneously struck him in the face; I caught hold of Deever and held him, and then Deever's friends surrounded me, threatened me, and did everything but actually strike me; Mr. Drakely interposed for the protection of Mr. McCurley; the police did nothing that I saw, except to arrest Mr. Drakely, whom they took off to the station house, and I followed them down and returned no more to the polls.

Question. Was there any barricade or protection, for the purpose of facilitating voters ?

Answer. There was a barrier there, a plank fence, about three feet from the wall, parallel with it, and I should suppose five feet or more high, and some ten feet long.

Question. Had this crowd which threatened you, and assaulted Mr. McCurley, full possession and control of the window, and the approach to it ?