

JOHN C. H. ELLIS, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

*Examination in chief.*

Question. Were you at the twentieth ward polls on November 2d, 1859?

Answer. I was.

Question. Did you witness an attack upon Mr. Philip Ball; if so, please state under what circumstances the attack was made?

Answer. Mr. Ball and I went on the pavement together to vote, he being a little behind me; as I went up, I saw a man standing in front of me, right in the centre of the crowd, preventing people from going up, and I said to him, "Have you voted?" He answered, "What is that to you?" I said, "If you have, make way for other people to vote." He said, "You'd better back out." I told him, "I think not." I then went to go by him on one side, and he crowded right on that side; I then went on the other side and crowded by him and got to the window, and as I went to hand my ticket in, some one caught my arm and jerked it back, I pulled away, holding on by my left hand to the window, got my right hand free, and gave in my ticket to the judges; as I came from the window, some person struck Mr. Ball over the head with a piece of a cane, the but-end of it; another man tried to strike Mr. Ball, and I caught his arm; at that time an officer came and caught hold of the man that had struck Mr. Ball with the cane, and he said to the officer, "You can't arrest me, and shan't arrest me;" the officer said, "I don't want to arrest you, I only want to talk to you." The officer took him out into the street to talk to him, and two minutes afterwards the same man attacked Mr. Ball again; I rushed up as close as I could get to Mr. Ball, and a young man was trying to strike Mr. Ball with a large stone; I caught his hand and took it from him. In this affray there was a horse-pistol drawn by one of the attacking party. I then told one of the officers that he ought to arrest that man for drawing a pistol in a crowd; another of the party remarked that he did not draw the pistol, it was handed to him; I told him that I knew better, for I saw the man draw it; he then said that such men as I made the disturbance; I saw several persons attempt to vote there the Reform ticket that were not permitted to do so; the officer did not arrest the person who had drawn the pistol, I saw the police officer have his arm around Mr. Ball's neck, and going off with him somewhere; Mr. Ball is a merchant, in the tobacco business, of the firm of Warwick, Ball & Frick, formerly Ball & Frick.