

vote. The day before the election, or rather two days before the election, Mr. McPhail, then acting as mayor of the city, was unfortunately wounded in the telegraph office; the council was called together on the next day, and I was elected president of the first branch, and at the time, it became necessary that I should assume the position of mayor on the day before the election. In the morning I left my home, I suppose about twenty minutes past eight, maybe about ten minutes, and went up to the mayor's office, and staid there all day, with the exception of some three or four times I was called out on business; so I did not have an opportunity of seeing what was going on at the polls; I only went to the tenth ward polls on one occasion, when I did not remain more than three minutes; there was some disturbance there, but by the time I got up, the disturbance was quieted.

Q. Were you near any of the other polls?

A. No, sir; I was too busy in the office.

Q. How far can you speak as to the character of the election?

A. I can only speak from hearsay, and from the report of my officers.

Q. You know of nothing personally, except at the tenth ward polls when you were there?

A. Nothing.

Q. Do you know Thomas H. Martin?

A. I think I would if I saw him.

Q. Did you see him on the day of election?

A. Yes, in the mayor's office.

Q. State what Mr. Martin said to you in the office?

A. He came into the office in the morning considerably excited; he came up to me and said, "Mr. Mayor, I want you to arrest John Hinsley, one of the judges of the tenth ward." I asked "what for," and he replied, "he has beaten me;" at the same time he held in his hand a handkerchief over his mouth. I told him to remove the handkerchief and show me the injuries he had received, and when he did so, I saw that his lips were considerably swollen; I asked him how that occurred, and he told me that Hinsley was about to throw the tickets on the floor instead of depositing them in the ballot-box. I said to him, "did he throw the ticket down," and he said "no, but he held the ticket over the box and would not put it in." I told him that I had but *ex-parte* testimony in the case, but if he would go to a magistrate and get a warrant out for his apprehension, I should send the officers up and have him taken into custody. "No," said he, "I won't do that." I said to him, "Return back to your place, and I will send officers down to see that you are protected. "No,"