

said he, "I will not go." I then turned to the deputy marshal, and told him to go to the polls and investigate into the matter of the disturbance. He came back, and in the presence of Mr. Martin, reported that all was quiet, and in reference to the case of Mr. Martin, said that it was not so.

Q. He was considerably excited, you say?

A. I supposed arising from passion at being struck, as he had received a severe blow on the mouth. Others formed an opinion, from his manner, that he had been drinking, but my slight acquaintance of him would not enable me to judge correctly.

Q. You did not refuse to interfere?

A. I told him the way in which he could have his grievances remedied, and that if he went back, I should see that he was protected by the officers.

By *Mr. Wallis*—Q. Mr. Spicer, you have the powers of a justice of the peace, have you not?

A. I believe I have.

Q. Had you not the right to issue a warrant?

A. Well, I was not satisfied with that.

Q. Have you not the right?

A. I have ascertained since that I had, but I was not satisfied with that at the time.

Q. Being requested by Mr. Martin, to arrest Mr. Hinsley, you declined?

A. I did, for the reason I have stated.

Q. But you told him that if he would go and get out a warrant you would have it served?

A. I did.

Q. What hour of the day were you at the tenth ward polls?

A. I think it was about ten o'clock. It was immediately after the occurrence to which you were a witness.

*Mr. Wallis*—It must have been earlier.

Q. How long did you remain?

A. Not over two or three minutes, I was quite busy, and I returned back to my office.

Q. Did you hear any firing at the tenth ward polls?

A. I did.

Q. Did you go out when you heard the firing yourself?

A. I was going out, and when I got on the pavement, I saw that the officers had made several arrests, and were bringing the parties down; and you are aware that several gentlemen came to me and requested that I would release the parties arrested at the polls. I objected at first, but afterwards, to accommodate the gentlemen, I went down and ordered their release.

Q. Did you receive a report from Marshal Herring in re-