

of Elections, - the one in August and the other about the first of November, - except that in November he saw them putting matches and other things in the boxes to be used at the election of November 7th.

It also abundantly appears that Captain McGee's attention was several times directed to the visit about the first of November and asked if the ballots were taken out then, to which he replied in the affirmative.

He thus allowed himself to testify about a fact of which he had no personal knowledge, as he told the Grand Jury that he did not see any of the ballots taken out, and only judged that they were taken out. In this Captain McGee fell into an error quite human and therefore common, of endeavoring to tell more than he knew, and while such an error is overlooked or corrected and decided by the rules of heresay evidence in proceedings at law, yet coming from an experienced officer of police whose whole training has taught a due appreciation of the nature of facts in an investigation as against theories, it cannot be overlooked.

Captain McGee upon being summoned before the Board and confronted with his conflicting and inaccurate statements, stated that when he appeared before the Grand Jury there seemed to be an aggressive spirit on the part of some of the jurors towards him and that a great many questions were asked quickly, and others before he could reply to those already asked, and that this led to some confusion of mind on his part, but feeling that the Grand Jury was simply trying to get at the facts, he answered all questions as to what he knew or thought were the facts. Upon his attention being specifically directed to his statement that the ballots were taken out by the employees of the Supervisors of Elections upon the occasion of the visit about the first of November, he stated that what he intended to say was that if the ballots had not been previously removed that they were removed on that occasion.

The Board cannot justify or excuse this confusion of mind, but a close examination of Captain McGee convinced the Board that he did not realize that the point of the Grand Jury's inquiry was directed to ascertaining when the ballots