

whole of my testimony. I stated that Mr. Prior took the black boy by the collar or coat and held him for some distance, which in my opinion prevented the horse of Mr. Butler from winning the last heat. I also stated that Mr. Prior thrust the black boy several times in the breast with his left arm in the last heat, between the distance and winning post, and also reined his horse off the horse the black boy was riding, which put his horse some distance from his regular position.

December 22, 1888. In witness whereof I have signed my name and seal of office at Kingston, New York, this 22nd day of December, 1888.

Wm. VANALSTINE.

I, HENRY DAVIS, of the Township of Kingston, Butcher, do declare that I saw the race between Mr. Yarker's horse and Mr. Phinny's, on the 17th November: that I saw Mr. Prior put out his left arm in the 2d heat, before the black boy, or his horse, soon after they started; and in the third heat, between the distance and winning post, I saw the black boy on coming up to Mr. Prior, endeavoured to pass Mr. Prior who reined his horse's head before the other, so that the boy could not get past. When this began the horses were near the inside of the course, with the black boy outside; but in a short time Mr. Prior had worked against the other in such a way as to bring them a considerable distance towards the outside of the course by the time they came opposite the winning post.

HENRY DAVIS.

WHAT is declared in the foregoing statements came within my own immediate observation to the fullest extent; and while the Stewards were yet in the stand, I rode up and told them that I had seen unfair play, and requested them to reconsider a judgment, which I understood they had given in favor of Mr. Yarker's horse. These gentlemen did not see fit to alter their decision, and I withdrew.

The next day, the 18th, I did not hesitate to state to any person whom I happened to converse with on the subject, what I had seen; and on the 19th Mr. Cruttsenden, who had been one of the Stewards, came to me in the street. He said from Mr. Prior and asked me, "If I what I had said of the race." "I meant any reflections on Mr. Prior's character as a gentleman." To which I replied, that when I spoke of the race, I never contemplated Mr. P. in any other light than as the rider of it, and in that capacity alone did I view him. He about half an hour afterwards, I was again accosted by Mr. C. who said that the particular expression Mr. P. took exception to was, my having said, that it was "the most unfair race I had ever seen." I replied

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